

The Constituent Assembly and The Constitution

FORMATION AND WORKING OF THE CONSTITUENT ASSEMBLY

INTRODUCTION

The Constituent Assembly was formed in 1946. The idea of making the Constituent Assembly for

framing the Constitution of India was devised by the Cabinet Mission Plan. The Constituent Assembly

consisted of the elected representatives of various provinces who were eminent personalities in their own

fields. Some of the members were Dr. B.R Ambedkar, Dr. Rajendra Prasad, Sarojini Naidu and Nehru. The

Constituent Assembly of India held several meetings, discussions, debates and passed various draft

resolutions to frame the Constitution of the country. Our Constitution came into force on 26 Jan, 1950.

SALIENT FEATURES OF CONSTITUENT ASSEMBLY OF INDIA

The Constituent Assembly of India came into existence as per the provisions of Cabinet Mission Plan of

May 1946. Its task was to formulate constitution/s for facilitating appropriate transfer of sovereign

power from British authorities to Indian hands.

- The Assembly was to have proportional representation from existing provincial legislatures and from

various princely states. Bulk of these elections was completed by the end of July 1946, under the

supervision of Reforms Office under Governor General (Viceroy).

- The Assembly was to have three sections: Punjab & North-West, Bengal-Assam and Rest of India. The

Constitutions were to be formulated for Indian Union, each Section and for each of the Provinces therein. The

Muslim League, which had won bulk of the 80 Muslim seats and dominated two smaller Sections, chose not to

participate so the Assembly never convened separately in sections.

- Assembly held 12 sessions, or rounds of sittings:

1. December 9-23, 1946,
2. January 20- 25, 1947,
3. April 28- May 2, 1947,
4. July 14- 31, 1947,
5. August 14- 30, 1947,
6. January 27, 1948,

7. November 4, 1948-January 8, 1949,

8. May 16- June 16, 1949,

9. July 30-September 18, 1949,

10. October 6-17, 1949,

11. November 4-26, 1949,

12. January 24, 1950.

- Membership of the Assembly kept varying for different reasons, other than resignation and death. Many

public figures showed keenness to enter the Assembly but its membership was also denounced by

certain groups like Muslim League, Communists and Socialists. These attitudes changed too. After passage of the Indian Independence Act by British Parliament it was decided that those members who

wish to retain their seats in provincial legislature would vacate their seats in the Assembly. But several

members of provincial legislature continued to come and partake in the Assembly until the provision

against this was made in the Constitution itself. Biggest change in

membership was caused by the declaration of Partition of India. Certain members like Dr. Ambedkar,

who were elected from territories assigned to Dominion of Pakistan, lost their seats. Muslim League

members elected from United Provinces, Bihar and elsewhere came to occupy their seats after

partition. Such members were humiliated on many occasions and Patel even told them to go to Pakistan.

After initial disinterest, the princely states started negotiating with a committee of the Assembly for

their representation. Over a period, hundreds of princely states were grouped into larger associations

and provisions were made for them to elect their representatives to the Assembly. Till the last day of

the Assembly, new members kept joining in. Hyderabad did not send any representative till the end.

The total number of people who sat as members of the Assembly at any time has not been calculated

by any official or scholar. Records show that maximum membership towards the end of tenure of

Assembly was 307.

- The Assembly took help of several non-members in formulation of the Constitution. Eminent public figures outside the Assembly were requested to work as members of committees formed by the Assembly for focused deliberations on specific features or segments.
- Much of constitution-making took place in these committees, both from procedural and substantive viewpoint. Till date, no official report has appeared in public domain on the exact number of committees formed by the Constituent Assembly. Resolutions were moved for setting up committees as and when the need arose, and adopted after discussion. Depending on swiftness of nomination or election of members of respective committees, their formal appointment took few hours, days or weeks from the adoption of resolution.
- Some of the known committees were: