

Introduction

“Constitution is not a mere lawyers’ document, it is a vehicle of Life, and its spirit is always the spirit of Age.” - B.R. Ambedkar

The **constitution** of a country (or a state) is a special type of law document that tells how its government is supposed to work. It tells how the country's leaders are to be chosen and how long they get to stay in office, how new laws are made and old laws are to be changed or removed based on law, what kind of people are allowed to vote and what other rights they are guaranteed, and how the constitution can be changed.

The Constitution of India which was brought into force on 26 January 1950 announcing the birth of a new republic to the entire world. It is the Supreme Lex, it reflects upon the struggle and aspirations of the people of a country which was subjected to the oppressive rule of a colonial power for more than two centuries. **The Constitution of India is also known as the father of all laws i.e., grundnorm as all the other existing laws get the effect and drive their force from the constitution itself.**



Grundnorm

It took almost three years (**two years, eleven months and eighteen days to be precise**) to complete the historic task of drafting the Constitution for Independent India.

History

The constitution of India was adopted on the 26th of November, in the year 1949. However, it came to effect on the 26th of January, 1950. 26th of January is celebrated as the Republic Day of India.

The **Constitution of India** is the supreme law in India. A Constitution is a set of rules and regulations guiding the administration of a country. The constitution of India is the framework for political principles, procedures and powers of the government. It is also the longest constitution in the world with 395 articles and 12 schedules. Originally it consisted of 395 Articles arranged under 22 Parts and 8 Schedules, at about 145,000 words, it is the second-longest active constitution—after the Constitution of Alabama—in the world Today after many amendments, it has 448 Article **and 12 schedules and 25 parts** (According to 2019)

Last amended	25 January 2020 (104th)
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. The constitution was written on 26 November 1949, and was made the center of law in 26 January 1950.

India had to face many problems after independence. Rehabilitating the refugees who migrated from Pakistan, merging the princely states, maintenance of law and order were the major challenges. Sardar Patel **and V.P Menon** successfully achieved the merger of the princely states and provinces with the Union of India. Even the challenge of framing a constitution in order to enable govern the country was also fulfilled.

After the Indian independence; 562 princely states had nodded to join the Indian Confederation except **Hyderabad, Junagadh, Bhopal and Kashmir**.

Since the Indian independence the boundaries of the Indian states keep on changing year by year.

From **565 princely states** and 17 provinces before partition, to **14 states**

Commented [WU1]: extends the deadline for the cessation for the reservation of seats for members from Scheduled Castes and Scheduled Tribes in the Lok Sabha and State Legislative Assemblies by a period of 10 years.

and 6 Union Territories following the Reorganization of States in 1956 to 29 states and 7 union territories in 2014, now after the bifurcation of Jammu & Kashmir to 28 states and 9 Union Territories after it.

Framework

The recommendations of the Motilal Nehru Committee and the decisions taken by the meeting of National Congress at Karachi prepared for the formation of a Constituent Assembly.

The first meeting of the new Constituent Assembly was conducted on 9th of December, 1946. The next meeting conducted in 11th of December, 1946 under the chairmanship of Dr. Rajendra Prasad. Participants included Jawaharlal Nehru, Sardar Vallabhai Patel, Dr.B.R.Ambedkar(Dr. Bhim Rao Ambekar)and Sarojini Naidu. Dr. B.R Ambedkar, chairman of the Drafting Committee, is often called the father of the Indian Constitution.

The 389 members of the Constituent Assembly formed many committees to examine in detail all the issues relating to the country. Dr.B.R.Ambedkar was the Chairman of one of the most important committees, i.e., the Drafting Committee. Other members of the committee were N.Gopalaswamy Iyengar, Alladi Krishnaswamy etc.

Initial Drafting Of Constitution (Legal Advisor)

<p>Author(s) B. R. Ambedkar Chairman of the Drafting Committee</p> <p>Benegal Narsing Rau Constitutional Advisor to the Constituent Assembly</p>

Commented [WU2]: IMP

Surendra Nath Mukherjee
Chief Draftsman of the
Constituent Assembly

Sir Benegal Narsing Rau, a civil servant who became the first Indian judge in the International Court of Justice and was president of the United Nations Security Council, was appointed as the assembly's constitutional adviser in 1946. Responsible for the constitution's general structure, Rau prepared its initial draft in February 1948. The draft of B.N. Rau consisted of 243 articles and 13 schedules which came to 395 articles and 8 schedules after discussions, debates and amendments.

Supersedes Government of India
Act 1935
Indian Independence
Act 1947

The Constituent Assembly, which came into existence on 11th of December 1946, had 145 meetings and framed a draft constitution. During these discussions, the various laws proposed by the British Government in 1909, 1919 and 1935, the British Parliamentary system, the American Bill of Rights, the Social Directive Policies of Ireland were studied and some parts of those were written in the Constitution. Finally, the Indian Constitution was approved on 26th of November, 1949 and came into effect on 26th of January, 1950. This day (January 26) is celebrated as the 'Republic Day' in India.

☑ The assembly's final session convened on 24 January 1950. Each member signed two copies of the constitution, one in Hindi and the other in English. The original constitution is hand-written, with each page decorated by artists from Shantiniketan including Beohar Rammanohar

Sinha and Nandalal Bose. The constitution was published in Dehradun and **photo lithographed** by the Survey of India. Production of the original constitution took nearly five years. Two days later, on 26 January 1950, it became the law of India.

Original constitution

The original constitution was handwritten in Hindi and English with calligraphy by Prem Behari Narain Raizada.

The original copies of the Constitution are kept in special helium-filled cases in the Parliament's library.

"Abide with Me"

"Abide with Me", a Christian hymn by Scottish Anglican Henry Francis Lyte, is sung at the end of the Republic Day celebration. The song is said to be Mahatama Gandhi's favourite.

Features of The Constitution of India

The Constitution of India begins with a Preamble which contains the basic ideals and principles of the Constitution. It lays down the objectives of the Constitution.

The Longest Constitution in the world

The Indian Constitution is the lengthiest Constitution of the world. It had 395 articles in 22 parts and 8 schedules at the time of commencement. Now it has 448 articles in 25 parts and 12 schedules. There are 104 amendments (took place on 25th January 2020 to extend the reservation of seats for SCs and STs in the Lok Sabha and states assemblies) that have been made in the Indian Constitution so far.

How Rigid and Flexible is the Indian Constitution?

One of the unique features of our Constitution is that it is not as rigid as the American Constitution or as flexible as the British Constitution. It means it is partly rigid and partly flexible. Owing to this, it can easily change and grow with the change of times.

The Preamble

The Preamble has been added later to the Constitution of India. The original Constitution does not have preamble. The preamble states that India is a sovereign, socialist, secular and democratic republic. The objectives stated by the Preamble are to secure justice, liberty, equality to all citizens and promote fraternity to maintain unity and integrity of the nation.

Federal System with Unitary Features

The powers of the government are divided between the central government and the state governments. The Constitution divides the powers of three state organs, i.e., executive, judiciary and legislature. Hence, the Indian Constitution supports a federal system. It includes many unitary features such as a strong central power, emergency provisions, appointment of Governors by the President, etc.

Fundamental rights and fundamental duties


The Indian Constitution provides an elaborate list of Fundamental Rights to the citizens of India. The Constitution also provides a list of 11 duties of the citizens, known as the Fundamental Duties. Some of these duties include respect of the national flag and national anthem, integrity and unity of the country and safeguard of public property.

Republic

India is a republic which means that a dictator or monarch does not rule the country. The government is of the people, by the people and for the people. Citizens nominate and elect its head after every five years

Influence of other constitutions- "A Bag of Borrowing"-

Government	Influence
 United Kingdom	<ul style="list-style-type: none">• Parliamentary government• Concept of single citizenship• Rule of law• The legislative speaker and their role• Legislative procedure
 United States	<ul style="list-style-type: none">• Bill of Rights• Federal structure of government• Electoral College• Independent judiciary and separation of powers

	<ul style="list-style-type: none"> • Judicial review • President as commander-in-chief of the armed forces • Equal protection under law
 Ireland	Directive principles of state policy
 Australia	<ul style="list-style-type: none"> • Freedom of trade between states • National legislative power to implement treaties, even on matters outside normal federal jurisdiction • Concurrent List • Preamble terminology
 France	Notions of <i>liberty</i> , <i>Equality</i> , <i>fraternity</i>
 Canada	<ul style="list-style-type: none"> • Quasi-federal government—a

	<p>federal system with a strong central government</p> <ul style="list-style-type: none"> • Distribution of powers between the central and state governments • Residual powers, retained by the central government
 Soviet Union	<ul style="list-style-type: none"> • Fundamental Duties under article 51-A • Mandated planning commission to oversee economic development
 Weimar Republic	<p>The emergency provision under article 356</p>
 South	<p>Amending the</p>

Africa	constitution
• Japan	Due process

