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Making of the Constitution



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What is a constitution?

A constitution is a sacred document consisting of general rules and regulations through which a country is governed.

Need of the Constitution

Constitution is an important law of land which determines the relation between citizens and the government of a country.

- **Basic Ideals of a country** – The constitution sets out the basic ideals that forms the basis of a kind of country that the citizens aspire to live in.
- **Fundamental nature of society** – The constitution of a country represents the fundamental nature of society of that country. For ex – Secular society of India.
- **Country's political system** – The constitution defines the nature of political system of the country. For ex – American constitution declares American political system as Presidential form of system while Indian constitution declares Indian government as having parliamentary form of government.
- **Ensures equality** – The constitution ensures equality in the society by providing equal rights to all the sections of the society. For ex – Article 14 ensures equality before law.
- **Control over authority** – The constitution lays down rules that guard against the misuse of authority by political leaders.
- **Control over majority** – Constitution plays an outstanding role in ensuring that a dominant group does not use its powers against less powerful groups. For ex – Articles 14 to 18 ensures right to equality.
- **To save us from ourselves** – Constitution saves us in taking such decisions which might not be in the larger interest of the nation.

Background of Indian Constitution

“Swaraj will not be a free gift of the British Parliament. It will be a declaration of India’s full self-expression” – Mahatma Gandhi

The foundations of responsible government in India were laid by the end of 19th century when the demands for reforms in the council were put forth by nationalists.

After the formation of the Indian National Congress in 1885, the demand for representation of Indians within the council upsurged which led to the enactment of Indian Council act 1892 which provided for indirect elections for the members of the legislative assembly. But this was just a drop in the ocean and this adds to the agitation of Indian Nationalists.

The National movement by the end of 2nd decade of 20th century had begun to espouse the doctrine of self-determination or the rights of Indians to frame their own constitution.

On 8th February 1924, a resolution was introduced by Motilal Nehru, which asked the government for the scheme of constitution of India. This was the first time when the demand for a constitution was put officially.

In 1934, M.N Roy put forth the idea of constituent assembly. The idea was that the Indians would make their own constitution via a constituent assembly.

After a series of failed negotiations (Government of India act 1935, August Offer etc.) between the British and the nationalists, consensus was made between INC and the British under Cabinet Mission plan and this led to the formation of constituent assembly.

Organizational Structure of the Assembly



- The seats for each province and princely state were to be allotted in proportion to their respective population.
- Seats allotted to each British Province were to be divided among three principal communities – **Muslims, Sikhs and General** in proportion to their population.
 - General included representatives of Parsis, SCs, Indian Christians, Anglo Indians, Tribals and Women.
- The representatives of the princely states were to be nominated by the heads of the princely states.

Elections of the constituent assembly

- The elections to the constituent assembly of India were held in **July-August 1946**.
- The members were elected by the provincial assemblies by a **single, transferrable vote system of proportional representation**.
- Out of **296 seats, 208 won by Congress, 73 by Muslim league** and 15 by small groups and independent candidates.
- After the election, Muslim league refused to join the assembly and demanded a separate constituent assembly for Muslims in India.
- *Dr. Sachidananda Sinha* (the oldest member) was elected as the temporary president of the assembly.
- *Dr. Rajendra Prasad* was later selected as the president of the assembly with two vice-presidents – HC Mukherjee and VT Krishnamachari.

Sessions of the assembly

- The assembly held its first meeting on **9th December 1946**.
- The first meeting was attended by 211 members as the Muslim league boycotted the constituent assembly.
- The assembly took 11 sessions over a period of two years to compose and compile the constitution.
- The last session of the assembly was held on **24th January 1950**.

Working of the assembly

- During the first session of the assembly (on 13th December 1946), Jawahar Lal Nehru moved the “*Objective Resolution*” which laid down the fundamentals and philosophy of the constitution.
- The objective resolution was unanimously passed on 22nd January 1947.
- The assembly decided that they would not vote on any matter, rather they would decide every matter with consensus of each member.
- Work of the assembly was organized into 5 stages:
 - Committees were asked to present reports on basic issues. (List of committees given)
 - BN Rau prepared an initial draft based on the reports of the committee and his own research into the constitutions of other countries.
 - Drafting committee presented a detailed draft of the constitution which was then published for public comments.
 - Discussion of draft constitution and proposal of amendments.
 - Adoption of constitution.

Committee	Chairperson
Union Powers committee	JN Nehru
Union Constitution committee	JN Nehru
States committee	JN Nehru
Provincial committee	Sardar Patel
Rules of procedure committee	Dr. Rajendra Prasad
Steering committee	Dr. Rajendra Prasad
Fundamental rights sub-committee	JB Kriplani
Minorities sub-committee	HC Mukherjee
North East frontier tribal areas and	Gopinath Bordoloi

Assam excluded and partially excluded areas sub-committee	
Excluded and partially excluded areas (other than those in Assam) sub-committee	AV Thakkar

- The final draft of the constitution was introduced on 4th November 1948. The third and final reading of the draft constitution was held on 14th November 1949.
- On 26th November 1949, the motion on draft constitution was passed and received the signatures of members and the president.
- The constitution as adopted on **26th November 1949** contained a preamble, 395 articles and 8 schedules.
- Some provisions pertaining to citizenship, elections, provisional parliament etc came into force on 26th November 1949 while the remaining constitution came into force on 26th January 1950 which we celebrate as Republic Day.

Other functions performed by the assembly

- Adoption of National flag on 22nd July 1947
- Ratification of India's membership in common wealth in May 1949
- Adoption of National song and National Anthem on 24th January 1950
- Election of Dr. Rajendra Prasad as the first president of India on 24th Jan 1950.

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300+ Students cleared Phase 2

60+ Students selected in SEBI

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