

Sunday, 18th September, 1949

Volume IX

30-7-1949  
to  
18-9-1949



# CONSTITUENT ASSEMBLY DEBATES

## OFFICIAL REPORT

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THE CONSTITUENT ASSEMBLY OF INDIA

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*Marshal:*

SUBEDAR MAJOR HARBANS LAL JAIDKA.

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CONSTITUENT ASSEMBLY OF INDIA

*Sunday, the 18th September 1949*

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

MOTION *RE* OCTOBER MEETING OF ASSEMBLY

**Shri K. M. Munshi** (Bombay: General): Mr. President, Sir, may I move.....

**Shri Mahavir Tyagi** (United Provinces : General): Sir, lest it happens that there is no quorum during the course of the day, I would suggest that the date of the next meeting be first decided.

**Shri K. M. Munshi** : Mr. Tyagi may have patience. I am moving :

“That the President may be authorised to fix such a date in October as he considers suitable for the next meeting of the Constituent Assembly.”

**Shri M. Thirumala Rao** (Madras: General): Why should we have it in October ?

**Shri K. M. Munshi** : The meeting has to be held in October. I request the House to adopt the Resolution I have moved.

**Shri H. V. Kamath** (C.P. & Berar: General): May we know the probable date of the meeting in October?

**Mr. President** : If the House is so pleased it may give me authority to call the next meeting at any date which I may consider necessary. I may provisionally announce that as at present advised I propose to all the next meeting to begin on 6th October. Due notice will be given to Members about it.

**An Honourable Member** : How long will that session last ?

**Mr. President** : It will up to 18th or 19th October. We shall finish that session before Deepavali on 21st October.

Do I take it that the Resolution moved by Mr. Munshi is acceptable to the House ?

**Honourable Members** : Yes.

The motion was adopted.

DRAFT CONSTITUTION—*Contd.*

**Article 1**—*Contd.*

**Mr. President** : The House will now take up article 1. I think Mr. Kamath has moved amendment 220 and finished his speech.

**Shri H. V. Kamath** : I have not finished my speech, Sir.

**Mr. President** : Then, go ahead.

**Shri H. V. Kamath** : I move:

“That in amendment No. 130 of List IV (Eighth Week), for the proposed clause (1) of article 1, the following be substituted :—

‘(1) Bharat or, in the English language, India, shall be a Union of States.’ ”

or, alternatively,

[Shri H. V. Kamath]

“That in amendment No. 130 of List IV (Eighth Week), for the proposed clause (1) of article 1, the following be substituted :

‘(1) Hind, or, in the English language, India, shall be a Union of States.’ ”

Sir, I move :

“That in amendment No. 130 of List IV (Eighth Week), for the proposed clause (2) of article 1, the following be substituted :

‘(2) The States shall mean the territories for the time being specified in Parts II and III of the First Schedule.’ ”

Taking my first amendment first, amendment No. 220, it is customary among most peoples of the world to have what is called a *Namakaran* or a naming ceremony for the new-born. India as a Republic is going to be born very shortly and naturally there has been a movement in the country among many sections—almost all sections—of the people that this birth of the new Republic should be accompanied by a *Namakaran* ceremony as well. There are various suggestions put forward as to the proper name which should be given to this new baby of the Indian Republic. The prominent suggestions have been Bharat, Hindustan, Hind and Bharatbhumi or Bharatvarsh and names of that kind. At this stage it would be desirable and perhaps profitable also to go into the question as to what name is best suited to this occasion of the birth of the new baby—the Indian Republic. Some say, why name the baby at all? India will suffice. Well and good. If there was no need for a *Namakaran* ceremony we could have continued India, but if we grant this point that there must be a new name to this baby, then of course the question arises as to what name should be given.

Now, those who argue for Bharat or Bharatvarsh or Bharatbhumi, take their stand on the fact that this is the most ancient name of this land. Historians and philologists have delved deep into this matter of the name of this country, especially the origin of this name Bharat. All of them are not agreed as to the genesis of this name Bharat. Some ascribe it to the son of Dushyant and Shakuntala who was also known as “Sarvadamana” or all-conqueror and who established his suzerainty and kingdom in this ancient land. After him this land came to be known as Bharat. Another school of research scholars hold that Bharat dates back to Vedic.....

**The Honourable Dr. B. R. Ambedkar** (Bombay: General): Is it necessary to trace all this? I do not understand the purpose of it. It may be well interesting in some other place. My Friend accepts the word “Bharat”. The only thing is that he has got an alternative. I am very sorry but there ought to be some sense of proportion, in view of the limited time before the House.

**Shri H. V. Kamath** : I hope it is not for Dr. Ambedkar to regulate the business of the House.

**Mr. President** : What amendment are you moving?

**Shri H. V. Kamath** : I am moving two alternative amendments.

**Mr. President** : Alternative amendments but not contradictory amendments.

**Shri H. V. Kamath** : The idea is that if one is not accepted, the other may be accepted. In this I have followed the usual practice. I have got your ruling on previous occasions.

**Mr. President** : Here, one excludes the other. You can choose one name.

**Shri H. V. Kamath** : The first relates to the language of the amendment moved by Dr. Ambedkar, because he says “India, that is, Bharat”. I have recast it in another form. It relates to the language, the phraseology, the constitution of the, sentence.

**Mr. President :** So I take it that it is not a matter on which there need be long speeches. I do not think anything is gained by long speeches.

**Shri H. V. Kamath :** I want only five minutes.

**Mr. President :** You have already taken five minutes.

*(Shri Shankarrao Deo rose.)*

**Shri H. V. Kamath :** I need not obey you, Mr. Shankarrao Deo. I know the rules.

**Mr. President :** You can move one. I permitted you to move both of them, but I find that the two amendments are contradictory.

**Shri H. V. Kamath :** Are they contradictory, Sir? If you say they are contradictory, I have nothing to say.

**Mr. President :** Yes, if one is accepted, the other is ruled out.

**Shri H. V. Kamath :** My object is that if one is not accepted, the other may be accepted.

**The Honourable Dr. B. R. Ambedkar :** Why all this eloquence over it ?

**Shri Shankarrao Deo :** (Bombay : General) : There should be no arguing with the Chair.

**Shri H. V. Kamath :** I know the rules, Mr. Shankarrao Deo.

**Mr. President :** You can move one.

**Shri H. V. Kamath :** I shall move "Bharat".

**Mr. President :** Then it is only a question of language. It is only a verbal change.

**Shri H. V. Kamath :** I bow to your ruling, Sir, but I do think.....

**The Honourable Shri N. Gopaldaswami Ayyangar :** (Madras : General) There can be no 'but'.

**Shri H. V. Kamath :** If Mr. Ayyangar is so impatient.....

**Shri K. M. Munshi :** Order, order.

**Shri H. V. Kamath :** It is not for Mr. Munshi to call me to order.

**Mr. President :** I have told you that if you select the name "Bharat", it is only a question of language and it does not require any speech.

**Shri H. V. Kamath :** I bow to your ruling. I only wish to refer to the Irish Constitution which was adopted twelve years ago. There the construction of the sentence is different from what has been proposed in clause (1) of this article. I feel that the expression "India, that is, Bharat"—I suppose it means "India, that is to say, Bharat"—I feel that in a Constitution it is somewhat clumsy; it would be much better if this expression, this construction were modified in a constitutionally more acceptable form and may I say, in a more aesthetic form and definitely in a more correct form.

If honourable colleagues in the House would take the trouble of referring to the Irish Constitution passed in 1937, they will see that the Irish Free State was one of the few countries in the modern world which changed its name on achieving freedom; and the fourth article of its Constitution refers to the



[Shri H. V. Kamath]

change in the name of the land. That article of the Constitution of the Irish Free State reads as follows :

“The name of the State is Eire, or, in the English language, Ireland.”

I think that this is a much happier expression than “Bharat, or, in the English language, India, shall, be and such”. I say specifically the English language. Why ? Because Members might ask me, why do you say “the English language” ? Is it not the same in all European languages ? No, it is not. The German word is ‘Indien’ and in many parts of Europe the country is still referred to as in the olden days as “Hindustan” and all natives of this country are referred to as Hindus, whatever their religion may be. It is quite common in many parts of Europe. It must have come from the ancient name Hindu, derived from the river Sindhu.

To sum up, I think that the construction of this clause “India, that is, Bharat” is a clumsy one, and I do not know why the Drafting Committee has tripped. In this fashion, has committed what is to me a constitutional slip. Dr. Ambedkar has admitted so many slips in the past, I hope that he admits this one too, and revises the construction of this clause.

Clause (2) as moved by Dr. Ambedkar reads as follows:

“The States and the territories thereof shall be those for the time being specified in Parts I, II and III of the First Schedule.”

**Mr. President :** In place of clause (2) “that the territories thereof shall mean” is only a verbal amendment.

**Shri. H. V. Kamath :** I am sorry, Sir, you have not been able to follow my amendment. It states “shall mean the territories”. I have moved the deletion of the words “territories thereof” as Dr. Ambedkar’s amendment states “and the territories thereof shall be those.”

**Mr. President :** They shall mean only the territories and nothing else.

**Shri H. V. Kamath :** I am making out my point from the Schedule itself. I am not going to argue in the air. Unless the Schedule is altered,—that is a subsequent point for the House to decide,—I must take my stand on that. The Schedule as it stands reads thus :

#### “PART I

##### *The States and the territories of India.*

The territories known immediately before the commencement of this Constitution is the Governor’s Provinces of—”

Now, Sir, if the clause as moved by Dr. Ambedkar is accepted by the House how does that read? “The States and the territories thereof.” May I invite Dr. Ambedkar’s attention to the clause as it stood in the original draft, “the State shall mean the states for the time being specified”. I do not know why this change in the phraseology and the construction or the wording of this clause has been made, because if you say States as referred to in Schedule One, Part I, these States are defined there, and what are these ? The States which were Governors’ provinces before the commencement of the Constitution; similarly the territories in Part II known as the Chief Commissioners’ Provinces.

**Mr. President :** I think your amendment arises on account of the fact that you do not know what form the First Schedule is going to take.

**Shri H. V. Kamath :** I take my stand on the Schedule as it stands.

**Mr. President :** We have not taken up the First Schedule and therefore, you do not know the change or the form in which the First Schedule is to be put.

**Shri H. V. Kamath :** Who is to know what is likely to be passed ? The best thing is to pass that Schedule first and take the other thing next.

**Mr. President :** May I read out the form in which the First Schedule will be placed before the House ?

“In Part I of the First Schedule, the following be substituted:

In Part I the names of the States are given. Only the names are given in the Schedule.

Then the territory of each of the States shall comprise such and such.’ ”

**Shri H. V. Kamath :** I had not the benefit of this draft before me, and therefore I took my stand on the Schedule as it stands in the Constitution, and there was therefore no alternative but to move my amendment. Now that you have drawn my attention to the Schedule as it will be brought before the House—and I hope will be accepted by the House,—in the light of that, there is no need for me to speak further on this amendment. I move both amendments, Sir, and commend them to the House for consideration and acceptance.

**Shri Brajeshwar Prasad :** (Bihar: General) : Mr. President, Sir, there are six amendments standing in my name. I would like to move only one, amendment No. 192, List V, Eighth week. Sir, I move:

“That in amendment No. 130 of List IV (Eighth Week), for the proposed clause (1) of article 1, the following be substituted :

‘(1) India, that is, Bharat is one integral unit.’ ”

I am opposed to the incorporation of the words ‘Union’ and ‘States’ in our Constitution. There was a bitter and prolonged controversy in the United States of America on the question of the constitutional status of the constituent units.

**The Honourable Shri K. Santhanam :** (Madras: General) : On a point of order, Sir, we have already passed the Constitution defining the constitution of the States. Therefore, we cannot change the Constitution by a definition.

**Shri Brajeshwar Prasad :** It is only here, I submit, Sir, that this point could have been raised. The use of the word ‘States’ for the first time occurs in article 1 of the Constitution. This fundamental question could have been raised only in this clause.

**Mr. President :** As a matter of fact, the whole of the Constitution has been based on the assumption that there will be separate States, and that those States will constitute the Union. Now, you want to go back on that and say that there are no separate States, it is too late now, I think.

**Shri Brajeshwar Prasad :** I object to the use of the word ‘Union’. Both these words are inter-related and integrated.

**Shri S. Nagappa :** (Madras: General) : What is the word objected to?

**Shri Brajeshwar Prasad :** Have patience. Please permit the Chair to regulate the proceedings of the House.

There was a prolonged and bitter controversy in the United States of America on the question of the constitutional status of the constituent units. It ultimately led to a bloody civil war.

**Mr. President :** We have, as a matter of fact, fixed the status of the Units in the articles which we have already passed. Whatever status, the States have, has already been fixed.

**Shri Brajeshwar Prasad :** The use of the word 'Union' further aggravates the malady. I will confine myself to the use of the word 'Union'.

It ended in a bloody civil war. Having due regard to the lessons of American Constitutional history, I submit that the word 'Union' should be deleted from the Draft Constitution of India. We have not accepted the use of the word 'Union' anywhere in the Constitution.

**Mr. President :** I think you mean that the use of the word 'State' should be omitted.

**Shri Brajeshwar Prasad :** No, Sir. The word 'Union' should not be used.

**The Honourable Shri K. Santhanam :** We have got the 'Union List' which we have already passed.

**Dr. P. S. Deshmukh :** (C. P. & Berar: General) : The statement is wrong that we have not used the word 'Union'.

**Mr. President :** We have used the word 'Union' in so many places in the Constitution. I think it is really too late to re-open that question.

**Shri R. K. Sidhwa :** (C. P. & Berar: General) : We have got the Union List.

**Shri Brajeshwar Prasad :** We have never discussed the heading of List I. We began with entry No. 1.

**Mr. President :** The word 'Union' occurs in so many places in the articles. I think it is too late now. You cannot move this amendment.

(Amendments 190, 191, 193, 194, 195 and 196 were not moved.)

**Mr. President :** Amendment 197; that has already been moved. Amendment 219; Maulana Hasrat Mohani.

**Maulana Hasrat Mohani :** (United Provinces: Muslim) : Sir, I want, first of all, to explain that I am not in the habit of adopting any dilatory tactics or putting anybody to any hardship. Yesterday evening, I appealed.....

**Mr. President :** It is not necessary to go into that. That need not be explained. You go on with the amendment.

**Maulana Hasrat Mohani :** Sir, before explaining my two amendments, I first want to refer very briefly to the history of this Constitution making business.

**Seth Govind Das :** (C.P. & Berar: General) : How can the whole question be now taken into consideration, this Constitution making business ?

**Maulana Hasrat Mohani :** My whole argument depends on that background I will not take more than two minutes.

**Mr. President :** Yes, Maulana.

**Maulana Hasrat Mohani :** The first thing is about the Objectives Resolution I have got a verified copy of this thing together with the two speeches delivered by Pandit Nehru at the time of the passing of the Objectives Resolution. It is this :

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

This is the Objectives Resolution, that is an Independent Sovereign Republic. These are the three words and Pandit Nehru has declared more than once and it has made history, that there will be no change introduced in this Objectives Resolution. To my astonishment, when I got this copy of the Draft Constitution, I found, as a sort of an introductory remark Dr. Ambedkar

has given the direct lie to that thing. He will not follow this Objectives Resolution. Here is what he himself admits. In paragraph 2, he says, about the Preamble : “The Objectives Resolution adopted by the Constituent Assembly in January 1947, declares that India is to be a Sovereign Independent Republic. The Drafting Committee has adopted the phrase Sovereign Democratic Republic because independence is usually implied in the word “Sovereign”, so that there is hardly anything to be gained by adding the word “Independent”. The question of the relationship between this Democratic Republic and the British Commonwealth of Nations remains to be decided subsequently”. This last portion of this explanation has let the cat out of the bag. Because, he had in his mind that the time is coming when it is quite possible that our Prime Minister will go and decide in some way or other to remain in the British Commonwealth.

Then, again, he says: “It will be noticed that the Committee has used the term Union instead of Federation. Nothing much turns on the name, but the Committee has preferred to follow the language of the preamble to the British North America Act, 1867, and considered that there are advantages in describing India as a Union although its Constitution may be federal instruction.” Here also, he says, what is there in the name. I say, if there is no importance in the name, why should he change the word Federation into Union. Why did he not stick to the form Federal Republic of India ? Why drop the word Republic ? It is on this ground that I must declare that when Pandit Nehru introduced the Objectives Resolution in January 1947, he was agreeable to that. But later on, somehow or other and for reasons best known to himself I found that he has changed his mind.

**Mr. President :** We are not now discussing the Preamble. We are discussing article 1.

**Maulana Hasrat Mohani :** It is the same thing. Both are identical.

**Mr. President :** They are not.

**Maulana Hasrat Mohani :** Dr. Ambedkar said that this amendment is only about name. I say it is nothing of the kind because here he says ‘India shall be a Union of States only’. Why States only ? Why not Union of Republics ? If there had been only a question of name, I would not have taken any part in the discussion.

**Shri Mahavir Tyagi :** They are sovereign states and so they are republics.

**Maulana Hasrat Mohani :** I will come to it later on and you will see whether it is a Republic or Dominion or an Empire. Because Pandit Jawaharlal changed his mind and because he was committed to certain pledges, therefore he thought it advisable to hand over this task to Dr. Ambedkar so that he may be saved the charge of going back upon his promises and it was therefore entrusted to Dr. Ambedkar. Perhaps it was with his connivance or perhaps at his instance that Dr. Ambedkar in this Draft Constitution has introduced this thing. Article I says “We the People of India having solemnly resolved to constitute India into a Sovereign Democratic Republic and to secure to all the citizens, etc.” The original word in the Objectives Resolution was Sovereign Independent Republic.

**The Honourable Shri Ghanshyam Singh Gupta (C.P. & Berar: General)** What are we discussing now, may I know, Sir ?

**Mr. President :** I have pointed out to the speaker that we are discussing article 1 and not the Preamble.

**Maulana Hasrat Mohani :** I will say a few words and then resume my seat. Now the word 'Independent' is dropped in this because it was in the minds of both Pandit Nehru and Dr. Ambedkar that the relationship between India and the British Commonwealth had not yet been determined, therefore taking into consideration the possibility of India coming to terms with the British Commonwealth he said that in that case Pandit Nehru could not go back on his word 'Republic' and therefore he allowed Dr. Ambedkar to change this and take the odium of changing the wording of this Resolution. I most seriously object to this.

**Mr. President :** There shall not be any speculation about the motives of the Drafting Committee or the Prime Minister.

**Maulana Hasrat Mohani :** Now, Sir, I now explain the reason why I have tabled this amendment. There are two alternatives, the first is about the phrase in clause (2) where, he says that 'India or Bharat will be a Union of States'. I say that I have got a right to propose that instead of 'Union of States' it should be 'Union of Republics of India or Union of Socialist Republic of India'. This was my contention. I proposed this amendment to the Preamble but because Dr. Ambedkar, I think, in his inner heart wanted to deprive me of that opportunity, so he got that thing in the first clause so that he may get it passed here and then when discussion of the Preamble takes place he would come forward and say that this is a settled fact and now we cannot frame a Preamble against the previous decision, although I have an assurance by the Honourable the President that he would not disallow me and declare me out of order when I will propose this very thing when the question of Preamble comes before the House. I have taken into consideration the difficulty. The word Republic is taboo for some people. If they do not have the, courage to use it, and find difficulty in accepting that word, I have an alternative proposal to call them Sovereign States of India. That is to say the provinces will be autonomous. When I was in the Congress up to the last I proposed a Resolution of complete independence at the Ahmedabad Congress. I have always been of the opinion that India cannot remain in the same position as it was during the British rule here. The British divided India into so many provinces but it was only for administrative purposes. There was C.P., U.P. Bihar etc., but they were all for administrative purposes. As far as power was concerned, no province had got any right. The Governors were appointed by His Majesty the King and his rules were framed by the Central Government. I was determined to have this changed.

**The Honourable Shri Ghanshyam Singh Gupta :** The status of the States has been defined.

**Mr. President :** Let him finish.

**Shri Brajeshwar Prasad :** I think the same consideration ought to have been shown to me, Sir.

**Mr. President :** He is not talking of anything which has already been decided.

**Maulana Hasrat Mohani :** My idea of the present Constitution was I thought that the provinces will be made autonomous and the Indian States.....

**Shri Lakshminarayan Sahu (Orissa : General) :** \*[Mr. President, article 1 is at present under consideration. It is my feeling, however, that it would have been much more proper and desirable that article 1, was taken up for consideration after we had finish our consideration of all the other articles.

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\*[.....] Translation of Hindustani Speech.

Naturally the taking up of article 1 for consideration without settling all other questions causes some suspicions and apprehensions in our mind. We must bear this consideration in our mind that any changes necessary in article 1, which is under consideration today, would involve corresponding changes in other articles as well. It would not be easy to make such corresponding changes in the articles that have already been adopted. I repeat that any changes in article 1 would involve corresponding changes in all other articles, and, therefore, the more proper thing would be to decide upon the final form of article 1 in the light of and after all the other articles have been adopted by this House.]

**Mr. President :** \*[It Would have been in time if you had put forward this suggestion yesterday, and it could have been then considered. But this article has been under consideration since yesterday and your suggestion cannot be considered now.]

**Maulana Hasrat Mohani :** Very well. Sir, I was saying that my idea of the Constitution was, and also that of many of my friends, if it was to be a union of States, then it must be a union of Sovereign States, that is to say, of completely autonomous provinces and groups of States, containing even the smaller States which have been merged in Districts and Provinces. I thought we would give to those groups of States also the same status as the Provinces, and then we would give them all complete provincial autonomy, and thus make our position quite different from what it was under the British regime. We all know that the set-up under the British regime was designed only for administrative convenience and not for any political purpose or for giving any political power to anyone. There was no provincial autonomy as such during the British regime. I want that at least after our struggle of the last forty years, we must get our provinces independent, and after that we will have a federation of independent units which will voluntarily give some central subjects or hand over to the Centre some subjects such as foreign relations, defence and communications. That was the original idea, and I can give quotations from the speeches of Pandit Jawaharlal Nehru and even Dr. Ambedkar to show that they were of this opinion also at that time.

But now, somehow or other, these gentlemen have changed their attitude, and instead of making these groups of Indian States assume the same status as the Provinces, they have merged the smaller States and put them out of existence—only a very few remain now—and they have frustrated my hopes of having a federation of these completely autonomous units. Instead of proclaiming these groups of States as being on the same level as the Provinces and allowing them to have their own elected governors, now they have appointed Pramukhs and Raj Pramukhs and many other things which are beyond my comprehension to understand and which is all quite ridiculous. What do Pramukhs and Raj Pramukhs mean? They do not allow any sort of independence, either to the Provinces or to the groups of States. Even at a very early state of our deliberations I raised this point. When Pandit Jawaharlal Nehru moved his motion about Provincial constitution to be provided here, I raised this objection. I asked, “Why do you anticipate the decision of the Constituent Assembly? How do you know what will be the status of the Provinces now? Why are you planning this model provincial constitution, and what right have you got to produce such a model constitution for the provinces before realising what will be the position of the Provinces?” He wanted to silence me, and replied to me by asking, “Why do you bother about it? We have already made up our mind that we will have such and such provincial constitutions.” Sir, we had said that we would have independent provinces and that the Governors would be elected governors. But now what do we find here? Instead of Governors, you have adopted that thing—Pramukhs. And

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\*[.....] Translation of Hindustani Speech

[Maulana Hasrat Mohani]

afterwards, for some unknown reasons, or due to some mystery, now Dr. Ambedkar came forward the other day and proposed a new thing. He said, "No, we will have no elected Governors, but the Governors will be nominated by the President, and even though he is the nominee of the President, the President would not trust him, in an emergency; and they say the state of emergency should be determined by the Centre or by the President."

This shows clearly that they want to go back upon all their pledges and decisions; and as I said the other day, Dr. Ambedkar is doing something new, and changing the very nature of the Constitution. Formerly, our idea was that India will be a Federal Republic a federation of republics, and even if you do not like this idea of republics, at least a federation of autonomous units, But what has he done now? He has brought in the words "Union of States". He has done this practically to obscure the word "Republic". That is the only object. I think the word "Union" does not signify the same thing as "Federation". He may ask, "What is in a name?" If there is nothing in a name, why does he prefer the word "Union" to "Federation"? You may take it from me, he wants this Union to be something like the Union proposed by Prince Bismark in Germany, and after him adopted by Kaiser William and after him by Adolf Hitler. He wants all the States to come under one rule and that is what we call Notification of the Constitution. I think Dr. Ambedkar also is of that view, and he wants to have that kind of union. He wants to bring all the units, the provinces and the groups of States, every thing under the thumb of the Centre.

My Friend, Prof. Shah and others have formed a separate party on this particular point. But here the attempt is to make India a sort of unitary Government, and not only a unitary Government, but a sort of unitary empire. This merger of all the States into the Union clearly means that there is nothing more than that he wants to treat the whole of India as one and he wants to establish here a sort of not only Indian Dominion or something of that kind, but he wants to make it a sort of Indian Empire. Sir, I submit that I have been a constant opposer of the British Empire.

**Seth Govind Das** : He is out of order. He is repeating and repeating!

**Maulana Hasrat Mohani** : I shall be a direct opposer of this proposal of Indian imperialism in the same way.

**Mr. President** : Have you anything to say in respect of your amendment? Maulana Hasrat Mohani : What I say is this : that I know that Dr. Ambedkar has made up his mind and Pandit Jawaharlal has also made up his mind. He has changed his whole attitude and career. I know he has got an overwhelming majority on his side. I was going to suggest last evening that you, Mr. President, could have treated my amendment in the same way as you did the other day. But you said : "All right, we, shall take all these amendments as read." Then you went a step further and said : "There is no need of any speech. Put these things to the vote" and the question is put to the vote. If Dr. Ambedkar ventures to say that it is night now, and not day, it is night. I said you should consider that you will have to answer before the Indian public and before God for hoodwinking the public in this manner You take advantage of your one-party Government and one-party business If you will adopt these tactics then take it from me that you will not be able to rule for very long.

**Shri R. K. Sidhwa** : I do not wish to move any of my amendments.

**Mr. President** : These are all the amendments. Now the amendments and, the original article as moved by Dr. Ambedkar are open to discussion. Does, any Member wish to speak?

**Seth Govind Das :** \*[Mr. President Sir, I will not take more than five minutes of the House and that too I have to because the atmosphere that was necessary in the House for the naming of the country has been disturbed by the speeches so far delivered. Naming has always been and is even today of great significance in our country. We always try to give a name under auspicious stars and also try to give the most beautiful name, I am glad to find that we are giving the most ancient name to our country but, Dr. Ambedkar will excuse me, we are not giving it in as beautiful a way as it was necessary. "India, that is, Bharat" are not beautiful words for, the name of a country. We should have put the words "Bharat known as India also in foreign countries". That would have been much more appropriate than the former expression. We should however, at least have the satisfaction that we are today giving to our country the name of Bharat.]

I was the first man to raise two questions in the Constituent Assembly; the first was with regard to the National language and the second with regard to the name of the country. We have solved the question of the National language and we are naming our country today. Therefore this day appears to be of great significance. There should be something on record in this connection and therefore I shall submit a few words and shall take only a few minutes.

Some people are under the delusion that India is the most ancient name of this country. Our most ancient books are the Vedas and now it is being recognised that they are the most ancient books of the world. No mention of India is to be found in the Vedas. The words "Idyam" and "Idanyah" can be found in the Rig Veda and the words "Ida" in Yajur Veda. These words have no connection with India.]

**Mr. President :** Who said that India is the most ancient name ?

**Seth Govind Das :** \*[Some people tell us so and in support of this a pamphlet has also been published in which an effort has been made to prove that "India", is more ancient than "Bharat". I want that it should be on record that this is incorrect. "Idyam" and "Ide" mean fire. "Idenyah" has been used as an adjective of fire and "Ida" signifies voice.]

**Shri Mahavir Tyagi :** Should it be understood that the word India is the product of the international form ?

**Seth Govind Das :** \*[The word India does not occur in our ancient books. it began to be used when the Greeks came to India. They named our Sindhu river as Indus and India was derived from Indus. There is a mention of this in Encyclopaedia Britannica. On the contrary, if we look up the Vedas, the Upanishads the Brahmanas and our great and ancient book the Mahabharat, we find a mention of the name Bharat.]

“अथ ते कीर्तयिष्यामि वर्षम् भारत भारतम्”

(Bhisma Parva)

We find a mention of "Bharat" in Vishnu Purana also.

“गायन्तिः देवा किल गीत कानि  
धन्यास्तु ते भारत भूमि भागे।”

In Brahma Purana too we find this country mentioned as "Bharat"

“भरणाच्च प्रजानां वैमनुर्भरत उच्यते।  
निरुक्त वचनाचैव वर्षं तद्भारत स्मृतम्॥”

\*[.....] Translation of Hindustani speech.



[Seth Govind Das]

A Chinese traveller named Hiuen-Tsang came to India and he has referred to this country as Bharat in his travel book.

By my reminding the House of these ancient matters it should not be understood, as our Prime Minister and other Honourable Members say, that I am looking backward. I want to look forward and I also want that there should be scientific inventions in this country. But by naming our country as Bharat we are not doing anything which will prevent us from marching forward. We should indeed give such a name to our country as may be befitting our history and our culture. It is a matter of great pleasure that we are today naming our country as Bharat. I said many a time before too that if we do not arrive at correct decisions in regard to these matters the people of this country will not understand the significance of self-government.

We fought the battle of freedom under the leadership of Mahatma Gandhi by raising the slogan of "Bharat Mata Ki Jai". It is a matter for pleasure that we are going to do a correct thing today. But I would like to say that we are not doing it in a beautiful way. Why whatever way we may do it, our country is going to get the name of Bharat. I am confident that when our Constitution will be framed in the national language this name of Bharat will occupy its rightful place. I am very much pleased to note that whatever manner it may be, the name Bharat is being given to our country. I heartily congratulate the Constituent Assembly on it.]

**Shri Kallur Subba Rao** (Madras: General) : Sir, I heartily support the name Bharat, which is ancient. The name Bharat is in the Rig Veda, (*vide* Rig 3, 4, 23.4). It is said there 'इन्द्र भारतस्य पुत्रः' "Oh, Indira all this progeny of Bharata". Also in Vayu Purana the boundaries of Bharat also are given.

“इदं तु मध्यमं चित्रं सुभाशुम मकोदयम्।  
उतरं यत्समुद्रस्य हिम वन् दक्षिणं चयत्।”

(Vayupuran U45-75).

It means that land that is to the south of the Himalayas and north of the (Southern ocean) *Samundras* is called Bharat. So the name Bharat is very ancient. The name India has come from Sindhu (the Indus river), and we can now call 'Pakistan as Hindustan because the Indus river is there. Sind has become Hind : as ('sa') in Sanskrit is pronounced as (Ha) in Prakrit. Greeks pronounced Hind as Ind. Hereafter it is good and proper that we should refer to India as Bharat. I would request Seth Govind Das and other Hindi friends to name the language also as Bharati, I think for the name Hindi the name Bharati should be substituted, as the former denotes the Goddess of Learning.

**Shri B. M. Gupte** (Bombay: General) : Sir, I support the name Bharat but I want to point out certain implications of the adoption of the amendment and the anomalies arising therefrom.

In his introductory speech at the commencement of the Second Reading of the Constitution Dr. Ambedkar observed that the word 'Union' was advisedly used in order to negative the right of secession. My submission is that as far as I see there is no warrant for this proposition either in the dictionary meaning of the word Union or in the political science meaning of it. Therefore if it is necessary that the right of secession should be negated that should be expressly provided for. I do not mean to say that if we do not expressly negative it there will be, the right of secession, because in regard to the provinces there is no question of secession at all. They were never

independent and they have not come in by agreement. As far as the Indian States are concerned, those which signed the first Instrument of Accession, there is a provision in that Instrument which allows them to secede after they have seen the full picture of the Constitution. But once they accede after the commencement of the constitution they may perhaps not have the right. It is however worthwhile considering whether it is not necessary, in view of the provision in the Instrument of Accession, to expressly provide for this subject.

This leads us to the debatable point—whether the Union is a Federation or a Unitary State. I have already described it sometime ago, speaking on another article that this is not a federation proper but it is a decentralised unitary government. No doubt I admit that there is one characteristic of federation in this constitution and it is this that provinces have a fairly large number of subjects in their jurisdiction. But it is not an absolute characteristic as it is also compatible with a de-centralised form of unitary government. Therefore though there is one characteristic which can be said to be of a federal character, there are so many other characteristics of subordination. The other day when I said that the States are subordinate to the Centre our Friend Mr. T. T. Krishnamachari objected to that statement; but I can point out so many articles, so many characteristics which show how the States are subordinate to the Centre.

If the constitution were of a federal character there would be no provision in it for the constitutions of the units. In a proper federal constitution the constitution of the units is not given at all. Here we are providing for the constitution of the States. The Governor is appointed by the Centre. Article 3 makes a distinction between State in Part I and State in Part III. With regard to the State in Part I the Centre is given the power to make any changes irrespective of the opinion of the State. The only obligation laid upon the President is that he shall consult the legislature of the State concerned. But with regard to the State in Part III it is laid down that the President shall obtain the consent of the State concerned. That shows that with regard to the State in Part I the Parliament can do anything, even if there is opposition from the State concerned. That shows the subordination of the States. Then under article 226 even without any reference to the States concerned any item from the State list can be taken by the Centre. And I can point out many other similar provisions. These are marks of subordination and therefore I say that this is not a proper federal Constitution.

But my objection is not to what has been done in this direction. My objection is that we have not given the proper name to the units. I do not mind making the Centre strong. I know even in proper federal constitutions under the stress of modern conditions and due to the bewildering expansion of rapid means of communication there is a tendency of power to gravitate to the Centre.....

**The Honourable Dr. B. R. Ambedkar :** It is proposed to alter the clause in article 3 dealing with the reorganisation of the provinces and States. States in both Parts I and III will be brought on the same level. There is an amendment to the article and that difference is going to be eliminated and it will disappear.

**Shri B. M. Gupte :** That is alright but as I was saying I am not against making the Centre strong. But at the same time we have given a glorified name to the units. We are taking away the powers of the States and bringing them in the Central or Concurrent list; and yet we have adopted the word State for the unit. If we study the federal or semi-federal constitutions we will not find a single instance in which the word State is given to a unit, where that unit has not got residuary powers or some semblance of sovereignty. Here we are giving the name State even to Commissioner's provinces, where

[Shri B. M. Gupte]

there is not even a semblance of responsible government and where there is not even a legislature. As I said, in no federal or semi-federal constitution you will find it. Take the case of Canada. There the residuary powers are not in the units and therefore the units are called "provinces". But in Australia, the residuary powers reside in the units and therefore they are called "States". So also in the United States of America. So also in Soviet Russia. There the residuary powers reside in the units and therefore they are called "Republics". Perhaps the case of South Africa is still more illuminating. There at first units were called "States", but when they devised a form which was more or less of a unitary type, they surrendered their sovereignty and thereafter those States which were called "States" themselves consented to be called "provinces". Therefore, my point is this, that in all these federal or semi-federal constitutions, the word "State" is used in a particular meaning and we have completely departed from that. I do not mean to say that no departure should be made, but what is the advantage of it? Have you got uniformity? No. On the contrary we have got clumsiness, because again and again we have to say State in Part I and State in Part III and so on. I know we have not yet taken the First Schedule, but this much is certain that some difference between the State in Part I, State in Part II and State in Part III will remain for the time being. But the more serious objection is that we are unnecessarily encouraging the States in the belief of independence and status which is not theirs and this is likely to lead to bitterness and friction.

**The Honourable Dr. B. R. Ambedkar :** Sir, this matter was debated at great length last time. When this article came before the House, it was kept back practically at the end of a very long debate because at that time it was not possible to come to a decision as to whether the word "Bharat" should be used after the word "India" or some other word, but the whole of the article including the term "Union"—if I remember correctly—was debated at great length. We are merely now discussing whether the word "Bharat" should come after "India". The rest of the substantive part of the article has been debated at great length.

**Shri B. M. Gupte :** I do not say that we should go back upon what we have done. I am merely pointing out the implications and the result of all this. I say that the word "State" and "Union of States" connotes something which is not really there in the Constitution and the States might consider that they are independent and their estimate of their status might be higher than what it really is. I therefore submit that at least as far as the right of secession is concerned, it is not too late yet expressly to negative it, if it is found necessary.

**Shri Ram Sahai (Madhya Bharat):** \*[Mr. President, Sir, when the question of Hindi was under discussion in the House I had submitted that in Gwalior, which is a part of Madhya Bharat Union, Hindi had been the official language for the last fifty years. I also feel proud to say in this House that our States' Union of Gwalior, Indore and Malwa, had named itself Madhya Bharat as long ago as April 1948. There cannot be an occasion of greater elation for us than that the country, a part whereof we had named Madhya Bharat, is being named Bharat. This name, as Seth Govind Das has also felt, gives us a lot of pleasure. According to the ancient custom, the naming ceremony is performed in the beginning, but according to the modern practice while considering a

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\*[.....] Translation of Hindustani speech.

Bill or law we take up the first article, regarding the name, at the end. According to this practice we are considering the first article after finishing consideration of most of the articles of the Constitution, and we are, by it, naming our country Bharat. In all our religious scriptures and all Hindi literature this country has been called Bharat. Our leaders also refer to this country as Bharat in their speeches.

For some time, however, it was felt that this name may lead to some difficulties and there was some opposition to this name, but it is a matter for pleasure that we are going to accept the name Bharat without any opposition. The people of the States, who were always considered to be untouchables, separate from the people of the rest of India, would now be regarded as a portion of India, as partners, as part and parcel of India, as equal partners in it, who would be governed under the provisions of the same Constitution. They cannot have greater pleasure than what they have by participating on equal terms in the framing of this Constitution. Even today when the name of the country is being decided, they are taking the same part in the ceremony as the other provinces are doing. There had always been some distinction between the States and provinces.

When the Draft Constitution was prepared, an attempt was made therein too to keep the States aloof, and they have so far been kept separate, but after great endeavour the Drafting Committee has been made to realise that the people of the States or the Constitution of the States cannot be kept separate from this Constitution. By the grace of Sardar Patel the States were integrated, their administrative system was bettered, and the rule of the princes ended. Now the Drafting Committee has also suggested various amendments, besides our amendments, to bring the States to the level of the Provinces, even in regard to matters for which it had originally made separate provisions for the States. For this I thank the Drafting Committee very much on behalf of the representatives of the States. The Committee has at last given due recognition to the aspirations of the people of the States and brought them to the same level as the people of the provinces in so far as this Constitution is concerned. Now the people of the States will also enjoy their rights exactly in the same manner and to the same extent as the people of the Provinces would do under this Constitution. They would be governed by the same administrative machinery.

There was a time when it was thought that the States were established with a view to strengthen the British rule. A kind of bad odour surrounded the very name of the people of the States. But it is long since we succeeded in freeing ourselves from this bad name with the result that we have participated in the Constitution-making as a part of India, and we shall enjoy the fruits of this Constitution like the people, and along with the people, of the provinces.

I do not want to take any more time of the House and I support this motion.]

**Shri Kamalapati Tripathi** (United Provinces : General) : \*[Mr. President, Sir, I am grateful to you for having given me an opportunity to express my sentiments on an amendment which I consider to be very sacred. Today an amendment regarding the name of the country is before us. I would have been glad if the Drafting Committee had presented this amendment in a different form. If an expression other than "India, that is, Bharat" had been used, I think, Sir, that would have been more in accord with the prestige and the traditions of this country and indeed that would have done greater honour to this Constituent Assembly also. If the words, "that is" were necessary, it would have been more proper to use the words "Bharat, that is, India" in the resolution that has been presented to us. My Friend, Mr. Kamath, has moved the amendment that the words. "Bharat as it is known in the English language

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\*[.....] Translation of Hindustani speech.

[Shri Kamlapati Tripathi]

India” should be used. If the Drafting Committee had accepted it, if it accepts it, even now, it would be given appreciable consideration to our sentiments and the prestige of our country. We would have been very glad to accept it. Still, Sir, we are pleased at the resolution that has been put before us and we congratulate the Drafting Committee on it.

When a country is in bondage, it loses its soul. During its slavery for one thousand years, our country too lost its everything. We lost our culture, we lost our history, we lost our prestige, we lost our humanity, we lost our self respect, we lost our soul and indeed we lost our form and name. Today after remaining, in bondage for a thousand years, this free country will regain its name and we do hope that after regaining its lost name it will regain its inner consciousness and external form and will begin to act under the inspiration of its soul which had been so far in a sort of sleep. It will indeed regain its prestige in the world. The revolutionary movement that took place in the country by following the footsteps of Bapu, the Father of the Nation, made us recognise our form and our lost soul. Today it is due to him alone and due to his penance that we are regaining our name too.

Sir, I am enamoured of the historic name of “Bharat”. Even the mere uttering of this word, conjures before us by a stroke of magic the picture of cultured life of the centuries that have one by one. In my opinion there is no other country in the world which has such a history, such a culture, and such a name, whose age is counted in milleniums as our country has. There is no country in the world which has been able to preserve its name and its genius even after undergoing the amount of repression, the insults and prolonged slavery which our country had to pass through. Even after thousands of years our country is still known as ‘Bharat’. Since Vedic times, this name has been appearing in our literature. Our Puranas have all through eulogised the name of Bharat. The gods have been remembering the name of this country in the heavens.

“गायन्ति देवाः किल गीतकानि।”

The gods have a keen desire to be born in the sacred land of Bharat and to achieve their supreme goal after passing their lives here.

For us, this name is full of sacred remembrances. The moment we pronounce this name, the pictures of our ancient history and ancient glory and our ancient culture come to our minds. We are reminded that this is the country where in past ages great men and great *Maharishis* gave birth to a great culture. That culture not only spread over all the different areas of this land, but crossing its borders, reached every corner of the Far East too. We are reminded that on the one hand, this culture reached the Mediterranean and on the other it touched the shores of the Pacific. We are reminded that thousands of years ago, the leaders and thinkers of this country moulded a great nation and extended their culture to all the four corners of the world and achieved for themselves a position of prestige. When we pronounce, this word, we are reminded of the Mantras of the Rig Veda uttered by our *Maharishis* in which they have described the vision of truth and soul-experience. When we pronounce this word, we are reminded of those brave words of the Upanishads which urged humanity to awake, to arise, and to achieve its goal. When we pronounce this word, we are reminded of those words of Lord Krishna through which he taught a practical philosophy to the people of this country—the philosophy which can enable humanity even to lay to achieve its goal of peace and bliss. When we pronounce this word, we are reminded of Lord Buddha, who had boldly told men all over the world that.—

“बहुजन हिताय, बहुजन-सुखाय, लोकानुकम्पाय”

(greatest good of the greatest number, greatest happiness of the largest number and the welfare of humanity)

should be the watch-words of their lives and that they should awake and

arise to promote the welfare of mortals and gods and to show to the world the path of knowledge. When we pronounce this word, we are reminded of Shankaracharya, who gave a new vision to the world. When we pronounce this word, we are reminded of the mighty arms of Bhagwan Rama which by twanging the chord of the bow sent echoes through the Himalayas, the seas around this land and the heavens. When we pronounce this word, we are reminded of the wheel of Lord Krishna which destroyed the terrible, Imperialism of Kshatriyas from India and relieved this land of its burden.]

**The Honourable Dr. B. R. Ambedkar** : Is this all necessary, Sir ?

**Shri Kamalpathi Tripathi** : I am just telling you to hear relevant things, Sir.

**The Honourable Dr. B. R. Ambedkar** : There is a lot of work to be done.

**Shri Kamalpathi Tripathi** : \*[When we pronounce this word we are minded of Bapu who gave a new message to humanity.

We are pleased to see that this word has been used and we congratulate Dr. Ambedkar on it. It would have been very proper, if he had accepted the amendment moved by Shri Kamath, which states “Bharat as is known in English language ‘India’ ”. That would have preserved the prestige of this country. By the inclusion of the word ‘Bharat’ and by accepting it, we shall be able to give to this country a form and to give back to it its lost soul and we shall be able to protect it also. Bharat will be a great nation and will be able to serve humanity on a world wide scale.]

**Shri S. Nagappa** : The question may now be put.

**Mr. President** : I have already called one speaker. After him, I will put the closure motion to the vote.

**Dr. P. S. Deshmukh** : There is no hurry today.

**The Honourable Dr. B. R. Ambedkar** : I have no time to hear.

**Dr. P. S. Deshmukh** : If you do not want to hear, you can also go.

**Shri Hargovind Pant** : (United Provinces: General): \*[Mr. President, during the early sittings of the Assembly I had moved an amendment to the effect that for the name of the country, we should have the word “Bharat” or “Bharat Varsha” in place of ‘India’. I am gratified to see that some change in the name has at last been accepted. I, however, fail to understand why the word ‘Bharat Varsha’ is not acceptable to the House when the importance and glory of this word is being admitted by all here. I do not want to repeat what the other Members have said in regard to the acceptance of this glorious word, but I would make only a few observations in respect of this word.

‘The word “Bharat” or “Bharat Varsha” is used by us in our daily religious duties while reciting the Sankalpa. Even at the time of taking our bath we say in Sanskrit :

*“Jamboo Dwipay, Bharata Varshe, Bharat Khande, Aryavartay, etc.”*

It means that I so and so, of Aryavart in Bharat Khand, etc.....

The most celebrated and word-famous poet Kalidasa has used this word in his immortal work depicting the story of his two great characters—King Dushyanta and his queen Shakuntala. The son born of them was named ‘Bharat’ and his Kingdom was known as “Bharat”. There are many fascinating descriptions of the heroism of Bharat in our ancient books. It is said that in his

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\*[ ..... ] Translation of Hindustani speech.

[Shri Hargovind Pant]

childhood he used to play with lion cubs and overpowered them. We are well acquainted with the story of Bharat. I fail to understand, in view of all this, why we are reluctant to accept, from the core of our heart the word 'Bharat Varsha' as the name of our country.

So far as the word 'India' is concerned, the Members seem to have, and really I fail to understand why, some attachment for it. We must know that this name was given to our country by foreigners who having heard of the riches of this land were tempted towards it and had robbed us of our freedom in order to acquire the wealth of our country. If we, even then, cling to the word 'India', it would only show that we are not ashamed of having this insulting word which has been imposed on us by alien rulers. Really, I do not understand why we are accepting this word.

'Bharat' or 'Bharat Varsha' is and has been the name of our country for ages according to our ancient history and tradition and in fact this word inspires enthusiasm and courage in us; I would, therefore, submit that we should have no hesitation at all in accepting this word. It will be a matter of great shame for us if we do not accept this word and have some other word for the name of our country. I represent the people of the Northern part of India where sacred places like Shri Badrinath, Shri Kedarnath, Shri Bageshwar and Manasarovar are situated. I am placing before you the wishes of the people of this part. I may be permitted to state, Sir, that the people of this area want that the name of our country should be 'Bharat Varsha' and nothing else.]

**Mr. President :** The question is:

"That the question be now put."

The motion was adopted.

**Mr. President :** I will now put the various amendments to the vote. The question is:

"That in amendment No. 130 of List IV (Eighth Week), for the proposed clauses (1) and (2) of article 1, the following be substituted :—

'India shall be a Union of Indian Socialistic Republics to be called U.I.S.R. on the lines of U.S.S.R.' "

The amendment was negatived.

**Mr. President :** The question is :

"That in amendment No. 130 of List IV (Eighth Week), for the proposed clauses (1) and (2) of article 1, the following be substituted:

'India or Bharat shall be a Union of Sovereign States of India or Bharat to be called U.S.S.I. or U.S.S.B. on the lines of U.S.S.R.' "

The amendment was negatived.

**Mr. President :** The question is :

"That in amendment No. 130 of List IV (Eighth Week), for the proposed clause (1) of article 1, the following be substituted:

'(1) Bharat, or, in the English language. India, shall be a Union of States.' "

The Assembly divided by show of hands

Ayes : 38

Noes : 51

The amendment was negatived.

**Mr. President :** Amendment No. 223.

**Shri H. V. Kamath :** In view of the statement made by Dr. Ambedkar that the schedule will be amended later on, there is no point in pressing this amendment.

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

**Mr. President :** There is no other amendment except the one moved by Dr. Ambedkar himself, as amended by his own amendment No. 197.

**Shri Brajeshwar Prasad :** What about my amendment?

**Mr. President :** It was ruled out of order.

The question is :

“That for clauses (1) and (2) of article I the following clauses be substituted :

‘(1) India, that is, Bharat shall be a Union of States.

(2) The States and the territories thereof shall be the States and their territories for the time being specified in Parts I, II and III of the First Schedule.’ ”

The amendment was adopted.

**Mr. President :** The question is :

“That article 1, as amended, stand part of the Constitution.”

The motion was adopted.

Article 1, as amended, was added to the Constitution.

**Mr. President :** I think this bring this session to a close and we shall adjourn now. As announced earlier in the morning, I would fix a date for the next session, which most probably will be the 6th of October.

The Assembly then adjourned till such day in October 1949 as the Honourable the President might fix.