

POLITICAL SCIENCE

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MAKING OF THE INDIAN CONSTITUTION

Date of Adoption 26-11-1949

Date of commencement

26-01-1950

HIGHLIGHTS

- Framed by a Constituent Assembly.
- One of the best constitutions in the world.
- Detailed Preamble
- 395 articles in 22 parts.
- 12 schedules,
- 102 Amendments.

Historical retrospect Events Prior to the Framing of the Constitutions

- Battle of Plassey 1757.
- Battle of Buxar 1764.
- After these two battles the East India Co Became the rulers.

Mile stones in the Development of Constitution

- The Regulating Act 1773.
- The Charter Act 1793.
- The Charter Act 1813.
- The charter Act 1833.
- The charter Act 1853.

British Paramountcy

End of company rule

- The First war of independence 1857.
- The Govt. of India Act 1858.
- The Indian Councils Act 1861.
- Formation of Indian National Congress in 1885.
- The Indian Councils Act 1892.
- The split of Congress and demand for swaraj (self - Rule)

Congress in Extremist phase

- The Govt. of India Act 1909.
- The Govt. of India Act 1919.
- Jallian wallah Bagh tragedy 1919.

Advent of Gandhiji

- Non Co-operation Movement 1920.
- Simon Commission 1927.
- Nehru Report 1928.
- Civil disobedience 1930.

Govt. of India Act 1935

Back bone of our Present Constitution

- Federation and provincial autonomy.
- Dyarchy at the centre.
- A bicameral Central legislature created.
- Distribution of powers between centre and provinces.

Demand for a constituent assembly

- The Act of 1935 failed to satisfy the Indian aspirations.
- In 1938, Pandit Nehru formulated the demand for constituent assembly.

Cripps Mission

Acceptance of demand

- Cripps mission came in 1942 and recognised the demand that.
 - a constitution to be framed by an elected constituent assembly.
 - India to be given a dominion status.
- Cripps proposal were rejected
- Gandhi ji started Quit India Movement in 1942.

Cabinet Mission 1946

formation of Constituent assembly

- The cabinet mission provided for an indirectly elected Constituent assembly.
- The assembly consisted of total 389 members.
 - 292 to be elected from provinces.
 - 93 to be nominated from princely states.
 - 4 to be nominated from chief comm. Areas.

Joint Constitution assembly for India & Pakistan.

- The first meeting of the consembly was held on Dec. 9, 1946.
- But it was boycotted by Muslim league.
- Muslim league demanded a separate assembly for Pakistan.

Mountbatten plan

Indian independence Act 1947.

- On 26th July 1947 Governor General Lord Mountbatten announced the setting up of a separate constituent Assembly for Pakistan.

Constituent assembly of India

- On 14th August 1947 the Sovereign constituent assembly for India reassembled.
- Dr Rajinder Prasad was elected its President.
- Seven member drafting committee formed.
- Dr. B.R. Ambedkar acted as chairman of drafting committee.

Drafting of Constitution.

- It took 2 years, 11 months, and 18 days in framing the Constitution.
- The Constitution was enacted and adopted on 26th November 1949.
- Some of the provisions relating to citizenship, elections, provisional parliament etc came into force on the same day.
- Remaining provisions came into force on 26th January 1950.

Salient features

- Written constitution.
- Enacted Constitution.
- Lengthy Constitution.

Preamble

- WE THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC and to secure to all its citizens:
- JUSTICE, social, economic and political;
- LIBERTY of thought, expression, belief and 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 the Nation.
- IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949 do hereby ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.

Constitution

Drawn from different sources

- Parliamentary system
- Rule of law
- Fundamental Rights
- Judicial Review
- Post of Vice president
- Emergency provisions
- Fundamental duties
- Concurrent list
- Directive Principles
- United Kingdom
- United Kingdom
- U.S.A
- U.S.A
- U.S.A
- Germany
- Russia
- Australia
- Ireland

PARLIAMENTARY FORM OF GOVT.

■ Parliament

- President indirectly elected
- Rajya sabha indirectly elected
- Lok sabha directly elected
- Two types of Executive
- President is nominal executive.
- Prime Minister and his council of ministers as real executive.

QUASI FEDERAL

Strong centre

■ FEDERAL FEATURES

- Two sets of Govts.
- Division of powers
- Independent judiciary
- Supremacy of the constitution.

■ UNITARY FEATURES

- Emergency provisions.
- Single citizenship
- Residuary powers lie with the centre
- Change the boundary of a state.
- All India services IAS
IPS IFS

PARTLY RIGID PARTLY FLEXIBLE

- RIGID CONSTITUTION

 - Amending procedure is difficult

- FLEXIBLE CONSTITUTION

 - Amending procedure is easy

- PROCEDURE FOR AMMENDMENT

 - Article 368

 - (i) Simple majority in both houses

 - (ii) Special Majority in both houses

 - (iii) Special Majority + consent of < half of states