

Friday, 24th January, 1947

Volume II



**20-1-1947
to
25-1-1947**

CONSTITUENT ASSEMBLY DEBATES

OFFICIAL REPORT

REPRINTED BY LOK SABHA SECRETARIAT, NEW DELHI
SIXTH REPRINT 2014

Printed at JAINCO ART INDIA, New Delhi

CONSTITUENT ASSEMBLY OF INDIA

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Assistant Secretary:

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Marshal:

Subedar Major HARBANS LAL JAIDKA.

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CONSTITUENT ASSEMBLY OF INDIA

Friday, the 24th January, 1947

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

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

I hope Members approve of this.

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

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

The motion was adopted.

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

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

ELECTION OF VICE-PRESIDENT

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

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

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

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

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

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

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

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

The motion was adopted.

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

ELECTION OF THE ADVISORY COMMITTEE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

As they know, provision has to be made for the determination of fundamental rights, the rights of minorities and for the administration of Tribal and Backward Areas. The number of representatives has been fixed with due regard to the tasks that lie in front of this Committee. Ours is a vast country and the numbers living here now exceed 400 millions. In the circumstances, howsoever one may try to reduce the strength of a Committee of this character, one cannot go below a certain minimum, and we have tried to do justice to all interests and to all elements and at the same time to limit the figure to a reasonable and workable limit. There is provision for 72 members, but originally it was 68. Hon'ble Members know that there is provision to be made for citizens' rights. For that purpose, we want representatives of the General Body. Fundamental rights are the

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concern of all, and no question of minority or majority can arise in connection with those rights. In fact the Secretary of State in his speech in the House of Lords last month definitely stated that such members, to look after the question of the citizens' rights, would be there. Then you have to elect members for looking after the minority rights. Hon'ble Members are aware we have got a number of minorities. Ours is a rich variety of cultures and luckily we have got a number of groups who supplement and complement each other in order to build the complete whole known as the Indian nation. So we have provided in this Resolution for an initial Committee of 52 members, but according to the amendment which will be moved by Mr. Munshi, the number is to be 50 and not 52. Out of these 50 only 12 will be representatives of the general sections. Others will represent the minorities and the Tribal and Excluded Areas. The minorities will be represented in the following manner:

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

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

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

"The Advisory Committee on the rights of citizens, minorities and Tribal and Excluded Areas will contain due representation of the interests affected and their

function will be to report to the Union Constituent Assembly upon the list of fundamental rights, clauses for protecting minorities, and a scheme for the administration of Tribal and Excluded Areas, and to advise whether these rights should be incorporated in the Provincial, the Group of the Union Constitutions."

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

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

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

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

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wishes of the different minorities and the decisions taken will be fully satisfactory to them.

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

It is not for me to attempt any dissertation on the various aspects of minorities or fundamental rights. I cannot however refrain from referring to a morbid tendency which has ripped this country for the last many years. The individual citizen who is really the backbone of the State, the pivot, the cardinal centre of all social activity, and whose happiness and satisfaction should be the goal of every social mechanism, has been lost here in that indiscriminate body known as the community. We have even forgotten that a citizen exists as such. There is the unwholesome, and to some extent a degrading habit of thinking always in terms of communities and never in terms of citizens. (*Cheers.*) But it is after all citizens that form communities and the individual as such is essentially the core of all mechanisms and means and devices that are adopted for securing progress, and advancement. It is the welfare and happiness of the individual citizen which is the object of every sound administrator and statesman. So let us remember that it is the citizen that must count. It is the citizen that forms the base as well as the summit of the social pyramid and his importance, his dignity and his sanctity, should always be remembered. If you bear this in mind, I think we shall understand and appreciate the importance of the fundamental rights. Because, on the proper appreciation of these rights has depended the progress of humanity. The Atlantic Charter with its Four Freedoms, the Charter of rights of men from the time of Pains and Wells to that of the Declaration made last year represent the noble advance in the history of human race. After all we must remember the goal and objective of all human activity is a World State in which all citizens would possess the cosmopolitan outlook, would be equal in the eye of the law and would have full and ample opportunity for economic, social and political self-fulfilment. We find that in our own country we have to take particular care of the Depressed Classes, the

Scheduled Castes and the Backward classes. We have to atone for our omissions—I won't use the word commissions. We must do all we can to bring them up to the general level and it is a real necessity as much in our interest as in theirs that the gap should be bridged. The strength of the chain if, measured by the weakest link of it and so until every link is fully revitalised, we will not have a healthy body politic. I hope this Advisory Committee will place before itself the ideals for which humanity has worked. It will try to forge such sanctions and such rights as will enable this Assembly not only to frame a constitution but to achieve the independence of India. We are here not only for a formal task but for a real one and that has to be fulfilled. Let us hope that this Advisory Committee will bring concord and amity, goodwill and trust, in place of mutual strife, that occupies the political stage today and that as a result of the deliberations of this Committee we will have prepared the ground for Independent India for which we live, for which many have died and, for which alone life is worth living. (*Loud Cheers.*)

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

Sardar Harnam Singh (Punjab: Sikh) : Mr. President the Advisory Committee which has to be formed under the provisions of the Statement of May 16 is a very important Committee from many points of view. All of us know that it is the minorities problem, in India that has held up the progress of this country for a number of years and a satisfactory solution of this problem, I believe, will lead to the prosperity of the country. We have laid down, in the Objectives Resolution that in the future Constitution of India, an adequate provision for the protection of all minorities has to be provided for. As far as the Congress is concerned, beginning with 1922 when the demand was made for a Constituent Assembly of India, several resolutions have been passed in which it has been laid down by the Congress that provisions for the protection of minorities have to be made to the satisfaction of the minorities concerned. Therefore I am glad that the Congress Party in this House has agreed to the constitution of this body which has commended itself to all members in the Constituent Assembly of India. As to what the ultimate solution of the communal problem proposed by this Advisory Committee may be nobody can say at this stage. But we all know that the whole of the communal problem is before this Minority Committee. The clauses for the protection of minorities which have to be framed by this Advisory Committee, have some relation to existing facts. The clauses for the protection of minorities pertain to the religious, cultural, economic, administrative and political spheres. Communities in India have heretofore laid stress on certain provisions in the Government of India Act, as provisions which may be retained for the proper protection of minorities. Whether the Advisory Committee would make its report on those lines it is not for me to say at this stage. Those provisions all of us know. We know that Anglo-Indians have got section 242 of the Government of India Act. Certain other communities have laid stress on the weightage provided to them. Other communities have insisted on the retention of separate electorates. Some of these provisions may have done mischief in years past, but I do believe that this Advisory Committee will consider the question of the protection of minorities from all these various points of view and, whatever is good in the larger interests of the country and also in the interests of the minorities, that will find a place in the report of this Advisory Committee.

Sir, for a proper understanding of this Advisory Committee and its functions, we have to go into all that lengthy correspondence which passed between Maulana Abul Kalam Azad, Mr. M.A. Jinnah and Lord Pethick Lawrence. In one of the letters that Maulana Abul Kalam Azad wrote to

[Sardar Harnam Singh]

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

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

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

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

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

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

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

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

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

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

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

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

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

The amendment was adopted.

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

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

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

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

Mr. President: Then Mr. Munshi.

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

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

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

“The following members”

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

“It shall consist initially of the following members.”

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

Mr. Jairamdas Daulatram from Sind,
The Hon'ble Mr. Mehr Chand Khanna, N.W.F.P.,
Dr. Gopi Chand Bhargava from the Punjab,
Bakshi Sir Tek Chand also from the Punjab,
Dr. Profulla Chandra Ghosh from Bengal,
Mr. Surendra Mohan Ghose from, Bengal,
Dr. Syama Prasad Mookherjee from Bengal.

Then comes a group representing the Scheduled castes:

Sardar Prithvi Singh Azad,
Shri Dharam Prakash,
Mr. H. J. Khandekar,
The Hon'ble Mr. Jagjivan Ram
Mr. P. R. Thakur,
Dr. B. R. Ambedkar,
Shri V. I. Muniswami Pillai.

The next group of six names are those of Sikhs:

Sardar Jogendra Singh,
The Hon'ble Sardar Baldev Singh,
Sardar Pratap Singh,
Sardar Harnam Singh,
Sardar Ujjal Singh.
Sardar Kartar Singh.

The next four names are those of Indian Christians:

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

The next three names are of Anglo-Indians:

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

The next three names are of Parsis:

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

[Mr. K. M. Munshi]

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

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

Khan Abdul Samad Khan represents Baluchistan.

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

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

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

Shri Phool Bhan Shaha.
Mr. Davendra Nath Samanta,
Mr. Jaipal Singh, representing the excluded areas in Bihar, and three others have to be nominated by the President.

Then come twelve general names:

Acharya J. B. Kripalani.
The Hon'ble Maulana Abul Kalam Azad,
The Hon'ble Sardar Vallabhbhai Patel,
The Hon'ble Shri C. Rajagopalachariar,
Rajkumari Amrit Kaur,
Shrimati Hansa Mehta.
The Hon'ble Pandit Govind Ballabh Pant,
The Hon'ble Srijut Gopinath Bardoloi,
The Hon'ble Shri Parushottamdas Tandon,
Sir Alladi Krishnaswami Ayyar.,
Shri K. T. Shah and
Mr. K. M. Munshi.

I move this amendment, Sir.

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

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

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

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

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

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

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

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

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

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

I submit, Sir, that this is a very-salutary provision which aims to give general satisfaction to all sections of this House. In a House constituted as

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

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

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

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

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

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

Sir, the mover and the seconder have indicated how the disposition, the distribution has been made in this Advisory Committee. This is a matter of life and death for the tribal people in particular. I congratulate the Indian National Congress leaders; I congratulate also those minority communities who have been able to get more seats than are due to them numerically. That cannot be denied. Number for number, the Sikhs, the Christians, the Anglo-Indians and the Parsis have been given more than is their due. I do not grudge them all this; but, the fact remains that they have been given many more seats than is their due, whereas when we come to my people, the real and most ancient people of this country, the position is different. But I do not grumble. For my purpose, it would be quite enough to have Panditji only; but he is not a member. I would entrust the future of every tribal people in this country, in the hands of Pandit Jawaharlal Nehru, and rather be not there myself. Let me assure you, that we are not dependent on numbers—the number of votes that will be given in the Advisory Committee. We have been inarticulate. I led no deputation to Sardar Patel, or to you, Mr. President, about our rights, about our claims and about our dues. I leave it to the good sense of the House and of the Advisory Committee, that, a long, last, they will right the injuries of six thousand years. In another place, once when I said that a particular group of our Indian nation had been heavily weighted, my remarks were resented by that particular group, I tell you that it does not worry us at all if the Sikhs get 60 seats in this Particular Advisory Committee, or anywhere else. I congratulate them. We thank the Indian National Congress for saying that the minority,

[Mr. Jaipal Singh]

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

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

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

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

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

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

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

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

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

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

“That sub-paragraph (b) (ii) of paragraph I of the motion be deleted.”

That sub-paragraph runs as follows:

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

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

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

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

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

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

The Hon’ble Sir N. Gopalaswami Ayyangar (Madras: General): Mr. President, under Rule 48 of the Rules of Procedure, every motion by which a Committee is to be set up shall state the quorum necessary to constitute a meeting of the Committee. This has not been done in the motion that has been moved. It is a mandatory provision and in order to supply the omission I request your permission under Rule 26 that I may be permitted to move this new amendment of which I have no given notice. The amendment is this:

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

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

“The advisory Committee shall submit the final report to the Union Constituent Assembly within three months and may submit interim reports from time to time”

The change my amendment seeks to, effect is this:

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

[Mr. K.M. Munshi]

Sir, Clause 4 as amended will run thus:

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

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

“In paragraph 5 of the motion, for the words beginning with ‘in the manner’ up to the end of the paragraph, the words ‘by nomination by the President’ be substituted.”

Paragraph 5 as originally drafted reads:

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

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

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

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

Sir, we are dealing with a specific State Paper. We are dealing with paragraph 20 of the Cabinet Mission’s Statement. The intention in paragraph 20 was set out in detail in Sir Stafford Cripps’ official explanation. He was not concerned, the Cabinet Mission was not concerned with numerical proportions. This question of numerical proportion has become rather a favourite slogan in this country. Sir Stafford specifically mentioned that this Advisory Committee had been set up in order to give an opportunity not to the minorities but to the smaller minorities of influencing the provisions concerning the minorities. He specifically mentioned that it was their (the Cabinet Mission’s) intention that, representation

should be given particularly to the Indian Christians, to the Anglo-Indians and to the Tribal Areas; and although we have, for the sake of amity and a friendly atmosphere, accepted the representation that was granted to the minorities, it was made clear that perhaps the real intention of the Cabinet Mission had not been implemented in the allotment of seats that was made, at any rate, to my community. I want to disabuse the House of any feeling that my minority has been over-represented. It was the obvious intention of the Cabinet Mission to give the smaller minorities that have been specified—the Indian Christians, the Anglo Indians and the Tribal Areas—an opportunity of influencing minority decisions through this Advisory Committee. No other smaller minorities have been mentioned. The point whether the intention was implemented in introducing other minorities, I am not going to labour at this stage. But the Cabinet Mission obviously had something at the back of their minds when they made this provision. They had the cases of the different minorities before them. They realised that certain minorities, although numerically small, had vital interests to be protected in the general political structure and their sole purpose in setting up this Advisory Committee was to give the minorities particularly these three minorities, that they have specified, an opportunity of influencing minority decisions.

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

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

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

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

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

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

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

So I make these two suggestions for your consideration.

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

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

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

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

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

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

Srimati Dakshayani Velayudan (Madras: General): Mr. President, I wish to bring to the notice of this House that there is provision for 7 members to represent the Hindus in the Muslim provinces. Sir, I find that no

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

Sri Lakshminarayan Sahu (Orissa: General): Mr. President, Sir, I stand here to inform the House that Orissa has been neglected in this suggestion of Mr. K. M. Munshi. We always feel that because we are a docile people, we are always neglected. Now the claim for inclusion of names from Orissa is so great that I hope that this House will accept it. In the first place about two-thirds of Orissa are Partially Excluded and Excluded Areas, and yet though there are 13 names given by Mr. K. M. Munshi, there is no name from Orissa. Again there is another point for consideration by the House. According to Mr. Munshi's list, there is no Hindu from Orissa and yet one representation will be given to a Muslim. That is really unfair. The majority party there goes unrepresented, whereas we give representation to a minority. I hope that this House will pay its best consideration to this question. I should go in for the Hon'ble Pandit Govind Ballabh Pant's Resolution but as you said that Mr. Munshi's motion was in order, I do not want to refute it, but I still feel, as Rai Bahadur Syamanandan Sahaya has pointed out, that in such a matter, which is very important, we should adopt the Procedure of single transferable vote. That will solve the question to the satisfaction of all.

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

Sri S. Nagappa (Madras: General): Mr. President, Sir, now, I just want to bring to the notice of this House that out of these 50 members some

[Shri S. Nagappa]

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

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

“The Advisory Committee shall appoint sub-committees to prepare schemes for the administration. of the North-Western Tribal Areas, the North-Eastern Tribal

Areas and the Excluded and partially Excluded Area. Each of such sub-committees may co-opt not more than 2 members from the particular tribal territory under its consideration for the time being, to assist in its work in relation to that territory."

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

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

An Hon'ble Member: What about Andhra?

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

Mr. B. Das (Orissa: General): Sir, the atmosphere this morning in this House and the atmosphere in New Delhi these three or four days reminds me of the atmosphere in 1930-31. In the light of my past experiences I think that the minorities have been given more weightage than before. Murmurings will always be there. It is very very unfortunate that the minority communities do not demand mere justice, equity and fairplay but claim safeguards and weightages under the third party domination. The minority problems should not and must not overshadow the main issue—that of Independence of India.

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

The Advisory Committee will very likely come to a dead-lock later. I do not anticipate its decisions and I am not a member of that Advisory Committee. But the minorities will still demand safeguards, economic advantages and reservations and weightages to an All-India pattern. All India patterns and decisions may work disaster to a poor province like Orissa, if minimum obligatory expenditure on minority communities be laid down. And yet, a minimum amount of money must have to be spent for the Scheduled Castes and for the Tribal people. The minimum standard in Bihar before separation from Orissa is the maximum standard of Orissa today. Rupees two and annas eight or something like that is the *per capita* income in Orissa; in other provinces the *per capita* income goes up to Rs. 20 or more. I am not merely pleading here that a Hindu representative from Orissa should be there in the Advisory Committee.

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

The Advisory Committee should be wide enough to have representatives of Hindus from the Hindu majority provinces, so that it can know

[Mr. B. Das]

the financial and economic position of those provinces. We will have to stoutly oppose any decision of people in the Advisory Committee who do not understand our economic and financial situation in Orissa and we will not accept any safeguards, economic or otherwise, and any undue burdens and handicaps.

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

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

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

The motion was adopted.

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

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

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

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

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

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

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

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

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

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

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

[Mr. President]

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

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

2. The Advisory Committee shall appoint Sub-Committees to prepare schemes for the administration of the North-Western tribal areas, the North-Eastern tribal areas and the excluded and partially excluded areas. Each of such Sub-Committees may co-opt more than 2 members from the particular tribal territory under its consideration for the time being, to assist it in its work in relation to that territory.

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

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

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

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

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

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

The Resolution, as amended, was adopted.

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

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

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

[Discussion of Budget Estimates was concluded.]

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

BUDGET ESTIMATES OF THE CONSTITUENT ASSEMBLY

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

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

An Hon'ble Member. I second it.

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

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

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

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

I put the resolution to vote.

The Budget is passed.

The Budget was adopted.

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

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

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

Mr. Deshbandhu Gupta: Will the Government Service Rule apply to them or not?

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

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

We adjourn till Eleven of the Clock tomorrow.

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