

Competitive Exams: After Independence

Indian Independence Act of 1947

- Till 1947, the Government of India functioned under the provisions of the 1919 Act only, the provisions of 1935 Act relating to Federation and Dyarchy were never implemented.
- The Executive Council provided by the 1919 Act continued to advise the Governor-General till 1947.
- It declared India as an Independent and Sovereign State.
- Established responsible Governments at both the Centre and the Provinces.
- Designated the Governor-General of India and the Provincial Governors as the Constitutional Heads (nominal heads).
- It assigned dual functions (Constituent and Legislative) to the Constituent Assembly and declared this dominion legislature as a sovereign body.

Framing of the Constitution of India

- The Constitution of India was framed and adopted by the Constituent Assembly of India.
- The Constituent Assembly was set up in November 1946 as per the Cabinet Mission Plan of 1946.
- The members were elected indirectly by the Provincial Assemblies in the ratio of one member per one million population.
- There were a total of 389 members in the Constituent Assembly of which 296 were elected by the members of the Provincial Assemblies and the rest were nominated by the princely States.
- Its first meeting was held on 9th December 1946, with Sachidanand Sinha as the interim President.
- On 11th December 1946, Dr. Rajendra Prasad was elected as the President of the Constituent Assembly.
- The historic 'Objective Resolution' was moved in the Constituent Assembly by Pt. Jawahar Lai Nehru on 13th December 1946.
- The Constituent Assembly formed 13 important committees for framing the Constitution.
- The Drafting Committee was appointed on 29 August 1947, with Dr. B R Ambedkar as the Chairman.

- The first draft of the Constitution was prepared in October 1947.
- The Draft Constitution of India prepared by the Drafting Committee was submitted to the

Phases of Indian Constitution

- 1st Phase: As Constituent Assembly under the limitations of Cabinet Mission Plan from 6th September 1946 to 14th August 1947.
- 2nd Phase: As Constituent Assembly, a sovereign body. Provisional Parliament from 15th August 1947 to 26th November 1949
- 3rd Phase: As a Provisional Parliament from 27th November 1949 to March 1952. President of the Assembly on 21 February 1948.
- The clause-by-clause consideration of the Draft Constitution was taken up between 15 November 1948 and 17 October 1949.
- On 26 November 1949, the people of India through the Constituent Assembly adopted, enacted and gave to themselves the Constitution of India.
- The Constitution was finally signed in by the members of the Constituent Assembly on 24 January 1950, which was the last day of the Assembly.
- The Constitution came into full operation with effect from 26 January 1950.
- During this period the Constituent Assembly acted as a 'temporary Parliament' [15 August 1947 – 26 November 1949].
- The Constitution was approved by the members and was signed in by 284 members of the Constituent Assembly.
- It is considered to be the second lengthiest Constitution in the world after the Constitution of Yugoslavia.
- Originally, it had 22 parts, 395 articles and 8 schedules.
- The Constituent Assembly took 2 years, 11 months and 18 days to frame the Constitution.
- The demand for the Constituent Assembly to draft the Constitution of India was, for the first time, raised by the Congress in 1935. The British Government accepted this demand, for the first time, in the 'August Offer' of 1940.
- The seats were allocated to three communities-Muslims, Sikhs and General-in proportion to their population. The Mountbatten Plan of June 3, 1947 announced the partition of the country and a separate Constituent Assembly for the proposed State of Pakistan. Consequently the members of the Constituent Assembly representing those areas which were to be included in Pakistan, East Bengal, North-West Frontier Province (NWFP), West Punjab, Sindh, Baluchistan, and Sylhet district of Assam, were no more members of the

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Constituent Assembly of India. North-West Frontier Province and Sylhet decided through a referendum to remain with Pakistan.

- Therefore, the membership of the Constituent Assembly for India was reduced to 299 after partition.
- The first meeting of the Constituent Assembly was boycotted by the Muslim League. Shri. B. N. Rau was appointed as the Legal Advisor of the Constituent Assembly.

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