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Making of the Indian Constitution

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MAKING OF THE INDIAN CONSTITUTION

Timeline:

India was getting close to Independence and subsequently the need of Constitution was felt.

- The idea to have the constitution in India was given in the year 1934 by Mr. M.N. Roy, the pioneer of the communist movement in India.
- In the year 1935, Indian National Congress for the first time, demanded a Constituent Assembly to frame the Constitution of India.
- In the year 1938, Jawahar Lal Nehru, on the behalf of congress, said that the Constitution of India will be made by an independent constituent assembly without any external interference.
- The demand was accepted by the British parliament which came to be known as the 'August Offer' in the year 1940.
- In the year 1942, Cripps India Mission came to India under Sir Strafford Cripps and said that the Constituent Assembly will be setup but after the Second World War.
- Finally, in May 1946, Cabinet Mission Plan came to India under Cripps, Lawrence and Alexander and they setup the Constituent Assembly of India.

Constituent Assembly:

The Constituent Assembly of India consists of 389 members out of whom 292 members were elected from various provinces, 93 members were nominated from the Princely States and 4 members were from the Chief Commissioner areas of Delhi, Ajmer- Marwar, Coorg and British Baluchistan.

- The members of the Constituent Assembly were selected on the basis of the population and were in the ratio of roughly 1: 10,00,000 (1 million).
- The seats of the provinces were divided into three major communities i.e. Muslims, Sikhs and General (all except Muslims and Sikhs).

The members of each community selected their members by the method of proportional representation with single transferable voting system.

- The Constituent Assembly included all the important personalities of India except Mahatma Gandhi and M.A. Jinnah.
- After the creation of the new constituent assembly for Pakistan, 90 members resigned from the constituent assembly of India, which reduced the size of the assembly from 389 to 299 members.

Objectives Resolution

On December 13, 1946, Jawaharlal Nehru moved the historic 'Objectives Resolution' in the Assembly. It laid down the fundamentals and philosophy of the constitutional structure. It read:

"This Constituent Assembly declares its firm and solemn resolve to proclaim India as an Independent Sovereign Republic and to draw up for her future governance a Constitution:"

- Wherein the territories that now comprise British India, the territories that now form the Indian States, and such other parts of India, as are outside India and the States as well as other territories as are willing to be constituted into the independent sovereign India, shall be a Union of them all; and
- wherein the said territories, whether with their present boundaries or with such others as may be determined by the Constituent Assembly and thereafter according to the law of the Constitution, shall possess and retain the status of autonomous units together with residuary powers and exercise all powers and functions of Government and administration except such powers and functions as are vested in or assigned to the Union or as are inherent or implied in the Union or resulting therefrom; and



- wherein all power and authority of the Sovereign Independent India, its constituent parts and organs of Government are derived from the people;
- wherein, shall be guaranteed and secured to all the people of India, justice, social, economic and political; equality of status of opportunity, and before the law; freedom of thought, expression, belief, faith, worship, vocation, association and action, subject to law and public morality; and
- wherein adequate safeguards shall be provided for minorities, backward and tribal areas, and depressed and other backward classes; and
- whereby shall be maintained the integrity of the territory of the Republic and its sovereign rights on land, sea and air according to justice and the law of civilized nations; and
- This ancient land attains its rightful and honored place in the world and makes its full and willing contribution to the promotion of world peace and the welfare of mankind."

This Resolution was unanimously adopted by the Assembly on January 22, 1947. It influenced the eventual shaping of the constitution through all its subsequent stages. Its modified version forms the Preamble of the present Constitution.

Working of the Constituent Assembly:

The first meeting of the Constituent Assembly took place on 9th December 1946 under the leadership of Dr. Sachidanand Sinha. However, he was only a temporary president and was replaced by Dr, Rajendra Prasad and H.C. Mukherjee as the permanent President and Vice President of the Constituent Assembly on 11th December 1946. Mr. B.N. Rau was appointed as the advisor of the Constituent Assembly.

The Constituent Assembly presented three drafts of the Constitution on

- 4th November1948
- 15th November 1948 and
- 14th November 1949.

After various changes, the Constituent Assembly of India finally accepted the Constitution on 26th November 1949.

- The last session of the Constituent Assembly took place on 24th January 1950 where Dr. Rajendra Prasad was elected as the President of India; out of the total members of the assembly, 284 members signed the official copies of the Constitution.
- Some provisions of the Constitution pertaining to citizenship, elections, provisional parliament, temporary and transitional provisions, and short title contained in Articles 5, 6, 7, 8, 9, 60, 324, 366, 367, 379, 380, 388, 391, 392 and 393 which came into force on November 26, 1949 itself. The remaining provisions (the major part) of the Constitution came into force on January 26, 1950.
- This day is referred to in the Constitution as the 'date of its commencement' and celebrated as the Republic Day.
- January 26 was specifically chosen as the 'date of commencement' of the Constitution because of its historical importance. It was on this day in 1930, that Purna Swaraj Day was celebrated, following the resolution of the Lahore Session (December 1929) of the INC.
- With the commencement of the Constitution, the Indian Independence Act of 1947 and the Government of India Act of 1935, with all enactments amending or supplementing the latter Act, were repealed.
- The Constituent Assembly took 2 years, 11 months and 18 days in making the Constitution and the cost of making the Constitution was approximately 64 lakhs.



- The Constitution of India is the longest written Constitution in the history of the world having a Preamble, 395 Articles, 22 Parts and 8Schedules although presently it has around 465 Articles, 25 parts, 12 Schedules and more than 100 Amendment
- The nature of the Indian Constitution is Quasifederal i.e. more federal and less unitary; during the normal circumstances it is federal but during the proclamation of National Emergency under article 352 the nature of the constitution becomes unitary in nature
- Dr. B R Ambedkar played a major role in the formation of the constitution and was the chairman of the drafting committee of the constitution. That is why he is also known as the father of Indian Constitution or "Modern Manu".

Chairmans of the Important Committees

S. No.	Name of the Committee	Chairman
1.	Rules of Procedure Committee	Rajendra Prasad
2.	Fundamental Rights, Minorities	Vallabhbhai Patel
3.	Union Powers Committee	Jawaharlal Nehru
4.	Union Constitution Committee	Jawaharlal Nehru
5.	Drafting Committee	B.R. Ambedkar
6.	Flag Committee	J.B. Kriplani

Drafting Committee:

Amongst the different committees of the Constituent Assembly, the most important was the Drafting Committee, which was set up on 29th August 1947. The main aim of this committee was the preparation of the draft of the new Constitution. The drafting committee consisted of seven members.

- 1. Dr. Bhimrao Ambedkar (Father of the Constitution)
- 2. N. Gopalaswamy Ayyar
- 3. Alladi Krishnaswamy Ayyar
- 4. Syed Mohammad Saadullah
- 5. Dr. K.M Munshi
- 6. N. Madhava Rau (replaced B.L Mitra)
- 7. T.T Krishnamachari (replaced D.P. Khaitan) The Drafting Committee took less than six months to prepare the draft. In all, it sat for the total of 141 days.

Some Important Points:

- 1. The Constitution was accepted on 26th November 1949.
- The National Song was accepted on 24th January 1950.
- 3. The National Anthem was accepted on 24th January 1950.
- 4. The National Flag was accepted on 22nd July 1947.
- 5. Pingali Venkaiha from Andhra Pradesh was the designer of the National Flag of India.
- 6. Elephant was the symbol of the Constituent Assembly of India.
- 7. Prem Bihari Raizada was the English Calligrapher of the Constitution.
- 8. Vasant Krishna Vaidya was the Hindi Calligrapher of the Constitution.



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