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1. MAKING OF THE CONSTITUTION

DEMAND FOR CONSTITUENT ASSEMBLY (CA):

- 1924 → Idea first given by Swaraj Party.
- 1934 → M.N. Roy put forward the demand for C.A.
- 1935 → INC officially demanded C.A. to frame Indian Constitution.
- 1940 → Demand accepted in principle in August Offer.
- 1942 → Cripps Proposal for Constitution rejected.
- 1946 → Cabinet Mission Plan (CMP) accepted by all parties. (Lord Patrick Lawrence, Sir Stafford Cripps, A V Alexander were its members). CMP rejected two C.A. ideas.

COMPOSITION OF THE CONSTITUENT ASSEMBLY:

- C.A. **constituted in Nov 1946** under CMP. (Cabinet Mission Plan).
- Seats allotted as per population proportion.
- Voting by method of proportional representation by means of single transferable vote in case of provincial representation.
- C.A. was **partly nominated (**by heads of Princely states**) & partly elected** body (In British Provinces)
- **Indirectly elected** members.
- **Mahatma Gandhi was not part of C.A.**
- The 93 seats allotted to the princely states were not filled as they decided to stay away from the Constituent Assembly.

Total Strength	389
1. British India Governors Province	292
2. Chief Commissioners Province	4
3. Princely States	93

WORKING OF THE CONSTITUENT ASSEMBLY

- First meeting held on Dec 9, 1946 (Muslim League boycotted)
- Temporary President of the Assembly → Dr. Sachidanand Sinha, the oldest member, was elected as following the French practice.
- Dr. Rajendra Prasad was elected President of C.A. later.
- Vice - Presidents (Two) → Both H.C. Mukherjee and V.T. Krishnamachari.

OBJECTIVES RESOLUTION

- Jawaharlal **Nehru** moved this historic resolution in **Dec 13, 1946** in the Assembly.
- It contained the fundamentals & philosophy of Constitutional structure.
- This resolution was **adopted on Jan 22, 1947** by Assembly.
- Preamble is modified version of Objective Resolution.

CHANGES BY THE INDEPENDENCE ACT 1948

- Members of Princely states & Muslim League (from Indian Dominion) gradually began to join after acceptance of Mountbatten plan of June 3, 1947. (This Plan provided for Partition).
- Indian Independence Act, 1947 made three changes in C.A. position: -
  1. Assembly was made a **fully sovereign body**, free to abrogate or alter any law.
  2. **Two separate functions** were assigned to the Assembly (performed on separate days) - **legislative body** (Chaired by G V Mavalankar) and **Constituent body** (chaired by Dr. Rajendra Prasad); first Parliament of free India (Dominion Legislature).; These two functions continued till November 26, 1949.
  3. After withdrawal of Muslim League members, total strength came down to 299 as **against 389 under the Cabinet Mission Plan.**

FUNCTIONS PERFORMED BY C.A.

- **Ratified** India's membership of **Commonwealth** in May, 1949.
- Adopted **National Flag** on July 22, 1947.
- Adopted **National Song & National Anthem** on Jan 24, 1950.
- **Elected Rajendra Prasad** as first President of India on Jan 24, 1950.
- **Final session of C.A. on Jan 24, 1950.** However, it continued as provisional Parliament of India from Jan 26, 1950 till formation of new Parliament (May, 1952).
- Total sessions = 11; Total time = 2 years, 11 months, 18 days

MAJOR COMMITTEES

1. Union Powers Committee / Union Constitution Committee / States Committee → Jawaharlal Nehru
2. Rules of Procedure Committee / Steering   Committee → Dr. Rajendra Prasad
3. Provincial Constitution Committee → Sardar Patel
4. Drafting Committee → Dr. B.R. Ambedkar
5. Advisory Committee on FRs, Minorities & Tribal & Excluded Areas → Sardar Patel

Of all the Committees of C.A. **Drafting Committee** was most important set up on Aug 29, 1947. It **consisted of 7 members**.

ENACTMENT OF THE CONSTITUTION

- After general & clause by clause reading of draft Constitution. It was **adopted on Nov 26, 1949.** At that time, it contained Preamble, 395 Articles, & 8 Schedules.
- The Preamble was enacted **after** the entire Constitution was already enacted to align with philosophy of constitution.

ENFORCEMENT OF THE CONSTITUTION

- Some provisions of Constitution came into force on Nov 26, 1949 itself, viz. Citizenship, Elections, provisional parliament, temporary and transitional provisions, and short title contained in Articles 5, 6, 7, 8, 9, 60, 324, 366, 367, 379, 380, 388, 391, 392 and 393 came into force on November 26, 1949, itself.
- **Major part came into force on Jan 26, 1950** (commencement day). **(Jan 26, 1930 – Purna Swaraj Day was celebrated)**
- Indian Independence Act, 1947 & GoI Act, 1935 with all its enactments were repealed. However, **The Abolition of Privy Council Jurisdiction Act (1949) continued**.

OTHER IMPORTANT FACTS

- **Elephant** adopted as C.A. symbol.
- **Sir B.N. Rau** was **Constitutional Adviser** to C.A.
- **H.V.R. Iyengar** was Secretary to C.A.
- **S.N. Mukherjee** was chief draftsman of constitution in C.A.
- **Prem Behari Raizada** was the **calligrapher** of the Constitution.
- **Nand Lal Bose & B.R. Sinha** decorated & beautified the Constitution.
- **Hindi version** calligraphy done by **Vasant Krishan Vaidya** & illuminated by **Nand Lal Bose.**

STUDENT NOTE