

CUET · POLITICAL SCIENCE · CLASS XI · CODE 323

The Philosophy of the Constitution

CUET unit: Indian Constitution at Work — Philosophy of the Constitution

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Snapshot

- Argues that a constitution is not merely a legal text but a document grounded in a moral and political vision — laws are connected to deeply held values like equality.
- Establishes that the Indian Constitution must be read in conjunction with the Constituent Assembly Debates (CAD) to recover the justification of its values.
- Identifies five core substantive features — individual freedom, social justice, respect for diversity & minority rights, secularism, universal franchise, and federalism culminating in a common national identity.
- Lists procedural achievements (deliberation, compromise & accommodation) and answers three classic criticisms — that the Constitution is unwieldy, unrepresentative, and alien.
- Frequently tested in CUET for direct definitional recall (principled distance, asymmetric federalism, voice vs opinion) and statement-based questions on criticisms and limitations.

Detailed Notes

2.1 Core concepts

A constitution is not merely a legal document but a document grounded in a moral and political vision. Laws are connected to deeply held values, and the Indian Constitution is the product of a long political-philosophical engagement. A political-philosophy approach to the Constitution therefore requires three things: first, understanding the conceptual structure of key terms such as rights, citizenship, minority and democracy; second, building from these terms a coherent vision of society and polity; and third, reading the Constitution together with the Constituent Assembly Debates (CAD) so that the justification of its values can be recovered at a higher theoretical plane (NCERT §"What is meant by Philosophy of the Constitution", pp. 221–222). The Constitution serves two purposes: it restricts state power so that modern states — which monopolise the means of force and coercion — do not turn tyrannical; and it provides peaceful, democratic means of social transformation. For a colonised people it also embodies the first real exercise of political self-determination (NCERT §"Constitution as Means of Democratic Transformation", p. 223).

Nehru, addressing the Constituent Assembly, held that the body represented "full self-determination" and was a "nation on the move, throwing away the shell of its past political and possibly social structure, and fashioning for itself a new garment of its own making." The Constitution, in his vision, was designed to break traditional social hierarchies and usher in freedom, equality and justice (NCERT §"Constitution as Means of Democratic Transformation", p. 223). Why must we continue to consult the Constituent Assembly Debates? The American Constitution was written in the late eighteenth century and so applying its original values to the twenty-first century would be absurd; in India, however, the world of the framers has not changed so drastically — "a history of our Constitution is still very much a history of the present" (NCERT §"Why do we need to go back to the Constituent Assembly?", p. 224).

The political philosophy of the Indian Constitution resists a single label. It is "liberal, democratic, egalitarian, secular, and federal," open to community values, sensitive to the needs of religious and linguistic minorities and historically disadvantaged groups, and committed to building a common national identity in conditions of socio-cultural diversity (NCERT §"What is the political philosophy of our Constitution?", p. 225). It has five substantive features.

Individual freedom. The commitment to individual liberty was the product of over a century of activity. Rammohan Roy protested against curtailment of the freedom of the press in the early nineteenth century; the national movement opposed the Rowlatt Act; for over forty years before the Constitution was adopted, every resolution of the Indian National Congress treated individual rights as non-negotiable (NCERT §"Individual freedom", p. 226). **Social justice.** Indian liberalism is not classical western liberalism, which privileges individual rights over social justice; the Indian variant is always linked to social justice. The clearest example is the constitutional reservation of seats and public-sector jobs for Scheduled Castes and Scheduled Tribes — special measures because mere equality on paper could not undo age-old injustices (NCERT §"Social Justice", pp. 226–227). **Respect for diversity and minority rights.** Unlike most western liberal constitutions, India does not refuse to recognise communities. Indian communities have either hierarchical relationships (caste) or rival ones (religion); community-based rights — including the right of religious communities to establish and administer educational institutions that may receive government aid — are mandatory because India is a land of multiple linguistic and religious communities (NCERT §"Respect for diversity and minority rights", p. 228).

Secularism. Western secularism rests on mutual exclusion: state and religion must stay strictly separated from each other's affairs. India departs from this in two ways. First, the Constitution recognises inter-community equality and grants rights to religious communities, because a person's freedom often depends on the status of her community; the right to religious freedom is therefore an individual **and** a collective right. Second, the state may intervene in religion to abolish customs like untouchability, and may also help religious communities (for instance, by giving aid to their educational institutions). This is called **principled distance** — the state is distant from all religions

so that it can intervene or abstain, depending on which option better promotes liberty, equality and social justice (NCERT §"Secularism", pp. 229–231). **Universal franchise.** This was a major achievement because the right to vote had only recently been extended to women and the working class in stable Western democracies. The Constitution of India Bill (1895) and the Motilal Nehru Report (1928) already endorsed universal franchise for every citizen aged 21 and above (NCERT §"Universal franchise", pp. 231–232). **Federalism.** Indian federalism is constitutionally **asymmetric**, unlike the symmetric American model. Article 371 (and especially Article 371A for Nagaland) gives special status to North-Eastern states; Article 371A validates pre-existing customary laws and protects local identity through restrictions on immigration. India is also a multi-lingual federation combining unity with cultural recognition (NCERT §"Federalism", pp. 232–233). **National identity.** The Constitution balances national, religious and linguistic identities but rejected separate electorates because they endangered a healthy national life. Ambedkar sought true fraternity; Sardar Patel insisted that the goal was to evolve "one community" (NCERT §"National identity", pp. 233–234).

Two **procedural achievements** follow: faith in political deliberation (the Constituent Assembly's willingness to justify outcomes by reasons rather than self-interest), and a spirit of compromise and accommodation (trading off one value partially for another in open deliberation, especially when important decisions were taken consensually rather than by majority vote) (NCERT §"Procedural Achievements", pp. 234–235). Three classic **criticisms** are answered. The Constitution is said to be (i) **unwieldy** — but it is large because it includes matters (Election Commission, civil services) that most constitutions leave out; (ii) **unrepresentative** — here one must distinguish **voice** (the language of representation, which was indeed restricted by the limited franchise of the time) from **opinion** (a wide range of opinions and social concerns were aired); Dalits today see the Constitution as embodying their aspirations; (iii) **alien** — the borrowing was innovative and selective, producing a hybrid modernity when western modernity met indigenous traditions (NCERT §"Criticisms", pp. 235–237). Finally, three frank **limitations** are admitted: a centralised idea of national unity, the glossing-over of gender justice within the family, and the placement of basic socio-economic rights in the Directive Principles rather than the Fundamental Rights. Yet these limitations do not jeopardise the Constitution's philosophy; the Preamble best summarises that philosophy, the document was adopted not by "great men" but by "We, the People," and democracy is the instrument by which people shape their destiny (NCERT §"Conclusion", pp. 238–239).

2.2 Definitions to memorise

Term	Definition	Page
Political philosophy approach to a constitution	Approach that reads the constitution for its moral content, conceptual structure of key terms, coherent vision of society, and justification of values via Constituent Assembly Debates.	221–222
		229

Term	Definition	Page
Mutual exclusion (Western secularism)	Both religion and state stay away from each other's internal affairs; strict separation to safeguard individual freedom.	
Principled distance (Indian secularism)	State maintains distance from all religions so it can intervene in or abstain from religious affairs, depending on which option better promotes liberty, equality and social justice.	231
Asymmetric federalism	Federal design in which different sub-units enjoy different legal status and prerogatives within the same federation.	232
Article 370	Special status provision for Jammu & Kashmir (cited along with Art. 371 as evidence of asymmetric federalism).	232
Article 371	Special provisions for several states including those in the North-East.	232– 233
Article 371A	Special status for Nagaland — validates pre-existing laws and protects local identity through restrictions on immigration.	233
Voice (of representation)	Dimension of representation in which people are recognised in their own language, not the language of the masters.	236
Opinion (of representation)	Dimension in which a wide range of views and social concerns are aired and represented.	236
Innovative/selective borrowing	Adaptation of Western constitutional ideas by amalgamating them with traditional Indian values rather than blind copying.	237
Substantive achievements	The five/six core features — individual freedom, social justice, diversity & minority rights, secularism, universal franchise, federalism, national identity.	225, 234
Procedural achievements	Faith in political deliberation and spirit of compromise & accommodation.	234– 235
Constitution of India Bill (1895)	Early text already endorsing universal franchise.	232
Motilal Nehru Report (1928)	Recommended universal adult franchise.	232
Rowlatt Act	Cited as a colonial-era restriction that the national movement opposed in defence of individual freedom.	226
Two streams of Indian liberalism	Rammohan Roy stream (individual rights, women's rights) + K.C. Sen/Ranade/Vivekananda stream (social justice within Hindu reform).	227
Community-based rights	Rights of religious/linguistic communities to establish and administer educational institutions, receive aid, etc.	228
Inter-community equality		229– 230

Term	Definition	Page
	The Indian secular principle that equality must obtain between religious communities, not only between individuals.	
State intervention in religion	Constitutional power to abolish customs like untouchability — distinguishes Indian from Western secularism.	230
Separate electorates	Rejected by the Constitution as endangering a healthy national life.	233–234
Hybrid modernity	The outcome of selective borrowing — Western modernity amalgamated with indigenous traditions.	237
Three criticisms	Unwieldy, unrepresentative, alien — all.	235–237
Three limitations	Centralised unity; inadequate gender justice; socio-economic rights in DPSP.	238
"We, the People"	Constitutional self-attribution to the people, not to great men.	239

2.3 Diagrams / processes to remember

Several memorable visual and textual anchors recur. The **Shankar cartoon "26 January 1950"** on p. 225 depicts the diverse ideals of the Constitution as players on a field with democracy as the "umpire" — a striking image of how a single set of rules holds plural values together. CUET stems sometimes ask which ideal is depicted as the umpire (answer: democracy). **Three Constituent Assembly Debate quote boxes** are recurring attribution stems: Alladi Krishnaswami Ayyar (CAD, Vol. XI, p. 835, 23 November 1949) on adult franchise (NCERT p. 232); Sardar Patel (CAD, Vol. VIII, p. 272, 25 May 1949) — "in India there is only one community" (NCERT p. 234); and K. Hanumanthaiya (CAD, Vol. XI, pp. 616–617, 17 November 1949) — "we wanted the music of Veena or Sitar, but here we have the music of an English band" (NCERT p. 237). The Hanumanthaiya quotation is regularly tested as evidence of the "alien" criticism.

The **two-streams diagram of Indian liberalism** on p. 227 distinguishes Stream 1 (Rammohan Roy — individual rights, women's rights) from Stream 2 (K.C. Sen, Justice Ranade, Swami Vivekananda — social justice within Hindu reform). A useful process line to memorise is the **answer-and-admit** structure on critiques: the **three criticisms** (unwieldy → answered by inclusion of matters like Election Commission; unrepresentative → answered by distinguishing voice from opinion; alien → answered by hybrid modernity) and the **three limitations** (centralised unity; gender justice glossed over; socio-economic rights in DPSP). Match-the-following items repeatedly mix items from these two lists, so the rule of thumb is: **criticisms are refuted; limitations are admitted.**

2.5 Key Articles / Treaties / Events

Reference	Source / Subject	NCERT cite
Article 370	Special status (J&K) — asymmetric federalism	p. 232
Article 371	Special provisions for several states (including North-East)	pp. 232–233
Article 371A	Special status for Nagaland — protects customary laws	p. 233
Constitution of India Bill, 1895	Early endorsement of universal franchise	p. 232
Motilal Nehru Report, 1928	Recommendation of universal adult franchise	p. 232
Rowlatt Act (colonial)	National movement's opposition cited for individual freedom	p. 226
Rammohan Roy's press-freedom protest	Early nineteenth-century individual-rights activism	p. 226
Constituent Assembly Debates (CAD)	Must be read alongside the Constitution to recover its philosophy	pp. 221–222, 224
Alladi Krishnaswami Ayyar (CAD, 23 Nov 1949)	Quote on adult franchise	p. 232
Sardar Patel (CAD, 25 May 1949)	"In India there is only one community"	p. 234
K. Hanumanthaiya (CAD, 17 Nov 1949)	"Music of an English band" — alien-criticism evidence	p. 237
Reservation for SCs/STs	Cited as social-justice example	pp. 226–227
Rejection of separate electorates	Endangered healthy national life	pp. 233–234
Preamble	Best summary of the constitutional philosophy	p. 238
Shankar cartoon (26 Jan 1950)	Democracy as umpire of plural ideals	p. 225

2.4 Common confusions / NTA trap points

- Mutual exclusion vs Principled distance** — Western secularism is strict separation; Indian principled distance allows the state to intervene in or abstain from religion depending on liberty/equality/justice (pp. 229–231).
- Symmetric vs Asymmetric federalism** — American federalism is symmetric; Indian federalism is asymmetric (Arts. 370, 371, 371A). NTA frequently flips these (p. 232).

3. **Voice vs Opinion** — the "unrepresentative" charge: the Constitution is unrepresentative on **voice** (restricted franchise) but largely representative on **opinion** (wide range of views debated) (p. 236).
4. **Substantive vs Procedural achievements** — substantive = the five/six core features; procedural = deliberation + compromise & accommodation (pp. 234–235). Match-the-following items often mix the two.
5. **Limitations vs Criticisms** — three **criticisms** (unwieldy, unrepresentative, alien) are **refuted**; three **limitations** (centralised unity, inadequate gender justice, socio-economic rights in DPSP) are **admitted**. Students conflate the lists (pp. 235–238).
6. **Secular from the start** — the Constitution was secular in substance from the start, even though the word "secular" was added later by the 42nd Amendment (1976). NCERT treats secularism as a foundational philosophy, not a post-1976 addition.
7. **Indian liberalism ≠ classical Western liberalism** — Indian liberalism is always linked to social justice; do not equate the two (p. 226).
8. **Aid to religious-community schools is permitted** under principled distance; do not assume India's secularism forbids all state-religion engagement (p. 230).
9. **Universal franchise was foreshadowed** in the Constitution of India Bill (1895) and the Motilal Nehru Report (1928); it was not a sudden 1950 innovation (p. 232).
10. **Article 371A is specifically about Nagaland**, not all North-Eastern states (p. 233).
11. **The Constitution was adopted by "We, the People"** — not gifted by great men; CUET sometimes asks who is identified by the Preamble as the constituent power (p. 239).
12. **Hanumanthaiya's "music of an English band"** illustrates the alien criticism; do not confuse with the unwieldy or unrepresentative criticisms (p. 237).

Practice MCQs

PYQ Alignment

This chapter is a high-yield CUET source: NTA regularly draws ~5–7 MCQs per year, most often as direct factual recall on principled distance, asymmetric federalism (Art. 371/371A), the five substantive achievements, and the three limitations (centralised unity, gender justice, socio-economic rights in DPSP). Statement-based "Which of the following is correct?" questions on the differences between Indian and Western secularism, and match-the-following on substantive vs procedural achievements, are recurring NTA patterns. Attribution stems on the three CAD quotations — Alladi Krishnaswami Ayyar, Sardar Patel and K. Hanumanthaiya — recur often; memorise speaker, year and theme.

The Shankar "26 January 1950" cartoon on p. 225 has also been quarried for image-based stems.

CUET 2024 — Actual PYQs from this chapter

Q.40 (CUET 2024) When is Ambedkar Jayanti observed in India?

- A) January 14 B) February 14 C) March 14 D) April 14 **Tests:** Philosophy of the Constitution **Answer:** Not in extracted key

