

Saturday, 25th January, 1947

Volume II



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CONSTITUENT ASSEMBLY DEBATES

OFFICIAL REPORT

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CONSTITUENT ASSEMBLY OF INDIA

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Constitutional Adviser:

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Assistant Secretary:

Mr. K.V. PADMANABHAN.

Marshal:

Subedar Major HARBANS LAL JAIDKA.

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CONSTITUENT ASSEMBLY OF INDIA

Saturday, the 25th January, 1947

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

ELECTION OF VICE-PRESIDENT

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

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

ELECTION OF BUSINESS COMMITTEE

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

“This Assembly resolves that a Committee consisting of—

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

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

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

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

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

[] English translation of Hindustani speech.

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

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

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

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

Sir, I beg to move—

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

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

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

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

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

The Resolution, as amended, was adopted.

COMMITTEE ON SUBJECTS ASSIGNED TO THE UNION CENTRE

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

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

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

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

This Assembly resolves—

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

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

“This Assembly resolves—

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

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

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

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

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

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

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

Mr. President: Yes.

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

“This Assembly resolves—

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

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

be constituted to examine the above matters and to report to the Assembly not later than the 15th of April, 1947,

- (b) that the President may add ten more persons to the committee, and that the selection of all or any of these ten additional members be made at such time and in such manner as the President may determine,
- (c) that the quorum for the Committee shall be one-third of the total number of members for the time being of the Committee, and
- (d) that casual vacancies in the Committee be filled as soon as possible after they occur by nomination by the President from among the members of the Assembly”.

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

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

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

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

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

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

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

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

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

explicit intentions of the Cabinet Mission's Statement. Considering all these matters, it has been found necessary, we have found it necessary, Sir, to make this motion for the appointment of a committee which shall do the required thinking on these matters and report to this House before we end the preliminary session so that we may frame our programme of future work.

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

Sir, If I may venture to put it that way, it is not only a matter of culture or good-breeding, but it is statesmanship to think of those who are absent, to think of other people than ourselves, when we deal with any matter. That is why in proposing every motion, Hon'ble Members have dealt with the intentions and purposes of those who are not yet present in this Assembly. We find a great many possibilities of misunderstanding and we try to anticipate those difficulties and remove possibilities of misunderstanding as far as we can. In this connection I would mention, therefore, that those who are absent should not misunderstand the purpose of this Committee that I am proposing. The Muslim League policy has been to secure a separate, sovereign State of their own. Now, this Constituent Assembly has taken up its task on the basis of the Cabinet Mission's Statement and if one thing is more clearly decided in His Majesty's Government's Statement than anything else, It is this, that there shall be only one sovereign State in India. It has been decided clearly beyond all possibility of doubt that a division of India into two sovereign States is not to be thought of in this connection. That explains many of the things that we are doing and will remove many of the misunderstandings that are likely to arise. If I may put it that way, the League has gone the wrong way for securing their objective. If they had only restricted their claims to what legitimately should be asked in pursuance of their policy, possibly they might have achieved their object and they would not have been in the present difficulty. Let me put it frankly. The greatest difficulty for the Muslim League now is that they have to join this Assembly and thereby, once for all and beyond doubt, accept the single sovereign State of India. That is why they find it difficult to come in, and that is why these postponements. That is why the League fixes its date always after the meetings that the other major parties have programmed for their consultations. That is why we find to-day, even after the last adjournment, the League has been unable to make up its mind and join us. Let us understand the difficulties of the other side. If the League comes in, they come in on the express understanding that India shall be only one sovereign State, abandoning their separatist policy. This is difficult for them to do at once. Let us realise these difficulties and not misunderstand even the delays. We desire to proceed with the work as fast as possible, understanding very well the difficulties of the Muslim League members in the way of their coming and joining us at this stage. Let them think it over. Let us give them ample time to come. But that does not mean that we stop our work,

that we stop thinking, that we stop doing anything whatsoever, until they make up their minds. That would lead to indefinite postponement. Hence, Sir, I have no hesitation in recommending this Resolution that we should appoint this Committee of twelve members as proposed, so that they may think out all the difficulties and advise us so that we may frame a constitution for India which will create no difficulties for those who have to work it, and which will be a stable, strong constitution for the Centre with stable and strong constitutions for the provinces, to work under the Centre and in the single State that is being contemplated. Therefore Sir, I move that this Resolution be accepted by the House. As I said before, there are two amendments. One is to replace the election by proportional representation, by twelve members definitely named to the House; and the other is to provide for quorum and another is to provide for casual vacancies. I commend the Resolution with these amendments.

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

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

Mr. President: Yes.

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

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

‘the following members:

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

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

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

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

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

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

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

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

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

Mr. P. R. Thakur (Bengal: General): This is an important Resolution and this Committee which is going to be appointed will consider the subjects that will be reserved to the Centre. My Hon’ble friend, Mr. Rajagopalachariar, did not say anything about the maintenance of peace

throughout the country and the prevention of famines. These two things are essential and I say so, because we, Bengalis, are the worst sufferers; we had recently communal rioting in Bengal and there was also famine. We asked for help from the Local Government but the Government was not able to give it, and we could not make any appeal to the Centre. Another thing is that when the Interim Government was formed, His Excellency the Viceroy said that this Government would not interfere with Provincial Governments. If the Centre cannot interfere in cases where there is communal disturbance or there is famine, then we will have to consider what will happen to the people of those Provinces. I hope the Committee will take this into serious consideration so that steps may be taken to maintain peace throughout the country and also to prevent famines. Another thing that I want to bring to the notice of the Congress High Command through this Assembly is this somehow or other there is a feeling that this High Command is not sympathetic towards the people of Bengal: they want to have independence at the cost of Bengal. I hope this Committee will consider this aspect seriously so that Bengal may not be affected in future either by famine or by communal disturbances.

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

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

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

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

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

as good service as the twelve members who are named here. I am not moving an amendment, but I am bound to say that I am surprised that Tribal Areas are completely left out of the picture; so are our eminent men whose names I have already mentioned.

Sardar Harnam Singh (Punjab: Sikh): I do not propose to make a speech on this Resolution. But I do want to say that this is not a committee on which communal representation or tribal representation is very, very necessary. This Committee, as the Resolution states, is simply formed for the purpose of understanding the scope of the Union subjects. It is not a committee even for defining the scope of the Union subjects. Therefore, I put before the House that no member of this House should insist on communal or tribal representation. The best men of this House must come on this Committee to make a report to the House as to the compass and scope of the Union subjects, and when that report will be before the House, we will be in a position to make any suggestions that we may like.

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

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

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

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

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

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

The Resolution, as amended, was adopted.

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

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

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

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

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

Mr. President: Please come to the microphone.

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

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

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

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

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

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

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

Mr. H. V. Kamath (C. P. and Berar: General): While I do not object to the Resolution in principle, I desire that it should be more explicit and clear. When we met in December we hoped that the preliminary meeting would be over in that month.... (Hon'ble Members: 'No, no'). We adjourned to January. Now again we are adjourning to April. It means that the preliminary meeting will be going on for over six months. It must be made clear to Hon'ble Members who happen to be absent today that this Assembly resolves that no further adjournment of the Assembly shall be

[] English translation of Hindustani speech.

[Mr. H.V. Kamath]

made. We were eager to get the co-operation of members at the preliminary meeting. We are desirous of getting the co-operation of those who are absent today and we wish that they co-operate with us in the task of constitution-making. But all the same, just because some are absent we cannot go on adjourning the preliminary meeting. I wish that the idea that the meeting shall not be adjourned beyond April and that there will be no further adjournment of this preliminary meeting may be incorporated in the motion.

Mr. President: Do you move any amendment?

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

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

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

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

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

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

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

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

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

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

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

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

Mr. President: Does anyone else wish to speak?

Hon'ble Members: No.

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

Mr. Satyanarayan Sinha: When the Resolution was drafted, we took an aspects of the question into consideration and decided not to make

[] English translation of Hindustani speech.

any mention about whether or not there will be any occasion to summon any further meeting of this Preliminary Session. I appeal to Mr. Kamath to withdraw his amendment. I do not think any purpose will be served by his insisting on this amendment.

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

Hon'ble Members: Order, Order.

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

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

The motion was adopted.

CONGRATULATIONS TO VICE-PRESIDENT

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

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

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

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

Dr. Joseph Alban D'Souza (Bombay : General): Mr. President, I endorse every word that has fallen from my Hon'ble friend Reverend Jerome D'Souza, in what he has expressed in connection with the appointment of

[] English translation of Hindustani speech.

[Dr. Joseph Alban D'Souza]

Dr. H. C. Mookherjee as Vice-President, the first Vice-President amongst the five Presidents that would be appointed in the near future to this great Assembly. Sir, I may be pardoned if I connect Dr. H. C. Mookherjee particularly with the community to which I belong at present, the Indian Christian Community of this great nation. I think and I feel, Sir, that the appointment of Dr. H. C. Mookherjee is really an honour conferred upon the Indian Christian Community of India.

Sir, may I refer on this occasion to the Advisory Committee representation of the Indian Christians? We have adequate representation in that Committee and I am looking forward to Dr. H. C. Mookherjee to grant to that section of the Advisory Committee every assistance and aid in order to put through the affairs of the Indian Christian Community section to the best of his ability and to the satisfaction of the entire Indian Christian Community of this great nation. As Father Jerome has already informed you, his acquirements have been very great indeed. In the Province of Bengal, he has shown that in matters of statesmanship and in every other direction he is a luminary in that section of India.

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

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

MR. S. LAHIRI'S LETTER TO THE PRESIDENT

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

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

Mr. President: I have permitted Mr. Kamath to place before the House one fact which needs to be brought to the notice of the House. Some days ago, I received a letter from Mr. Somnath Lahiri, in which he complained that his house had been searched and papers relating to the proceedings of this Constituent Assembly and the notes which he had prepared for his speeches here have been seized by the Police and he raised the question of privilege whether that kind of action was justified or whether I could do anything to protect him. That is the matter which he is now mentioning. Therefore I permitted him to mention the matter. The fact is that after receiving the letter, I referred it to the Constitutional Adviser because it involves a question of law and I received his note only this morning, which I have not yet been able to study. So I have not been able to make up my mind as to what steps can be taken or need be taken in this matter. I shall consider this matter when I have studied that and if any steps are called for, I will take those steps and if I find that I have no power, I will leave the matter there.

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

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

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

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