

CONSTITUENT ASSEMBLY OF INDIA

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INTRODUCTION:

- The constitution of India was deliberately created by the Constituent Assembly of India of 1946 which was a representative body of India.
- On 16th May, 1946, the Cabinet Mission recommended the proposals to form the Assembly as the earlier Cripps Proposal was rejected by the Muslim League.
- It also suggested that the Constituent Assembly should be indirectly elected by the people of India.

PROPOSALS OF CABINET MISSION

PLAN:

- ◉ In order to constitute the Assembly The Cabinet Mission suggested the following schemes -
 1. The total strength of the Assembly was to be 389. Of these, 296 seats were to be allotted to British India and 93 seats to the Princely States. Out of the 296 seats allotted to the British India, 292 members were to be drawn from the eleven governors provinces and the remaining 4 from the four Chief commissioners' provinces, one from each.
 2. Each province and princely states were to be allotted seats in proportion to their respective population. Roughly one seat was to be allotted for every million population.
 3. Seats allocated to each British province were to be decided among the three principal communities - Muslims, Sikhs and general in proportion in proportion to their population.

PROPOSALS OF CABINET MISSION PLAN...

4. The representatives of each committee were to be elected by the members of that community in the provincial legislative assembly.
5. The representatives of the princely states were to be nominated by the heads of the princely states.

ELECTIONS TO THE CONSTITUENT ASSEMBLY:

- ◉ Elections to the constituent assembly were held to the 296 seats in August, 1946.
- ◉ Out of the 296 seats the INC won 208 seats, the M. League 73 seats and independents got the remaining 15 seats.
- ◉ However, the 93 seats allotted to the princely states were not filled as they decided to stay away from the constituent assembly.
- ◉ Since the Cabinet Mission plan had provided representation only to the Hindus, Muslims & Sikhs, the Congress party sent directives to the provincial legislatures to include representatives, of Anglo-Indians, Indian Christians, Parsees, backward Classes and Women.
- ◉ Thus, all these sections found representations in the constituent Assembly.
- ◉ However, the Muslim League refused to Participate in the deliberations of the Assembly when it met on Dec. 9, 1946 and insisted for a separate state of Pakistan.

WORKING OF THE ASSEMBLY:

- The constituent Assembly started its work on Dec. 9, 1946.
- On Dec. 11, Dr. Rajendra Prasad and H.C. Mukherjee were elected as the President & Vice-president of the Assembly respectively.
- Before that Dr. Sacchidananda Sinha was the temporary president of the Assembly.
- Sir B.N. Rau was appointed as the constitutional advisor to the Assembly.
- On Dec. 13, PT. Nehru moved the historical resolution in the Assembly which laid down the fundamentals and philosophy of the constitutional structure. This resolution was unanimously adopted by the Assembly on Jan. 22, 1947.

FUNCTIONS OF THE ASSEMBLY:

- In addition to the making of the constitution and enacting of ordinary laws, the constituent assembly also performed the following functions:
 1. It ratified India's membership of the Commonwealth in May, 1949.
 2. It adopted the national flag on July, 22, 1947.
 3. It adopted the national anthem on Jan. 24, 1950.
 4. It adopted the national song on Jan. 24, 1950.
 5. It elected Dr. Rajendra Prasad as the first president of India on Jan. 24, 1950.

FUNCTIONS OF THE ASSEMBLY

- ◉ In all, the CA had 11 sessions over two years, 11 months and 18 days.
- ◉ The constitution makers had gone through the constitutions of about 60 countries and the draft constitution was considered for 114 days.
- ◉ The total expenditure incurred on the making of the constitution amounted to Rs. 64 lakhs.
- ◉ On Jan. 24, 1950 the constituent assembly held its final session.
- ◉ It had functioned as the provisional parliament of India from Jan. 26 1950 till the formation of the new Parliament after the first general election in 1952.

COMMITTEES OF THE C. ASSEMBLY:

- The Constituent Assembly appointed a number of committees to deal with different tasks of constitution making.
- Out of these 8 were major committees and others were minor committees.

MAJOR COMMITTEES:

1. Union Powers Committee,
2. Union constitution committee
3. Provincial constitution committee,
4. Drafting committee,
5. Advisory committee on F.Rights,
6. Rules of Procedure committee,
7. States Committee,
8. Steering Committee.

MINOR COMMITTEES:

1. Committee on the Functions of the C. Assembly,
2. Order of business committee, House committee,
3. Ad hoc Committee on N. Flag,
4. Advisory committee on F. Rights,
5. House Committee,
6. Credentials committee,
7. Finance & staff committee,
8. Hindi Translation Committee,
9. Urdu translation committee
10. Press gallery committee,
11. Committee on the effects of Indian Independence Act,
12. Committee on Chief commissioners provinces,
13. Commission on linguistic provinces,
14. Expert committee on financial provisions,
15. Ad-hoc committee on the Supreme court

DRAFTING COMMITTEE:

- Drafting committee was the most important among all the committees of the C. Assembly.
- It was set up on Aug. 29, 1947.
- It was this committee that was entrusted with the task of preparing a draft of the new constitution.
- It was constituted of seven members. They were
- Dr Br Ambedkar(Chairman), N. Gopala Swamy Ayyangar, Alladi Krishnaswamy Ayyar, Dr KM munshi, Syed Mohammad Saadulla, N. Madhv Rau(Replaced B.L. Mitter), TT Krishnamachari(replaced by DP Khaitan).

DRAFTING COMMITTEE

- The Drafting committee, after taking into consideration the proposals of the various committees, prepared the first draft of the constitution of India which was published in Feb. 1948.
- The people of India were given 8 months to discuss the draft and propose amendments.
- In the light of the public comments, criticisms and suggestions, the Drafting committee prepared a second draft , which was published in October, 1948.
- The Drafting committee took less than six months to prepare its draft. In all it sat only for 141 days.

ENACTMENT OF THE CONSTITUTION:

- Dr Ambedkar introduced the final draft of the constitution in the Assembly on Nov. 4, 1948 for first reading.
- The assembly had a general discussion on it for five days.
- The second reading started on Nov. 15, 1948 and ended on Oct. 17, 1949.
- During this stage as many as 7653 amendments were proposed and 2473 were actually discussed in the Assembly.

ENACTMENT OF THE CONSTITUTION

- The third reading of the draft started on Nov. 14, 1949. Dr Ambedkar moved a motion - 'the constitution as settled by the Assembly be passed'.
- The motion on Draft constitution was declared as passed on Nov. 26, 1949 and received the signatures of the members and the presidents.
- Out of a total 299 members of the Assembly, only 284 were actually present on that day and signed the constitution.
- The constitution as adopted on Nov. 26, 1949, contained a preamble, 395 Articles and 8 Schedules. The Preamble was enacted after the entire constitution was already enacted.

ENACTMENT OF THE CONSTITUTION....

- ◉ Dr Ambedkar took a very prominent part in the deliberations of the Assembly.
- ◉ He was known for his logical, forceful and persuasive arguments on the floor of the Assembly.
- ◉ He is recognized as the Father of the Constitution of India.
- ◉ This Brilliant writer, constitutional expert, undisputed leader of the Scheduled castes and Chief architect of the Indian Constitution of India is also known as a 'Modern Manu'

ENFORCEMENT OF THE CONSTITUTION:

- ◉ The major part of the constitution came into force on Jan. 26, 1950.
- ◉ This day is referred to in the constitution as the date of its commencement and celebrated as the Republic Day.
- ◉ This day was specifically chosen because of its historical importance as it was on this day in 1930 that Purna Swaraj day was Celebrated.

CRITICISMS OF THE C. ASSEMBLY:

- ◉ The critics have criticized the C. Assembly on various grounds these are -
 1. Not a representative body - as its members were not directly elected by the people of India on the basis of universal adult franchise.
 2. Not a Sovereign body - as it was created by the proposals of the British Government.
 3. Time consuming - the C.A. took unduly long time to make the constitution when compared to the US constitution.
 4. Dominated by one party - it was dominated by one party(The INC) G. Austin.
 5. Lawyer politician domination - critics held that it was dominated by lawyers and politicians and other sections of the society were not sufficiently represented in it.
 6. Dominated by Hindus - it was a Hindu dominated body Viscount Simon -called it a Hindu dominated body.