



# AB TUTORIALS

Bhatara Law Institute (Estd. 1994)

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# INDIAN POLITY

## Framing of the Constitution

The idea to have Constitution was given by M.N. Roy (A pioneer of Communist Movement in India).

- The present constitution was framed by the **Constituent Assembly of India** setup under **Cabinet Mission Plan** of May 16, 1946.

## Composition of Constituent Assembly

- **The Constituent Assembly consisted of 389 members**, of which 292 were elected by the elected members of the Provincial Legislative Assemblies while 93 members were nominated by the Princely States. A representative from each of the four Chief Commissioners Provinces of Delhi, Ajmer-Marwar, Coorg and British Baluchistan was also added. (292+93+4)
- Each Province and each Indian State or group of States were allotted the total number of seats proportional to their respective population roughly in the ratio of **one to a million**.
- The seats in each province were distributed among the three main communities – Muslim, Sikh and General, in proportion to their respective populations.
- Members of each community in the Provincial Legislative Assembly elected their own representatives by the method of proportional representation with single transferable vote.



- The method of selection in the case of representatives of Indian States was to be determined by consultation.
- But when the Muslim League decided to withdraw its members from the Constituent Assembly of India and with the creation of a separate Constituent Assembly for Pakistan on July 16, 1947, the membership of the Constituent Assembly of India was reduced to 299, out of which 229 represented the provinces and 70 were nominated by the Princely states.

## Functioning of the Constituent Assembly

- B.N. Rao was appointed the constitutional advisor of the Assembly.
- The first meeting of the Constituent Assembly took place on December 9, 1946 with Dr. Sachidanand Sinha as its interim President. Dr. Rajendra Prasad was elected as its President on December 11, 1946.
- The Assembly had 13 committees for framing the constituent. The important ones were:

Committee	Chairman
Union Power Committee	J.L. Nehru
Fundamental Rights and Minority Committee	V.B. Patel
Provincial Constitution Committee	V.B. Patel
Union Constitution Committee	J.L. Nehru
Drafting Committee	B.R. Ambedkar
Ad hoc committee on the National Flag	Rajendra Prasad
Steering Committee	Rajendra Prasad



- All these Committee submitted their reports, which were widely discussed by the Constituent Assembly.

### **Drafting Committee**

Drafting Committee, which bore the responsibility of drafting the Constitutional document during the recess of the Constituent Assembly, from July 1947 to September 1948, was formed on August 29, 1947. Its members were:

1. Dr. B.R. Ambedkar – Chairman
2. N. Gopalaswami Ayyangar
3. Alladi Krishnaswami Ayyar (a distinguished jurist)
4. K.M. Munshi (a distinguished jurist)
5. Syyed Mohd. Saadulla
6. N. Madhav Rao (in place of B.L. Mitra)
7. D.P. Khaitan (T. Krishnamachari, after Khaitan's death in 1948).

### **Enactment of the Constitution**

- The Drafting Committee prepared the draft of the Constitution, which came out in the open on February 4, 1948 (first reading) to elicit the public opinion and reaction to it. The Assembly had a general discussion on it for five days.

The Constituent Assembly next met on November 15, 1948 when the provisions of the Draft were considered and discussed in detail (second reading). During this stage, as many as 7635 amendments were proposed and 2,473 were actually discussed in the Assembly.