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Q5(a)

"The Constitution of India is a product of a historical process, rich with constitutional antecedents." Comment.

UPSC Civil Services Mains 2021 · PSIR GS 1 · 10 marks · Indian Nationalism

Indian Nationalism: Political Strategies of India's Freedom Struggle; Perspectives on Indian National Movement; Gandhi, Tagore, Nehru, Ambedkar, and the socialists.

Core demand of the question

- **Answer the following in about 150 words:** "The Constitution of India is a product of a historical process, rich with constitutional antecedents." Comment. (10 marks)

Revision summary

India's Constitution is a historical product, not an abstract contract only.

Colonial Acts of 1919 and 1935, and nationalist documents, are the main antecedents.

Austin read the Assembly's work as unity, democracy, and social revolution together.

Borrowings from Britain, the United States, Ireland, and Canada were recast.

Popular authorship and Part III mark the break from a purely colonial statute.

Introduction

The Constitution did not fall from a veil of ignorance. It is a settlement after colonial constitutional experiments, nationalist argument, and Partition. **Granville Austin** called that settlement a seamless web of national unity, democracy, and social revolution.

Body**Antecedents**

- Company and Crown statutes, the 1909, 1919, and 1935 Acts, and provincial autonomy taught federal lists, a federal court, and responsible government in fragments.
- The 1935 Act's scheme of centres and units, and the Government of India as a legal person, were reused and recast, not xeroxed.
- **Nehru** Report, **Karachi Resolution (1931)**, and Cabinet Mission arguments supplied rights, socio-economic aims, and the Constituent Assembly idea.
- British parliamentary procedure, American judicial review, Irish Directive Principles, and Canadian federation were borrowed as tools, then Indianised.

Historical process

- The Assembly sat through communal violence and Integration of states. Antecedents were filtered by that emergency of founding.
- **Ambedkar**'s drafting and the Objectives Resolution turned antecedents into a people-made text, not a gift of the 1935 Parliament.

- **Comment:** richness of antecedents explains continuity of institutions. The historical process explains why Part III, adult franchise, and abolition of untouchability are more than colonial leftover.

Flow diagram

Antecedents 1919 1935 -> Constituent Assembly
Karachi Nehru Report -> Constituent Assembly
Constituent Assembly -> Constitution 1950
Austin seamless web -> Constitution 1950

Conclusion

The Constitution is historically made from 1919-1935 machinery, nationalist resolutions, and comparative borrowing. **Austin's** seamless web is the political reading. Antecedents supplied form; the Assembly supplied popular authorship and social-revolution content.

Facts & figures

Government of India Act, 1935

Federal scheme, provincial autonomy, and a federal court that the republic reused in altered form.

Karachi Resolution, 1931

Congress statement of rights and socio-economic aims that fed the later text.

Austin

Cornerstone of a Nation treats the Constitution as a historical nationalist settlement.

Objectives Resolution, 1946

Nehru's framing text of popular sovereignty, republic, and guarantees.