PARMAR SSC

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Topic:
Making of Constitution



Making of Constitution

- A Constitution lays out certain ideals that forms the basis of the kind of country a nation aspires to be.
- Tradition of Constitution began in: USA (in 1787).
- While all democratic countries are likely to have a Constitution, it is not necessary that all countries that have a Constitution are democratic.
- Independence of USA: 4th July 1776.



India's Constitution is partly rigid; partly flexible.

Other forms of Government:

Communist

Source or means of production controlled by government, e.g. China,Laos, North Korea, Cuba, Vietnam.

Monarchic

A government by a single person→ specifically King or a monarch. E.g. North Korea.

Totalitarian

It refers to total control over lives of citizens by whoever is ruling.

Oligarchic:

A government of few. e.g. Iran, Russia

Constituent Assembly

1928

The early draft of the Indian Constitution (Nehru Report) was submitted by the All Parties Conference at Lucknow → chaired by Motilal Nehru.

1934

M. N. Roy first proposed the idea of a Constituent Assembly for India.

1935

The Indian National Congress officially demanded a Constitutional Assembly.

Offers from Britain

1. August Offer: 1940

- Proposed by British Viceroy Lord Linlithgow on August 8, 1940, to gain Indian support during World War II.
- The offer promised Dominion Status for India after the war

Dominion Status

It is a status given to certain countries that allowed them to be self-governing while remaining part of the British empire. The term "Dominion" means "that which is mastered or ruled".

Comment On Dominion Status:

Dominion status is dead as a door nail : Said bu J.L Nehru

2. Cripps Proposal: 1942

- Offering India dominion status after the war, along with the creation of a Constituent Assembly to draft a new constitution

3. Wavell Plan: 1945

- Also Known as Shimla Conference
- The Wavell Plan was a 1945 proposal by India's Viceroy, Lord Wavell, to resolve the political deadlock by creating a new, interim Executive Council with equal representation for Hindus and Muslims



All three plans were rejected because Congress Demands Purna Swaraj and Britishers offered Dominion Status.

Cabinet Mission Plan: 1946

Three British Cabinet members:

1. Pethick-Lawrence (chairman),
2. Stafford Cripps, and
3. A.V.Alexander.



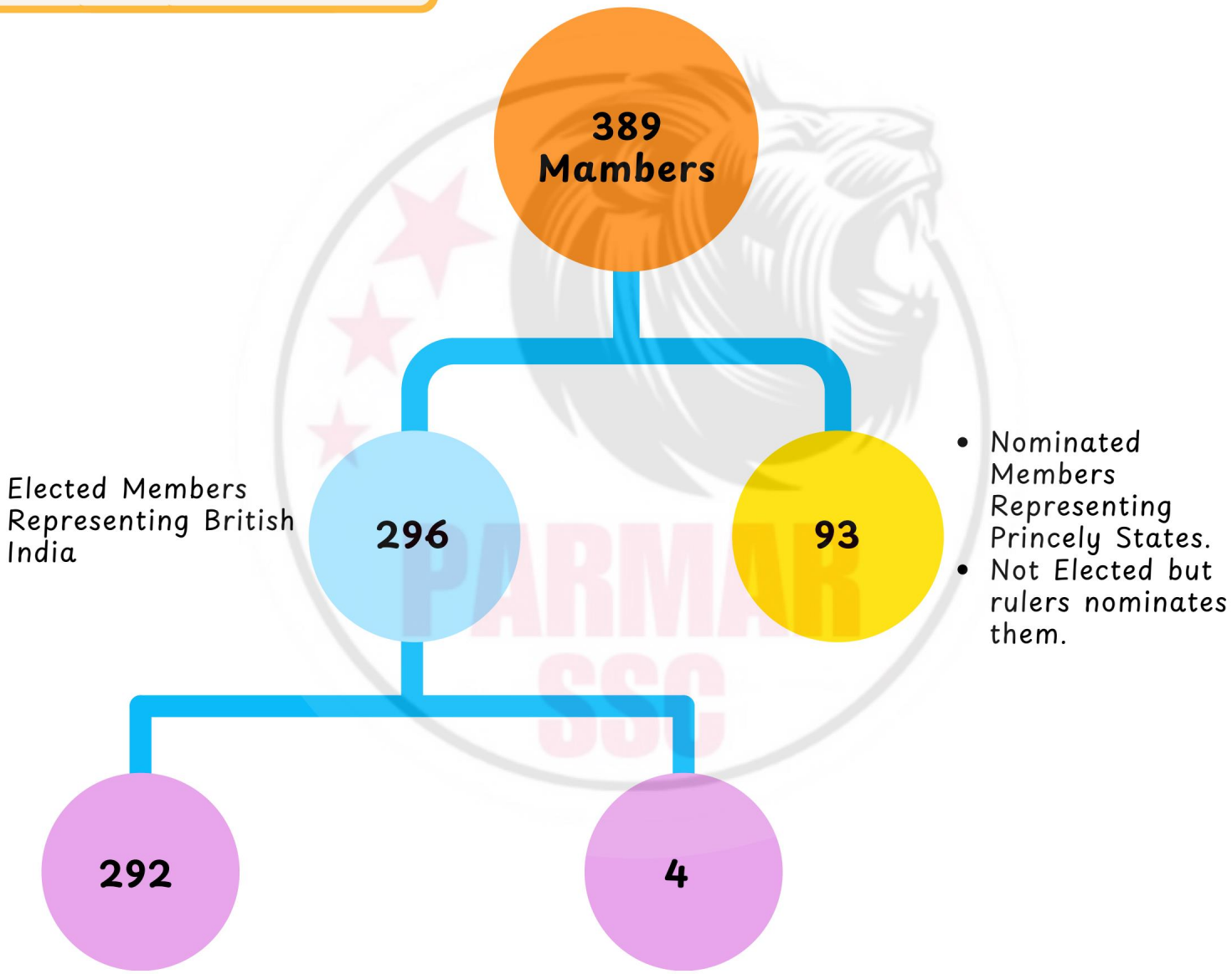
Only Cabinet Mission Plan was accepted by both the Congress and the Muslim League, hence Constituent Assembly was formed according to it.

Tryst with Destiny:

In his famous speech "Tryst with Destiny" delivered on 14th Aug 1947 before Constituent Assembly, Nehru referred to Gandhiji, as "The ambition of the greatest man of our generation has been to wipe every tear from every eye".



Cabinet Mission Plan



Elected Members Representing British India

- Nominated Members Representing Princely States.
- Not Elected but rulers nominates them.

Elected From 11 Governor Provinces of British India.

4 members came from Chief Commissioner's Provinces (Ajmer-Marwar, Coorg, Delhi, Baluchistan)

Seats Allocation

- Seats allocated to each British province, were to be divided among three principal communities: **Muslim**, **Sikh** and **General**.
- One seat was to be allotted per 1 million population.
- It was partly elected and partly nominated.
- Method of election (Indirect Elections): Proportional Representation + Single Transferable Vote.

- Elections held in: July-August 1946.

Election Results

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

Interim Government

- 2nd September 1946: The Interim Government of India was formed. It lasted until India's independence on 15th August 1947, and the partition of the country into India and Pakistan.
- President of the Executive Council (Viceroy and Governor-General of India): **Viscount Wavell** (till Feb 1947); **Lord Mountbatten** (from Feb 1947)

Position held by Members of Interim Government

- **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)
- **Health**: Ghazanfar Ali Khan (ML)
- **Labour**. Jagjivan Ram (INC)
- **Law**: Jogendra Nath Mandal (ML)
- **Education and Arts:** C. Rajagopalachari (INC)
- **Railways and Communication, Post and Air:** Abdur Rab Nishtar (ML)
- **Industries and Supplies:** John Mathai (INC)

Objective Resolution

- **13th December 1946**: Objective Resolution was presented by Jawaharlal Nehru before the Constituent Assembly.
- **22nd January 1947**: Objective Resolution was accepted by the Constituent Assembly.

Committees of the Constituent Assembly

- The Constituent Assembly of India formed 8 Major and 13 Minor committees.

Major Committee

Jawahar Lal Nehru

- Union power Committee
- Union Constitution Committee
- State Committee

Sardar Patel

- Provincial Constitution Committee
- Advisory Committee on Fundamental Rights, Minorities, and Tribal and Excluded Area

Rajendra Prasad

- Rules of Procedure Committee
- Steering Committee

B.R Ambedkar

- Drafting Committee

Minor Committee

1. Finance and Staff Committee : **Dr. Rajendra Prasad**
2. Ad-hoc Committee on the National Flag : **Dr. Rajendra Prasad**
3. Credential Committee : **Alladi Krishnaswamy Ayyar**
4. House Committee : **B. Pattabhi Sitaramayya**
5. Committee on Chief Commissioners Provinves : **B. Pattabhi Sitaramayya**
6. Order of Business Committee : **Dr. K.M Munshi**
7. Committee on the functions of the Constituent Assembly : **G.V Mavalankar**
8. Ad-hoc committee on the Supreme Court : **S. Varadachariar**
9. Ad-hoc Committee on Citizenship : **S. Varadachariar**
10. Expert Committee on the Financial Provisions of the Union Constitution : **Nalini Ranjan Sarkar**
11. Linguistic Provinces Commission : **S.K Dhar**
12. Special Committee to Examine the Draft Constitution : **J.L.Nehru**
13. Press Gallery Committee : **Usha Nath Sen**

Drafting Committee

- Set up on: 29th August 1947.
- Total members of Drafting Committee: 7
- Chairman: Dr. B. R. Ambedkar (also known as "Modern Manuh" or "Modern Man")

Other Members of Drafting Committee

1. Alladi Krishnaswami Ayyar
2. N. Gopalaswami Ayyangar
3. Muhammad Saddullah
4. B. L. Mitter (replaced by N. Madhav Rau)
5. D. P. Khaitan (replaced by T. T. Krishnamachari)
6. K. M. Munshi

Draft of Costitutional Assembly

- 21 Feb 1948: First draft was published. It took 8 months for the people of India to discuss.
- 4 November 1948: B. R. Ambedkar introduced the final draft before Constituent Assembly.

B.R. Ambedkar was elected to the Consituent Assembly from Bengal in July 1946 (before Partition) but after Partition he was elected from Bombay Presidency.

- 1st reading: 5 days (4th Nov 1948-9th Nov 1948).
- 2nd reading: 10 months and 3 days (15 Nov 1948-17 Oct 1949)
- 3rd reading: Completed on 26 Nov 1949.

- 211 members were present on the 1st day of the constituent assembly.

Important Sessions

- Total sessions held: 11 sessions for 165 days.
- Total time taken for drafting the Constitution: 2 years 11 months 18 days.
- Budget: 64 lakhs (to frame the Constitution).
- 1st Session: 9-23rd December 1946
- 10th Session: 6-17th October 1949
- 11th Session: 14-26th November 1949 (also the last session).
- Final Draft: Presented by Dr. B. R. Ambedkar before the public on 4th November 1948.
- 26th November 1949: Constitution was adopted (this day is also celebrated as the "Constitution Day")
- 26th January 1950: Constitution was enforced / commenced on this day, Hence, this day is celebrated as THE REPUBLIC DAY OF INDIA.

- The reason for chosing this date is because on the same day in 1930 Purna Swaraj day was celebrated following the Lahore session (1929).
- Originally, our Constitution consisted of 395 Articles, 8 Schedules, 22 Parts and a Preamble.

Some provisions were imposed on 26th November 1949

- Citizenship (Article 5-9)
- Elections (Article 324-329)
- Provisional Parliament

Functions of the Constituent Assembly

1. It acted as a **law-making body** (to legislate) : G. V. Mavalankar (first speaker of Lok Sabha)
2. **It acted as a Constitution making body.**
   - It functioned as the 'First Parliament of India'
   - It adopted National Flag on 22 July, 1947
   - It adopted National Anthem ("Jana Gana Mana" by Rabindranath Tagore) and National Song ("Vande Matram"→ by Bankim Chandra Chatterjee) on 24 January, 1950.
   - It ratified India's membership of the Commonwealth in May 1949.
   - Elected Dr. Rajendra Prasad as the 1st President of India on 26 Jan 1950.

Working of Constituent Assembly

- 9 Dec 1946 : 1st meeting (211 members)
- Temporary President : Dr. Sachchidanand Sinha
- Permanent President : Dr. Rajendra Prasad
- Vice President : H.C.Mukherjee

Some more Significant facts to know:

- Legal/ Constitutional advisor: B. N. Rau
- Chief Draftsman: S. N. Mukherjee
- No. of members who signed constitution: 284 (including 15 female members)
- Secretary of Constituent Assembly : H.V. Iyengar
- India's constitution is the largest written constitution, its symbol is an Elephant.
- Language of the Constitution: English
- Constitution Calligraphers: **English** : Prem Behari Narain Raizada ; **Hindi** : Vasant Krishna Vaidya

Important Female members of The Constituent Assembly

- Rajkumari Amrit Kaur : 1st Health Minister
- Sucheta Kriplani : 1st female Chief Minister of Uttar Pradesh
- Sarojini Naidu : 1st Governor of Uttar Pradesh