

Chapter - 21

Formation, Purpose and Functioning of the Constituent Assembly



The Constituent Assembly is the gift of the great revolutions of the 17th and 18th century. The constitution is constituted by the Constituent Assembly, specially constituted in relation to social compromise, natural base, popular sovereignty and political principles of general will and that constitution is governed by the government and administration of any country.

We find the first of the Constituent Assembly in Bal Gangadhar Tilak's Swarajya Bill (1895). After this, in 1922, Mahatma Gandhi demanded that India would it self India make India's political fatc. The resolution of this effect was passed on 28 December 1936 at the Lucknow session. In the same process in 1938, Pt. Jawaharlal Nehru told that this constitutional assembly will be constituted through an elected Constituent Assembly through adult franchise and no external interference will be accepted in it. In 1940 the British government accepted theoretically, which is known as August Proposal.

In 1942, British Cabinet Minister Sir Stafford Cripps, a member of the British Council, came to India with a draft proposal of British Government for independent construction. It was to be adopted after World War II was But the Muslim League rejected it by saying that first India should be divided into two autonomous regions, which have their own separate constitution assembly. After the incident the three member cabinet mission on March 24, 1946 (1) Lord Python Laureus (President), (2) Sir Stafford Cripps, and (3) A.v. Alexander came to India. It rejected the demand for two Constituent Assembly but planned to build a Constituent Assembly that satisfied the Muslim League and published it on 16 May 1946.

Formation of the Constituent Assembly

In the immediate circumstances it was impossible to form the constitutional assembly on the basis of adult franchise, So the formed executive under the Government of India Act of 1935 was used as electoral institutions of the provincial assembly constituencies. According to the proposal of Cabinet / Cabinet Mission, the Constituent Assembly was formed in November 1946 which had the following characteristics.

1. Number of Members - The total number of members was to be 389, in which 296 to British India and 93 seats were to be allocated to princely states. Selection of 292 members out of 296 allocated to British India are to be selected from 11 Governors (Madras, Bombay, Assam, United Provinces, Bihar, Central Provinces, Odisha, Punjab, North-West Frontier Province, Sindh, Bengal) and four of the Chief

Commissioners were to be taken from the province of Delhi, Ajmer, Marwar and Kurg-British Baluchistan). In this, the election of 296 seats allotted to British India was held in July-August 1946, in which Indian National Congress got 208 the Muslim League 73 and 15 for the small group (five different parties). Princely states kept themselves away from these elections. Initially all 93 seats remained vacant but gradually the representatives of these princely states were also nominated and they joined the Constituent Assembly.

Although the election of the Constituent Assembly was not done directly by the adult voters of India, but each gender religion and community got representation in it. Leaving Mahatma Gandhi and M. Jinnah as an exception all the chief lawmakers, politicians and scholars of that time were involved in it.

2. All provinces and states were to be allocated a seat at approximately one million in proportion to their population.

3. The seats allocated to each British province were to be determined by the ratio of Muslims only sikh in Punjab and other special communities in the proportion of their population.

4. The election of each community representatives was to be voted in the provincial assembly by the proportional representation of members of that community through a single transitional vote.

5. Representatives of princely states were to be nominated by the heads of the princely states.

The Constituent Assembly was a partially elected and partially nominated body. Apart from this, the election of members was to be indirectly done by members of the provincial legislature whose election was made on a limited franchise basis.

Main members of the Constituent Assembly

Pandit Jawaharlal Nehru, Sardar Vallabhbhai Patel, Dr. Bhimrao Ambedkar, K.M. Munshi, Gopal

Swami Iyengar, Pattabhi Sitaramaiya, Smt. Durgabai, Thakurdas Bhargava, Maulana Abdul Kalam Azad, Purushottam Das Tandon, Dr. Shyamaprasad Mukherjee, P.K. Sen, Govind Vallabh Pant, Acharya J.B. Kripalani were the main member of it. Among them Nehru and Patel were the focal point of power. There was a long debate on the point of not agreeing to a point and law was created by consensus, adjustment and amendment.

Changes Caused by the Independence Act

The representatives of the princely states, who were separated from the Constituent Assembly, also gradually started joining it and the Indian Independence Act of 1947 made the following major changes in the situation of the assembly-

1. The members of the Muslim League of Pakistan got separated from the Constituent Assembly so that, the fixed members 389 in the beginning remained, in which 229 of the British provinces and 70 members of the princely states were left.

2. To make the Constituent Assembly completely sovereign, rights were given to change, amend or cancel the laws made earlier in the British Parliament.

3. The powers of the legislature were also given to the Constituent Assembly. At that time the Constituent Assembly was chaired by Dr. Rajendra Prasad. Dr. Rajendra Prasad and the legislature's meeting was chaired by G.V. Malvankar. Both these meetings continued till November 26, 1949.

Objective resolution - The glimpse of the purpose of the constitution is seen in Jawaharlal Nehru's objective proposal submitted on December 13, 1946, which was approved on January 22, 1947. This language of this objective motion lies in the preamble of the Constitution.

Main provisions of the Objective resolution-

This Constitution takes a strong and holistic resolution to declare the entire India an independent

and sovereign republic and to build a constitution for its future governance, in which the independent and sovereignty of India, its various parts and the parts of governance will be the people of India in which the freedom of expression, belief, loyalty, worship, business, organization and work of freedom will be secured to all the people of India, subject to equality and public morality before social, economic and political justice, prestige, opportunity and law. Proper resources will be made available for the protection of minorities, backward classes, tribal areas, Dalits and other classes.

Working of Constitutional Assembly

The first meeting of the Constituent Assembly took place on December 9, 1946 in the Central Hall of the present Parliament House. In this, the Muslim League boycotted it on the demand of separate Pakistan. 211 members attended this meeting. The senior member of the House, Dr. Sachindanand Sinha was elected the temporary president of the Assembly.

Later on December 11, 1946, Dr. Rajendra Prasad Chairperson, H.C. Mukherjee, Vice President and Sir B.N. Rao was elected as the Constitutional Advisor

Prominent Committees of the Constituent Assembly

For the dissemination of various functions of the Constitution Assembly, 8 big and about 15 minor committees were formed.

Major committees

- 1. Union power committee-** (President) Jawaharlal Nehru (15 other members were to give their report about union power)
- 2. Federal Constituent Committee-** (President) Jawaharlal Nehru (14 other members were to work in consultation with federal constitutional subjects)
- 3. Provincial Constituent Committee-** (Chairman) Sardar Patel (23 other members, and their work was

to present the report regarding the constitution of the provinces)

4. Drafting Committee- (President) Dr. B.R. Ambedkar

5. Consultative Committee for Fundamental Rights and Minorities- (President) Sardar Patel

(A) Fundamental Rights Sub-Committee (President) J.B. Kripalani (11 other members were supposed to present the report regarding fundamental rights)

(B) Minority Rights Sub-Committee (President) H.C. Mukherjee (28 other members, were to report minority's defense related streams and the administration of tribal and restricted areas)

6. Process and Rule Committee- (Chairman) Dr. Rajendra Prasad (15 other members were expected to recommend in relation to the procedure of appointment of officials to the Speaker, organization of the work of assembly and filling vacancies in the meeting.)

7. Committee for States- (President) Jawaharlal Nehru (Committee to deal with states)

8. Operational Committee- (President) Dr. Rajendra Prasad (11 other members were to work as a comprehensive communication tool for determining work list, meetings, sections, committees and presidents.)

Draft committee

The most important seven-member committee, constituted on 29 August 1947, examined the Constitution prepared by the Consultation Branch and drafted the Constitution and formulated it to represent it before the Constituent Assembly for consideration. This committee discharged the important role in constitution formation. Due to this reason Bhim Rao Ambedkar is known as the creator of the Constituent Assembly.

Major Members of the Drafting Committee

1. Dr. B.R. Ambedkar
 2. N. Gopal Swamy Iyengar
 3. Alladi Krishna Swami Aiyar
 4. Dr. K.M. Munshi (only Congress Member)
- Syed Mohammad Sadulla
6. N. Madhavrao (nominee due to BL Mitra's illness)
 7. T.T. Krishnamachari (nominated due to the death of DP Khaitan in 1948)

The draft committee presented a draft of constitution of India and submitted it to the President of the Constituent Assembly in February 1948.

First reading: After the publication of the draft constitution from 4 November 1948 to 9 November 1948, many suggestions were received for amendment in the Constitution and special editions were published.

Second reading: - On November 15, 1948, the section wise discussion began. This work lasted until October 17, 1949. During this time period, 7653 amendments were received, of which only 2473 were discussed in the same meeting.

Third reading: - The idea started from 14 November 1949. It lasted until November 26, 1949.

It was passed on November 26, 1949. On that day, 284 members out of 299 members were present.

The Constitution adopted on November 26, 1949 had 395 paragraphs, 8 schedules. The preamble was implemented in the last. The remaining of the provisions were applied from the same day. The remaining provisions were complemented on Jan 26, 1950 as the day Jan 26 was special (In the session of Indian national congress on Jan 26, 1930 the very first Independence Day was Celebrated)

11 meeting of constitution Assembly held in two years 11 months and 11 days of the Constituent

Assembly. There was an overview of the constitution of 60 countries around the world and their draft was format considered for 114 days. It cost about 64 lakh rupees in its formation. In all the paragraphs of the Constitution, India was declared a union of the state in place of federal. At the same time, by the 42nd Constitution Amendment, in 1976, in the spirit of the constitution, ie the introduction of socialist, secular words were incorporated and so far eleven fundamental duties were included. In 1978, by the 44th Amendment in Constitution, the right to property was made the statutory authority in place of the fundamental right. Till now 100 constitutional amendments has been made in the constitution.

Important points

1. The first contact of the Constitution Assembly was done by Bal Gangadhar Tilak.
2. The road to the Constituent Assembly was approved by the Cabinet Mission on 16 May 1946.
3. In the formation of the Assembly, representatives of 11 Governors Provinces, 4 Chief Commissioners and other princely states were elected.
4. The representatives of the princely states were nominated by the heads of princely states.
5. The total consensus on the law was made after long debate, adjustment and amendment.
6. The total number of members of the Constituent Assembly was 324, in which there were representatives from 295 provinces and 89 from princely states.
7. Dr. Rajendra Prasad became the first permanent chairman of the Constituent Assembly.
8. Objective Motive were presented by was presented by Jawaharlal Nehru on December 13, 1946, which was approved by the Assembly on January 22, 1947.

9. The Preamble of the Constitution was added later on .

10. The Constitution was adopted, enacted and self-imposed on November 26, 1949. But on being the day Jan 26 special it was finally implemented on Jan 26, 1950

11. 8 big and 15 smallest formed were constituted for constitution formation.

12. Dr. Ambedkar became the chairman of the draft committee.

13. The draft constitution of the constitution was read three times in the Constitution only after the discussion it was passed.

14. In its formation the constitution of 60 countries were put into consideration and in its completeness it took 2 years. 11 months 18 day and 11 meetings were held.

(A) 26th November

(B) 26th January

(C) November 27

(D) August 15

5. The Chairperson of the first meeting of the Constituent Assembly was-

(A) Dr. Rajendra Prasad

(B) Secehidananda Sinha

(C) Jawaharlal Nehru

(D) Dr. Ambedkar

6. The number of seats won by the Congress in the Constituent Assembly elections was-

(A) 208 (B) 220

(C) 270 (D) 216

Important questions

Objective questions

1. According to the Cabinet Mission Plan, there were ... members in the Constituent Assembly-

(A) 389 (B) 390

(C) 380 (D) 385

2. The number of the members in the Cabinet Mission was-

(A) 1 (B) 3

(C) 2 (D) 4

3. The fixed number of prescribed seats for princely states in the Constituent Assembly was.

(A) 72 (B) 80

(C) 93 (D) 70

4. Constitution Day is celebrated on-

Very short questions

1. Match the following

(1) Union power committee

(A) Dr. Bhimrao ambedkar

(2) Fundamental Rights and Committee on Minorities

(B) Pt. Jawaharlal Nehru

(3) Drafting Committee

(C) Ballabh Bhai Patel

(4) Process and Rules Committee

(D) Rajendra Prasad

Short questions

1. Name the only Congress member of the Constituent Assembly?

2. Explain the results of the elections in the Constitution Assembly

3. Write the names of members of the Cabinet Mission?
4. On what basis were the seats decided in the Constituent Assembly.
5. By whom and when was the proposal of objectives presented ?
6. How many readings of the Constitution were made?
7. Explain the importance of the Preamble of the Constitution?

Essay type questions

1. Giving the names of the members of the drafting committee, describe its functioning?
2. Mention the main features of the Indian constitution?
3. Write the Preamble of the Constitution?

Answer (Objective Question) :

1. (A) 2. (C) 3. (C) 4. (A) 5. (B) 6. (A)