

Thursday, 19th December, 1946

Volume I



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CONSTITUENT ASSEMBLY DEBATES

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CONSTITUENT ASSEMBLY OF INDIA

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THE HON'BLE DR. RAJENDRA PRASAD.

Temporary Chairman:

DR. SACHCHIDANAND SINHA.

Constitutional Adviser:

SIR B.N. RAU, C.I.E.

Secretary:

SHRI H.V.R. IENGAR, C.I.E., I.C.S.

Deputy Secretary:

MR. B.F.H.B. TYABJI, I.C.S.

Under Secretary:

KHAN BAHADUR S.G. HASNAIN.

Assistant Secretary:

MR. K.V. PADMANABHAN.

Marshal:

SUBEDAR MAJOR HARBANS LAL JAIDKA.

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CONSTITUENT ASSEMBLY OF INDIA

Thursday, the 19th December 1946

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.

PROGRAMME OF BUSINESS

Mr. Chairman: Yesterday I told the Members that I would be able to give some decision with regard to the programme of the work of the Assembly this morning. I have been considering that matter and some Members have seen me also in that connection. The work we have to get through is this. We have this Resolution, which we are considering. Then we have got the rules to pass. Then there is another question with regard to the reference of the disputed point of interpretation to the Federal Court, with regard to which the Assembly may have to express some opinion and lastly, we must have to elect at any rate some of the Committees which will be provided for in the rules. So, these are the four items that we have to finish before we go home after this session.

The Rules have been practically considered and the final shape is being given to them. I propose to place them before the Rules Committee tomorrow morning and if the rules are finally passed by the Rules Committee, they will be Presented to this House day after tomorrow, *i.e.*, Saturday. If the Members so desire, we can take up the question of referring the point of interpretation to the Federal Court on Saturday and thereafter we may take up the rules. That will take, I think, about two days or so. I think it all depends on the number of amendments which the Rules may evoke. Thereafter we may give a day for the appointment of the Committees. Now in this way if we work on Saturday, also on Sunday and on Monday, we might, possibly finish all this work if Members have some sort of self-denying ordinance and all who speak little and take as little time as possible. If we cannot complete by Monday, then in that case we shall have to go on after Christmas, that is to say, we shall have to take some days in this month after the 25th. I find that 24th, 25th and 26th are public holidays and we cannot sit on those three days. So we can take up the discussion again on the 27th and 28th. 29th is a Sunday and 30th again is a public holiday for Sikhs in connection with the birthday Anniversary of Guru Govind Singh. So unless the Members are prepared to sit on a Sunday and to work harder on Saturday and on Monday, there is no chance of finishing the work before Christmas and I do not like to go over to the next month, *i.e.*, the next year. I want to complete the work within this month. I would therefore suggest that we take up this programme. We start discussing the rules say in the afternoon of Saturday and if Christian Members, particularly have no objection, we should even sit on Sunday and then on Monday we may complete the whole thing. That would be rushing the business to some extent, if you want to avoid sitting after the 25th otherwise we shall have to sit after the 25th and go on until we finish it, in this matter this is the difficulty which I have placed before the Members and I should like to know which they would prefer. Personally, I would like to finish it by Monday, if possible.

Many Hon'ble Members: This is much better.

Mr. Chairman: Let us hope we finish on Monday. First of all, to work during the Christmas week would be very hard on Christians. I hope we will be able to sit on Saturday, Sunday and Monday and finish it. Otherwise we shall have to sit during Christmas week.

Mr. F. R. Anthony (Bengal : General): It is quite impossible. I am personally prepared to sit as long as the Members are ready to sit but not after the 26th.

The Hon'ble Pandit Jawahar Lal Nehru (United Provinces : General): I want to bring to your notice a fact that may interest the House, that the United Nations General Assembly did sit even on Sundays, both the Committees and the General Assembly, in order to expedite its work.

Mr. Chairman: Today we shall sit only up to 1 O'clock, so as to give us time to complete the work in the Rules Committee and tomorrow we do not sit at all. We sit again on Saturday morning. I hope I shall be able to place the Rules in the hands of Members by Friday evening, but in any case they will be available on Saturday morning and in the morning session we might take up the question of reference to the Federal Court and in the afternoon you might commence discussing the Rules. That is the programme now fixed.

Mr. F. R. Anthony: Mr. Chairman, I am afraid the Christian members feel very strongly on this matter. We are prepared to work the whole of Sunday and we will work on Monday. I would only ask that we should not meet on the 27th and 28th, between Christmas and the New Year. It will be quite impossible for the Christian members to attend then. That is the only time in the year when they insist on being with their families. This is very important. We are prepared to work all night and the whole of Sunday. I would ask you not to reconvene the Assembly between the 27th and the 1st.

Mr. Chairman: I hope we shall be able to finish by Monday evening.

Mr. F. R. Anthony: Let us have night sessions.

Mr. Chairman: We shall have it if necessary.

Mr. Kiran Shankar Roy (Bengal : General) : Mr. Chairman, I think that the Members should have copies of the Rules at least two or three days before general discussion so that they may consider the Rules. If the Committee has taken so much time to draft the Rules, surely, it would be unfair to rush through the rules in this house in this fashion. It will be very optimistic to think that we would be able to pass the Rules in two or three days when we have not been able to pass this Resolution in three or four days. I think the passing of the Rules would take at least a week. I therefore suggest that you should give us sufficient time to consider the Rules. It is no use thinking that we shall be able to finish the Rules in two days.

Mr. Chairman: That upsets the whole programme.

The Hon'ble Mr. B. G. Kher (Bombay : General) : May I be permitted to say that the drafting of the Rules is more or less a technical matter for lawyers and 15 men with long experience of drafting rules, with a competent secretariat, have framed the Rules. Are we going to quarrel and debate about a word here and a word there? I would submit that you should fix a time and say that by 5 o'clock on Monday all those who have important amendments will be allowed to move their amendments and vote on them, and by 5 o'clock, the guillotine should be applied, and by 7 o'clock all the Rules may be passed, and we should get on with the other business. Another alternative, Sir, is to sit throughout the night. I would suggest that we should sit up to 11 P.M. every day and finish the rules. I do make a strong plea not only on behalf of the Christians, but there are so many other people who, have come long distances to attend this session,

having made engagements on the assumption that the work will be finished by the 23rd and that they will not be required to sit during Christmas. I do not want to mention names. We are all having engagements of equal importance. But there are some people who find it extremely hard, having come to India after a long time, to sit here during Christmas when they would like to be with their families. We can sit long hours by night and by day and finish it before Monday afternoon.

Mr. Chairman : This seems to be general sense of the House.

Dr. Syama Prasad Mookherjee (Bengal : General): I think we should not meet during the Christmas week. We have very important engagements during the Christmas week which were fixed weeks, months ago and it is not fair that we should be compelled to upset our programme. If we can finish the work, well and good. Otherwise, we must find some day in January. The passing of the Rules will not be quite so easy a matter. They must be circulated to the members who would like to have a reasonable time to study and also propose amendments. It will be left to your discretion whether the time so given is sufficient to enable members to propose amendments and discuss them. If we cannot finish by Monday or Tuesday, we should meet some time in January.

Mr. Chairman: We shall make an attempt to finish the consideration of the Rules and other business also by Monday. If we fail, we shall then think at what other time we will sit.

In the Rules Committee, we have 15 Members representing various groups and shades of opinion and we have been taking time because we have been trying to arrive at conclusions which will be acceptable to all, and that is why the Rules Committee has been taking so much time. As regards, drafting, that is left in the hands of persons who are experts in that work and I suppose there will not be as much difficulty as Mr. Kiran Shankar Roy anticipates. If any discussion arises on a question principle, I shall give time for discussion; but for mere words, I will except members to leave that matter to the Committee which has spent a lot of time over it.

Now, we shall proceed with the Resolution. Mr. Somnath Lahiri.

RESOLUTION *RE. AIMS AND OBJECTS-contd.*

Mr. Somnath Lahiri (Bengal : General): Mr. Chairman, The Right Hon'ble Dr. Jayakar, grown grey in the service of interpreting British Imperialist laws, has probably interpreted the limitations of the Cabinet Mission Plan correctly. The limitations, as he says, are probably correct. But we need not be frightened by them. Dr. Jayakar wants to wait for their Highnesses, the Princes, to come in and have a hand in distorting our future freedom. We need not have that. We do not want the Princes, the autocratic Princes, to come in and have a hand in distorting our future. Of course, so far as the Muslim League is concerned, that is on a different footing altogether. But I am not sorry that the Muslim League is not here; I am only sorry that the Congress also has not gone out of the British Plan and left the British Plan to itself, to stew in its own juice. Agreement with the Muslim League for gaining independence of our country and for drafting a really free constitution of our country, is essential. But if you think that by waiting for the Muslim League, or by the Congress remaining here and the Muslim League remaining outside, you will be able to have a properly framed constitution, I am afraid you are sadly mistaken and you are counting without your host, the British imperialist, who have made this Plan. You have seen the example of the Interim Government.

[Mr. Somnath Lahiri]

Both the League and the Congress are there, but that has not solved the problem of our quarrels and internecine warfare in this country. It has happened there just as the British wanted it to happen, that is, they wanted the parties to fight against each other with the prospect of the British giving support in one party's favour against the other with the result that in between these quarrels the British become more firmly entrenched.

Well, the Interim Government has not brought peace nor freedom to our country. Similarly, whether the Congress is inside this British-made Constituent Assembly and the Muslim League is out or whether the Congress and the Muslim League are both inside this British-made Constituent Assembly and working the British plans as the British should like it to be worked out, then also the same thing will follow, viz., the quarrelling that is there to-day in the country, will only get more intensified inside this Assembly also. That is all and nothing else. Therefore, Sir, I am not sorry that the League is not here but I am only sorry that the Congress also has not gone out leaving the plan to stew in its own juice.

Well, Sir, I must congratulate Pandit Nehru for the fine expression he gave to the spirit of the Indian people when he said that no imposition from the British will be accepted by the Indian people. Imposition would be resented and objected to, he said and he added that if need be we will walk the valley of struggle. That is very good, Sir—bold words, noble words. But the point is to see when and how are you going to apply that challenge. Well, Sir, the point is that the imposition is here right now. Not only has the British Plan made any future Constitution—provided you are able to evolve out something which I-very much doubt—even if you were able to evolve out something, not only is it dependent on a treaty satisfactory to the Britisher but it suggests that for every little difference you will have to run to the Federal Court or dance attendance there in England or to call on Attlee or someone else. Not only is it a fact that this Constituent Assembly, whatever plans we may be hatching, we, are under the shadow of British guns, British Army, their economic and financial strength which means that the final power is still in the British hands and the question of power has not yet been finally decided, which means the future is not yet completely in our hands. Not only that, but the statements made by Attlee and others recently, have made it clear that if need be, they will even threaten you with division entirely. This means, Sir, there is no freedom in this country. As Sardar Vallabhbhai Patel put it some days ago, we have freedom only to flight among ourselves. That is the only freedom we have got and the only other freedom that I noticed is on the order paper of the day where Pandit Nehru is the Hon'ble Pandit Nehru and I suppose Pandit Nehru has not even the freedom to drop that honour. Therefore I say it is no use your thinking that from within the limitations of this British Plan, one part of which is the Interim Government and the other part of which is the Constitution-making procedure, I don't think you will be able to get any independence out of it. The insolence of the Britishers, as you have recently seen, and to which expression has been given by various Members of the House, why is this insolence so growing, it is for the patriots to see. The insolence is growing because they find that the great parties of our country, the Congress and the Muslim League, go on thinking that in getting our parties, may party's claim as against the other party, I will be able to get the help of the British. They want you to go on quarrelling with the only result, that fratricidal fights follow, as it has happened to-day throughout the country, as it is happening everyday before your very eyes. Our strength against the British gets decimated and nothing of freedom comes our way. Only we kill each other as if we are enemies instead of being brothers and Mr. Alexander gets the cheek to say in this month of 1946 in the House

of Commons that the use of the Special powers of the Viceroy has not been changed and whatever power is available there, it is there to back it. Therefore, our humble suggestion is that it is not a question of getting something by working out this Plan but to declare independence here and now and call upon the Interim Government, call upon the people of India to stop fratricidal warfare and look out against its enemy, which still has the whip hand, the British Imperialism—and go together to fight it and then resolve our claims afterwards when we will be free. As a matter of fact, Sir, we have found in the long history of our struggle for the freedom, of the country that, when we are faced to the British, even though we might disagree very much among ourselves, quarrels are generally resolved, no obstacles are put to the man who is fighting the British. It is a way out of the present fratricidal impasse. Mr. Chairman, Sir, and the Mover of this Resolution, I would address him also, that Doctor Jayakar, the fine logician and a cruel logician that he is, has placed before you the only alternatives when he has told you that either we have to work through the limitations of the British Plan or you have to go forward to the seizure of power, revolutionary seizure of power. These are the alternatives and good old constitutional liberal that he is, he has rightly grasped it and playing upon the fear of revolution that some of you might have got, he has asked you to follow his constitutional path and told you ‘I know Congress also is not going to revolutionary seize power’. Yes, Sir, these are the only alternatives before Indian people today and before this Constituent Assembly today, that either you try to follow the British Plan, put one party’s claim against the other and get sunk into the morass of fratricidal warfare everyday with the result that finally the British may be as strong over you as before, or you go forward to the revolutionary seizure of power. I say, you go forward first of all to drive out the British, to drive on the British Viceroy, to drive out their troops, etc., which are holding their guns even now over our heads.

Sri Raj Krushna Bose (Orissa: General): We have a right to know whether the speaker is supporting the Resolution or opposing it. I am afraid all that he is saying at this time is not relevant.

Mr. Somnath Lahiri: That is for the Chairman to decide. I hope I represent a political party which is the third largest in the country... (*Laughter from Back Benches*). Mr. Chairman, I hope you will let me continue without interruption. Our party got 7 lakhs of votes....(*Interruption*) in the last General Election. It is true that it is not a big party but it is the third largest party surely (*Renewed laughter*).

Mr. Chairman: I hope the House will allow the Speaker to proceed. (To Mr. Lahiri) But I would remind you of the time-limit and also of the fact that you should confine yourself to the subject in question.

Mr. Somnath Lahiri: Yes, Sir. I am coming to the point. I hope you will allow me, Sir, the same facilities as you allowed to Dr. Ambedkar or other party leaders. (*Laughter from Back Benches*).

Mr. Chairman: It is true that I did show some leniency to them, but the House was in a mood to listen to them, but it does not seem to be in that mood now. I have to be guided by the mood of the House.

Mr. Somnath Lahiri: Whether the House likes what I say or not, it is for you to let me, as the representative of an independent view-point, to express my views in full.

Mr. Chairman: You may go ahead.

Shri Vishwambhar Dayal Tripathi (United Provinces : General) : Sir, we must know whether he is supporting the Resolution or he is supporting the amendment.

Mr. Somnath Lahiri: The more interruptions there are....

Mr. Chairman: Members will draw their own inferences as to whether he is supporting the Resolution or opposing it or doing neither.

Mr. Somnath Lahiri: I will make it quite clear. You will know it when you listen to my Speech. Sir, coming to the third para of the original Resolution, I understand that you desire the unity of India. It is out of that desire you have given this right of autonomy and residuary power in paragraph three but refused right of session to linguistic, etc., units. I am also as much eager for the unity of India as you are, but the point is: can you get that unity by means of force or by compulsion? I come from Bengal. Look at Bengal. In Bengal the overwhelming majority of the population who are peasants and amongst whom the overwhelming majority is Muslim, are ground down under the double slavery of British Imperialism and the Hindu Upper Class. Now, Sir, in the image of freedom that the Bengal peasants and the Bengali Muslim has before his mind's eye, if he wants that neither British Imperialists nor Hindu Upper Class can exploit him, if he wants that his land—the Bengali speaking territory—should be free and sovereign, free from the control of any other part of India—can you deny that right of freedom to him? You cannot. And if the Muslim League—the reactionary section of the leadership of the Muslim League—are able to distort this freedom urge of the Bengali Muslim into religious separatism, or into demanding the Assamese speaking territory, I should say the responsibility for this is on the Congress leadership. Why? Because the Congress has never unequivocally recognised this right of separation of the nationalities on national-linguistic basis and whatever recognition there was in the ruling of the Congress President that no territorial unit of India will be compelled against its wish to come into the Indian Union, you have given the final good-bye to that in this Resolution. You have said here that no unit however strong its wish might be to go out of India, can go out. The utmost it can hope for is residuary powers and autonomy. Well, Sir, this is not the way by which you would hope to win over the Muslim population of Bengal. This is not the way you would hope to win over the other nationalities which will come into the forefront as time goes by. So you cannot achieve the unity of India by forcing a unitary constitution on them and if you look at the constitutions of recent days in the world you will find as in Yugoslavia, in Czechoslovakia, etc. that they recognise the rights of self-determination including that of separation. For instance, in Yugoslavia the very first article of their new Constitution gives the right of self-determination and separation to the Serbs, Croats, Slovenes, Montenegrins, etc., to the full. That is why today in Europe you find that though Yugoslavia is a small country, yet it is the most united and advancing most rapidly.

Now, Sir, I have heard some Congressmen say that “Well, this right of separation and self-determination we will give, but only later, if the Muslim League presses for it”. Now, Sir, would it not be worst political opportunism to higggle with the rights of peoples across the bargaining counter if the bargain was pressed? Is it not better that you put it clearly and in unequivocal terms not for the leaders but for the people—the Muslim people to see for themselves and have some faith, some guarantee that they may safely come into the Indian Union?

The next point that I would deal with is paragraphs 4, 5 and 6 of Original Resolution. Well, Sir, here you have formulated certain fundamental principles on which the equality and the rights of the people of

India would be based. Good, Good intention. Nobody denies the good intention. But the path to hell is often paved with good intentions and the intentions here may mean everything or may mean nothing. It all depends on how you interpret those principles, in the light of the past and the future. You have said everybody will be equal before law. You have said that full legal rights will be given to everybody. At the same time history tells you there are popular Ministries in this country, the Congress has got Ministers, and even then you find in Bombay people being externed, even women being externed as goondas without bringing them into court. At the same time, you find in U.P. a law being framed whereby detentions can take place without trial. At the same time, you find in Bengal a law being framed under the name of communalism which takes out the liberty of every newspaper and everybody. Now, Sir, people will look at your formulations here in the light of their past experience and if you want these things to be really what you wanted them to be, you ought to have been more explicit and stated clearly what you want. Similarly about the Depressed Classes. You have said that adequate safeguards will be provided. Good. But who is going to determine and when are they going to determine whether the safeguards are adequate or not? Everybody deplores the religious separatism that obtains today in our country. Everybody deplores that, but what is the political provision that you have been in your Resolution to them and to their aspirations?

An Hon'ble Member: What do you suggest ?

Mr. Somnath Lahiri: Well, I would suggest proportional representation with adult suffrage and joint electorates in any election that might take place in the future and thereby each party, whether it be a communal party or a political party, on the basis of the total votes gained by it, will get its representation assured and then the parties, the communal parties like Muslim League and the Scheduled Castes Federation, who would have been assured of their proper representation, could not have any complaint. At the same time, it would give a fillip to the political parties also to get their proper representation, so that we can gradually cut across the religious separatism that has grown in our country, and healthy politics on the basis of political division and political struggle would develop. But you have not made the point clear. I hope you will make it clear when you draw up the fundamentals of the Constitution. You must remember that the people will judge you by your past,—by your immediate past which I am sorry to say, in spite of the good programme of the Congress, in spite of the hard struggle of the Congress, has not been up to its professions. I hope that they will be remedied when you are drawing up the future Constitution.

Mr. H. V. Kamath (C. P. and Berar: General) : I submit, Sir, that Mr. Lahiri when speaking on his own amendment was ruled out of order by you, and is he in order now in doing the same?

Mr. Somnath Lahiri: I have every right to develop my argument. However, I have almost finished and I will take only a minute or two. This Resolution, apart from the generality and the good thing that is in it—I should have liked that you had made the proclamation here and now of our independence. Every Indian would agree with the first paragraph that India should be a sovereign independent power. Apart from these things, your Resolution, to sum up politically, is a resolution of pressure. Part of the pressure is against the British. It tells the British, "Look here. If you think we are going to listen to you, to whatever you dictate, you are very much mistaken. We are going to evolve a constitution of our own for India." Good. Put that more strongly if you like, but the other part of the Resolution is against the Muslim League, "Look here, if you think that there is separation waiting for you, you are mistaken. We are

[Mr. Somnath Lahiri]

going to evolve out a unitary constitution for India and there is no scope in it for separation.” That is pressure against the Muslim League. I do not think the second pressure helps you to increase the first pressure. The more we press against our brothers, the more we fight against the Mussalmans, the more the British are able to deny us what we want. You increase the pressure as much as you can against the British, but do not increase this pressure against your own brothers. Well, Sir, Pandit Jawahar Lal Nehru has spoken of the magic of the moment. Yes, magic. But it is the magic of the British witch which lulls patriots to sleep, the magic of the British witch from whose bloody talons the blood of countless martyrs is dripping and yet she is able to make the patriot think that he will get his claim against the other party by working her magic Plan. I hope that the Congress patriot will remember that and go forward in his struggle against the witch’s plan, against British imperialism and not against the Mussalmans.

Mrs. Hansa Mehta (Bombay : General) : Sir, I consider it a proud privilege to speak in support of this historic Resolution so ably moved by Pandit Jawahar Lal Nehru. I do not wish to refer to the issue raised by Dr. Jayakar or speak on the speeches made six thousand miles away by people who either mean mischief or are totally ignorant of the real situation. I wish to offer a few remarks on that of this Resolution,—the fundamental rights which affect a section of the people, namely, women.

It will warm the heart of many a woman to know that free India will mean not only equality of status but equality of opportunity. It is true that a few women in the past and even today enjoy high status and have received the highest honour that any man can receive, like our friend, Mrs. Sarojini Nadu. But these women are few and far between. One swallow does not make a summer. These women do not give us a real picture of the position of Indian women in this country.

The average woman in this country has suffered now for centuries from inequalities heaped upon her by laws, customs and practices of people who have fallen from the heights of that civilisation of which we are all so proud, and in praise of which Dr. Sir S. Radhakrishnan has always spoken. There are thousands of women today who are denied the ordinary human rights. They are put behind the purdah, secluded within the four walls of their homes, unable to move freely. The Indian woman has been reduced to such a state of helplessness that she has become an easy prey of those who wish to exploit the situation. In degrading women, man has degraded himself. In raising her man will not only raise himself but rise the whole nation. Mahatma Gandhi’s name has been invoked on the floor of this House. It would be ingratitude on my part if I do not acknowledge the great debt of gratitude that Indian women owe to Mahatma Gandhi for all that he has done for them. In spite of all these, we have never asked for privileges. The women’s organisation to which I have the honour to belong has never asked for reserved seats, for quotas, or for separate electorates. What we have asked for is social justice, economic justice, and political justice. We have asked for that equality which can alone be the basis of mutual respect and understanding and without which real co-operation is not possible between man and woman. Women form one half of the population of this country and, therefore, men cannot go very far without the co-operation of women. This ancient land cannot attain its rightful place, its honoured place in this world without the co-operation of women. I therefore welcome this Resolution for the great promise which it holds, and I hope that the objectives embodied in the Resolution will not remain on paper but will be translated into reality. (*Cheers*).

Mr. P. R. Thakur (Bengal: General): Mr. Chairman, Sir, Dr. Ambedkar did not say anything last time about the Depressed Classes. So, I consider it a great honour to speak to the Members of the Constituent Assembly on behalf of the Scheduled Castes in general of India. I stand here to support the Resolution moved by Pandit Jawahar Lal Nehru. After analysing the whole of the Resolution and examining it in detail, I find that it is the best document that has ever extended hopes to the minds of the people of India for freedom. Some of my friends who have spoken before have pointed out some defects in it. Nevertheless, the Resolution as it stands before us will serve to solve many of the problems that have got to be solved before drawing up a constitution. I do feel there are many obstacles in our way, but we know we shall have to surmount them. If we look back into the history of the democratic nations of the world, we would see that every constitution-making body had to face very many difficulties and sometimes deadlocks. But still, they were successful at the end.

It is a pity that our Muslim League friends have kept themselves out and are not taking part in the deliberations of this Assembly. But when we know that we, Hindus and Muslims will have to live in this country of ours, we shall have to solve our differences amicably by some way or other. It is hoped that the Muslim League members will, sooner or later, take up their rightful places in this Assembly, join in the deliberations and help in framing a Constitution that, will be acceptable to all.

Sir, in this big august House of the Constituent Assembly, we belonging to the Depressed Classes, are very few in number, but in the country as a whole our population is 60 millions. We are no doubt a part and parcel of the great Hindu community. But our social status in the country is so very low that we do feel that we require adequate safeguards to be provided for us. Firstly, we should be considered as a minority—a minority, not in the sense in which a community is a minority on religious or racial grounds, but a minority which is a separate political entity. It is needless however to, point out that we are a separate political entity. I think those who have got themselves interested in the uplift of the Depressed Classes will admit, as Mahatma Gandhi himself has admitted by his words and deeds, that adequate safeguards are necessary for these classes for their political salvation. The Poona Pact is Mahatma Gandhi's creation, and his writings in the 'Harijan' amply prove that the interests of the Depressed Classes must be carefully looked after.

The Cabinet Mission's Statement of May 16 does not say anything about the Depressed Classes; but the Press Conference that the British Cabinet Ministers had, after the publication of the Statement in Delhi, clearly shows that the Depressed Classes should be regarded as a minority. The subsequent debates on India in the House of Commons as well as in the House of Lords have also laid stress on the importance of providing safeguards for the Depressed Classes as a minority.

Sir, the minority problem is one of the most intricate problems, specially in a country like India, where so many elements live together with so many different kinds of interests. I believe this Constituent Assembly will have to face very important problems in regard to the minorities and find satisfactory solution for them. If this is done the House will have no difficulty in framing a constitution ultimately. We the members of the Depressed Classes do hope that this Constituent Assembly will do justice to us. There are Depressed Class in all the Provinces and in the States of India. They want representation on a population basis in the Legislatures in the Centre, Provinces and the States. They do not

[Mr. P. R. Thakur]

claim any weightage, but if any weightage is given to any community, they demand proportional weightage for them.

Para 4 of the Resolution says that—

“all power and authority of the Sovereign Independent India, its constituent parts and organs of government, are derived from the people.”

I think this is the best part of the Resolution: It would infuse real strength into the minds of the common people of India. The people of India might not be as much politically conscious as the people of other democratic countries; but the very idea that all the power of the State will come from the people will make the Depressed Classes of India politically conscious quickly. Para 7 of the Resolution says—

—“Whereby shall be maintained the integrity of the territory of the Republic....”

This is also very important. We the Depressed Classes are the original inhabitants of this country. We do not claim to have come to India from outside as conquerors, as do the Caste Hindus and the Muslims. As a matter of fact, India belongs to us and we cannot tolerate the idea that this ancient mother country of ours, will be divided between the Muslims and the Caste Hindus only.

I come from Bengal. Many of you might have heard of the civil disturbances over there. The Depressed Classes were the worst sufferers. We strongly repudiate any claim of the Muslim League to take away our beloved Bengal and constitute her into Pakistan. We also oppose the idea of grouping. We shall fight tooth and nail to maintain the integrity of India intact. I hope better sense will prevail on Muslim League soon.

In this connection I cannot but say that the leaders of the Muslim League in Bengal are trying to get the support of a section of the Depressed Classes by jostling leaders of their choice over them. I think they are doing it just to pave the way for their fantastic Pakistan. But, fortunately, this section of the Depressed Classes is very small. I do hope that this Constituent Assembly will see that nothing is done in regard to Bengal without the consent of the Depressed Classes. They are of overwhelming number.

Lastly, I cannot but express my joy that very soon India will be free. The time has come for it. There is no power on earth which could stop it. Some of my friends, especially Dr. Ambedkar, said that there would be civil war in the country before India gets freedom. The Depressed Classes will be very glad to meet it. As a matter of fact they are ready to face it.

With these few words I support the Resolution moved by the Hon'ble Pandit Jawahar Lal Nehru.

Mr. Chairman: I propose to call upon Sir Alladi Krishnaswami Ayyar to speak next; but as he is not in a position to stand up and speak, I permit him to sit and speak. I hope the House has no objection to that.

Honourable Members: No objection.

Diwan Bahadur Sir Alladi Krishnaswami Ayyar (Madras: General): Sir, after the eloquent speech of our leader the Hon'ble Pandit Nehru, on the main Resolution and the eloquent speeches of other speakers on the amendment of the Right Hon'ble Dr. Jayakar, I shall try to be as brief as possible.

In support of his amendment, my Right Hon'ble Friend Dr. Jayakar has raised various points, not all of which, I am, afraid, are consistent with one another. His first point was that at this session, it was only

competent for the Constituent Assembly to determine the order of business and that it should immediately resolve itself into 'A', 'B' and 'C' sections, as the Statement of the Cabinet Mission did not contemplate the transaction of any other business than merely determining the order of business. Secondly, he raised a doubt as to whether it is at all competent for this Assembly and in any event advisable to pass a resolution before the representatives of the Muslim League decided to come in. Lastly, he raised a point that before the State representatives come in, it may not be right for this Assembly to pass such a Resolution.

None of these points, I venture to say, has any validity. In regard to the first, the Statement of the Cabinet Mission is not in the nature of a Statute which purports to lay down every detail as to the steps to be taken by the Constituent Assembly in the matter of framing a constitution for India. In the language of the Cabinet Mission themselves, their object was merely to settle a machinery whereby a constitution can be settled by Indians for Indians. It is inconceivable that any constitution can be framed or steps taken in that regard without a directing objective which the Assembly has to set before itself. The formulating of such a directing objective does not of course in any way involve this Assembly deviating or departing from the main principles of the Cabinet Statement. You may search in vain for the proceedings of any Constituent Assembly or Convention which has not formulated such a purpose at the commencement of its proceedings. I do not therefore propose to further elaborate the point as to what exactly is the connotation of the expression 'order of business' in the Cabinet Statement.

Now as to the merits of the Resolution itself: There is nothing in the terms of the Resolution to which either the Muslims or the States can take exception if they decide to come in. In fact, neither of these two parties would have a place, in this Assembly unless they subscribe to the objective of an independent India. The Statement of the Cabinet Mission in several paragraphs declares that the Constituent Assembly "is committed to the task of framing a constitution for an independent India". They make an appeal in paragraph 24 of the Statement that "the leaders of the people of India have now the opportunity of complete independence" and they say that "they trust that the proposals will enable the people of India to attain their independence in the shortest time". The Statement of the Cabinet Mission, in so many terms, declares that the new independent India may choose to be a member of the British "Commonwealth or not" and in any event they express the hope that "India will remain in close and friendly association with the British people". There is nothing to prevent republican India from being a member of the British Commonwealth as is the case with Ireland. In fact, it is common knowledge that the conception of British Commonwealth is undergoing change year by year and day by day owing to the force of international events. The Muslim League has, on several occasions, expressed itself that it is as strongly for independence as the Congress. We have no right in this House to read between the lines and presume that Muslim India does not mean what it says for this purpose. The only issue that was raised by the Muslim League was in regard to Pakistan. On that, the Cabinet Mission's Statement is definitely committed to a single Indian Union. It is only if the Muslim League subscribes to the article of a single Indian Union that the Members of the Muslim League have or could have any place in the Constituent Assembly. There is no guarantee nor any indication that the postponement of the Resolution to some day next month will be a factor in the Muslim League making up their mind in joining the deliberations of this Assembly. The argument, therefore, derives from the Muslim League staying away from the present Constituent Assembly and the possibility of their coming in at a later stage has no validity on the propriety of the Resolution before the House.

[Diwan Bahadur Sir Alladi Krishnaswami Ayyar]

Then as to the State: Here again, the States or the States Representatives have a place in this Assembly only if they subscribe to the creed and article of an independent India and if they are committed to the task of framing a constitution for an independent India. Otherwise, they have no place. They must choose to be constituent parts of an independent India or not. If they come in, it can only be on the footing that they are as much committed to the ideal and purpose of framing a constitution for an independent India as we in what is now British India. While I realise that there may be a certain incongruity in the States coming in only at a later stage in the proceedings of this Assembly—that is not our making—it cannot stand in the way of this Assembly formulating its objective in the form of a resolution at this stage, a resolution which does not commit this Assembly to anything beyond what is contained in the Statement of the Cabinet Mission. Has this Assembly begun to function or not? Or is it in a state of suspended animation until the State representatives choose to come in? We have elected our Chairman; we are proceeding to frame rules of business and we have begun the work of framing a constitution for an independent India? How can it be said that this Assembly has not begun to function? Is there any logic in the argument that the Assembly must not formulate its objective until some other party comes in or can come in? An independent India cannot, as was forcibly pointed out by Pandit Nehru, be a monarchy. The executive head of the Union cannot be a hereditary monarch, Hindu, Muslim or Sikh. He can only be an integral part of a Republic constitution.

There is no substance either in the objection raised on behalf of the States in certain quarters outside the House to paragraph 4 of the Resolution that—

“all power and authority of the sovereign independent India, its constituent parts and organs of Government are derived from the people.”

Is it suggested that in respect of the sovereign independent India, the authority of the provincial parts is derived from the people, and, so far as States are concerned, from the hereditary rules of the States? The constitution of a sovereign independent India is the concrete expression of the will of the people of India as a whole conceived of as an organic entity, and even in regard to the units themselves, the authority of the rulers can rest ultimately only on the will of the people concerned. The State machinery, be it monarchy or democracy, ultimately derives its sanction from the will of the people concerned. The Divine Right of Kings is not a legal or political creed in any part of the world at the present day. I do not believe that it will be possible for hereditary monarchs to maintain their authority on such a mediaeval or archaic creed. The Cabinet Mission was quite alive to this and in their Statement, reference is made throughout to Indians, meaning thereby Indians both of the Indian States and British India, deciding the future constitution of India, no distinction being drawn between Indians in what is now British tract and what is now native State territory. I need only refer to paragraph 1, 3, 16 and 24 of the Statement of the Cabinet Mission.

There was one other minor point which formed the subject of criticism, *viz.*, non-reference to groups in the Resolution, by Dr. Ambedkar, who I am glad to say has made a most useful contribution to the debate by giving his unqualified support to a United India. A close examination of the Cabinet Mission's Statement will point to the conclusion that the formation of groups is not an essential part of the constitutional structure. In the most material parts, the main recommendations are that there should be a Union of India dealing with certain subjects, that all subjects other than the Union subjects and residuary powers should vest

in the Provinces and in the States, the States being assimilated to the position of provinces under the Cabinet Mission Scheme. There is nothing in the terms of the Resolution to prevent Provinces from forming themselves into Groups as contemplated by the Cabinet Mission. There was a further comment as to the reference to 'justice, social, economic and political', being too thin. The expression 'justice, social, economic and political' while not committing this country and the Assembly to any particular form of polity coming under any specific designation, is intended to emphasise the fundamental aim of every democratic State in the present day. The Constitution framed will, I have no doubt, contain the necessary elements of growth and adjustment needed for a progressive society. After all, we have to remember that what we are dealing with is a Resolution setting out the main object of this Assembly and not a Preamble to a Statute.

Without embarking upon a meticulous examination of the different parts of the Resolution, what is important is that at this session we must be in a position to proclaim to our people and to the civilised world what we are after. It has to be remembered that the main object of this Assembly is not the fashioning of a constitution of a Local Board, a District Board or making changes in the present constitution of this or that part of the country but to give concrete expression to the surging aspirations of a people yearning for freedom by framing a constitution for a free and independent India for the good of the people, one and all, of this great and historic land, irrespective of caste, class, community or creed, with a hoary civilisation going back to several centuries. More than any argument, as the resolution before the House has received the blessings and support of Mahatma Gandhi, the architect of India's political destiny, from the distant village in Eastern Bengal, I trust that it will be carried with acclamation by the whole House without dissent and my respected friend, the Rt. Hon'ble Dr. Jayakar, will see his way to withdraw his amendment unless he has very strong conscientious objection to the course suggested. (*Applause*).

Mr. Jaipal Singh (Bihar: General): Mr. Chairman, Sir, I rise to speak on behalf of millions of unknown hordes—yet very important—of unrecognised warriors of freedom, the original people of India who have variously been known as backward tribes, primitive tribes, criminal tribes and everything else, Sir, I am proud to be a *Jungli*, that is the name by which we are known in my part of the country. Living as we do in the jungles, we know what it means to support this Resolution. On behalf of more than 30 millions of the Adibasis (*cheers*), I support it not merely because it may have been sponsored by a leader of the Indian National Congress. I support it because it is a resolution which gives expression to sentiments that throb in every heart in this country. I have no quarrel with the wording of this Resolution at all. As a *jungli*, as an Adibasi, I am not expected to understand the legal intricacies of the Resolution. But my common sense tells me, the common sense of my people tells me that every one of us should march in that road of freedom and fight together. Sir, if there is any group of Indian people that has been shabbily treated it is my people. They have been disgracefully treated, neglected for the last 6,000 years. The history of the Indus Valley civilization, a child of which I am, shows quite clearly that it is the new comers—most of you here are intruders as far as I am concerned—it is the new comers who have driven away my people from the Indus Valley to the jungle fastnesses. This Resolution is not going to teach Adibasis democracy. You cannot teach democracy to the tribal people; you have to learn democratic ways from them. They are the most democratic people on earth. What my people require, Sir, is not adequate safeguards as Pandit Jawahar Lal Nehru has put it. They require protection from Ministers, that is position today. We do not ask for any special protection. We want to be treated like every other Indian.

[Mr. Jaipal Singh]

There is the problem of Hindusthan. There is position of Pakistan. There is the problem of Adibasis. If we all shout in different militant directions, feel in different ways, we shall end up in *Kabarasthan*. The whole history of my people is one of continuous exploitation and dispossession by the non-aboriginals of India punctuated by rebellions and disorder, and yet I take Pandit Jawahar Lal Nehru at his word. I take you all at your word that now we are going to start a new chapter, a new chapter of Independent India where there is equality of opportunity, where no one would be neglected. There is no question of caste in my society. We are all equal. Have we not been casually treated by the Cabinet Mission, more than 30 million people completely ignored? It is only a matter of political widow-dressing that today we find six tribal members in this Constituent Assembly. How is it? What has the Indian National Congress done for our fair representation? Is there going to be any provision in the rules whereby it may be possible to bring in more Adibasis and by Adibasis I mean, Sir, not only men but women also? There are too many men in the Constituent Assembly. We want more women, more women of the type of Mrs. Vijayalakshmi Pandit who has already won a victory in America by destroying this racialism. My people have been suffering for 6,000 years because of your racialism, racialism of the Hindus and everybody else. Sir, there is the Advisory Committee. My people, the Adibasis—they are also Indians—are deeply concerned about what is going to happen about the selection to the Advisory Committee. When I was first given a copy of the Memorandum, as first submitted by the Cabinet Mission, in section 20 the language read as follows:—

“The Advisory Committee on the rights of citizens, minorities and tribal and excluded areas should contain full representation (mark you ‘should contain full representation’) of the interests affected.....”

Now, when I read a reprint of that in Command Paper 6821, the same paragraph 20 seems to read differently. Here it reads:

“The Advisory Committee on the rights of citizens, minorities and tribal and excluded areas will contain due representation.”

Sardar Harnam Singh (Punjab: Sikh): Just a misprint. The original text contained the words “should contain full representation of the interests affected”.

The Hon'ble Pandit Jawahar Lal Nehru: Is it so?

Sardar Harnam Singh: I am definite.

Mr. Jaipal Singh: I want to be quite clear on that point. I think there has been juggling of words going on to deceive us. I have heard of resolutions and speeches galore assuring Adibasis of a fair deal. If history had to teach me anything at all, I should distrust this Resolution, but I do not. Now we are on a new road. Now we have simply got to learn to trust each other. And I ask friends who are not present with us today, that they should come in, they should trust us and we, in turn must learn to trust them. We must create a new atmosphere of confidence among ourselves. I regret there has been too much talk in this House in terms of parties and minorities. Sir, I do not consider my people a minority. We have already heard on the floor of the House this morning that the Depressed Classes also consider themselves as Adibasis, the original inhabitants of this country. If you go on adding people like the exterior castes and others who are socially in no man's land, we are not a minority. In any case we have prescriptive rights that no one dare deny. I need say no more. I am convinced that not only the Mover of this Resolution, Pandit Jawahar Lal Nehru, but every one here will deal with us justly.

It is only by dealing justly, and not by a proclamation of empty words, that we will be able to shape a constitution which will mean real freedom. I have heard pronouncements made by Pandit Jawahar Lal Nehru in different parts of the country. More particularly was I impressed by what he said during his visit to Assam during the elections. When he was in Ramgarh, I invited him to come and address the sixty thousand Adibasis who were assembled at Ranchi, only 30 miles away. Unfortunately, work kept him busy and he was unable to come. Very fine things have been said. Now, Sir, I would like, for example, to quote, if I may, what Maulana Abul Kalam Azad said at Ramgarh:

“The Congress does not want to dictate its own terms. It admits the fullest right of the minorities to formulate their own safeguards. So far as the settlement of their problem is concerned, it would not depend on the word of the majority.”

Sir, the solutions to the various problems of the Adibasis are obvious to my mind and these solutions will have to be thrashed out at some later date. Here I can only adumbrate what is my faith in what seems to be the just solution and it is by a realignment by a daring redistribution of provinces. The case of my own area has been very well put, Sir, by yourself when you were the Chairman of the Reception Committee of the Ramgarh session of the Congress. May I just read out the words of cheer that you gave them?

“That portion of Bihar where this great assemblage is meeting today has its own peculiarities. In beauty it is matchless. Its history too is wonderful. These parts are inhabited very largely by those who are regarded as the original inhabitants of India. Their civilisation differs in many respects from the civilisation of other people. The discovery of old articles shows that this civilisation is very old. The Adibasis belong to a different stock from the Aryas and people of the same stock are spread towards the south-east of India in the many islands to a great distance. Their ancient culture is preserved in these parts to a considerable extent, perhaps more than elsewhere.”

Sir, I say you cannot teach my people democracy. May I repeat that it is the advent of Indo-Aryan hordes that has been destroying the vestiges of democracy. Pandit Jawahar Lal Nehru in his latest book puts the case very nicely and I think I may quote it. In his ‘Discovery of India’ he says, talking of the Indus Valley Civilisation, and later centuries—

“There were many tribal republics, some of them covering large areas.”

Sir, there will again be many tribal republics, republics which will be in the vanguard of the battle for Indian freedom. I heartily support the Resolution and hope that the members who are now outside will have the same faith in their fellow countrymen. Let us fight for freedom together, sitting together and working together. Then alone, we shall have real freedom. (*Applause*).

Mr. Chairman: I want to say just one word. The reprint of the Statement of May 16th, 1946 was taken exactly as it was presented to the Houses of Parliament.

Mr. Jaipal Singh: The one that was given to me bears the signature of the Governor of Bihar.

Mr. Chairman: I do not know who has made the alteration. This book contains the Statement as was presented to the Parliament in the Command Papers.

Dr. Suresh Chandra Banerjee (Bengal: General) : May I know what is the correct word, Sir ? ‘Due’ or ‘Full’.

Mr. Chairman: “Due” is the word I find printed.

Dr. Suresh Chandra Banerjee: The word “Full” has been used in the book given to us.

Mr. Chairman: There seems to be some confusion. I have to find out how it has arisen. This is exactly what was presented to the Parliament.

Dr. Suresh Chandra Banerjee: The book we have got, Sir.....

Mr. Chairman: I shall make enquiries about it. The Statement as it is printed in this book is, I understand, exactly as it was presented to the Parliament.

Mr. Jaipal Singh: Before presenting to the Parliament, the word was "Full".

Mr. Debi Prosad Khaitan (Bengal: General): Mr. Chairman, Sir, representing the mercantile community, I want to look at this proposal from the businessman's point of view. From that standpoint, I heartily support the proposal that has been put forward by Pandit Jawahar Lal Nehru, and oppose the proposal that has been put forward by the Right Hon'ble Dr. Jayakar. Dr. Jayakar, after reminding us that he has been a Judge of the Federal Court and is a sitting Member of the Privy Council, has given us some *obiter dicta* which are perhaps not supported either by the Statement or the circumstances of the case. In my humble opinion, what the Cabinet Mission did was to recognise the aspirations of the people to attain independence, put some fetters on the deliberations of the Constituent Assembly and leave the rest to the talent and genius of the representatives of this country. There are many lacunae in the Cabinet Mission's Statement which we are entitled to fill and shape our constitution in such a manner as we think will give to the people their aspiration and give us a good constitution. Dr. Jayakar seems to think that at this stage we can do nothing but elect the Chairman, and lay down the general order of business. But I am afraid, Sir, that he interprets the words "general order of business" in a very narrow manner. Unless we are prepared to lay down the general objective which we have got to achieve, unless we are prepared to appoint certain Committees which are necessary for the purpose of shaping the constitution of this country, unless we are prepared to appoint a committee and define the Central subjects, I do not see how it is possible for us to go ahead with the shaping of the Constitution of India. According to Dr. Jayakar's argument, at this preliminary session, we would not even be able to appoint a Committee to deal with the Central subjects; I fail to understand how we can go ahead without doing so. If we do not define the Central subjects at this period of time, it will not be possible for the Provinces or the Groups to frame their own constitution. They may assume to themselves powers which may ultimately have to be taken over by the Central Government. It is therefore absolutely necessary that apart from laying down the objective, we should find out what is meant by the Central subjects and what finances are necessary to administer them. Similarly we shall have to lay down other principles, appoint an Advisory Committee to deal with the rights of minorities, how to safeguard their interests and do any other things that are desirable and endeavour, in my opinion, to lay down for the purpose of framing the constitution. He fears that if we put forward the objective now, Mr. Jinnah and his party may not come into the Constituent Assembly. I very humbly differ from his opinion. We have so often approached Mr. Jinnah. Have we ever succeeded in melting his heart for the purpose of joining us sincerely and honestly for the purpose of attaining independence? Even when the Interim Government was formed, he would not accept the invitation of Pandit Jawahar Lal Nehru to join the Interim Government but stated to the contrary that he was accepting the invitation of the Viceroy. When the Congress time and again approached him to reach a settlement, he asked Mr. Churchill—his friend—to get himself invited to London for the purpose of clearing up certain misunderstandings—I call them misunderstandings—between the Congress and himself. Even now as we are proceeding with the work of the Constituent Assembly for the purpose of shaping the destiny of our country, he is

spending his time at Cairo for the purpose of spreading a disease which I may call Hindu-phobia, that Hindu Raj will extend to the Mid-East. I am not sorry or surprised that he is engaged in the Propaganda at Cairo. If he thinks that the Hindus are strong enough to extend their dominions to the Mid-East, it is all the more reason for him to come back to his own country and join us in framing a constitution for attaining independence with due regard to the interests of all minorities consistently with peace and progress. I hope, Sir, we shall not suffer from a disease that I may call Jinnah-phobia and always out of fear of Mr. Jinnah and his Muslim League, make ourselves absolutely helpless and delay the framing of our much needed constitution. We should muster up courage. We should see to it that the Constitution that is framed is reasonable to safeguard all interests so that the economic and political freedom of our country may be achieved as early as possible. If we simply go on delaying, I do not know what further troubles may arise. For the purpose of avoiding trouble in the future, I would submit to this House to take courage and go ahead with the framing of the Constitution in order that we may attain independence as quickly as we possibly can. I hope, Sir, that we shall not lose time but go ahead with our work and I therefore support the Resolution as moved by Pandit Jawahar Lal Nehru. (*Cheers*).

Mr. Damber Singh Gurung (Bengal: General) : Mr. Chairman, Sir, I understand here today as the only representative of 30 lakhs of Gurkhas permanently domiciled in India. It is 30 lakhs, near about the population of the Sikhs, still I am the solitary representative here in this House. I need not give any introduction as to who these Gurkhas are. They have made themselves sufficiently known to the world by their excellent fighting qualities. It has been proved to the hilt during the last World War No. I and No. II that they are the greatest fighting race in the World.

It is on behalf of these valiant Gurkhas that I, as the President of the All-India Gurkha League, whole heartedly support the Resolution moved by Pandit Jawahar Lal Nehru. It is high time that we should take such a strong step. If we adopt the policy of wait and see as has been advocated by Dr. Jayakar and supported by Ambedkar, we will never reach our goal. The Interim Government which is functioning to-day would not have come into existence if we had adopted that policy. Fortunately these two Doctors are not Doctors in Medicine, otherwise they would have killed the patient by delaying the operation. (*Laughter*). We have waited too long and we should not wait any longer. It will be simply showing our weakness.

Sir, it has been very often said that the Gurkhas have been the stumbling block on the path to freedom. It may be true if it is viewed from that angle of vision but it must always be remembered that, especially in the Military Department, duty first and duty last, and the discipline is the most essential thing without which no nation can rule. Now in Free India you will ask us to do the same thing as we were asked to do under the British Government, if there be any disrupter of the constitutionally established Government, and you will praise them for maintaining that discipline.

Sir, the problem of the Gurkhas is quite different. They are scattered throughout India. It is only in the district of Darjeeling and the Province of Assam that they are concentrated to a certain extent. Their number in these two areas is about 14 lakhs and the rest are scattered throughout India. They are very very backward educationally and economically. Though we were made to do the dirtiest work in India for which we have been even called butchers by Indians, though hundreds and thousand of

[Mr. Damber Singh Gurung]

Gurkha lives were sacrificed to keep the British rule in India and elsewhere, nothing has been done by the British Government so far for the uplift of the Gurkhas. We have been very sadly neglected. Only at the time of War they remember the Gurkhas. It has always been the policy of the British Government to keep us backward and ignorant so that we may be sacrificed any time, anywhere they liked.

The Gurkhas are apprehending whether the same policy will be followed by the Congress too. There is strong ground for this apprehension. Before the election of Members to the Constituent Assembly, the All-India Gurkha League approached the Congress High Command to give adequate representation to the Gurkhas too in the Constitution Assembly but our claim was totally ignored and not a single seat was given for 30 lakhs of Gurkhas, whereas as many as 3 seats were given to the Anglo-Indians whose population is only 1 lakh 42 thousand in India. I do not think that Gurkhas will, any more, tolerate this kind of injustice. I have, very recently been to Nepal, leading a delegation of the All-India Gurkha League to His Highness the Maharaja of Nepal and I hope Nepal will not allow any such exploitation of the Gurkhas. Sir, the demand of the Gurkhas is that they must be recognised as a minority community and that they must have adequate representation in the Advisory Committee that is going to be formed. When the Anglo-Indians with only 1 lakh 42 thousand population have been recognised as a minority community, and Scheduled Castes among the Hindus have been recognised as a separate community, I do not see any reason why Gurkhas with 30 lakhs population should not be recognised as such. The Gurkhas whose total population including Nepal is 15 millions shall have to play a very very important part in Free India. I request the leaders to consider this very seriously.

Lastly, I would like to say a word, Sir. If Mr. Jinnah thinks himself to be an Indian, I would request him to come to India and settle the differences here, as this is our domestic quarrel. Why should he seek the help of those who kept us in slavery for centuries? I would think that a kick from a brother is more palatable than a hypocritic pat from an outsider. If the major party does not do any justice to the cause of the minorities, we will combine together and revolt and make India a hot bed and I am afraid, the ancient history of India may be repeated. But I must make one point clear, that no minority will support the fantastic claim for Pakistan of Mr. Jinnah. We stand for a United India.

In spite of all this, if Mr. Jinnah goes on throwing the challenge of civil war, I ask the country-men to accept that challenge and let us fight it out. As for the Gurkhas, we will fight along with those who want one India and oppose those who want to divide it.

Dr. Sir Hari Singh Gour (C. P. and Berar: General) : Sir, as I listened to the speeches of the Hon'ble Members, my mind has been rankling with three different propositions. The first is the Hon'ble Pandit Jawahar Lal Nehru's well-considered and well-phrased Resolution. The second is my friend Dr. Jayakar's blocking motion in the form of an amendment. And the third is the frequent cry against Mr. Jinnah's Pakistan. And the fourth—incidentally—is a mention of the Indian States.

May I, Sir, at the outset refer to the Resolution itself ? It has been said that this is only a Preliminary session of the Constituent Assembly and we are not entitled to go into the question of this Resolution. With due respect to those who take this view. I wish to point out that the Constituent Assembly has been described—and rightly described—as a Sovereign Body. If it is the Sovereign Body of India, it is entitled to pass this Resolution, which sets out the basic principle of the whole constitution of

future India. Hon'ble Members seem to think that the Constituent Assembly is the creature of the British Cabinet Mission to India and that it is conditioned by the terms of the document known as the Cabinet Mission's Statement of May, the 16th. I wish respectfully to point out that the Constituent Assembly is the voice of the people of India (*Hear, hear*) and is not the creature of the British Cabinet Mission in this country, and as the voice of India, it owes its duty to the people of India and when that voice became strong and inflexible the British-Cabinet yielded to the pressure of India to give to India, what India had been demanding for several years—the right to frame its own constitution for this Assembly. Let us not, therefore, dismiss from our minds that while we pay due respect to the wishes of the Cabinet Mission we are not bound by the conditions that they may have laid down, and that our primary duty—and our sole duty—is to discharge our responsibility to our masters—the people of India. If this fact is kept in view, the other questions will recede into the background.

One of them is the terms of reference and Mr. Jayakar's consequential amendment. I beg to submit that the Constituent Assembly would lose its prestige and dignity if it was going about hankering for the support of our friends of the Muslim League. If we have a duty to the public of India that duty must and shall be performed, regardless of whether Mr. Jinnah or Pandit Jawahar Lal Nehru or anybody else comes in or goes out. These are personal accidents and incidents, but our Constituent Assembly must carry on its work regardless of people who come in and people who go out of it. (*Hear, hear.*) Supposing Messrs. Jinnah & Co. had come in on the first stage and for reasons of their own—and for very good reasons, I assure you—they walked out of the Assembly, would that be any ground for adjourning this Assembly to run after them and catching them by their coat tails and saying to them "Please don't run out; come in and if you run out, we also will run out with you" (*Laughter*). I submit no Constituent Body—much less the Constituent Body of Aryavarth—shall demean itself into this position of humiliation and self-negation.

Mr. Jinnah, according to the newspapers, is now at Cairo—influencing the Muslim opinion in favour of Pakistan. I have written to Mr. Jinnah before, and I wish once more to remind this House that we might send him a message that he may perhaps prolong his visit to the ten Pakistans which have been and are enforced for a thousand years in Iraq, Iran, Libya and the rest—let him see and visualise for himself the dreams of these Pakistans and having done that, he will come back to this country, a sadder but a wiser man, thoroughly humiliated and convinced that Pakistan is not suited to the best interests of our fellow-countrymen, the Muslims of India. If India were to be divided into Pakistan and Hindustan, how many hours will this Pakistan be free, and will not be a morsel to the surrounding powers as have been the Pakistans throughout the Muslim world.

Sir, as a student of history, I was reading the history of Turkey and saw how Kemal Pasha Ata-Turk saw the futility and unwisdom of combining politics with religion. The first thing he did was to put an end to Pakistan and establish the Republic of Turkey. And Turkey, of all Muslim countries, is probably the only independent country in the configuration of nations from Iran right up to Palestine. Let our friends the Muslims realise this fact and remember it and they will have no difficulty whatever in renouncing Pakistan as a dangerous and suicidal move on the part of Mr. Jinnah.

Then, Sir, up to now the majority community has been denouncing 'Pakistan on the ground that we are for the unity of India. But we are for the unity of India, not from any sentimental grounds; we are for the unity

[Dr. Sir Hari Singh Gour]

of India because we have often offered—and I wish on behalf of my friends to offer once more from the floor of this House—a constructive suggestion specially designed to benefit the Mussalmans of India. Let there be joint electorates and let the Muslims keep their quota of seats, but let there be a provision in the electorates that no member of one community shall be deemed to have been duly elected unless he polls a certain percentage of votes of the other community. In this way we shall have introduced democratic and territorial elections instead of communal elections, and the severity of caste and communal differences will begin to disappear in course of time. If this proposal is acceptable to the Muslim League, I have no doubt that the majority community and the Congress will probably consider the proposal favourably, as being both democratic and non-communal, and our reintroducing the principle of territorial elections in this country. My friends on the Muslim side ought to have a constructive policy, not for dividing and disuniting India but for the purpose of creating a homogeneous solidarity between the various castes, communities and classes in India so as to bring about a united free India.

Sir, in America we have really fifty different nationalities of all kinds and all grades, but the moment the American war of independence was fought and won, they never thought of thinking their freedom with religion, and this is why America has become now the master race of the world. And India, let me tell you, will equally be not the master but the chief servant of all Asiatic countries, if it remains united and strong for her self-defence.

Another section of the Indian people, the Indian States, are still lingering on the fence. They say, you should postpone the Constituent Assembly till we come in. I beg to submit, as a student of law, that the position of Indian States is extremely simple and it is this. They say they have their treaties with the Crown. I will assume that they or everyone, one and all of them have their treaty with the Crown and that these treaties go far back to hundred or a hundred and fifty years. But what was the Crown of England 150 years ago? It was the voice of the ruling Government, of the British Cabinet, and, consequently, when they speak of their having had treaties with the Crown, what they do mean is that they have had their treaties with the Government of England for the time being in power. It is an ordinary platitude if I say—if the Crown of England accepted the advice of the British Cabinet 100 or 150 years ago, is it wrong for the Crown of England to-day to act on the advice of the Indian Cabinet? Can the Indian Princes complain that the Crown has got no right to choose its own advisers now? Therefore, their position is a futile one when they speak of their treaties with the Crown. Then, they say that the Crown has got the right of paramountcy. But they forget that the British Government in India has got the right of protecting all the Indian States, from the big State of His Exalted Highness the Nizam of Hyderabad to the smallest State in Kathiawar. And he who has the right of protection enjoys *de facto* the right of paramountcy. The defence of British India, having been transferred to the Interim Government, the Interim Government became responsible for the security of the Indian Princes, and, consequently, *pro tanto* that right of paramountcy has passed from the King of England or the Parliament of England to the Interim Government.

The third point that I wish to draw the attention of the Indian Princes to is, even assuming that there was a figurative continuance of paramountcy in the King, it was pointed out in the course of debates in the House of Lords that when the transfer of power to India takes place, that paramountcy will lapse, and, consequently, the Indian States must either join hands with the Interim Government in India or remain isolated and

aloof as a subordinate creature of that free India. I therefore advise my friends of the Indian States that they are waiting in vain for an invitation from the Constituent Assembly to come in. If they wish to come in, they are welcome to do so. As regards treaties with the Indian Princes in the later stages, that again is a matter on which the Constituent Assembly will have a final say. I therefore think that the question of Pakistan and that of Indian States need not worry us. Let us go ahead with our duty, but remember it that this Constituent Assembly has been misunderstood even by the High Command of the Congress, as if we were a creature of the British Government or of the British Mission. It is not the creature of the British Government or of the British Crown. (*Hear, Hear*) It has come into existence by reason of the fact that the political consciousness of the country has grown to an extent that the British Government will either face the constitutional freedom of India or the coercive freedom. Either force or persuasion is left to the British Government. The late Viceroy, Lord Linlithgow in the House of Lords, only the other day, pointed out that the British Government cannot hold on to India unless it has behind it the moral claim of the British support. It has no support in Great Britain and it certainly has ceased to have support in India. Consequently, it has become a question of political necessity; and the British Mission and the British Labour Party are now pledged to grant freedom to this country. Freedom will come. It shall come. But when we are sitting here to frame the future Constitution of India, let us not look askance and cast our eyes as to what the Muslim League would think or what the British Government will think and refer our doubts to the Federal Court.

I do not wish to anticipate the decision of this House on the subject of reference to the Federal Court, but I do wish to repeat once more that this House should be sufficiently self-respecting to carry out its duties regardless of the opposition it may meet and the criticisms it might arouse from whatever source they might come. (*Loud applause*).

Shrimati Dakshayani Velayudan (Madras: General): Mr. Chairman, before I express my views on the Resolution, let me pay my humble homage to our Revolutionary Father, Mahatma Gandhi (*applause*). It is his mystic vision, his political idealism and his social passion that gave us the instruments to achieve our goal. I submit that a Constituent Assembly not only frames a constitution, but also gives the people a new framework of life. To frame a constitution is an easy job, because there are many models for us to imitate. But to renew a people on a new foundation requires the synthetic vision of a planner. The Independent Sovereign Republic of India plans a free society. In our ancient polity, there were conflicts between absolutism and republicanism. The slender flame of republicanism was snuffed out by the power political States. The Lichavi Republic was the finest expression of the democratic genius of our ancients. There, every citizen was called a Raja. In the Indian Republic of tomorrow, the power will come from the people.....

We could understand the attitude of the Princes in this matter from the statement made by the members of the Negotiating Committee who represent the Chamber of Princes. But here comes a Maharaja with a historic message to his people. I mean the Maharaja of the Cochin State, which is one of the most advanced States in India and I am proud to say that I belong to it. Here is a part of the message:

“I believe in pure constitutional rule and, throughout my life, I have sedulously cultivated an attitude towards life and institutions which are antipathetic to autocracy and personal rule.”

From this message it is obvious that the power comes from the people. In the Indian Republic there will be no barriers based on caste or community. The Harijans will be safe in a Republican State of the Indian

[Shrimati Dakshayani Velayudan]

Union. I visualise that the underdogs will be the rulers of the Indian Republic. I therefore appeal to the Harijan Delegates of this Constituent Assembly that they should not harp on separatism. We should not make ourselves the laughing stock of our future generations by harping on separatism. Comunalism, whether Harijan, Christian, Muslim or Sikh, is opposed to nationalism. (*Hear, hear.*) What we want is not all kinds of safeguards. It is the moral safeguard that gives real protection to the underdogs of this country. I am not at all afraid of the future of the Harijans. It is not safeguards that go to improve the status of the Harijans.

The other day we heard Mr. Churchill waxing eloquent over the question of the Harijans. He said that the British Government is responsible for the life and welfare of the so-called Scheduled Castes of India. I would like to ask him one question. What has the British Government done to improve the social status of the Harijans? Did they ever pass any legislation to remove the social disabilities of the Harijans except producing some chaprassis and butlers? And Mr. Churchill also complained that the Harijans were thrown at the mercy of the Caste Hindus, their oppressors. Mr. Churchill cannot take the 70 million Harijans of this land to Great Britain to give them protection. He may give protection to a few communalists who might fly to England. Mr. Churchill should understand that we are Indians. The Harijans are Indians and they have to live in India as Indians and they will live in India as Indians. We also heard recently that the Scheduled Castes are considered as a minority. Nothing of the sort is mentioned in the State Paper of May 16. I refuse to believe that the 70 million Harijans are to be considered as a minority. Neither Lord Pethick-Lawrence, the Secretary of State for India, nor even the Prime Minister, Mr. Attlee, nor even the Leader of the Opposition, Mr. Churchill, is going to improve the condition of the Harijans. What we want is the removal, immediate removal, of our social disabilities. Only an Independent Socialist Indian Republic can give freedom and equality of status to the Harijans. Our freedom can be obtained only from Indians and not from the British Government.

Let me make a personal appeal to Dr. Ambedkar to join the nationalist forces of this country. He is the only leader of the Harijan community and his non-co-operation with the nationalist forces is a great tragedy to the Harijans; his co-operation with the nationalist forces will enhance the emancipation of the Harijans. Here is a unique occasion for you, Sir, (addressing Dr. Ambedkar) to place your services before the country.

The Harijans will be free only in a Socialist Republic India, and let us all support the Resolution and work for its implementation even if it demands the utmost sacrifices from us.

Regarding the amendment brought forward by the Right Hon'ble Dr. Jayakar, I think those who support the amendment get their inspiration from Whitehall and not from the people of this land. Recently we heard much about the postponement of the Constituent Assembly from different quarters Lord Wavell pleaded for it, Mr. Jinnah insisted on it. I feel that Dr. Jayakar by moving this amendment, is questioning the very validity of the Constituent Assembly and is strengthening the argument put forward by Mr. Churchill the other day in the House of Commons.

Dr. Jayakar also expressed a pious sympathy for the people of the States. If by the term 'States' the Hon'ble Members means the real representatives of the States, I can assure the Hon'ble Member that the people of the States are behind the Congress and the Constituent Assembly, (*applause*) and any decision made by the Constituent Assembly will be acceptable to the people of the States.

I think I should make some reference to the views expressed by the Communist leader. In the historic Resolution moved by Pandit Jawahar Lal Nehru, I think every provision is made for the development of every individual in this land. And now the Party which called the war as the People's war, has come here to advise the Constituent Assembly to postpone the consideration of this Resolution for some time. If I am wrong there, I may be excused. The so-called Communists, instead of emancipating the Harijans, are only exploiting them. They promise pieces of land to the Harijans and in that way they try to take them away from the nationalist forces. I think the Communist Party is getting its inspiration from some outside quarter and so it is not for us to accept the views of the Communists. We cannot depend on such a party for our emancipation and our emancipation lies in the national forces which are represented in this Assembly. I therefore hope that in the future independent India the Harijans will have an honourable place as every other citizen of this land.

Mr. Chairman: It is already quarter past one. The House will now adjourn till day after tomorrow, 11 o'clock.

The Assembly then adjourned till Eleven of the Clock, on Saturday, the 21st December 1946.
