



Digital Constitution Museum, Digital History Lab
Advanced Study Institute of Asia, SGT University

Teaching Module

Module 1

Power, People, and the Birth of the Constitution of India

I. Why a Constitution at All?

A constitution is not simply a legal manual. It is a statement of intent. It tells a people who they are, what they fear, what they hope to become, and how power should and should not be used. When India adopted the **Constitution of India** on 26 January 1950, it was attempting something unprecedented in scale and ambition: to bind together a population of extraordinary diversity into a single democratic framework without erasing difference.

India's Constitution emerged from a moment of profound instability. Colonial rule had ended, but freedom arrived alongside Partition, displacement, and mass violence. The institutions of governance were fragile. Social hierarchies shaped by caste, gender, religion, and class were deeply entrenched. The central question was not only how to govern, but **how to govern justly**.

Unlike many older constitutions that evolved gradually through convention, India's Constitution was consciously designed. It was meant to **interrupt history**, not merely inherit it. This makes it a document of power, but also a document of anxiety. The framers were acutely aware that political independence without social transformation would be hollow.

II. The Constituent Assembly: Who Spoke for India?

The task of constitution-making fell to the **Constituent Assembly of India**, which met for the first time in December 1946. Its members were not elected by universal adult franchise. Instead, they were chosen through a limited, indirect electoral process shaped by colonial structures. This has often led to the claim that the Assembly was “unrepresentative.”

That critique is not entirely wrong, but it is incomplete.

While the Assembly did not perfectly mirror India's population, it brought together a wide spectrum of political experience: nationalists, lawyers, administrators, social reformers, Dalit leaders, and representatives of minority communities. Many had spent years thinking about constitutional questions through the lens of colonial governance, comparative law, and social reform.

What made the Assembly remarkable was not its perfection, but its **self-awareness**. Members repeatedly acknowledged the limits of their authority and the provisional nature of their work. They understood that the Constitution would have to earn legitimacy through practice, not just proclamation.

Debates in the Assembly were long, detailed, and often deeply philosophical. Questions of language, religion, minority rights, and state power were contested vigorously. The Constitution that emerged was therefore not the product of a single ideology, but a negotiated settlement between competing visions of India.

III. Ambedkar and the Problem of Power

No figure looms larger over the drafting process than **B. R. Ambedkar**, Chairman of the Drafting Committee. Ambedkar approached the Constitution with a clarity shaped by lived experience of exclusion. For him, political democracy without social democracy was a contradiction.

Ambedkar's concern was not abstract liberty, but **who could realistically access liberty**. He worried that traditional hierarchies, especially caste, would hollow out constitutional guarantees unless the state actively intervened. This is why the Constitution contains both enforceable rights and aspirational principles. It is also why Ambedkar placed such emphasis on constitutional morality: the idea that institutions must be animated by ethical commitment, not merely formal rules.

Ambedkar was also skeptical of romantic nationalism. He distrusted vague invocations of unity that ignored structural injustice. His warnings in the Constituent Assembly about hero worship, majoritarianism, and social inequality feel strikingly contemporary.

Importantly, Ambedkar did not believe the Constitution would automatically deliver justice. He described it as "a top-dressing on Indian soil," dependent on the willingness of society to reform itself. This realism distinguishes the Indian Constitution from purely celebratory founding documents.

IV. Learning from Elsewhere, Governing Here

The framers of the Constitution were unapologetically comparative. They borrowed institutional ideas from multiple sources: parliamentary government from Britain, fundamental rights from the United States, directive principles from Ireland, and federal arrangements adapted to Indian conditions.

This borrowing has sometimes been criticised as derivative. But the borrowing was selective and strategic. The framers did not import systems wholesale. They modified them to address India's specific historical and social challenges.

For example, universal adult franchise was adopted immediately, despite widespread illiteracy and poverty. This was not an administrative convenience but a political gamble: a declaration that citizenship would not be graded by education, property, or social status.

Similarly, a strong central government was chosen not because federalism was distrusted, but because the memory of Partition made fragmentation an existential fear. Unity was not taken for granted; it had to be constitutionally secured.

V. The Constitution as a Social Contract

At its core, the Constitution represents a new social contract. It redefined the relationship between the individual and the state, and between citizens themselves. The Constitution did not simply recognise existing identities; it **reordered them**.

Caste, religion, and gender were no longer to determine access to law. At least in principle, all citizens would stand equal before the Constitution. This was a radical claim in a society structured by inherited status.

The Constitution also reimagined sovereignty. Power no longer flowed from empire, monarchy, or divine sanction. It flowed from "We, the People of India." This phrase was not merely symbolic. It asserted that authority could be questioned, challenged, and limited.

Yet the framers were realistic. They knew that social habits do not dissolve overnight. The Constitution therefore combined idealism with restraint. It did not assume virtue; it planned for conflict.

VI. Time, Memory, and the Long View

One of the most striking features of the Constitution is its sense of time. It looks backwards to the injuries of colonialism and social oppression, but it also looks forward, imagining futures not yet realised.

The framers wrote for generations they would never meet. They assumed disagreement, amendment, and reinterpretation. This is why the Constitution was designed to be both firm and flexible.

It is also why the document continues to matter. The Constitution is not only invoked in courts and parliaments. It appears in protests, classrooms, and public debate. It functions as a shared reference point, even when its meaning is contested.

In this sense, the Constitution is not a finished artifact. It is a **living political language**, constantly reinterpreted by those who claim it.

Questions for Discussion and Reflection

1. Why did India's leaders believe that a written constitution was necessary immediately after independence?
 2. In what ways did the Constituent Assembly reflect both inclusion and limitation?
 3. How did B. R. Ambedkar's social experiences shape his constitutional vision?
 4. Why did the framers choose universal adult franchise despite social and economic challenges?
 5. What does it mean to say that the Constitution was meant to transform society, not just govern it?
 6. Can a constitution create equality, or can it only provide tools for achieving it?
 7. How does the idea of constitutional morality differ from obedience to law?
 8. Do you think the Constitution should reflect historical realities or aspire to change them?
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