



**DEPARTMENT OF ELECTRONICS AND COMMUNICATION
ENGINEERING**

Making of the Indian Constitution

Constituent Assembly, its Composition, and Note on Objective Resolution

The Indian Constitution is codified, written in a single document, and enacted by a single body. The Indian constitution came into effect on 26 January 1950. The Indian Constitution is Supreme, an amalgamation of rigidity and flexibility. The Constituent Assembly had written, debated, and finalised the constitution between December 1946 and January 1950. A lot of consensus for making the constitution evolved through the freedom struggle that transformed our society and politics. This lengthy document, comprising 395 articles and 8 schedules set out the architecture of the new state. Some points to note about the Making of the Indian Constitution:

- The draft of the [Indian Constitution](#) was prepared much earlier in 1928 by Motilal Nehru and eight Congress members.
- In 1931, a Resolution was given on the idea of a constitution for independent India at the [Karachi Session of the Indian National Congress](#).
- The basic values like the universal adult franchise, right to freedom and equality, and rights of minorities were withdrawn from this resolution.
- Experience from colonial rule helped to develop and legislative institutional design for India.

Making of the Indian Constitution: Timeline

Dates	Events
1934	MN Roy gave the idea of a constituent assembly for framing the Indian constitution.
1935	This idea of forming a constituent assembly was supported by leaders of the Indian National Congress and demand was put forward.
1938	Jawaharlal Nehru on behalf of the Indian National Congress demanded that the constituent assembly consisted of Indians only.
1940	Britishers accepted this demand in the August offer .



- 1942 Before the Quit India movement, [Cripps mission](#) said that the formation of a constituent assembly would be after world war II (1939-1945).
- Cabinet mission formed constituent assembly.
- 1946 Constituent assembly had
- 389 seats(296 British India and 93 Princely states)
 - Majority seats by Congress-208
- 9th Dec 1946
- The first meeting of the constituent assembly took place with 211 members.
 - The first President of the assembly was Dr. Sachidanand Sinha.
- 11th Dec 1946
- Permanent president Dr. Rajendra prasad.
 - Vice president H. C. Mukherjee
 - Constitutional advisor B. N. Rao
- 13th Dec 1946 Objective resolution is given by Jawaharlal Nehru who laid the philosophical structure of the constitution. It was passed on 22nd July 1947.
- Mountbatten planned for two constituent assemblies.
 - The number of seats was reduced to 299.
- 3rd June 1947
- The first [Parliament of India](#) - the constituent assembly was formed.
 - The first speaker of Independent India- G.V. Malvankar.
 - Chairman of constituent assembly Dr. Rajendra prasad.
- 26th November 1949 The Constitution of India was made.

Check out the article on the [Right to Freedom of Speech and Expression](#) here.

Making of the Indian Constitution: Demand for Constituent Assembly

- Annie Besant's general assembly in 1922 agreed to call a conference to draft a constitution.
- The British Parliament was presented with the Indian Commonwealth Bill of 1925. One of India's most important constitutional reforms.
- The Motilal Nehru report, which was considered the first major attempt toward a full-fledged constitution, was published in 1928.
- Between 1930 and 1932, three round tables on constitutional reform were convened. The [first round table conference](#) took place in 1930.
- In **1934**, the idea of the constituent assembly was put forward by M.N. Roy.
- In **1935**, Indian National Congress demanded a constituent assembly to frame the constitution.



- In **1938**, Jawaharlal Nehru declared that the constituent assembly must consist of elected members on the basis of a universal adult franchise.
- In **1940**, the demand was accepted by the British government. This was termed the August offer.
- In **1942**, Sir Standford Cripps proposed forming Independent nations for Hindus and Muslims. This was referred to as the Cripps mission.
- In **1946**, a constituent assembly was formed on the basis of the cabinet mission.

Also, read about the [Commonwealth of Independent States](#) here.

Making of the Indian Constitution: Constituent Assembly

- The Constituent Assembly was an assembly of elected representatives who drafted the document of the constitution.
- Elections to this Assembly were held in July 1946 and its first meeting was held in December 1946.
- Due to partition, the constituent assembly was also divided.
- It comprised 299 members that **adopted the constitution on 26 November 1947** which came into effect on 26 January 1950.
- The constituent assembly had the responsibility for framing the constitution of India.
- It functioned from Dec 1946 to Nov 1949.
- There were 8 [Major committees](#) and 15 minor committees in the constituent assembly for different subjects.
- It conducted 11 sessions to discuss different issues related to the formation of the constitution.

Composition of Constituent Assembly

- Total Number of Seats in Constituent Assembly – 389 Seats (292 Seats – British Provinces and 93 seats - Princely states).
- The British provinces were divided into three principle communities comprising Muslims, Sikhs, and general. Representatives of each community were elected by the members of that particular community for assembly.
- Later, due to the partition of India, some territories were transferred to Pakistan. This reduced the number of seats to 299.
- The method of election was through proportional representation where 1 seat represented nearly 10 lakh people.

Features and Functions of the Constituent Assembly:

- The Provinces elected 292 members, with Indian States receiving a maximum of 93 seats.
- The seats in each province were apportioned proportionally to their respective populations among the three main committees: Muslim, Sikh, and General.



- In the Provincial Legislative Assembly, members of each community pick their own representatives using the proportional representation method and a single transferable vote.
- The princely states' representatives were to be chosen by the princely states' heads.
- On the 13th of December, 1946, **Jawaharlal Nehru moved the Objectives Resolution**, which formally began the Constituent Assembly's mission of drafting the Indian Constitution.
- The resolution's goal was to "...proclaim India as the Independent Sovereign Republic and draft a Constitution for her future administration..."
- The resolution outlined basic principles that would guide the Constituent Assembly's work. On January 22, 1947, the Constituent Assembly passed the resolution.
- The princely states' delegates gradually joined it. The Assembly was formed on April 28, 1947, with representatives from the six states.
- The delegates of the majority of the other princely realms assumed their seats in the Assembly after the Mountbatten Plan for a partition of the country was accepted on June 3, 1947.

The Constituent Assembly was responsible for the following tasks in addition to drafting the Constitution and adopting ordinary laws:

It corrected the Commonwealth's membership enrolment in May 1949.

- On July 22, 1947, it adopted the **national flag**.
- On January 24, 1950, it adopted the **national anthem**.
- On January 24, 1950, it chose Dr. Rajendra Prasad as India's first [President](#).

Committees of Constituent Assembly

Name of the Major Committees	Chairman
Union power committee	
Union constitution committee	Pandit Jawaharlal Nehru
States committee	
Provincial committee	Sardar Vallabhbhai Patel
Drafting committee	B. R. Ambedkar
Advisory Committee	Sardar Vallabhbhai Patel.
Rules committee	
Steering committee	Dr. Rajendra prasad.

Drafting Committee

- Its chairman was [Dr. B.R. Ambedkar](#).
- The first draft of the Constitution of India was given in February 1948, following the second draft in October 1948.
- The final draft was introduced in the Assembly on 4th November 1948.



- The motion of draft was passed by the constituent assembly on 26th November 1949.
- Following the resolution of the Lahore session in December 1939, Purna Swaraj Day was celebrated on 26th January 1930.
- Thus, the constitution came into force on 26 January 1950, except for some provisions pertaining to citizenship, elections, provisional parliament, etc., that came into force on 26 November 1949.

Criticism of Constituent Assembly

- Not a representative body- as it was not directly elected.
- Not a sovereign body- as was formed by the British government's proposal.
- It was deemed time-consuming.
- It was believed to be dominated by Congress and Hindus.

Changes by Independence Act

- The constituent assembly became a sovereign body and had the authority to change laws made by the British Parliament.
- It performed two functions making the constitution and acting as a parliament as a legislative body.
- Members of the Muslim League withdrew from the constituent assembly and Pakistan came into being after the Independence act of 1947.

Making of the Indian Constitution: Objective Resolution

- On 13th Dec 1946, an Objective resolution was given by Jawaharlal Nehru which laid the philosophical structure of the constitution.
- Jawaharlal Nehru encapsulated the aspirations and values for framing the Constitution of India.
- It was adopted on 22nd July 1947.
- It is the basis of the present [Preamble of the Indian Constitution](#).

Features of Objective Resolution

It acted as a guideline for the members of the constituent assembly to achieve-

- Economic stability, political security, and faster unity of the nation.
- Proclaim India as a sovereign democratic republic nation.
- Ensure your federal form of Government with the distribution of powers between the central and the states.
- Guarantee and secure justice, equality, freedom, belief, faith worship, and location to citizens of India.
- Safeguard interests of backward and tribal areas, depressed class, and other backward classes.
- Maintain territorial integrity and sovereignty over land, sea, and air.



- Help India to attain a rightful and honoured place in the world that will promote world peace and the welfare of mankind.

Enactment and Enforcement of the Constitution

- On November 26, 1949, the motion on Draft Constitution was proclaimed approved, gaining the signatures of the members as well as the President. It should be emphasized that the Preamble was enacted after the Constitution.
- After three sets of readings of the Draft produced by the Drafting Committee and published in October 1948, the Constitution was accepted on November 26, 1949, with a Preamble, 395 Articles, and 8 Schedules. Some of the 395 Articles, such as Articles 5 to 9, Articles 379, 380, 388, 392, and 393, went into effect on November 26, 1949.
- The remaining Articles went into effect on January 26, 1950, Republic Day. The Indian Independence Act of 1947 and the Government of India Act of 1935 were repealed once the Constitution of India took effect. Our Constitution currently has 448 Articles, 25 Parts, and 12 Schedules.

Women and the Constituent Assembly

- Women also had a vital part in creating the Indian Constitution, which was a prominent element of the Constituent Assembly.
- There were several women members of the Constituent Assembly who contributed to the creation of an independent India constitution in their own unique way.
- The noteworthy contributions of each of these women are noted below;

Rajkumari Amrit Kaur

Rajkumari Amrit Kaur was the first woman in independent India to be appointed to the Cabinet as Health Minister. She established the All India Institute of Medical Sciences (AIIMS) and Lady Irwin College in Delhi after founding the Indian Council for Child Welfare.

Ammu Swaminathan

The Fundamental Rights and the Directive Principles of State Policy, according to Shrimati Ammu Swaminathan, are the two sturdy foundations on which the Indian Constitution relies. Ammu Swaminathan said that many minute elements contained in the Indian Constitution should have been left to the Government and the Legislature since the Constitution was too long and cumbersome.

Shrimati Leela Ray

She was an important figure in both pre- and post-independence India. Founded the Jatiya Mahila Sanghati and the Dacca Mahila Satyagraha Sangha, both of which advocated for women's empowerment and the anti-salt tax movement.



Shrimati Dakshayani Velayudan

She was a member of the Madras Constituency, expressed her concern for the Harijan community in the Assembly by voting against the construction of a separate electorate for them, forced labour, and the practise of untouchability.

Shrimati G. Durgabai

Shrimati G. Durgabai has expressed her views on the appointment of Provincial High Court Judges, arguing that the Governor and his Cabinet should be fully responsible for this. Her opinions on the abolition of the Devadasi system, the protection of minors from exploitation, and the constraints on the liberties granted to individuals were equally noteworthy.

Begum Aizaz Rasul

Begum Aizaz Rasul believed that the Ministry, as a stable entity, should not be subject to the whims and fancies of any single party or legislative to whom the Ministry was accountable. Furthermore, her admiration for Dr. B. R. Ambedkar's outstanding work in defending minority rights while creating the Indian Constitution cannot be overstated.

Shrimati Hansa Mehta

She emphasized the importance of social, economic, and political justice for women in India, given the country's long history of oppression.

Conclusion

Despite the numerous criticisms levelled at the Constituent Assembly's functioning, one cannot deny that, today, India is living and breathing in the air of sovereignty, democracy, and freedom, as well as the rights and duties vested in both citizens and states of the nation, it is due to the tireless efforts of notable personalities who came together to gift India its biggest gift.