

## Indian Constituent Assembly : An Evaluation

*Rabindra Kumar Behuria*

The first historical session of Indian Constituent Assembly held its meeting on 9th December, 1946 under the chairmanship of Dr. Sachidananda Sinha. On 11th December, it elected Dr. Rajendra Prasad as its permanent president. The membership of the Constituent Assembly included all eminent Indian leaders. Though the Constituent Assembly consisted of 296 members, the first historical session was attended by only 210 members. Amongst the 210 members who attended the first historical session of the Constituent Assembly, there were 155 high caste Hindus, 30 Schedule Caste representatives, 5 Tribals, 5 Sikhs, 5 Indian Christians, 3 Anglo Indians, 3 Parsis and 4 Muslim members. Though the Constituent Assembly had 80 Muslim members out of total 296 members, their attendance was very poor as because the Muslim league had called upon the Muslim members to boycott the first historical session of Constituent Assembly.

The election results, particularly the big majority secured by the Congress, unnerved the Muslim league. It passed two resolutions. By the first, it withdrew support from the cabinet Mission Plan and by the second it resolved the resort to direct action for achieving Pakistan. It decided to boycott the Constituent Assembly. It celebrated 16th August, 1946 as the Direct Action Day.

At the time of its establishment, the Constituent Assembly was not a sovereign body. It stood organised on the basis of the Cabinet Mission Plan. Its powers were derived from the sovereign authority of British Parliament. Some Indian leaders held the view that the Constituent Assembly was not a sovereign body. However Sardar Patel and Pandit Nehru believed that it was a sovereign body. The Assembly resolved this issue by adopting : "The Assembly should not be dissolved except by a resolution assented to by at least 2/3rd of the whole number of members of the Assembly. Once constituted it could not be dissolved even by Britain." When on 15th August, 1947, India became Independent, the Constituent Assembly became a fully sovereign body and remained so till the inauguration of the Constitution of India. During this period, it acted in a dual capacity : first as the Constituent Assembly engaged in the making of the Indian Constitution, and secondly as the Parliament of India, it remained involved in legislating for the whole of India.

Pt. Jawaharlal Nehru introduced the objectives Resolution on 13th December, 1946. After a full discussion and debate, the Constituent Assembly passed the objectives Resolution on 22nd January, 1947. It clearly laid down the ideological foundations and values of the Indian

Constitution and it guided the work of the Constituent Assembly.

The objectives Resolution passed and adopted by the Constituent Assembly read as under :

1. "The Constituent Assembly declares its firm and solemn resolve to proclaim India as an Independent Sovereign Republic and to draw up for the future governance a Constitution."

2. Wherein that territories that now comprise British India, the territories that now form the Indian states as well as such other territories as are willing to be constituted in to the Independent Sovereign India, shall be a union of them all; and

3. Wherein the said territories, whether with their present boundaries or with such others as may be determined by the Constituent Assembly and thereafter according to the law of the Constitution shall possess and retain the status of autonomous units, together with residuary powers, and exercise all powers and functions of the government and administration, save and except such powers and functions as are vested in or assigned to the Union, or as are inherent or implied in the Union, on resulting therefrom; and

4. Wherein all power and authority of the Sovereign Independent India, its constituent parts and organs of government, be derived from the people; and

5. Wherein shall be guaranteed and secured to all the people of India, justice, economic and political; equality of status, and of opportunity before the law, freedom of thought, expression belief, faith, worship, vocation, association and action subject to law and public morality; and

6. Wherein adequate safeguards, shall be provided for minorities, backward and tribal

areas, and depressed and other backward classes; and

7. Where by shall be maintained the integrity of the territory, the republic and its sovereign rights sea and air according to justice and the law of civilised nations; and

8. The ancient land attains its rightful and honoured place in the world and makes its full and willing contribution to the promotion of world peace and the welfare of mankind."

The objectives Resolution was adopted by the Constituent Assembly on 22 January, 1947. It provided the ideological framework which was to guide the process of framing of Constitution of India.

The Preamble of the Constitution embodies all the ideals which were listed in the objectives Resolution. The objective Resolution was designed to declare the resolve to make India a sovereign, Independent, Republic and to secure all its citizens, fundamental rights, justice, secularism and welfare state as well as to preserve the unity and integrity of the nation. It declared the resolve to make India a democratic Union with an equal level of self government in all constituent parts. It affirmed that all power and authority of the Government is derived from the people. It affirmed the resolve to frame a Constitution which should secure for India a due place in the country of Nations.

On 15th August, 1947, India became independent. A day before, on 14th August, Pakistan was partitioned out of India. The Constituent Assembly of India then got a sovereign status and started undertaking the task of formulating the Constitution of India with a new zeal and enthusiasm. For conducting its work in a systematic and efficient manner, the Constituent Assembly constituted several committees which

were to report on the subjects assigned to them. Some of these committees were committees on procedural matters while others were committees on substantive matters. The reports of these committees provided the bricks and mortar for the formulation of the Constitution of India.

In the making of the Constitution, a very valuable role was played by the Drafting Committee. The Committee was constituted on 29th August, 1947 with Dr. B.R. Ambedkar as its chairman. The members of this committee included its versatile chairman Dr. Ambedkar, as such legal luminaries as B.L.Mitter, N. Gopalswami Ayyanagar, Alladi Krishnaswami Ayyar, K.M. Munshi, Saiyid Mohd Saadulla, N. Madhab Rao and D.P. Khaitan. After the death of Mr. D.P. Khaitan, T.T. Krishnamachari was made its member. Dr. B.N. Rau worked as the Chief Constitutional Advisor attached to this Committee.

The Drafting Committee submitted its report (draft) to the Constituent Assembly on 21st February, 1948 and the Constituent Assembly held debates on it. On the basis of these discussions, a new draft was prepared by the Drafting Committee and submitted to the Assembly on 4th November, 1948. From 14th November, 1949 to 26th November, 1949 the final debate was held on the draft. On 26th November, 1949, the Constitution was finally adopted and enacted when the Constitution was signed by the president of the Constituent Assembly. In the words of Granville Austin "the adoption of the Constitution of India was the greatest political venture since the Philadelphia convention."

Some of the provisions came into operation immediately while as a whole the Constitution was inaugurated on 26th January, 1950. It is significant to mention that this day was

observed as the Independence Day every year as long as the British Rule in India. Later, in order to perpetuate the memory of the great pledge of the "Purna Swaraj Day" 26th January 1950 was chosen to be the day of the commencement of our Constitution and was declared as Republic with Dr. Rajendra Prasad as its first President.

This is in brief, an account of the making of Indian Constitution by the Constituent Assembly. It took the Constituent Assembly 2 years, 11 months and 18 days to accomplish the task of making the Constitution. In all it held 11 plenary sessions and discussions were held for 114 days. Rs.6,396,273 were spent in this exercise. Constitution of India is indeed the highest and most valuable contribution of the Constituent Assembly to the Indian Political System.

Dr. Rajendra Prasad observed, "I desire to congratulate the Assembly on accomplishing a task of such tremendous magnitude. It is not my purpose to appraise the value of the work that the Assembly has done or the merits and demerits of the Constitution which it has framed, I am content to leave that to others and posterity."

#### ***Selected Bibliography :***

1. Ghai, K.K. Indian Government and Politics, Ludhiana, Kalyani, 2005, p.61-4.
2. Orissa Review, January, 2007.

---

Rabindra Kumar Behuria lives at Chandbali, in the district of Bhadrak-756133.