

Class 12

History Notes

Chapter 15

Framing the Constitution The Beginning of a New Era

The Making of the Constituent Assembly:

- **Members of the constituent assembly were indirectly elected. Members were elected by provincial legislature. Constituent assembly was dominated by the Congress.**
- **The Muslim League boycotted the assembly as it wanted separate constitution and separate state.**
- **Though members were mostly from the Congress but views and opinion of its members were diverse. In constituent assembly, there was intense debate between the members regarding different ideas and proposals.**
- **Intense discussion within the constituent assembly was also influenced by opinion of the public. Public was also asked to send in their views and ideas.**

- Linguistic minorities asked for protection of their mother tongue, religious minorities demanded for special safeguards. While dalits asked for abolition of caste suppression and reservation in education and government jobs.

The Dominant Voices in the Constituent Assembly:

- Out of all 300 members of the constituent assembly, few members like Pt Nehru, Vallabh Bhai Patel, Rajendra Prasad, BR Ambedkar, ICM Munshi and Alladi Krishna Swamy Aiyar had a remarkable contribution. Pt. Jawaharlal Nehru, Vallabh Bhai Patel and Rajendra Prasad were representatives of the National Congress.
- Pt Jawaharlal Nehru moved crucial “objectives resolution” as well as proposal of National Flag. While Vallabh Bhai Patel played an important role in negotiating with princely states, merging these princely states with India. He drafted several reports and worked for reconciling the opposing point of view.
- Rajendra Prasad as a President of assembly steered the discussion along the constructive lines and made sure that all members had a chance to speak.
- Dr BR Ambedkar joined the cabinet on advice of Gandhiji and worked as law minister. He was the chairman of drafting committee of the constitution. KM

Munshi and Alladi Krishnaswamy Aiyar were another two lawyers who played important role in drafting of the Constitution.

- **There were two civil servants who gave vital assistance to these leaders, one among them was B.N. Rao, who worked as constitutional advisor to government of India and another was S.N. Mukherjee who put up complex proposal in clear legal language.**

The Objective of Indian Constitution:

- **On 13th December, 1946, Jawaharlal Nehru introduced “Objective Resolution”. It proclaimed India to be an “Independent Sovereign Republic” guaranteed its citizen, justice, equality, freedom and assured “adequate safeguards for minorities, backward and tribal areas, depressed, and backward classes”.**
- **Objective resolution outlined the ideals of constitution and provided frame-work for constitution making.**
- **Nehru referred to American and French constitution and event associated with its making. He said that we are not just going to copy them, instead he said it is important to learn from these, so mistakes can be avoided.**
- **Nehru said the system of government to be established in India had to fit in with the temper of our people and should be acceptable to them.**
- **The objective of the Indian constitution would be to fuse the liberal ideas of democracy with socialist idea of economic justice, and re-adapt and rework on all these ideas within the Indian context.**

The Aspiration of the People:

- Somnath Lahiri, a communist member said 'we Indians need to be free from British influences'. He further said Constituent Assembly was British-made and was working with British plan.
- Nehru said, in his response that it is true, British government played role in Assembly's birth and attached conditions to the function of assembly. But, he also said, we have met because of strength of the people behind us and we shall go as far as people wish to go alongwith us.
- He believed that members of assembly were elected by provincial legislature and provincial legislature is elected by Indian people. So here, we represent our country men.
- The constituent assembly was expected to express the aspirations of people. Democracy, equality and justice were ideals that people of India aspires for.

Rights of People:

- The way of defining the rights of people was quiet different. Different demands were made by different groups of people. These demands, ideas, opinions were debated, discussed and conflicting idea were reconcilled and then consensus was made to take collective decision.

The Problem with Separate Electorates:

- Intense debate took place in assembly on the issue of separate electorate. B. Pocker Bahadur gave powerful presentation for continuation for separate electorate. He said electorate will help in giving minorities representation in the political system and in governance of the country. The need of Muslim could not be understood by non-Muslims-he further said.
- Many nationalist leaders saw separate electorates system as a tool to divide people on the basis of

religion and they also believed that this idea was finally culminated in partition of the country. Therefore many leaders were against of it.

- Sardar Patel strongly declared that separate electorate was a poison that has entered the body of politics of our country and turned one community against other, caused blood sheds, riots and partition. So for a peace we need to remove separate electorate.
- GB Pant in a debate said, separate electorate is not only harmful for nation but also for minorities. He said that majority community had an obligation to try and understand the problem of minorities and empathise with their aspirations. Demand of separate electorate would permanently isolate the minorities and will make them vulnerable and in addition it will deprive them of any effective say within government.
- All these arguments against separate electorate was based on the unity of nation, where every individual is a citizen of a state, and each group had to be assimilated within the nation.
- The Constitution will grant citizenship and rights, and in return citizens had to offer their loyalty to the state. Communities could be recognized as cultural entities and. politically members of all communities are equal to the member of the state.
- By 1949, most of the Muslim members of constituent assembly were agreed against separate electorates and removed it.
- Muslims needed to take an active part in the democratic process to ensure that they had a decisive voice in the political system.

Objective Resolution of the Constitution:

- NG Ranga, a socialist and a leader of peasant movement welcomed the Objective Resolution and urged that the term minority be interpreted in

economic terms. The real minorities are poor and downtrodden.

- NG Ranga welcomed all legal and civil rights granted by the constitution to its citizen but said these rights can only be enjoyed when suitable conditions or opportunities are provided. Therefore to make the condition of poor and downtrodden better and protect them, there is need of much more than this resolution.
- Ranga also talked about huge gap between the masses of India and their representatives in the assembly. Most of members of constituent assembly does not belongs to masses. But, they are representing them as their trustees, their companions and trying best to work for them.
- Jaipal Singh a representative, a tribal, spoke in detail about the exploitation, oppression and discrimination faced by tribal all through the history. He further said about the need to protect the tribes and to make provisions that would help them come to the level of the general population.
- Jaipal Singh said, there is a need to break physical and emotional distance to integrate them into mainstream. He stressed on reservation of seat in legislature, as it helps them to give their demands voice and people would be compelled to hear it.

Provision in the Constitution for Depressed Classes of our Country:

- Depressed classes form 20-25% population of our country, so they are not minority but they have faced marginalization continuously.
- Members of Depressed classes suffered systematic marginalization. They had no access to public places, they were suppressed through distorted social and moral orders. Depressed classes had no access to education and had no share in the administration.

- **Members of Depressed classes emphasized the problem of untouchability that could not be resolved through safeguard and protection. To completely remove this, there is a need to integrate these people into mainstream and bring attitudinal change in the society.**
- **The constituent assembly made a provision that abolished untouchability, Hindu temples be-thrown open to all castes and seats in legislature, jobs in government offices be reserved for lowest castes. Many recognized that social discrimination could only be solved through a change in the attitudes within society.**

The Powers of the State:

- **Issue of division of power of the government at the centre and at state level was intensely debated.**
- **Draft constitution provided three lists of subject i.e. Union List-union government can make laws on it. State List, State government can make laws on it and Concurrent List-Both Union and State government can make laws on listed items.**
- **More items are listed in Union list. In India-Union government is made more powerful so that it can ensure peace, security, and can coordinate on the matter of vital interest and to speak for whole country in the international sphere.**
- **However some taxes such as land and property taxes, sales tax and tax on bottled liquor could be levied and collected by the state on their own.**