



**Class 11<sup>th</sup> | Political Science**



**BOOK: Indian  
Constitution at work**

**Constitution: Why & How?**

**Chapter : 1 | Lecture 8**

# COMPOSITION OF THE CONSTITUENT ASSEMBLY

- As a consequence of the Partition under the plan of 3 June 1947 those members who were elected from territories which fell under Pakistan ceased to be members of the Constituent Assembly. The number of members in the Assembly was reduced to 299.
- The Constitution was adopted on 26 November 1949. 284 members were actually present on 24 January 1950 and appended their signature to the Constitution as finally passed. The Constitution came into force on 26 January 1950.





# COMPOSITION OF THE CONSTITUENT ASSEMBLY



- The Constitution was thus framed against the backdrop of the horrendous violence that the Partition unleashed on the subcontinent.
- But it is a tribute to the fortitude of the framers that they were not only able to draft a constitution under immense pressure, but also learnt the right lessons from the unimaginable violence that accompanied the Partition.
- The Constitution was committed to a new conception of citizenship, where not only would minorities be secure, but religious identity would have no bearing on citizenship rights.

- But this account of the composition of the Constituent Assembly that drafted the Constitution touches upon only the surface of how our Constitution was made.
- Although, the members of the Assembly were not elected by universal suffrage, there was a serious attempt to make the Assembly a representative body.
- Members of all religions were given representation under the scheme described above; in addition, the Assembly had twentyeight members from the Scheduled Castes.
- In terms of political parties, the Congress dominated the Assembly occupying as many as eighty-two per cent of the seats in the Assembly after the Partition.
- The Congress itself was such a diverse party that it managed to accommodate almost all shades of opinion within it.

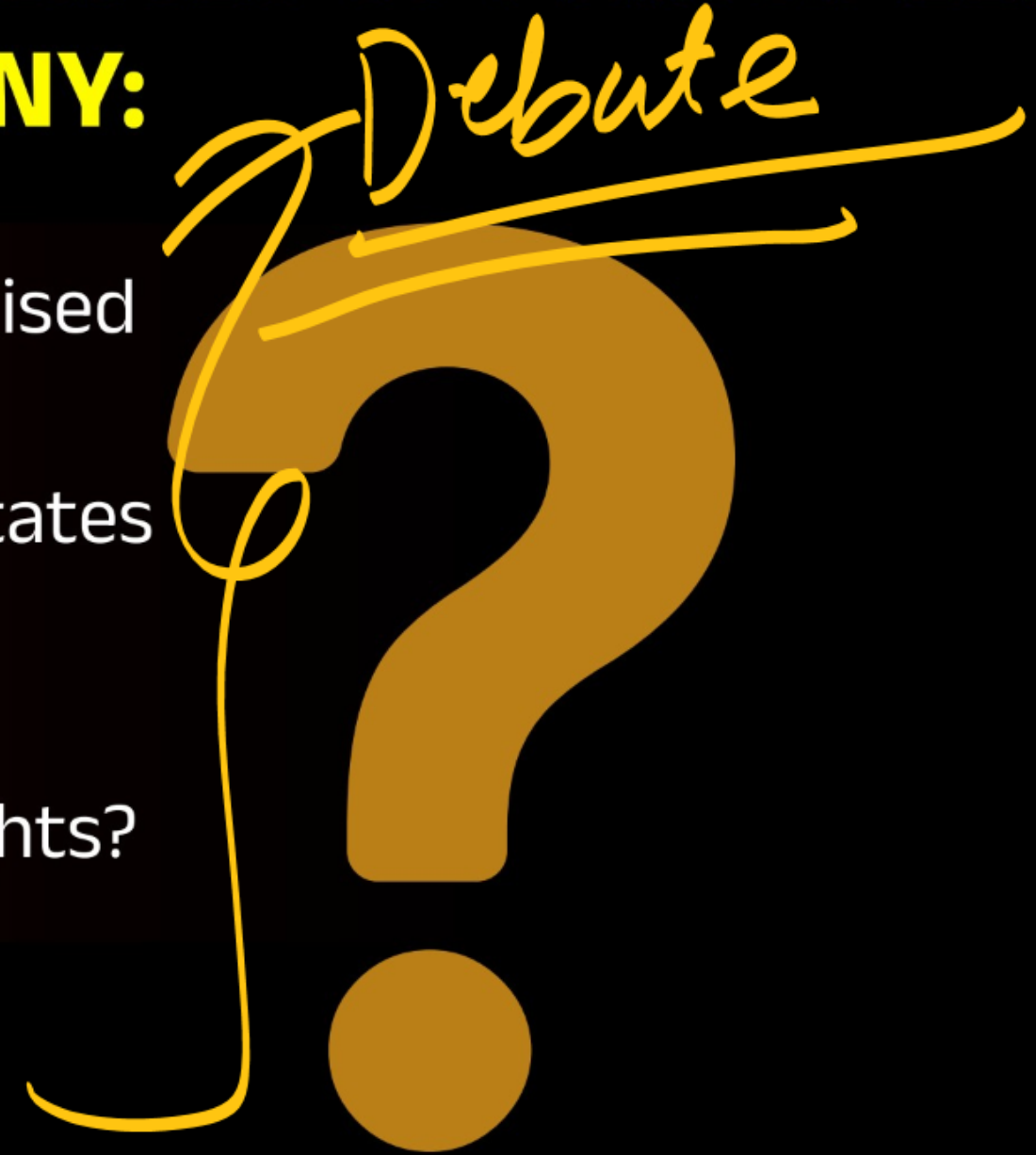


# THE PRINCIPLE OF DELIBERATION

- The authority of the Constituent Assembly does not come only from the fact that it was broadly, though not perfectly, representative. It comes from the procedures it adopted to frame the Constitution and the values its members brought to their deliberations.
- While in any assembly that claims to be representative, it is desirable that diverse sections of society participate, it is equally important that they participate not only as representatives of their own identity or community.
- Each member deliberated upon the Constitution with the interests of the whole nation in mind. There were often disagreements amongst members, but few of these disagreements could be traced to members protecting their own interests.

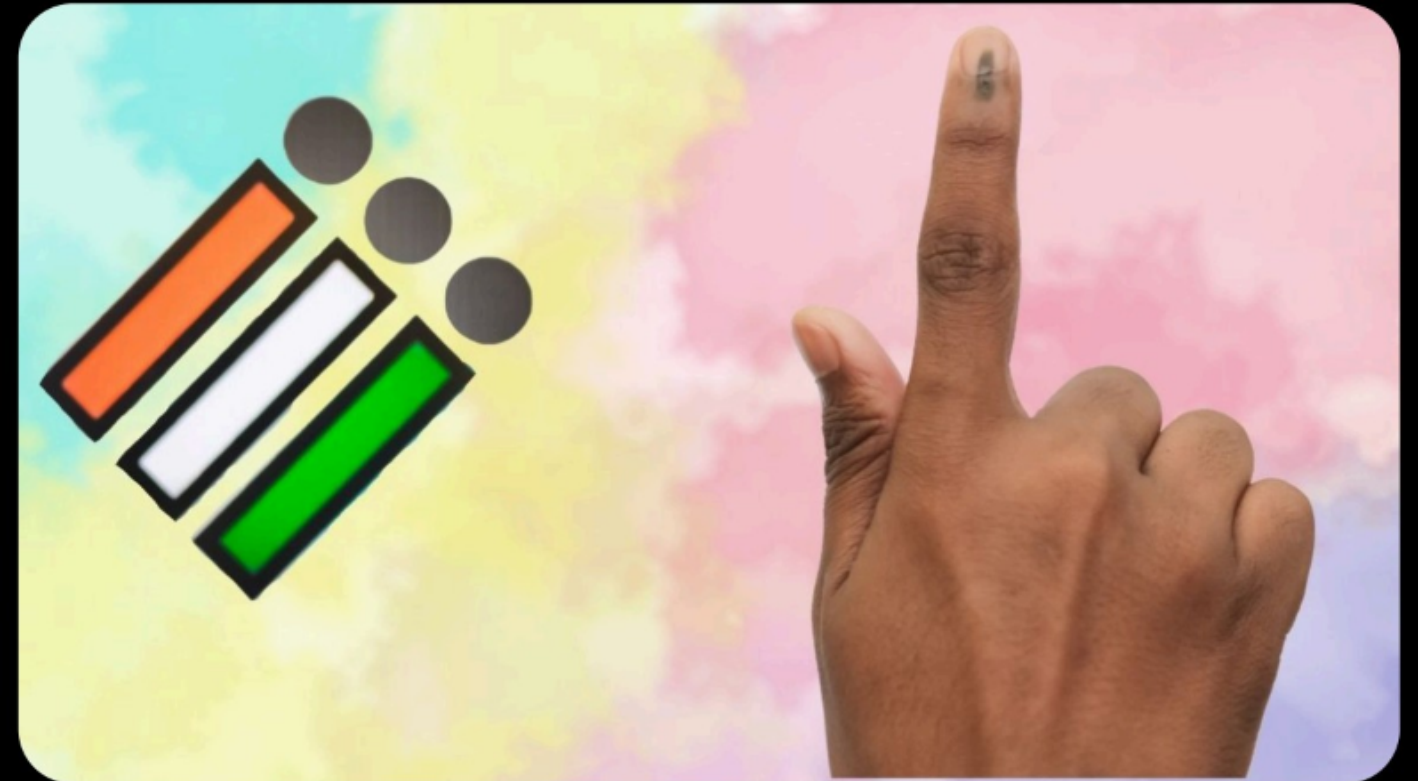
# THERE WERE LEGITIMATE DIFFERENCES OF PRINCIPLE. AND THE DIFFERENCES WERE MANY:

- Should India adopt a centralised or decentralised system of government
- What should be the relations between the States and the centre?
- What should be the powers of the judiciary?
- Should the Constitution protect property rights?





- Almost every issue that lies at the foundation of a modern state was discussed with great sophistication.
- **Only one provision of the Constitution was passed without virtually any debate: the introduction of universal suffrage** (meaning that all citizens reaching a certain age, would be entitled to be voters irrespective of religion, caste, education, gender or income).
- So, while the members felt no need at all to discuss the issue of who should have the right to vote, every other matter was seriously discussed and debated. Nothing can be a better testament to the democratic commitment of this Assembly.





- The Constitution drew its authority from the fact that members of the Constituent Assembly engaged in what one might call public reason.
- The members of the Assembly placed a great emphasis on discussion and reasoned argument. They did not simply advance their own interests, but gave principled reasons to other members for their positions.
- The very act of giving reasons to others makes you move away from simply a narrow consideration of your own interest because you have to give reasons to others to make them go along with your view point.

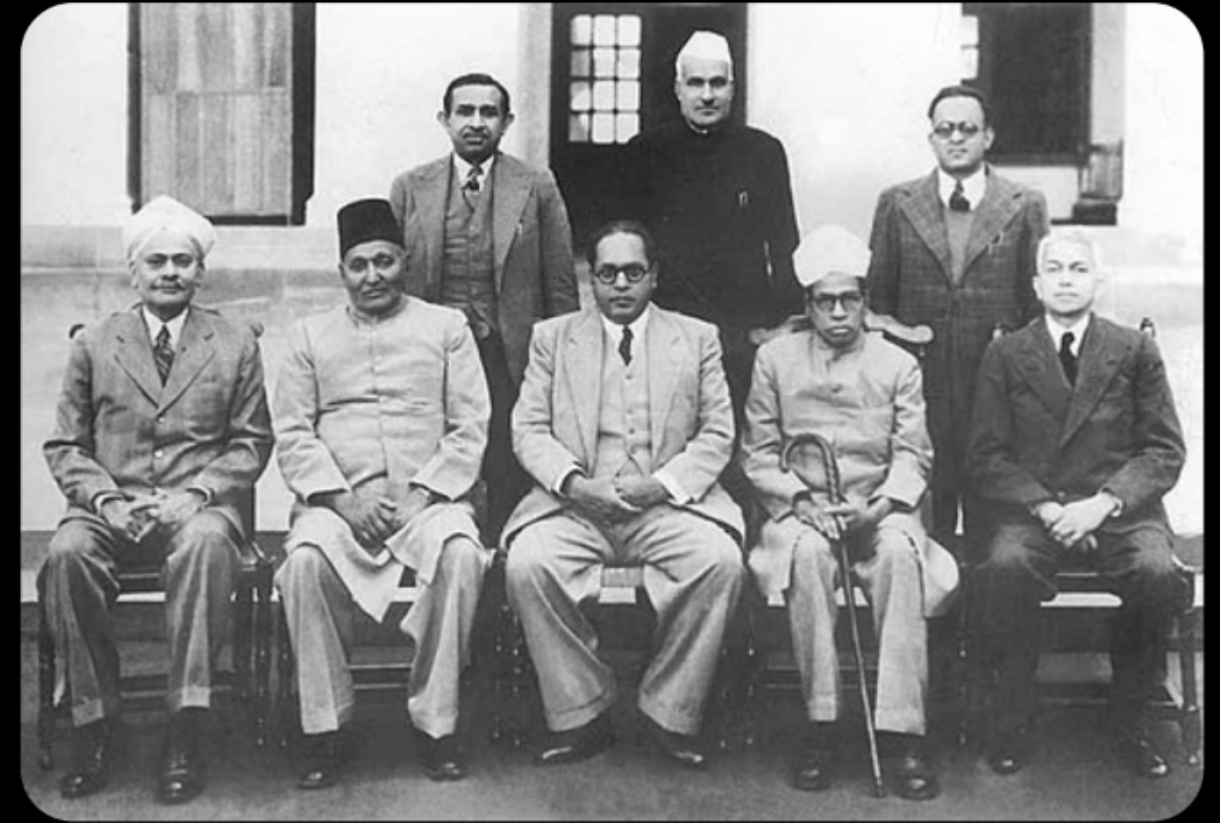


- The voluminous debates in the Constituent Assembly, where each clause of the Constitution was subjected to scrutiny and debate, is a tribute to public reason at its best.
- These debates deserved to be memorialised as one of the most significant chapters in the history of constitution making, equal in importance to the French and American revolutions.



# PROCEDURES

- The importance of public reason was emphasised in the mundane procedures of the Assembly as well. The Constituent Assembly had eight major Committees on different subjects. Usually, Jawaharlal Nehru, Rajendra Prasad, Sardar Patel or B.R. Ambedkar chaired these Committees.
- These were not men who agreed with each other on many things. Ambedkar had been a bitter critic of the Congress and Gandhi, accusing them of not doing enough for the upliftment of Scheduled Castes. Patel and Nehru disagreed on many issues. Nevertheless, they all worked together.



Constitution  
Defination

↳ functions  
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↳ Authority of  
Constitution

↳ Constituent  
Assembly.



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