

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

Lin Li, Jihong Mo, Guoqiang Zhai



Constitution Making:

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 p p1 margin 0 0px 0 0px 0 0px 0 0px font 10 0px Arial

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

Deliberative Constitution-making Min Reuchamps, Yanina Welp, 2023-08-31 This book explains deliberative constitution making with a special focus on the connections between participation representation and legitimacy and provides a general overview of what the challenges and prospects of deliberative constitution making are today It seeks to provide a more complete picture of what is at stake as a political trend in various places in the world both theoretically and empirically grounded Distinctively the book studies not only established democracies and well known cases of deliberative constitution making but also such practices in authoritarian and less consolidated democratic settings and departs from a traditional institutional perspective to have a special focus on actors and in particular underrepresented groups This book is of key interest to scholars and students of deliberative democracy constitutional politics democratization and autocratization studies citizen participation and more broadly to comparative politics public administration social policy and law

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

Constitution Making Under Occupation Andrew Arato, 2009 The attempt in 2004 to draft an interim constitution in Iraq and the effort to enact a permanent one in 2005 were unintended outcomes of the American occupation which first sought to impose a constitution by its agents This two stage constitution making paradigm implemented in a wholly unplanned move by the Iraqis and their American sponsors formed a kind of compromise between the populist democratic project of Shi ite clerics and America s external interference As long as it was used in a coherent and legitimate way the method held promise Unfortunately the logic of external imposition and political exclusion compromised the negotiations Andrew Arato is the first person to record this historic process and analyze its special problems He compares the drafting of the Iraqi constitution to similar externally imposed constitutional revolutions by the United States especially in Japan and Germany and identifies the political missteps that contributed to problems of learning and legitimacy Instead of claiming that the right model of constitution making would have maintained stability in Iraq Arato focuses on the fragile opportunity for democratization that was strengthened only slightly by the methods used to draft a constitution Arato contends that this event would have benefited greatly from an overall framework of internationalization and he argues that a better set of guidelines rather than the obsolete Hague and Geneva regulations should be followed in the future With access to an extensive body of literature Arato highlights the difficulty of exporting democracy to a country that opposes all such foreign designs and fundamentally disagrees on matters of political identity

The Failure of Popular Constitution Making in Turkey Zeynep Yanasmayan, 2020-01-16 Offers an in depth case study of the failure of popular constitution making in Turkey from 2011 to 2013

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

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

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. *How constitution-making fails and what we can learn from it* Kimana Zulueta-Fülscher, 2023-05-15. Constitution making is often integral to achieving a new political settlement after conflict and in fragile settings. However the process fails with relative frequency in that actors cannot agree on a new text or the finalized text is not approved or ratified. While failure may be temporary the process may resume after a period of time it can also be costly. Key reforms may depend on the adoption of a new or revised constitution and in its absence negotiations may stall and conflict recur. This Paper starts a conversation about the potential grounds for and strategies to prevent or build on failure. It was developed following the Ninth Edinburgh Dialogue on Post Conflict Constitution Building held in September 2022. **Democratic Constitution Making** Vivien Hart, 2003. *Constitutional Development in China, 1982-2012* Lin Li, Jihong Mo, Guoqiang Zhai, 2019-11-29. This volume presents an overview of the evolution of the current Chinese Constitution 1982 and the characteristics of constitutional studies since 1978. Readers are introduced to the basic principles of constitutional system in China and gain insights into the real state of Chinese law allowing them to form their own opinions. It will also aid commercial communications with Chinese legal professionals as well as enterprises. The book covers a number of topics including the history of constitutional communication between Chinese constitutionalists and the International Association of Constitutional Law since 1981 the most important academic contributions to international conferences concerning constitutional law by Chinese constitutionalists the main characteristics of the current Chinese Constitution in the field of constitutional studies in China the key issues of constitutional practice and implementation in China the challenges of running the fundamental political system of the People's Representative Congress and the characteristics of rule of law specific to China. **The Identity of the Constitutional Subject** Michel Rosenfeld, 2009-10-16. The last fifty years has seen a worldwide trend toward constitutional democracy. But can constitutionalism become truly global. Relying on historical examples of successfully

implanted constitutional regimes ranging from the older experiences in the United States and France to the relatively recent ones in Germany Spain and South Africa Michel Rosenfeld sheds light on the range of conditions necessary for the emergence continuity and adaptability of a viable constitutional identity citizenship nationalism multiculturalism and human rights being important elements The Identity of the Constitutional Subject is the first systematic analysis of the concept drawing on philosophy psychoanalysis political theory and law from a comparative perspective to explore the relationship between the ideal of constitutionalism and the need to construct a common constitutional identity that is distinct from national cultural ethnic or religious identity The Identity of the Constitutional Subject will be of interest to students and scholars in law legal and political philosophy political science multicultural studies international relations and US politics

The Oxford Handbook of Comparative Constitutional Law Michel Rosenfeld, András Sajó, 2012-05-17 The field of comparative constitutional law has grown immensely over the past couple of decades Once a minor and obscure adjunct to the field of domestic constitutional law comparative constitutional law has now moved front and centre Driven by the global spread of democratic government and the expansion of international human rights law the prominence and visibility of the field among judges politicians and scholars has grown exponentially Even in the United States where domestic constitutional exclusivism has traditionally held a firm grip use of comparative constitutional materials has become the subject of a lively and much publicized controversy among various justices of the U S Supreme Court The trend towards harmonization and international borrowing has been controversial Whereas it seems fair to assume that there ought to be great convergence among industrialized democracies over the uses and functions of commercial contracts that seems far from the case in constitutional law Can a parliamentary democracy be compared to a presidential one A federal republic to a unitary one Moreover what about differences in ideology or national identity Can constitutional rights deployed in a libertarian context be profitably compared to those at work in a social welfare context Is it perilous to compare minority rights in a multi ethnic state to those in its ethnically homogeneous counterparts These controversies form the background to the field of comparative constitutional law challenging not only legal scholars but also those in other fields such as philosophy and political theory Providing the first single volume comprehensive reference resource the Oxford Handbook of Comparative Constitutional Law will be an essential road map to the field for all those working within it or encountering it for the first time Leading experts in the field examine the history and methodology of the discipline the central concepts of constitutional law constitutional processes and institutions from legislative reform to judicial interpretation rights and emerging trends

Comparative Constitutional Law in Africa Rosalind Dixon, Tom Ginsburg, Adem Abebe, 2022-12-06 This timely book is a crucial resource on the rich diversity of African constitutional law making a significant contribution to the increasingly important field of comparative constitutional law from a historically understudied region Offering an examination of substantive topics from multiple jurisdictions it emphasises issues of local importance while also providing varied

perspectives on common challenges across the continent

Prospects for Constitutionalism in Post-Communist Countries

Levent Gönenç, 2002-06-01 The last decade of the 20th century saw radical changes in Eastern Europe and the former USSR. Most of these countries made a transition from totalitarianism or authoritarianism to democracy and from central planning to a market economy. Adding to the latter a number of national entities gained their independence after the disintegration of the federative states of the USSR: Yugoslavia and Czechoslovakia. Many recent studies have focused on these double in some cases triple transitions and scholars from different fields analyzed the so called 1989 Revolution from different perspectives. Rather less scholarly attention has been paid to the future of post communist constitutions and prospects for constitutionalism in these countries. The main questions dealt with throughout this study can be formulated as follows: Will liberal democratic constitutionalism take root in these countries? Will new constitutions in Eastern Europe and the former USSR perish or survive? This study also aims at contributing to the construction of a general constitutional theory by studying the causes and dynamics of constitutional change in general. Such constitutional change is not only on the East European but also on the West European agenda. The purpose of this study is not to introduce a general theory about constitutional in stability but studying post communist constitutions will help us to understand the causes and dynamics of constitutional change from a broader perspective.

Constitutional Identity and Constitutionalism in Africa

Charles M. Fombad, Nico Steytler, 2024-01-23 In its modern history Africa has experienced different waves of constitutional ordering. The latest democratisation wave which began in the 1990s has set the stage over the past decade for what is now a hotly debated issue: do recent new or fundamentally revised constitutions truly reflect an African constitutional identity? Thoughtfully navigating a contested field this volume brings to the fore a number of foundational questions about African constitutionalism. *Constitutional Identity and Constitutionalism in Africa* asks whether the concept of constitutional identity clarifies our understanding of constitutional change in Africa including an exploration of the relationship between constitutional identity and a country's unique culture's and histories. Building on this contributions examine the persistent role of colonial heritages in shaping constitutional identity in post Independence African nations and the question of path dependency. Given the enduring influence of the colonial experience the volume asks how why and to what end African constitutions must be decolonised to form an authentic constitutional identity. This theoretical insight is supplemented and further deepened by detailed case studies of South Africa Ethiopia Cape Verde Cameroon and Egypt and their diverse experience of constitutional continuity and change. This volume in the Stellenbosch Handbooks in African Constitutional Law series brings together contributions from established scholars and emerging voices on the study of constitutional processes. They provide an urgent critical analysis of existing paradigms concepts and normative ideologies of modern African constitutionalism in the context of constitutional identity.

Constitutional Revolution

Gary Jeffrey Jacobsohn, Yaniv Roznai, 2020-05-01 Few terms in political theory are as overused and yet as under theorized as constitutional revolution. In this book Gary Jacobsohn and Yaniv

Roznai argue that the most widely accepted accounts of constitutional transformation such as those found in the work of Hans Kelsen Hannah Arendt and Bruce Ackerman fail adequately to explain radical change For example a constitutional moment may or may not accompany the onset of a constitutional revolution The consolidation of revolutionary aspirations may take place over an extended period The moment may have been under way for decades or there may be no such moment at all On the other hand seemingly radical breaks in a constitutional regime actually may bring very little change in constitutional practice and identity Constructing a clarifying lens for comprehending the many ways in which constitutional revolutions occur the authors seek to capture the essence of what happens when constitutional paradigms change

Constitutional Crowdsourcing Abat i Ninet, Antoni, 2021-11-23 Conceptualising the new phenomenon of constitutional crowdsourcing this incisive book examines democratic legitimacy participation and decision making in constitutions and constitutionalism It analyses how the wider population can be given a voice in constitution making and in constitutional interpretation and control thus promoting the exercise of original and derived constituent power **Philosophical Foundations of Constitutional Law** David Dyzenhaus, Malcolm Thorburn, 2016 Constitutional law has been and remains an area of intense philosophical interest and yet the debate has taken place in a variety of different fields with very little to connect them In a collection of essays bringing together scholars from several constitutional systems and disciplines Philosophical Foundations of Constitutional Law unites the debate in a study of the philosophical issues at the very foundations of the idea of a constitution why one might be necessary what problems it must address what problems constitutions usually address and some of the issues raised by the administration of a constitutional regime Although these issues of institutional design are of abiding importance many of them have taken on new significance in the last few years as law makers have been forced to return to first principles in order to justify novel practices and arrangements in their constitutional orders Thus questions of constitutional revolutions challenges to the demands of the rule of law and the separation of powers have taken on new and pressing importance The essays in this volume address these questions filling the gap in the philosophical analysis of constitutional law The volume will provoke specialists in philosophy politics and law to develop new philosophically grounded analyses of constitutional law and will be a valuable resource for graduate students in law politics and philosophy

Embark on a transformative journey with is captivating work, **Constitution Making** . This enlightening ebook, available for download in a convenient PDF format , invites you to explore a world of boundless knowledge. Unleash your intellectual curiosity and discover the power of words as you dive into this riveting creation. Download now and elevate your reading experience to new heights .

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