

Indian Constitutionalism
Ambedkar University, Delhi (2019)
Assignment #1

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Instructions

1. This is an open-book, open-notes take-home assignment for **30 marks**. You must answer both questions.
2. Please email it to me (burra@hss.iitd.ac.in) by midnight on Saturday, April 20th. I will deduct 1 mark/day for late assignments; they will not be accepted after midnight on April 27th.
3. If you would like feedback on a draft of your assignment, please send it to me no later than Saturday, April 13.
4. Please write as clearly as possible, and make sure to edit, proofread, and revise your assignment before you submit it.
5. You are not required to read anything other than the texts in your course packets. You are however welcome to make connections with other material, including material from other AUD classes. In all cases, please cite to this material using a standard academic citation format.
6. I encourage you to discuss your assignments with each other. If you choose to do so, please share the names of those with whom you have discussed the questions.
7. Regardless of how much you have discussed your work with others, what you turn in to me should be your own work-product, written by you. *Plagiarism is unacceptable.*
8. You may find it helpful to consult MIT's academic integrity manual (<https://integrity.mit.edu/>) for guidance on citation practices and academic writing.

A (15 marks, 1000-1500 words)

Analyse Jawaharlal Nehru's speech on the Aims and Objectives of the Constituent Assembly from what Arvind Elangovan would call a "non-nationalist" perspective on Indian constitution-making.

Your analysis should include an awareness of what you know about (a) the nature of representation in the Constituent Assembly; (b) the controversies regarding the Cabinet Mission Plan; (c) the timing of the speech; and (d) Indian political history between May 1946-August 1947.

B (15 marks, 1000-1500 words)

In his concurring opinion in the case of *Government of NCT of Delhi vs. Union of India*, Justice D Y Chandrachud appeals extensively to the notion of "constitutional morality." He concludes his study with the following words:

Constitutional morality provides a principled understanding for unfolding the work of governance. It is a compass to hold in troubled waters. It specifies norms for institutions to survive and an expectation of behaviour that will meet not just the text but the soul of the Constitution. Our expectations may be well ahead of reality. But a sense of constitutional morality, drawn from the values of that document, enables us to hold to account our institutions and those who preside over their destinies. Constitutional interpretation, therefore, must flow from constitutional morality.

Read Justice Chandrachud's analysis of the notion of "constitutional morality" in paras 4-16 of his opinion, which can be downloaded from <https://scobserver.clpr.org.in/court-case/special-status-of-delhi>. (This webpage has a great deal more by way of background on the case).

How would you compare J. Chandrachud's understanding of "constitutional morality" with what Dr. B. R. Ambedkar had in mind when he introduced the term in his speech to the Constituent Assembly of 4 November 1948? Do they have the same notion in mind? If they have different notions in mind, should we be troubled by this divergence?

Pay attention both to the original context of Dr. Ambedkar's speech as well as the secondary readings by Pratap Bhanu Mehta and André Bételle.