

FORMATION OF THE CONSTITUENT ASSEMBLY OF INDIA

The third session was held from 28 April to 2 May 1947. Lord Mountbatten, who succeeded Lord Wavell, sent by the Attlee government tasked with winding up the British Rule from India by 30 June 1948, announced on 15 April 1947 that if no solution was found to the intransigent problem, partition would happen. Even in this backdrop, when the Constituent Assembly was working it did not foreclose the possibility of participation of the League. Infact, N. GopalaswamiAyyangar requested a postponement of consideration on the first report of the committee on Union Powers. However, when the June Plan, which partitioned the country, was announced it brought about significant changes in the composition of the Constituent Assembly. Prior to partition, "the Congress had a built-in majority of 69 percent, in the Assembly, and, after Partition, when the number of Muslim League representatives fell to twenty-eight, the Congress majority jumped to 82 percent." The Congress which earlier had 206 elected members out of the total strength of 296 of British India, now had 192 members out of the sanctioned strength of 229. With partition, the limitations attached to the Constituent Assembly (that the Congress and the league will have to work together) were also over. The Constituent Assembly was also to function as the Union legislature by August 1947 till a legislature under the new constitution came into being. However, the business of the Assembly as a constitution-making body was to be unambiguously differentiated from its business as Union legislature (Austin 1999). In all, the Constituent Assembly sat for a total of 12 sessions spanning nearly three years, of which the first six sessions "were devoted to preparatory functions. The seventh to eleventh sessions covering 110 days were

devoted to the discussion of the Draft and other necessary business.” The Constituent Assembly had 23 committees to work on substantive and procedural issues. SubCommittees and ad-hoc committees were also set up on the direction of the Committees of the House. The following

COMPOSITION OF CONSTITUENT ASSEMBLY

The Constituent Assembly was constituted in November 1946 under the scheme formulated by the Cabinet

Mission Plan. Moreover the features are such as:

1. The total strength of the Constituent Assembly was 389, out of the total number 296 seats were allotted to British India and rest 93 seats are reserved for the Princely states. Out of 296 allotted to British India, 292 seats were to be drawn the eleven governor provinces and three from the chief commissioners province and one from Baluchistan.
2. The province and the princely state or the group of small states was to be allotted seats according to their proportion of their population. Hence, one seat was to be allotted for every 10 Lakh of population.
3. All the seats allotted to the British province were to be divided among the three important communities such as Muslims, Sikhs and General. The general seats were to be divided in proportion of their population.
4. The representative of the each community were to be elected by members of that community in the provincial legislative assembly and the voting method was to be proportional representation by means of single transferable vote system.
5. The representatives of the princely state were to be nominated by the head of the respective princely state.

However, the idea was clear to form the constituent assembly. It was a mixed form, where it was both elected and nominated body. The members were to be indirectly elected by the members of the provincial assembly who themselves were elected on a limited franchise.

The elections of the constituent Assembly was held on July-August 1946 for the 296 seats allotted to British India provinces. Out of the 296 seats, the Indian National Congress got 208 seats, the Muslim league acquired 73 seats and rest 15 seats were won by the few Independents and small groups. However, 93 seats allotted to the princely states were not filled because they had decided to stay away from the constituent Assembly. The Constituent Assembly was represented by all the section of the society, like Hindu, Muslim, Sikh, Parsis, Anglo Indian, Indian Christians, SCs, STs including Women, even though it was not directly elected by the people of India through the adult franchise.