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# Four Major Debates in the Constituent Assembly

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**Abstract:** *The major debates in the Indian constituent assembly. This paper is trying to find how did Indian constituent assembly's members deal with major issues of the Indian society from 1946 to 1952. Many volumes of Indian constituent and debates are available, where we can see how the debates were happening, What was the major controversies in front of the Indian constituent assembly, where all Leaders were talking about various factors, some were talking about reservation, some were talking about uniform civil code Bill, some were talking about separate state identity by languages, some were talking about Hindu code Bill and the most important issue was fundamental rights and women's reservation? So these questions are the base of this research paper. The objective of the paper is to show how the Indian constituent assembly become the biggest democratic country in the world. Here we will also try to see the deferent ideologies of the Indian leadership.*

*B. N. Rau was the advisor of Indian constituent assembly, he responsible for the Constitution's general structure, Rau prepared it's an initial democratic draft in 1948 and consisted of the 243 articles and 13 schedules which finally adopted after amendment as 395 articles and 8 schedules after discussing in Constituent assembly.*

*The Constitution makers adopted the British model of parliamentary government because India is the product of the many freedom moments which were done by Indian freedom fighters as Gandhi as Bhagat Singh.*

*During independence, Indian constituent assembly faced many debates, reviewed and finally adopted 26 November 1949, and became effective on 26 January 1950. The Constitution replaced the Government of the India act 1935 as the Indian Constitution and India celebrated this day as Republic Day.*

## I. MAJOR DEBATES IN CONSTITUENT ASSEMBLY

### A. Uniform civil code Bill

Bill was not only for the women's empowerment but also for uplifting their status in the social and religious institution such as family and Dharma. Here we will try to evaluate the entire dialogue around the uniform civil code Bill. civil code was originally encapsulated in the article of the 35 of the draft Constitution which shows a provision that any group, section or community of India shall not be obliged to give up its law in India. Munshi said that it is not, therefore, correct to say that this kind of bill is the tyranny of the minority. If we look towards Western European countries that have a civil code, everyone who goes there from any part of the world and every majority has to submit to the Civil code. It is not felt to be tyrannical to the majority. The point is, where we are going to consolidate and unify our law in such a way that of life of the whole country may in courses of the time be unified and secular. Munshi talked about unifying force of secularism, that will show, one way of life for all.

Alladi Krishnaswamy ayyar said that India has many religious communities where their relationship is interconnected. We want the whole of India to be united together as a single as used to be in ancient times. Separate groups of religion have many different interpretations which can limit the scope of reform. He took the dialogue of K.M. Munshi to the next level by treating uniformity not as a necessary evil unlike Munshi stated the Islamic countries where the forceful application of the majority's law was considered to be justified. Ambedkar was a supporter of UCC. He denies that UCC in a vast country. Ambedkar was a man who used to believe in reform along the western line and social relation to bringing social reforms in the Indian system. It was a well-known fact that Ambedkar always criticized for the domination of Hindu religious beliefs. He denies that UCC is anti majority or country. He gave the example of the Shariat Act, how Muslims follow it.

### B. Fundamental Rights

Was not an easy task for the drafting committee to formulate a democratic structure for India. After 1948, The drafting committee was appointed for making the Indian Constitution on 29 August 1947. This committee published its first draft in February 1948, and the second draft was published in October 1948 after eight months. This committee took 141 days. The third reading was started on 14 November 1949 and declared passed on 26 November 1949. The fundamental rights as described in the Constitution's 3rd part as article 14 to 35. the periods, Dr. Ambedkar discussed many rights and this part became the reason for debate. Some of the drafting committee's leaders were against Ambedkar in some points for example reservation.

The leaders were saying that if we continue reservation policy then the minority of this country will be treated as a separate part of the group but we are here for making United India. So reservation policy will not work in this country but Dr. Ambedkar wan to give this right to minorities and other Dalits who were exploited by the majority of India. The second question was also raised by Ambedkar for secularism. In this time many questions were discussed like citizenship, women's rights, education, Religious Rights and finally adopted by amendment.

### C. Hindu code Bill

Bill was introduced the first time in assembly 1st August 1946 but not acted upon. Dr. Ambedkar introduced this bill on 11th April 1947 as a law minister of the Indian constituent assembly. to Ambedkar, this bill will protect Hindu women from Hindu radical traditions. Hindu women persecuted Hindu belief system, like child marriage, chill killing, Veil system, Sati tradition, polygamy, Hindi women's life was like slaves in India due to its radical thought process. Ambedkar admitted that this bill is not only for women but also important for the Constitution itself.

Hindu custom holy text, it was also said that Hindi women used to practice their rights against marriage, property, and society but by the time, many rituals and belief system began to come mad because of that women began to exploit but this bill will protect women's life, liberty, equality, fraternity. When this bill was brought by Ambedkar, NEHRU was the one who supported this bill and spoke about bill but other side, Hindu communities were blaming that this bill is against to Hindu religion and this parliament has no right to interrupt our religious values and traditions, many assembly's members raised their comments against this bill but Ambedkar and Nehru tried hard to pass this bill but this bill was not passed. As a result, Dr. Ambedkar abandoned his post from the ministry in 1956. It appeared smoothly as the Hindu Marriage Act, 1955, Hindu Succession Act, 1956, Hindu Adoption and Maintenance Act, 1956, and Hindu Minority and Guardianship Act, 1956. Ambedkar' idea was the base of Sati Prevention Act, 1987, Dowry Prohibition Act, 1961, the Family Courts Act, 1984, Protection of Human Right Act, 1993, The Maternity Benefit Act 1961, Immoral Traffic (Prevention) Act, 1956, The Child Marriage Restraint Act, 1929, The Equal Remuneration Act, 1976, The National Commission for Women Act, 1990, Protection of Women from Domestic Violence Act, 2005. the effort of Ambedkar was appreciable, to fight against the long and difficult battle towards the enactment of the Hindu Bill.

### D. State Reorganization Commission

The commission was approved in 1956, as a result of the 7th amendment of the Constitution in 1956, to describe the boundaries of the existing States of India. The provisional of the Constitution' part one defined its definition and structure, article 3 and 4. independence in 1947, Indian was decided as state as princes states. It was Madhusudan das who demanded state on the base of linguistics system. It was done as a linguistics moment in 1895 for the Odisha, the moment to create Telugu state, state came from the northern portion of Madras state in 1953. the sixteen northern Telugu-speaking districts of Madras State became the new state of Andra. The Nehru was appointed state reorganization commission in 1953, this commission submitted its report on 30 September 1955 with the recommendation of the reorganization Indian state and this bill was passed to make the changes to the Constitution. This commission took major steps dividing India into states and territories.

## II. LITERATURE REVIEW

- A. The Indian Constitution: Cornerstone of A Nation- G.Austin
- B. Indian polity- Laxmikant
- C. Shorter Constitution of India volumes-DD BASU
- D. The Oxford handbook of the Indian Constitution

## III. CONCLUSION

The base on the above research we can conclude that there were many different types of debates in the time of independence. Indian constituent assembly faced not only the social crisis but also economic, religious, and political crisis. But by the time, because of many amendments, many problems were solved by the constituent assembly. Dr. Ambedkar and Nehru were one of those who want to create new India for the people, where women practiced their rights successfully, Dalits lived with fraternity, the poor population could be able to develop their life and the most important, India arising as a superpower in the world. , Indian constituent assembly faced many debated, revised and finally created the CONSTITUTION OF INDIA. Here we are discussed about those debates that were done by assembly's leaders. Ambedkar talked about women's rights, Nehru talked about new developed India, Gandhi talked about brotherhood in India as "Rama Rajya." debates were the reasons behind the new successful India as we can see it today.



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