Chapter IV

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Commenting on the circumstances leading to the framing of a new Constitution Sir Ivor Jennings wrote that at some stage in the history of all nations there arises the need for formal determination of the composition and functions of the main instruments of Government. Possibly order has to be produced out of chaos created by a great social revolution; or the nation throws off the yoke of a foreign conqueror; or a nation is created by the fusion of smaller political units. There are many ways of creating a new State or reorganizing the political complexion of an old one; but whatever the circumstance, the need is felt and some person or body of persons is set to draft a Constitution. How true it is! Whatever the situation may it be, if a new Constitution is to be written, codified or enacted there must be a person or some body of persons to frame it.

Constitutions, considered as written instruments, are the work of various agencies according to the genius or special circumstances of the States concerned, some being formed by the executive branch of the Government, some by the legislature, and some by a body for that
purpose specially chosen and Commissioned. In modern times framing of Constitution by a specially chosen or Commissioned or constituted body called a Constitutional Conventions, ‘Constitution-making Body’ or ‘Constituent Assembly’ has become a normal method ever since the making of the federal Constitution of the United States of America by a Philadelphia Constitutional convention of 1787.

Ever since the reconstitution of France by the National Constituent Assembly during the course of the Great French Revolution in the years 1789-1791 a Constituent Assembly has had a revolutionary flavour about it and has been a powerful slogan in popular movements for freedom. The people participating in the revolution or freedom struggle desire to be assured that in future Government would not be as much irresponsible and unresponsive to General welfare of the people as its predecessor had been. They propose to set up a Government on these new foundations and here emerges the idea of the Constituent Assembly. To the people struggling for freedom, the conception of a Constituent Assembly offers many attractions. It crystallizes their urge to freedom and gives it a form on which can be built the permanent superstructure of the country’s new Constitutional edifice. It acts as a clearing-house of different ideologies, offers immense scope for
negotiation and compromise and presents a common front against the outside world.²

Indian nationalist leaders also demanded for the creation of a Constituent Assembly as a means of achieving their objective of freedom from British rule and framing of the Constitution of free India. In this chapter an effort is made to trace the origin and growth of an Indian demand for a Constituent Assembly and the creation of the Constituent Assembly of India.

Indian Demand for a Constituent Assembly

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.³ Soon after its foundation the Indian National Congress began to play its role in 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 Indian Councils Act of 1892 was found to be unsatisfactory, the Congress demanded for reform of the Legislative Councils and the partial Indianization of the Executive Councils. Though the genesis of the idea of the Constituent Assembly can be traced in the Statements of the great nationalist leaders and in the resolutions of the Indian National
Congress, the Constitution of India Bill, 1895 also known as the 'Swaraj Bill' (the literary meaning of 'Swaraj' is the self-Government) may be considered as an earliest effort by the Indians at Constitution making. This draft bill represents the first non-official attempt of drafting a Constitution for India. There is no clear evidence about its authorship. However, Mrs. Annie Besant, who described it as the 'Home Rule Bill' for India and a forerunner of later attempts in that direction, thought that it was probably issued under Lokamanya Bal Gangadhar Tilak's inspiration. The author in a brief preface dated May 8, 1895 explains that the Bill contained the outlines of the Constitution which he wished India to get from the British Government.

The emergence of two new dominations of Australia (1900) and South Africa (1909) in the British Empire inspired the Indian National Congress and influenced Indian political thinking to a great extent. Though the response of the Congress to the Reforms of 1909 was modest and limited to a demand of an adequate representation in the Executive and Legislative Councils, the dynamic leaders like Mrs. Annie Besant and Tilak sponsored nationa-wide compaign for 'Home Rule' which may be considered as a new technique of national struggle for freedom. 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. As early as 1905, the then President of the Indian National Congress declared, while delivering his Presidential address that the goal of the Congress is that India should be governed in the interests of the Indians themselves, and that in course of time a form of Government should be attained in this country similar to what exists in the self-governing colonies of the British Empire.

A few months after the outbreak of the First World War in 1914, G.K. Gokhale proposed a draft scheme of post-war reforms which he felt, could be inaugurated by the Government in response to the growing discontent in the country. The draft scheme can be known as Gokhale’s political testament in which he demanded freeing of provincial Governments from the greater part of the control exercised over them by the Government of India and the Secretary of State in connection with the internal administration and substituting in place of the control so removed, the control of the representatives through the provincial Legislative Councils.5
The claim that the Constitution of India should be formulated by the people of the country through their chosen representatives was first put forward by a few advanced Indian nationalists during the First World War when the British Statesmen had enunciated the famous principle of self-determination for all nations against the ruthless suppression of liberties by Germans. Tilak helped to a large extent create a feeling of revolt in the Indians against the British imperialism. He declared in 1916: "Swaraj is my birth right I shall have it." In agreement with this thinking the Congress, in 1918, in its session at Delhi, adopted a resolution demanding that the principle of self-determination should be applied to India. This demand was rejected by the British Government. By enacting the Government of India (consolidated) Act, 1919, the British made it clear that they were prepared to concede only the gradual development of self-governing institutions. The Act introduced dyarchy in the Provinces. This denial by the British Parliament did not put an end to the Indian demand for self-determination. On the other hand it has become more clamant with the lapse of time and the growth of national strength and Organization.

In August 1920, the Congress rejected the Reforms and under Mahatma Gandhiji’s leadership, launched a campaign of non-violent
non-cooperation. In its Nagpur session in 1921 the Congress adopted a new Party Constitution of which the first article read “The object of the Indian National Congress is the attainment of swaraj by the people of India by all legitimate and peaceful means.” After this, the Congress refused to participate in the Legislative Councils which first met in 1921. However the Congress decided in 1923 to enter the legislatures to wreck the Constitution (the Act).

The idea of Constituent Assembly had been clearly conceived by Mahatma Gandhi. Writing under the caption ‘Independence’ in his weekly Young India of January 5, 1922, he observed that Swaraj would be a declaration of the will of the people of India expressed through her freely chosen representatives. This can be considered as an idea and a demand for Constituent Assembly in an embryonic stage.

Inspired by Mahatma Gandhiji’s views, a considerable section of the nationalist opinion reiterated their view that the Constitution of India should be framed by Indians themselves. Outside the Indian National Congress was developing a carefully planned constructive effort under the leadership of Mrs. Annie Besant and Tej Bahadur Sapru. In February 1922, participating in a discussion in the ‘1921 club’, Madras V.S. Ramaswami Sastri suggested that India should
resort to a ‘convention’ for the framing of a Constitution. The idea was approved by a joint meeting of Congress members of the two Houses of the Central Legislature held at Simla on the initiative of Mrs. Annie Besant. This was followed by a Conference of Legislators in Delhi, in February 1924, in which the essentials of a Constitution of the proposed self-governing dominion of India were outlined and decision to create a representative ‘National Convention’ was taken.

Meanwhile the first Labour Party Government was installed in Britain, in January 1924. The new Prime Minister Ramsay MacDonald expressed the view that dominion Status for India was the idea and the ideal of the Labour Government. Indian leaders welcomed this development in Britain and were happy over the Labour Party’s India Policy. To the mis-Fortune of India, Labour Party was out of office by the end of the year.

The said ‘National Convention’ of 256 members, mostly legislators and ex-legislators representing different Organizations except Congress, met in Bombay in April and December 1924 under the Presidentship of Tej Bahadur Sapru, former Law member of the Governor-General’s Council, and drafted the ‘Commonwealth of India Bill’. Then the Bill was submitted to a sub-Committee appointed by the
All-Parties Conference held at Delhi in January 1925 and presided over by Mahatma Gandhi. After considering the Bill and the amendments suggested by Annie Besant, the ‘National Convention’ meeting at Kanpur, in April 1925, Submitted the Bill to the 5-member ‘Drafting Committee’ which finalised and published it as “The Commonwealth of India Bill.” This bill which provided for a parliamentary executive both at the centre and the States is notable as the finest example of a comprehensive measure giving Constitutional shape to India’s political aspirations.

The Bill accompanied by a memorandum signed by 43 Indian political leaders of various Parties was handed over by Annie Besant in May 1925 to George Lansbury an influential member of the Labour Party. After careful revision and the approval of the Executive Committee of the Parliamentary Labour Party, the Bill was introduced as a private member’s bill in the House of Commons, in December 1925 as a “Bill to constitute within the British Empire a Commonwealth of India” and ordered on December 17, 1925 to be printed. But the Bill failed to proceed any further for unknown reasons.

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 February 5, 1924 moved by T. Rangachariar, suggesting early revision of the Government of India Act, 1919, so as 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 February 8 which was eventually adopted by the House by an overwhelming majority of 76 to 48 votes. The adoption of the resolution, which later became famous as the 'National Demand', was a historic event inasmuch as the Central legislature had, for the first time, lend its support to the growing demand that the future Constitution of India should be framed by Indians themselves. The resolution recommended to the Governor-General in Council to take steps to have the Government of India Act revised with the view to establish full responsible Government in India, and for the said purpose summon a representative Round Table Conference to recommend the scheme of a Constitution for India to be submitted to the British Parliament for embodying it in a statute.

The British Government's response to the 'National Demand' resolution was one of great challenge. The Secretary of State for India, Lord Birkenhead, instead of considering with sympathy the demand
voiced by the representative of the people of India in the Indian Legislative Assembly, threw out an insolent challenge to the Swarajist members to produce a Constitution which carries behind it a fair measure of General agreement among the great peoples of India, which he felt confident would not be forthcoming in view of the unfortunate communal differences that existed in the country. This challenge came from him while he was delivering a speech in the House of Lords on July 7, 1925.

The National Demand resolution of 1924 was reiterated in a more elaborate form on September 8, 1925 when Motilal Nehru’s amendment to an official resolution was adopted by an even more impressive majority of 45 to 14 votes. This resolution recommended to the Governor-General in Council taking necessary steps to constitute, in consultation with the Legislative Assembly, a ‘convention’, ‘round table Conference’ or other suitable agency for formulating a scheme of the Constitution, as the basis of India becoming a self-governing territory of the Empire with fully responsible Government in internal matters.9

As the Government refused to accept the ‘National Demand’ made in the Legislative Assembly, the All India Congress Committee
passed a resolution on March 6, 1926 asking the members of the Swaraj Party in the Legislative Assembly to raise the Constitutional issue once again by moving for the rejection of the first ‘Demands for Grants’ in the Budget of 1926-27. As part of their protest, the Swaraj Party, on March 8, staged a walk out of the members of the Assembly under the leadership of Motilal Nehru.

The British Government taking advantage of the communal and political situation in India 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 instalment of responsible government.

The exclusion of Indians from the Commission was condemned by nationalist Indian opinion through an all-Party meeting held at Allahabad on December 11, 1927. Apart from being a virtual negation of the ‘National Demand’ the appointment of the Commission was deemed to amount to a deliberate insult to the people of India for, not only did it assign to them a position of inferiority but also denied them the right to participate in the determination of the Constitution of their own country. The Congress along with other leading Parties decided to boycott the Commission. 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.

Lord Birkenhead repeated his challenge to Indians when he was speaking in the House of Lords, on November 24, 1927, announcing the appointment of Simon Commission. This challenge was well taken by the Congress. In its session at Bombay, on May 17, 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 political Parties. The working Committee accordingly organized an ‘All-Parties Conference’ at Delhi on February 12, 1928 and at Bombay on May 19, 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. The Report of the Committee, dated August 10, 1928 came to be known as ‘Nehru Report’. This was yet another attempt by the Indians to frame a Constitution for their country. R. Coupland described the Report as not only an answer to the challenge that Indian nationalism was unconstructive but the frankest attempt yet
made by Indians to face squarely the difficulties of communalism.\textsuperscript{10}

The Constitution embodied in the report, was based on the principle of
Dominion statues with full responsible Government on the parliamentary pattern. It included in it a list of fundamental rights and provided for a federal system.\textsuperscript{11}

The Constitution as recommended in the ‘Nehru Report’ was adopted in principle but with certain amendments, by the All Parties Conference held at Lucknow on August 28, 1928. The Conference reappointed the Nehru Committee to work out details with the consequential provisions and redraft the some with the help of a draftsman. The All-Parties Conference held at Calcutta from December 22, 1928 to January 1, 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 the Congress and the Muslim League. It was at this juncture that 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. He suggested that an agitation against the Simon Commission should be developed with a slogan of a Constituent Assembly. This idea, however, did not go beyond the stage of an isolated suggestion. It was

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Within the Indian National Congress and nation-wide, people were divided on the question of Dominion Status and complete independence of India. This division came to the surface in the Congress session at Calcutta, December 28, 1928 to January 1, 1929. The Young leaders like Subhas Chandra Bose, Jawaharlal Nehru and Srinivas Iyengar favoured complete independence as a Congress goal while the senior leaders stood for dominion Status within the British Empire. As a compromise formula the British Government was finally given one year's ultimatum to concede the demand for dominion Status.

Meanwhile the Labour Party came to power in England for the second time and assumed office in June 1929. The Prime Minister MacDonald reiterated the policy of his Party to grant Dominion Status to India. The Government also accepted in principle Motilalal Nehru's suggestion for Round Table Conference. But unfortunately for India, Labour Government failed to take any considerable step in this direction.

The Lahore Congress session of December 1929 took serious note of the failure of the British Government to respond to Congress
ultimatum given one year back. As the British did not give any assurance in regard to Dominion Status or a responsible Government, the leaders of the Congress under Mahatma Gandhi's leadership, with one mind decided to approve the demand made by some Congressmen as early as 1920 and repeated year after year to declare the object of the Congress as complete independence. On December 31, 1929 the session adopted the historic resolution on 'Purna Swaraj', that is, 'Complete Independence'. The resolution said:

"We believe that it is the inalienable right of the Indian peoples as of any other people, to have freedom and to enjoy the fruits of their toil and have the necessities of life so that they may have full opportunities of growth. We believe also that if any Government deprives the people of these rights and oppresses them, the people have a further right to alter or abolish it. The British Government in India has not only deprived the Indian people of their freedom but has ruined India economically, politically, culturally and spiritually. We believe therefore that India must sever the British connection and attain 'Purna Swaraj' or 'complete independence'."¹³
In the session, it was also decided that the pledge of independence declaring it to be “a crime against man and God to submit to British rule” be taken all over the country on the 26th day of January 1930 and repeated each year on that day (Independence Day) till independence was achieved. As the clock struck twelve and the New Year dawned Jawaharlal Nehru the President of the Congress came out in a solemn procession and hoisted the tri-colour flag of Independence (national flag) on the bank of the river Ravi. The Civil disobedience movement was launched on March 12, 1930 as per the decision taken in this session.

In accordance with the decision taken by the British Government to convene a Round Table Conference with the representatives of both British India and the Indian Statues with the view to finding an acceptable solution to the Indian Constitutional problem, the first session met in London on November 12, 1930. Mahatma Gandhi and other leaders of the Congress were absent as they were in jail for participating in the Civil disobedience movement. On January 19, 1931 at the conclusion of the first session, Prime Minister Ramsay MacDonald announced that his Government is going to recognize the principle of responsibility of the Executive to the Legislature in India.
As per the 'Irwin-Gandhi Pact' of March 8, 1931 Congress leaders were released, the Civil disobedience movement was called off and the Congress agreed to participate in the second session of the Round Table Conference which was also held in London during September 7-December 7, 1931. Mahatma Gandhi was the sole representative of the Congress. Though the British Prime Minister repeated, at the end of the second session, his pledge of Dominion Status for India, he was not in a position to take any decision in view of lack of support in the parliament. The third and final session was held in 1932 (November 17 to 24 December) in the absence of Congress leaders who were once again in the jails. The Round Table Conference failed to achieve its main objective. At the end the British Government devised the 'communal award'.

The British Government issued a white paper in March 1933 containing its own draft proposals which were found to be highly unsatisfactory and unacceptable to the nationalist Indian opinion. The Congress Working Committee refused to accept the proposals for Indian Constitutional reforms.

The Swaraj Party, the parliamentary wing of the Congress in its Conference at Ranchi, in May 1934, presented the policy of Constituent
Assembly. They passed a resolution and claimed for India, in common with other nations, the right to self-determination and expressed the opinion 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.\textsuperscript{14}

Jawaharlal Nehru’s proposal of a Constituent Assembly was for the first time formally accepted by the Congress on June 18, 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. The resolution said:

“The only satisfactory alternative to the white paper is a Constitution drawn up by a Constituent Assembly elected on the basis of adult suffrage or as near it as possible, with the power, if necessary, to the important minorities to have their representatives elected exclusively by the electors belonging to such minorities.”

The white paper proposals were subjected to a thorough examination by a Joint Parliamentary Committee of two Houses of the British Parliament. The Committee rejected, outrightly, 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.”\textsuperscript{16} This was followed by the passage of Government of India Act, 1935. This Act proposed to introduce parliamentary system of Government in the Provinces and establish 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 work for the fulfillment of this demand.\textsuperscript{17} Similarly, the Congress Working Committee at Faizpur passed on December 28, 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.
Though the Congress rejected the 1935 Act, it agreed to contest the elections to be held in accordance with that Act. Jawaharlal Nehru said though he was not in favour of contesting elections of February 1937, the majority was in favour of it. By using this opportunity Nehru called upon the Congressmen to use the elections to create mass support for the idea of the Constituent Assembly. The Congress included in its election manifesto the demand for setting up a Constituent Assembly for framing the Constitution of independent India and rejection of the Government of India Act, 1935. Out of eleven Provinces the Congress emerged a majority Party in five Provinces and a largest Party in three Provinces. The Muslim League secured control over one province. The Muslim supported Unionist Party and the Praja Party secured majority in the two Provinces.

Following the election results, the Congress Working Committee met at Wardha on February 27-28, 1937 and reiterated the Congress objective of complete independence and the demand for a Constituent Assembly. Later in the year it also decided in favour of accepting office with the view to wreck the unsatisfactory, reactionary and unacceptable Act of 1935. The election victory in the Provinces gave an opportunity to show the Government that the majority in the country supports the
Congress and its demands. The All India Congress Committee, on March 18, 1937, adopted a resolution recording its high appreciation of the magnificent response of the country and asserted that the people have approved the demand for a Constituent Assembly and pleaded that the Act of 1935 should be withdrawn.\(^\text{18}\)

The ‘All India National Convention’ of Congress legislators met at 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.\(^\text{19}\)

Congress Governments were established in eight out of the eleven Provinces in July 1937. The three remaining Provinces had non-Congress Ministries. The Congress leader Jawaharlal Nehru made it clear that acceptance of office does not mean acceptance of the Slave Constitution. It is not to work the Constitution in the normal way that we go to the Assemblies or accept office. It is to try to prevent the Federation from materializing and thereby to stultify the Constitution and prepare the ground for the Constituent Assembly and independence. As planned by the Congress earlier, the provincial
Assemblies of Bihar, Bombay, Central Provinces, Orissa, United Provinces, North West Frontier Province and Madras, where the Congress held office as well as Sind Assembly adopted during August-October 1937 a similar resolution. It reads:

"This Assembly is of the opinion that the Government of India Act, 1935, in no way represents the will of the nation and is wholly unsatisfactory as it has been designed to perpetuate the subjugation of the people of India. The Assembly demands that this should be repealed and replaced by a Constitution for a free India framed by a Constituent Assembly elected on the basis of adult franchise, which allows the Indian people full scope for development according to their needs and desires."\(^\text{20}\)

On the same question, S. Satyamurti moved on September 17, 1937 a resolution in the Central Legislative Assembly, though there was some interesting discussion on it, no decision was taken. The resolution read:

"That this Assembly recommends to the Governor-General in Council to convey to the Secretary of State for India and to the British Government the opinion of the
House that the Government of India Act, 1935, in no way represents the will of the nation and is wholly unsatisfactory and should be replaced by a Constitution framed by a Constituent Assembly elected on the basis of adult Franchise.”

The Congress, decided to keep British Government under continuous pressure, 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 Indian National Struggle for a Constituent Assembly for framing a Constitution of free India was heavily influenced by the outbreak of the Second World War the war started on September 1, 1939, although England formally declared war on September 3. On the some day the Governor-General of India, Lord Linlithgow declared war on behalf of India. The Congress Working Committee, on September 14, 1939 called upon the British Government to declare their war aims and once again asserted that the Indian people must have the right of self-determination. The two-prominent Congress leaders Jawaharlal Nehru and Rajendra Prasad met the Viceroy and demanded a declaration by the Government to the effect that after the end of the war
India shall have absolute freedom to frame her own Constitution by means of a Constituent Assembly. They made it clear to the Viceroy that they were opposed to the idea of an All-Parties Conference and that the Indian National Congress would not attend any such Conference in future.

Protesting against the Viceroy for dragging India into war without the people’s consent, the Congress Working Committee of October 22, 1939 held at Wardha, called upon the Congress Ministries in the Provinces to tender resignation. It declared that the Congress would not come back to offices again till the Constituent Assembly is convened. Before going out of office, all seven Congress Ministries in the Provinces moved similar resolution in October and November 1939, which were passed with minor amendments. The resolution protested against imposition of war on India, recommended that India should be recognized as an independent nation entitled to frame her own Constitution. After the resignation of Congress Ministries the dictatorial rule of the Governors under Section 93 of the Act of 1935 was imposed.

The Congress working Committee urged the indispensability of a Constituent Assembly and recognition of India’s freedom in order to enable the Congress to consider cooperation with the British
Government in its war efforts. It pleaded that a Constituent Assembly is the only democratic method of determining the Constitution of a free country, and no one who believes in democracy and freedom can possibly take exception to it.

The national leaders of the Congress, Mahatma Gandhi, Jawaharlal Nehru, Rajendra Prasad, C. Rajagopalachariar and others continuously pressed the British to accept India's demand for a Constituent Assembly. C. Rajagopalachariar in a Statement on November 18, 1939, stressed that only a duly elected Constituent Assembly could provide a lasting solution to the problem of difference between various political Parties and communalism in this country. Mahatma Gandhi in his article 'The Only way' which appeared in the 'Harijan' dated November 25, 1939, pleaded that only way to solve all problems of the country is a Constituent Assembly.

As the war was in progress, the Viceroy on January 10, 1940, issued a Statement at Bombay offering 'Dominion Status' for India at the end of the war. Gandhiji saw in it a germ of an honourable settlement but at the end of an interview with the Viceroy the hope was proved wrong. 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 'nothing short of complete independence can be accepted by India. The Dominion Status or any other Status within the imperial structure is wholly inapplicable to India.

The Muslim League in its Lahore Session on March 23, 1940, Stated that while they also stood for complete independence of India, they could not agree to any Constitution which would make Hindu Majority the Dominate Party. It demanded that the Provinces with Muslim majority be separated and made sovereign States. This decision was a great blow to Indian Unity.

The change of leadership in Britain had great impact on Indian struggle. Prime Minister Neville Chamberlain resigned to give way to Winston Charchill. His assumption of the office of the Prime Minister in May 1940 deepened the suspicion in India that the British would not part with power.

British Acceptance of the Demand

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 important reservations in what is known as the August offer of 1940. In his Statement of August 8, 1940 the Viceroy, Lord Linlithgow, expressed His Majesty’s Government’s sympathies with the demand that framing of a new Constitution for India should be primarily the responsibility of Indians themselves. 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 in order to devise the framework of the new Constitution.  

The August offer is a mark of shift in British policy of India. So far Britain considered the actual work of Constitution making to be the sole responsibility of the British Government, even though Indian leaders had been invited for consultation in the Round Table Conferences etc. In the August offer this onerous responsibility was transferred to Indian shoulders and the right of Indians to form their own Constitution was recognized in unequivocal terms. But the offer was rejected by the Indian National Congress, the Muslim League and other political Parties. The British approach to the minority question in
the country was considered to be the main reason for non-acceptance of the offer by all Parties.

The British Government, however, continued to differ with the Congress, on the question of universal adult franchise. The British Government rejected the Congress demand that the Constituent Assembly should be elected by universal adult franchise over the whole of India, saying that it was an impossible demand.

The whole year of 1941, the Congress leaders and individual Congressmen were in jail and the British Government made no further move in that direction. As the war progressed the political movement and activities in the country took a turn. The British Government was eager to seek the fullest cooperation of all sections of the country with a view to prosecuting the war successfully. Japanese attack on Pearl Harbour was a great blow to Britain and America. Awakened by this the British Government set at liberty all detained persons. The Congress responded to this and withdrew 'Individual Civil Disobedience'. After the fall of Rangoon to Japanese forces on March 7, and under pressure from President Franklin D. Roosevelt of the United States, the British Prime Minister Sir Winston Churchill announced in the House of
Commons on March 11, 1942, the dispatch of his Cabinet colleague Sir Stafford Cripps, Lord Privy Seal, for negotiations with Indian leaders.

With the sole object of announcing a scheme and holding negotiations with Indian leaders for the settlement of Indian Constitutional problems, Cripps arrived in New Delhi towards the end of March 1942. He released the actual proposals on March 29, 1942, which were unitedly agreed by the British war Cabinet. The draft declaration which became famous as ‘Cripps Offer’ marked an advance over the ‘August Offer’ in as much as it clearly 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 shall be taken to set up in India an elected body charged with the task of framing a new Constitution for India. With regard to the election and composition of the Constitution-making body it said that the entire membership of the lower Houses of the provincial legislatures, to be elected after the war, shall be a single electoral college, electing about one-tenth of the members of the electoral college to the Constitution making body, by a system of proportional representation. It agreed to make provision for the participation of Indian States (Princely States) in the Constitution-making body.
The Cripps offer, however, imposed two major 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.24

The negotiations with the Indian interests were held up to April 10, on which date the Congress leaders wrote to Cripps that his proposals were not acceptable to the Indian National Congress as the offer gave the right of non-accession for the Provinces undermining national unity and integrity and it did not provide for an Interim National Government. The Muslim League did not accept the offer as it provided for only one Constitution-making body and not two. This resulted in a sort of stalemate in Indian politics. At this juncture Mahatma Gandhi took up a very strong attitude and created in the country a feeling that the British Government ought to transfer all power to the Indian leaders.

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The failure of the Cripps offer was followed by adoption of the historic 'Quit India' resolution by the All India Congress Committee at its session at Bombay on August 8, 1942. The resolution demanded immediate ending of British rule in India and approved the launching of a mass struggle on non-violent lines for the cause of India's right to freedom. It proposed formation of National Government after declaration of India's freedom.²⁵

This was followed by drastic action by the British Government. The Congress leaders were arrested and all Congress Organizations have been banned for three years thereafter. In the larger interest of resolving a Constitutional problem reducing the differences between the Congress and the Muslim League was necessary. A group of nationalists led by Tej Bahadur Sapru took the initiative to make an effort to resolve the deadlock. The plan of holding an all-Parties Conference failed. The stalemate continued until the release of Gandhiji in 1944 following his illness. In July 1944, talks were held between Gandhiji, Sapru and Rajagopalachariar. The dialogue between Gandhiji and Jinnah held in September 1944 brokedown. But Sapru succeeded in holding a Non-Party Conference which appointed a Sapru Conciliation Committee. The report of the Committee was published in 1945 as 203
'Constitutional Proposals of Sapru Committee'. The Committee rejected the idea of Pakistan but recommended parity to Muslims in the Constitution-making body as a fair acknowledgement of the election by joint electorate as proposed in the Cripps offer. Out of the total of 160 seats the Committee recommended allotment of 51 seats each to Hindus and Muslims, in the Constitution-making body to be elected by British India.26

The Sapru Committee recommendations did not contribute towards a solution of the Indian political problems because the Muslim League rejected it as it was against the idea of Pakistan, the Hindus rejected it for its idea of parity for Muslims and Hindus in spite of the much larger Hindu population. The Government also did not take it seriously.

The Germans capitulated in May 1945 and the war in Europe ended. The British Cabinet diverting its attention towards Indian Constitutional problem adopted an unanimous decision with which the newly appointed Viceroy Lord Wavell, who was in London for consultation with His Majesty's Government, returned to India. The decision was broadcast by Wavell on June 14, 1945. The new proposals came to be known as Wavell Plan.27 The main Constitutional position
under this plan remained the same as it was under the Cripps offer. It affirmed the intention of convening a Constitution-making body. It was proposed to reconstitute the Executive Council. The plan authorized the Viceroy to call into Conference a number of Indian politicians. The Conference held in Simla from June 25 to July 14 1945 failed.

The General elections held in July 1945 resulted in the defeat of the Conservative Party and Mr. Clement Attlee of the Labour Party succeeded Mr. Charchill as Prime Minister. This time the Labour Party secured a definite majority for the first time in its forty-five years history. This change in England resulted in a radical alteration of the situation from the standpoint of India’s prospects of securing complete self-Government. On August 15, 1945, a day on which Japan surrendered, His Majesty the King George VI, opening the new Parliament said that “My Government will do their most to promote early realization of full self-Government in India”. This policy announcement of the British Government filled enthusiasm in the Indian nationalist leaders.

Lord Wavell was called to London by the new Government. Prior to his departure, he announced on August 21, that bans on the Congress Organizations were lifted and the General elections would be held both
to the Central Legislative Assembly and the Provincial Legislatures. On
his return, Lord Wavell, on September broadcast a second major India
policy of the British Government. On the question of a Constituent
Assembly the Labour Government declared that it is the intention of
His Majesty's Government to convene as soon as possible a
Constitution-making body, which was to be constituted after the
General elections already announced. This development made both the
Congress and the Muslim League take the elections seriously so that
they can show their strength to the maximum.

The elections to the Central Legislative Assembly were held in
November-December, 1945, while the elections to the eleven provincial
Legislatures were completed in the first quarter of 1946. The Congress
secured 56 out of 102 elected seats in the Central Legislative Assembly.
Of the aggregate of 1585 seats in the Provincial Legislative Assemblies
the Congress won 930 seats and the Muslim League got 426 seats. The
Congress formed Ministries in 8 out of 11 Provinces, the Muslim
League could do so in 2 Provinces and in one province there was a
Congress led coalition Ministry. While the elections were being held in
India a British Parliamentary Delegation visited India from January 6 to
February 8, 1946. On the last day of its stay, the Leader of the
Delegation Stated that, it recognized that the Party difference had disappeared in the unity of the demand for independence. The British Prime Minister Attlee announced on March 15, 1946, that the ‘Cabinet Mission’ consisting of Lord Pethick-Lawrence, the Secretary of State for India, Sir Stafford Cripps, President of the Board of Trade and Mr. A.V. Alexander, First Lord of the Admiralty, was to visit to India to help solve Indian political problem. Explaining the British policy he said the Mission is going to India to help her to attain as speedily and fully as possible. What form of Government was to replace the existing regime was for India to decide; but the desire of the British Government was, to help India to set up forthwith the machinery for making that decision. It would be for India alone to decide for herself whether to remain in the commonwealth or not. He also made it clear that during interim, there shall be an Interim Government of India.28

The Cabinet Mission’s Plan and the Creation of the Constituent Assembly:

The Cabinet Mission arrived in New Delhi on March 24, 1946 and started discussions with various political Party leaders and individuals. The last round of talks were held in Simla from May 5 to 12, but a common basis of agreement was impossible. The Muslim
League pleaded for a separate State of Pakistan and two Constitution-making bodies, one for Hindustan and another for Pakistan. The Indian National Congress was totally opposed to partition but ready for a maximum amount of local autonomy within the United India. In view of the failure to bring compromise the Cabinet Mission, to ensure speedy setting up of the new Constitution put forward, on May 16, 1946 its own proposals which came to be known as “Cabinet Mission Plan”.29

In its Statement Cabinet Mission rejected the Muslim League’s claim for a separate and fully independent sovereign State of Pakistan and recommended that there should be a ‘Union of India’ embracing both British India and the Princely States. It recommended some details of a Constitution to be framed by the Constituent Assembly saying that this would set in motion the machinery where by a Constitution can be settled by Indians for Indians and that the major communities get together in the set up of the Constitution-making machinery.

With regard to the main question of setting up of a Constituent Assembly the Cabinet Mission recommended that to avoid wholly unacceptable delay in electing an Assembly on adult franchise, only practical course would be to utilize the recently elected provincial
Legislative Assemblies as electing bodies. It suggested that each province should be allotted a number of seats proportionate to its population roughly in the ratio of 1,000,000.

The Cabinet Mission, keeping in mind the Muslim League demand for a separate State for Muslim majority Provinces and dealing the burning issue of communal representation, recommended classification of Provinces into sections, as Section A, B, and C. For purpose of giving representation to the two main minority communities of Muslims and Sikhs it recommended division of seats of each province under three categories of General, (all who are not Muslims or Sikhs) Muslim, and Sikh. Fixing the number of seats for each category on the basis of population the Mission recommended that the representatives allotted to each community in a province shall be elected by the members of that community in its Legislative Assembly by means of proportional representation with a single transferable vote.
Table of Representation
Paragraph 19(1) (of Cabinet Mission Plan)

Section A

<table>
<thead>
<tr>
<th>Sl.No.</th>
<th>Province</th>
<th>General</th>
<th>Muslim</th>
<th>Total</th>
</tr>
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<tbody>
<tr>
<td>1.</td>
<td>Madras</td>
<td>45</td>
<td>4</td>
<td>49</td>
</tr>
<tr>
<td>2.</td>
<td>Bombay</td>
<td>19</td>
<td>2</td>
<td>21</td>
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<td>3.</td>
<td>United Provinces</td>
<td>47</td>
<td>8</td>
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<td>Central Provinces</td>
<td>16</td>
<td>1</td>
<td>17</td>
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<tr>
<td>5.</td>
<td>Bihar</td>
<td>31</td>
<td>5</td>
<td>36</td>
</tr>
<tr>
<td>6.</td>
<td>Orissa</td>
<td>9</td>
<td>-</td>
<td>9</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>167</td>
<td>20</td>
<td>187</td>
</tr>
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</table>

Section B

<table>
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<tr>
<th>Sl.No.</th>
<th>Province</th>
<th>General</th>
<th>Muslim</th>
<th>Sikh</th>
<th>Total</th>
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<tbody>
<tr>
<td>1.</td>
<td>Punjab</td>
<td>8</td>
<td>16</td>
<td>4</td>
<td>28</td>
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<tr>
<td>2.</td>
<td>North-West Frontier</td>
<td>0</td>
<td>3</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Frontier Province</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>Sind</td>
<td>1</td>
<td>3</td>
<td>0</td>
<td>4</td>
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<tr>
<td></td>
<td>Total</td>
<td>9</td>
<td>22</td>
<td>4</td>
<td>35</td>
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### Section C

<table>
<thead>
<tr>
<th>Sl.No.</th>
<th>Province</th>
<th>General</th>
<th>Muslim</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Bengal</td>
<td>27</td>
<td>33</td>
<td>60</td>
</tr>
<tr>
<td>2.</td>
<td>Assam</td>
<td>7</td>
<td>3</td>
<td>10</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>34</strong></td>
<td><strong>36</strong></td>
<td><strong>70</strong></td>
</tr>
</tbody>
</table>

I. Total for British India : 292

II. Maximum for Indian States : 93

III. Chief Commissioners' Provinces : 04

**Grand Total** : 389

*Note: In order to represent the Chief Commissioners' Provinces there will be added to Section A the member representing Delhi in the Central Legislative Assembly, the member representing Ajmer Merwara in the Central Legislative Assembly, and a representative to be elected by the Coorg Legislative Council.*

To Section B will be added a representative of British Baluchistan.

The plan recommended to give appropriate representation to Princely States in the final Constituent Assembly which would not exceed 93, The States would in the preliminary stage be represented by a Negotiating Committee.
The Cabinet Mission plan laid down in some detail the procedure to be followed for holding the meeting of the Constitution-making body:

1) A preliminary meeting of the Constitution-making body will be held at New Delhi to elect a chairman and other officers and to set up advisory Committees;

2) Thereafter the provincial representative will divide up into three sections of A, B and C as shown in the table of representation and proceed to settle the provincial Constitutions for the Provinces included in each section and shall also decide whether any group Constitution shall be set up for those Provinces. The plan gave to the Provinces the right to opt out of the group after the first General election under the new Constitution.

3) Finally, the representatives of the sections and the Indian States shall re-assemble for the purpose of settling the Union Constitution.

The Cabinet Mission plan authorized His Excellency the Viceroy to take action for conducting elections as per its recommendations. It provided that it will be necessary to negotiate a treaty between the
Union Constituent Assembly and the United Kingdom to provide for certain matters arising out of the transfer of power.

The Cabinet Mission keeping in mind the demands of the Indian National Congress for a truly National Provisional Government during the interim, recommended setting up of an Interim Government having the support of major political Parties, to be in charge of all portfolios of Government of India.

Though there were differences in regard to interpretation of various provisions of the plan it was generally approved by the nationalist opinion. The Council of the Muslim League on June 6 announced its willingness to participate in the proposed Constitution-making body but pleaded for partition of the country.

In the meantime the Cabinet Mission which was still in India, issued a supplementary Statement on June 16, 1946 regarding the setting up of an Interim Government. It recommended fourteen persons belonging to various communities- Hindus 5, Muslims 5, Scheduled Caste 1, Sikh 1, Parsee 1 and Indian Christian 1 for appointment by the Viceroy as members of the Interim Government to be inaugurated on June 26, 1946. It authorized the Viceroy to allocate the portfolios in consultation with the two major Parties.
The Congress, after seeking explanation from the British Government on some questions, expressed satisfaction about the Cabinet Mission's plan and welcomed the Governments' interest in solving the Indian problem. The Congress Working Committee by a resolution adopted on June 25, 1946, accepted the plan in so far as it involved joining of the Constituent Assembly. But it rejected the June 16 proposals for the formation of Interim Government. The All India Scheduled Castes' Federation and the Akali Sikhs rejected the Cabinet Mission plan saying that it had failed to protect the interests of their respective communities.

As it was not possible for the Viceroy to constitute the Interim Government, the Cabinet Mission issued another supplementary Statement on June 26, 1946. It authorized the Viceroy to set up a temporary care-taker Government of officials to carry on the Government of India until a new Interim Government can be formed. In accordance with this authority the Viceroy, on June 29, 1946 announced the setting up of a care-taken Government of officials of Government of India. At this point Jinnah, the Muslim League leader, pleaded that formation of the Interim Government should be postponed, elections to the Constituent Assembly should also be deferred because
both the parts formed one whole. In spite of this argument the Viceroy announced on June 30, 1946, the schedule for the election to the Constituent Assembly, to be held between July 15 and July 30, 1946. It was also proposed to convene the meeting of the Constituent Assembly around August 10, 1946. The Viceroy appointed Sri B.N. Rau as Constitutional Adviser in charge of work concerned with the convening of the Constituent Assembly.

Jawaharlal Nehru, in a press Conference, on July 10, 1946, expressed his views on the provisions of the plan He said the big probability was that there would be no grouping. There could be some kind of treaty with Britain only if there is a peaceful transfer of power. Minority question is an internal Indian problem and no outside interference would be accepted for solving it. On the other hand Jinnah believed that the plan provided for ‘compulsory grouping’.

In the meantime elections to elect 296 members assigned to the Provinces were completed by the end of July 1946, excepting the election of 4 Sikh members. The Indian National Congress won 205 seats and the Muslim League won 73 seats.

As the Muslim League and the Congress continued to differ on the interpretation of the grouping provisions, the League discussed the
matter in its meeting on July 27, 28 and 29, 1946 and resolved on 29th to withdraw its earlier acceptance of the “Cabinet Mission’s Plan” and decided to boycott the Constituent Assembly. It also decided to resort to ‘Direct Action’ for the establishment of Pakistan. This decision to some extent paralysed the progress in the implementation of the Cabinet Mission’s plan and laid the foundation for riots in the country.

The Viceroy, taking note of the Muslim League’s withdrawal of acceptance to the plan, formally invited on August 12, Jawaharlal Nehru as President of the Congress to submit proposals for the formation of Interim Government. He assured Mr. Nehru that he would act constitutionally. Talk between Nehru and Jinnah about participation in the Government failed. The Viceroy Wavell, therefore went ahead with the reConstitution of his Executive Council and on September 2, 1946, what the Congress liked to regard as the Provisional National Government was sworn in. Jawaharlal Nehru was appointed Vice-President of the Executive Council, which consisted entirely the nominees of the Congress. As elections were held in August 1946, for 4 Sikh seats, in the Constituent Assembly the strength of the Congress further increased. It won 3 of the 4 seats. The following table shows the position of various Parties in the Constituent Assembly.
### Party-Position in the Constituent Assembly as in August 1946

<table>
<thead>
<tr>
<th>Sl.No.</th>
<th>Party</th>
<th>No. of Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Indian National Congress</td>
<td>208</td>
</tr>
<tr>
<td>2.</td>
<td>Muslim League</td>
<td>73</td>
</tr>
<tr>
<td>3.</td>
<td>Unionist</td>
<td>01</td>
</tr>
<tr>
<td>4.</td>
<td>Unionist (Muslim)</td>
<td>01</td>
</tr>
<tr>
<td>5.</td>
<td>Unionist Scheduled Castes</td>
<td>01</td>
</tr>
<tr>
<td>6.</td>
<td>Krishak Praja Party</td>
<td>01</td>
</tr>
<tr>
<td>7.</td>
<td>Scheduled Castes Federation</td>
<td>01</td>
</tr>
<tr>
<td>8.</td>
<td>Sikh (non-Congress)</td>
<td>01</td>
</tr>
<tr>
<td>9.</td>
<td>Communist Party of India</td>
<td>01</td>
</tr>
<tr>
<td>10.</td>
<td>Independents</td>
<td>08</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>296</strong></td>
</tr>
</tbody>
</table>

The Congress was very anxious to see that the Assembly is convened as early as possible. Jawaharlal Nehru thought of convening it, first in mid-September and then late in October. But the Viceroy, anxious to see that the Muslim League joins it, thought of giving enough time for negotiations. It was finally decided to summon the
Constituent Assembly on December 9, 1946. In the meantime the Viceroy succeeded in persuading Jinnah to nominate, from his Party, five members to the Interim Government. The Muslim League joined the Government on October 26, 1946. Their entry made the Government heterogenous and created problems for joint responsibility. As the time elapsed the League members become more obstructive.

Preparations for the meeting of the Constituent Assembly were in full swing. On November 20, 1946, an invitation was sent to all members to attend the first meeting of the Assembly to be held at 11.00 A.M. on 9th December 1946 at the Constituent Assembly Chamber in the Council House, New Delhi. The Muslim League declined the invitation and decided to boycott the Assembly. Quickly and sharply responding to this, Jawaharlal Nehru addressing the Congress session on November 21, said at Meerut that “Mr. Jinnah has tried to get the Constituent Assembly postponed sine die. If it is so postponed now it may be said to be postponed forever. I am not enamored of this Constituent Assembly, but we have accepted it and should make the best use of it for our benefit. I do not expect that this will be the last Constituent Assembly when our freedom becomes ampler we shall have another Constituent Assembly.” This view of Nehru clearly
indicates the firmness of the Indian nationalist leaders about India’s independence and Constitution-making body.

As a last resort to resolving the deadlock, the British Prime Minister Attlee invited on November 26, 1946, the leaders of the Congress, Muslim League and the Sikhs-Nehru, Liaquat Ali Khan and Baldev Singh along with Viceroy Wavell for talks in London. The talks were held during December 2-6, 1946 resulting in complete failure. On the last day the British Government issued a Statement declaring that:

"........ should a Constitution came to be framed by a Constituent Assembly in which large section of the Indian population had not been represented, His Majesty’s Government could not, of course, counterplate .....forcing such a Constitution upon any unwilling parts of the country."34

This Statement may be considered a great blow to India’s freedom and unity. Eventhough the British Government previously assured that minority will not be allowed to veto the advance of the majority, it now acted against the declared policy. In the context of the boycott by the Muslim League the Viceroy was reluctant to call the Assembly. But Nehru declared on December 8, 1946 that it is now a
moral duty to call the Assembly. The Constituent Assembly is duly constituted and is in existence and therefore must start functioning.

As scheduled the Constituent Assembly duly opened at eleven of the Clock in the morning on Monday, the 9th December 1946 at the Constituent Assembly Chamber in the Council House, New Delhi. Out of 296 members 207 members took part in the first day's meeting of the inaugural session. At 11 O'clock, Acharya J.B. Kripalani, then the President of the Congress, proposed Dr. Sachchidananda Sinha, the oldest member of the Assembly as the provisional Chairman and conducted him to the chair.\textsuperscript{35} In fact Viceroy Lord Wavell wanted to open the Constituent Assembly, but the Congress leaders declined. This left him with hardly any other alternative than to leave Delhi for the day. The British Government did not send message for the Constituent Assembly. They refused to recognize it. The U.S.A., China and Australia, however, sent messages of good will.\textsuperscript{36}

The day on which the Indian Constitution making body-the Constituent Assembly of India met in session may be considered as a day of fulfillment of a long standing demand made by the Indian National Congress. The demand for a Constituent Assembly became part of the Congress policy and programme ever since the origin of the
idea of Constituent Assembly in 1920s. At that point of British Indian history, the Indian Nationalist leaders claimed India’s right to frame a Constitution subject to ratification by the British Parliament, when the British Government did not concede to this demand, they went far ahead and demanded in 1930s the creation of a Sovereign Constituent Assembly to frame a Constitution of free India. The Second World War implications for Great Britain forced it to concede the demand for such an Assembly. In spite of obstruction from within the country, in the form of non-cooperative attitude of the Muslim League, the national demand for a Constituent Assembly became a reality. It may be said beyond doubt that the Indian National Congress used successfully, the concept of Constituent Assembly as a powerful tool and a slogan in the National Movement for freedom.
Notes and References


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