

Making of the Constitution

The **Constituent Assembly**, established in 1946, was responsible for drafting the Indian Constitution and ensuring that it reflected India's vast cultural, social, and political diversity. Guided by leaders such as **Jawaharlal Nehru, Dr. B.R. Ambedkar, and Sardar Vallabhbhai Patel**, the Assembly debated major issues—federalism, fundamental rights, governance structures—and laid the foundations of independent India's constitutional philosophy.

After thorough deliberations, the Constitution was **adopted on 26 November 1949** and came into force on **26 January 1950**, marking India's transition into a **sovereign republic** with a parliamentary democratic system rooted in justice, liberty, equality, and fraternity.

What is a Constituent Assembly?

A **Constituent Assembly** is a specially created body empowered to draft or revise a Constitution. India's Constituent Assembly was formed in **November 1946** under the **Cabinet Mission Plan**, with members partly elected and partly nominated.

It first met on **9 December 1946** to prepare an independent Constitution based on the principle of **self-determination**.

After completing its task on **24 January 1950**, the Assembly continued as the **Provisional Parliament** until the first general elections of 1951–52.

Historical Background

The demand for an Indian-made Constitution emerged from growing dissatisfaction with British constitutional schemes like the **Government of India Acts of 1919 and 1935**, which offered limited autonomy but retained British control over key subjects such as defence, finance, and foreign affairs.

National leaders like **Gandhi, Nehru, and Ambedkar** argued that only a Constitution written by Indians could truly represent the nation's social, cultural, and political aspirations.

Key Milestones

Year	Development
1934	M.N. Roy first proposed the idea of a Constituent Assembly.
1935	The Indian National Congress demanded a Constituent Assembly.
1938	Nehru declared that free India's Constitution must be framed without external interference and on adult franchise .
1940	The British accepted the idea <i>in principle</i> in the August Offer .
1942	The Cripps Mission proposed an elected Constituent Assembly; the Muslim League rejected it.
1946	The Cabinet Mission Plan finalized the structure and elections for the Assembly.

Composition of the Constituent Assembly

Total strength: 389

- **296** from British Indian provinces
- **93** from princely states

After the Muslim League withdrew, the numbers reduced:

- British India seats: **229**
- Princely states seats: **70**

Election Process

- Provincial representatives were **indirectly elected** by newly elected members of provincial legislative assemblies.
- Seats were allocated to **Muslims, Sikhs, and the General** communities based on population.
- Voting: **Proportional Representation with Single Transferable Vote (STV)**.
- Members from princely states were **nominated** by their rulers.

Making of the Indian Constitution: Timeline

Date	Event
9 Dec 1946	First meeting of the Constituent Assembly
11 Dec 1946	Dr. Rajendra Prasad elected President; B.N. Rau appointed Constitutional Advisor
13 Dec 1946	Nehru introduced the Objective Resolution (philosophical foundation of the Constitution)
22 Jan 1947	Objective Resolution adopted
July 1947	The Indian Independence Act gives full autonomy to the Assembly + legislative powers
22 July 1947	National Flag adopted
Oct 1947 – Feb 1948	Drafting Committee prepares the first draft (315 Articles, 8 Schedules)
4–9 Nov 1948	First reading of the Draft Constitution
15 Nov 1948 – 17 Oct 1949	Clause-by-clause discussion (Second reading)
14–26 Nov 1949	Third reading completed
26 Nov 1949	Constitution adopted (Constitution Day)
24 Jan 1950	Dr. Rajendra Prasad elected first President of India; National Anthem & Song adopted
26 Jan 1950	Constitution enforced (Republic Day)

When Did the Constitution Come Into Force?

Although adopted in November 1949, the Constitution **came into full effect on 26 January 1950**, chosen to honour the **1930 Poorna Swaraj Declaration**.

Some transitional provisions (e.g., citizenship, elections, provisional Parliament) came into effect on **26 November 1949**.

Committees of the Constituent Assembly

A. Organizational Committees

Committee	Chairperson
Rules of Procedure	Rajendra Prasad
Steering Committee	Rajendra Prasad
Staff & Finance	Rajendra Prasad
Credentials	A.K. Ayyar
Order of Business	K.M. Munshi
States (Negotiating) Committee	Jawaharlal Nehru
Flag Committee	Rajendra Prasad
Committee on Functions of CA	G.V. Mavlankar

B. Principal Committees

Committee	Chairperson
Advisory Committee on Fundamental Rights, Minorities, Tribal & Excluded Areas	Sardar Patel
Union Powers Committee	Jawaharlal Nehru
Union Constitution Committee	Jawaharlal Nehru
Provincial Constitution Committee	Sardar Patel
Drafting Committee	Dr. B.R. Ambedkar

C. Sectoral Committees

Committee	Chairperson
Ad-hoc Committee on Citizenship	S. Varadachariar
Committee on Chief Commissioners' Provinces	N. Gopaldaswami Ayyangar
Experts Committee on Financial Provisions	N.R. Sarkar
Sub-committee on Minority Safeguards (WB & East Punjab)	Sardar Patel

Criticism of the Constituent Assembly

- **Not fully representative:** Not elected by universal adult franchise.
- **Not sovereign** initially: Born out of the British Cabinet Mission Plan.
- **Slow process:** Took 2 years, 11 months, compared to 4 months for the U.S. Constitution.
- **Dominated by Congress:** Granville Austin said, *“The Assembly was one-party in a one-party nation.”*
- **Lawyer-politician dominance** lacking wider social representation.
- **Hindu-majority character:** Criticized by leaders like Winston Churchill.

Despite these criticisms, the Assembly is widely regarded as a gathering of India’s finest minds, producing one of the **most comprehensive and stable Constitutions in the world.**