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CONSTITUENT ASSEMBLY AND MAKING OF THE CONSTITUTION

Constituent Assembly

- The **Constituent Assembly** was formed on the recommendation of the **cabinet mission** in 1946.
- The Constituent Assembly held its first meeting on **December 9, 1946**.
- **Dr. Sachchidanand Sinha**, the oldest member was elected as the temporary President of the Assembly.
- **Dr. Rajendra Prasad** was elected as the First President of the Assembly.
- On December 13, 1946 Jawaharlal Nehru moved the historic Objectives Resolution in the Assembly.
- The Preamble to the Indian Constitution is based on the 'Objectives Resolution', drafted and moved by Pandit Nehru, and adopted by the Constituent Assembly.
- Constituent Assembly as the provisional parliament of India from January 26, 1950 till the formation of new Parliament after the first general elections in 1951–52.
- The total expenditure incurred on making the Constitution amounted to 64 lakhs.
- The Constitution as adopted on November 26, 1949, contained a Preamble, 395 Articles and 8 Schedules and 22 parts.
- Dr BR Ambedkar known as chief architect of Indian Constitution.
- Chairman of the Constitution Drafting Committee is **Dr BR Ambedkar**.
- **Prem Behari Narain Raizada** was the calligrapher of the Indian Constitution. The original constitution was handwritten by him in a flowing italic style.

Functions of the Constituent Assembly

- It ratified the India's membership of the Commonwealth in May 1949.
- It adopted the national flag on July 22, 1947.
- It adopted the national anthem on January 24, 1950.
- It adopted the national song on January 24, 1950.
- It elected Dr Rajendra Prasad as the first President of India on January 24, 1950.

Major Committees and Its Chairmen

- Union Powers Committee – **Jawaharlal Nehru**
- Union Constitution Committee – **Jawaharlal Nehru**
- Provincial Constitution Committee – **Sardar Patel**
- Drafting Committee – **Dr. B.R. Ambedkar**
- Rules of Procedure Committee – **Dr. Rajendra Prasad**
- States Committee – **Jawaharlal Nehru**
- Steering Committee – **Dr. Rajendra Prasad**

Salient Features of the Constitution

- **Longest Written Constitution:** The Indian Constitution is considered to be the longest

written constitution in the world. It contains different provisions for states and centre and their inter-relationship. The framers of the Constitution have borrowed provisions from several sources and several other Constitutions of the world.

- **Single Constitution** for both the Centre and the states
- **A unique blend of rigidity and flexibility:** Indian Constitution may be called rigid as well as flexible based on its amending procedure.
- **Article 368** in part XX of the constitution deals with the powers of parliament to amend the constitution and its procedure.
- The Supreme Court ruled that the constituent power of Parliament under Article 368 does not enable it to alter the 'basic structure' of the Constitution.
- The 42nd Amendment Act (1976) known as '**Mini-Constitution**' due to the important and large number of changes made by it in various parts of the Constitution.
- The term **socialist, secular and integrity** added to the Preamble of the Indian Constitution by the **42nd Constitutional Amendment Act of 1976**.
- **Parliamentary System of Government:** Parliament controls the functioning of the Council of Ministers, and hence it is called the Parliamentary system.
- India has a Parliamentary Form of Government. India has a Bicameral Legislature with two houses named **Lok Sabha and Rajya Sabha**.
- **Single Citizenship:** Indian Constitution has the provision for **single citizenship** provided by the union and recognized by all the states across India.
- The Indian Constitution is federal and envisages a dual polity (Centre and states) it provides for only a single citizenship, that is the Indian citizenship.
- **Universal Adult Franchise:** The universal adult franchise, which operates with the principle of 'one person one vote.' All Indians who are eighteen years of age or above is entitled to vote in the elections. There is no discrimination in voting rights for the citizens of India based on caste, religion, gender, race or status.
- The **voting age** was reduced to **18 years from 21 years** in 1989 by the 61st Constitutional Amendment Act of 1988.
- **Fundamental Duties:** The Fundamental Duties of citizens were added to the Constitution by the 42nd Amendment in 1976 on the recommendation of the Swaran Singh Committee.
- **The Part IV-A** of the Constitution (which consists of only one Article—51-A) specifies the **eleven Fundamental Duties**.
- **Fundamental Rights:** The Constitution of India asserts the basic principle that every individual is entitled to enjoy certain essential rights. The provisions for Fundamental Rights are mentioned in Part III of the Indian Constitution.
- **Part III** of the Indian Constitution guarantees **six fundamental rights** to all the citizens:
 1. Right to Equality (Articles 14–18),
 2. Right to Freedom (Articles 19–22),
 3. Right against Exploitation (Articles 23–24),
 4. Right to Freedom of Religion (Articles 25–28),
 5. Cultural and Educational Rights (Articles 29–30)
 6. Right to Constitutional Remedies (Article 32)
- Fundamental rights can also be suspended during the operation of a National Emergency except the rights guaranteed by **Articles 20 and 21**.

- The **Supreme Court** is a federal court, the highest court of appeal, the guarantor of the fundamental rights of the citizens and the guardian of the Constitution.
- **Federal or Unitary:** India is an indestructible Union with destructible states which means it acquires a unitary character during the time of emergency. The Union is not strictly a federal polity but a quasi-federal polity with some vital elements of unitariness.
- **Directive Principles of State Policy:** One of the unique provisions of the Indian Constitution is the Directive Principles of State Policy. These principles are like directives to the government to implement them for establishing social and economic justice in India.
- **Balancing Parliamentary Supremacy with Judicial Review:** Subject to the provisions of any law made by Parliament or any rules made by the Supreme Court under Article 145, the Supreme Court has the power to review any judgment pronounced or made by it. The independent judiciary in India with the power of judicial review is a prominent feature of our constitution

Other Important Points

- The **73rd and 74th Constitutional Amendment Acts (1992)** have added a third-tier of government.
- The 73rd Amendment Act of 1992 gave constitutional recognition to the panchayats (rural local governments) by adding a new Part IX and a new Schedule 11 to the Constitution.
- The 74th Amendment Act of 1992 gave constitutional recognition to the municipalities (urban local governments) by adding a new Part IX-A and a new Schedule 12 to the Constitution.
- The **constitution of India** provides for a parliamentary form of government.
- **Article 74 and 75** deals with the parliamentary system at the Centre and article 163 and 164 in the states.
- In 1947, Indian Civil Service (ICS) was replaced by IAS and the Indian Police (IP) was replaced by IPS and were recognized by the Constitution as All-India Services.
- In 1966, the **Indian Forest Service (IFS)** was created as the third All-India Service.
- **Article 312** of the Constitution authorizes the **Parliament** to create new **All-India Services** on the basis of a **Rajya Sabha** resolution.
- **Article 280** provides for a **Finance Commission** as a quasi-judicial body. It is constituted by the President every fifth year or even earlier.

Factors of Constitution Formation

The factors that contributed to the making of Indian Constitution were –

- French Revolution;
- Parliamentary democracy in Britain;
- Bill of Rights in the US; and
- Socialist revolution in Russia.

Parts of Indian Constitution

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