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MAKING OF THE INDIAN CONSTITUTION

Introduction:

It was in 1934 that the idea of a Constituent Assembly for India was put forward for the first time by M. N. Roy, a pioneer of communist movement in India. In 1935, the Indian National Congress (INC), for the first time, officially demanded a Constituent Assembly to frame the Constitution of India. In 1938, Jawaharlal Nehru, on behalf the INC declared that 'the Constitution of free India must be framed, without outside interference, by a Constituent Assembly elected on the basis of adult franchise'.

The demand was finally accepted in principle by the British Government in what is known as the 'August Offer' of 1940. In 1942, Sir Stafford Cripps, a member of the cabinet, came to India with a draft proposal of the British Government on the framing of an independent Constitution to be adopted after the World War II. The Cripps Proposals were rejected by the Muslim League which wanted India to be divided into two autonomous states with two separate Constituent Assemblies. Finally, a Cabinet Mission¹ was sent to

India. While it rejected the idea of two Constituent Assemblies, it put forth a scheme for the Constituent Assembly which more or less satisfied the Muslim League.

COMPOSITION OF THE CONSTITUENT ASSEMBLY:

- The Constituent Assembly was constituted in November 1946 under the scheme formulated by the Cabinet Mission Plan.
- The total strength of the Constituent Assembly was to be 389. Of these, 296 seats were to be allotted to British India and 93 seats to the Princely States.
- Each province and princely state (or group of states in case of small states) were to be allotted seats in proportion to their respective population.
- Seats allocated to each British province were to be divided among the three principal communities—Muslims, Sikhs and general (all except Muslims and Sikhs), in proportion to their population.

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- The representatives of each community were to be elected by members of that community in the provincial legislative assembly and voting was to be by the method of proportional representation by means of single transferable vote.
 - The representatives of princely states were to be nominated by the heads of the princely states. the Constituent Assembly was to be a partly elected and partly nominated body.
 - Moreover, the members were to be indirectly elected by the members of the provincial assemblies, who themselves were elected on a limited franchise

WORKING OF THE CONSTITUENT ASSEMBLY

The Constituent Assembly held its first meeting on December 9, 1946. The meeting was thus attended by only 211 members. Dr. Sachchidan and Sinha, the oldest member, was elected as the temporary President of the Assembly, following the French practice.

Later, Dr. Rajendra Prasad was elected as the President of the Assembly.

Similarly, both H.C. Mukherjee and V.T. Krishnamachari were elected as the Vice-Presidents of the Assembly.

The Constituent Assembly appointed a number of committees to deal with different tasks of constitution-making. Out of these, eight were major committees and the others were minor committees.

Among all the committees of the Constituent Assembly, the most important committee was the Drafting Committee set up on August 29, 1947. It was this committee that was entrusted with the task of preparing a Constitution. It consisted of seven members.

They were: draft of the new

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
7. T. T. Krishnamachari

The Drafting Committee took less than six months to prepare its draft.



ENACTMENT OF THE CONSTITUTION

The motion on Draft Constitution was declared as passed on November 26, 1949, and received the signatures of the members and the president. This is also the date mentioned in the Preamble as the date on which the people of India in the Constituent Assembly adopted, enacted and gave to themselves this Constitution.

The Constitution as adopted on November 26, 1949, contained a Preamble, 395 Articles and 8 Schedules. The Preamble was enacted after the entire Constitution was already enacted. Dr B R Ambedkar, the then Law Minister, piloted the Draft Constitution in the Assembly. He was a brilliant constitutional expert and the chief architect of Indian constitution. He is recognised as the 'Father of the Constitution of India'.

The Drafting Committee studied the constitution of more than 60 countries such as U.K, USA, Ireland, erstwhile USSR, France, Switzerland, etc.

January 26 was specifically chosen as the 'date of commencement' of the Constitution because of its historical importance. It was on this day in 1930 that Munawara day was celebrated, following the resolution of the Lahore Session (December 1929) of the INC.

ENFORCEMENT OF THE CONSTITUTION

Some provisions of the Constitution pertaining to citizenship, elections, provisional parliament, temporary and transitional provisions, and short title, 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 itself.

The remaining provisions (the major part) of the Constitution came into force on January 26, 1950. This day is referred to in the Constitution as the 'date of its commencement', and celebrated as the Republic Day. January 26 was specifically chosen as the 'date of commencement' of the Constitution because of its historical importance. It was on this day in 1930 that Purna Swaraj day was celebrated, following the resolution of the Lahore Session (December 1929) of the INC. With the commencement of the Constitution, the Indian Independence Act of 1947 and the Government of India Act of 1935, with all enactments amending or supplementing the latter Act, were repealed. The Abolition of Privy Council Jurisdiction Act (1949) was however continued.

♦.....♦ **IMPORTANT FACTS**

1. Elephant was adopted as the symbol (seal) of the Constituent Assembly.
2. Sir B.N. Rau was appointed as the constitutional advisor (Legal advisor) to the Constituent Assembly.
3. H.V.R. Iyengar was the Secretary to the Constituent Assembly.
4. S.N. Mukerjee was the chief draftsman of the constitution in the
5. Constituent Assembly.
6. Prem Behari Narain Raizada was the calligrapher of the Indian
7. Constitution. The original constitution was handwritten by him in a
8. flowing italic style.
9. The original version was beautified and decorated by artists from
10. Shantiniketan including Nand Lal Bose and Beohar Rammanohar Sinha.
11. Beohar Rammanohar Sinha illuminated, beautified and ornamented the original Preamble calligraphed by Prem Behari Narain Raizada.
12. The calligraphy of the Hindi version of the original constitution was done by Vasant Krishan Vaidya and elegantly decorated and illuminated by Nand Lal Bose.

Sessions of the Constituent Assembly at a Glance:

Sessions Period:

First Session - 9–23 December, 1946

Second Session - 20–25 January, 1947

Third Session - 28 April–2 May, 1947

Fourth Session - 14–31 July, 1947

Fifth Session - 14–30 August, 1947

Sixth Session - 27 January, 1948

Seventh Session - 4 November, 1948–8 January, 1949

Eighth Session - 16 May–16 June, 1949

Ninth Session - 30 July–18 September, 1949

Tenth Session - 6–17 October, 1949

Eleventh Session - 14–26 November, 1949

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The Assembly met once again on 24 January, 1950, when the members appended their signatures to the Constitution of India.

Questions:

1. Explain the process of Enactment and Enforcement of the Constitution.
2. Discuss in detail about the Making of the Constitution.

