

Topic 01: Historical Background of the Constitution

Making of the Constitution | Objective Resolution | Constituent Assembly | Timeline 1946–1950

THE FOUNDATIONAL JOURNEY

The framework for modern Indian governance evolved directly from the acts and policies implemented by the East India Company and the subsequent British government.

- **Birth of the Republic:** The Constitution came into effect on **January 26, 1950**, marking India's decisive transition from a dominion to a Sovereign, Democratic, Republic.
- **The Architect:** Dr. B.R. Ambedkar played a pivotal role as the Chairman of the Drafting Committee.
- **The Drafting Timeline:** The Constituent Assembly engaged in extensive discussions during the period from 1946 to 1949.
- **Historical Periods of Evolution:** We can analyze this evolution through two distinct phases of British administration:
 1. **Company Rule (1773–1858):** This period established the governance structure under the East India Company.
 2. **Crown Rule (1858–1947):** This phase involved direct British control and brought about major administrative changes.

Key Historical Milestones (Timeline)

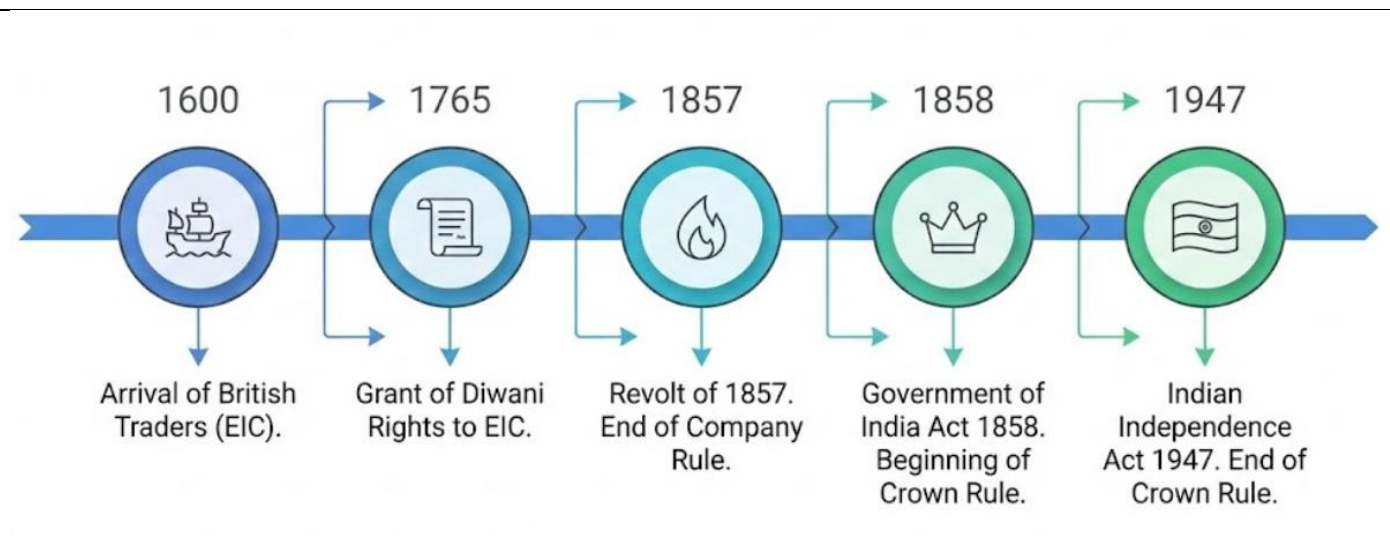
1600: Arrival of British as traders (EIC).

1765: Grant of Diwani Rights to EIC by Shah Alam II.

1857: Revolt of 1857; marks the end of Company Rule (1773–1858).

1858: Government of India Act 1858; marks the beginning of Crown Rule (1858–1947).

1947: Indian Independence Act 1947; marks the end of Crown Rule.



THE ERA OF COMPANY RULE (1773–1858)

The initial phase focused on regulating and centralising the EIC's burgeoning political power.

1. Regulating Act of 1773

- **Governor-General:** Warren Hastings.

- **Significance:** This was the First British Regulation, signifying the beginning of British government control over the East India Company's affairs in India.
- **Foundation of Centralisation:** Laid the groundwork for centralized governance.
- **EIC Recognition:** Officially recognized the Company's political and administrative authority.
- **Executive Structure:** Appointed Lord Warren Hastings as the Governor-General of Bengal, assisted by a **4-member Executive Council**.
- **Judiciary:** Established the **Supreme Court in Calcutta** (in 1774).
- **Checks and Balances:** Prohibited private trade and the acceptance of bribes among Company servants.
- **Oversight:** Required the Court of Directors to report to the British Government on revenue, civil, and military matters.
- **Subordination:** Made the Bombay and Madras presidencies subordinate to the Governor-General of Bengal.

2. Amending Act of 1781 (Act of Settlement)

- **Governor-General:** Warren Hastings.
- **Exemptions:** Exempted the Governor-General and his Council from the Supreme Court jurisdiction for all official acts.
- **Revenue Exclusion:** Excluded revenue issues from the Supreme Court's jurisdiction.
- **Personal Law:** Mandated that the court apply Hindu law or Mohammedan law for respective defendants.
- **Appeals Route:** Provincial Court appeals were directed to the Governor-General-in-Council.
- **Regulatory Power:** Empowered the Governor-General-in-Council to frame regulations for Provincial Courts and Councils.

3. Pitt's India Act, 1784

- **Governor-General:** Warren Hastings.
- **Functional Separation:** Separated the commercial and political functions of the Company.
- **Introduction of Dual Government:** Established two governing bodies:
 - **Board of Control:** Managed political affairs, including supervision of civil and military operations or revenues.
 - **Court of Directors:** Oversaw commercial affairs.
- **Terminology Shift:** Company territories were first designated as '**British possessions in India**', granting the British Government supreme control.

4. Act of 1786

- **Governor-General:** Lord Cornwallis.
- **Dual Appointment:** Appointed Lord Cornwallis as both Governor-General of Bengal and the Commander-in-Chief.
- **Overriding Power:** Cornwallis was granted the authority to override council decisions in special cases.

5. Charter Act of 1793

- **Governor-General:** John Shore.

- **Extension of Power:** Extended the overriding powers granted to Cornwallis to future Governors-Generals and Governors of Presidencies.
- **Increased Control:** Enhanced the Governor-General's control over the Bombay and Madras Presidencies.
- **Monopoly Extension:** Extended the Company's trade monopoly in India for an **additional twenty years**.
- **Commander-in-Chief Status:** Specified that the Commander-in-Chief would not automatically be a council member unless specifically appointed.
- **Financial Provision:** Mandated that the Board of Control members and staff be paid from Indian revenues.

6. Charter Act of 1813

- **Governor-General:** Lord Minto I.
- **Trade Liberalisation:** Ended the East India Company's trade monopoly.
 - All British merchants were permitted to trade in India.
 - **Exceptions:** Monopoly retained for trade with China and trade in tea.
- **Crown Sovereignty:** Explicitly asserted British Crown sovereignty over the Company territories in India.
- **Local Taxation:** Empowered local governments to impose taxes and punish defaulters.
- **Rule Extension:** Extended the Company's rule for another **20 years**.
- **Board of Control:** Enhanced the powers of the Board of Control.
- **Social Reform:** Allowed Christian missionaries to promote moral and religious improvements in India.
- **Education Mandate:** Mandated an annual investment of **Rs. 1 Lakh** in Indian education.
- **Financial Accounts:** Required separate accounts for the Company's territorial revenues and commercial profits.

7. Charter Act of 1833

- **Governor-General of India:** William Bentinck (The first appointee).
- **Climax of Centralisation:** This Act marked the final move towards centralization in British India, giving the administration an **All-India character**.
- **Colonial Status:** Legalised British colonisation.
- **EIC as Administrative Body:** The East India Company ceased to be a commercial entity and became a purely administrative body, holding territories "in trust for His Majesty, His heirs and successors".
- **Trade Monopoly Ends:** Ended the Company's remaining monopolies on trade with China and in tea.
- **Title Change (All-India Head):** Designated the Governor-General of Bengal as the "**Governor-General of India**," granting him full civil and military powers.
- **Legislative Centralisation:** Transferred all legislative powers from Bombay and Madras to the Governor-General of India. Laws enacted under this structure were now called "**Acts**".
- **Civil Services (Attempt):** Proposed an open competition system for the selection of civil servants, but this was blocked due to opposition from the Court of Directors.
- **Law Commission:** Established the Indian Law Commission in 1834 for legal codification, chaired by **Lord Macaulay**.

8. Charter Act of 1853

- **Governor-General of India:** Lord Dalhousie.
- **The Last Charter:** This was the last in the series of Charter Acts (1793–1853).
- **Separation of Functions:** Separated the legislative and executive functions of the Governor-General's council.
- **Legislative Council:** Introduced local representation in the Indian Legislative Council.
 - It included **six new legislative councillors**, bringing the total membership to 12.
 - It functioned as a **“Mini-Parliament,”** mirroring British legislative procedures.
- **Law Member Status:** The fourth law member gained voting rights as a full member.
- **Court of Directors:** The Board of Directors was reduced from 24 to **18 members**, with **6 nominated** by the British Crown.
- **Civil Services (Implementation):** Implemented the open competition system for civil service recruitment, allowing Indian participation. The **Macaulay Committee** was appointed in 1854 to oversee this.

THE ERA OF CROWN RULE (1858–1947)

This period signifies direct responsibility of India to the British Parliament.

1. Government of India Act, 1858 (Act for Good Government of India)

- **Viceroy:** Lord Canning (The first appointee).
- **EIC Abolition:** Abolished the East India Company, transferring all administrative powers directly to the British Crown.
- **Title Change:** The Governor General was renamed the **Viceroy of India**.
- **End of Dual System:** Abolished the Double Government system (Board of Control and Court of Directors).
- **New Office:** Established the **Secretary of State for India**.
 - This individual was a British Cabinet member and accountable directly to the Parliament.
 - An advisory **Council of 15 members** was created to assist the Secretary, who also chaired this Council.
- **Corporate Body:** The Secretary of State-in-Council was established as a corporate body, authorized to sue and be sued in both India and England.

2. Indian Councils Act, 1861

- **Viceroy:** Lord Canning.
- **Indian Entry:** The Viceroy gained the power to nominate Indians as non-official members of his council.
 - In 1862, Lord Canning nominated three specific individuals: the **Raja of Benaras, Maharaja of Patiala, and Sir Dinkar Rao**.
- **Decentralisation:** Restored the legislative powers of Bombay and Madras. This action initiated decentralisation, eventually leading to near autonomy for provinces by 1937.
- **New Legislative Councils:** Established new Legislative Councils for Bengal (1862), Northwestern Province (1886), and Punjab (1897).
- **Ordinance Power:** Enabled the Viceroy to issue **Ordinances** for emergencies without the council's consent; these ordinances were valid for **6 months**.

- **Administration:** Introduced the **Portfolio system**, allowing council members to manage departments independently.

3. Indian Councils Act, 1892

- **Viceroy:** Lord Lansdowne.
- **Council Composition:** Increased non-official representation in Central and Provincial Legislative Councils, though the official majority was maintained.
- **Expanded Legislative Functions:** Legislative Councils gained the power to discuss budgets and address questions to the Executive.
- **Nomination/Indirect Election:** Although elections were not explicitly stated, a limited **indirect election process** for nominated members was introduced.
 - **Central Council Nomination:** By the Viceroy, based on recommendations from the Provincial Legislative Council and the Bengal Chamber of Commerce.
 - **Provincial Council Nomination:** By the Governor, based on advice from District Boards, Municipalities, Universities, Trade Associations, Zamindars, and Chambers.

4. Indian Councils Act, 1909 (Morley Minto Reforms)

- **Viceroy:** Lord Minto II.
- **Central Council:** Membership increased from 16 to **60**. The official majority was retained.
- **Provincial Councils:** Allowed for a **non-official majority**. Membership size varied across provinces.
- **Enhanced Deliberative Powers:** Members could ask supplementary questions and propose budget resolutions. Separate budget voting was introduced, though the budget as a whole could not be voted upon.
- **Communal Electorate:** Legalised communalism by introducing a **Separate Electorate**. Muslims could vote only for Muslim candidates.
 - Lord Minto became known as the “**Father of Communal Electorate**”.
- **Indian in Executive Council:** **Satyendra Prasad Sinha** was the first Indian appointed to the Viceroy's Executive Council, serving as the law member.
- **Special Representation:** Provided separate representation for Presidency Corporations, Chamber of Commerce, Universities, and Zamindars.

5. Government of India Act of 1919 (Montagu-Chelmsford Reforms)

- **Viceroy:** Lord Chelmsford.
- **Objective:** The British Government declared its aim on August 20, 1917, to gradually introduce a **Responsible Government in India**.
- **Classification of Subjects (Devolution Rules):** Divided administration into central and provincial subjects, enabling authority delegation.
- **Dyarchy in Provinces:** Introduced a dual governance scheme (**Dyarchy**) in provincial subjects:
 - **Reserved Subjects:** Governed by the Governor General and his Executive Council; they were **not** accountable to the Legislative Council.

- **Transferred Subjects:** Managed with oversight from the legislative council.
- **Central Bicameralism:** Replaced the Indian Legislative Council with a Bicameral Legislature:
 - Upper House (Council of State).
 - Lower House (Legislative Assembly).
 - A majority of members were elected directly.
- **Executive Council:** Included **three Indian members** in the Viceroy's Executive Council (excluding the Commander-in-Chief).
- **Electorates Further Extended:** Separate electorates were extended to Sikhs, Indian Christians, Anglo-Indians, and Europeans.
- **Franchise Limitation:** Franchise was limited based on criteria such as property, tax, and education.
- **Financial Autonomy:** Separated the Provincial Budget from the Central Budget, granting provinces power to enact their own budgets.
- **High Commissioner:** Established the office of the High Commissioner for India in London, transferring certain functions from the Secretary of State for India.
- **Public Service:** Provided for the establishment of a public service commission, leading to the creation of a **Central Public Service Commission in 1926**.
- **Chamber of Princes (Narendra Mandal):** Proposed the establishment of this chamber, which was formed in 1921 with **120 members** (princes and representatives) to discuss shared interests.
- **Statutory Commission:** Mandated a statutory commission to assess the Act's effectiveness after **ten years**.

6. Steps Leading to 1935 Act

The Simon Commission (1927)

- **Composition:** A seven-member statutory commission led by **Sir John Simon**. Notably, it was composed entirely of British members.
- **Key Proposals (Report submitted 1930):**
 - Abolish Dyarchy.
 - Expand Responsible Government in provinces.
 - Create a Federation of British India and princely states.
 - Maintain Communal Electorate.

Communal Award (1932)

- **Proposer:** Prime Minister Ramsay MacDonald proposed this to ensure minority representation.
- **Scope:** Introduced Separate Electorates for Muslims, Sikhs, Indian Christians, Anglo-Indians, Europeans, and **extended it to the depressed classes (Scheduled Castes)**.
- **Opposition:** Mahatma Gandhi strongly opposed the separate electorates for the depressed classes, leading to a fast in Yerawada Jail.
- **Poona Pact:** An agreement reached between Congress and Dr. B.R. Ambedkar.
 - It preserved the Hindu joint electorate.
 - It provided **reserved seats** for the depressed classes.

- **Outcome:** The British Government accepted the Poona Pact, thereby eliminating the separate electorates for the depressed classes. These provisions were incorporated into the 1935 Act.

7. Government of India Act, 1935

- **Viceroy:** Lord Willingdon.
- **Structure:** This Act, a significant step towards responsible government, comprised **321 sections and 10 schedules**.
- **Failed Federation:** It aimed to establish an **All-India Federation** composed of provinces and princely states, but it failed due to the non-participation of the princely states.
- **Division of Powers (Three Lists):** Powers were constitutionally divided:
 - Federal List (59 items).
 - Provincial List (54 items).
 - Concurrent List (36 items).
 - **Residual Powers** were assigned to the Viceroy.
- **Provincial Autonomy:** Introduced provincial autonomy. Autonomous governments were formed in 1937 but were suspended in 1939.
- **Dyarchy Shift:** Introduced dyarchy at the **centre** (abolishing it in the provinces).
- **Bicameralism:** Established bicameralism in **six provinces:** Bengal, Bombay, Madras, Bihar, Assam, and the United Provinces.
- **Electorates:** Introduced separate electorate for depressed classes (Scheduled Castes), women, and labourers.
- **Franchise Expansion:** Extended franchise to **14%** of the population.
- **Key Institutions:**
 - Created the **Reserve Bank of India**.
 - Established Federal and Provincial Public Service Commissions.
 - Established a **Federal Court in 1937**.
- **Territorial Changes:** Burma was separated from India. Two new provinces, Orissa and Sind, were created.
- **Oversight:** Introduced safeguards for minority interests, established a Federal Railway Authority, and provided for an Auditor-General for financial oversight.

8. Indian Independence Act, 1947

- **Viceroy:** Lord Mountbatten.
- **Partition and Independence:** Lord Mountbatten presented the Partition Plan on June 3, 1947, which was accepted by the Congress and Muslim League, leading to India's independence on **August 15, 1947**.
- **Dominions:** Created **two independent dominions**—India and Pakistan—both having the right to exit the British Commonwealth.
- **Leadership Change:** Abolished the office of Viceroy. Introduced a Governor-General for each dominion. **Lord Mountbatten** became the first Governor-General of India.

- **Constituent Assembly Powers:** Constituent Assemblies were fully empowered to create constitutions and repeal any British laws, including the Independence Act itself.
 - The Assemblies were granted legislative authority until new constitutions were enacted.
 - British acts passed after August 15 required dominion approval.
- **End of Paramountcy:** The role of the Secretary of State for India was abolished. British paramountcy over princely states lapsed, granting them autonomy.
- **Civil Services:** Appointment and reservation by the Secretary of State ceased, but pre-1947 appointees retained their benefits.
- **Interim Parliament:** The Constituent Assembly, formed in 1946, became the parliament of India.

POST-INDEPENDENCE: THE FIRST CABINET

Following independence, this cabinet was responsible for guiding the new nation until the Constitution was finalized.

No.	Member	Portfolio
1	Jawaharlal Nehru	Prime Minister; External Affairs and Commonwealth Relations; Scientific Research
2	Sardar Vallabhbhai Patel	Home, Information and Broadcasting; States
3	Dr Rajendra Prasad	Food and Agriculture
4	Maulana Abul Kalam Azad	Education
5	Dr. John Mathai	Railways and Transport
6	R.K. Shanmugham Chetty	Finance
7	Dr. B.R. Ambedkar	Law
8	Jagjivan Ram	Labour
9	Sardar Baldev Singh	Defence
10	Rajkumari Amrit Kaur	Health
11	C.H. Bhabha	Commerce
12	Rafi Ahmed Kidwai	Communication
13	Dr. Shyama Prasad Mukherjee	Industries and Supplies
14	V.N. Gadgil	Works, Mines, and Power

FUNDAMENTAL LEGAL AND CONSTITUTIONAL CONCEPTS

Let's begin by establishing the vocabulary of governance and the hierarchy of laws that define our system.

Defining Legal Instruments

- **Law:** Rules, which can be written or unwritten, that govern behaviour and are enacted by legislative bodies with legal force (e.g., BNSS, Citizenship Amendment Act).
- **Ordinance:** A temporary law issued by the President or Governor when the legislature is not in session, requiring subsequent legislative approval (e.g., COVID-19 lockdown ordinance).

- **Bylaws:** Regulations made by local authorities, which are subordinate to central or state laws (e.g., Municipal construction regulations).
- **Rules:** Detailed instructions issued by the executive branch to implement laws; they are subordinate to laws and bylaws (e.g., Passport application rules).
- **Regulations:** Specific and technical guidelines issued by regulatory bodies (e.g., SEBI regulations for listed companies).

Hierarchy of Laws in India

The legal system operates under a clear hierarchy:

1. Central Laws
2. State Laws
3. Ordinances
4. Bylaws
5. Rules and Regulations

The Constitution and Rule of Law

- **Constitution:** This is the supreme law, serving as the foundation of the legal system by outlining the government structure and powers (e.g., Constitution of India).
- **Rule of Law:** Defined by British jurist A.V. Dicey, this asserts that law governs a nation, ensuring that no individual or institution, including the government, is above it.
 - **Key Elements of Rule of Law:** Supremacy of Law (Law is the highest authority), Equality Before the Law (All individuals are subject to the same laws), Accountability (Government actions must be legally justified), and Legal Certainty (Laws must be clear, public, and stable).
 - **Constitutional Significance:** The Supreme Court of India recognizes the 'Rule of Law' as a 'Basic Structure' of the Constitution, making it impervious to amendments .
- **Constitutionalism:** According to Friedrich, Constitutionalism ensures that the government operates within set rules, promoting fairness and accountability.
 - **Purpose:** The primary purpose of a constitution is to provide a framework for government, determining its nature and form. As the fundamental law, it outlines the responsibilities of the executive, legislature, and judiciary. The legislature makes laws in accordance with the limits and directions provided by the constitution.
- **Constitution vs. Constitutionalism:** A country can possess a written Constitution but lack true Constitutionalism (e.g., a dictatorship might have a Constitution that isn't followed).

Louis Henkin's Eight Principles of Constitutionalism

Beyond the specific legal definitions, Constitutionalism embodies broad democratic principles, including:

- Popular Sovereignty
- An Independent Judiciary
- Rule of Law
- Democratic Governance (with Responsibility and Accountability)

- Police Governed by Legal and Judicial Control
- Adherence to Individual Rights
- Civilian Oversight of the Military
- Separation of Powers (Incorporating Checks and Balances)

Types of Constitutions

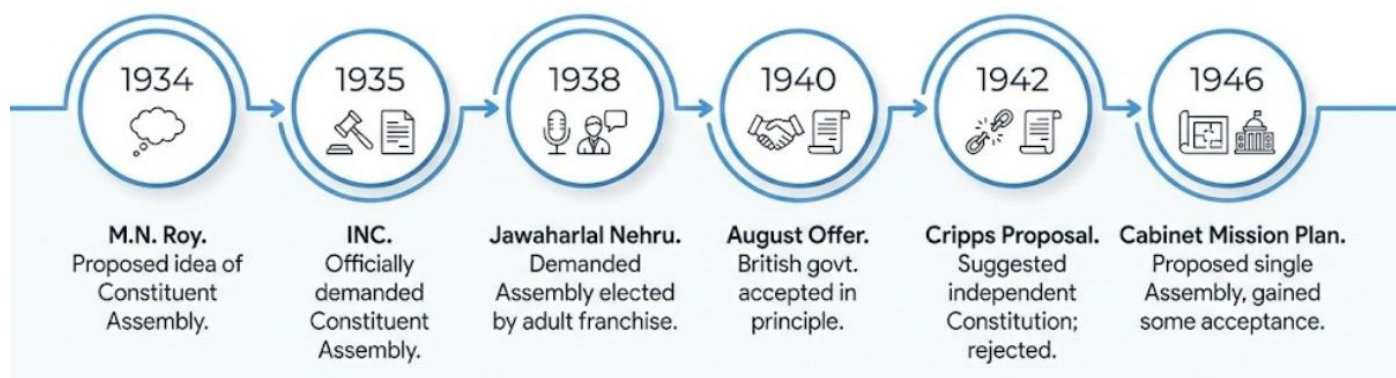
Constitutions can be classified based on their form, amendability, and structure:

Type of Constitution	Description/Characteristic	Examples
Written	A formal document outlining structure and rights.	U.S. Constitution.
Unwritten	Composed of various sources like statutes and traditions, not in a single document.	United Kingdom Constitution.
Flexible	Can be easily amended like regular laws.	British Constitution.
Rigid	Requires a complex process for amendments.	U.S. Constitution.
Federal	Divides powers between central and regional governments.	U.S., Germany.
Unitary	Centralizes power in one government.	United Kingdom.
Presidential	Separates executive and legislative branches; President is both head of state and government.	United States.
Parliamentary	Executive comes from the legislature; the Prime Minister leads.	U.K., India.
Monarchical	Recognizes a monarch (can be constitutional or absolute).	U.K., Sweden.
Republican	Establishes a republic; the head of state is elected.	U.S., France.
Theocratic	Based on religious laws and principles.	Iran.
Secular	Separates religion from government laws.	Indian Constitution.

THE DEMAND FOR A CONSTITUENT ASSEMBLY

The journey to creating the Constitution began decades before independence with key political demands.

THE DEMAND FOR A CONSTITUENT ASSEMBLY



Year	Event/Personality	Detail
1934	M.N. Roy	First proposed the idea of a Constituent Assembly for India.
1935	Indian National Congress (INC)	Officially demanded a Constituent Assembly to draft the Constitution.
1938	Jawaharlal Nehru	Stated that the constitution must be created by a Constituent Assembly elected through adult franchise .
1940	August Offer	The British government accepted the demand in principle.
1942	Cripps Proposal	Suggested drafting an independent Constitution post-World War II. It was rejected by the Muslim League, which sought the division of India into two autonomous states.
1946	Cabinet Mission Plan (CMP)	Proposed a single Constituent Assembly, which gained some acceptance from the Muslim League.

THE CONSTITUENT ASSEMBLY (CA)

The Constituent Assembly was the body tasked with drafting the supreme law of the land.

Key Dates and Sessions

The timeline of the CA is critical to understanding the formation process:

Date	Event	Detail
9th December 1946	First sitting	The Muslim League boycotted this session.
11th December 1946	Office Bearers Elected	Dr. Rajendra Prasad elected as President. Dr. Sachidanand Sinha (the oldest member) became temporary chairman. H.C. Mukherjee and V.T. Krishnamachari were elected Vice-Presidents.
13th December 1946	Objective Resolution	Introduced by Jawaharlal Nehru.
22nd January 1947	Resolution Adopted	The Objective Resolution was adopted.
22nd July 1947	National Flag	The National Flag was adopted by the Constituent Assembly.
15th August 1947	Transfer of Power	Established the dominions of India and Pakistan (Pakistan on 14th August 1947).
May 1949	Commonwealth Membership	Constituent Assembly ratified India's membership in the Commonwealth.

26th November 1949	Constitution Adopted	The Constitution was adopted/enacted.
24th January 1950	Final Session & Ceremonies	Adoption of the National Song and National Anthem. Dr Rajendra Prasad was elected as the first President of India. This was the final session of the Constituent Assembly.
26th January 1950	Commencement	The Constitution came into force, establishing India as a Republic.
Post-Jan 1950	Provisional Parliament	The Constituent Assembly continued as the provisional Parliament of India until the formation of the new Parliament in May 1952.

STRUCTURE, COMPOSITION, AND FACTS

This is how the Constituent Assembly was put together and functioned:

Heading	Detail
Constituted	Formed in November 1946 under the Cabinet Mission Plan.
Total Strength	389 members initially.
Seat Breakdown	296 from British India + 93 from Princely States. The 296 seats included 292 members from 11 governor's provinces and 4 members from Chief Commissioner's provinces.
Composition	Representatives included Hindus, Muslims, Sikhs, Parsis, Anglo-Indians, Indian Christians, SCs, STs, and Women from all these sections.
Seat Allocation Principle	Seats were allocated in proportion to the population of each province and princely state.
Provincial Seat Division	Seats for each British province were divided among three principal communities: Muslims, Sikhs, and General.
Voting Method	Proportional representation using a Single Transferable Vote for provincial representation.
Princely State Representatives	Nominated by the heads of the princely states. Note: 93 seats allotted to princely states remained unfilled as they opted out.
Member Status	Partly elected (in British Provinces) and partly nominated (by heads of Princely states). Members were indirectly elected by provincial assembly members.
Notable Non-Participant	Mahatma Gandhi did not participate in the Constituent Assembly.
Total Sessions	11.
Duration of Drafting	2 years, 11 months, and 18 days.
Total Expenditure	₹64 lakh.
Symbol (Seal)	Elephant.

Changes due to the Independence Act, 1947

The transfer of power radically altered the Assembly's status:

- **Sovereign Body:** The Assembly was declared fully sovereign, gaining the power to alter any law made by the British Parliament relating to India.
- **Dual Functions:** It performed two separate functions:
 1. **Constituent Body:** Chaired by Dr. Rajendra Prasad.
 2. **Legislative Body (First Parliament):** Chaired by G. V. Mavalankar. The Assembly became the first Parliament of free India.
- **Membership Reduction:** The strength was reduced from 389 to 299 after the withdrawal of the Muslim League.

Key Personnel

The Constitution involved several experts and officials:

- **Constitutional Adviser:** Sir B. N. Rau.
- **Secretary to the Constituent Assembly:** H.V.R. Iyengar.
- **Chief Draftsman of the Constitution:** S.N. Mukherjee.
- **Calligrapher of the Constitution (English):** Prem Behari Raizada.
- **Decorators/Illuminators:** Nand Lal Bose & B.R. Sinha.
- **Hindi Calligraphy:** Vasant Krishan Vaidya and illuminated by Nand Lal Bose.

Women Participation

The role of women in the assembly was significant:

- **Initial Membership:** Initial membership of the Constituent Assembly included 15 women, later increased by 2.
- **Women Signatories (11 members):** G. Durgabai, Ammu Swaminathan, Amrit Kaur, Dakshayani Velayudhan, Hansa Mehta, Renuka Ray, Sucheta Kripalani, Purnima Banerji, Begum Qudsiya Aizaz Rasul, Kamala Chaudhri and Annie Mascarene.

OBJECTIVE RESOLUTION (OR)

The Objective Resolution defined the vision and guiding philosophy for the Constitution.

- **Introduction:** Introduced by Jawaharlal Nehru on 13th December 1946.
- **Adoption:** Adopted on 22nd January 1947.
- **Significance:** It contained the fundamentals and philosophy of the Constitutional structure and served as the foundation for the Constitution's Preamble.
- **Core Declarations/Objectives:**
 1. **Sovereign Declaration:** India was declared an Independent Sovereign Republic.
 2. **Territorial Union:** It would be a Union of Territories, including British India, Indian States, and territories willing to join.
 3. **Autonomy:** Territories would retain status as autonomous units with residual powers, except those assigned to the Union.
 4. **Source of Power:** All power and authority would derive from the people of India.

5. **Justice and Equality:** Guarantees were made for social, economic, and political justice, equality of opportunity, and liberty of thought, expression, and action.
6. **Protection:** Committed to the advancement of Peace and well-being and protection for underprivileged ethnic, and minority groups.
7. **Territorial Integrity:** Sovereign rights on land, sea, and air were to be maintained.
8. **Global Role:** Committed to world peace and welfare.

COMMITTEES OF THE CONSTITUENT ASSEMBLY

The CA worked through specialized committees to handle various drafting aspects.

Major Committees and Chairmen

Chairman	Committees
Jawaharlal Nehru	Union Powers Committee, Union Constitution Committee, States Committee.
Dr Rajendra Prasad	Rules of Procedure Committee, Steering Committee.
Sardar Patel	Provincial Constitution Committee, Advisory Committee on FRs and Minorities & Tribal & Excluded Areas (Note: This Advisory Committee had 5 Sub-committees).
Dr. B.R. Ambedkar	Drafting Committee.

Sub-Committees of the Advisory Committee (Sardar Patel)

1. Fundamental Rights Sub-Committee - J.B. Kripalani.
2. Minorities Sub-Committee - H.C. Mukherjee.
3. North-East Frontier Tribal Areas and Assam Excluded & Partially Excluded Areas Sub-Committee - Gopinath Bardoloi.
4. Excluded and Partially Excluded Areas (other than those in Assam) Sub-Committee - A.V. Thakkar.
5. North-West Frontier Tribal Areas Sub-Committee.

Expert Committee of the Congress (July 8, 1946)

- **Chairman:** Jawaharlal Nehru.
- **Purpose:** To prepare material for the Constituent Assembly.
- **Members:** M. Asaf Ali, K.M. Munshi, N. Gopaldaswami Ayyangar, K.T. Shah, D.R. Gadgil, Humayun Kabir, K. Santhanam.

The Drafting Committee (Dr. B.R. Ambedkar)

The Drafting Committee was responsible for preparing the formal draft of the Constitution.

- **Chairman:** Dr. B.R. Ambedkar.
- **Members (7 total):**
 1. Dr. B.R. Ambedkar (Chairman).
 2. N. Gopaldaswamy Ayyangar.
 3. Alladi Krishnaswamy Ayyar.

4. Dr. K.M. Munshi.
5. Syed Mohammad Saadullah.
6. N. Madhava Rau (Replaced B.L. Mitter who resigned due to ill health).
7. T.T. Krishnamachari (Replaced D.P. Khaitan who died in 1948).

- **Drafting Process Timeline:**

- First Draft: Published in February 1948.
- Public Feedback Period: Eight months.
- Second Draft: Published in October 1948.
- Total Meetings: 141 days.
- Completion Time: Less than six months.

Minor Committees

Chairman/Head	Committees	Status (if non-member)
Dr. Rajendra Prasad	Finance and Staff Committee, National Flag Committee.	
Alladi Krishnaswami Ayyar	Credentials Committee.	
B. Pattabhi Sitaramayya	House Committee, Chief Commissioners' Provinces Committee.	
Nalini Ranjan Sarkar	Financial Provisions Committee.	Non-member.
S.K. Dar	Linguistic Provinces Commission.	Non-member.
Jawaharlal Nehru	Draft Constitution Committee.	
Usha Nath Sen	Press Gallery Committee.	
S. Varadachari	Citizenship Committee, Supreme Court Committee.	Non-member.
Dr. K.M. Munshi	Order of Business Committee.	
G.V. Mavalankar	Functions of Constituent Assembly Committee.	

ENACTMENT AND ENFORCEMENT OF THE CONSTITUTION

Enactment (Adoption)

The Constitution was formally enacted and adopted on **26 November 1949**.

- **Signatures:** Out of a total of 299 members of the Assembly, 284 were actually present on that day and signed the Constitution.
- **Initial Structure:** At the time of adoption, the Constitution contained the Preamble, **395 Articles, and 8 Schedules**.
- **Preamble's Status:** The Preamble was enacted *after* the entire Constitution was already enacted, ensuring it aligned with the philosophy of the completed Constitution.

Commencement (Enforcement)

- **Immediate Enforcement (November 26, 1949):** Certain provisions came into force immediately, including those relating to Citizenship, Elections, provisional Parliament, temporary and transitional provisions, and

short titles. These provisions were contained in Articles 5, 6, 7, 8, 9, 60, 324, 366, 367, 379, 380, 388, 391, 392, and 393.

- **Major Enforcement (Commencement Day):** The major part of the Constitution came into force on **26 January 1950**. This date is celebrated as Republic Day.
- **Historical Reason for January 26:** This date was chosen because **Purna Swaraj Day** had been celebrated on 26 January 1930, following the Lahore Session (December 1929) of the Indian National Congress.
- **Repealed Acts:** The Indian Independence Act, 1947 and the Government of India Act, 1935 (with all its enactments) were repealed.
- **Continued Act:** The Abolition of Privy Council Jurisdiction Act (1949) continued to be in effect.

The making of the Indian Constitution was a testament to the political wisdom and democratic commitment of India's founding generation. The process was as important as the product—it was a great national conversation that forged a unity respecting diversity. The Constituent Assembly, despite its limitations, succeeded in giving India a constitutional morality that continues to guide the world's largest democracy. The final words of the Preamble—"WE, THE PEOPLE OF INDIA"—are a direct result of this historic endeavour.

INTERESTING FACTS

- The original Constitution was entirely **handwritten** by Prem Behari Narain Raizada in a flowing italic style. It wasn't typed or printed.
- Artists from **Shantiniketan**, led by Nandalal Bose, decorated every page with intricate artwork depicting India's history.
- It took **2 years, 11 months, and 18 days** for the Constituent Assembly to draft and finalize the Constitution.
- The framers drew inspiration from many countries, including the UK (Parliamentary system), USA (Fundamental Rights), and Ireland (Directive Principles).
- Before finalizing the draft, over **2,000 amendments** were considered by the Assembly.
- An **elephant** was adopted as the symbol or seal of the Constituent Assembly.
- The Constitution was adopted on **November 26, 1949** (celebrated as Constitution Day), but it came into force on **January 26, 1950** (celebrated as Republic Day).
- The original Hindi and English versions are preserved in a special **helium-filled case** in the Library of the Parliament of India.

Exam Quick Points

Quick Fact	Answer / Detail
First Act of Parliamentary control over EIC	Regulating Act 1773
First Governor-General of Bengal	Warren Hastings (under Regulating Act 1773)
Act that ended EIC's trade monopoly (most trade)	Charter Act 1813 (tea and China trade monopoly remained till 1833)
Act that made Governor-General of Bengal into Governor-General of India	Charter Act 1833 (Lord William Bentinck = first Governor-General of India)
Act that introduced open competition for civil services	Charter Act 1853 (Macaulay Committee recommended; first step to merit-based ICS)

Act that ended Company rule; Crown took over	Government of India Act 1858
First Viceroy of India	Lord Canning (1858-1862)
Act that introduced communal representation (separate electorates)	Indian Councils Act 1909 (Morley-Minto Reforms)
First Indian in Viceroy's Executive Council	S.P. Sinha (Satyendra Prasanna Sinha) – Indian Councils Act 1909
Act that introduced Dyarchy at provinces	Government of India Act 1919 (Montagu-Chelmsford Reforms)
First bicameral central legislature	Government of India Act 1919 – Central Legislative Assembly + Council of State
Simon Commission – why boycotted	All 7 members were British; no Indian member. 'Simon Go Back' slogan
Single largest source of Indian Constitution	Government of India Act 1935
First formally proposed CA	M.N. Roy (1934); adopted by Congress officially in 1935
Cabinet Mission – three members	Lord Pethick-Lawrence, Sir Stafford Cripps, A.V. Alexander (1946)
First meeting of CA – date	December 9, 1946
Temporary President of CA at first meeting	Dr. Sachchidananda Sinha (oldest member)
President of CA	Dr. Rajendra Prasad (elected December 11, 1946)
Objectives Resolution – moved by / date	Jawaharlal Nehru; December 13, 1946
Objectives Resolution – adopted	January 22, 1947
Drafting Committee Chairman	Dr. B.R. Ambedkar (appointed August 29, 1947)
Constitutional Advisor to CA	Sir B.N. Rau (Benegal Narsing Rau)
Draft Constitution circulated for public comments	February 1948 (8 months of public feedback)
Constitution adopted date	November 26, 1949 (Constitution Day / Samvidhan Diwas)
Constitution came into force date	January 26, 1950 (Republic Day)
Why January 26 chosen	To honour January 26, 1930 – first Purna Swaraj Diwas declared by Congress
Time taken to frame Constitution	2 years, 11 months, 18 days; 166 sitting days; 11 sessions
Original size of Constitution at adoption	395 Articles, 8 Schedules, 22 Parts
Current size (after 106 amendments)	448 Articles, 12 Schedules, 25 Parts
'Socialist' and 'Secular' – when added to Preamble	42nd Constitutional Amendment 1976 (during Emergency under Indira Gandhi)
Preamble – is it part of Constitution?	YES (Kesavananda Bharati 1973 overruled Berubari 1960); but not enforceable independently
DPSP source	Ireland (Republic of Ireland) – NOT USA
Fundamental Rights source	USA (Bill of Rights in US Constitution)
Residuary powers with Centre – source	Canada – NOT India's own original idea; unlike USA where residuary powers with States
Emergency suspension of FRs – source	Weimar Constitution of Germany

Fundamental Duties – added by / when	42nd Amendment 1976; 10 duties; 11th added by 86th Amendment 2002
Voting age lowered from 21 to 18	61st Constitutional Amendment 1989
Constitution Day declared	2015 (to mark 125th birth anniversary of Dr. B.R. Ambedkar)