

FRAMING OF CONSTITUTION OF INDIA

**Justice Mahesh Sonak
High Court of Bombay**

- ❖ **CONSTITUTION REPRESENTS THE WILL OF THE PEOPLE**
- ❖ **THE REAL SOVEREIGN IN A DEMOCRACY IS THE PEOPLE**
- ❖ **DEMOCRACY IS NOTHING BUT THE GOVERNMENT BY THE CONSENT OF THE PEOPLE**
- ❖ **DEMOCRACY IS GOVERNMENT OF THE PEOPLE, BY THE PEOPLE AND FOR THE PEOPLE**

- *ABRAHAM LINCOLN*

- **PEOPLE HAVE INALIENABLE RIGHTS**

- **HOWEVER, IN ORDER THAT SUCH RIGHTS CAN BE EFFECTIVELY ENJOYED, THERE IS NECESSITY OF SOME FORM OF GOVERNMENT, WHICH NOT ONLY RECOGNIZES SUCH RIGHTS, BUT, IF NEED BE, ENFORCES SUCH RIGHTS**

- **ORDER WITHOUT LIBERTY AND LIBERTY WITHOUT ORDER ARE MUTUALLY DESTRUCTIVE**
 - **TED ROOSEVELT**

- **FREEDOM WITHOUT BOUNDARIES IS LIKE RIVER WITHOUT BANKS**

- ❖ **WHAT IS THE CONSTITUTION**
- ❖ **A LIVING ORGAN, NOT A FOSSIL**
- ❖ **SOURCE OF LEGISLATION, NOT A PRODUCT**
- ❖ **A FUNDAMENTAL NORM**
- ❖ **TOUCHSTONE WITH WHICH TO TEST OTHER LAWS**
- ❖ **DOCUMENTS ASPIRATIONS, SOCIAL VALUES, COMMITMENTS**
- ❖ **POLITICAL PHILOSOPHY, PATH TO FUTURE**
- ❖ **STABLE YET FLEXIBLE**

- ❖ **8TH MAY 1945 :** **VICTORY DAY**
- ❖ **17TH JULY 1945 TO 2ND AUGUST 1945 :** **POTSDAM CONFERENCE**
- ❖ **5TH JULY 1945 TO 26TH JULY 1945 :** **1945 U K ELECTION**
- ❖ **6TH AUGUST 1945 :** **HIROSHIMA**
- ❖ **9TH AUGUST 1945 :** **NAGASAKI**
- ❖ **15TH AUGUST 1945 :** **WORLD WAR II ENDS**

- ❖ **CLEMENT ATLEE :** **ELECTION PROMISE TO GRANT INDEPENDENCE TO COLONIES**
- ❖ **AUG 1945 :** **LORD WAVELL, VICEROY OF INDIA SUBMITS REPORT TO BRITISH CABINET**
- ❖ **BRITAIN RAVAGED BY WAR MILITARILY AND ECONOMICALLY WEAK**
- ❖ **DIFFERENCES BETWEEN MUSLIM LEAGUE AND CONGRESS**
- ❖ **DIFFICULT TO MAINTAIN LAW AND ORDER**

❖ **MARCH 1946 :**
CABINET MISSION PLAN (CMP)
CRIPPS, P. LAWRENCE & ALEXANDER

❖ **16TH MAY 1946 :**
CMP PROPOSALS

- **DIVIDE INDIA INTO THREE AUTONOMOUS GROUPS**
- **HINDU, MUSLIM AND EQUAL**
- **WEAK CENTRE - FOREIGN AFFAIRS, DEFENCE,
COMMUNICATIONS**
- **CONSTITUENT ASSEMBLY TO DRAFT THE
CONSTITUTION.**

❖ **29TH JULY 1946**

- **CONSTITUENT ASSEMBLY MEETS FOR THE FIRST TIME (PRELIMINARY)**
- **MUSLIM LEAGUE BOYCOTTS**
- **217 MEMBERS ELECTED THROUGH THE PROVINCIAL LEGISLATURES**

❖ **6TH SCHEDULE TO GOVERNMENT OF INDIA ACT**

- **NO UNIVERSAL ADULT FRANCHISE**
- **28.5% OF POPULATION ELIGIBLE TO VOTE**
- **MATRICULATES, TAXPAYERS AND LANDED PROPERTY OWNERS**

❖ **DIFFERENCES BETWEEN MUSLIM LEAGUE
AND CONGRESS OVER PARTITION**

❖ **DEMAND FOR AN INDEPENDENT PAKISTAN**

❖ **31 JANUARY 1947 JINNAH ISSUES ULTIMATUM**

❖ **20 FEBRUARY 1947**

- **ATLEE MAKES STATEMENT IN HOUSE OF COMMONS**
- **TRANSFER OF POWER LATEST BY JANUARY 1948**

❖ **22ND MARCH 1947**

- **MOUNTBATTEN REPLACES WAVELL**
- **ATLEE : KEEP INDIA UNITED IF YOU CAN.
IF NOT, SAVE SOMETHING FROM THE WRECK
IN ANY CASE, GET BRITAIN OUT**

❖ **3RD JUNE 1947**

- **MOUNTBATTEN PLAN**
- **PARTITION OF INDIA :
CREATION OF TWO SOVEREIGN STATES
INDIA AND PAKISTAN**
- **INDEPENDENCE BY 15TH AUGUST 1947**

- ❖ **INDIAN INDEPENDENCE ACT**
- ❖ **TWO INDEPENDENT STATES FROM 15TH AUGUST 1947**
- ❖ **PARTITION OF BENGAL AND PUNJAB**
- ❖ **TWO SEPARATE CONSTITUENT ASSEMBLIES,
WHICH SHALL BECOME THE LEGISLATURES OF THE
TWO INDEPENDENT NATIONS**
- ❖ **THIS MARKED THE END OF BRITISH RULE ON
INDIAN SUBCONTINENT AND BIRTH OF TWO
SOVEREIGN NATIONS - INDIA AND PAKISTAN.**

**A CONSTITUTION STATES, OR OUGHT TO STATE,
NOT THE RULES OF PASSING HOUR, BUT THE
PRINCIPLES FOR AN EXPANDING FUTURE.**

- CHIEF JUSTICE JOHN MARSHALL

- ❖ October 1947 : Draft constitution prepared by Dr B N Rau
- ❖ February 1948 : Draft Constitution approved by Dr B R Ambedkar Committee
- ❖ October 1948 to October 1949 :
 - Constituent assembly in a marathon session of 11 months
 - Deliberates threadbare on the draft constitution
- ❖ 26th November 1949 : Constitution is adopted by the Constituent Assembly
- ❖ 26th January 1950 : Constitution enters into force

THE CONSTITUTION OF INDIA



WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a **SOVEREIGN DEMOCRATIC REPUBLIC** and to secure to all its citizens:

JUSTICE, social, economic and political;

LIBERTY of thought, expression, belief, faith and worship;

EQUALITY of status and of opportunity;

and to promote among them all

FRATERNITY assuring the dignity of the individual and the unity of the Nation;

IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949, do **HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.**