

MAKING OF INDIAN CONSTITUTION



→ Constitution: set of written rules that is accepted by all

↓
India's Constitution → Partly rigid; partly flexible

Constituent Assembly (CA)

- 1934: M N Roy first demanded for Constituent Assembly (he founded the CPI Communist Party)
- 1935: demand by Congress
- 1936: The official demand for CA was raised in the INC session at Lucknow presided by Pt. Jawaharlal Nehru
- 1940: August Offer by Linlithgow (then Viceroy)
 - Demand for CA was accepted
 - Later the demand rejected by → Congress and Muslim League

Extras:

- Communist: source/means of production controlled by govt.
ex: China
- Oligarchic: govt. by few
ex: China, Russia
- Monarchic: govt. by single person specifically King/monarch
ex: North Korea
- Totalitarian: total control over lives of citizens by whomever is ruling

→ Individual Satyagraha launched against it by: Acharya Vinoba Bhave and J L Nehru

Cripps Mission 1942

- By Stafford Cripps
- Dominion status
- Rejected → Quit India Movement started in response to this

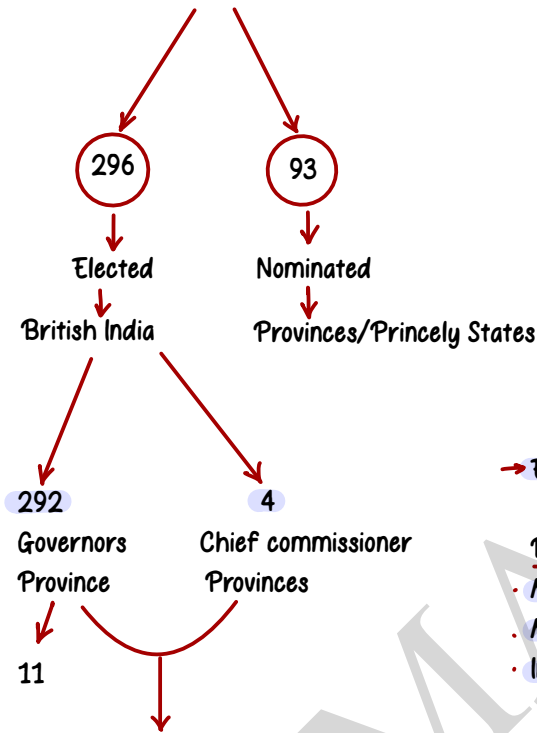
- 1946: Cabinet Mission Plan → 1945 in Britain
Congress League ✓
Muslim League ✓ → Rejected to have separate nation
→ Demand for Pakistan X

3 people:

- Pathic Lawrence (chairman)
- A V Alexandar
- Stafford Cripps

Provisions of Cabinet Mission Plan

Total seats: 389



→ Elections held: July–August 1947

Results:

- Majority: Congress (INC) → 208 seats
- Muslim League → 73 seats
- Independent → 15 seats

After boycott of Muslim League

- Remaining seats: 299

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After partition

Meeting and Drafting of Constituent Assembly

- 1st meeting: 9 Dec 1946 (211 members participated)
- 13 Dec 1946: Objective resolution was moved by J L Nehru

↘ Later called Preamble



→ 22nd Jan 1947: Objective resolution adopted by CA



Committees formed

- Major: 8
- Minor: 13

Drafting Committee (set up on: 29th Aug 1947)

Total members: 7

- Chairman: B R Ambedkar (also known as "Modern Manu" or "Modern Man")
- Alladi Krishnaswami Ayyar
- N Gopalaswami Ayyangar
- Muhammad Saddullah
- B L Mittar (replaced by N Madhav Rau)
- D P Khaitan (replaced by T T Krishnamachari)
- K M Munshi

- Total sessions held: 11 sessions for 165 days
- Total time: 2 yrs 11 months 17/18 days → Constitution was made
- Money: 64 lakhs (to frame the Constitution)

Important Drafts

- 1st draft: 9-23rd Dec 1946
- 10th draft: 6-17th Oct 1949
- 11th draft: 14-26th Nov 1949 (also the last session)
- Final draft: presented by B R Ambedkar before the public on 4th Nov 1949

→ From Bengal Constituency

→ Constitution was adopted: 26 Nov 1949 (also celebrated as "Constitution Day")

→ Some provisions were imposed on 26 Nov 1949

- Citizenship (Art 5, 6, 7, 8, 9)
- Elections
- Provisional Parliament

• 395 Art + 8 Schedules + 22 Parts + Preamble

Functions of Constituent Assembly

2 major functions

Law-making body (to legislate)

- G V Mavalankar (first speaker of Lok Sabha)
- Vice President: T T Krishnamachari, H C Mukherjee

To Legislate
(To make laws)

Constitution maker

- President: Rajendra Prasad (after elections)
- Temporary President: Sachinanda Sinha (before elections)

Functioned as first parliament of India

Other functions

- Legal/Constitutional Advisor: B N Rao
- Chief Draftsman: S N Mukherjee
- No. of CA members who signed constitution: 284 (had 15 female members)
- Signed on
- Last sitting of CA: 24 Jan 1950
- 1st President of India (on 24 Jan 1950): Dr Rajendra Prasad

1. Adopted National Flag: 22 July 1947
2. National Anthem: by Rabindranath Tagore → "Jana Gana Mana"
3. National Song: by Bakim Chatterjee → "Vande Mantram"
4. Common Wealth Ratification: May 1949

24 Jan 1950

Handwritten Constitution by (calligrapher)

- English: Prem Behari Narain Raizada
- Hindi: Vasant Krishan Vaidya
- Decorated by:
 - Nand Lal Bose
 - Beohar Ram Manohar

Extras

Important female members of CA

- Raj Kumari Amritkaur (1st health minister)
- Sucheta Kriplani (1st female CM of UP)
- Sarojini Naidu (1st Governor of Uttar Pradesh state)

→ India's Constitution is the largest written Constitution → Symbol of Indian Constitution: Elephant



- **Language of Constitution:** English
- **Symbol of Constitution:** Elephant

• **First country to make constitution:** USA (adopted on: Sept 17, 1787) → **Written Constitution**

• **Nehru (Chairman) and eight other Congress leaders, drafted a Constitution for India: 1928**

→ Committee of CA of India

Major Committee

Extras
 • **Nehru Report** → **Against it**
Jinnah gave 14 points

COMMITTEES	CHAIRMAN
1. Union Power Committee	Jawaharlal Nehru
2. Rules of Procedure Committee	Dr Rajendra Prasad
3. Provincial Constitution Committee	Sardar Patel
4. Steering Committee	Dr Rajendra Prasad
5. Drafting Committee	Dr B.R Ambedkar
6. Advisory Committee on Fundamental Rights, Minorities and Tribal and Excluded Areas	Sardar Patel
7. Union Constitution Committee	Jawaharlal Nehru
8. States Committee	Jawaharlal Nehru

Minor Committee

COMMITTEES	CHAIRMAN
1. Committee on the Functions of the Constituent Assembly	G.V Mavalankar
2. Ad-hoc Committee on citizenship	S Varadachari
3. Press Gallery Committee	Usha Nath Sen
4. Credentials Committee	Alladi Krishnaswamy Ayyar
5. Order of Business Committee	Dr K.M. Munshi
6. Finance and Staff Committee	Dr Rajendra Prasad
7. Committee on Chief Commissioners' Provinces	B. Pattabhi Sitaramaya
8. House Committee	B. Pattabhi Sitaramaya
9. Ad-hoc Committee on the Supreme Court	S. Varadachari
10. Expert Committee on Financial Provisions	Nalini Ranjan Sarkar

- **Linguistic provinces committee:** S K Dhar
- **Ad Hoc Committee (flag):** Rajendra Prasad

- **Capitalist State:** Industrialists (where the govt. controls the economy)
- **Plutocratic:** govt. by rich people
- **Mixed economy:** India

11. Special Committee to Examine the Draft Constitution	Jawaharlal Nehru
12. Commission on Linguistic Provinces	S.K. Dar
13. Ad Hoc Committee on the National Flag	Dr Rajendra Prasad

- Democracy → For the people
 - By the people
 - Of the people
- } This definition was given by Abraham Lincoln

- Ceremony that marks the end of Republic Day Celebration: Beating Retreat Ceremony

- Independence Day → PM hoist Indian flag in Red Fort
- Republic Day → President unfurls the flag at Kartavya Path

→ The UK has unwritten Constitution

Written Constitution

- Compiled and structured in systematic form by few members
- Formally constituted
- Not easy to amend

Ex: India

Unwritten Constitution

- Not structured
- Not formally constituted
- Easy to amend

More than one level of govt. In Indian Constitution

Radicalism: Change in someone's general pattern of thinking
ex: Naxalism, NE insurgency

Key Features of Indian Constitution: **Federalism**

- Division of power between Centre and the State
- India is Quasi Federal (some features unitary, some federal)

By K C Wheare

Federal feature

Gives power to the State

Unitary feature

Takes away power from the State

Federation with unitary bias

Cooperation Federalism: Grainville, Austine

Both features are listed below:-

Federal Features-

1. Supremacy of the Constitution,
2. Division of power between the Union (central Governments) and State, and
3. The existence of an independent judiciary in the Indian Constitution.

Unitary Features-

1. Single Citizenship
2. Single Constitution
3. Power of union to override on the state matters
4. During emergency the system became virtually unitary
5. Changes in the names and boundaries of the states by the Parliament
6. Integrated Judiciary System
7. Centre appoints the Governors
8. Dependence of states on the centre for economic assistance and grants.

Of India

• Bicameralism → Federal feature

LS RS

Two houses of Parliament

• Written Constitution: Federal feature

• IAS/IPS/IFoS: Unitary feature

Appointed by State

- Dept. of Personal and Training
- Controlled by Centre
- Art 312 (All India Services)

• Unitary system of govt. posses a strong state

• India has → Parliamentary system of govt.

→ Taken from UK

Essential features: executive accountable to legislature

• Judiciary → Integrated features (SC and HC)
↓
Unitary feature

Form of Govt:

- Parliamentary: UK
- Presidential: USA



PARMAR SSC