

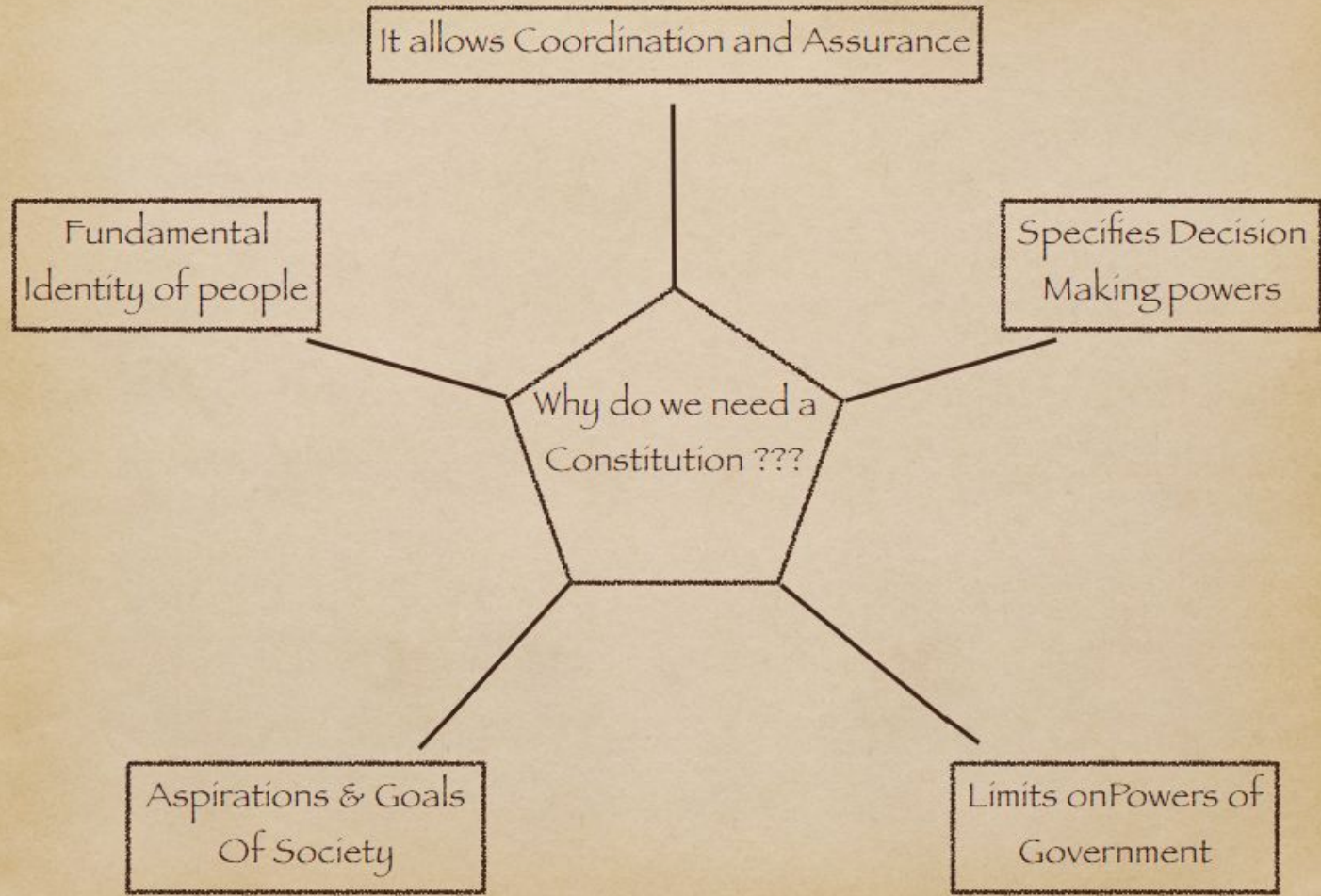
WHAT IS CONSTITUTION ?

1. A constitution is a body of fundamental principles according to which a state is constituted or governed.
2. Constitution is living document which grows and evolves according to needs and aspirations of changing society through instruments such as -
 - Amendments to constitution
 - Conventions
 - Judicial interpretations and judgements.
 - Statutes

OBJECTIVE OF CONSTITUTION

- 1) To enable the government to **fulfil the aspirations of a society** and **create conditions for a just society**.
- 2) To **specify who has the power to make decisions** in a society.
- 3) It decides **how the government will be constituted**.
- 4) Constitution is to provide a set of basic rules that allow for **minimal coordination amongst members of a society**.
- 5) To **set some limits** on what a government can impose on its citizens.

"Constitution envisions establishing an egalitarian social order rendering to every citizen social, economic and political justice in a social and economic democracy of the Bharat Republic"
- Supreme Court observed in 1997



CONSTITUTIONALISM→

Political philosophy based on the idea that government authority is derived from the people and should be limited by a constitution.

Components -

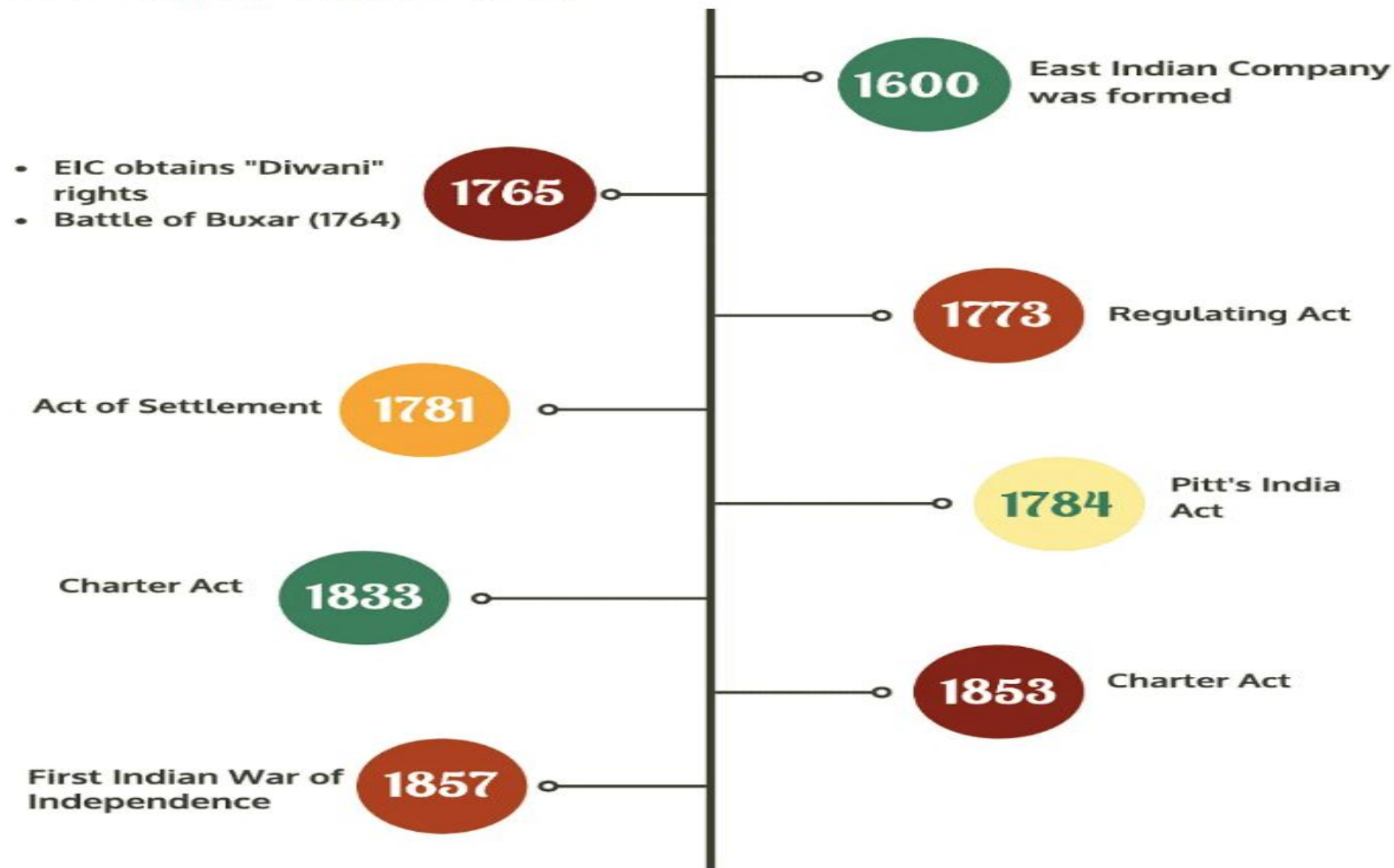
- Rule of law - Developed by British ruler Dicey
- Separation of power - India follows mixed separation of power model
- Free press and media
- Independent judiciary
- Elected government (temporariness of government)

Historical Development of the Constitution of India

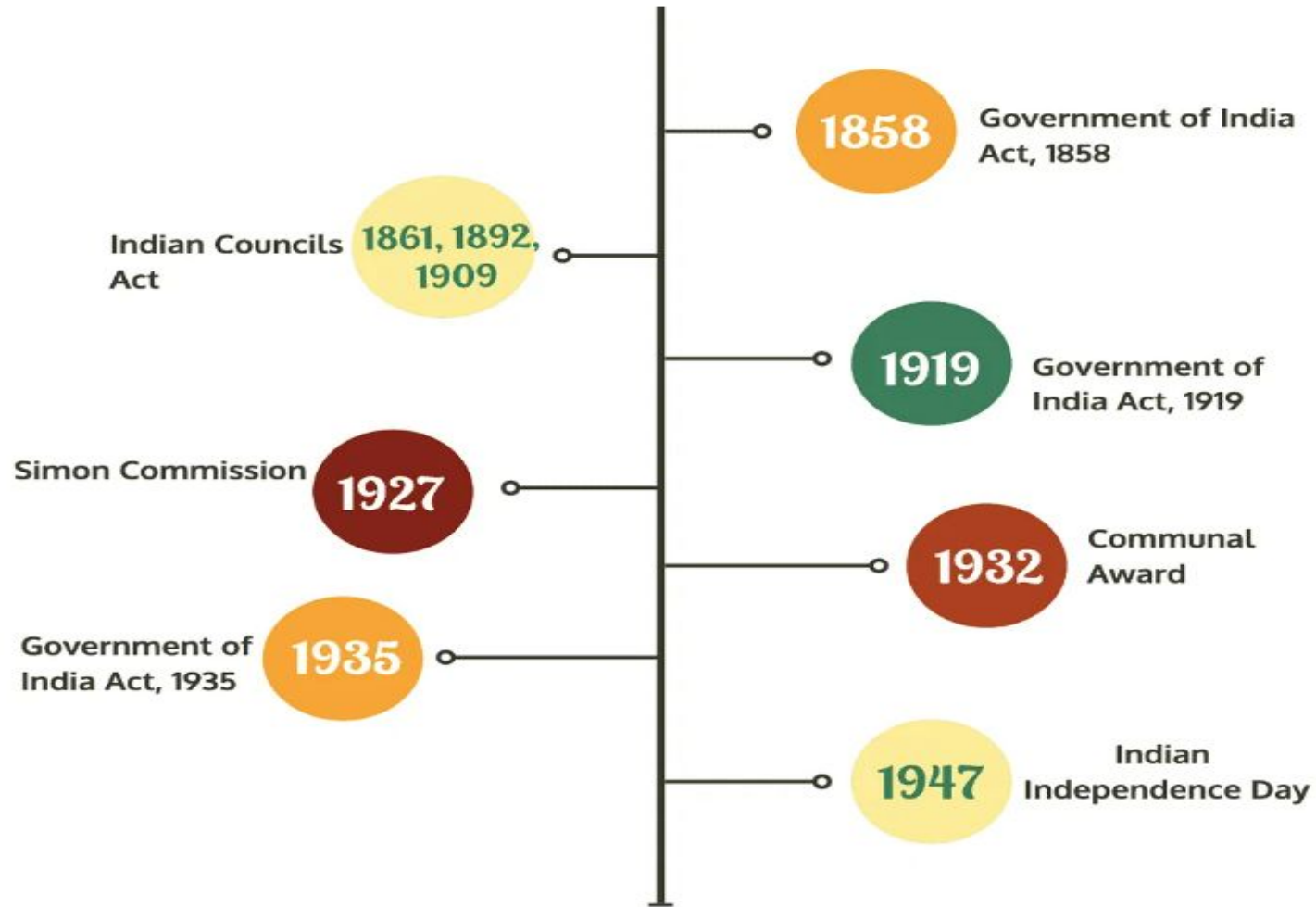
- During the 200 years of British rule in India before 1947, India was divided into two main entities:
 - British India, which consisted of 11 provinces directly governed by the British colonial authorities.
 - Princely states, ruled by Indian princes under the Subsidiary Alliance policy.
- These two entities eventually merged to form the Indian Union after gaining independence.
- Many legacy systems and administrative practices established during British rule continue to influence India's governance today.
- The historical underpinnings and evolution of the Indian Constitution can be traced back to various regulations and acts enacted before Indian Independence.
- These acts were designed to better control and administer the diversified and vast land under both East India Company and British Crown rule.
- The impact of these historical acts is evident in the country's present political structure and various constitutional provisions.

Timeline of British Rule in India

1. The Company Rule(1773-1857)



2. The Crown Rule (1858-1947)



Historical Development of the Constitution of India Historical Background



Act of Settlement 1781

- Was passed to remove confusions in Charter.
- ✓ Governor general and council were excluded from jurisdiction of the Supreme court.
- ✓ Revenue matters were taken out of Supreme court jurisdiction.
- ✓ No person employed by company was subject to supreme court
- ✓ In case of natives, personal law was applicable.
- ✓ Adalats were not liable to Supreme court.

Introduced to overcome the defects of Regulating Act, 1773

Dual control/joint government in India

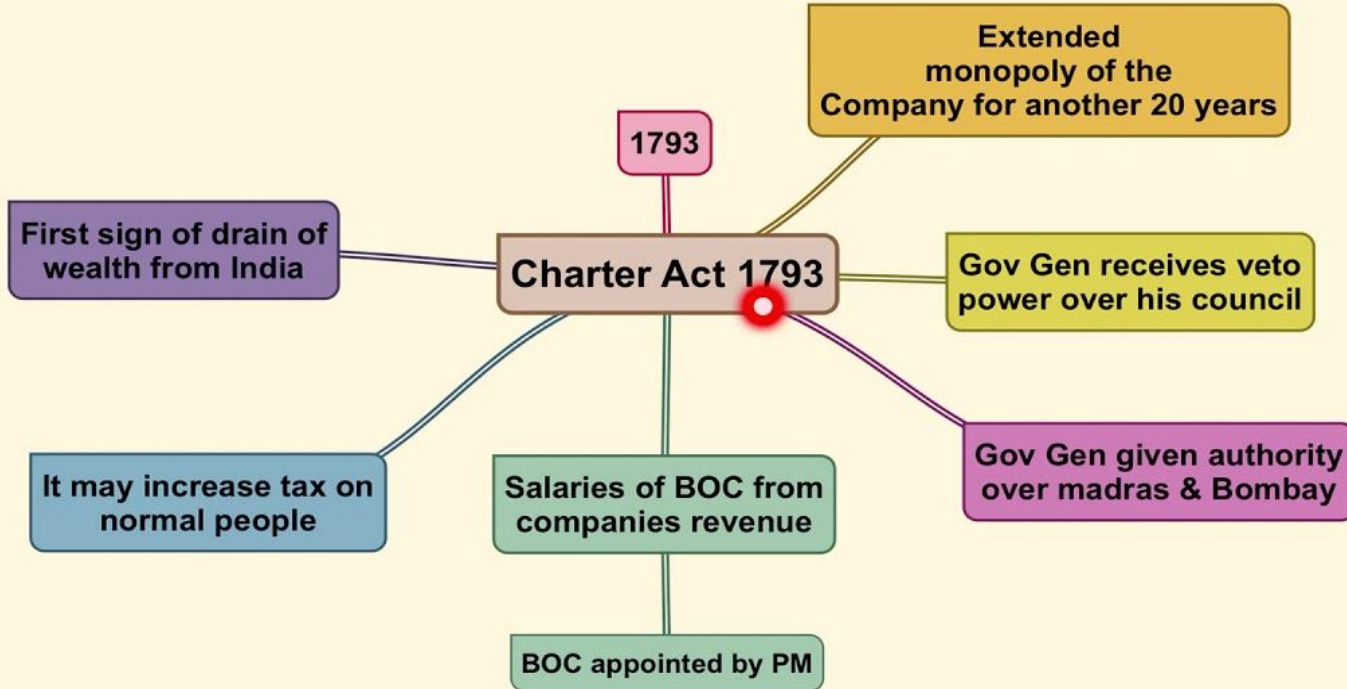
Mandated civil & military officers to disclose their property within 2 months

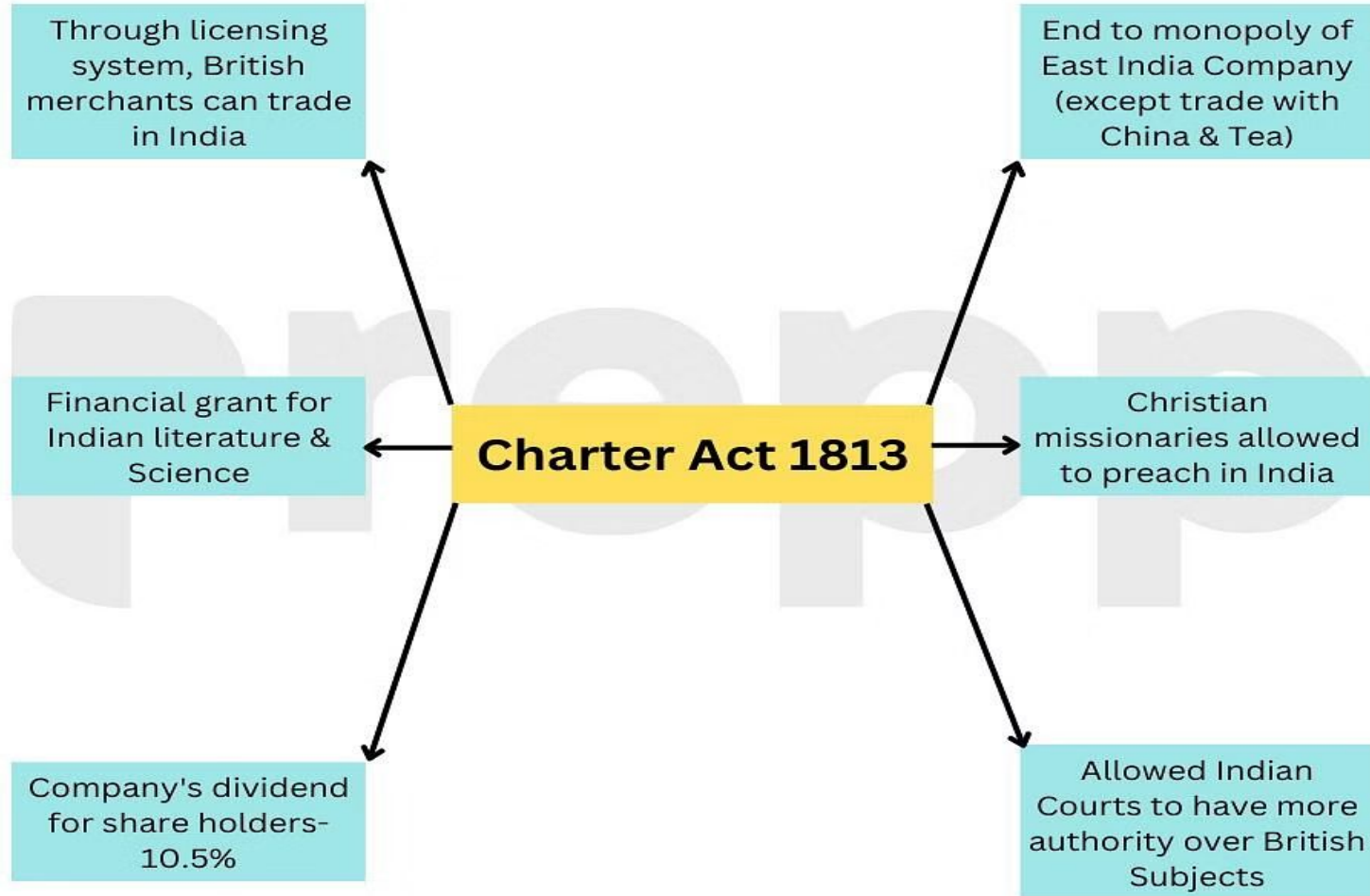
PITT'S INDIA ACT, 1784
(EAST INDIA COMPANY ACT, 1784)

Strength of Governor General's Council reduced to 3 members

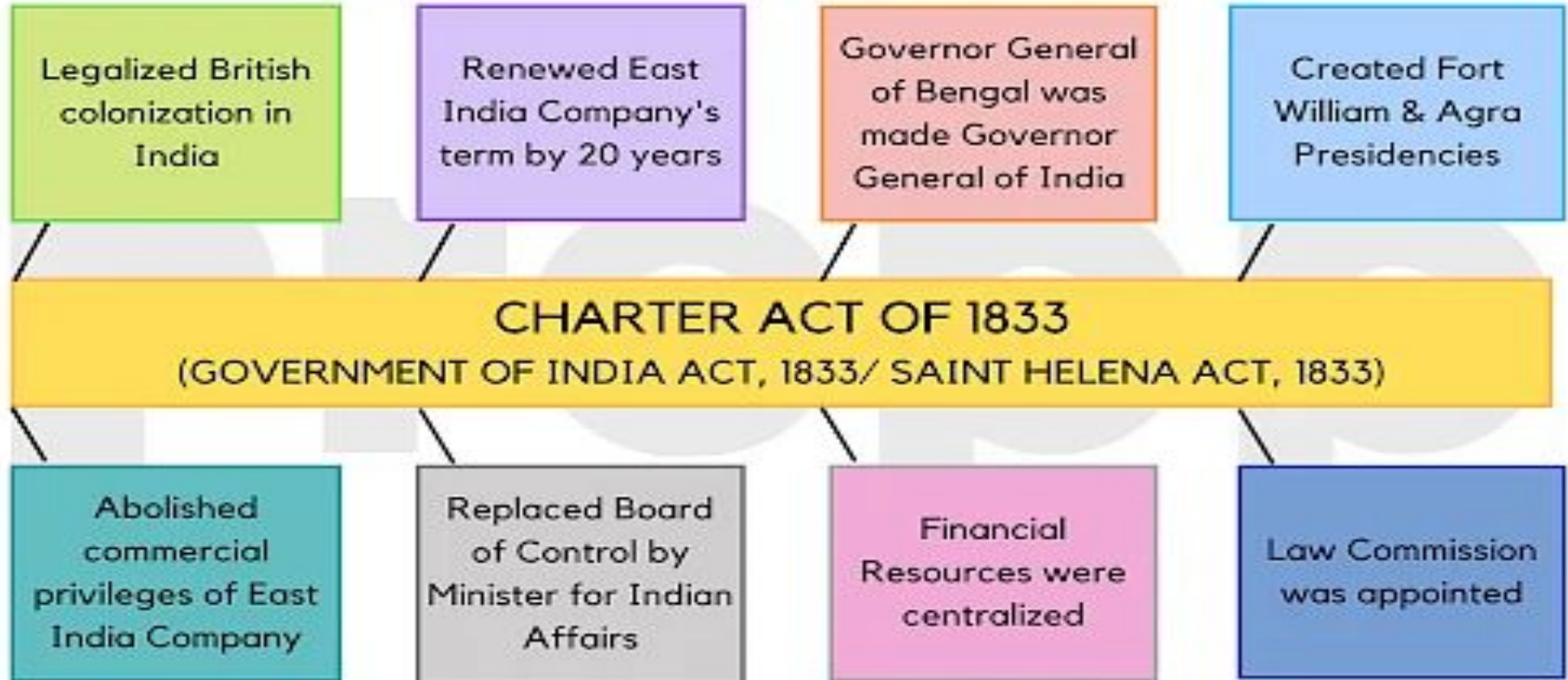
Introduced Commander-in-Chief in British crown's Army in India

Bombay & Madras presidencies became subordinate to Bengal Presidency





Charter Act, 1833

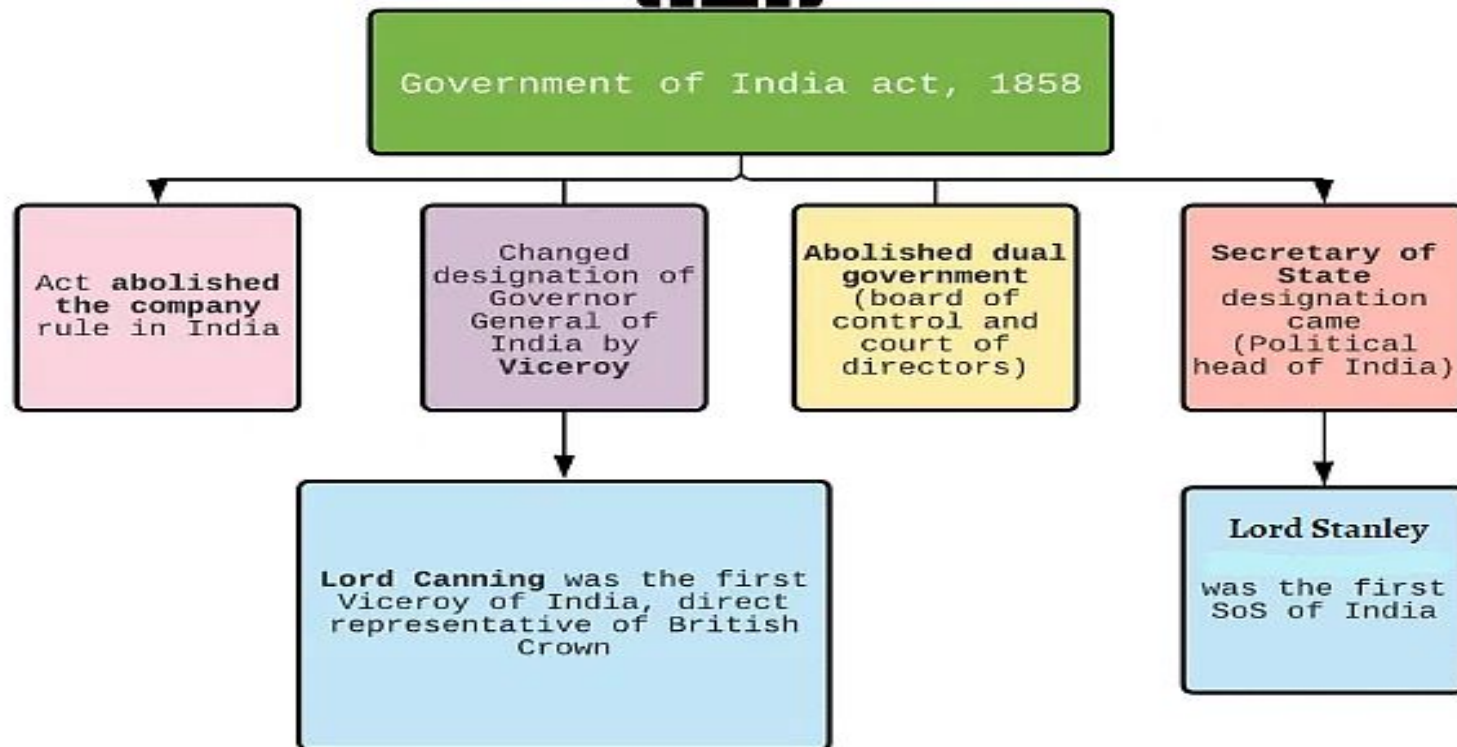


CHARTER ACT OF 1853

Last of the series of charter Acts

1. The Act separated , for the first time , the legislative and executive functions of the Governor-General's council
2. 4th member of governor general in council at par with other members as right to vote was conferred to him
3. Addition of 6 members to council known as '**Legislative Councillors**' Total number of members 10
4. Introduced local representation in the Central Legislative Council. The Governor-General Council had six new legislative members out of which four members were appointed by the local (provincial) governments of Madras, Bombay, Bengal and Agra

Rule in India (1858 to 1947)



Transferred the government from East India Company to the British Crown

Indian territories to be governed in the name of British Queen

Control & Authority over Indian Administration was given the Principal Secretary of State

Abolished dual government

THE GOVERNMENT OF INDIA ACT, 1858
(Act for good governance in India)

Governor General/ Viceroy became the representative of British in India

Indian Civil Services was to be created

Ended the doctrine of lapse

Made India a direct British Colony

Introduced Indians in the law-making process.

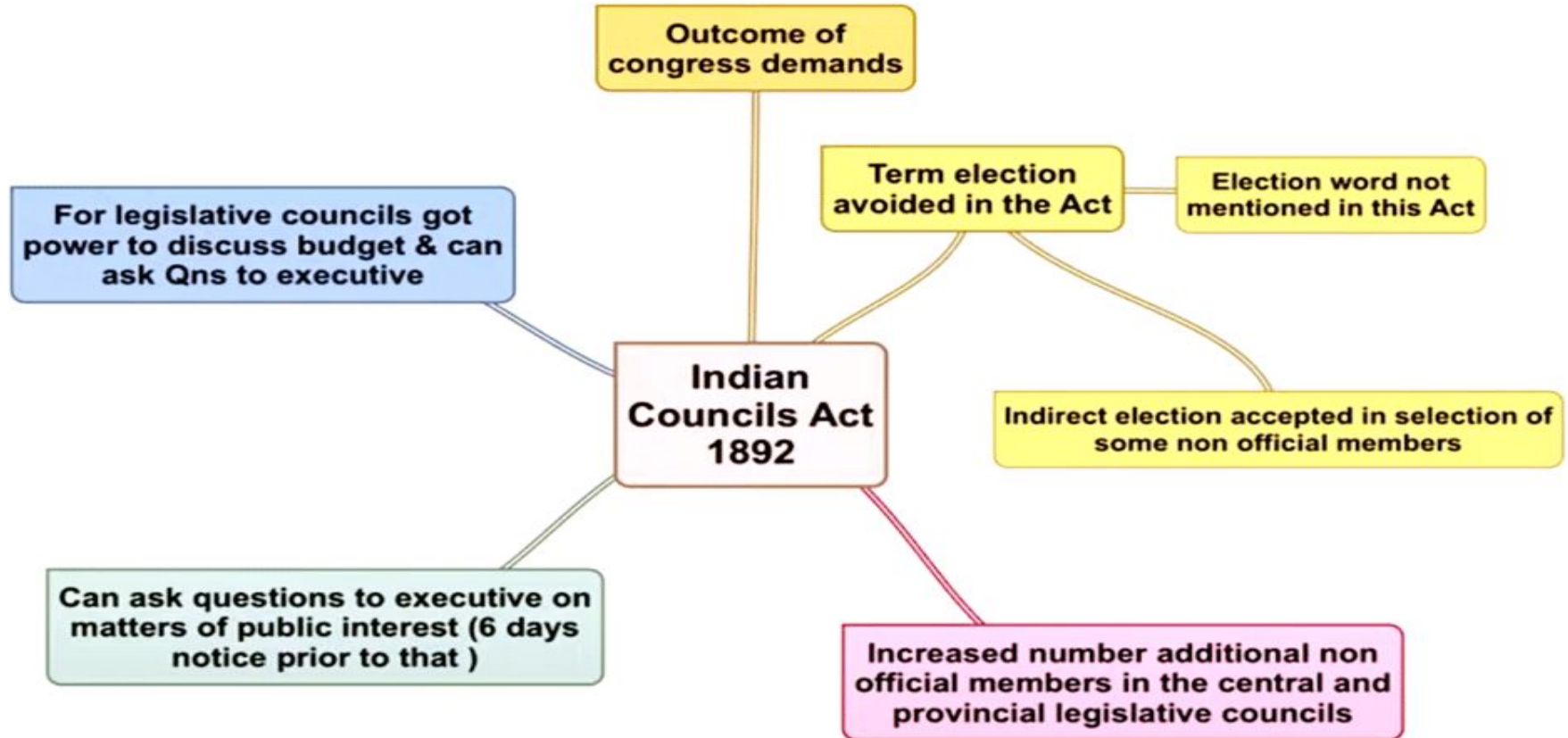
Restored legislative powers of Bombay & Madras presidencies.

Established Legislative Councils for Bengal, Punjab & North-Western Frontier Provinces.

INDIAN COUNCIL ACT OF 1861

Nominated Indians to the Viceroy's extended Council.

Governor-General can issue ordinance during emergencies without Council's approval.



Increased Indians in the governance of British India.

Introduced separate electorate for Muslims.

Legalized communism.

INDIAN COUNCILS ACT, 1909
(MORLEY-MINTO REFORMS, 1909)

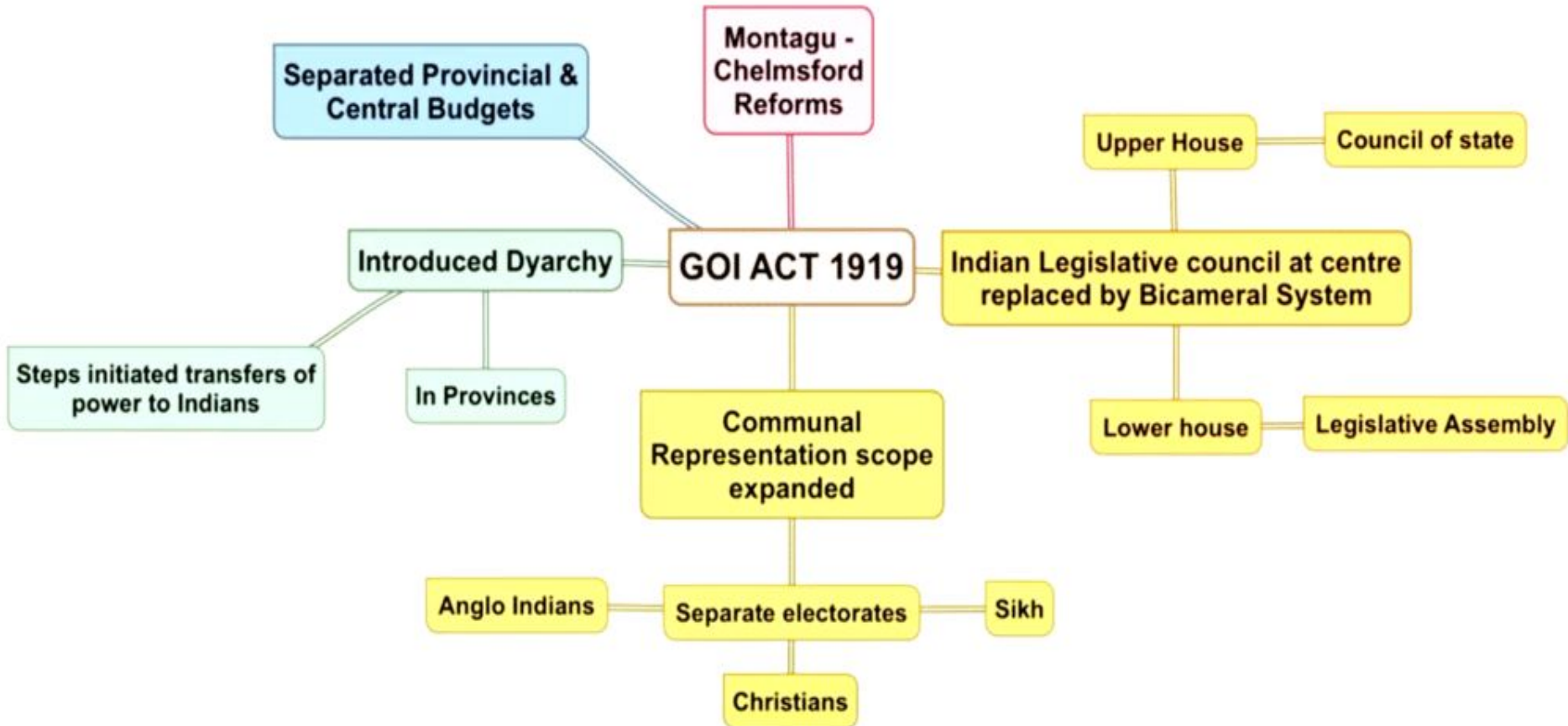
Legislative Council at Centre & Province were to have 4 categories of members.

Revised Indian Councils Act of 1861 and 1892.

2 Indians were nominated to the Council of the Secretary of State.

Question→ Which of the following British Act laid the foundation of Parliamentary system in India?

- a. Government of India Act, 1858**
- b. Indian Council Act, 1861**
- c. Indian Council Act, 1892**
- d. Indian Council Act, 1909**



Provisional Subjects



Reserved Subjects



- Administered by the governor aid of ministries.
- Legislative Council is responsible.



Transfer Subjects



- Administered by the governor executive council.
- Legislative council not responsible.

Try yourself:

Assertion (A): The announcement of the Simon Commission aroused widespread Indian resentment.

Reason (R): The British Government in defiance of the opinion of all parties in India had deliberately decided to appoint an all British Commission.

- a. Both A and R is true and R is the correct explanation of A
- b. Both A and R is true but R is not correct explanation of A
- c. A is true but R is false
- d. A is false but R is true

Government of India Act, 1935

Divided legislative powers into: Federal list, Provincial list and Concurrent list

Residuary powers were present with the Viceroy

Abolished Dyarchy in provinces and introduced it in Centre

Introduced bicameralism in 6 out of 11 provinces

Separate electorates for SCs, women and labours

Abolished Council of India

Established RBI, Federal Court, Federal Public Service Commission, Provincial Public Service Commission

Try yourself:

Which was the first constitutional measure introduced by the British in India which worked till the framing of the Indian Constitution?

- a. Montague- Chemsford Reforms, 1919
- b. Government of India Act, 1935
- c. Indian Independence Bill
- d. Cabinet Mission Plan

CRIPPS MISSION→ Within the next two years, however, a dramatic change in the British attitude had taken place. This was due to two reasons.

- (i) The British forces had suffered disastrous defeats in different theatres of War
- (ii) The international situation became so unfavourable to Britain, with Japan almost at the doorstep of the Indian empire, that she had to seek the support of the popular forces in India.
 - In early 1942, Sir Stafford Cripps, a member of the British government, was dispatched to India on a special mission. His objective was to find a "just and final" solution to the Indian political problem.
 - Cripps' proposals were twofold:
 - Addressing the long-term issue of Indian freedom.
 - Establishing an interim government at the Centre immediately.
 - The long-term proposals lacked clarity. They aimed at securing Indian support for wartime efforts & envisioned a complete transfer of power to Indians after the War.
 - Negotiations between Cripps and Indian leaders ultimately failed. The Indian National Congress insisted on the full Indianization of the Governor General's EC
 - However, a major point of contention arose over the Defense portfolio. The British rulers were reluctant to hand over control of Defense to Indian leaders.
 - Mahatma Gandhi characterized these proposals as a "**postdated cheque**," implying that the promises were vague and lacked immediate substance.



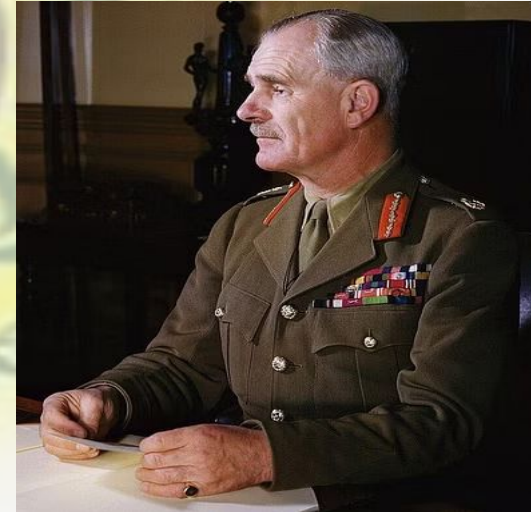
Cripps and Mahatma Gandhi during the Second World War

Quit India Resolution

- The failure of the Cripps Mission led to acute discontent in India.
- It exposed the intentions of the British rulers.
- On August 8, 1942, the All India Congress Committee passed the famous "Quit India" resolution for the immediate ending of the British rule and sanctioned "the starting of a mass struggle on nonviolent lines on the widest possible scale."
- It was Gandhiji who piloted the resolution in the Congress Committee.

Wavell Plan

- Another abortive effort to solve the political deadlock in Indian was made in 1945.
- Lord Wavell invited the leaders of all sections of political opinion.
- A conference was held at Shimla.
- The Wavel Plan in its essence was the complete Indianisation of the Executive Council.
- The caste Hindus and Muslims were to be represented on the basis of parity.



Sir Archibald Wavell

- Mahatma Gandhi resented the use of the words "caste Hindus".
- The Muslim League clamoured for having the representation of the Muslim members in the Council.
- The Congress, being a national organisation, insisted on the nomination of its representatives from all the communities.
- The conference met with failure because neither the Congress nor the League was prepared to deviate from the stand taken by them.

CABINET MISSION PLAN

- The Cabinet Mission Plan was introduced after World War II.
- The British government sent a mission, including Sir Stafford Cripps, Lord Pentthic Lawrence, and A.V. Alexander, to India.
- The mission's goal was to transfer power to India for political reasons.
- The plan rejected the Muslim League's demand for a separate Pakistan.
- Instead, it proposed a confederation with autonomous states organized into three groups.
- The central government would handle **Defense, External Affairs, and Communications**.
- The groups would have autonomy over other matters and the freedom to create their own constitutions.
- This arrangement allowed both Hindus and Muslims to have self-governance in areas where they held a majority.

- The Cabinet Mission Plan had both long-term and short-term components.
- The Muslim League accepted both parts, but the Indian National Congress only accepted the long-term plan.
- Elections were held in British Indian provinces, forming popular ministries.
- An interim government was established in September 1946, with the Muslim League initially refusing to join but later participating.
- The Muslim League continued to boycott the Constituent Assembly, leading to a complicated situation.
- The attempt to introduce collective responsibility in the interim government failed due to the Muslim League's opposition.
- The Muslim League eventually withdrew from the interim government and demanded the Constituent Assembly's dissolution.
- On February 20, 1947, British Prime Minister Clement Attlee announced a plan to transfer power to India by June 1948.
- Lord Wavell's role as Governor-General was terminated, and Lord Louis Mountbatten was appointed as his successor.

Mountbatten Plan

- On February 20, 1947, the British government announced plans to transfer power to responsible Indian authorities by June 1948.
- Lord Mountbatten, upon taking office, engaged in negotiations to facilitate this transfer and address the conflicting claims of India's two major communities.
- To achieve this, he proposed the partition of India into India and Pakistan, a plan accepted by both parties.
- On June 25, 1947, Lord Mountbatten announced the agreed-upon plan, which involved the partition of Punjab and Bengal between the two new nations.
- The people of the NWFP and the Sylhet district of Assam were given the choice through plebiscite to join Pakistan or India.
- Boundary Commissions were established for the partition process.
- The existing Constituent Assembly continued its work on India's Constitution, excluding Muslim League members, while Pakistan formed its separate Constituent Assembly.
- The final date for the transfer of power was moved up to August 15, 1947, from the initially proposed June 1948.



The Indian Independence Act, 1947, passed by the British Parliament on July 18, 1947, led to the creation of two dominions: India and Pakistan, effective from August 1947.

- The Act determined the territories of each dominion, with Pakistan comprising Baluchistan, Sindh, West Punjab, N.W.F.P., and East Bengal (including Sylhet district of Assam). The rest of British India formed the Indian Dominion.
 - Referendums were scheduled to decide the fate of N.W.F.P. and Sylhet district.
 - The Act established Governors-General for each dominion, with the possibility of the same person holding both roles.
 - Existing Constituent Assemblies served as the legislatures until new constitutions were framed.
 - The Act ensured governance according to the GOI Act, 1935, with the Governor-General's discretionary powers lapsing.
 - Sovereignty over Indian States transferred from the British Crown to the States, giving them the choice to join India, Pakistan, or remain independent.
 - Treaties between the British Crown and Indian States lapsed.
 - The Secretary of State for India's office was abolished, with Commonwealth Relations handling dominion matters.
 - The title "Emperor of India" was removed from the British Monarch's style.
 - Provisions addressed Civil Services, Armed Forces, British Forces in India, and other matters, protecting the rights and privileges of Civil Services and detailing the division of Armed Forces.
- This Act paved the way for India's independence and the creation of Pakistan.



Try yourself: Arrange the following in their chronological sequence:

1. Cripps Mission
2. Montague Chelmsford Report
3. Simon Commission
4. Minto-Morley Reforms

- a. 2,3,1,4
- b. 4, 2, 3, 1
- c. 3, 1, 2, 4
- d. 1, 4, 3, 2

Which Act was accepted as the Provisional constitution of India, After Independence?

- A. Indian Councils Act 1909
- B. Government of India act 1919
- C. Government of India Act 1935
- D. Indian Independence Act 1947

Who was the first Indian governor General of Independent India?

- A. Sardar Vallabhai Patel
- B. C Rajagopalachari
- C. Lord Mountbatten
- D. Dr. Rajendra Prasad

Who among the following introduced local self government in India?

- A. Lord Mountbatten
- B. Lord Ripon
- C. Lord Cunning
- D. Lord Macaulay

The Poona pact (1932) upheld

- A. Joint electorate
- B. Separate electorate
- C. Joint electorate with reserved seats for the scheduled castes
- D. Joint electorate with reserved seats for the caste Hindus

Setting a supreme court as Calcutta is a part of ?

- A. Regulating Act of 1773
- B. Pitts India Act of 1784
- C. Charter Act of 1793
- D. Charter Act of 1893

Which Act is associated with "courts can interpret the rules and regulations".

- A Regulating Act of 1773
- B. Pitts India Act of 1784
- C. Charter Act of 1793
- D. Charter Act of 1893

What were the salient features of Government of India Act 1935?

- (1) Federation and provincial autonomy
- (2) Dyarchy at the centre
- (3) Abolition of dyarchy in the state

A. 2, 3

B. 1, 3

C. 1, 2 and 3

D. 1, 2

Which of the following is/are true regarding the Government of India Act, 1919?

- (1) It abolished dyarchy introduced by 1909 Morley Minto reforms.
- (2) It introduced direct elections in the country.

A. Only 1

B. Only 2

C. Both 1 and 2

D. Neither 1 nor 2



Indian System of Administration

- *Indian democracy is a Parliamentary form of democracy where the executive is responsible to the Parliament.*
- *The Parliament has two houses – Lok Sabha and Rajya Sabha.*
- *Also, the type of governance is Federal, i.e. there is separate executive and legislature at Center and States. We also have self-governance at local government levels.*
- *All these systems owe their legacy to the British administration.*

CONSTITUENT ASSEMBLY



THE MAKING OF INDIA'S CONSTITUTION

Dec. 9, 1946

First meeting of the Constituent Assembly

Dec. 11, 1946

Dr Rajendra Prasad elected as its President

Aug. 29, 1947

Drafting Committee appointed, with Dr. B. R. Ambedkar as the chairman



Jan. 24, 1950

The handwritten Constitution signed

Nov. 26, 1949

Drafting completed

Nov. 4, 1947

Draft constitution submitted

Jan. 26, 1950

Constitution legally enforced

**2 years
11 months
18 days**

Time taken to prepare the final draft



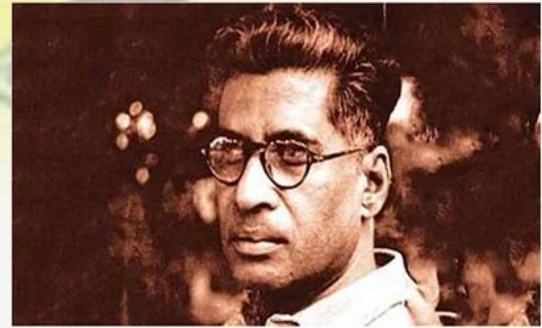
2000

Amendments made before it was finalised



CONSTITUENT ASSEMBLY DETAILS

- Idea of Constituent Assembly → 1st time put forwarded by by M.N. Roy in 1934.
- INC first time officially demanded a CA to frame the Constitution of India in 1935.
- British Government accepted demand for first time in 'August Offer' of 1940.
- 1942 Sir Stafford Cripps was sent to India with a draft proposal on the framing of an independent Constitution to be adopted after World War II.
- Muslim league rejected the proposal as it demanded two dominion states with two separate constituent assemblies.
- Later in 1946, the Cabinet mission put forward the idea of a Constituent Assembly which satisfied both the INC and the Muslim League.
- In November 1946, Constituent Assembly was constituted under the scheme formulated by the Cabinet Mission Plan.
- Constitutional advisor - B.N Rao
- Drafting Committee - Dr. B.R. Ambedkar



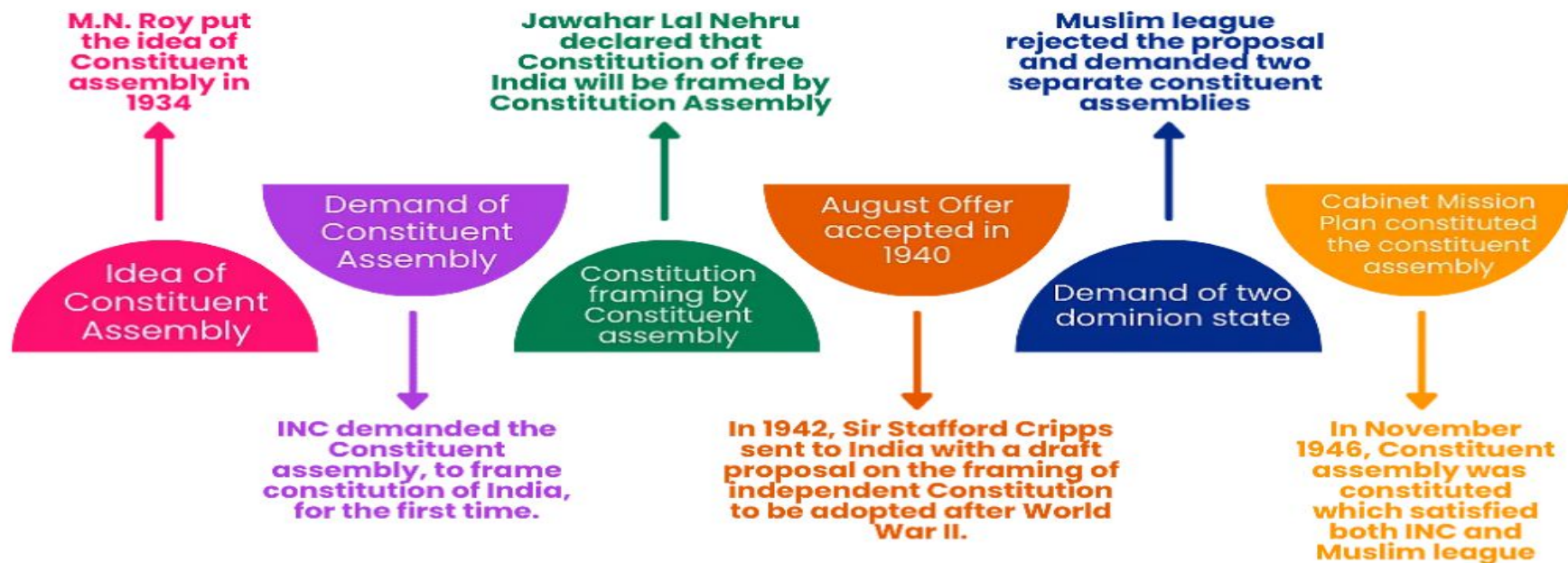
- Introduction of Universal suffrage was only one provision of the Constitution which passed without virtually any debate.
- Constituent Assembly was constituted under the scheme formulated by the Cabinet Mission Plan 1946 (members→ Lawrence, Cripps, Alexander)
- Total membership of 389.
 - Members from British India - 296
 - Seats from princely states - 93
- Seats allotted in proportion to their respective population (1 seat: 1 Million)
- Division of among the three principal communities - Muslims, Sikhs and General.
- Constituent Assembly was partly elected (provincial legislative assembly) and partly nominated (representatives of princely states) body.

- Members were to be indirectly elected by the members of the provincial assemblies, who themselves were elected on a limited franchise.
- Assembly does not include Mahatma Gandhi.
- Constituent Assembly had 11 sessions over two years, 11 months and 18 days.
- Final session- January 24, 1950. It, however, continued as the provisional parliament of India from January 26, 1950, till the formation of new Parliament after the first general elections in 1951-52.

WORKING OF CONSTITUENT ASSEMBLY

- First meeting on Dec 9, 1946 (Muslim League boycotted); attended by 211 members.
- Temporary President of the Assembly- Dr. Sachchidananda Sinha, the oldest member, was elected as following the French practice.
- Later, Dr. Rajendra Prasad was elected as the President of the Assembly.,
- Vice - Presidents (Two) - Both H.C. Mukherjee and V.T. Krishnamachari
- Objectives Resolution - moved on December 13, 1946; by Jawaharlal Nehru
- Representatives of the princely states, who had stayed away from the Constituent Assembly, gradually joined it.
- Members of the Muslim League from Indian Dominion also entered the Assembly after acceptance of Mountbatten Plan of partition (June 3, 1947)

Demand for Constituent Assembly



Try yourself: *On which date the first meeting of constitution assembly was held?*

- a. 9th December 1946*
- b. 20th February 1947*
- c. 26th November 1949*
- d. 26th January 1950*

Question: State the missing words in the following sentences.

- (a) The three pillars of the Indian state derive their authority from the _____.
- (b) The _____ Act allowed Indians to elect their representatives for the first time.
- (c) _____ was the chairman of the Constituent Assembly.
- (d) India celebrates Constitution Day on _____.
- | | |
|---------------------|-----------------------------------|
| (a) Constitution | (b) Government of India Act, 1919 |
| (c) Rajendra Prasad | (d) 26 November |

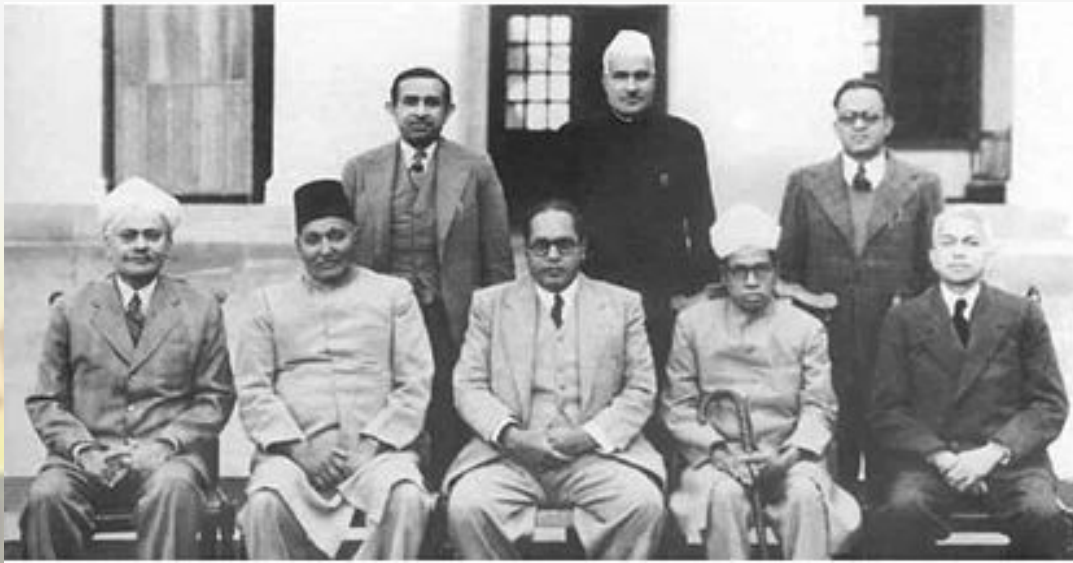
Try yourself: *Who first suggested the idea of a Constituent Assembly in 1934?*

- a. Jawaharlal Nehru*
- b. The Congress Party*
- c. Sardar Patel*
- d. M.N. Roy*



MAJOR COMMITTEES OF THE CONSTITUENT ASSEMBLY

	Committee	Headed by
Major Committee	Union Powers Committee	J.L. Nehru
	Union Constitution Committee	J.L. Nehru
	Provincial Constitution Committee	Sardar Patel
	Drafting Committee	Dr B.R. Ambedkar
	Advisory Committee on Fundamental Rights, Minorities and Tribal and Excluded Areas	Sardar Patel
	Fundamental Rights Sub-Committee	J.B. Kriplani
	Minorities Sub-Committee	H.C. Mukherjee
	North-East Frontier Tribal Areas and Assam Excluded & Partially Excluded Areas Sub-Committee	Gopinath Bardoloi
	Excluded and Partially Excluded Areas (Other than those in Assam) Sub-Committee	A.V. Thakkar
	North-West Frontier Tribal Areas Sub-Committee	
	Rules of Procedure Committee	Dr Rajendra Prasad
	States Committee (for Negotiation with states)	J.L. Nehru
	Steering Committee	Dr Rajendra Prasad
	Finance and Staff Committee	Dr Rajendra Prasad
Minor Committee	Credentials Committee	A.K. Ayyar
	House Committee	B. Pattabhi Sitaramayya
	Order of Business Committee	Dr K.M. Munshi
	Ad-hoc Committee on National Flag	Dr Rajendra Prasad
	Committee on Functions of the Constituent Assembly	G.V. Mavalankar
	Ad-hoc Committee on the Supreme Court	S. Varadachari
	Committee on Chief Commissioners' Provinces	B. Pattabhi Sitaramayya
	Expert Committee on the Financial Provisions of the Union Constitution	Nalini Ranjan Sarkar
	Linguistic Provinces Commission	S.K. Dar
	Special Committee to Examine the Draft Constitution	J.L. Nehru
	Press Gallery Committee	Usha Nath Sen
	Ad-hoc Committee on Citizenship	S. Vallabhachari



Members of the Drafting Committee

- a) **N. Gopalaswamy Ayyangar**
- b) **Alladi Krishnaswamy Ayyar**
- c) **Dr. K.M. Munshi**
- d) **Syed Mohammad Saadullah**
- e) **N.M. Rau**
- f) **T.T. Krishnamachari**

TIMELINE OF FORMATION OF 'THE CONSTITUTION OF INDIA'

Formation of the Constitution
Assembly (in accordance with
French Practice)

6 DEC 1946

9 DEC 1946

The first meeting was held in the
constitutional hall (now the Central
hall of parliament house). 1st
person to address - J.B. Kripalani

President Appointed: Rajendra
Prasad, Vice-Chairman: Harendra
Coomar Mookerjee & Constitutional
Legal Advisor - B.N.Rau

11 DEC 1946

13 DEC 1946

An 'Objective Resolution' was
presented by Jawaharlal Nehru
laying down the underlying principles
of the constitution which later
became the President of the
Constitution

Objective resolution
unanimously Adopted

22 JAN 1947

22 JULY 1947

National Flag Adopted

Achieved Independence India.
Split into Dominion of India and
Dominion of Pakistan

15 AUG 1947

29 AUG 1947

Drafting Committee appointed
with Dr. B.R. Ambedkar as the
Chairman.

Along with Harendra Coomar Mookerjee, V.T. Krishnamachari was also elected as second Vice-president of constituent assembly

16 JULY 1948

26 NOV 1949

'Constitution of India' passes and adopted by the assembly

Last meeting of constituent assembly. 'Constitution of India' all signed & accepted (with 395 articles, 8 schedules, 22 parts)

24 JAN 1950

26 JAN 1950

'Constitution of India' came into force (It took 2 years, 11 months, 18 days at a total expenditure of 6.4 million to finish)

POINTS TO REMEMBER

- Provisions of citizenship, elections, provisional parliament, temporary and transitional provisions, and short title are contained in Articles 5, 6, 7, 8, 9, 60, 324, 366, 367, 379, 380, 388, 391, 392, and 393 came into force on November 26, 1949.
- The remaining provisions came into force on January 26, 1950. With the adoption of the Constitution, all the provisions under the Indian Independence Act, 1947, and the Government of India Act, 1935 were repealed.
- The Abolition of Privy Council Jurisdiction Act (1949) continued.
- NOTE - The Preamble was enacted after the entire Constitution was already enacted to align with philosophy of constitution.
- Constitution as adopted on November 26, 1949, contained Preamble, 395 Articles and 8 Schedules.
- January 26 as 'date of commencement' - In 1930, Purna Swaraj day was celebrated at Lahore Session (December 1929) of the INC.
- S.N. Mukherjee was the chief draftsman of the constitution in the Constituent Assembly.
- Prem Behari Narain Raizada was the calligrapher of the Indian Constitution.
- Elephant → symbol of Constituent Assembly

Objectives Resolution

- On December 13, 1946, Jawaharlal Nehru moved the historic 'Objectives Resolution' in the Assembly



Try yourself: Who was the Chairman of the Drafting Committee of the Constituent Assembly?

- a. N. Gopalaswamy Ayyangar
- b. Alladi Krishnaswamy Ayyar
- c. Dr. K.M. Munshi
- d. Dr. B.R. Ambedkar

Criticism of the Constituent Assembly

The Constituent Assembly was criticized on various grounds including:

- Not a Representative Body as it did not reflect the mass verdict due to election by the limited franchise.
- Not a Sovereign body as it was formed based on the proposals of the British Government and held its meeting with their permission.
- Took greater time in framing the Constitution as compared to the American constitution which took only 4 months.
- Dominated by Congress Domination of Lawyers and Politicians and representation of other professionals was not significant
- Dominated by Hindus

Making of the Constitution

CRITICISM OF CA

- Not a Representative and Sovereign Body
- Dominated by Congress, Lawyers- Politicians, Hindus.
- Time Consuming

ENACTMENT AND ENFORCEMENT OF CA

Nov 4, 1948- Nov 14, 1949

- First, second and third reading of final draft.

NOVEMBER 26, 1949

- Draft Constitution was declared as passed
- The Constitution as adopted on November 26, 1949, contained a Preamble, 395 Articles and 8 Schedules.
- Citizenship, Elections etc provisions came into force.

JAN 26, 1950

- Remaining Major provisions came into force
- Republic Day/ Day of commencement/Purna Swaraj
- Indian Independence Act of 1947 and the Government of India Act of 1935 were repealed.

COMMITTEES OF CA

8 MAJOR COMMITTEES AND 13 MINOR COMMITTEES

AUGUST 29, 1947

- Drafting Committee (Major)
- B.R. AMBEDKAR (Chairman) and 7 other members.
- Prepared the first draft of the Constitution of India published in February 1948.
- Invited public comments and suggestion. Second published

CHANGES BY INDEPENDENCE ACT

ASSEMBLY COULD FRAME ANY CONSTITUTION IT PLEASED

MUSLIM LEAGUE WITHDREW FROM THE CA

ASSEMBLY BECAME DUAL BODY

- Legislative body under G V Mavlankar
- Constituent body under Dr Rajendra Prasad

CONSTITUENT ASSEMBLY HAD 11 SESSIONS OVER TWO YEARS, 11 MONTHS AND 18 DAYS

DEMAND OF CA

- INC demanded a Constituent Assembly(CA) to frame the Constitution of India in 1935.
- August Offer 1940- demand accepted by British Govt.
- Cripps Mission was rejected by Muslim League. Cabinet Mission Plan was accepted.

COMPOSITION OF CA

SEATS ALLOCATION IN BRITISH PROVINCE AMONG MUSLIM, SIKHS AND GENERAL COMMUNITY.

- On Jan 22, 1947, Resolutions adopted by Assembly.
- Representatives of community elected in provincial legislative assembly by single transferable vote.
- Representatives of Princely states nominated by heads of princely states

TOTAL STRENGTH- 389

296 seats to British India

• INC won -208

• Muslim League- won 93

• Independants- 15

93 to princely states

• Stayed away from the Constituent Assembly.

CA CONSTITUTED IN NOV 1946

• Seats allocation in proportion to the Population.

INDIA AS AN INDEPENDENT SOVEREIGN REPUBLIC

WORKING OF THE CA

FIRST MEETING- DEC 1946

- Sachchidanand Sinha - elected as the temporary President of the Assembly (French practice).
- Dec 13, 1946 - By Nehru

OBJECTIVES RESOLUTION (FUNDAMENTALS AND PHILOSOPHY OF CONSTITUTION)

- Boundaries as determined by CA retain the status of autonomous units together. possess residuary powers and exercise functions of Government as vested in or assigned to the Union.
- Integrity and sovereign rights to be maintained as per Law and Justice of civilized nations.
- Territories comprising British India, parts outside India and other territories willing to join India shall be a Union.
- Justice, Social, Economic, Equality of opportunity, Freedom of thought, worship etc secured to all the people of India.
- Power and Authority of sovereign India derived from People.
- Ancient land attains its rightful and honoured place in the world.