

THE ORIGIN OF THE CONSTITUTION

Relevant for: Indian Polity | Topic: Indian Constitution - Historical underpinnings & Evolution

The Constitution of India being signed by Members of the Constituent Assembly in January 1950. | Photo Credit: [The Hindu Photo Archives](#)

The world marvels at how well the Indian Constitution has kept a diverse country together for more than 70 years. It's robustness and durability rest on its many built-in safeguards securing citizens' rights to freedom and justice and fair play which no government, however powerful, can hope to effectively recast within the space of a single or even multiple tenures in office.

Mistakenly, however, this lengthy founding document of the Indian Republic is believed to have been completed solely by the Constituent Assembly, working flat out in just two years, eleven months and 17 days. In fact, the Constitution's long history stretches to over 40 years before its enactment, going all the way back to the Indian Councils Act of 1909. This law, for the first time, brought Indians into governance at central and provincial levels, albeit in a very limited way, through a highly restricted and unrepresentative electorate split on communal lines.

The Government of India Act, 1919 was a vast improvement on the Indian Councils Act but remained unrepresentative. It also persisted with communal representation, which had earlier been endorsed by the Congress and the Muslim League through the Lucknow Pact of 1916.

In its report submitted in 1930, the Simon Commission, constituted to evaluate the Government of India Act of 1919, recommended much greater Indian involvement in the governance of the country. What followed its report were three extraordinary roundtable conferences — in 1930, 1931 and 1932 — all held in London to see how best Indians could administer their country.

Deliberations in these conferences brought out the concerns of different communities, especially the Depressed Classes of which Ambedkar was the de facto leader, and the Muslims led by Muhammad Ali Jinnah. Except the second conference, which Gandhi attended, the other two were boycotted by the Congress.

These conferences gave voice to other interest groups too — those representing women and Anglo-Indians, for instance — and led to the passage of the Government of India Act of 1935, much of which found its way into the Constitution.

As even a cursory perusal of their proceedings will bring out, the roundtable conferences were no sham. They were remarkable for discussing, debating and comprehensively documenting a range of issues — federalism, civil services, regional representation, fundamental rights and universal adult franchise. Even the idea of linguistic states and reservation emerged from the discussions at the three roundtable conferences.

It is stunning to see how closely and logically the Constituent Assembly deliberations were an extension of the discussions in the three roundtable conferences. Ambedkar's brilliant interventions in the Constituent Assembly discussions, for example, were the outcome of the understanding he had developed of many issues discussed in the Simon Commission proceedings and the three roundtable conferences which he attended.

The roundtable conferences represent a distinct departure in British approaches to India. There was a clear recognition that the subcontinent was becoming increasingly difficult to manage and unless some sort of autonomy was given while leaders like M.K. Gandhi and Jawaharlal Nehru,

who believed in peaceful protest, were influential, an armed struggle would follow, possibly under a leader like Subas Chandra Bose.

Seventy years on, we can be more honest about the Constitution's very real underpinnings. Sadly, this fact has been excised from our collective memory. It is almost as if we are ashamed to disclose the colonial origins of our Constitution. On the other hand, we must be proud that the Constituent Assembly were willing to incorporate the best from anywhere – whether they were ideas from our former colonialists or, as in the case of the Directive Principles of State Policy, borrowed from the Irish Constitution.

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