

VIKRANT

For CDS- 12023 Exam



Lecture 01 History And Making Of Indian Constitution (POLITY)



PRATHMESH SIR

Topics To Be Covered

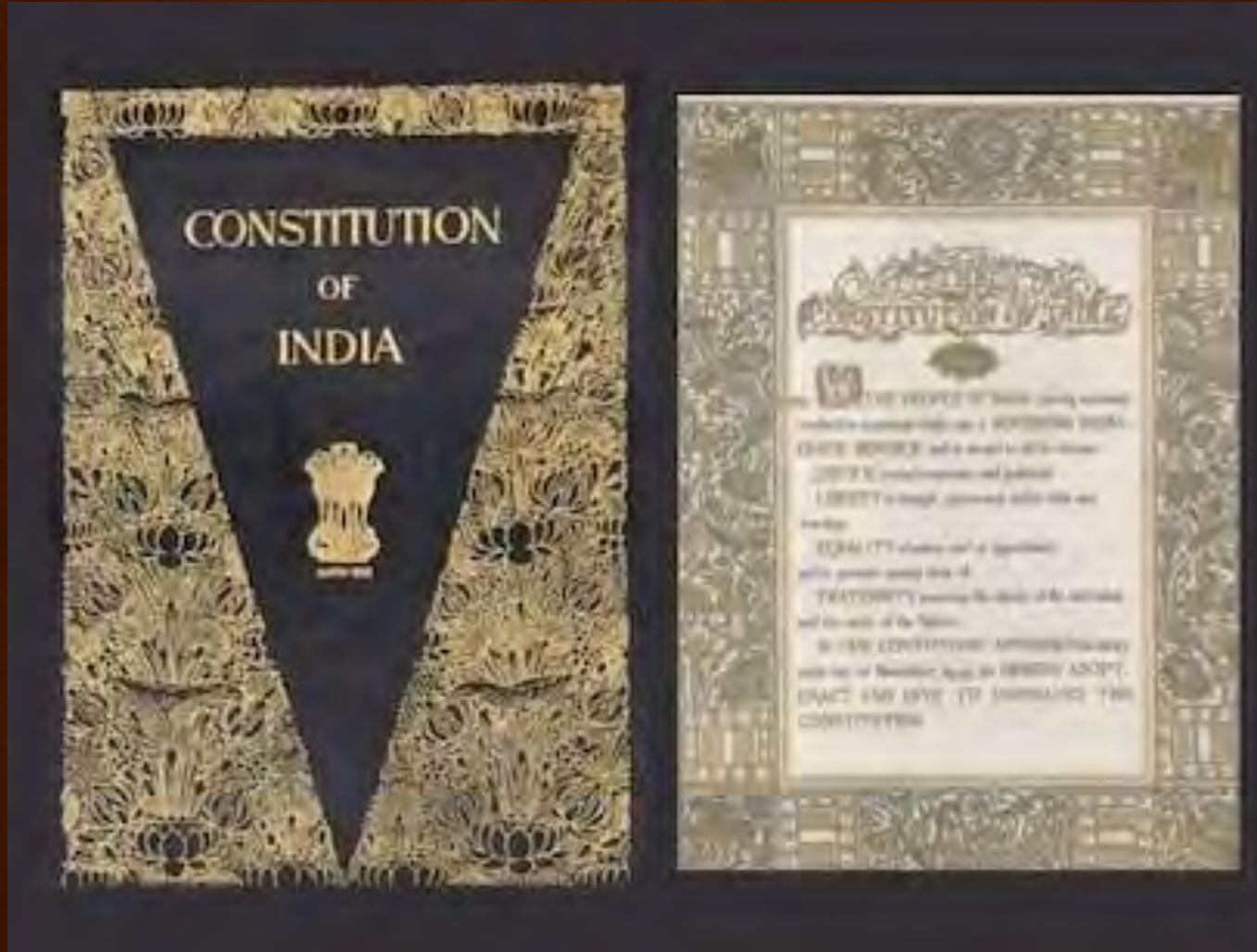
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1. What is Constitution
2. History of Constitution
3. Drafting Committee 
4. Constituent Assembly
5. Schedules of Indian constitution



What Is Constitution?





What Is Constitution?





Making Of Indian Constitution



- 1922 (1)
- "Swara] will not be a free gift of the British Parliament; it will be a declaration of India's full self-expression. That it will be expressed through an Act of Parliament Is true but it will be merely a Courteous ratification of the declared wish of the people of India even as it was in the case of the Union of South Africa."



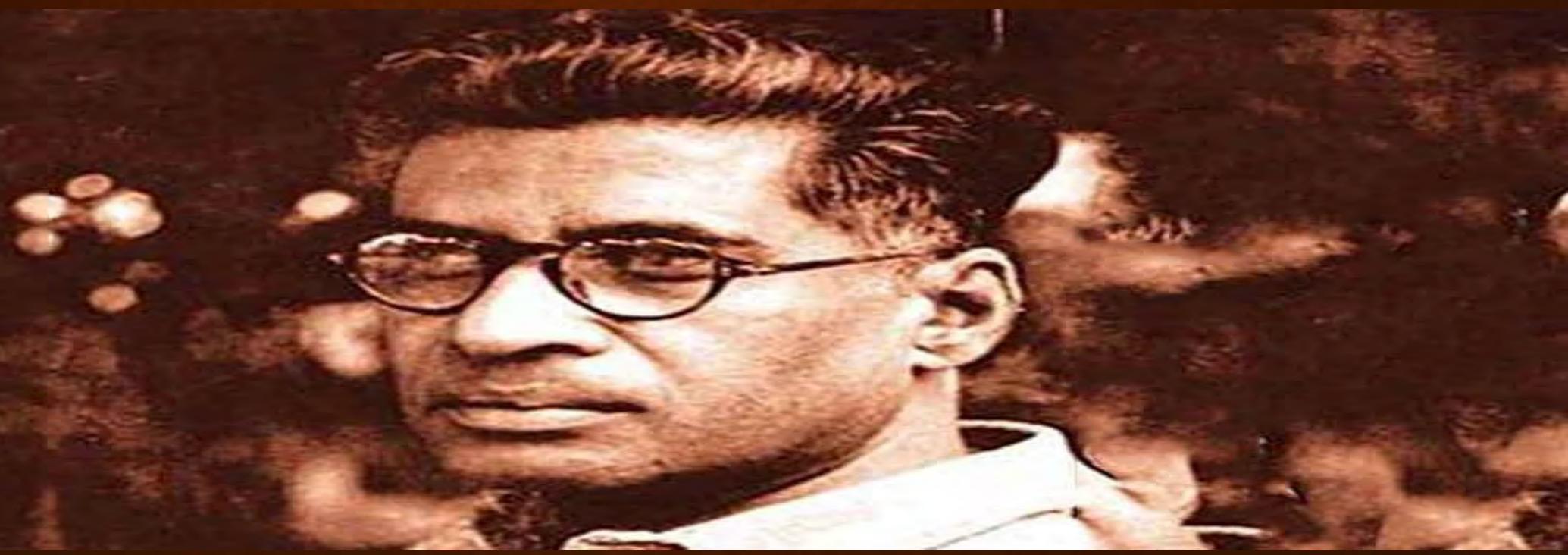
Making Of Indian Constitution



Manabendra Nath Roy (1934)

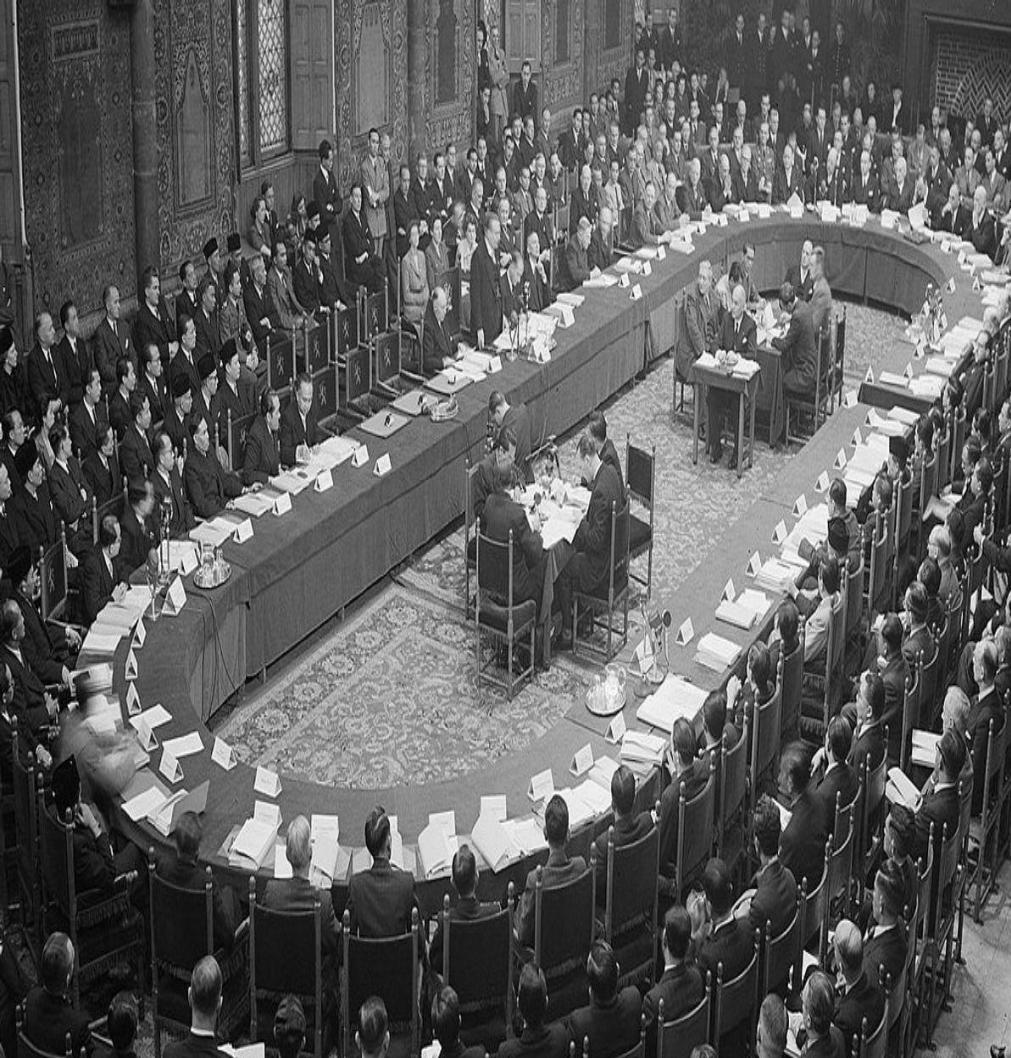
M N Roy ®

- In 1934 M.N. Roy first proposed the idea of a constituent assembly for India.





Making Of Indian Constitution



Three Round table conference

- First conference (1930-1931)
- Second conference (Sep1931- Dec 1931)
- Third conference (Nov 1932 – Dec 1932)

I.A.P



Making Of Indian Constitution



Indian National Congress (INC) / 1935

- In 1935 Indian National Congress officially demanded for constituent Assembly.

(INC)



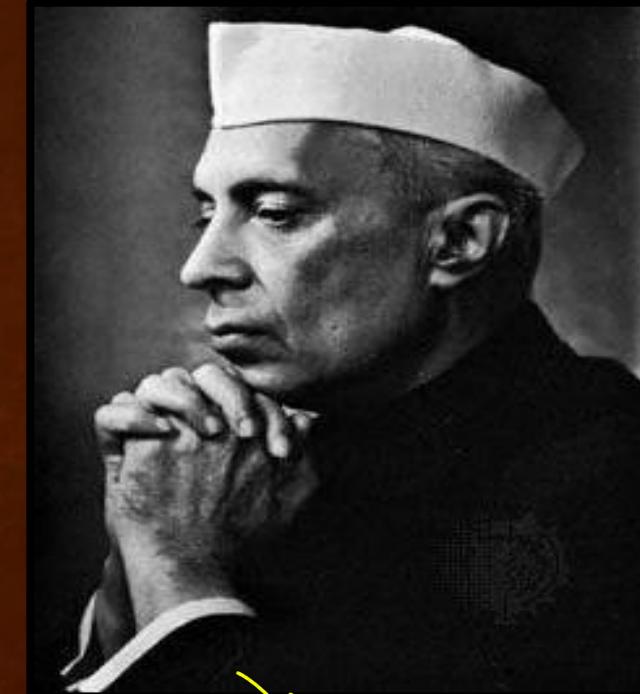


Making Of Indian Constitution



- **Jawaharlal Nehru (1938)**

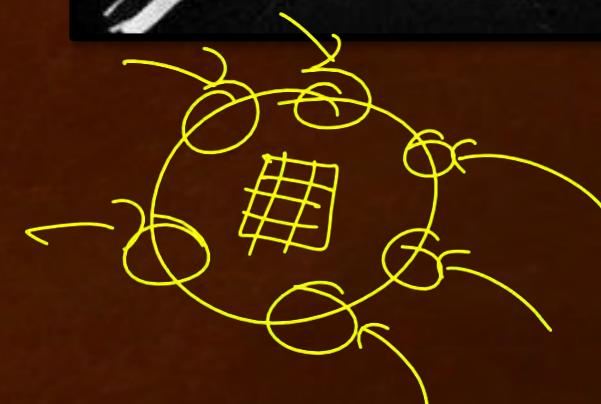
- On behalf of the INC, Jawaharlal Nehru declared that "the Constitution of free India must be framed, without outside interference, by a Constituent Assembly elected on the basis of adult franchise".



- ***Adult Franchise***

- ***without interference***

| 8 |





World War II (1939-1945)





August Offer (1940)



- The British government pulled India into the war without the consent of the Indians.
- India demanded complete Independence from colonial rule
- The response of the British Government to the Indian demands was called 'the August Offer'
- The right of Indians to write their own constitution was recognized for the first time.



Viceroy Linlithgow



August Offer (1940)



- The British government proposed **dominion status**
- Viceroy's Council would be extended, allowing more Indians to participate
 - defense, finance, and home affairs, as well as all Republic of India services.
- **refused** to grant complete independence

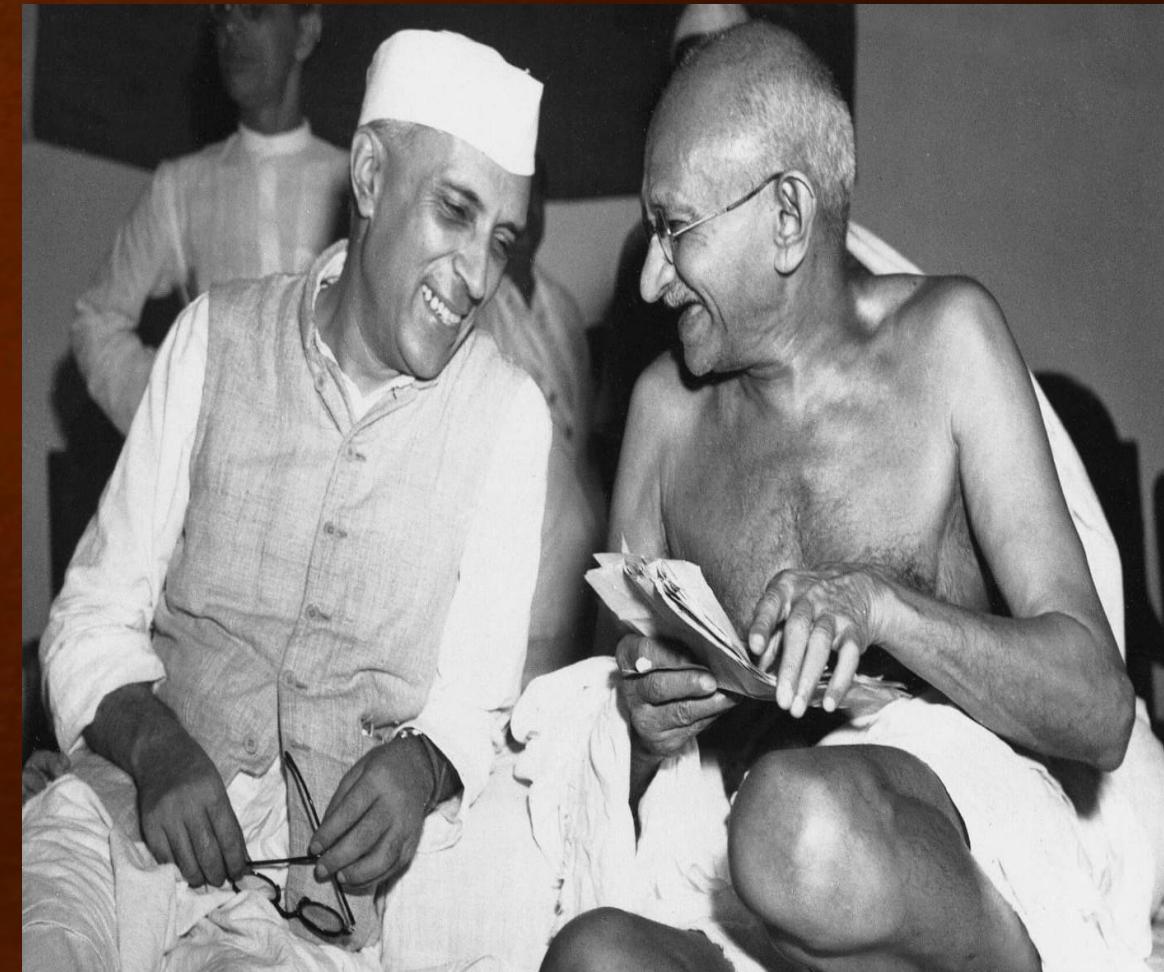




August Offer (1940)

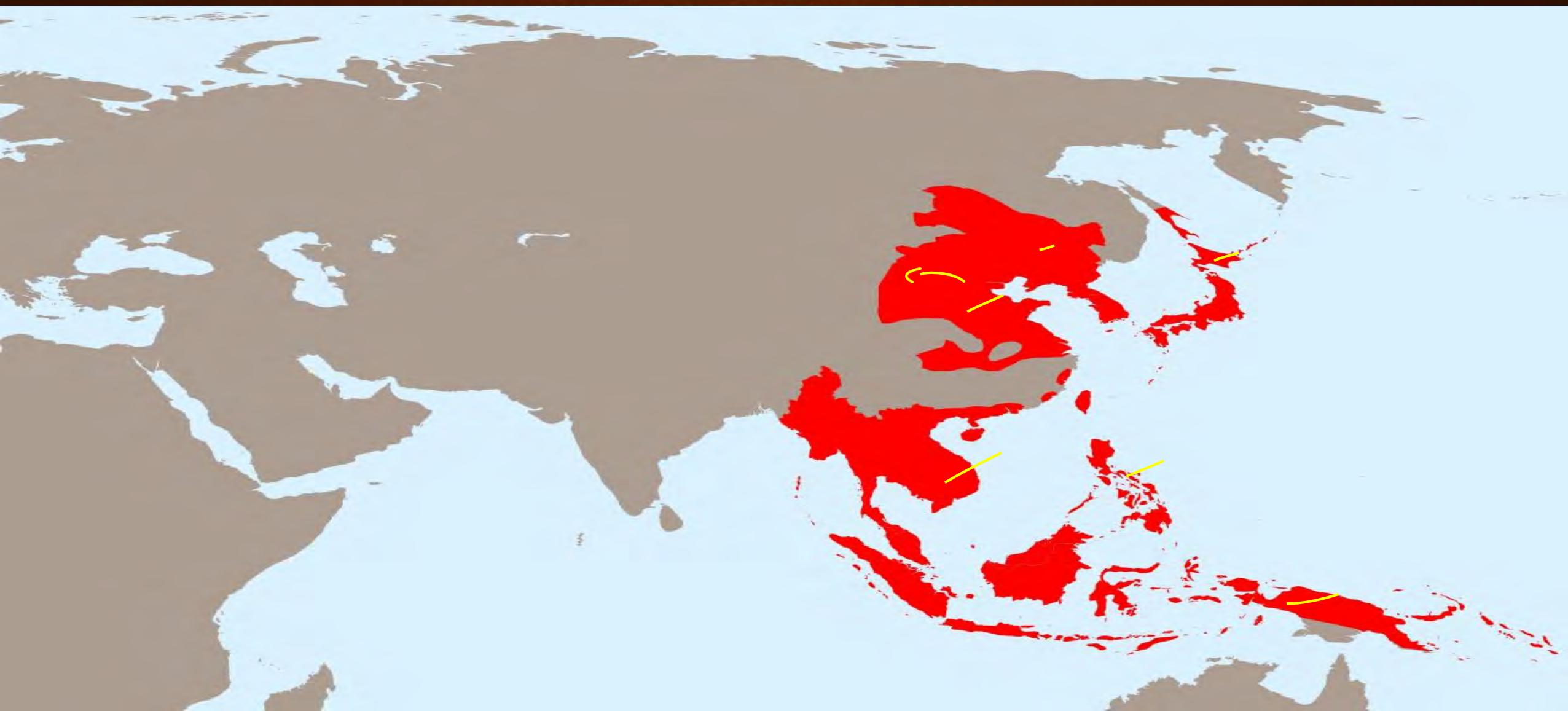


- At Wardha INC Rejected the offer
- Nehru said, “Dominion status concept is dead as a dooí nail.”
- Gandhi said that the declaration had widened the gulf between the nationalists and the British rule



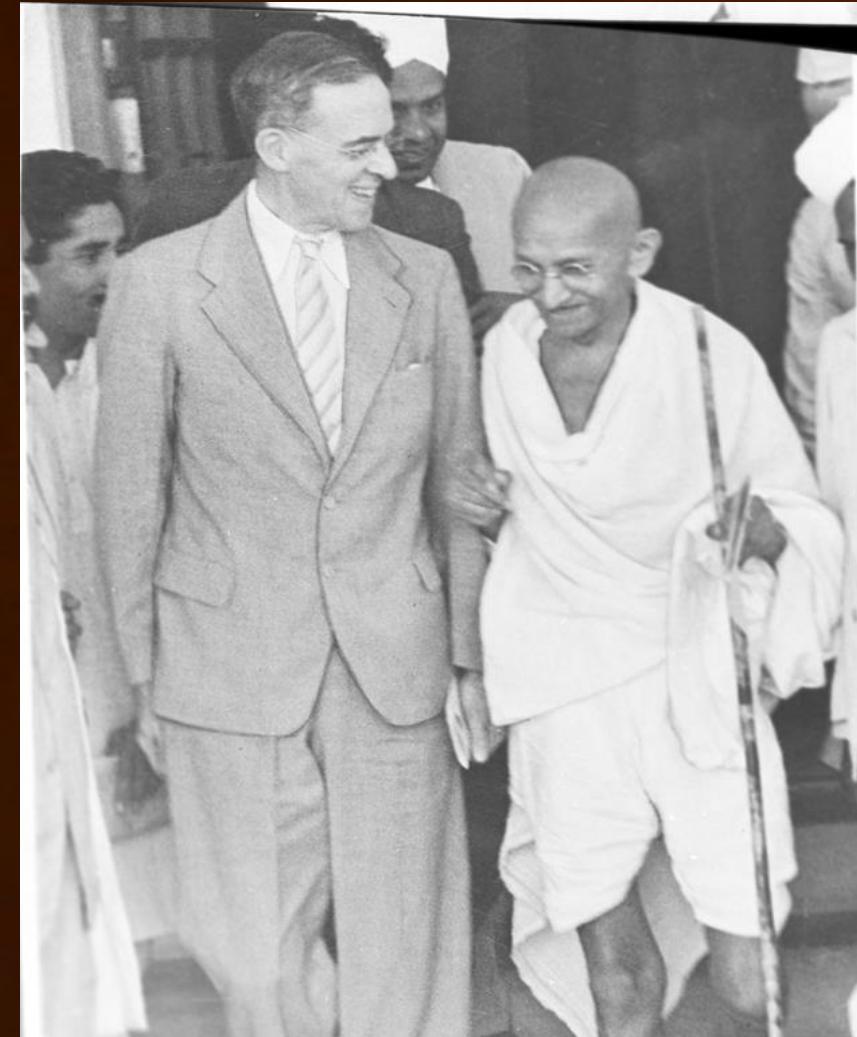


Japan's Status in 1942 World War II





Cripps Mission -1942

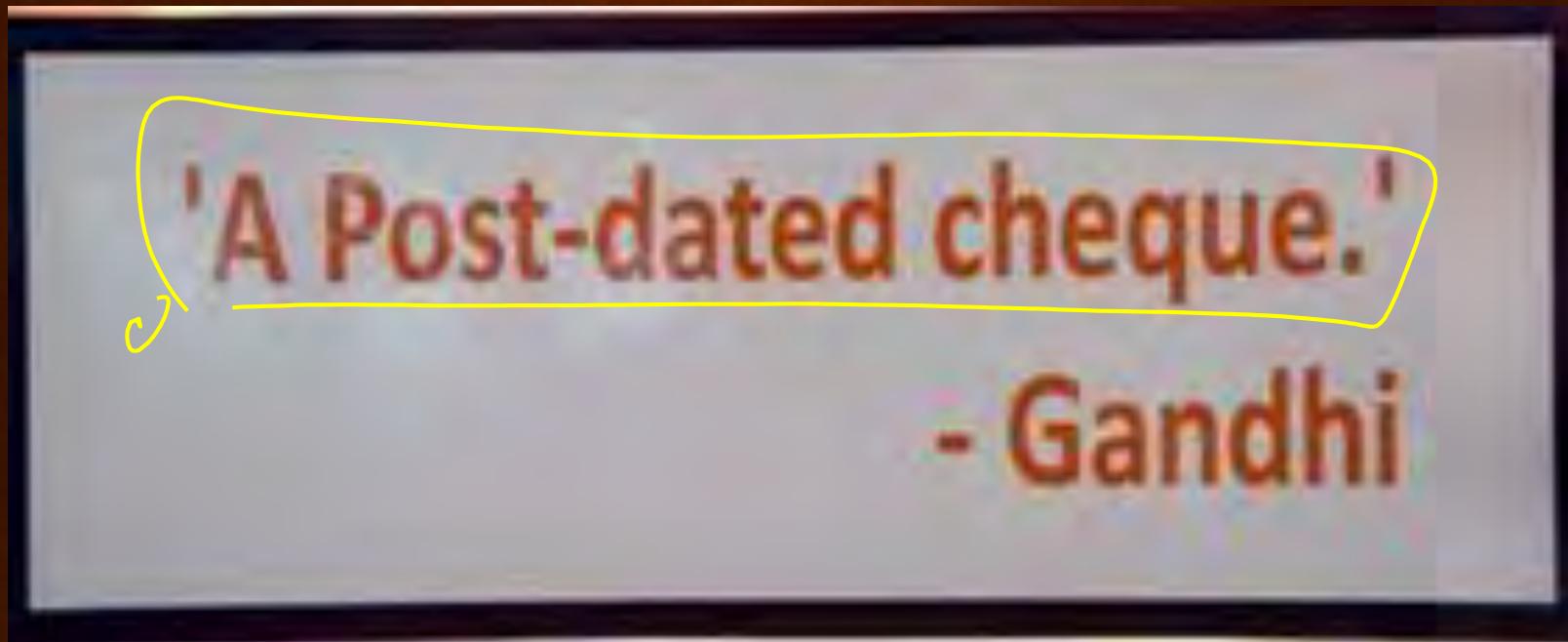


- *Headed by Stafford Cripps*
- elected Constituent Assembly of the Indian people
- Dominion Status, an equal partnership of the British Commonwealth of Nations
- Indian defense sector

Right to Secede



Cripps Mission -1942



✓ INC & Muslim league both rejected it

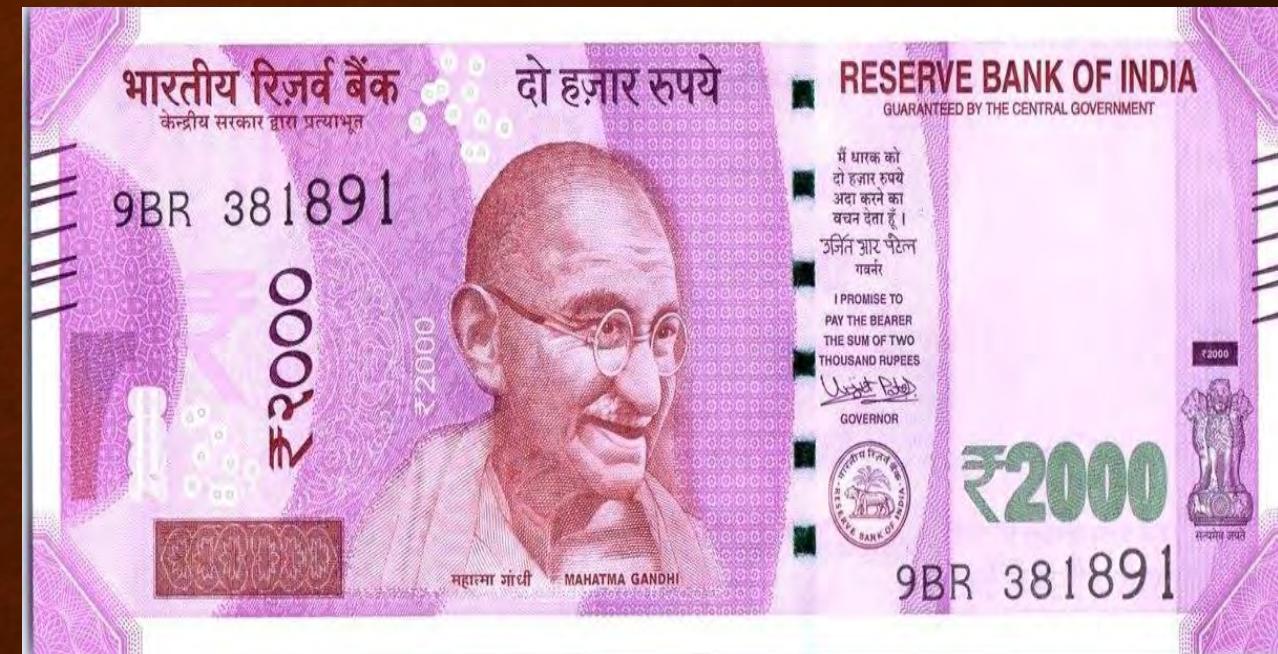
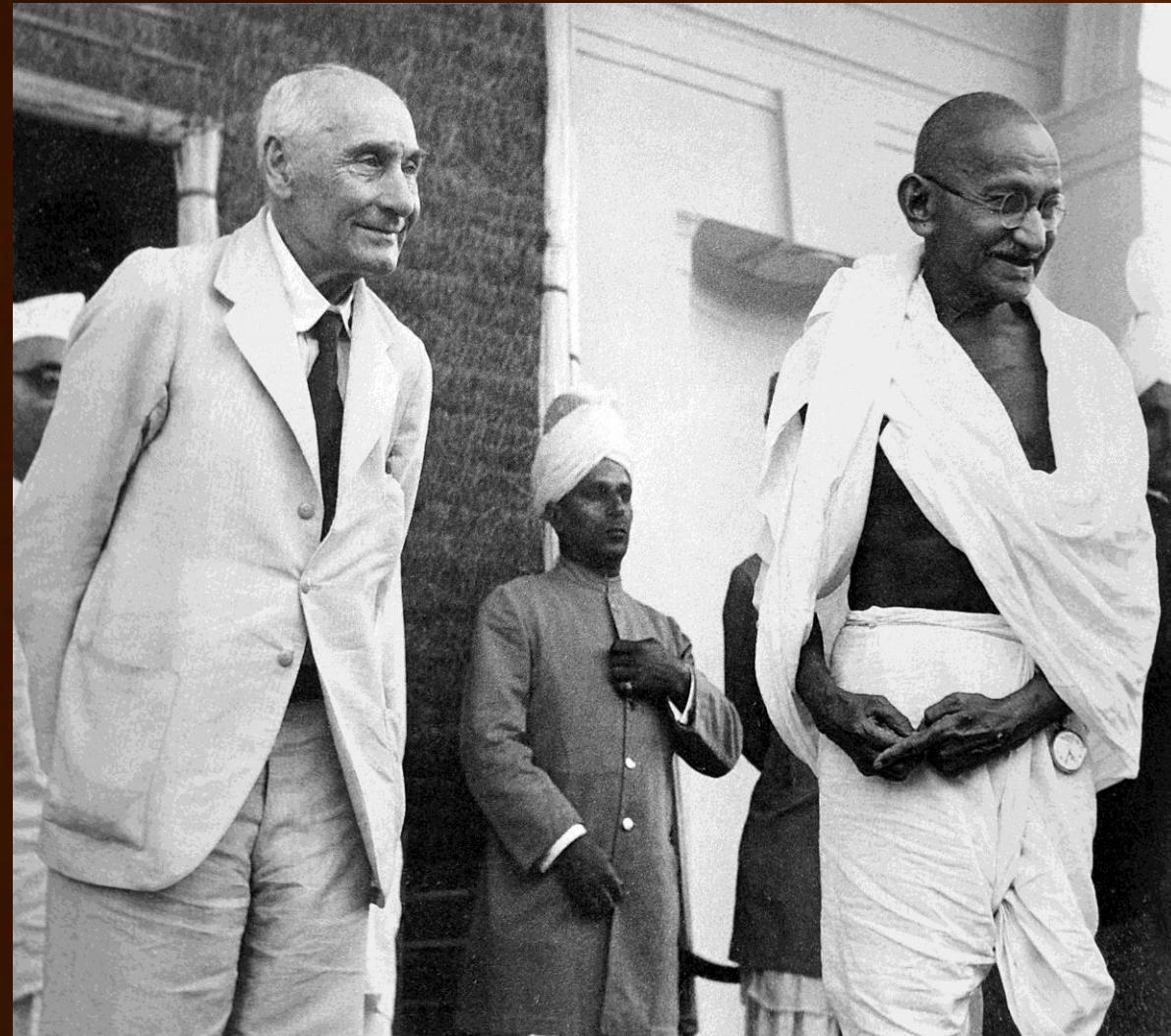


Cabinet Mission (1946)





Cabinet Mission (1946)

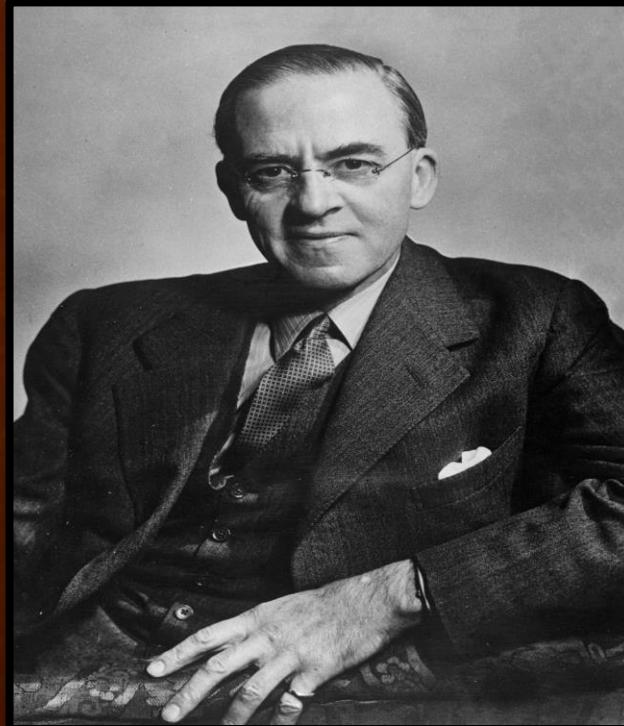


Cabinet Mission (1946)



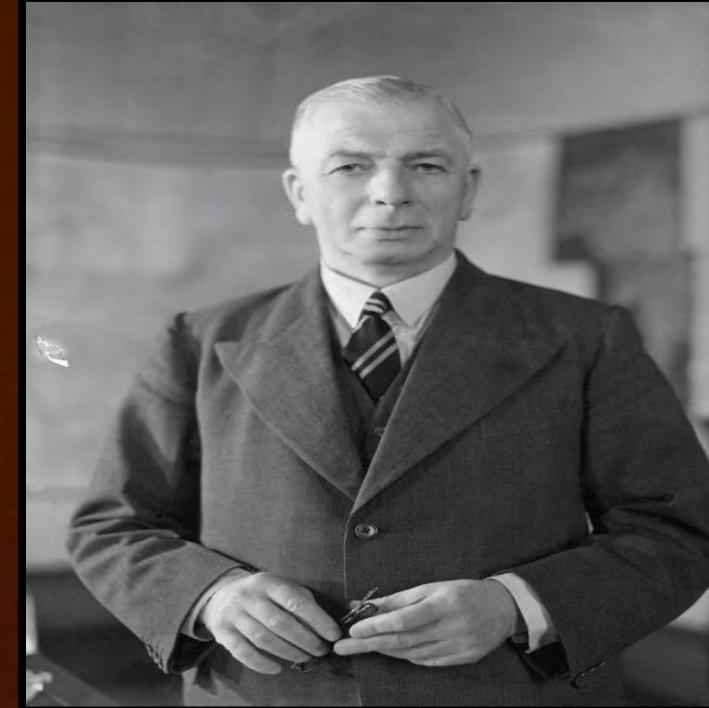
Pethick-Lawrence

Secretary of State for India



Stafford Cripps

President of the Board of Trade

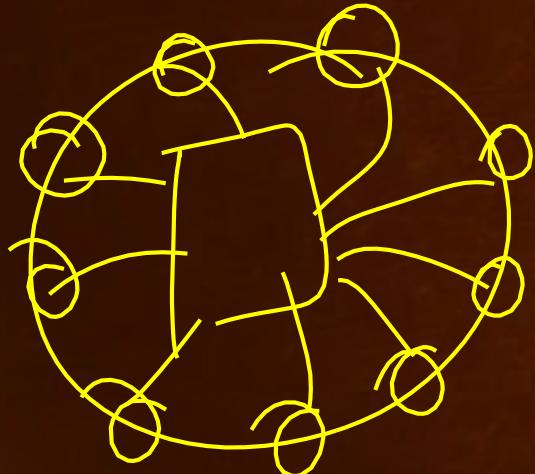


A.V. Alexander

First Lord of Admiralty



Cabinet Mission (1946)



Main Objective

To Formulate an
constituent assembly

To form **interim government**



Interim Government



2 September 1946 - 15 August 1947





Interim Government



1. President of the Executive Council (Vice-oy and Goveno-Geneal of India): Viscount Wavell (till Íebíuaí 1947); Lod Mountbatten (fíom Íebíuaí 1947)
2. Commandei-in-Chief: Sii Claude Auchinleck
3. Vice President, in chaíge of Extenal Affais and Commonwealth Relations: Jawahalal Nehíu
4. Home Affais, Infomation and Broadcasting: Saídai Vallabhbhai Patel (INC)
5. Agíiculture and Food: Rajenda Píasad (INC)
6. Commece: Ibrahim Ismail Chundigai (ML)
7. Defence: Baldev Singh (INC)
8. Íinance: Liaquat Ali Khan (ML)
9. Education and Aíts: C Rajagopalachai (INC)
10. Health: Ghazanfai Ali Khan (ML)
11. Labour: Jagjivan Ram (INC)
12. Law: Jogenda Nath Mandal (ML)
13. Railways and Communications, Post and Aii: Abdui Rab Nishtai (ML)
14. Woiks, Mines and Powei: C H Bhabha (INC)

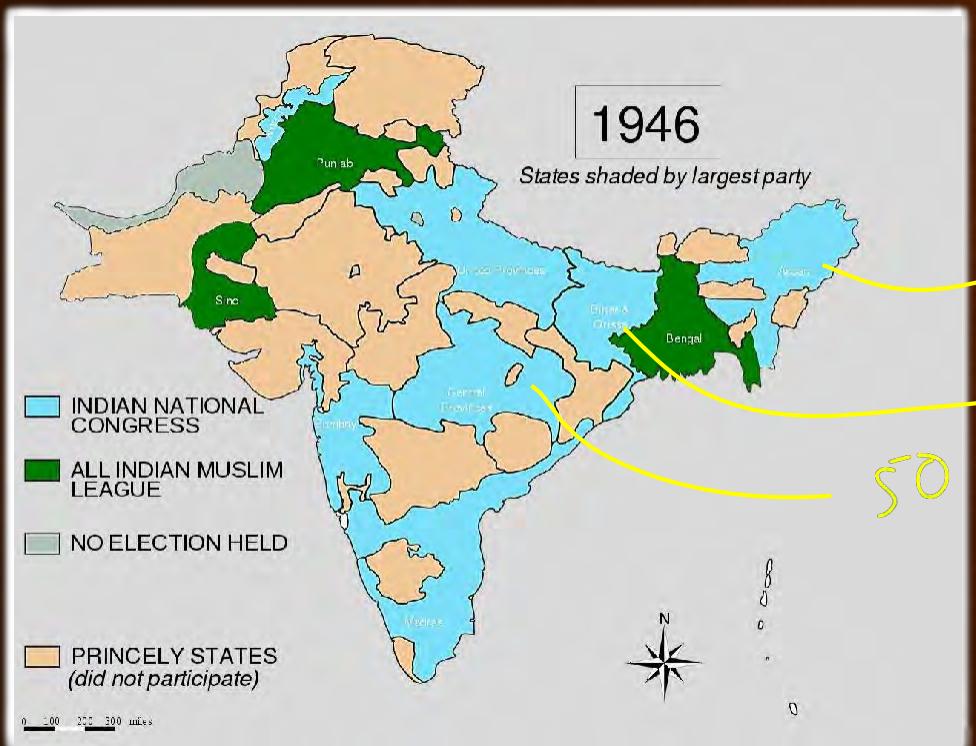
J Nehru



Making Of Indian Constitution



389



1947

50

50

50

296

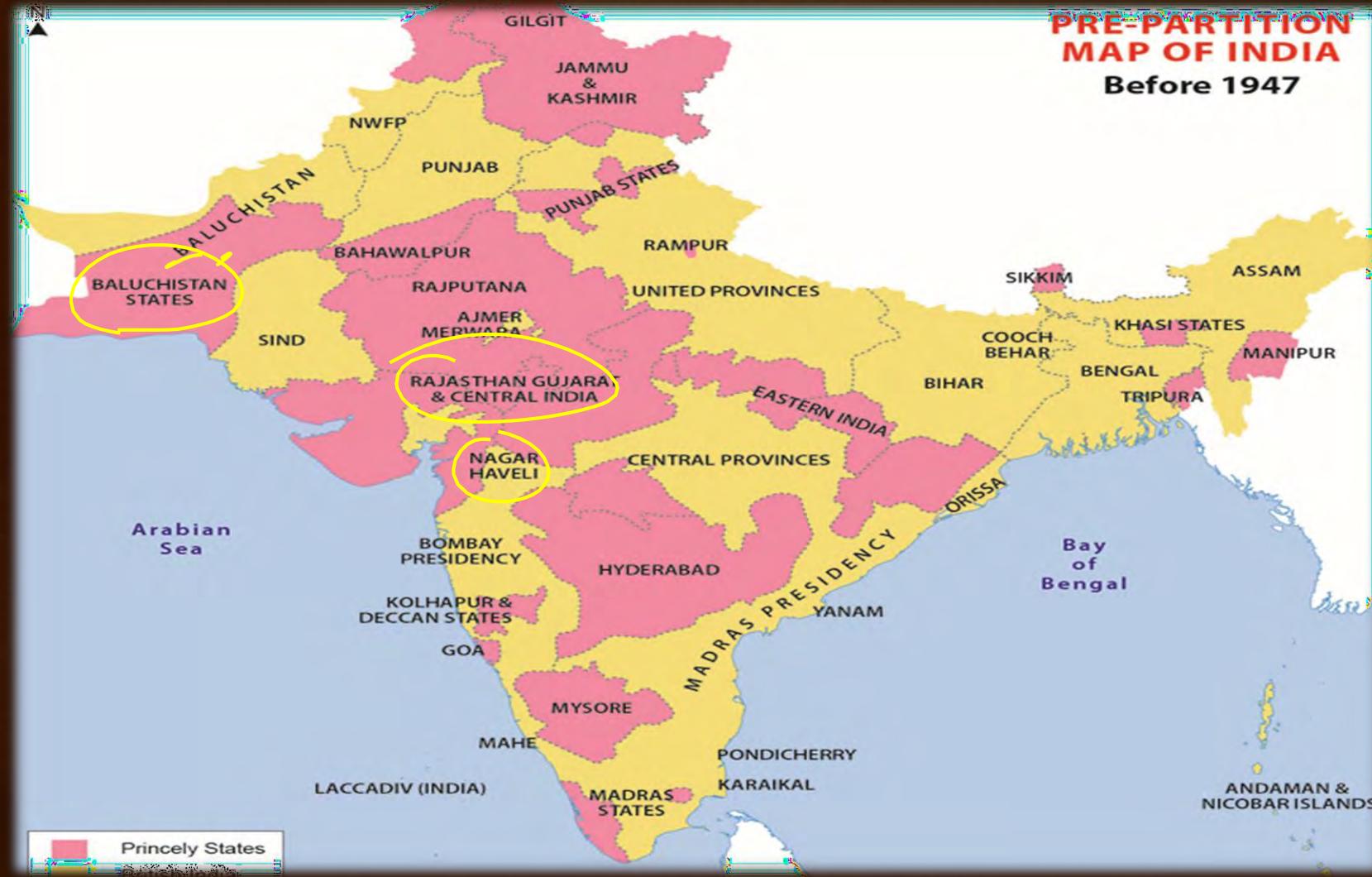


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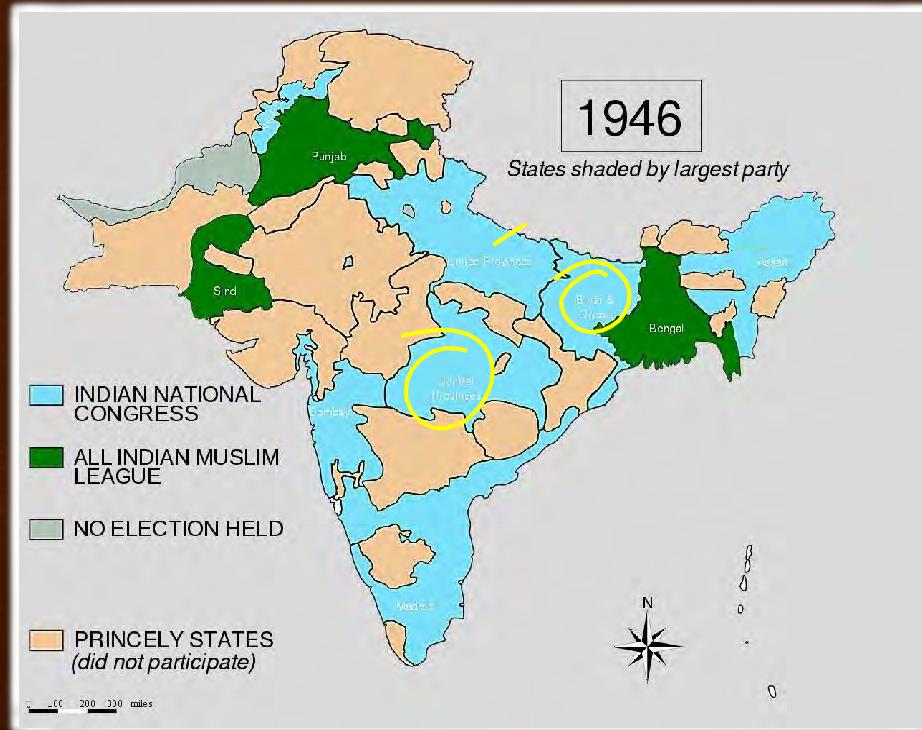


Making Of Indian Constitution





Making Of Indian Constitution



10L = 1

Based on population & further divided in Muslim, Sikh and General

Indirectly Elected



Making Of Indian Constitution



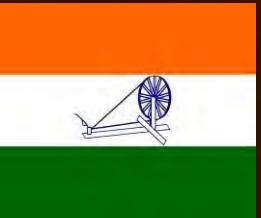
Nominated



Making Of Indian Constitution

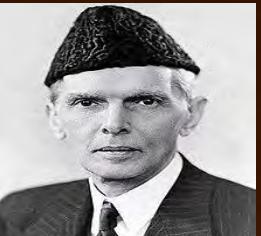


Election held in July – August 1946



INC

208



Muslim league

73

Independent

15



Making Of Indian Constitution



Princely States didn't Participated



Muslim League



Making Of Indian Constitution



Objectives

—
Making of Indian constitution



—
To act as parliament until the parliament is formed





First Meeting



- The Assembly met for the first time in New Delhi on **9 December 1946**.
- **211 Members**
- **Dr. Sachidanand Sinha** was the first president of the Constituent Assembly.
- **Provisional President**

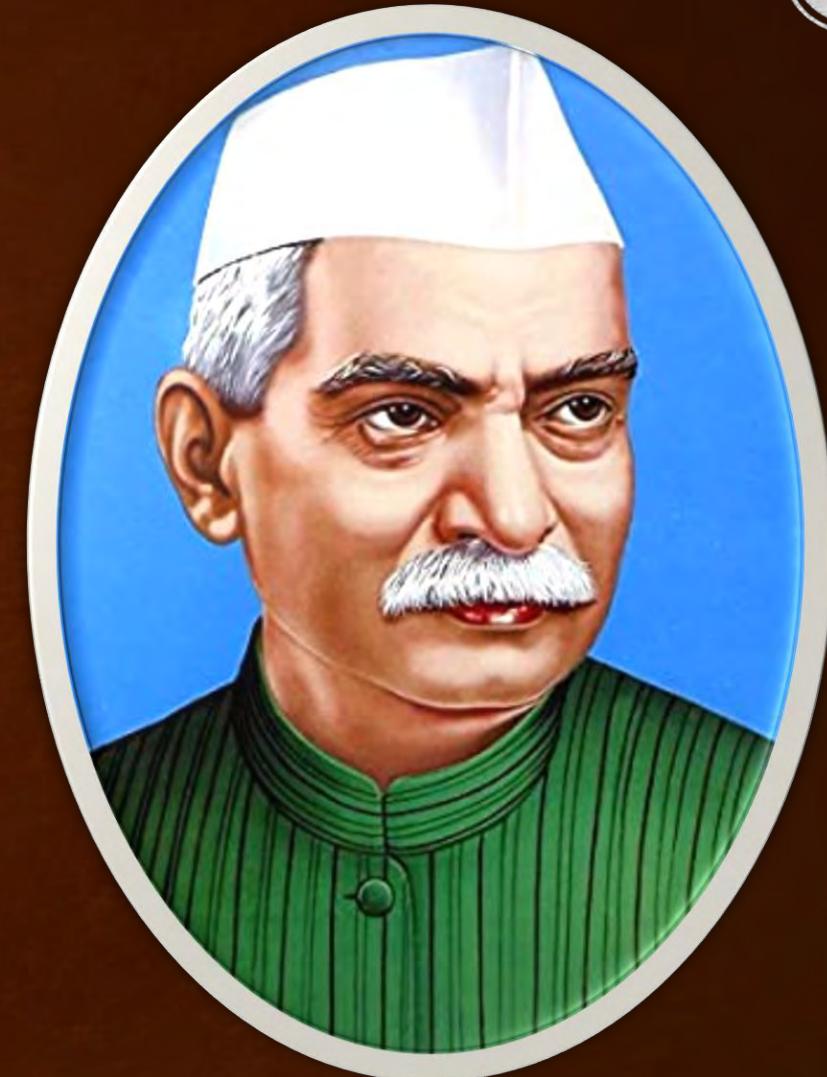


Second Meeting



- 11 December 1946
- Elected
- Dr. Rajendra Prasad (Permanent President)

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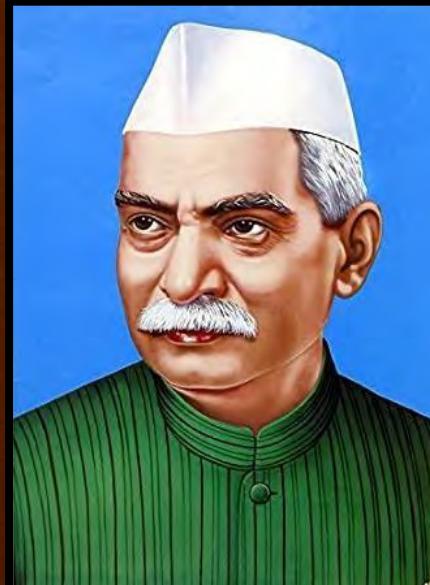
Vice President



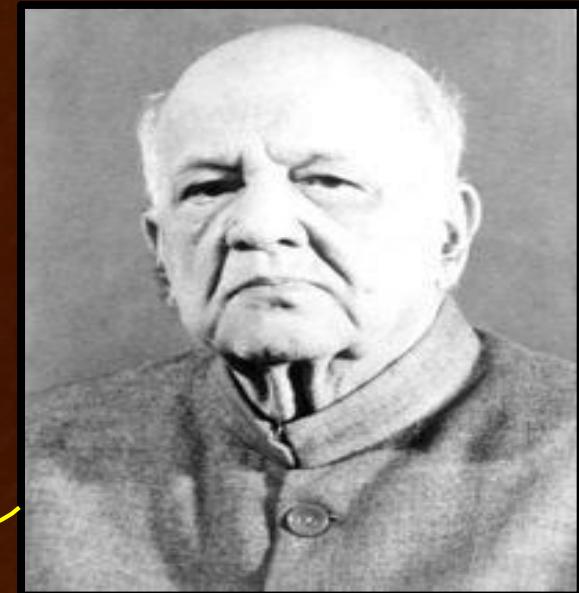
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H. C. Mookerjee



Dr. Rajendra Prasad



V. T. Krishnamachari

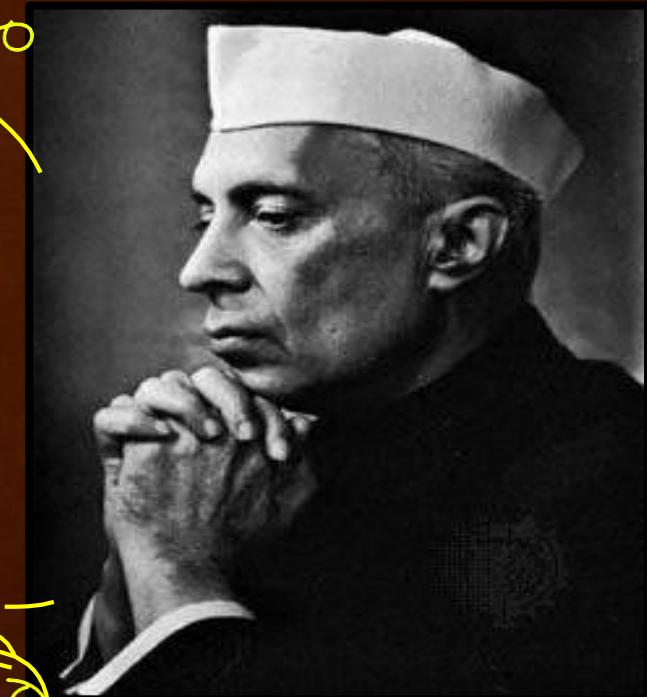
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Third Meeting



- 13 December 1946
- **Objective Resolution**
- Vision of the Indian constitution
- **22 Jan 1947 (Passed)**





Mountbatten Plan (1947)



Partition

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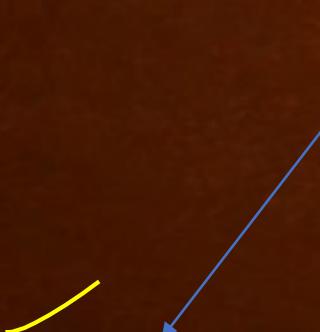
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8 Major

13 Minor



Union Constitution Committee

Union Powers Committee

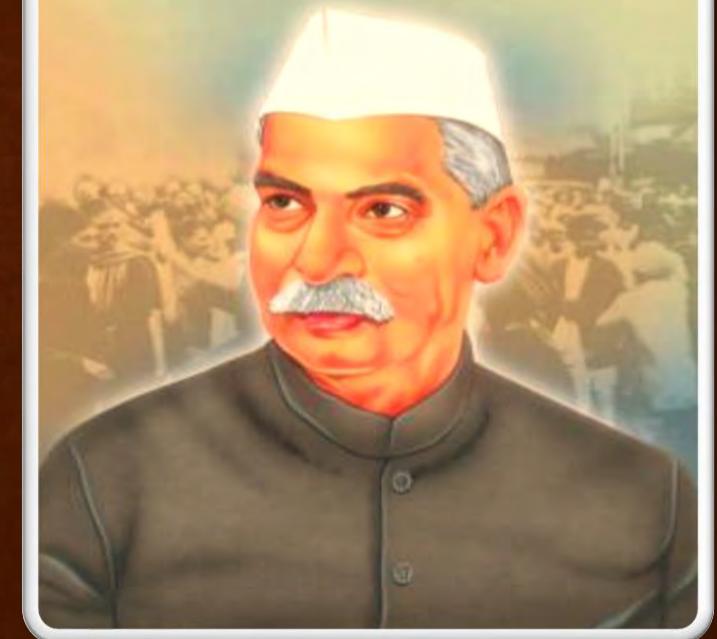
States Committee



Steering Committee

Rules of Procedure Committee

Dr. Rajendra Prasad



- **Provincial Constitution Committee**
- **Advisory Committee on Fundamental Rights**





Important Committees



Ad hoc Committee on the National flag	Rajendra Prasad
Advisory Committee on Fundamental Rights,	Vallabhbhai Patel
Committee on the Functions of the Constituent Assembly	G.V. Mavalankar
Committee on Minorities and Tribal and Excluded Areas	Vallabhbhai Patel
Committee on the Rules of Procedure	Rajendra Prasad
Special Committee to Examine the Draft Constitution	Alladi Krishnaswami Ayyar



Important Committees



Provincial Constitution Committee	vallabhbhai Patel
Drafting Committee	B.R. Ambedkar
Excluded and Partially Excluded Areas Sub-Committee	A.V. Thakkar
Finance and Staff Committee	Rajendra Prasad
<u>Fundamental Rights Sub-Committee</u>	J.B. Kripalani
<u>House Committee</u>	B. Pattabhi Sitaramayya 
Minorities Sub-Committee	H.C. Mukherjee



THE FATHER OF INDIAN CONSTITUTION

DR. B.R. AMBEDKAR

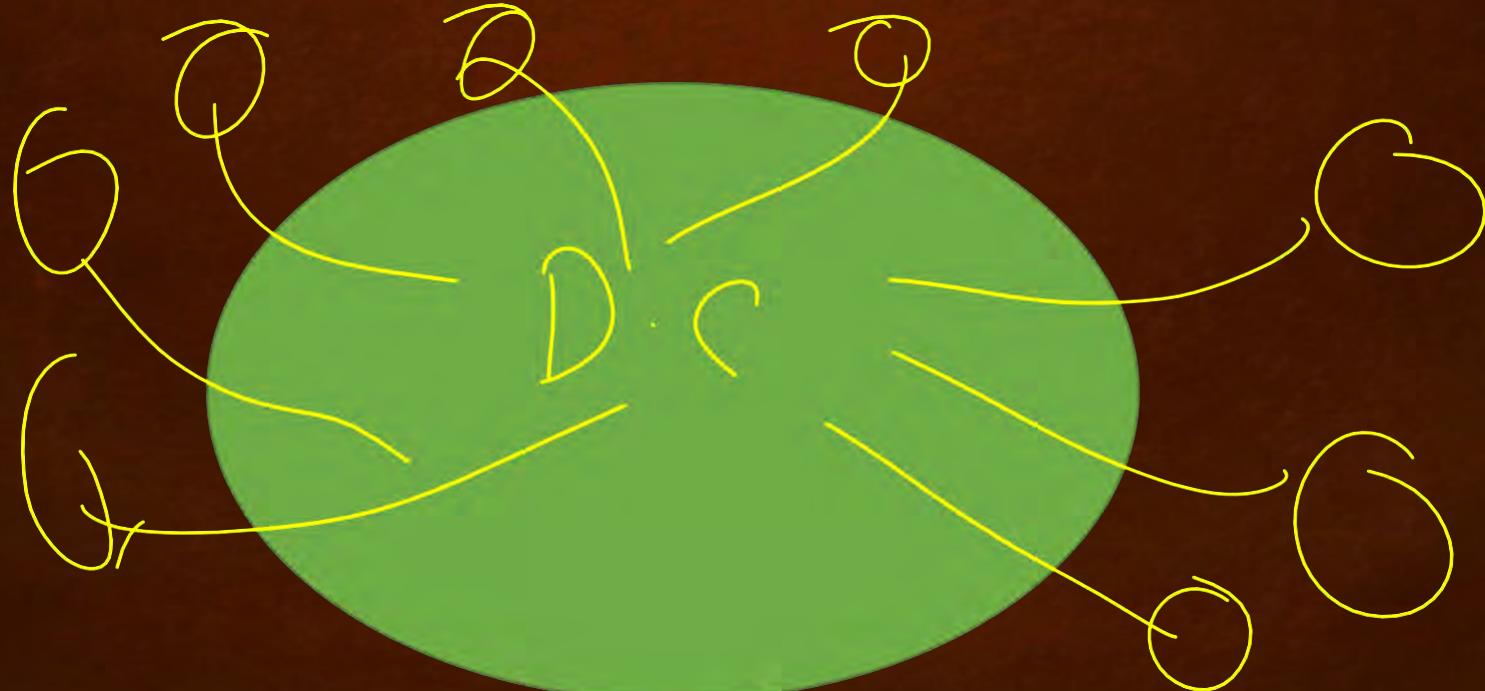




Drafting Committees



- The Constituent Assembly established 13 committees to draft the constitution
- constitution based on the reports of these committees



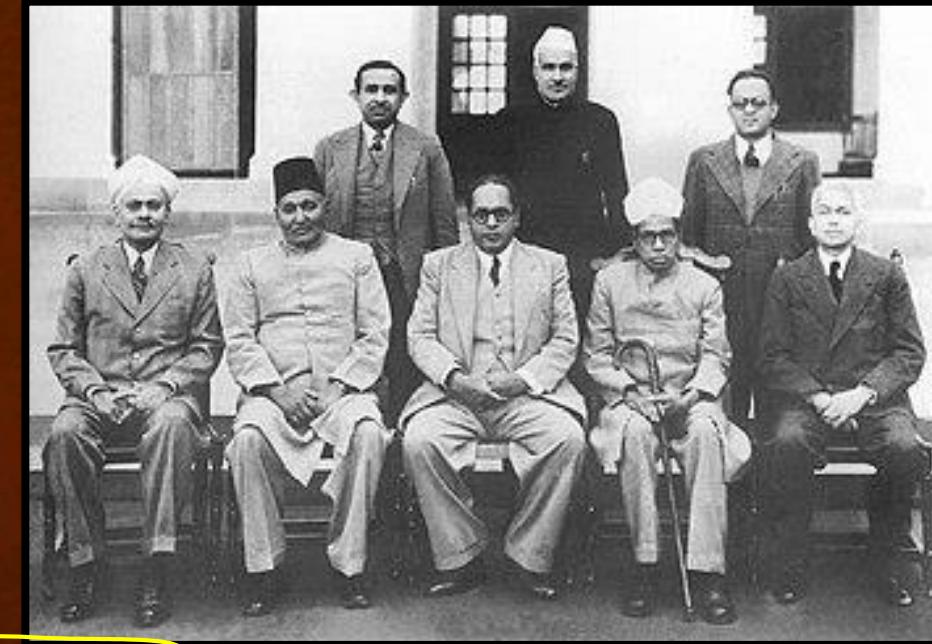


Drafting Committees



- 7 Member
- 29 August 1947

1. Dr B R Ambedkar (Chairman)
2. N. Gopalaswamy Ayyangar
3. Alladi Krishnaswamy Ayyar
4. Dr K M Munshi
5. Syed Mohammad Saadullah
6. N. Madhava Rau (He replaced B L Mitter who resigned due to ill-health)
7. T. T. Krishnamachari (He replaced D P Khaitan who died in 1948)

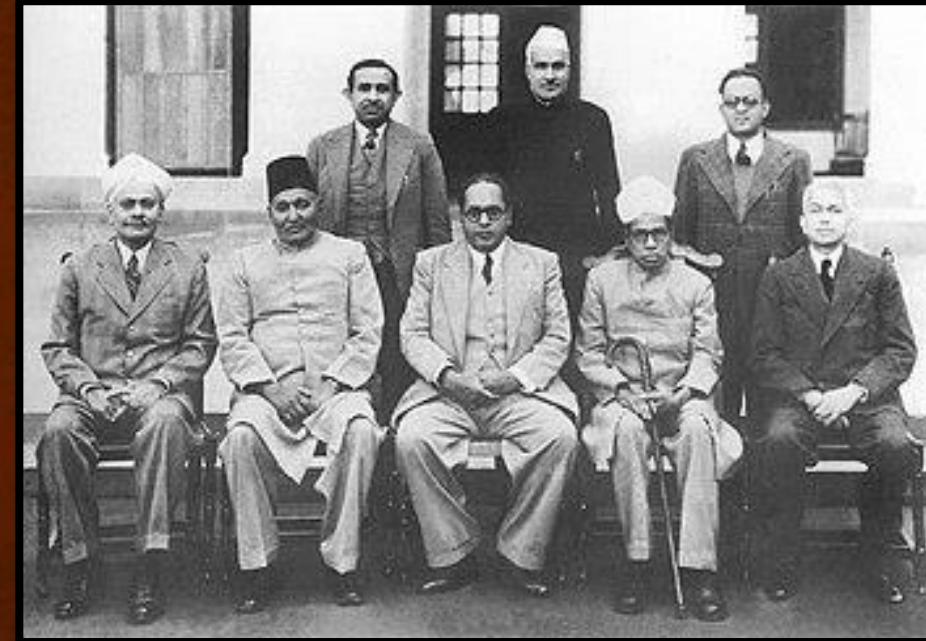




Drafting Committees



- First Draft - Feb 1948
- Second Draft - Oct 1948
- Final Draft - 4th Nov 1948
- 7653 - Amendments proposed
- 2473 - Amendments Discussed





Drafting Committees

- Constitution of India was adopted by the Constituent Assembly on 26th November 1949 and came into force on 26th January, 1950.
- 284 members presented out of 299 members and signed on Constitution on 24th Jan 1950.
299 - 284
- A Preamble, 395 Articles, 8 Schedules.
26th, 1950
- 15 Articles like Citizenship, election, provisional parliament, etc.
1949
- 5,6,7,8,9,60,324,366,367,379,380 etc.
1949



Why 26 Jan 1950?



- Lahore Session 1929
- It was decided that the January 26, 1930 should be observed as Poorna Swarajya Day.
- 26 Jan 1950



26 NOV - 26 JAN



Important Facts

- The process took 2 years, 11 months and 18 days / 17
- 11 sessions / 12
- 15 women's DHRAG
- Bengal Nursing Rau was Legal Adviser. CDS
- H.V.R Iyengar was the Secretary of the constituent assembly.



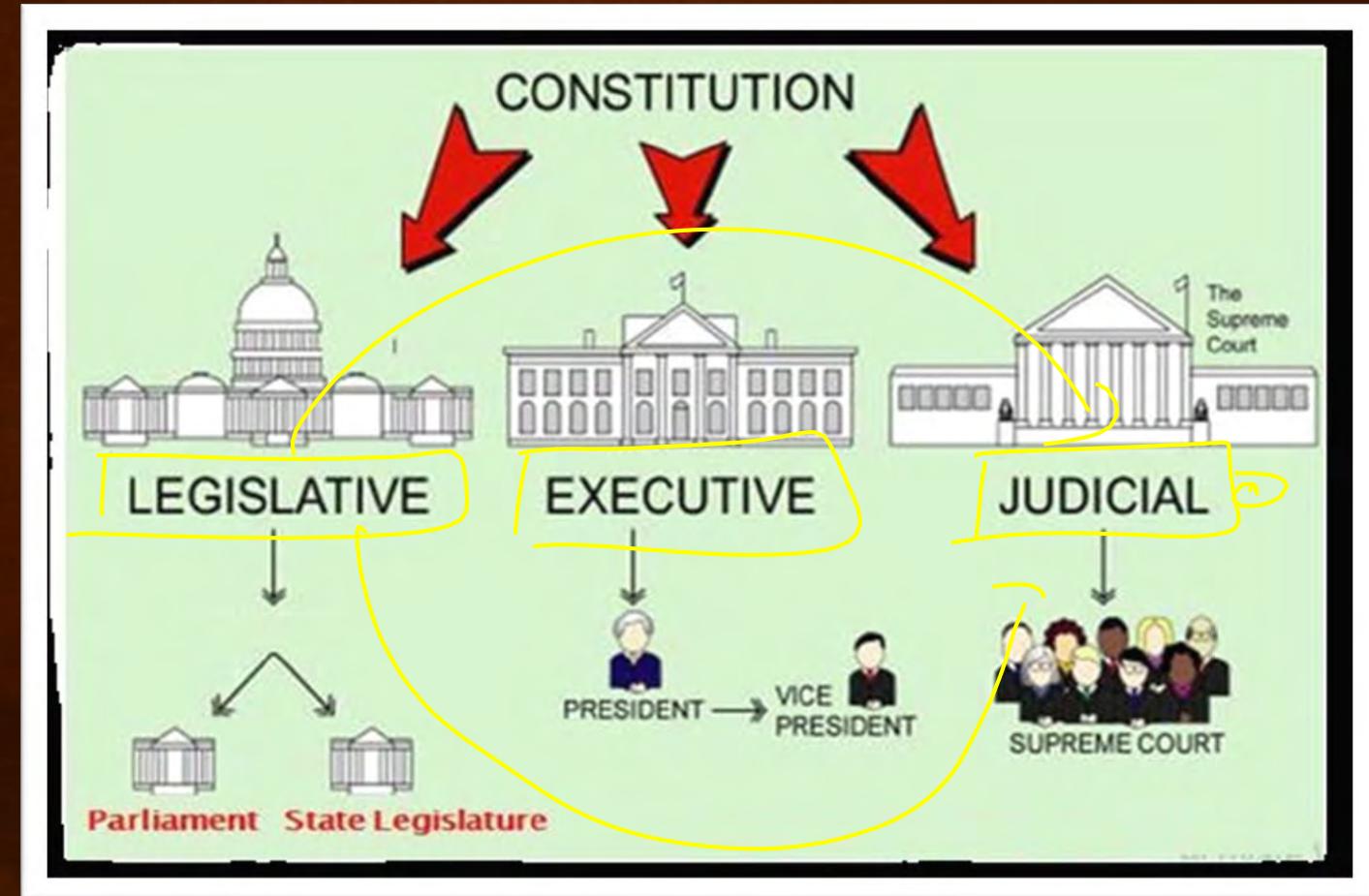
Important Facts



- Prem Behari Narain Raizada was the **Calligrapher**
- Rupees **64 lakhs**
- National Flag on **22nd July 1947**
- National Anthem on **24th January 1950**
- Membership of the commonwealth **in May 1949**



Indian Constitution





Indian Constitution



22 - 25



Part	Subject	Articles
Part I	The Union and its territory	Art. 1 to 4
Part II	Citizenship	Art. 5 to 11
Part III	Fundamental Rights	Art. 12 to 35
Part IV	Directive Principles of state policy	Art. 36 to 51
Part VVA	Fundamental Duties)	Art. 51A
Part V	The Union	Art. 52 to 151
Part VI	The States	Art. 152 to 237
Part VII	Repeated by Const. (7 th Amendment) Act, 1956	
Part VIII	The Union Territories	Art. 239 to 242



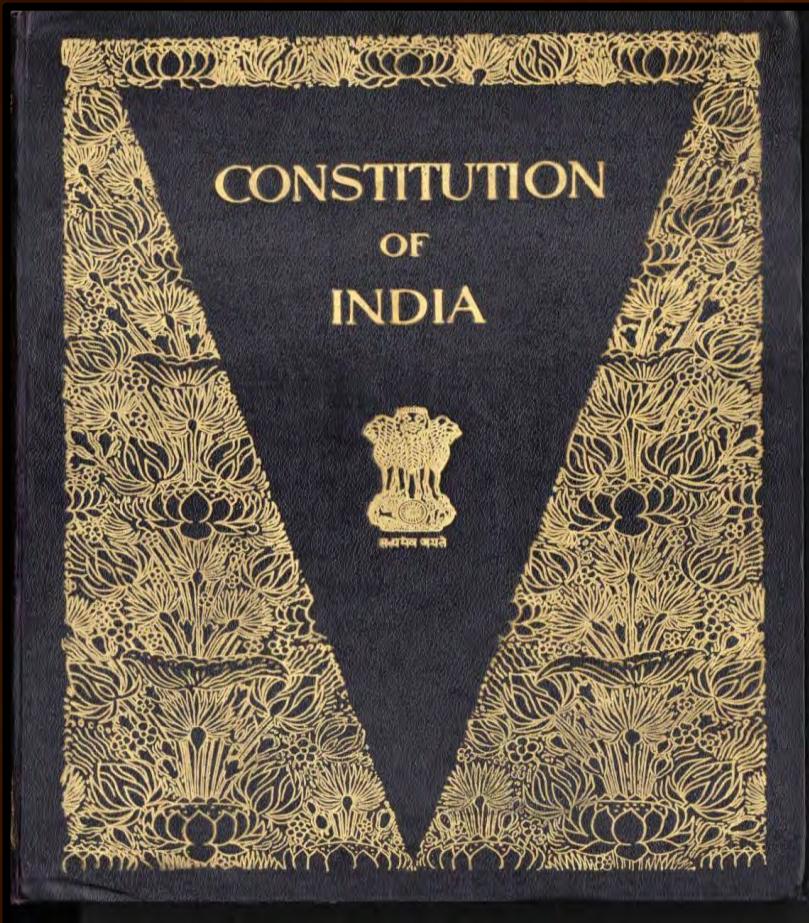
Indian Constitution



Part	Subject	Articles
Part IX	The Panchayats	Art. 243 to 430
Part IXA	The Municipalities	Art. 243P to 243ZG
Part X	The Scheduled and Tribal Areas	Art. 244 to 244A
Part XI	Relations between the Union and the States	Art. 245 to 263
Part XII	Finance, Property, Contracts and Suits	Art. 264 to 300A
Part XIII	Trade, Commerce and Intercourse within the Territory of India	Art. 301 to 307

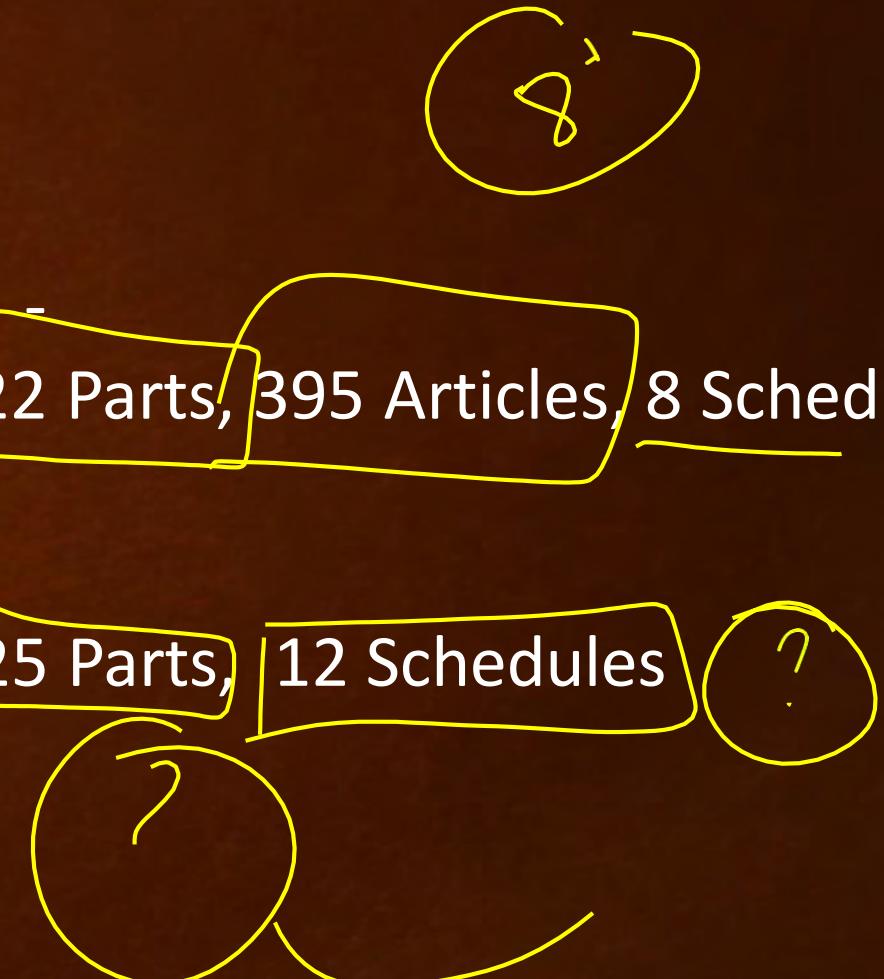


Indian Constitution



- 26 January 1950: -
 - A Preamble, 22 Parts, 395 Articles, 8 Schedules

- Currently: -
 - A preamble, 25 Parts, 12 Schedules





Schedules Of Indian Constitution



First Schedule

- Names of the State, UT, and their jurisdiction.
- Changes in their borders and the laws used to make that change.
- The first amendment of Schedule 1 was carried out by the **7th Constitutional Amendment 1956** with the formation of Andhra Pradesh



Schedules Of Indian Constitution

Second Schedule

- Provisions related to Salary, Privileges and allowance of.

1	President of India	—
2	Governors of state	—
3	Speaker and deputy speaker(LS)	
4	Chairman and deputy chairman (RS)	
5	Speaker and Deputy chairman of state legislature	—
6	Chairman and deputy chairman of council of state	
7	Judges of SC and HC	—
8	CAG(Comptroller & Auditor General of India)	



Schedules Of Indian Constitution



Third Schedule

This schedule lists the various forms of oath for holders of various constitutional offices

1	The Union Ministers
2	Parliament election candidates
3	Members of parliament
4	SC judge
5	CAG
6	The State minister/Member of State legislature
7	Judges of HC



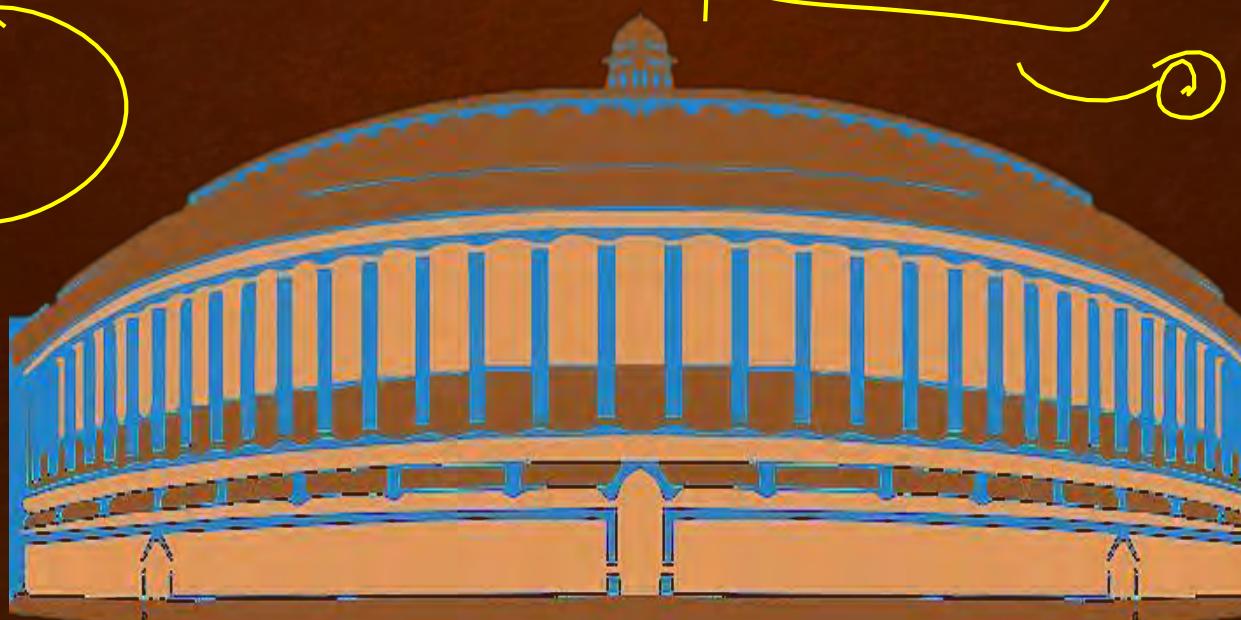
Schedules Of Indian Constitution



Fourth Schedule

- It contains the provisions in relation to the allocation of seats for States and Union Territories in the Rajya Sabha.

RJ = 20
UP = 20
P = 20





Schedules Of Indian Constitution



Fifth Schedule

- It contains provisions in relation to the administration and control of scheduled areas and scheduled tribes.
- Scheduled Tribes are groups of indigenous people, identified in the Constitution, struggling socio-economically
- Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha, Rajasthan and Telangana.





Schedules Of Indian Constitution



Sixth Schedule

- It contains provisions in relation to the administration of tribal areas in the states of
(with a yellow circle and a small number 1)
- Assam, Meghalaya, Tripura and Mizoram
- Sixth Schedule allows the formation of Autonomous District Councils
- Articles 244(2) and 275(1)



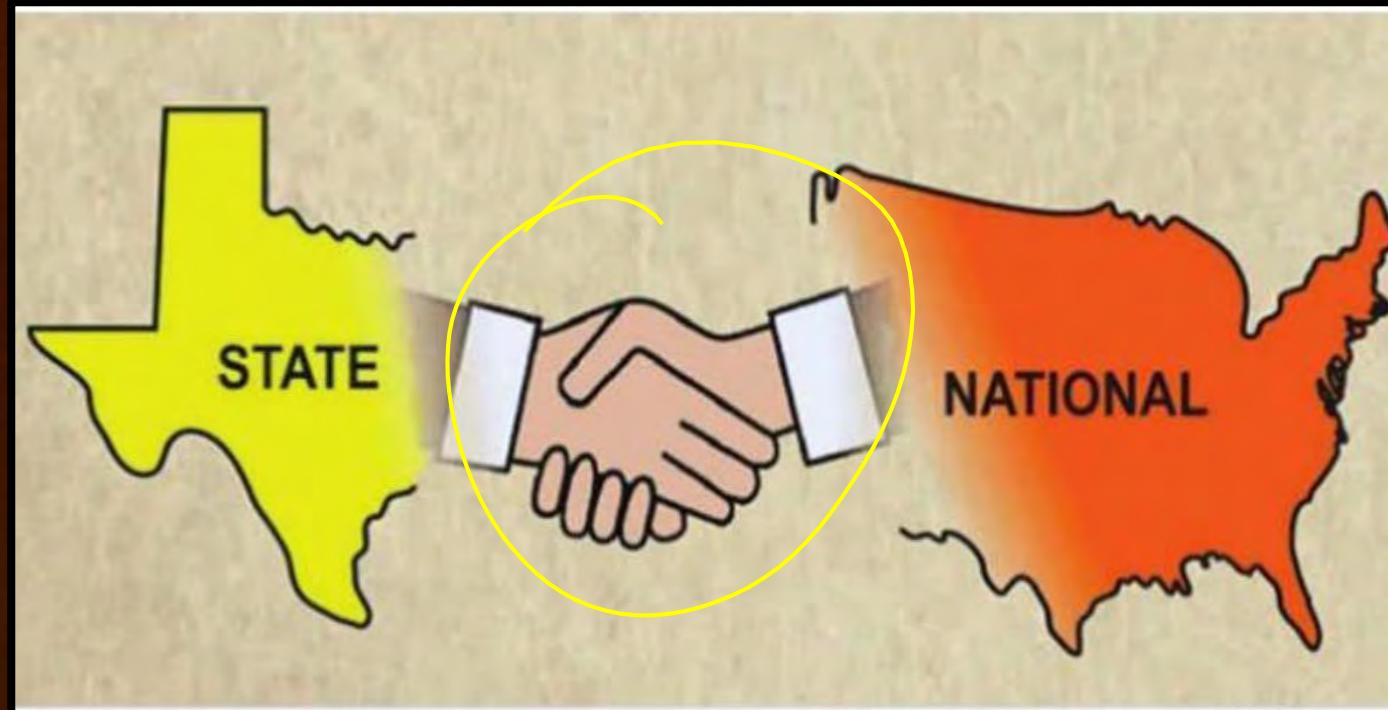
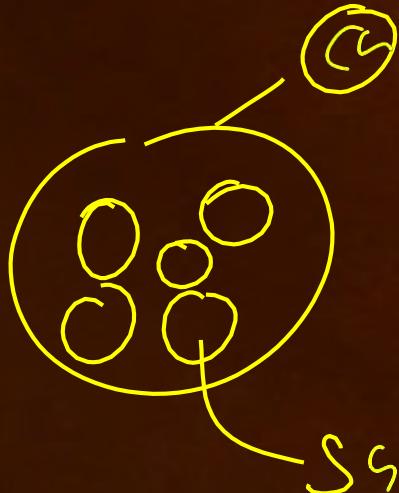


Schedules Of Indian Constitution



Seventh Schedule

- Division of power between union and state in terms of list.





Schedules Of Indian Constitution



Seventh Schedule	Division of power between union and state in terms of list		
<u>Union List</u>	Originally	-	97
	Currently	-	100
<u>State List</u>	Originally	-	66
	Currently	-	61
<u>Concurrent List</u>	Originally	-	47
	Currently	-	52





Lists



Union List

- Defense ✓
- Atomic Energy ✘
- Foreign Affairs ✘
- War and Peace ✓
- Banking ✘ ✓
- Railways ✘ ✓
- Post and Telegraph
- Airways
- Ports
- Foreign Trade
- Currency & Coinage ✓



Lists



State List

- Agriculture
- Police
- Prison
- Local Government
- Public Health
- Land
- Liquor
- Trade and Commerce
- Livestock and Animal Husbandry
- State Public Services



Lists



Concurrent List

- Education
- Transfer of Property other than Agricultural land
- Forests ○
- Trade Unions
- Adulteration
- Adoption and Succession



Lists



Residual Powers

- The power of jurisdiction upon subjects that are not mentioned in the state or concurrent list
- Article 248 of the constitution clearly states, The Union Parliament has exclusive power to make any law with respect to any matter not enumerated in the Concurrent List or the State List



Lists



42nd amendment Act 1976 shifted below mentioned five subjects from the State list to Concurrent List:

- Education
- Estates
- Protection of wild animals and birds
- Weights and measures and
- Administration of justice, constitution and organization of all courts except the Supreme Court and the High Court



Schedules Of Indian Constitution



Eight Schedule

- It deals with the **22 official languages** recognized by the Indian Constitution
 - **Articles 343 to 351**
 - **Originally 14**
 - Assamese, Bengali, Gujarati, Hindi, Kannada, Kashmiri, Konkani, Malayalam, Manipuri, Marathi, Nepali, Oriya, Punjabi, Sanskrit, Sindhi, Tamil, Telugu, Urdu, Bodo, Santhali, Maithili and Dogri.
- 343 - 351



Schedules Of Indian Constitution

- The Sindhi language was added by the **21st Amendment Act of 1967**
- Konkani, Manipuri, and Nepali were included by the **71st Amendment Act of 1992**
- Bodo, Dogri, Maithili, and Santhali were added by the **92nd Amendment Act of 2003** .



Schedules Of Indian Constitution



- There are six languages that enjoy the ‘Classical’ status in India.
- Tamil (declared in 2004)
- Sanskrit (2005)
- Kannada (2008)
- Telugu (2008)
- Malayalam (2013)
- Odia (2014)





Schedules Of Indian Constitution



Ninth Schedule

- It deals with the state acts and regulations of that deal with land reforms and abolition of Zamindari system.
- **1st Amendment 1951**

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Schedules Of Indian Constitution

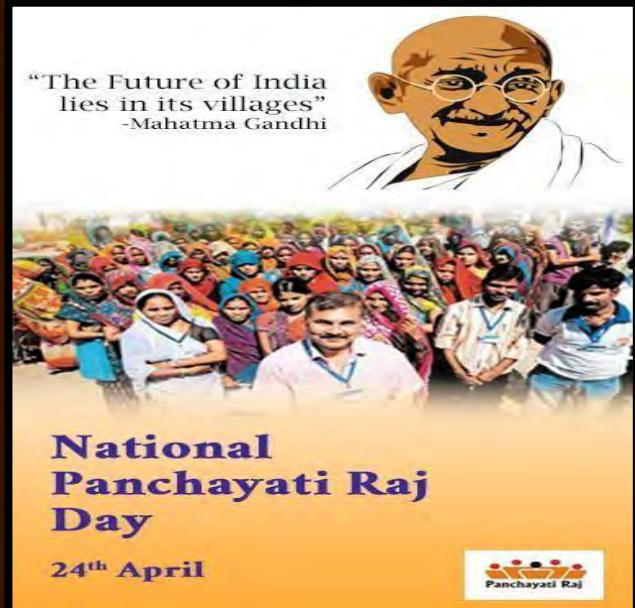


Tenth Schedule

- It contains provisions relating to the disqualification of the members of Parliament and State Legislatures on the ground of defection.
- This schedule was added by the 52nd Amendment Act of 1985, also known as the Anti-defection Law.
- 2003, through the 91st Amendment, the anti-defection law was made more effective to deal with regular defection



Schedules Of Indian Constitution



Eleventh Schedule

- Provisions that specify the powers, authority and responsibilities of panchayats
- It has 29 matters
- 73rd amendment act of 1992



Schedules Of Indian Constitution



Twelfth Schedule

- Deals with the provisions that specify the powers, authority and responsibilities of municipalities.
- It has 18 matters
- 74th Amendment act of 1992



VANDE MAATRAM

