

CONSTITUTION OF INDIA.

MAHARAJA UNIVERSITY

1. What is Constitution?

A constitution means a document having a special legal sanctity which sets out the frame work and principal functions of the government, Constitution of a country gives idea about basic structure of the political system under which its people are to be governed. It defines the powers of the main organs of the state, demarcates their responsibilities and regulates their relationships which each other and with the people. It can also be termed as "Fundamental Law" of a country which reflects people's faith and aspirations.

2. Framing of the Constitution.

1. The Constitution of India was framed by a constituent Assembly set up under the Cabinet Mission Plan of 1946.
2. The Assembly consisted of 389 members representing provinces (292), states (93) the Chief Commissioner Provinces (3) and Baluchistan (1)
3. The Assembly held its first meeting on December 9, 1946, and elected Dr. Sachhidannand Sinha, the oldest member of the Assembly as the Provisional President.
4. On December 11, 1946 the Assembly elected Dr. Rajendra Prasad as its permanent Chairman.
5. The strength of the Assembly was reduced to 299 (229 representing the provinces and 70 representing the States) following withdrawal of the Muslim league members after the partition of the country.
6. The Constituent Assembly set up 13 Committees for framing the constitution. On the basis of the reports of these committees, a draft of the constitution was prepared by a seven-member. Drafting Committee under the Chairmanship of Dr. B.R. Ambedkar.
7. The draft constitution was published in January, 1948 and people were given eight months to discuss the draft and propose amendments. After the draft was discussed by the people, the press, the provincial assemblies and the constituent Assembly in the light of the suggestions received, the same was finally adopted on November 26, 1949 and was signed by the President of the Assembly.

8. Though the major part of the constitution came into force on January 26, 1950 the provisions relating to:
 - Citizenship
 - Elections
 - Provisional parliament and temporary and transitional provision
 came into force with immediate effect viz. from November 26, 1949.
9. The constitution of India was not an original document. The framers of the constitution freely borrowed the good features of the Constitutions.
10. However, while adopting these features they made necessary modifications for its suitability to the Indian conditions and avoided their defects.
11. The constitutions which exercised profound influence on the Indian Constitution were that of UK, USA, Ireland, Canada etc.
 - a). The Parliamentary system of the government, rule of law, law-making procedure and single citizenship were borrowed from the British Constitution.
 - b) Independence of Judiciary, Judicial Review, Fundamental Rights, and guidelines for the removal of judges of the Supreme Court and High Courts were adopted from the U.S constitution.
 - c) The federal system, with a strong central authority, was adopted from Canada.
 - d) Directive Principles of State Policy were borrowed from the constitution of the Republic of Ireland
 - e) The idea of concurrent list was borrowed from the Austrian Constitution.
 - f) The provisions relating to emergency were influenced by the Weimar constitution.
 - g) Above all the Government of India Act 1935, exercised great influence on the Indian Constitution. The federal scheme, office of governors, powers of federal judiciary etc. were drawn from this act.

In short, the Indian constitution incorporated the best features of several existing constitutions.

3. Objectives of the Constitution of India.

The objectives of the constitution were outlined in the objective Resolution moved by Pt. Jawaharlal Nehru and adopted by the constituent Assembly on January 22, 1947. The main principles outlined in the resolution were:

- i) Resolved to proclaim India as an Independent sovereign republic.