
CRITICAL ANALYSIS OF THE CONSTITUTIONAL ASSEMBLY DEBATE

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ABSTRACT

The Constituent Assembly Debates (CAD) form the intellectual bedrock of the Indian Constitution, reflecting both consensus-building and ideological contestation. They embodied governance and federalism. Yet, these debates also exposed structural conflicts and pragmatic compromises. While inclusion of marginalised voices was a strength, key provisions such as fundamental rights, Directive Principles, and affirmative action were often shaped more by elite pragmatism than radical transformation. Socioeconomic rights, for instance, were weakened by making Directive Principles non-justiciable. Federalism bore a centralising bias, driven by Partition-era insecurities, which still affects Centre-State dynamics. Similarly, rights were framed with “reasonable restrictions,” reflecting a tension between liberty and state power that later enabled overreach. Gender and caste debates, though progressive in intent, carried patriarchal and hierarchical undertones, leaving structural inequities intact. In sum, the CAD was visionary yet limited, inclusive yet hierarchical, a historical process balancing ideals with political realities. Understanding these debates is crucial to grasping the Constitution’s strengths, compromises, and unfinished pursuit of justice and equality.

Keywords: Constituent Assembly Debates, Constitutional Compromises, Federalism and Centralization, Fundamental Rights and Limitations, Socio-Economic Justice

INTRODUCTION:

The Constituent Assembly Debates provide the intellectual underpinning for India's Constitution, demonstrating democratic discussion and varied opinions. Leaders like B.R. Ambedkar and Nehru envisioned a framework that prioritised justice, equality, and liberty. However, the method wasn't without problems. While measures like fundamental rights and minority protections demonstrated inclusion, compromises undermined revolutionary aspirations. Socioeconomic rights were declared non-justiciable, and federalism moved towards centralisation as a result of the Partition-era insecurity. The inclusion of "reasonable restrictions" on rights, as well as the maintenance of patriarchal undertones, exposed additional limitations. Thus, the arguments were imaginative but restricted, balancing idealism and political practicality.

MEANING OF CONSTITUENT ASSEMBLY?

The Constituent Assembly is an entity created particularly to develop or change a Constitution, with the authority to set the rules that regulate a territory's political and social frameworks. The Constituent Assembly of India was established in November 1946 under the Cabinet Mission Plan (1946) as a legislature that was partially elected and partly appointed. It met for the first time on December 9, 1946, to design and create India's Constitution, which was viewed as critical to achieving self-determination. Following its final session on January 24, 1950, the Constituent Assembly acted as the provisional Parliament until the first general elections in 1951-52 created the new Parliament.

BACKGROUND OF THE CONSTITUENT ASSEMBLY:

The Constituent Assembly emerged from India's aspiration for self-determination and the inadequacy of British-imposed frameworks like the Government of India Acts of 1919 and 1935, which restricted real power by retaining control over defence, finance, and foreign affairs. This inequality fuelled the demand for a sovereign Constitution reflecting India's diverse social, cultural, and political fabric. Leaders such as Mahatma Gandhi, Jawaharlal Nehru, and B.R. Ambedkar championed the idea that only an Indian-drafted Constitution could ensure true independence, culminating in the Constituent Assembly's formation and the creation of a foundational democratic charter.

In 1934, M.N. Roy, a pioneer of India's communist movement, proposed the notion of a Constituent Assembly for the first time. In 1935, the Indian National Congress demanded a Constituent Assembly to draft the Indian Constitution. In 1938, J.L. Nehru emphasised the importance of a Constituent Assembly elected through Adult Franchise to draft the Constitution of free India without outside intervention. The British acknowledged the proposal for a Constituent Assembly for the first time in principle in August 1940. In 1942, Sir Stafford Cripps proposed an independent Constitution in India, but the Muslim League rejected it. In 1946, the Cabinet Mission to India opposed the notion of two Constituent legislatures. Thus, elections were undertaken as per the Cabinet Mission plan of 1946 to construct the Constituent Assembly.

CONSTITUENT ASSEMBLY ORGANIZATIONAL COMMITTEE:

The Constituent Assembly's Organisational Committee facilitates the Constitution-making process. Each committee, with its own mission, covered subjects such as regulations, finances, state agreements, procedural matters, and more, contributing to the effective drafting of India's Constitution.

Committee	Chairperson
Rules of procedure committee	Rajendra Prasad
Steering committee	Rajendra Prasad
Staff and finance committee	Rajendra Prasad
Credentials committee	A. K. Ayyar
Order of Business committee	K. M. Munshi
States (negotiating) committee	J. Nehru
Flag committee	Rajendra Prasad
Committee on functions of Constituent	G. V. Mavlankar

CONSTITUENT ASSEMBLY PRINCIPAL COMMITTEES AND THEIR SUB-COMMITTEES:

In addition to the Organisational Committee, the Constituent Assembly established several Principal Committees to handle crucial areas of the Indian Constitution. The following are the key committees and their subcommittees constituted during this period.

Committee	Chairperson
Advisory committee on fundamental rights, minorities, Tribal areas and excluded areas	Sardar Patel
Union powers committee	J. L. Nehru
Union Constitution committee	J. L. Nehru
Provincial Constitution committee	Sardar Patel
Drafting committee	Dr. B. R. Ambedkar

CRITICISM OF THE CONSTITUENT ASSEMBLY:

The body is not representative as its members were not elected directly through the universal adult franchise. It was established by British suggestions and held with consent from the British Government were which shows it is not a sovereign body. The Constitution took longer to frame than the American Constitution, which was drafted in around 4 months. It shows Dominated by Congress. According to Granville Austin, the Constituent Assembly represented a single political party in a predominantly one-party nation. The Assembly was the Congress, and the Congress was India

FORMATION AND COMPOSITION OF THE CONSTITUENT ASSEMBLY :

The Constituent Assembly was envisioned as a body that would draft a Constitution that would unite India while respecting its diversity. The British Cabinet Mission Plan paved the way for its development, as per the establishment under the Cabinet Mission Plan. The Assembly initially had 389 members, but was reduced to 299 after India's division. It had representatives from provinces (292 members), princely states (93 members), and chief commissioners' provinces (4 members). The Assembly was intentionally diverse, with lawyers, scholars, social reformers, freedom fighters, and representatives from minorities, women, and marginalised areas.¹

OBJECTIVES OF THE CONSTITUENT ASSEMBLY

The Assembly aspired to create a nation free of external dominance, with a democratic governance system. Were it ensuring that social justice on caste, religion and general discrimination, which was acknowledged by the assembly and addressing these challenges

¹ PRS Legislative Research, Vital Stats: Analysis of the Constituent Assembly Debates (2019), <https://prsindia.org/policy/vital-stats/analysis-constituent-assembly-debates>.

became fundamental to its deliberations, as seen by discussions on Fundamental Rights and Directive Principles of State Policy. With over 500 princely realms and a diverse range of languages, faiths, and cultures, the Assembly aimed to design a Constitution that would promote unity while preserving regional identities. The Assembly took inspiration from indigenous traditions as well as current constitutions from around the world, establishing a balance of continuity and reform.

CHALLENGES FACED BY THE CONSTITUENT ASSEMBLY:

The Assembly began its work amidst the trauma of partition, which caused millions of displacements and communal violence. The partition of British India into India and Pakistan not only changed the composition of the Assembly but also emphasized the need to protect secularism and minority rights in the Constitution². India's unification required careful discussions, as princely states like Hyderabad, Junagadh, and Kashmir held conflicting political ambitions. When establishing the Union's territorial boundaries, the Assembly faced several challenges. Many academicians and constitutional experts have criticized the Constituent Assembly for various reasons. For example, the body is not considered fully representative because its members were not elected directly through universal adult franchise.

It was established based on British suggestions and with the consent of the British Government. The Constitution took longer to draft than the American Constitution, which was written in 4 months. According to Granville Austin, the Constituent Assembly was dominated by Congress, leading to a one-party system. The Assembly was the Congress, and the Congress represented India. Scholars argue that they dominated the Constituent Assembly and are not representative of other groups. Winston Churchill stated that the Constituent Assembly represented "Only one major community in India" due to its Hindu majority.

WHAT IS MEANT BY CONSTITUTIONAL ASSEMBLY DEBATES?

The term "Constitutional Assembly Debates" refers to the debates and discussions that took place while the Constituent Assembly was drafting a constitution for free India. The Constituent Assembly was composed of elected MPs. Following India's independence in 1947, they were tasked with drafting its constitution. The Assembly sat for more than two years. It had more than 1600 meetings to debate and finalise the Constitution. Debates addressed a wide

² *ibid*

range of issues, including the fundamental rights that all citizens should have, Deliberations on principles that will guide the state's governance on the Directive Principles of State Policy, Design of the Government Structure of the legislative, executive, and judicial branches, and Questions about the division of powers between the federal and state governments. Finally, Social justice provisions strive to ensure equity and justice for all elements of society.

ANALYSIS OF THE INDIAN CONSTITUTIONAL ASSEMBLY DEBATES:

On November 26, 1949, the Constituent Assembly approved the Indian Constitution. On November 26, 2019, this law will have been in operation for seventy years. The Indian Constitution was the product of three years of Assembly deliberation. In this publication, we look at Assembly members' participation in these debates. It should be noted that these data do not accurately reflect the quality of members' contributions, particularly those made at various subcommittee meetings.

Preliminary Stage [Dec 9, 1946 – Jan 27, 1948] - Committees, such as the Union Powers Committee and the Committee on Fundamental Rights and Minorities, provided reports outlining the constitutional ideas. The drafting committee was formed to create the draft Constitution.

First Reading [Nov 4, 1948 – Nov 9, 1948] - In February 1948, the draughting committee published India's draft constitution. The proposal was introduced to the Assembly in November 1948.

Second Reading [Nov 15, 1948 – Oct 17, 1949] - The assembly discussed the document clause by clause.

Third Reading [Nov 14, 1949 – Nov 26, 1949] - On November 26, 1949, the Assembly completed its third reading and enacted the Constitution. The Assembly spent 101 days discussing the Constitution's text.³

IMPORTANT CONSTITUTIONAL ASSEMBLY DEBATES IN INDIA:

The CAD in India relates to the long talks and deliberations held within the Constituent

³ ibid

Assembly of India from 1946 to 1949 to write and enact the Indian Constitution. These debates brought together elected and nominated members from various Indian provinces and princely territories to draft a complete constitution for an independent India.

Constitutional Assembly Debate on Preamble:

The inclusion of the terms "God" and "Gandhi" in the Preamble of the Indian Constitution caused debate. One member proposed calling India as "Union of India Socialistic Republics." The Soviet Union inspired him, but this idea was rejected by members who considered it to violate the current constitutional structure. Another member offered adding the phrase "in the name of God," but this was met with opposition because many people believed that inserting the word "God" would be inappropriate. It was noted that such inclusion could be interpreted as pushing religious beliefs and violating the fundamental right to religious freedom.⁴

Constitutional Assembly Debate on Reservations:

During the Constituent Assembly debate on Jawaharlal Nehru's motion about "aims and goals." It finally became the Preamble to the Constitution, and numerous individuals offered a variety of perspectives. Although the majority of members indicated strong support for the resolution, B.R. Ambedkar raised some concerns. Congress Party leaders pledged to preserve the rights of the impoverished. It ensured that sufficient safeguards were in place to allow them to exercise their rights effectively.

Assembly debates on Uniform Civil Code:

During the constitution-making process, debates in the Constituent Assembly shed light on concerns and discussions over the Uniform Civil Code. This is as stated in Draft Article 35. Muslim members of the Constituent Assembly were highly opposed to the Uniform Civil Code's implementation. Mahboob Ali Beg emphasised that Article 35's civil code should address property transfers, contracts, other issues, family law, and inheritance to reduce confusion. K.M. Munshi believed that even without Draft Provision 35, Parliament may still establish a unified civil code under the state's authority to monitor secular-religious activities allowed by the article on religious freedom.⁵ Dr. B.R. Ambedkar defended the state's power to

⁴ *ibid*

⁵ StoryVibe, The Constituent Assembly Debates (visited Sept. 6, 2025), <https://storyvibe.in/the-constituent-assembly-debates/>.

interfere with the rules of other communities and cautioned Muslims not to overinterpret the article. He underlined that even if the Uniform Civil Code is adopted, it will only apply to individuals who voluntarily wish to be governed.

Constitutional Assembly Debate on Abolition of Death Penalty:

The Constituent Assembly created and adopted India's Constitution. It remains neutral on the question of the death penalty, neither supporting nor opposing it. However, it does indicate the presence of the death sentence under Article 134. It allows persons sentenced to death to file an appeal with the Supreme Court. During the disputes over whether the Supreme Court should have jurisdiction over criminal cases, certain Assembly members aired their opinions on the death penalty, inspired by a variety of causes. Shibban Lal Saxena emerged as a vocal opponent of the death penalty. Dr. P.K. Sen cited Western nations that have abolished the death penalty as an example. It emphasises Britain's gradual shift away from capital punishment and warns India not to follow in its footsteps. Ambedkar also argued for the elimination of the death penalty, citing the ancient practice of nonviolence as a moral obligation.

Constitutional Assembly Debate on Federalism:

JB Kriplani emphasised the importance of the proposed Constitution being federal, with states wielding the most power.

When Dr. Ambedkar delivered the Draft Constitution to the Constituent Assembly, he referred to it as "federal," despite the fact that the word "union" appeared in Article 1 and the word "federal" appeared nowhere in the Preamble or other provisions. The Assembly unanimously agreed that unitary government was undesirable and impractical in view of foreign realities, as well as the country's size and diversity. As a result, India's government would operate under a federal constitution. Despite the fact that the procedures included more centralising characteristics, the members remained firm.

Constitutional Assembly Debate on Untouchability:

The framers admired Mahatma Gandhi, Raja Ram Mohan Roy, Swami Vivekananda, and other notable reformers, and Dr. B.R. Ambedkar was adamant about removing untouchability. The authors of the Constitution sought to eliminate religion or caste-based untouchability. According to the Government of India Act of 1935, "untouchables" are a group of certain

(Hindu) castes. However, Article 17 of the Constitution does not provide such a prerequisite. At various stages of the draughting process, several Assembly members emphasised the broad, even vague nature of the concept "untouchability". They urged the removal of any form of untouchability based on religion or caste. They requested that the perceived social imbalance be addressed and that all types of untouchability be declared illegal.

BALANCING UNITY AND DIVERSITY: KEY DEBATES IN INDIA'S CONSTITUENT ASSEMBLY

Secularism: Proponents like Nehru and Ambedkar argued for a secular state to unite a diverse nation, ensuring religious equality. Opponents such as H.V. Kamath worried that a secular approach might neglect the cultural and religious traditions of the majority community.

Federalism: The Assembly opted for a unique blend of federalism with a strong central government to maintain national unity. This was favored by many, but opponents like N.G. Ayyangar pushed for greater autonomy and power for the states and regions.

Fundamental Rights vs. Directive Principles: Ambedkar championed enforced Fundamental Rights to protect individual liberty. Conversely, some members, including K.T. Shah, advocated for making the Directive Principles—which aim for socioeconomic fairness—also legally enforceable to ensure the state's obligation to social justice.⁶

Challenges and Controversies in the Constituent Assembly Debates

The process of draughting the Indian Constitution was not without difficulties and disagreements. The Constituent Assembly included people from many ideological, cultural, and regional origins. These disparities frequently resulted in intense disputes over a variety of sensitive subjects, highlighting the complexities of developing a framework to govern a diverse and large country. This section digs deeper into some of the major issues and opposing viewpoints in the Constituent Assembly.

Debate on the Structure of the Indian Union – Federalism vs. Unitarism

⁶ Testbook, Constitutional Assembly Debates in India: Analysis & Significance (visited Sept. 6, 2025), <https://testbook.com/ias-preparation/constituent-assembly-debates>.

When the Indian Constitution was being written, one of the biggest debates was about how power should be shared between the central government and the states. **Some leaders wanted a strong central government**, while others argued for more power to the states. **Dr. B.R. Ambedkar** supported a powerful centre to ensure **national unity and prevent fragmentation**, considering India's past with many princely states. **Jawaharlal Nehru** also favoured a strong centre, especially for managing the economy, national defence, and holding the country together.

On the other hand, **K.T. Shah** wanted a federal structure where states would have more independence. He feared that too much power in the centre would hurt state identities. Similarly, **H.V. Kamath** was worried that centralisation could weaken local governments and lead to authoritarianism. The Constituent Assembly tried to find a **middle ground**. They decided on a **quasi-federal system**, which means the Constitution gives both the Centre and states important powers, but the Centre has a bit more authority. However, the issue of how powers (especially financial and legislative) were shared continued to be debated.

Reservation and Affirmative Action – Debate on Social Justice

There was also a heated debate about **reservation (affirmative action)** for **Scheduled Castes (SCs), Scheduled Tribes (STs), and other backward groups**. **Dr. Ambedkar** and **Jagjivan Ram** supported reservation policies to **correct historical injustices** and provide **equal opportunities** to the marginalised. They felt that without such measures, these communities would continue to suffer discrimination and poverty. However, **some leaders were concerned**. **Pandit Thakur Das Bhargava** feared that reservations might **increase caste-based tensions** instead of solving them. **K.M. Munshi** wanted a **merit-based system**, warning that too many quotas could reduce efficiency. In the end, the Assembly approved **reservations as a temporary measure**, with a promise to **review and adjust them over time**, aiming for long-term **social justice**.

The Role of Religion – Debate on Secularism

The role of religion in the Indian Constitution led to intense discussions. The question was whether India should be a **secular state**, meaning the government would **not favour any religion**. **Nehru** and **Ambedkar** supported **secularism**. They believed religion should be a **private matter**, and the state should treat all religions equally to avoid discrimination and

promote unity. However, some members were worried. **H.C. Mookherjee** thought that **strict secularism might upset religious people**, while **Mohammad Ismail Sahib** feared that minorities would see secularism as an **attack on their faith**.

The Assembly finally decided to **adopt secularism**, ensuring **freedom of religion** and **separation of religion from government** policies.

The Language Debate – Official Language of India

Choosing the national language was one of the most **emotional and divisive issues**. Many leaders like **Purushottam Das Tandon** and **R.V. Dhulekar** wanted **Hindi** to be the **sole official language**, as it was widely spoken and had cultural roots in India. But others, especially from South India, disagreed. **T.T. Krishnamachari** warned that **forcing Hindi** would **alienate non-Hindi speakers**, and could cause division. **Gopalaswami Ayyangar** suggested that **English** should continue as a **link language** until Hindi could be gradually accepted. The **compromise** was that **both Hindi and English** would be used as **official languages**, and **English would continue for an indefinite period** to avoid regional tensions.⁷

Minority Rights – Protecting Cultural and Religious Diversity

The Assembly also discussed how to **protect minority communities** in India, especially their **language, culture, education, and religion**. **Maulana Abul Kalam Azad** and **Sardar Patel** supported **strong rights for minorities** to ensure **peace and confidence** among different communities. But **H.V. Kamath** warned that **too many special rights** might make the majority feel ignored. **M. Ananthasayanam Ayyangar** wanted **equal rights for all** rather than **special treatment** for some. In the end, the Assembly **accepted minority rights**, but with **safeguards** to ensure they did not **threaten national unity or equality**.

Emergency Powers – Debate on Central Authority During Crisis

Emergency powers (under **Articles 352, 356, and 360**) were another sensitive topic. These allowed the Centre to take **full control during emergencies**. **Ambedkar** and **Nehru** supported these powers, saying they were **necessary to protect the nation** during war, rebellion, or financial crisis. However, critics like **H.V. Kamath** feared that emergency powers could be

⁷ supra note 5

abused to silence dissent. K.T. Shah wanted **strong checks** to prevent misuse. Eventually, the Assembly agreed to include emergency powers but added **parliamentary and judicial checks** to ensure **accountability**.⁸

ARTICLE-WISE DEBATES ON FUNDAMENTAL RIGHTS

Debates Over Fundamental Rights

Another major discussion was about **fundamental rights**—the basic rights of every citizen. The Assembly had to decide how much freedom individuals should have and how that freedom should be balanced with the needs of society. **Supporters of strong rights**, like **Sardar Vallabhbhai Patel**, believed that these rights were essential to democracy and would protect citizens from injustice. **Dr. B.R. Ambedkar** focused on rights for marginalised communities, saying these groups needed strong legal protection.

However, **some members were cautious. Govind Ballabh Pant** warned that if rights were too broad, they could be misused and create chaos. **R.K. Sidhwa** pointed out that many Indians were poor and illiterate, and wondered if they could even make use of such rights. Finally, the Assembly agreed to **guarantee fundamental rights**, but with some **reasonable restrictions**. This meant that people had rights, but they could be limited to protect public order, morality, and the rights of others.

- **Article 15 – Prohibition of Discrimination**

This article says that the **State cannot discriminate** based on **religion, race, caste, sex, or place of birth**. **Ambedkar** strongly supported it, seeing it as a way to **end discrimination**, especially against Dalits. **Nehru** said it was key to building an **equal and just society**. Some concerns were raised by **K.T. Shah**, who supported the article but asked for **affirmative action** to help disadvantaged groups. **Govind Ballabh Pant** warned that **laws alone wouldn't be enough**—social change was also necessary.

Resolution: Article 15 was adopted, and **positive discrimination** (affirmative action) was included elsewhere in the Constitution to support weaker sections.

⁸ supra note 5

- **Article 17 – Abolition of Untouchability**

This article **bans untouchability** and makes it a **punishable offence**. **Ambedkar**, who personally experienced untouchability, led this effort. He called it a **social evil** that must be destroyed. **Nehru** agreed, saying India couldn't progress unless caste-based discrimination was removed. **K.T. Shah** supported the idea but stressed the need for **both law and social reform**. **R.S. Sidhwa** was concerned about possible **social unrest**, especially in rural areas, if the change was too sudden.

Resolution: The article was adopted in full, and untouchability was made **illegal and punishable**.

- **Article 19 – Freedom of Speech and Expression**

This article gives citizens the **right to free speech, peaceful assembly, movement, and occupation**. **S.P. Mookerjee** and **Rajendra Prasad** believed that these freedoms were **core to democracy** and essential for citizens to express themselves and participate in public life. However, **Govind Ballabh Pant** wanted **reasonable limits** to prevent misuse—especially to stop hate speech or violence. **Ananthasayanam Ayyangar** worried about large gatherings leading to **communal clashes**, and supported **restrictions** on public assembly in sensitive areas.

Resolution: Article 19 was passed with **legitimate restrictions**—such as maintaining **public order, decency, and national security**—ensuring a **balance between freedom and responsibility**.

- **Article 25: Freedom of Religion – Conscience, Practice, and Propagation**

Article 25 gives every individual in India the **freedom to believe in, practice, and share their religion**, as long as it doesn't harm public order, morality, or health. This article sparked significant discussion. **Maulana Abul Kalam Azad** strongly supported religious freedom, calling it a **core value of secular India**. He believed that **faith is personal**, and the government should **never interfere with one's beliefs or religious practices**. **Dr. B.R. Ambedkar** also supported this right but warned that **religion should not be misused to oppress others**, especially the Dalits who had suffered exploitation in the name of religion.

On the other hand, **Sardar Vallabhbhai Patel** supported the article but opposed **forced conversions**, arguing they created **social unrest**. He wanted steps to prevent such misuse of religious freedom. **K.T. Shah** feared that religion might be **used for political power** in some regions, affecting governance. Despite these concerns, the Assembly passed Article 25, with the condition that **religious freedom must not disturb public peace, health, or morality**, protecting both individual freedom and social harmony.

- **Article 32: Right to Constitutional Remedies**

Article 32 is one of the most powerful tools given to citizens, allowing them to **approach the Supreme Court directly** if their **fundamental rights are violated**. **Dr. B.R. Ambedkar** called this the “**heart and soul of the Constitution**”, as it gave people a legal way to challenge the government and protect their rights. **Jawaharlal Nehru** saw it as a **pillar of democracy**, ensuring that no citizen is helpless if their freedom is taken away.⁹

However, **H.V. Kamath** was concerned that due to **poverty and illiteracy**, many people might not be able to **use this right effectively**. He called for more support to help people access justice. **K.T. Shah** feared that giving too much power to the judiciary might lead to **conflicts between the courts and other government branches**. Still, the Assembly upheld Article 32, agreeing that **judicial protection of rights is essential** for any true democracy

ARTICLE-WISE DEBATES ON DIRECTIVE PRINCIPLES OF STATE POLICY (DPSPS)

The **Directive Principles**, found in **Part IV** of the Constitution, are **non-enforceable guidelines** for the government. They are not legally binding, but they serve as **moral goals** to promote **social justice, equality, and welfare**. The Assembly debated how these principles should be shaped and what role they should play in building an equal and fair society.

- **Article 36: Definition of “State”**

This article says that the term “**State**” in **Directive Principles** includes the same branches as defined in **Part III**, such as the **executive, legislature, and judiciary**. **Dr. Ambedkar** wanted this wide definition so that **all branches of the government** would be **responsible for**

⁹ supra note 5

following the Directive Principles. Nehru believed this would help the government **play an active role in ensuring welfare and justice**. However, **K.T. Shah** argued that this definition could **confuse people** and allow the central government to interfere too much. **M. Ananthasayanam Ayyangar** was worried it might **weaken the powers of individual states**. Despite these objections, the article was passed with the **broad definition of “State”**, ensuring the principles would apply to all government organs.

- **Article 37: Directive Principles Not Enforceable by Courts**

This article clarifies that the Directive Principles **cannot be enforced in court**, but they are **very important for governance**. **Dr. Ambedkar** described them as **aspirational goals** that should guide the making of laws. **Nehru** agreed, saying that these principles would help the government **reduce inequality and improve people’s lives**. **Sardar Patel** was concerned that if they are not enforceable, **governments might ignore them**. **K.T. Shah** wanted them to have **some enforceability** to ensure their real impact. However, the Assembly decided to **keep them non-binding**, while strongly emphasising their importance. These principles were meant to act as a **moral compass** for future lawmakers.

- **Article 38: Social Order for Public Welfare**

Article 38 tells the State to **promote justice – social, economic, and political – for all people**. **Dr. Ambedkar** saw this as essential for bringing a **social revolution** to end deep-rooted inequalities. **Nehru** said that **equal opportunity** was necessary for a **strong and united India**, and this article was crucial in achieving that. But there were concerns. **M. Ananthasayanam Ayyangar** felt the article's language was **too broad** and might put **too much burden on the government**. **G.V. Mavalankar** agreed with the article’s aim but wanted **clearer instructions** on how to carry it out. In the end, Article 38 was accepted, with its **broad and flexible wording**, so that **future governments could shape social policy based on the country’s needs**.

- **Article 39: Principles of Economic Equality**

This article tells the government to **ensure equal livelihood opportunities, stop concentration of wealth, and use resources for the good of all**. **Dr. Ambedkar** supported this strongly, saying it was key to ending **exploitation** and creating **fair economic conditions**.

Nehru also believed the economy should be structured to **serve the poor and reduce inequality**. However, **Sardar Patel** was concerned about the **state controlling too much** of the economy, which might reduce **individual freedom and entrepreneurship**. **K.T. Shah** preferred a **market-driven approach**, and warned against too much state interference. Still, the Assembly passed Article 39, giving the government a clear role in **managing the economy for public benefit**, and laying the foundation for future welfare policies.

- **Article 41: Right to Work, Education, and Public Assistance**

Article 41 says the State should provide **work, education, and aid** to those who are **unemployed, sick, elderly, or disabled**, as much as it can afford. **Dr. Ambedkar** argued this was vital to **protect citizens' dignity** and **ensure no one was left behind**. **Nehru** called this article central to **building a prosperous and caring society**. But some had doubts. **K.T. Shah** felt that the State **could not do everything alone** and that **society and individuals** also had a role. **G.V. Mavalankar** questioned whether India, in its early stage of development, could **realistically provide these services** and suggested a **gradual approach**.

The Assembly agreed to include Article 41, but clarified that these rights would be achieved **step by step**, depending on the **country's economic ability**. It became a starting point for India's **social security system**.

- **Article 46: Uplifting the Educational and Economic Interests of SCs, STs, and Other Backward Classes**

Article 46 of the Indian Constitution directs the State to **give special attention** to improving the **educational and economic conditions** of the **weaker sections**, particularly the **Scheduled Castes (SCs)**, **Scheduled Tribes (STs)**, and **Other Backward Classes (OBCs)**. The idea behind this article is to ensure that **marginalised groups**, who have been **socially and economically disadvantaged for centuries**, are given the **opportunity to grow and contribute equally** to the country.

Dr. B.R. Ambedkar, who personally experienced caste discrimination, **strongly supported this article**. He felt that **centuries of injustice and exclusion** against Dalits and tribal communities required **active government support** to ensure **fair access to education and jobs**. According to Ambedkar, this article was not just about help—it was about the **State's**

duty to ensure **equality and social justice**. **Jawaharlal Nehru** also backed the article, stating that **special efforts were necessary** to help backward communities **break free from poverty and lack of education**. He believed that with **proper support**, these communities could rise and **contribute meaningfully to India's development**.¹⁰

However, there were some concerns. **Sardar Vallabhbhai Patel** agreed with the article's **goal of justice**, but worried that **too much government intervention** might make these groups **dependent on state support**. He felt that while help was necessary, the government should also focus on **empowering these communities to grow independently** without feeling entitled. **M. Ananthasayanam Ayyangar** raised concerns about the **practical side** of implementing this article. He pointed out that India's **large population and limited resources** might make it difficult for the government to **fully meet the demands** of such a **massive welfare program**.

Despite these differing views, the Constituent Assembly **adopted Article 46**, recognising that **correcting historical wrongs** required **positive government action**. This article later became the **foundation for important programs**, such as **reservations in education and government jobs** for SCs, STs, and OBCs. These policies have played a major role in promoting **social inclusion**, giving people from weaker sections the **chance to live with dignity, access opportunities, and be part of India's progress**.

SUGGESTION:

The Constituent Assembly Debates were critical in establishing India's Constitution, incorporating both democratic principles and practical compromises. They effectively incorporated fundamental rights, minority protections, and affirmative action, displaying their dedication to justice and equality. However, elite leadership dominated the talks, limiting grassroots participation. Provisions like Directive Principles were made non-justiciable, reducing their revolutionary power, while federalism leaned significantly towards centralisation due to Partition-era concerns. Fundamental rights included "reasonable restrictions," which allowed for state excess. Gender and caste concerns, however addressed, remained patriarchal and hierarchical in nature. Thus, the arguments were both visionary and restricted, balancing goals against the political realities of the period.

¹⁰ supra note 5

CONCLUSION:

The Constituent Assembly debates on various constitutional provisions reflected a deep engagement with creating an equitable and inclusive framework for a newly independent nation. Balancing minority rights, social justice, and national integration posed significant challenges, yet the framers—guided by ideals of equality, justice, and democracy—sought to ensure equal opportunities for all. These debates shaped provisions protecting cultural and religious identities (Articles 29–30) and promoting the interests of backward classes (Article 46). Leaders like B.R. Ambedkar, Nehru, and Patel contributed diverse perspectives that acknowledged India's social complexities while affirming dignity and welfare for all citizens. The final Constitution embodies this vision of unity in diversity, making equality both an ideal and a practical goal. Although the journey toward realizing these promises remains ongoing, the principles forged in these debates continue to guide India's democracy. Revisiting them is vital to address new challenges while upholding justice, equality, and cultural diversity.