

LAW CAPSULE

FOR LAW COMPETITIVE EXAMINATIONS

INSPIRED CONSTITUTION



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INTRODUCTION

Law is a heritage of beliefs, legislations, customs, and knowledge, slowly accumulated in the course of centuries. However, when a nation gains independence, the values of Law have to be shifted and modified to cater to the new realities. The Constitution, the *grundnorm* (as propounded by Kelson in his pure theory of Law) is substantially modified to incorporate new vision of the people. The Founding fathers of the Indian Constitution, while enacting the Constitution of India, 1950 were inspired by the Constitutions of other countries available at that time. That is why we can safely call our Constitution an 'inspired Constitution', which has collected pearls from the entire world and made a beautiful necklace 'The Constitution of India' to guide the nation.

Before enumerating the source of inspiration for the Indian Constitution, let us briefly know the basic facts of the Constitution for better appreciation of circumstances under which the Constitution was enacted and enforced. Some of the basic facts which every law student sitting for competitive exams must know are:-

- Time taken to make the Constitution – 2 years, 11 months and 18 days
- Constituent Assembly constituted in November 1949 under Cabinet Mission Plan
- Number of Members of the Constituent Assembly was 389
- Temporary Chairman of Constituent Assembly was Dr. Sachidanand Sinha
- Permanent Chairman of the Constituent Assembly was Dr. Rajendra Prasad
- Legal Advisor to the Constituent Assembly was Shri B.N. Rau
- The Original Constitution consisted of 395 Articles & 8 Schedules
- The Present Constitution consists of 444 Articles & 12 Schedules
- The Constitution was adopted on 26th November 1949 and enforced on January 26, 1950 (Republic Day of India)

For convenience of understanding, various parts of the Constitution of India and the sources of their inspiration are described in tabular form herein below:-

| PART OF THE CONSTITUTION | INSPIRED FROM |
|---|---|
| Fundamental Rights (Part III Article 12 to Article 35) | U.S. Bill of Rights & Universal Declaration of Human Rights |
| Directive Principles (Part IV Article 36 to Article 51) | Irish Constitution |
| Fundamental Duties (Part IVA- Article 51A) | Chinese and former USSR Constitution |
| The Principle of Cabinet Government and the relations between the Executives and the Legislatures (Mainly in Part V of the Union) | British (U.K.) Experience |
| Panchayats (Part IX Article 243 to Article 243O) | Mahatma Gandhi's concept of village Democracy |
| Emergency Provisions (Part XVIII Article 352 to Article 360) | German Reich Constitution |
| Concurrent list (List III of 7 th Schedule) | Australian Constitution |
| Federal Structure & Residuary Powers | Canadian Constitution |
| Parliamentary Privileges | Australian Constitution |
| Majority of the other provisions | Government of India Act, 1935 |

Conclusion

The Indian Parliament (Lok Sabha, Rajya Sabha and President together) continues to be inspired by various nations and ideas in amending the Constitution. The Constitution of India has been amended 94 times, last

one being Constitution (Ninety-fourth Amendment) Act, 2006 enforced on 12th June, 2006.

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