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Volume II
No. 1



Monday
20th January
1947

CONSTITUENT ASSEMBLY DEBATES

OFFICIAL REPORT

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CORRIGENDUM

In the Constituent Assembly Debates, December 1946 session, Volume I,

1. No. 1, dated the 9th December 1946,
page 5, line 34,
for 'immorality' read 'immortality';
2. No. 2, dated the 10th December 1946,
page 20, line 16 from bottom,
for 'I' read 'If';
line 7 from bottom,
for 'n' read 'in';
page 21, line 10,
for 'a e' read 'are';
page 24, line 12 from bottom,
for 'paragrpahs' read 'paragraphs';
page 25, line 23,
for 'resolut on' read 'resolution';
3. No. 3, dated the 11th December 1946,
page 43, line 5,
for 'Munishwama' read 'Muniswami';
4. No. 5, dated the 13th December 1946,
page 55, line 12 from bottom,
for 'li' read 'lie';
page 56, line 15 from bottom,
for 'aded to or substracted'
read 'added to or subtracted';
line 13 from bottom,
for 'in Papers' read 'improper';
line 4 from bottom,
for 'ears' read 'eras';
page 57, line 9,
for the words 'one way, or,'
read 'out to you.';
page 58, line 19, delete the words 'or other';
page 63, line 7, insert the word 'the' between the words 'of' and 'age';
page 64, for folio No. '4' read '64';
page 65, line 10, delete the word 'as';
line 15, for 'want' read 'went';
line 18 from bottom, insert the word 'opportunity' between the words
'this' and 'of';
page 66, insert folio No. '66';
line 12, for 'destroy' read 'destroys';
5. No. 6, dated the 16th December 1946,
page 74, line 20 from bottom,
for 'S atement' read 'Statement';
page 76, line 15,
for 'State' read 'States';
line 16,
for 'Ass mbly' read 'Assembly';

- No. 6, dated the 16th December 1946, (contd.)
 page 77, line 21 from bottom,
 for 'sess on' read 'session';
 page 78, line 9,
 for 'p stponing' read 'postponing';
 line 26,
 for 'u' read 'but';
 line 29, for 'I' read 'I';
 page 79, line 1, for 'communities their equality of status for' read 'com-
 munities a particular quota of seats for';
 page 80, line 25 from bottom,
 for 'n' read 'in';
 page 81, line 26,
 for 'no where' read 'nowhere';
 page 85, line 13, for the words 'swayed and people' read 'swayed the
 people';
 page 86, line 9, for 'el mentary' read 'elementary';
 line 10, for 'f ture' read 'feature';
 page 87, line 18, for 'assembl' read 'assembled';
 line 19, for 'ne' read 'he';
 line 31, for 'Chu hill' read 'Churchill';
 line 32, for 'gave' read 'gave';
6. No. 7, dated the 17th December 1946,
 page 89, line 24, for 'v' read 'only';
 line 14 from bottom,
 for the words 'o e' and 'th'
 read the words 'owe' and 'the';
 line 12 from bottom,
 for 'prote ion' read 'protection';
 page 91, line 2, insert the word 'to' between the words 'order' and
 'contribute';
 line 4, for 'aspe t' read 'aspect';
 page 93, line 16, for 'histor' read 'history';
 line 17, for 'clitical' read 'political';
 line 32, for 'nd' read 'and';
 line 9 from bottom,
 for 'ne' read 'one';
 page 96, line 15, for 'worm' read 'form';
 page 98, line 18, for 'rgeard' read 'regard';
 page 105, lines 14 and 28,
 for 'Dr. Jayakar' read 'Dr. Ambedkar';
7. No. 10, dated the 21st December 1946,
 page 150, line 16, for 'whic' read 'which';
 page 159, line 16, from bottom,
 for 'Sactions' read 'Sections';
 page 161, line 21, for 'le t' read 'left';
 page 162, line 26, for 'Mr. om at Lahir' read 'Mr. Somnath Lahiri';
 page 249, line 2, from bottom, for 'Manday' read 'Monday'.

CONSTITUENT ASSEMBLY OF INDIA

Monday, the 20th January, 1947

The Constituent Assembly of India met in the Constitution Hall, New Delhi, at Eleven of the Clock; Mr. President (The Hon'ble Dr. Rajendra Prasad) in the Chair.

PRESENTATION OF CREDENTIALS AND SIGNING OF THE REGISTER.

The following Members presented their Credentials and signed the Register:

1. Dr. H. C. Mookherjee.
2. Shri Balkrishna Sharma.

STATEMENT BY PRESIDENT *RE*: ALLEGATIONS IN PARLIAMENT ABOUT THE REPRESENTATIVE CHARACTER OF THE CONSTITUENT ASSEMBLY.

Mr. President: Before we begin, I should like to make two statements in connection with certain matters.

In the course of the debates on India in the House of Commons and in the House of Lords in December last, certain statements were made detracting from the representative character of this Assembly during its last session. Notable among those who spoke in this strain were Mr. Churchill and Viscount Simon. Mr. Churchill observed that the Assembly, as it was meeting then, represented "only one major community in India". Viscount Simon was more specific and referred to the Assembly as "a body of Hindus". He went on further to ask "whether this meeting of Caste Hindus at Delhi can be regarded by the Government as the Constituent Assembly they meant at all".

Both these gentlemen have held the highest offices of responsibility and have had a long and intimate connection with the affairs of India; and whatever may be their views on current political controversies, they would not, I am sure, like to make statements which are wholly contrary to facts and lead to mischievous inferences. It is for this reason that I have considered it necessary on this occasion formally to state the facts. Out of a total of 296 Members who were to take part in the preliminary session, 210 Members attended. These 210 Members consisted of 155 Hindus out of a total of 160, 30 Scheduled Caste representatives out of a total of 33, all the 5 Sikhs, 6 Indian Christians out of a total of 7, all the 5 representatives of Backward Tribes, all 3 Anglo-Indians, all 3 Parsis and 4 Muslims out of 80. The significant absence is of course that of the representatives of the Muslim League—an absence which we all deeply regret. But it is clear from the figures I have quoted that, with the exception of representatives of the Muslim League, every community in India, whatever the party affiliation of the persons representing that community, was represented in the Assembly; and, therefore, to describe the Assembly as representing "only one major community in India" or as "a body of Hindus" or as a "meeting of Caste Hindus" is a complete travesty of facts. (*Cheers*).

STATEMENT BY PRESIDENT RE: THE DISCREPANCY BETWEEN THE CABINET MISSION'S STATEMENT OF MAY 16, 1946, AS PUBLISHED IN INDIA AND THE PRINTED PAMPHLET CIRCULATED TO MEMBERS

Mr. President: Members may recollect that, in the course of the debates in the Constituent Assembly on Pandit Jawaharlal Nehru's Resolution, Mr. Jaipal Singh pointed out that there was a discrepancy between the Cabinet Mission's Statement of May 16, 1946, as published in India, and the printed pamphlet circulated by the Assembly Office. The discrepancy referred to was in paragraph 20 of the Statement. His complaint was that whereas the Statement originally published in India referred to *full* representation of the interests affected, our reprint referred only to *due* representation. I have had the matter investigated since.

The Principal Information Officer of the Government of India, who originally published the Statement in India, and who has been consulted, has informed us that it was printed exactly in accordance with the copy handed over to him by the Information Officer of the Cabinet Mission. Our own pamphlet is an exact reprint of the White Paper submitted to Parliament. It appears that the Statement as published in India, underwent some small alterations at the hands of the Cabinet Delegation before being presented to Parliament.

The discrepancy pointed out by Mr. Jaipal Singh is not the only one; there are a few others also. I am, however, satisfied that in practically all cases these changes are purely verbal. Whether the change in paragraph 20 is also purely verbal or not is a matter of opinion. I personally do not think that any material difference has been introduced.

RESOLUTION RE: STEERING COMMITTEE

Mr. President: The next item on the Agenda is the motion by Shri Satyanarayan Sinha.

Shri Satyanarayan Sinha (Bihar: General): Mr. President, I beg to move the following motion which stands in my name:

"Resolved that the Assembly do proceed to elect, in the manner required under Rule 40(1) of the Constituent Assembly Rules, eleven members (other than the President) to be members of the Steering Committee."

Sir, with your permission, I should like to read out to the House the Rules which we have passed regarding this Committee in the last session.

"The Assembly may from time to time elect, in such manner as it may deem appropriate, besides eleven members, eight additional members, of whom four shall be reserved for election from among the representatives of the Indian States.

The President shall be an *ex-officio* member of the Steering Committee and shall be its *ex-officio* Chairman. The Committee may elect a Vice-Chairman from among its members to preside over the Committee in the absence of the President.

The Secretary of the Assembly shall be *ex-officio* Secretary of the Steering Committee.

Casual vacancies in the Committee shall be filled as soon as possible after they occur by election by the Assembly in such manner as the President may determine.

41. (1) The Committee shall—

- (a) arrange the order of business for the day;
- (b) group similar motions and amendments and secure, if possible, assent of the parties concerned to composite motions and amendments;
- (c) act as a general liaison body between the Assembly and the Sections, between the Sections *inter se*, between Committees *inter se*, and between the President and any part of the Assembly; and
- (d) deal with any other matter under the Rules or referred to it by the Assembly or the President.

(2) The President may make standing orders for the conduct of the business of the Steering Committee."

If the House accepts my motion, the President will announce the date and time of receiving nominations and also of the election to be held, if necessary.

Shri Mohanlal Saksena (United Provinces: General): I second it.

Mr. President: Does any one want to speak on this motion?.....As nobody wants to speak, I will put the motion to the vote of the House. The motion is:

"Resolved that the Assembly do proceed to elect, in the manner required under Rule 40(1) of the Constituent Assembly Rules, eleven members (other than the President) to be members of the Steering Committee".

The motion was adopted.

Mr. President: I have to inform Hon'ble Members that nominations for the Steering Committee will be received in the Notice Office up to 5 p.m. today. Elections, if necessary, will be held in the Under Secretary's room (Room No. 24, Ground Floor, Council House) between 3 and 5 p.m. on the 21st January.

RESOLUTION RE: AIMS AND OBJECTS—contd.

Mr. President: We will now take up the discussion of the Resolution moved during the last session by the Hon'ble Pandit Jawaharlal Nehru:

Sir S. Radhakrishnan (United Provinces: General): Mr. Chairman, Sir, I have great pleasure in commending this Resolution to the acceptance of the House. From the list of amendments tabled, I see that there are three different questions raised: whether a declaration of this character is essential; whether this is the proper time for considering such a declaration; and thirdly, whether the objectives included in this Resolution are matters of general agreement or they require modification or Amendment.

I believe that such a Declaration is essential. There are people who are suspicious, who are wavering, who are hostile, who look upon the work of this Constituent Assembly with considerable misgivings. There are people who affirm that, within the Cabinet Plan, it will not be possible for us to effect either real unity in the country or true freedom or economic security. They tell us that they have seen before squirrels move round in a cage, and that within the limits of this Cabinet Statement, it will not be possible for us to effect the revolutionary changes which the country is aiming at. They argue from history that revolutionary changes are generally effected by violent action overthrowing established Governments. The British people were able to end monarchical despotism that way; the United States of America attained her primary freedom through direct action; the French, the Bolsheviks, the Fascist and the Nazi revolutions were also effected by similar methods. We are told that we can not effect revolutionary changes through peaceful methods, through negotiation and discussion in constituent assemblies. We reply that we have similar ends; we wish to bring about a fundamental alteration in the structure of Indian society. We wish to end our political and economic dependence, but those who are strong of spirit, those who are not short of sight, take their chances—they make their chances. Here is a chance that is open to us and we wish to use this to find out whether it will be possible for us to gain the revolutionary ends by methods which are unusual so far as past history is concerned. We want to try whether it will not be possible for us to effect a smooth and rapid transition from a state of serfdom to one of freedom. That is the undertaking which this particular Assembly has on hand. We wish to tell all those who are abstaining from this Assembly that it is not our desire to establish any sectional Government. We are not here asking anything for a particular community or a privileged class. We are here working for the establishment of Swaraj for all the Indian people. It will be our endeavour

[Sir S. Radhakrishnan.]

to abolish every vestige of despotism, every heirloom of inorganic tradition. We are here to bring about real satisfaction of the fundamental needs of the common man of this country, irrespective of race, religion or community. If the trumpet gives an uncertain sound, we cannot rally the people to our support. It is therefore essential that our bugle-call, our trumpet-sound, must be clear, must give the people a sense of exhilaration; must give the suspicious and the abstaining a sense of reassurance that we are here pledged to achieve full independence of India, where no individual will suffer from undeserved want, where no group will be thwarted in the development of its cultural life. Therefore I believe that a declaration of objectives of this character is essential and it is not necessary for us to wait till this Assembly is fuller than it happens to be at the present moment.

Now let us turn to the objectives themselves. We resolve that India shall be an Independent, Sovereign Republic. On the question of independence there is no difference of opinion. Premier Attlee, in his first statement, made on 15th March, said:

"I hope that the Indian people may elect to remain within the British Commonwealth. It is certain that she will find great advantages in doing so; but if she does so elect, it must be by her own free will. The British Commonwealth and Empire is not bound together by chains of external compulsion. If, on the other hand, she elects for independence, in our view she has a right to do so."

The Muslim League and the Princes have all agreed to it. In the Memorandum on States' Treaties and Paramountcy, presented by the Cabinet Mission to the Chancellor of the Chamber of Princes on the 12th May, 1946, it is said that—

"The Chamber has since confirmed that the Indian States fully share the general desire in the country for the immediate attainment by India of her full stature. His Majesty's Government have now declared that, if the Succession Government or Governments in British India declare independence, no obstacle would be placed in their way. The effect of these announcements is that all those concerned with the future of India wish her to attain a position of independence within or without the British Commonwealth."

All those concerned with the future of India, the Congress, the Muslim League, and other organisations and the Princes also, they all desire independence for India within or without the British Commonwealth.

Mr. Churchill, in the House of Commons, referring to His Majesty's Government's offer of independence, said on the 1st of July, 1946—

"However, it is another matter when we try to short-circuit the process and say 'Take independence now'. That is what the Government are going to get and they are going to get it very soon. They should not blind themselves to the idea. There is going to be no hesitation on the part of those with whom the Government is dealing in taking full and immediate independence. That is what is going to happen."

This Resolution on the objectives does not wish to disappoint Mr. Churchill. (Hear, hear.) It tells him that the expected is happening. You gave us the choice to get out of the British Commonwealth. We are electing to go out of the British Commonwealth. May I say why? So far as India is concerned, it is not a mere Dominion like Australia, like New Zealand or Canada or South Africa. These latter are bound to Great Britain by ties of race, religion and culture. India has a vast population, immense natural resources, a great cultural heritage and has had an independent career for a very long time, and it is inconceivable that India can be a Dominion like the other Dominions.

Secondly, let us consider the implications of what happened at the United Nations Organisation, when the Indian Delegation, headed by our distinguished colleague, Mrs. Vijayalakshmi Pandit, so ably defended the rights of Indians in South Africa—look at the attitude that was adopted by Great Britain. Great Britain along with Canada and Australia supported South Africa, New Zealand abstaining from voting. It shows that there is a community of ideals between Great Britain and the other Dominions in which India has no share. There is no sense of belonging in the British Commonwealth. We do not feel

that we are all members, enjoying similar rights as parts of the British Commonwealth. Some of you may also have heard of the recent move launched by Mr. Churchill and Lord Templewood for a European Union under the fostering care and leadership of Great Britain. That also shows in what way the wind is blowing.

Yet, even though India may elect to quit the British Commonwealth, there are a hundred different ways of voluntary co-operation, ways of mutual collaboration, in trade, in defence, in matters of culture; but whether all these forms of mutual co-operation are going to develop in a spirit of friendship, trust and harmony, or whether they will be allowed to die out in mutual distrust and recrimination, depends entirely on the attitude which Great Britain will adopt in this crisis. This Resolution about the Indian Republic seems to have irritated Mr. Churchill and his followers. Our Chairman today referred to one statement by Mr. Churchill and I will refer to some others.

When the debate on Burma took place, Mr. Churchill stated that the annexation of Burma happened during his father's Secretaryship, and that now Burma is given the liberty to get out of the British Commonwealth. He seems to look upon Burma and India as parts of his ancestral estate, and now when they are passing out, he seems to be terribly disheartened.

On the debate on India, he asked His Majesty's Government to remember its obligations "to the Muslims, numbering 90 millions, who comprised the majority of the fighting elements of India"—truth is not rated high in Indian debates and international intercourse—"and of untouchables of anything from 40 to 60 millions." He refers to the representatives of the Great Congress Party as the mouthpiece "of actively organised and engineered minorities who, having seized upon power by force, or fraud or chicanery, go forward and use that power in the name of vast masses with whom they have long since lost all effective connection." A party of men who have braved the perils of life, who have suffered for their patriotism, whose love of country and capacity for sacrifice are second to none in the whole world, who are led by one who is today leading a lonely trek in a far off corner of India, bearing on his aging shoulders the burden of a nation's shame and sorrow, to talk of that party in the way in which Mr. Churchill has done is—I do not know how to describe it. (*Cries of shame*). Mr. Churchill's outbursts are bereft of dignity or discretion. Provocative and irrelevant remarks, sneers of derision in regard to our communal divisions, have punctuated his speech on that occasion and on other occasions. I shall only say here that such speeches and such statements cannot prevent the end but can only postpone it and thus prolong the agony. The British connection will end, it must end. Whether it ends in friendship and goodwill or in convulsions and agony, depends upon the way in which the British people treat this great problem.

Republic is a word which has disturbed some of the representatives of the States in this country. We have said from this platform that a Republican India does not mean the abolition of Princely rule. Princes may continue; Princes will be there so long as they make themselves constitutional, so long as they make themselves responsible to the people of the States. If the great paramount power which is sovereign in this country by conquest, is now transferring responsibility to the representatives of the people, it goes without saying that those who depend on that paramount power should do what the British have done. They must also transfer responsibility to the representatives of the people.

We cannot say that the republican tradition is foreign to the genius of this country. We have had it from the beginning of our history. When a few merchants from the north went down to the south, one of the Princes of the Deccan asked the question, "Who is your King?" The answer was, "Some of us are governed by assemblies, some of us by kings."

Kecid deso ganadhina kecid rajadhina . . .

[Sir S. Radhakrishnan.]

Panini, Megasthenes and Kautilya refer to the Republics of Ancient India. The Great Buddha belonged to the Republic of Kapilavastu.

Much has been said about the sovereignty of the people. We have held that the ultimate sovereignty rests with the moral law, with the conscience of humanity. People as well as kings are subordinate to that. Dharma, righteousness, is the king of kings.

Dharmam kshatrasya kshatram.

It is the ruler of both the people and the rulers themselves. It is the sovereignty of the law which we have asserted. The Princes—I count many of them amongst my personal friends—have agreed with the Cabinet Statement and wished to take their share in the future development of this country, and I do hope that they will realise that it is their duty to take notice of the surging hopes of their peoples and make themselves responsible. If they do so, they will play a notable part in the shaping of our country. We have no ill-will towards the Princes. The assertion of republicanism, the assertion of the sovereignty of the people, do not in any manner indicate any antagonism to the Princely rule itself. They do not refer to the present facts of past history of the Indian States but they indicate the future aspirations of the peoples of the States.

The next thing that we find in this Resolution is about the Union of India. The Cabinet Statement has ruled out the partition of India. Geography is against it. Military strategy is against it. The aspirations of Hindus, Muslims, and Sikhs from the very beginning have been against it. The present tendency is for larger and larger aggregations. Look at what has happened in America, in Canada and Switzerland. Egypt wishes to be connected with Sudan, South Ireland wishes to be connected with North Ireland. Palestine is protesting against any division. Again nationalism, not religion, is the basis of modern life. Allenby's liberating campaigns in Egypt, Lawrence's adventures in Arabia, Kemal Pasha's defiant creation of a secular Turkey, point out that the days of religious States are over. These are the days of nationalism. The Hindus and Muslims have lived together in this country for over a thousand years. They belong to the same land, speak the same language. They have the same racial ancestry. They have a common destiny to work for. They interpenetrate one another. It is not a kind of Ulster, which we can separate; but our Ulster is a ubiquitous one. Even if we have two States, there will be large minorities and these minorities, whether really oppressed or not, will look across their frontiers and ask for protection. This will be a source of continual strife which will go on, as long as we do not have a United India. We realise that while a strong Centre is essential to mould all the peoples into one united whole, on account of the grievances, real or imaginary, we have to be satisfied with a Centre which is limited to the three subjects, which the Cabinet Plan has put before us. Therefore, we are proceeding on the principle of Provincial Autonomy, with the residuary powers to the Provinces themselves. Events that have happened in Bihar and Bengal, tell us that there is an urgent need for a strong Centre. Yet as there are these difficulties, we propose to develop a multi-national State which will give adequate scope for the play of variations among the different cultures themselves. Grouping has given us a lot of trouble. But grouping is subject to two essential factors—which are the integral parts of the Cabinet Plan,—a Union Centre and residuary powers in the Provinces; and in these Groups also we will have large minorities. Those who are insistent on the rights of minorities will have to concede these rights to others who happen to be included in the Groups. In a statement made by Sir Stafford Cripps on July 18, 1946, he said: "A fear was expressed that somehow or other the new Provincial Constitutions might be so manoeuvred as to make it impossible for the Provinces afterwards to opt out. I do not myself see how such a thing would be possible, but if anything of that kind were to be attempted, it would be a clear breach of the basic understanding of this Scheme."

That is what Sir Stafford Cripps said. If any attempt is made to so manipulate electorates as to make it difficult for the Provinces to opt out, then that would be, in the words of Sir Stafford Cripps, "a clear breach of the basic understanding of this Scheme". After all we have to live together and it is impossible to impose any constitution against the wishes of the people who are to be governed by that Constitution.

There is also a reference to fundamental rights in this Resolution. It is a socio-economic revolution that we are attempting to bring about. It is therefore necessary that we must re-make the material conditions; but apart from re-making the material conditions, we have to safeguard the liberty of the human spirit. It is no good creating conditions of freedom without producing a sense of freedom. The mind of man must have full liberty to flower and mature and to grow to its fullest stature. The progress of man is due to the play of his mind, now creating, now destroying, always transmuting. We must safeguard the liberty of the human spirit against the encroachments of the State. While State regulation is necessary to improve economic conditions, it should not be done at the expense of the human spirit.

We are actors today in a great historical drama. We are involved in it and therefore we are unable to perceive the large contours of it. This declaration, which we make today, is of the nature of a pledge to our own people and a pact with the civilized world.

The question was put by Mr. Churchill to Mr. Alexander whether this Assembly is functioning validly. Mr. Alexander said:

"I repeat the scheme for elections for the Constituent Assembly was carried out. If the Muslim League abstained from going there, how can you prevent a duly elected Assembly from going on to do its business?"

That is what Mr. Alexander said. There was some difficulty about the interpretation of the grouping. Much against its will, the Congress has accepted His Majesty's Government's interpretation. The only two clauses that remain are adequate safeguards for minorities, and a treaty on the problems which arise out of transfer of power. The Constituent Assembly is legally functioning. Every part of the State Paper has been completely accepted and if we are able to frame adequate safeguards for minorities, safeguards which will satisfy not so much the British or our own people, but the civilized conscience of the world, then while yet the British have the power to put it into action, they must give this Constitution the force of law. It is essential that they should do so. If after all these conditions are satisfied, if some excuse is invented for postponing the independence of India, it would be the most callous betrayal of history. If, on the other hand, the British argue that the Constituent Assembly has started functioning on the basis of the Cabinet Plan and they have accepted every clause of the State Paper of May 16, and have provided adequate safeguards for all minorities and therefore they should implement it, then it will be an achievement of history which will secure the co-operation and goodwill of two great peoples.

In that very speech which Mr. Attlee made as the Prime Minister on March 15th, he said:

"In the mass of Asia, an Asia ravaged by war, we have here the one country that has been seeking to apply the principles of democracy. I have always felt myself that political India might be the light of Asia."
 nay, the light of the world giving to its distracted mind an integral vision and to its bewildered will an upward direction.

Here are the two alternatives. Accept the Constituent Assembly. Take its findings. Find out whether there are adequate safeguards for minorities or not. If they are there, give them the force of law and you may get co-operation. If, after all these conditions are fulfilled, you still try to make out that something is lacking, the British will be understood as violating the spirit of the whole State Paper, and the dark possibilities which will lie ahead of us in the present world conditions, I do not wish to contemplate.

Mr. N. V. Gadgil (Bombay: General): Mr. Chairman, I have great pleasure in supporting the Resolution which has been moved by The Hon'ble Pandit Jawaharlal Nehru. In the course of the discussion it was pointed out that this Constituent Assembly was not competent to pass a resolution of this character. In this connection, I respectfully draw the attention of this House to the opening paragraph of the Statement in which a quotation from the speech of the Premier Mr. Attlee is given. Therein he says that—

"My colleagues are going to India with the intention of using their utmost endeavours to help her to attain her freedom as speedily and fully as possible. What form of Government is to replace the present regime is for India to decide; but our desire is to help her to set up forthwith the machinery for making that decision."

It is clear, Sir, that this Assembly is here to evolve not only the form of Government but to lay down what the content of the same will be. I wish to state here, Sir, that we are not here as mere drafters of a constitution or choppers of logic. We are here, as a matter of fact, as a council of action, and this meeting of the Constituent Assembly is a stage in the progress of the struggle for freedom. It may possibly be the penultimate battle or the last battle that will end the war of freedom, which has been carried on for over 75 years or more, from generation to generation. An inheritance of struggle had been left to us by our predecessors; but I do hope that when this generation is over, the inheritance it will leave, will not be an inheritance of struggle, but an inheritance of creative effort, whereby the future society of India will be built up.

Sir, there is a clear necessity for defining the objective. In the past those who have really contributed to this struggle are not the few professors and Privy Councillors, but they are the people who have been toiling in poverty, in ignorance. They have got to know what is it that they have fought for so far, and what is it in the ultimate they will be asked to fight for in case the Constitution we may frame here is not acceptable to the British Government. Now, Sir, in this Resolution, as I see it, there is nothing to which any person or any party, who is anxious to have freedom, can take objection. In the first place, the main objective is defined as an Independent Sovereign Republic. As far as I know Sir, from the various resolutions that have been passed by the Muslim League in the course of the last six years or more, they have always stated that they are for democratic freedom. In fact, the Islamic country that leads the Islamic world, namely, Turkey, today, is a Republic. Therefore, there is nothing in this to which the Muslim League can take any objection. Let us therefore see what are the merits in this proposition and if it can be pointed out that there is anything objectionable, then, certainly, it is a matter which can be adjusted when those who want to take objection are here. But as far as I am able to see there is nothing, no phrase, no clause in this Resolution to which anybody can take objection.

Taking the several sub-paragraphs in this Resolution, the main thing that is provided for is one State, one Union. At the same time there is enough scope for every province to grow and expand and there is nothing to prevent any province from reaching its utmost goal, consistent with the common obligation. At the same time, I wish to point out that it provides a field which gives wider scope for higher statesmanship, for higher scholarship, for better commerce and larger industries. If there is such a Union, it means there is greater political security and that Union will have economically more bargaining power. Viewed from any point of view, a State covering all the geographical unit, known as India, is a necessity for every province, for every constituent State that may go to constitute this Union. By joining they will have nothing to lose and, in my humble opinion much to gain.

Now, Sir, it also provides for fundamental rights and these fundamental rights are, what are most cherished by the common man. It provides freedom of association, freedom of speech and all other civil liberties which are to be found in the Constitution of every country. Some objection was raised because many things are not clear. Obviously, all things cannot be included in a

Resolution of this kind. But if one carefully goes through the relevant portion which deals with fundamental rights, it lays down that there will be economic justice, which can only be secured, if the production in the country ultimately comes to be socially owned. Private enterprise may be there, but in a limited manner. If economic justice is to be secured, it can only be, if the means of production come to be owned by the State as such. Therefore, if matters today appear somewhat not very clear, I am sure, that when these principles are incorporated in the sections of the Constitution, these matters will be made perfectly clear.

Sir, this is a sort of building. The whole Resolution has a unity just as this hall in which we are all assembled. The dome is standing on the various arches down below. Similarly, the freedom contemplated is supported by the various principles which are incorporated in the Resolution and that has given balance and poise to the structure. As I said, this Resolution is absolutely necessary and though textually it may not be a part of the Constitution, that may come ultimately to be framed, it is a sort of a spiritual preamble which will pervade every section, every clause and every schedule and as I said, Sir, it is necessary. It is a sort of a dynamic, a driving power which will be available to those who will be charged with the framing of the Constitution in detail. This is in fact the foundation. People will know what they are to get. It will be a constitution which will evoke the necessary loyalty from every citizen whom it is to govern. For, no constitution can evoke loyalty, no constitution can evoke the necessary sentiment unless it offers every citizen sufficient inspiration to defend it, if it comes to it, by laying down his own life.

Sir, as I said, this is not an Assembly in which are gathered mere drafters of the Constitution; it is a sort of a council of action. We are here because of the struggle that has been carried on by the people, and we have to frame the Constitution. If that Constitution is framed and not granted, people ask what is the sanction. To that my humble answer is that there are two kinds of sanctions, one, the moral sanction and the other, physical. If our Constitution is just and fair to every legitimate interest in this country, that provides the first kind of sanction; and the second kind of sanction is the determination of the people to see that whatever form of Government they have decided to adopt, is there, and if it is not granted by any power, then that determination will not be merely academic but it will work in concrete forms, though the forms may not be stated today. I submit that as the Constitution proceeds from clause to clause and section to section, people will gradually know how things are moving and in fact, I feel, Sir, that there will be created such an atmosphere in the country that the necessary temper for revolution will be augmented and will be ready for use. I submit that as we proceed from clause to clause and section to section, British power in this country will be withering and by the time we reach the last schedule, we will find that the British State, so far as India is concerned, has withered away. What will be left then, will be a formal repeal of the British power, for do we not read the writing on the wall; do we not see that the pictures of those who ruled India with repression, ruthless repression, with extraordinary laws and Ordinances gone? Where are the pictures? They are all gone. There you can see the writing on the wall. Mr. President, it has been pointed out that the Britishers are very anxious to leave this country. In fact years ago, Macaulay wrote that it would be a glorious day for Britishers when Indian people would ask them to vacate. We have been asking them so long; but apart from what Lord Macaulay has said, the Empire that had begun in perjuries and forgeries of Clive and Hastings, sustained throughout by broken promises, and which is still sought to be continued by diplomatic clarifications, by fleeting and flexible explanations, must end. These explanations will not make it survive a day more. There must be an honest deed of transfer in favour of the masses who have suffered so long and so much under the foreign rule. The day must come when they must come into their

[Mr. N. V. Gadgil]

own. If the transfer is peaceful, well and good; but if it does not come peacefully, and if a struggle becomes necessary and history demands that there must be a struggle, I can only say that we do not want to fight but if we have to, then we have got the men, we have got the material and we have got the mind too. But in that case what will happen? Britishers will go—stocks and shares, shops and workshops,—they will leave nothing behind, not even goodwill or good memories. Their trade and flag both will disappear. It is for them to decide whether they want to live upto their great ideal which was stated by Lord Macaulay or they still want to cling and ultimately meet the fate which I have just visualized.

Mr. President, we have come to a stage when it becomes necessary to say in the clearest possible terms what we want to have. We have been told that other questions, such as minorities, are there, difficult of solution. I want to make it clear, Sir, that this is a problem which is the creation of foreign power. Nobody has ever succeeded in preventing the coming together of the waters of Jumna and Ganges beyond Allahabad (*hear, hear*); because there the three streams Ganges, Jumna and Saraswati (Wisdom) join and after that nobody can distinguish the waters of Jumna from the waters of Ganges. The time has come when wisdom will dawn on both the communities and the result will be that they will form a higher unity, a higher synthesis, in which everybody will have his opportunity to rise to the highest level of life and personality. Now it has been said that it will not be possible in the near future to get what we desire. It may be a short or a long struggle but whether it is a long struggle or a short struggle, although we do not want it or invoke it, if it comes, everyone of us must be prepared for it. Sir, the task that has been cast on these representatives who are gathered here, is great and historic. I have no doubt that they will rise to the occasion and lead this ancient country to its goal of freedom. They will bring into existence a society where men will be valued not by what they have, but by what they are, where men will be measured in terms of character and not in terms of coin, where pride will be a back number and prejudice will be tongue-tied, where men and women can hold their heads high, where they will be happy, because they will be equal, where religion will not be a battle-field, for all will be the worshippers of one Goddess—the Goddess of Duty, where race will not evoke arrogance on one hand and inflict humiliation on the other, for all will belong to one race, *viz.*, the race of workers, where creeds will not disintegrate the people, for their creed will be of service to all, where freedom and plenty will be available, for none will have the monopoly of power or prosperity. All will be happy because all will be equal. It is a vision no doubt but a vision is necessary if one wants to live a life, a life with aim and purpose and for that one must have a vision; otherwise it will be the life of a crow.

Kakōni Jivati Chiraya Balimcha Bhunkte.

“Even a crow lives long on crumbs.”

We do not want that sort of life. It is a vision no doubt. All I can say in conclusion is, that unless we have vision, we cannot progress, for a people without vision perish. (*Cheers.*)

The Hon'ble Mrs. Vijayalakshmi Pandit (United Provinces: General): Mr. President, it was my privilege in 1937 to move the first resolution after the inauguration of Provincial Autonomy in my Province, demanding a Constituent Assembly to draw up a constitution for an independent India. Today, ten years later, that Constituent Assembly is meeting here. This is a historic milestone in our progress toward freedom and yet, Sir, freedom remains just a little beyond our grasp. Imperialism dies hard and even though it knows its days are numbered, it struggles for survival. We have before us the instance of what is happening in Burma, in Indonesia, in Indo-China, and we see, how in those countries, inspite of the desperate efforts that the peoples are putting up to free themselves, the stranglehold of imperialism is so great that

they are unable easily to shake it off. Reactionary elements in every country are getting together, Sir, under the guise of seeking protection, clinging to the Imperialist power and trying thereby to strengthen it. We have seen the sorry spectacle of what happened in San Francisco when the United Nations Organization was being born. The Asiatic nations assembled there, were dominated by the Imperialist powers and could not speak independently but only echoed the voice of their respective Imperialist powers. The result has already been seen in the fact that in spite of the brave words of the Charter, that came into existence at that time, no implementation of that Charter was possible because there was not enough strength behind it. The peoples of Asia were silent and could not insist upon its implementation. Even today, Asia is far behind the peoples of Europe in representation in the United Nations and it was perhaps the first time in history that at the last United Nations Assembly, a country, not free itself, was able to raise its voice for the freedom of oppressed and dependent peoples all over the world. (Cheers.) The fact, that the United Nations Assembly has recognized this, is because India even today has shown within herself the power of giving a lead to the world. An Independent India would no doubt assume leadership not only of Asia but of the world, and so when we meet here in this Assembly to draw up the future Constitution of our country, we must not forget that it is not only to ourselves we owe a duty but also to the world which looks to us.

The Resolution before us stresses complete freedom for the individual and concedes guarantees to every legitimate group. Therefore in this there is no justification for fear for the minorities. Even though certain minorities have special interests to safeguard they should not forget, that they are parts of the whole, and if the larger interest suffers, there can be no question of real safeguarding of the interest of any minority. In an Independent India minorities will not be able to look to outside powers for help without being termed 'traitors'. We have had too much talk of rights in recent years and very little about obligations. This approach to any problem is unfortunate. The Resolution before us deals with problems which are fundamental to all of us and only to the extent that they are solved, can we safeguard the rights of any special minority. The Resolution indicates clearly that in an Independent India the fullest social, economic and cultural justice to individuals and groups will be conceded and through our design for living, we shall be helping other nations to decide the pattern of their own lives. Our own design must therefore be right and must be made with the co-operation and strength of the entire country.

Of all the Asiatic countries, India alone has stood for democracy throughout the years. In all our chequered history we have fought for the will of the people to triumph. In recent years, even at great peril and at personal sacrifice, the people of this country have adhered to the ideal of democracy, and, today, we are in a position of showing to the world that we can implement our ideals. The Resolution under discussion is clear in substance and in wording, but I would like to stress two points.

We have before us two aspects—the positive and the negative. The negative aspect is concerned with the ending of the imperialist domination of our country and in that we all agree. But the more important side to the question is the positive side, which means the building up in our country of a social democratic State which will enable India to fulfil her destiny and point the path of lasting peace and progress to the world. At this moment in our national history, we cannot afford to fritter away our energies in any talk or action which will defeat our objective, nor must we indulge in unreasoning fears. We must accept the challenge that has been offered and march together in order to realize the positive side of this picture.

The end of the War has created many problems, difficult in themselves and made more complex by the fact that individual demands are placed before the interest of the whole; that many nations, being still dependent, are unable to

[The Hon'ble Mrs. Vijayalakshmi Pandit]

raise their voice in support or protest. But India is in a position to contribute substantially to a solution of the present problems and also in maintaining peace and security in the world. A free India becomes a power for the forces of progress. In this age of the building up of one world, we cannot talk of separate nations. We have to work in order to build up one world, of which India shall be a worthy partner. India has the right to lead because of her heritage, and also because of her present, when, in the face of the complexity of her own problems, she has stood up and estimated values and not let go all those ideals which she had placed before her. Our contribution to the future is one of neutralisation of political and social discontents and to that end, we must work by the establishment of freedom in our own country and helping all those who strive for freedom in the world. Unless Asia comes into her own, the world cannot function as a whole. A world which is divided into groups cannot be secure. A famous American has said, "No nation can exist half slave and half free". The same applies to the world, since freedom is not divisible. India must free herself socially, economically and then free others, and in the Resolution before us, we find an attempt to work towards that end. By it, we redeem the pledge we have taken. I appeal to the Members of this House to pass the Resolution in order to show that this ancient land is conscious of the challenge that has been presented to her and can live up to the ideals and heritage of her past.

Prof. N. G. Ranga (Madras: General): Mr. Chairman and friends, I am extremely glad to be able to support this Resolution. It does not mean that I am quite satisfied with it; but so far as this Resolution goes, it places before us the most effective, the most comprehensive and liberal idea of the future that our people can look forward to, once our new Constitution comes into existence. But it is much more than a liberal view of things, because it is not content with placing high ideals and noble ideas before our people. It also takes into consideration the need for assuring to our people the actual enjoyment of the rights that are stated herein, and it is in this manner that this Resolution goes far beyond similar resolutions that had been moved in other constituent assemblies and similar ideas incorporated in other constitutions of the world.

There is one other respect also in which this Resolution is very much in advance. While in other constitutions, no specific mention has been made to assure the people the right of freedom of action in pursuance of their ideals, in pursuit of their aims, this Resolution makes it perfectly clear that our people will have the right to act whenever they find it necessary, provided such action is within the law and also in conformity with the moral standards of our people. That is a very important matter, because from time to time, both in this country and in other countries, governments used to come forward to deny the right of the people to rebel against any particular law, any particular ordinance, any particular dictate of that particular government, and threatened the people and told them that they had absolutely no right whatsoever to go against the established law. But, Sir, while political philosophers were merely content in other countries, philosophers like Harold Laski and others, with exhorting the people to be ever ready to stand up to their rights, their obligations and civil liberties, here in India alone, the opportunity has been given—thanks to the leadership of Mahatma Gandhi—to offer *satyagraha* on a mass scale and to claim that right not only for large bodies of people, organised and unorganised, but also for individuals. Again and again, we have been able to reiterate our right to rise against injustice, to go against any particular law or system of laws and thus maintain that only in that way can the civil liberties of the people and also all their personal and individual rights be maintained. The State as well as human beings are liable to err and there must be some safeguard against their mistakes, and the only safeguard that

can be found will be in *satyagraha*. Therefore, Sir, I welcome this Resolution for that reason also.

Several people in this country have been complaining that such and such parties have not taken part in this Assembly and such and such other sections have not been able to come into the orbit of this Assembly and its work, and therefore, we have no right whatsoever to consider a resolution like this. Is it necessary, Sir, that all the members in a family should be present in council where the point for consideration is that the total property of that family should be increased, should be augmented? Can there be a member of any family who would be opposed to the increase of the moral and material prosperity and the rights of that particular family? This Resolution is nothing but that. We are here assembled to consider in what manner the rights and obligations, the powers and duties of every individual in this country, groups of people and the whole country, can be raised, increased and augmented. At this juncture it does not matter, if some of us are not able to be in this House. It may be that for various reasons of their own, certain parties have kept themselves away; but that need not prevent us from trying to go ahead in order to increase the total heritage of our people, in order to augment the total rights and strength of our country.

Sir, at the same time, I said this is not enough and I would like to say a few words about that. It is all very well to go back to our villages and to our friends and tell them that we have passed a resolution like this and that in future all their rights will be safeguarded and they will have no fears in regard to the future. But will it be enough if those people get the right to live, to have full employment, to gain their fundamental rights, if they are only told that they will be able to have their meetings, their conferences, their associations and various other civil liberties? Is it not necessary to enable them to create such conditions in life as will enable them to enjoy these rights that we have enumerated here? It is a fact, Sir, it is a miserable fact, that millions and millions of our countrymen are not yet able to take advantage of the various liberties that we have laid down here, the various privileges, that we say, are being thrown open for everyone to enjoy. They are not educated. Economically, they are oppressed and suppressed also, and socially, they are backward and down-trodden. For all these people, so many more things have to be done, may be for some time to come, before they come to enjoy these rights. They need props. They need a ladder by which they can reach on to the stage when it will be possible for them to come to appreciate the value of the rights that we are placing before them and enjoy them.

Sir, there is a lot of talk about minorities. Who are the real minorities? Not the Hindus in the so-called Pakistan provinces, not the Sikhs, not even the Muslims. No, the real minorities are the masses of this country. These people are so depressed and oppressed and suppressed till now that they are not able to take advantage of the ordinary civil rights. What is the position? You go to the tribal areas. According to law, their own traditional law, their tribal law, their lands cannot be alienated. Yet our merchants go there, and in the so-called free market they are able to snatch their lands. Thus, even though the law goes against this snatching away of their lands, still the merchants are able to turn the tribal people into veritable slaves by various kinds of bonds, and make them hereditary bond-slaves. Let us go to the ordinary villagers. There goes the money-lender with his money and he is able to get the villagers in his pocket. There is the land-lord himself, the zamindar, and the *mal-guzar* and there are the various other people who are able to exploit these poor villagers. There is no elementary education even among these people. These are the real minorities that need protection and assurances of protection. In order to give them the necessary protection, we will need much more than this Resolution.

But it is quite possible that we cannot incorporate all those things in a

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resolution of this character. It is the spirit of the Resolution that has got to be taken into account; it is in that light that the Constitution has got to be formulated. And in framing that Constitution we will have to see that there is a charter of fundamental rights. We are agreed upon that, but that will not be enough. Several other countries also have had their charters of fundamental rights. Yet these fundamental rights have been neglected by their own Governments. Therefore we will have to stipulate certain provisions in our own Constitution, by which it will be possible for our masses to invoke the aid of the law as against the State, as against the Government and its incumbents from time to time in order to see that these fundamental rights are actually enforced. For instance, in France they had noble ideals of equality, fraternity and liberty, and they laid it down that no Member of Parliament could possibly be put in jail while the House was in session. Yet that right was denied. Several Deputies of the French Parliament were put in jail and there was no safeguard against it. In America, before the law all the people are equal, but yet you know how depressed are the Negroes in that country. We have to prevent a repetition of that sort of thing in our country. In order to be able to do that, we must enable our own workers, our own peasants, our own ordinary masses to demand from the State necessary financial assistance to go to the Courts, to the Supreme Court of the country and to seek its protection. Poor men, as you know, are not able to go to Court, and when they have to fight against the State, it is impossible for them to think of it at all. Just as you provide for a poor man's lawyer in criminal cases, so also if you were to make a similar provision for enforcement by the ordinary masses of the fundamental rights that we formulate, then there might be some safeguard.

The masses are the real minorities, and yet they are not asking for all these safeguards, and even when they ask for the safeguards, they do not make it a condition precedent to constitutional progress. What is more, they care more for the country, for our own national progress and therefore, they not only say, let us go ahead, but they exhort us to go ahead. They stand by us, and I appeal to our own so-called religious minorities to take a lesson from these people. Whom are we supposed to represent? The ordinary masses of our country. And yet most of us do not belong to the masses themselves. We are of them, we wish to stand for them, but the masses themselves are not able to come up to the Constitutional Assembly. It may take some time; in the meanwhile, we are here as their trustees, as their champions, and we are trying our best to speak for them. While we are doing this, our friends, the Muslim Leaguers, wish the rest of the world to believe that we are trying to do them some harm, therefore they cannot hope to come over here, they cannot be expected to come over here. I wish to tell them from this forum, it would be the greatest possible tragedy not only for the Muslim masses but also for the masses of the country in general, if the Muslim League were to follow this policy of non-co-operation, this policy of do-nothing. What more can the Indian National Congress be expected to do in order to conciliate them than what it has already done? Our friends, the Muslim Leaguers, instead of trying to come to us and negotiate with us, reason with us or argue before us,—they have gone over to the Britisher. They have tried to gain one after another a number of concessions. Each one of these concessions has come down as a sort of black curtain in blotting out the vista of freedom and Swaraj that this country is aiming at; and in addition they have done enough to embitter the people of this country. In spite of all this, the Indian National Congress has chosen to accept all these various safeguards and rights and various other things that they have been gaining from the British with the only hope, with the only intention, with the only appeal to our Muslim League friends, to come over here and co-operate with us in the shaping of the Constitution for our country. If they do not come, are we going to stop where we are? Certainly not. They ought to know, and other people also who are

backing them ought to know, that the Indian National Congress cannot be stamped in this fashion. We are making history, we have been making history for the last 25 years. Again and again, in spite of our constitutionalists who have been telling us, "for God's sake do not go against the law, these things will not get us Swaraj, you negotiate with the British, work with the British", we have resorted to *satyagraha* on many an occasion in order to safeguard the rights and privileges of our people. We have made progress,—who can deny that? Could we have been in this Constituent Assembly if we had not been able to launch direct struggles? Could there have been even this possibility for the Muslim League to try and obstruct as they are doing now, if it had not been for the sacrifice and struggle that we have been carrying on all these years? We have reached a stage when it is impossible for British imperialism to prevent us from making progress. British imperialism goes to the pitiable plight of trying to have some allies in order to arrest our progress—may be for a day, may be for a few minutes. But British imperialism will not succeed, and these allies of British Imperialism cannot succeed. What is more, our own masses will soon be in a position to set aside not only British imperialism but also their allies in this country and go ahead and help us to go ahead. What has been the position of the Muslim League itself? There was a time when Mr. Jinnah used to say that independence was a sort of mirage, that it was absurd for India to claim independence for India. He himself said that direct action was an absurdity, and yet he has himself come to claim independence for India, he has declared himself in favour of independence. He has himself come to declare from the Muslim League rostrum the "Quit India" slogan, though he would like to have it, as "divide the country between us, and quit India." Nevertheless, he followed in our own footsteps. He wants to-day two Constituent Assemblies, whereas not long ago he was not prepared to think of any Constituent Assembly at all. What does this show? I say, that if we go ahead, the Muslim Leaguers also are obliged to go ahead for the simple reason that the ordinary masses, whether Hindus or Muslims, to whichever community they belong, are impelling their political leaders, in spite of their own peculiar partisanship, to go ahead in the manner in which alone India can go ahead. Therefore, I appeal to our Muslim Leaguers, at least in the name of their own masses, to come into this House and co-operate with us, if they are not for their own vested interests, for their Nawabs, or for their Jagirdars.

Mr. Jinnah and others have been claiming in recent past that they are also as democratic as the Indian National Congress. If they are democratic, let them think over the fact as to which of the communities contains the largest number of poor people. Among the Hindus a good percentage are not poor, but among the Muslims, the rich people can be counted on your fingers. The poorest among our people are the Muslim masses. They need most urgently a free India without which there is no chance for the Tribal people or for the *Harijans* or for the Muslim *Mazdoor* or the *Kisan*, and, the longer Mr. Jinnah and others prolong this agony of slavery, the longer they will be delaying the possibility of their own masses making any progress.

Lastly, I wish to appeal to this House to see to it that the necessary provisions are made in the Constitution proper in order to enable our people to enjoy the various rights indicated in this Resolution. Without such provisions this Resolution will have become useless. It will only be a sort of pious hope and nothing more. It is true that, when it comes to be incorporated in our textbooks and our boys and girls read them in their lessons, it will do a lot of educational work. But that will not be enough. Similar work was done in America and yet the ordinary rights of the people were set at naught by the Government. Therefore we should take care to incorporate the necessary sanctions in the Constitution in order to safeguard the interests of the masses and to ensure to

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them the necessary opportunities which are needed to enable them to enjoy these rights:

Dr. P. K. Sen (Bihar: General): Mr. President, Sir, I rise to accord my heart-felt support to the Resolution. A great many speakers have spoken before me during this session as well as in the last and a great many aspects have already been discussed fully. I do not wish to go over those aspects again or repeat any of their observations. But I do feel that this Resolution, in all its different branches, is very very necessary before we undertake to sit down and frame a constitution for an Independent India. It is also important that we should proclaim, as the Resolution does, India an independent Sovereign Republic.

As the Hon'ble Member, who spoke first today observed, there are many who may be regarded as doubters, waverers and scoffers. It is necessary, therefore, that we should proclaim to the world our determination to carry out our undertaking and frame a constitution for an Independent Sovereign Republic—a Republic in which the ultimate power is vested in the people and all power and authority are derived from the people. There can be no doubt at all to-day that all sections of people are agreed on this point. Whether we speak of our friends of the Muslim League or of the Congress or of the different 'minorities', so-called, or of the 'Untouchables—a word that I hate—or the suppressed, depressed or oppressed people,—indeed, all are our brothers who have been put under 'Schedule Castes' classes. Take any of these sections of political opinion,—is there any doubt whatsoever today that their common objective is Independence? Even the British Government, which is now prepared to transfer power, has definitely declared the objective as being Independence and Freedom. Under these circumstances it is incumbent upon us to frame our Resolution in these terms.

I remember some of the words with which the Hon'ble Mover introduced this Resolution,—they are ringing in my ears. He said: "It is a resolve, an undertaking, a dedication. . . ." Yes, it is a dedication. We have just come to the threshold of our work—we have not as yet crossed the threshold. We are, as it were, pilgrims gathered together in the vestibule and on the point of crossing the threshold to the temple. Now is the time and the moment for a vow of dedication and self-consecration to the task which we have taken upon ourselves. A tremendous responsibility rests upon our shoulders and it is but meet and proper that, at this moment, before we have actually commenced the work, we should make a firm resolve in our mind to discharge our duty, as befits the worthy representatives, of framing a constitution for a free and independent sovereign republic.

There is another aspect of the matter which the Hon'ble Member touched upon and that I think is a very important one. If what I have already spoken of is the subjective side of the Resolution, this is the objective side of it. We have to think not only of ourselves, but of those who are not here yet. Behind the 'visible We' are the 'invisible We'—our friends of the Muslim League, and the representatives of the States are yet to be ascertained. Even when they are here, when this House is fully constituted and is full to capacity, the 400 million people whom we represent will not be here. Therefore, I repeat, in the work that lies before us, we have always to be intensely conscious that this 'visible We' is not all that constitutes the Constituent Assembly, but that it has the 'invisible We' behind it. Then only shall we be able to frame a constitution which will really confer upon this nation at large, true freedom, true right of living as human beings,—call it fundamental rights, call it rights of minorities, or call it what you like. It is only when we realise that we are framing a constitution for an Independent Indian Republic that, as we get along with the work, these problems will gradually clear up and we shall see with a clearer vision further problems that await solution. In all the work we cannot help feeling every moment the presence with us in

spirit, of Mahatma Gandhi, that lone but luminous figure who carries on his shoulders the sorrows and afflictions which spring from narrow-mindedness, envy, jealousy, suspicion and distrust, between man and man, and community and community; but who carries in his heart the hope that springs eternal from faith in the Providence that shapes our ends. There can be no doubt that in this Constituent Assembly is visible the hand of Providence that shapes the destinies of this country, as of others. Inspired by that conscious hope and trust, I have no doubt this Resolution will be passed unanimously with our heart-felt support.

Sri S. Nagappa (Madras General): Mr. Chairman, Sir, I have great pleasure in supporting the Resolution moved by our Hon'ble Vice-President of the Interim Government, Pandit Jawaharlal Nehru. This is a resolution, Sir, that gives wide scope for all the communities and classes of this country. Sir, some of my friends who were speaking prior to me have been expressing some sorrow for the sections that are not present here. I think, Sir, that we should not have any sorrow for the people who are not present. Really speaking, they do not deserve to be here because they are not Indians. They are more Arabs than Indians; they are more Persians than Indians; they are more Turks than Indians. That is why they look towards foreign countries than towards the independence of this country. If they were really interested in the independence of this country, they would have been present here in this august body and helped this country to be free. Now, Sir, I think those of my friends who felt sorrow for them, can also vacate and go out, if they like. We, the Harijans and Adibasis are the real sons of the soil, and we have every right to frame the Constitution of this country. Even the so-called Caste Hindus who are not real Indians, can go, if they want. (Interruptions.) Sir, today we are asking the Britisher to quit. For what reason? Is he not a human being? Has he not a right to live in the country? We ask him to quit because he is a foreigner. So, Sir, we have also a right to ask the Aryan, the migrator to go. **We have a right to ask the Mohammedan, the invader, to go out of this country.** There is only one consideration. The Caste Hindus of this country do not have any other place to go to. That is the only consideration that they deserve. Sir, now we are all Indians. Everyone of us must feel like that. With fellow feeling, we must all join together and help to see our country free as early as possible. None of us want to be a slave to a third person or a second person. Everyone wants to be free. Now, Sir, this Resolution gives equal opportunities to all. Equal opportunities should not be in the statute book only. They must be translated into action. Every individual of this country must realise that he is the administrator of the country. He must be made to realise, he must be made to understand that he is the real ruler of this country.

Now, Sir, I need not dwell on the safeguards for the unfortunate children of the soil. Ever since we were defeated by the Aryans; we have been slaves of these people. We have been suffering, but we are prepared to suffer no more. We have realised our responsibilities. We know how to assert ourselves.

Now, Sir, much has been said by so many friends who spoke, before me as regards the minorities. Well, Sir, I do not claim that we are a religious minority or a racial minority. I claim that we are a political minority. We are a minority because we were not recognised all these days and we were not given our due share in the administration of the country, but that cannot be for ever. Your know, Sir, what has been our position? This Resolution gives us a scope and a chance and an opportunity to be equal, to feel like equals and take our due share in the administration of the country.

Now, Sir, we are one-fifth of the population of the whole country. It is impossible for a democratic country to ignore one-fifth of its population. My friends who are outside this House, or who are not taking part in this august

[Sri S. Nagappa]

Assembly, it is for them to realize. Congress has gone too far in order to facilitate them. Even in accepting this Statement, I fear, Sir, we have been granting what all they have been asking. Our aim should not be simply because a particular section cries, we must be liberal and go on granting whatever they want. It looks as if you have been going on in order to placate a particular community or a section. You have been so tolerant, so liberal, even without caring for your own interest, you have been granting. Now, Sir, what I would request you is that you must be fair to all. If you give any weightage to any minority, that itself gives a scope and chance for other minorities to ask. At that rate I ask you is it possible for any majority to satisfy all such minorities? So I want you to be firm, to be strong, to be fair to all communities. Simply because one section asks, we should not go on granting. It has been said here—I am glad Panditji was kind enough to accept and include in the Resolution—safeguards shall be provided for minorities, Backward and Tribal Areas and Depressed and Backward Classes. This gives equal opportunity to all communities, irrespective of their races or religions. I do not understand, why a particular section should go on asking what is not due, and what is not fair. Simply because they ask, you have been granting. Now it gives an opportunity for the minorities to ask for more and more. What all is said is clear and the Resolution has been very carefully worded, and my only humble request will be to say that every word of it, with all the spirit behind it, be translated into action. There is no use of simply passing a resolution and allowing it to be a resolution. The Resolution must find a place cent. per cent. in action. Only then it has the value of a resolution. It is said, "Equality of status and of opportunity." I must say, Sir, that equal opportunity means, one day or other, even a Harijan should be the Premier of India. That sort of opportunity must be there. Equal opportunity must be translated into action. That must be the motive. There is one more thing I would like to place before this Assembly, when I support this Resolution. The masses have been looking forward to this august body, when they are shaping the destiny of 400 millions and I hope, Sir, every letter, every word, that has been included in this Resolution, will be translated fully into action.

Mr. Jagat Narain Lal (Bihar: General): Mr. President, Sir, I consider it a great privilege to be called upon to accord my support to this Resolution. It is in the fitness of things that this memorable Resolution should have been moved by Pandit Jawaharlal Nehru. For it was he, at whose instance the Madras Congress, in the year 1926, passed the Resolution for complete independence. It was under his Presidentship, that, in the year 1929, the Congress adopted the complete independence of India as its creed. Again speaking in 1934, Pandit Jawaharlal Nehru said 'politically and nationally if it is granted, as it must be, that the people of India are to be the sole arbiters of India's fate and must therefore have full freedom to draw up their constitution, it follows that this can only be done by means of a constituent assembly elected on the widest franchise. Those who believe in independence have no other choice.' Therefore, Sir this Resolution moved by Pandit Jawaharlal Nehru on this memorable occasion in the Constituent Assembly on behalf of this country has a particular value. I consider, Sir, this Resolution as a pledge and a solemn resolve on the part of each one of us sitting in this Assembly and on the part of the country as a whole. Now since this Constituent Assembly has started its sittings and even before it started its sittings, we have noticed a certain amount of change in the mentality of the British Government. Well, we would like to say there have been several constitutions, evolved by Constituent Assemblies of different varieties in this century and in the previous centuries. It is for the British Government itself to choose what variety of Constituent Assembly it would like this Assembly to be and what variety of constitution it would like this Assembly to adopt. There is, for example,

the instance of the United States of America, framing its constitution after the War of Independence, which was waged in the year 1774-75. That was a violent revolution, as we would like to call it. The Constitution that was framed after the War of Independence was one of those constitutions. Later on we find in the 19th century a number of constitutions being evolved by negotiation. In 1867 the Dominion of Canada became a Federation. It was through a peaceful negotiation that the Constitution of this Dominion was framed and evolved and accepted by the British Government. Again in 1900, the Australian Commonwealth was brought into being and that also by a constitution which was negotiated peacefully. We have another instance of the Union of South Africa. It became a Commonwealth in 1909 and that also through a constitution framed and accepted peacefully. The latest instance thereafter, is that of Ireland. In 1921 Ireland was asked to enter into a treaty with the British Government. That was after a guerilla warfare and after the Sinn Fein agitation, a prolonged agitation, and after the British Government had done all it could do, to bring about Ulster into being. The case of Ireland is the latest instance and is one which ought to be borne in mind by the British Government and by the present British Cabinet. The sores that are rankling in the minds of the Irishmen will remain fresh as ever and the result has been an alienation which has not yet ceased to exist. If India is to sit in this Constituent Assembly, and if India is to frame a constitution, I again repeat, it is for the British Government to decide whether that Constitution will be of the Irish model, whether that Constitution will be of the U.S.A. model or whether that Constitution will be evolved peacefully. Signs are that the British Government have not ceased to try the Ulster methods which they tried in Ireland and so many other countries. If they insist on pursuing those methods, the results will be of the Irish model. I will therefore repeat, I will therefore warn the British Government, that it will be better if it brought about all its methods of persuasion and diplomacy into making this Constituent Assembly a success, by its own efforts combined with that of ours.

Well, Sir, I do not like to say much more at this late stage. I want again to repeat that I treat this Resolution as a pledge and as a solemn resolve to bring an independent India into being and that resolve is backed by sanction. The sanction is our own will and our own determination and the will and determination of the entire country which has sent us here. I hope, Sir, when the time comes, as it will, we shall see this Constituent Assembly evolving a constitution for a free and independent India which will come into being peacefully or if not peacefully, by any other method which the British Government choose or we find it necessary to adopt. I have not much more to say, Sir; I support this Resolution and I hope that at the end, the amendment which was moved by Dr. Jayakar, which has no more purpose in being left to stand now, will be withdrawn, when the time comes for it.

Shri Algurai Shastri (United Provinces: General): * [Mr. President, I am here to support the Resolution moved by Pandit Jawaharlal Nehru, the beloved leader of our country. No Indian is more fortunate than those who have assembled in this House to frame the Constitution for a free and independent India. What more proud privilege can there be for an Indian than to fashion the Constitution for his country in this House? Every Indian is eager to support the sentiments and words contained in the Resolution. The noble ideas and sentiments embodied in the Resolution have been the cherished desires of Indians for centuries. There was a day when our country was great, glorious and independent. For centuries India has been in bondage and the young men and women of this country and its old people have been struggling hard, with a burning desire to break the chains of slavery. At last the moment has come when we have assembled here today to declare our land free and

* English translation of Hindustani speech begins.

[Shri Algurai Shastri.]

independent as stated in the first para. of this Resolution. Nothing can be more desirable today than the declaration of independence of our country. Here, we are not declaring India actually independent, but from a practical point of view, we announce that we are going to declare the land independent. It is our firm determination to declare it free and independent. It has been stated in the Resolution that the country, which we declare here independent, shall include all the territories unfortunately termed today as British India. British India is not India but India as a whole is India. I wish, not only the parts of India having at present British governance, but the territories outside British India termed as Indian states, constituting separate units under paramountcy, should also be included in this great and free country and the Resolution declares so. The territories such as Pondicherry, Goa, Daman, and Diu, at present under foreign domination, also form parts of India. I wish these all together with Nepal, Bhutan and Sikkim, which constitute our frontier, should also be included in this free land. Such is the conception of this Resolution. All the human ideals of ages—equality, fraternity and brotherhood—are embodied in this Resolution. In the eighth 'Mandal' of the 'Rig Veda' is a hymn which says:

"All human beings are equal. The King should have the same regard for his subjects that a mother has for her sons."

I am glad that all such higher ideals, we have been taught for ages, are enunciated in the Resolution and therefore I am here to support it.

The Resolution visualises a State where there is no dearth of food and cloth and distribution is equitable. It embodies scientific, socialistic ideals when it says "to each according to his needs and from each according to his capacity". All the ideals of a State conceived in the 'Bhagwat' are embodied in the Resolution. It is the sacred duty of a State to provide its people with all their necessities, says the 'Bhagwat':

Annadeh Samvibhagah Prajanam Yathahitah.

The Resolution affirms the equality of men. We wish to eliminate all class distinction existing at present. The behaviour of men with one another should be on the basis of equality. The Resolution affirms this equality and hence I support it. The Resolution does not visualise the creation of a State which will remain isolated from the world and indifferent to its good and bad. But it says that this great land, independent according to its ancient principles, will fulfil its aspirations for advancement and prosperity. Our country and all its resources shall be used for the good of the world and we will have our relations with the world on the basis of the fundamental principles of human welfare and equality. We shall try to live up to the high human ideals enunciated in the 'Rig Veda'—*Devahitam Yadayuh.*

Our powerful, advanced and flourishing State shall not exist for its own welfare; rather it shall use all its resources for the welfare of the world. The Resolution places before us a very noble ideal. The most important feature of the Resolution is that it declares that the State we are going to create will have its complete independence of which it has been deprived. To preserve the independence thus regained, we shall protect the State well. The determination embodied in the Resolution is consistent with the ancient high ideals enunciated in the 'Rigveda'—*Indrastva Bhiraikatu.*

No State, even having gained its independence, can survive and protect itself if it is weak in military power. This truth is accepted in the Resolution and hence I support it. Only the State which has the backing of the people can enjoy a sure existence. When the Resolution promises social and economic equality to all, it visualises a purely democratic State with the people's Government. In the Resolution we picture a State with power of legislation

vested in the people and with no discrimination between the ruler and the ruled. According to the famous poet Kāndāś, an ideal State, like a father, provides its people with protection, education and maintenance.

Only such a State can claim to be an ideal one where the present deplorable discrimination between the ruler and the ruled does not exist, where the people are not oppressed and exploited by the rulers. The people will imagine and desire a State which is based upon these high ideals of the 'Rigveda'. The Resolution before the House visualises such a State and hence I support it. This Resolution enables us to show to the world that the independence we conceive is not to serve selfish ends and to rule the people against their will. We find all the Vedic ideals embodied in the Resolution. The noble ideals of state-protection and maintenance of subjects, held high during the Muslim regime, beginning from the reign of Hazrat Umar to Bahadur Shah, are embodied in this Resolution. When Muhammad Bin Qasim had conquered and occupied Sind he sent a letter to the then Caliph asking for his directions as to how he should rule the conquered people. The letter from the Caliph in reply is an important document and a treasure in History. The Caliph's directives, based on the ideals held by Hazrat Umar, said that he (Muhammad Bin Qasim) should treat the subjects with paternal feelings and protect their life, and property and places of worship. Humayun too, following these very ideals, taught his son Akbar to rule the people. In the *Ain-e-Akbari* by Akbar, where the relations between the ruler and the ruled are defined, we find nowhere that the people should be oppressed and deprived of their freedom. The former rulers acted on these ideals and we are here to revive them and the Resolution leads us to this noble task.

The Members from Madras follow us easily when we express ourselves in English, and the proceedings of the House also receive convenient publicity. But I thought I should here speak in Hindi. I hear the voices of the sons of Bahadur Shah, now lying in their graves, saying "In what language are you expressing yourself? You are here to fulfil our desire cherished for centuries. Please express yourself in such a manner that we also may follow." The spirits of Jayasi, Prithviraj and Sanyukta are eager to hear what we say in this House, they are eager to know what we are here for; they want to know your aspirations and ideals. We are here not to address the people of England but that of India. Numerous dynasties and empires are lying in the old tombs on all sides of Delhi. These tombs and the ashes therein ask us to tell them what we are here for. I want to tell them that we are here to go ahead in spite of all obstacles, with the ideals in defence of which the sons of Bahadur Shah laid down their lives, the Mutiny of 1857 was enacted and for which many old and young men and women of India have been sacrificing their lives for centuries. We are firm in our pious determination; nothing can daunt us; no power can bend us. The spirits of our ancestors resting in their graves are calling upon us to address them in their own language. This is their wish and this is why I have attempted to address you in Hindi.

The Resolution before you is acceptable from all points of view. Dr. Jayakar had pleaded for its postponement and so far as the question of reconciliation is concerned we did so. Dr. Ambedkar had also advised its postponement and agreeing to his pleas, we did postpone. But if anyone wants to stop us with his policy of obstructions, certainly we will not stop. The fight for freedom once begun, though baffled often, is ever won. We will march on and for the sake of reconciliation we will not give up the task we have undertaken. The waves of our ambitions and determination have risen and subsided; today they are immovable like a mountain and cannot be cowed down by the attacks of the British Imperialism.

Mr. Shyama's amendment to this Resolution is a patch of hessian on this Kashmiri *pashmina*. His amendment and that of Dr. Jayakar too, should be rejected and the Resolution, in its original form, should be passed.]*

Mr. President: The meeting now adjourns till 11 A.M. to-morrow.

The Assembly then adjourned till Eleven of the Clock, on Tuesday, the 21st January, 1947.

* English translation of Hindustani speech-ends.

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Tuesday
21st January
1947

CONSTITUENT ASSEMBLY DEBATES

OFFICIAL REPORT

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CONSTITUENT ASSEMBLY OF INDIA

Tuesday, the 21st January, 1947.

The Constituent Assembly of India met in the Constitution Hall, New Delhi, at Eleven of the Clock, Mr. President (The Hon'ble Dr. Rajendra Prasad) in the Chair.

ELECTION OF THE STEERING COMMITTEE

Mr. President: I have to inform the Hon'ble Members that the names of the following thirteen members have been validly proposed for election to the Steering Committee:

1. The Hon'ble Maulana Abul Kalam Azad.
2. The Hon'ble Sardar Vallabhbhai J. Patel.
3. Sardar Ujjal Singh.
4. Shrimati G. Durgabai.
5. Mr. S. H. Prater.
6. Mr. Kiran Sankar Roy.
7. Shri Satyanarayan Sinha.
8. Sri M. Ananthasayanam Ayyangar.
9. Mr. S. N. Mane.
10. Mr. K. M. Munshi.
11. Diwan Chaman Lall.
12. Mr. Somnath Lahiri.
13. Sri Lakshminarayan Sahu.

Only eleven members are to be elected, and if there are no withdrawals, an election will be held in accordance with the principle of proportional representation by means of the single transferable vote in the Under Secretary's room (Room No. 24; Ground Floor, Council House) between 3 and 5 P.M. today.

The next item is the Resolution to be moved by Pandit Jawaharlal Nehru. I do not find him here. We shall therefore proceed with the discussion and wait for this to be taken up at a later stage.

Mr. Rajkumar Chakravarty (Bengal: General): May I enquire what is the time for withdrawal of candidature for the Steering Committee?

Mr. President: Any time before the actual voting commences at 3 P.M. today. Then we shall proceed with the discussion of the Resolution. Mr. Madhava Menon.

RESOLUTION RE: AIMS AND OBJECTS—*contd.*

Sri K. Madhava Menon (Madras: General): Mr. President, Sir, I stand here to support the Resolution moved by Pandit Jawaharlal Nehru. I know, it does not require much more support from anybody, as very little opposition has been made to the proposition. It is absolutely necessary that we pass this Resolution without any further delay. As Sir Alladi pointed out in his speech, you may

[Sri K. Madhava Menon.]

sought the proceedings of any constituent assembly in vain to find that no such Resolution had been moved or passed before the other business of the Assembly began. We have already waited too long in this matter and I think we shall be failing in our duty if we delay it any further. We must realise that the whole country is looking towards us with hope, as to what we are going to do for them. The only objection, if I can call it an objection, is the amendment moved by Dr. Jayakar. In principle, Dr. Jayakar's amendment does not differ much from the Resolution moved, except that Dr. Jayakar wants us to wait, or if I may say so, give an opportunity for those who are absent here, to partake in the Resolution. Dr. Jayakar says that two of the partners are absent, one for reasons not known to us, the other being impossible for it to come here. It is fair that we should wait for them. He mentioned why not we wait till the 20th January, when we are meeting again. We have waited, Sir, as he wanted and we hope that he will have no reason to complain that his request has been disregarded by us.

The objection raised by Dr. Jayakar that under the terms of May 16 Statement of the Cabinet Mission, we are precluded from passing a resolution like this at the preliminary meeting, is contradictory to his own resolution which says what the objects and aims of this Assembly should be. Dr. Jayakar said that the fundamentals of the Constitution need not be mentioned here, and I do not think we have mentioned fundamentals of the Constitution here, but have only mentioned our objects and aims. He said—and I was rather surprised when he said it—that if the Muslim League will not come in, the States also will not come in, and Dr. Jayakar mentioned or rather visualised, that if we passed this Resolution here before the Muslim League comes in, there will be a Hindustan, a Pakistan and a Rajasthan in this country. I felt that his imagination was running riot when he visualised the coming in of three States—Hindustan, Pakistan and Rajasthan. I am sure that no such contingency is going to come and no such contingency should frighten us from passing this Resolution. If we delay further on the ground that others are absent here, I am afraid we are only putting a premium on intransigence. I wish we will not do so but proceed with the Resolution and pass it without further delay.

Mr. B. Das (Orissa: General): Mr. President, some of us were hesitating during the last session that this Resolution may be adjourned to a later date so that the absent ones can come; not that I was not whole-heartedly for the Resolution. As a Congressman and as an Indian, I concur whole-heartedly with the principles enunciated in the Resolution of Pandit Jawaharlal Nehru. Not that it was not enunciated before, but at the beginning of our constitution-framing career we wanted that an enunciation of our goal and objectives should be made in this House, in which all the Members of this House should take part. It is my sorrow, however, that the Muslim League, some of whom have been our co-workers in public life, are absent. At that time, foolishly some of us thought that they will come now and participate in the declaration of our national objectives and rights and at the same time take a willing share of the joys of the coming dawn of freedom. But that is not to be. One cannot understand how the members of the Muslim League, who are our friends, intimate friends, intimate associates and intimate co-operators in our life-time for the last twenty-thirty years, how they can abstain from coming in at this stage.

I cannot understand what they want. It is said that they want two nations; they want Pakistan. Mahatma Gandhi, the other day has said, let them have the Pakistan provinces or a Pakistan country whereby we will know what is the greatest ideal of the Muslim nation, whereby they can show that a Pakistan country is a better governed country than the Hindustan or the Panthistan that the Sikhs want. What are our Muslim friends afraid of, and why is it that they are not here? Sir, there are three parties concerned, the British, the Muslim League and the Congress. The British Government are the stumbling

block in our way. Even the Declaration of His Majesty's Government's further clarification of the Statement of May 16, by their Statement of December 6th, shows that the British are not helping India to achieve independence. What is it that is obstructing our Muslim friends? Sir, the Qaid-e-Azam has been my political guru at the beginning of my career in the Indian Legislative Assembly. I still admire him as a friend. But I cannot understand him as a leader of the party. I do not understand what he wants. There are members in the Working Committee of the Muslim League who are my personal friends, and friends of many of the people who are here. I cannot understand how Abdul Matin Chaudhury or Nawab Ismail Khan or Raja Ghazanfar Ali Khan or Hussain Imam and others, cannot live with Hindus in Hindustan or in the Union of India as brothers. Unfortunately, I am sorry I find that most of the leaders of the Muslim League live in the so-called Hindustan. I have not yet found any Muslim Leaguer of the Pakistan Provinces of Bengal or Punjab who has got great political principles for the guidance of this country or the world, or has enunciated his principles. I am not here to point out the differences between the Congress and the Muslim League. I am here to appeal to the Muslim League from this forum that it is high time that they, who are our friends outside, should be friends in this House. If they differ from us on the point of Pakistan, let them give us their views. Let them tell us whether they want an independent Republic Pakistan or whether they want a Dominion Pakistan? What do they want? I want to appeal to my friends in the Muslim League to think of their old, old associations, the old neighbourly feelings and to come early to this House so that we can all take part in securing independence for India which is so dear to our hearts.

I have said nothing on the main Resolution because I agree with everything that is enunciated there. That has been our dream for these years. I conclude my speech again with an appeal to Mr. Jinnah and my Muslim League friends to come and tell us where we are making a mistake, to tell the Hindus also where the Hindus are making a mistake and are not allowing Mr. Jinnah to build up an independent nation. With that I conclude my remarks.

Mr. Devendranath Samanta (Bihar: General): Mr. President, I thank you for kindly giving me an opportunity of expressing my views regarding the memorable Resolution moved by our revered leader, Pandit Jawaharlal Nehru.

Sir, I feel happy to rise to give my whole-hearted support to the Resolution. The Resolution has already received support from a large number of speakers who have preceded me, and they have discussed the necessity, the utility and propriety of moving and passing the same. They have discussed the Resolution from various points of view, and I do not want to take the precious time of the House by repeating the same arguments; I would simply like to make a few observations with your permission while supporting the Resolution.

It has been admitted in all quarters, that the Constituent Assembly which is to frame a constitution for a free India, is the outcome of untold suffering and immense sacrifice of the masses of this country. Therefore the Constitution to be framed should be such as to promote the interests of the masses and to benefit the country as a whole.

The framers of the Constitution, who are the elected representatives of the people, are highly responsible persons and they would, in the due discharge of their responsible duties, frame the Constitution cautiously and wisely for the best interests of all concerned.

We should have full confidence in the sincerity, honesty and integrity of the members who have undertaken this responsibility of producing a Constitution which will fulfil the aspirations of our countrymen and will promote peace and prosperity of the country.

The principles to be followed in framing the Constitution and the provisions to be made therein have been enunciated by the Resolution.

[Mr. Devendranath Samanta.]

It has been fortunately and appropriately laid down in the Resolution that in the Constitution shall be guaranteed and secured to all the people of India justice, social, economic and political, equality of status, of opportunity, etc., which indicate that all people will be afforded suitable facilities for development.

It has also been laid down that in the Constitution adequate safeguards shall be provided for minorities, Backward and Tribal Areas and Depressed and other Backward Classes, and this should be quite sufficient to allay the suspicions entertained, if any, of the minorities and others whose safeguards are so assured.

I should like to point out that in certain quarters apprehension arises from alleged inadequate representation in the Constituent Assembly, but in connection with this, my respectful submission is, that the framing of a constitution suitable or unsuitable to a particular minority, does not depend upon the extent of representation only but upon the goodwill of the masses who ultimately guide and control the framing of the Constitution. So, in my humble opinion, it is the goodwill of the masses that counts much and not the strength of representation of a particular community in the Constitution-framing body.

So any minority community making a grievance of the fact that the community is inadequately represented is not right in making a grievance of this fact on this ground alone that they cannot get effective representation. Because representation, a little more or less, will be of no use if the community alienates the sympathy of the other communities upon whom the decision of a particular matter will depend to a great extent.

Having faith in the integrity and honesty of the framers of the Constitution, the minor communities, namely, the Scheduled Classes, the Adibasis, Sikhs, Indian Christians, Anglo-Indians and Parsis have rightly co-operated in framing the Constitution in spite of their small and inadequate representation in the Assembly. Now, the aspirations of the people and their strength will be the guiding factors in framing the Constitution.

One section, namely, the Muslim League, could also have joined the Constituent Assembly in framing the Constitution, had they not been under the impression that vivisection of India and formation of Pakistan would promote their interests best. I would like to point out that, barring the Muslim League, no one in the country favours the idea of vivisection of the country. It is hoped that in future the necessity of United India will be appreciated by every section of the people.

Sir, there is no necessity now for pressing the amendment moved by the Right Hon'ble Dr. Jayakar, and it is to be expected that the mover of the amendment will find his way to withdraw the amendment.

Sir, our great country, which has unfortunately been subjected to foreign domination and which has been exploited in every possible way by the British Imperialists, may soon have the chance of being independent and free from all sorts of exploitation.

The Adibasis, Sir, who along with others have been exploited to the greatest extent by the Britishers and their agents, are happy to think that in future they will be free from such exploitation and will get a chance of developing socially, economically and culturally.

Now, Sir, as the Resolution has already got support from a large number of Hon'ble Members, I should not like to take much of the precious time of the House. With these few observations, Sir, I support the Resolution, and, I hope that it will be unanimously accepted and passed.

ELECTION OF THE STEERING COMMITTEE

Mr. President: Before calling on the next speaker to address the House, I have to announce that Srijut Somnath Lahiri and Sri Lakshminarayan Sahu have withdrawn their candidature. (*Applause*). So, the following Members are declared elected to the Steering Committee:

1. The Hon'ble Maulana Abul Kalam Azad.
2. The Hon'ble Sardar Vallabhbhai J. Patel.
3. Sardar Ujjal Singh.
4. Shrimati G. Durgabai.
5. Mr. S. H. Prater.
6. Mr. Kiran Sankar Roy.
7. Mr. Satyanarayan Sinha.
8. Sri M. Ananthasayanam Ayyangar.
9. Mr. S. N. Mane.
10. Mr. K. M. Munshi.
11. Diwan Chaman Lall.

They are declared elected. There is no voting in the afternoon.

RESOLUTION RE: AIMS AND OBJECTS—*contd.*

Rev. Jerome D'Souza (Madras: General): Mr. President, I wish to pay a warm and sincere tribute to the spirit which has animated this momentous Resolution of the Hon'ble Pandit Jawaharlal Nehru. Sir, it is the custom among all sections of our people to accept in an unquestioned manner the democratic creed as universally applicable to us. But I do not know, Sir, if people who make this verbal profession realise all the implications of it and are prepared to carry it out in every way in practical life to the extent to which such profession really does imply.

Sir, whatever may be the objections that may have been raised against this or that part of the Resolution, I take it as an adequate, as a careful, and as an entirely acceptable profession of the democratic creed, of the Government of the people, for the people, and by the people. I think, Sir, that if the spirit that animates it, continues to be applied to the details of the Constitution that this great Assembly will draw up, if it is applied in the daily administration of the Provinces and of the Centre, there will be no section of our people that will have reason to complain, and contentment is bound to follow.

Dr. Ambedkar remarked in the course of his speech, that the ideological or the theoretical part of it contained an expression of opinion which is accepted by all, almost implying that it was something of a common-place in political and journalistic thought. I am not sure, Sir, if that is quite true for any part of the world, and even if it were broadly true, there are occasions when these ordinarily accepted things need to be repeated and asserted solemnly and forcefully. It is said of a great European statesman, Talleyrand, that, when a certain sentiment was declared to be unnecessarily repeated, that "it went without saying," he remarked that "it would go all the better for being repeated, once again". I take it, Sir, that on this solemn occasion, this profession of our democratic belief is made in a solemn, public, and irrevocable manner. In this sense I believe that every section of our people will welcome the very carefully-weighed and poised manner in which these convictions have been expressed. No doubt, Sir, all this will require amplification, elucidation. Permit me, Sir, to draw the attention of this House to a double danger which, I think, it is necessary to be prepared against. On the one hand, in applying

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those principles of individual liberty, for which ample provision has been made in this preambulatory declaration, it will be difficult to resist, I say it will be difficult to resist from the very motive of love of country and the desire for rapid improvement and progress in our land, the desire to do things more by force and regimentation, more by the authority and power of the Central State, than by agreement, than by persuasion. It is a temptation to which many great men and lovers of their country have succumbed. But in the manner in which provision will be made to prevent such suppression of individual liberties, I hope and trust, that our great country may give an example of a consistent adherence to those principles of agreement and consensus of opinion, and not overweight the power of the State in a manner, as one of the previous speakers said, that will reduce the individual to a mere robot. That is one danger, Sir.

The other danger, undoubtedly present, is one which affects us as members of a minority community. The danger would be not that the minorities would have any of their special rights or necessary safeguards overridden by any mistaken sense of jealousy or opposition or lack of fairness;—I do not think that the great majority communities of India or any of their most honoured representatives would be guilty of all that unfair overriding of privileges and safeguards; but by a genuine, though mistaken, love of country and desire for unanimity and homogeneity, which it is not possible to have and which perhaps is not even necessary, they may try to pass measures which will seriously wound and grieve the minorities or special groups.

In the last session of this Assembly one speaker said, among things which were acceptable to every part of the House,—used an expression in regard to minorities which I respectfully submit we could not possibly accept. It was said that no nation, no great people could prosper and survive with permanent minorities within, and that, somehow or other, they have got to be “absorbed”; and he quoted the example of the United States as a country in which this process of absorption is taking place. I do understand, Sir, the sense in which this was said, *vis.*, that there should be a certain degree of homogeneity and that there should be a common recognition of common interests and rights and that the State and the nation should be organised on the recognition of these common rights and interests. This is essential. But, Sir, “absorption” in the sense of cultural or religious or any other absorption is something against which it is necessary for us to guard, and it is, I am sure, not the wish of the majority communities nor the sober reflecting opinion of this great House, that they should impose any thing on any minority, which would lead to such absorption. Sir, I wish the example of a country like Switzerland is borne in mind. Even in the United States, in spite of their common language and a universally accepted Constitution, linguistic minorities are permitted to develop the culture of their motherland, whether it be Germany or Italy or France. There remain still, in the great Commonwealth of Canada, two sections of people, Scottish and English on the one hand, and the ancient French community on the other, living in complete amity, following the customs and the spirit of their own motherlands and developing their own literature. One section of the Commonwealth of Canada finds it easy to co-operate and collaborate with the other sections and work for the glory and success of a country which is recognised to be a single nation. In Switzerland, three groups with three languages and with a difference of religion, sometimes sharply pronounced, are maintained in a confederation which has known how to defend itself against the onslaught of envious people and has defended itself in no uncertain manner through centuries. I am sure, Sir, that the strength of this land will be based upon the strength of individual members of the different communities. And they will not achieve their full strength unless they base themselves upon convictions and ideals which are their very own. Cultural autonomy for which I am pleading and which has been promised as far as it

is not inconsistent with national strength, even though it may appear in some sense as opposed to national unity, is still consistent with it. Undoubtedly there is a way of exaggerating these cultural peculiarities. I am sure that quite apart from subscribing to different beliefs, it is possible for members of all communities, Hindu, Muslim, Christian and Parsi, to accept the common heritage of this great land and secure that degree of uniformity, that degree of common agreement, on the basis of which national unity can be built up. I know, Sir, speaking for my own community, the Christian community, that there have been times when our countrymen looked upon this community and religion as being unduly associated with a culture that was not Indian, unduly identified with what has been called Europeanising ways, but I should like to assure this great Assembly that it is not necessary, that it has not always been the case, that again and again people of my persuasion, whether they came from another land or whether they were from this land, have acted in complete conformity with the finest traditions of this country. On the opening day, Sir, the esteemed Vice-Chancellor of the Benares University, Dr. Sir S. Radhakrishnan, referred to the first Englishman who had come to this land, the Jesuit Thomas Stevens, and said that after him there came merchants and conquerors and that now we see the end of that "invasion". I should like to assure this House, Sir,—what I am sure, Sir S. Radhakrishnan knows—that the merchants, the traders and the conquerors had nothing to do with the Jesuit who preceded them. On the contrary, Sir, he came to India at a moment when there was no hospitality for him in his own land; from where he was banished under the threat of persecution. This great country offered him hospitality and he made this land his own, learnt its language and has written a book which Marathi scholars tell me is a classic, the "Purana" of Thomas Stevens. It is in that spirit, Sir, that the adherents of that faith wish to come here and it is in that spirit that we wish to collaborate in the task of national reconstruction for the prosperity and the greatness of this land.

I should not like to take the time of the House much longer, but I cannot avoid saying something upon another point about which much has been said, but I hope to be able to say something about it, which may perhaps be a new point of view. Much has been said about the sovereignty of the people, about the possibility of that principle being inconsistent with the principle of monarchy, and about the dangers and difficulties which might arise therefrom. Sir, this doctrine of the sovereignty of the people is not a new doctrine. It is not a 19th century doctrine. The history of political thought in Europe shows that there was a struggle round about that doctrine in the 16th century when certain kings claimed the Divine Right of Government; and against them, it may interest this House to know, even conservative thinkers, thinkers who were monarchists, asserted the sovereignty of the people. St. Robert Billarmino and Suarez asserted this against James I of England, though they interpreted it in a different way from Rousseau, who in later times conceived that the power of the State came from the people by the pooling and the coalescing of all the rights of the people which they are imagined to surrender. But the State, Sir, is not a sort of undesirable excrescence resulting from the surrender of individual liberty. The State is a natural outcome of the nature of man who has to perfect himself in social and community life, with a necessary central authority. That authority comes, as Sir S. Radhakrishnan stated, from the moral law and that is the basis upon which the rights of individuals and of the State have to be maintained. That ultimate authority, Sir, some would prefer to express it as coming from Almighty God as the author of nature and of all moral law. I cannot help expressing a regret, Sir, that the name of Almighty God finds no place in this momentous declaration. I understand, Sir, the reasons which moved the hon'ble framer and mover of this Resolution in not bringing in anything which may look like a religious profession, but you will permit me, Sir, to say before concluding my remarks, that

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if by someway in this momentous preamble declaration the name of Almighty God had been brought in, it would have been in conformity with the persuasion, with the convictions, with the spirit of this vast land of ours and its ancient civilisation. Sir, although it has not been brought up here, I do believe that the State ultimately receives from Him that sanction and approbation which gives it a certain sacredness. I am not pleading here for a doctrine by which the State is made divine. But I do mean that the subjects of the State, when they accept that State and are citizens of it, must obey it conscientiously, must feel that it is their duty to accept the authority of the Government of their land. Sir, we believe in Providence; we believe that the unfolding of History with all its vicissitudes still reveals a Providential design. Even though His sacred name is not here, I sincerely believe that we have met here under the covert of His protection and of His Grace which alone moves the hearts of men. We hope and pray that the deliberations that we have begun with this solemn and preamble declaration will be taken to their legitimate conclusion by the same grace and that the land for which we are labouring will rise again with new strength, with new prosperity, with new happiness.

Mr. H. J. Khandekar (C. P. and Berar : General) : * [Mr. President, I am here to support the Resolution moved by the Hon'ble Pandit Jawaharlal Nehru. We are going to frame the Constitution for India today. The people of India and we sought for such an opportunity to frame it ourselves and I am glad the occasion has come now. When the Constitution for India is going to be framed by us, it should be drafted in our national language. It is our duty and in pursuance of this I am delivering my speech in Hindustani. I belong to a community which has been backward and depressed in India for many thousands of years. I am a Harijan and I shall place before you the voice of 90 millions of Harijans in India. The Harijan Community is accepting this Resolution with great pleasure for the sole reason that the Resolution embodies safeguards for all the minorities in India. Speaking against this Resolution and for Dr. Jayakar's amendment, my friend, Dr. Ambedkar, said that India should remain united and have a strong central government. He was not happy and satisfied with his recent visit to England. I am very pleased by the speech he has delivered on his return to India and I hope he will stick to it.

I hope, God grants him a little more good sense, he will give up the demand for separate electorates and also stop saying henceforth "I am not a Hindu" which he has been telling up till now. I pray to God to give him good sense and I have hopes that He will.

If I describe to you the condition of Harijans, you will be moved. They have been and are still being subjected to endless oppressions and cruelties. We endured these cruelties with patience and never thought of abandoning our faith. We are Hindus, will remain Hindus and will secure our rights as Hindus. We will never say we are not Hindus. Undoubtedly we are Hindus and we will, as Hindus, fight the Hindus and secure our rights. We know that 90 per cent. of the victims of the atrocities committed in Noakhali and East Bengal were Harijans. Their houses were burnt, their children were killed and women were molested. Above all, many thousands of Harijans had to submit to forcible conversion. If any community is given weightage more than in proportion to its numerical strength, certainly Harijans will also fight for weightage according to their numerical strength. What was done to the community which is backward and down-trodden today? I remind you of the Poona Pact. I place before you the example of my own province. In Central Provinces where we constitute 25 per cent. of the population and we are entitled to twenty-eight seats, we are given only twenty seats in pursuance of the Poona Pact. Where have our eight seats

* English translation of Hindustani speech begins.

gone? In my province our Muslim brethren form four per cent. of the population. On the basis of their numerical strength in the Province, they are entitled to get six seats only. But I am sorry the eight seats of Harijans were taken away from them and given to Muslim brethren and thus they got fourteen seats instead of six. Harijans cannot tolerate such injustice. They should be given representation according to their numerical strength. May be, your census record shows the number of Harijans in India as 40 or 50 millions but I can emphatically say that our population is never less than that of Muslims. We are ninety millions and we should get representation according to our numerical strength.

One thing is wanting in the Resolution, and, if the mover agrees, it can be modified. The Resolution promises safeguards and rights to all the minorities. But unfortunately there are 10 million people in India who, without any fault on their part, are described as criminal tribes from their very birth. Hundreds of thousands of men and women in India were declared as criminal tribes according to the current law. To deprive them of their rights they are declared so. No matter whether they are criminals or not, from their very birth they are made criminals. Some provision to abolish this law must be embodied in this Resolution. I hope the mover will realise it and provide some safeguards for this Class in the Resolution.

The Congress has passed a resolution accepting the grouping clause in the Cabinet Mission Plan. Though a Congressman, I feel apprehension as to what would happen to the Depressed Classes in "B" and "C" groups. I have been thinking over it since the Congress accepted it. Though directly there is no Pakistan in Bengal today, still Harijans were subjected to great atrocities there. The members here, who have witnessed the happenings there, are greatly surprised. From the newspapers it appears that to the extent of ninety per cent. it was the Harijans who were subjected to cruelties there. I am afraid no untouchable will remain alive in regions where Pakistan is established after the acceptance of the grouping clause. The Harijans of those regions, where the establishment of Pakistan is dreamt of, will have to accept either forced conversion or death. They are weak and are likely to be subjected to various atrocities and even at present people commit atrocities on them. Every community is increasing its strength to achieve its political demand. A day will come when because of the grouping provision our numerical strength will be weakened and that of other communities will be strengthened. And with the growth of their strength, no Harijan will exist in their provinces. Therefore, when considering this Resolution we must provide special safeguards for the Harijans of those Provinces, where they are in such plight. It is in view of this fact that Dr. Ambedkar has pleaded for a strong central government. If in Provincial Legislatures the Harijans are not given representation according to their numerical strength, the fears which we feel in the case of Bengal, and to which I have been an eye witness, will continue to remain. If we are given full representation in the Central Legislature, all such fears will vanish. I support the Resolution wholeheartedly and hope that all the members in the House will do their best to restore the rights, of which our backward community has been deprived for thousands of years. Wherever the question of allotting seats arose, we were given one or two seats. This is happening in the case of local bodies in many provinces. Many times we demanded representation according to our numerical strength. But laws have been enacted merely to the effect that if no Harijan is elected, one should be selected and if this is not possible, a nomination should be made.

Even where the Harijans form more than fifty per cent. of the population, there also only one member from them is selected or nominated. It shows that the attention of the people has not yet been drawn towards us. Therefore whenever occasion arises attempts should be made to secure us representation according to our numerical strength. And then alone we can feel that you are doing something for us. If you want to satisfy us, by giving one or two seats, that

will not do. The Harijan Community is awakened now; it is politically conscious of its rights, to secure which, it will throw in its full strength. With these words I conclude my speech and hope you will pay due consideration to our rights and will not let us remain in the position in which we have been so long. With this hope I support the Resolution.]*

Shri R. V. Dhulekar (United Provinces: General): †[Mr. President, the Resolution moved by the Hon'ble Pandit Jawaharlal Nehru has been seconded; many speeches have been delivered on it and many objections have been raised to the clauses of the Resolution. Dealing with the speeches made and objections raised, I shall express my views in support of the Resolution.

Mahatma Gandhi has summarised the philosophy of human life in two words—truth and non-violence. Truth is justice, right action and that which is obligatory; truth and non-violence is not to injure others, not to deprive others of their liberty and possessions and is to protect lives and the social rights of others.

These two, truth and non-violence, are the essence of the teachings of the *Vedas and Upanishads*, the two from the creed of the Congress and the Resolution before the House is based on them. The Resolution is the true expression of the sentiments, ambitions, good intentions and objects of the people of India. The Resolution is a picture of what the country, which is at present under the British domination, wants to do and how it wants to exist in the world after it has attained independence.

The important clauses of the Resolution are:—]†:

"This Constituent Assembly declares its firm and solemn resolve to proclaim India as an Independent Sovereign Republic and to draw up for her future governance a Constitution;

"WHEREIN the territories that now comprise British India, the territories that now form the Indian States, and such other parts of India as are outside British India and the States as well as such other territories as are willing to be constituted into the Independent Sovereign India, shall be a Union of them all; and

WHEREIN the said territories, whether with their present boundaries or with such others as may be determined by the Constituent Assembly and thereafter according to the Law of the Constitution, shall possess and retain the status of autonomous Units, together with residuary powers, and exercise all powers and functions of government and administration, save and except such powers and functions as are vested in or assigned to the Union, or as are inherent or implied in the Union or resulting therefrom; and

WHEREIN all power and authority of the Sovereign India, its constituent parts and organs of government, are derived from the people; and

WHEREIN shall be guaranteed and secured to all the people of India justice, social, economic and political: equality of status, of opportunity, and before the law; freedom of thought, expression, belief, faith, worship, vocation, association and action, subject to law and public morality; and

WHEREBY shall be maintained the integrity of the territory of the Republic and its sovereign rights on land, sea, and air according to justice and the law of civilised nations, and

This ancient land attain its rightful and honoured place in the world and makes its full and willing contribution to the promotion of world peace and the welfare of mankind."

Mr. Deshbandhu Gupta (Delhi): On a point of order, Sir, is it open to an Hon'ble member to read from manuscript?

Mr. President: I do not think he is reading. He has got copious notes. (Laughter).

Mr. R. V. Dhulekar: * [I can always speak as if I am reading. Mr. President, no right thinking man can entertain any objection to any of the clauses of the Resolution. The Resolution guarantees the rights of the people of the whole of India; it provides safeguards for the minorities and promises to remedy injustice done to the Backward and Depressed Classes; it promises them full opportunity for their advancement.

] * English translation of Hindustani speech ends.

+ [] † English translation of Hindustani speech.

* [English translation of Hindustani speech begins.

As for Indian States, the Resolution gives them complete freedom in regard to their internal administration and assures that all their just and legitimate rights will be safeguarded. Of course, their present unjust and despotic rule will no more be allowed to continue. Despotism and Democracy are at variance and the two cannot go together. I believe that no longer will any ruler venture to suppress the fundamental rights of his people. Neither the people of the States will allow such irresponsible government to function, nor this Assembly can render any assistance to the rulers in their unjust cause. An objection has been raised as to the necessity of such a resolution and it is suggested that if the Resolution is at all necessary, it should not be moved till the States' representatives participate. It is said that the States' representatives have not had enough time to consider the Resolution. The objection raised about the absence of the States' representatives has no foundation at all. According to clause 19(2) of the Statement of the British Cabinet Mission, the representatives of the States cannot participate in the Assembly at the preliminary stage. To deal with all the matters relating to the States, the Assembly will negotiate with the Negotiating Committee formed by the States. It is unwise not to declare our aims and objects to the rulers of the States, to the people of India and to the people of the world at large. If we do not do so now, many false fears and vicious thoughts may arise. The Resolution conveys our basic principles to the world. Everyone should consider and weigh them well and then give us his co-operation.

An objection to this effect has also been raised that the Muslim League members are absent and, therefore, the Resolution should not be moved for the present. Firstly, this objection is groundless. When the League has taken part in the election of the Constituent Assembly and has already elected its members to this body in pursuance of the Cabinet Mission's Plan, it is improper on the part of the League members not to participate in the Assembly. The League's demand of representation on the basis of numerical strength and separate electorates having been accepted, the responsibility for their absence rests with them. The House has no power to force its members to be present here. If one does not participate, he deprives himself of his rights. The members that are present cannot be blamed for it. Apart from this, their absence causes harm to their own electorates.

Secondly, after the H. M. G.'s Statement of the 6th December, 1946, there can be no objection whatsoever to the Resolution. The Congress accepted the said Statement by passing a resolution and gave the Muslim League a chance to direct its representatives to join the Constituent Assembly. The preliminary session of the Constituent Assembly, along with this Resolution, was postponed for a month. I am sorry the Muslim League did not accept the hand of goodwill and friendliness extended by the Indian National Congress. May be, the Muslim League has thought of extending its co-operation but has not yet had enough time to come to a final decision. I still hope, the League representatives will soon take their right place in the House and help to make India an Independent Sovereign Republic.

Enough opportunity has been provided by us to our adversaries to cast on us the undeserved blot that we are divided and can never be united. Still, there is time to remove this blot and, with all humility, I would request my brethren in the Muslim League to be earnest about it.

Some selfish Englishmen including the notable statesmen, Lord Simon and Mr. Churchill, throw unjustified aspersions on this Assembly. They say that this Assembly is a truncated body in the absence of the Muslim League representatives, that its decision carries no weight and that the British Government should neither accept the Constitution framed by the Assembly nor work it. What a baseless and mean charge it is! It is much below culture and civilization and against all canons of wisdom and statesmanship. Such "wise" fools of politics lost and destroyed big empires that had been acquired by dint of wisdom and power. We have seen with our own eyes the downfall of Tsarism and the

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dictatorships of Hitler, Mussolini and the Mikado. The mighty armada of British Imperialism is gradually going down under the onslaughts of the mass upsurge. The British Empire cannot escape the doom. It will be fortunate if Mr. Attlee, the political pilot of England, could save his land and the people by taking a lesson from the recent history of Germany, Italy and Japan. It is my duty to offer this reasonable advice but it is up to them to pay heed to it or not.

Human history is itself a book. Endlessly it writes and writes the hard facts alone. It makes no discrimination between the strong and the weak. Yudhishthir the embodiment of truth, only once in his life told a half truth "Narava Kunjaro va"; and for this minor untruth, the cruel pen of Vyasa, the celebrated author of the famous epic, the *Mahabharat*, lined him with the liars and made him undergo the sufferings of hell.

There is now the occasion before Great Britain to do justice to the four hundred million people of India. It is with Britain either to lose or use the chance of acquiring the friendship. It will be useless to repent when the game is over.

I wish to address the representatives of the minorities and the Depressed classes a few words with regard to the clauses embodying safeguards for them. The question of safeguard arises when there is any fear of injustice. In absence of such fear, no one wants safeguards. If you turn the pages of Indian history you will find the existence of some disabilities or discriminations that have been created by the society itself out of either foolishness or selfishness. Take for example, untouchability. To turn a major part of community into untouchables and to deprive them of human rights is a crime that can never be excused. The only atonement for this is to acknowledge their rights and to return the same to them. We are resolved to do so. But the point, to which I wish to draw your attention, is this, that no doubt our country or community stands guilty for creating social barriers and divisions but the Britishers aggravated these evils in order to establish and consolidate their imperialistic hold, on us and thereby created a sense of hatred and ill-feeling between us. They never made any attempt to solve the complicated problems which they had themselves created; on the contrary, they intensified them. With their duplicity they created a gulf between the Brahmins and the non-Brahmins, between touchables and untouchables, between the Hindus and the Muslims, between the Sikhs and Muslims, even between man and woman, brother and brother. Are we to shoulder the responsibility for their guilt? If so, I am ready to own the entire responsibility single-handed. But to continue the safeguards and perpetuate the division is not a wise course. I wish to tell you and tell you rather bluntly. "Please wake up." The English played their game under the cover of safeguards. With the help of it they allured you to a long lull. Give it up now. When are you going to frame the Constitution yourself and remove these disparities? Now there is no one to misguide you. Safeguards cannot remove the existing disparities and divisions. You cannot make the ground even by preserving pits and mounds. Let us be bold and make united efforts to remove the disparities so that one and all may enjoy equal rights. Please remember that a larger representation cannot be a guarantee of safety. On the contrary, the tussle for representation will create conflict.

In 1916, The Indian National Congress conceded to the Muslims their demand for separate electorates and reservation of seats. Within the last thirty years, this vicious system has brought the country to the verge of civil war and partition; it made the two sister communities thirsty for the blood of each other. The trick played by Lord Minto in 1906 proved successful.

Some say that the Constituent Assembly is not a sovereign body; it is a creation of the British; its very existence has no meaning and the Constitution drawn up by it has no importance. I cannot have the audacity to say that they are devoid of sense but I do say that they are ignorant of Indian history. I need

not dwell much on this point. One thousand years ago, India, for some reason was decentralised or divided and failing to withstand the invasions of foreigners came under their sway. Since that very time the fire of freedom has been constantly blazing in the hearts of the Indian people. It was never extinguished. On the one hand, this fire appeared in the form of sages. Swami Ramdas, Goswami Tulsidas, Guru Nanak, Swami Dayanand, Ram Krishna Paramhansa, Vivekanand and Ram Teerath are symbols of this very fire. On the other hand, statesmen and politicians like Shivaji, Guru Govind Singh, Rana Pratap, Rani of Jhansi, Rani Lakshmi Bai, Raja Ram Mohan Roy, Lokamanya Tilak, Motilal Nehru and Subash Chandra Bose were also political symbols of this very fire. Mahatma Gandhi and Khan Abdul Ghaffar Khan are saints and politicians both. The Indians owned Babar, Humayun and Akbar to the extent they identified themselves with India. During the British regime in India not a single day has passed that has not seen some torture done to some Indian in jail for his zeal of freedom. The fight for freedom has been going on continuously for the last two hundred years. The sixty years history of the Congress is a history of sufferings and sacrifices. Khudiram Bose, Bhagat Singh, Rajguru, Chandrashekhar Azad and many other patriots in thousands sacrificed their lives for the cause of India's independence. Millions of Indians have shown wonderful heroism and patience. Because of the sacrifices made by Congressmen, England is gradually conceding power. The Acts passed in 1899, 1909, 1919 and 1935 go to prove that Indians have been gradually snatching power from the British. The national movement of 1940-42 and the international situation created by the recent Great War, have forced England to quit India. This Constituent Assembly represents the power that has been forcibly taken from the British. It is not their gift. The hands of Britain are not strong enough to take it back. England will have to accept the Constitution framed by us. There is no doubt about it. The recent triumph of India in the Assembly of the United Nations proves that India is no more a family concern of the British Imperialism. India has attained the status of a free and powerful nation. I confind no word to praise the unique work done by Mrs. Vijayalakshmi Pandit in this direction. She has held the head of India high and the immortal glory of Mrs. Pandit shall ever remain in the history of India in golden letters.

Mr. President, I will not take much more time; two words more, and I have concluded my speech.

All the Indians and particularly the Muslims, the Sikhs, the Depressed Classes and other minorities should have no fear. Their rights are safe in the hands of leaders like Mahatma Gandhi, Khan Abdul Ghaffar Khan, Pandit Jawaharlal Nehru and Sardar Patel. Through this Resolution the Assembly declares and promises equal treatment and justice to all.

Other nations had also felt the necessity of such declarations; I would commend the Declaration of the 21st January, 1919, by the Irish Republic to the members.

I wish to tell the members of the Assembly that India is determined like a rock to attain her freedom. England should take note of these words of mine.

With these words, I support the Resolution.

Dr. H. C. Mookherjee (Bengal: General): Mr. President, so far as my own community is concerned, I have always tried to adhere to the principle contained in that English proverb "Little children should be seen and not heard". On this particular occasion, I feel compelled to support the Resolution moved by Pandit Jawaharlal Nehru because I submit it is absolutely essential that the world should know that behind this Resolution we not only have the great Indian parties but also small, minute minorities, religious and social groups to one of which I belong. That is the reason why I am standing here. Those who have preceded me have amplified in much detail everything that can be said upon the Resolution in question. What is of special interest to me, is to

[Dr. H. C. Mookherjee.]

be found in the 5th and 6th paragraphs of the Resolution. These are the things which appeal to me, because I believe, that the leadership which has come hitherto from the Congress, will be retained by the Congress so long as it adheres to the principles laid down therein.

So far as other points are concerned, I am not immediately interested in them, but what strikes me with great grief, is the fact that difficulty should have arisen amongst ourselves and inside India. I shall not specify the different parties but it seems to me that so far as the difficulties of minorities, whether major or minor, are concerned, the difficulties are to be found as regards enjoyment of civic and political rights. These rights are fundamental and would be applicable to every social and religious group. So far as religious rights are concerned, we have freedom of worship. Every religion today is militant. Those days are gone when the Christian missionary, the Muslim *maulvi* or the Sikh *guru* could afford to make inroads upon the great Hindu majority community with impunity. Every religion is militant today, and enjoys the power of converting people into its own fold. I do not see why we should be doubtful in this matter,—I am referring to the Christian group—about our rights in the matter of propaganda.

The Congress has been the spear-head of nationalism and so long as it looks to the progress of the country, I will not question it. It will not only gain the allegiance of the rest of India but also of the smallest of minorities including my own.

Mr. Promatha Ranjan Thakur (Bengal: General): How long are we to go on with this Resolution?

Mr. President: I do not know. (*Laughter.*)

Shri Balkrishna Sharma (United Provinces: General): Can anybody move the closure here?

Mr. President: Of course, anybody can move closure.

Mr. H. V. Pataskar (Bombay: General): Mr. President, I rise to support this Resolution moved by the Hon'ble Pandit Jawaharlal Nehru. Many persons of diverse interests and political thought have already expressed their views on this Resolution. I wish to confine myself to only a few aspects of this question, and that, too, in as few words as I possibly can.

The first and most important question is why this Resolution is necessary at this stage. The simple answer is that the enormity and the complex nature of the task, with which we are faced, is the principal reason why it is necessary to pass such a resolution at this stage. Let us, Sir, look at the task before us. We are burdened with the task of framing a constitution which will be suitable for 40 crores and odd of the people of India, who form one-fifth of the human race. Then again, these 40 crores are divided religiously into Hindus, Muslims, Christians, Jains, Sikhs and various other sects and sub-sects. One-third of the Indian territory is covered by what we call States. They are an anachronism, and they are about 516 in number. They, again, are different and divergent in their economic status. Some of them have an income of only, I am told, less than Rs. 100 per year. Again, in the matter of administration, some of these administrations are highly despotic and there is personal rule. In other States we find there is some sort of attempt at constitutional government. Then again, these 40 crores of people inhabiting this land are in various stages of evolution, as we know from the various claims that have already been put forth on behalf of Backward Classes and Tribal Areas and so forth. Economically, also we are divided, and while we have some multi-millionaires on the one hand, there are also people who are on the verge of starvation or are actually starving. Administratively also, the foreign rule is responsible for dividing our country into non-homogeneous provinces, and that has again created so many problems

with which we are faced. It is for such a large mass of people, so divided and cross-divided and sub-divided, partly by foreign aggression in pre-British days, and largely, by British imperialism, that we have to frame a constitution, which will be suitable or acceptable to many of these elements, or at any rate which will satisfy the needs and aspirations of as many of them as we possibly can.

Naturally, when we begin the task of framing a constitution for such a mass of people, these divisions, sub-divisions and cross-divisions multiply themselves. There is, in fact, a scramble for securing the interests of this division or that sub-division or this cross-division. Many of these interests are mutually conflicting as we have seen from many of the views expressed even on the floor of this House. India, we know, is a land of ignorance and poverty; and it is very easy in this state of the country to exploit religious fanaticism for so-called political activities of certain people. There is no modern and efficient constitution in the world which is based on a particular religion. The basic principle of every religion is to make a better order of society, throughout the world, irrespective of territorial boundaries. We postulate 'God' by whatever name called, in order that humanity may be formed into a true and real brotherhood. Religion which thus starts with the object of raising humanity to a higher and nobler level, is being used as an instrument to perpetrate the worst horrors by man against man and for degrading man to the level of a beast.

We have, thus, before us a problem of such complex and vast nature. We have the problem of antagonism between the Muslims and the Hindus, the antagonism between Hindus and Hindus, the problem of the Christians, the Anglo-Indians, the Depressed Classes, the Backward Classes; and lastly, there is the problem of the rights of women.

Every section and cross-section thinks of its own individual rights and claims a charter for itself. Sir, I am afraid, in the general scramble for different charters for different sections, the charter for the common man is likely to be lost sight of—the charter for the common man which is the thing most needed. This Resolution, Sir, embodies the charter for the common man. As I understand it, the purpose of this Resolution is to make it clear not only to all Indians, but also to those who are interested in the welfare of the world as a whole, what we propose to do. More than any statements or counter-statements of various political leaders either in India or outside, this Resolution must satisfy all those who have any doubts regarding our intentions. They should look at this comprehensive statement and feel convinced that the interests of every Indian, irrespective of caste, creed, religion, sex, and social or economic status, will be safeguarded in the future Constitution which we propose to frame. If this does not satisfy those who have chosen to stay out, nothing else can satisfy them. We shall try to be fair and just to every section. But we shall also see that we are not coerced into any wrong action by threats of any nature. Having made our objectives clear, we shall march forward with our task and on our way to independence fearlessly, and we shall face all difficulties that may be placed in our path. We shall achieve our goal of independence; and a free independent India will play an important role in stabilising the world conditions which are in ferment to-day.

With these words, Sir, I support the Resolution which has been moved by the Hon'ble Pāndit Jawaharlal Nehru.

Mr. S. H. Prater (Madras: General): Sir, in an earlier stage of the debate on this Resolution, a representative of my community supported an amendment of Dr. Jayakar for the postponement of this Resolution. We now feel that such postponement is no longer valid or justifiable (*hear, hear*), and this House should proceed forthwith to accept and pass this Resolution.

This Resolution embodies what should be the objective of this Assembly—to create and establish a system of government which will give India the status of an independent, sovereign State. And in accepting this Resolution,

[Mr. S. H. Prater.]

this Assembly will be taking the first step in implementing this purpose, by declaring our will to vest India with complete control and authority in her domestic affairs, and to vest her with complete independence of action in the field of international relationship.

The attainment of this independence will depend upon our solving for ourselves the problem of self-government. The terms of this Resolution lay down the basis of this solution. It is a resolution of compromise. Its terms fall completely within the Cabinet Mission's Proposals, which are designed to provide a *via media* between opposing claims of the Congress and the Muslim League. These proposals may be repugnant to this party or that. But the need of to-day is the need for men to recognise those truths which they most dislike and to sacrifice their several ideals to the common good. There are two truths which must be recognised, and those truths are embodied in the terms of this Resolution—one, that any constitution that we build up, must be based on provincial autonomy, and two, that there must be a union of all the autonomous States and Provinces. The history of India teaches that, from the time of the Mauryas down to the days of the British, India has remained a country of separate States, Kingdoms and Provinces with separate national identities, separate national cultures, which engender and have always engendered strong local patriotism. It is not the communal differences of the hour, but it is these local patriotisms which have governed the political evolution of India, as we know it to-day. A strong unitary government, a confirmed policy of centralisation which marked the earlier stages of British administration and rule, had to give way before these inexorable forces to decentralisation, to the increasing devolution of power from the Centre to the Provinces and to the increasing independence of provincial administrations. Provincial autonomy came to us not as an extraneous proposition, it was directed by the peremptory need of a country, composed of various States and Provinces, peopled by various races, whose cultural, economic and political needs could only be met by autonomous rule. The grant of provincial autonomy and residuary powers to the Provinces as envisaged in this Resolution meets this need. But if history teaches that provincial autonomy can be the only basis upon which we can build a new constitution, it equally proves that there must be a union of these provinces in a single State governed by a single central authority. Whenever such supreme power was absent to hold the balance between the various provinces, there was always struggle and strife, with its disastrous consequences to the country as a whole. It is only by a Union such as this Resolution envisages that we can secure mutual peace and common prosperity of the peoples of this country. It is only by such a Union that we can secure their integrity from foreign aggression. It is only by such a Union that the peoples of India can, as a group, become a dominant power in world politics. This Union, whatever the factors against it, will be established, because it arises from and is based on reality and truth. It is based on deep human needs. But if this Union of ours is not to be a mere geographical name, but a real union of the hearts and minds of men, it must be founded not on suspicion, not on the advantages that this political party or that may gain, but on a spirit of sympathy, understanding and compromise which is the essence of true statesmanship.

And this brings me to the question of minorities. The Resolution advocates the fundamental rights of every citizen in this country. It also advocates the fullest protection to the minorities. This is a question which not only concerns the smaller minorities, it is a question which also concerns the major elements of the population,—Hindus and Muslims, who may relapse into the position of minorities in various areas of the country. As such, the protection of minorities becomes the key to the framing of the whole Constitution, because

If we are aiming at unity, such unity can only be achieved by measures which will give to the minorities in the Provinces and in the groups of Provinces the fullest protection for social, economic, religious and cultural needs. Eventually, the whole question will depend upon the goodwill, sympathy and understanding of this Assembly. We are a sovereign body, but let us approach our task, not in the spirit of legislators moved by no emotion, but by a majority vote. Let us approach our task rather in the spirit of negotiators, who in every decision that we make seek to obtain the acceptance of those whom those decisions will most affect. Once we establish such a convention, I think our work will go smoothly. In this Assembly we have the means of reaching a common measure of agreement between all elements of this country. Let us by common effort, common endeavour, in a spirit of true compromise, endeavour to achieve the common good. (*Cheers*).

Mr. President: I understand that the Right Hon'ble Dr. Jayakar wishes to make a statement in regard to his amendment. He may do that now

The Right Hon'ble Dr. M. R. Jayakar (Bombay: General): Sir, I am very grateful to you for giving me a few minutes to make a short statement in connection with the amendment which I moved at a very early stage of this debate. The Assembly will recall that that amendment was dictated by a few considerations, mainly, the desire to make it easier for the Muslim League and the Indian States to take part in our deliberations. In connection with the Muslim League I can say that the Assembly practically accepted the proposal which was contained in my amendment. It postponed its deliberations to the 20th of January. It has gone further and accepted the Statement of His Majesty's Government of the 6th December. Though it did all this, the Muslim League has still not come in. Whether they propose to come in, nobody knows. They have held their cards up to the 29th January knowing full well that on the 20th of the month, nine days before they meet, we shall meet here. In the course of my speech I suggested as a compromise one course, namely, that if this Assembly was not willing to wait until the stage was reached according to the terms of sub-clause 6 of paragraph 19 of the Cabinet Mission's Statement after the sections had met and framed their Constitutions,—I said that if this Assembly was not prepared to wait till then because that stage would be reached at a very late date,—I suggested that we should at least wait until the date of our next session, namely, 20th January, which I thought would give the Muslim League enough time to make up its mind. I, having made that suggestion, and the House having accepted it, realize that I am in honour bound not to press my amendment any further. (*Cheers*.) I do not want however to appear as if I was backing out of the considerations which prompted my amendment, but as the House accepted the proposal I definitely made, the contract is complete. I do not therefore propose to press my amendment. But in doing so, I may be permitted to urge a few considerations before the House. If those considerations appeal to the House, it might, of its own motion, take such course as it thinks best. Those considerations are just a few and I ask for your patience for a few minutes.

Mr. President: Is it any new proposal that the Right Hon'ble Member is making now?

The Right Hon'ble Dr. M. R. Jayakar: Sir, I am not making a new proposal. I wish only to suggest that in considering the Resolution now before the House a few considerations

The Hon'ble Pandit Govind Ballabh Pant (United Provinces: General): Sir, may I just submit that Dr. Jayakar has, I understand, withdrawn his amendment? Having withdrawn his amendment, it is not, I think, proper and also not regular that he should make a fresh speech now. He has had his

[Pandit Govind Ballabh Pant.]

opportunity to express his views fully on the day, he spoke during the last session. Now, having withdrawn his amendment (Voices: 'Go to the microphone, please') I was submitting that Dr. Jayakar had now withdrawn his amendment. A person who has already delivered a speech may be allowed a special opportunity for withdrawing his amendment if he chooses to do so. Having withdrawn his amendment he should not however complicate the situation further by proposing, in some form or other, a new and a fresh amendment at this stage. Whether he puts his idea forward in the precise form of an amendment or otherwise, makes no difference. In any case, if he chooses to make a new suggestion now and thus put the Assembly in an awkward and embarrassing position, the difficulty is not met by his refraining from calling it an amendment. It remains an amendment none-the-less. The stage for that is past. So, I submit it is not open to him to make any fresh proposals now, whether under the guise of remarks or observations. He has exhausted the opportunity, the special opportunity that was given to him. Now he may well be requested to resume his seat. (A voice: Is there any new proposal?)

Mr. President: No new proposals at this stage. I only allowed Dr. Jayakar to declare his position in withdrawing his amendment.

The Right Hon'ble Dr. M. R. Jayakar: While withdrawing my amendment and explaining my reasons, I am entitled to place before the House some points for its consideration.

Dr. P. S. Deshmukh (C. P. and Berar: General): I should like to point out that the Hon'ble Member should be permitted to complete his statement. (Hear, hear.) The mere fact that he has stated that he has withdrawn his amendment should not debar him from making a statement. The opportunity that was given by the Chair was for him to make a statement. He is not proposing any fresh amendment and he should be at liberty to complete the statement he wants to make. Supposing he had chosen not to use the sentence that he was withdrawing his amendment till the end of his speech, would the Hon'ble Member, who has opposed the continuance of his speech, have been in order? So, the mere fact that Dr. Jayakar has used the sentence that he was withdrawing his amendment, should not debar him from completing his speech and making the observations he wishes to make. He should be at liberty to do so and we are prepared to hear him.

Mr. R. K. Sidhwa (C. P. and Berar: General): Mr. President, I differ from the last speaker on this question. Dr. Jayakar has definitely stated that he wants to make two suggestions. Now, Sir, if you allow him to do so, you would necessarily have to give an opportunity to other members to speak on those suggestions—on the merits of those suggestion. Therefore this House would be put in an awkward position as was rightly pointed out by the Hon'ble Mr. Pant. Dr. Jayakar distinctly stated that he wants to make two suggestions. I do not know what those suggestions are. They may be good or they may be bad. But it should not be allowed to remain on record, unless an opportunity is given to other members to give their opinion on the matter. I therefore second the suggestion made by the Hon'ble Mr. Pant.

Mr. President: I do not think it necessary to have any further discussion on this point. I understand the position. I think Dr. Jayakar has exhausted his right of making a statement with regard to the amendment.

I will now put to the House whether it allows the amendment to be withdrawn.

The amendment was, by leave of the Assembly, withdrawn.

Mr. C. M. Poonacha (Coorg): Mr. President, Sir, I wish to express myself whole-heartedly in support of the Resolution moved by the Hon'ble Pandit Jawaharlal Nehru. In doing so I have to draw the attention of the House to

the discussions that have taken place outside this Assembly. There has been a sort of questioning of the competence of this Assembly so far as the passing of a resolution of this kind is concerned. Before addressing ourselves to the tasks ahead, I think, it is necessary for us to take up for consideration, a resolution setting out the objectives for which we are assembled here. For that purpose I do feel that our action in this respect is not contrary to what is already contained in the State Paper. We are by this Resolution, more or less, attempting to cross the t's and dot the i's of what is contained in the Statement of May 16, 1946. We are not doing anything beyond the limits of the framework of what is stated in the said State Paper.

So far as the other points are concerned, I would like to draw the attention of the House to the fact of the sovereign rights vesting with the people of India. There seems to be some controversy going on as regards these sovereign rights, particularly in Indian States. They do not contest the fact that in British India sovereignty vests with the people of British India and when that is so, there can be no argument against the sovereignty of the people in the Indian States as well. It is a historical truism, Sir, that there are States with Rulers ruling over people, and also States administering rules without the Rulers. But there cannot be Rulers without the people. Therefore, it conclusively proves that the sovereignty of the people is a recognised fact of human activities which is demonstrated not merely by a resolution of this type but from history, which has proved all along that it is the people who own the State and who confer the administrative headship on Rulers and Kings.

Much has been said, Sir, about minorities. Instead of claiming that we are a minority of so many millions or that we are a minority of so many crores, I would suggest that we should better consider about the many more millions that are yet to be born. We are not here purely for the purpose of drawing up a constitution for the present generation only. We are here for framing a constitution for the coming generations also. So, the task of framing a free-India constitution for ourselves, as well as for the coming generations, makes our duty all the more onerous. Therefore we will have to be more considerate, more responsible, more specific about our intentions. In doing so, it is within our competence, it is within our province, within our jurisdiction to set before us the objectives which we are working for. Not only to ourselves and to our poor millions, but also to the world, let us better state now, for what we stand and for what purpose we have assembled here. This Resolution clearly expresses our cherished intentions and, so, Sir, I whole-heartedly support this Resolution.

Shri Vishwambhar Dayal Tripathi (United Provinces: General): * [Mr. President and friends: When we are going to frame the Constitution for our land, it is but natural that we should think on what basic principles our future constitution—the constitution for a free and independent India—should be framed. Therefore I support the Resolution on the fundamental principles of the Constitution moved by the Hon'ble Pandit Jawaharlal Nehru. I want to draw your attention to some of the important clauses of the Resolution. Besides other things, basic principles are embodied in paras. 4 and 5 of the Resolution. As far as the basic principles embodied in the abovementioned paragraphs are concerned, I am in complete agreement with them. But I would like to tell you that these principles are enunciated not only in our constitution but they are accepted by almost all the countries in their respective Constitutions. But in spite of the embodiment of these basic principles in the Constitutions of various countries, and despite the declaration by their politicians that their Constitutions would function according to them, we find that these principles are never practised. If you go through the Constitutions of England, France, America and Netherlands or peruse the declarations made by their politicians and administrators, you

* [English translation of Hindustani speech begins.

[Shri Vishwambhar Dayal Tripathi.]

will find that these principles, in some way or other, are accepted by them also. But in spite of this we find that these empires do not practise them. Throughout Asia, Indo-China, Java, Burma and India, we find that the European Imperialisms do not care to work according to these principles, though they are present in their respective Constitutions. Therefore, it is essential for us to consider in what way we can put them in practice. This is an important desideratum for us.

As I have said before, I want to draw your special attention to three paragraphs. In the 4th paragraph it is stated that we will frame a constitution for a sovereign and independent India, wherein all powers and authority are derived from the people. So far as this principle is concerned, it is very sound and every one will welcome it. But those who are students of politics know how these principles were misused in many countries. One of my friends just referred to the Constitution of England and said how the same had been misused there. Many centuries ago, the renowned politician of England, Mr. Hobbes, had established the principle that all powers of State are derived from the people. But the monarchs of England misused this principle. The monarchs indeed accepted that all powers and authorities are derived from the people, but at the same time they told the world that once the people delegated the powers and authorities to the rulers, those powers no more remained with the people. The evil consequence of this we find in the theory of the "Divine Right of Kings" in history. Therefore, it is very essential, that, when we say "all powers and authorities are derived from the people," we must also make it clear that the same shall remain always vested in the people. And for this reason I attempted to put in an amendment to this effect. But for many reasons, the amendment could not be put in. Therefore, when we draft the Constitution later on, we must think over it and embody this in our Constitution.

So far as the 5th and the 6th paragraphs are concerned, the principles embodied in them are very attractive and desirable. In some way or other, they are present in the Constitutions of almost all the countries, but they are never practised. And, therefore, we must consider well as to how we should translate these principles into action, and, when drafting the Constitution, we should pay particular attention to it. It is stated here, that the Constitution which will be drawn up and the State which will be established on the basis of that Constitution, will guarantee social, economic and political justice to all the people. No doubt it sounds very good. But you know that the body, which is vested with power and authority, interprets the term 'justice' in its own way. If, in our country, the power and authority tomorrow passes on to the capitalists, they will interpret the term 'social, economic and political justice' in their own way. But, if, in reality the power and authority are vested in the people, their representatives will interpret it correctly. Therefore, it is necessary that we embody in the Constitution some such safeguards that the body vested with the power and authority may not interpret these principles in their own arbitrary way. To achieve this end there is only one way and it is this. When we frame the Constitution, we should declare it beforehand that our constitution shall not be framed, and the State created under that Constitution shall not be established on a capitalistic basis. If we do not do so now, the rulers may later on interpret these principles in their own arbitrary way and against the best interests of the people.

Much has been said before you about the Muslim League and Mr. Jinnah and most of it is correct. But I would like to tell you that if before drawing up the Constitution, you declare that our constitution shall be drawn up on socialistic lines, undoubtedly many of our Muslim brethren will be gladly willing to cooperate with us.

All the minorities, whether Muslims or Harijans, have doubts and fears in their hearts as to how the rulers would interpret these principles after the Constitution is drawn up. Therefore, if we are to remove their doubts and fears, we

should declare it now, that our constitution shall be framed, and the government to be created under the Constitution shall be formed, on a socialistic and positively not on a capitalistic basis. We should make this clear. For this reason, I had put in an amendment and had suggested that the word 'socialistic' should be added before 'India' in the Resolution. Again, I would say that if we want the principle embodied in the Resolution to be put into practice, the only way to secure this end is to draw up the Constitution on a socialistic basis. The Hon'ble Pandit Jawaharlal Nehru, in his speech delivered in the beginning, referred to my amendment and said something. He clearly said that he wants to draw up the Constitution on socialistic lines later on and that he did not want any controversy to arise on the Resolution at this stage. But I would submit with respect that there is no question of controversy. If really we mean to do some good to the people, if we want not only to remove the British rule but to build such a social and economic structure, whereby the people may get full opportunity for their advancement, it is very essential that we draw up our Constitution on socialistic lines. I think this will solve all the existing problems of minorities whether they be Muslims, Harijans or others. No doubt there are many among us who do not favour socialistic principles, but so far as the Congress is concerned, it has already accepted them. It declared in its election manifesto that it stands for the abolition of the zamindari system, and the nationalisation of the key industries. Therefore, when the Congress has already accepted these principles, it becomes our duty to frame the Constitution on the basis of these very principles. Some may have objections to it, but I think ninety-nine or ninety-eight per cent. of the people will have no objection at all. The public will be fully benefitted when we accept socialistic ideals and draw up the Constitution on that basis.

I want to draw your attention to one more fundamental thing. When we are declaring our solemn resolve to establish an Independent Sovereign Republic State in our land, we should also decide whether this constituent Assembly is a sovereign body or not. If it has no sovereign rights, it cannot frame a constitution embodying sovereign rights. It has been said in the Resolution that this Constituent Assembly resolves to declare India an Independent Sovereign Republic. Under these circumstances, we should also declare by another resolution, that this Constituent Assembly is a sovereign body. The State Paper of May 16 has placed various limitations and restrictions on our functions. I need not go into details. All of you know it well. But I want to tell you one thing in this connection. We have assembled in this House, not because the Constituent Assembly owes its creation to the State Paper, but because it is the outcome of the sufferings and sacrifices of the country made during the last fifty or sixty years, and particularly during the last five or six years. The sufferings and sacrifices made by the country have compelled the British politicians to form this Assembly and to speak of the transference of power to you. I want to make it perfectly clear to you that we have assembled here, not as a result of the State Paper, but as a result of the great agitation the country made during last five or six years.

This Constituent Assembly is the result of the movement of 1942 when the Congress passed the 'Quit India' Resolution, it is the result of the heroic deeds of the Indian National Army, the exploits of which are before us; it is the result of the heroic deeds of our respected great revolutionary leader, Shri Subhash Chandra Bose, who showed how we can organise and fight the big powers for the liberation of our land. Therefore, it is totally wrong to attribute the existence of this Assembly to the State Paper. This Assembly is the outcome of the work done by our country inside and outside the land within the last five or six years. I want to make it clear that it has derived its power and authority from the people and not from the British Parliament. Therefore, we should now declare that this Constituent Assembly is a Sovereign body. It has derived its power and authority from the people and not from the British Parliament and we are

[Shri Vishwambhar Dayal Tripathi.]

not prepared to accept any limitation that the British Parliament may unconstitutionally impose upon it. I hope, in order to translate the principles embodied in the Resolution into practice, we will adopt all such measures that may enable us to establish an independent State in our land. It is crystal clear that our Independent State shall be established on socialistic lines so that the poor people of our land may be fully benefitted.

I do not want to take any more of your time and support the Resolution with these words.

Mr. President: We have had discussion for several days on this Resolution. As far as I have been able to judge, members now wish that this discussion should be brought to an end. So, tomorrow morning I hope we shall complete this discussion and finish this Resolution.

The House will now adjourn till Eleven of the Clock tomorrow.

Tomorrow we shall take up the other Resolution of which notice has been given by Pandit Jawaharlal Nehru and which has not been taken up today.

Sri K. Santhanam (Madras: General): Is the Budget coming tomorrow?

Mr. President: It may come tomorrow. It is in the agenda.

The Assembly then adjourned till Eleven of the Clock, on Wednesday, the 22nd January, 1947.

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1947

CONSTITUENT ASSEMBLY DEBATES

OFFICIAL REPORT

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CONSTITUENT ASSEMBLY OF INDIA

Wednesday, the 22nd January, 1947

The Constituent Assembly of India met in the Constitution Hall, New Delhi, at Eleven of the Clock, Mr. President (The Hon'ble Dr. Rajendra Prasad) in the Chair.

RESOLUTION *RE*: AIMS AND OBJECTS—*concl'd.*

Mr. President: There are three items in the Agenda to-day—

1. Discussion of the Resolution that has been going on for some days,
2. Another Resolution about Bhutan and Sikkim to be moved by Pandit Jawaharlal Nehru, and
3. Budget.

I think we had better complete the discussion on the Objectives Resolution which has been moved by Pandit Jawaharlal Nehru. I noticed yesterday that Members wanted closure on that and if that is the feeling of the House, then I would ask Pandit Jawaharlal Nehru to straightaway say what he has to say in reply and complete the discussion.

Mr. H. J. Khandekar (C. P. and Berar: General): * [I want to express my views on the Resolution before the House later on. The Independence Day falls on the 26th of January. This Resolution seeks to make India free and therefore the decision on it should also be taken on 26th January. Though 26th January is a holiday, I would propose, that a resolution of so great importance should be passed on the Independence Day. Therefore I request that the Assembly should meet on that day, may be, for a few minutes only.]*

Rai Bahadur Syamanandan Sahaya (Bihar: General): Sir, I beg the leave of the House to withdraw the two amendments which stand in my name. (Hear, hear).

Mr. President: Rai Bahadur Syamanandan Sahaya had moved two amendments to the Resolution. He wants leave of the House now to withdraw them. Do I take it that the House agrees?

Hon'ble Members: Yes.

Mr. President: Those two amendments are withdrawn. We have now got only the main Resolution. There is no other amendment.

A suggestion has just been put forward by Mr. Khandekar that we should pass this Resolution on the 26th, but unfortunately that happens to be a Sunday.

Mr. H. J. Khandekar: There should be a session of the Assembly for a few minutes because this Resolution is an important resolution and should be passed on the Independence Day. 26th is a Sunday and I therefore request the Chair to have the session for a few minutes to consider this Resolution and pass it.

Mr. President: We shall see about it after Pandit Jawaharlal Nehru has spoken. I shall take the vote of the House whether it should be passed today or not.

Hon'ble Members: Today.

Mr. President: Then 22nd has to become 26th. *Pandit Jawaharlal Nehru.

* []* English translation of Hindustani speech.

R **The Hon'ble Pandit Jawaharlal Nehru. (United Provinces: General):**
 * [Mr. President, six weeks have passed since I moved this Resolution. I had thought then that the Resolution would be discussed and passed within two or three days, but later the House decided to postpone it in order to give time to others to think over it. The decision to postpone an important Resolution like this was probably not to the liking of others like me, but I did not doubt that the decision was sound and proper. The anxiety and impatience in our hearts was not for the passage of the Resolution, which was simply a symbol, but to attain the high aims which were enshrined in it. It is also our intense desire to march on with all others and reach our goal with millions of Indians. Therefore, it was advisable to postpone the Resolution and to afford ample opportunity not only to this House but also to the country in general to think over it. The sense of all amendments and specially the amendment moved by Dr. Jayakar was generally for postponement. I am grateful to Dr. Jayakar for the withdrawal of his amendment and I thank the others also who have withdrawn their amendments. Many Members have spoken on the Resolution. Their number may be thirty or forty or more. Almost all of them have supported it without any criticism. Some of them, of course, have drawn our attention to some particular matters. I am of opinion that if a plebiscite of the crores of people of India is taken, all of them will be found to stand for the Resolution; though there might be some who would lay more or less emphasis on some particular aspect of the Resolution. The Resolution was meant to clothe in words the desire of crores of Indians and it was very carefully worded so as to avoid any strongly controversial issue. There is no need to say a great deal about this but with your permission, I would like to draw your attention to some points. One of the reasons for the postponement of the Resolution was that we wished that our brothers who had not come here, should be in a position to decide to come in. They have had a full month to consider the matter but I regret that they have not yet decided to come. However as I have already said at the outset, we will keep the door open for them and they will be welcomed up to the last moment, and we will give them and others, who have a right to come in, every opportunity for coming in. But it is clear that while the door remains open, our work cannot be held up. It has, therefore, become indispensable for us to proceed further and carry the Resolution to its logical conclusion. I have hopes that even at this stage those, who are absent, would decide to come in.]

Some of us, even though they are in agreement with this Resolution, were in favour of postponing some other business too so that the absentees might not find any obstacle in their way to come in. I am in sympathy with this suggestion but in spite of this I am at a loss to understand how this suggestion could be put forward. That is a question of waiting; not that of postponing the Resolution. We have waited for six long weeks. This is no matter of weeks; ages have slipped by while we have been waiting. How long are we to wait now? Many of us who waited have since passed away and many are nearing the end of their lives. We have waited enough and now we cannot wait any longer. We are to further the work of the Assembly, speed up the pace and finish our work soon. You should bear in mind that this Assembly is not only to pass resolutions; I may point out that the Constitution, which we frame, is not an end by itself; but it would be only the basis for further work.

X The first task of this Assembly is to free India through a new constitution, to feed the starving people and clothe the naked masses, and to give every Indian fullest opportunity to develop himself according to his capacity. This is certainly a great task. Look at India today. We are sitting here and there is despair in many places, and unrest in many cities. The atmosphere is surcharged with these quarrels and feuds which are called communal disturbances,

* [English translation of Hindustani speech begins.]

and unfortunately we sometimes cannot avoid them. But at present the greatest and most important question in India is how to solve the problem of the poor and the starving. Wherever we turn, we are confronted with this problem. If we cannot solve this problem soon, all our paper constitutions will become useless and purposeless. Keeping this aspect in view, who could suggest to us to postpone and wait?

A point has been raised from one side that some ideas contained in the Resolution do not commend themselves to the Rulers of the States, because they conflict with the powers of the Princes. A suggestion has also been made to postpone the decision about the States in the absence of their representatives. It is a fact they are not present here but if we wait for them it is not possible for us to finish the work even at the end of the Constituent Assembly according to the plan. This is impossible. Our scheme was not that they should come in at the end. We invited them to come in at the beginning. If they come, they are welcome. No body is going to place any obstacles. If there is any hesitation, it is on their part only. A month ago you formed a Committee to get into touch with their representatives. We were always anxious to discuss with them although we did not get any opportunity for it. That is no fault of ours. We did not ask for time. We want to finish our work as early as possible. I am informed they complain of the following words contained in the Resolution.

"Sovereignty belongs to the people and rests with the people".

That is to say, the final decision should rest with the people of the States. They object to this. It is certainly a surprising objection. It may not be very surprising if those people who have lived in an atmosphere of mediævalism do not give up their cherished illusions, but in the modern age how can a man believe for a moment in the divine and despotic rights of a human being? I fail to understand how any Indian, whether he belongs to a State or to any other part of the country, could dare utter such things. It is scandalous now to put forward an idea which originated in the world hundreds of years ago and was buried deep in the earth long before our present age. However, I would respectfully tell them to desist from saying such things. They are putting a wrong thing before the world and by doing so they are lowering their own status and weakening their own position. At least this Assembly is not prepared to damage its very foundation and, if it does so, it will shake the very basis of our whole constitution.

* We claim in this Resolution to frame a free and democratic Indian Republic. A question may be asked what relation will that Republic bear to other countries of the world? What would be its relations with England, the British Commonwealth and other countries? This Resolution means that we are completely free and are not included in any group except the Union of Nations which is now being formed in the world. The truth is that the world has totally changed. The meanings of words too are changing. Today any man who can think a little, will come to the conclusion that the only way to remove the doubts and dangers from the world, is to unite all the nations and ask them to work together and help each other. The organisation of the United Nations is not free from big gaps and fissures. Thousands of difficulties lie ahead and a great deal of suspicion exists between countries. I have already said that we are not thinking in terms of isolating ourselves from the world. We will work in complete co-operation with other countries. It is not an easy thing to work in co-operation with England or the British Commonwealth, and yet we are prepared to do so. We will forget our old quarrels, strive to achieve our complete independence and stretch our hands of friendship to other countries, but that friendship shall in no case mar or weaken our freedom.

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This is not a resolution of war; it is simply to put our legitimate rights before the world; and in doing so if we are challenged, we will not hesitate in accepting that challenge. But after all, this is a resolution of goodwill and compromise, among the people of India, whatever their community or religion and with the different countries of the world including England and the British Commonwealth of Nations. The Resolution claims to be on friendly terms with all and it has been put before you with that motive and intention. I hope you will accept it.

A friend has suggested that it would be advisable to move the Resolution just on the eve of the Independence Day which is due to come after four days only. But I will ask him if it is proper to delay a proper thing even for a moment? Not a moment's postponement is advisable and we should finish our work as soon as possible.

This Resolution which has been put before you is in a new form and in a new shape, but I would like to tell you that it has a long trail of resolutions, pledges and declarations including the world-famed resolutions of "Independence" and "Quit India" behind it. It is high time to fulfil our pledges which we made from time to time. How are these pledges to be fulfilled? The right answer lies with you and I hope you will not only accept the Resolution but also fulfil it as you fulfil a solemn pledge.

One thing more I would like to tell you. We have been confronted and will again be confronted with various questions. Persons of various groups, communities, and interests would look at it from different points of view, and diverse questions and problems would be raised by them, but we should all bear in mind that we should not, on the eve of Independence, allow ourselves to be carried away by petty matters. If India goes down, all will go down; if India thrives, all will thrive and if India lives, all will live including the parties, communities and groups.

With your permission I would like to say something in English also.]*

Mr. President, it was my proud privilege, Sir, six weeks ago, to move this Resolution before this Hon'ble House. I felt the weight and solemnity of that occasion. It was not a mere form of words that I placed before the House, carefully chosen as those words were. But those words and the Resolution represented something far more; they represented the depth of our being; they represented the agony and hopes of the nation coming at last to fruition. As I stood here on that occasion I felt the past crowding round me, and I felt also the future taking shape. We stood on the razor's edge of the present, and as I was speaking, I was addressing not only this Hon'ble House, but the millions of India, who were vastly interested in our work. And because I felt that we were coming to the end of an age, I had a sense of our forbears watching this undertaking of ours and possibly blessing it, if we moved aright, and the future, of which we became trustees, became almost a living thing, taking shape and moving before our eyes. It was a great responsibility to be trustees of the future, and it was some responsibility also to be inheritors of the great past of ours. And between that great past and the great future which we envisage, we stood on the edge of the present and the weight of that occasion, I have no doubt, impressed itself upon this Hon'ble House.

So, I placed this Resolution before the House, and I had hoped that it could be passed in a day or two and we could start our other work immediately. But after a long debate this House decided to postpone further consideration of this Resolution. May I confess that I was a little disappointed because I

*English translation of Hindustani speech ends.

was impatient that we should go forward? I felt that we were not true to the pledges that we had taken by lingering on the road. It was a bad beginning that we should postpone even such an important Resolution about objectives. Would that imply that our future work would go along slowly and be postponed from time to time? Nevertheless, I have no doubt, that the decision this House took in its wisdom in postponing this Resolution, was a right decision, because we have always balanced two factors, one, the urgent necessity in reaching our goal, and the other, that we should reach it in proper time and with as great a unanimity as possible. It was right, therefore, if I may say with all respect, that this House decided to adjourn consideration of this Motion and thus not only demonstrated before the world our earnest desire to have all those people here who have not so far come in here, but also to assure the country and every one else, how anxious we were to have the co-operation of all. Since then six weeks have passed, and during these weeks there has been plenty of opportunity for those, who wanted to come, to come. Unfortunately, they have not yet decided to come and they still hover in this state of indecision. I regret that, and all I can say is this, that we shall welcome them at any future time when they may wish to come. But it should be made clear without any possibility of misunderstanding that no work will be held up in future, whether any one comes or not. (*Cheers.*) There has been waiting enough. Not only waiting six weeks, but many in this country have waited for years and years, and the country has waited for some generations now. How long are we to wait? And if we, some of us, who are more prosperous can afford to wait, what about the waiting of the hungry and the starving? This Resolution will not feed the hungry or the starving, but it brings a promise of many things—it brings the promise of freedom, it brings the promise of food and opportunity for all. Therefore, the sooner we set about it the better. So we waited for six weeks, and during these six weeks the country thought about it, pondered over it, and other countries also, and other people who are interested have thought about it. Now we have come back here to take up the further consideration of this Resolution. We have had a long debate and we stand on the verge of passing it. I am grateful to Dr. Jayakar and Mr. Sahaya for having withdrawn their amendments. Dr. Jayakar's purpose was served by the postponing of this Resolution, and it appears now that there is no one in this House who does not accept fully this Resolution as it is. It may be, some would like it to be slightly differently worded or the emphasis placed more on this part or on that part. But taking it as a whole, it is a resolution which has already received the full assent of this House, and there is little doubt that it has received the full assent of the country. (*Cheers.*)

There have been some criticisms of it, notably, from some of the Princes. Their first criticism has been that such a Resolution should not be passed in the absence of the representatives of the States. In part I agree with that criticism, that is to say, I should have liked all the States being properly represented here, the whole of India—every part of India being properly represented here—when we pass this Resolution. But if they are not here it is not our fault. It is largely the fault of the Scheme under which we are functioning, and we have this choice before us. Are we to postpone our functioning because some people cannot be here? That would be a dreadful thing if we stopped not only this Resolution, but possibly so much else, because representatives of the States are not here. So far as we are concerned, they can come in at the earliest possible moment, we will welcome them if they send proper representatives of the States. So far as we are concerned, even during the last six weeks or a month, we have made some effort to get into touch with the Committee representing the States Rulers to find a way for their proper representation here. It is not our fault that there has been any delay. We are anxious to get every one in, whether it is the representatives of the Muslim League or the States or any one else. We shall continue to

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persevere in this endeavour so that this House may be as fully representative of the country as it is possible to be. So, we cannot postpone this Resolution or anything else because some people are not here.

Another point has been raised: the idea of the sovereignty of the people, which is enshrined in this Resolution, does not commend itself to certain rulers of Indian States. That is a surprising objection and, if I may say so, if that objection is raised in all seriousness by anybody, be he a Ruler or a Minister, it is enough to condemn the Indian States system of every Ruler or Minister that exists in India. It is a scandalous thing for any man to say, however highly placed he may be, that he is here by special divine dispensation to rule over human beings today. That is a thing which is an intolerable presumption on any man's part, and it is a thing which this House will never allow and will repudiate if it is put before it. We have heard a lot about this Divine Right of Kings; we had read a lot about it in past histories and we had thought that we had heard the last of it and that it had been put an end to and buried deep down into the earth long ages ago. If any individual in India or elsewhere raises it today, he would be doing so without any relation to the present in India. So, I would suggest to such persons in all seriousness that, if they want to be respected or considered with any measure of friendliness, no such idea should be even hinted at, much less said. On this there is going to be no compromise. (*Hear, hear*).

But, as I made plain on the previous occasion when I spoke, this Resolution makes it clear that we are not interfering in the internal affairs of the States. I even said that we are not interfering with the system of monarchy in the States, if the people of the States so want it. I gave the example of the Irish Republic in the British Commonwealth and it is conceivable to me that, within the Indian Republic, there might be monarchies if the people so desire. That is entirely for them to determine. This Resolution and, presumably, the Constitution that we make, will not interfere with that matter. Inevitably it will be necessary to bring about uniformity in the freedom of the various parts of India, because it is inconceivable to me that certain parts of India should have democratic freedom and certain others should be denied it. That cannot be. That will give rise to trouble, just as in the wide world today there is trouble because some countries are free and some are not. Much more trouble will there be if there is freedom in parts of India and lack of freedom in other parts of India.

But we are not laying down in this Resolution any strict system in regard to the governance of the Indian States. All that we say is this that they, or such of them, as are big enough to form unions or group themselves into small unions, will be autonomous units with a very large measure of freedom to do as they choose, subject no doubt to certain central functions in which they will co-operate with the Centre, in which they will be represented in the Centre and in which the Centre will have control. So that, in a sense, this Resolution does not interfere with the inner working of those Units. They will be autonomous and, as I have said, if those Units choose to have some kind of constitutional monarchy at their head, they would be welcome to do so. For my part, I am for a Republic in India as anywhere else. But, whatever my views may be on that subject, it is not my desire to impose my will on others; whatever the views of this House may be on this subject, I imagine that it is not the desire of this House to impose its will in these matters.

So, the objection of the Ruler of an Indian State to this Resolution becomes an objection, in theory, to the theoretical implications and the practical

implications of the doctrine of sovereignty of the people. To nothing else does any one object. That is an objection which cannot stand for an instant. We claim in this Resolution to frame a constitution for a Sovereign, Independent, Indian Republic—necessarily Republic. What else can we have in India? Whatever the States may have or may not have, it is impossible and inconceivable and undesirable to think in any other terms but in terms of the Republic in India.

Now, what relation will that Republic bear to the other countries of the world, to England and to the British Commonwealth and the rest? For a long time past we have taken a pledge on Independence Day that India must sever her connection with Great Britain, because that connection had become an emblem of British domination. At no time have we thought in terms of isolating ourselves in this part of the world from other countries or of being hostile to countries which have dominated over us. On the eve of this great occasion, when we stand on the threshold of freedom, we do not wish to carry a trail of hostility with us against any other country. We want to be friendly to all. We want to be friendly with the British people and the British Commonwealth of Nations.

But what I would like this House to consider is this: When these words and these labels are fast changing their meaning and in the world today there is no isolation, you cannot live apart from the others. You must co-operate or you must fight. There is no middle way. We wish for peace. We do not want to fight any nation if we can help it. The only possible real objective that we, in common with other nations, can have is the objective of co-operating in building up some kind of world structure, call it 'One World', call it what you like. The beginnings of this world structure have been laid down in the United Nations Organisation. It is feeble yet; it has many defects; nevertheless, it is the beginning of the world structure. And India has pledged herself to co-operate in that work.

Now, if we think of that structure and our co-operation with other countries in achieving it, where does the question come of our being tied up with this Group of Nations or that Group? Indeed, the more groups and blocks are formed, the weaker will that great structure become.

Therefore, in order to strengthen that big structure, it is desirable for all countries not to insist, not to lay stress on separate groups and separate blocks. I know that there are such separate groups and blocks today and because they exist today, there is hostility between them, and there is even talk of war among them. I do not know what the future will bring to us, whether peace or war. We stand on the edge of a precipice and there are various forces which pull us on one side in favour of co-operation and peace, and on the other, push us towards the precipice of war and disintegration. I am not prophet enough to know what will happen, but I do know that those who desire peace must deprecate separate blocks which necessarily become hostile to other blocks. Therefore India, in so far as it has a foreign policy, has declared that it wants to remain independent and free of all these blocks and that it wants to co-operate on equal terms with all countries. It is a difficult position because, when people are full of fear of each other, any person who tries to be neutral is suspected of sympathy with the other party. We can see that in India and we can see that in the wider sphere of world politics. Recently an American statesman criticised India in words which show how lacking in knowledge and understanding even the statesmen of America are. Because we follow our own policy, this group of nations thinks that we are siding with the other and that group of nations thinks that we are siding with this. That is bound to happen. If we seek to be a free, independent, democratic republic, it is not to dissociate ourselves from other countries, but rather as a free nation to co-operate in the fullest measure with other countries

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for peace and freedom, to co-operate with Britain, with the British Commonwealth of Nations, with the United States of America, with the Soviet Union, and with all other countries, big and small. But real co-operation would only come between us and these other nations when we know that we are free to co-operate and are not imposed upon and forced to co-operate. So long as there is the slightest trace of compulsion, there can be no co-operation.

Therefore, I commend this Resolution to the House and I commend this Resolution, if I may say so, not only to this House but to the world at large so that it can be perfectly clear that it is a gesture of friendship to all, and, that behind it there lies no hostility. We have suffered enough in the past. We have struggled sufficiently, we may have to struggle again, but under the leadership of a very great personality we have sought always to think in terms of friendship and goodwill towards others, even those who opposed us. How far we have succeeded, we do not know, because we are weak human beings. Nevertheless, the impress of that message has found a place in the hearts of millions of people of this country, and even when we err and go astray, we cannot forget it. Some of us may be little men, some may be big, but whether we are small men or big, for the moment we represent a great cause and therefore something of the shadow of greatness falls upon us. Today in this Assembly we represent a mighty cause and this Resolution that I have placed before you gives some semblance of that cause. We shall pass this Resolution, and I hope that this Resolution will lead us to a constitution on the lines suggested by this Resolution. I trust that the Constitution itself will lead us to the real freedom that we have clamoured for and that real freedom in turn will bring food to our starving peoples, clothing for them, housing for them and all manner of opportunities of progress, that it will lead also to the freedom of the other countries of Asia, because in a sense, however unworthy we have become—let us recognise it—the leaders of the freedom movement of Asia, and whatever we do, we should think of ourselves in these larger terms. When some petty matter divides us and we have difficulties and conflicts amongst ourselves over these small matters, let us remember not only this Resolution but this great responsibility that we shoulder, the responsibility of the freedom of 400 million people of India, the responsibility of the leadership of a large part of Asia, the responsibility of being some kind of guide to vast numbers of people all over the world. It is a tremendous responsibility. If we remember it, perhaps we may not bicker so much over this seat or that post, over some small gain for this group or that. The one thing that should be obvious to all of us is this that there is no group in India, no party, no religious community, which can prosper if India does not prosper. If India goes down, we go down, all of us, whether we have a few seats more or less, whether we get a slight advantage or we do not. But if it is well with India, if India lives as a vital free country, then it is well with all of us to whatever community or religion we might belong.

We shall frame the Constitution, and I hope it will be a good constitution, but does anyone in this House imagine that, when a free India emerges, it will be bound down by anything that even this House might lay down for it? A free India will see the bursting forth of the energy of a mighty nation. What it will do and what it will not, I do not know, but I do know that it will not consent to be bound down by anything. Some people imagine that what we do now, may not be touched for 10 years or 20 years, if we do not do it today, we will not be able to do it later. That seems to me a complete misapprehension. I am not placing before the House what I want done and what I do not want done, but I should like the House to consider that we are on the eve of revolutionary changes, revolutionary in every sense of the word, because when the spirit of a nation breaks its bonds, it functions in peculiar ways and it should function in strange ways. It may be that the Constitution, this House may

frame, may not satisfy that free India. This House cannot bind down the next generation, or the people who will duly succeed us in this task. Therefore, let us not trouble ourselves too much about the petty details of what we do, those details will not survive for long, if they are achieved in conflict. What we achieve in unanimity, what we achieve by co-operation is likely to survive. What we gain here and there by conflict and by overbearing manners and by threats will not survive long. It will only leave a trail of bad blood. And so now I commend this Resolution to the House and may I read the last para of this Resolution? But one word more, Sir, before I read it. India is a great country, great in her resources, great in her man-power, great in her potential, in every way. I have little doubt that a Free India on every plane will play a big part on the world stage, even on the narrowest plane of material power, and I should like India to play that great part in that plane. Nevertheless today there is a conflict in the world between forces in different planes. We hear a lot about the atom bomb and the various kinds of energy that it represents and in essence today there is a conflict in the world between two things, that atom bomb and what it represents and the spirit of humanity. I hope that while India will no doubt play a great part in all the material spheres, she will always lay stress on that spirit of humanity, and I have no doubt in my mind, that ultimately in this conflict, that is confronting the world, the human spirit will prevail over the atom bomb. May this Resolution bear fruit and may the time come when in the words of this Resolution, this ancient land attains its rightful and honoured place in the world and makes its full and willing contribution to the promotion of world peace and the welfare of mankind.

Mr. President: The time has now arrived when you should give your solemn votes on this Resolution. Remembering the solemnity of the occasion and the greatness of the pledge and the promise which this Resolution contains, I hope every Member will stand up in his place when giving his vote in favour of it.

I will read the Resolution:

This Constituent Assembly declares its firm and solemn resolve to proclaim India as an Independent Sovereign Republic and to draw up for her future governance a Constitution:

(2) WHEREIN the territories that now comprise British India, the territories that now form the Indian States, and such other parts of India as are outside British India and the States as well as such other territories as are willing to be constituted into the Independent Sovereign India shall be a Union of them all; and

(3) WHEREIN the said territories, whether with their present boundaries or with such others as may be determined by the Constituent Assembly and thereafter according to the law of the Constitution, shall possess and retain the status of autonomous units, together with residuary powers, and exercise all powers and functions of government and administration, save and except such powers and functions as are vested in or assigned to the Union, or as are inherent or implied in the Union or resulting therefrom; and

(4) WHEREIN all power and authority of the Sovereign Independent India, its constituent parts and organs of government, are derived from the people; and

(5) WHEREIN shall be guaranteed and secured to all the people of India justice, social, economic, and political; equality of status, of opportunity, and before the law; freedom of thought, expression, belief, faith, worship, vocation, association and action, subject to law and public morality; and

(6) WHEREIN adequate safeguards shall be provided for minorities, backward and tribal areas, and depressed and other backward classes; and

(7) WHEREBY shall be maintained the integrity of the territory of the Republic and its sovereign rights on land, sea and air according to justice and the law of civilised nations; and

(8) this ancient land attain its rightful and honoured place in the world and make its full and willing contribution to the promotion of world peace and the welfare of mankind.

(The Hon'ble the President then read a Hindi translation of the Resolution.)

I have got the Urdu translation also. Unfortunately I am not able to read it. I shall be glad if some other Member could read it for me.

(Shri Mohanlal Saksena then read the Urdu translation of the Resolution.)

Mr. President: I will request Members now to stand in their places and vote in favour of this Resolution.

The Resolution was adopted, all members standing.

RESOLUTION TO INCLUDE BHUTAN AND SIKKIM WITHIN THE SCOPE OF THE NEGOTIATING COMMITTEE

Mr. President: We have got the next resolution relating to Sikkim and Bhutan. Pandit Jawaharlal Nehru will move this.

The Hon'ble Pandit Jawaharlal Nehru: Mr. President, Sir, I beg to move the following Resolution:

"This Assembly resolves that the Committee constituted by its Resolution of December 21, 1946 (to confer with the Negotiating Committee set up by the Chamber of Princes and with other representatives of Indian States for certain specified purposes) shall in addition have power to confer with such persons as the Committee thinks fit for the purpose of examining the special problems of Bhutan and Sikkim and to report to the Assembly the result of such examination."

May I point out, Sir, that the copy of this Resolution that has been circulated should be varied slightly in the penultimate line, to read, "for the purpose of examining the special problems of Bhutan and Sikkim and to report to the Assembly"

The House will remember that we passed a resolution in December last appointing a Committee consisting of Maulana Abul Kalam Azad, Sardar Vallabhbhai Patel, Dr. Pattabhi Sitaramayya, Mr. Shankarrao Deo, Sir N. Gopalaswami Ayyangar and myself to confer with the Negotiating Committee set up by the Chamber of Princes and with other representatives of Indian States for the purpose of—

- (a) fixing the distribution of the seats in the Assembly not exceeding 93 in number which, in the Cabinet Mission's Statement of 16th May, 1946, are reserved for Indian States, and
- (b) fixing the method by which the representatives of the States should be returned to this Assembly, and thereafter to report to the Constituent Assembly the result of such negotiations. Further it was resolved that not more than three other Members may be added to this Committee later. This Committee was to consider two matters, fixing and distribution of seats for States and fixing the method by which the representatives of the States should be returned to the Assembly. The question has arisen as to how we have to deal with certain areas which are not Indian States. In this Resolution before us, Bhutan and Sikkim are mentioned.

Bhutan is in a sense an Independent State under the protection of India. Sikkim is in a sense an Indian State but different from the other. It is not proper to think of Bhutan therefore in the same category as an Indian State. I do not know what the future position of Bhutan might be in relation to India. That is a matter to be determined in consultation and in co-operation with the representatives of Bhutan. There is no question of compulsion in the matter. Now the terms of reference of the Committee you have appointed on the last occasion will not entitle it to tackle any such problem. Those terms are limited to the method of representation in this Assembly and the distribution of seats. I would like to say that there is some objection raised on the part of the Indian Princes to the Negotiating Committee as to why the terms of reference have been so limited by us. They have been limited for obvious reasons—that all the later

problems of the Indian States are going to be dealt with by those representatives of Indian States when they come and it would be absurd for us to come to final decisions with regard to the main problems before the representatives are here. Therefore deliberately we limited the functions of our Negotiating Committee. But in limiting them we prevented them from dealing with other problems which may arise in regard to territories which are not Indian States, specially Bhutan and Sikkim, and this Resolution gives them authority to meet representatives of Bhutan and Sikkim and discuss any special problems that may arise. I want to make it clear, on the one hand, that this Constituent Assembly has every right to discuss problems with even Independent States, if necessary. There is nothing to limit our right to discuss our future relations with the Independent States but for the moment I am not dealing with that problem. Whatever the position of Bhutan might be, there is no question that we have the power and authority to deal with their representatives. This is in no way trying to lessen the status of Bhutan's present position. Whatever this may be, it will be recognized to be something entirely different to that of Indian States. We are simply empowering our Committee to deal with the representatives and then to report to this Constituent Assembly the result of those negotiations.

I beg to move this Resolution, Sir.

The Hon'ble Pandit Govind Ballabh Pant (United Provinces: General): I second the Resolution.

Mr. President: The Resolution has been moved and seconded. If anyone wants to speak, he can do so (After a pause) May I take it that no one wishes to speak about this Resolution? I will put the Resolution to vote

The Resolution was adopted.

Mr. President: There are two motions regarding the Budget of the Assembly.

Mr. H. V. Kamath (C. P. & Berar: General): May I invite your attention, Sir, to the request made by a large section of this House that as a mark of tribute to Netaji Subash Chandra Bose, whose golden jubilee falls tomorrow, this House shall not meet to-morrow for the transaction of any business?

Mr. President: Mr. Kamath, as I understand, we have not got anything ready for tomorrow; so, in any case we are going to have a holiday tomorrow. (Cheers). Mr. Gadgil.

BUDGET ESTIMATES OF THE CONSTITUENT ASSEMBLY

Mr. N. V. Gadgil (Bombay: General): I beg to move—

"Resolved that the Assembly do accord sanction to the estimated expenditure of the Assembly for the years 1946-47 and 1947-48 as shown in the attached statements prepared by the Staff and Finance Committee in pursuance of rule 50 (1) of the Constituent Assembly Rules."

Sir, as laid down in the Rules

Sri K. Santhanam (Madras: General): I move that this thing may be taken up in Committee. It is not desirable that we should discuss the Budget in the presence of visitors. So I move that we go into Committee.

Prof. N. G. Ranga (Madras: General): I second it.

Sri Biswanath Das (Orissa: General): I also support it.

Mr. Somnath Lahiri (Bengal: General): It deals with public money. I do not see any reason why we should be afraid of discussing in public.

Mr. President: Let the motion be moved and then we shall consider whether the consideration will be in Committee.

Sri K. Santhanam: The Motion has been moved. He is going to make a speech. Therefore we want it *in camera*. There is nothing to be hidden or to be afraid of but we want to have the freedom to speak freely.

Mr. President: I had better then take the sense of the House. Those who want it in Committee form later on will please say 'Aye'.

The Hon'ble Mr. B. G. Kher (Bombay: General): The whole House may be turned into Committee.

Mr. President: Those who are in favour of Committee may say 'Aye'

The motion was adopted.

Mr. President: We shall then go into Committee and as the Committee meetings are private, I would request the visitors to withdraw.

(The galleries were then cleared)

(The proceedings were then conducted *in camera*).

Volume II
No. 4



Friday
24th January
1947

CONSTITUENT ASSEMBLY DEBATES

OFFICIAL REPORT

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CONSTITUENT ASSEMBLY OF INDIA

Friday, the 24th January, 1947

The Constituent Assembly of India met in the Constitution Hall, New Delhi, at Eleven of the Clock, Mr. President (The Hon'ble Dr. Rajendra Prasad) in the Chair.

Mr. President : We shall commence the proceedings now. When we rose day before yesterday, we were sitting in Committee to discuss the Budget. There are certain Resolutions which have to be placed before the House. I would suggest that we first take those Resolutions and dispose of them and then, later on, if we have time, shall go into Committee again and discuss the Budget.

I hope Members approve of this.

Mr. Satyanarayan Sinha (Bihar : General) : Mr. President, Sir, when we adjourned last time, we had gone into Committee. It is therefore necessary formally to move that the House do now come into open plenary session of the Assembly.

Mr. President : I hope the House accepts the suggestion.

The motion was adopted.

Mr. President : As the House has accepted the suggestion, we will go into open session and take up the Resolutions.

I now call upon Mr. Satyanarayan Sinha to move the motion standing in his name.

ELECTION OF VICE-PRESIDENT

Mr. Satyanarayan Sinha : Mr. President, Sir, I beg to move the following motion which stands in my name :—

[Open proceedings]

Resolved that this Assembly do proceed to elect a Vice-President in accordance with sub-rule (1) of Rule 12 of the Constituent Assembly Rules.

Sir, with your permission, I would read to the House the Rules of Procedure regarding the Vice-Presidents which we passed in the last session.

"The Assembly shall have five Vice-Presidents. Out of the five Vice-Presidents, two shall be elected by the Assembly as a whole from among its members in such manner as the President may prescribe.

Chairmen elected by the Sections shall be ex-officio Vice-Presidents of the Assembly."

Now, Sir, according to Rule 16, if there is no Vice-President to preside over the Assembly, the Assembly may choose any member to perform the duties of the Chairman. So, even if you are absent for a short time, on such occasions the Assembly will have to elect one of its members to preside over the deliberations. It is therefore expedient that we should have at least one Vice-President elected during this session. Therefore I move this motion and hope that the House will accept it.

The Hon'ble Pandit Govind Ballabh Pant (United Provinces : General) : second the motion.

Mr. President : The motion has been moved and seconded. I do not think any debate is required.

The motion was adopted.

Mr. President : Nominations will be received by the Secretary upto 5 P. M. today. If an election becomes necessary, it will be held between 11 A.M. and 12 NOON tomorrow morning in the Under Secretary's room, Room No. 24, on the Ground Floor.

ELECTION OF THE ADVISORY COMMITTEE

The Hon'ble Pandit Govind Ballabh Pant : Sir, I beg leave to make the motion standing in my name which runs thus :

"This Assembly resolves that in pursuance of paragraph 20 of the Cabinet Mission's Statement of May 16, 1946, an Advisory Committee be constituted as hereinafter set out:—

1. (a) The Advisory Committee shall consist of not more than 68 members who may include persons who are not members of the Assembly.

(b) (i) It shall consist initially of 52 members who shall be elected by the Assembly in accordance with the principle of proportional representation by means of the single transferable vote.

(ii) The Assembly may elect in such manner as the President may deem appropriate up to 7 members.

(c) The President may at any one time or at different times nominate members to the Committee not exceeding 9.

2. The Advisory Committee shall appoint Sub-Committees to prepare schemes for the Administration of the North-Western Tribal Areas, the North-Eastern Tribal Areas and the Excluded and Partially Excluded Areas. Each of such Sub-Committees may co-opt not more than 2 members from the particular tribal territory under its consideration for the time being, to assist it in its work in relation to that territory.

3. The Advisory Committee may appoint other Sub-Committees from time to time as it may deem necessary.

4. The Advisory Committee shall submit the final report to the Union Constituent Assembly within three months and may submit interim reports from time to time.

5. Casual vacancies in the Advisory Committee shall be filled as soon as possible after they occur in the manner in which the seat in respect of which the vacancy had arisen was originally filled.

6. The President may make standing orders for the conduct of the proceedings of the Committee."

Sir, this Resolution not only follows the scheme outlined in the Statement of May 16th but it also adopts the phraseology of that Scheme. The Scheme provides for one single Committee to deal with the rights of minorities, with the rights of citizens and with questions relating to the administration of the Tribal and Excluded and Partially Excluded Areas. Left to ourselves, we would have preferred a Committee for each of these subjects and perhaps two Committees for dealing with the problems relating to the North-West Frontier and the North-Eastern Frontier, but as the Scheme envisaged one Committee, we thought it better not to depart from that direction or proposal. The Committee has consequently become bigger than it would have been, had there been a separate Committee to deal with each of the subjects. This Committee, Advisory Committee as it is called, is being appointed under paragraph 19, clause (iv). It runs thus :—

"A preliminary meeting will be held at which the general order of business will be decided, a chairman and other officers elected and an Advisory Committee on rights of citizens, minorities and tribal and excluded areas set up."

Thus, according to the procedure prescribed here, in the ordinary course, we were expected to take up this item immediately after the election of the President. We refrained from doing so out of regard for the absentee members. We wanted to facilitate the entry of the members of the Muslim League and to secure their co-operation in the deliberations of this Assembly. It is a matter for regret that our efforts in that direction have not succeeded so far. Not only did we postpone the consideration of this item which was necessary in order to proceed further with the course chalked out for us by this Statement, but the Congress went further and accepted the interpretation put by His Majesty's Government and the Muslim League on some of the contentious clauses of that Statement, and also accepted a

large part of the declaration made by the British Cabinet on the 6th December. The Congress on the 5th of January unequivocally declared its acceptance of the interpretation put on the grouping clauses by the League. This Assembly met on the 20th. There were fifteen days in between. We had postponed the consideration of this item. Not only has the Muslim League not passed any formal resolution in favour of their entry into this House, but the statements made by persons who claim to be in a position to know the mind of the League, still point the other way. No suggestion has been made to the office-bearers of this Assembly, to the Secretary or anybody else, by any responsible representative of the Muslim League for the postponement of this Assembly or of any item of business included in the Order Paper. Under the circumstances, we cannot but proceed with the business that has been already prescribed, determined and formulated for us. The responsibility for the course that is being adopted; if it embarrasses or inconveniences anybody, rests on those who have chosen to keep aloof. I think every responsible and dispassionate person will accept that the Congress and the Hon'ble Members of this House have done more than what could be expected of them in order to facilitate the participation of the Muslim League in the deliberations of this Assembly. But they have all the same stuck to their original attitude of negation and have not cared to join this Assembly in the great and sacred task that lies ahead.

I consider it necessary to make these remarks, especially in view of some articles that have appeared in the press and in one of the local papers. It is unreasonable on the part of any person—I am using a mild expression—to suggest further postponement of this item, which ought to have been taken up at the very outset. The tender solicitude shown by the Hon'ble Members of this House for the absentee Members has not only not been appreciated, but it has been misunderstood. There is another aspect of this question. The people of this country, millions are scanning the proceedings of this Assembly in order to see what progress we are making and how near we are to the goal which we have before us. Every day's delay is causing them disappointment; and on the other side, there is vigorous propaganda, suggesting that this Assembly will end in smoke, that all its efforts, deliberations and endeavours will prove futile, and nothing will come out of them. In the circumstances, any one interested in the success of this Assembly must realize the responsibility that rests on the shoulders of the Hon'ble Members of this House. They cannot afford to put off indefinitely the business of this House, and they cannot allow that hope be deferred till hope is stilled altogether. So, I trust Hon'ble Members will unanimously accept the Motion that I have placed before them.

As they know, provision has to be made for the determination of fundamental rights, the rights of minorities and for the administration of Tribal and Backward Areas. The number of representatives has been fixed with due regard to the tasks that lie in front of this Committee. Ours is a vast country and the numbers living here now exceed 400 millions. In the circumstances, howsoever one may try to reduce the strength of a Committee of this character, one cannot go below a certain minimum, and we have tried to do justice to all interests and to all elements and at the same time to limit the figure to a reasonable and workable limit. There is provision for 72 members, but originally it was 68. Hon'ble Members know that there is provision to be made for citizens' rights. For that purpose, we want representatives of the General Body. Fundamental rights are the concern of all, and no question of minority or majority can arise in connection with those rights. In fact, the Secretary of State in his speech in the House of Lords last month definitely stated that such members, to look after the question of the citizens' rights, would be there. Then you have to elect members for looking after the minority rights. Hon'ble Members are aware we have got a number of minorities. Ours is a rich variety of cultures and luckily we have got a number of groups who supplement and complement each other in order to build the complete whole known as the Indian nation. So we have provided in this Resolution for an initial Committee of 52 members, but according to the amendment which will be moved by Mr. Muñshi, the number is to be 50 and not 52. Out of these 50 only 12 will be representatives of the

[The Hon'ble Pandit Govind Ballabh Pant]

general sections. Others will represent the minorities and the Tribal and Excluded Areas. The minorities will be represented in the following manner:

The Hindus of Bengal, Punjab, N.W.F.P., Baluchistan and Sind will have.	7 representatives
The Muslims of the 7 Provinces of U. P., Bihar, C. P., Madras, Bombay, Assam and Orissa will have similarly.	7 representatives
The Depressed Classes or the Scheduled Castes will have	7 representatives
The Sikhs will have	6
The Indian Christians will have	4
Parsis will have	3
Anglo-Indians will have	3
and the Tribal areas and Excluded Areas will have.	13

In addition there will be 10 nominations by the President. In the Resolution the number is higher. Out of the persons now to be nominated according to the amendment, that will be moved by Mr. Munshi, 5 will be set apart for the Tribal Areas, 7 for the Muslim minority Provinces and the rest 10 in number will be at the disposal of President, so that he may nominate such persons as may conduce to the successful working of this Committee, and whose contribution may be helpful in reaching sound and satisfactory decisions. In this way this Committee will be formed. In any case, whatever be the number, the voice of the minorities and the representatives of the Excluded and Tribal Areas will preponderate in this Committee. They will be in a position to record their decisions and no section will be in a majority. So this Committee will fully reflect the opinion of the minorities and the Backward Tracts and will I hope be able to reach decisions which will fully secure their position and ensure the protection of their rights. Paragraph 2 of this resolution proposes that Sub-Committees should be appointed for the administration of the North-Western Tribal Areas, the North-Eastern Tribal Areas and the Excluded and Partially Excluded Areas. It will be necessary to appoint small Sub-Committees for this purpose as they call for close study on the spot, and, unless the questions are examined very closely by qualified persons and local opinion is fully consulted, it will not be easy to reach conclusions that may suit the requirements of the particular areas. Besides the appointment of some Sub-Committees, the Resolution also empowers these Sub-Committees to co-opt two members from the specific territory whose questions may be under consideration for the time and to the extent such co-option is considered necessary for the consideration of the problems relating to such territory.

Clause 4 prescribes the time-limit within which the final report should be submitted by this Advisory Committee. This should be done within three months. If Hon'ble Members will refer to paragraph 20 of the Statement, they will find there these words:

"The Advisory Committee on the rights of citizens, minorities and Tribal and Excluded Areas will contain due representation of the interests affected and their function will be to report to the Union Constituent Assembly upon the list of fundamental rights, clauses for protecting minorities, and a scheme for the administration of Tribal and Excluded Areas, and to advise whether these rights should be incorporated in the Provincial, the Group or the Union Constitutions."

It is necessary to conduct the business of this Advisory Committee speedily so that its recommendations may reach this House with the least possible delay or loss of time. Neither any Section nor any Group nor the Central Union Assembly can frame any constitution until and unless it has before it the proposals that may emerge as a result of the deliberations of the Advisory Committee. The Central Union Assembly should consider this report so that the task of framing Provincial and Group Constitutions, if any, and the Central Constitution may start in right earnest. So it is desirable that the report of this Committee should reach at an early date and that is why this provision has been made.

I have tried to give a factual narrative and analysis and a certain degree of elucidation of the Resolution that is under consideration. With the permission of Hon'ble Members and the President, I should like to make a few remarks of a general character. The question of minorities everywhere looms large in constitutional discussions. Many a constitution has foundered on this rock. A satisfactory

solution of questions pertaining to minorities will ensure the health, vitality and strength of the free State of India that will come into existence as a result of our discussions here. The question of minorities cannot possibly be overrated. It has been used so far for creating strife, distrust and cleavage between the different sections of the Indian nation. Imperialism thrives on such strife. It is interested in fomenting such tendencies. So far, the minorities have been incited and have been influenced in a manner which has hampered the growth of cohesion and unity. But now it is necessary that a new chapter should start and we should all realise our responsibility. Unless the minorities are fully satisfied, we cannot make any progress; we cannot even maintain peace in an undisturbed manner. So, all that can possibly be done should be done. We should have, in fact, proposed a Committee of this type even if there had been no mention of it in the Statement of May 16th. If Hon'ble Members will refer to the Objectives Resolution which was passed unanimously by this House, they will find these words in clauses (5) and (6):

"Wherein shall be guaranteed and secured to all the people of India justice, social, economic, and political; equality of status, of opportunity, and before the law; freedom of thought, expression, belief, faith, worship, vocation, association and action, subject to law and public morality; and wherein adequate safeguards shall be provided for minorities, Backward and Tribal Areas, and Depressed and other Backward Classes;".

So, the House has already accepted the fundamentals of this Resolution and it has done so unanimously. It is a matter which should hearten the minorities. The essence of these rights has already been conceded and conceded voluntarily and unanimously by all the Members of this House. I hope every effort will be made in this Advisory Committee to reach decisions that will fully satisfy the minorities. Hon'ble Members may be aware, and if they are not, I believe I will not be disclosing a secret when I tell them, that the entire strength of this Committee has been fixed in accordance with the wishes of one and each of every one of all the minorities in this House. It represents their complete agreement. We have subordinated every other consideration in order to secure contentment and satisfaction. The task of constitution making is a practical one and we should not be lost in the doctrinaire maze; we should look at problems from a realistic point of view and see that the decisions that we take are not only just, but are also regarded as just by those affected thereby. We trust that in this Committee every regard will be paid to the wishes of the different minorities and the decisions taken will be fully satisfactory to them.

In this connection, I should also like to remind the minorities of some of the historical developments of recent years. As Hon'ble Members may be aware, after the termination of the first World War, a number of States were set up, especially in Eastern Europe and provisions for the protection of minorities were incorporated in the Constitutions of these States such as Czechoslovakia, Austria, Bulgaria, Poland and others. Not only were such provisions incorporated in the Constitutions, but they formed part of solemn stipulations in the treaties entered into between the Associated and Allied powers, as they were called, and these new States that were then brought into existence. Guarantees were given by the Allied and Associated Powers to the minorities in these various States. Declarations were also made at International Conferences and by the League of Nations. They were assured by outside authorities and guarantees were given by treaties entered into by them with these Associated Powers. But, what was the result. No minority had been the victim of greater and more ruthless tyranny and oppression, atrocities and brutalities than the minorities that lived in these States and some of them have perhaps completely faded away and disappeared since. Let not the minorities look to any outside power for the protection of their rights. This will never help them. Let not the lesson of history be lost. It is a lesson which should be burnt deep in the hearts and minds of all minorities that they can find their protection only from the people in whose midst they live and it is on the establishment of mutual goodwill, mutual trust, cordiality and amity that the rights and interests not only of the majorities but also of the minorities depend. This lesson of history, hope, will not be forgotten.

[The Hon'ble Pandit Govind Ballabh Pant.]

It is not for me to attempt any dissertation on the various aspects of minorities or fundamental rights. I cannot however refrain from referring to a morbid tendency which has gripped this country for the last many years. The individual citizen who is really the backbone of the State, the pivot, the cardinal centre of all social activity, and whose happiness and satisfaction should be the goal of every social mechanism, has been lost here in that indiscriminate body known as the community. We have even forgotten that a citizen exists as such. There is the unwholesome, and to some extent a degrading habit of thinking always in terms of communities and never in terms of citizens. (*Cheers.*) But it is after all citizens that form communities and the individual as such is essentially the core of all mechanisms and means and devices that are adopted for securing progress and advancement. It is the welfare and happiness of the individual citizen which is the object of every sound administrator and statesman. So let us remember that it is the citizen that must count. It is the citizen that forms the base as well as the summit of the social pyramid and his importance, his dignity and his sanctity, should always be remembered. If you bear this in mind, I think we shall understand and appreciate the importance of the fundamental rights. Because, on the proper appreciation of these rights has depended the progress of humanity. The Atlantic Charter with its Four Freedoms, the Charter of rights of men from the time of Paine and Wells to that of the Declaration made last year represent the noble advance in the history of human race. After all we must remember that the goal and objective of all human activity is a World State in which all citizens would possess the cosmopolitan outlook, would be equal in the eye of the law and would have full and ample opportunity for economic, social and political self-fulfilment. We find that in our own country we have to take particular care of the Depressed Classes, the Scheduled Castes and the Backward classes. We have to atone for our omissions—I won't use the word commissions. We must do all we can to bring them up to the general level and it is a real necessity as much in our interest as in theirs that the gap should be bridged. The strength of the chain is measured by the weakest link of it and so until every link is fully revitalised, we will not have a healthy body politic. I hope this Advisory Committee will place before itself the ideals for which humanity has worked. It will try to forge such sanctions and such rights as will enable this Assembly not only to frame a constitution but to achieve the independence of India. We are here not only for a formal task but for a real one and that has to be fulfilled. Let us hope that this Advisory Committee will bring concord and amity, goodwill and trust, in place of mutual strife, that occupies the political stage to-day and that as a result of the deliberations of this Committee we will have prepared the ground for Independent India for which we live, for which many have died and for which alone life is worth living. - (*Loud Cheers.*)

Mr. President : Sardar Harnam Singh is going to second this.

Sardar Harnam Singh (Punjab: Sikh) : Mr. President the Advisory Committee which has to be formed under the provisions of the Statement of May 16 is a very important Committee from many points of view. All of us know that it is the minorities problem in India that has held up the progress of this country for a number of years and a satisfactory solution of this problem, I believe, will lead to the prosperity of the country. We have laid down, in the Objectives Resolution that in the future Constitution of India, an adequate provision for the protection of all minorities has to be provided for. As far as the Congress is concerned, beginning with 1922 when the demand was made for a Constituent Assembly of India, several resolutions have been passed in which it has been laid down by the Congress that provisions for the protection of minorities have to be made to the satisfaction of the minorities concerned. Therefore I am glad that the Congress Party in this House has agreed to the constitution of this body which has commended itself to all members in the Constituent Assembly of India. As to what the ultimate solution of the communal problem proposed by this Advisory Committee may be nobody can say at this stage. But we all know that the whole of the communal problem is before this Minority Committee. The clauses for the protection of minorities which have to be framed by this Advisory Committee, have some relation to existing facts. The clauses for the

protection of minorities pertain to the religious, cultural, economic, administrative and political spheres. Communities in India have heretofore laid stress on certain provisions in the Government of India Act, as provisions which may be retained for the proper protection of minorities. Whether the Advisory Committee would make its report on those lines it is not for me to say at this stage. Those provisions all of us know. We know that Anglo-Indians have got section 242 of the Government of India Act. Certain other communities have laid stress on the weightage provided to them. Other communities have insisted on the retention of separate electorates. Some of these provisions may have done mischief in years past, but I do believe that this Advisory Committee will consider the question of the protection of minorities from all these various points of view and, whatever is good in the larger interests of the country and also in the interests of the minorities, that will find a place in the report of this Advisory Committee.

Sir, for a proper understanding of this Advisory Committee and its functions, we have to go into all that lengthy correspondence which passed between Maulana Abul Kalam Azad, Mr. M. A. Jinnah and Lord Pethick-Lawrence. In one of the letters that Maulana Abul Kalam Azad wrote to Lord Pethick-Lawrence he insisted that for a proper solution of the communal problem there must be consent of all the parties affected, and in fact, on the 12th May 1946 when the Congress formulated eight points as a basis for agreement, point No. 6 was that as far as the minority problem was concerned, the Congress stood for the consent of communities concerned for a satisfactory solution of the problem. Therefore I hope that when this Advisory Committee sits to initiate and formulate proposals for the protection of minorities and fundamental rights, the whole field would have been covered and it would be covered in such a way that it would be fair to the larger as well as the smaller interests so that all communities—big or small—would feel satisfied with the recommendations of this Advisory Committee. With these few words, Sir, I second the Resolution moved by Pandit Govind Ballabh Pant.

Mr. President : I find that in the Order Paper, notice has been given of several amendments. I think the most convenient course would be to ask the amendments to be moved on each particular clause. Therefore, all those members who have got any amendment on any particular clause will move the amendment when I name the particular clause.

The first is clause 1 (a). Mr. Munshi has given notice of an amendment.

Mr. Damber Singh Gurung (Bengal : General) : On a point of information, Sir, before any amendments are moved, may I know whether any time has been given for giving notice of amendments? This Resolution has been circulated only just now. Members have to be given some time.

Mr. President : I understand this Resolution was circulated several days ago.

Mr. Damber Singh Gurung : But this has been circulated here to the members just now. It may have been circulated several days ago in the party meeting.

Mr. President : No, no. The Resolution which has been moved by Pandit Pant was circulated to Members several days ago.

Mr. Damber Singh Gurung : My point is : now there is no Muslim League here. This thing was circulated in the party meeting.

Mr. President : No. I think you are under a misunderstanding. I am referring to the Resolution which was moved by Pandit Govind Vallabh Pant. Notice of that Resolution was given to members several days ago. No other amendment has yet been moved.

Mr. Damber Singh Gurung : But this Resolution was just given to the members.

Mr. President : Here in the House? I am afraid you are referring to some other Resolution. This one was circulated several days ago. Yes, Mr. Munshi.

Mr. K. M. Munshi (Bombay : General) : Sir, I beg to move that in sub-paragraph (a) of paragraph 1 of the Resolution, substitute the number "72" for the number "68". As already explained by Mr. Govind Ballabh Pant, it is necessary to increase the number in order to accommodate the seats which are duly provided for in the other part of the Resolution. I therefore move this amendment.

Mr. President : Is there any other amendment to clause 1 ? Nothing else. I put Mr. Munshi's amendment to vote.

The amendment was adopted.

Mr. President : Now, we go to the next one. I find Rev. Nichols-Roy has given notice of an amendment.

The Hon'ble Rev. J. J. M. Nichols-Roy (Assam : General) : I shall not move it.

Mr. President : Then we will go to (b) (i). Mr. Santhanam has given notice of an amendment.

Sri K. Santhanam (Madras : General) : I do not want to move it.

Mr. President : Then Mr. Munshi.

Mr. K. M. Munshi : Mr. President, Sir, I beg to move the following amendment to clause (b) (i). My amendment reads thus :

"That in sub-paragraph (b) (i) of paragraph 1 of the motion for the words beginning with 52 members—the words are these :

52 members who shall be elected by the Assembly in accordance with the principle of proportional representation by means of a single transferable vote—
substitute :

"The following members"

The names are given in the amendment. The clause will read like this:

"It shall consist initially of the following members ."

and then the names will follow. I will read the names. The different categories have already been placed before the House by the mover of the Resolution and I will read the names, indicating the nature of the seats.

Mr. Jairamdas Daulatram from Sind,

The Hon'ble Mr. Mehr Chand Khanna, N.W.F.P.,

Dr. Gopi Chand Bhargava from the Punjab,

Bakshi Sir Tek Chand also from the Punjab,

Dr. Profulla Chandra Ghosh from Bengal,

Mr. Surendra Mohan Ghose from Bengal,

Dr. Syama Prasad Mookherjee from Bengal.

Then comes a group representing the Scheduled castes :

Sardar Prithvi Singh Azad,

Shri Dharam Prakash,

Mr. H. J. Khandekar,

The Hon'ble Mr. Jagjivan Ram,

Mr. P. R. Thakur,

Dr. B. R. Ambedkar,

Shri V. I. Muniswami Pillai.

The next group of six names are those of Sikhs :

Sardar Jogendra Singh,

The Hon'ble Sardar Baldev Singh,

Sardar Pratap Singh,

Sardar Harnam Singh,

Sardar Ujjal Singh,

Sardar Kartar Singh.

The next four names are those of Indian Christians :

Dr. H. C. Mookherjee,
Dr. Alban D'Souza,
Shri Salve,
Shri Roche-Victoria.

The next three names are of Anglo-Indians :

Mr. S. H. Prater,
Mr. Frank Reginald Anthony,
Mr. M. V. H. Collins.

The next three names are of Parsis :

Sir Homi Mody,
Mr. M. R. Masani,
Mr. R. K. Sidhwa.

Number 31, Shri Rup Nath Brahma represents the plains tribes of Assam.

Number 32, Khan Abdul Ghaffar Khan represents the North-Western tribal area. Two other members to represent that area have to be nominated by the President.

Khan Abdul Samad Khan represents Baluchistan.

The Hon'ble Rev. J. J. M. Nichols Roy.

In Number 35, the name is wrongly spelt, it should be Shri Mayang Nokcha.

I do not know how to pronounce it. He represents the North-Eastern tribal areas. Then follow three names of persons who represent the Excluded and Partially Excluded areas :

Shri Phool Bhan Shaha,

Mr. Devendra Nath Samanta,

Mr. Jaipal Singh, representing the excluded areas in Bihar, and three others have to be nominated by the President.

Then come twelve general names :

Acharya J. B. Kripalani,

The Hon'ble Maulana Abul Kalam Azad,

The Hon'ble Sardar Vallabhbhai Patel,

The Hon'ble Shri C. Rajagopalachariar,

Rajkumari Amrit Kaur,

Shrimati Hansa Mehta,

The Hon'ble Pandit Govind Ballabh Pant,

The Hon'ble Srijut Gopinath Bardoloi,

The Hon'ble Shri Purushottamdas Tandon,

Sir Alladi Krishnaswami Ayyar,

Shri K. T. Shah and

Mr. K. M. Munshi.

• I move this amendment, Sir.

Acharya J. B. Kripalani (United Provinces : General) Sir, I second it.

Mr. President : Is there no other amendment ? Mr. Munshi, there is one other amendment in your name ?

Mr. K. M. Munshi : That does not arise now, Sir.

Mr. President : There are several others ; you don't move them also ?

Mr. K. M. Munshi : No, Sir.

Mr. President : There is another amendment, notice of which has been given by the Rev. Nichols-Roy.

The Hon'ble Rev. J. J. M. Nichols-Roy : Sir, I wanted to add one or two more names, but I find that that will disturb the number which has already been passed in this House. So I shall not move my amendment.

Mr. President : The Resolution has been moved, as also the amendments. The matter is now for discussion.

Rai Bahadur Syamanandan Sahaya (Bihar : General) : Sir, I would like to make a submission with regard to the amendment. In the Rules that we have adopted, it is clearly laid down in Rule 46 (2)—that—

“The members of every such committee shall, unless the motion by which the Committee is set up otherwise provides, be elected according to the principle of proportional representation by means of the single transferable vote.”

I submit, Sir, that this is a very salutary provision which aims to give general satisfaction to all sections of this House. In a House constituted as this one is, I think, it will be desirable if this correct method of selecting members for committees is followed. I find that the amendment of Mr. Munshi, however, gives definite names, and naturally, the names will have to be voted upon if other names are proposed. What would be the procedure for election, I ask? This is a matter, Sir, to which I will draw your special attention because it lays down for the future a precedent which might not be very helpful when we come to decide more delicate matters. As such I would appeal to you, and also I appeal to Mr. Munshi to allow the original motion to be adopted and then to propose names and the names could be voted upon by the procedure laid down, namely, proportional representation by means of the single transferable vote. This is an important matter and I will not only draw your personal attention to the matter but also draw the attention of the whole House and every section of the House to it. It is a departure which, I think, is not a healthy departure and must not be acted upon by this House.

Mr. Jaipal Singh (Bihar : General) : Mr. President, now that the names have been combined in the Resolution of Pandit Govind Ballabh Pant, I feel I must say a few words from the tribal point of view. I strongly resent the insinuation by Pandit Pant. He said that the Tribal Areas and minorities look to a foreign country.

The Hon'ble Pandit Govind Ballabh Pant : I never said so. Please do not put in my mouth words I never said.

Mr. Jaipal Singh : We look to our own countrymen. We look to our own leaders to give us a fair and square deal. We have not gone abroad. We did not go to London for negotiations. We did not go to meet the Cabinet Mission for provisions for our rights. We look only to our own countrymen to give us a fair and equitable deal. For the last six thousand years we have been shabbily treated.

Mr. Kiran Sankar Roy (Bengal : General) : How many years?

Mr. Jaipal Singh : Six thousand years, Mr. Kiran Sankar Roy, that is the time you, Non-Adibasis, have been in this country.

Sir, the mover and the seconder have indicated how the disposition, the distribution has been made in this Advisory Committee. This is a matter of life and death for the tribal people in particular. I congratulate the Indian National Congress leaders; I congratulate also those minority communities who have been able to get more seats than are due to them numerically. That cannot be denied. Number for number, the Sikhs, the Christians, the Anglo-Indians and the Parsis have been given more than is their due. I do not grudge them all this; but, the fact remains that they have been given many more seats than is their due, whereas when we come to my people, the real and most ancient people of this country, the position is different. But I do not grumble. For my purpose, it would be quite enough to have Panditji only; but he is not a member. I would entrust the future of every tribal people in this country in the hands of Pandit Jawaharlal Nehru, and rather be not there myself. Let me assure you, that we are not dependent on numbers—the number of votes that will be given in the Advisory Committee. We have been inarticulate. I led no deputation to Sardar Patel, or to you, Mr. President, about our rights; about our claims

and about our dues. I leave it to the good sense of the House and of the Advisory Committee, that, at long last, they will right the injuries of six thousand years. In another place, once when I said that a particular group of our Indian nation had been heavily weighted, my remarks were resented by that particular group. I tell you that it does not worry us at all if the Sikhs get 60 seats in this particular Advisory Committee or anywhere else. I congratulate them. We thank the Indian National Congress for saying that the minority question cannot be over-rated, as Pandit Govind Ballabh Pant said. But has it been over-rated as far as the tribals are concerned? Can it be honestly said that you have in any way over-rated their position? I am not pleading for any more seats; I have not submitted any amendment, I am not moving any amendment, but I must draw the attention of this House and of this country, if I may say so, that here we are all on trial. Hitherto it has been very easy for us to say it is the British—it is the British who have kept you in a zoo by making for you Partially Excluded Areas and Excluded Areas. Are you behaving any differently? I ask this question. I ask the Advisory Committee. I find my own name in it. While I find my own name in it, I am bound to point out that there is no name of any tribal woman in the Advisory Committee. How has that been left out? There is no tribal woman member in the Advisory Committee. That never occurred to the people who were responsible for the selection of members of the Committee. I am not saying that she should be included, but it is significant that the thing has not been seriously considered. Similarly, as I repeat thirteen or whatever the figure is that has been fixed—I accept that, I do not say any more, but I do want to expose the ignorance that is exposed in the suggestion of this figure, or for that matter, in the nomination of the Tribal Areas members. Look at the disposition of the tribal population throughout India. I have no quarrel with the muddling that has been made in the census enumeration at every decennial reckoning. The latest figure is 254 lakhs, I accept that. Now in that we find that the largest tribal group in India are the Munda-speaking tribe. If you add up their 1941 figures, you will find that they are something like 43 lakhs. The next in magnitude are the Gonds. Now we have been given a Gond representative; I am glad there is one. The next come Bhils, 23 lakhs. No Bhil is on this Committee. Like that, we go on to Oraons, with 11 lakhs, there is no Oraon on this Committee. Mr. President, time is valuable. Pandit Jawaharlal Nehru elsewhere said that every day we take, it costs something like Rs. 10,000. I think the life of 25 million tribals is worth more than Rs. 10,000 a day. This is an opportunity where I must have my say, if you will permit me. I note also that, for some reason or other, there is no tribal member at all in the Fundamental Rights Committee.

The Hon'ble Pandit Govind Ballabh Pant : There is no separate Committee. There is only one Committee.

Mr. Jaipal Singh : In the speech you have envisaged that some were going to be put in the Committee to deal with the fundamental rights of citizens.

The Hon'ble Pandit Govind Ballabh Pant : No. That depends on the Advisory Committee. It may form such Sub-Committees as it likes.

Mr. Jaipal Singh : Very well. I accept that. As I say, there is no way to include every tribal group. There are altogether listed in India in the 1941 census 177 tribes. Obviously, it would be impossible to have 177 members. But whatever the number that has been allotted—I say I accept that, Mr. President, but I am, in duty bound to my people, to point out to the House that we would have to deal with this tribal question, as Pandit Jawaharlal Nehru told us when speaking on the Independent Sovereign Republic Resolution,—that this problem would have to be dealt with imaginatively and emotionally. This House is on trial; let us see what happens.

The Hon'ble Pandit Govind Ballabh Pant : All will do well.

Mr. President : There was some misunderstanding with regard to the other amendments on the Order-Paper. I was under the impression that there was no other amendment. I find that there are some more amendments. All the other amendments may be moved.

Mr. K. M. Munshi : To (b) or (c) ?

Mr. President : All the amendments to the whole motion.

Mr. K. M. Munshi : The next amendment that stands in my name is this :

"That sub-paragraph (b) (ii) of paragraph 1 of the motion be deleted."

That sub-paragraph runs as follows :

"The Assembly may elect in such manner as the President may deem appropriate up to 7 members".

As the House will see, provision has been made later for increasing the number of nominations by the President by 7, that is, to raise the number from 9 to 22. So I shall also move at the same time the amendment which stands in my name with reference to sub-paragraph (c) of paragraph 1 of the motion.

"That in sub-paragraph (c) of paragraph 1 of the motion, the number '22' be substituted for the number '9' and the words '7 of whom shall be Muslims representing the Provinces of Madras, Bombay, the United Provinces, Bihar, the Central Provinces, Orissa and Assam' be added."

The object is that there are what are called Hindu majority Provinces and Muslim minorities in these Provinces have to be elected on this Committee. That was the original idea, but as this preliminary sitting is going to be adjourned for the time being, if the Muslim League comes in, it may be difficult to convene a preliminary sitting again only for the purpose of electing seven members. Therefore, it is that I move this amendment. If the preliminary sitting is adjourned to April or any other date, and the Muslim League comes in, seven Muslim members representing the seven Hindu majority Provinces may be nominated by the President and may join this Committee. I submit that they could all be accepted by the House. So I move all the amendments at the same time.

Mr. President : Is there any other amendment ? Paragraph 2 ? None. Paragraph 3 ? None.

I understand that Sir N. Gopaldaswami Ayyangar has got an amendment.

The Hon'ble Sir N. Gopaldaswami Ayyangar (Madras : General) : Mr. President, under Rule 48 of the Rules of Procedure, every motion by which a Committee is to be set up shall state the quorum necessary to constitute a meeting of the Committee. This has not been done in the motion that has been moved. It is a mandatory provision and in order to supply the omission I request your permission under Rule 26 that I may be permitted to move this new amendment of which I have not given notice. The amendment is this :

After para 3 of the Resolution, the following shall be inserted as para 3 (a), namely, "the quorum for the Committee and its sub-committees shall be one-third of the total number of members for the time being of the Committee or of the sub-committee concerned".

Mr. K. M. Munshi : I have to move an amendment to paragraph 4. Para 4 as it stands reads thus :

"The Advisory Committee shall submit the final report to the Union Constituent Assembly within three months and may submit interim reports from time to time."

The change my amendment seeks to effect is this :

In paragraph 4, between the words "three months" and the word "and" add the words "from the date of this Resolution". Then again, after the word "time" substitute a comma for the fullstop and add the words "but shall submit an interim report on Fundamental Rights within six weeks and an interim report on minority rights within ten weeks of such date."

Sir, clause 4 as amended will run thus :

The Advisory Committee shall submit the final report to the Union Constituent Assembly within three months from the date of this Resolution and may submit interim reports from time to time, but shall submit an interim report on Fundamental Rights within six weeks and an interim report on minority rights within ten weeks of such date.

My next amendment, Sir, is to paragraph 5. It is this :

"In paragraph 5 of the motion, for the words beginning with 'in the manner' up to the end of the paragraph, the words 'by nomination by the President' be substituted."

Paragraph 5 as originally drafted reads :

Casual vacancies in the Advisory Committee shall be filled as soon as possible after they occur in the manner in which the seat in respect of which the vacancy had arisen was originally filled.

The object of this amendment is to provide for a certain contingency. When this preliminary sitting of the Assembly is adjourned, the Committee is going to function. If, in the meantime, there is any vacancy, it will be impossible to fill it up till the next meeting of the Constituent Assembly. Therefore it is better to give this power to the President so that in the case of a vacancy arising, he can appoint a member to fill up that vacancy.

Sir, these are the amendments that I have to move.

Mr. F. R. Anthony (Bengal : General) : Mr. President, Sir, I had absolutely no intention of entering this discussion, but unfortunately, a remark of a previous speaker, which included the Anglo-Indians among those to whom, he alleged, over-representation had been given, has brought me to my feet. I have always been reluctant, although a communal leader, to pursue communal hares and I am even more reluctant to enter into any unseemly communal dog-fights. But I think there is some misunderstanding on the part of some members of the House about the State Paper and about the real intention of the authors of that Paper. Sir, if it was felt that there was no need for an Advisory Committee on Minorities I would subscribe to it. But so long as you have a committee on minorities, so long as other minorities are insisting on their rights, alleged or real, then, certain minorities, particularly the smaller minorities have, in self-defence to ask for certain representation. I agree with what Mr. Jaipal Singh said, *viz.*, that most of the minorities would gladly allow their interests to be taken care of by a leader of the stature of Pandit Nehru. I would be the first to say : 'Leave it in his hands'. But, unfortunately, these matters are not being decided at such a high level. All persons in this country are not of that stature. Unfortunately there is a tendency today for communalism to become even more intransigent and clamant than it has been in the past and I wish this obsession on numerical proportions to be slightly effaced.

Sir, we are dealing with a specific State Paper. We are dealing with paragraph 20 of the Cabinet Mission's Statement. The intention in paragraph 20 was set out in detail in Sir Stafford Cripps' official explanation. He was not concerned, the Cabinet Mission was not concerned with numerical proportions. This question of numerical proportion has become rather a favourite slogan in this country. Sir Stafford specifically mentioned that this Advisory Committee had been set up in order to give an opportunity not to the minorities but to the smaller minorities of influencing the provisions concerning the minorities. He specifically mentioned that it was their (the Cabinet Mission's) intention that representation should be given particularly to the Indian Christians, to the Anglo-Indians and to the Tribal Areas ; and although we have, for the sake of amity and a friendly atmosphere, accepted the representation that was granted to the minorities, it was made clear that perhaps the real intention of the Cabinet Mission had not been implemented in the allotment of seats that was made, at any rate, to my community. I want to disabuse the House of any feeling that my minority has been over-represented. It was the obvious intention of the Cabinet Mission to give the smaller minorities that have been specified—the Indian Christians, the Anglo-Indians and the Tribal Areas—an opportunity of influencing minority decisions through this Advisory Committee. No other smaller minorities have been mentioned. The point whether the intention was implemented in introducing other minorities, I am not going to labour at this stage. But the Cabinet Mission obviously had something at the back of their minds when they made this provision. They had the cases of the different minorities before them. They realised that certain minorities, although numerically small, had vital interests to be protected in the general political structure

[Mr. F. R. Antheny.]

and their sole purpose in setting up this Advisory Committee was to give the minorities, particularly these three minorities that they have specified, an opportunity of influencing minority decisions.

Mr. Damber Singh Gurung : Mr. Chairman, Sir, in the list of names of the Advisory Committee proposed by Mr. K. M. Munshi, I do not find any name of a Gorkha representative here. I do not want to refer to the terms of clause 20 of the Cabinet Mission's Statement of May 16, but I must pointedly draw the attention of the House to the Resolution on Objectives moved by Pandit Jawaharlal Nehru and passed by this House a few days ago. Paragraph 6 of that Resolution says,—

"WHEREIN adequate safeguards shall be provided for minorities, Backward and Tribal Areas, and Depressed and other Backward Classes."

It is the function of the Advisory Committee to give advice to the Constituent Assembly as to the manner in which the safeguards for the minorities, backward and tribal peoples are to be provided. Presumably, in the Advisory Committee there must be representatives of all these classes of people. Now, Sir, if there is no Gorkha on the Advisory Committee, who will speak for them and how will their interests and rights be safeguarded? It is a fact that the Gorkhas form a distinct minority group and no one can deny the fact that they are the most backward people in India. If Gorkhas, as such, are not represented they have a right to be represented here as people living in the Excluded Areas and Partially Excluded Areas, because Darjeeling District, where there are more than 3 lakhs of Gorkhas, is a partially Excluded Area, and even as tribals because the Gorkhas have been classed as tribals in the Census Report of 1941 in Bengal. If the Gorkhas are not represented in the only body that has been provided for devising means to safeguard the interests of oppressed and backward peoples, I, as a Gorkha, do not see any advantage in my being a member of the Constituent Assembly. The other day President Kripalani told me that the Gorkhas would fight with their swords. I quite agree. The Gorkhas fought with their swords for the rulers of India, but now the Gorkhas have decided to fight for the freedom of India and will fight for free India, but at the same time I must appeal to the House that their case also must be considered, as they are very backward educationally and economically and as the Advisory Committee is the only Committee where all these things can be brought up and discussed. I appeal to the House to consider this point.

Mr. K. M. Munshi : Sir, may I reply as the mover of the amendment?

Mr. President : (To Sri K. Santhanam) Do you want to speak?

Sri K. Santhanam : Sir, I wish to make two points with reference to this Resolution. I am anxious that this Advisory Committee should not expand its scope of work to an undue extent. It should not try to encroach upon the functions of the whole Assembly or the Sections. For instance, if it goes into such matters as joint *versus* separate electorates or the quantum of representation, I think it will make the work of this Assembly very difficult. I do not want to expatiate on the point and make the Committee's work difficult but I simply leave it for their consideration.

The second point I wish to mention is about the way in which we have to deal with the report. Ordinarily the report is to be presented to the House, but if we wait for the presentation of the report till this Assembly meets, then we shall have to wait 10 or 15 days for its consideration. It will mean a waste of time of the House. So I suggest that you take the permission of the House to circulate the report as soon as it is received from the Committee so that, when we assemble, all of us may come ready prepared and the time of the House may not be wasted. Otherwise, there may be legitimate ground for complaint, as it is not sufficient to give one day's, two days' or three days' notice. We must have at least a fortnight's notice. If you wait for the report to be presented to the House and then wait for fifteen days you know the expense, the confusion and the difficulty.

So I make these two suggestions for your consideration.

Rai Bahadur Syamanandan Sahaya : I want to raise a point of order. The motion as amended by Mr. Munshi does not lay down any method by which subsequent elections to this Committee will be made because the original provision that elections will be conducted in accordance with the principle of proportional representation by means of the single transferable vote has been dropped by the amendment of Mr. Munshi. That being so, if one or two names are suggested in addition to the names already suggested by Mr. Munshi, what will be the method adopted for election? This amendment of Mr. Munshi might circumvent the procedure laid down under the Rules of Procedure. I hope you will not permit it to happen. I would therefore like to have your decision as to what will be the method by which election will be made in case one or two names are also suggested apart from the names already suggested in the amended resolution.

Mr. K. M. Munshi : With regard to the point of order, Rule 46 makes it perfectly clear that it would be competent for this House to alter the method of election. This is how the Rule runs :

"The members of every such committee shall, unless the motion by which the committee is set up otherwise provides, be elected according to the principle of proportional representation by means of the single transferable vote".

Therefore, Sir, it will be seen there is no point of order.

Rai Bahadur Syamanandan Sahaya : I only want to say that the procedure outlined in Rule 46(2) could have been met if Mr. Santhanam had moved his amendment by which he wanted to substitute the words "by ordinary-distributive vote" in place of the words in the original motion. Mr. Santhanam, not having moved that amendment, there is no procedure laid down. Therefore, Rule 46(2) does not apply.

Mr. President : In my opinion, clause (2) of Rule 46 makes it quite clear that the amendment which has been moved by Mr. Munshi is in order.

Srimati Dakshayani Velayudan (Madras : General) : Mr. President, I wish to bring to the notice of this House that there is provision for 7 members to represent the Hindus in the Muslim provinces. Sir, I find that no Harijan's name is included among the Hindus. We, Harijans, consider ourselves one with the Hindu community and we have every right to represent the Hindus in the Muslim Provinces. We have every right to represent the Hindus in Bengal or the Hindus in Sind or in the Punjab. Somebody remarked now that there are already 7 members of the Harijans in the list. That does not mean that the Harijans have no right to represent the Hindus in the Muslim majority provinces. So I simply wanted to bring to the notice of this House that they should not go with the impression that the Harijans here have come only to represent the Harijans of India. We claim that we belong to the Hindu fold. It is the duty of the Caste Hindus to see that the promises that they made should be put into practice by including a Harijan in the list, to represent the Hindus in the Muslim majority provinces. But nobody should be under the impression that I came to speak in this manner here in order that my name may go into the list. I have no desire of that sort, because I do not want to represent those provinces, but there are Harijans, who have come from the Muslim majority Provinces, who have every right to represent the Hindus in their Provinces. So I hope that this House will take into consideration that my opinion is not against the fundamental principle that we are expected to follow.

Sri Lakshminarayan Sahu (Orissa : General) : Mr. President, Sir, I stand here to inform the House that Orissa has been neglected in this suggestion of Mr. K. M. Munshi. We always feel that because we are a docile people, we are always neglected. Now the claim for inclusion of names from Orissa is so great that I hope that this House will accept it. In the first place, about two-thirds of Orissa are Partially Excluded and Excluded Areas, and yet though there are 13 names given by Mr. K. M. Munshi, there is no name from Orissa. Again there is another point for consideration by the House. According to Mr. Munshi's list, there is no Hindu from Orissa and yet one representation will be given to a Muslim. That is really

[Sri Lakshminarayan Sahu]

unfair. The majority party there goes unrepresented, whereas we give representation to a minority. I hope that this House will pay its best consideration to this question. I should go in for the Hon'ble Pandit Govind Ballabh Pant's Resolution but as you said that Mr. Munshi's motion was in order, I do not want to refute it, but I still feel, as Rai Bahadur Syamanandan Sahaya has pointed out, that in such a matter, which is very important, we should adopt the procedure of single transferable vote. That will solve the question to the satisfaction of all.

Mr. Jairam Das Daulatram (Sind : General) : I want to say as briefly as I can that, looking to the importance of this Committee and the delicate issues with which it will have to deal, it would not be proper by any discussion here to attempt to restrict the scope of its work. There are members on it representing minorities and majorities, from practically every part of the country, and they should, I think, in terms of all that has been said both in the Statement of May the 16th and elsewhere, be left free to discuss and to decide as to what are adequate provisions or clauses for the protection of minorities. Since the matter is such that a fuller discussion on the point here would raise more and more controversy, I shall confine myself to these remarks only for I expect that the Advisory Committee will look at the matter both from the minority point of view, and the general point of view and try to reconcile the requirements of the minorities with the needs of the national sentiment of the country, as a whole.

Sri S. Nagappa (Madras : General) : Mr. President, Sir, now, I just want to bring to the notice of this House that out of these 50 members some communities particularly have been given over-representation. If it is equal to all communities as it is said, seven for Hindus, seven for Muslims and seven for Scheduled Classes, I do not know on what basis these figures were drawn up. For instance, if you say there are seven Muslim Provinces that are in a majority, so the Hindus of that province ought to be safeguarded and again because there are seven Hindu Provinces where they are in a majority, the seven Muslims must be there in the Committee to safeguard their interests, it is a good thing. But what about the Harijans. They are in a minority in almost every province. Moreover, if you take the population of these Provinces, then all the Hindus put together in the Muslim majority Provinces, they are not as many as Harijans, and the same thing with the Hindus. And now, Sir, the Parsis is a new minority community that has been brought. That community was not seeking to be a minority community all these days. All of a sudden in this Minority Advisory Committee this particular community has been classified as a minority community. I do not know, Sir, what protection this Parsi community especially seeks? It is well placed in society, economically and educationally. What are the particular safeguards this particular community wants? So also the Anglo-Indian community. Their numbers are very few, but their representation on the Committee is too great. I would suggest it would have been fair if the representation for the Depressed Classes had been 11 instead of 7. Now, if anything cannot be done at this stage, I would request all the Members that are now elected to see that they should not go there in order to champion the cause of a particular community. They must feel one and see that they work for the benefit of all the communities, for the homogeneity of all communities and for the prosperity of all the communities. With this motive, they must see that particularly such communities which are not represented properly according to their numbers must be safeguarded. Now only a few days ago we have passed a Resolution declaring our objects and our motives in framing this Constitution. We must stick to the spirit and see that every community got its proper place, though for instance out of 50 only 7 Harijans are there. They are only about one-seventh of the present members. They might fight for their community interests and yet they are in a minority. Their voice may not be heard. So I appeal to all Members who are elected in spite of their majority, to understand the Harijans properly, and if what they want is reasonable, to satisfy if not their complete demand, at least the minimum of the demands put forward by them. With this hope I congratulate the Members

that have been elected, and hope they will see that they do full justice especially to such communities as have been suffering for ages, and that what they deserve is given.

The Hon'ble Rev. J. J. M. Nichols-Roy : Sir, The number of members that have been listed here are 50. I wanted to add two more to this number. But after a discussion with Mr. Munshi, I decided not to disturb the number that has already been listed here. But, Sir, I want to say this: the minorities in Assam are many. The Tribal Areas there also are very different from the Tribal Areas in other parts of India. Each Tribal area has its own ways and methods of living and culture which would need to be represented in a Committee like this. But I find in paragraph 2 that the Sub-Committees which will be appointed by the Advisory Committee can co-opt some members. This probably will solve the difficulty. I read here :

"The Advisory Committee shall appoint sub-committees to prepare schemes for the administration of the North-Western Tribal Areas, the North-Eastern Tribal Areas and the Excluded and Partially Excluded Areas. Each of such sub-committees may co-opt not more than 2 members from the particular tribal territory under its consideration for the time being, to assist in its work in relation to that territory."

This no doubt, will help the Tribal Areas to get representation and to tell the Advisory Committee what their desire is. In view of this, Sir, I think that the Resolution as presented before the House is quite satisfactory.

I should like to add one more point. I would have liked very much if another Indian Christian had been added to this list. I find that Orissa has not been represented at all.

An Hon'ble Member : What about Andhra ?

The Hon'ble Rev. J. J. M. Nichols-Roy : I would like very much one Christian from Orissa be represented. The President may consider the question of Orissa in regard to representation from the Christian community there. That would add only one more member to the four Indian Christian members who have been listed here. With this request, Sir, I believe that this Resolution is acceptable to the House and it is quite satisfactory as far as it goes. Some of the minorities which have not been represented at all may be given representation by nomination by the President and by co-optation by the sub-committees.

Mr. B. Das (Orissa : General): Sir, the atmosphere this morning in this House and the atmosphere in New Delhi these three or four days reminds me of the atmosphere in 1930-1931. In the light of my past experiences I think that the minorities have been given more weightage than before. Murmurings will always be there. It is very very unfortunate that the minority communities do not demand mere justice, equity and fairplay but claim safeguards and weightages under the third party domination. The minority problems should not and must not overshadow the main issue—that of Independence of India.

One thing was stressed by previous speakers—namely, that the majority Hindu provinces have not found representation for their majority community in the Advisory Committee. I am one with them and I demand such representation for the majority Hindu population of Orissa. Orissa must participate in the discussions to enable her to assess those undue burdens that she may have to shoulder for her minority communities.

The Advisory Committee will very likely come to a dead-lock later. I do not anticipate its decisions and I am not a member of that Advisory Committee. But the minorities will still demand safeguards, economic advantages and reservations and weightages to an All-India pattern. All-India patterns and decisions may work disaster to a poor province like Orissa, if minimum obligatory expenditure on minority communities be laid down. And yet, a minimum amount of money must have to be spent for the Scheduled Castes and for the Tribal people. The minimum standard in Bihar before separation from Orissa is the maximum standard

[Mr. B. Das.]
of Orissa today. Rupees two and annas eight or something like that is the *per capita* income in Orissa; in other provinces the *per capita* income goes up to Rs. 20 or more. I am not merely pleading here that a Hindu representative from Orissa should be there in the Advisory Committee.

I visualise that the provinces will have residuary powers in an Independent India. Do my colleagues here appreciate that handicaps may be fashioned on minor provinces and stupendous difficulties—administrative and financial—may be imposed on poorer provinces under the cry of safeguards and weightages? It may even break the administrations.

The Advisory Committee should be wide enough to have representatives of Hindus from the Hindu majority provinces, so that it can know the financial and economic position of those provinces. We will have to stoutly oppose any decision of people in the Advisory Committee who do not understand our economic and financial situation in Orissa and we will not accept any safeguards, economic or otherwise, and any undue burdens and handicaps.

Mr. Satyanarayan Sinha: I move that the question be now put.

Mr. R. K. Sidhwa (C.P. & Berar : General): May I say a few words, Sir?

Mr. President: Closure has been moved. The motion is: that closure be applied.

The motion was adopted.

Mr. President: Mr. Pant, it was your Resolution. Do you accept the amendments?

The Hon'ble Pandit Govind Ballabh Pant: Sir, I accept the amendments moved by Mr. Munshi. On the whole the reception that has been accorded to my Resolution has exceeded my expectations. It is a delicate matter, especially where the question of nomination of individuals comes in. There are many embarrassing aspects of such problems which cannot be easily got over, and which cannot be tackled at any rate in an altogether impersonal manner. So, I would not have been surprised if there had been more vigorous criticism than that displayed by Mr. Jaipal Singh when he spoke. I saw that he was chafing and the vehemence of his utterances seemed to me to compensate for the poverty of his ideas. I did not make any suggestion whatsoever against the tribal people. I believe that they have not received that attention and active service at our hands to which they were entitled. I think we owe them a duty and we should do all we can to raise their general level. There is absolutely no issue between him and me. When I suggested that it is unwise to look to any external authority for the protection of the rights of the minorities, I had no particular individual, group or section in mind.

I wanted to utter a word of warning on a subject which is of considerable importance and which often arouses consuming passion. That was my only apology for referring to the developments that had taken place in recent years and I believe that those experiences of Poland, Bulgaria, Czechoslovakia, Austria and other Eastern European States are worthy of being borne in mind in these times when we are going to frame our own Constitution. It was suggested that the election should have been held according to the principle of proportional representation. It had in fact been held according to that principle. As I indicated at the outset in the course of my opening speech, the members of every group had been virtually elected by their own communities and comrades within each and belonging to each Group. We wanted to have the seal of approval of this entire Assembly as the Advisory Committee will be dealing with very great problems and we wanted to give every member of the Committee that sense of confidence which the approval of the membership of the Committee by the entire House is bound to create and convey. So it was to create a sound moral foundation for this Committee that this method was devised but as I said, the elections were unanimous. All members of this House also, barring very few who were not there, agreed to these names but before the names were put before the general body individually, the members of each group had by themselves selected their representatives. I do not see how any method more satisfactory could possibly

have been devised. It augurs well for the deliberations of this Advisory Committee that its personnel should have been selected not only by the different groups that it was intended to represent but also by every member and by all the members of this House. That gives them a position which I think they would covet and they would appreciate. Sir, some omissions from certain Provinces have been mentioned. Well, I readily admit that many more members could have been profitably added to this Committee. We have here talent and public spirit represented in abundance, and everyone, who could be added, would have made very useful contribution. But there are practical limitations in matters of this type and you have to see that the structure does not break down by virtue of its weight, even of too many good people. There should be some limitations even as regards excellence in order that men may move, in order that even defects may be tolerated; otherwise if you were to look for a Utopia or for the establishment of Plato's Republic, you will never be able to do anything practical. So it is only the hard realities of the situation which have constrained us to limit this figure to something about 70 and even that is apparently a number big enough for serious deliberation. So it is not because we do not appreciate all that has been said, not because we would not like to have the assistance of the other Hon'ble Members in this House but because this Committee would not stand the strain of heavier weight that we had to restrict the number. There need not be any misgiving in any quarter on that account. After all the decisions in such Committees are not ordinarily taken by vote. Everyone is expected to appreciate the point of view of other colleagues of his. There should be a spirit of accommodation and give and take. So we look forward to unanimity in the decisions and not to majority voting in a Committee of this type. I admit that it is possible for the Hon'ble Members to argue that the numbers allotted to different groups are not strictly in accordance with their population. In matters of this type you cannot have a yard-stick for measuring millions of people and their interests, and would it have made any difference, if there had been two more of the Scheduled Castes or even one less of the Anglo-Indians? I do not think. One worthy representative like Dr. Ambedkar or like Mr. Anthony can, I think, do as much as half-a-dozen or more. It is not so much number as calibre and the spirit which inspires the members which ought to count in matters of this character. Let me hope that there will be no occasion for any regret when this Committee begins to function and that all will join together in congratulating this Committee when it has completed its labours.

Mr. President : Pandit Pant, you have not said anything regarding the amendment moved by Sir Gopalaswamy Ayyangar.

The Hon'ble Pandit Govind Ballabh Pant : I accept that amendment.

Mr. President : The Resolution has been moved and after that the amendments have been moved and accepted by the Mover. Therefore the amended Resolution will now read thus :

This Assembly resolves that in pursuance of paragraph 20 of the Cabinet Mission's Statement of May 16, 1946, an Advisory Committee be constituted as hereinafter set out :—

1. (a) The Advisory Committee shall consist of not more than 72 members who may include persons who are not members of the Assembly.

(b) It shall consist initially of the following members :—

1. Shri Jairamdas Daulatram.
2. The Hon'ble Shri Meherchand Khanna.
3. Dr. Gopi Chand Bhargava.
4. Bakshi Sir Tek Chand.
5. Dr. Profulla Chandra Ghosh.
6. Shri Surendra Mohan Ghose.
7. Dr. Syama Prashad Mookherjee.
8. Shri Prithvi Singh Azad.
9. Shri Dharam Prakash.
10. Shri H. J. Khandekar.

[Mr. President]

11. The Hon'ble Shri Jagjivan Ram.
12. Shri P. K. Thakur.
13. Dr. B. R. Ambedkar.
14. Shri V. I. Muniswami Pillai.
15. Sardar Jogendra Singh.
16. The Hon'ble Sardar Baldev Singh.
17. Sardar Pratap Singh.
18. Sardar Harnam Singh.
19. Sardar Ujjal Singh.
20. Gyani Kartar Singh.
21. Dr. H. C. Mookherjee.
22. Dr. Alban D'Souza.
23. Shri Salve.
24. Shri Roche-Victoria.
25. Mr. S. H. Prater.
26. Mr. Frank Reginald Anthony.
27. Mr. M. V. H. Collins.
28. Sir Homi Mody.
29. Shri M. R. Masani.
30. Shri R. K. Sidhwa.
31. Shri Rup Nath Brahma.
32. Khan Abdul Gaffar Khan.
33. Khan Abdul Samad Khan.
34. The Hon'ble Rev. J. J. M. Nichols-Roy.
35. Shri Mayang Mokcha.
36. Shri Phoof Bhan Shaha.
37. Shri Devendra Nath Samanta.
38. Shri Jaipal Singh.
39. Acharya J. B. Kripalani.
40. The Hon'ble Maulana Abul Kalam Azad.
41. The Hon'ble Sardar J. Vallabhbhai Patel.
42. The Hon'ble Sri C. Rajagopalachariar.
43. Rajkumari Amrit Kaur.
44. Shrimati Hansa Mehta.
45. The Hon'ble Pandit Govind Ballabh Pant.
46. The Hon'ble Srijiut Gopinath Bardoloi.
47. The Hon'ble Shri Purushottamdas Tandon.
48. Diwan Bahadur Sir Alladi Krishnaswami Ayyar.
49. Shri K. T. Shah.
50. Shri K. M. Munshi.

(c) The President may at any time or at different times nominate members to the Committee not exceeding 22, 7 of whom shall be Muslims representing the Provinces of Madras, Bombay, the United Provinces, Bihar, the Central Provinces, Orissa and Assam.

2. The Advisory Committee shall appoint Sub-Committees to prepare schemes for the administration of the North-Western tribal areas, the North-Eastern tribal areas and the excluded and partially excluded areas. Each of such Sub-Committees may co-opt not more than 2 members from the particular tribal territory under its consideration for the time being, to assist it in its work in relation to that territory.

3. The Advisory Committee may appoint other Sub-Committees from time to time as it may deem necessary.

3-A. The quorum for the Committee or any of its Sub-Committees shall be one third of the total number of members for the time being of the Committee or of the Sub-Committee concerned.

4. The Advisory Committee shall submit the final report to the Union Constituent Assembly within three months from the date of this Resolution and may submit interim reports from time to time, but shall submit an interim report on Fundamental Rights within six weeks and an interim report on minority rights within ten weeks of such date.

5. Casual vacancies in the Advisory Committee shall be filled as soon as possible after they occur by nomination by the President.

6. The President may make standing orders for the conduct of the proceedings of the Committee.

I shall now put the Resolution, as amended, to vote.

The Resolution, as amended, was adopted.

Mr. President : We shall meet again in the afternoon at 3 o'clock and at that time we shall take up the budget in Committee. Therefore visitors need not take the trouble of attending the afternoon session.

The Assembly then adjourned for Lunch till Three of the Clock.

The Constituent Assembly reassembled in Committee, after Lunch, at Three of the Clock, Mr. President (The Hon'ble Dr. Rajendra Prasad) in the Chair.

[Discussion of Budget estimates was concluded.]

The Constituent Assembly then met in plenary session at fifty five minutes past Three of the Clock.

BUDGET ESTIMATES OF THE CONSTITUENT ASSEMBLY

Mr. President : Mr. Gadgil : will formally move the Resolution.

Mr. N. V. Gadgil (Bombay : General) : I formally move the Resolution. As a matter of fact, it was moved in the open session and after it was formally moved the House resolved itself into a Committee.

An Hon'ble Member : I second it.

Mr. President : The Resolution has been formally moved and seconded. I put the Resolutions to vote. I will read them once again.

"Resolved that the Assembly do accord sanction to the estimated expenditure of the Assembly for the years 1946-47 and 1947-48 as shown in the attached statements prepared by the Staff and Finance Committee in pursuance of rule 50 (1) of the Constituent Assembly Rules."

"Resolved that the Assembly do fix, under rule 51 (1) of the Constituent Assembly Rules the allowances of members of Assembly as in the attached Schedule approved by the Staff and Finance Committee."

I need not read the whole Schedule because the members know the Schedule.

I put the resolution to vote.

The Budget is passed.

The Budget was adopted.

Mr. President : This brings us to the close of the business of the day.

Mr. Deshb andhu Gupta (Delhi): May I ask one question, Sir ? Has anything been decided as to whether the Government Service Rules will apply to the servants of the Constituent Assembly ?

Mr. President : Nothing has been decided. Our servants are not Government servants.

Mr. Deshb andhu Gupta : Will the Government Service Rules apply to them or not ?

Mr. President : We may have our own Rules. We have nothing to do with Government Rules. Those who have been borrowed from the Government may have loyalty and allegiance in their own way.

We shall meet again tomorrow in open session. Some resolutions will be taken up.

We adjourn till Eleven of the Clock tomorrow.

The Assembly then adjourned till Eleven of the Clock, on Saturday, the 25th January 1947.

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Volume II
No. 5



Saturday
25th January
1947

CONSTITUENT ASSEMBLY DEBATES

OFFICIAL REPORT

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CONSTITUENT ASSEMBLY OF INDIA

Saturday, the 25th January, 1947.

The Constituent Assembly of India met in the Constitution Hall, New Delhi, at Eleven of the Clock, Mr. President (The Hon'ble Dr. Rajendra Prasad), in the Chair.

ELECTION OF VICE-PRESIDENT

Mr. President: Dr. H. C. Mookherjee is the only candidate who has been validly nominated for Vice-Presidency. I accordingly declare him duly elected.

Dr. Pattabhi Sitaramayya will move the Resolution that is standing in his name.

ELECTION OF BUSINESS COMMITTEE

Dr. B. Pattabhi Sitaramayya (Madras: General): *[Mr. President, I read out the Resolution which I am going to move in English, first.]*

"This Assembly resolves that a Committee consisting of—

1. The Hon'ble Sir N. Gopalaswami Ayyangar,
2. Mr. K. M. Munshi and
3. Sri Biswanath Das,

be appointed to recommend the order of the further business of this Assembly in framing the Constitution for all India and to submit its report before the commencement of the next session of this preliminary meeting of this Assembly."

*[I shall explain to you the Resolution in Hindustani. The Resolution seeks to appoint a committee consisting of three elderly persons. The function of this Committee is to consider and recommend the order of business of this Assembly and to submit its report before the commencement of the next session of the Assembly.]

The Resolution appears very ordinary but it is very important. We have so far traversed a part of our journey. Imagine a man who sets out on a journey; he travels the first stage of it easily. But when he embarks on the second stage he meets many hurdles and difficulties. Now what is the best course for him? He postpones his journey and sends a vanguard in order to acquire an idea of the difficulties he is likely to meet on his way. What we want to do now is exactly that. We want to appoint a committee to guide us as to how we should proceed further with our business. Perhaps, you remember that an Advisory Committee was appointed yesterday. To-day we are going to appoint another committee. With the help of this Committee we are to know as to what should be the order of the further business of this Assembly. With these words, I put the Resolution before you. I need not say anything more on it.]*

B. Gopal Reddi: *[I second the resolution.]*

[] English translation of Hindustani speech.

Mr. President: Does anyone want to speak about this?

Dr. B. Pattabhi Sitaramayya: There is a small amendment to this, Sir.

Mr. President: Mr. Satyanarayan Sinha has given notice of an amendment.

Mr. Satyanarayan Sinha (Bihar: General): Mr. President—

Sir, I beg to move—

“That at the end of the motion add the following new paragraph :—

“The Assembly further resolves that the presence of not less than two members of the Committee shall be necessary to constitute a meeting of the Committee.”

Mr. President: Dr. Pattabhi Sitaramayya, do you accept the amendment?

Dr. B. Pattabhi Sitaramayya: I accept the amendment.

Mr. President: Then I put the amended Resolution to vote.

The Resolution, as amended, was adopted.

COMMITTEE ON SUBJECTS ASSIGNED TO THE UNION CENTRE

The Hon'ble Sri C. Rajagopalachariar (Madras: General): I beg to move the Resolution standing in my name, which reads as follows:

WHEREAS in paragraph 15(i) of the Cabinet Delegation's Statement of May 16, the subjects assigned to the Union Centre are generally and compendiously indicated under four broad categories,

AND WHEREAS an understanding of the scope of these subjects is necessary for the purpose of framing the Union and other Constitutions, of avoiding as far as possible overlapping and conflicts between the provisions in the Constitution relating to the Union and those in the Constitutions referred to in clause (v) of paragraph 19 of the Statement, and of bringing all the said Constitutions into line with each other,

AND WHEREAS it is necessary to draw up lists of matters included in and interconnected with the subjects assigned to the Union before the framing of the Constitutions referred to in clause (v) of paragraph 19 of the Statement is taken up for consideration;

This Assembly resolves—

- (a) that a committee consisting initially of twelve members, elected according to the principle of proportional representation by means of the single transferable vote, be constituted to examine the above matters and to report to the Assembly not later than the 15th of April, 1947, and
- (b) that the President may add ten more persons to the committee, and that the selection of all or any of these ten additional members be made at such time and in such manner as the President may determine.

Sir, I might take the matter a little in advance and mention that there are three amendments that are going to be proposed to this motion of mine, and those amendments deal with subsidiary matters, Mr. Munshi and Mr. Satyanarayan Sinha will move them in due course and I propose to accept them. So, in order to make the matter easier to understand I shall read the Resolution as it will stand when these amendments are accepted. The first part of the Resolution, i.e., the preamble, stands as before, but the operative part would read like this:

“This Assembly resolves—

- (a) that a committee consisting of the following members:

1. The Hon'ble Pandit Jawaharlal Nehru.....

Mr. C. E. Gibbon (C. P. and Berar: General): On a point of order, Sir. Until such time as the amendments are officially moved and the mover of the Resolution accepts them, how could he incorporate them in the original Resolution?

Mr. President: He has not incorporated any part of the amendment. He is only reading it out.

Mr. C. E. Gibbon: He is accepting it before it is moved.

Mr. President: He said he proposes to accept it.

The Hon'ble Sri C. Rajagopalachariar: I have read the Resolution as it stands in the Paper and I have referred to the amendments circulated and I think it would save time if I explained to the members in advance that I propose to accept those amendments, and in order that the matter may be clearly understood, I am reading it. If permitted, I shall go on.

Mr. President: Yes.

The Hon'ble Sri C. Rajagopalachariar: The operative part would read like this:

"This Assembly resolves—

(a) that a committee consisting initially of the following members:

1. The Hon'ble Pandit Jawaharlal Nehru,
 2. Mr. Sarat Chandra Bose
 3. Dr. Pattabhi Sitaramayya
 4. The Hon'ble Pandit Govind Ballabh Pant
 5. Mr. Jairam Das Daulatram
 6. Sri Biswanath Das
 7. The Hon'ble Sir N. Gopalswami Ayyangar
 8. Bakhshi Sir Tek Chand
 9. Diwan Bahadur Sir Alladi Krishnaswami Ayyar
 10. Mr. D. P. Khaitan.
 11. Mr. M. R. Masani.
 12. Mr. K. M. Munshi.
- be constituted to examine the above matters and to report to the Assembly not later than the 15th of April, 1947,

(b) that the President may add ten more persons to the committee, and that the selection of all or any of these ten additional members be made at such time and in such manner as the President may determine,

(c) that the quorum for the Committee shall be one-third of the total number of members for the time being of the Committee, and

(d) that casual vacancies in the committee be filled as soon as possible after they occur by nomination by the President from among the members of the Assembly."

Sir, the object of the Resolution is to help this Assembly in framing the Constitution so as not to leave for the future any overlapping or conflicts that might occur if various proceedings took place without correlation in different Sections of the Assembly or otherwise. I may be permitted, therefore, to explain exactly what the possibilities are which we wish to avoid.

This Assembly, Sir, has been entrusted with a very serious task, perhaps more onerous than any Constituent Assembly in the world has had to deal with. The number of differences that have to be settled are enormous; the population that has to be satisfied is enormous; and the problems that are before the Assembly are as difficult as any which any other Assembly has had before it. The British Government's Statement has put things in a fairly clear way, but not quite as clearly as we would desire it. If we examine the British Government's Statement on which this Assembly's programme is based, we will find few matters settled clearly.

No. 1—it is decided that we are to frame a constitution for a united India.

No. 2—we have to frame a constitution where the Centre is given the powers over Defence, Communications and Foreign Affairs and also powers necessary to raise the finances required for the above subjects.

And then thirdly another principle has been laid down, that the residuary powers, that is to say, all powers which have not been transferred to the Central Government, should remain in the Provinces. Then fourthly, a subsidiary point is laid down also, that such powers as the Provinces agree to transfer to any Groups they may form would go to the Groups. All subjects other than the Union subjects and all residuary powers should vest in the Provinces. The States will retain all subjects and powers other than those ceded to the Union. This is (3) and (4) of Clause 15 of the Statement. It is further laid down that there will be a ten-year revision of this Constitution and the initiative for that revision is vested in the Provinces. These are the broad principles laid down in Clause 15.

But let us examine this a little more closely. We find in sub-clause (1) that:

“The Union should have all the powers necessary to raise the finances required for the above subjects.”

Now, what are powers, unless we mean the power actually to enforce the law as prescribed for raising the finances and that would include, Sir, the power of collection and probably also the power of securing the services of a proper judiciary wherever required. No provision has been put down for this purpose. Again, if we examine clause 19 which gives the procedure for carrying out the principles set out in clause 15, we find, strangely enough, a lacuna. In sub-clause (v) of clause 19 it is stated that the Sections shall proceed to settle Provincial Constitutions and then they shall also decide whether any Group Constitution shall be set up, and if so with what provincial subjects the group shall deal. Then the representatives of the Sections and the Indian States shall re-assemble for the purpose of settling the Union Constitution. Now, there is no provision as to how and when the Group Constitution shall be settled. Beyond stating that whether any Group Constitution shall be set up may be decided in the Sections and also that the Sections shall set out the provincial subjects with which the groups should deal, there is no provision for settling the Group Constitution itself.

Then, again, if we examine the provisions as to the Advisory Committee on Minorities, we find this. The Advisory Committee shall report to the Union Constituent Assembly upon the list of fundamental rights, clauses for protecting minorities and a scheme for the administration of Tribal and Excluded Areas, and it should advise whether these rights should be incorporated in the Provincial, the Group or the Union Constitutions. Now, it follows logically that when the Advisory Committee has reported to the Union Assembly, the Union Assembly should have the power to see whether it should be incorporated in the Provincial or in the Group or in the Union Constitutions. If the Provincial and Group constitutions should be settled beforehand, and at a later sitting of the Union Assembly, they decide that it should be incorporated in the Provincial or Group Constitutions, what is the procedure to be followed? Therefore, there is a great deal of correlation to be done before we can carry out the intentions of the Cabinet Mission's Statements, or the Resolutions of this Assembly. If we interpret the programme laid down in clause 19 literally and assume that what is asked to be done at the various sittings should be the only things done at this stage and nothing else, we will be landed in a great deal of difficulty at the end in carrying out the explicit intentions of the Cabinet Mission's Statement. Considering all these matters, it has been found necessary, we have found it necessary, Sir, to make this motion for the appointment of a committee which shall do the required thinking on these matters and report to this House before we end the preliminary session so that we may frame our programme of future work.

This Assembly has to consider, as I said before, very serious matters, and we will have to do a great deal of thinking. We cannot do our work on the assumption that we are here only to register previously arrived at decisions, opinions and programmes. We have to do a lot of substantial thinking in this Constituent Assembly; and in the nature of things, therefore, we require the assistance of a Select Committee to consider and advise us on the difficulties that may arise in the course of our work. It is with that object that this Committee has been proposed. It is not with the object of undermining the essential intentions of the Cabinet Mission's Statement or anything of that kind. It is to help us to think out our difficulties and to find solutions for those difficulties.

Sir, if I may venture to put it that way, it is not only a matter of culture or good-breeding; but it is statesmanship to think of those who are absent, to think of other people than ourselves, when we deal with any matter. That is why in proposing every motion, Hon'ble Members have dealt with the intentions and purposes of those who are not yet present in this Assembly. We find a great many possibilities of misunderstanding and we try to anticipate those difficulties and remove possibilities of misunderstanding as far as we can. In this connection I would mention, therefore, that those who are absent should not misunderstand the purpose of this Committee that I am proposing. The Muslim League policy has been to secure a separate, sovereign State of their own. Now, this Constituent Assembly has taken up its task on the basis of the Cabinet Mission's Statement and if one thing is more clearly decided in His Majesty's Government's Statement than anything else, it is this, that there shall be only one sovereign state in India. It has been decided clearly beyond all possibility of doubt that a division of India into two sovereign states is not to be thought of in this connection. That explains many of the things that we are doing and will remove many of the misunderstandings that are likely to arise. If I may put it that way, the League has gone the wrong way for securing their objective. If they had only restricted their claims to what legitimately should be asked in pursuance of their policy, possibly they might have achieved their object and they would not have been in the present difficulty. Let me put it frankly. The greatest difficulty for the Muslim League now is that they have to join this Assembly and thereby, once for all and beyond doubt, accept the single sovereign State of India. That is why they find it difficult to come in, and that is why these postponements. That is why the League fixes its date always after the meetings that the other major parties have programmed for their consultations. That is why we find to-day, even after the last adjournment, the League has been unable to make up its mind and join us. Let us understand the difficulties of the other side. If the League comes in, they come in on the express understanding that India shall be only one sovereign State, abandoning their separatist policy. This is difficult for them to do at once. Let us realise these difficulties and not misunderstand even the delays. We desire to proceed with the work as fast as possible, understanding very well the difficulties of the Muslim League members in the way of their coming and joining us at this stage. Let them think it over. Let us give them ample time to come. But that does not mean that we stop our work, that we stop thinking, that we stop doing anything whatsoever, until they make up their minds. That would lead to indefinite postponement. Hence, Sir, I have no hesitation in recommending this Resolution that we should appoint this Committee of twelve members as proposed, so that they may think out all the difficulties and advise us so that we may frame a constitution for India which will create no difficulties for those who have to work it, and which will be a stable, strong constitution for the Centre with stable and strong constitutions for the provinces, to work under the Centre and in the single State that is being contemplated. Therefore, Sir, I move that this Resolution

be accepted by the House. As I said before, there are two amendments. One is to replace the election by proportional representation, by twelve members definitely named to the House; and the other is to provide for quorum and another is to provide for casual vacancies. I commend the Resolution with these amendments.

Mr. President: Mr. Munshi can move his amendment.

Mr. Satyanarayan Sinha: May I be permitted to move it?

Mr. President: Yes.

Mr. Satyanarayan Sinha: Sir, I beg to move the amendments which stand in the name of Mr. Munshi, as permitted by you:

"That in clause (a) of the motion, for the words beginning with 'twelve members' and ending with 'the single transferable vote', the following be substituted:—

the following members:

1. The Hon'ble Pandit Jawaharlal Nehru,
2. Mr. Sarat Chandra Bose,
3. Dr. Pattabhi Sitaramayya,
4. The Hon'ble Pandit Govind Ballabh Pant,
5. Mr. Jairam Das Daulatram,
6. Sri Biswanath Das,
7. The Hon'ble Sir N. Gopalaswami Ayyangar,
8. Bakhshi Sir Tek Chand,
9. Diwan Bahadur Sir Alladi Krishnaswami Ayyar,
10. Mr. D. P. Khaitan,
11. Mr. M. R. Masani, and
12. Mr. K. M. Munshi."

If you will permit me, Sir, I will move the other amendment also.

Mr. C. E. Gibbon: Sir, on another point of order. When Mr. Munshi, who has given notice of these amendments is not present in the House, can anybody else move them in his absence?

Mr. President: I suppose any one else can move them if permitted by the Chair.

Mr. Satyanarayan Sinha: The second amendment which is in the name of Mr. Munshi and which I move is as follows:

"That the word 'and' at the end of clause (a) be deleted and at the end of clause (b) the full stop be changed into a comma and the following be added:—

'and (c) that casual vacancies in the committee be filled as soon as possible after they occur by nomination by the President from among the members of the Assembly'."

The third amendment to this Resolution is in my name and I move:

"That the word 'and' at the end of clause (a) be deleted and at the end of clause (b) the full stop be changed into a comma and the following be added as a new paragraph:

'(c) that the quorum for the committee shall be one-third of the total number of members for the time being of the committee'."

Mr. P. R. Thakur (Bengal: General): This is an important Resolution and this Committee which is going to be appointed will consider the subjects that will be reserved to the Centre. My Hon'ble friend, Mr. Rajagopalachariar, did not say anything about the maintenance of peace throughout the country and the prevention of famines. These two things are essential and I say so, because we, Bengalis, are the worst sufferers; we had recently communal rioting in Bengal and there was also famine. We asked for help from the Local Government but the Government was not able to give it, and we

could not make any appeal to the Centre. Another thing is that when the Interim Government was formed, His Excellency the Viceroy said that this Government would not interfere with Provincial Governments. If the Centre cannot interfere in cases where there is communal disturbance or there is famine, then we will have to consider what will happen to the people of those Provinces. I hope the Committee will take this into serious consideration so that steps may be taken to maintain peace throughout the country and also to prevent famines. Another thing that I want to bring to the notice of the Congress High Command through this Assembly is this. Somehow or other there is a feeling that this High Command is not sympathetic towards the people of Bengal: they want to have independence at the cost of Bengal. I hope this Committee will consider this aspect seriously so that Bengal may not be affected in future either by famine or by communal disturbances.

Mr. Jaipal Singh (Bihar: General): Mr. President, this is a very imposing list and I personally have no quarrel. I know the names are of eminent men that have been proposed by Mr. Satyanarayan Sinha, but I do feel some concern, now that explanation has been given by Mr. Rajagopalachariar that under (b) the President may add ten more persons to the Committee. That implies that he is leaving room for our absent friends. Had he pointed out that the President would have discretion to nominate members from parties or groups that had been left out in the twelve names that had already been proposed, I would not have anything to say. Looking at the list, it seems to me that the plan is not for unity but for uniformity. I would have liked to see, for instance, the names of persons like Dr. Jayakar, Dr. Ambedkar and Dr. Deshmukh in the list.

The Hon'ble Sri C. Rajagopalachariar: Will you, Mr. President, request the speaker to come closer to the microphone and speak? I am unable to hear him.

Mr. Jaipal Singh: When I shouted yesterday, Pandit Govind Ballabh Pant thought I was being too vehement, and I said to myself I would be a little mellow this morning. But, for the benefit of Mr. Rajagopalachariar, I shall shout despite what Pandit Govind Ballabh Pant may feel. I will raise my voice for Mr. Rajagopalachariar's benefit.

Mr. President: It is not so much shouting that is required as speaking in front of the microphone.

Mr. Jaipal Singh: If there were microphones all around, then I need not come near the microphone, but look at members on all sides. I submit that, when Mr. Rajagopalachariar said that the ten members that the President would nominate subsequently were reserved for our absentee friends, I was concerned that no room had been left to accommodate sections, groups and parties who were not among the twelve people named herein. I know that as far as the fate of my own people is concerned, the temper of this House seems to be, as it has been in the past, that they should be permanently excluded from all the good things of life! This is a very important thing. That is the impression I get; although that may not be true. Less important committees may give us a fair deal—I do not know, but I see no reason why here also some tribal representation could not have been given. I am not moving an amendment, I am only expressing my opinion when I say that I would like to have seen persons of the eminence of Dr. Jayakar, Dr. Ambedkar and Dr. Deshmukh on this Committee. I do think that they can render as good service as the twelve members who are named here. I am not moving an amendment, but I am bound to say that I am surprised that Tribal Areas are completely left out of the picture; so are our eminent men whose names I have already mentioned.

Sardar Harnam Singh (Punjab: Sikh): I do not propose to make a speech on this Resolution. But I do want to say that this is not a committee on which communal representation or tribal representation is very, very necessary.

This Committee, as the Resolution states, is simply formed for the purpose of understanding the scope of the Union subjects. It is not a committee even for defining the scope of the Union subjects. Therefore, I put before the House that no member of this House should insist on communal or tribal representation. The best men of this House must come on this Committee to make a report to the House as to the compass and scope of the Union subjects, and when that report will be before the House, we will be in a position to make any suggestions that we may like.

Prof. N. G. Ranga (Madras: General): Mr. President, I wish to suggest that Dr. Ambedkar's name should be included in this list, and I appeal to one of the members whose names are suggested to offer to withdraw in his favour.

The Hon'ble Sri C. Rajagopalachariar: Sir, I would beg of the House to look at it rather from the point of view which Shri Harnam Singh put before the House than from any other point of view. After all, if you once more read these names, you will find among them men who are absolutely non-party-men, who have given their time to considerations of issues and drafting difficulties and people who may more or less be described as experts in the art of bringing laws into existence. Clause (b) provides that the President may add ten more persons to the Committee. Now, the President is not invested with this authority for nothing. He is invested with this power to make up for defects. The President will consider the position when the Muslim League members, who are now absent, come in. We will know then how the position stands. It is not intended really that the President should exercise this nomination power in an arbitrary manner. He is going to get the opinion of the Muslim League members when they join and get them to elect their representatives and they will come in.

There is another absent element, the States. The President will consider who will best represent the States in this particular task and take them in and, if there is room, I have no doubt the President will add other eminent constitutionalists who are in the House, some of whose names have been mentioned and, then the Committee will be a strong Committee. Relying upon this, I ask the House to accept the Resolution as it stands, with the amendments proposed.

Mr. President: I have now to put this Resolution to the vote of the House. Is it necessary to read out the Resolution once again? (Hon'ble members: No, no.)

An Hon'ble Member: What about Mr. Ranga's amendment?

Mr. President: Mr. Ranga did not move any amendment. He only made a suggestion. I will now put the Resolution, as amended, to vote.

The Resolution, as amended, was adopted.

Mr. President: I find on the Order Paper a motion in the names of Shrimati G. Durgabai and Shri M. Ananthasayanam Ayyangar. I understand that they do not propose to move it.

MOTION OF ADJOURNMENT

Mr. Satyanarayan Sinha (Bihar: General): I beg to move the following motion which stands in my name:

"This preliminary meeting of the Assembly do stand adjourned to such day in April as the President may fix."

I may mention, Sir, that at the next meeting of the preliminary Session we will consider the general order of business and also the report of the Union Committee and other matters that may come up before the Assembly.

Sri K. Santhanam (Madras: General): On a point of order, Sir. I do not think it can be left vague like that, because Rule 21 says in the first proviso that the President shall not adjourn the session

Mr. President: Please come to the microphone.

Shri Mohanlal Saksena (United Provinces: General): I second the motion.

Shri Seth Govind Das (C. P. and Berar: General): *[Mr. President, I want to point out that there is no necessity for such a resolution. It is the President who is to decide as to when the sitting of the Constituent Assembly should be next held. When the previous session of the Assembly was adjourned, was any resolution passed for this? No. Therefore, I think there is no necessity for this Resolution. The current session of the Assembly is going to be adjourned. You have the right to summon it whenever you find it necessary.]*

Mr. President: According to Rule 21, the Assembly shall sit on such dates as the President may from time to time direct; provided that the President shall not adjourn the session for more than three days at a time except with the consent of the Assembly: Provided further that the Chairman may adjourn the session to the next working day. So, under this Rule the consent of the House is required for adjourning it for more than three days.

Sri K. Santhanam: My point is that the adjournment with the consent of the Assembly should be to a particular date. It cannot be to an indefinite date; otherwise the President gets the discretion of thirty days, while his discretion is limited to three days. I am not objecting to the motion on merits. Seeing that the Rules Committee have made the Rules somewhat rigid, I do not think it would be right if we do not interpret them correctly.

Mr. President: Rule 21 says that the Assembly shall sit on such dates as the President may from time to time direct; provided that the President shall not adjourn the session for more than three days at a time except with the consent of the Assembly. It is not indicated in the Rule that the adjournment should be to a particular date. All that it says is that if the House is to be adjourned for more than three days, the consent of the House has to be taken.

An Hon'ble Member: Rule 68 gives you ample power.

Mr. President: I think Rule 21 is quite enough.

Mr. H. V. Kamath (C. P. and Berar: General): While I do not object to the Resolution in principle, I desire that it should be more explicit and clear. When we met in December we hoped that the preliminary meeting would be over in that month (Hon'ble Members: 'No, no'). We adjourned to January. Now again we are adjourning to April. It means that the preliminary meeting will be going on for over six months. It must be made clear to Hon'ble Members who happen to be absent today that this Assembly resolves that no further adjournment of the Assembly shall be made. We were eager to get the co-operation of members at the preliminary meeting. We are desirous of getting the co-operation of those who are absent today and we wish that they co-operate with us in the task of constitution-making. But all the same, just because some are absent we cannot go on adjourning the preliminary meeting. I wish that the idea that the meeting shall not be adjourned beyond April and that there will be no further adjournment of this preliminary meeting may be incorporated in the motion.

Mr. President: Do you move any amendment?

Mr. H. V. Kamath: I shall move an amendment if you desire it.

Mr. President: I have no desire in the matter.

[] English translation of Hindustani speech.

Mr. H. V. Kamath: I shall move it.

The Hon'ble Sir N. Gopaldaswami Ayyangar (Madras: General): Sir, I beg of you to reconsider the views to which you have given expression already on this matter. I think Mr. Santhanam's point is quite sound. The operative portion of Rule 21 is:

"The Assembly shall sit on such dates as the President, having regard to the state of business of the Assembly, may from time to time direct"

The next sentence is merely a proviso to that part of the Rule, viz.—

"Provided that the President shall not adjourn the session for more than three days at a time except with the consent of the Assembly."

This proviso, I am afraid, Sir, does not give the President the discretion not to fix a date. It only means that the date that he may fix, if it is beyond three days from the date on which we adjourn, requires the consent of the Assembly. But the fixing of the date, I am afraid, is obligatory. In order to avoid possible legal or other difficulties, I suggest that we may fix a date in April for this proviso.

Mr. President: A point of order has been raised on it and I have given my ruling. I do not think it is necessary that at the time we adjourn, I should fix the date. I may fix the date even later. That is what has just now been suggested.

The Hon'ble Sri C. Rajagopalachariar: The leave of the House being taken for adjourning beyond three days, the President shall have the power from time to time to fix any date beyond three days.

Mr. H. V. Kamath: By your leave, Sir, I move that after the word 'fix', a comma be inserted and then the following words added, "and no further adjournment of the preliminary meeting of this Assembly shall be made".

Shri Seth Govind Das: * [Mr. President, I oppose the amendment put in by Mr. Kamath. Conditions constantly change. Today, we think that we should not adjourn this preliminary session of the Assembly beyond April. But if at that time we feel that the session should be adjourned further we will not be able to do so because of the binding of such a resolution. The amendment is unwise, and, therefore, I think we should accept the Resolution moved by Mr. Satyanarayan Sinha. We should not fix any date for the next sitting of this Assembly in April nor should we undertake that it will not be adjourned in future. Therefore, I oppose the amendment moved by Mr. Kamath.]*

Mr. President: Does anyone else wish to speak?

Hon'ble Members: No.

Mr. President: Mr. Satyanarayan Sinha, do you wish to reply?

Mr. Satyanarayan Sinha: When the Resolution was drafted, we took all aspects of the question into consideration and decided not to make any mention about whether or not there will be any occasion to summon any further meeting of this Preliminary Session. I appeal to Mr. Kamath to withdraw his amendment. I do not think any purpose will be served by his insisting on this amendment.

Mr. H. V. Kamath: The position as it stands

Hon'ble Members: Order, Order.

Mr. H. V. Kamath: I am going to withdraw the amendment.

Mr. President: I now put the Resolution to vote.

The motion was adopted.

* [English translation of Hindustani speech.

CONGRATULATIONS TO VICE-PRESIDENT

Mr. President. This brings us to the close of our business. There is a suggestion made by some friends that we should give an opportunity to members to congratulate Dr. Mookherjee on his election as Vice-President. I desire to offer him my congratulations in the first place before anybody else does. Does anyone wish to speak?

Rev. Jerome D'Souza (Madras: General): Mr. President, I have very great pleasure in offering—I am sure in offering them I am also voicing the sentiments of this Hon'ble House—our sincere congratulations to Dr. H. C. Mookherjee on his election to the Vice-Presidency of this August Assembly. Dr. Mookherjee is one who has gained the esteem of all the sections and communities of our land. He has been associated very closely with meritorious work as an educationist in Bengal. He belongs to a Christian body which has worked in close collaboration with other Christian bodies. His judgment, his patriotism, his amiable and attractive manners are known to all, and I am sure, Sir, that, if the occasion should come for him to direct the proceedings of this House, he will do it in a manner, I will not say brilliant, but in a way which will be in keeping with the manner which you, Sir, have set up as a tradition. I do not wish to take the time of the House more on this matter. Once again, with our hearty congratulations to Dr. Mookherjee, I offer him our good wishes for his success in this work.

Sri Biswanath Das (Orissa: General): Sir, I offer my hearty congratulations to Dr. H. C. Mookherjee on his election to the Vice-Presidency of the Constituent Assembly. Dr. Mookherjee richly deserves this place. His election goes to prove that the minorities need not have any apprehensions in their mind about the majority communities. His election is an honour done to the minorities as also to Bengal. As President of the All-India Christian Association, I know several attempts were made to drag him into the field of communalism. He has all along resisted those attempts and resisted them successfully. I have no hesitation in saying that he will carry out this tradition and make his office a success. We on our part will give him full co-operation. I wish him godspeed.

Mr. H. J. Khandekar (C. P. and Berar: General): * [Mr. President, I congratulate Dr. Mookherjee. I represent the community known today as Harijan. They are approximately ninety millions in India. On behalf of this community I offer my congratulations to Dr. Mookherjee. I hope he will render much help in the deliberations of the Assembly and tackle all problems that may arise. With these words, I conclude my speech.]*

Dr. Joseph Alban D'Souza (Bombay: General): Mr. President, I endorse every word that has fallen from my Hon'ble friend, Reverend Jerome D'Souza, in what he has expressed in connection with the appointment of Dr. H. C. Mookherjee as Vice-President, the first Vice-President amongst the five Presidents that would be appointed in the near future to this great Assembly. Sir, I may be pardoned if I connect Dr. H. C. Mookherjee particularly with the community to which I belong at present, the Indian Christian Community of this great nation. I think and I feel, Sir, that the appointment of Dr. H. C. Mookherjee is really an honour conferred upon the Indian Christian Community of India.

Sir, may I refer on this occasion to the Advisory Committee representation of the Indian Christians? We have adequate representation in that Committee and I am looking forward to Dr. H. C. Mookherjee to grant to that section of the Advisory Committee every assistance and aid in order to put through the affairs of the Indian Christian Community section to the best of his ability and to the satisfaction of the entire Indian Christian Community of this great nation. As Father Jerome has already informed you, his acquirements have

* []* English translation of Hindustani speech.

been very great indeed. In the Province of Bengal, he has shown that in matters of statesmanship and in every other direction he is a luminary in that section of India.

Sir, it is quite possible that he might have one day to preside over the deliberations of this House and as Father Jerome has said it, I am sure, if it comes to that, he will do his duty as well, Sir, as you have had the honour of doing it during the time this Assembly has been in action. I congratulate Dr. H. C. Mookherjee, and in congratulating him, I say once again, that I congratulate the Indian Christian Community for the honour that has been conferred upon it. Thank you very much.

Dr. H. C. Mookherjee (Bengal: General): Mr. President, Ladies and Gentlemen: I trust that you will accept in advance an apology because I am going to place before you a history of the way in which from a Christian Communalist I became a Christian Indian Nationalist. It was merely an accident that brought me into politics. It was a case of *zid* and nothing else. Some people had egged me to seek election, but at the last moment deserted me and I was determined to show that though I have been a school-master all through my life, it was possible for a school-master to be a better man than the black-mailing voter. It so happened that the gentleman against whom I was fighting was a more experienced man with a longer record of service to the community than myself. It also happened that in those days it was more profitable to appeal to communal than to national feelings. I admit with a sense of the deepest shame that I dabbled with the matter. He appealed to communalism. I appealed even more strongly to communalism and that is how I got into politics. But when as President of the All-India Council of Indian Christians the members requested me that I should go and visit poor Christians, it was then and then only that I found out that the cause of the poor Christian Indian was no better than the cause of the equally poor Hindu Indian and the equally poor Mussalman Indian. It was then that from a Communalist I became a nationalist and if today you have done me the honour of putting me into the position of the Vice-President, be sure that while I am there, I shall not act as a communalist, but I shall remember the duty which I owe to the poor masses of my country. I am not a lawyer. I am not even a politician. Forty-two years of my life have been passed as a teacher or as a student. I do not know whether I am qualified to discharge the duties with which you have entrusted me, but I do know one thing, that I shall try to do it honestly and thereby I hope to add to the dignity of the House and add to the reputation of my community, which has hitherto had at least one thing in its favour, and that is, that it has never stood directly or indirectly against the political progress of my country. (*Loud cheers.*)

MR. S. LAHIRI'S LETTER TO THE PRESIDENT

Mr. H. V. Kamath: Mr. President, Sir, before we bring our business to a close, permit me to invite your attention to the fact that several of us have received copies of a letter addressed to you by my Hon'ble friend, Mr. Somnath Lahiri. I submit, Sir, that we are not here concerned with the politics of the Indian Communist Party, with which most of us are at variance.

Sardar Harnam Singh: On a point of order, Sir, the Resolution proposed by Mr. Satyanarayan Sinha that the House stands adjourned to some day in April has been passed. Therefore, no work can be done now.

Mr. President: I have permitted Mr. Kamath to place before the House one fact which needs to be brought to the notice of the House. Some days ago, I received a letter from Mr. Somnath Lahiri, in which he complained that his house had been searched and papers relating to the proceedings of this Constituent Assembly and the notes which he had prepared for his speeches here have been seized by the Police and he raised the question of privilege whether that kind of action was justified or whether I could do anything to protect him.

~~MR. S. LAHIRI~~ is now mentioning. Therefore I permitted him to mention the matter which the fact is that after receiving that letter, I referred it to the Constitutional Adviser, because it involves a question of law and I received his note only this morning, which I have not yet been able to study. So I have not been able to make up my mind as to what steps can be taken or need be taken in this matter. I shall consider this matter when I have studied that and if any steps are called for, I will take those steps and if I find that I have no power, I will leave the matter there.

Mr. Somnath Lahiri (Bengal: General): May I remind you, Sir, that you are not only the President of this Assembly, but also a Member of the Interim Government?

Mr. President: In this House, I am nothing else.

The House will now stand adjourned to such date in the month of April as I may fix later on.

~~The Assembly then adjourned to such day in the month of April as the Hon'ble the President might fix.~~