Making of the Constitution & Constituent Assembly

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📌 Conceptual Overview & Syllabus Anchor

The Indian Constitution was meticulously crafted by the Constituent Assembly, a body formed under the Cabinet Mission Plan of 1946. This monumental task involved extensive debates, committee work, and the synthesis of diverse ideas to establish a sovereign, socialist, secular, democratic republic. The process culminated in the adoption of the Constitution on November 26, 1949, and its full commencement on January 26, 1950, marking a pivotal moment in India's democratic journey.

🗺 Structured Mind-Map & Topic Framework

- I. Genesis & Historical Evolution -> Demand, Cabinet Mission Plan
- II. Constitutional Architecture -> Composition, Election & Powers
- III. Working & Core Committees -> Objectives Resolution & Drafting
- IV. Enactment, Enforcement & Key Dates
- V. Critical Debates, Landmark Doctrines & Influences
- VI. Contemporary Relevance & Tamil Nadu Dimensions

Historical Genesis & Evolution

- The idea of a Constituent Assembly for India was first proposed by **M.N. Roy in 1934**. The Indian National Congress (INC) officially demanded it in **1935**.
- The British government accepted the demand 'in principle' in the **August Offer of 1940**. The **Cripps Mission of 1942** proposed a Constituent Assembly after World War II, but it was rejected by the Muslim League due to the lack of a provision for two autonomous states.
- The **Cabinet Mission Plan of 1946** finally provided for the formation of the Constituent Assembly. It rejected the idea of two separate Constituent Assemblies and proposed a scheme for the composition of the Assembly.
- Key members of the Cabinet Mission were **Lord Pethick-Lawrence (Secretary of State for India), Sir Stafford Cripps (President of the Board of Trade), and A.V. Alexander (First Lord of the Admiralty)**.

Composition, Election & Representation Framework

- The total strength of the Constituent Assembly was fixed at **389**. Of these, **292 seats** were allotted to British Indian Provinces, **93 seats** to Princely States, and **4 seats** to Chief Commissioners' Provinces (Delhi, Ajmer-Merwara, Coorg, British Baluchistan).
- Seats were allocated in proportion to their respective population, roughly **one seat for every million population**. Seats allotted to British Provinces were divided among the three main communities – Muslims, Sikhs, and General – in proportion to their population.
- Representatives of British Provinces were elected by members of the Provincial Legislative Assemblies by the method of **proportional representation by means of a single transferable vote**. Representatives of Princely States were to be nominated by the heads of the Princely States.
- The elections for the 292+4 seats were held in **July-August 1946**. The Indian National Congress won **208 seats**, the Muslim League **73 seats**, and the remaining **15 seats** were won by small groups and independents. Princely States initially stayed away from the Assembly.
- After the Mountbatten Plan of **June 3, 1947**, and the Indian Independence Act of **1947**, the Assembly became a fully sovereign body. Its strength was reduced to **299** (229 from British Provinces, 70 from Princely States) due to the withdrawal of the Muslim League members belonging to the territories that went to Pakistan.

Working of Assembly & The Objective Resolution

- The first meeting of the Constituent Assembly was held on **December 9, 1946**. **Dr. Sachchidananda Sinha**, the oldest member, was elected as the temporary President. The Muslim League boycotted the meeting.
- On **December 11, 1946**, **Dr. Rajendra Prasad** was elected as the permanent President of the Assembly. **H.C. Mukherjee** and **V.T. Krishnamachari** were elected as the Vice-Presidents.
- The historic **Objective Resolution** was moved by **Jawaharlal Nehru** on **December 13, 1946**. It laid down the fundamental philosophy and guiding principles for the Constitution.
- The Objective Resolution proclaimed India as an **Independent Sovereign Republic**, guaranteed **justice, liberty, equality, and fraternity** to all its citizens, and ensured adequate safeguards for **minorities, backward and tribal areas, and depressed and other backward classes**. It was unanimously adopted on **January 22, 1947**, and later formed the Preamble to the Constitution.
- Other functions performed by the Assembly included: ratifying India's membership of the Commonwealth in **May 1949**, adopting the National Flag on **July 22, 1947**, adopting the National Anthem and National Song on **January 24, 1950**, and electing Dr. Rajendra Prasad as the first President of India on **January 24, 1950**.

Major Committees & Drafting Process

- The Constituent Assembly appointed several committees to deal with different tasks of constitution-making. There were **8 major committees** and 15 minor committees.
- Important Major Committees and their Chairmen: **Union Powers Committee (Jawaharlal Nehru)**, **Union Constitution Committee (Jawaharlal Nehru)**, **Provincial Constitution Committee (Sardar Patel)**, **Advisory Committee on Fundamental Rights, Minorities and Tribal and Excluded Areas (Sardar Patel)**, **Rules of Procedure Committee (Dr. Rajendra Prasad)**, **States Committee (Jawaharlal Nehru)**.
- The most crucial was the **Drafting Committee**, set up on **August 29, 1947**. It was entrusted with the task of preparing a draft of the new Constitution. It consisted of **seven members**.
- Members of the Drafting Committee: **Dr. B.R. Ambedkar (Chairman)**, N. Gopalaswamy Ayyangar, Alladi Krishnaswamy Ayyar, Dr. K.M. Munshi, Syed Mohammad Saadullah, N. Madhava Rau (replaced B.L. Mitter), T.T. Krishnamachari (replaced D.P. Khaitan).
- **B.N. Rau** was appointed as the Constitutional Advisor to the Assembly. He prepared the initial draft of the Constitution, which was then reviewed and revised by the Drafting Committee.

Enactment, Enforcement & Immediate Provisions

- The Drafting Committee published its first draft in **February 1948** and a revised draft in **October 1948**. The final draft was introduced in the Assembly on **November 4, 1948**, for its first reading.
- After three readings and extensive debates, the Constitution was **adopted on November 26, 1949**. This date is mentioned in the Preamble as the date of adoption. It contained a Preamble, **395 Articles**, and **8 Schedules**.
- Some provisions pertaining to citizenship (Articles **5, 6, 7, 8, 9**), elections (Article **324**), provisional parliament (Articles **379, 380**), temporary and transitional provisions (Articles **366, 367, 388, 391, 392, 393**), and short title (Article **394**) came into force immediately on **November 26, 1949**.
- The remaining major part of the Constitution came into force on **January 26, 1950**, which is referred to as the 'date of commencement' and celebrated as **Republic Day**. This date was chosen because on this day in **1930**, 'Purna Swaraj' Day was celebrated following the Lahore Session of the INC in **December 1929**.
- The Constituent Assembly took **2 years, 11 months, and 18 days** to complete the Constitution. The total expenditure incurred on making the Constitution was about **₹64 lakh**.

Critical Debates, Doctrines & Tamil Nadu Pioneers

- Critics argued that the Constituent Assembly was **not a sovereign body** (created by British proposal), **not a representative body** (indirectly elected, limited franchise), **time-consuming**, **dominated by Congress**, **lawyer-politician domination**, and **Hindu-dominated**.
- Despite criticisms, the Assembly represented a wide spectrum of Indian society and its debates were crucial in shaping the democratic ethos. It functioned as both a constitution-making body and a provisional parliament until **1952**.
- The Indian Constitution drew inspiration from various sources: **Government of India Act 1935** (federal scheme, judiciary, emergency provisions), **British Constitution** (parliamentary government, rule of law), **US Constitution** (fundamental rights, judicial review), **Irish Constitution** (DPSP), **Canadian Constitution** (federation with strong centre), **Australian Constitution** (concurrent list), **German Constitution** (suspension of FRs during emergency), **USSR Constitution** (fundamental duties), **French Constitution** (republican ideals, liberty, equality, fraternity), **South African Constitution** (amendment procedure), **Japanese Constitution** (procedure established by law).
- Prominent members from Tamil Nadu in the Constituent Assembly included **Alladi Krishnaswamy Iyer**, **T.T. Krishnamachari**, **K. Kamaraj**, **C. Rajagopalachari**, **P. Subbarayan**, **M. Ananthasayanam Ayyangar**, and **Pasumpon Muthuramalinga Thevar**. Their contributions were significant in shaping various provisions, especially on federalism, fundamental rights, and language policy.

📊 High-Yield Fact Matrix (Landmark Dates, Provisions & Data)

Concept / Event	Key Provisions & Constitutional Data	Exam Significance
Cabinet Mission Plan	March 1946 (Pethick-Lawrence, Stafford Cripps, A.V. Alexander)	**Rejected separate Constituent Assemblies; established 389-seat framework for the Constituent Assembly.**
First Meeting of Constituent Assembly	December 9, 1946	**Dr. Sachchidananda Sinha elected as temporary President; Muslim League boycotted.**
Objective Resolution	Moved by Jawaharlal Nehru on December 13, 1946; Adopted on January 22, 1947.	**Laid down the philosophical foundations and guiding principles of the Constitution; later became the Preamble.**
Drafting Committee Formation	August 29, 1947	**Headed by Dr. B.R. Ambedkar; tasked with preparing the draft Constitution.**
Adoption of Constitution	November 26, 1949	**Preamble, 395 Articles, 8 Schedules adopted; some provisions came into force immediately.**
Commencement of Constitution	January 26, 1950	**Full commencement of the Constitution; celebrated as Republic Day (Purna Swaraj Day significance).**

📖 Samacheer Kalvi Spotlight: Prem Behari Narain Raizada — The Calligrapher

The original Constitution of India was handwritten by Prem Behari Narain Raizada in a flowing italic style with beautiful calligraphy. It was decorated by artists from Shantiniketan, including Beohar Rammanohar Sinha and Nandalal Bose, who adorned each page with unique artwork.

📖 Samacheer Kalvi Spotlight: Elephant as Symbol

The Constituent Assembly adopted an elephant as its symbol (seal). Sir B.N. Rau was the Constitutional Advisor to the Constituent Assembly.

⚠ **Critical Exam Caveats & Clarifications**

⚠ **Common Trap:** Believing that the Constituent Assembly was directly elected by universal adult franchise.

✓ **Core Fact:** It was PARTLY ELECTED (indirectly by provincial assemblies under proportional representation) and PARTLY NOMINATED (by princely states). Universal adult franchise was not used.

⚠ **Critical Exam Caveats & Clarifications**

⚠ **Common Trap:** Confusing the date of adoption (Nov 26, 1949) with the date of full commencement (Jan 26, 1950).

✓ **Core Fact:** While the Constitution was adopted on Nov 26, 1949, only a few provisions came into effect. The bulk of the Constitution commenced on Jan 26, 1950, marking Republic Day.

🏛 Landmark Judicial Precedents & Constitutional Doctrines

Case Law / Committee	Year	Judicial Doctrine & Legal Principle
Berubari Union Case	1960	Held that Preamble is NOT part of the Constitution and not a source of power or prohibition. It is merely a key to open the minds of the makers.
Kesavananda Bharati v. State of Kerala	1973	Overruled Berubari; held Preamble IS an integral part of the Constitution and subject to the Basic Structure Doctrine. It can be amended, but its basic features cannot be altered.

🎯 Analytical Dimensions for Mains Answer Writing (10 & 15 Markers)

• Constitutional Legitimacy & Transformative Nature

Granville Austin described the Indian Constitution as first and foremost a social document aimed at furthering the social revolution through Parts III (Fundamental Rights) and IV (Directive Principles of State Policy). The Constituent Assembly, despite its indirect election, derived its legitimacy from its inclusive debates and the consensus it built around a vision for a new India.

🔑 **Focus: Social Revolution, Transformative Constitutionalism, Granville Austin, Consensus Building, Legitimacy**

• Role of Dr. B.R. Ambedkar as Chief Architect

Dr. B.R. Ambedkar's role as the Chairman of the Drafting Committee was pivotal. His profound knowledge of constitutional law, sharp intellect, and commitment to social justice were instrumental in shaping the Constitution's progressive and inclusive character, earning him the title 'Father of the Indian Constitution'.

🔑 **Focus: Dr. B.R. Ambedkar, Drafting Committee, Social Justice, Constitutionalism, Father of Indian Constitution**

🕮 Constitutional & Administrative Glossary

Constitutional Term	Administrative & Legal Definition
Quorum	Minimum number of members required to be present for conducting proceedings of a legislative body or assembly (1/10th of total membership in the Constituent Assembly).
Purna Swaraj	The declaration of 'complete independence' from British rule, adopted by the Indian National Congress at its Lahore Session in December 1929. January 26, 1930, was declared as 'Purna Swaraj Day'.