

Monday, 20th January, 1947

Volume II



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to  
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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

*Monday, the 20th January, 1947*

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

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### PRESENTATION OF CREDENTIALS AND SIGNING OF THE REGISTER

The following Members presented their Credentials and signed the Register:

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

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

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

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

Both these gentlemen have held the highest offices of responsibility and have had a long and intimate connection with the affairs-of India; and whatever may be their views on current political controversies, they would not, I am sure, like to make statements which are wholly contrary to facts and lead to mischievous inferences. It is for this reason that I have considered it necessary in this occasion formally to state the facts. Out of a total of 926 Members who were to take part in the preliminary session, 210 Members attended. These 210 Members consisted of 155 Hindus out of a total of 160, 30 Scheduled Caste representatives out of a total of 33, all the 5 Sikhs, 5 Indian Christians out of a total of 7, all the 5 representatives of Backward Tribes, all 3 Anglo-Indians, all 3 Parsis and 4 Muslims out of 80. The significant absence is of course that of the representatives of the Muslim League—an absence which we all deeply regret. But it is clear from the figures I have quoted that, with the exception of representatives of the Muslim League, every community in India, whatever the party affiliation of the persons representing that community, was represented in the Assembly; and, therefore, to describe the Assembly as representing "Only one major community in India" or as "a body of Hindus" or as a "meeting of Caste Hindus" is a complete travesty of facts. (Cheers).

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

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

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

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

RESOLUTION *RE*: STEERING COMMITTEE

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

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

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

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

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

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

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

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

41.(1) The Committee shall—

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

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

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

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

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

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

The motion was adopted.

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

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RESOLUTION RE: AIMS AND OBJECTS—*contd.*

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

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

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

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

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

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

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

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

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

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

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

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

Secondly, let us consider the implications of what happened at the United Nations Organisation, when the Indian Delegation, headed by our distinguished colleague, Mrs. Vijayalakshmi Pandit, so ably defended the

rights of Indians in South Africa—look at the attitude that was adopted by Great Britain. Great Britain along with Canada and Australia supported South Africa, New Zealand abstaining from voting. It shows that there is a community of ideals between Great Britain and the other Dominions in which India has no share. There is no sense of belonging in the British Commonwealth. We do not feel that we are all members, enjoying similar rights as parts of the British Commonwealth. Some of you may also have heard of the recent move launched by Mr. Churchill and Lord Templewood for a European Union under the fostering care and leadership of Great Britain. That also shows in what way the wind is blowing.

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

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

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

Republic is a word which has disturbed some of the representatives of the States in this country. We have said from this platform that a Republican India does not mean the abolition of Princely rule. Princes may continue; Princes will be there so long as they make themselves constitutional so long as they make themselves responsible to the people of the States. If the great paramount power which is sovereign in this country by conquest, is now transferring responsibility to the representatives of the people, it



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goes without saying that those who depend on that paramount power should do what the British have done. They must also transfer responsibility to the representatives of the people.

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

*Kecid deso ganadhina kecid rajadhina.*

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

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

*Dharmam Kshatrasya Kshatram.*

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

The next thing that we find in this Resolution is about the Union of India. The Cabinet Statement has ruled out the partition of India. Geography is against it. Military strategy is against it. The aspirations of Hindus, Muslims and Sikhs from the very beginning have been against it. The present tendency is for larger and larger aggregations. Look at what has happened in America, in Canada and Switzerland. Egypt wishes to be connected with Sudan, South Ireland wishes to be connected with North Ireland. Palestine is protesting against any division. Again nationalism, not religion, is the basis of modern life. Allenby's liberating campaigns in Egypt, Lawrence's adventures in Arabia, Kemal Pasha's defiant creation of a secular Turkey, point out that the days of religious States are over. These are the days of nationalism. The Hindus and Muslims have lived together in this country for over a thousand years. They belong to the same land, speak the same language. They have the same racial ancestry. They have a common destiny to work for. They interpenetrate one another. It is not a kind of Ulster, which we can separate; but our Ulster is a ubiquitous one. Even if we have two States, there will be large minorities and these minorities, whether really oppressed or not, will look across their frontiers and ask for protection. This will be a source of continual strife which will go on, as long as we do not have a United India. We realise that while a strong Centre is essential to mould all the peoples into one united whole, on account of the grievances real or imaginary, we have to be satisfied with a Centre which is limited to the three subjects, which the Cabinet Plan has put before us. Therefore, we are proceeding on the principle of Provincial Autonomy, with the residuary powers to the Provinces themselves. Events

that have happened in Bihar and Bengal, tell us that there is an urgent need for a strong Centre. Yet as there are these difficulties, we propose to develop a multi-national State which will give adequate scope for the play of variations among the different cultures themselves.

Grouping has given us a lot of trouble. But grouping is subject to two essential factors—which are the integral parts of the Cabinet Plan,—a Union Centre and residuary powers in the Provinces; and in these Groups also we will have large minorities. Those who are insistent on the rights of minorities will have to concede these rights to others who happen to be included in the Groups. In a statement made by Sir Stafford Cripps on July 18, 1946, he said:

“A fear was expressed that somehow or other the new Provincial Constitutions might be so manoeuvred as to make it impossible for the Provinces afterwards to opt out. I do not myself see how such a thing would be possible, but if anything of that kind were to be attempted, it would be a clear breach of the basic understanding of this Scheme.”

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

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

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

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

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

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

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hand, the British argue that the Constituent Assembly has started functioning on the basis of the Cabinet Plan and they have accepted every clause of the State Paper of May 16, and have provided adequate safeguards for all minorities and therefore they should implement it, then it will be an achievement of history which will secure the co-operation and goodwill of two great peoples.

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

“In the mass of Asia, an Asia ravaged by war, we have here the one country that has been seeking to apply the principles of democracy. I have always felt myself that political India might be the light of Asia.....”

may, the light of the world giving to its distracted mind an integral vision and to its bewildered will an upward direction.

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

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

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

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

Sir, there is a clear necessity for defining the objective. In the past those who have really contributed to this struggle are not the few professors and Privy Councillors, but they are the people who have been toiling in poverty, in ignorance. They have got to know what is it that they have fought for so far, and what is it in the ultimate they will be asked to fight for in case the Constitution we may frame here is not acceptable to the British Government. Now, Sir, in this Resolution, as I see it, there is nothing to which any person or any party, who is anxious to have freedom, can take objection. In the first place, the main objective is defined as an Independent Sovereign Republic. As far as I know, Sir, from the various resolutions that have been passed by the Muslim League in the course of

the last six years or more, they have always stated that they are for democratic freedom. In fact, the Islamic country that leads the Islamic world, namely, Turkey, today, is a Republic. Therefore, there is nothing in this to which the Muslim League can take any objection. Let us therefore see what are the merits in this proposition and if it can be pointed out that there is anything objectionable, then, certainly, it is a matter which can be adjusted when those who want to take objection are here. But as far as I am able to see there is nothing, no phrase, no clause in this Resolution to which anybody can take objection.

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

Now, Sir, it also provides for fundamental rights and these fundamental rights are, what are most cherished by the common man. It provides freedom of association, freedom of speech and all other civil liberties which are to found in the Constitution of every country. Some objection was raised because many things are not clear. Obviously, all things cannot be included in a Resolution of this kind. But if one carefully goes through the relevant portion which deals with fundamental rights, it lays down that there will be economic justice, which can only be secured if the production in the country ultimately comes to be socially owned. Private enterprise may be there, but in a limited manner. If economic justice is to be secured, it can only be, if the means of production come to be owned by the State as such. Therefore, if matters today appear somewhat not very clear, I am sure, that when these principles are incorporated in the sections of the Constitution, these matters will be made perfectly clear.

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

Sir, as I said, this is not an assembly in which are gathered mere drafters of the Constitution; it is a sort of a council of action. We are here because of the struggle that has been carried on by the people, and we have to frame the Constitution. If that Constitution is framed and not granted, people ask what is the sanction. To that my humble answer is that there

[Mr. N.V. Gadgil]

are two kinds of sanctions, one, the moral sanction and the other physical. If our Constitution is just and fair to every legitimate interest in this country, that provides the first kind of sanction; and the second kind of sanction is the determination of the people to see that whatever form of Government they have decided to adopt, is there, and if it is not granted by any power, then that determination will not be merely academic but it will work in concrete forms, though the forms may be stated today. I submit that as the Constitution proceeds from clause to clause and section to section, people will gradually know how things are moving and in fact, I feel, Sir, that there will be created such an atmosphere in the country that the necessary temper for revolution will be augmented and will be ready for use. I submit that as we proceed from clause to clause and section to section, British power in this country will be withering and by the time we reach the last schedule, we will find that the British State, so far as India is concerned, has withered away. What will be left then, will be a formal repeal of the British power, for do we not read the writing on the wall, do we not see that the pictures of those who ruled India with repression ruthless repression, with extraordinary laws and Ordinances gone? Where are the pictures? They are all gone. There you can see the writing on the wall. Mr. President, it has been pointed out that the Britishers are very anxious to leave this country. In fact years ago, Macaulay wrote that it would be a glorious day for Britishers when Indian people would ask them to vacate. We have been asking them so long; but apart from what Lord Macaulay has said, the Empire that had begun in perjuries and forgeries of Clive and Hastings, sustained throughout by broken promises, and which is still sought to be continued by diplomatic clarifications, by fleeting and flexible explanations, must end. These explanations will not make it survive a day more. There must be an honest deed of transfer in favour of the masses who have suffered so long and so much under the foreign rule. The day must come when they must come into their own. If the transfer is peaceful, well and good; but if it does not come peacefully, and if a struggle becomes necessary and history demands that there must be a struggle, I can only say that we do not want to fight but if we have to, then we have got the men, we have got the material and we have got the mind too. But in that case what will happen? Britishers will go—stocks and shares, shops and workshops,—they will leave nothing behind, not even goodwill or good memories. Their trade and flag both will disappear. It is for them to decide whether they want to live upto their great ideal which was stated by Lord Macaulay or they still want to cling and ultimately meet the fate which I have just visualized.

Mr. President, we have come to a stage when it becomes necessary to say in the clearest possible terms what we want to have. We have been told that other questions, such as minorities are there, difficult of solution, I want to make it clear, Sir, that this is a problem which is the creation of foreign power. Nobody has ever succeeded in preventing the coming together of the waters of Jumna and Ganges beyond Allahabad (*hear, hear*); because there the three streams Ganges, Jumna and Saraswati (Wisdom) join and after that nobody can distinguish the waters of Jumna from the waters of Ganges. The time has come when wisdom will dawn on both the communities and the result will be that they will form a higher unity, a higher synthesis, in which everybody will have his opportunity to rise to the highest level of life and personality. Now it has been said that it will not be possible in the near future to get what we desire. It may be a short or a long struggle but whether it is a long struggle or a short struggle although we do not want it or invoke it, if it comes, everyone of us must be prepared for it. Sir, the task that has been cast on these representatives

who are gathered here, is great and historic. I have no doubt that they will rise to the occasion and lead this ancient country to its goal of freedom. They will bring into existence a society where men will be valued not by what they have, but by what they are, where men will be measured in terms of character and not in terms of coin, where pride will be a back number and prejudice will be tongue-tied, where men and women can hold their heads high, where they will be happy, because they will be equal, where religion will not be a battle-field, for all will be the worshippers or one Goddess—the Goddess of Duty, where race will not evoke arrogance on one hand and inflict humiliation on the other, for all will belong to one race, *viz.*, the race of workers, where creeds will not disintegrate the people, for their creed will be of service to all, where freedom and plenty will be available, for none will have the monopoly of power or prosperity. All will be happy because all will be equal. It is a vision no doubt but a vision is necessary if one wants to live a life, a life with aim and purpose and for that one must have a vision; otherwise it will be the life of a crow.

*Kakoni Jivati Chiraya Balimcha Bhunkte.* “Even a crow lives long on crumbs.”

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

**The Hon'ble Mrs. Vijayalakshmi Pandit** (United Provinces: General): Mr. President, it was my privilege in 1937 to move the first resolution after the inauguration of Provincial Autonomy in my Province, demanding a Constituent Assembly to draw up a constitution for an independent India. Today, ten years later, that Constituent Assembly is meeting here. This is a historic milestone in our progress toward freedom and yet, Sir, freedom remains just a little beyond our grasp. Imperialism dies hard and even though it knows its days are numbered, it struggles for survival. We have before us the instance of what is happening in Burma, in Indonesia, in Indo-China, and we see, how in those countries, in spite of the desperate efforts that the peoples are putting up to free themselves, the stranglehold of imperialism is so great that they are unable easily to shake it off. Reactionary elements in every country are getting together, Sir, under the guise of seeking protection, clinging to the Imperialist power and trying thereby to strengthen it. We have seen the sorry spectacle of what happened in San Francisco when the United Nations Organization was being born. The Asiatic nations assembled there, were dominated by the Imperialist powers and could not speak independently but only echoed the voice of their respective Imperialist powers. The result has already been seen in the fact that in spite of the brave words of the Charter, that came into existence at that time, no implementation of that Charter was possible because there was not enough strength behind it. The peoples of Asia were silent and could not insist upon its implementation. Even today, Asia is far behind the peoples of Europe in representation in the United Nations and it was perhaps the first time in history that at the last United Nations Assembly, a country, not free itself, was able to raise its voice for the freedom of oppressed and dependent peoples all over the world. (*Cheers.*) The fact, that the United Nations Assembly has recognized this, is because India even today has shown within herself the power of giving a lead to the world. An Independent India would no doubt assume leadership not only of Asia but of the world, and so when we meet here in this Assembly to draw up the future Constitution of our country, we must not forget that it is not only to ourselves we owe a duty but also to the world which looks to us.

[The Hon'ble Mrs. Vijayalakshmi Pandit]

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

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

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

The end of the War has created many problems, difficult in themselves and made more complex by the fact that individual demands are placed before the interest of the whole; that many nations, being still dependent, are unable to raise their voice in support or protest. But India is in a position to contribute substantially to a solution of the present problems and also in maintaining peace and security in the world. A free India becomes a power for the forces of progress. In this age of the building up of one world, we cannot talk of separate nations. We have to work in order to build up one world, of which India shall be a worthy partner. India has the right to lead because of her heritage, and also because of her present, when, in the face of the complexity of her own problems, she has stood up and estimated values and not let go all those ideals which she had placed before her. Our contribution to the future is one of neutralisation of political and social discontents and to that end, we must work by the establishment of freedom in our own country and helping all those who strive for freedom in the world. Unless Asia comes into her own, the world can not function as a whole. A world which is divided into groups cannot be secure. A famous American has said, "No nation can exist half slave and half free". The same applies to the world, since freedom is not divisible. India must free herself socially, economically and then free others, and in the Resolution

before us we find an attempt to work towards that end. By it, we redeem the pledge we have taken. I appeal to the Members of this House to pass the Resolution in order to show that this ancient land is conscious of the challenge that has been presented to her and can live up to the ideals and heritage of her past.

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

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

Several people in this country have been complaining that such and such parties have not taken part in this Assembly and such and such other sections have not been able to come into the orbit of this Assembly and its work, and therefore, we have no right whatsoever to consider a resolution like this. Is it necessary, Sir, that all the members in a family should be present in council where the point for consideration is that the total property of that family should be increased, should be augmented? Can there be a member of any family who would be opposed to the increase of the moral and material prosperity and the rights of that particular family? This Resolution is nothing but that. We are here assembled to consider in what manner the rights and obligations, the powers and duties of every individual in this country, groups of people and the whole country, can be raised, increased and augmented. At this juncture it does not matter, if



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some of us are not able to be in this House. It may be that for various reasons of their own, certain parties have kept themselves away; but that need not prevent us from trying to go ahead in order to increase the total heritage of our people, in order to augment the total rights and strength of our country.

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

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

But it is quite possible that we cannot incorporate all those things in a resolution of this character. It is the spirit of the Resolution that has got to be taken into account; it is in that light that the Constitution has got to be formulated. And in framing that Constitution we will have to see that there is a charter of fundamental rights. We are agreed upon that, but that will not be enough. Several other countries also have had their charters of fundamental rights. Yet these fundamental rights have been neglected by their own Governments. Therefore we will have to stipulate certain provisions in our own Constitution, by which it will be possible for our masses to invoke the aid of the law as against the State, as against the Government and its incumbents from time to time in order to see that these fundamental rights are actually enforced. For instance, in France

they had noble ideals of equality, fraternity and liberty, and they laid it down that no Member of Parliament could possibly be put in jail while the House was in session. Yet that right was denied. Several Deputies of the French Parliament were put in jail and there was no safeguard against it. In America, before the law all the people are equal, but yet you know how depressed are the Negroes in that country. We have to prevent a repetition of that sort of thing in our country. In order to be able to do that, we must enable our own workers, our own peasants, our own ordinary masses to demand from the State necessary financial assistance to go to the Courts, the Supreme Court of the country and to seek its protection. Poor men, as you know, are not able to go to Court, and when they have to fight against the State, it is impossible for them to think of it at all. Just as you provide for a poor man's lawyer in criminal cases, so also if you were to make a similar provision for enforcement by the ordinary masses of the fundamental rights that we formulate, then there might be some safeguard.

The masses are the real minorities, and yet they are not asking for all these safeguards, and even when they ask for the safeguards they do not make it a condition precedent to constitutional progress. What is more, they care more for the country, for our own national progress and therefore, they not only say, let us go ahead, but they exhort us to go ahead. They stand by us, and I appeal to our own so-called religious minorities to take a lesson from these people. Whom are we supposed to represent? The ordinary masses of our country. And yet most of us do not belong to the masses themselves. We are of them, we wish to stand for them, but the masses themselves are not able to come up to the Constitutional Assembly. It may take some time; in the meanwhile, we are here as their trustees, as their champions, and we are trying our best to speak for them. While we are doing this, our friends, the Muslim Leaguers, wish the rest of the world to believe that we are trying to do them some harm therefore they cannot hope to come over here, they cannot be expected to come over here. I wish to tell them from this forum, it would be the greatest possible tragedy not only for the Muslim masses but also for the masses of the country in general, if the Muslim League were to follow this policy of non cooperation, this policy of do-nothing. What more can the Indian National Congress be expected to do in order to conciliate them than what it has already done? Our friends, the Muslim Leaguers, instead of trying to come to us and negotiate with us, reason with us or argue before us—they have gone over to the Britisher. They have tried to gain one after another a number of concessions. Each one of these concessions has come down as a sort of black curtain in blotting out the vista of freedom and Swaraj that this country is aiming at; and in addition they have done enough to embitter the people of this country. In spite of all this, the Indian National Congress has chosen to accept all these various safeguards and rights and various other things that they have been gaining from the British with the only hope, with the only intention, with the only appeal to our Muslim League friends, to come over here and co-operate with us in the shaping of the Constitution for our country. If they do not come, are we going to stop where we are? Certainly not. They ought to know, and other people also who are backing them ought to know, that the Indian National Congress cannot be stampeded in this fashion. We are making history, we have been making history for the last 25 years. Again and again, in spite of our constitutionalists who have been telling us, "For God's sake do not go against the law, these things will not get us Swaraj, you negotiate with the British, work with the British", we have resorted to saytagraha on many an occasion in order to safeguard the rights and privileges of our people. We have made progress,—who can deny that? Could we have been in this

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

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

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

**Dr. P. K. Sen** (Bihar: General): Mr. President, Sir, I rise to accord my heart-felt support to the Resolution. A great many speakers have spoken before me during this session as well as in the last and a great many

aspects have already been discussed fully. I do not wish to go over those aspects again or repeat any of their observations. But I do feel that this Resolution, in all its different branches, is very very necessary before we undertake to it down and frame a constitution for an Independent India. It is also important that we should proclaim, as the Resolution does, India an independent Sovereign Republic.

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

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

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

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

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

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

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

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

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

[Shri Jagat Narain Lal]

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

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

**Shri Algurai Shastri** (United Provinces: General): \*[Mr. President, I am here to support the Resolution moved by Pandit Jawaharlal Nehru, the beloved leader of our country. No Indian is more fortunate than those who

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\*[ ]\* English translation of Hindustani speech.

have assembled in this House to frame the Constitution for a free and independent India. What more proud privilege can there be for an Indian than to fashion the Constitution for his country in this House? Every Indian is eager to support the sentiments and words contained in the Resolution. The noble ideas and sentiments embodied in the Resolution have been the cherished desires of Indians for centuries. There was a day when our country was great, glorious and independent. For centuries India has been in bondage and the young men and women of this country and its old people have been struggling hard, with a burning desire to break the chains of slavery. At last the moment has come when we have assembled here today to declare our land free and independent as stated in the first para of this Resolution. Nothing can be more desirable today than the declaration of independence of our country. Here, we are not declaring India actually independent, but from a practical point of view, we announce that we are going to declare the land independent. It is our firm determination to declare it free and independent. It has been stated in the Resolution that the country, which we declare here independent, shall include all the territories unfortunately termed today as British India. British India is not India but India as a whole is India. I wish, not only the parts of India having at present British governance, but the territories outside British India termed as Indian states, constituting separate units under paramountcy, should also be included in this great and free country and the Resolution declares so. The territories such as Pondicherry, Goa, Daman, and Diu, at present under foreign domination, also form parts of India. I wish these all together with Nepal, Bhutan and Sikkim, which constitute our frontier, should also be included in this free land. Such is the conception of this Resolution. All the human ideals of ages—equality, fraternity and brotherhood—are embodied in this Resolution. In the eighth ‘Mandal’ of the ‘Rig Veda’ is a hymn which says:

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

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

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

*Annadeh Samvibhagah Prajanam Yathahitah.*

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

Our powerful, advanced and flourishing State shall not exist for its own welfare; rather it shall use all its resources for the welfare of the world. The Resolution places before us a very noble ideal. The most important feature of the Resolution is that it declares that the State we are going to create will have its complete independence of which it has been deprived.



[Shri Algurai Shastri]

To preserve the independence thus regained, we shall protect the State well. The determination embodied in the Resolution is consistent with the ancient high ideals enunciated in the 'Rigveda'—*Indrastwa Bhiraksatu*.

No State, even having gained its independence, can survive and protect itself if it is weak in military power. This truth is accepted in the Resolution and hence I support it. Only the State which has the backing of the people can enjoy a sure existence. When the Resolution promises social and economic equality to all, it visualises a purely democratic State with the people's Government. In the Resolution we picture a State with power of legislation vested in the people and with no discrimination between the ruler and the ruled. According to the famous poet Kalidas, an ideal State, like a father, provides its people with protection, education and maintenance.

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

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

us. The spirits of our ancestors resting in their graves are calling upon us to address them in their own language. This is their wish and this is why I have attempted to address you in Hindi.

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

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

**Mr. President:** The meeting now adjourns till 11 a.m. tomorrow.

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

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\*[ ]\* English translation of Hindustani speech.