

## MAKING OF INDIAN CONSTITUTION





- Constitution: It lays out certain ideals that form the basis of the kind of country → India's Constitution: Partly rigid; partly flexible

\* While all democratic countries are likely to have a Constitution, it is not necessary that all countries that have a Constitution are democratic

- Origin of Constitution from the USA: 1787
- Independence of USA: 4th July 1776

\* Early draft of Indian Constitution: 1928 by All Parties Conference chaired by Motilal Nehru → Nehru Report

### 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
- August Offer was 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

- 2nd WW: 1939-45
- Reason for rejection (August Offer and Cripps Mission)
- Offer: Dominion Status
- Demand: Purna Swaraj

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

### Cripps Mission 1942

- By Stafford Cripps
- Dominion status => offered by British
- Rejected → Quit India Movement started in response to this

• 1945: Wavell Plan and Shimla Conference

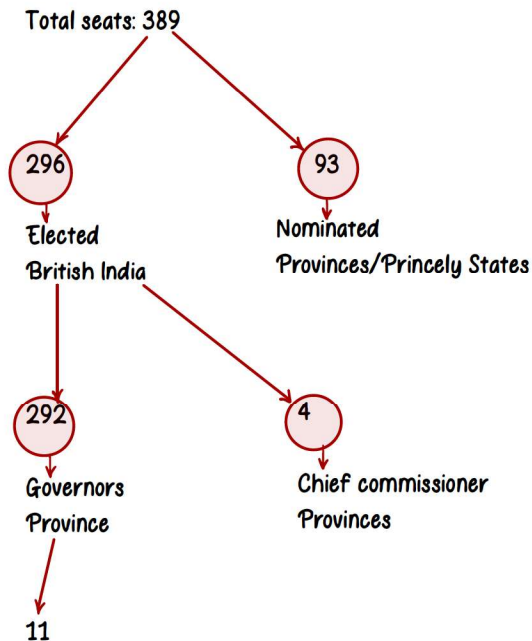
### Ultimate offer:

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

### 3 people:

- Patric Lawrence (chairman)
- A V Alexander
- Stafford Cripps

### Provisions of Cabinet Mission Plan



### Interim Government

- President of the Executive Council (Viceroy and Governor-General of India: Viscount Wavell (till Feb 1947); Lord Mountbatten (from Feb 1947)
- Commander-in-Chief: Sir Claude Auchinleck
- Vice President, also in charge of External Affairs and Commonwealth Relations: Jawaharlal Nehru (INC)
- Home Affairs, Information and Broadcasting: Sardar Vallabhbhai Patel (INC)
- Agriculture and Food: Rajendra Prasad (INC)
- Commerce: Ibrahim Ismail Chundrigar (ML)
- Defence: Baldev Singh (INC)
- Finance: Liaquat Ali Khan (ML)
- Education and Arts: C. Rajagopalachari (INC)
- Health: Ghazanfar Ali Khan (ML)
- Labour: Jagjivan Ram (INC)
- Law: Jogendra Nath Mandal (ML)
- Railways and Communication, Post and Air: Abdur Rab Nishtar (ML)

- Seats allocated to each British province, where to be divided among three principal communities:
  - Muslim
  - Sikh
  - General
- One seat was to be allotted for 1 million population
- Method of election (Indirect Elections): Proportional Representation + Single Transferable Vote

### Elections held in: July–August 1946

#### Results

- Majority: Congress (INC): 208 seats
  - Muslim League: 73 seats
  - Independent: 15 seats
- After boycott of Muslim League Remaining seats: 299
- ↓
- After partition

#### 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





→ 22nd Jan 1947: Objective resolution adopted by CA



→ 13 Dec 1946: Presented by J L Nehru

#### Committees formed

→ Major: 8

→ Minor: 13

The Drafting Committee took

→ 141 days to prepare its draft

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

Total members: 7

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

#### Drafts of the Constitution

- 1st draft was published on: 21 Feb 1948  
(8 months to people of India)
- 4 Nov 1948: B R Ambedkar introduced the final draft before Constituent Assembly
- 1st reading: 5 days
- 2nd reading: 15 Nov 1948–17 Oct 1949
- 3rd reading: Completed on 26 Nov 1949

- 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 Sessions

- 1st Session: 9–23rd Dec 1946 → 211 members
- 10th Session: 6–17th Oct 1949
- 11th Session: 14–26th Nov 1949 (also the last session)
- Final Session: presented by B R Ambedkar before the public on 4 Nov 1948

→ From Bengal Constituency

- Constitution was adopted: 26 Nov 1949 (also celebrated as "Constitution Day")
- Constitution enforced on: 26 Jan 1950
- 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

- Schedules (at present): 12
- Parts (at present): 25



## 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

### Constituent Assembly

#### Other functions

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. Commonwealth Ratification: May 1949

24 Jan 1950

- 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

#### Handwritten Constitution by (calligrapher)

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

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

- 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

#### Extras

- Nehru Report → Against it Jinnah gave 14 points

#### 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 Sitaramayya
8. House Committee	B. Pattabhi Sitaramayya
9. Ad-hoc Committee on the Supreme Court	S. Varadachari
10. Expert Committee on Financial Provisions	Nalini Ranjan Sarkar

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