

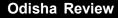
## **Purna Swaraj and Our Constitution**

Dr. Janmejay Choudhury

The enactment of the Indian Independence Act 1947 was indeed an event of great Constitutional significance. The Indian Independence Act of 1947 closed the chapter of British rule in India and ushered the dawn of a free India. Till a new Constitution was framed by each Dominion, all the provinces were to be administered in accordance with the provisions of the Government of India Act 1935. However, the Dominions were given power to make necessary modifications in the Act. The suzerainty of the Crown over the Indian States as well as with regard to the tribal areas came to an end with effect from 15 August, 1947. Thereafter the States were Independent in their political relations with the Governments of the Dominions. All the treaties, agreements and functions performed by the British Monarch with regard to the states and their rules were to lapse and were not to automatically shift to the Governments of the Dominions.

In November 1939 the Working Committee of the Indian National Congress passed another resolution asserting that "recognition of India's independence and the right of her people to frame their Constitution through a Constituent Assembly is essential in order to remove the taint of imperialism from Britain's policy and to enable the Congress to consider further co-operation. They held that the Constituent Assembly is the only democratic method of determining the Constitution of a free country, and no one who believes in democracy and freedom can possibly take exception to it. The Working Committee believes that the Constituent Assembly is the only adequate instrument for solving communal and other difficulties". In India the demand for a Constituent Assembly was first of all made by M. N. Roy in 1934. Our Constitution was drafted by a Constituent Assembly composed of Indian people. It may be noted that the Princes and Landlords were opposed to the idea of Constituent Assembly because they saw in it a threat to their privileged position. Though leadership of the Assembly rested with Nehru, Patel, Prasad and Azad, yet the real author of the Constitution was a small group of jurists and scholars who did not belong to any political party.

As formulation of a Constitution in keeping with the objectives outlined above was quite a complicated affair, the Constituent Assembly set up a number of Committees to consider procedural and substantive matters. The Committees concerned with the consideration of procedural matters included the Rules of Procedure Committee; Finance and Staff



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Committee; Credentials Committee; Steering Committee; Hindi Translation Committee; Press Gallery Committee; House Committee and Committee on Independence Act. The committee concerned with the substantive matters included committee for negotiating with States Advisory Committee; Union Powers Committee; Union Constitution Committee; Drafting Committee; Ad Hoc Committee on National Flag; Ad Hoc Committee on Supreme Court etc. The most important of all the committees on substantive matters was the Drafting Committee, which was constituted on 29 August 1947 under the chairmanship of Dr. B. R. Ambedkar. The other important members of the Drafting Committee included N. Gopalswami Ayyangar, Alladi Krishnaswami Ayyar, K. M. Munshi, Saiyid Mohd. Saadulla, N. Madhava Rau and D. P. Khaitan (After his death he was replaced by T. T. Krishnamachari). In all there were ten committees on procedural affairs and twelve committees on substantive affairs. The reports submitted by the various committees were considered by the Constituent Assembly at the plenary session and most of the decisions were unanimously arrived at. In all the Constituent Assembly held eleven plenary sessions. The task of preparing a draft of the Constitutions in accordance with the decisions taken on the reports of various committees was entrusted to the Drafting Committee under the Chairmanship of Dr. B. R. Ambedkar. The Drafting Committee presented a draft Constitution to the Constituent Assembly which started general discussion on the draft Constitution on 4 November 1948. The second reading on the draft Constitution was completed by the Assembly on 17 October 1949. In all as many as 7635 amendments to the Constitution were tabled, out of which 2473 were actually moved and discussed. The Constituent

Assembly finally adopted the Constitution on 26 November 1949 and the President of the Assembly formally appended his signatures to the Constitution. Thus the Constituent Assembly which held its first meeting 9 December 1946 took 2 years, 11 months and 18 days to complete the work. The total expenditure on the framing of the Constitution on India amounted to Rs.6.4 crore. The provisions of the Constitution came into force on 26 January, 1950 on the memory 'Purna Swaraj' passed by Lahore session of Indian National Congress.

It is noted here that as new year opened, the 26<sup>th</sup> of January, 1930 was observed as the day of Purna Swaraj or Independence day all over India. On the 31st December, 1929 Mahatma Gandhi moved his famous resolution on Purna Swaraj, saying: "The Congress declares that the words 'Swaraj' in Article 1 of the Congress Constitution shall mean Complete Independence and further declares the entire scheme of the Nehru Committee's Report to have lapsed and hopes that all Congressmen will henceforth devote their exclusive attention to the attainment of Complete Independence for India." Before a huge gathering of 15,000 people, the youthful Congress President Jawaharlal Nehru announced the Congress policy that complete independence was the goal of India. It was to be "complete freedom from British domination and British Imperialism." "The embrace of the British Empire," he declared, "is a dangerous thing. It is not and cannot be the life-giving embrace of affection freely given and returned. And if it is not that, it will be what it has been in the past, the embrace of death." The resolution on Purna Swaraj was passed by the Congress on the last day of the year 1929. The tricolor National Flag, signifying independence, was unfurled by the Congress President Jawaharlal



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Nehru as the thunderous shouts of 'Inquilab Zindabad' or Long Live the Revolution greeted the occasion from countless throats. People took the Independence Pledge on that memorable day. The Pledge declared 'freedom' as 'the inalienable right of the Indian people' and criticized the foreign Government for ruining India 'economically, politically, culturally and spiritually.' "We hold it to be a crime against man and God." Said the Pledge, "to submit any longer to a rule that has caused this fourfold disaster to our country... We, therefore, hereby solemnly resolve to carry out the Congress instructions issued from time to time for the purpose of establishing Purna Swaraj." The adoption of the Constitution of India was indeed an event of great constitutional significance and Dr. Rajendra Prasad, the President of the Constituent Assembly expressed satisfaction over the stupendous job accomplished by the Assembly. Prof. Granville Austin describes the adoption of the Constitution of India as "the greatest political venture since Philadelphia".

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