

## 26<sup>th</sup> January and Our Constitution

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***“A state without a Constitution would not be a state but a regime of anarchy”  
(Jellinek)***

It is impossible to think of a country without a Constitution, so national leaders of India felt obligatory to frame the best possible Constitution to establish sound governance for the country. Constitution is the supreme law of a land and it binds the ruler and the ruled and makes possible the proper adjustment of the power-relationship. To frame a Constitution, a convention or an assembly was to be set up by the people of a democratic country. For such purpose the idea of a Constituent Assembly for India was put forward by M.N.Ray in 1927 and on 7<sup>th</sup> April 1934 the National Congress officially demanded for it. Repeatedly it demanded the same thing on 28<sup>th</sup> December 1936 in the Faizpur (51<sup>st</sup> National and first Rural) session and also in 1939. It was in August 1940 British government accepted the demand of the Constituent Assembly but National Congress rejected it. Again it was accepted by Cripps mission in 1942 but again it was rejected by the National Congress. Finally in the year 1946 Cabinet Mission recommended the proposal of Constituent Assembly and it was accepted by the National Congress. The assembly was formed after an indirect election held in July 1946. The

representatives of the British Indian provinces were to be elected by Provincial Legislative Assemblies through the system of Proportional representation by means of a single transferrable vote. Out of 296 seats allotted to the British India (Present India, Pakistan and Bangladesh), National Congress captured 208 seats and Muslim League obtained 73 seats. Princely states did not participate in the election, so 93 seats allotted to them remained vacant. Muslim League withdrew from the assembly with a demand of partition and creation of Pakistan. But it was decided to continue the work of constituent assembly.

The first session of the Constituent Assembly was commenced on 9<sup>th</sup> December 1946 and lasted up to 23<sup>rd</sup> December 1946. Sachidananda Sinha presided over its first meeting and on 11<sup>th</sup> December Dr. Rajendra Prasad was elected as the president of Constituent Assembly to run the forth coming sessions. The Assembly had total 11 sessions and the last and final session was run from 14<sup>th</sup> November to 26<sup>th</sup> November 1949. Finally on 26<sup>th</sup> November 1949 the new Constitution was approved and was decided to bring into effect from 26<sup>th</sup> January 1950. It took 2 years 11 months and 17 days to complete the framework of the Constitution. Critics opine that

the basic structure of the Constitution stands on the Government of India Act, 1935. When it was put for debate and discussion, over 2000 amendments were made to finalise it.

The original copies of the Indian Constitution were written in English and Hindi language. Government of India entrusted Calligrapher Prem Bihari Narain Raizada (Saxena) to pen the Constitution. He wrote the whole of the Constitution single handedly in a flowing italic style taking a period of six months. He was allotted a room in the Constitution Hall (present Constitution Club) to use for the said work. 'Prem Foundation' opines that Prem used 432 Pen-holder nibs throughout the process out of which 303 number of nibs he used for Calligraphy. The original manuscript was written on parchment sheets measuring 16 x 22 inches with a life span of thousand years. It consists of 251 pages and weighed 3.75 Kg. Each page of the Script was nicely decorated by artists like Beohar Rammanohar Sinha and Nandalal Bose of Shantiniketan. Later on it was published in Dehradun and photolithographed by the survey of India. It is the longest hand written Constitution of the world. On 24<sup>th</sup> January 1950 Dr. Rajendra Prasad, the president of the Constituent Assembly first put his signature on the Manuscript and Feroz Gandhi was the last one to sign on it. In between 284 members put their signature on the Constitution. It was decided to bring in to effect on 26<sup>th</sup> January 1950. Each member of the Constituent Assembly had to sign on two copies (English and Hindi written copies)

of the Constitution. The original copies of the Indian Constitution are preserved in special helium-filled case in the Library of the Parliament of India.

### **Odia Members of Constituent Assembly**

Nine members from Odisha got place in the Constituent Assembly they were- Swami Bichitrananda Das, Biswanath Das, Krushna Chandra Gajapati Narayana Dev, Harekrushna Mahtab, Laxminarayan Sahu, Lokanath Mishra, Nandakishore Das, Rajakrishna Bose, and Sananta Kumar Das. They actively participated



*(Women members of the Constituent Assembly)*

in different debates, discussions and amendments regarding the Constitution.

### **Women members of Constituent Assembly**

There were 15 women members in the drafting committee. They were Dakshayani Velayudhan, Hansa Jivraj Mehta, Amrit Kaur, Ammu Swaminathan, Begum Aizez Rasul, Durgabai Desmukh, Kamala Chaudhury, Leela Reddy, Malati Chaudhary, Purnima Bannerjee,

Renuka Ray, Sarojini Naidu, Sucheta Kripalini, Vijaya Laxmi Pandit and Annie Mascarene. Malati Devi was the tenth Odia member of Constituent Assembly, who resigned from the Assembly after getting a call of M.K. Gandhi to proceed Noakhali to establish communal harmony and to control communal riot arose by the call Direct Action by Muhammad Ali Jinnah, leader of Muslim League before partition of India and Pakistan.

### Why 26<sup>th</sup> January ?

The Date 26<sup>th</sup> January was taken into consideration to bring the Constitution in to force because on 26<sup>th</sup> January 1929, Indian National Congress had given the call of “Purna Swaraj” for the first time in Lahore Session. Since then the day was celebrated as the Independence Day of India by the National Congress. So on 26<sup>th</sup> January 1950 at 10.18 A.M of Indian Standard Time the Constitution was brought into force and it was designated as Republic Day. First president of Independent India also took his oath on this

day and the Lion Capital of the Saranath Pillar of Asoka was adopted as the National Emblem on this auspicious day.

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