

INDIAN CONSTITUTION:

UNIT I: INTRODUCTION

1. Constituent Assembly:

* In 1934, the idea of a constituent assembly for India was put forward for the first time by M.N. Roy.
* He was an 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 British government accepted the demand on August of 1940 which is known as the "August offer".

* 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 proposal was rejected by the Muslim League.

* Finally a cabinet mission was sent to India, it put forth a scheme of the constituent assembly which more or less satisfied the Muslim League.

COMPOSITION OF THE CONSTITUENT ASSEMBLY:

* The constituent assembly was constituted in November 1946.

* The features of the cabinet mission plan were:

* Total strength of the constituent assembly 389

↳ British India - 296

↳ princely states - 93

* Out of 296, British Indian seats 292 members were drawn by 11 governors and other 4 were chief commissioners.

* The 4 chief commissioners were:

↳ Delhi

↳ Ajmer

↳ Coorg

↳ British Baluchistan.

* Each one seat was to be allotted for every million people, population.

* The representatives of princely states were headed by the "Head of princely state".

* The voting was to be by the method of proportional representation by the means of Single transferable vote.

ELECTION:

* The Election of the constituent assembly was held on August 1946.

Result: Congress won - 208 seats

Muslim League - 73 seats

Others - 15 Seats.

* 93 seats were allotted for princely States but they didn't participate in election.

* All Indian representatives participated at that time, except Mahatma Gandhiji.

WORKING OF CONSTITUENT ASSEMBLY:

* The constituent assembly held its first meeting on December 9, 1946.

* The muslim league boycott the meeting.

* Only all members participated on that meeting.

* Dr. Sachidhananda Sinha, the oldest member in the assembly was elected as temporary president.

* Later Dr. Rajendra prasad was elected as permanent president.

* H.C. Mukherjee and V.T. Krishnamachari were elected as vice president to the assembly.

OBJECTIVE RESOLUTION:

* On December 13, 1946 Jawaharlal Nehru moved "objective resolution" to the assembly. It states:

* Independent sovereign, Republic to draw future governance

* India shall be union of all territories

State + territory = union.

* States and territories have autonomous status except such powers to union.

* power and authority must be derived from people.

* Integrity of territory, world peace & welfare of mankind.

* The assembly adopted the "objective resolution" on Jan 22, 1947.

DRAFTING COMMITTEE:

* Drafting committee was setup on August 29, 1947.

* It has 7 members the members were:

1. Dr. B.R. Ambedkar (Chairman)

2. N. Gopalasamy Ayyangar

3. Alladi Krishnaswamy Ayyar.

4. Dr. K.M. Munshi.

5. Syed Mohammad Saadullah.

6. N. Madhava Rau (Replaced B.L. Mitter, who resign due to ill-health)

7. T. T. Krishnamachari (Replaced D.P. Khaitan who died in 1948)

* To prepare first draft and published on February 1948. The people of India were given 8 months to discuss and comment.

* The drafting committee took 6 months to prepare draft.

* The whole constitution took 2 years, 11 months & 18 days to draft.

* They referred 60 countries constitution.

* They spend 64 lakhs to draft constitution.

At first there were:

↳ Articles - 395

↳ Schedules - 8

↳ parts - 22.

* On Nov 26, 1949 the constitution was framed and signed by 284 members of the assembly.

2. PREAMBLE:

* The American constitution was the first to begin with a preamble.

* The term preamble refers to Introduction or preface to the constitution.

* N.A. Palkhivala called preamble as "identical of the constitution".

* The preamble of the constitution is based on the "Objective resolution".

* It has been amended by the 42 Amendment Act (1976) which added three new words: Socialist, Secular, Integrity.

* Preamble starts by the phrase "We the people of India".

↳ Justice - Social, Economic & political

↳ Liberty - of thought, Expression, belief, faith & worship.

↳ Equality - of status and of opportunity and to promote among them all.

↳ Fraternity - assuring the dignity of the individual and the unity and integrity of Nation

* Sovereign, Socialist, Secular, Democratic Republic, Justice, Liberty, Equality and Fraternity, are the keywords of preamble.

3: FEDERAL & UNITARY FEATURES:

* The constitution of India establishes a federal system of government.

* It contains all the usual features of federation that is a government, division of powers, written constitution, supremacy of constitution, rigidity of constitution, independent judiciary and bicameralism.

* The Indian constitution also contains a large number of unitary or non-federal features. a strong centre, single citizenship, flexibility of constitution, integrated judiciary appointment of state governor by the centre.

* The Indian constitution has been variously described as "federal in form but unitary in spirit, quasi-federal."