Constituent Assembly of India

Introduction

- On the basis of the framework provided by the Cabinet Mission, a Constituent Assembly was constituted on 9th December, 1946.
- The Constituent Assembly of India was elected to write the Constitute of India.
- The first meeting of the Constituent Assembly took place on December 9, 1946 at New Delhi with Dr Sachidanand being elected as the interim President of the Assembly.
- However, on December 11, 1946, Dr. Rajendra Prasad was elected as the President and H.C. Mukherjee as the Vice-President of the Constituent Assembly.
- Its last session was held on 24 January 1950. X

Composition of Constituent Assembly

- The assembly had 398 members out of which 292 members were elected through provincial assembly elections.
- 93 were members representing the Indian Princely states and 4 members represented the Chief Commissioners' Provinces.
- The strength of the committee later reduced to 299 due to the India- Pakistan partition under the Mountbatten Plan of 3rd August 1947, and a separate constituent assembly was set up for them. Thus the membership of the committee was reduced to 299 members.

Demand for constitutional assembly

- It was in 1934 that the idea of a Constituent Assembly for India was put forward for the first time by M.N. Roy, a pioneer of communist movement in India.
- In 1935, the Indian National Congress (INC), for the first time, officially demanded a Constituent Assembly to frame the Constitution of India.
- In 1938, Jawaharlal Nehru, on behalf the INC declared that 'the Constitution of free India must be framed, without outside interference, by a Constituent Assembly elected on the basis of adult franchise'.
- The demand was finally accepted in principle by the British Government in what is known as the 'August Offer' of 1940.
- In 1942, Sir Stafford Cripps, a Member of the Cabinet, came to India with a draft proposal of the British Government on the framing of an independent Constitution to be adopted after the World War II. The Cripps Proposals were rejected by the Muslim League, Finally, a Cabinet Mission was sent to India who provide framework.

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Functions of the Constituent Assembly

- Framing the Constitution.
- Enacting laws and involved in the decision-making process.
- It adopted the National flag on July 22, 1947.
- It accepted and approved India's membership of the British Commonwealth in May 1949.
- It elected Dr. Rajendra Prasad as the first President of India on January 24, 1950.
- It adopted the National anthem on January 24, 1950.
- It adopted the National song on January 24, 1950.

Main feature of Constituent Assembly

- Every province and princely state were allotted seat in proportion to their population.
- The seat for British were divided among Muslims, Sikh and general.
- The representative from each community were elected by voting in the provincial legislative assembly.
- The head of princely states nominated their member.
- Assembly had 11 sessions over 2 years, 11 months and 18 days
- Constitution makers visited 60 countries.

Committees of the Constituent Assembly

- The Constituent Assembly appointed a number of committees to deal with different tasks of constitution-making. eight were major committees and the others were minor committees.
- Major Committees are -

1. Union Powers Committee - Jawaharlal Nehru 2. Union Constitution Committee -Jawaharlal Nehru 3. Provincial Constitution Committee -Sardar Patel

4. Drafting Committee - Dr. B.R. Ambedkar 5. Advisory Committee on Fundamental Rights, Minorities and Tribal and Excluded Areas - Sardar Patel (This committee had five sub-committees)

6. Rules of Procedure Committee - Dr. Rajendra Prasad 7. States Committee (Committee for Negotiating with States) - Jawaharlal Nehru 8. Steering Committee - Dr. Rajendra Prasad.

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Drafting Committee

- Among all the committees of the Constituent Assembly, the most important committee was the Drafting Committee set up on August 29, 1947.
- It was this committee that was entrusted with the task of preparing a draft of the new Constitution.
- It consisted of seven members.
- 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 February, 1948.
- The people of India were given eight 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.

Member of drafting committee

Seven member of drafting committee are-

1. Dr. B.R. Ambedkar (Chairman)
2. N. Gopalaswamy Ayyangar
3. Alladi Krishnaswamy Ayyar
4. Dr. K.M. Munshi
5. Syed Mohammad Saadullah
6. T.T. Krishnamachari (He replaced D.P. Khaitan who died in 1948)
7. N. Madhava Rau (replaced B.L. Mitter who resigned due to ill-health)

Criticism of the Constituent Assembly

- Members of the Constituent Assembly were not directly elected by the people of India
- The critics stated that the Constituent Assembly was not a sovereign body as it was not created by the people of India.
- It was created by the proposals of the British rulers by executive action before India's independence and its composition was determined by them.
- Critics also argued that the Constitution became bulky and cumbersome due to dominance of lawyers in the Constituent Assembly. They have made the language of the Constitution difficult for a layman to understand.