

## The Values that Constitute our Nation

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**Prakash Iyer**

**Anubhuti:** Today was the first civics class and I did a pretty good job of generating strong interest and respect for the Indian Constitution. I was worried this class would be like last year when it became drab and boring. Students felt they only had to memorize the articles and that the Constitution didn't have any relevance to their daily lives. But this time, I think most students could feel its importance in their daily life.

**Ira:** It is indeed a difficult subject to teach. How do you generate interest in students when the text per se is quite difficult to understand? You can't even create stories around it like we do in history.

**Anubhuti:** Oh, but that is not true. We can and in fact we should do precisely that – build stories. Except these would be real narratives, not fictitious. There are so many court cases involving the Constitution. They might become complex for 9<sup>th</sup> grade students though. So, I narrated the story of how the Constituent Assembly was formed, and how they drafted the Constitution. I screened the first episode of [Samvidhan](#), the TV series created by Shyam Benegal and then highlighted some key aspects of the story.

Firstly, I pointed out how the document was not the product of a few chosen people. It was the creation of 389 representatives of the Indian polity including the then princely states and union territories, which makes the Constitution “ours”. It is not a sacred book written by a few thinkers that we must worship. Rather, the document represents the aspirations of all citizens of India and how they constituted themselves as India.

I took the linguistic route to emphasize the importance of the constitution. I spent a lot of time explaining the word ‘constitution’ both as a noun and a verb. The word ‘constitution’ means “the way that something is formed from different parts”. You see, when the Preamble says we *constitute India into*, we are saying that we are creating a new concept of India, which is defined by sovereign, democratic, and republic. I ended today's class with the Preamble.

Going forward, I plan to highlight the process of drafting the Constitution, the numerous steps each article went through before being finalized. It was not merely some people in subcommittees drafting the articles and everyone voting for it. It involved prolonged debates and even disagreements. Each episode of *Samvidhan* focuses on fundamental rights and disagreements between the members of the Constituent Assembly. How they had to debate, negotiate, and even give in when the final voting in subcommittees took place. After that the articles were presented in the parliament, where further dialogue happened.

The process of drafting the Constitution itself was democratic, which is why it is fair to say that in 1950 we *constituted* ourselves as a democratic republic and which is why we are who we are today in 2025.

**Ira:** But this is disconcerting. You mean there were disagreements among the members of the Constituent Assembly, and even then the articles were considered final and sacred? And generations

later, we citizens must accept the Constitution the way it is?

**Anubhuti:** I disagree with that. We should respect the Constitution in spirit, but it does not help to see it as being sacred. The word 'sacred' implies that it has to be completely accepted as it is, and cannot be changed or tampered with. Of course, the Constitution needs to be interpreted and applied to reality, but it is not untouchable. The Constitution is not merely a set of rules; each article is based on some principles of democracy.

The foundation of the Constitution is democracy, which necessitates prolonged dialogue between citizens. Secondly, the Constitution is not written in stone. We add layers of meaning to the text, and it can and has been amended many times – following a rigorous due process.



**Ira:** One question that is bound to come up is – how come we keep changing the Constitution and its meaning? Wouldn't that be wrong? We need to accept the Constitution in spirit rather than mere laws and words that could change overnight. The students need to *feel* for the Constitution and not look at it merely as a book of rules that ought to be followed.

**Anubhuti:** That is right. It is a tricky question and is bound to come from the students. But my response fits into what we have discussed so far. The Constitution itself has some rules on how it can be amended, and what can and cannot be amended. It is a flexible document which allows to be changed with times, but not so flexible that anything can be changed. For example, none of the fundamental rights or duties can be tampered with. We can add more meaning to it – which is done by every Supreme Court judgment that interprets one or more articles of the Constitution.

**Ira:** It makes the Constitution like a palimpsest. A fixed text which has layers of meaning added to it with every Supreme Court judgment that interprets the articles in it.

**Anubhuti:** That metaphor is very useful. It also makes it possible for me to explain how some aspects of the Constitution cannot be changed. It is too early to explain the basic structure doctrine to 9<sup>th</sup> grade students, but this metaphor is useful to say that the text of the Constitution will seem unchanged, but the

meanings keep evolving with time. I am sure they will understand if I say that when we are running a school, we will read article 19(g), “All citizens shall have the right to practice any profession or to carry any occupation or business”, differently than if we were running a provision store.

**Ira:** Or selling phones (ha ha ha). A richer comparison is between understanding the Right to Freedom when we are running a school as against when we are participating in a Parent Teacher meeting as parents.

**Anubhuti:** This also opens the point of how the popular discourse on the Constitution is in fact a dialogue between the polity and the text of the Constitution. I was talking to this lawyer friend who said the term used in legal circles is *living constitutionalism*.

**Ira:** What is that?

**Anubhuti:** She was saying that in simple terms it just means that the text of the Constitution should – must – be interpreted in connection with current realities, social needs, and contestations. For instance, in 2009, the Right to Free and Compulsory Education Act amounted to addition to Article 21. Education became a fundamental right from there on. Moreover the act mandated that private schools also reserve 25% of their seats for students from disadvantaged sections of society. For Pramati Educational Trust, this judgment limited the right to freedom to run the organization the way they wanted. The Supreme Court emphasized that this freedom carries less force than the right to free and compulsory education that children from disadvantaged communities have.

And why all schools need to pitch in to help those students who do not get good schooling. It is not the responsibility of the government alone; it never has been. All the Supreme Court judgment\* did was to emphasize that private schools must share the government’s responsibility and work towards 100% education for all. And to that end they would have to sacrifice part of their Right to Freedom to run an organization. This judgment has added layers to Right to Freedom, Right to Equality, and Cultural and Educational Rights.

The Supreme Court demonstrated living constitutionalism by saying that the State’s right to impose reservations on private schools carries more force than Right to Freedom, because education is a public good and it is the private school’s responsibility to fulfil its duties.

Basically, I pointed out how the Right to Free and Compulsory Education Act was a necessity in today’s scenario.

**Ira:** That is dense Anubhuti. You think you can explain this to our students? And do you think they will comprehend this?

**Anubhuti:** Yeah, you are right. I am explaining this to you, because this conversation changed my view towards the Constitution. That changed view will transform the way I present the Constitution to students. That we have the right to change it does not mean we can do what we want. We must be justified and explain how the new interpretation is related to new social realities. What has happened today that was not there until yesterday, and it demands that we suggest that the Constitution be changed?

In short, I would say our duty towards the Constitution – and towards the concept of a democratic republic which India is – takes precedence over our right to demand change.

You see this is the beauty of philosophical thinking. When our view towards something has changed, it changes the way we talk about it. Then we automatically use different and right-er words than we did until now. We teachers need to know more about the Constitution (obviously), but also know how we are thinking about it. We may not be teaching all of this in class, at least not in 9<sup>th</sup> grade, but that doesn't mean this change in our way of thinking is not needed. Or this debate that you and I are having. That is equally, if not more, important.

**Ira:** Yeah, a friend once told me the definition of philosophy he likes most is – thinking about thinking. You are saying precisely that. We teach the Constitution in simple terms to 9<sup>th</sup> class students, but our deeper understanding of the Constitution will and should inform the way we teach it. Hopefully, the class will learn how to think philosophically without knowing that they are.

\*Judgment of the Pramati Educational and Cultural Trust vs. Union of India.

<https://indiankanoon.org/doc/32468867/>

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