

Tuesday, 10th December, 1946

Volume I



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to
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CONSTITUENT ASSEMBLY DEBATES

OFFICIAL REPORT

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CONSTITUENT ASSEMBLY OF INDIA

President:

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

Tuesday, the 10th December, 1946

The Constituent Assembly of India met in the Constitution Hall, New Delhi, at Eleven of the Clock, the temporary Chairman (Dr. Sachchidananda Sinha) in the Chair.

The Chairman (Dr. Sachchidananda Sinha) : If any Hon'ble Member has arrived since yesterday afternoon, who has not yet signed the Register nor presented his credentials, he may do so now.

(Nobody came forward).

The Chairman (Dr. Sachchidananda Sinha): I shall now take up item No. 2 which is the moving of a Resolution prescribing procedure for the election of a permanent Chairman. I understand that Acharya Kripalani will move this resolution. I invite him to do so.

PROCEDURE FOR ELECTION OF PERMANENT CHAIRMAN

Acharya J. B. Kripalani (United Provinces : General): Sir, with your permission, I propose to move the following resolution prescribing the procedure for the election of the permanent Chairman whom we propose to call as the President of the Constituent Assembly. The resolution runs thus:

“The Assembly hereby resolves that the following rules for the election of Chairman be adopted.

- (1) At any time before 2-30 P.M., today any member may nominate another member for election by delivering to the temporary Chairman or to a person appointed by him a nomination paper signed by the proposer and by a third member as seconder and stating—
 - (a) the name of the member nominated, and
 - (b) that the proposer has ascertained that such member is willing to smallest number of votes shall be excluded from the election.
- (2) At any time to be the temporary Chairman, the temporary Chairman shall read out to the Assembly the names of the members who have been duly nominated together with those of their proposers and seconders and, if only one member has been so nominated, shall declare that member to be duly elected. If more than one member has been so nominated the Assembly shall proceed to elect the Chairman by ballot on a date to be fixed by the temporary Chairman.
- (3) For the purpose of rule (2) a member shall not be deemed to have been duly nominated or be entitled to vote, if he and his proposer and seconder have not signed the Assembly Register as members of the Assembly.
- (4) Where only two candidates are nominated, the candidate who obtains at the ballot the larger number of votes shall be declared elected. If they obtain an equal number of votes, the election shall be by the drawing of lots.

- (5) Where more than two candidates have been nominated and at the first ballot no candidate obtains more votes than the aggregate votes obtained by the other candidates, the candidate who has obtained the smallest number of votes shall be excluded from the election, and balloting shall proceed, the candidate obtaining the smallest number of vote, at each ballot being excluded from the election, until one candidate obtains more votes than the remaining candidate or than the aggregate votes of the remaining candidates, as the case may be, and such candidate shall be declared elected.
- (6) Where at any ballot any of three or more candidates obtain an equal number of votes and one of them has to be excluded from the election under rule (4) the determination as between the candidates whose votes are equal of the candidate who is to be excluded shall be by the drawing of lots."

This resolution for the procedure of election of the President needs no words from me to recommend itself to the House. These are the usual rules applied in all legislative assemblies.

The Hon'ble Pandit Jawahar Lal Nehru (United Provinces : General): I beg to second the resolution.

The Chairman (Dr. Sachchidananda Sinha): The resolution has been duly moved and seconded. I shall put it to the vote now.

Dr. P. S. Deshmukh (C. P. and Berar : General): Sir, may I suggest some verbal alterations?

The Chairman (Dr. Sachchidananda Sinha): The Hon'ble Member is fully entitled to make any suggestions he desires, and we shall consider them after they have been noted down. Will the Hon'ble Member come to the rostrum before making his suggestions?

Dr. P. S. Deshmukh (after having come to the rostrum) I suggest that in paragraph (1), line 4, the word "third" be substituted by the word "another" and that in paragraph 3, in the last but one line of that paragraph the word "and" in both places in that line be substituted by the word "or". I think these changes are, in my opinion, necessary.

The Chairman (Dr. Sachchidananda Sinha): Does, Acharya Kripalani accept these changes?

Acharya J. B. Kripalani: There is no objection.

Sri K. Santhanam (Madras : General) : It means that the seconder may mean a non-member.

The Chairman (Dr. Sachchidananda Sinha): I am not here to interpret it. Interpretation is a most dangerous thing. If the House will permit me. I shall read out the proposed amendments. The first amendment proposed is that in paragraph (1) for the word "third" the word "another" be substituted. Does Acharya Kripalani accept it?

Acharya J. B. Kripalani: So far as I am concerned I accept it; I have no objection.

The Chairman (Dr. Sachchidananda Sinha) : Is there any objection on the part of any Hon'ble Member to the word "third" being changed into, it "another"?

Sri M. Ananthasayanam Ayyangar (Madras : General): I have got objection to this amendment. The inconvenience of accepting this change is this. There are already in the earlier portion of the paragraph the words "another member" in the second line of the paragraph, and if you accept the present amendment, it means that a person who is to be the Chairman, has himself got to be the seconder, and that is an absurdity. I therefore oppose this amendment. The original word "third" should continue and there is no meaning in this amendment.

The Chairman (Dr. Sachchidananda Sinha): Do you desire that the original word in Acharya Kripalani's amendment should stand, and that no change should be made?

Sri M. Ananthasayanam Ayyangar: Yes.

Dr. P. S. Deshmukh: I see the objection to my amendment, and do not press it. But, I think it would sound far better if the first word "another", is changed into "a" and the word "third" altered into "another". I am afraid that it might look as if I am suggesting too many changes. But we are making a constitution, and I do not want that anything should go out of this House....

The Chairman (Dr. Sachchidananda Sinha): It is not a matter of constitution at all. You first made one proposal that the word "third" be changed into "another". If you bring up another proposal before your first proposal is disposed of, that is not fair to the House. Now the only question before the House is, whether the word "third" as put down in Acharya Kripalani's resolution, should be changed into "another". After this is disposed of, you may bring up any other proposal that you like.

Dr. P. S. Deshmukh: This is a consequential suggestion. I will read out to you....

The Chairman (Dr. Sachchidananda Sinha): No.

Acharya J. B. Kripalani: I think the thing as it stands is the best, I accepted the amendment in order to avoid a controversy.

The Chairman (Dr. Sachchidananda Sinha): If I may advise the House, I think there is no substantial difference in the meaning. The word may stand as it is, but it is for the House to decide.

The Hon'ble Sri C. Rajagopalachari (Madras: General): The mover of the amendment is under a misapprehension, I fancy. It is not a matter of elegance of language. The points that are covered by the words as they stand in the original Resolution are these. There should be a proposer distinct from the man proposed. Again, the other point is that the seconder should be distinct from either of these two. Therefore the word "third" is precise and necessary and any change will lead to a mistake.

An Hon'ble Member: When the mover of this Resolution has already accepted the amendment suggested, I don't think any further discussion is necessary.

The Chairman (Dr. Sachchidananda Sinha): But you may certainly permit the mover of a Resolution to change his mind subsequently. It would do no harm. You would not prevent him from doing that. I think as a result of this discussion, which we have had on this point, the word "third" may be left as it is.

An Hon'ble Member. Sir, it was moved formally by Acharya Kripalani that the name of the chairman should be the "President". That was not put to the vote. I don't know if it is necessary to put it to the vote, and if it has been adopted.

The Chairman (Dr. Sachchidananda Sinha): No. It has not yet been adopted. I have been advised by the Constitutional Adviser that according to the procedure in Parliament we have to use the word "Chairman" both for me, as the acting Chairman, and the permanent Chairman, but the Rules Committee, which will come into existence before long, will decide this matter. It will be opened to the Rules Committee to adopt the word "President". Therefore the word "Chairman" may be left as it is for the time being.

We shall now take up the third sub-section of Acharya Kripalani's resolution.

"For the purpose of rule (2) a member shall not be deemed to have been duly nominated or be entitled to vote if he and his proposer and seconder have not signed the Assembly Register as members of the Assembly."

The amendment is that the word "and", in the two places in this particular clause, should be substituted by the word "or". I should like to ask Acharya Kripalani whether he is prepared to accept that.

Acharya J. B. Kripalani: I submit that it makes no difference in the meaning, but "and" is more appropriate here.

The Chairman (Dr. Sachchidananda Sinha): I understand that you would prefer to adhere to the word "and" rather than have it changed into "or", though you say that practically they make the same thing?

Acharya J. B. Kripalani: Yes, Sir. I adhere to the words that are in the Resolution.

The Chairman (Dr. Sachchidananda Sinha): What is the sense of the House?

Some Hon'ble Members: "Or" is proper.

Many Hon'ble Members: No change.

The Chairman (Dr. Sachchidananda Sinha): The sense of the House seems to be that there is no need to change the word "and" into "or", and that the Resolution should stand as it is.

Mr. H. V. Kamath (C. P. and Berar: General): Sir, I wish to say a few words on this Resolution. There is no provision for withdrawal of a contesting candidate.

The Chairman (Dr. Sachchidananda Sinha): I think the Hon'ble Member who has now come to address us wants to say that in all such rules there is provision for withdrawal of a member from an election contest. I think that is true. He says there should be—though necessity may not arise for it—but there should be a provision added that if any member nominated for election desires to withdraw himself from the contest he may do so at some time. I don't think there is any harm in adding that.

Mr. H. V. Kamath: With your permission, Sir, I wish to recommend the insertion of this clause "Where more than one candidate has been nominated, the Chairman will fix a date and time for the withdrawal of one or more of such candidates if he or they so desire."

The Chairman (Dr. Sachchidananda Sinha): Quite right. I shall try to put in clear language as well as I can, the substance of your suggestion. It may be added.

Well now, all the amendments having been disposed of, I put it formally to the House now that Acharya Kripalani's Resolution be carried.

The Resolution was adopted.

The Chairman (Dr. Sachchidananda Sinha) : I declare Acharya Kripalani's resolution duly carried.

PROVISIONAL ADOPTION OF CENTRAL LEGISLATIVE ASSEMBLY RULES AND STANDING ORDERS

The Chairman (Dr. Sachchidananda Sinha): Now I would invite the Hon'ble Pandit Jawahar Lal Nehru to move the first of the three resolutions remaining to be moved.

The Hon'ble Pandit Jawahar Lal Nehru (United Provinces: General): Sir, I beg to move this formal resolution which I hope will facilitate the business of the House, namely—

“That the Assembly do adopt, with such modifications as the Chairman may in his absolute discretion permit, the Rules and Standing Orders of the Central Legislative Assembly pending the framing by the Constituent Assembly of its own Rules of Procedure.”

As the House knows, this Constituent Assembly has started without any rules and regulations made by any outside authority. It has to make its own rules. I am later moving a resolution in the House asking for the appointment of a Committee to make the rules. Presumably that Committee will take two or three days to finish the work. Now we have to function during these few days before our own rules have been made. It is desirable therefore that we should have something to fall back upon. And the easiest method is to adopt the rules of the Central Legislative Assembly in their entirety, not absolutely, because then it might give rise to considerable difficulty. But we should adopt them and give the right to the Chairman to modify them, if necessary, to suit the occasion.

The Chairman (Dr. Sachchidananda Sinha): Will the Hon'ble mover kindly modify the words “the Chairman may in his absolute discretion permit” something to be done. I suppose it means the permanent Chairman.

The Hon'ble Pandit Jawahar Lal Nehru: Whoever is presiding at the time.

The Chairman (Dr. Sachchidananda Sinha): Very well.

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

The Chairman (Dr. Sachchidananda Sinha): Hon'ble Members may now offer amendments or suggestions, if any.

Sri Biswanath Das (Orissa: General): Sir, I wish to point out...

The Chairman (Dr. Sachchidananda Sinha): May I know if the Hon'ble Member is going to move any amendment?

Sri Biswanath Das: I see certain difficulties in the wording of the Resolution. I wish him to consider the position and see if it is not possible or desirable to withdraw the Resolution.

The Chairman (Dr. Sachchidananda Sinha): I must apologise to you, but I could not follow what you said.

Sri Biswanath Das: I propose to point out certain difficulties, as I see them, in this Resolution in its actual working.

The Chairman (Dr. Sachchidananda Sinha): In other words, you are objecting to the Resolution as drafted and moved.

Sri Biswanath Das: Yes.

The Chairman (Dr. Sachchidananda Sinha) : Directly negating the proposition? I hope the Hon'ble Mover will follow that. The speaker foresees, certain difficulties in the way of carrying out the Resolution moved by the Hon'ble Pandit Nehru and he, therefore though he does not use the word 'oppose', is really opposing the Resolution.

Sri Biswanath Das: I am very sorry I have to undertake a job which is very unusual with me. Need I state in this connection that I have been a silent supporter of the lead given by the Working Committee and by the

Hon'ble Pandit Jawahar Lal Nehru. But I see certain difficulties, in giving practical application to this Resolution. It proposes two or three things. Firstly, it says 'with certain modifications as the Chairman in his absolute discretion permits'; secondly, it says "the rules of the Central Legislative Assembly may be given application". Sir, in the first place, the Rules Committee is going to be appointed very shortly. I believe it, will, at best, take only two or three days to frame the rules and place them before the House. Let me hope that in the meanwhile we do not transact important business. Therefore the temporary proposals will not be very helpful despite the difficulties that are bound to arise in their application with various points of order.

Then, Sir, the Resolution leaves a lot of discretion to the Chair. I would appeal to my leader to consider whether it is not desirable and fair to leave the whole thing—the entire regulation of the business to the chair for two or three days within which period the regular rules will be framed and placed before the House. I suggest that if, in the meanwhile, the House proposes to do any business, let the work be regulated by the Chair in his absolute discretion, is being permitted in the Resolution itself.

Thirdly, it is difficult for us to know the Procedure and the Rules and Standing Orders of the Central Legislature. For myself I do not know and I believe there are many Hon'ble Members here who have absolutely no knowledge of the Rules of Procedure of the Central Legislature. The rules differ in very important respects from Province to Province. It will take two or three days for members to acquaint themselves with the rules of the Central Legislature. Instead of putting the Hon'ble Members to this difficulty, I think it is better, to leave it to the Chair to regulate the business, if any, till such time as our own Committee frames rules.

Lastly, Sir each one of the 220 members of this House may have to be supplied with a copy of the Rules of the Central Assembly. I do not know whether the Central Legislature may be able to supply so many copies of the Rules now, at short notice. In view of these difficulties I believe there is no harm if Pandit agrees to withdraw this Resolution and leave the entire option to the Chair as it is proposed in the Resolution. I have nothing more to say. I am very sorry that I have to 'oppose' it as you, Sir, put it though it is not my purpose to do so.

The Chairman (Dr. Sachchidananda Sinha): I may inform Mr. Biswanath Das that, whatever term it might suit him to use, I, as Chairman, have no option but to call his attitude as one of opposition.

Sri Biswanath Das: That may be so; but I have not spoken in any spirit of opposition.

Shri Sri Prakasa (United Provinces: General): I would like to support the Resolution moved by the Hon'ble Pandit Nehru. If my Hon'ble Friend Mr. Biswanath Das were to read the Standing Orders and Rules of the Central Legislature he will find that they are almost perfect. They cannot be improved upon. I am sure when our own Committee has sat and deliberated in the matter, it will find that it cannot make any changes therein Sir, if your Secretary will circulate a copy of the Rules and Standing Orders of the Central Legislature to Hon'ble Members,—it does not cost very much—Mr. Biswanath Das and everyone else will find that the Rules that are good enough for the Central Legislature will be good enough for us also. I think it will be mere waste of time if we adjourn the business of this House in order to frame our own Rules of Business. I do not think you, Sir, as temporary Chairman, will find that these rules do not cover all possible contingencies that might arise in the course of our debate. I support my Hon'ble Friend, Pandit Jawahar Lal Nehru.

The Chairman (Dr. Sachchidananda Sinha): I am more concerned with knowing whether anyone is supporting Mr. Biswanath Das. (*Laughter*). I

am concerned with the technical aspect of the question that the proposal of Mr. Biswanath Das has not even been seconded. I think, the sense of the overwhelming majority of the House is that Pandit Jawahar Nehru's Resolution be adopted.

Mr. N. V. Gadgil (Bombay: General): I want to make a request that all the members of the Constituent Assembly be supplied with a copy of the Manual of Rules of Business and Standing Orders of the Central Legislative Assembly.

The Chairman (Dr. Sachchidananda Sinha): I do not know whether there are as many copies available. We may not have; however, I shall try my best to meet your wishes.

I now put the Resolution of Pandit Nehru to the vote..... I declare it carried.

Now I shall request Pandit Nehru to move the next resolution, No. 6.

CONFIRMATION OF EXISTING ORGANISATION OF CONSTITUENT ASSEMBLY OFFICE

The Hon'ble Pandit Jawahar Lal Nehru (United Provinces: General): Mr. Chairman, Sir, I beg to move the following resolution, namely:—

“That this Assembly do confirm the existing Organisation of the Office of the Constituent Assembly, pending the final decision of this Assembly.”

The House probably knows that for the last many months the Office of the Constituent Assembly has been functioning and has organised all that has gone before us, before the meeting of this Assembly. Much of their work has been completely behind the scenes and possibly few members realise the hard work that has preceded this meeting. In any event, the Office has to continue till the Assembly decides otherwise. Some kind of Office obviously the Assembly is going to have. It may choose to continue this Office, it may choose to expand it or to vary it but it must continue, and my Resolution is in a sense to legalise the continuation of this Office until such time as the Assembly thinks otherwise. I beg to move, Sir.

The Chairman (Dr. Sachchidananda Sinha): Is this Resolution seconded?

The Hon'ble Mr. M. Asaf Ali (Delhi): I have very great pleasure in seconding this resolution of Pandit Nehru.

The Chairman (Dr. Sachchidananda Sinha): I have very great pleasure in putting it to the vote. (*Laughter*). Am I not entitled to make any observation without provoking laughter? (*Renewed laughter*).

I would like to say, in support of your observations, Pandit Nehru, that in the few days that it has been my privilege to work with Sir B. N. Rau and his staff, I have received the greatest possible assistance, and I am sure they will continue to give the same valuable assistance to my successor..... I declare the Resolution carried.

Acharya Kripalani will now move resolution No. 7.

COMMITTEE ON RULES OF PROCEDURE

Acharya J. B. Kripalani (United Provinces: General): Sir, we have assembled here, having no Rules of Procedure. Therefore it was that Pandit Jawahar Lal Nehru moved his first resolution so that till we are able to make our rules, the rules that apply in the conduct of business in

the Central Assembly may be applied in any resolution that we might discuss here before we have made our rules. These rules require very careful consideration. For that purpose I propose that a Committee be appointed. I therefore beg leave to move the following resolution that...

“This Assembly resolves—

(1) to appoint a committee consisting of a Chairman and 15 other members to report on the following matters:

(a) Rules of Procedure of the Assembly.”

You will find in the copy you have got the words “Sections and Committees”. Sections and Committees are part of this Assembly, and the words therefore appear to me to be superfluous. I have therefore taken them off. So—

“(a) Rules of Procedure of the Assembly;

(b) Powers of the Chairman;

(c) Organisation of the work of the Assembly, including the appointment and powers of Office-bearers other than the Chairman; and

(d) Procedure for the declaration of the Committee;

(2) that the Chairman shall be the Chairman of the Committee;

(3) that the Members of the Committee be elected in the manner prescribed in the Schedule; and

(4) that, pending the decision of the Assembly in that behalf, the Chairman shall—

(a) fix the allowance of the Members of the Assembly;

(b) in the case of the servants of the Government of India or any Provincial Government whose services are placed at the disposal of the Assembly fix their salaries and allowances in consultation with the Governments concerned; and

(c) fix the salaries and allowances of all other persons recruited for the business of the Assembly.

Schedule

1. The Members of the Committee shall be elected according to the principle of proportional representation by means of the single transferable vote. The election shall be conducted as nearly as possible in accordance with the regulations in force in this behalf in the Central Legislative Assembly.

2. The Chairman shall fix and announce a date and time for the holding of the election (if necessary) of the Members of the Committee.

3. Notice may be given by any member desirous of proposing a member or members for election to the Committee. Notice shall be given in writing addressed to the Secretary and signed by the Member giving notice and shall be left at the Notice Office before 12 noon on a day to be fixed by the Chairman. The member giving notice must satisfy himself that the Members he proposes are willing to serve if elected.”

After this I have added another paragraph. It runs as follows: It is not given in the paper you have got but it may be added:

“If within the time appointed by the Chairman any candidate proposed desires to withdraw his name, he shall be free to do.

4. If the number of candidates so nominated is less than the number of vacancies to be filled, the Chairman will appoint a further period within which the notice aforesaid may, be given and may thereafter appoint additional further periods until the number of candidates is not less than the number of vacancies to be filled.

5. If the total number of candidates nominated is equal to the number of vacancies to be filled, the Chairman shall declare all the candidates to be duly elected.

6. If the total number of candidates nominated exceeds the number of vacancies, an election shall be held in the manner prescribed in rule 1.

7. For the purpose of these rules, a member shall not be deemed to have been duly nominated or be entitled to vote if he and his proposer have not signed the Assembly Register as members of the Assembly.”

An Hon'ble Member: No seconder required for these nominations? All that is mentioned is the proposer and the candidate.

Rai Bahadur Syamanandan Sahaya (Bihar: General): The Rules just now proposed do not include a seconder. I just wanted to make it clear if a seconder is required for these nominations or a proposer will do.

The Chairman (Dr. Sachchidananda Sinha): Rai Bahadur Syamanandan Sahaya wants to know whether the nominations to be made to the election of the Committee will require only a proposer or also a seconder.

Acharya J. B. Kripalani: Sir, no seconder is necessary.

The Chairman (Dr. Sachchidananda Sinha): Very good.

Mr. H. V. Kamath. (C. P. and Berar: General): I submit, Sir, that here again there is a pretty serious lacuna with reference to the disposal of election petitions. This Assembly, in my opinion, Sir, must appoint a Tribunal for the disposal of election petitions, where such elections have been challenged by Hon'ble Members. For instance, yesterday, the Baluchistan election was challenged. That was an the Agenda yesterday. But there is no provision for the appointment of a Tribunal.

The Chairman (Dr. Sachchidananda Sinha): The Committee, I understand, will frame certain rules for that purpose. I advise them to keep in mind, that they should frame rules also for going into election cases.

Dr. Suresh Chandra Banerjee (Bengal: General): Is it the intention of the Mover that the Rules should also apply to Sections? In my opinion 'Section' should be specifically mentioned here because you know there are difficulties with particular Sections.

Dr. Syama Prasad Mookherjee (Bengal: General): I also support the proposal made by Dr. Suresh Chandra Banerjee. I think it will be safer to accept it. If it is the intention of the Mover that the Rules Committee will also frame rules for Sections and Committees, it is desirable to include Sections and Committees specifically in the Resolution, so that it may read like this "Rules of Procedure of the Assembly, including Sections and Committees."

The Chairman (Dr. Sachchidananda Sinha): Dr. Syama Prasad Mookherjee is making a suggestion to you that you may kindly accept his proposal to include or add one word there.

Acharya J. B. Kripalani: I think that the Rules of Procedure of Assembly, Sir, include the rules for Sections and Committees and I do not see why this superfluous addition be made in the draft as I have presented before the House.

Dr. Syama Prasad Mookherjee: May I just explain, Sir, that it is very necessary that the words 'including Sections and Committees' should be mentioned here? When the Sectional Assemblies will meet each may frame its own Rules of Procedure. The question may then arise whether the Constituent Assembly as such had the authority to frame Rules of Procedure for the Sections at all. Reference has then to be made to the Resolution which gave authority to the Rules Committee to frame rules and then the only mention which will be found will be that this Committee was appointed to frame Rules of Procedure of the Assembly. It will then be a question of interpretation whether the Rules Committee was at all entitled to frame rules for the Sections. If your intention is that this Rules Committee will also frame rules for the Sections, why not say specifically 'including Sections and Committees' so that there may not be any ambiguity or doubt whatsoever when Sections start doing their work.

The Hon'ble Shri Purushottamdas Tandon (United Provinces: General): I support the amendment of Dr. Mookherjee.

The Chairman (Dr. Sachchidananda Sinha): Have you any objection to substituting or adding that word 'including' there to make, as they contend, the sense clear still?

Acharya J. B. Kripalani: I think if there are additional rules necessary for the Sections, it will be laid down that the Sections will not make any rules inconsistent with the rules of the whole Assembly. My submission, Sir, is that this Rules Committee will make general rules of a very broad nature and these will apply to Sections and Committees. If any Committee or if any Section wants any additional rules, they shall be made by it subject to this that such rules shall not be inconsistent with the general rules that this Committee has made. Therefore, I would like this section of the Resolution to stand as it is.

Sardar Harnam Singh (Punjab: Sikh): Mr. Chairman, I have got two points to put before this House regarding the Resolution proposed by Acharya Kripalani. One relates to para. 1(a) of the resolution. I agree with Dr. Syama Prasad Mookherjee that instead of the words in para. 1(a) of the resolution, "Rules of Procedure of the Assembly" it should be "Rules of Procedure of the Assembly, its Sections and Committees". That is my first proposal. The Cabinet Mission in their elucidations always referred to the Sections as Sections of the Constituent Assembly. Therefore, my proposal is that in para. 1 (a) of the rule must be read as "Rules of Procedure of the Assembly, its Sections and Committees".

Now there is another matter. Acharya Kripalani, in moving the Resolution stated that the words, "Sections and Committees", were superfluous and therefore he was for deleting them. In the proposed Rules of Procedure for the Assembly, it is therefore understood that the Rules of Sections and Committees are included. One of the Committees that you will be setting up in this preliminary session is the Advisory Committee for certain purposes outlined in paragraph 20 of the Cabinet Mission's proposals. The Cabinet Mission have clearly stated that the Advisory Committee must have full representation of the minorities. Now, when the Rules of Procedure for that Committee are to be framed by a Committee which is to be elected by this House, according to paragraph 1 of the Schedule, I fear that minorities will not have any say in the Rules which are to regulate the procedure of the Advisory Committee. Therefore, my second proposal is that para. 1 of the Schedule, must read "Ten of the members of the Committee shall be elected according to the principle of proportional representation by means of the single transferable vote" and I wish to add a second para. That second para. would be, "The remaining five shall be nominated by the Chairman of the Assembly so as to give adequate representation on the Committee to important minorities." Otherwise, I fear the work of the Advisory Committee might be regulated in such a way as may go to the detriment of some important Sections of this House, namely, the minorities. These are my two proposals and I submit that clause (1) may be amended as suggested and an additional para. may be added to the Schedule as para. 2 and instead of seven paragraphs in the Schedule, we may have eight.

Mr. K. M. Munshi (Bombay: General): Mr. Chairman, I rise to support the amendment moved by Mr. Suresh Chandra Banerjee and supported by Dr. Syama Prasad Mookherjee. The business of this Assembly, to borrow the phraseology of the House of Commons, would naturally include the business of its Sections and Committees. Therefore, if the words stood as they are, "Rules of Procedure of the Assembly," there would be strictly no need to mention Sections and Committees. There is no doubt about that. But at the same time, we have not yet a clarification of the State Paper about this matter and it would be extremely unwise, I submit, Sir, to omit the words "Sections and Committees" because that would show

that this Constituent Assembly is not a self-determining and self-governing institution which we insist it is. We may lay ourselves open to the argument that any part or any section of it or any Committee of it can function independently or frame its own rules. Acharya Kripalani himself mentioned that if we left the thing as it is, rules could be made, whereby we can lay down that the Sections and Committees will not have the power to make rules which are contrary to or inconsistent with the rules made by this Committee. That argument itself shows that it is competent for this Procedure Committee to regulate to some extent the procedure of the Sections and Committees. In view of the discussion which has already taken place here, it is much better that the words 'Sections and Committees' should stand rather than their absence lead to further discussion on the interpretation of our Resolution. I envisage a point of order. Suppose this Procedure Committee starts considering questions about Sections or even incorporating a rule, as Acharya Kripalani desired, a point of order is sure to be raised whether the word "Assembly" includes 'Sections and Committees'. At that time, it would be the Chairman of the Procedure Committee who will have to give the ruling. It is better that that point should not be left merely to the decision of the Chairman of the Procedure Committee, who may be the permanent Chairman. It should be laid down definitely by this House that the Constituent Assembly is one and indivisible, that the sections as already pointed out are Sections of the Assembly, and that they do not form independent bodies which can provide for procedure inconsistently with the rules of the Constituent Assembly. I therefore submit that it is necessary, particularly now as the question has been raised on the floor of this House, that the scope and extent of this resolution should be made clear by adding the words "Rules of Procedure of the Assembly including its Sections and Committees".

The Hon'ble Srijut Basanta Kumar Das (Assam: General): Mr. Chairman, Sir, much of what I was going to say has been anticipated, by Mr. Munshi. I would like to raise at this stage a point of order on the fundamental question as to whether this Constituent Assembly will have any right to scrutinize the work of the Sections and of Advisory Committees. This is necessary, Sir, in view of the principle that underlies the amendment that has been moved for including the Sections and Committees within the scope of the Resolution. Different functions have been allotted to the Sections and to the Advisory Committees. A Section will form the Provincial Constitution and also a Group Constitution. The Advisory Committee will advise on the fundamental rights of citizens, on the way as to how the interests of minorities are to be protected and as to the scheme to be formulated for the administration of Excluded Areas. Now whatever the Section and the Advisory Committees do, they may say that this Constituent Assembly, the Plenary Session will have no right to scrutinize their acts. I would therefore request you, Sir, to give a ruling on this point as to how far the Constituent Assembly will be entitled to give direction or to examine the work of the Sections and of the Advisory Committees. Therefore, Sir, before this Resolution is adopted and before all the points that have been discussed in connection with the Resolution and the amendments moved on it, are further discussed, I would like to ask from you a ruling on this point.

The Chairman (Dr. Sachchidananda Sinha): I have no desire that my ruling should be dragged into the Federal Court. Therefore, instead of giving a ruling which I have no desire to do, I shall invite Pandit Jawahar Lal Nehru to express his views.

The Hon'ble Pandit Jawahar Lal Nehru (United Provinces: General): Mr. Chairman, Sir, this Resolution was considered to be a formal resolution but from the trend of the discussions held, it seems there is a certain

[The Hon'ble Pandit Jawahar Lal Nehru]

misapprehension in the minds of Hon'ble Members. Some hold strong views about it. Undoubtedly anything that is done in the Sections will have to be considered by this House. I think the original draft was a Proper draft but when this matter was brought up in the shape of an amendment, then obviously it becomes entirely a different matter. There is opposition and an amendment has been asked to be carried out. If that becomes the expression of the view of the House because that amendment is opposed to the Resolution as originally drafted, it was supposed to give full powers to that Committee to consider the matter. Now an Hon'ble Member from Assam brought in the Advisory Committee into the picture. The Advisory Committee obviously and patently has to report to the Constituent Assembly. There is no doubt about it. I do not think anybody else will have any doubt about it and I take it that all Committees of this House should report to this House. Therefore I wish only to suggest to this Hon'ble House that this is hardly a suitable time at this stage for us to consider the whole scope of this matter when the House is agreed on the main issue. I would therefore suggest that the mover of this resolution, Acharya Kripalani, do accept the amendment that has been put forward.

Acharya J. B. Kripalani: I accept the amendment.

Shri R. V. Dhulekar (United Provinces: General): *[Mr. Chairman, I desire to the amendment that the intended Procedure Committee]

The Chairman (Dr. Sachchidananda Sinha): *[May I respectfully ask whether the Hon'ble Member does not know English.]*

Shri R. V. Dhulekar: *[I know English, but I want to speak in Hindustani.]*

The Chairman (Dr. Sachchidananda Sinha): *[Many of the members such as Mr. Rajagopalachari do not know Hindustani.]*

Shri R. V. Dhulekar: *[People who do not know Hindustani have no right to stay in India. People who are present in this House to fashion out a constitution for India and do not know Hindustani are not worthy to be members of this Assembly. They had better leave.]*

The Chairman (Dr. Sachchidananda Sinha): *[Please say what you wish to say.]*

Shri R. V. Dhulekar: *[I desire to move that the Procedure Committee should frame all rules in Hindustani which may be translated into English.]*

The Chairman (Dr. Sachchidananda Sinha): *[Order, order! you are not permitted by me to address the House on the question of bi-lingualism, and printing of papers in two or more languages. You are completely out of order. You came to speak on the amendment to Acharya Kripalani's resolution.]*

Shri R. V. Dhulekar: My amendment is that the Procedure Committee should frame rules in Hindustani. They may then be translated into English. When a member discusses a rule he will read its Hindustani version and demand a decision on the basis of that version and not English. I am sorry...]*

The Chairman (Dr. Sachchidananda Sinha): Order, order!

Shri R. V. Dhulekar: *[I am moving an amendment to Acharya Kripalani's resolution. As a member of the House I have a right to do so. I move that the Procedure Committee should frame rules in Hindustani and not in English. As an Indian I appeal that we, who are out to win freedom for our country and are fighting for it, should think and speak in our own language. We have all along been talking of America, Japan Germany, Switzerland and House of Commons. It has given me a

*[] English translation of Hindustani speech.

headache. I wonder why Indians do not speak in their own language. As an Indian I feel that the proceedings of the House should be conducted in Hindustani. We are not concerned with the history of the world. We have the history of our own country of millions of past years.]*

The Chairman (Dr. Sachchidananda Sinha): Order, order!

Shri R. V. Dhulekar: *[I request you to allow me to move my amendment.]*

The Chairman (Dr. Sachchidananda Sinha): Order, order! *[I do not permit you to proceed further. The House is with me that you are out of order.]*

Acharya J. B. Kripalani: I submit that if it will help the House to cut short the discussion, I would accept what has been suggested.

The Right Hon'ble Dr. M. R. Jayakar (Bombay: General): I want to say a few words on this Resolution. I am not sure whether the views I am now putting before this Assembly will not be regarded as too cautious, but I am bound to point out a few considerations which I want the House to note carefully. These considerations are against the express mention of the words "Sections and Committee". My view is no doubt actuated by a feeling of caution, which I think is desirable at the present stage. Remember the word "Sections". You are asked by express terms to legislate for them in advance of their future formation. Remember "Sections" include 'B' and 'C' Sections. Remember further that in 'B' and 'C' Sections there is likely to be—almost certainly to be—a preponderance of a certain group of men who are not present here today and who may be present at the late when these Sections begin to function. That group of men are not present here today under a feeling of suspicion, if not hostility. Would you like to legislate for them in advance at this stage, or would you not let the matter remain where it is, namely, that as the word 'Assembly' *prima facie* would include 'Sections' no rules can be framed by Sections 'A', 'B' and 'C' which are in conflict with the rules of the Assembly? This would be the usual constitutional rule. Would you not rather let matters rest at this, or would you go further and rub the point in by making an express mention of Sections implying thereby that we here today, in the absence of that group, make it obligatory by express words that the rules framed by the Assembly shall apply to the Sections. Such rubbing in is absolutely unnecessary, because the rules of the Assembly would *prima facie* include rules of the Sections. Remember that this group of men is not present here today and is, besides, watching these proceedings with jealousy and suspicion to discover whether you are taking anything out, of their hands and deciding it finally in advance of their arrival? If you do so may it not interfere with their future arrival here in a friendly and trustful atmosphere? I therefore suggest that the words as they stand in the original Resolution of Acharya Kripalani, may be accepted instead of going further to make an express mention of Sections and Committees.

Mr. Debi Prasad Khaitan (Bengal: General): Mr. President, Sir, I had no desire to speak on this motion, but in view of one word used by Mr. Munshi in the course of the amendment, namely, to add the word "its" and the subsequent speech delivered by my estimable friend, Dr. Jayakar, I felt inclined to speak a few words. I shall first deal with the suggestion made by Mr. Munshi, namely, the inclusion of the word "Its". I hope that the Hon'ble Mover of the amendment, Dr. Syama Prasad Mookherjee, will not accept that suggestion. The use of the word "its" in the course of this Resolution might put upon it an interpretation which is not intended either by Dr. Mookherjee of Acharya Kripalani. It might be interpreted

*[] English translation of Hindustani speech.

[Mr. Debi Prasad Khaitan]

to mean that the word "its" limits the scope to Committees appointed by the Assembly and not appointed by the Sections. Therefore, I suggest, Sir, that the amendment as moved by Dr. Syama Prasad Mookherjee, namely, "Assembly including Sections and Committees" be accepted by this House.

As regards the fear expressed by Dr. Jayakar, I would only suggest, as explained by Pandit Jawahar Lal Nehru and Acharya Kripalani, that this Assembly is one entitled to make rules governing the procedure not only of the Union Constituent Assembly as such but also governing the procedure of all Sections and Committees that may be brought into operation by it. I have not the slightest doubt that, whether any group of members be present in this House or not, this Assembly has got to proceed with its work in its entirety. Irrespective of the question whether that group decides to join or not to join, we have got to carry on our work, and I do hope that as time passes that group of men will see fit to serve the interests of the country as a whole by joining it and advising us how to shape the destiny of the country. But, so long as they are not here, I repeat my submission that we should go on with our work, with our heart in it and looking to the interests of the country as a whole. I therefore hope that no fears will be felt or expressed. Let us include in this Resolution the words "Sections and Committees" to avoid future complications. I hope the House as a whole will accept that amendment.

Mr. S. H. Prater (Madras: General): Mr. Chairman, I would like completely to support what was being said by Dr. M. R. Jayakar. I feel that while this House might frame general Rules of Procedure it ought not at this stage to interfere with or frame rules for Sections. Dr. Jayakar has pointed out the implications of that, and it would be good politics to follow what Dr. Jayakar has said. We all want to do these things, but not at this stage. There is time for it. Therefore I wholeheartedly support that the Resolution as originally moved by Acharya Kripalani do stand.

Mr. Sarat Chandra Bose (Bengal: General): Mr. Chairman, I think it would conduce to clarity if the words suggested by my friend Dr. Suresh Chandra Banerjee, and which suggestion was supported by my friend Dr. Syama Prasad Mookherjee, were introduced into this Resolution and accepted by the House.

An Hon'ble Member: The words "including its Sections and Committees".

Another Hon'ble Member: Not "its".

Mr. Sarat Chandra Bose: The word "its" does not improve the position and I am quite satisfied if the words "including Sections and Committees" are introduced into the Resolution. Acharya Kripalani in moving the Resolution said that it was his intention that the Rules of Procedure of the Assembly should govern the Sections and Committees as well. But as the point has been raised from different sides of the House, whether it should be done or not done, I think it will settle all future disputes if we accept the addition of these words. I would desire to refer in this connection to what Dr. Jayakar said. I do not think it would introduce any conflict at all in future if this Assembly were to lay down Rules of Procedure which would govern not only the main Assembly but its Sections and Committees as well. On the contrary, I feel that it would resolve many a conflict in advance. I do not desire to say more than this that if we are thinking that any conflicts would arise between the main Assembly and the Sections, we had better resolve the conflict here and now by introducing the words "including Sections and Committees".

The Chairman (Dr. Sachchidananda Sinha): I think we have discussed this long enough.

The Hon'ble Mr. B. G. Kher (Bombay: General): I have a suggestion to make

The Chairman (Dr. Sachchidananda Sinha): I hope the Hon'ble Member's suggestion will not be accompanied by a long speech.

The Hon'ble Mr. B. G. Kher: I am not very anxious to make a speech at all. We ought not to leave doubt in the minds of this Assembly or the world outside that this Assembly is supreme in so far as its Sections and its procedure are concerned. After the debate and the various fears that have been now expressed, I think it would be impolitic to refuse to accept the words "Sections" as also "Committees". We are not at all certain to-day whether the Sections are coming in or whether the Sections are going to sit. A good way out of it would be to add the words "with power to co-opt", so that when other people do come, if these rules are not acceptable or if these rules are required to be amended, or if any suggestions are made, it would be possible to amend them. I suggest, therefore, that it would be best to give the Committee which we are now going to appoint power to co-opt so that they may from time to time be able to suggest amendments and alterations which could be afterwards confirmed, ratified or rejected by the House. So that I think we should at present accept the amendment of Dr. Sayama Prasad Mookherjee with this further addition "with power to co-opt". If that is done, I feel that we shall meet the needs of the situation much better.

Mr. Jairamadas Daulatram (Sindh: General): I do not wish to take much time of the House at this late stage of the debate. I will say very briefly whatever I have to say. I think everybody should take the stand that this Constituent Assembly is the supreme body. It must have the right to frame rules for its Sections and Committees. I do not think that it is wise to keep simply the word "Assembly" and then leave it to be interpreted that we intended the word to include Sections and Committees. "Intentions" and their "interpretations", as experience has shown us, are a dangerous thing. We ought to make everything as clear as possible. At the same time we have got to deal with the possibility of those friends who are absent to-day joining us at a later stage. If that development does take place we may provide for it. Therefore, I support what my friend, Mr. Kher has said. At the same time, the word "including" is, in my opinion, inappropriate. If the original form is retained, then the little rubbing in which the word "including" involves would also be removed. Again we need not frame all the rules at once. It may be that with regard to the Sections, rules may have to be framed later, or we frame rules now with this understanding that if any changes or amendments become necessary, they will be made by the Procedure Committee, and if it has got the power to co-opt additional members, all the difficulties and possible developments will have been met.

Acharya J. B. Kripalani: There seems to be some misapprehension about the scope of the work of this Committee and also the time for which this Committee will be in existence. As I pointed out, while submitting this resolution before you, the rules that are required to be made are for the conduct of business now and here. We have absolutely no rules, we are writing on a clean slate. I also said that the rules would be more or less such as guide the proceedings of all Assemblies, and these would be of a general nature. There is no doubt in my mind that more rules will have to be framed by Committees themselves and by Sections. They may be called by-rules or by any other name. This Committee will not frame exhaustive rules. As for the question of co-option, it need not arise at this stage. This Committee is not going to be permanent. When any section of the House that is absent today decides to come in, then, if they have any objection to the rules that have been framed, this House can always order that they be revised. Therefore this question of co-option also does

not arise. I think it is a bad method to appoint a Committee and to give it powers of co-option when that Committee has been formed by the method of the single transferable vote. I do not know, Sir, whether you have admitted an amendment that ten people be selected by single transferable vote and five be co-opted from minorities. We have already made provision that the members of this Committee be selected by the method of the single transferable vote. That should bring in all Minorities. It is not good that minorities should be appointed by a body of ten people. Therefore I oppose that amendment if you, Sir, have allowed it.

As for including the words 'including Sections and Committees' as there is a large body of opinion in favour of it, I accept it. (*Cheers*)

The Chairman (Dr. Sachchidananda Sinha): A resolution was moved by Acharya Kripalani. Dr. Suresh Banerjee has moved an amendment to it. There has been prolonged discussion over these and all aspects of the question have been fully thrashed out. Acharya Kripalani has now declared in his final reply that he accepts the amendment proposed by Dr. Suresh Chandra Banerjee. I will now put the proposition to the vote of the House.

Sardar Ujjal Singh (Punjab: Sikh): What about the amendment about nomination by the President or co-option by members?

The Chairman (Dr. Sachchidananda Sinha): That has not been moved. I do not think I can permit at this stage any amendment the text of which is not before me.

The amendment before the House now is this: In clause (a), after the word 'Assembly', insert the words 'including Sections and Committees'.

The amendment was adopted.

Sardar Ujjal Singh: Sir, I move:

"That in line 2, after the words '15 other members'. the words 'with power to co-opt' be added."

In moving this amendment my object is this: Under the method of proportional representation, certain important minorities may not be represented. Acharya Kripalani was pleased to say that that method had been provided to give representation to all minorities. Perhaps he has overlooked the fact that out of a House consisting of 212 members, you have to elect 15 and that if a group consists of only four or five members, it may not get representation at all. A member of that group may not get the necessary quota and it will not be possible for that group to find a seat on the Committee. The only means of giving representation to that small minority will be either nomination by the President or co-option. With that end in view, I propose this amendment. I thought it would be quite suitable if this question of addition of members of certain groups that are unrepresented is left to the Chairman. That would be enhancing the power of the Chairman. But if that is not possible or acceptable to the House, I would suggest that this power be given to the Committee itself. A 'similar procedure exists in various bodies wherein it is not possible to give representation to the various interests to be represented. With these few words I move my amendment.

The Chairman (Dr. Sachchidananda Sinha): The Amendment proposed by the Mover is to the effect that, after the word 'Members' in line 2, the words 'with powers to co-opt.' be added.

Sardar Harnam Singh (Punjab: Sikh): I suggest, Sir, that we add, if necessary, 'not more than five'.

Sardar Ujjal Singh: I accept the amendment to my amendment.

Mr. S. H. Prater: I second the amendment.

The Chairman (Dr. Sachchidananda Sinha): Mr. Mohanlal Saksena, who has given notice of an amendment, will kindly move it briefly.

Shri Mohan Lal Saksena (United Provinces: General): *[I move the amendment that in para. 4 of the Schedule.....]*

The Chairman (Dr. Sachchidananda Sinha): *[Which para. does the Hon'ble Member mean?]*

Shri Mohan Lal Saksena: *[I move that in para. 4 after the word 'Chairman' the following may be added:]*

“To the members.....”.

[The present proposal is that if the number of nominated members is less than those of the elected members, a fresh nomination shall be allowed and the process shall continue until such time as the number of nominated member fills up or exceeds the vacancies. The usual method of such cases is that if the number of nominated members falls, short, Members who are already nominated are taken as elected and for nominated seats, fresh proceedings are undertaken. This is the object of my amendment. I hope the House will accept it. Acharya Kripalani has agreed to it]

The Chairman (Dr. Sachchidananda Sinha): The amendment proposed by Mr. Mohan Lal Saksena is that in paragraph 4 of the Schedule after the word “Chairman” the following words be added “shall declare the persons so nominated as duly elected and for the remaining vacancies”.

Is any one seconding it?

An Hon'ble Member: I second this amendment, Sir. It is important and necessary.

Mr. F. R. Anthony (Bengal: General): I did not hear the last part, Sir.

The Chairman (Dr. Sachchidananda Sinha): You could not hear the last part. Sir B. N. Rau will kindly read it out.

Sir B. N. Rau (Constitutional Adviser): After the word ‘Chairman’ in paragraph 4 of the Schedule, the following words be added: “shall declare the persons so nominated as duly elected and for the remaining vacancies”. if you like me to read the amended paragraph, I would be glad to do so.

The Chairman (Dr. Sachchidananda Sinha): Yes, Sir Narsing.

Sir B. N. Rau: The paragraph as amended reads: “If the number of candidates so nominated is less than the number of vacancies to be filled, the Chairman shall declare the persons so nominated as duly elected and for the remaining vacancies will appoint a further period within which the notice aforesaid may be given and may thereafter appoint additional further periods until the number of candidates is not less than the number of vacancies to be filled”.

Mr. F. R. Anthony: On a point of information, Sir. I do not know exactly what happened to the amendment proposed by one of my Sikh colleagues.

The Chairman (Dr. Sachchidananda Sinha): That was carried.

An Hon'ble Member: “With power to co-opt not more than five” was carried.

*[] English translation of Hindustani speech.

Acharya J. B. Kripalani: Sir, I was never consulted in the matter, whether I accept that or not.

The Chairman (Dr. Sachchidananda Sinha): You were never consulted on the amendment to your resolution?

Acharya J. B. Kripalani: I did not know that the amendment had come before the House. It was only proposed and seconded but that has not been carried by the House.

The Chairman (Dr. Sachchidananda Sinha): Carried by the good sense of the House.

Acharya J. B. Kripalani: Even that was not allowed. (*Interruptions*).....

The Chairman (Dr. Sachchidananda Sinha): Order, order. The amendment was adopted.

Dr. P. C. Ghosh (Bengal: General): That was not put before the House for voting at all. You simply stated from your Chair that it was carried.

The Chairman (Dr. Sachchidananda Sinha): The work of the House must necessarily be carried on with a certain amount of speed, and if the Hon'ble Member is not sufficiently vigilant, he will have to thank himself.

I am reading out the amendment of Mr. Mohan Lal Saksena. I hope I will not be charged with rushing the business of the House through again as has been done this time. I read it out once, and it was read out again by Sir B. N. Rau. If the House desires, I shall read it out again. In paragraph 4 of the Schedule after the word "Chairman" the following words be added: (*Interruption*).....

When I am in the midst of addressing the House, I do not like to be interrupted. The amendment is: "the Chairman shall declare the persons so nominated as duly elected and for the remaining". Whatever it may mean, that is the amendment. Those who are in favour of it will kindly raise their hands to express their assent to the proposition. Will you kindly count, Mr. Iengar?

The Hon'ble Pandit Jawahar Lal Nehru: It is not necessary unless anyone is opposed to it, Sir.

Mr. H. V. R. Iengar (Secretary of the Constituent Assembly): 50 for.

The Chairman (Dr. Sachchidananda Sinha): How many against it?

Mr. H. V. Kamath: I have submitted a verbal amendment. May I come.

The Chairman (Dr. Sachchidananda Sinha): Your verbal amendments 1. The amendment was adopted.

Mr. H. V. Kamath: I have submitted a verbal amendment. May I come along?

The Chairman (Dr. Sachchidananda Sinha): Your verbal amendments are more dangerous than other people's formal amendments. You desire that in clause 1(c) after the word "appointment's" add the word "functions". The clause will read as follows:

"(c) Organisation of the work of the Assembly, including the appointment functions and powers of Office-bearers other than the Chairman."

Also that in Clause (d) after the word "filling" add the word "in". You, will kindly come along. You generally succeed in carrying your point by making very short speeches.

Mr. H. V. Kamath: Sir in clause (c) I desire that after the word "appointment" the word "functions" may also be inserted so that the clause will now read thus: "including the appointment, function, and powers of Office-bearers other than the Chairman".

The next amendment that I wish to make is in clause (d). With due deference to the framer of this Resolution, I submit, Sir, that the more correct phrase is "filling in" and therefore move that the clause should read—

"procedure for the declaration and filling in of vacancies in the Assembly." and in the Schedule accordingly some corrections might have to be made wherever "fill" "filled" or "filling" occurs. I submit with due deference again, Sir, to the framer of the Resolution that the correct phrase is "filling in".

An Hon'ble Member: Why not "filling up"?

Another Hon'ble Member: I would like to make one amendment.

The Chairman (Dr. Sachchidananda Sinha): Mr. Kamath's amendment, which I read out, and which he has again read out, has been duly seconded. Is there any serious opposition to it?

Mr. K. M. Munshi: We have not heard it.

The Chairman (Dr. Sachchidananda Sinha): I am a fairly loud speaker. If you did not hear me, I will again read it out once more.

Diwan Chaman Lall (Punjab: General): I am opposed to the use of the phrase "filling in" of vacancies. It is neither correct, nor is it found in the Rules of Procedure adopted by other Assemblies. The expression "filling" of vacancies is perfectly correct. Again, in regard to the amendment of my hon'ble friend that after the word "appointment" the word "functions" should be included, there can be no difficulty about that although it is obvious that the powers of Office-bearers will also include the functions of the Office-bearers. If it is sought to be made more clear, there can be no objection to it. The objection to the "filling of vacancies" cannot be accepted as I do not think we can start off with ungrammatical or unidiomatic expressions.

The Chairman (Dr. Sachchidanada Sinha): Mr. Munshi, I think, would like to have the proposition read out again.

In clause (c) of rule 1 after the word 'appointment' add 'functions' so that the clause will read 'the appointment, functions and powers of Office-bearers other than the Chairman.' The addition is proposed for the word 'functions' which means between the words 'appointment' and 'powers'. The House, if I am not wrong in interpreting its mood, is not unwilling to accept this amendment..... I declare it carried.

There is a second amendment of Mr. Kamath in Clause (d). After the word 'filling' add the word 'in' so, that it may read 'filling in of vacancies'. It is a question of filling in.

Many Hon'ble Members: No, no.

The Chairman (Dr. Sachchidananda Sinha): The sense of the House is against it. It is not accepted. Any other amendments?

Mr. H. J. Khandekar (C. P. and Berar: General): In Clause 7 after the word 'he', there should be 'or she' because there are lady members in the House and nothing is mentioned about them. The meaning of "Member" conveys the impression that there are no lady members and therefore after the word 'he' there should be 'or she' and after the word 'his' should be 'or her'.

The Chairman (Dr. Sachchidananda Sinha): The amendment sought to be proposed is that we should make our position clear as regards the lady members of this House by using the specific word 'she'. My ruling is that 'he' includes 'she'.

The Hon'ble Pandit Jawahar Lal Nehru: Sir, the Resolution as a whole has not been put to the vote.

The Chairman (Dr. Sachchidananda Sinha): That is what I was saying. The amendments having now been disposed of, I am putting to the vote, but not reading it for a second time the long Resolution. If he so desires, Acharya Kripalani may read it out again. We have discussed these fully, and I declare it carried with all the amendments made.

ANNOUNCEMENT REGARDING NOMINATIONS FOR CHAIRMAN
AND COMMITTEE

The Chairman (Dr. Sachchidananda Sinha) I have two announcements to make today. Firstly, the nominations for this Committee will be by 12 noon on the 11th of December in the Secretary's room (Mr. Iengar's). All nominations should be filed by 12 o'clock tomorrow at the latest, and the date and time for the election shall be 4 p.m. tomorrow in the Under Secretary's room. I do not know the reason why the Secretary's room is intended for One purpose, and the Under Secretary's for another. Perhaps the Secretary's room is larger, I do not know. The ballot boxes are there, and I shall be absent at the time. Mr. Anthony will kindly be present on my behalf.

The only other announcement I have got to make is about the nominations for the permanent Chairman. The nominations for that purpose, namely, for the election of the permanent Chairman, is fixed today at 2.30 p.m. in the Secretary's room, and if the election would be necessary, arrangements will be made for that. That finishes our work today. There is no work in the afternoon.

Mr. Sarat Chandra Bose (Bengal: General): As regards the nomination of a permanent Chairman, the Resolution says that the nomination paper has to be delivered to you or to a person appointed by you.

The Chairman (Dr. Sachchidananda Sinha): I have appointed the Secretary, Mr. Iengar, to receive the nomination papers.

Bakhshi Sir Tek Chand: Up to 2.30 today or tomorrow?

The Chairman (Dr. Sachchidananda Sinha): Today. It is now just 1 o'clock and one and a half hours remain for the purposes of nomination. The time for withdrawals shall be 2 p.m. today. Tomorrow the House will meet as it suit you at eleven or half past eleven.

Many Hon'ble Members : 11 o'clock.

The Chairman (Dr. Sachchidananda Sinha): The House is adjourned till Eleven of the Clock, on Wednesday, the 11th December 1946.

The Assembly then adjourned till Wednesday, the 11th December 1946, at 11 A.M.