

Making of the Indian Constitution

Day 17 of your revision. The whole story of how the Constitution was made — its antecedents, the Assembly, the great debates and the social revolution — compressed for fast recall. **Revise → write a little → don't break the chain.**

PYQ footprint: 8 × 10-markers · 1 × 15-marker — a near-annual question on this chapter.

1 Constitutional Antecedents — the Constitution did not begin in 1949

The Constitution grew through a long historical process. Two streams fed it: **colonial statutes** that built the machinery of governance, and **nationalist demands** that supplied its democratic and rights content. The framers adapted these **constitutional antecedents** to Indian conditions rather than copying them mechanically.

Colonial legislative chain

Regulating Act, 1773 · Pitt's India Act, 1784 · Charter Acts, 1813 / 1833 / 1853 · Government of India Act, 1858 · Indian Councils Acts, 1861 & 1892 · Indian Councils Act, 1909 (Morley–Minto) · Government of India Act, 1919 (Montagu–Chelmsford) · Government of India Act, 1935 · Indian Independence Act, 1947.

The **Government of India Act, 1935** is the single largest source — the federal scheme, the Governor, public service commissions, the judiciary, emergency provisions and administrative detail all descend from it.

Nationalist constitutional chain

Swaraj Bill, 1895 · Nehru Report, 1928 · Karachi Resolution, 1931 · demand for a Constituent Assembly, 1934 · Jawaharlal Nehru's 1938 statement · Cripps Mission, 1942 · Cabinet Mission Plan, 1946.

"The constitution of free India must be framed, without outside interference, by a Constituent Assembly elected on the basis of adult franchise." — **Jawaharlal Nehru**

Document	What it contributed
Nehru Report, 1928	Dominion Status; responsible government; a Bill of Rights; equal rights for men and women; federal structure; residuary powers with the Centre; secular state; Supreme Court
Karachi Resolution, 1931	Fundamental Rights; socio-economic principles; labour protection; abolition of child labour; free primary education; protection for agricultural labourers — the first linkage of political freedom with socio-economic justice

UPSC 2021 · 10m "The Constitution of India is a product of a historical process, rich with constitutional antecedents." Comment.

2 The Constituent Assembly

Constituted under the **Cabinet Mission Plan, 1946**; members **indirectly elected** by the provincial legislatures in July 1946; original strength **389**; membership changed after Partition; the **Muslim League** initially boycotted.

From plan to drafting — the road the Assembly travelled



Member	Role in the Assembly
Dr. Rajendra Prasad	Permanent Chairman (President) of the Assembly
Jawaharlal Nehru	Moved the Objectives Resolution; pressed a strong Centre and parliamentary democracy
Sardar Vallabhbhai Patel	Led work on Fundamental Rights, Minorities and the Provincial Constitution; opposed separate electorates
Dr. B.R. Ambedkar	Chairman, Drafting Committee
K.M. Munshi, Alladi Krishnaswamy Iyer, T.T. Krishnamachari	Leading lawyer-members across the drafting and debates
Hansa Mehta, Rajkumari Amrit Kaur, Dakshayani Velayudhan	Women members who strengthened gender-equality concerns
H.N. Kunzru, N.G. Ayyangar, Syama Prasad Mookerjee	Other prominent voices in the debates

"The burden of drafting this Constitution fell upon Dr. Ambedkar, and we are grateful to him for having achieved this task in a manner which is undoubtedly commendable." — **T.T. Krishnamachari**

Was it representative? The legitimacy debate

Charge: not elected by universal adult franchise; Congress dominance; the Muslim League boycott; a limited electorate. **Defence:** the Assembly held many communities and viewpoints; Congress deliberately included diverse and non-Congress candidates; debates were elaborate; **consensus and accommodation** guided the work.

"There was hardly any shade of opinion not represented in the Assembly." — **K. Santhanam**

"Congress was India and India was Congress." — **Granville Austin**

Granville Austin read **consensus** and **accommodation** as "two wholly Indian concepts".

3 The Objectives Resolution — the soul before the structure

Moved by **Jawaharlal Nehru** on **13 December 1946**. It laid the philosophical foundation of the Constitution and made drafting a project of social transformation, not only legal drafting.

Core principles



'...May this Resolution bear fruit and may the time come when in the words of this Resolution, this ancient land attains its rightful and honored place in the world and makes its full and willing contribution to the promotion of world peace and the welfare of mankind' — **Jawaharlal Nehru**

How the Resolution became the Constitution



UPSC 2024 - 10m Comment on the Objective Resolution of the Constituent Assembly in 150 words.

4 The Great Debates — where the Constitution was argued into shape

The Assembly was not a drafting shop alone; it was an argument about what kind of state India would be. The major fault-lines and how they were settled:

Question	Positions in the Assembly	How it was settled
Form of government	Jawaharlal Nehru and Dr. B.R. Ambedkar for parliamentary democracy; Gandhians for panchayati raj	Parliamentary democracy adopted; village panchayats placed in the Directive Principles
Federation	Sardar Vallabhbhai Patel and Jawaharlal Nehru for a strong Centre; Partition and the princely states made unity central	India became a Union of States
Separate electorates	B. Pocker Sahib demanded separate electorates; Sardar Vallabhbhai Patel , G.B. Pant and Begum Aizaz Rasul opposed them	Separate electorates rejected; minority rights accepted without communal fragmentation
Uniform Civil Code	For: Hansa Mehta , Rajkumari Amrit Kaur , K.M. Munshi . Against: B. Pocker Sahib , Ismail Sahib	Placed in the Directive Principles
Directive Principles	N.G. Ranga , Jaipal Singh and Dr. B.R. Ambedkar pressed for stronger social-economic guarantees	Made non-justiciable for want of state capacity, but treated as morally binding
Judiciary	Dr. B.R. Ambedkar opposed judges appointing judges as an "imperium in imperio"	An integrated judiciary with appointment by consultation
Governor	Pandit Thakur Das Bhargava wanted clear qualifications rather than reliance on convention alone	Office retained with constitutional provisions

5 The British Imprint — and what was borrowed from elsewhere

Colonial experience and long familiarity with parliamentary institutions left the deepest single mark. Features traceable to the British Constitution:



The clearest imprint is the parliamentary system itself: a nominal head in the President and a real executive in the Prime Minister and Council of Ministers, with the Cabinet answerable to the Lok Sabha.

Source	What India drew from it
United States	Fundamental Rights; judicial review; independent judiciary; impeachment
Ireland	Directive Principles; nomination to the Rajya Sabha; the method of electing the President
Canada	A federation with a strong Centre
Government of India Act, 1935	Federal scheme; the Governor; judiciary; public service commissions; emergency provisions

The examiner's point

India **adapted** rather than copied. Unlike Britain it chose a written Constitution, judicial review, federalism and justiciable Fundamental Rights — the British imprint was joined to Indian concerns of diversity, justice and social transformation.

UPSC 2023 · 10m Imprint of the British Constitution on the Indian Constitution.

6 Unity, Diversity and Federalism — one nation out of many

The Constitution was framed amid **Partition**, communal violence, **more than 540 princely states** to integrate, secessionist fears and deep linguistic, tribal, regional and religious diversity. The makers feared Balkanization — and answered it on two tracks at once.

One Union, many diversities — how the document holds together

UNITY

the hard core

Unity provisions

Article 1 (Union of States) · Article 2 (admission) · Article 3 (formation & alteration by Parliament) · strong Union List · emergency provisions · Articles 352 & 365 · integrated judiciary · All India Services · single citizenship

ACCOMMODATION

the soft federation

Accommodation provisions

federal structure · State List · linguistic reorganization · Articles 29–30 · Fifth Schedule · Sixth Schedule · Article 371 provisions · panchayati raj through the 73rd & 74th Amendments

James Manor reads the internal heterogeneity of each linguistic region — cut again by caste, class and sub-region — as a force for national unity, since no single cleavage can align a whole region against the rest.

Key idea

Indian federalism is a **holding-together federation**: unity is secured through hard central provisions and soft accommodation together, so national integration and State autonomy can coexist.

UPSC 2019 · 10m Unity and integrity of India was perhaps the single uppermost factor in the minds of the Constitution makers. Comment.

UPSC 2021 · 10m “The Constitution makers faced the great task of forging a common national identity in the face of unparalleled social and cultural diversity in India.” Comment.

7 Social Inequality and the Social Revolution

The makers set out to transform an unequal society, not merely to govern it. **K. Santhanam** read the project as three revolutions in sequence:

Santhanam's three revolutions

Political revolution
independence

Social revolution
exit from medievalism of birth, religion, custom & community

Economic revolution
scientific agriculture & industry

Dr. B.R. Ambedkar warned of three dangers to this project: **social and economic inequalities**, **unconstitutional methods**, and **hero-worship**. Political democracy, he held, could not survive without social democracy.

The provisions that carry the revolution

Preamble (justice, liberty, equality, fraternity) · Article 14 (equality before law) · Article 15 (non-discrimination) · Article 16 (equality of opportunity) · Article 17 (abolition of untouchability) · Article 32 (constitutional remedies) · Articles 36–51 (Directive Principles) · Article 39 (distribution of material resources, equal pay) · Article 41 (work, education, public assistance) · Article 325 (no exclusion from electoral rolls on religion, race, caste or sex) · Article 326 (universal adult franchise).

“The Indian Constitution is first and foremost a social document. The majority of its provisions are either directly aimed at furthering the goals of social revolution by establishing the conditions necessary for its achievement yet despite the permeation of the entire Constitution by the aim of national renaissance, the core of the commitment to the social revolution lies in Part III and in Part IV in the Fundamental Rights and Directive Principles of State Policy. These are the conscience of the Constitution.” — **Granville Austin**

"Freedom and power bring responsibility... It means the ending of poverty and ignorance and disease and inequality of opportunity. The ambition of the greatest man of our generation has been to wipe every tear from every eye. That may be beyond us; but as long as tears and sufferings, so long our work will not be over." — **Jawaharlal Nehru**

UPSC 2020 · 10m Indian Constitution maker's concern on social inequality.

UPSC 2022 · 15m The making of the Indian Constitution is described as an attempt towards 'social revolution'. Comment.

8 The 'Lawyers' Paradise' charge

Sir Ivor Jennings criticized the Constitution as a "Lawyers' Paradise". His reasons:

Very long and detailed

Legalistic language

Administrative provisions included

Complex interpretation

Many lawyers in the Assembly

Frequent litigation

The charge had domestic echoes: **P.R. Deshmukh** attacked the draft as too wordy, and many leading framers were themselves lawyers — **Dr. Rajendra Prasad**, **Jawaharlal Nehru**, **Sardar Vallabhbhai Patel**, **Dr. B.R. Ambedkar**, **K.M. Munshi** and **Alladi Krishnaswamy Iyer**.

"If I may say so, the draft is really a lawyer's paradise." — **H.K. Maheshwari**

The defence

India's diversity required detail; an infant democracy needed clarity; arbitrariness had to be prevented; social-justice provisions demanded precision; and the Constitution has survived the test of time. **Dr. B.R. Ambedkar** defended the detail directly — it was necessary because it was possible to **pervert the Constitution** through ordinary administration.

UPSC 2018 · 10m Indian Constitution is a 'Lawyers' Paradise' — Ivor Jennings.

9 Constitutional Morality

Working definition

Constitutional morality means fidelity to the values, procedures and limits of the Constitution — not mere obedience to the legal text, and not deference to prevailing social morality.

Its elements

Justice

Liberty

Equality

Fraternity

Rule of law

Rights

Minority protection

Self-restraint

Respect for plurality

Public reason

Criticism within constitutional limits

Dr. B.R. Ambedkar used the idea to warn that democracy needs settled habits of constitutional conduct, not just constitutional forms. **Upendra Baxi** treats it as a restraint that keeps political leaders from subverting constitutional values.

How the courts have used it

The principle has done real work in the case law: **Kesavananda Bharati** (basic structure), **Naz Foundation**, **Navtej Singh Johar v. Union of India** (2018), the **Sabarimala case** (2018), and **Justice K.S. Puttaswamy v. Union of India** (privacy) — using constitutional morality to protect individual dignity against majoritarian social morality.

UPSC 2024 · 10m Comment on the Constitutional morality in the Indian Constitution in 150 words.

10 Legacies of the National Movement — what the Constitution inherited

The Constitution did not arrive from nowhere. It gave legal form to a political inheritance built over decades of struggle. The major legacies:

Anti-imperialism

National unity

Pluralism

Democracy

Mass participation

Civil liberties

Secularism

Economic planning

Social justice

Independent foreign policy

Legacy	What the movement built — and passed on
National unity	The Indian nation was actively constructed; British denial of India's nationhood was defeated politically; Jawaharlal Nehru stressed emotional integration and development
Democracy	The movement drew in peasants, workers, women, students, tribals and urban groups; Congress built democratic decision-making; universal adult suffrage after independence reflected faith in ordinary people
Civil liberties	Rights consciousness from Gopal Krishna Gokhale , Surendranath Banerjee and Mahatma Gandhi ; the Indian Civil Liberties Union , 1936
Economic development	Modernization through science and state-led planning — Karachi Resolution , 1931, National Planning Committee , 1938, Planning Commission , 1950. The Gandhian alternative : village industries, decentralization, khadi, minimal technology, rural autonomy
Secularism	Equal respect for all religions; separation of religion from state affairs; anti-communalism; protection of minorities. Mahatma Gandhi distinguished moral Religion from denominational religions; Jawaharlal Nehru warned against religion in politics while accepting its ethical dimension
Foreign policy	Early nationalism opposed imperial policy in Persia, Turkey and colonized nations; Jawaharlal Nehru attended the International Congress of Oppressed Nationalities , 1927; continuity in anti-colonialism, non-alignment, sovereignty and peaceful relations

Weaknesses of the inheritance

It failed to prevent **Partition**; could not fully defeat communalism; caste hierarchy, gender inequality and class contradictions persisted; and a loose organization allowed divergent local interpretations.

11 Assessment — how to frame it in the answer

The one-line verdict

The Constitution is **constitutional in outcome but revolutionary in social ambition** — a peaceful legal instrument built to transform an unequal society.

Pull the arc together when you write: historical antecedents supplied the material; the Assembly supplied the deliberation; the Objectives Resolution supplied the purpose; and the drive for social revolution supplied the ambition. The Constitution gave those foundations legal form and directed them towards **justice, liberty, equality and fraternity** — a document held together by constitutional morality and still working as a transformative force.

12 Power Quotes — carry these into the hall

"The constitution of free India must be framed, without outside interference, by a Constituent Assembly elected on the basis of adult franchise." — **Jawaharlal Nehru**

"Congress was India and India was Congress." — **Granville Austin**

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"The Indian Constitution is first and foremost a social document... the core of the commitment to the social revolution lies in Part III and In Part IV... These are the conscience of the Constitution." — **Granville Austin**

"If I may say so, the draft is really a lawyer's paradise." — **H.K. Maheshwari**

13 Scholar Index — who said what

Alladi Krishnaswamy Iyer · Dr. B.R. Ambedkar · Granville Austin · N.G. Ayyangar · Surendranath Banerjee · Upendra Baxi · Pandit Thakur Das Bhargava · P.R. Deshmukh · Mahatma Gandhi · Gopal Krishna Gokhale · Ismail Sahib · Jaipal Singh · Sir Ivor Jennings · Rajkumari Amrit Kaur · T.T. Krishnamachari · H.N. Kunzru · H.K. Maheshwari · James Manor · Hansa Mehta · Syama Prasad Mookerjee · K.M. Munshi · Jawaharlal Nehru · G.B. Pant · Sardar Vallabhbhai Patel · B. Pocker Sahib · Dr. Rajendra Prasad · N.G. Ranga · Begum Aizaz Rasul · K. Santhanam · Dakshayani Velayudhan

14 How UPSC Asks It — the recent record, mapped

Theme	Year & marks
Constitutional antecedents — the historical process	2021 · 10m
Forging a common national identity amid diversity	2021 · 10m
Unity and integrity as the uppermost concern	2019 · 10m
The makers' concern with social inequality	2020 · 10m
The Constitution as an attempt at social revolution	2022 · 15m
Imprint of the British Constitution	2023 · 10m
The 'Lawyers' Paradise' charge (Jennings)	2018 · 10m
Constitutional morality	2024 · 10m
The Objective Resolution of the Constituent Assembly	2024 · 10m

This single chapter draws at least one question almost every year. Treat it as core, not optional.

15 Today's Practice — write before you sleep

1. The making of the Indian Constitution is described as an attempt towards 'social revolution'. Comment.

UPSC 2022 · 15m · ~250 words

2. Comment on the Objective Resolution of the Constituent Assembly in 150 words.

UPSC 2024 · 10m · 150 words

3. Imprint of the British Constitution on the Indian Constitution.

UPSC 2023 · 10m · ~150 words

Tonight: model answers to these three on @psirbyamitpratap. If a point did not come back to you on its own, revise it against your Foundation and OGP class notes before you attempt — then write at least one of the three. Don't break the chain.

See you tomorrow with Day 18 — Salient Features of the Constitution.