

The Power of Constitution Making: Exploring the Constituent Assembly of India

AFREEN MANZOOR

University of Kashmir

Abstract: *Constitution is the supreme law of land. It is set of rules and regulations to govern a country. The Constitution of India which is supposedly to be called as “the lengthiest written constitution” is outcome of the outstanding and the applaudable work of the Constituent Assembly, which was made under the Cabinet Mission Plan 1946. The demand that the constitution of India should be made by the people of India themselves arose in 1922. Later the demand was carried by Indian National Congress in 1935. Britishers finally realized that Indians should make the Constitution by themselves what came to be known as August Offer of 1940. Finally, the cabinet mission proposal (1946) was accepted and the Constituent Assembly was composed as per the scheme recommended by it.*

Key Words: *Constitution, Constituent Assembly, MK Gandhi, Cabinet Mission Plan, August Offer and Indian National Congress.*

I. INTRODUCTION

The framing of the Constitution of India by the Constituent Assembly is without taking a second one of the most significant events in the constitutional history of India.

The Constitution of India was framed by the Constituent Assembly, a representative body of the people of India. It took 2 years, 11 months and 17 days to be written which drafted the Constitution of India held 11 sessions and took 165 days. The Constitution of India was adopted on 26 November, 1949.

II. COMPOSITION

The Constituent Assembly was to be constructed as per the Cabinet Mission Plan. Its main features include:

Total Strength: 389

The seats were to be allotted in following manner:

296- British India

4- Chief Commissioners Provinces

93- Princely States.

The seats were distributed according to the population. 1 seat for every million population.

In British Provinces, the seats were to be decided amongst three communities (Muslims, Sikhs and General) in proportion to their population.

In British India, the representative of each community was selected by the members of that community in provincial legislative assemblies through single transferable vote.

The representatives of Princely States were to be nominated by the heads of the Princely States.

Dr. Sachidananda Sinha was the oldest member. Therefore, he was elected as the temporary President of the Constituent Assembly.

Later, Dr. Rajendra Prasad was elected as the President, H C Mukherjee as the Vice President and Sir BN Rau was elected as the Constitutional Advisor of the Constituent Assembly (Tanwar, S).

III. IMPORTANT COMMITTEES OF THE CONSTITUENT ASSEMBLY AND THEIR CHAIRMAN

NAME OF THE COMMITTEE	CHAIRMAN
Committee on the rules of the procedures	Rajendra Prasad
Finance and Staff Committee	Rajendra Prasad
State Committee	Jawahar Lal Nehru
Drafting Committee	Dr B R Ambedkar
Union Constitution Committee	Jawahar Lal Nehru
Fundamental Rights Sub-Committee	J.B. Kriplani

Source: rajyasabha.nic.in

IV. NEED OF THE CONSTITUENT ASSEMBLY

The Constituent Assembly of India was elected to write the constitution of India. The constitution was framed by the constituent assembly which was established under the Cabinet Mission Plan, fulfilling the nation's aspiration for self-determination after British colonial rule.

V. NATURE OF THE CONSTITUENT ASSEMBLY

The Constituent Assembly cannot be fully independent by law. Its powers were limited by the British Parliament as a whole and by the Cabinet Mission in particular. Therefore, it cannot be called a revolutionary or sovereign organization.

Members of the Constituent Assembly were elected by the elected members of the Provincial Legislative Assemblies. At that point of time only 14% people had right to vote.

The Constituent Assembly had not become a representative body of all classes of India. Because the demand for separate Pakistan was not accepted. Therefore, Muslim League did not participate in the Constituent Assembly. (Podder, 2002)

VI. LIMITATIONS

The Constituent Assembly of India cannot be called a Representative Body of the people because the Constituent Assembly was not formed on the basis of universal suffrage.

The princely states had the power to nominate 93 members of the Constituent Assembly. This measure is against the democratic norms of the interests of the royal families.

The members of the drafting committee were particularly disturbed by the informal discussions on the various articles of the constitution. In many cases, decisions about any part of the constitution have changed frequently, even during the second or third reading. Nasiruddin Ahmad, one of the members of the constituent assembly ridiculed the drafting committee as the "drifting committee".

VII. CONCLUSION

The Constituent Assembly of India which was established in 1946 and concluded its work in 1950, played a pivotal role in shaping the sequence for Indian Democracy.

This body was entitled with a huge task of marking India's Constitution that would certainly guide newly Independent India.

The Constituent Assembly's work has had a diverse impact on India's socio-economic and governance structure.

As India continues to navigate the complexities of a rapidly changing world, the legacy of the Constituent Assembly serves as a powerful remainder of the importance of inclusive decision making, commitment to democracy and adaptability and endurance in the face of the difficulties.

The constituent assembly's work will continue to inspire the future generations of Indians, guiding them in pursuit of a more equitable and a prosperous and progressive society.

The Author Is Currently Pursuing Masters in Political Science,

School of Social Sciences

University of Kashmir.

REFERENCES

- [1] Austin, G. T. (1966). Oxford University Press.
- [2] Constitution, Government and Democracy in India: The Role of Constituent Assembly in Shaping Modern India, 1946-49. (2024). Institute Of Political Science.
- [3] Podkar, K. (n.d.). The Constituent Assembly of India: Nature and Limitations. International Journal for Innovative Research in MultiDisciplinary Field.
- [4] Tanvar, S. (n.d.). Constitution and Administration . mohanlal Sukhdev University, Udaipur.
- [5] The Constituent Assembly of India: An Overview. (2022). Legal Pointers.