

CONSTITUENT ASSEMBLY

MA SEM 1 PAPER V: CONSTITUTION AND ADMINISTRATION

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The Constitution of India (the lengthiest constitution of the world) is the result of painstaking efforts of the Constituent Assembly which provided the basic legal and ethical framework for India's progress and development. Its own formation was a result of years of struggle by India's freedom fighters. The demand for a constitution made by the people of India was put forward by Mahatma Gandhi as early as 1922. Thereafter, this demand was officially asserted by the Indian National Congress in 1935. But the British finally recognised that Indians should themselves frame a constitution for an autonomous India, in principle, in what came to be known as the 'August Offer' of 1940. Finally, the Cabinet Mission proposal (1946) was accepted and the constituent assembly was composed as per the scheme recommended by it.

COMPOSITION OF THE CONSTITUENT ASSEMBLY

The Constituent Assembly was to be composed as per the Cabinet Mission Plan. Its main features were:

- Total strength of the Constituent Assembly was to be 389. The seats were to be allotted in the following manner-
 - 296 seats- British India (292- Governors' Provinces ; 4-Chief Commissioners' Provinces)
 - 93 seats- Princely States
- The seats were to be allotted in proportion to the population. Thus, 1 seat for every million population.
- In British Provinces, the seats were to be decided amongst three communities (Muslims, Sikhs, and General), in proportion to their population.
- In British India, the representatives of each community were to be elected by members of that community in provincial legislative assembly through proportional representation by means of single transferable vote. The representatives of Princely States were to be nominated by the heads of the Princely States.

As per the above mentioned scheme formulated by the Cabinet Mission, the elections to the Constituent Assembly were held in July-August 1946. The Indian National Congress won 208 seats and the Muslim League won 73 seats. However, the Muslim League boycotted the Constituent Assembly and after partition, some of its members went to Pakistan. But finally, the members of Muslim League from the Indian dominion entered the assembly. The seats from the Princely States were also not filled in the beginning but gradually their representatives joined the constituent assembly. Thus, finally the strength of the Constituent Assembly came down to 299 out of which 229 members were from the British provinces and 70 were nominated from the princely states.

Dr. Sachchidananda Sinha was the oldest member and was elected as the temporary president of the Constituent Assembly. Later, Dr. Rajendra Prasad was elected as the President, H C

Mukherjee as the Vice President and Sir B N Rau was appointed as the Constitutional Advisor of the Constituent Assembly.

IMPORTANT COMMITTEES OF THE CONSTITUENT ASSEMBLY AND THEIR CHAIRMEN	
NAME OF THE COMMITTEE	CHAIRMAN
Committee on the Rules of Procedure	Rajendra Prasad
Steering Committee	Rajendra Prasad
Finance and Staff Committee	Rajendra Prasad
Credential Committee	Alladi Krishnaswami Ayyar
House Committee	B. Pattabhi Sitaramayya
Order of Business Committee	K.M. Muni
Ad hoc Committee on the National Flag	Rajendra Prasad
Committee on the Functions of the Constituent Assembly	G.V. Mavalankar
States Committee	Jawaharlal Nehru
Advisory Committee on Fundamental Rights, Minorities and Tribal and Excluded Areas	Vallabhbhai Patel
Fundamental Rights Sub-Committee	J.B. Kripalani
North-East Frontier Tribal Areas and Assam Excluded & Partially Excluded Areas Sub-Committee	Gopinath Bardoloi
Excluded and Partially Excluded Areas (Other than those in Assam) Sub-Committee	A.V. Thakkar
Union Powers Committee	Jawaharlal Nehru
Union Constitution Committee	Jawaharlal Nehru
Drafting Committee	B.R. Ambedkar

Source: rajyasabha.nic.in

WORKING OF THE CONSTITUENT ASSEMBLY

The Constituent Assembly had 11 sessions over 2 years, 11 months and 18 days.

SESSIONS OF THE CONSTITUENT ASSEMBLY	
First Session:	9-23 December, 1946
Second Session:	20-25 January, 1947
Third Session:	28 April - 2 May, 1947
Fourth Session:	14-31 July, 1947
Fifth Session:	14-30 August, 1947
Sixth Session:	27 January, 1948
Seventh Session:	4 November, 1948 - 8 January, 1949
Eighth Session:	16 May - 16 June, 1949
Ninth Session:	30 July - 18 September, 1949
Tenth Session:	6-17 October, 1949
Eleventh Session:	14-26 November, 1949
The Assembly met once again on 24 January, 1950, when the members appended their signatures.	

Source: rajyasabha.nic.in

The Drafting Committee under the chairmanship of Dr. Bhimrao Ambedkar (known as the Father of the Indian Constitution) prepared the first draft of the Constitution, which was published in February, 1948. It was kept open for the people to discuss and suggest amendments, for 8 months. Thereafter, considering people's suggestions the second draft was prepared and published in October 1948. Dr. B R Ambedkar introduced the final draft on November 4, 1948 (first reading), after which the constituent assembly had a general discussion on it for 5 days. In the second reading, (started on November 9, 1948), the draft was considered clause by clause and amendments were proposed and discussed. In the third reading which started on November 14, 1949, Dr. Ambedkar moved the motion "the constitution as settled by the Assembly be passed".

The motion on the Draft Constitution was passed on November 26, 1949. Out of the 299 members only 284 were present on the day (including the president of the assembly) and signed the Constitution. The Constitution as adopted contained a Preamble, 395 Articles and 8 Schedules. The Preamble was enacted after the entire Constitution. Some provisions (Citizenship, elections etc.) were given immediate effect on November 26, 1949. The remaining provisions (rest of the Constitution) came into force on January 26, 1950. This day is referred to as the date of commencement of the Constitution and celebrated as the Republic Day.

Apart from framing the constitution the constituent assembly also performed certain other tasks which are as follows:

- Ratifying India's membership of the Commonwealth in May 1949.
- Adopting the national flag on July 22, 1947
- Adopting the national Anthem on January 24, 1950
- Adopting the national song on January 24, 1950
- Electing Dr. Rajendra Prasad as the first President of India on January 24, 1950

The assembly continued as the provisional parliament of India from January 26, 1950 till the formation of the new parliament after the first general elections in 1951-52.

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