

Friday, 5th November, 1948

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**CONSTITUENT ASSEMBLY
DEBATES
OFFICIAL REPORT**

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CONSTITUENT ASSEMBLY OF INDIA

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CONSTITUENT ASSEMBLY OF INDIA

Friday, the 5th November 1948

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

TAKING THE PLEDGE AND SIGNING THE REGISTER

The following members took the Pledge and signed the Register:

1. Mr. Mohamed Ismail Sahib (Madras : Muslim).
2. Shri P. S. Rau (Jodhpur).

MOTION *re.* DRAFT CONSTITUTION— (*contd.*)

Mr. President : I have received an amendment to the Honourable Dr. Ambedkar's motion from Seth Damodar Swarup which is more or less of the same nature as that which was moved by Maulana Hasrat Mohani yesterday, but as it is slightly different I will allow him to move it. I propose that members should have limited time for speaking on this motion. I understand there are many members who desire to participate in the discussion and I therefore suggest that we might sit today and tomorrow for general discussion instead of today only, and tomorrow we will finally dispose of the motion moved by Dr. Ambedkar. Then I will give two days *i.e.* Sunday and Monday for amendments, and from Wednesday we will sit and take up the Articles one after another. To enable the largest number of members to participate in the discussion today I think ten minutes would be enough for each member, and if the House approves of it I should like to stick to that time limit.

Shri T. T. Krishnamachari (Madras : General): Sir, in anticipation of Saturday being a holiday some of us have entered into other engagements like meetings of Select Committees on Bills.

Mr. President : I am afraid I have no information about meetings of committees, etc., and I should have been consulted about the fixation of these meetings while the Assembly was going to sit. Therefore I propose to give priority to meetings of this House.

Shri T. T. Krishnamachari : Sir, while the fixing of a time limit is no doubt desirable, I submit that in a matter of such importance even if one deals with only one aspect of the subject it is not possible to say anything relevant or to the point in ten minutes. Therefore I humbly suggest that such a time limit should not be adhered to. Otherwise the discussion will be stifled and nobody can make any point. I have something to say myself on the financial provisions.

Mr. President : If I find that any particular member is making a useful contribution to the debate I will relax the time limit in his favour.

Pandit Lakshmi Kanta Maitra (West Bengal : General): Sir, I should like to suggest that two or three more days may be given for the general discussion because in considering the Draft Constitution the general discussion will be a very important feature of the thing and members can know the feelings of people from different parts of the country on different aspects of

[Pandit Lakshmi Kanta Maitra]

the Constitution. That will help us greatly in drafting our amendments and deciding whether to move or not to move particular amendments. As a matter of fact even for ordinary legislation two or three days are always given. In the Finance Bill which operates only for one year five or six days are given for the general discussion. Here if you give us two or three days more the time will not be lost. That will give us an idea as to the direction in which the minds of different members are working on different aspects of the question. So I suggest that you may be pleased to give us two or three days more for the general discussion.

Shri K. Hanumanthaiya (Mysore State) : Sir, in a House of three hundred members two days are hardly sufficient. It is only about ten members who can speak and it would not allow all sections to participate in the debate. Even five days would hardly be enough.

The Honourable Shri K. Santhanam (Madras : General): Sir, I suggest that a discussion of the entire Constitution will not be of much use. It will not be possible for any one to make any useful contribution in less than 45 minutes or one hour. So I suggest that as we take up each para. we may have a short general discussion on that para. and then proceed to pass it. In that way we can have a useful general discussion than if the debate ranges over the entire constitution.

Mr. President : I think we had better not take any more time in discussing how we shall proceed. Let us proceed and we shall see.

Shri B. Das (Orissa : General): Sir, I wish to support the suggestion made by my friend Shri Santhanam. I wish to point out, however, that several documents have not been made available to members as yet. For instance, the report of the Boundary Committee we have not received so far. Then certain documents were available to the Drafting Committee which the House has a right to see. For instance, there are the opinions of the provincial Governments on the draft constitution, the views of the High Courts and the Federal Court on the various provisions about the judiciary. There are legal aspects of many issues which we must know and the views of the High Courts and Federal Court are therefore very important; these documents should therefore be made available to us; then only we can carry on further discussion.

Mr. President : We shall try to supply members with copies of opinions of provincial Governments, High Courts and such other important bodies, say by Monday or Tuesday next.

Shri R. K. Sidhwa (C. P. and Berar : General) : On a point of information Sir. You said that you will allow Seth Damodar Swarup to move the motion of which he has given notice. Yesterday, Maulana Hasrat Mohani moved a similar motion. May I know whether this motion will be taken up independently of the general discussion for which you have allowed two days?

Mr. President : I shall take votes on the adjournment motion immediately after discussion on these two propositions is over and then we shall proceed with the general discussion.

Shri H. V. Kamath (C. P. and Berar : General) : I have given notice of an amendment to the original motion.

Mr. President : We will take it up when we have finished the adjournment motion.

Maulana Hasrat Mohani (United Provinces : Muslim) : It has been published in the 'Statesman' of the 4th November that the Preamble will be debated and put to vote last. I understood from the observation made by you that you will adopt that course. If this is so,.....

Mr. President : I am not concerned with what the newspapers publish.

Maulana Hasrat Mohani: You stated in your observations yesterday that this matter will be decided now and that it should not be taken up again. Do you mean that the Preamble will be taken up now?

Mr. President : I never said anything about the Preamble or any part of the Constitution.

Maulana Hasrat Mohani: I want to move the amendment to the Preamble at this stage.

Mr. President : No amendment to the Preamble or any part of the Constitution can be taken up at this stage. We shall take up all amendments in due course.

Shri Damodar Swarup Seth (United Provinces : General): *[Mr. President, with your permission I want to place this amendment before the House:

“Whereas the present Constituent Assembly was not elected on the basis of adult franchise and whereas the final constitution of free India should be based on the will of the entire people of India, this Constituent Assembly resolves that while it should continue to function as Parliament of the Indian Union, necessary arrangements should be made for convening a new Constituent Assembly to be elected on the basis of adult franchise and that the Draft Constitution prepared by the Drafting Committee be placed before it for its consideration and adoption with such amendments as it may deem necessary.”

Sir, before speaking on this amendment I deem it necessary to point out that I had given notice of a separate resolution to the effect that the consideration of the Draft Constitution should for the time be postponed. But unfortunately for some reason that resolution of mine has not been admitted. Therefore I have no option but to move an amendment for the same purpose as the resolution.

Sir, yesterday when Maulana Hasrat Mohani Sahib moved his amendment, it was with regret that I noted that some honourable members of this House were mocking at it and were in a way playing with it.]

Shri S. Nagappa (Madras : General): Mr. President, I would like to know from the honourable member who is moving this motion whether, when he was elected to this august body, he did not recognise this as a sovereign body competent to act as the Constituent Assembly? If not why did he agree to become a member? (*Laughter.*)

Mr. President : That is not a point of order.

Shri S. Nagappa: I would like to know whether he is in order in saying that this body is not a Constituent Assembly and that a new Assembly should be constituted on the basis of adult franchise.

Mr. President : He is in order in moving his motion. (*Renewed laughter*)

Shri Damodar Swarup Seth: *[Sir, I was saying that it is easy to ridicule a resolution or amendment or to ridicule the views of its supporters but it requires some courage to understand the reality and to appreciate it. I am afraid that this amendment of mine may displease some of my friends. But everyone has a duty to perform. It is the duty of every man unhesitatingly and fearlessly to give expression to the voice of his conscience and nature before his fellow beings regardless of the consequences that may follow or of the opinion people may form about him and this because I believe, Sir, that in the lives of nations as in the lives of individuals also there is sometimes a situation in which they have to swallow the bitterest pill. I think that the consideration of the Draft Constitution has brought such an occasion in our country and therefore we need not worry about our views being

*[] Translation of Hindustani speech.

[Shri Damodar Swarup Seth]

welcome or unwelcome to one person or the other. We have to perform our duty. I shall at first try to throw light on the representative character of this Constituent Assembly which is assembled here and which is going to consider the Draft Constitution and to pass it.

Sir, the first characteristic which a constitution-making body of a free country should possess is that it should be able to claim that it represents the will of the entire people of that country. Sir, with your permission I would put it to the Honourable Members present in this House whether they can sincerely claim that they represent, in this House, the entire people of India. I can emphatically say that this House cannot claim to represent the whole country. At the most it can claim to represent that fifteen per cent of the population of India who had elected the members to the provincial legislatures. The election too, by virtue of which the members of this House are here, was not a direct one, they are here by virtue of an indirect election. In these circumstances, when eighty-five per cent of the people of the country are not represented in this House and when they have no voice here, it will be in my opinion a very great mistake to say that this House is competent to frame a Constitution for the whole country. Besides the representative character of the Draft Constitution that is being placed before the house, we have also to consider its nature. We see that the Constitutions of United States of America and Britain have been copied in this Constitution. Some articles have been borrowed from the Constitutions of Ireland, Australia and Canada. A paper has rightly remarked that this is a slavish imitation of the Constitutions of these countries. Sir, the conditions that prevailed in America, Britain, Canada or Australia do not obtain in our country. The conditions prevalent in our country can be compared only with those of Russia—Russia of pre-Soviet Republic days. Besides, we have seven lakh villages in our country and the village is its smallest unit. Thanks to Mahatma Gandhi, our struggle of freedom reached the villages and it was because of the villages and because of their might that India became free.

I want to ask whether there is any mention of villages and any place for them in the structure of this great Constitution. No, nowhere. The constitution of a free country should be based on 'local self government'. We see nothing of local self-government anywhere in this Constitution. This Constitution as a whole, instead of being evolved from our life and reared from the bottom upwards is being imported from outside and built above down-wards. A constitution which is not based on units and in the making of which they have no voice, in which there is not even a mention of thousands and lakhs of villages of India and in framing which they have had no hand,—well you can give such a constitution to the country but I very much doubt whether you would be able to keep it for long.

Sir, our Indian Republic should have been a Union—a Union of small autonomous republic. All those autonomous republic by joining together would have formed the bigger Republic of India. Had there been such autonomous republics, neither the question of linguistic provinces nor of communal majorities or minorities or of backward classes would have arisen. The autonomous Units of the Union could have joined the unions of their choice according to their culture. The Union that would have been formed in our country in this way, would not have required so much emphasis on centralization as our learned Doctor Ambedkar has laid. Centralization is a good thing and is useful at times but we forget that all through his life Mahatma Gandhi emphasised the fact that too much centralization of power makes that power totalitarian and takes it towards fascist ideals. The only method of safeguarding against totalitarianism and fascism is that power should be

decentralised to the greatest extent. We would have thus brought about such a centralization of power through welding of heart as could not be matched anywhere in the world. But the natural consequence of centralising power by law will be that our country which has all along opposed Fascism—even today we claim to strongly oppose it—will gradually move towards Fascism. Therefore, Sir, I want that this House should seriously consider these matters. This is not an ordinary matter. We should not treat this constitution—making as a light and playful business. On the contrary it is a step pregnant with historic consequences. After hundreds, nay, thousands of years I would say, and it would be no exaggeration to say so, that in the history of India it is for the first time that we have this opportunity of framing the Constitution of the whole of India. Therefore no amount of thought we can give to this Constitution can be too much. We may be told and we have been told that let this Constitution be adopted, for the assembly, elected on adult franchise provided therein, would be quite competent to effect the necessary amendments in it.

But Sir, when the Constitution is once framed, there will be legal difficulties in amending it. Moreover it would be matter of pride for us that a task of such importance in the history of India, which we are expected to complete, should have been left half-finished by us to be completed by others. The coming generations will only deplore such a course of action on our part. Therefore if we take into consideration the unrepresentative character of the Draft Constitution that is before us and its nature and structure, we come to the conclusion that it is not in harmony with our present conditions, our culture and our customs. Therefore it is necessary that we should postpone its consideration for the time being and should form a new Constituent Assembly on the basis of adult franchise so that it may go through this constitution, consider it and amend it where necessary. Till the formation of this new Constituent Assembly the present Constituent Assembly can function as the Parliament of India. We do not want that there should be any delay in this. No doubt we have taken two years to do this work and we might take an year or so more but one or two years are nothing in the life of a nation. So long as this Constitution is not finalised we can continue to function as we have been doing so far. As I have said we are going to frame the Constitution of United India; it should be a new and ideal Constitution.

Today after India has attained freedom it is not necessary for me to tell you that the world is looking up to India. It expects something new from India. At such a time as the present one it was necessary that we should have placed before the world a Draft Constitution, a Constitution, which could have been taken as an ideal. Instead we have copied the constitutions of other countries and incorporated some of their parts and in this way prepared a Constitution. As I have said, from the structure of the Constitution it appears that it stands on its head and not on its legs. Thousands and lakhs of villages of India neither had any hand nor any voice in its framing. I have no hesitation in saying that if lakhs of villages of India had been given their share on the basis of adult franchise in drafting this Constitution its shape would have been altogether different. What a havoc is poverty causing in our country! What hunger and nakedness are they not suffering from! Was it not then necessary that the right to work and right to employment were included in the Fundamental Rights declared by this Constitution and the people of this land were freed from the worry about their daily food and clothing? Every man shall have a right to receive education; all these things should have been included in the Fundamental Rights. But, Sir, I need not say anything else except point out that even Honourable Dr. Ambedkar has had to realize and has also admitted in his speech that many objections have been raised in regard to the Fundamental Rights. Notwithstanding the reasoning of the learned Doctor, I find it difficult to accept that the Fundamental Rights and other rights

[Shri Damodar Swarup Seth]

are one and the same thing. I understand that Fundamental Rights are those rights which cannot be abrogated by anybody—nay, not even by the government. One can be deprived of these rights only as a punishment for an offence, awarded by a Court of Law. But if the Fundamental Rights were to be at the mercy of the government, they cease to be Fundamental Rights. Sir, what I mean by all this is that if the thousands of villages of the country, the poor classes and the labourers of India had any hand in framing this Constitution, it would have been quite different from what it is today.

With your permission, therefore, Sir, I would appeal to the House that, treating this Constitution not as ordinary but as a historical document, they should give proper consideration to it. And I would appeal to you, Sir, that consideration of the Draft Constitution be postponed for the present and the country be given an opportunity to express itself so that the Constitution that may be framed may really be a democratic Constitution. With these words I close my speech on the amendment.]

Mr. President : *[The motion is before you; those who desire to speak may do so.]

Pandit Balkrishna Sharma (United Provinces : General): *[Mr. President, my friend Seth Damodar Swarup has submitted a motion before the House today that we should postpone the consideration of the Draft Constitution placed before us. In support of his motion he has advanced some arguments. Before taking up an analysis of those arguments I would like to draw the attention of the Assembly to one or two important matters. The first thing that strikes me is that the motion moved by my friend is absolutely undesirable. After all, for what purpose have we assembled here? We have assembled here having been elected to frame the Constitution. The political party, to which the Honourable Member belongs, once decided that this Constituent Assembly is not an independent sovereign body, and so it should be boycotted. Again that party, under what considerations I know not, decided that they should seek election to it. They were elected to this Assembly but some of their party-men did not attend the Assembly in the beginning. But later, again under a consideration, of which I am not aware, they decided to participate in this Assembly. Now you can imagine what opinion can be formed of a group, party or an individual whose policy changes every moment, which is satisfied at one moment and discontented the next. I think the idea that we should not frame the Constitution in this House struck the mind of my friend Seth Damodar Swarup rather too late. In my humble opinion, the arguments advanced by him are weak, groundless, uninteresting and senseless to such a degree as cannot be defined. His first argument is that the Constituent Assembly does not have a representative character. I would like to submit that there is ridiculous aspect of democracy, and that comes to the surface when to make democracy fully representative in character, we evolve such institutions as proportional representation and there by establish fascism amongst ourselves. In Germany, Italy and France, wherever attempts were made to establish this type of Democracy, the only result was that it was soon transformed into fascism. The argument, that we are the representatives of 15 per cent of the population and that the representatives of 85 per cent of the population are not with us and therefore we should postpone on that ground the consideration of the Constitution, is a fallacious one—fallacious because nowhere in the world can a model assembly be constituted. We have represented the whole of the country in this Assembly. Sethji had been a member of the Congress till recently; on the basis of the formation of such associations, could he say that the Congress was a body representing the whole of India? While

*[] Translation of Hindustani speech.

he could not say that on numerical basis, my friend Sethji has always considered himself to be a divine lieutenant in India. Even though not even one poor man, not even a farmer, and a worker has elected him to represent India, yet he considers himself to be a representative. And why does he do so? As the saying goes in the Russian language “we are the will of the peoples”. We are the representatives of the will, emotions and ambitions of the people, and in this capacity representing the whole of India we are framing our Constitution, though our representation is not based on numbers. Hence, I think that it is not proper to raise this fallacious argument about percentages.

The second point which he has raised is that we have borrowed in our Constitution many articles from the constitutions of other countries. I think that Honourable Dr. Ambedkar has very nicely answered this question in his yesterday’s speech. I would only like to say that if my friend Seth Damodar Swarup runs so much after originality which I believe he intends to do, I am afraid he would make himself extremely ridiculous. It will be because when he talks of originality he himself is not really original. His eyes are fixed on Russia and he comments that Russian Constitution has not been followed in framing this Constitution. This means that had we followed Russia we would have been original, but because we have followed Australia, Canada, U.S.A. and U.K. or borrowed many articles from them or received an inspiration from them, we are not original. Now it is for us to choose which one to follow. Sethji and Maulana Hasrat Mohani incline towards Russia. We favour friendship with Russia. With great interest and sympathy we witness the great experiment Russia is making to organise men; but it is definite that we cannot accept even in dream its policy to subordinate or annihilate the individual for the sake of the state in all important stages of life. Sethji has quoted Mahatma Gandhi, who was against over-centralisation. My friend should remember that Mahatma Gandhi was essentially an anarchist. He was a philosophical anarchist. His view was that in the ultimate analysis anarchism was beneficial, for his aim was to raise man to a pedestal where he does not need external restraint. You and we are not such great souls. It would be ridiculous for us to attempt to talk of anarchism by simply repeating the words of Gandhiji and trying to put it into actual practice. Hence, it is useless to repeat the words of Mahatma Gandhi here. By quoting Mahatma Gandhi in support of his arguments Sethji has not revealed any special power of reasoning. He wants to know what position is held by villages, labourers, farmers, and local self-governments in this Constitution. I would like to submit humbly that if he will take the trouble of studying the whole of the Constitution carefully, he would come to know that even today in the making of this Constitution we are not ignoring that sacred inspiration of Mahatma Gandhi which led him to give us a message that India does not consist of cities but of the seven lakhs of villages. Mr. President, I, therefore, oppose the motion of Sethji and I am sure that the House will not at all hesitate in rejecting it outright.]

Prof. Shibban Lal Saksena (United Provinces : General): Mr. President, Sir, Seth Damodar Swarup’s amendment should not be dismissed so lightly as my Honourable friend Shri Balkrishna Sharma has done. We ourselves, when the Cabinet Mission were in India, wanted that this Assembly should be elected on adult suffrage; but the Britishers never wanted election on adult suffrage. They forced on us this method of election. If they had acceded to our demand, we would have been elected on adult suffrage. Seth Damodar Swarup knows full well that the Congress party which is in the majority in this House, would have welcomed it. The issue which he has raised is a fundamental one and we must all admit that an Assembly elected on adult suffrage would be the real Constituent Assembly, though I am sure a large majority of these same members would be again returned.

[Prof. Shibban Lal Saksena]

But, today, the question is a practical one: can we adjourn now and wait for a year or so to have a new election for the Constituent Assembly and then frame our constitution? I think the present Constitution which has been framed by a foreign Parliament is not one under which I would like to remain a minute longer than I can help. I therefore think that today we must go on with the consideration of this Draft Constitution but when we come to the chapter for changing the Constitution we must make changes in the Constitution in the first ten years much easier than it is at present in the Draft. I think we must make it possible for any change in the Constitution to be made by simple majority and not by two-thirds majority.

Sethji has also raised other issues. He has said this Constitution does not give any voice to the villages. He is thinking of the Soviet Constitution. Mahatma Gandhi's own Constitution, of which an outline was given by Shri S.N. Aggarwal, was also based on village republics or village panchayats, and I think we shall have to discuss this point carefully when we come to that aspect of the Constitution. I was pained to hear from Dr. Ambedkar that he rather despised the system in which villages had a paramount voice. I think we will have to amend that portion properly. This Assembly is now entering upon its task and is fully entitled to change the entire Constitution. Sethji has today given his amendments and we shall be very glad to discuss them. I do not think that Sethji is alone in the views he expressed. We must not dismiss these things with the lightness with which my predecessor has dismissed them. In this Assembly we must discuss every aspect of this Constitution with seriousness and everybody must be treated with respect. Other things which he has said, can also be discussed at the proper time. He has said that there is no provision in this Constitution for Local Self Government in units. It is an important thing which must be included in the Constitution and at present there is this omission in the present Constitution. But I don't think that Sethji's advice that we should adjourn now and wait for a year for the Constitution to be made by a new Constituent Assembly is proper, because the new Assembly will have to be elected afresh and this House will have to make some rules for electing a new Constituent Assembly and that will take some time. Then we will have to sit now to make some rules for election of the new Constituent Assembly and then to have the new Constitution discussed by it. I think the new Houses of Parliament in this Draft Constitution elected under adult suffrage will have full power to change the Constitution, and if that clause which makes it difficult to change the Constitution is removed, the purpose of this amendment will have been served. I therefore suggest that when that portion comes, we will discuss that, but at present the adjournment will not be proper. I therefore oppose this amendment.

Shri S. Nagappa (Madras : General): Mr. President, Sir, I am sorry that I have to oppose my Honourable friend's motion that is before the House. My friend has been saying that he has not been returned to this Assembly in order to make a Constitution. I am at a loss to understand what is the purpose for which he contested these elections. I think it was clear to him when he got into this Assembly that he was coming here only in order to frame a Constitution. But his point is that this is not a representative body. May I ask him which sort of body will be really representative? Are these members not elected by the elected representatives of the people? No doubt I agree that there was no adult suffrage. Whose fault is it? Is it the fault of the present Government or is it the fault of the previous Government? My friend would have been in order if he had asked the previous Government and he was also aware that the previous Government had not enough time. They were eager to go and so, even if they wanted to prepare the electoral rolls on adult suffrage and conduct elections, they would have taken two years. I don't know whether my friend wanted to have the foreign domination for two more years. We

have been elected by the representatives of the people and every member represents some thousands of people. No doubt he does not represent every one of the people that are in that province but he represents the educated that are the cream of the people. When they have sent these members herewith the definite task that they should frame the Constitution and moreover when this was the body that has received the power from the foreigner, it is more in order and more representative than any other. Even if elections are held on an adult suffrage, can my friend guarantee that there will be other than these members? I doubt it. These are the chosen leaders not from today or yesterday but for so many years and the people have confidence in them. Even when the country was going through turmoil and difficulties the people had reposed confidence in them.

My friend was saying that there are no poor people's representatives. What are we? I represent the poorest of the poor. He was talking of the depressed classes and backward communities. Are we not depressed class people? What about Dr. Ambedkar? Whom does he represent? He represents the lowest rung of the ladder and can there be any other representative other than Dr. Ambedkar from those people? It is our fortune that the task of framing the Constitution has been entrusted to the representative — the real representative — of the lowest rung of the ladder and I can't understand when my friend says the poor have not been given a chance to be represented here, and the worker has not been given a chance to be represented here. If that was the case, may I ask why there was no agitation in the country when this Assembly was elected? There were so many organisations and there were so many papers who could have complained and agitated; and almost all people were eager that this body must come into existence as early as possible and relieve the Britisher who was anxious to leave this country. When that was the case I am surprised at my friend's observations. If my friend does not consider this as a representative body, he should have refrained from coming into this Assembly. He did not do that. He was wise enough to get into this and continue for two years and be called a Member of this Assembly. Having done all that, now when the Constitution is ready and ripe for adoption, he calmly comes and says that this is not a representative body. I see no logic or reason in that. Can he prove that except a section of the country which is dissatisfied and a section which could not get into the House or a section which is jealous of the present Government, there is any large body of people in the country who are not satisfied with the representative character of this House?

My friend the Maulana talked in the same strain. I do not know whether he took his inspiration from Shri Damodar Swarup or whether the latter took his inspiration from the Maulana, or whether they conspired among themselves. Any how their view seems peculiar not only to me but to large numbers of people. I do not know what the Maulana was trying to impress on the House, but he seems to be more fond of the Soviet Constitution than of his own Constitution. Forgetting that he can frame a better constitution than the Soviet or any other constitution, he told us that he was for adopting the Soviet Constitution. I do not know the reason why he has been tempted to adopt that constitution. If his argument is that as we have borrowed from every constitution we should borrow from the Soviet Constitution also, I can see some reason in it. Here he says that as we have borrowed from America and England and New Zealand we should borrow also from Soviet Russia: But why should he be so fond of that? We borrow from other countries what is fit to be adopted by us, when they suit our conditions and requirements. It is not for the sake of borrowing that we do this and our Constitution is not a combination or mixture of all other constitutions. We study other constitutions and consider our own

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customs and usages and culture, and we borrow what suits us best. There is nothing wrong in borrowing something which suits us best.

Sir, I oppose the motion.

Shri Syamanandan Sahaya (Bihar : General): Sir, I propose a closure of the debate on the amendments and move that the question be now put. My Honourable friend Seth Damodar Swarup has done his duty by voicing the opinion of a certain political section of the country and we need not take any more time over this. We may now proceed to discuss the Draft Constitution generally.

Mr. President : The question is:

That the question be now put.

The motion was adopted.

Mr. President : The question is:

That Maulana Hasrat Mohani's motion be adopted.

The motion was negatived.

Mr. President : The question is :

That Seth Damodar Swarup's motion be adopted.

The motion was negatived.

Mr. President : The House will now proceed to a general discussion of the motion by Dr. Ambedkar. Shri H. V. Kamath has an amendment on it.

Shri H. V. Kamath: Sir, I move:

"That in the motion the word 'Constituent' be deleted and for the words 'settled by the Drafting Committee' the words 'prepared by the Drafting Committee' be substituted."

It is a purely verbal amendment and there is no need to enter into a discussion or controversy over it. The word "Constituent" is redundant as "Assembly" means the Constituent Assembly. As regards the other part, the copy of the Draft Constitution that we have got says, "prepared by the Drafting Committee". I wish to bring Dr. Ambedkar's motion into line with this even at the risk of being dubbed a stickler or purist. Sir, I move.

Mr. President : I will draw attention to Rule 38-A which uses the words "Draft Constitution of India settled by the Drafting Committee". Dr. Ambedkar's motion takes the word from that rule.

Shri H. V. Kamath: By leave of the President, I shall now speak on the motion itself. While I support the motion I do not accept all the observations that Dr. Ambedkar made in the course of his learned address yesterday. As regards those aspects of the question which deal with the strength of the State, which deal with the provision to convert a Federal State into a unitary one in the event of emergency, as regards the undesirability of the various component units of the State to maintain armies to the prejudice of the security of the Union as a whole, I endorse his observations wholeheartedly. He told us with some pride—I think—that the Constitution is borrowed largely from the Government of India Act and considerably from the constitutions of the United Kingdom, United States and Australia and perhaps Canada also. I listened to his speech with considerable pleasure and not a little profit. But I expected him to tell us what, if any, had been borrowed from our political past, from the political and spiritual genius of the Indian people. Of that there was not a single word throughout the whole speech. This is perhaps in tune with the times. The other day Shrimati Vijaya lakshmi while addressing the United Nations General Assembly in Paris observed with pride that we in India have borrowed from France their slogan of liberty, equality and fraternity; we have taken this from England and that from America, but she did not

say what we have borrowed from our own past, from our own political and historic past, from our long and chequered history of which we are so proud.

On one thing I join issue with Dr. Ambedkar. He was pleased to refer to the villages—I am quoting from a press report in the absence of the official copy—as “sinks of localism and dens of ignorance, narrow-mindedness and communalism”; and he also laid at the door of a certain Metcalfe our “pathetic faith” in village communities. Sir, I may say that it is not owing to Metcalfe but owing to a far greater man who has liberated us in recent times, our Master and the Father of our nation, that this love of ours for the villages has grown, our faith in the village republics and our rural communities has grown and we have cherished it with all our heart. It is due to Mahatma Gandhi, it is due to you, Sir, and it is due to Sardar Patel and Pandit Nehru and Netaji Bose that we have come to love our village folk. With all deference to Dr. Ambedkar, I differ from him in this regard. His attitude yesterday was typical of the urban highbrow; and if that is going to be our attitude towards the village folk, I can only say, “God save us.” If we do not cultivate sympathy and love and affection for our villages and rural folk I do not see how we can uplift our country. Mahatma Gandhi taught us in almost the last mantra that he gave in the last days of his life to strive for panchayat raj. If Dr. Ambedkar cannot see his way to accept this, I do not see what remedy or panacea he has got for uplifting our villages. In my own province of C.P. and Berar we have recently launched upon a scheme of Janapadas, of local self-government and decentralisation; and that is entirely in consonance with the teachings of our Master. I hope that scheme will come to fruition and be an example to the rest of the country. Sir, it was with considerable pain that I heard Dr. Ambedkar refer to our villages in that fashion, with dislike, if not with contempt. Perhaps the fault lies with the composition of the Drafting Committee, among the members of which no one, with the sole exception of Sriyut Munshi, has taken any active part in the struggle for our country’s freedom. None of them is therefore capable of entering into the spirit of our struggle, the spirit that animated us; they cannot comprehend with their hearts—I am not talking of the head it is comparatively easy to understand with the head—the turmoiled birth of our nation after years of travail and tribulation. That is why the tone of Dr. Ambedkar’s speech yesterday with regard to our poorest, the lowliest and the lost was what it was. I am sorry he relied on Metcalfe only. Other historians and research scholars have also given us precious information in this regard. I do not know if he has read a book called “Indian Polity” by Dr. Jayaswal; I do not know if he has read another book by a greater man, “The Spirit and Form of Indian Polity” by Sree Aurobindo. From these books we learn how our polity in ancient times was securely built on village communities which were autonomous and self-contained; and that is why our civilisation has survived through all these ages. If we lose sight of the strength of our polity we lose sight of everything. I will read to the House a brief description of what our polity was and what its strength was:

“At the height of its evolution and in the great days of Indian civilisation we find an admirable political system, efficient in the highest degree and very perfectly combining village and urban self-government with stability and order. The State carried on its work administrative, judicial, financial and protective—without destroying or encroaching on the rights and free activities of the people and its constituent bodies in the same department. The royal courts in capital and country were the supreme judicial authority coordinating the administration of justice throughout the kingdom.”

That is so far as these village republics are concerned. I believe the day is not far distant when not merely India but the whole world, if it wants peace and

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security and prosperity and happiness, will have to decentralise and establish village republics and town republics, and on the basis of this they will have to build their State; otherwise the world is in for hard times.

Then, Sir, I find in Dr. Ambedkar's speech considerable amount of thunder and plenty of lightning. But I could not find the light that sustains, the light that warms, the light that gives life, the light eternal. I heard what he said about minorities in India. I do not know on what basis he made this remark that no minority in India had taken this stand. After referring to the Redmond-Carson episode in the history of the Irish struggle, he went on to say that no minority in India has taken this stand. "Damn your safeguards" said Carson, "we don't want to be ruled by you."

Dr. Ambedkar said: "They have loyally accepted the rule of the majority which is basically a communal majority and not a political majority."

If, Sir, our minorities had really taken this stand, India's history would have been different. After what has happened during the last two years, can we say that no minority took this stand? It is because a certain minority took this stand and said, "We do not want to be ruled by the majority. Go to hell.", we had the tragedy of the last eighteen months. If Dr. Ambedkar was referring to India before 15th August 1947, I fail to understand him. How can he say that no minority stood for safeguards and said, 'We do not want to be ruled by you'? It is because a certain organisation took the stand, "No safeguards. We do not want safeguards. We want a separate State.", that ultimately Pakistan came into being and we had to witness the tragedy of the past eighteen months.

In 1927, I as a student attended the Madras session of the Congress. Maulana Mahomed Ali and Pandit Malaviya were both present there. There was a question about safeguards and Pandit Malaviya made a moving speech that went straight to the heart. He said: "What safeguards did you ask from the Secretary of State for India or from the Government of India? We are here. What better safeguards you want?" After that speech, Maulana Mahomed Ali came to the rostrum, embraced Pandit Malaviya and said: "I do not want any safeguards. We want to live as Indians, as part of the Indian body-politic. We want no safeguards from the British Government. Pandit Malaviya is our best safeguard." If that spirit had continued to animate us, we would have remained as united India, a single country, a single State and a single nation. This being so, I fail to understand what Dr. Ambedkar means by saying that no minority in India has taken this stand. The majority has always been willing to grant them safeguards, adequate safeguards. But the minority would have nothing to do with it. The minority in India took the same stand as Carson took in Ireland. That is why, to the detriment of the Irish body-politic division was resorted to, as was done in India, resulting in disturbance of the peace and progress of the country.

Well, Sir, there are one or two other aspects of the Constitution I would like to touch upon. One relates to Article 280 of the Constitution, *viz.*, the one about Fundamental Rights.

Mr. President : The Honourable Member has almost exhausted his time.

Shri H. V. Kamath: I only want one or two more minutes, Sir. The Fundamental Rights could be suspended in the event of an emergency and that means that the power of the High Court can be taken away. It is a dangerous provision to make in the Constitution. If I remember aright, even during the last world war, the British Government did not suspend the right of the citizen to move the appropriate courts to issue writs of *haebeas corpus* and so on. I do

not know whether we should go one better, rather one worse, than the British Government.

Then we have the Ordinance-making power given in Article 102. This should be done away with. When we were fighting the British Government, we attacked this power, this ordinance-making power of the Governor-General and the Viceroy. Here we are making this provision, not for an emergency. Article 102 merely says that the President may promulgate Ordinances whenever he is so satisfied. That power should be drastically curtailed, if not entirely done away with.

Now I will conclude by saying that, with all its good points, with all its provisions for making India a united and strong federal-unitary State, there are certain matters which could have been more happily provided for.

Now, what is a State for? The utility of a State has to be judged from its effect on the common man's welfare. The ultimate conflict that has to be resolved is this: whether the individual is for the State or the State for the individual. Mahatma Gandhi tried in his lifetime to strike a happy balance, to reconcile this *dwandwa* (द्वन्द्व) and arrived at the conception of the Panchayat Raj. I hope that we in India will go forward and try to make the State exist for the individual rather than the individual for the State. This is what we must aim at and that is what we must bring about in our own country. Because we have a great spiritual and political heritage, we in India are best fitted to bring about this consummation in our own country; and let me say that unless in the whole world the spirit of empire gives place to the empire of the spirit, in the way that Mahatma Gandhi and all seers before him have conceived it, unless this consummation comes about in the world, there will be no peace on earth. At least let us try to bring about this empire of the spirit in our own political institutions. If we do not do this, our attempt today in this Assembly would not truly reflect the political genius of the Indian people. We have been so much taken in by Western glamour. This glamour has been too much with us. We have become the prisoners of our habit forms and thought forms. They have become almost like the old man in Sindbad the Sailor whom he could not shake off. We have become unable to shake off our old habits. But amid all the mist of confusion, there is still the certainty of a new twilight; not the twilight of the evening, but the twilight of the morning — the *Yuga Sandhi* India of the ages is not dead nor has she spoken her last creative word; she lives and has still something to do for herself and for the human family. And that which is now awake in India is not, I hope, an Anglicized or Europeanized Oriental people, docile pupil of the West and doomed to repeat the cycle of the Occident's success and failure, but still the ancient invincible Shakti recovering Her deepest Self, lifting Her head higher towards the supreme source of light and strength, and turning to discover the complete meaning and a vaster form of Her Dharma. In that faith and fortified by that conviction, let us march forward into the future, and by the grace of God, victory will crown our efforts.

Seth Govind Das (C.P. and Berar: General): *[Mr. President, I rise to support the motion moved by Dr. Ambedkar. But at the very outset I would like to make it clear that my support to his motion does not mean that I agree to every thing he has said in his speech. On the contrary, in my opinion his speech has not at all been befitting the beautiful motion moved by him. He has raised many controversial issues and it would have been better if he had not raised them at all. While supporting the motion, I would like to make it clear to you that I do not have at present the enthusiasm with which such a motion should be supported. The motion as also the whole Constitution have been presented to the House in an alien language. There has been yesterday considerable discussion on this question and I would not say much on it. But

*[Translation of Hindustani Speech.]

[Seth Govind Das]

I do feel a regret today that we did not decide the question of national language earlier. Sir, had we taken a decision in this respect earlier, yesterday, there would have been no necessity for you to give an assurance that this Constitution would be placed before this House in the language which would be accepted as the national language and that the articles which would have been passed by the time a decision is taken in this respect would be re-passed in our own language. Perhaps you remember, that you had given us an assurance in this respect and that when after your assurance I had raised the question again you had stated in your reply that the original draft of the Constitution would be in the national language. To adopt the Constitution in an alien language is not only a matter of shame for us but it will create many difficulties in the future and will establish supremacy of English in our country. Even during British regime our country produced many learned men who did not know English.

For example, mention of late Pandit Sudhakar Dwivedi may be made. Such a person nowadays is Moulana Abul Kalam Azad who cannot be said to be a scholar of the English language. If we frame our Constitution in a foreign language, even free India, in spite of having its own national language, will have to depend for ever on those who have specialised in English in so far as the constitutional matters would be concerned. Therefore again, I would appeal to you, as I did yesterday, that the original of our Constitution should be in Hindi.

Moreover, this Constitution is incomplete. Many important matters have not been included in it. No doubt article 99, chapter II lays down "In Parliament Business shall be conducted in Hindi or English", but in the whole of the Draft there is no mention about our national language. Of course, we can amend article 99, and specifically mention the language for transaction of business in our Assemblies. But that alone would not do unless we also specifically declare which language shall be our national language. The mere statement that in Parliament business shall be conducted in this or that language is not enough. We have to declare that a particular language shall be the national language of the country. We have also to declare which shall be the national script of the country. In so far as both these matters are concerned the Constitution is quite incomplete.

Perhaps you might have noticed the fact that in the Irish Constitution there is mention of their National Flag. Though we accepted by a resolution this tri-colour flag as our National Flag, we have made no mention of the National Flag in this draft.

We would like that our Constitution should specifically provide that a particular flag shall be our National Flag just as has been done in the Irish Constitution.

Besides, our Constitution is silent about our National Anthem. On many occasions our Prime Minister Pandit Jawaharlal Nehru has stated that the final decision on the question of National Anthem would be taken by the Constituent Assembly. But I would also like that a provision should be included in our Constitution which specifically fixes our National Anthem.

I would also like to express my views on all these matters that have not been provided for by this draft of the Constitution. In my opinion Hindi alone can be the national language of this country. I think there are only a few members of this House who believe today that English can be made the national language of this country. The Hindi-Hindustani controversy has also come to an end, simply because Article 99 of the Constitution refers to "Hindi or English" alone in relation to the transaction of business in our Parliament. Thus the question of Hindustani also exists no more. As far as the members and residents of South India are concerned, I would agree that business here

may be conducted in English also for some years to come. We should not impose anything on them. But Hindi must be our national language and Devnagari our national script.

This Constitution should by a specific provision prescribe the flag that has been accepted before in this House as our National Flag and I suggest that like the Union Jack it should be given a distinctive name of its own. I would like to suggest to you a beautiful name for it. It may be named "Sudarshan". The word "Sudarshan" means beautiful in appearance. While presenting the flag to the House Pandit Jawaharlal Nehru had described in his speech how beautiful our national flag is. I suggest, therefore, that it be named "Sudarshan". There is also a Chakra or wheel on it. The weapon of Lord Vishnu was also known Sudarshan Chakra and hence this name would be quite suitable.

As far as the question of National Anthem is concerned, I would say that 'Vande Mataram' can be our National Anthem. The history of our struggle for independence is associated with Vande Mataram. If it be said that its tune is not fit for orchestration I would submit that this is a difficulty which can be overcome by experts in orchestral music. Lyrical songs of Mahakavi Soordas and Meerabai can be sung not only in one but in many tunes. It is therefore wrong to think that 'Vande Mataram' is not suited for orchestration. There is no person who has no respect in his heart for Rabindranath Tagore—the King among poets. The verse "Jana Mana Gana" was composed on the occasion of the visit of the late Emperor George the V to India in 1911. The poem offers greetings, not to Mother India, but to the late King Emperor. Every sentiment in it is in relation to the "Bharat Bhagia Vidhata" and who is meant is clear from the expression "victory to the Emperor" (Jai Rajeshwar). It is evident that in a Republic we cannot in our National Anthem offer any greeting to any 'Rajeshwar'. 'Vande Mataram' alone, therefore can be our National Anthem.

Besides its incompleteness, this Constitution also needs many amendments.

For instance, our country has been named as 'India' in this Constitution. As far as the foreign countries are concerned this name is alright. But if a meeting is held in our country which we have to address, shall we address the gathering 'Ay Indians'? When we want to frame the Constitution of our country in our national language, when we want to make it a secular state, neither 'India' nor Hindustan are suitable names for this country. In my opinion, we should give this country the ancient name 'Bharat'.

One thing more I would like to mention here. Ours is an agricultural country. It should have all that is necessary for agriculture. From this point of view the protection of cows is very essential for us. The problem of cow protection is a matter which has been associated with our civilisation from the time of Lord Krishna. To us it is not only a religious or economic but also a cultural problem. Just as we have declared the practice of untouchability an offence, we can also declare that cow-slaughter in this country would be an offence. We should include some provision in our Constitution for this. We learn from our history that only such regimes, whether during Hindu period or Muslim period, as had prohibited cow-slaughter had been popular and successful in our country. History is a witness to the fact that cow-slaughter was abolished here during the rule of many Muslim Kings. It may be said that it would entail a heavy financial burden. I submit, however, that even if we impose a tax on the people and ask them to pay it in order to protect the cows, I am of opinion that they would pay it quite willingly. The bogey of financial difficulties used to be raised before us by the British Government. But I would like that in the matter of cow-protection this bogey should not be raised before us.

We have to examine the Constitution from every point of view and seek to make it complete in all respects. Ours is not a newly born country. It is an ancient country, it has a long history, a heavy civilisation and culture. We

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should frame our Constitution keeping in view all these facts before us. We do not want to place any minority, whether Muslim or other, under any disabilities. But, certainly we are not prepared to appease those who put the two-nation theory before us. I want to make it clear that from the cultural point of view only one culture can exist in this country. The Constitution that we adopt must be in harmony with our culture and that Constitution would be suitable to us which is in our language.

It is after centuries that we have this opportunity of framing our constitution. We must use it well and frame a constitution that is suited to the genius of our land.

Mr. Naziruddin Ahmad (West Bengal: Muslim): Mr. President, Sir, I have a short time at my disposal to deal with this enormous subject and I shall therefore confine myself to one or two specific subjects and reserve my comments on other matters for a latter stage. The first thing to which I wish to draw the attention of the House is the treatment of the expression "States". "States" under the Draft Constitution means almost anything. The idea was to do away with the distinction between the Provinces, the Indian States, the Chief Commissioners' Provinces and similar other things. It was feared, and very naturally feared, at one stage that the Indian States would not align themselves or could not be made to align themselves to the new set up of things, but things have proceeded rapidly and the "States" have quite reasonably aligned themselves or are aligning themselves with the Provinces. I therefore think that this definition of "States" as meaning all sorts of things is no longer necessary. I should think we should revert to the nomenclature of Provinces, Indian States and Chief Commissioners' Provinces and the like. There is no fear of jumbling them together and it is better to treat them as distinct entities. It may have been thought by the eminent draftsmen that unless they did this, there would be some centrifugal forces working, making them drift apart. But, that fear having been allayed, it is now necessary to go back to the original state of affairs. I submit that we are not legislating for the future; we are legislating for the present; though we should have an eye for the future, we must not forget that we are legislating for the present time. In the Draft Constitution we have three distinct items, namely, Provinces, Indian States and Chief Commissioners' Provinces. We should not do away with the present distinctions. If at a future date, these distinct entities would combine into one, as I have no doubt they will, and would be governed by the same or similar characteristics, then will be the time to amend the Constitution and treat them on the same basis.

You would be pleased to find that in Parts VI and XII, "State" means the Provinces. In Part VII, "State" means Chief Commissioners' Provinces. In Part IV "State" means Indian States. In Part III, "State" means a wonderful series of things. By means of article 7, "State" means first of all, the Government of India, secondly it means the Government of the States, meaning all the States, Provinces, Indian States and Chief Commissioners' Provinces, and what is very remarkable, it also means local and other authorities. I suppose these are the municipalities, district boards and other autonomous authorities. I think the passion for a constitutional expression has gone too far. To call a district board, a municipality or a thing of that type as a "State" would be doing violence to language. If English is to remain the language in which the Constitution has to be embodied, I think we should have some respect for the accepted meaning of the word State. A State always means and implies a kind of sovereignty. It may be limited or it may be unlimited. Some kind of sovereignty is implied in the word State. But to call a district board or a municipality a State would be a misnomer. I think the passion for the use of the word 'State' should be checked. If it is a question of nomenclature, if we want to use the same expression for the Government of India and the States, we should distinctly mention the word municipality or district board and not

allow these to be comprehended within the meaning of the all-pervading word 'State'. If we allow the word 'State' to be used for all sorts of purposes, the very purpose of this well-known constitutional expression would be lost. I should think therefore that Honourable Members should look into this while drafting amendments. I find it to be an anomaly and it is difficult to find a substitute for this expression. I ask the co-operation of the Honourable members of this House to find a suitable expression for this. The expression has been defined to mean different things in different clauses. These are articles 1, 7, 28, 128, 212 and 247, according to which the word 'State' means different things. There is a danger of using a well-known expression to mean different things indifferent parts of the same statute. This may lead to confusion. It will be difficult for everyone who will have to deal with the interpretation of this Constitution or to understand this Constitution, to keep his head quite clear as to what is the sense in which the word 'State' has been used at a particular place. I submit, Sir, the ultimate purpose which seems to be lying behind this draftsmanship is the ultimate co-ordination and uniformity of all these different institutions. But at present, there is no need for this kind of indiscriminate use of the word 'State'. I should therefore ask Honourable members to consider in giving notice of amendments, whether it would be better to stick to the old and well known expressions Provinces, Indian States and Chief Commissioners' Provinces.

Then, I have one or two things to say with regard to another subject. Coming to the directive principles of State policy, articles 28 to 40, I think that these are pious expressions. They have no binding force. These cannot be forced in a Court of Law and really, as the Honourable the Law Minister himself candidly admitted, they are pious superfluities. That is the criticism. He has given only one reply that the draft Constitution admits it to be so. I submit it is not a reply, but rather it is a statement of the fact of the criticism. I think every constitutional principle should give a right, and every right should be justiciable in a Court of law and in other places. If there is a right, its violation is a wrong, giving rise, to the well known cause of action. So, there can be no right, the violation of which would not lead to a cause of action. I do not think that people would rush to Court for these things. But, if a constitutional right is defined with a considerable amount of ceremony in a considerably important document like the Constitution of India, and if for the violation of the same no legal remedy is provided, it would be absolutely wrong to insert the so-called rights in the statute. I submit, Sir, these principles are so well known that they do not require to be stated formally in a Constitution, at the same time taking care to see that they are not justiciable in a Court of law. I submit, if these principles of a purely directive character without a binding force be at all introduced in a State. I think there are other principles which should also be equally introduced, as for instance, 'don't tell a lie', 'don't ill-treat your neighbour', and so on and so forth. The Ten Commandments of the Bible and the other commandments from various religions and from practical life should also be introduced on the same principle. As we do not think it practicable to state all these obvious truths, not that these truths are not admissible or are not binding, but because they are obvious. I submit that these directive principles are too obvious to require any mention. If there is any principle which requires to be mentioned, it must be justiciable; it must be forceable in a Court of law. Otherwise, it should have no place in a Constitution. The Honourable Law Minister himself admitted that there is no principle similar to this to be found in any Constitution, except in the Irish Constitution. If a principle of this broad nature has found place only in one Constitution and that Constitution not being the best, I think it is not a safe guide to be followed. I submit that these directive principles should also receive careful attention from the Honourable members; at the time when this thing will come up, these principles should require careful attention.

[Mr. Naziruddin Ahmad]

As the time is very short, I do not wish to take up the time of the House any further but I would reserve my other comments for suitable occasions if and when they arise.

Sardar Bhopinder Singh Man (East Punjab : Sikh): *[Mr. President for a country which has passed through the historic phase of subjugation, it is natural that while framing its constitution, it should have a bright vision. Progress is liable to be impeded, if high ideals are not kept in view. It is an essential for progress. Differences do occur among the people, but on such occasions we have to see with what speed to proceed, which would enable us to reach our destination. In political matters it is wrong to ignore a reality and to take any hasty and unbalanced step, howsoever progressive the step may be. I congratulate the Drafting Committee for visualizing the conditions in their true perspective and solving various problems according to the exigencies of the time. Criticism is being levelled from two points of view. A strong Centre and retention of residuary powers have become object of criticism by some people. Undoubtedly the position of the Congress also has been the same. But under changed circumstances and in the light of old experiences and partition of the country, some people demand a strong Centre. In opposing this the example of Russia is quoted. But it is forgotten that Russia has handed over these powers to her units after a dictatorial regime of 30 years.

I think, slowly and gradually as the country advances socially and economically, different provinces might get this freedom in instalments. In accepting these principles, I do not think it expedient to interfere in the day-to-day working powers of the provinces, which have been handed over to them by the Centre. Clause 226 can be cited as an example. This clause has been discussed in the Assemblies of the different provinces where it has been disapproved.

Another question is the problem of Minorities. While considering this question, the members of the Majority Community are touched. They are influenced by the past happenings. But consider it minutely. Formerly, in our country there used to be the third power which always induced them to become unreasonable. I regret that as a consequent one important minority succumbed to this temptation and adopted an unreasonable attitude and got the country partitioned. But, Sir, this cannot be said regarding other minorities. The minority, to which I belong, has always responded to the call of the country and in spite of their very small number has played a big part in every battle of freedom for the country. Therefore, when I invite your attention towards me, as a member of the minority community, it is not my intention to raise communal issue nor to weaken the nation or the country; rather I say this as a patriot, who feels that to gain the goodwill of the minorities is to add to the glory of the country and to increase the strength of the nation. Now, when there is no third power and the days of the unreasonable attitude of the minorities has come to an end, the responsibility of the majority has increased. The majority has to gain the confidence of the minority. I hope with the attainment of power, the majority will be able to dispel the doubts and misgivings of the minority. It will have to gain the confidence of the minority.]

Shri R.V. Dhulekar (United Provinces : General): *[Now there is no minority here.]

Sardar Bhopinder Singh Man: *[Well, you have already accepted it. You have accepted it in two different clauses on the basis of religion and language. Sir, while I say that in the Draft Constitution problems have been solved according to the exigencies of the time, I shall be failing in my duty, if I did not bring to your notice that in clause 13 relating to the fundamental rights and more particularly the rights of citizenship, such difficult conditions have

* [] Translation of Hindustani speech.

been laid down that all the rights have been rendered nugatory. So far as finance is concerned, special consideration is to be given to East Punjab and West Bengal which have been affected very much due to partition. Along with it the clause relating to the citizenship rights should, in my opinion, be made more elastic for the refugees. It would be difficult for lakhs of refugees coming from far off places to appear before a District Magistrate for filing the declaration that they intent to adopt the citizenship of India.

In many cases it is quite possible that the people will have to come from a distance of 40 to 50 miles and they will have to spend a lot for their journey. Therefore, it is not expedient to force the people like this, more particularly in the Punjab where they have no arrangement of a fixed place of residence.

There is yet another and last point. I have observed it since yesterday that endeavour is being made to solve the language problem by giving an emotional tinge. In my opinion, there should be no display of sentiment while solving the language problem. At times it takes a religious turn. In my opinion the Congress stand should be maintained in solving the language problem and the numerous resolutions passed by the Congress previously, regarding the language problem, should stand.]

Mr. Frank Anthony (C.P. and Berar: General): Mr. President, Sir, although Dr. Ambedkar is not present in the House I feel that, as a lawyer at least, I ought to congratulate him for the symmetrical and lucid analysis which he gave us of the principles underlying our Draft Constitution. Whatever different views we may hold about this Draft Constitution, I feel that this will be conceded that it is a monumental document at least from the physical point of view, if from no other point of view. And I think it would be churlish for us not to offer a word of special thanks, to the members of the Drafting Committee, because I am certain that they must have put in an infinite amount of labour and skill to be able to prepare such a vast document.

Dr. Ambedkar referred to the fact that while there was a necessary minimum of rigidity and legalism in a federal constitution, an attempt had been made to give it the maximum of flexibility by accommodating as much as possible local needs and local circumstances. He also pointed out that this flexibility had not been over-carried to the extent of encouraging chaos. For instance, on fundamental matters an essential unity and integration had been retained by having uniform laws, by having a single and integrated judiciary, by having a Central Administrative Service. Dr. Ambedkar also indicated that the Constitution sought to strike a balance between giving the Centre too much or too little power. He felt that it is a salutary principle not to over-weigh the Centre with too much power under which it might crash. Sir, I know that several Members in this House will not agree with me. I, also, regard as a salutary principle the need for not giving too much power to the Centre. Constitutionally, that is an unexceptionable principle, but in applying it, we must adapt it to local needs and circumstances, and, if we are frank with ourselves, we must admit that in this vast country of ours there is an inherent potential of divergence and disintegration. Because of that I feel that the maximum possible power that can be given to the Centre must be given to the Centre in the interests of the country, in the interests of the integrity and cohesion of the nation. I feel that in three particular matters there should be Central control. I do not know to what extent some of my friends will agree with me here.

The first matter in which control should, I feel, be by and from the Centre is with regard to the Police Administration. I feel that the Police Services throughout the country should be controlled from the Centre. You may not have absolute control. You may qualify it. But there should be some measure of control from the Centre. We have to remember that there was such a thing

[Mr. Frank Anthony]

as the Indian Police Service. It was an all-India service, the members of which filled key appointments in the Police Administrations in the different provinces. In spite of that single unifying link, the Police Administrations in the different Provinces had varying standards. If we are frank, we will admit that in some provinces the Police Administration set general standards of efficiency and integrity. At the same time, we have also to admit that in certain provinces the standards set by the Police Administrations were not far removed from chronic inefficiency and chronic corruption. While we have sought to secure cohesion and integrity, with regard to our judiciary, with regard to the Central Administrative Service (I do not know to what extent members of the Central Administrative Service will be appointed to key positions in the Police Administrations of the different provinces), whatever integrity and cohesion we may secure by having a single judiciary, whatever integrity and cohesion we may secure through the Central Administrative Service, I feel that integrity and cohesion will be largely stultified if the police Administrations are left at the mercy of the different provincial Governments. I might add here that I feel this measure of cohesion by central control, to some extent at least, is vital. It goes to the roots of a healthy and stable society in our vast country.

The second matter on which I should like to see control from the Centre is education. I know that I am touching on a very controversial point, that I will be criticised any my suggestion will be completely repudiated by those who, I feel, think—and only think—in provincial terms. At the same time, I feel that my proposal that education throughout the country should be controlled from the Centre will have, the approval and endorsement of eminent educationists of men, of vision and of men with statesmanship. What is happening today? On the threshold of independence (I cannot help saying it) certain provinces are running riot in the educational field. Provinces are implementing not only divergent but often directly opposing policies. And it is axiomatic that a uniform, synthesized, planned education system is the greatest force to ensure national solidarity and national integration. Equally, divergent, fissiparous, opposing educational policies will be the greatest force for disintegration and the disruption of this country. I regret to say, but it is true, if we will only admit it, that educational policies conceived in narrow provincial and even parochial terms are today menacing us with the inevitable danger of raising cultural barriers, mental stockades, of building educational walls, over which it will become increasingly impossible to look. I feel very strongly on this subject, because I have not a little to do with education. I have a great deal to do with education from an all-India point of view, and I feel that if a policy of *laissez faire* at this stage is conceded or accepted from the Centre, then we are trifling with a force which in its potential for mischief, in its potential for disrupting this country is much greater than any disruptive tendency we have faced from religious communalism.

Finally, Sir, the subject which I feel should be also controlled from the Centre is not negligible subject of health. Education and health are, to my mind, the two paramount problems which this country is faced with. And we cannot begin to liquidate ill-health and malnutrition, unless we do it on a uniform scale. I do not believe that we can begin to touch this, perhaps our greatest problem, by allowing it to rest at the mercies of the different provincial Governments which are, some of them, bound to have halting policies; some of them are bound to have disparate policies, some of them are bound to have divergent policies.

Lastly, I wish to endorse the sentiment expressed by Dr. Ambedkar when he commended the provisions on behalf of the minorities. I know that it is an unsavoury subject (after what India has gone through) to talk of minorities or in terms of minority problems. And I do not propose to do that

I do not propose to commend these minority provisions, because they have already been accepted by the Advisory committee; they have been accepted by the Congress Party; they have also been accepted by the Constituent Assembly. But I feel I ought to thank and to congratulate the Congress Party for its realistic and statesman like approach to this not easy problem; and I feel we ought particularly to thank Sardar Patel for his very realistic and statesman like approach. There is no point in blinking or in shirking the fact that minorities do exist in this country, but if we approach this problem in the way the Congress has begun to approach it, I believe that in ten years there will be no minority problem in this country. Believe me, Sir, when I tell you that I, at any rate, do not think that there is a single right minded minority that does not want to see this country reach, and reach in the shortest possible time, the goal of a real secular democratic State. We believe—we must believe—that in the achievement of that goal lies the greatest guarantee of any minority section in this country. As Dr. Ambedkar has said, we have struck a golden mean in this matter. The minorities too have been helpful. There is no doubt that we went more than half-way to meet the Congress Party and the Congress Party also, although it is very difficult for a member who is not a member of a minority community, to appreciate the difficulties and anxieties of a minority, has done that and we are deeply grateful to them for it. I believe that in these provisions we have struck a mean—a mean by which through a process of evolution, through a process of natural and easy transition, if we all play the game (as I believe we will) this country will achieve the only goal which we all want to achieve, namely, a goal where we think of ourselves as Indians first, last and always. One of the realisations which impressed itself very strongly on my mind when I attended, recently, the Commonwealth Parliamentary Conference was that the eyes of the world are on India. People realise that when India comes into her own, the balance of power, industrial, economic and even military will be affected throughout the world. We all believe that India will come into her own. I am one of those who believe that India will attain her fullest stature in a secular democratic society. There may be short comings and imperfections in this Constitution which are inevitably the result of necessary adaptation. But I believe that in this Constitution we have both the opportunity and the guarantee of a secular democratic society in this country.

Finally, Sir, I wish to say that it is not so much on the written word of the printed Constitution that will ultimately depend whether we reach that full stature, but on the spirit in which the leaders and administrators of the country implement this Constitution of ours and on the spirit in which they approach the vast problems that face us; on the way in which we discharge the spirit of this Constitution will depend the measure of our fulfilment of the ideals which we all believe in.

Shri Krishna Chandra Sharma (United Provinces: General): I join in the pleasant task to compliment Dr. Ambedkar for the well worked out scheme he has placed before the House, the hard work he was put in, and his yesterday's able and lucid speech.

Sir, in considering a Constitution we have to take note of the fact that the Constitution is not an end in itself. A Constitution is framed for certain objectives and these objectives are the general good of the people, the stability of the State and the growth and development of the individual. In India when we say the growth and development of the individual we mean his self realisation, self-development and self-fulfilment. When we say the development of the people we mean to say a strong and united nation.

Sir, ours is a Democratic Constitution. Democracy involves a Government of, by, and for the people. In democracy, the combined wisdom of the people

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is regarded as superior to that of any single king or tyrant or indeed to a group of men. Moreover, democracy emphasizes the supreme good as being the welfare of the people. Political institutions are justifiable only in so far as they lead to this result and not by any pomp and show attached to them. These being the fundamentals of democracy, we have to judge whether the Constitution placed before us will make India a strong united nation with the possibility of self-fulfilment, self-development and self-realisation of the individual.

Sir, India needs wealth and when we say India needs wealth, we mean that India is a poor country and therefore should be strong enough to compete with any great country in the world and erect it on a footing of equality. Now, there was a time when wealth was regarded to consist in gold and silver or some other resources of the country. In the modern context, the wealth of a nation consists primarily in the limbs of its young men, their character and brain and their working capacity. Now, in this Constitution, there is not a single item or provision anywhere to make the people work or to make them grow. You have got directive principles. There, the State endeavours to give primary education and to find work and employment. The State does not take the responsibility to make the people work, on the principle that he who does not work, neither shall he eat. This is an important question. We should have provision for enforcement of work for able-bodied citizens. So Sir, in the directive principle which a learned friend of mine has criticised, there is no legal obligation imposed on the State to fulfil the rights given in the Constitution. I suggest that we make a provision that any law made in contravention of these principles shall to that extent be void. This will not affect the present position. It will give jurisdiction to a court of law, though only a negative right to the people to move a court that any law which goes against the interests of the people, against providing primary education for the children and against providing work and employment to the people should be declared void. The court will have jurisdiction to declare that such and such a law is void, because it contravenes the general principles laid down in Chapter IV.

The second thing I wish to emphasise in the directive principles is that for the growth of democracy, a free and healthy public opinion is necessary. The position is that in mediaeval times one dared not think freely but in these enlightened times one can dare think freely, but he cannot. Look to the spectacle of the man who by black-marketing and by doing things a decent man will not do amasses fabulous wealth. He buys a dozen of educated women, roams about in the world and gets control over twenty Provincial dailies. He by unscrupulous propaganda gets hold on the mind of the people and passes as a benefactor of humanity. Do you think this is democracy? Do you think there is any possibility for the growth of an honest, independent citizen in a country where such a thing is possible? I, Sir, with all the force at my command protest that such a thing should not be allowed to happen in this great country. You should and you can make it impossible for such things to happen by preventing the abuse of wealth or the amassing of wealth in the hands of individuals to that extent. You should do this control of the Press and provide for a healthy and independent press so that effective independent opinion should be possible. For instance, I would refer to the provisions of Chapter II of the Russian Constitution. There are two articles there—14 and 18. They lay down that the State will compel every able-bodied citizen to work and further in another article it is laid down that the Press would not be allowed to prejudice or affect the growth of effective independent opinion. This effective opinion is the backbone of democracy.

Having dealt with directive principles, I pass on to Chapter XIV relating to minorities. As I said, this great country needs unity. The object is a united nation. Much has been said about the rights of minorities. I do not think our minorities are minorities in the real sense of the term or the classes or groups accepted by the League of Nations. We all belong to the same race. We have all lived in this country for centuries, for thousands of years. We have imbibed a common culture, a common way of living, a common way of thinking. Thus I do not understand the meaning of giving these special privileges in Chapter XIV. It creates statutory minorities and to say that the thing will last for ten years only is to forget the lesson of the past. What happened in the past? You gave certain rights and privileges to Muslims as such and those rights and privileges, it was hoped, would in the course of time automatically cease, that the Muslim community would realise the futility of those special privileges and would associate itself with the common people of the land and give up those privileges. But the result was the partition of the country. Once you give to a certain group of people, not on their functions, not because they are doing something for the country, but simply because they belong to a certain group or class, certain special privileges, you perpetuate what is generally the fault in democracy, namely, the giving rise to of groups or classes which would do things detrimental to the country as a whole, things which would serve their selfish ends, or the ends of the groups or classes they belong to. Cliques and intrigues will do neither any good to the groups or classes they represent nor to the country, but in the name of that group or clique they will serve their own selfish ends. While it would stand in the way of a united nation it will not do any good to those classes or groups and would perpetuate what is, as I said, generally the defect in democracy. I would therefore suggest that this Chapter better be altogether omitted and if there are any safeguards, or any encouragement, necessary for the backward classes or certain other classes, there might be other means, namely, giving scholarships to deserving students, giving other financial help, opening institutions and other facilities which are necessary for their amelioration and lifting up; but to perpetuate division in the body politic, to perpetuate division in the nation, would be detrimental to the healthy growth of the nation and would do an incalculable harm to us and our posterity.

Shri T. T. Krishnamachari (Madras : General): Mr. President, Sir, I am one of those in the House who have listened to Dr. Ambedkar very carefully. I am aware of the amount of work and enthusiasm that he has brought to bear on the work of drafting this Constitution. At the same time, I do realise that that amount of attention that was necessary for the purpose of drafting a constitution so important to us at this moment has not been given to it by the Drafting Committee. The House is perhaps aware that of the seven members nominated by you, one had resigned from the House and was replaced. One died and was not replaced. One was away in America and his place was not filled up and another person was engaged in State affairs, and there was a void to that extent. One or two people were far away from Delhi and perhaps reasons of health did not permit them to attend. So it happened ultimately that the burden of drafting this constitution fell on Dr. Ambedkar and I have no doubt that we are grateful to him for having achieved this task in a manner which is undoubtedly commendable. But my point really is that the attention that was due to a matter like this has not been given to it by the Committee as a whole. Some time in April the Secretariat of the Constituent Assembly had intimated me and others besides myself that you had decided that the Union Powers Committee, the Union Constitution Committee and the provincial Constitution Committee, at any rate the members thereof, and a few other selected people should meet and discuss the various amendments that had been suggested by the members of the House and also by the general public. A meeting was held for two days in April last and I believe a certain amount of good

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work was done and I see that Dr. Ambedkar has chosen to accept certain recommendations of the Committee, but nothing was heard about this committee thereafter. I understand that the Drafting Committee—at any rate Dr. Ambedkar and Mr. Madhava Rau—met thereafter and scrutinised the amendments and they have made certain suggestions, but technically perhaps this was not a Drafting Committee. Though I would not question your ruling on this matter, one would concede that the moment a Committee had reported that Committee became *functus officio*, and I do not remember your having reconstituted the Drafting Committee. The point why I mention all these is that certain aspects of our Constitution have not had the amount of expert attention that was necessary, the amount of attention that could have been provided to it if a person like Mr. Gopaldaswami Ayyangar or Mr. Munshi or certain other persons had attended the meetings all through.

Sir, I would draw your attention to one aspect of the Draft Constitution, *viz.*, the financial provisions in the Constitution. You, Sir, appointed an Expert Committee. Well, to my mind, the way in which the Committee worked was not altogether satisfactory, though the members of the Committee were eminent enough. I had the opportunity of giving evidence before the Committee and I did come away from that meeting feeling that the Committee was not seized of the seriousness of the matter they were entrusted with, nor were they competent to advise the Drafting Committee in regard to the subjects referred to them. Sir, the proof of the pudding is in the eating. I have with me a copy of the report of the Expert Committee, and I am not satisfied with it. Circumstances happened that the House could not discuss the report of the Expert Committee and I believe that the Drafting Committee were more or less left to decide for themselves whether those recommendations were worthy of being incorporated or not.

Sir, I have a few remarks to make in regard to the report of the Expert Committee. The Expert Committee did not seem to be sure of itself. Actually, though the terms of reference which you, Sir furnished them were wide enough, wide in the sense that going on the experience of the Government of India and the provincial governments during the last ten years they were competent even to suggest alterations of the various heads in the lists enumerating Central and State subjects if necessary, they did not attempt to seize the opportunity that you furnished to them, but on the other hand they have mentioned explicitly in their report that they preferred in the circumstances that exist in this country to adopt the *status quo* rather than attempt to make any revolutionary changes in the financial structure of the country. That, Sir, I am afraid, was very unfortunate.

The second point on which I would like to touch is about paragraph 49 of the report with regard to the items in provincial list, Nos. 48, 49 and 51., 51 relates to agricultural income-tax. 48 and 49 relate to Estate Duty and Succession Duty on agricultural land. They felt that in the present context of things, the difference between agricultural property and non-agricultural property had no validity. I think they were quite right, but they have not had the courage to suggest that in the Draft Constitution this distinction which was imported for specific reasons into the Government of India Act should be done away with. I propose Sir, if the House would permit me, to table an amendment seeking to do away with this distinction. Not that I feel that the powers of the provinces should be encroached upon but I feel that the only way in which the revenues of the provinces could be augmented is by unifying income-tax, whether it is agricultural or non-agricultural property, unifying Estate Duty whether it is agricultural or non-agricultural property and so on and making the advantage of such unification available to the Provinces.

Sir, one other recommendation of the Expert Committee is, I am afraid, rather mischievous. That is, they have suggested in regard to Sales Tax—

which is item 58 in List 2—that the definition should be enlarged so as to include Use Tax as well, going undoubtedly on the experience of the American State Use Tax which, I think, is a pernicious recommendation. I think it finds a reflection in the mention of Sales Tax in Item No. 58 which ought not to be there.

The other recommendations of the Expert Committee like increasing the share of income-tax to the provinces from 50 per cent to 60 per cent and incorporating in the pool the proceeds of Corporation Taxes as well as taxes on Federal emoluments have been more or less dismissed by the Drafting Committee.

So I do feel that either the Drafting Committee was not competent to examine even the half-hearted recommendations made by the Expert Committee or they felt that it would be better to tread on safer ground and adopt the *status quo* which idea, I think, more or less dictated the decisions made by the Expert Committee itself.

Then I come to a new provision that has been made in the financial sections of this Draft Constitution, *viz.*, Article 260. Article 260, Sir speaks of a Finance Commission. In fact, Sir, in the terms of reference that you had sent to the Expert Committee you yourself made that suggestion, but I do not know if it is at all necessary for us to incorporate in the constitution an Article like 260 which is mandatory only in regard to one particular aspect of it, namely, the appointment of a Commission. The duties assigned to it, to arbitrate between provincial units and the Centre and also to act as a sort of Grants Commission, can actually be done by any Commission approved by any law enacted by Parliament. Parliament is empowered to appoint a commission of this nature so long as the recommendations of the Commission are not mandatory on the Central and Provincial governments which is the position as the wording of Article 260 as it now stands. So what I really feel would be wiser to insert it, in view of the fact that we have had no time to examine the financial implications of this Constitution and in view of the fact that we could not apportion the heads of income properly between the provinces and the Centre, a provision in the Constitution itself for a commission which will go into the entire financial structure of the country and make recommendations even in regard to changing the heads in the lists assigned to the provinces and the Centre. As a matter of fact, mention has been made by the Expert Committee that it should be done, though they have not gone further into it. What I would like to have in this Constitution is that a Finance Commission should be appointed and that Commission should be empowered to make recommendations to make alterations in both lists 1 and 2 and that the recommendations of that Commission should be adopted as a part of the constitution and should be obligatory on the Government of India and the provincial governments without going to the needless process and trouble of an amendment to the constitution. I do not know, Sir, if such a thing is possible but I see that the mover of this motion is not here—probably he may have been able to enlighten me on this point if he were here—but I do feel that an attempt should be made to insert a provision of this nature in the Constitution. I would only say, Sir, when dealing with this particular aspect of the matter that I feel that the defects in regard to the distribution of the financial powers in the 1935 Act have not been properly appreciated and no serious attempt has been made to devise methods to increase the revenues of the provinces which do badly need additional resources and to have a more rational and equitable system of taxation in this country.

Sir, one or two other aspects I would like to touch on before I sit down is this. Sir, the Mover of the motion mentioned about the need for a strong Centre. I find that that sentiment has been echoed by Mr. Anthony. Well, I think in the uncertain state of events which lie ahead of us and in view of the fact that the main objective of our having achieved freedom is to better the

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lot of the lowliest in this country, namely, to improve the economy of the common man, the only way in which that can be achieved is to take certain amount of powers to the Centre which can direct the steps to be taken to this end. I am all for a strong Centre, if the provinces' powers could be preserved intact. It is also necessary, Sir, as I find from a letter written to me recently by a former member of the Government of India and a well-known lawyer who has complained, that Provinces as they are today are merely going off the rails and are imposing all kinds of parochial and provincial restrictions in regard to the internal economy of the province and he has doubted whether it was wise to have a federal system of Government in the present state of things and whether we should not go back to the unitary system. That is there and when we look at it from that point of view, we feel that a strong centre is necessary. I would also say that in certain matters Central direction may probably be useful. My honourable friend Mr. Jagjivan Ram has found a lot of difficulty in implementing his labour policy because of the imperfect power that is vested in the Central Government. Actually I see that Dr. Ambedkar has said that Article 60 is now so worded that the power of the Central Government in regard to concurrent subjects will also extend to giving executive directions which are non-existent at the present time. But I do not think, as I read the Article 60, the power is explicitly there but that is a point which Mr. Jagjivan Ram has often mentioned and I always felt that in regard to labour matters, it is better that a larger amount of power is vested in the Centre both for purposes of co-ordination and also because in the provinces the various vested interests prevent progressive labour legislation being undertaken. So, I would perhaps suggest either an explicit mention in Article 60 that in regard to concurrent subjects the power of the Central Government to give executive directions will also be there or to put labour legislation in List 1.

One other matter in which perhaps I had some sympathy with Mr. Anthony's suggestion, though I feel I must resist all other suggestions he has made in regard to strengthening the Centre, is in regard to public health. There are certain aspects of public health where the Central Government could do a lot of good. Actually, disease in this country is universal. It is not the main privilege of Madras, Bombay or U. P. and therefore in the matter of public health legislation and also in the matter of maintaining institutes for purposes of research in health, I think some amount of power could be given to the Centre and therefore, that item could come into List 3. But, Sir, while I feel that a strong Centre is necessary, because I visualise the most important task before us is the implementing of the economic objectives, I am rather disinclined to pursue that idea to its logical end, because of what happened yesterday here. Sir, I assure you that I am not going into any controversy, because a controversy can be raised at the proper time. We found yesterday the display of a certain amount of intolerance, of a certain amount of fanaticism, of a certain amount of thoughtlessness on the part of people whom I always regarded as being highly intellectual, highly developed in the matter of aesthetic sensibilities and civilization. I refer, Sir, to a type of imperialism that seems to threaten us today which perhaps driven to its logical end will bring into being a type of totalitarianism and its reaction on the rest of the units of the Union of India to be. Sir, I refer to this question of language imperialism. There are various forms of imperialism and language imperialism is one of the most powerful methods of propagating the imperialistic idea. It is no doubt true that a large portion of this country do speak a particular language. If I were perhaps a Hindi speaking person, I would certainly visualise the days when the Hindi-speaking areas would be a powerful area, well-knit with United Provinces, the northern portion of C.P. portions of Bihar, Matsya Union, Madhya Bharat, Vindhya Pradesh, all together reproducing, Sir, the greatness of the Asokan Empire, the Empire of Vikramaditya and that of

Harshavardhana. It is a thing which just tickles your fancy and if you happen to be a native of the area your imagination more or less takes you to the glories of the past which one seeks to bring into being. But what about the other areas? What about the level of education that we have now attained in those areas and the ideas of freedom that have grown with it? Believe me, Sir, that the hatred that we in South India had for the English language has now gone. We disliked the English language in the past. I disliked it because I was forced to learn Shakespeare and Milton, for which I had no taste at all, but today it is no longer a matter of duress. But if we are going to be compelled to learn Hindi in order to be a member of the Central Assembly in order to speak out the grievances of my people, well, I would perhaps not be able to do it at my age, and perhaps I will not be willing to do it because of the amount of constraint that you put on me. I shall deal with this particular subject later on at the appropriate time but I do feel, Sir, that my honourable friends of the U.P. and C.P. and portions of Bihar will take note of the fact that while they are enthusiastic for their own language, and while they want the English language to be wiped out of this country, they must also recognise that there are a number of people all over India who do not understand the Hindi language. Sir, my honourable friend yesterday resorted to a simile, to strengthen his case. I am accustomed to hear similes, I have a friend who is extraordinarily good in similes and parables, who is somewhere near here now. But what about the simile used by my friend? My honourable friend said: "Are there not a number of people who do not understand English, who trust the people who speak the language?" Yes, there are a number of people in this House and elsewhere who do not understand English. It may be my neighbour from Madras does not understand English and he is prepared to trust me, but that does not mean that a person in South India would be content to trust somebody in U.P., however good Pandit Bal Krishna Sharma may be and whatever assurance I may carry forth from Delhi to the South. I know he is an ideal legislator, has an aesthetic soul, is a poet and all that sort of thing—it does not mean that merely because in one particular area there are people who cannot understand the language, they should be prepared to trust those people, who understand it and who are a thousand miles away to carry on the administration. Has anybody in this House given one moment of thought to those of us of this House, who have been merely gaping unintelligently because we could not understand what is being said? It may be, as my honourable friend, Mr. Satyanarayana, who propagates Hindi in South India without effect told me, that there was not much substance in the Hindi speeches that have been made; perhaps it is so, but I would like to know what has been said; I would like to counter the points made. I felt completely helpless in a situation where I am bound to have brought to bear all my faculties to understand what has been said for the benefit of the future of my country, for the benefit of the future of my people. This kind of intolerance makes us fear that the strong Centre which we need, a strong Centre which is necessary will also mean the enslavement of people who do not speak the language of the legislature, the language of the Centre. I would, Sir, convey a warning on behalf of the people of the South for the reason that there are already elements in South India who want separation and it is up to us to tax the maximum strength we have to keeping those elements down, and my honourable friends in U.P. do not help us in any way by flogging their idea 'Hindi Imperialism' to the maximum extent possible. Sir, it is upto my friends in U.P. to have a whole-India; it is up to them to have a Hindi-India. The choice is theirs and they can incorporate it in this Constitution; and if we are left out, well, we will only curse our luck and hope for better times to come.

Mr. President : We shall now adjourn for lunch. Before we adjourn, it has been pointed out to me by the office that some difficulty is being experienced

[Mr. President]

in distributing papers because some members have not reported their arrival or given their addresses. I request the members to leave their addresses in the notice office so that papers may be sent to them. Those who have not done so will kindly do so.

We shall adjourn now till Three of the Clock.

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

The Assembly re-assembled after lunch at Three of the Clock, Mr. Vice-President (Dr. H. C. Mookherjee) in the Chair.

Shri Biswanath Das (Orissa : General): Mr. Vice-President, Sir, I rise to thank the Honourable Dr. Ambedkar for the brilliant analysis of the Constitution that he presented to the Constituent Assembly. Sir, I equally thank his colleagues who laboured hard for six long months to forge the Constitution that is presented to this House. While paying respect that is due to them, I will be failing in my duty if I do not state here that the Drafting Committee has exceeded the terms of the reference and power that was vested in them by the Honourable House. Sir, the House, if I remember aright, decided to refer the decisions to the Drafting Committee to be presented in the shape of a Bill and a subsequent motion by an Honourable Friend in this House gave them the option of making certain changes which might be found necessary in the course of the drafting changes flowing from decisions. But, Sir, in the course of drafting the Bill they have not only assumed to themselves the powers of the Drafting Committee but also the powers of a Select Committee—nay—something more—the Constituent Assembly itself. They have made certain changes for which they had no authority. Reference has already been made to the question of bringing in new changes in the Constitution for which they had no authority, questions which were not discussed nor were decided in the Constituent Assembly. Certain changes they themselves have made which they admit in the report and the changes have been marked and new questions have been introduced. Three Committees were appointed either by the House or by the Honourable the President—the Sarker Committee, The Centrally Administered Areas Committee and the Minority Committee. I must state here that we have not discussed those reports nor has the Assembly come to any decisions and yet important changes have been made not in terms of reference or the recommendations of the Committee but in certain cases something more than what the Committee have recommended; especially in this case need I draw the attention of the House to the recommendations of the Sarker Committee involving very important questions, *viz.*, the financial relations between the Centre and the Provinces as also among the provinces themselves. I must frankly say that the Drafting Committee had no jurisdiction and all that has been done is done without the power or authority of this House.

Similarly, changes have been made in the Constitution without a decision of the Assembly. Sir, I will, having stated so far about the decision taken by the Drafting Committee itself, come to the question of the Draft Constitution. Sir, the procedure adopted by the Honourable President regarding discussion of the Draft Constitution is, I am afraid, peculiar. It is neither the procedure that relates to a Bill, nor the procedure that has been followed in other Constituent Assemblies. We constituted the Drafting Committee on the 10th of August 1947. After six months of labour, a report was presented to the Honourable Members of this House. The report was circulated about the middle of February 1948 and a very short time was given for Honourable Members to place their views before the Committee. I must frankly confess that not only was the time given to us short, but the time that was chosen for offering suggestions was very inopportune, in the sense that both the members of the Central Legislature as also members of the Provincial Legislatures were busy with their Budgets. Therefore, the attention that was necessary and that ought to have been given to such an important thing was not given for no fault of the members themselves. Thus the help which the Drafting Committee must have received or has received necessarily remains very small and inadequate. Having said so much about the time given to us for submitting our suggestions, I pass on to the other question that was raised by Mr. T. T. Krishnamachari.

[Shri Biswanath Das]

Not all the members of the Committee have taken part in the discussions of the Drafting Committee, not even I believe the majority of the members have given their joint thoughts. Therefore the decision of the Drafting Committee boils down to be the decision of a few Honourable friends. They may be eminent in their own way, but we want more minds, more thought and more discussion on this question. There was not enough, I claim. A year passed without much work and a lot of work could have been done and there would have been no complaint today either on the score of taking consultations or taking help of members or placing of the views of different members of the Constituent Assembly before the Drafting Committee. It is a matter to be regretted that even today we do not have before us the decisions or the discussions of the various legislatures. We claim here that we are delegates representing provinces and we do not know what the provinces have decided and what their views are. If we could know them, this would certainly give us good guidance in giving our decisions. Let me hope that at least before the actual Bill is taken for discussion, we will have before us the discussions or decisions of all the provincial legislatures whom we have the honour to represent in this Constituent Assembly.

It behoves me to place my protest here that a Bill of this importance has not been thoroughly scrutinised by a sort of Select Committee taking into consideration the various representations made from all over India and also views expressed by the members of different provincial Legislatures. If such an occasion had been given, it would have been welcome. If a session of the Constituent Assembly had been held in the month of May 1948, sitting and discussing, say, for about a week or so, the matter could easily have been referred to a Committee which would have taken the place of a Select Committee, and they would have thoroughly scrutinised the various Sections by this time, taking into consideration the views of different organisations. I feel that due scrutiny has not been made by the members of the Drafting Committee, nor is this House given necessary time to discuss the whole question, nor even the opportunity to place the views of members properly and fully either before the Select Committee or before this House. I must again state that there was a meeting of four committees in one place—that was about 9th or 10th April 1948—a combined meeting of the Drafting Committee, the Union Powers Committee and the Union Committee and the Provincial Constitution Committee. I must frankly state that the decisions that were arrived at have not been accepted by the Drafting Committee. Therefore, is this a Drafting Committee, or a Select Committee, or an all-powerful Constituent Assembly? It remains for me, no, not for me, but for the Honourable Members of the House to decide. Under these circumstances, I do not at all feel happy over this performance.

One other item I will state before I resume my seat. It is an important one. I refer specially to the question of fundamental rights. Fundamental rights, specially Section 7, lays down that any Act which comes into conflict with the fundamental rights will be swept away, and the same Section defines the law to include Ordinances, Rules, Regulations and the like. That means that all the existing laws, provincial, central as also parliamentary laws that are in operation including Regulations and a huge number of Codes will be swept away by the operation of the justiciable portion of the fundamental rights. I am asking my Honourable friend Dr. Ambedkar whether he has examined thoroughly the implications and effect of these fundamental rights on the existing laws, both central and provincial. Are you going to create chaos in the country? I believe it was left either to the Secretariat of the Constituent Assembly or to the Central and Provincial Governments to determine the effect and implications of these laws. The British Government before

it passed a Constitution Act undertook an examination as to the implications of the Constitution on the existing laws, and after being satisfied with it, they provided three different stages. The first stage was provided in the Act itself, that the existing laws shall continue in operation. The second was taken by allowing authority to take to adaptations of the Acts that are in existence and the third stage was in providing for the issuing of Orders in Council. Nothing of this kind has been attempted here nor an examination of the effect upon existing laws undertaken. It was left to me to protest against this in April 1947. I said this is unfair to the country and would bring trouble and misery. An examination was promised, and I state that this examination has not yet been undertaken, at least to my knowledge. This examination should be taken up in right earnest. I hope my speech proves that the necessary discussion has not been possible.

Shri B. Das (Orissa : General): Mr. Vice President, Sir, at the outset I must pay my tribute to the Drafting Committee that did a greatly arduous work and put into shape and form the Constitution Bill which we are considering today and which we have to alter according to our will, so that a proper sovereign Constitution will be designed for India. While I pay my tribute to Dr. Ambedkar and his colleagues, I must also pay the tribute that your Advisers deserve. Our great Constitutional Adviser, Srijiut Narasingha Rau has rendered yeoman service in assisting the Drafting and other Committees in bringing the Constitution to this safe anchor. We are also indebted to our friend Srijiut Narasingha Rau for raising our international status at the U.N.O. While we are still a Dominion, and I always think I am still a slave of England, my friend went there, raised our status and dignity and showed the West that India can contribute to world peace and happiness.

Now, Sir, I agree with some of the draft articles of this Constitution Bill. I may not be able here within the short time at my disposal to state the issues where I agree. I would rather start by enumerating the points where I disagree with the draft constitution and where the House must deliberate and so change the draft that the Constitution is truly for Indians and not based on past traditions and past connections with the British.

Now I will take the new draft of the Preamble to which I strongly object. The Objectives Resolution that we adopted in January 1947 stated that the Constitution is "Independent Sovereign Republic". On 21st February 1948 my friend Dr. Ambedkar changed it into "Sovereign Democratic Republic" but we find in another note of 26th October 1948 it has been changed into "Sovereign Democratic State." I do not know how this Drafting Committee can change the Objectives Resolution that this House passed in January 1947. There we have agreed unanimously that the Preamble should be "Independent Sovereign Republic", and I am one who will oppose the amended draft Preamble very strongly.

There are certain points here in which the House never gave its opinion. They were controversial. They were allowed to stand over, but still I welcome the new amendment to article 5 that the Drafting Committee has suggested. It should be further improved. I am referring to the definition of "citizenship". It requires closer examination. The Drafting Committee in its first draft was hesitant but in another suggested amendment they have introduced a better draft. It needs further improvement.

Regarding Fundamental Rights, there were two or three points where the House did not reach any conclusion. I do hope that we will be allowed sufficient time to discuss those without accepting the Drafting Committee's recommendations. One thing I am happy about is that the women of India have won a position which women in no other independent nation enjoy. They have secured equal rights, equal privileges, equal opportunities, with men and that is one great achievement in Fundamental Rights of our citizens.

[Shri B. Das]

Sir, I very strongly oppose the idea of nominated Governors. I do not know why the idea of those in which my friend Dr. Ambedkar is participating—the Government—should come into the drafting of this Constitution Bill. At no stage have we found any representative of our Cabinet making here that suggestion. Governors should be elected by Provincial Assemblies and they need not have the residents of that province to contest the Governorship. We do not want to hand our powers to the Government, be he the President or any other able Administrator including Dr. Ambedkar. We do not want the Governorships or Ministerships to be confined to a few individuals and their associates.

My greatest objection—and one on which the whole Constitution Act will founder—is in relation to financial allocation as between the provinces and the Centre. I am surprised that a brave man like my friend Dr. Ambedkar is fighting shy to discuss the finances of the Provinces and piously recommend that for five years after the promulgation of the Constitution Act we should not disturb the financial allocations. Very, very surprising indeed it was to me! It was the same attitude that the Colonial Government, that our former Government, took, and the supporters of that Government took in 1935. The foreign rulers wanted a top heavy central administration and starved the Provinces. I am surprised today to see that the same thing has been in the mind of the Drafting Committee! Of course, I concur with my friend Srijut Kamath that more Congress-minded men should have been in the Drafting Committee so that they will represent the principles and the thoughts of the people who have brought this Constituent Assembly to fruition and whose desire could have been reflected in the draft.

I am grateful to Mr. T. T. Krishnamachari for speaking out strongly. I find that in public health the range of expenditure in all the Provinces varied from 5.8 and 3.1 percent of the total expenditure. This was before the war in 1935-38; this is so after the war in 1947-48. Due to inflation, the expenditure has gone up three times in all the Provinces and at the Centre. This is a point which every province should examine and take note of. Poor provinces like Orissa and Assam are going to examine the consequences of such a statement from Dr. Ambedkar. We want finances re-allocated so that provinces have resources to give effect to the second sentence in the Preamble:

“Justice,—social, economic and political.”

Sir, I do not care for political justice. I want social and economic justice from this House for the people. And if the Honourable Ministers are found hostile to it, we will compel them to accept the majority view of the House and do justice—social and economic,—to the teeming millions placed under provincial administrations.

Shri Lokanath Misra: (Orissa : General): Mr. Vice-President,—Sir, I am a new Member to this august House and never before have I taken any part in the proceedings here. I therefore would crave the indulgence of this Honourable House if I fail to make a coherent speech. But then I owe it to the people who sent me here to express in their behalf what I think is their view on this most important matter.

Sir, this Constituent Assembly which represents the sovereignty of India and which is supposed to give shape and form and prestige to our freedom is here deliberating on a Constitution that is supposed to be the guardian of our future. With that end in view, our leaders have laboured enough and hard and have produced a draft constitution which we are now going to discuss. But I cannot really congratulate the Drafting Committee to the extent that they have been congratulated on this draft.

Sir, my first point is this: that although Dr. Ambedkar has delivered a very brilliant, illuminating, bold and lucid speech completely analysing the Draft

Constitution—here I must say that but for that speech I would not have been able to find out the defects in the draft so much—I must say that the draft does not represent the Objectives Resolution which this sovereign body passed last year. So far as I have been able to read it and so far as I can remember, the Objectives Resolution was a magnificent product which represented the mind and spirit of India not only for the moment, but for the distant future too. What was the Objectives Resolution? That Objectives Resolution envisaged a federal constitution in which the provinces would have the residuary powers and the Centre would have no more and no less power than is necessary to bring the provinces into a coherent system. But this Draft Constitution, by whatever name it may be called, federal or unitary, parliamentary or presidential, is laying the foundation more for a formidable unitary constitution than a federal one. By unitary I mean that it has surreptitiously taken more power to the Centre than it has given to the provinces. Whatever Dr. Ambedkar might have said or might have been thinking of about giving power to the individual with all his disdain for our villages, I must say, this Constitution does give nothing to the individual, nothing to the family, nothing to the villages, nothing to the districts, and nothing to the provinces. Dr. Ambedkar has taken everything to the Centre.

And what is this Centre? By this centralization of power, I do not know what will happen in the future. But from my present experience I must say that the Government that we are now having has been so centralised and our people in power have become so greedy of power that in the name of law and order, peace and unity, they are liable to go astray easily if the country is not vigilant and the people are not relentlessly vigilant. I should therefore say that, whatever might be the future of India, we must once for all know and the people must once for all know and realize what is the ideal for which we are having this Constitution and what amount of freedom we are going to have.

I beg to question, Sir, whether we want a strong Centre. For what? Some people say that a great deal of provincialism is coming to the fore day by day and that there may be friction. Therefore, to start with, we must make the Centre so strong that it will be invincible. But this should not mean that we must be war-minded. We want a strong Centre. Strong against whom? Is it against Pakistan? Is it against Russia? Or is it against the people of India themselves? I am quite sure that if you can build on the solid foundation of India's past, which is nothing more and nothing less than the spirit or the inward vision of India or the inwardizing temperament of India, if you can think and speak in terms of the spirit and not of your external objectives, I am quite sure you can build an India quite united, quite strong and at the same time an example to the world. But if by taking so much power into the hands of the President or the Ministers, or the central oligarchy, we want to unite India, I am sure India will either break or it will be another menace to us and all.

Now, it has been said that the United States of America has got a federal constitution, but that gradually it is becoming a unitary constitution and that therefore it is getting better. It has also been said that as time goes on it is natural that the Centre must be taking more power and that the provinces and units must be losing more and more power. This is a temperament of warmindedness or at least of panicky peace. Let us see to what effect the United States Government has taken more power. The effect can only be that they will be stronger against Russia or some other country. That means strong against external forces. I should say that the strength of a nation and the unity of her people do not depend upon the State power. It depends upon the realisation of the inner unity and the human spirit that makes all men brothers. Therefore if the words in the Preamble 'Equality, justice and peace'

[Shri Lokanath Misra]

could have meaning only if we have a strong Centre, the sooner we are disillusioned, the better. I am wholly against a very strong Centre in the sense that the Government will be so strong, though not dictatorial or oligarchic, that the provinces will lose all importance, all initiative and drive. That ultimately curbs the individual, below.

An Honourable Member just now said that we may have a strong Centre but no common language. I should say that we should be strong at the Centre if only we have a common language. If really we must have unity in India, we must have a common language. If we are not prepared to forego the Provincial language how can we have unity and how does it lie in the mouth of a member to suggest that we must have unity, but no common language. He probably means that we must have a strong Centre with no common language which expresses an inherent common culture. The slogan of united India with a strong Centre is that way frightful. A strong Centre is not worthy of the struggle that may be in store for us. Now my time is up. I would have taken some more time to X-ray the speech of Dr. Ambedkar. I bow down to his knowledge. I bow down to his clarity of speech. I bow down to his courage. But I am surprised to see that so learned a man, so great a son of India knows so little of India. He is doubtless the very soul of the Draft Constitution and he has given in his draft something which is absolutely un-Indian. By un-Indian I mean that however much he may repudiate, it is absolutely a slavish imitation of —nay, much more—a slavish surrender to the West.

Kazi Syed Karimuddin (C. P. and Berar : Muslim): Mr. President, Sir, I congratulate Dr. Ambedkar for the introduction of the motion for the consideration of the Draft Constitution of India. The speech that he delivered was a remarkable one and I am sure that his name is bound to go down to posterity as a great constitution-maker.

It was stated by him yesterday that the Constitution is the bulkiest in the world. In my opinion it is no merit in itself, unless there is substance in it. There is no doubt that we have copied provisions after provisions from foreign constitutions. This constitution is neither parliamentary nor non-parliamentary, and it is yet to be seen, when we begin to work it, whether it would work properly.

Sir, I have very serious objections to some parts of the Constitution. As Dr. Ambedkar himself has agreed, the continuance of the States is really not proper in India, *i.e.*, States or groups of States who will have the authority to legislate or to have separate Constituent Assemblies. In my opinion, it is really a stigma and a blot on the Constitution of India that even in the 20th century Rajas, Rajpramukhs and Nizams are allowed to continue and to have their dynasties also continued. All these institutions must be abolished and there should be similar constitution for every State. All these States or groups of States should either be merged with the provinces or should be converted into independent Provinces.

Sir, the most important provision in this Constitution from the point of view of the minorities is the provision of reservation of seats with joint electorates. The Constituent Assembly last time considered the problem of separate and joint electorates with reservation of seats. The only provision made for the minorities now is joint electorates with reservation of seats. In my opinion, it is neither here nor there. Joint electorate with reservation of seats is absolutely of no consequence to the minorities. It would do them positive disservice. The representatives who would be elected under joint electorates with reservation of seats would not be the representatives of the minorities for whom reservation is given. Even a false convert, or a hireling of the majority party,

would come in by the votes of the majority party. Therefore, my submission is that this provision is detrimental to the interests of the minorities. If the two resolutions regarding the continuation of separate electorates or joint electorate with reservation of seats with a fixed percentage of votes of the community to which the candidate belongs which were rejected last time are not acceptable to the House, the minorities should forego this reservation of seats under joint electorates. Sir, this is going to create permanent statutory minorities in the country. It would be to the great disadvantage and detriment of the Muslim community or any other minority community which claims reservation, as there is no chance under this system for any real representatives of the minorities to be elected. Even when we are having separate electorates, we are not able to do any service to the community. We have thrown ourselves at the mercy of the majority and it is up to the majority to rise to the occasion and in this way the minorities and the majorities will be united together in the country to the advantage of both. We have seen how things have happened in India after 15th August 1947 and we were sitting in separate compartments helplessly. We should be prepared to have joint electorates and fight our battles on a common ticket. It is up to the majority to create confidence in the minorities and it is up to the minorities to come forward and co-operate with the majority. Therefore my submission is that reservation of seats will create more bitterness, more jealousies, more communal hatred and Muslim disintegration. This provision is not in favour of the Muslim community. It is no use accepting safeguards which are nominal and cannot be effective. This is my opinion. We must be left to our own fate and we are quite prepared to face the future. If at all the majority community want to protect the rights of the minorities, let them introduce the system of proportional representation. Proportional representation with multi-member constituencies with plural voting is the only democratic system known in Europe for the protection of Political and Communal minorities. Without any sacrifice of democratic principles the minorities can be protected. The rights of the minorities can be protected in another way and that is by the establishment of a non-parliamentary executive in this country. I was really surprised to hear Dr. Ambedkar, while he was introducing the Draft Constitution, praising the system of parliamentary executive, while in his book "States and Minorities" he has advocated that the system of non-parliamentary executive is best suited to protect the minorities, and I would like to read to him what he himself stated in the year 1947:—

"Provisions for the protection of minorities—

The constitution of the United States of India shall provides

Clause 1

- (1) that the executive — Union or State — shall be non-parliamentary in the sense that it shall not be removable before the term of the legislature.
- (2) members of the executive, if they are not members of the legislature, shall have the right to speak in the legislature, speak, vote and answer questions:
* * *
- (4) the representatives of the different minorities in the Cabinet shall be elected by members of each minority community in the legislature by the single transferable vote.
- (5) the representatives of the majority community in the executive shall be elected by the whole House by the single transferable vote.
* * *

In my opinion this is the easiest method to afford protection to minorities. What has happened in India? In all provinces there were acts of rioting, arson and murder and the ministers were not courageous enough to come forward and stop them immediately, being afraid of their constituents. If you introduce non-parliamentary executive, the members of the executive would not be afraid because they are not liable to be removed by their supporters. Therefore in parliamentary executive the Government is naturally weak, and vacillating because the ministers have to depend for their continuance on communally minded supporters.

[Kazi Syed Karimuddin]

Sir, the fourth part of the Constitution is the directive fundamentals which have been given. I want to tell Dr. Ambedkar that in his book, he has mentioned that all these principles and fundamentals should be mandatory. He has mentioned that these provisions should be enforced within a period of ten years. What is stated in Part IV is vague. What we want today is not mere talk of economic or philosophical ideals. We want an economic pattern of the country in which the lot of the poor masses can be improved. In this Constitution which is framed, there is neither a promise nor a declaration for the nationalisation of the industries. There is no promise for the abolition of Zamindari. It is nothing but a drift. It is nothing but avoiding the whole issue in a Constitution of a Free India. Not to have a definite economic pattern in the Constitution of Free India is a great tragedy.

One word more, Sir, and I have done. It is mentioned in a foot note to the Preamble that the question of our continuance in the commonwealth or otherwise is not yet decided. I am very sorry to point out that when the Objectives Resolution was moved, it was proclaimed to the world and to the Indians that India will be a free and Independent State. Why is this indefiniteness? At whose instance is this done, when by a resolution the sovereign Constituent Assembly of India had declared that India would be independent. I cannot understand how this position was taken and with whose authority and with whose consent this was done. My submission is that Dr. Ambedkar has gone beyond his powers in taking this wrong step. We have not forgotten the tragedies that have been committed in India. We have not forgotten the tragedy of Jallianwallah; we have not forgotten the support of British imperialism to the Union Government in South Africa against Indians; we have not forgotten the racial policy in Australia. Such an association identifies us with Fascism in South Africa and with racial discrimination in Australia and moreover it would be an absolute failure of our foreign policy of neutrality. In view of all this my definite opinion is that there is no other way except to be out of the Commonwealth. Pandit Jawaharlal Nehru in 1929 at Lahore has declared that unless British Imperialism and all that it implies is discarded, India could never be a member of the Commonwealth. I am very sorry my time is up.

Prof. K. T. Shah (Bihar : General): Sir, I have to join in the chorus of congratulations that have been offered to the Drafting Committee and its Chairman for the very elaborate Draft Constitution that they have placed before this House. I have particularly to felicitate the Law Minister for the very lucid way in which he has put forward the salient features of the Constitution for our consideration, and given us thought-provoking ideas, with reasons why certain items have been included and why certain others have been put in the manner they have been.

My congratulations, I venture to submit, are the more sincere, as I am afraid I am not able to take the same view on many of the leading issues involved in this Draft Constitution. I would invite the House, Sir, to consider that in the first place the principles on which the Draft is based, or the instructions for preparing this draft were prepared and given at a time when this country was passing through very serious crises and happenings which many of us deplore. Our minds were tense; our thoughts were fixed upon certain events, which, if I may say so, distorted our vision of the future India as it should be. Under the stress of those events, instructions were given and principles laid down which I for one feel on more sober consideration we may have reason to revise. When the proper time comes, Sir, I shall put forward suggestions for amending certain provisions in the Constitution, on which I will not take the time of the House at this moment. Certain general ideas, however, I would beg to place before this House at this stage which I think would require reconsideration;

and the foremost is, to use the words of Dr. Ambedkar himself: "the aims of this constitution." What is this Constitution intended to do? The Constitution's aim, as explained by Dr. Ambedkar, or as can be gleaned from the wording of the Constitution itself, is almost entirely political and not at all social or economic. I hope no one will think it is a bee in my bonnet when I put forward this idea that there is not a trace of any desire to secure social justice, a real equality of the people, not merely paper equality, but equality in actual fact, in daily living and experience, which we were promised and we had all hoped would be the result after the Imperialist exploiter was ousted from the country. As I read two or three most prominent chapters or articles I feel a glaring lack of any attention being given to the disinherited, to the dispossessed, to those who have not scope to have the minimum, what I may call, a decent standard of civilized existence in this country.

Take the chapter of Fundamental Rights. For example, we were told and with some force that the Fundamental Rights have been added to and modified by a number of exceptions, but that these exceptions do not take away the right. I for one feel that the exceptions are too many. As I said before we have given the instructions or the principles have been laid down for drafting this Constitution in a moment of tension, in a moment when our minds were terribly disturbed so that attention was paid only to the dangers in an emergency rather than a more normal more permanent, more usual form of life or standard of life which we were hoping for.

In the various items of the Fundamental Rights which will come up for detailed discussion later on I shall have, I hope, an opportunity to suggest amendments and redress the omission or correct the distortion this Draft suffers from on this most important subject.

But there is one aspect of it which I wish even at this moment to place before the House. The Rights are throughout spoken of only as "Rights"; and there is not a word said about Obligations. I would put it to the House that we are living and thinking as individuals or as a community too much of Rights and forgetting our Obligations whether as citizens, or as communities, or as a State. I for one would like to emphasize the chapter of Obligations of the State to the individual and *vice versa* as much, if not more, as that of rights.

The Rights, if I may say so, indicate extreme individualism, an exclusionist or exclusivist tendency, in which the individual emphasises his exclusive claims or possession of privileges or possibilities far more than that of his membership of a group or of a society, or of a community; whereas a similar emphasis on Obligations would teach him that he is not living in an isolated compartment by himself, he is not living in a Robinson Crusoe island, but that he is a member of a cooperative society, of a mutually interdependent community, of a state in which the only guarantee for survival, the only chance of progressive advancement is a co-operative effort, in which individual rights have to be subordinated, the individual demands have to be subordinated to the co-operative necessity of joint effort for a common or agreed end. Sir, we are living in an age when we think so much of freedom; and talk in terms of individual liberty so much that we are apt to forget that "freedom" is likely to degenerate into "licence" if we do not take care to remember the need simultaneously for self discipline, that freedom has its obligations just as much as its advantages. This would be a self-imposed restriction like any kind of discipline that one can think of.

Here again is a case in which in regard to not only individuals, but also communities the provinces and the whole Union, I should like to emphasise the Obligations chapter as much as, if not more than, the chapter of Rights. The individual has his rights, and I for one shall never agree to any suggestion of any infringement of those rights. But, at the same time the individual as well as the society have mutual obligations; and unless these obligations are duly stressed, I fear the apprehensions of many of us, about the likely consequences of the unrest of our time will not be lulled to rest.

[Prof. K. T. Shah]

In this connection, I would like to add another idea which I would beg the House to consider more at length later on. We are talking about "Democracy" almost as a fetish. I know I am using some unpopular language when I speak in this strain. But please remember that "democracy", to be successful, has to be qualitative as much as quantitative. You must remember that what should count ought not to be merely the number of hands that are raised or the number of heads, present, but the character of those hands or the content of those heads.

In the Constitution before us, this qualitative aspect of democracy is, I am afraid, very much over-looked, if it is at all there, whereas the quantitative aspect figures almost in every chapter, and if I may say so, almost in every word of this Constitution. I could give a number of illustrations straight off of the way in which the wordings express more the quantitative side of democracy, more the number, more the numerical strength, and not the moral force, the spiritual backing, the intrinsic value that a sound democracy should have.

I am afraid this is an idea not very popular at the moment, not very fashionable. But it is an idea which I wish the House would at least bear in mind before adopting the several clauses of the constitution. They embody a view, which, I am afraid, has already become obsolete. We were told the other day that there is nothing new in this Constitution. The Law Minister was good enough to say that in matters like this, there can be nothing new. But here is a suggestion: why should we not begin, if I may say so, emphasising what I call the qualitative side of democracy of the new India as much as we have so far been talking of territorial or quantitative democracy?

In the chapter relating to the distribution of financial resources and obligations, to which allusion was made this morning, in the chapter relating to the distribution of powers between the provinces or the units and the Union, in the question of the emergency powers, and so on, always there is a hint, behind the scenes so to say, there seems to be a conflict even in the minds of the draftsmen, between what is demanded in the interests of the integrity, independence and security of the new State and also by the freer life, nobler living, and wider opportunity for the individuals that make up this nation.

I am not inclined, Sir, to invite a repetition of your bell though I have a lot more to say. Even if you are gracious enough to extend the time, I would not be able to say it within this time limit. I would, therefore, reserve what I have to say to the time when the amendments come up for discussion. Thank you.

Pandit Lakshmi Kanta Maitra (West Bengal : General): Sir, I would be failing in my duty if I do not at the very outset congratulate my Honourable friend and old colleague, Dr. Ambedkar, for the magnificent performance he made yesterday. The House appreciates the stupendous amount of time and energy he has spent in giving the constitutional proposals a definite shape. In the few minutes at my disposal, I propose to discuss some of the most striking points in this Draft constitution, and before I plunge myself headlong into the provisions, I would request my honourable friends Dr. Ambedkar and Sir Gopaldaswami Ayyangar to listen to me for a few minutes with attention.

The first thing to which I would like to draw the attention of my honourable friend, Dr. Ambedkar, is the description he has given of India as a Union of States. I take particular objection to the expression States; for, "States" in political parlance, in the constitutional literature of the world, has got a certain special connotation. Unfortunately, the expression States has been used in this Draft Constitution in many places for a variety of purpose and in different senses likely to create confusion. If the word States is retained in the description of India as it is, the impression may be caused in future that these States are independent sovereign States, joined to the Centre by some sort of a voluntary association. Students of constitutional history know what happened in the United States of America. There, some of the States, under

the advice of some of the eminent jurists of the time, formed the States' Rights School and seriously contended that the States had each of them real sovereign and independent status and that it was by sheer voluntary association that they formed into a federation and worked together. I want this to be guarded against. We had before the transference of power a body of territories known as Native States. Many of them have acceded to the Indian Union. If this description of India, as is given in Articles 1 and 2, is retained, these States may contend, at some later stage, that they were sovereign States and were united to the Indian Union by purely voluntary arrangement. We want to make it perfectly clear in the constitution that this Union is an indissoluble Union of indestructible States, States in the sense of constituent units. If I try to develop this point further, I will take more of the time of the House. We have got to find a suitable expression. We could use the word Provinces in the case of Governors' Provinces, and in the case of the Native States, "principalities" or expressions like that. If, Ajmer-Merwara, Coorg or even Delhi were to be dignified by the name of State, it would be descending really to the region of the ridiculous.

The next point to which I want to draw the attention of the House, is the discretionary power given to the Governors in the Constitution. The House knows very well that according to the Government of India Act of 1935, the Governor had certain special powers to be exercised by him in his discretion or in his individual judgment. This caused a lot of friction between the provincial Ministers and the Governors,—some of the Premiers are sitting here in front of me and I see them nod in assent of what I say—that this had been really a source of discontent among the popular ministers in the country. After the 15th of August, 1947, we made a clean sweep of these provisions. It is now provided that "there shall be a Council of Ministers to aid and advise the Governor in the exercise of his functions", removing completely all the discretionary powers which the Governors used to enjoy under the Government of India Act of 1935, until the 15th of August, 1947. Curiously enough I find that in this Constitution these noxious provisions have been bodily incorporated in Article 143 (i) and (ii). Here in this Constitution we have again provided for discretionary powers of the Governor but I ask the House very seriously to consider whether it really means progress or regress, advance or reaction. Today the Constitution of the country provides that the Governor or Governor-General of this country shall function merely as the Constitutional head and nothing more. Tomorrow if this Constitution, as it is, comes into operation with Section 143 (i) and (ii), the Governor will be more than a constitutional head as he will have certain discretionary powers. There is another point to which I would like to draw the attention of the House. In the Government of India Act of 1935 there was in Section 54 a salutary check that whenever the Governor was to function in his discretion or in the exercise of individual judgment, he was to be under the superintendence, guidance and control of the Governor-General. This is entirely absent in the present case. Therefore this demands serious consideration.

My third point is regarding the provision for a very strong Centre. An Honourable Member speaking before me was making a grievance that the Centre was being made over-strong. Yes, we want a strong Centre by all means, if we want to preserve or maintain our new-born freedom, and if we want the solidarity of this country. (Hear, hear). We have had enough experience of Provincial Autonomy of which we had been enamoured in the past and now we have seen its effects. We have seen the centrifugal and fissiparous tendencies that it has generated and we all know it to our cost. If we want to hold together all the component units there must be a Centre which would be able to bring them into cohesion, and that Centre must have ample powers for the purpose. This does not mean that provincial autonomy should be ruthlessly curtailed.

[Pandit Lakshmi Kanta Maitra]

My next point is regarding reservation of seats for minorities. I have a strong feeling about it. Reservation of seats today has absolutely no meaning (Cheers). Reservation of seats for Muslims can have absolutely no justification. After having divided the country on the basis of two-nation theory with all its implications, after having provided in the Constitution Fundamental Rights some of which are justiciable, after having provided in the Constitution Directive Principles of Governance, after having provided in the Constitution for adult suffrage, after having done all this, does anyone feel called upon to provide for any reservation? In principle I am opposed to it. Let my Muslim friends not misunderstand me. They have got this country divided and we know to our cost what that division has meant. Punjab has understood it and Bengal has realised it. Therefore, those of you who are super-secular minded, by all means, give all manner of special representations to whom so ever you please but so far as the province of West Bengal and East Punjab are concerned, I beseech you to take your hands off. In the last session of the Constituent Assembly, I got a motion passed that so far as reservation for minorities etc., is concerned, exception must be made in the case of West Bengal and East Punjab; the House accepted it.

Prof N. G. Ranga (Madras : General): We do not want reservation.

Pandit Lakshmi Kanta Maitra : Mr. Vice-President of this august Assembly represents the Indian Christian Community in India. He is a man of great eminence and standing and he has been president, for three successive terms, of the Indian Christian Association. This Christian community under this able guidance and leadership has never claimed any special representation. And if there is any community in India which can legitimately claim special representation, it is the Indian Christian community. He has set an example and I hope the leaders of the rest of the communities would emulate his example. We are trying to weld all Indians into a common nationhood. Whatever is left in India after division, is one nation and it will be the endeavour of Constitutionalists, public-men and the Government to work up to this ideal that we are all one nation.

Next, I want to insist that we should have in every province a bi-cameral legislature. You are giving adult-suffrage and you do not know how big your legislatures would be and you do not know what kind of people you will have. We want a revising chamber as a check or brake on hasty legislation. That has been a very salutary practice which obtains in England and so far as I am concerned, I have not the slightest doubt that you must have bi-cameral legislatures in every province for another two decades at least. In any case I, do declare here that we in Bengal want a bi-cameral legislature, an upper House.

Next, the successful operation of this constitution hinges on a very important matter and that is the financial adjustments between the provinces and the Centre. Unless you provide here and now in the body of the Constitution itself the basis on which allocation between the Centre and the provinces would be made, I am afraid the new constitutional machinery would begin functioning at great disadvantage. The provinces or the component units will not know how to proceed with their development plans or Nation-building projects unless they are told in the Constitution itself their respective shares in the revenues of the Centre. I would therefore suggest that a Committee of impartial financial experts should be appointed to advise the Central Government, after exploring the entire field of taxation, the allocation to be made to the different provinces out of the revenues that are derived from the provinces on behalf of the Centre and other sources of taxation.

Lastly, I think I should make a passing reference to the controversy which has unfortunately been raised in this House over the question of State language. The protagonists of Hindi, in their enthusiasm, have gone too far. As a reaction two or three of my friends have already spoken against it somewhat bitterly. I

wish that this matter had not been raised at this stage. I can assure my friends from Northern India that if we cannot speak Hindi today, it is simply because we happen to be born in the Eastern or Southern parts. It is a mere accident of birth and individual merit or demerit has absolutely nothing to do with it. We will try to see how far we can go with you. We want some national language for India (Cheers) but it is no use repeating *ad nauseum* the new dictum that independence will be meaningless if we all do not start talking in Hindi or conducting official business in Hindi from tomorrow. It is both ridiculous and absurd. However, at some later stage we must solve this problem. I can assure my Honourable friends from the north that we have got every sympathy for Hindi, but let them not in their over zealotry mar their own case. This is a sort of fanaticism,— this is linguistic fanaticism, which if allowed to grow and develop, will ultimately defeat the very object they have in view. I, therefore, appeal to them for a little patience and forbearance towards those who for the time being cannot speak the language of the north. After all they also humbly claim that their own languages contain literary wealth and treasure which they cannot all throw away at the mere bidding of the North.

Shri Ramnarayan Singh (Bihar : General): Sir, I congratulate my Honourable friend Dr. Ambedkar on the opportunity he got of introducing this Constitution Bill and I support his motion. As political workers we always talked of Swaraj which means that power will go from the British direct to the people in the villages. But I do not think this proposed constitution will give that power to them. As before, once in five or seven years they will give their votes and their power will end there; later on, they will be governed as in British days. What we all want is that the political organisations in the country should serve the people; we do not want to be governed as before. We do not want Governors and even Ministers. The political and other organisations should think how best to serve the people of the country. As regards the powers of the President and Ministers, my Honourable friend Dr. Ambedkar has very well appreciated this parliamentary system. He was not ashamed to admit that many things have been borrowed from other constitutions. It is of course a fact that beggars and borrowers do not feel ashamed of what they do, but those who do not want it feel the pangs of it. This constitution will only indicate to the outside world that we have no originality and only borrow from the constitutions of other countries. I say emphatically that the constitution is not what is wanted by the country.

Dr. Ambedkar said in an appreciative mood that it is a parliamentary system of Government. If that is so, I am sure it will develop surely into the party system of Government which has been a failure in the west. I appeal to the House to consider this very seriously. There are people who say that the party system is based on democracy; on the other hand many jurists and politicians feel — and I also feel — that there is no democracy in it; on the other hand it strikes at the very root of democracy. Democracy means rule by the majority, which must consist of free and independent votes. But what we find is that our votes are influenced by a few people. And once the votes are influenced there is no democracy. I therefore say that this parliamentary system of government must go out of this; it has failed in the west and it will create hell in this country. I have a bitter experience of its working in the provinces. In the Presidential system of government it is easy to find one honest President, but it is not so easy to find an army of honest ministers and deputy ministers and parliamentary secretaries, and so on. So long as this thing is there, there can be no justice. Of course we can provide for the removal of the President if he goes wrong, but I think both in the Centre and in the provinces we must have all-powerful Presidents who will be responsible for the work done and who will choose their ministers or secretaries. With regard to these people I am inclined to say that it is better

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to be ruled by devils than by an army of ministers and secretaries, etc. I want power to go direct to the villages. It is not enough that they should vote; they must be made to take an interest in day to day administration of the country. Besides, everybody knows that in a good State the three functions of judicial, legislative and executive are independent. But in these days under the parliamentary system of Government people form parties and manipulate votes and get a majority in the Legislatures and form the government. This is dangerous. We find to our cost that these people wish to please their relatives and party men. Therefore I suggest that the parliamentary system should go and the three branches—executive, judicial and legislative—should have nothing to do with one another.

As regards language and protection of cows I agree with what my friend Seth Govind Das said. The economy of the country demands that the question of cow protection should form one of the items of the Fundamental Rights which should also include the right to bear arms.

As regards reservation of seats I feel it should not be allowed. All my friends know that I have never been communal-minded. But, as Pandit Maitra said, when the country was divided on a communal basis, there should not be any reservation for the Muslims. At the same time I am not one of those who say that all Muslims should be sent to Pakistan or should be harassed in the Indian Union in any way or that their rights should be less than mine. They should have the same rights and privileges here as others but there should be no talk of reservation for them. To provide for reservations for any community would do great harm to the country. In conclusion I appeal to the House and to the country outside to frame the constitution in such a way that power may go to the purse and the best of our countrymen and that those who wield power may serve the people and make them happy and prosperous.

Dr. P. S. Deshmukh (C. P. & Berar : General): Sir, I am thankful to you for giving me this opportunity to express my views on the proposed constitution. The time is limited and therefore my observations can only be of a very general nature. When consideration of the various clauses takes place I shall unfortunately not be present here. I am therefore all the more grateful to have these few minutes.

The speech delivered by my Honourable friend Dr. Ambedkar was an excellent performance and it was an impressive commentary on the Draft that has been presented. As is well known, he is an advocate of repute and I think he ably argued what was before him. He would perhaps have shaped the constitution differently if he had the scope to do so. In any case I think he admitted his difficulties fully when he said that after all you cannot alter the administration in a day. And if the present constitution can be described in a nutshell it is one intended to fit in with the present administration. That is why there is nothing original and nothing striking, nothing to create any enthusiasm about it. It is to fit in with the administration left by the British in this country. The Governors of provinces are to be there; the administration in the provinces is not to be disturbed. What has been disturbed is only a few names here and there. We are told that there will be a President of the Indian Republic. As the learned Doctor himself admitted, he has been metamorphosed into a pitiable figure head like the present King of England. So the name of President is merely a misnomer. It is to be adopted because we have perhaps no other alternative and because we are not prepared to call the head of our executive by the name of king. Apart from that and apart from the enumeration of Fundamental Rights, we do not find any striking difference between this constitution and the Government of India Act of 1935. Elaborated in the way in which it was done by my learned friend it looks perhaps more attractive but on an ultimate analysis it will be found to be the same as the Act of 1935 with a few changes here and there.

With regard to the Fundamental Rights my Honourable friend had to admit that they have not tended to remain as fundamental as they should have been excepted to. What is being done by the Supreme court of America is tried to be done by provisos in the Draft Constitution. The various Fundamental Rights embodied in the American constitution were interpreted by the Supreme Court of America from time to time, and in their interpretation there were certain clogs placed on the fundamental nature of the Fundamental Rights, provided for in the American Constitution. That is what we do here by way of provisions. I for one do not like the Fundamental Rights at all because those which are necessary are already there in the Act of 1935, without the pompons name of Fundamental Rights. For instance, freedom of speech and freedom to associate freely although these rights had to be trampled under feet on various occasions during the Congress movement. The Fundamental Rights which are provided in the present constitution should not either have been circumscribed as they are or their enumeration should have been avoided to a large extent. Because some at least of them are bound to prove a clog, an obstacle to our future progress. For instance freedom to acquire or sell property and to dwell anywhere one likes. I think it takes away from the sovereignty of the Parliament. If this is going to be the state of our Fundamental Rights provided for in the Draft Constitution based on the parliamentary system of government, these rights should have much rather been permitted to be determined from day to day by the Parliament itself. Why should we take away or encroach on the sovereignty of Parliament by defining the rights which we are not prepared to concede on any broad basis? We have hedged in the Fundamental Rights with so many restrictions that they are neither Fundamental nor have much of rights in them. In some respects at least they constitute an enumeration without much significance.

The Honourable Dr. Ambedkar was at pains to justify the inclusion of the directive principles of administration in the body of the constitution. He was constrained to admit that if he had the choice he would have relegated them to the Schedules in the Constitution. That I think is a very clear and explicit admission on his part. Really speaking there is no place for them in the Constitution. It is a sort of an election manifesto. Moreover, the directive principles themselves are not of a very fundamental nature. I could have understood it if it was provided that it shall be the duty of the State to establish the right of the state to the ownership of all mineral resources, that all industries shall be the property of the nation, that the Government derives all its authority from the people, that no person shall be permitted to be exploited by another etc. If there was something fundamental like that there would have been more use. It is no use to put them in the Instrument of Instructions also as suggested by Dr. Ambedkar. They should not have in any case found a place in the Constitution itself.

Then my friend tried to tell us that the Constitution was more unitary than federal. My opinion frankly is that the present Constitution is neither unitary nor federal. That being so, this is nothing better than the 1935 Act. It is not unitary because provincial autonomy of a sort will continue; it is not federal because there is no freedom allowed to any of the units to any substantial degree. So I think this is a hotch-potch of the provisions taken from several different constitutions and my friend has been hard put to it to make a consistent whole out of it. Of course, as an advocate he has justified every provision in it. This Constitution will in all probability go through the House without much change. I think we are destined to have this Constitution and no other. But, in spite of that, I should like to say that we should have a Constitution about which every individual in the country would feel enthusiastic.

Sir, after all this is a country of agriculturists. The peasants and the labourers should have a larger share and the most dominating in the Government. They should have been made to feel that they are the real master of

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this the biggest nation on earth. I do not share the view that the past or our ancient civilization is not worth utilising for the future building up of the Indian nation. That is a view from which I differ. I have offered these few comments, within the time at my disposal. I do not think that this House would be in a position to alter the Constitution largely.

Here I may refer to the feeling of some people that we have got into the Constituent Assembly and want to drag on remaining in office by some means or the other. Though that feeling is there, we have to make the best of the situation; we must try to remove it and improve it as much as possible. That is all that is possible in the present circumstances.

I hope the Honourable Doctor, although he has not been able to frame a Constitution more akin to the genius of the Indian people, will be accommodating in the matter of the amendments intended to make the ordinary citizen feel more enthusiasm and the peasant and the labourer feel that his Raj and his kingdom is going to dawn. That was the Ashirwad that Mahatma Gandhi gave him.

Shri S. Nagappa: Mr. Vice-President, Sir, I join the previous speakers in congratulating the Honourable Chairman of the Drafting Committee and all members of it. They have taken care to see that all aspects of all problems and all the reports of the various committees have been consolidated and looked into.

Now, as regards the labour problem, which my friend Shri T. T. Krishnamachari was kind enough to bring to our notice, it is a fact that we have been finding that in various provinces different measures to deal with labour are going forward. It would have been better if Labour therefore had been in the Central list. That would help to solve all the problems agitating labour.

Sir, I am one of those who plead for a strong Centre, especially as we all know that we have won our freedom very recently. We require sufficient time to consolidate it and to retain it for all time to come. For another reason also the Centre has to be strong. We have been already divided in so many respects, communally and on religious grounds. Now let us not be divided on the basis of provinces. So, in order to unite all the provinces and to bring about more unity, it is in the country's interests as a whole to have a strong Centre.

Another reason why we should have a strong Centre I will mention presently. Some people say that we should have a strong Centre with a war mentality. I do not think we should have that mentality at all. We have been trained to be non-violent and truthful. These are our principles. When that is the case, there is no likelihood of the Centre having war mentality.

The Honourable Dr. Ambedkar, in introducing his report and the Draft Constitution, mentioned that that the Constitution was federal in structure but unitary in character. I believe, Sir, especially at this stage we require such a Constitution. We were told that he has borrowed from the Government of India Act. When we find something good in it, we copy it. If we find something useful and suitable to us, to our custom and to our culture, in other constitutions, there is no harm in adopting it.

The minorities have been very well provided for in the Constitution. I am glad about it and the representatives who have been returned to this House to safeguard the interests of the minorities are also glad about it. For this we have to congratulate the majority community. We have to congratulate the majority community for conceding certain special privileges to the minorities.

Questions were raised here whether it is necessary for the minorities to have reservation. I think it may not be necessary for all time to come and for all the minorities. There are certain minorities which require some safeguards. I do not want these safeguards to be continued for all time to come. It depends more on the majorities how the minorities are made to merge with

majorities. It is not for the minorities to claim any reservation and to be always secluded or separated. The minorities are more eager than the majorities to get themselves merged at the earliest possible moment, but the task lies not on the minorities but on the majorities. The majority must conduct itself in such a way that the minorities feel that they are not different from the majority. It is only then, Sir that we will be in a position to do away with the minority problem. Anyhow, I am thankful to the majority for having gone such a long way. As my Honourable friend, Mr. Frank Anthony, was saying this morning, the minorities have gone more than half the distance to meet the majority. Sir, there is some point in having reservation at least for some time to come. I only want to emphasise that it is the duty of the majority to see that the minorities do not feel that they are minorities.

I am glad, Sir, that social problems have also been touched. In the Constitution it has been made an offence to practice untouchability in any form. I am glad that the Drafting Committee has taken care to see that this is incorporated in the Constitution.

Sir, with regard to the services also, the Committee has made provision for the adequate representation of minorities. But there is one omission which I want to bring to the notice of the House. Nothing has been said that, when the leader of a party forms a government, his government should be so formed as to reflect all shades of opinion and all classes of people. If such a provision is included, it will go a long way in solving the minority problem. I am thankful to the Drafting Committee for having conceded most of the points of these minorities. If the Drafting Committee had taken care to include such a provision as I have mentioned regarding the formation of Cabinets, both Provincial and Central, they could have solved the minority problem completely. The House can easily imagine as to what will happen if this matter is left to the sweet-will and pleasure of the Premier whether to select a member of the minority communities or not. The Premier may say that in his Party there is no member belonging to the minority communities and that therefore he need not include any member in his Cabinet from outside his Party. In order to see that the minorities get a share in the administration of the country, it would have been better if the Drafting Committee had made a provision stipulating due-representation of the minorities in the Cabinets, both Provincial and Central.

As regards the language problem, it has been touched on by my Honourable friend coming from Southern India. I feel that my Honourable friends from Northern India are taking undue advantage of the fact that they have learnt Hindi from birth. That should not be the reason why these friends want to force Hindi on the people of Southern India. This does not mean that we are not for this language. We are not fond of English or any other foreign language. We are fond of our own language Hindi but that must take its own time. Even a child, when sent to school, takes its own time to study. Why are you in such a hurry? I do not think you have got to catch a bus or anything. I would like to assure my friends from Northern India that we are for one language for the country, whether it is Hindi or any other language decided by this House. But you should not try to force it on us all of a sudden and see that we are kept in the dark thereby. This must take time till all the people in this country become accustomed to it.

Sir, I once again thank the Honourable Dr. Ambedkar for having taken the trouble of drafting this Constitution. No doubt, it is an elaborate task but he has done it so successfully and in such a short time.

Mr. Vice-President : The House stands adjourned till Ten of the Clock tomorrow morning.

The Assembly then adjourned till Ten of the Clock on Saturday, the 6th November 1948.