



PRESS INFORMATION BUREAU
 (Research Unit)
 Ministry of Information and Broadcasting
 Government of India



Constitution Day - November 26

(Ministry of Parliamentary Affairs)

November 25, 2021

“We began to observe 26th November as Constitution Day in 2015. Since then, people across India have been marking it with great fervour. This is a day to express gratitude to the makers of our Constitution and to reiterate our commitment to building the India of their dreams.”

- **Prime Minister Narendra Modi**

November 26 marks the day in 1949 when the Constitution of India was adopted by the Constituent Assembly. The Indian Constitution is one of the lengthiest and most comprehensive constitutions in the world. At the time of its commencement, the Indian Constitution had 395 Articles, 22 Parts and 8 Schedules. It justifies the vastness of the nation in terms of geographical and linguistic diversity and the vast population of India. This document was given shape through extensive deliberations, debates and discussions. The drafting of the Constitution was steered by Dr. B. R. Ambedkar – the Chairman of the Drafting Committee, and one of India’s finest scholars and statesmen.

The Indian Constitution is a set of written principles and precedents that frames fundamental principles, procedures, rights, directive principles and duties of the government and the citizens of the country.

The Government of India has decided to observe November 26 as Constitution Day.

Legislations during the British Raj

Prior to the adoption of Indian Constitution after independence, a number of legislations were enacted by the British government to administer the country.

Some of the important legislations introduced during the British Raj included:

1. **Royal Charter of 1600** – The East India Company acquired a charter from the ruler of England, Queen Elizabeth I, granting it the sole right to trade with the East.
2. **Regulating Act of 1773** – This Act for the first time, recognized the political and administrative functions of the East India Company. It further strengthened the control of the British Government over the Company.
3. **Pitt’s India Act of 1784** – This Act granted the British government supreme control over Company’s affairs and its administration in India.
4. **Charter Acts (1793, 1813, 1833 and 1853)** – These Acts validated the continuation of East India Company rule under the overall sovereignty of the British Crown.

5. **Government of India Act of 1858** – This Act ended the rule of East India Company and India came under direct control of British Crown with a Secretary of State and Governor General of India to look after the affairs of the state.
6. **Indian Penal Code 1860** – It was the first codification of criminal law under the British Empire.
7. **Indian Councils Act of 1861** – This Act made a beginning of representative institutions by associating Indians with the law-making process.
8. **Indian Councils Act of 1892** – This Act increased the number of members in the Central as well as provincial legislatures.
9. **The Code of Civil Procedure, 1908** - An Act to consolidate and amend the laws relating to the procedure of the Courts of Civil Judicature.
10. **Indian Councils Act of 1909** – Popularly known as **Morley-Minto reforms**, this Act further extended democratic participation by increasing the size of the legislative councils, both Central and provincial. It also introduced a system of communal representation for Muslims by accepting the concept of ‘separate electorate’.
11. **Indian Councils Act of 1919** – Popularly known as **Montagu-Chelmsford reforms**, this Act, for the first time, introduced diarchy, bicameralism and direct elections in the country.
12. **The Official Secrets Act of 1923** - An Act to consolidate and amend the law relating to official secrets.
13. **The Reserve Bank of India Act, 1934** - An Act to constitute the Reserve Bank of India.
14. **Government of India Act, 1935** – This Act gave the basic structure of representative democracy with a two-tier provincial and central government system. This Act also became the major source of the present Constitution of India.
15. **Indian Independence Act, 1947** – This Act ended the British rule and declared India as a sovereign nation. It was followed by the adoption of Constitution of India on November 26, 1949.

The Making of the Constitution

At Independence, India was a large and a diverse nation. A Constitution designed to keep the country together, and to take it forward, had necessarily to be an elaborate, carefully worked-out and painstakingly drafted document.

The Constituent Assembly was formed on December 6, 1946. The Constitution was drafted by the Constituent Assembly which held its first sitting on 9 December 1946. The Constituent Assembly was composed roughly along the lines suggested by the plan proposed by the committee of the British cabinet, known as the Cabinet Mission. The Objectives Resolution was moved in 1946 which defined the aims of the Assembly.

The members of the Constituent Assembly were chosen by indirect election by the members of the Provincial Legislative Assemblies that had been established under the Government of India Act, 1935. Members of all religions were given representation under the scheme described above; in addition, the Assembly had twenty-eight members from the Scheduled Castes.

The Constitution of India was framed between December 1946 and November 1949. During this time, its drafts were discussed clause by clause in the Constituent Assembly of India. In all, the Assembly held **eleven sessions, with sittings spread over 165 days**. In between the sessions, the work of revising and refining the drafts was carried out by various committees and sub-committees.

The Constituent Assembly spent a lot of time on evolving the right balance among the various institutions like the executive, the legislature and the judiciary. This led to the adoption of the parliamentary form and the federal arrangement, which would distribute governmental powers between the legislature and the executive on the one hand and between the states and the central government on the other hand.

The Constituent Assembly had eight major Committees on different subjects. Each Committee usually drafted particular provisions of the Constitution which were then subjected to debate by the entire Assembly. Among all the Committees of the Constituent Assembly, the most important committee was the Drafting Committee, chaired by Dr. B. R. Ambedkar, set up on August 29, 1947.

Dr B R Ambedkar introduced the final draft of the Constitution in the Assembly on November 04, 1948 (first reading). The Assembly had a general discussion on it for five days (till November 09, 1948). The second reading started on November 15, 1948 and ended on October 17, 1949. During this stage, as many as 7653 amendments were proposed and 2473 were actually discussed in the Assembly. The third reading of the draft started on November 14, 1949. Dr B R Ambedkar moved a motion —‘the Constitution as settled by the Assembly be passed’. The motion on Draft Constitution was declared as passed on November 26, 1949 and received the signatures of the members and the President.

The Constitution came into force on January 26, 1950. January 26 is celebrated as Republic Day.

Inspiration from other countries

While evolving the most balanced governmental arrangements, the makers of our Constitution did not hesitate to learn from experiments and experiences of other countries. The Constitution makers had painstakingly gone through the constitutions of about 60 countries, adopting a number of ideas from the constitutions of different nations. However, the document that emerged is unique in its content and spirit. Even while borrowing features from other constitutions, the framers made the necessary modifications to ensure their suitability to the Indian conditions and ethos. The philosophy can be briefly understood by Dr. Ambedkar’s following quote:

“One likes to ask whether there can be anything new in a constitution framed at this hour in the history of the world. More than hundred years have rolled over when the first written Constitution was drafted. It has been followed by many countries reducing their constitutions to writing. What the scope of a constitution should be has long been settled. Similarly, what are the fundamentals of a constitution are recognized all over the world. Given these facts, all Constitutions in their main provisions must look similar. The only new things if there can be any, in a constitution framed so late in the day are the variations made to remove the faults and to accommodate it to the needs of the country. The charge of producing a blind copy of the Constitutions of other countries is based, I am sure, on an inadequate study of the Constitution. As to the accusation that the draft Constitution has produced a good part of the provisions of the

Government of India Act, 1935, I make no apologies. There is nothing to be ashamed of in borrowing. It involves no plagiarism. Nobody holds any patent rights in the fundamental ideas of a constitution.”¹

The following features of the Constitution of India have been adopted from different nations:

| Sources | Features |
|--|---|
| Government of India Act of 1935 | Federal Scheme, Office of governor, Judiciary, Public Service Commissions, Emergency provisions and administrative details |
| British Constitution | Parliamentary government, Rule of Law, legislative procedure, single citizenship, cabinet system, prerogative writs, parliamentary privileges and bicameralism. |
| US Constitution | Fundamental rights, independence of judiciary, judicial review, impeachment of the president, removal of Supreme Court and high court judges and post of vice-president. |
| Irish Constitution | Directive Principles of State Policy, nomination of members to Rajya Sabha and method of election of president. |
| Canadian Constitution | Federation with a strong Centre, vesting of residuary powers in the Centre, appointment of state governors by the Centre, and advisory jurisdiction of the Supreme Court. |
| Australian Constitution | Concurrent List, freedom of trade, commerce and inter-course, and joint sitting of the two Houses of Parliament. |
| Weimar Constitution of Germany | Suspension of Fundamental Rights during Emergency. |
| Soviet Constitution (USSR, now Russia) | Fundamental duties and the ideal of justice (social, economic and political) in the Preamble. |
| French Constitution | Republic and the ideals of liberty, equality and fraternity in the Preamble. |
| South African Constitution | Procedure for amendment of the Constitution and election of members of Rajya Sabha. |
| Japanese Constitution | Procedure established by Law. |

Some of the Salient Features of the Indian Constitution

Even though many of the fundamental ideas have been incorporated from the Constitutions of other major nations at that time, a significant number of ideas of the Constitution remain unique to India. Some of the Salient Features of the Indian Constitution are:

1. **Union of India:** [Part 1 of the Constitution](#)² deals with the geographic nature and boundary of the nation. It can be briefly summarized as an indestructible union of destructible states. It is neither a result of an agreement by independent states nor can a state secede from the Union. All citizens of the Union of India have a single citizenship.

¹ Constituent Assembly Debates, Volume VII, p. (35–38)

² <https://www.mea.gov.in/Images/pdf1/Part1.pdf>

2. Universal Adult Franchise: One of the features that makes the Indian Constitution a visionary document is its emphasis on equality as a fundamental right. The biggest achievement of the independent India was to grant Universal Adult Franchise and extend voting rights to all citizens above the age of 18 without any discrimination. This ensured that India becomes a vibrant democracy and all sections get their due sense of ownership and participation.

3. Social Justice: In India, the society has been organized by hereditary occupation for more than a thousand years. As a result, some sections of the society had no access to social, cultural as well as financial capital. The makers of the Constitution, in the pursuit of ushering in an era of equality and dignity, made the following requisite provisions in the Constitution:

a. **Ban on Untouchability:** [Article 17](#)³ of the constitution says

“Untouchability” is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of “Untouchability” shall be an offence punishable in accordance with law.

This has changed a very long and extremely degrading practice that had existed in India.

b. **Ban on Titles:** [Article 18 \(1\)](#)⁴ of the Constitution says

No title, not being a military or academic distinction, shall be conferred by the State.

This ended the feudal mode of society to usher in the democratic republic that the makers of the nation dreamt of.

c. **Representation for marginalized sections:** India is home to innumerable communities, with their own language, culture & religion, belonging to various geographical regions. The makers of the Constitution decided to formulate positive discrimination for ensuring access in social, economic and political matters to the most marginalized sections of the society. Provisions for Scheduled Tribes and Scheduled Castes are an example of such policy.

³ <https://legislative.gov.in/sites/default/files/COI.pdf>

⁴ *ibid*

4. **Panchayati Raj:** One of the most unique features of the Indian constitution is the emphasis given to governance at the grass-root level of society. Article 243 (b)⁵ of the constitution says

“Gram Sabha” means a body consisting of persons registered in the electoral rolls relating to a village comprised within the area of Panchayat at the village level.

Gram Sabhas provide citizens a direct say in the decision-making process for the realization of participatory democracy in its true sense. This provision gives a public platform for the citizens to elaborate on their problems, along with the felt needs and aspirations of the local community.⁶

5. **Secularism:** The idea of secularism originated in late medieval Europe where demands started coming for separating the church from the state. Eventually western states have adopted a policy of no interference with religion as well as no influence of religion on the state affairs.

India on the other hand believed in the idea of “*Sarva Dharma Sambhav*” and decided to protect and promote all religions that are part of the Indian landscape and beyond.

6. **Gandhian Ideals:** In order to fulfill the dreams of Mahatma Gandhi, some of his ideas like promoting cottage industries on an individual or co-operation basis in rural areas, prohibiting the consumption of intoxicating drinks and drugs etc. were included as Directive Principles.

India’s tryst with destiny: First General Elections of 1951-52

The *sine qua non* for a true democracy is the holding of fair and free elections of the peoples’ representatives to the legislative bodies. The elections, in other words, must be conducted and directed in a completely non-partisan spirit. The framers of the Indian Constitution drew largely from the experience of such elections in other countries and tried to avoid the abuses and pitfalls experienced there in the early days. Provision was accordingly made in constitution to ensure that the party in power at any time might not be placed in a position to influence the conduct to elections in a manner which would go to favor its own interests.⁷

The first general elections of Lok Sabha was a challenge in itself. No country had till date conducted an election at that scale in terms of population and geography covered. The framers of the constitution were adamant to make it an exercise that would leave a deep rooted culture of electoral democracy for generations to come.

⁵ ibid

⁶ Kumar Sunil, *Making Gram Sabhas Vibrant*, Yojana, November 2021

⁷ <https://eci.gov.in/files/file/11891-report-on-the-first-general-elections-in-india-1951-52-volume-1-general/>

Following is a list of [facts](#)⁸ to understand the humongous task of conducting the first election in India:

| | |
|------------------------------------|-------------------------|
| Total Participating Parties | 53 + Independent |
| Total Constituencies | 489 |
| Total Electors | 173212343 |
| Voter Turnout | 105950083 |
| Voter Turnout percentage | 44.87% |
| Total Candidates | 1874 |

India's Constitution is a unique document which in turn became an exemplar for many other constitutions, most notably South Africa. The main purpose behind the long search that went on for almost three years was to strike the right balance so that institutions created by the Constitution would not be haphazard or tentative arrangements but would be able to accommodate the aspirations of the people of India for a long time to come.

Photo Gallery



From the collection of: Nehru Memorial Museum and Library
First meeting of the Constituent Assembly was attended by 205 members, including 9 women under the chairmanship of Dr. Sachchidananda Sinha -- 9 December 1946

⁸ <https://eci.gov.in/files/file/4111-general-election-1951-vol-i-ii/>



From the collection of: Nehru Memorial Museum and Library
Dr. Sachchidananda Sinha, nominated Chairman, Constituent Assembly (1946-1949)



From the collection of: Nehru Memorial Museum and Library
Dr B.R. Ambedkar, Chairman, Drafting Committee, Constituent Assembly (1946-1949)



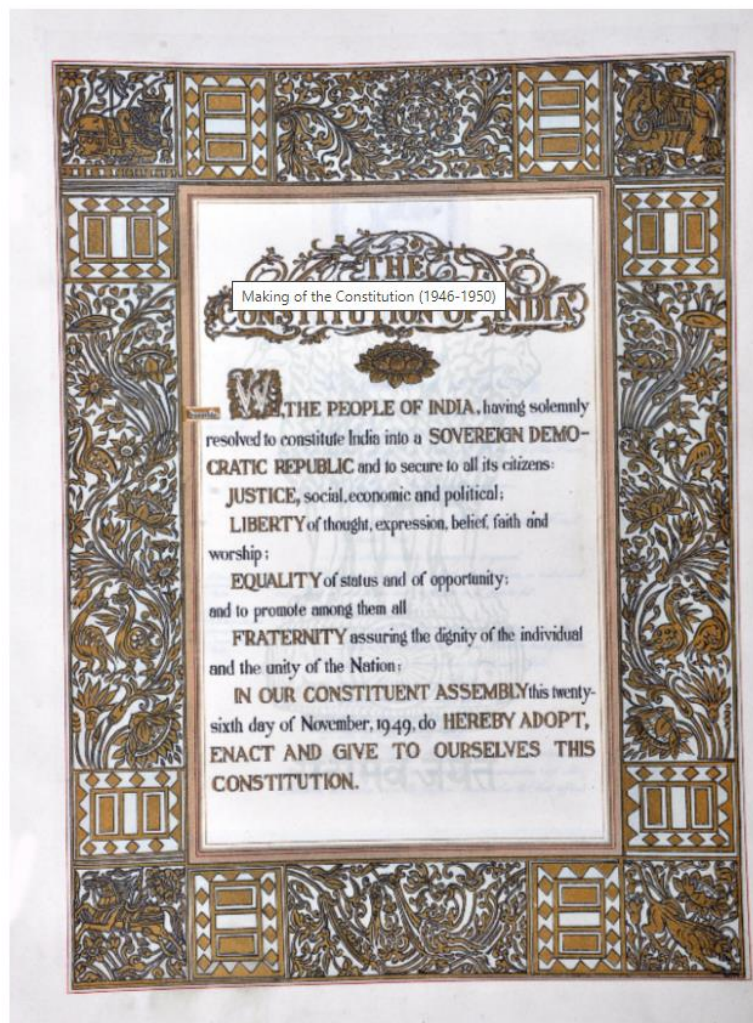
From the collection of: Nehru Memorial Museum and Library
Dr. B.R. Ambedkar receiving representation during the proceeding of the Constituent Assembly -- December 1946-November 1949



From the collection of: Nehru Memorial Museum and Library
Dr. Rajendra Prasad with the staff members of the Constituent Assembly



From the collection of: Nehru Memorial Museum and Library
Dr. Rajendra Prasad signing the Indian Constitution – 24 January 1950



From the collection of: Nehru Memorial Museum and Library
Preamble of the Indian Constitution.

References:

- Address by the Hon'ble President of India Shri Ram Nath Kovind on the occasion of Inauguration of Constitution Day ([November 26, 2020](#))
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Tweets:

- <https://twitter.com/narendramodi/status/669687577432055808>
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Video References:

- President Kovind addresses the Constitution Day Celebrations organised by the Supreme Court of India - <https://www.youtube.com/watch?v=bgFcQVxJ9l4>
- PM Modi's address on the 70th Constitution Day at the Joint Session of Parliament - <https://www.youtube.com/watch?v=IJGJW-2UQyY>
- PM Modi attends a book release function on the occasion of Constitution Day in New Delhi - <https://www.youtube.com/watch?v=0oHOaSXMmTc>

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