



## Role of Indian Constituent Assembly in National Integration

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### ABSTRACT

*A Constituent Assembly is a body or assembly generally elected representatives amassed to draft or adopt a constitution or similar document. The origin and growth of the idea of a Constituent Assembly to frame a constitution for free India are intimately interwoven in the fabrics of the Indian national movement. A nation is a group of people composed of one or more nationalities and possessing a more or less distinct territory and government. National Integration is the acquaintance of common integrity among citizens of a country it means that despite we belong to dissimilar regions, castes, religions, and linguists, we identify the fact that we all are one. This article highlights how the demand for the Constituent Assembly of India starts along with the freedom struggle in India. After facing many rejections from the British for making Constituent Assembly, the National leaders did not give up but continued their demand for making Constituent Assembly. This paper is an effort to trace the role of the constituent assembly in the national integration of India. The paper throws light on the origin and development of the constituent assembly of India. This paper tries to investigate the reasons for which the Indian National Congress demanded the Constitution, which would help in the national integration of India.*



## **INTRODUCTION**

In a democratic system, people have the right to construct their system of governance without any outside interference. People enjoy the absolute right to frame their Constitution, which suits that country's people's genius, ethos, and aspirations. Generally, framing the Constitution of a Sovereign democratic nation is performed by a representative body of the country's people. That representative body is called Constituent Assembly.<sup>1</sup> So a Constitutional Assembly is a body or assembly of popularly elected representatives composed to draft or adopt a document called the Constitution. Anderson defines the nation as “an imagined political community – and imagined as both inherently limited and sovereign. It is *imagined* because the members of even the smallest nation will never know most of their fellow members, meet them, or even hear of them, yet in the minds of each lives the image of their communion”<sup>2</sup>. Dr. S. Radhakrishna defines that “national integration cannot be made by bricks and mortar, mold and hammer, but it quietly grows in people's minds through education”<sup>3</sup>. The great ideologist and author Myron Weiner, defines “National integration implies the avoidance of divisive movements that will balance the presence of attitudes in the nation and society that distinguish national and public interest from parochial interest”. The significance of national integration surely can be understood as it helps to secure democracy, progress economic growth, build up the nation and provide all the important rights and duties to the people. A country like India has a mixed society and an abundant population, so it is a more difficult task to achieve. In order to achieve this task, we need something which would maintain the national integration of our country and for this, our constitution plays an important role. It becomes more vital to trace the roots of our constitution and how our constitution was made. It is from our constitution that we get the fruits of equality, liberty, and freedom which plays a meaningful role in the national integration of India.

### **Historical Perspective of Indian Constituent Assembly:**

The origin and growth of the thought of a Constituent Assembly to frame a constitution for free India are intimately interwoven in the fabrics of the Indian national movement.<sup>4</sup> Soon after its foundation, the Indian National Congress began to play its role in the Indian political arena. But the British bureaucrats began to suspect this national organization and doubted that it was a true representative of the people of India. As the representative of Indian Public opinion, Congress passed the Swaraj Resolution in 1905. From this time onwards, the people of India marched ahead in the national mainstream to secure self-rule through securing the right to make a constitution for themselves<sup>5</sup>. The Congress resolution of 1914 adopted in the Madras session asserted India's claim to equality of Status with the self-governing dominions in the reconstitution of the British Empire after the First World War. This resolution is a result of the thinking of Congress leaders since the beginning of the century. Tilak helped to a large extent, create a feeling of revolt in the Indians against British imperialism. He declared in 1916: 'Swaraj is my birthright I shall have it.'<sup>6</sup> In agreement with this thinking, in 1918, in its session at Delhi, the Congress adopted a resolution demanding that the principle of self-determination be applied to India. The British government rejected this demand.

Mahatma Gandhi conceived the idea of the Constituent Assembly. Writing under the caption 'Independence' in his weekly Young India of 5 January 1922, he observed that Swaraj would declare the will of the people of India expressed through her freely chosen representatives.<sup>7</sup> It can be considered as an idea and a demand for Constituent Assembly in an immature stage. Inspired by Mahatma Gandhi's views, a considerable section of the nationalist opinion reiterated their view that Indians themselves should frame the Constitution of India. The Indian National Congress developed a carefully planned constructive effort under Mrs. Annie Besant and Tej Bahadur Sapru. In February 1922, participating in a discussion in the '1921 club', Madras V.S. Ram Swami Shastri suggested that India resort to a 'convention' to frame a constitution. A joint meeting approved the idea of Congress members of the two Houses of the Central Legislature held at Shimla on the initiative of Mrs. Annie Besant. It was followed by a Conference of Legislators in Delhi in February 1924. The demand for a constituent assembly on the floor of the Central Legislative Assembly was, for the first time, made by Pandit Motilal Nehru in 1924. During the debate on a resolution of 5 February 1924 moved by T. Rangachari, suggesting an early revision of the Government of India Act, 1919, to secure for India 'full, self-governing dominion Status' within the British Empire, Nehru, as a leader of the Swaraj Party, the parliamentary wing of the Indian National Congress, moved a substitute resolution on 8 February which the House eventually adopted by an overwhelming majority of 76 to 48 votes. The adoption of the resolution,



which later became famous as the 'National Demand', was a historical event in as much as the Central legislature had, for the first time, lent its support to the growing demand that Indians themselves should frame the future Constitution of India.<sup>8</sup>

The British Government's response to the 'National Demand' resolution was one of the significant challenges for Swarajists. The Secretary of State for India, Lord Birkenhead<sup>9</sup>, not only rejected the national demand voiced by the representative of the people of India in the Legislative Assembly but also threw out an impolite challenge to the Swarajist members to produce a constitution that carries behind it a fair measure of general agreement among the great peoples of India, which he felt he felt would not be forthcoming because of the unfortunate communal differences that existed in the country<sup>10</sup>. This challenge came from him while delivering a speech in the House of Lords in July 1925. The British government was taking advantage of India's communal and political situation appointed in November 1927, an 'all white' Parliamentary Commission (Indian Statutory Commission) under the chairmanship of Sir John Simon to examine whether Indians were fit for being entrusted with a further installment of responsible government.<sup>11</sup> When the commission reached India in February 1928, it was confronted with country-wide black flag demonstration and 'Simon Go Back' slogans. The Anti-Simon agitation was organized throughout the country by nationalist leaders. The Central Assembly was invited to form a joint committee to co-operate with the commission, but it refused to do so.<sup>12</sup>

Lord Birkenhead repeated challenge of producing the Constitution was well taken by Congress. In its session at Bombay, on 17 May 1927, a resolution was adopted calling upon the Congress Working Committee to frame a Constitution for India in consultation with the elected members of the Central and Provincial Legislature and the leaders of other political parties. Accordingly, the working committee organized an 'All-Parties Conference' in Delhi on 12 February 1928 and Bombay on 19 May 1928. The conference, attended by representatives of 29 Organizations, in turn, appointed a 'Seven Member Committee' under the chairmanship of Motilal Nehru to determine the principles of the Constitution of India<sup>13</sup>. The Report of the Committee, dated 10 August 1928, came to be known as the 'Nehru Report'. It was yet another attempt by the Indians to frame a constitution for their country. As recommended in the 'Nehru Report', the Constitution was adopted in principle, but with certain amendments by the All-Parties Conference held at Lucknow on 28 August 1928. The conference reappointed the Nehru Committee to work out details with the consequential provisions and redraft some with the help of a draftsman. The All-Parties Conference held at Calcutta from 22 December 1928 to 1 January 1929 considered the Report but failed to evolve an agreed Constitution. The failure of the All-Parties Conference resulted in further widening of the gap between Congress and the Muslim League. At this juncture, M.N. Roy put forward for the first time the idea of an 'Indian Constituent Assembly' to express the Indian National protest in a still more effective manner. In May 1934, The Swaraj Party, the parliamentary wing of the Congress in its conference at Ranchi, presented a constituent assembly policy. They passed a resolution and claimed for India, in common with other nations, the right to self-determination and expressed that the only method of applying that principle was to convene a constituent Assembly representative of all sections of the Indian people to frame an acceptable Constitution.<sup>14</sup> Jawaharlal Nehru's proposal of a Constituent Assembly was for the first time formally accepted by the Congress on 18 June 1934 when by its resolution, the Congress Working Committee raised the demand for a Constituent Assembly for India as part of its policy on Constitutional and communal issues facing the country.<sup>15</sup> The joint parliamentary committee of the two houses of the British Parliament ultimately rejected India's claim for self-determination and a constituent Assembly. It concluded that "a specific grant of constituent powers to authorities in India is not at the moment a practical proposition."<sup>16</sup> It was followed by the passage of the Government of India Act, 1935. This Act proposed introducing a parliamentary system of government in the provinces and establishing an All-India Federation.

The Congress session held at Lucknow on April 12-14, 1936, rejected the new Constitution declaring firmly that no Constitution imposed by an outside authority could be accepted. It once again stressed the demand for a Constituent Assembly and called upon its representatives and members in legislature and outside to fulfill this demand.<sup>17</sup> Similarly, the Congress Working Committee at Faizpur passed on 28 December 1936 two famous resolutions, one of which condemned the Government of India Act, 1935 and pleaded for a Constituent Assembly for determining the Constitution of India, and another proposed to hold a Convention of Congress Legislators and members of All India Congress Committee to



determine the method of ending the 1935 Act and put the demand for Constituent Assembly. The 'All India National Convention' of Congress legislators met in Delhi on March 19 and 20, 1937. The Convention under the President-ship and guidance of Jawaharlal Nehru adopted the 'National Demand' resolution seeking withdrawal of the 1935 Act and recognition of the right of the Indian people to frame their own Constitution.<sup>18</sup> The Congress decided to keep the British government under continuous pressure and repeated its policy at the Haripura session held on 19-21, 1938. It demanded a Constituent Assembly for framing a constitution without any interference by a foreign authority.

The national leaders of the Congress, Mahatma Gandhi, Jawaharlal Nehru, Rajendra Prasad, C. Rajagopalachari, and others, continuously pressed the British to accept India's demand for a Constituent Assembly. C. Rajagopalachari, in a Statement on 18 November 1939, stressed that only a duly elected Constituent Assembly could provide a lasting solution to the problem of the difference between various political Parties and communalism in this country. In his article 'The Only way', which appeared in the 'Harijan' dated 25 November 1939, Mahatma Gandhi pleaded that the only way to solve all the country's problems is a Constituent Assembly.<sup>19</sup> As the war was in progress, the Viceroy, on 10 January 1940, issued a Statement at Bombay offering 'Dominion Status' for India at the end of the war. Gandhi saw a germ of a reasonable settlement, but the hope was proved wrong at the end of an interview with the Viceroy. The Ramgarh Congress session held on March 17-20, 1940, reiterated its firm conviction that the people of India alone could properly frame their own Constitution through a Constituent Assembly. It declared that 'India can accept nothing short of complete independence. The Dominion Status or any other Status within the imperial structure is wholly inapplicable to India.

#### **British Acceptance of the Demand of Constituent Assembly:**

In a sudden development growing out of the pressure of war on the British government and with a hope of securing India's cooperation, the demand for a Constituent Assembly was for the first time conceded by the British government though in an indirect way and with significant reservations in what is known as the August offer of 1940. In his Statement of 8 August 1940, Lord Linlithgow's Viceroy expressed His Majesty's Government's sympathies with the demand that framing a new Constitution for India should be primarily the Indians' responsibility. He announced that the government wished to see it given the fullest practical expression and was willing to most readily assent to the setting up, after the conclusion of the war, with the least possible delay, of a body representative of the principal elements in India's national life to devise the framework of the new Constitution.<sup>20</sup>

With the sole object of announcing a scheme and holding negotiations with Indian leaders to settle Indian Constitutional problems, Cripps arrived in New Delhi towards the end of March 1942. He released the actual proposals on 29 March 1942, which were unitedly agreed upon by the British war Cabinet. The draft declaration, which became famous as the 'Cripps Offer', marked an advance over the 'August Offer' in as much as it conceded that the making of a new Constitution for India was to rest solely in Indian hands. The Cripps offer declared that immediately upon the cessation of hostility, steps should be taken to set up an elected body charged with framing a new Constitution for India in India. The Cripps offer, however, imposed two significant conditions for the implementation of the Constitution so framed by the Constitution-making body: (1) Provinces have the right not to accept the Constitution and join the Indian Union; (2) the Constitution-making body should sign a treaty With His Majesty's Government on the question of protection of racial and religious minorities. The offer vested the responsibility during the interim period with the British government.<sup>21</sup> The negotiations with the Indian interests were held up to 10 April. The Congress leaders wrote to Cripps that his proposals were not acceptable to the Indian National Congress.

Labour Party's victory in the British elections in July 1945 provided for Fresh initiative. The Viceroy, Lord Wavell, announcing the India policy of the new government on 19 September 1945, promised to convene a constitution-making body as soon as possible. In 1946 February, the British government declared that they were sending a Cabinet Mission to India to resolve the whole issue of freedom and constituent-Making<sup>22</sup>.



On 24 March 1946, Cabinet Mission arrived in India and held long discussions with Indian Leaders. On 16 May 1946, after failing in agreement with Indian leaders, it announced a scheme. Though it recognized that the best way of setting up constitution-Making machinery would be by-elections based on the adult franchise, any attempt to introduce such a step would lead to a wholly unacceptable delay in formulating the new Constitution. The Indian National Congress responded to the Cabinet Mission scheme by pointing out that in its view, the Constituent Assembly, once it came into being, would be sovereign. It would have the right to accept or reject the Cabinet Mission's proposals on specifics. Though the British did not give assurance on these lines, Congress still accepted the Cabinet Mission scheme and tried to work it, as there was the feeling among congress members that rejection would again lead to a delay in the transfer of power. The Muslim league continued to oppose the Constituent Assembly at every stage, before and after it was constituted. Constituent Assembly was not elected based on a universal adult franchise. It was not as genuinely representative as the Congress had demanded. Because only Muslims and Sikhs were recognized minorities deserving unique representation, a special effort was made to see that the assembly reflects the diversity of perspectives present in the country.<sup>23</sup> So the Congress Working Committee in early July 1946 specifically instructed the Provincial Congress Committees to include representatives of Scheduled Castes, Parsis, Indian Christians, Anglo-Indians, tribal, and women in the Congress list in the general category. It was at 11 a.m. on 9 December 1946 Constituent Assembly of India started its first session.<sup>24</sup>

### **Role of Constituent Assembly in Integration of India:**

15 August 1947 dawned, revealing the dual reality of Independence and Partition. The people of India saw 15 August even though the sorrow in their hearts for the division of their land celebrated Independence Day. The misfortunate partition of the country created two nations, India and Pakistan. The partition caused the disaster kind of communal violence. A large number of people who were living in an area for generations had to move to the other area as refugees. We have watched such scenes in some films and documentaries and serials on television. Besides, the Indian political leaders were faced with complex issues related to the integration of Princely States. There were other factors also that could generate problems for the unity of the country. In the above-stated background, the Constituent Assembly of India lays great emphasis on national integration. It frames the constitution, which includes unity and integrity of the nation, as a significant objective mentioned in its preamble. The constituent assembly stipulates that every citizen has the fundamental duty to uphold and protect India's sovereignty, unity, and integrity. The constitution reflects respect for the country's diversity, but it tries to ensure that unity and integrity are maintained. The constituent assembly through the constitution has made provisions for promoting and ensuring national integration. It has accepted socialism, secularism, democracy, liberty, equality, justice, and fraternity as the goals of the Indian political system. Citizens have been empowered with fundamental rights, and their fundamental duties have also been prescribed. The Directive Principles of State Policy direct the State to promote equitable economic development, eliminate social discrimination, and promote international peace and security. And above all, the requirements related to various institutions and processes have been geared toward national integration. Various provisions of the constitution guarantee India to be a secular State. The Indian constitution, through its preamble and mainly through its chapters on Fundamental Rights and Directive Principles, has created a secular state based on the principle of equality and non-discrimination. Along with the principles of social and economic democracy, secularism has been one of the 'Basic Structures' of the Indian Constitution. It has been reflected in the constitution primarily as a value because it extends support to our plural society. Secularism aims at promoting cohesion among different communities living in India. Despite the constitutional provisions and safeguards, it is unfortunate that all Indians are truly secular. We have to experience communal riots at regular intervals. Even a very little reason leads to communal tension and violence. But secularism is essential not simply for maintaining communal harmony and peace but for the very existence of our national integration.

### **CONCLUSION**

After the long struggle for Independence and constituent assembly, India finally got Independence and the constituent assembly. The constituent assembly framed the constitution of free India. The constitution of our country is the supreme law of India. The written constitution lays down the framework that restricts government institutions' fundamental political code, structure, powers, procedures, and duties



and sets our fundamental rights and directive principles. The constituent assembly includes a preamble in the constitution. The preamble is an initial and expression statement in the document which explains the purpose and philosophy of the Indian constitution. The preamble starts with "we the people of India", which stresses our nation's unity and integrity. At last, we can say that in the present we see this integrated country it is because of the constituent assembly that frames such type of constitution which plays a binding factor in the integration of our nation. India is a diverse country and hence has various religious, regional, and cultural challenges, but the constitution framed by the constituent assembly consolidates and brings the people of India together into a single nation through uniform rights and duties.

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