

INDIAN CONSTITUTION

- Largest written constitution → (Second in India)
- 1895 → Suny Bill / Constitution of India Bill
[First demand of constitution]
- 1924 → Swaraj party gives the idea of constitution
- Nived Nar Chittayyan das
- 1929 → Nehru report [Modish Nehru]
↳ full fledged constitution
- 1934 → M.N Roy [Idea of constituent assembly]
- ↳ Founder of communist party
- 1935 - INC officially demanded constituent assembly
- 1938 → J.L Nehru for constituent assembly
↳ Not interference
- Election (adult franchise) of outsiders
- 1939 - 45 → WW-II
- 1940 → August offer → constituent assembly ✓
↳ dominion status

at Wardha → INC rejected August offer

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Nehru Statement
Gave Dominion Status
↳ declared had
in dead as
wished the self
and the nationalist
declared
and British rulers.

1942 → Cripps mission → [stafford crippe road]

↳ Right to secede (states)

[A post-dated cheque] → Gandhi's statement

INC & Muslim League both rejected this offer
1946

1946 → Cabinet mission
• Pethick Lawrence : Stafford Cripps
• A V Alexander

constituent assembly ✓

Main objective

for constituent
assembly

form interim
government

Interim government → Temporary government

2 Sept 1946 - 15 Aug 1947

- Vice-President during Interim government
J. L. Nehru.
- Home Minister - Sardar Vallabhbhai Patel.

#

Making of Indian Constitution.

389 Seats

93 → Princely state

(Nominated)

British provinces
[Indirect election]

296

IInd Meeting of Constituent Assembly

Population

11 Dec 1946.
Dr Radhakrishnan [Permanent President]

H. C. Mookerjee and V. T. Krishnamachari
elected as Vice president.

INC

208

#

Third Meeting

13 Dec 1946

- Objective Resolution presented by J. L. Nehru.
- Vision of Indian constitution
- 22 Jan 1947 (Laws)

making of

Princely states didn't participate in India

Constitution

Muslim League also not participate.

6 Dec 1946 → Constituent Assembly ✓

Ist Meeting of Constituent Assembly

9 Dec 1946 at New Delhi

• 211 members
• Dr Sachidanand Sen → Temporary president of C.A

Mountbatten Plan (1947)

Seat

Partition → 389 I
↳ 299

Formation of Committees

8 Major

14+ Minor

(Jawahar Lal Nehru.)

Union Constitution Committee
Union power Committee
State Committee

• State Committee

• Rajendra Prasad.
Steering Committee

Rules of Procedure Committee

(Gandhi Vallabhbhai Patel)

Provincial Constitution Committee

Advisory Committee on fundamental Rights

Why 26 Jan?

Father of Indian Constitution :- Dr. B.R. Ambedkar.

(Modern Manu, Chief architect of India's Constitution)

Drafting Committee

7 member

29 August 1947

Dr. B.R. Ambedkar [Chairman]

N. Copalaswamy Iyengar

S. J. Alavi Krishnaswamy Iyer

K. M. Munshi

Syed Mohammad Saadullah

N. Madhav Rao [B.L. Mitra]

T.T. Krishnamachari [S.P. Khaitan]

First Draft - Feb 1948

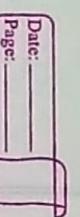
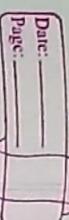
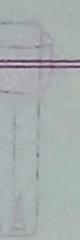
Second Draft - Oct 1948

Final Draft - 4th Nov 1948

↳ adopted on 26th Nov 1949.

↳ came into force (26 Jan 1950)

• Labor Session 1926
It was decided that the Tamizh 26 observed
should be 1930 as Poorna Swarajya.



Drafting Committees

- 284 member present out of 299 mem. & signed on Constitution
- A preamble, 395 Article, 8 Schedule
- 15 articles came in force from 26 Nov. 1949
- 64 lakhs
- National Flag ~ 22nd July 1947
- National Anthem ~ 24 Jan 1950
- Membership of Commonwealth on May 1949
- Elephant as a symbol.
- L.N. Mukherji was chief draftsman.
- # last meeting was held on 24th Jan 1950 when national anthem and National Song were adopted and also elected the first president of India.
- Part I Subject Articles
- Part II The Union and its Territory 1 - 4
- II The Citizenship [5 ways to become 5 - 11
ways for losing citizen]
III Fundamental Rights 12 - 35
- IV D P S P 36 - 51
- 11 sessions
- 15 members.

Bengal Nursing Rau (B.N. Rau) was Legal Advisor

H.V.R. Tyagarajan was the secretary of constituent assembly

Prem Behari Narain Raizada was calligrapher

The union

52 - 151

Second Schedule for
Provision related to the Salaries, Privileges

The states

152 - 237

President of India

The union Territory

243 - 430

Governor of State

The Panchayats

243 P - 243 ZC

The Municipalities

324 - 329

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

Official language

343 - 351

Union minister

Parliament election candidates

SC Judge, CAG, HC Judge

Not + Vice president
PM

Schedules

- Some extra information [v.v imp information]

allocations of seats for states and union
Territories in the Rajya Sabha.

First Schedule

Fifth Schedule in

- Name of state, UT and Jurisdiction
- Article 1 - 4.
- Change in their boundaries and the law used to make that change

- A.P., Chattisgarh, Gujarat, Haryana, Jharkhand
M.P., Maharashtra, Odisha, Raj, Telangana.

President of India have the
The ^ power to declare an area as
Scheduled area

** Sixth Schedule

- It contains provision in relation to the administration of tribal areas in the states of

Assam, Meghalaya, Tripura, Mizoram.

- It allows the formation of autonomous District Councils.

Seventh Schedule

Division of power between union & state.

→ Sindhi language → 21st Amendment Act 1969

→ Konkani, Manipuri, Nepali → 71st Amend. 1992

→ Bodo, Dogri, Maithili, Santhali → 92nd Amend. 2003

[Classical languages :- 12]

Ninth Schedule.

& State make

↓ law. → 1st Amendment 1951.

- Defence
- Agricultur
- Police 0 - 47
- Banks 61
- Local Govt.

42nd amendment Act 1976

5 subjects shifted from the state list to Concurrent list.

- Education
- Forests
- Protection of wild animal & birds
- Administration of Justice
- Weights & Measures

Residual power of govt - union list → article 248

* Tenth Schedule

- 52nd Amendment 1985 → Rajiv Gandhi

• Anti-defection law

* Eleventh Schedule

- 73rd Amend. 1992.
- specify the power, authority and responsibility of panchayats
- 23 matters.

* Twelfth Schedule

→ 74th amendment 1992.

- 18 matters
- municipalities

* Borrowing features of Constitution

→ United States of America (USA)

- Fundamental Rights

Breamble

- Impeachment of the president

Tactical review

Independence of Judiciary

→ Britain (UK)

- Parliamentary form of govt.
- Single citizenship
- Cabinet system
- Bicameralism → L.S. → C.R.S.
- Institution of Speaker
- Procedure established by law
- State over → State legislature
Party politics

→ Australia

- Concurrent list
- Joint sitting of the two houses of parliament
- Freedom of Trade within the country & outside

→ Canada

- A quasi-federal form of govt. → C > S
- Appointment of state governors by the centre
- Advisory Jurisdiction of S.C.

President as supreme commander of Armed forces.

Post of Vice President

Removal of HC/SC Judges.

The federal structure of govt.

→ Ireland

- DPSP

- Election of president

- Nomination of members to Rajya Sabha (2)

⇒

↳ Russia (USSR)

- Fundamental duties

- Idea of Justice [social, economic, political]

- Planning commission

→ South Africa

- Procedure of amendment

- election of members of R.S.

→ France

- Idea of liberty, equality, fraternity

- preamble

- Republic

→ Germany

- Emergency powers to be enjoyed by union

- Suspension of fundamental rights during emergency

* #

Salient feature of Indian constitution

* Longest known written constitution

unwritten constitution → Not written in systematic way

→ Japan

- law on which the SC functions

- Sweden

- Lokpal Bill

→ Government of India act 1935.

(70) → Const

- Judiciary

- Administrative details

- Office of Governor

- Public Service Commission

- Emergency provisions

- Federal Scheme

* Dr. B.R. Ambedkar proudly declared that the Indian Constitution was drafted after "translating" all known written constitution

* Sir "Lord Jenning" called the Constitution of India a "Lawyer's paradise".

* Indian Constitution is partially Rigid & partially flexible.

* Parliamentary form of Govt. I.e.

U.S. → R.S. → Precedent

(*) Presence of nominal and real executive

↓
Parliament

(*) Majority party rule

(*) Collective responsibility of the executive to the legislature

(*) Leadership of PM and CM

(*) Dissolution of Law House (5 years)

Universal adult Franchise in

or one person, one vote

or 61st Const. Amendment 1988 voting age reduced from 21 to 18 (1989) ✓

Three - Tier Government

Central

State

Local → Gram Panchayat
→ Municipalities

Independent Judiciary System

Suprem C.

Hight C.

District C.

Subordinate Court

or Collegium System

→ NCCT
→ NC SC Judge

• + 000
Chief Justice Senior most HC → SC
of India Judges of S.C.

• Removal of Judges in parliament through an Impeachment procedure that is very difficult to pass

* Ban on Judges practice after retirement

** Balance between the sovereignty of parliament and Judicial Supremacy

Federal System & Unitary Features
union & state → Union >> State

Unitary Feature :-

- > Emergency provisions
- > ~~eg Single Consti.~~
- > Single citizenship
- > Appointment of governor.
- > No. equality in state representation
- > All India Services
 (IAS) → by Central
 IPS

Federal Features

- > dual Government
- > Supremacy of constitution &
- > Independent Judiciary
- > Division of power
- > Bicameralism