

Saturday, 21st December, 1946

**Volume I**



**9-12-1946  
to  
23-12-1946**

# **CONSTITUENT ASSEMBLY DEBATES**

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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

*Saturday, the 21st December, 1946*

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

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### PRESENTATION OF CREDENTIALS AND SIGNING OF THE REGISTER

**Mr. Chairman:** The House would join me in welcoming another Lady Member who has appeared for the first time this morning, having been away attending an International Conference. I request Rajkumari Amrit Kaur to sign the register.

The following members then presented their credentials and signed the Register.

Rajkumari Amrit Kaur (C.P. and Berar: General);  
Sir Padampat Singhania (United Provinces: General).

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### RESOLUTION *RE*: ELECTION OF CONSTITUENT ASSEMBLY NEGOTIATING COMMITTEE

**Mr. K. M. Munshi** (Bombay: General) : Mr. Chairman, Sir, I beg to move the following Resolution:—

This Assembly resolves that the following members, namely,—

- (1) Maulana Abul Kalam Azad,
- (2) The Hon'ble Pandit Jawaharlal Nehru,
- (3) The Hon'ble Sardar Vallabhbhai Patel,
- (4) Dr. B. Pattabhi Sitaramayya,
- (5) Mr. Shankarrao Deo, and
- (6) The Hon'ble Sir N. Gopaldaswami Ayyangar,

do constitute a committee to confer with the Negotiating Committee set up by the Chamber of Princes and with other representatives of Indian States for the purpose of—

- (a) determining the distribution of the seats in the Assembly not exceed in number which, in the Cabinet Mission's Statement of 16th May, 1946, are reserved for Indian States, and
- (b) deciding the method by which the representatives of the States should be returned to this Assembly.

The Assembly further resolves that not more than three other Members may be added to the Committee later and that they be elected by the Assembly at such time and in such manner as the President may direct".

**Mr. Somnath Lahiri** (Bengal: General) : I should like to know what is the procedure for submitting amendment to this Motion. I presume that We should be given some hours at least to move amendments.

**Mr. Chairman:** Is it an amendment with regard to the substance of the Motion or with regard to the names?

**Mr. Somnath Lahiri:** With regard to the substance of the Motion.

**Mr. Chairman:** We shall see.

**Shri Sri Prakasa** (United Provinces : General) : It would be best to fix 1-15 P.m. as the hour by which the amendments may be moved and in the meantime we may go on with the Resolution.

**Mr. Chairman:** I suppose the mover and the seconder will take a little more than an hour and in that time you will be able to move the amendment.

**Mr. K. M. Munshi:** This is more or less a formal motion for the simple reason that the Cabinet Mission's Statement as well as Lord Pethick-Lawrence's speech both contemplate that there should be a committee appointed by this Assembly in order to negotiate with the States for the purposes mentioned in this Resolution. I may refer in this connection, Sir, to the recent remarks of Lord Pethick-Lawrence. Lord Pethick-Lawrence said that—

“The manner in which the seats representing the States should be filled in the Constituent Assembly was to be negotiated between the Committee appointed by the Indian States and a committee appointed by the British India side of the Constituent Assembly. The States had appointed the Committee and when the Committee has been appointed by the British India part of the Assembly, Negotiations could begin.”

It is necessary, as the House will easily see, to begin these negotiations at the earliest possible date. It is for that reason that this Resolution has been placed before the House today. The number has been restricted at present to 6 because this Committee, having to deal with delicate negotiations, has to be as small as it possibly could be. Further the purposes, for which the Committee is being appointed, are fully set out in the Statement. I therefore commend this Resolution for the acceptance of the House.

**Dr. Sachchidananda Sinha** (Bihar: General) : I second it.

**An Honourable Member:** Will the result of the negotiations be placed before the Assembly?

**Mr. K. M. Munshi:** I mention for the information of the Hon'ble Members that so far as the Cabinet Mission's Statement is concerned, It provides for Negotiating Committee on behalf of the States. The Negotiating Committee on behalf of the Constituent Assembly will meet it and will decide the nature of the State representation to the Assembly. That so far as I understand is the meaning of the Cabinet Mission's Statement. But certainly the matter will be brought before this House and I have no doubt the House will have an opportunity to express itself upon it.

**Mr. P. R. Thakur** (Bengal: General) : Sir, I want to move an amendment that after the name of the Hon'ble Sir N. Gopalaswami Ayyangar, the name of one of the Depressed class members of this House be added.

I press this point merely because it is important that in this Committee which is going to determine the distribution of the seats in the Assembly reserved for the States, and decide the methods by which the representatives of the States should be selected, a member from the Depressed Classes should be added. There are Depressed Classes in the

States and their condition, both social and Political, is worse than that of the Depressed Classes in the Provinces. I request the House therefore to add one member of the Depressed Classes from this House.

**Mr. Chairman:** Have you got any name?

**Mr. P. R. Thakur:** The House will decide who will be there.

**Mr. Somnath Lahiri:** I have two amendments, Sir. My first amendment is to make the point clear which was not made clear by the mover of the Resolution whether decisions of the Committee will be subject to ratification by this Assembly.

The amendments are:

(1) Add the following to the Resolution immediately before the last para:

“After the necessary negotiations and consultations the Committee shall place before this Assembly for ratification their final recommendations regarding the distribution of seats to the different States and the method by which the representatives of the States may be returned.”

(2) At the end of item (b) of the functions of the Committee add the following:

“The Committee, however, should negotiate under the clear understanding that this Assembly recognises only the subjects of the States as being eligible to send States representatives to this Assembly and on the basis of direct election.”

These are my two amendments. The objects of these amendments, especially the first is to fix the question of States representatives which, as you know, is something which is not yet fixed. I know that most of the members of the Committee whom you have proposed and most of the members of this House also realise that it is the States People who should have representation rather than the autocratic Rulers of the States. Unfortunately the State paper does not make this clear. There have been different interpretations on it, as was pointed out the other day by, I think, Sir N. Gopaldaswami, Ayyangar. We should make it quite clear that we do not want the Princes and the Rulers of the States to determine what should be the representation of the States in this Assembly, because we fear that they, being autocratic Princes on the one hand and tools of British imperialism on the other, they would like to whittle down whatever little freedom constitutionally we may try to evolve. It is neither fair to the people of the States as a whole.

You know, Sir, at present throughout most of the States, a terrible regime of repression is being conducted by the Rulers of the States. You have seen how in Kashmir even Mrs. Aruna Asaf Ali's meeting was disturbed by the authorities and how the whole National Conference is being thwarted by repression, even though election is supposed to be going on there under democratic rules, or whatever it may be. We have also heard how at Hyderabad, during the last few months, 7,000 people, men, women and children have been butchered by the Military and Police of the Hyderabad State. We certainly do not want that these Rulers should come here and negotiate with us and have a hand in framing our constitution. It is for this reason, Sir, that I move the second amendment that the Committee however should negotiate on the clear understanding that this House recognises only the subjects of the States as being eligible to send States representatives to this Assembly and on the basis of direct election.

[Mr. Somnath Lahiri]

I do not doubt that the representatives whom you have chosen will have the needs of the States people in their mind. But it is something which is finally for the people of the States themselves to decide. Therefore, keeping my good faith in the members chosen, but keeping the final ratification to this Assembly, in the light of future developments, in the light of what attitude the Rulers of the States might take up and in the light of what demands the people of the States might make, I have moved that it should be subject to ratification by this Assembly.

**Mr. K. M. Munshi:** May I say one word, Sir?

**Mr. Chairman:** The resolution has been moved and the amendments have been moved. The whole thing will be for the discussion of the House.

The Resolution and the amendments are now open for discussion. Any member, who wishes to speak may come.

**Sri K. Santhanam** (Madras: General) : I wish to move another amendment. I wish to move that after the words "for the purpose of" the following words be added: "formulating recommendations regarding". And then in (a) and (b), the words "determining" and "deciding" be deleted.

The purpose of my amendment is that this House should not delegate to any Committee whatsoever, the final determination of any matter. It is a matter of principle, not that I have distrust in the Committee Members. I have full confidence in the members proposed. But still this is a vital matter and I strongly object to any final delegation to any Committee whatsoever.

**Mr. Chairman:** I think your amendment is covered by Mr. Lahiri's amendment.

**Mr. K. Santhanam:** I have made it simpler.

**Mr. Chairman:** It is covered by Mr. Lahiri's amendment.

**Mr. K. Santhanam:** My amendment would read better. The principle that this House should be the final determining authority should be admitted and should be followed in every Committee we appoint and in every other proceeding. Of course my amendment covers practically the ground of the amendment moved by Mr. Lahiri. But the reading of the Rule will be much better if my amendment is accepted.

**Mr. Dharendra Nath Datta** (Bengal: General) : Mr. Chairman, Sir, I rise to oppose the amendment that, has been moved by my friend Mr. Somnath Lahiri. I have full sympathy with the sentiments expressed in the amendment but Mr. Lahiri has forgotten one thing. This is a Consultative Committee. If you refer to paragraph 19, Clause (ii) it has been stated in the Statement of 16th May, that—

"It is the intention that the States would be given in the final Constituent Assembly appropriate representation which would not, on the basis of the calculation of population adopted for British India, exceed 93; but the method of selection will have to be determined by consultation. The States would, in the preliminary stage be represented by a Negotiating Committee."

So the method of selection is to be determined by consultation, and Mr. Chairman, Sir, it is clear that there should be a Consultative Committee. The States have appointed a Negotiating Committee and we are bound to appoint another Consultative Committee to consult with the



States Negotiating Committee. It is impossible to believe that the whole House will be consulted with the Negotiating Committee for the purpose of determining the number and for the purpose of determining the method. So it is necessary that a Consultative Committee should be appointed and the Consultative Committee should be very few in number. The object of the Resolution will be frustrated if the amendment be accepted by us because the consultation should be made between the two small Committees, one appointed by us and another appointed by the States. Therefore, Sir, I oppose the amendments that have been moved by my friend, Mr. Lahiri, though I am in full sympathy with the sentiments expressed therein. With these words, I support the Resolution moved by my friend Mr. K. M. Munshi and oppose the amendments that have been moved by Mr. Lahiri.

**Mr. Jaipal Singh** (Bihar: General): Mr. Chairman, Sir, I would make a request to my friend Mr. Lahiri to withdraw his amendments. I think he must have got a copy of the work that has been done by the Procedure and Rules Committee. Therein already is indicated that everything that the Committees may do, will be submitted at one stage or another to this House and it would be for the House to accept the recommendations or otherwise. That being the case, Mr. Lahiri's point is met.

A member of the Depressed Classes—I do not know what the difference is between Depressed Classes and Scheduled Castes—has pleaded that one Depressed Member should be in this Committee. As far as I am concerned, I have no quarrel with the names that have been suggested by the authors of this Resolution at all. They are eminent men, they are men who have worked in the States and they know the States. But, Sir, I humbly submit that I do not think they know much of the Eastern States. The Indian States People's Conference has dealt generally with States in Northern India, Southern India and a part of Western and Central India. They have had hardly anything whatever to do with the Orissa States Agency or the Agencies of Bengal and the North East Frontier. The House must forgive me if I blow my trumpet a bit. Ever since my return from British West Africa, I have been traversing a lot amongst the Adibasis in the Adibasi Tracts and, in the last 9 years, I have traversed 1,14,000 miles and it has given me an idea of what the Adibasis need and what this House is expected to do for them. There are, in Indian India, in Rajasthan, the Princely India, where you have a population of a little of 90 million people, you have 17 million Adibasis, 17 million tribes. Sir I suggest that with such a large population, there should be an Adibasi in this Negotiating Committee. I think he will be able to help the Committee. I am not obstructing the work of the Committee but I want that an Adibasi should be there to fight for the Adibasis. You need an Adibasi when you fight for Adibasis and he will fight along with the Negotiating Committee. Sir, I would suggest to the Mover and the authors of this Resolution that they do include an Adibasi and make it 'We Are Seven'.

**The Hon'ble Mr. B. G. Kher** (Bombay: General): Mr. Chairman, Sir, I yield to none in my concern for the Depressed Classes or for the Adibasis but to press for a representative either of the Adibasis or the Depressed Classes or the Christians or for the matter of that of any other community in this Committee is to misunderstand the whole purpose and object of this Resolution. The Princes are going to set up a Negotiating Committee and if you refer to the letter that the Chancellor of the Chamber of Princes wrote to the Viceroy on the 19th June, 1946, in para. 4 it says—

“The Standing Committee have decided, in response to Your Excellency's invitation, to set up a Negotiating Committee

[The Hon'ble Mr. B.G. Kher]

whose personnel is given in the enclosed list. The Committee did their utmost to keep the number small, as desired by Your Excellency but they felt that it would not be possible for them to reduce the number, I shall be grateful if I am informed as early as possible of the time and place when this Committee is expected to meet, and the personnel of the Corresponding Committee which may be set up by the representatives of British India on the Constituent Assembly. The result of these negotiations are proposed to be considered by the Standing Committee of Princes, the Committee of Ministers and the Constitutional Advisory Committee, whose recommendations will be placed before a General Conference of Rulers and Representatives of States."

Now if we refer to the terms of this Resolution what it says is—

"This Committee is to be constituted to confer with the Negotiating Committee set up by the Chamber of Princes and with other representatives of Indian States with the limited purpose, *viz.*, to determine the distribution of the seats in the Assembly not exceeding 93 in number and secondly to decide the method by which the representatives of the States should be returned to this Assembly."

So that, Sir, we have, now to elect on behalf of British India those who have upto now shown their interest not only in the best interests of the people of British India but also of Indian India. There is Pandit Jawahar Lal Nehru who is the President of the States People's Conference; there is Dr. Pattabhi Sitaramayya, Shankarrao Deo and others. Now, a mover of an amendment said that there are Depressed Classes residing in the States and therefore they should be represented on this Committee. If that is so, then there are also Sikhs, Indian Christians and Anglo-Indians residing in the States. This Committee is only a body for determining the method by which the representatives of the States should be given representation in this House. For this limited purpose, it is not necessary to bring in the principle of communal representation. The wording of the Resolution makes it clear that our Committee will confer with the Negotiating Committee and the Mover of the Resolution has made it clear that the result of their negotiations will come up before this House for final assent. I therefore do submit to the movers of the amendments, including Mr. Santhanam, to withdraw their amendments. The scope of the Committee is so limited. The other considerations of communal representations, etc., do not, in my opinion, affect the main purpose. There may be some States, the population of which is so small, that to represent a group of them, there may be only one representative. We know there are about 650 States and we cannot expect that there should be 650 representatives. It is for the purpose of giving proper representation to all these States that this Committee has been formed; it is not right to fetter their discretion and I would once again appeal to the movers of the amendments to withdraw them. I support the proposition moved before the House and hope that it will be passed unanimously.

**Mr. K. Santhanam:** If it is the ruling of the Chairman that the proposals of this Committee will come before this House for ratification, then I would gladly withdraw my amendment.

**Mr. Chairman:** Pandit Jawahar Lal Nehru.

**Mr. Somnath Lahiri:** If you can give a ruling, Sir, that the proposals of this Committee will be subject to ratification, then I also withdraw my amendments.

**Mr. Chairman:** I will give my ruling in time. Pandit Jawahar Lal Nehru.

**The Hon'ble Pandit Jawahar Lal Nehru** (United Provinces : General): Mr. Chairman, Sir, the Resolution that has been placed by Mr. Munshi before the House is a very limited Resolution. It is meant only to fix the method of representation in this Assembly for the representatives of the States, and not to deal with the innumerable problems which the States have in common with the rest of India. Mr. Lahiri mentioned the case of one or two States where political struggles are going on. Obviously, this Committee will have nothing to do with the internal structure of the States. That matter will have to be considered, I hope, by us when the States representatives come. We can confer with them and discuss and settle these matters; so we have for the present only to consider the method of their representation.

Now, Sir, the amendments that have been moved in regard to members of the Depressed Classes or the Adibasis coming in, seem to ignore the fact that we are only considering this limited problem. Obviously, the Depressed Classes have their particular interests to be protected, but that question does not come in before this Committee. This Committee representing, if I may say so, that part of India which is not the States, will meet representatives of the Rulers—I might say frankly that we have to meet the Rulers Negotiating Committee. I think there should have been on the Negotiating Committee representatives of the peoples of the States and I think even now that Negotiating Committee. If it wants to do the right thing, should include some such representatives but I feel that we cannot insist upon this at this stage. Unless we appoint a Committee to negotiate this matter the proper representation of the States representatives may not be secured. Therefore, in this Resolution we have said not only that we shall meet the Negotiating Committee set up by the Chamber of Princes but also the representatives of other States who are probably not included therein, and as I have already explained, the object of our meeting them is to ensure a proper method of representation for the States, people. If that is so, and if you try and think of the States, as they are, you will see that apart from some States which are big, there will be many small States whom we may have to get represented by doing some kind of grouping or some other way of representing them, because for each State we may not be able to give one representative. Just see how many States there are and how many will be required. States like Hyderabad and Kashmir will get adequate representation on the population basis. Some of the big States may get two, three or four, but most of them just barely one. Many of them may not even get that one, We may have to group them or devise some methods These are our problems. Apart from these, no other problem affecting any particular class or even affecting the internal structure of the states will come up before this Committee. Those problems will have to come up before this Assembly at a later stage, when the State representatives are also here.

I submit that the question of any particular group—communal, provincial or State—coming into this Committee will not arise. We should take of course, competent men who are here, but in this particular

[The Hon'ble Pandit Jawahar Lal Nehru]

matter you cannot enter into group representation, because if we do there is no particular reason why we should deny that representation to the many separate interests that exist here. If you take the Travancore State, thinking only of religious lines, you will find a very great part of the population of the State consists of Christians—Roman Catholics. Now, Travancore is a very important State, the people of which have often come into conflict with the Government authorities. Kashmir, of course, is another important State. In this way, you will get into enormous difficulty if you are going to think of people, being represented on a communal basis in this small Committee. (Obviously, this committee ought to be a small Committee because it will be very difficult to deal with the representatives of the Rulers if it is a large committee.) This Committee should not, therefore, be formed on the basis of separate interests, as suggested by some people.

Now, Mr. Jaipal Singh made a statement, from which I beg to differ, and that is that the States People's Conference is not taking sufficient interest in the Orissa States. The States People's Conference has not done all that it should do because the problem is a vast one, but as a matter of fact the Orissa States have been frequently before the States Peoples' Conference and one of our members of the Standing Committee of the States Peoples' Conference comes from there.

Now, some of the amendments moved by Mr. Santhanam and others say that this final authority should remain with this House. They agree, however, to withdraw them if the Chair could give a ruling in this matter. I have no doubt in my mind that the final decision on such matters should vest in this House, and that this Committee should only be a Negotiating Committee, that it should negotiate and report to this House. If this House does not agree with anything that they have done, they have got to go back and negotiate still further. Of course, in all such matters, a certain discretion is given. For instance, you do give a large measure of authority to your plenipotentiaries to go and negotiate with other countries. The countries have got a right to accept or reject, but normally speaking, when the representatives of two parties come together and discuss a matter and come to an agreement, unless a vital principle is involved, the agreement is accepted because third parties are concerned in it. That will apply to our case also. But I suggest, if possible,—I have not the wording, before me,—that it is might be possible to have some such words as that the Committee should report to the House.

**Shri Ajit Prasad Jain** (United Provinces: General) : May I ask a question? This Resolution contemplates three bodies, a Negotating Committee set up by this House, another Negotiating Committee set up by the Princes, whose names have been announced, and a third, other representatives of the States. How are these bodies going to function and to reconcile differences? Supposing the Princes take up one attitude and other representatives of the States take up a different attitude and so on, how are they going to work?

**Mr. Chairman:** I suppose it is the function of the Negotiating Committees to reconcile differences, and this Committee and the other Committee, that you refer to will work in that way, I think.

**Dr. P. S. Deshmukh** (C. P. and Berar: General) : If I may reply to my Hon'ble friend that is exactly the purpose of this Resolution. If there are differences of opinion between various representatives of the States, we know, Sir, that differences of opinion exist in this Assembly as between various sections of the people of India, as well as States and the people of British India. This Resolution proposes to set up a body, in

whom we have confidence, and it will deal with the representatives of the States who have been elected or selected to a Negotiating Committee. It is precisely because this House cannot be expected to enter into negotiations with the Rulers and representatives of the people of States that this small committee has been proposed. Mr. Chairman, Sir, I am here to support the Resolution as it stands and oppose all the amendments that have been moved. Most of the points made have been met by speakers who preceded me and I am not going to repeat them. I want to draw the attention of the House to one particular factor, and that is, the limit within which this Committee is expected to work. In doing so, I would like to draw attention of the Hon'ble Members to the exact wording in paragraph 19(ii) of the Cabinet Plan. You will be pleased to observe that this Committee is to enter into negotiation with the Negotiating Committee which has already been selected by the States or is likely to be selected. The wording is, "the method of selection will have to be determined by consultation". It is very likely that the word "selection" will have to be interpreted in several different ways. The States representatives may probably place a different interpretation from the one we may put on it and so on. So, it is no good tying the hands of this Committee one way or the other or insisting on a particular method of representation. We must leave it to the negotiators. So, I also submit, Sir, that Mr. Somnath Lahiri's amendment directing what the Committee should do is out of order, because actually it negatives the Resolution as a whole. When we want a committee to act in a particular way it will cease to be a negotiating committee because it will have really to carry out a predetermined dictate of our own. We cannot afford to antagonise many sections of the people of India, and in spite of the feeling in this House that the representatives of the people of the States alone are entitled to speak to us, we will have to approach the subject cautiously and this Committee will have to work very cautiously. We should not prejudice or pre-judge the issue at this stage, and the Committee should be left to itself to determine what is the best method of attaining the object in view and serving the interests of the people of India as a whole and those of the States people. If we want to comment on their decisions there will be ample opportunity as Panditji has assured us, for this House to place our opinion before this House. So, I submit that the House should pass the Resolution and that the amendments moved should be withdrawn.

**Shri V. I. Muniswami Pillai** (Madras: General): I come here to support the resolution moved by Mr. Munshi. When an amendment is moved for the inclusion of a representative of Depressed Classes. I find a hue and cry being raised that communal representation is being pressed in time and out of time. I may inform the House that the condition of Depressed Classes in the States is worse than what is obtaining in other parts. The other day when my sister from Cochin was speaking about social conditions of Harijans, she did not take into account the appalling economic and political condition of the people in the States. I may instance the case of Nayadis in Cochin State, a community which is not only untouchable and unapproachable, but unseeable. This community cannot pass through the King's highways. So I would like to urge on the Committee that has been chosen to negotiate with the representatives of the States that they should take care to have at least a few Depressed Class representatives or somebody who will represent the real needs of the Scheduled Castes.

**Shri Dayal Das Bhagat** (United Provinces: General) : \*[Mr. Chairman, I wish to draw your attention to the fact that I do not know English. I

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\*[ English translation of Hindustani speech begins.

[Shri Dayal Das Bhagat]

know Hindi and many of my worthy friends here know that language only. This we understand nothing useful from the proceedings of the House I pray you to request those of the friends, who know Hindi, to speak in that language so that we may understand easily.]\*

**Shri V. I. Muniswami Pillai:** This Resolution seeks to determine the number and distribution of seats and I would respectfully request my friends to see that the interests of these untouchable communities are properly safeguarded.

**Diwan Chaman Lall** (Punjab: General) : Though the point has been made perfectly clear by the Hon'ble Mover, Mr. K. M. Munshi, to set at rest any doubts that there may still be, I should like to move an amendment to sub-para. (b), viz., for the word 'deciding', substitute—and word 'fixing' and, after the word 'Assembly', add the following—'and thereafter to report to the Constituent Assembly the result of such negotiation'.

As some doubt has been expressed as to whether the result of the Negotiating Committee's efforts would be brought before the House or not, to make the position clear, I have moved the amendment.

Then, Sir, the word 'determining' in sub-para. (a) of the Resolution, may also be changed to 'fixing'.

I need not say anything in regard to this matter except to emphasise the fact that it is necessary to make sure that whatever negotiation the Committee may enter into, would naturally be brought before this House and a report made to this House in order that this House may be fully seized of all the negotiations that have taken place without the knowledge of this House, between the Negotiating Committee set up by this House and the Committee set up by the Princes Chamber. I think it is necessary that this authority, which vests in the Constituent Assembly, should be stated specifically in the body of the Resolution.

**Mr. K. M. Munshi:** Mr. Chairman, I made it abundantly clear when I moved the Resolution that whatever the result of the negotiations, it will be placed before the House and there is no reason to fear that this Committee will decide something which this House may not approve. Now that the Hon'ble Member, Diwan Chaman Lall, has moved an amendment making it quite clear that the report of this Committee will come before this House. I have no hesitation in accepting the amendment.

The second point made was that one Member of the Scheduled Classes should be added to the Committee. The Hon'ble Pandit Jawahar Lal Nehru has replied to that point. This is not a representative committee of all sections and minorities. This is a small committee with very limited functions and only intended to negotiate on a certain basis and the Committee's report will be placed before the House.

There was another point made by one Hon'ble Member over there (in the rear seats). He asked why it was necessary to state "to confer with the Negotiating Committee set up by the Chamber of Princes and with other representatives of Indian States....." There is a valid reason why the Resolution has been worded in this manner. The Cabinet Mission has stated thus:

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]\* English translation of Hindustani speech ends.

“It is the intention that the States would be given in the final Constituent Assembly appropriate representation which would not, on the basis of the calculation of population adopted for British India, exceed 93; but the method of selecting will have to be determined by consultation. The States would, in the preliminary stage be represented by a Negotiating Committee.”

Therefore it is the function of the Negotiating Committee representing the States to determine the representation. The House has been informed that a Negotiating Committee has been appointed by the Chamber of Princes. Neither the House nor I have any information as to whether the Committee that has been appointed by the Chamber of Princes represents all the States and whether all the States have agreed to treat the Negotiating Committee as their representative. Therefore, inconceivable circumstances it may become necessary for our Negotiating Committee not only to negotiate with the Negotiating Committee appointed by the Chamber of Princes, but also with individual States. That is the reason why the words have been used in the manner as in the Resolution. I therefore submit, Sir, that the amendment moved by the Hon'ble Member, Diwan Chaman Lall, may be accepted by the House.

**An Hon'ble Member:** I look at the question from a different point of view. A Negotiating Committee has been set up by the Chamber of Princes. If there are other representatives of the States, will they be in addition to those on the Negotiating Committee? I expected a reply from the Mover.

**Mr. K. M. Munshi:** I have made the position amply clear. We want to give our Negotiating Committee complete freedom to deal with the Negotiating Committee on the other side or with any individual States as they think proper. We do not want to fetter their right to come to any decision when they might think fit. The Resolution as it stands is very clear on this point.

(Mr. P. R. Thakur rose to speak)

**Mr. Chairman:** The Mover has already replied.

(Mr. P. R. Thakur came to the rostrum)

**An Hon'ble Member:** Sir, is it competent for any Member to make a speech after the Mover has replied?

**Mr. Chairman:** Mr. Thakur is withdrawing his amendment.

**Mr. P. R. Thakur:** In view of the statement made by the Hon'ble Pandit Jawahar Lal Nehru, I want to withdraw the Amendment that I have moved., But I want to mention..... (Voices: 'No, no') one thing only. (Several Members: 'No, no'). I want this assurance that at least five out of the 93 seats will be given to the Depressed Classes.

**Mr. Somnath Lahiri:** Sir, I withdraw my amendment in view of the amendment already accepted.

I want Diwan Chaman Lall's amendment to be read out in full so that We can, understand it properly.

**Mr. Chairman:** Sub-para. (b) of the Resolution as amended would read thus:

“fixing the method by which the representatives of the States should be returned to the Assembly and thereafter to report to the Constituent Assembly the result of the negotiation”.

The Resolution, with the amendment accepted by the Mover, Mr. K.M. Munshi, will read thus:

“This Assembly resolves that the following members, namely,—

- (1) Maulana Abul Kalam Azad,
- (2) The Hon’ble Pandit Jawahar Lal Nehru,
- (3) The Hon’ble Sardar Vallabhbhai Patel,
- (4) Dr. B. Pattabhi Sitarammayya,
- (5) Mr. Shankarrao Deo, and
- (6) The Hon’ble Sir N. Gopaldaswami Ayyangar,

do constitute a committee to confer with the Negotiating Committee set up by the Chamber of Princes and with other representatives of Indian States for the purpose of—

(a) fixing the distribution of seats in the Assembly not exceeding 93 in number which, in the Cabinet Mission’s Statement of 16th May, 1946, are reserved for Indian States, and

(b) fixing the method by which the representatives of the States should be returned to the Assembly, and thereafter to report to the Constituent Assembly the result of such negotiations.

The Assembly further resolves that not more than three other members may be added to the committee later and that they be elected by the Assembly at such time and in such manner as the President may direct”.

Now, what about the other amendment of Mr. Lahiri?

**Mr. Somnath Lahiri:** In view of the fact that we will be able to consider the report of the negotiations and at that time press the claims of the States people, if they had not been fully realised, I withdraw the other amendment of mine.

**Mr. Chairman:** All the amendments have therefore been disposed of. The Resolution, as amended was adopted.

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#### STATEMENT BY PRESIDENT POSTPONING CONSIDERATION OF RESOLUTION ON AIMS AND OBJECTIVES

**Mr. Chairman:** The next item is the consideration of the report of the Committee on the Rules of Procedure. Before we go to that, I desire to make one statement which I think I should have made earlier in the day but I did not make it by oversight. We were discussing the Resolution moved by Pandit Jawahar Lal Nehru day-before-yesterday when we rose, and the discussion on that Resolution has not been completed. The list of names of the proposed speakers is very large. I have about 50 names still before me. It is obviously not possible to carry on that



discussion any further without holding up the other important work of this Assembly. I, therefore, interrupted the discussion on that Resolution, and now I propose to allow these other important items to be interposed. If we have time thereafter, we may take up further discussion on that Resolution. It may be that before we rise for Christmas, there will be no more time for discussing that Resolution. So, further discussion will be taken up when we meet again. In the meantime we may have the advantage of others, who are not present here today, coming in, and we may have the advantage of their views also on that Resolution. So, further discussion remains suspended till we meet again.

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CONSIDERATION OF THE REPORT OF THE COMMITTEE ON  
RULES OF PROCEDURE

**Mr. Chairman:** Mr. Munshi will present the report of the Rules Committee.

**Mr. Somnath Lahiri:** I should like to know the time limit during which amendments to that Resolution may be accepted.

**Mr. Chairman:** By this evening.

**Mr. Somnath Lahiri :** Tomorrow morning, 11 o'clock.

**Mr. Chairman:** Yes, tomorrow morning 11 o'clock. But we shall, not stop the discussion. We shall go on. If there is any amendment, we may reconsider that point, but I will not stop the discussion. We shall go on discussing the Resolution.

**Mr. K. M. Munshi :** Mr. Chairman, Sir, I have the honour to present to the House the Report of the Rules Committee. A copy of the Report is already before the Members of this House, and I only propose at this stage to draw the attention the House to a few of the important features of the Rules. But before I do so, I invite the indulgence of the House towards the Rules Committee. The Rules Committee have been working under great pressure. As the House, Sir, knows very well, it is highly essential that before we disperse we should have the Rules adopted and the Organisation set functioning in order to complete the organisation of the Constituent Assembly. The, Members of the Committee, I may mention, have devoted careful attention to every aspect of the Rules and we have had the assistance of the able and distinguished jurist, our Constitutional Adviser, Sir B. N. Rau. The Committee had done its best to give it as perfect a shape as is possible. But I dare say there may be many defects still left, and the House may find some discrepancies. I am sure, points of view may have been omitted; I seek therefore the indulgence of the House. These are the Rules of the Assembly. They can be altered or added to when we next meet. We can always add new points of view if some one are omitted. But it is highly essential that we should adopt the Rules and appoint one or two committees which would keep the, organisation of the Constituent Assembly going.

With these remarks, I would now shortly deal with some of the important points in the Rules so that the structure of the organisation which it is proposed to set up may be clear to the members of this House.

Sir, I may refer the House to Rule 2 Clause (d). We have altered the nomenclature to this extent that our permanent Chairman will be styled the President. The reason is two-fold. First of all, there are going to be a number of Chairmen, Chairmen of Sections, Chairmen of Committees, Chairmen of the Advisory Committees, and so on. It is necessary that the permanent Chairman should have a name which is easily distinguishable from other Chairmen. The second reason is that we are functioning as an independent body. For the moment, an organisation

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has been lent to this Assembly by the Government of India, but immediately the Rules are passed, we will have an organisation of our own, and the President will naturally be the highest executive authority of the organisation. The word 'Chairman' therefore would be inappropriate in its application to our Chairman as the head of the organisation. In this connection I may perhaps refer to Rule 27, sub-para. (8)—

"The President shall be the Guardian of the privileges of the Assembly, its spokesman and representative and its highest executive authority."

It is for this reason that the Rules Committee proposed that the permanent Chairman should be styled 'President'.

Chapter II deals with admission of members and vacation of seats. It is more or less mechanical, if I may so put it.

Chapter III deals with the business of the Assembly. It largely deals with the procedure to be adopted in conducting the business of the Assembly and its several branches. The only important provision is the one on page 5, containing Rule 7.

"The Assembly shall not be dissolved except by a resolution assented to by at least two-thirds of the whole number of members of the Assembly".

As the Chairman was pleased to say, in his inaugural speech, we are a sovereign body, and as such it must solely depend upon us whether to dissolve the Assembly or not. This has been made clear in this Rule.

The next important rule to which I would like to draw your attention is Rule 15. Rule 15 lays down the quorum not only for the Assembly but for its branches. When a provincial constitution is being settled, it is required that the quorum should be at least two-fifths of the representatives of that province.

The next important point to which I would like to draw the attention, of the House in Rule 18. It lays down that—

"In the Assembly, business shall be transacted in Hindustani (Hindi or Urdu) or English, provided that the Chairman may permit any member unacquainted with either language to address the Assembly in his mother tongue. The Chairman shall make arrangements for giving the Assembly, whether he thinks fit, a summary of the speech in a language other than that used by the member and such summary shall be included in the record of the proceedings of the Assembly."

Only a few minutes ago there was a complaint from a member who did not know English that he did not understand what was going on. This Rule is intended to obviate that difficulty. Sub-clause 2 of the Rule says this:

"The official records of the Assembly shall be kept in Hindustani (both Hindi, and Urdu) and English".

“The result is that our official record will be kept in 3 languages, Hindi, Urdu and English.”

The next important point is dealt with in Rules 23 and 23-A on page 9. This follows the procedure laid down in the Cabinet Mission’s Statement.

“In all matters relating to the procedure of the conduct of business, the decision of the Chairman shall be final:

Provided that when a motion raises an issue which is claimed to be a major communal issue, the Chairman shall if so requested by a majority of the representatives of either of the major communities, consult the Federal Court before giving his decision.”

That forms part of the Statement.

“Provided further that no Section shall trespass upon the functions of the Union Assembly or vary any decision of the Union Assembly taken upon the report of the Advisory Committee referred to in paragraph 20 of the Statement.”

The Advisory Committee’s functions have been set out in detail in Rule 23-A.

“It shall be the exclusive function of the Advisory Committee referred to in paragraphs 19 and 20 of the Statement to initiate and consider proposals and to make a report to the Assembly upon fundamental rights, clauses for the protection of minorities and the administration of tribal and excluded areas; and it shall be the exclusive function of the Assembly to take decisions upon such report and further to decide the question of the incorporation of these rights in the appropriate part of the Constitution.”

The function of the Advisory Committee is to deal with the specific matters in view of India as a whole, as also in view of the provincial difficulties. And therefore according to Rule 20 they have to be considered by the Union Assembly when it meets.

Chapter IV dealt with the President and the procedure for filling up vacancies if and when it arises. These are more or less formal as the House will see.

Chapter V deals with the Vice-Presidents, and it is proposed that there should be 5 Vice-Presidents. Two should be elected by the House, while the President of each Section, when a section elects its Chairman, will be an *ex-officio* Vice-President, of the Assembly, with the result that the President and the 5 Vice-Presidents will meet together and co-ordinate all the activities of the Assembly and its different branches.

Chapter VI deals with the office of the Constituent Assembly. It is divided into two branches, the Advisory Branch and the Administrative Branch; the Constitutional Advisor will be the head of the Advisory Branch, while the full time Secretary shall be the head of the Administrative Branch.

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Chapter VII deals with the Committees and the first and perhaps the most important of the Committees is the Steering Committee, and as Hon'ble Members will see, in Rule 39, the functions of the Steering Committee have been defined. The business of the Steering Committee, as constituted therein, is to group similar motions and amendments and secure, if possible, assent of the parties concerned to composite motions and amendments; and to act as at general liaison body between the Assembly and its Office, between the Sections *inter se*, between Committees *inter se* and between the President and any part of the Assembly. Thus it becomes the central administrative organisation which will coordinate the different activities of the Assembly in all its branches.

Then follows the constitution of the Staff and Finance Committee. The Credentials Committee have also to be appointed for the purpose of deciding questions relating to the validity of the title of elected or other members. There is provision also made for other Committees.

Chapter VIII deals with the Budget.

Chapter IX deals with salaries and allowances which have to be approved by the Staff and Finance Committee.

Then Chapter X deals with doubts and disputes as to elections. Those provisions are more or less mechanical and follow the general lines of those legislation which deal with disputed elections in India. The only important point which is let out is dealt with in Rule 55. Rule 55 says:

“Where such a recommendation has been made, the President shall appoint an Election Tribunal consisting of one or more than one person to inquire into the petition.”

Now so far as the matters to be dealt with by the Tribunal are concerned, they cannot form part of the Rules. What it will be doing is to adjudicate upon the Status of a Member of this House and it is felt that that could only be done by an Ordinance, so that it can become part of the law. Otherwise serious difficulties are likely to arise. It will be therefore for the President to move the appropriate authority for the purpose of issuing the necessary Ordinance.

Chapter XI deals with certain provisions about taking the opinion of the whole country and the provincial constitution. As the House can see, Rule 58(1) deals with provisions to give an opportunity to the several Provinces and States through their legislatures to formulate their views upon the resolutions of the Assembly, outlining the main features of the Constitution, or, if the Assembly so decides upon the preliminary draft of the Constitution.

Then clause 2 provides a similar opportunity to the Provinces concerned to formulate their views on their respective Constitutions. It says—

“Before the constitution of any province is finally settled, an opportunity shall be given to it to formulate, within such time as may be fixed for the purpose, its views, upon the resolutions and the decisions of the Sections, etc.”

This naturally gives the whole country an opportunity to consider the various proposals that may be discussed by the Assembly the sections or any other Committee dealing with parts of the Constitution.

Rule 59 deals with the application of the principle of proportionate representation to all our elections. The amendment of the Rules is dealt with in Rule 61, and Rule 62 provides that the provisions of these Rules shall apply *mutatis mutandis* to the Sections and the Committees of the Assembly. The Sections may make standing orders not inconsistent with these rules.

Rule 63 gives the power to the President to deal with difficulty, if any, which may arise in carrying out these Rules. This is the general framework of the Rules and I hope it will meet with the acceptance by the House. I therefore now formally present the report of the Committee to the House and I further beg to move also that, in order to secure informality of discussion and despatch, the House do go into a Committee of the whole Assembly and that its proceedings may be held in camera.

**Shrimati G. Durgabai** (Madras : General) : I second it.

(The motion was adopted.)

**Shri B. Shiva Rao** (Madras: General) : Sir, I want to make a suggestion to the House, which I know, has a fair amount of support of several members.

The Report reached us late last night or early this morning and most of us have not had an adequate opportunity of looking through the Report. The suggestion I want to make is this. Let not the House meet this afternoon, so that those of us who are interested in the Rules may have an opportunity of meeting for ourselves, sorting out our amendments and picking out the major ones to be discussed in the House tomorrow morning. It is possible that if we adopt this procedure, a great many of the amendments which might be moved here today would be disposed of at the preliminary stage, and we might be able to get through the whole work tomorrow itself. Therefore I suggest that we may not meet this afternoon but meet only tomorrow morning.

**Mr. Chairman:** Personally, I have no objection. Then, we shall have tomorrow only for dealing with the Rules. The day after tomorrow we have to elect some Committees which are provided for in the Rules. If the House thinks that it will be able to go through the Rules and pass them tomorrow and the day after, I have personally no objection. But I do not know if any one will be able to give an undertaking on behalf of the House that we shall be able to complete the work.

**An Hon'ble Member:** We shall sit tomorrow.

**Shri M. Ananthasayanam Ayyangar** (Madras : General) : Sir, I got the Rules only this morning. I went through the Rules and I find, Sir, most of the Rules are non-contentious. There is nothing to which we can add except those contentious portions in Rules 20, 23 and 23-A, which are more in the nature of substantial amendments. Therefore, let us not waste time by asking for an adjournment. Tomorrow never comes, let us go on today.

**Mr. Somnath Lahiri:** Sir, Hon'ble Gentleman has said that there is nothing to add. At any rate, we have got to go through them to make the same discovery that the Hon'ble Member has made.

**Mr. K. M. Munshi:** Sir, I beg to oppose the proposal made by my Hon'ble friend, Mr. Shiva Rao. After all there is no point in adjourning Tomorrow, we will be sitting and there will be a free and full discussion. As an Hon'ble Member said just now, most of the Rules have been drawn up with care. There may be some defects which may be corrected. Only questions of principle or controversy will take time. As to others we will take up rule by rule and if there is no controversy, we can easily adopt them. I submit this is the shortest way to deal with the Rules.

**Sri M. Ananthasayanam Ayyangar:** Sir, My Hon'ble friend, Mr. Munshi, will read rule by rule and stand for a while, and we will adopt it immediately if there is nothing to add. Then we will pass on to the next rule. Whichever rule is contentious may be passed over till tomorrow. By that time we may find out if any amendment is necessary.

**Mr. Chairman:** May I take it is the wish of the House that we will go on with the consideration of the Rules?

**Many Hon'ble Members :** Yes.

**Mr. Chairman:** Those who are opposed ?

(None).

**Mr. Chairman :** We shall take up the Rules. As there is only half an hour more for 1 o'clock, we began at half past two or three o'clock.

**Many Hon'ble Members:** Three o'clock.

**Mr. K. M. Munshi:** We may be able to do a few Rules in half an hour.

**Mr. Chairman:** We shall begin at 3 o'clock and then in camera, the House will go into a committee and meet at 3 o'clock.

The Assembly then adjourned for Lunch till 3 p.m.

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

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(The Proceedings were then conducted in *camera*.)