

# MAKERS OF THE INDIAN CONSTITUTION



**Kanhaiyalal Maniklal Munshi**

(1887-1971) born: Gujarat. Advocate, historian and linguist. Congress leader and Gandhian. Later: Minister in the Union Cabinet. Founder of the Swatantra Party.



**Bhimrao Ramji Ambedkar**

(1891-1956) born: Madhya Pradesh. Chairman of the Drafting Committee. Social revolutionary thinker and agitator against caste divisions and caste based inequalities. Later: Law minister in the first cabinet of post-independence India. Founder of Republican Party of India.



**Shyama Prasad Mukherjee**

(1901-1953) born: West Bengal. Minister for Industry and Supply in the Interim Government. Educationist and lawyer. Active in Hindu Mahasabha. Later: Founder President of Bharatiya Jansangh.



**Jawaharlal Nehru**

(1889-1964) born: Uttar Pradesh. Prime Minister of the interim government. Lawyer and Congress leader. Advocate of socialism, democracy and anti-imperialism. Later: First Prime Minister of India.

# Constitution Making

**Charles Kettleborough**



## **Constitution Making:**

**Democratic Constitution Making** Vivien Hart, 2003      **Comparative Constitution Making** David Landau, Hanna Lerner, 2019 Recent years have witnessed an explosion of new research on constitution making *Comparative Constitution Making* provides an up to date overview of this rapidly expanding field

**Constitution Makers on Constitution Making** Tom Ginsburg, Sumit Bisarya, 2022-11-17 Constitution making is a major event in the life of a country with constitutions often acting as a catalyst for social and political transformation But what determines the visions aspirations and compromises that go into a written constitution In this unique volume constitution makers from countries around the world come together to offer their insights Using a collection of case studies from countries with recently written constitutions *Constitution Makers on Constitution Making* provides a common framework to explain how constitutions are created Scholars and practitioners very close to the process illuminate critical insights into how participants see constitutional options how deadlocks are broken and how changes are achieved This vital volume also draws lessons concerning the role of courts in policing the process on international involvement and on public participation

**Constitution Making in Indiana** Charles Kettleborough, 1916      **Constitution-Making and Transnational Legal Order** Gregory Shaffer, Tom Ginsburg, Terence C. Halliday, 2019-04-18 Constitutions are no longer exclusively national projects but increasingly result from broader transnational processes that form a transnational legal order

*Internationalised Constitution Making and State Formation* Katrin Seidel, 2025-03-31 This book presents an in depth and nuanced interdisciplinary and comparative analysis of post conflict constitution making in South Sudan and Somaliland exploring the ways in which the two emerging states negotiate statehood in a globalised world It critically examines the transfer of international constitution making models as part of international rule of law promotion frameworks Specific emphasis is placed on the socio cultural translation dynamics of these models in conflict settings The comparative study explores the tensions between state sovereignty and international interventions examining whether international constitution making involvement fosters the production of societal consensus or inadvertently impedes efforts to achieve stability and peace By focusing on constitutional law making the book sheds light on how normative ideas are transformed in negotiations and opens up new analytical avenues for re thinking conventional constitution making practices It critically reconsiders the assumption that every emerging state requires a written constitution alongside the state centred notion of sovereignty underpinning this paradigm Additionally the study addresses the power and knowledge hierarchies inherent in international interventions providing empirical data from post conflict African contexts The book will be of interest to academics researchers and policy makers working in the areas of comparative public law constitutionalism sociology of law anthropology legal geography international relations political science and African studies

*Making Constitutions in Deeply Divided Societies* Hanna Lerner, 2011-05-12 How can societies still grappling over the common values and shared vision of

their state draft a democratic constitution This is the central puzzle of Making Constitutions in Deeply Divided Societies While most theories discuss constitution making in the context of a moment of revolutionary change Hanna Lerner argues that an incrementalist approach to constitution making can enable societies riven by deep internal disagreements to either enact a written constitution or function with an unwritten one She illustrates the process of constitution writing in three deeply divided societies Israel India and Ireland and explores the various incrementalist strategies deployed by their drafters These include the avoidance of clear decisions the use of ambivalent legal language and the inclusion of contrasting provisions in the constitution Such techniques allow the deferral of controversial choices regarding the foundational aspects of the polity to future political institutions thus enabling the constitution to reflect a divided identity Transnational Constitution Making Alicia Pastor y Camarasa, 2024-06-14 This book examines the largely neglected but crucial role of transnational actors in democratic constitution making The writing or rewriting of constitutions is usually a key moment in democratic transitions But how exactly does this take place Most contemporary comparative constitutional literature draws on the concept of constituent power the power of the people to address this moment But what this overlooks this book argues is the important role of external transnational actors who tend to play a crucial role in the process Drawing on sociolegal methodologies but informed by new legal realism this book develops a new theoretical framework for examining the involvement of such actors in constitution making Empirically grounded the book uncovers a more comprehensive picture of how constitution making unfolds on the ground Illuminating the power dynamics at play during the legal process it reveals not only the wide range of external actors involved but also the continuity between decolonisation and post Cold War constitution making This book the first to provide an in depth examination of external actor involvement in constitution making will appeal to scholars of constitutional law sociolegal studies law and development and transitional justice

*Constitution Making in Indiana: 1780-1851* Charles Kettleborough, 1916 **Post Sovereign Constitution Making** Andrew Arato, 2016 Constitutional politics has become a major terrain of contemporary struggles Contestation around designing replacing revising and dramatically re interpreting constitutions is proliferating worldwide Starting with Southern Europe in post Franco Spain then in the ex Communist countries in Central Europe post apartheid South Africa and now in the Arab world constitution making has become a project not only of radical political movements but of liberals and conservatives as well Wherever new states or new regimes will emerge in the future whether through negotiations revolutionary process federation secession or partition the making of new constitutions will be a key item on the political agenda Combining historical comparison constitutional theory and political analysis this volume links together theory and comparative analysis in order to orient actors engaged in constitution making processes all over the world The book examines two core phenomena the development of a new democratic paradigm of constitution making and the resulting change in the normative discussions of constitutions their creation and the source of their legitimacy After setting out a

theoretical framework for understanding these developments Andrew Arato examines recent constitutional politics in South Africa Hungary Turkey and Latin America and discusses the political stakes in constitution making The book concludes by offering a systematic critique of the alternative to the new paradigm populism and populist constituent politics **Rocky Mountain Constitution Making, 1850-1912** Gordon Morris Bakken, 1987-04-15 Bakken addresses important issues of constitutional history in the context of a seminal period in the history of the American West He describes the challenges which faced the participants in eight Western constitutional conventions His analysis answers questions of how consensus was reached and how that consensus reflected the compromise between the particular needs of the states and fundamental principles Bakken outlines the issues of public policy which the constitution makers faced issues ranging from resource allocation and taxation to the role of corporations in the community He also explains how the delegates attempted to express the values of their constituencies while striving to define the concept of the public good *Framing the State in Times of Transition* Laurel E. Miller, Louis Aucoin, 2010 Analyzing nineteen cases this title offers practical perspective on the implications of constitution making procedure and explores emerging international legal norms **Constitution-Making and Transnational Legal Order** Gregory Shaffer, Tom Ginsburg, Terence C. Halliday, 2019-04-18 Since the rise of the nation state in the nineteenth century constitutions have been seen as an embodiment of national values and identity However individuals ideas and institutions from abroad have always influenced constitutions and so the process is better described as transnational As cross border interaction is increasing in intensity a dominant transnational legal order for constitutions has emerged with its own norms guidelines and shared ideas Yet both the process and substance of constitution making are being contested in divergent and insurgent constitutional orders Bringing together leading scholars from the United States Europe Latin America and Asia this volume addresses the actors networks norms and processes involved in constitution making as well as the related challenges from a transnational and comparative perspective Drawing from the research on transnational legal orders this work explores and examines constitution making in every region of the world *State Constitution-making, with Especial Reference to Tennessee* Wallace McClure, 1916 Constitution-making Edward McWhinney, 1981 **Constitution Makers on Constitution Making** Tom Ginsburg, Sumit Bisarya, 2022-11-17 This edited volume examines constitution making from the perspective of those directly engaged in the process in different countries around the world **Between Authority and Liberty** Marc W. Kruman, 2014-03-24 In a major reinterpretation of American political thought in the revolutionary era Marc Kruman explores the process of constitution making in each of the thirteen original states and shows that the framers created a distinctively American science of politics well before the end of the Confederation era Suspicious of all government power state constitution makers greatly feared arbitrary power and mistrusted legislators ability to represent the people s interests For these reasons they broadened the suffrage and introduced frequent elections as a check against legislative self interest This analysis challenges Gordon Wood s now classic

argument that at the beginning of the Revolution the founders placed great faith in legislators as representatives of the people According to Kruman revolutionaries entrusted state constitution making only to members of temporary provincial congresses or constitutional conventions whose task it was to restrict legislative power At the same time Americans maintained a belief in the existence of a public good that legislators and magistrates when properly curbed by one another and by a politically active citizenry might pursue Constitutional Politics Sotirios A. Barber,Robert P. George,2021-03-09

What does it mean to have a constitution Scholars and students associated with Walter Murphy at Princeton University have long asked this question in their exploration of constitutional politics and judicial behavior These scholars concerned with the making maintenance and deliberate change of the Constitution have made unique and significant contributions to our understanding of American constitutional law by going against the norm of court centered and litigation minded research Beginning in the late 1970s this new wave of academics explored questions ranging from the nature of creating the U S Constitution to the philosophy behind amending it In this collection Sotirios A Barber and Robert P George bring together fourteen essays by members of this Princeton group some of the most distinguished scholars in the field These works consider the meaning of having a constitution the implications of particular choices in the design of constitutions and the meaning of judicial supremacy in the interpretation of the Constitution The overarching ambition of this collection is to awaken a constitutionalist consciousness in its readers to view themselves as potential makers and changers of constitutions as opposed to mere subjects of existing arrangements In addition to the editors the contributors are Walter F Murphy John E Finn Christopher L Eisgruber James E Fleming Jeffrey K Tulis Suzette Hemberger Stephen Macedo Sanford Levinson H N Hirsch Wayne D Moore Keith E Whittington and Mark E Brandon **Constitution Making in Indiana** Charles Kettleborough,1930

**The Soul of a Nation** Hassen Ebrahim,1998 Part One of this book provides a detailed account of development of the South African constitution especially between 1985 and 1996 Part Two is a collection of key documents from South Africa s constitutional history since 1902

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