CHAPTER – 3

THE STRUCTURE OF CONSTITUENT ASSEMBLY

The constituent assembly which met on 9 December 1946 for its first session had its origin in August 8th offer of 1940 of Lord Linglithgow viceroy of British India. The statement made by him “His majesties Government authorize me to declare that they will most readily assent to setting up, after the conclusion of the war with the least possible delay, of a body representative of the principle elements in Indian, national life, in order to device the frame work of the New constitution and they will lend every aid in their power to hasten decision on all relevant matter to the utmost degree.”

For the first time the British Raj leaders officially committed to making of Indigenous constitution by Indians. The furtherance of the cause was seen it the next important constitutional development. The Stafford Cripps offer of 1942 which “outlined procedure to be adopted in constituting the constituent assembly” and also committed to accept and implement the constitution made by Indians and to grant Dominion status forthwith.

In the interim period saw the negotiation by British Head of the Government for the formation of Executive council to aid and advice the Governor – General in the administration and war efforts.

73 B.Shiva Rao “The framing of India’s constitution” page 152 UL publishing co.pvt.ltd.
The attempt to overcome the communal difference by Simla conference of 25th June 1945 was proposed by viceroy viscount Wavell on June 14, 1945 by inviting prominent Leaders. Indian National Congress headed by Mr. Gandhi, Muslim League headed by Mr. Jinnah, Scheduled class representative headed by Rao Bahadur N. Siva Raj, Master Tara Singh the Leader of Sikh representing Akali party and the leader of Nationalist party plus European group. The premiers and ex-premiers of provinces were also invites to the discussion.

The conference failed due to rejection by Mr. Jinnah of the solution proposed by Wavell to balance the executive council by Equi-proportional representation to all minorities on the basis of population. As it was “vowed policy of British rulers to protect the interest of all minorities”.

The next major step towards the formation of constituent assembly was rolled out on September 19, 1945 by Viceroy Wavells Broadcast about the intention of newly formed. Labour Government in July 1945 in England of accepting the Indian proposal. The proposal highlighted the scheme of Election to provincial Governments and indirect election to constituent Assembly as proposed in Cripps mission of 1942. This was announced to be formed in consultation with representatives of minorities.

The statement of the secretary of state for India Lord Pethick Lawrence Dated December 4, 1945 in House of commons that “His Majesty’s Government regarded setting up of constitution making body in India as a matter of great urgency.”

The fulfillment of the constitution making body began with the election to provincial Legislature and Central Assembly in India. The next step being the preparatory discussion with elected representatives and Indian states for finalizing measures on method of framing the constitution.

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74 Ibid page 149.
In the mean time congress, Muslim League, Akali in Punjab and other minorities’ organization were busy weaving their own concept of Future Nation and constitution.

Congress working committee in its meeting in September. 1945 voted for democratically elected constituent Assembly, with Federal polity and residuary power in units. It strongly voted for United India. But impliedly accepted the principal of partition by accepting the “policy of self-Determination”.75

Muslim League Worked on concept of Pakistan and was trying to form an allianc with Sikh party i.e the unionists and Akalis to support the plan of partition on North-Western frontier province and Eastern parts. By placating communal violence and strengthening movement for Geographical demarcation.

Sikhs in Punjab’s followed in the footsteps of Muslim League for the formation of “Separate Sikh State Khalistan”. Akalis led by Giam Kartar Singh Negotiated with Muslim League and all party conference at Amritsar Jun 1944. The Sikh were in triangular Negotiation with Muslim League, Indian National Congress, and Akali group at the center to rigg the whole issue for its advantage. The failure of “Negotiation with Muslim League due to pre condition of Right to secession as pre-condition for their accession to Pakistan” led the Sikhs to walk into alliance with Indian congress76.

The other major party to the Negotiation were scheduled caste federation opposed any form of new constitutional changes and were happy with the Government of India Act 1935 and were besieged by fear of Hindu country domination if there was a indigenous constitution77.

75 Ibid page 147.
The Negotiation of Christians and Anglo-Indian was proposed by their organization for their protection in future constitutional bodies.

Lord Wavell held a consultation with provincial Governor in August 1945 and decided to have Election to provincial legislators in winter of 1945.

At this juncture last attempt was made by Taj Bahadur Sapru to facilitate the settlement of “Communal Issue and to break political Dead lock”. The Non-party conference headed by Taj Bahadur Sapru and other 30 members made a report after ascertaining views of headers of various parties and communities. “It proposed single United Constitution with safeguards to minorities”. This Sapru committee report of 1945 December was not accepted by Muslims League.

In addition to this an attempt was also made by B.N. Rau to construct constitutional scheme acceptable to both with anticipated results of provincial election. In January 1946 the scheme was for a “Non-Dominated community rule with united India and beneficial allocation to all”.

The scheme was for “Federation” called “United states of India” and territories divided into 3 Groups.

Group A – comprising of central region. ‘British provinces of Madras Bombay Central province, Berar, Orissa, United province.

Berar, Delhi, Coorg, Panth piplopa and Ajmer – Merwara.

Group B: Frontier region. ‘British Indian provinces of Punjab, North west Frontier province, Sind and British Balchistan on the West Bengal and Assam plus Andaman Nicobar Island on the East.

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78 Ibid page 157.
79 This is based on congress WC resolution on “Self Determination” dated Sept. 24, 1945 – Nehrus speech in “All India states peoples conference” Udaipur, Jan 1 1946 – accepted the separate state to Muslims but not to others.
Group C: The Indian states to be merged into Group A or B on the basis of population and plebiscite. Geographical or territorial Adjustment power was to be Give to British Raj.

It proposed that the readjustment should be carefully done between the Group A and Group B territories as it may derail the delicate balance of minorities population. Minority in Group B if transferred to Group A may loose its status as “Substantial Minority” (able to look after itself) and instead it may be reduced to “important minority” vulnerable position not accepted by any.

It also proposed executive committee comprising of Group A B and C representative to Govern the Federation on the basis of population ratio i.e Hindus 6, Muslims 6, Scheduled caste, Sikhs 1, Indian Christians and others one.

The following table show the grouping of states on the basis of religion and geographical positions. This grouping was similar to Muslim leagues demand of Pakistan and Sikh demand of Kalistan. In future this grouping was to be the blue print of division of India on communal lines. It also shows the representation of major- minority representations geographical wise and on basis of population. This became a bargaining platform in the future negotiations between majority and minority privileges.

Table-2: states on the basis of religion

<table>
<thead>
<tr>
<th>Section A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provinces</td>
</tr>
<tr>
<td>-----------</td>
</tr>
<tr>
<td>Madras</td>
</tr>
<tr>
<td>Bombay</td>
</tr>
<tr>
<td>United province</td>
</tr>
<tr>
<td>Bihar</td>
</tr>
<tr>
<td>Central province</td>
</tr>
<tr>
<td>Province</td>
</tr>
<tr>
<td>------------</td>
</tr>
<tr>
<td>Orissa</td>
</tr>
<tr>
<td>Delhi</td>
</tr>
<tr>
<td>Ajmer Merwara</td>
</tr>
<tr>
<td>Coorg</td>
</tr>
<tr>
<td><strong>Total</strong></td>
</tr>
</tbody>
</table>

**Section B**

<table>
<thead>
<tr>
<th>Provinces</th>
<th>General</th>
<th>Muslim</th>
<th>Sikh</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Punjab</td>
<td>8</td>
<td>16</td>
<td>4</td>
<td>28</td>
</tr>
<tr>
<td>N.W.F.P</td>
<td>0</td>
<td>3</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>Sind</td>
<td>1</td>
<td>3</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>9</strong></td>
<td><strong>22</strong></td>
<td><strong>4</strong></td>
<td><strong>35</strong></td>
</tr>
<tr>
<td>Baluchistan</td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>36</strong></td>
</tr>
</tbody>
</table>

**Section C**

<table>
<thead>
<tr>
<th>Provinces</th>
<th>General</th>
<th>Muslim</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bengal</td>
<td>27</td>
<td>33</td>
<td>60</td>
</tr>
<tr>
<td>Assam</td>
<td>7</td>
<td>3</td>
<td>10</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>34</strong></td>
<td><strong>36</strong></td>
<td><strong>70</strong></td>
</tr>
<tr>
<td>Total for British India</td>
<td></td>
<td></td>
<td><strong>296</strong></td>
</tr>
<tr>
<td>Minimum for Indian State</td>
<td></td>
<td></td>
<td><strong>93</strong></td>
</tr>
</tbody>
</table>
It also shot down the Sikh demand of Khalistan as Sikh to population distribution and Geographical boundary fixation was not compact.

The Results of the elections to the provincial legislator threw up the expected result i.e the Congress which went into election with manifesto of “Quit India moment” won most of the General seats and was able to form Ministry in 7 out of Eleven provinces. In N.W.F.P. Red shirt party formed Ministry with Dr.Khan sahib who was congress man.

In Punjab a coalition ministry was formed with support of congress and Akali party under unionist Muslim Khizr Hayat khan.

In Sind and Bengal Muslim League sized power and it won almost all Muslim Quota seats i.e 446 seats out of 495.

The completion of provincial election prepared ground work for the next reforms i.e the formation of constitution making body. This was started with the secretary of state for India. Pethick Lawrence announcement on Feb 19, 1946 of setting up a “Cabinet mission to India” consisting of himself, Stafford Cripps and A.V Alexander as its member.

Cabinet mission reached India on 23, 1946 March, and after series of official discussion made a press conference on 1st April 1946 where it stressed that Independence of India was already decided and it was with the mode of transfer of power the issue was to be discussed with different sections and determined by an agreement on new constitutional structure.

The Mission had elaborate interviews and meeting with various political parties, communities and Groups in April 1946 Muslim League and Indian

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80 RC Agarwalla “Constitutional History of India” Page 1334-335.
81 Shiv Rao “The framing of Indias constitution” page 176 doc 45.
National congress were sharply divided on fundamental issues. Simla conference between May 5th and 2nd week of May did not yield any final result. Congress opposed the proposal on basis of (1) Groping of provinces (2) The formation of Executive Council (3) The proportion of Election i.e 1/10 of the Legislative members be reduced to 1/5th and lastly weak central Government.

Muslim League demanding separate constitution making body to Muslim majority province\(^\text{82}\).

This compelled the cabinet mission to put forth its own proposal as “Cabinet Mission plan” on May 16, 1946 regarding basic form of constitution and constitution making body.

The broadly the proposal had following recommendation on Three tier Basis.

a) Union of India embracing British India and Indian State (princly states).

b) Union was to deal with Foreign affair, Defense and communication and financial power.

c) Residuary power and all other subjects other than those given to union to be in provinces.

d) Compulsory Grouping of provinces in to 3 basic Groups.

e) Constitution to be framed by constitution making body by provincial representatives represented on population basis 1 member to a million.

f) The seats in provinces were divided among principal communities i.e General, Sikhs and Muslims reservation for others was Given up.

g) Member of each community were to be elected, by members of that community on basis of their Numerical strength in provincial Assembly by method proportional representation.

\(^{82}\) Ibid page 47 to 207.
h) The representatives of Indian states were to be elected on the basis of population as in case of British province. The method of selection was left to provinces to be decided by consultation.

i) Grouping provision were introduced for constitution making body. Provincial representatives were to work in three separate sections. A, B, C.

j) Immediate setting up of Interim Government having support of major political parties.

The para 15 of cabinet mission contains the basic structure of the Government plan it contained provision relating to protection of minorities in political sphere i.e Any Question raising a major communal issue in the Legislature should require for its decision a majority of the representative present and voting of the two major communities as well as majority of all the members present and voting.

The provincial autonomy and freedom to join any grouping with residency power and revision of constitution after 10 years.

Para 18 and para 19 prescribes the recognition of only three main communities i.e General, Muslim and Sikhs and representation to them in provincial legislature as a matter of special interest to minorities. It also provided for the total number of members to be elected by each communities and General as 292 and from princely states total of 93. The total membership of union constitutional arrangement coming up to 385.

The para 20 describes the composition of the “Advisory committee” on the Rights of citizens, Minorities and Tribal and excluded areas to contain full representation of the interest affected and their report to be submitted to union

83 Ibid page 214-216.
constituent assembly for its approval and decided whether to incorporate them in provincial constitution, Group or Union constitution.

The provinces and the Union were to have constitutions of their own so as to protect the interest of Religious, linguistic, population minorities. They had to be decided on basis of states Negotiation committee.

The exposition of cabinet Mission statement by Stafford Cripps at a press conference on May 16 1946. Elucidates the concept of Minorities in their Geographical context and the smaller minorities, the tribal and excluded area.

The minorities were classified into 2 groups.

1) Major minorities – i.e Hindus in Muslim provinces Muslims in Hindu provinces – Depressed classes having representation in number of provinces were to be dealt with in the method of representation i.e “Proportional representation” in main construction of constitution making bodies.

2) Smaller Minorities – Indian Christians – Anglo Indians Tribal representatives were to be give better opportunity of influencing the minorities issue by making provision for setting up of “Influential Advisory Commission” to constitution making body.84

This body was to deal exclusively in the provisions relating to Fundamental Right, the minorities protection clause, the proposals relating to administration of Tribal and excluded areas. These commission recommendations were to be inserted in various provision of union or provincial constitution.

The provision relating to dividing India into 3 categories General, Muslim and Sikh and providing for the “Groping provision” of the “Cabinet Mission plan was master plan of british raj. This did not have the willingness

84 Ibid page 223 & 224.
of the parties in India. This in addition to the minorities issue already mentioned above to be introduced by the British Raj.

The Congress and Muslim League opposed the mission plan initially on basis of provincial right of succession and the right of representation to Europeans. As the INC deemed the constitution making body to be indigenous body. This problem was solved by Bengal Europeans party Decision to abstain from the constituent assembly election by its July 5 1946 statement muslim leagues non acceptance of “Pakistan” i.e refusal by the cabinet Mission of demand for separate state later muslim leagues agreed to participate in election to constituent assembly by its June 6 1946 resolution.

The Sikhs reject the plan on two issues that are

(1) Grouping of Punjab in Group B.

(2) The representation given to Sikhs was mere 4 in Number.

A resolution to this effect was passed in Jun 10, 1946 by Sikh panthi conference85.

Which was later retracted by the Sikhs on August 14, 1946. They elected their representative to constitution making body on Appeal by secretary of state and viceroy and based on resolution of congress working committee.

The formation of interim Government on the basis of the June 16 1946 Statement of Cabinet Mission opened up the many questions. The Negotiation of May 1946 in Simla had failed to broker common ground and again the June 16 proposal was put forward which fell flat due to Muslim Leagues opposition to Muslim representative being nominated by Government and equal representation to Muslims in cabinet. The 14 member interim Government plan voluntarily put forward by Cabinet Mission with 6 Hindus including 1

85 Ibido page 52.
scheduled caste, belonging to congress, 5 Muslims of Muslim League, one Sikh, one Parsee and one Indian Christian was failure as majaour parties disagreed.

Finally congress accepted the cabinet mission proposal, by its working committee resolution on June 25, 1946 to participate in formation of constituent Assembly & contest election but rejected to be part of Interim Government.

The acceptance of cabinet mission plan subjected to condition promoted Mr. Jinnaha to accepted June 16 offer to form Interim Government which was rejected by Viceroy Lord wavell. Muslim League disgusted by this withdrew its earlier acceptance of the “May 16 plan” and resorted to “Direct Action” for establishment of fully sovereign state of Pakistan by its resolution of July 27-29, 1946.

The election to the constituent assembly were held in July 1946. The election for 296 seats of constituent assembly were held on the basis of Indirect election by electoral college consisting of the provincial assembly representatives. The pattern of representation to the constitution assembly was classified into 3 classes with each category of classes electing members from its communities. The 93 members were to be elected by states were kept pending due delay in Negotiation.

Thus the whole assembly was based on the Elite concept of I N C Ideology, Communal based ideology representing different class of Religious broadly the Muslims and Sikhs. The congress taking the initiative of representing all the various section of the society as its nominees true to its Nationalistic approach.

The July 1946 election to assembly Muslim League won all the seats reserve for Muslims except 7 i.e 71 Muslim seats were bagged by Muslim League.
Congress won 208 of 296 General seats allotted to provinces and the remaining places went to 5 Groups the Akalis, unionist from Punjab parties, 3 each, communist and scheduled caste federation. (Dr.B.R.Ambedkar) 1 each.

In addition to this congress had all its senior party members as part of constituent Assembly the list included. 6 past or present congress presidents, 14 provincial congress committee presidents, by 1949. 14 out of 18 members of the congress working committee were active in Assembly Debates.

The cream of the congress party leadership i.e Jawaharlal Nehru, Vallabhai patel, Maulana Azad, Rajendra Prasad were the prominent figure who held sway over most of the issue in the debates of the constituent assembly their words were Gospels of Nationalism which were seldom violated and their direction was accept by majority of congress member in CAD.

But the congress part policy of having Nationalist approach and bringing in humanistic touch and experts into constituent assembly played important role in giving representation to diverse social ideologies. The cabinet Mission plan of May 16 1946 did not have provision for smaller minorities i.e Paris, Anglo-Indians, Indian Christians, Members of Scheduled caste and Tribes congress egalitarian approach saw the representation of woman in the General category.

Congress working committee headed by Nehru, Pant, Rajgopalachari recommended the election of Luminaries in the field of Administration, Law and Constitution for utilizing their expertise in the constitution making some of prominent members elected were A.K.Ayyar, Dr.B.R.Ambedkar, H.N.Kunzru, N.G.Ayyangar and others.

Table-3:

Table of Representation

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86 Dr.B.R.Ambedkar elected from Bombay province on Congress Ticket.
87 Granville Austine “The Indian constitution cornerstone of Nation” 1979 page 11-25.
The minorities’ communities were represented on congress ticket. From various province. Their numbers were as follows.

<table>
<thead>
<tr>
<th></th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indian Christians</td>
<td>7</td>
</tr>
<tr>
<td>Parsees</td>
<td>3</td>
</tr>
<tr>
<td>Muslims</td>
<td>4</td>
</tr>
<tr>
<td>Scheduled caste</td>
<td>29</td>
</tr>
<tr>
<td>Anglo Christians</td>
<td>3</td>
</tr>
<tr>
<td>Indian Christians</td>
<td>6</td>
</tr>
<tr>
<td>Backward Tribe</td>
<td>4</td>
</tr>
</tbody>
</table>

August 1947 14th i.e partition and with the inclusion of members from princly states their number stood at 88\(^8\).

Table containing parties, communities representative

<table>
<thead>
<tr>
<th>Number</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Hindus (excludined SC)</td>
<td>156</td>
</tr>
<tr>
<td>Congress nominees</td>
<td>1</td>
</tr>
<tr>
<td>Communists</td>
<td>1</td>
</tr>
<tr>
<td>Landlords</td>
<td>3</td>
</tr>
<tr>
<td>Commerce and industries</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>163</td>
</tr>
<tr>
<td>2. Scheduled caste</td>
<td>29</td>
</tr>
<tr>
<td>Congress nominees</td>
<td>1</td>
</tr>
<tr>
<td>Scheduled caste federation</td>
<td>1</td>
</tr>
</tbody>
</table>

\(^8\) B.Shiv Rao “Framing of Indian Court” page 287-289.
<table>
<thead>
<tr>
<th>Party</th>
<th>Nominees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unionist</td>
<td>1</td>
</tr>
<tr>
<td>Muslims</td>
<td>31</td>
</tr>
<tr>
<td>Muslim League</td>
<td>73</td>
</tr>
<tr>
<td>Congress</td>
<td>4</td>
</tr>
<tr>
<td>Unionists</td>
<td>1</td>
</tr>
<tr>
<td>Krishak proja</td>
<td>1</td>
</tr>
<tr>
<td>Shahid Jirga</td>
<td>1</td>
</tr>
<tr>
<td>Anglo Indians</td>
<td></td>
</tr>
<tr>
<td>Congress Nominees</td>
<td></td>
</tr>
<tr>
<td>Others</td>
<td></td>
</tr>
<tr>
<td>Indian Christians</td>
<td>6</td>
</tr>
<tr>
<td>Congress nominees</td>
<td>0</td>
</tr>
<tr>
<td>Others</td>
<td>6</td>
</tr>
<tr>
<td>Parsees</td>
<td></td>
</tr>
<tr>
<td>Congress nominees</td>
<td>3</td>
</tr>
<tr>
<td>Others</td>
<td>0</td>
</tr>
<tr>
<td>Backward Tribes</td>
<td></td>
</tr>
<tr>
<td>Congress nominees</td>
<td>4</td>
</tr>
<tr>
<td>Independents</td>
<td>2</td>
</tr>
<tr>
<td>Sikhs</td>
<td>6</td>
</tr>
<tr>
<td>Vacant (Later elected)</td>
<td>296</td>
</tr>
</tbody>
</table>
The nature of the minorities membership as understood by the table is that except for the Muslims elected by Muslim League. All other minorities were elected on Ticket of the congress party which had its influence on their exposition in the Assembly.

The conservative Hindu ideology was not represented in the constituent Assembly due to No representative being elected from any province (Indirect Election)

The communists were not elected due to their opposition to Congress ideology and due to reason that during the National movement they formed alliance with foreign powers to dominate India.

Socialists were unable to get any representation as well and they boycotted the constituent assembly as not true representative body of people as it was indirectly elected. The representation of RSS was not possible due to its opposition to Gandhian Ideology.

But the congress had its share of conservatives in members like purushotham das, Mr.Kaykar, Shyam Prasad Mookerjee & other members of CAD.

In addition to this there was dual membership i.e position in CAD and the Government, premiers of province and CAD membership, ministers of provinces and CAD membership, Speakers of province and membership of CAD.

1) The first category is seen in membership of Jawaharlal Nehru, Sardar Vallabhai patel, Rajendra Prasad and others.

2) 2nd Category is seen in T.Prakasam, B.G.Kher, Horekrushna Mahtab, G.B Pant R.S.Shukla, Sri Krishna Sinha, H.S. Salvardy Gopinath Bardoli.

Except H.S. Suhrawardy all were the members of congress party.\footnote{Table on page 292-B.Shiv Rao “Framing of Indian constitution”.

90
3) Ministers of provinces

Mrs. Vijaya Lakshmi Pandit, Kailas Nath Katgu, and other totaling 10 in Number

4) Speaker of province – Purushotham Das Tandon.

The list of members show below have dual membership and triple membership were not only the members of provincial legislatures. But also as part of constituent assembly, advisory committees, and government. This reflects the composition of monolithic structure of congress members dominating all the three spheres as coined by Granville Austin “Triad” and the fourth sphere that is center and state legislature/executives.

Table-4:

DUAL MEMBERSHIP OF IMPORTANT PERSONALITIES ELECTED TO THE CONSTITUENT ASSEMBLY

(a) Party Leaders:

1. President of the Indian National Congress : Jawaharlal Nehru.

2. President of the All-India Muslim League : Mahomed Ali Jinnah

3. President in Chief of the Anglo-Indian Association : Frank Reginald Anthony (nominated by the Congress party)

4. President of the All-India Hindu Mahasabha : Syama Prasad Mookerje (nominated by the Congress party)

5. Leader of the All-India Scheduled castes Federation : Bhimrao Ramji Ambedkar.

6. President of the All-India Depressed Classes League : Jagjivan Ram (nominated by the Congress Party)

90 Ibid page 295.
7. President of the All-India Women’s Conference: Mrs. Hansa Mehta (nominated by the Congress party)

8. President of All-India Landholders Association: Kameshwar Singh (Maharajadhiraja of Drabhanga.)

(b) Premiers of Provinces

1. T.Prakasam (Madras) – Congress

2. B.G. Kher (Bombay) – Congress

3. Harekrushna Mahtab (Orissa) – Congress

4. Govind Ballabh Pant (U.P.) – Congress

5. R.S.Shukla (C.P.) - Congress

6. Sri Krishna Sinha (Bihar) – Congress

7. H.S.Suhrawardy (Bengal) – Muslim League

8. Gopinath Bardoloi (Assam) – Congress

(c) Ministers of Provinces

1. Mrs. Vijaya Lakshmi Pandit (U.P) – Congress

2. Kailash Nath Katju (U.P) – Congress

3. Rafi Ahmed Kidwai (U.P) – Congress

4. Anugraha Narayan Sinha (Bihar) – Congress

5. Mehr Chand Khanna (N.W.F.P) – Congress

6. Mozaffar Ali Khan Qazilbash (Punjab) – unionist

7. M.A.Khuho (Sind) – Muslim League

8. Pirzada Abdus Sattar (Sind) – Muslim League

9. Basant Kumar Das (Assam) – Congress
10. J.J.M. Nichols Roy (Assam) - Congress

(d) Ex-Premiers of Provinces
1. C. Rajagopalachari (Madras) – Congress
2. Raja of Bobbili (Ex-Chief Minister, Madras) – Nominated by Congress
3. Biswanath Das (Orissa) – Congress
4. A.K. Fazlul Huq (Bengal) – Krishak Proja
5. Khwaja Nazimuddin (Bengal) – Muslim league
6. Muhammad Saadulla (Assam) – Muslim league

(e) Ex-Ministers, or ex-Members of Governor’s Executive Council
1. M.A. Muthiah Chettiar (Madras) – Nominated by Congress
2. P. Subbarayan (Madras) – Congress
3. B. Gopala Reddy (Madras) – Congress
4. V. I. Muniswami Pillai (Madras) – Congress
5. K. M. Munshi (Bombay) – Congress
6. Bodhram Dube (Orissa) – Congress
7. Maheshwar Dayal Seth (U.P) – Congress
8. P. S. Deshmukh (C.P) – Nominated by Congress
9. Sachchidananda Sinha (Bihar) – Independent, nominated by Congress
10. M. H. Gazdar (Sind) - Muslim League
11. Syama Prasad Mookerjee (Bengal) – Hindu Mahasabha, nominated by Congress
12. K. Shahabuddin (Bengal) – Muslim league
13. Tamizuddin Khan (Bengal) – Muslim League

14. Abdul Matin Choudhury (Assam) – Muslim League

15. Maulvi Abdul Hamid (Assam) – Muslim League

16. Rohini Kumar Choudhary (Assam) – Congress

17. Akshay Kumar Das (Assam) – Congress

(f) Ex-Members of Governor-General’s Executive Council
   1. Jwala Prasad Srivastava (Commerce and Industry) – Independent
   2. Malik Muhammad Feroze Khan Noon – Muslim League
   3. B.R.Ambdekar – Scheduled Castes Federation
   4. M. Azizul Haque – Muslim League

(g) Speaker of Provinces
   Purushottamdas Tandon (U.P) – Congress

(h) Ex-Speakers of Provinces
   Sardar Bahadur Khan (N.W.F.P) – Muslim League

(i) Ex-High Court Judges
   Bakshi Tek Chand (Punjab) – Nominated by Congress

(j) Ex-Dewans of States
   N.Gopalaswami Ayyangar – Nominated by Congress

In addition to this the members of the congress party followed the direction and resolution issued by the Party conferences and resolution which made the congress ideology predominant in the constituent assembly. Most of the members selected from provincial legislature were seasoned congress men with hard core nationalistic philosophy. This is realized by studying this chart.
**TABLE - 5**

**NUMBER OF SEATS IN THE CONSTITUENT ASSEMBLY SECURED BY MEMBERS OF LEGISLATURES**

<table>
<thead>
<tr>
<th>Members, Council of State</th>
<th>6</th>
</tr>
</thead>
<tbody>
<tr>
<td>Members, Central Legislative Assembly</td>
<td>28</td>
</tr>
<tr>
<td>Members, Provincial Legislatures:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Legislative Assembly</td>
</tr>
<tr>
<td>Madras</td>
<td>17</td>
</tr>
<tr>
<td>Bombay</td>
<td>10</td>
</tr>
<tr>
<td>Orissa</td>
<td>5</td>
</tr>
<tr>
<td>U.P.</td>
<td>29</td>
</tr>
<tr>
<td>C.P.</td>
<td>8</td>
</tr>
<tr>
<td>Bihar</td>
<td>21</td>
</tr>
<tr>
<td>Punjab</td>
<td>15</td>
</tr>
<tr>
<td>N.W.F.P</td>
<td>2</td>
</tr>
<tr>
<td>Sind</td>
<td>3</td>
</tr>
<tr>
<td>Bengal</td>
<td>25</td>
</tr>
<tr>
<td>Assam</td>
<td>9</td>
</tr>
<tr>
<td></td>
<td>144</td>
</tr>
<tr>
<td>Member, Coorg Legislative Council</td>
<td>1</td>
</tr>
<tr>
<td>Member, Cochin Legislative Council</td>
<td>1</td>
</tr>
</tbody>
</table>
Other  |  101
Vacant |     4  
Total for British India 296

In addition to this “Triangle” of constitution making i.e congress, constituent assembly and Government dominated by congress men. the multiple member ship at provincial and constituent assembly re inforced national ideology.

The Boycott of Muslim League from entering the CA assembly and calling for “Direction Action” had a polarizing effect on the minds of the members and nation as a whole.

The Sikh Religious based Akalis decision to boycott initially the C A and later entering the house made their presence limited to their protection.

This congress effect was again compounded by the leadership of Nehru, Patel, Azad or other congress personality in influencing the outcome of the various committee report all the Eight Major committee were monitored by one or the other personality. Thus prevailed the congress Nationalistic Ideology as a whole on the making of the constitution.

The role and participant of members in the assembly was limited to 20 very active and influential members participation where as the participation of other was limited due to time, language, and prevailing dominant congress ideology.

The partition and withdrawal of the Muslim league members to constituent assembly of the Pakistan raised the percentage of the congress members from 69% to 82 percent. Membership of Muslim League fell down to 28%. This had a bad effect on the “Morale” of muslim league members.
The partition and the lab our pain of Birth of New Nation in the form of Blood Bath reduced the Muslim members position to that of betayers. Their arguments were view in suspicious or as though they had their share of bounty and they are no more eligible to share anything.

The position of Sikh was that of an Agreed party as they could not get separate Khalistan or requisite number of member to bargain in the constituent assembly. They were rather dependent on the Goodwill of the congress party and it’s Leader.

The position of Indian Christians, Anglo-Indians, Pariss, Jains and other speak small minorities was precarious. Firstly, because they were left in lurch by the cabinet mission plan. Secondly, they were at the mercy of congress and its leaders due to their low population which did not allow them bargaining power lastly whatever representation they had in assembly it was due to consciousness of the congress party nomination (as seen in the table 2).

The constituent assembly membership though individually represented many parties, communities’ castes, Race. Ideologically the whole assembly was swayed by congress ideology.

In addition to the democratic principle of rule of majority and passing of the amendment based on the number of votes saw that balance always shifted towards congress support and got passed.

The domination of Hindu Brahmins and upper class Individual had a debilitating effect on the debate on the questions of Christians lower class. It were treated as prejudiced by colonial rule support.

The nature of the membership was that of Elite class i.e lawyers, Businessmen etc. which had prejudiced approach because of their upbringing in affluent families.

**Dominant Philosophy of Constituent Assembly**
The nationalistic view of the constituent assembly was based on the basic philosophy of unity, secularism, democracy and justices. These philosophies were basically the congress ideology pursued since its inception in 1885 congress believed in united India and assimilation of various interest of individual as well as groups.

The nationalist resolution of moderates for “Dominion Status for India put forward by “Feroz shaw mehta, Dada bhai Navorji ,Dinshaw wach” was a united India in the British Empire.

The ideology put forward by the Swadeshi movement proponents i.e. extremists Tilak, Lala Lajpatrai, and Arbinda Ghosh was that of united India with self-rule. The movement of opposing the partition of Bengal into two provinces of East and West in 1905 saw the whole country in deluge of National movement. The Singing of National song “Vande Mataram” was the aspiration that put forward the “Unity of Nation” as paramount importance. The starting of Nationalist. Institution and boycotting foreign goods were symbols of opposing foreign Domination and evoking of self respect in Independent United India. The same “Nationalistic words i.e. Akanda Bharath” propounded by Hindu Conservative element ment the same. The non-cooperation movement started by Gandhi in association with the Khilafat committee was to bring in unity of the two major committees and to establish united India on the basis of Multiculturalism. The accommodation of the aspiration of the minorities’ communities in the Lucknow pact by providing separate electorate was for the cause of united union. The giving of separate electorate, reservation and weightage were condemned as instruments of separatism, a sympathetic view was eposde that it is required to belie the fears of minorities.

The “Nehru committee” report of 1928 concretised these ideology in form of establishment of a secular nation. A secular nation in which individual and Groups could have space for Identity, Development and argument in a nation. The introduction of fundamental rights as important feature of future
constitutional reform and congress Ideology of balancing individualism and communalism reflected the major idealistic position.

Between 1925 to 1935 the “Socialism and Communism” started to gain currency in Indian National Congress. These two philosophies were given importance because according to Gandhi “Individuals are subjected to state persecution, and socialism has no space of individualism, Gandhian philosophy of Idealistic Utopian Anarchie state was possible only on Individual Identity development, fundamental rights, nationalistic view. It viewd individual is as complete embodiment of nationalism, where duties prevailed over rights, where everybody recognised his duties and rights to each other as citizen in the establishment of “RamaRajya”.

The salt sathya graham was symbol of “Common man”. It was the basic need of every individual and was naturally bestowed by nature to all, to use it. The colonial policy of monopolistic right over the salt was constructed as violation of Basic human right and Individualism. The link between the land/nature and individual was being interfered with there by violating fundamental rights of one and all.

The declaration of “Poorna Swaraj” on the banks of Jehlam river in Lahore by Jawaharlal Nehru in 1930 and issuing of ultimatum to congress was the furthering of this Ideology.

Muslim league was in oblivion between 1925 to 1935 and the most of the Muslim leader’s espoused the cause of nationalism. Next stage in the construction of this united India is picturised in the debates of the roundtable conference between 1930-1932 where the separatism policy was limited to major religious minorities and opposed to extending it to “Depressed Classes.” It was believed that the colonial rulers after sowing the seeds of distrust on basis of the religion were moving towards cast based “vivisection”.

The opposition for claims of minorities was also moderated by accommodating them in political sphere by increased representation through
joint electorate. The basis ideal is to promote gradual interaction and promote assimilation with society of depressed classes. The opposition was also expressed at the demand of princely states for a independent state by nationalist leaders. In government of India Act of 1935 the federal state was put for word. The united nation of India was para mount policy of the Indian National congress as was argued in round table conference. The election of 1936 saw the fact of Indian national congress winning almost all the provincial seats and capturing 80% of seats in the central legislature. This was received as mandate for congress policy of nationalistic view.

The policy of appeasement of Indian national congress towards Muslim league to give up the separatist movement by proposing to accommodate its demand were vehemently rejected by uncompromising stand of Mr. Jinnaha. His admancy on two issues that are

a. Muslim league is the sole representation of the Muslim in India.

b. Recognition of separate Muslim Majority provinces.

These were seen as movement of separation. This was strongly opposed by the Indian National congress. It was the true nationalist body as it was not organised on any religion or communal lines. The view of Indian National congress about akalies was that of sympathy and caution. The Sikh communities’ patriotism and nationalism were lauded and they were believed to be associates in the building of New Nation. The caution was due to Akali panthic parties emergence to forefront in the 1945 as religious party. It was organised on the basis of religion and espoused separate land for Punjabies as in case of Muslim League. But they were more apprehensive of Muslim domination than Hindus. This lead policy of support to sikh cause and pampering of sikh movement by Indian national congress. The basic philosophy was to have united India.
Last attempt made by the Indian National Congress to save separation failed and the Nation was divided on 14th August 1946. The acceptance of partition was necessitated by

(a) Raising Number of communal Riots

(b) British policy to leave India at the earliest

(c) Non-Co-operation of Muslim league and Direct action.

(d) Failure of Muslim direct contact program

(e) The emotion of people in National movement was at its peak and delaying it may break into communal war.

(f) British plan to give independence to India at the earliest

Finally the cherished dream and philosophy of Indian National Congress fell apart due to failure of C.R. Formula and Liquat Ali formula. The compulsory grouping of the provinces under cabined mission plan as group A Group B and Group C was construed as will full grouping to divide India on Communal lines. This was major point of controversy on which congress refused to support the implementation of cabinet mission plan.

The atmosphere of 9th December 1946, was charged with spirit of Happiness and sorrow. Happiness due to coming true of cherished dream of making our own constitution and sorrow due to empty seats of constituent assembly which were to be occupied by the Muslim league and Sikh members. The Independence of India was forgone conclusion that it was going to the transferred in near future and members felt the burden of building a new nation on new foundation for everlasting peace and prosperity.

The nationalist philosophy is well realised by analysing the speech of Jawaharlal Nehru, Dr. Radhakrishna and debate that took place on the objective resolution moved on 13th December 1946.
The tone of the assembly is set by the election of Dr. Rajendra Prasad as the chairman of the assembly. Sachchidananda Simha in his inaugural address as the temporary chairman invokes the spirit of “Good Sense, Genuine Patriotism, Public Spirit, but also summons Wisdom, to be rational, Justice and Fairness to all, and above all to restore India to her pristine Glory.” Dr. Radha Krishna as the first speaker to speak after the election of permanent chairman invokes the nationalistic principles accepted by assembly as.

“Whether they are Hindus or Muslims, Princes or peasants – belong to this one country. Earth and human combined to make them belong to one another. If they try to disown it, their gait, the caste of countenance, their moods off, thought, their – ways of behaviour, they will all betray them it is not possible for us, to risks that we belong to different nationality our humble ancestry is there.”

Apart from all these, A Nation does not depend on Identity of Races or sentiments or Ancestral memories. But it depends on a “persistent and continues way of life that has come down to us. Such a way of life belongs to soil of this land.”

There by declaring that unity and integrity of India is the paramount object of the constituent assembly and the process of doing this is by “concord alone is the supreme good” in the spirit of “live and let live.” Based on the great idols of Bagawan Buddha. All the opposition to this cause shall be overcome by “Gentleness” as it can overcome any hurdle. This constitution is constitution for all India and thus literal outlook should prevail.

Dr. Rajendra Prasad in his inaugural address describes the process of making of constitution thus.

“We will then function in a manner that no one will give no one cause to think that he has been ignored or that his opinion has not been respected” and frame a constitution which will assure all men and woman of this country, no
matter of what religion, province or shade of opinion, that their rights are fully protected.”

He outlines the cause for the existence of the constituent assembly to 3 forces.

1. The sacrifice of our patriots.

2. History of British Nation: Their selfishness and Generosity.

3. Present world conditions and serious situation and force and that are raging in the world.

He expresses the resolve of the constituent assembly is to do justice and be fair as squarely as possible. He ends his speech with last words as thus “Nothing is more valuable to man than freedom to be free.”

The dominant mood of the assembly was that of unity, nationalistic orientation, justice and fair play, all leading to freedom of one and all there by giving freedom to each citizens of this country.

The objective resolution of 13th December 1946 imposes these ideals once again in the speech of Nehru and Dr. Radhakrishna.

Nehru expounds that the constitution is for 4 Hundred million people of India and that the members should come out of Narrow spheres of party, provinciality and group to the cause of nation. He called for “nationalist” in the assembly members. He calls for the establishment of a republic, sovereign Independent nation. In the true spirit of freedom the nation is to be republic and the sovereigns has to be in the citizen. The foundation of the nation has to be citizen not community or group based. He expresses that he and the assembly and the whole past stand for the establishment of Democracy. The whole resolution speaks of political Democracy and Economic Democracy. It is in the form of Republican government, minority in people, serving basic fundamental rights to the citizen, serving basic fundamental rights to the citizen, welfare of
mankind and recurring honoured place in the world. For this its to be possible only by “union of India”. This was not limited to British province but was applicable to princely states also i.e. freedom from monarchy to all citizens of India.

This empowerment was recognised in electing the representation of constituent assembly by state rather than nomination by princes and to have uniformity of Governing Institution i.e. one government for whole of India. The working of the constitution was the uppermost important thing and for that co-operation from all was to be had but. “Co-operation cannot means giving up of the fundamental Ideals on which we have stood and on while we should stand”.

Dr. Radha Krishna in analysing the question of whether such declaration in essential (objective resolution) states that the perpetual question whether Indian can be a nation in to be answered “we wish to bring about a fundamental alteration in the structure of Indian Society, end political and Economic dependency and take this chance to effect new nation.”

It is not to establish sectional government Act but the Government of all the people and satisfy fundamental need of the common man of this country.

He eulogises the position of the Indian Congress as prime organisation to be responsible for the gaining of India’s Independence under the leadership of Mahatma Gandhi. Its bereft of Dignity to conem INC as hindu raj represtative do so by Mr.ChurChill.

He justifies republicanism as Indigenous Ideals and propounds its establishment for the empowerment of the citizens of this counts i.e. assertion of republicanism the assertion of sovereignty of the people.

He again reinforces the Idea of Indian Union by appealing to common ancestor and blood line and that the division of country is no answer to solve the question of minorities. No matter what will be done true will be minorities
on either side and they will again look across their Borders for support. Thestrong union is the answer for the present problem of communal tension. Onlypanacía for this problem would be to inculcated fundamental rights to theindividual so that it produces sense of freedom in true sense.

This was the answer to the main question of adequate safeguard forminorities that was raised in the cabinet mission plan of 1946 may 16. By thesestatement the Ideals of union, Individualism, Secularism, Democracy andEquality were constructed.

Various other members of the assembly dominated by congress partyexpressed the same philosophy Mr. M.R.Masani, Mr. F.R.Authomy, Dr. SyamPrasad Mookherjee in their speech extoled the Idea that there can not continueexistanc of the permanent minority and perpetuation of minorities it has to getabsorbed in the nation . In this way they express that India means united Indiawith Independence and sovereignty in the people.

The fear that Muslim league which may enter the assembly in later daysand object to the resolution was counterpoised by arguing that to be freedomwas for the people and not for any party or community to decide anddetermine.

Sikh leader Sardar Ujjal Singh (Punjab Sikh) on Tuesday 17th December1946 that they can live with Muslims as brothers but were not ready to toleratethe partition of the Holly ancient land.

Rev. SS.M. Niehols – Ray (Assami – General) Vehemently supportsunited India and Define the Government to be born as “Democratic form ofGovernment.” By the people, for the people, & of the people. He decrues Jinnaspolicy of separation of Assams and proposed united India. He desist Viscontsimon concept of Hindu Raj as cooked up story of imagination. He also statesthat where all shades and religions are present it the assembly to form anconstitution there is no question of Hindu Raj being establish but a nation of allbeing created.
In addition to this the great leaders of the House were all followers of Gandhian philosophy and believed in nation based on the lofty principles of Indian National Congress. This the whole constituent assembly was dominated by nationalist principles. There was no hope for the divided and segregated Indian in the future. The whole purpose of the assembly was to establish a nation based on citizen/Individual rather than community based social system which prevailed till then. Which the dominating Ideals the construction of constitution was proceeded to be a secular state. Any form of Hindrencess to such a state could only be due to indisputable reasons except man.

With the British Raj decided to withdraw from the Indian political scenario and only the congress party left to occupy that position, there was no option for the other parties and members to look for the alternative Ideology. Muslim league being on communal party was not accept by any other party to be the right party to negotiate. This led all other Non-Muslim parties and Members to alligening behind congress rather than Muslim league.

Thus the major idea of liberalism and nationalism espouseds by the congress was palatable to Multitudes rather than Muslims leagues communistic stand. Finally the congress parties nationalistic Ideal prevailed.

The drafting committed was appointed on 29th August 1947 it consisted of 7 members. The first draft of constitution of India was published in February 1948. 8 months were given for public comments. II nd draft was published in October 1948.

The final Draft of the constitution was introduced for first reading on November 4 1948, The Second reading started on November 15 1948 and ended on October 17, 1949.

The IIIrd reading of the Draft started on November 14, 1949 & finallay was passed on November 26, 1949. 284 members signed the constitution and it was adopted and enacted on the same date and commencement was fixed as January 26, 1950.
Religions and Category wise List of members in constituent assembly representing different provinces. This representatives show in this personality and as number of members of each groups. This is helpful in supporting my argument that personality, religion and on geographical representations were linked together in arguments of special privileges to minorities in constituent assembly.

The first grouping is of congress members and Hindu religions based representation.

Table-6: Madras

General – 43 Members

43 Members nominated by Congress:

1. C. Rajagopalachari (Member of the Congress Working Committee, Former Premier of Madras)
2. Pattabhi Sitaramayya (Former member of the Congress Working Committee)
3. T.Prakasam (Premier of Madras)
4. N.Gopalaswami Ayyangar (Member of the Council of State, Former Prime Minister of Kashmir)
5. Alladi Krishnaswami Ayyar (Former Advocate-General of Madras)
7. Raja of Bobbili (Chief Minister of Madras 1932-37, A leader of Justice party)
8. M.A.Muthia Chettiar (M.L.A., Provincial)
10. Ramnath Goenka (Managing Director of the “Indian Express”, Madras).
11. T.T.Krishnamachari (Former M.L.A., Central)
12. P.Subbarayan (Former Minister of Madras)
13. Mrs. Dakshayani Velayudhan (Member of the Cohin Legislative Council)
14. B. Gopala Reddi (M.L.A., Provincial, Former Minister of Madras)
15. D.Govinda Doss.
16. K. Kamaraj Nadar (M.L.A., Provincial, President of the Tamilnad Provincial Congress Committee)
17. K.Madhava Menon (Member of the Madras legislative council, president of the Kerala congress committee)
18. P.Kunhiraman.
19. V.I.Muniswami Pillai (M.L.A., Provincial. Former Minister of Madras)
20. V.Nadimuthu Pillai (Former M.L.A., Provincial)
23. C. Perumalaswami Reddiar.
24. T.A.Ramalingam Chetiar (M.L.A., Central)
25. O.P.Ramaswami Reddiar (Member of the Madras Legislative Council)
26. N.G.Ranga (M.L.A., Central, President of the Andhra P.C.C)
27. N.Sanjeeva Reddi (M.L.A., Provincial)
32. M.C. Veerabahu Pillai.
33. V.C. Kesava Rao
34. K. Santhanam (Former M.L.A., Central, Member of Congress Expert Committee and Joint Editor, “Hindusthan Times”)
35. B. Shiva Rao (Journalist)
36. H. Sitala Reddi.
37. C. Subramaniam
38. V. Subramaniam
39. P.M. Velayudhapani
40. O.V. Alagesan.
41. K. Chandramouli (M.L.A., Provincial)
42. L. Krishnswami Bharathi (Former M.L.A., Provincial)
43. Mrs. G. Durga Bai.

Bombay

General – 18 Members

18 Members nominated by Congress:
1. Vallabhbhai Patel (Member, Congress Working Committee, former Congress President)
2. Shankarrao Deo (Former Member of the Congress Working Committee)
3. B.G. Kher (Premier of Bombay)
4. Kanyalal Desai (President of the Gujarat Provincial Congress Committee)
5. K.M. Munshi (Former Home minister, Bombay)
6. R.R. Diwakar (Former President of the Karnataka Provincial Congress Committee)
7. N.V. Gadgil (M.L.A., Central)
8. B.M. Gupte (M.L.A., Provincial)
9. K.M. Jedhe (President of the Maharashtra Provincial Congress Committee)
10. S.N. Mane (M.L.A., Provincial)
11. Mrs. Hansa Mehta (President of the All India Women’s Conference)
12. R.M. Nalwade (M.L.A., Provincial)
13. S. Nijalingappa (President of the Karnataka Provincial Congress Committee)
14. S.K. Patil (President of the Bombay Provincial Congress Committee)
16. M.R. Jayakar (Privy Councillor)
17. H.V. Pataskar (M.L.A., Provincial)

ORISSA

General – 9 Members

8 Members nominated by Congress:
1. Harekrushna Mahatab (Premier of Orissa, Former member of the Congress Working Committee)

2. Biswanath Das (Former Premier of Orissa)

3. Mrs. Malati Chowdhury (President of the Utkal Provincial Congress Committee)

4. Bodhram Dube (Former Minister of Orissa)

5. B. Das (Former M.L.A., Central)

6. Rajkrishna Bose (M.L.A., Provincial)

7. Nanda Kishore Das (Former Deputy Speaker of the Orissa Legislative Assembly)

8. Santanu Kumar Das (M.L.A., Provincial)

Independent Member:

1. Laxminarayan Sahu (M.L.A., Provincial)

UNITED PROVINCES
General – 47 Members

44 Members Nominated by Congress:

1. Jawaharlal Nehru (President of the Indian National Congress)

2. Purushottamda Tandon (Speaker of the U.P. Legislative Assembly)

3. Govind Ballabh Pant (Premier of U.P. Member of the Congress Working Committee)

4. S.Radhakrishnan (Vice –Chancellor of the Banares Hindu Univeristy)

5. J.B.Kripalani (Former General Secretary of the Indian National Congress)

6. Shri Krishna Dutt Paliwal (M.L.A., Central)

8. A. Dharam Das (M.L.A., Provincial, Indian Christian)

9. Mrs. Sucheta Kripalani

10. Mrs. Vijaya Lakshmi Pandit (Minister for Health and Local Self-Government U.P.)

11. Mrs. Purnima Banerjee (M.L.A., Provincial)

12. Kailash Nath Katju (Minister for Justice and Agriculture, U.P)

13. Hriday Nath Kunzru (Member of the Council of State: President of the servants of India Society)


15. Dayal Das Bhagat (M.L.A., Provincial)


17. Masuria Din (M.L.A., Provincial)

18. Sundar Lal


20. Pragi Lal.


22. Govind Malaviya (M.L.A., Central)

23. Balkrishna Sharma (M.L.A., Central)


27. Maheswar Dayal Seth (Landholder)


31. Aji Prasad Jain (M.L.A., Provincial, Former Parliamentary Secretary)

32. Vishwambhar Dayal Tripathi (M.L.A., Provincial)

33. Feroz Gandhi (Parsee)

34. Kamlapati Tewari (M.L.A., Provincial)

35. R.V. Dhulekar (M.L.A., Provincial)

36. Algu Rai Shastri (M.L.A., Provincial)

37. Phool Sing (M.L.A., Provincial)

38. Venkatesh Narain Tewari (M.L.A., Provincial. Former Parliamentary Secretary)

39. Gopinath Srivastava (Former Parliamentary Secretary)

40. Gopal Narain (M.L.A., Provincial)

41. Banshi Dhar Misra (M.L.A., Provincial)

42. Khurshed Lal.

43. Jaspat Rai Kapoor


3 Independent Members:

2. Jwala Prasad Srivastava (Industrialist and former member of the Viceroy’s Executive Council)

3. Padampat Singhania (Industrialist)

**C.P. & BERAR**

**General – 14 Members**

**14 Members nominated by Congress:**


2. Laxman Shrawan Bhatkar (Former M.L.A., Provincial)

3. Brijlal Nandlal Biyani (Member of the Council of State, President of the Berar Provincial Congress Committee)

4. Thakur Chhedilal (M.L.A., Provincial)

5. Punjabrao Shamrao Deshmukh (Minister of Education in C.P., 1930-33)


7. Hari Singh Gour (Former M.L.A., Central)

8. Seth Govind Das (M.L.A., Central)


10. Hari Vishnu Kamath (Forward Bloc)


13. Ravi Shankar Shukla (Premier of C.P)


**BIHAR**
General – 31 Member

28 Members nominated by Congress:

1. Rajendra Prasad (Member of the Congress Working Committee former Congress President)
2. Bhagwat Prasad (M.L.A., Provincial)
3. Anugraha Narayan Singh (Finance Minister of Bihar)
4. Raghunandan Prasad (M.L.A., Provincial)
5. Jagjivan Ram (M.L.A., Provincial, Former Parliamentary Secretary)
7. Mahesh Prasad Sing (M.L.A., Provincial. Former Parliamentary Secretary)
8. Sarangdhar Singh (M.L.A., Provincial. Former Parliamentary Secretary)
10. Devendranath Samanth (Adibasi)
12. Amiyo Kumar Ghosh (M.L.A., Provincial)
15. Dipnarain Singh
16. Ramnarain Singh (M.L.A., Central)
17. Guptanath Singh (M.L.A., Provincial)
18. Jagdish narain Lal.
19. Sri Krishna Sinha (Premier of Bihar)
20. Boniface Larke (Abidasi)
21. Brajeswar Prasad
22. Chandrika Ram
23. Sri Narain Mahtta (Member of the Council of State)
24. Deshbandhu Gupta (Delhi Journalist)
26. P.K.Sen (Former Judge, Patna High Court)
27. Mrs. Sarojini Naidu (Former Congress President)
28. Sachchidananda Sinha (M.L.A., Provincial. Former Vice-Chancellor of the Patna University)

3 Independent Members:
1. The Maharaja of Darbhanga (President, All-India Land-holders’ Association)
2. Shyam Nandan Sahay (Member of the Legislative Council)
3. Jaipal Singh (Abidasi)

COORG
1. C.M.Poonacha (Congress)

AJMER-MERWARA
1. Mukut Bihari Lal Bhargava (Congress: M.L.A., Central)

PUNJAB
General – 8 Members
6 Members nominated by Congress:
1. Gopi Chand Bhargava (M.L.A., Provincial)
2. Shri Ram Sharma (M.L.A., Provincial)

3. Bakshi Tek Chand (Former Judge of Lahore High Court)


5. Diwan Chaman Lal (M.L.A., Central)

6. Mehr Chand Khanna (Finance Minister, North-West Frontier Provinces)

**2 Members nominated by the United Party:**


2. Chaudhri Harbhaj Ram (M.L.A., Provincial)

**SIND**

**GENERAL – 1 MEMBER**

1 Member nominated by Congress:

1. Jairamdas Daulatram (Former Member of the Congress Working Committee)

**Bengal**

**General – 25 Members**

**23. Members nominated by Congress:**

1. Satya Ranjan Bakshi (Journalist)

2. Suresh Chandra Banerjee (M.L.A., Provincial)

3. Sarat Chandra Bose (Member, Congress Working Committee. Leader of the Congress Party, Central Assembly)

4. Raj Kumar Chakravarty (Professor, Bangabasi College)

5. Radhanath Das (M.L.A., Provincial)

6. Dhirendra Nath Datta (M.L.A., Provincial)
7. Surendra Mohan Ghose (President, Bengal Provincial Congress Committee)

8. Prafulla Chandra Ghosh (Former Member, Congress Working Committee)

9. Arun Chandra Guha


12. Uday Chand Mahtab (M.L.A., Provincial)


15. Syama Prasad Mookerjee (M.L.A., Provincial, President, All-India Hindu Mahasabha)


17. Prasanna Deb Raikut (M.L.A., Provincial, Former Minister, Bengal)

18. Mrs. Lila Roy.

19. Dhananjay Roy (M.L.A., Provincial)

20. Kiran Sankar Roy (Leader of Congress Party in Bengal Assembly)


22. Priya Ranjan Sen (Lecturer, Calcutta University)

23. Pramatha Ranjan Thakur (M.L.A., Provincial)

1 Member nominated by the Scheduled castes Federation:

1. B.R. Ambedkar (Former Member, Viceroy’s Executive Council)
1 Member nominated by the Community League:
   1. Somnath Lahiri

Assam

General – 6 Members

6 Members nominated by Congress
   1. Gopinath Bardoloi (Premier of Assam)
   2. Basanta Kumar Das (Home Minister, Assam)
   3. Rohini Kumar Chaudhury (M.L.A., Central, Former Minister, Assam)
   4. Omeo Kumar Das (M.L.A., Provincial)
   6. Akshay Kumar Das (M.L.A., Provincial)

List of major minority members represented in constituent assembly that
is the Muslims, from Muslim league.

Madras

Muslims – 4 Members

4 Members nominated by Muslim league:
   1. Abdul Sathar H.Issaq Sait (M.L.A., Central)
   2. K.T.M. Ahmed Ibrahim (Member, Madras Legislative Council)
   4. B. Pocker (M.L.A., Provincial)

Bombay

Muslim – 2 Members

2 Members nominated by Muslim League:
1. I. I. Chundrigar (M.L.A., Provincial, and leader of the Opposition, President of the Bombay Provincial Muslim League)


UNITED PROVINCES
Muslim – 8 Members

7 Members nominated by Muslim League:

1. Mohammad Ismail Khan (M.L.A., Central, Member, Muslim League Working Committee.)

2. Chaudhri Kahliquezaman (M.L.A., Provincial and leader of the Opposition Member of the All-India Muslim league working committee)

3. Amir Haider Khan (M.L.A., Provincial)

4. Begum Alizaz Rasul (Member of the legislative council and leader of the Muslim League party in the Council)

5. S.M.Rizwanullah (M.L.A., Provincial and Secretary of the Muslim League Assembly Party)

6. Aziz Ahmad Khan (M.L.A., Provincial)

7. Hasrat Mohani (M.L.A., Provincial)

1 Member nominated by Congress:

1. Rafi Ahmed Kidwai (Revenue Minister, U.P. Member of the Congress Working Committee)

2. C.P. & BERAR

Muslim – 1 Member

1 Member nominated by Muslim League:

BIHAR
Muslim – 5 Members

5 Members nominated by Musli League:

1. Hussain Imam (Member of the Council of State)

2. Latifur Rahman (M.L.A., Provincial Member of the All-India Muslim League Working Committee)

3. Tajamul Hussain (M.L.A., Provincial)


5. Muhammad Tahir (M.L.A., Provincial)

DELHI


PUNJAB
Muslim – 16 Members

15 Members nominated by Muslim league:

1. Mohammad Ali Jinnah (President of the All-India Muslim League, M.L.A., Central)

2. Abdur Rab Nishtar (Member of the Working Committee, All-India Muslim League, from N.W.F.P)

3. Iftikhar Hussan Khan of Mamdot (M.L.A., Provincial, leader of the opposition in the Punjab assembly. Member of the Working Committee, All-India Muslim League)

4. Mian Mumtaz Muhammad Khan Daultana (M.L.A., Provincial, General Secretary of the Punjab Provincial Muslim League)

5. Feroz Khan noon (M.L.A., Provincial, Former Member of the Viceroy’s Executive council)

7. Abu Bakar Ahmad Haleem (Professor, Aligarh University, M.L.A., U.P)

8. Mian Muhammad Iftikharud-Din (M.L.A., Provincial, former President of the Punjab Provincial Congress Committee)

9. Chaudhri Muhammad Hassan (M.L.A., Provincial)

10. Sheikh Karamat Ali (M.L.A., Provincial, Member of the Working Committee, All-India Muslim League)


13. Chaudhri Nazir Ahmad Khan.

14. Malik Omar Hayat (Principal of the Islamic College, Lahore)

15. Syed Amjad Ali (Former M.L.A., Provincial)

**1 Member nominated by the Unionist Party:**

1. Muzaffar Ali Khan Qazilbash (Revenue Minister, Punjab)

**N.W.F PROVINCE**

**MUSLIM – 3 MEMBERS**

**2 Members nominated by Congress:**

1. Abul Kalam Azad (Former President of the Indian National Congress, Member of the Congress Working Committee)

2. Abdul Ghaffar Khan (Member of the Congress Working Committee)

**1 Member nominated by Muslim League:**

SIND

Muslim – 3 Members

3 Members nominated by Muslim League:

1. M.A.Khuhro (Minister for Public Works, Sind)
2. Abdus Sattar (Minister for Education, Health and Local Self-Governemnt)
3. M.H.Gazdar (President of the Sind Provincial Muslim League)

BALUCHISTAN

1. Mohammad Khan Jogazai (Independent)

Bengal

Muslim – 33 Members

32. Members nominated by Muslim League:

1. A.M.Abdul Hamid (M.L.A., Provincial)
4. Abul Hashem (M.L.A., Provincial, Secretary of Bengal Provincial Muslim League)
5. Abdul Kasem Khan
6. M.S.Ali
7. M.Altaf Ahmed
8. M. Azizul Haque (Former Member of Viceroy’s Executive Council)
9. Bazul Karim
10. Ebrahim Khan(M.L.A., Provincial)
12. Formuzul Hug.
15. H.S. Suhrawardy (Premier of Bengal)
16. I.H. Qureshi (Professor, Delhi University)
17. M.A.H. Ispahani (Member of League Working Committee)
19. Mahmud Hussain (Reader, Dacca University)
20. Mazharul Huq (Professor, Dacca University)
21. Mohammad Hassan
22. Mohammad Hussain Malik.
23. Mujibar Rahman Khan.
24. Khwaja Nazimuddin (Former Premier of Bengal)
25. K. Noorudin
26. Raghib Ahsan
27. Serajul Islam (M.L.A., Provincial)
28. Shabbir Ahmed Usmani (President, Jamiat-ul-Islam)
29. K. Shahabuddin (Former Minister, Bengal)
31. Tamizuddin Khan (M.L.A., Central)
32. Yusuf Mirza
1 Member nominated by Krishak Proja Party:
1. A.K. Fazlul Huq (M.L.A., Provincial, Former Premier of Bengal)

Assam

Muslim – 3 Members

3 Members nominated by Muslim League:
1. Muhammad Saadulla (M.L.A., Provincial, Former Premier of Assam)
2. Abdul Matin Choudhury (M.L.A., Provincial, Former Minister of Assam)
3. Abdul Hamid (M.L.A., Provincial)

The grouping of Christians is put in one category based on religious arguments put across the members as a group. Irrespective of the fact that they belong to Anglo-Indian category.

Christian Members

Madras

1. Fr. Jerome D’Souza (Principal of the Loyola College, Madras)

Bombay

1. Alban D’Souza (M.L.A., Provincial)

C.P. & BERAR

2. Rajkumari Amrit Kaur (Indian Christian, Punjab)

Bengal

1. Frank Reginald Anthony (President, Anglo-Indian Association)
2. H.C.Mookherjee (Christian, Retired Professor, Calcutta University)

Assam

1. J.J.M Nicholas-Roy (Minister, Assam, Christian)

The arguments that ensured in the constituent assembly seem to follow the group preferences on the basis of religious affiliations primarily. The next affiliation is seem to be with geographical factors. So proving the fact that religion and geographical factors were responsible in minority and majority construction.

Reference


7. Rafiq, Zakaria “Raise of Muslims in India”.


