

Monday, 28th April, 1947

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CONSTITUENT ASSEMBLY DEBATES

OFFICIAL REPORT

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CONSTITUENT ASSEMBLY OF INDIA

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CONSTITUENT ASSEMBLY OF INDIA

Monday, the 28th April 1947

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

PRESENTATION OF CREDENTIALS AND SIGNING OF THE REGISTER

The following Members presented their credentials and signed their names in the Register:

1. Sir Brojendra Lal Mitter (Baroda).
2. Mr. Gopaldas Ambaidas Desai (Baroda).
3. Mr. P. Govinda Menon (Cochin).
4. Sir T. Vijayaraghavacharya (Udaipur).
5. Sir V. T. Krishnamachari (Jaipur).
6. Pandit Hiralal Shastri (Jaipur).
7. Mr. C. S. Venkatachar (Jodhpur).
8. Mr. Jainarayan Vyas (Jodhpur).
9. Sardar K. M. Panikkar (Bikaner).
10. Raja Lal Shiva Bahadur Singh, Rao of Churhat (Rewa).
11. Mr. Lal Yadhendra Singh (Rewa).
12. Sardar Jaidev Singh, (Patiala).
13. Sardar Gian Singh Rarewala (Patiala).
14. The Hon'ble Dr. Kailash Nath Katju (U.P.: General).
15. Professor K. T. Shah (Bihar: General).
16. Mr. Mahavir Tyagi (U.P.: General).
17. Mr. Upendra Nath Burman (Bengal: General).
18. Mr. P. M. Velayudapani (Madras: General).

PRESIDENT'S ADDRESS

Mr. President: We are meeting just three months after the last session of the Assembly. In the meantime some important events have happened to which I consider it necessary to make a short reference. Before doing that I have to give to the House the sad news of the death of three of our Members :

1. Raja Maheshwar Dayal Seth from U.P.
2. Sir Azizul Haque from Bengal, and
3. Mr. K. L. Mazumdar from Baroda.

The death of the last named gentleman has come as a shock because of the tragic circumstances in which it took place. I understand that he was on his way to attend this Session of the Assembly and the railway compartment in which he was travelling caught fire as a result of which he lost his life. I seek the permission of the House to convey to the members of the bereaved families our sympathy with them in their bereavements.

I may on behalf of the House be permitted to extend a cordial welcome to the representatives of the States who are Attending this Session and I hope representatives of other States will also be coming soon to assist in the great work which this Assembly has undertaken. I need hardly point out that the tremendous task in which we are engaged requires and expects assistance from all sons and daughters of this country whether they are living in States or in British India and whether they

[Mr. President]

belong to one community or another. The future of the country very largely will depend upon the Constitution which we are able to frame and not only the people of this country but people all over the world are watching our efforts with interest not unmixed with anxiety and it is upto us, to whatever class or community and whatever part of India we belong, to make our contribution towards the accomplishment of this task.

News has come from our neighbour and erstwhile partner Burma that a Constituent Assembly has been elected there with objects similar to our own. May I on behalf of the House convey to that august body our greetings and good wishes and our great interest in the accomplishment of the task and the attainment of the object of a free Burma that the people of that country have before them ?

Since we met last the British Government have declared their intention to transfer power to Indians by June, 1948. This has naturally added urgency to our work and we must proceed in a business-like way to draw up our Constitution in as short a time as we can. The British Government is pledged to take preparatory measures for transfer of power in advance and while this is being done on one hand, we must be ready with our Constitution well in advance of the date-line to assume responsibility in accordance with the Constitution framed by us. I am, therefore, hoping that the Assembly will proceed with all expedition. There are undoubtedly difficulties which the Assembly will have to face but if we proceed with determination we shall be able to conquer them.

It will be recalled that the Assembly appointed several Sub-Committees. The Reports of four of these Committees will, I understand, be placed before the House in due course. I suggest that the Assembly should proceed to appoint Committees to formulate the principles on which the Constitution to be framed will be based and when those principles have been approved the work of drafting the Constitution could be undertaken by a suitable agency and finally the Constitution so drafted could be considered in detail by this Assembly. My suggestion to the Assembly will be that the Sub-Committee for framing the principles should be asked to submit its report in time for consideration by the Assembly some time in June or July and after the report has been considered by the Assembly, the drafting could be done and the Assembly itself could meet in September and finalise the Constitution by the end of October. This is roughly the time-table as the Order of the Business Committee and I envisage it. It is necessary that the Constitution should be finalised as early as possible so that there may be time thereafter for the process of transfer to be completed within the time fixed by the British Government. What I have suggested is tentative as developments are taking place and no one can say for certain what steps the Constituent Assembly may have to take to fulfil its functions. We have already defined our objective and the Constitution that has to be framed will naturally have to conform to it.

Whatever the nature of the Constitution that may have to be drafted whether for one undivided India or only for parts of it, we shall see to it that it gives satisfaction to all coming under its jurisdiction. While we have accepted the Cabinet Mission is Statement of 16th May which contemplated a Union of the different Provinces and States within the country, it may be that the Union may not comprise all the Provinces. If that unfortunately comes to pass, we shall have to be content with a constitution,

for a part of it. In that case we can and should insist that one principle will apply to all parts of the country and no constitution will be forced upon any unwilling part of it. This may mean not only a division of India but a division of some Provinces. For this we must be prepared and the Assembly may have to draw up a constitution based on such division. Let us not be daunted by the immensity of the task or diverted from our purpose by developments which may take place but go ahead with faith in ourselves and the country which has sent us here. I understand some members would like to say a few words. I request Sir B. L. Mitter to begin.

Sir Brojendra Lal Mitter (Baroda) : Sir, I thank you for the cordial terms in which you have welcomed us, the representatives of the States who are here today. I wish more had come in. I have every hope, however, that at the next Session, few of the States' seats will remain unoccupied. Sir, the Baroda Delegation has suffered a serious loss by the tragic death of one of its members who was on his way to the Constituent Assembly.

Sir, this Assembly is framing the Constitution of Free India. We, the States, are an integral part of India and we shall share the freedom with British India. We, therefore, want to share the responsibility of framing the Constitution. (*Hear, hear*).

We are hereby right of being Indians and not by sufferance. We claim that we are in a position to make substantial contribution to the common task. A hundred and fifty years of unitary British rule has resulted in a measure of uniformity in British India, but in the States there is still a great variety. Some States are as advanced as British India, where the people are associated with the administration. Some are absolute monarchies. Some are feudal and some are primitive. All these have to be fitted into the Indian Constitution, because our 93 millions of population are included in the Indian total of 400 millions. We do not want to disturb the main design, as indicated in the first Resolution of this Assembly; but we want to introduce a variety in the pattern so that we may fit into it according to our capacity.

We want unity in diversity. I appeal to our British Indian colleagues to exercise a little patience with us. We want to march along with them but the pace has to be regulated without impeding the forward move. We are at one with you in that the Indian Union should be strong in the Centre so that India may hold her head high in the comity of nations. We do not believe in isolated independent existence, which can only weaken the Union. We shall join you wholeheartedly in a spirit of co-operation and not in any spirit of securing special privileges at the cost of the Union. We shall endeavour to make the Constitution develop according to the genius and capacity of the different units, so that the development may be natural and healthy.

Sir, I thank you again.

Sardar K. M. Panikkar (Bikaner) : Mr. President, Sir, following what Sir Brojendra Mitter has so very eloquently said, I also, on behalf of the representatives of States who have joined and taken seats today, wish to express our thanks to you, Sir, for the welcome you have extended to us. This was indeed the day to which we have been looking forward. It is a dream which has come true, for at no time in India's history has a representative gathering of people who can speak on behalf of the whole of India met and taken counsel. There have been occasions in the past when sections of India have met. We in the States have also been meeting frequently; but never in the history of India, so far as I can remember, has

[Sardar K. M. Panikkar]

there been an occasion when representatives from all parts of India have met together in order to decide their future. Therefore, I consider that the taking of seats of certain representatives of Indian States today has a symbolic value which far outweighs the actual number of representatives who have joined, or the insignificance of members who have themselves joined. This is indeed a symbol of the unity to come and from the work that begins today, in co-operation between the representatives of the States and those of the Indian Provinces, we can really hope to look forward to the emergence of a Union of India.

Before I proceed to any other matter, I must say a few words of thanks to the work of the Negotiating Committee which made it possible for us to come and sit here. No doubt a Report of that Committee's work will be made to you in a few minutes and it is not for me to say anything about it, but this much I think I might say that, but for the wisdom, courage and vision with which your representatives approached the question of Indian States, it would not have been possible for those of us who desired from the beginning to actively associate themselves with this work to take our place here. Therefore, on behalf of those of us who are here, I must thank the Negotiating Committee for having made this possible. It is true that we represent only a certain number of States. All of us who represent 93 millions in Indian States have not come here today. But one thing I should like to say, that we are by no means an insignificant minority. We, who have come here, represent no less than 20 million people out of 93 million people of Indian States and those who have formally and publicly announced their intention of joining the Constituent Assembly, form more than another 10 to 15 million people, so that actually when we come to think of it, a very substantial portion of the people of Indian States are represented in the Constituent Assembly today.

I should like to say one thing here and now, that we are not here by any means as a result of coercion or of any pressure that has been placed upon us. There has been no occasion for any pressure or any force to be used in regard to the States. This is a voluntary association that has been made clear from the very beginning. Any person, however highly placed who declares that our presence here is due to coercion or undue influence, I think, speaks without knowledge of facts. To such precious gentlemen, as would advise us to pause on account of alleged coercion, I have to say clearly and unequivocally that their insinuation is an insult to our intelligence. Are we less patriotic in matters connected with India ? Are we less concerned with the future of India that we have to be coerced to take part in a cause in which it is our right and duty to take part ? Therefore, I want to say firmly here and now, that there has been no coercion and it will not be in the wisdom of things or in the interest of things to talk about coercion of one part by the other.

One other point I desire to say. It is not by way of controversy or anything of the kind. We are not here as a matter of favour. We have a right to be here for the purpose of co-operating in the great task of organising India's freedom. We consider that we have as much right in that matter as any one else. We are indeed asked by some people to wait and see. This is indeed a strange doctrine, because we can only wait and see what happens to others.. Are we to wait and see as indifferent observers what happens ourselves ? That being so, we consider that organising India's freedom as much our duty as it is of others. Looked at from that point of view, where can be no question of our waiting and seeing. We want no favours nor do we want to confer obligations. All that we

want is that our problems should be viewed sympathetically by this august body in a sense of friendliness as affecting a large part of India. We, on our part, promise in all humility, to work for the betterment of India and for the Union which we all desire to see established. Sir, I thank you.

Mr. P. Govinda Menon (Cochin) : Mr. President, I am happy in that I have been invited to take part in the deliberations of this historic Assembly. During the last few months, discussions, controversies and negotiations were going on as to whether Indian States should send their representatives to this Assembly; if so, when and how ought they to be selected ? Much of this could have been avoided and the question would have been a most simple one if the question was tackled from the correct perspective, namely, from the perspective of the people of the Indian States.

They had never any doubts in the matter. The hundred millions of people of the Indian States never felt nor do they feel now, that they form an entity or group different from their 300 million brothers and sisters living in what is known as British India. For the last 27 years under the leadership of Mahatma Gandhi and other great leaders, India had been fighting for her independence. In that fight the people of the Indian States have always taken their due share, The people of the States did not feel nor did they take up the attitude that their lot lies elsewhere.

Now, after 25 years of war, when the nation sits down to frame the future Constitution we feel that it is our duty and our right to participate in the deliberations therefore. The people of the States. Sir, are one in their desire to participate in the Constituent Assembly.

Objections, doubts, questions come not from the people. They come when they do from Dewans, Ministers, Rulers, who by no means, except under the theory of Divine Right, can represent the people. Let me hope, Sir, that before the next Session of the Assembly, all the States would have taken the firm decision to collaborate with all of us and would send their representatives to this House.

In the matter of joining this Assembly as in many other matters, the attitude of my State, Cochin has been unequivocal from the very beginning. The people of Cochin, like the people of all other States, wanted from the very beginning to join this Constituent Assembly and desired that their representative or representatives shall be elected. Cochin has been fortunate in that her Ruler has been of the same view. Long before questions of States' representation in this Assembly began to be actively considered, on the 29th July, 1946, the Maharaja of Cochin in a message to the Legislative Council said as follows:

"The only other point remaining to be considered is about the Constituent Assembly and the representation of Cochin in it. It has not been settled yet how many representatives Cochin could send to this Assembly. However, to set at rest all doubts about the method of representation, I am glad to announce that, after mature consideration, I have decided to allow the people to elect their representative or representatives. This election will be by the Council."

The above statement was made at a time when the question of States representation had not begun to be actively considered. No State had then said that it would stand independent and would have nothing to do with the Indian Constituent Assembly. Recently some such statements have been made. Cochin's position remains unchanged even after such attractive doctrines have been dangled before her. Her reaction cannot better be expressed than in the words of the Maharaja himself who, while

[Mr. P. Govinda Menon]

opening the Aikya Kerala Convention at Trichur the day before yesterday, said as follows:

“Now let me come to the question of Cochin’s relation to the rest of India. This Convention has met here for considering ways and means of establishing United Kerala. The Travancore Government has said that it does not favour this idea and has declared its intention of assuming independence after June, 1948. Its relations with the Central Government are going to be governed by Treaties. You would like to know in these circumstances what Cochin’s attitude is in this respect. I have no hesitation to declare that Cochin would continue to remain part of the mother country. It is joining the Constituent Assembly at one. No word or act of mine shall usher in a day when a Cochinite finds, he has lost the right to call himself an Indian.”

Because we are Indians, Sir, and because we want to share in the destinies of this great country, we have with pleasure and gratefulness accepted your kind invitation to take part in the deliberations of this historic Assembly. Sir, I thank you.

Sir T. Vijayaraghavachariar (Udaipur): Sir, I am glad to find myself in Delhi today. The old saying was that Delhi is at a great distance. I never felt the truth of it until this occasion. Previously I found Delhi so very near but on this occasion I find it has been very far and I am glad I am able to find myself here today, and I am glad that I am here today on a historic occasion. Cold as the winds that blow in December in Simla, and hard as flint like the rocks over which aeroplanes fly over the Baluchistan hills towards the west, must be the heart of the Indian who is not thrilled today at this sight of this Assembly, the Assembly which I feel certain will go down in history down the corridors of time. My feeling is that though we may come from different provinces and different States we are not here on behalf of any particular part of India; we are members of all India and that is quite clear. It is in that spirit that I feel certain that we shall all do our work here, not on behalf of any parochial interests, not on behalf of any narrow sectarian interests but on behalf of the broad interests of the one nation of India. I do not propose to refer to any local problems here; our local problems ought to be solved locally. This place is for all-India problems, and I do hope that all of us will so put our heads together and so do our work that our children and our grand-children and generations yet unborn, will say, “Our fathers and our grand-fathers sat in the year 1947 at Delhi and framed a constitution which has stood the test of time”, and on which history will say, “Blessed are these men; they did their work and they laid the foundations rightly, and on those foundations will the future history of India evolve”. It is not for us here to take any narrow views; we will take large views, and let us so conduct ourselves that in the future history of India they will say that we did our work properly and that we acquitted ourselves like men, like true sons of India and not true sons of any particular part of India.

I thank you, Mr. President, for the very kind words of welcome you have uttered.

Mr. Jainarayan Vyas (Jodhpur) *[Mr. President, on behalf of the people of the States and in their own language, I thank you for the welcome you have accorded to the representatives of the States.

We, the subjects of the States, had some status up to 1933, for in that year the Government of India Bill did refer to us in the expression ‘The Princes and their subjects. Unfortunately, after that our existence was ignored. No mention of the States subject was made in the Government of India Act of 1935. When Sir Stafford Cripps came to India we were

*[English translation of Hindustani speech begins.

again forgotten. Nor were we referred to in the Cabinet Mission Proposals. We were placed under such circumstances as would have prevented us from sitting and working in this Assembly with you unless the Princes and their Governments decided to associate us with themselves. It is a pleasure that we are today making history. We are sitting together with (the representatives of) the British Provinces and the representatives of the Rulers (of the Indian States). Had not our Rulers come forward to include us among the States Representatives or had not the Negotiating Committees insisted on our being represented (in the Assembly) it was very likely under the conditions in which we were placed at the time that we would not have been here (in the Constituent Assembly). But it is a pleasure to find that we are here in sufficient numbers with you; and we assure you that we will co-operate with you in all possible ways in making the future Constitution. not merely in our self-interest but in that of the whole of India. We consider ourselves as parts of India, although some outsiders had raised walls between us. But these unnatural walls are crumbling today, and we hope that within a short time India would be absolutely one single unit. Once again, I thank you.]*

Raja Lal Shiva Bahadur (Rewa) : Sir, I join my friends in thanking you for the very cordial welcome you have extended to us. I represent one of the very big States in Central India, and if the Rewa State had not taken the lead, Central India would have gone unrepresented. I hope, Sir, in a very short period my friends in other States and our neighbouring States will definitely decide to join this historic House. The Rewa State will not lag behind in rendering all possible service to the mother country.

I thank you Sir.

MESSAGE OF GOOD WISHES FROM COORG

Mr. President: The Coorg Legislative Council have passed a Resolution which has been communicated to me by the Chief Commissioner, Coorg, for being communicated to this House. I will read it:

“That this Council resolves to offer its prayerful wishes to the President and Members of the Constituent Assembly of India for the speedy and successful termination of their efforts to prepare an agreed constitution for India and recommends to the Chief Commissioner that these wishes be conveyed to the President of the Constituent Assembly, New Delhi.”

REPORT OF THE STATES COMMITTEE

Mr. President: The next item is the Resolution which will be moved by Pandit Jawaharlal Nehru.

The Hon'ble Pandit Jawaharlal Nehru (United Provinces: General): Sir, I beg to move:

“The Constituent Assembly, having taken the report of its States Committee into consideration, resolves that it be recorded.

The Assembly welcomes the States representatives who have already been chosen and expresses the hope that other States who have not chosen their representatives will take immediate steps to do so in accordance with the agreed procedure.”

I understand that copies of the Report have been circulated to all the Members; I shall not therefore take up the time of the House in reading that Report. That Report is a brief summary of the activities of the Negotiating Committee appointed by this House. We have tried to make it as precise a summary as possible and it shows what took place and what we did, so that the House may be acquainted with the procedure we adopted and all that was said on those occasions. I might add, however,

] *English translation of Hindustani speech ends.

[The Hon'ble Pandit Jawaharlal Nehru]

that if it is the wish of the House and if Members desire to see a fuller report of our proceedings, there is a verbatim Report in existence and this Report can be consulted in the Library of the House. I say this because sometimes all manner of rumours get about and people are misled and sometimes people imagine that we are not trying to put all the facts before the public. We have nothing to hide in this matter; indeed we could not possibly do so from this House; and therefore the verbatim Report of everything that was said on the occasions that we met with the Negotiating Committee of the Princes is available for reference to any Member of the House in the Library. It is too long a report for us to have it printed and circulated, nor is it normally desirable to have such reports published in the public press. But there can be no secret as between the Committee of this House and the Members of this House, and therefore, while that document is not meant for publication, I should like to remind the Members, that it is there to be consulted by any Member of this House in the Library.

The House will remember that this Committee was appointed for a specific purpose—for fixing the distribution of seats of the Assembly not exceeding 93, and for fixing the method by which the representatives of the States should be returned to the Assembly. These were the definite directions given to us and we proceeded accordingly, but when we met the negotiating Committee appointed by the Chamber of Princes, other questions were raised. We were confronted by various Resolutions passed by organizations of the Princes. We informed them that we had no authority to deal with any other matter. Our authority was limited to dealing with these two specific matters. Indeed we went a little further. We said we rather doubted the authority even of the Constituent Assembly to deal with all manner of other matters, that is to say, the Constituent Assembly as it is constituted at present. But in any event we were so anxious to get going, so anxious to remove any misapprehensions that might exist, that some of us had further conversations with them and some doubts that they raised were removed in the course of those conversations; some questions that were asked were answered informally, personally if you like on our behalf because it was not open to us to go beyond the terms of the mandate that you gave us. You will see a reference to that in the Report that is presented to you, in particular because—I am bound to make this point perfectly clear—a few important points were raised by them in the course of those discussions. As it happened, what I said in reply to those questions had more or less been said by me in this House before or by other Members of this House, and therefore, I had no difficulty in saying it to them because otherwise I would have had this great difficulty of saying anything which the House might not approve, or might disapprove as wrong. All of us have certain views in this matter and on one of the occasions when I addressed this House in connection with the Objectives Resolution, I referred also to the States and to the Princes and made it clear that while I, in my individual capacity, held certain views, those views did not come in the way of my stating what the Constituent Assembly stood for, and what its range of activities was going to be. I said then that, while we were deciding in favour of a Republic for the whole of India, that did not bar any State from continuing the monarchical form of Government so far as that State was concerned, provided, of course, that they fitted in the larger picture of freedom and provided, as I hope, that there was the same measure of freedom and responsible government in the State. So when these questions were raised. I had no particular difficulty in answering them because in effect they had been mentioned in this House previously.

What were those questions ? First, of course, was—it was an unnecessary question—as to the scope of our work, that is to say, how far we accepted the Cabinet Mission's Statement of May 16, 1946. We have accepted it, and we are functioning in accordance with that Statement. There the matter ends. I do not know what future changes may take place and how these changes might affect our work. Anyhow, we have accepted that Statement in its fullness and we are functioning accordingly.

That leads inevitably to another conclusion, *viz.*, that such subjects, as did not come within the scope of the Union, were subjects to be dealt with by the Units—by the States and the Provinces—and that has been clearly laid down in the Cabinet Mission's Statement. So we said there and we made that clear. What the Union subjects might or might not be is a matter for careful consideration by this House now. But any subjects which did not come within the scope of the Union subjects necessarily are subjects left over to the Units.

Further it was stated that the business of joining the Constituent Assembly or accepting the Scheme or not accepting it was entirely their own. As Mr. Panikkar has pointed out, there was no coercion, there can be no coercion either to a State, a Province or to any other part of India, which is participating in this Assembly. There can be no coercion, except, of course, the coercion or compulsion of events and that is certainly a compelling factor and a very big factor which none of us can ignore. So there is no question of compulsion; but at the same time it is true that if certain units or parts of India decide to come in, accepting their responsibilities, they get certain privileges in return, and those who do not come in do not get those privileges as they do not shoulder those responsibilities. That is inevitable. And once that decision has been taken by a Unit, State or other, other consequences inevitably follow, possibly widening the gulf between the two : that is the compulsion of events. Otherwise it is open to any State to do as it chooses in regard to this matter of coming in or not coming in. So that matter has been made clear.

The only other important matter that was raised in this connection was the monarchical form of Government in the States. As I stated in this House previously, in the world today this system of rule by monarchy, whatever good it may have done in the past, is not a system that might be considered to be popular. It is a passing institution : how long it will last I do not know. But in this matter my opinion is of little account. What counts in what this Assembly desires in this matter : what it is going to do : and we have made it clear on a previous occasion that we do not wish to interfere in the internal arrangement of the States. It is for the people of the States to decide what they want and what they do not want. The question, in fact, does not arise in this Assembly. Here we are dealing with Union matters, subjects of fundamental rights and the like. Therefore this question of the monarchical form of Government in the States did not arise here and I told them that so far as we were concerned we were not going to raise that particular subject here.

Lastly, there was the question or rather the misapprehension due to certain words in the Objectives Resolution of this Assembly, where some reference has been made to territorial boundaries being changed. The House will remember that that had no connection with the States as such. That was a provision for future adjustments as they are bound to be involved. Further it was a provision for suitable units to come into existence, which can be units of this Indian Union, obviously one cannot have very small units or small fractions of India to form part of the Union. Some arrangement has to be made for the formation of sizable units. Questions arise today and will arise tomorrow even about the division of Provinces. There is very, strong feeling about it. We are discussing today, though for

[The Hon'ble Pandit Jawaharlal Nehru]

other reasons, about the division of certain Provinces like the Punjab and Bengal. All these have to be considered but this has nothing to do with the provision in the Objectives Resolution. The point has been settled in the Negotiating Committee that any changes in territorial boundaries should be by consent.

Those were the statements I made on behalf of our Negotiating Committee to the other Committee and those statements removed a number of misapprehensions and we proceeded ahead with the consideration of other matters.

Among the other matters was, firstly, the question of the distribution of seats. We decided to refer this matter to the two Secretariats—the Secretariat of the Constituent Assembly and that of the Chamber of Princes. We referred this matter, I think, at 1-30 P.M. one day. Those two Secretariats met, I think, at 3 P.M. the same day and 5 P.M. they arrived at an agreed procedure. That was rather a remarkable thing which is worth remembering. It is true that the rules governing the distribution were to some extent laid down in the Cabinet Mission's Scheme—one seat per million, that is, 93 seats in all. Unfortunately these matters of distribution are difficult and often arouse great controversies and arguments. Nevertheless these two Committees met together and I am very glad that the Secretariat of the Constituent Assembly was helped by the representatives of the States to come to an agreed solution within two hours. That showed that if we approach any of these apparently difficult problems with good will, we find solutions and we find rapid solutions too. I do not mean to say that that solution in regard to the distribution of these seats was a perfect one. Since the agreement was reached certain objections have been raised and criticisms have been made in regard to the grouping of the States here and there. Ultimately we left it to a sub-Committee—a joint Committee of our Negotiating Committee and the States Negotiating Committee—to consider this matter and to make such minor alterations as they thought fit and proper. Now because of these grouping difficulties, a number of States, which might be represented here, are not here. That is to say, the States concerned want to come in and they are quite prepared to do so but the group has not begun to function. Therefore individually they are prevented from coming in. Only yesterday I was informed that one important State, the State of Cutch, was eager and anxious to come in but they formed part of a group of Kathiawar and other States, rightly or wrongly, and till the whole group gets into motion, they do not know how to come in separately. This is a matter to be considered by the sub-Committee. But the point I want to put before the House is this that in this matter as soon as we came to grips with the subject and gave up talking in vague generalities and principles or rights of this group and that group, we came to a decision soon enough and that is a good augury for our work in future, whether it relates to the people of the States or to the rest of India or to any group in India.

We, who meet here, meet under a heavy sense of responsibility—responsibility not only because the task which we have undertaken is a difficult one or because we presume to represent vast numbers of people, but because we are building for the future and we want to make sure that that building has strong foundations, and because, above all, we are meeting at a time when a number of disruptive forces are working in India pulling us this way and that way, and because, inevitably and unfortunately, when such forces are at work, there is a great deal of passion and prejudice in the air and our whole minds may be affected by it. We should not be deflected from that vision of the future which we ought to have, in

thinking of the present difficulties. That is a dangerous thing which we have to avoid, because we are not building for; today or tomorrow, we are making or trying to make a much more enduring structure. It is a warning which the House will forgive me, if I repeat—that we must not allow the passion and prejudice of the moment to make us forget what the real and ultimate problems are which we have to solve. We cannot forget the difficulties of the present because that come in our way all the time. We have to deal with the problems of the present, and in dealing with them, it may be, unfortunately that the troubles we have passed through all these years may affect us, but, nevertheless, we have to get on. We have to take quick decisions and final decisions in the sense that we have to act on them. We have to be realists and it is in this spirit of realism, as also in a spirit of idealism, that I say that our Negotiating Committee approached this task.

The House knows that some of the members of the Committee have been intimately associated with the struggle of the peoples of the States for their freedom. The more I have been associated with that struggle, the more I have seen that it cannot be separated from the all-India problem; it cannot be isolated. It is an essential and integral part of the all-India problem, all-India structure, just as the States are an integral part of India. You cannot separate them. And with all my anxiety to further the progress of the peoples of the States with such strength as is in me in my individual or other capacities, when I met the Negotiating Committee I had to subordinate my individual opinions because I had to remember all the time that I was representing this Constituent Assembly. I also had to remember that, above all, we had gone there not to bargain with each other, not to have heated argument with each other, but to achieve results, and to bring those people, even though they might have doubts, into this Assembly, so that they might come here and they might also be influenced by the atmosphere that prevails here. For me it was the solemnity of the task which we had undertaken, and not to talk in terms of results, or individuals or groupings, or assurances. What assurance do we seek from each other? What assurance is even this House going to give to anybody in India, except the assurance of freedom? Even that assurance will ultimately depend on the strength and wisdom of the Indian people afterwards. If the people are not strong enough and wise enough to hold together and proceed along the right path, the structure that you have built may be shattered. We can give no assurance to anybody.

With what assurance have we sought freedom for India all these years? We have looked forward to the time when some of the dreams that we were indulging in might become true. Perhaps, they are coming true, perhaps not exactly in the shape that we want, but, nevertheless, they will come true. It is in that conviction that we have proceeded all these years. We had no guarantees. We had no assurances about ourselves or about our future. Indeed, in the normal course of events the only partial guarantee that most of us had was the guarantee of tears and troubles, and we had plenty of that. It may be that we shall have plenty of that in the future too; we shall face them. This House will face it and the people of India will face it. So, who are we to give guarantees to anybody? But we do want to remove misapprehensions as far as possible. We do want every Indian to feel that we are going to treat him as an equal and brother. But we also wish him to know that in the future what will count is not so much the crown of gold or of silver or something else, but the crown of freedom, as a citizen of a free country. It may be that a time may come soon when it will be the highest honour and privilege for anybody, whether he is a Ruler or anybody else, to be a free citizen of a free India and to be called by no other appellation or title. We do not guarantee

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because we guarantee nothing to anybody, but that is the thing which we certainly hope to achieve and we are certain to achieve. We invite them to participate in that. We welcome those who have come, and we shall welcome those others when they come. And those who will not come—we shall say nothing about them. But, as I said before, inevitably, as things are, the gulf will widen between those who come and those who do not come. They will march along different paths and that will be unfortunate I am convinced that, even so, those paths will meet again, and meet sooner rather than later. But, in any event, there is going to be no compulsion. Those who want to come, will come, and those who do not want to come, do not come. But there is this much to be said. When we talk about people coming in and people who do not come in, let it be remembered, as Mr. Govinda Menon said, that the people of the States—I say with some assurance and with some authority in the matter—want to come into this Assembly, and if others prevent them from coming, it is not the fault of the people, but breaks and barriers are put in their way. However, I hope that these questions will not arise in the future and that in the coming month or two nearly all the States will be represented here, and, jointly we shall participate in the final stages of drawing up the Constitution.

I am placing this Resolution before the House to record the Report. There has been some argument about this matter too and people attach a great deal of importance to words and phrases and assurances and things like that. Is it not good enough that I have put it to the House? If it is not good enough, I may repeat what has been stated. Even if that is not good enough, what we have stated is there in the verbatim Report of the meetings; we have nothing to add to it, we shall stand by that. We do not go back. But the procedure to be adopted must be a correct procedure. When this Committee was appointed you asked us to report and we have reported. We had got to do something, and we tried to do that and did it. Now, if this matter was to come up for ratification before this House before it could be acted upon, obviously, representatives of the States who are here now would not have been here. They would have been sitting at the doorstep or somewhere outside waiting for ratification, waiting for something to happen till they came in. That was not the way in which we understood our directions. We understood that we had to come to some honourable agreement and act up to it so that representatives of the States might come in as early as possible. We were eager in fact that they should join the Committees of this Assembly,—the Advisory Committee, the Fundamental Rights Committee, the Union Powers Committee and the other Committees which we have formed. It is not our fault that there was delay. At the very first joint meeting of the Negotiating Committees we requested the States Committee to join quickly, indeed to send their representatives to these Committees of the Constituent Assembly as soon as possible. We were asked for assurance at every stage and there were delays. But the way we have understood your mandate was that we had to go ahead and not wait for ratification of every step that we had taken. We acted accordingly, and I am happy that some of the States' representatives are here today and I hope more will come. So the question of ratification does not arise so far as this Committee's work is concerned. The Report is before you. If you disapprove of any single step that we have taken, express your disapproval of whatever might have happened, or otherwise give your directions.

The resolution I have moved is for your adoption. I shall not go into the details in regard to the distribution of the seats and the manner of selection of the delegates from the States. It was a sort of compromise. Naturally it was my desire, as it was the desire of my colleagues that

the representatives of the States should be elected by the people of the States, partly because it was the right way, and partly because it was the way in which they could be fitted with the other elected elements of this House. On the other hand, I considered it right and desirable that the States governments should also be represented here to bring reality to the picture. The correct way and the right way ultimately will be for the State government itself to be representative of the people and then come in to represent them here. But we have to take things as they are. The States governments, generally speaking, do not represent the people in the democratic sense. In some places they partially represent them. Anyhow, we did consider it desirable that the State governments as such, should also be represented though we would have liked the largest number of representatives to come from the people. Ultimately after a great deal of discussion it was decided that not less than 50 per cent. of the representatives should be elected by the elected members of the assemblies where they exist, or by some other method of election which may be devised. We came to a compromise on this proportion, though we would have liked the proportion to be higher. Some of the States have actually acted as if the proportion were higher. I submit that this compromise that we came to was an honourable compromise for all parties concerned and I think it will lead to satisfactory results so far as this House is concerned, and I commend the resolution to the House.

Mr. President: The motion is:

“The Constituent Assembly having taken the report of its States Committee into consideration resolves that it be recorded.

The Assembly welcomes the States representatives who have already been chosen and expresses the hope that other States who have not chosen their representatives will take immediate steps to do so in accordance with the agreed procedure.”

Members who wish to say anything about this motion may now speak.

(At this stage Dr. Kailas Nath Katju approached the rostrum.)

Mr. Somnath Lahiri (Bengal : General) : On a point of information Sir, of the representatives of the States who have come to participate in this House, how many have been elected and how many nominated by the States?

Mr. President: The Secretary will give you this information. In the meantime, Dr. Kailas Nath Katju will please proceed with his speech.

The Hon'ble Dr. Kailas Nath Katju (U.P. : General): Mr. President, I ventured to come here for a few minutes and address you on this Resolution because I am connected with one of the States in Central India and also with some in Rajputana; and I have made my home in the United Provinces by adoption. I am, therefore, intensely interested in the endeavour which you are making and I venture to congratulate the Negotiating Committee on the great results that have been achieved.

There are a great variety of States, and there are hundreds of them. Some of the States go back and are rooted in the history of our race. Others are of very, recent origin, going back only a century or so and with little of tradition and little of moral authority behind them. I do not wish to pursue this topic at any great length; but I have no doubt in my mind that it is for the good of the States and it is for the good of the people of the States that they should join this great Indian Union of which Pandit Jawaharlal has spoken so eloquently. I have no doubt in my mind that the course of Indian history teaches us that a Union of this great country is an inevitability. When I hear of some Provinces or some States or territorial units claiming to be sovereign States or claiming authority for themselves, I wonder whether they have ever considered

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the drift of Indian history. There is no shadow of doubt in my mind that within the course of the next fifty years, whatever we may do today, or whatever we may say today, the course of events will compel the people to bring about one united Government, one united Centre in India. It is good therefore for the people of the States, it is good for the people of all States, it is good for the Rulers of these States that they should come in and join in this great endeavour. Instead of the Rulers relying upon their so called strength, I think their safety, their integrity and their very existence lies in relying upon the affection, and upon the trust of their own people. If they rely upon that, they may continue, otherwise most of these States will disappear without much regret on the part of their people or on the part of the rest of India. With these words, I commend this Resolution to the care of the House and I should join in the appeal which has been made to every section of the House that in a short time, we will see almost all the States come in and join this Assembly.

Mr. President: Mr. Lahiri desires to know when notice of amendments should be given. He complains that notice of this Resolution was received by him last night. I am afraid it is now too late now for him to give notice of amendment.

I shall now put the Resolution to the House:

The question is:

“The Constituent Assembly having taken the report of its States Committee into consideration resolve that it be recorded.

The Assembly welcomes the States representatives who have already been chosen and expresses the hope that other States who have not chosen their representatives will take immediate steps to do so in accordance with the agreed procedure.”

The motion was adopted.

Mr. President: I desire to give the information wanted by Mr. Lahiri. Out of sixteen members representing the States who are attending today, five are nominated and eleven are elected.

ELECTION OF ADDITIONAL MEMBERS TO STEERING COMMITTEE

Shrimati G. Durgabai (Madras : General): Sir, I consider it my proud privilege to be able to stand here today and move the motion which stands in my name. Before I do so, I may be permitted to express my great joy at the presence of the representatives of some of the Indian States who are here today in our midst on this occasion. My heart-felt and sincere thanks are due to those States which have extended their co-operation and joined us in our work.

With your leave, Sir, I move:

“Resolved that this Assembly do proceed to elect, under sub-rule (2) of Rule 40 of the Constituent Assembly Rules, two additional members to the Steering Committee from among the representatives of the Indian States, in accordance with the principle of proportional representation by means of the single transferable vote.”

Sir, sub-rule (2) of Rule 40 of the Constituent Assembly Rules lays down the procedure for election of members to the Steering Committee. It says:

“The Assembly may from time to time elect, in such manner as it may deem appropriate, 8 additional members of whom four shall be reserved for election from among the representatives of the Indian States.”

Sub-rule (1) of Rule 40 lays down:

“A Steering Committee shall be set up for the duration of the Assembly and shall consist of eleven Members (other than the President) to be elected by the Assembly in accordance with the principle of proportional representation by means of the single transferable vote.”

Sir, I may be permitted to state in this connection that in accordance with these Rules, eleven members were initially elected to this Committee on 20th January and the Committee has been functioning with these members. According to sub-rule (2), eight additional members are to be elected from time to time out of whom four are reserved for election from among the representatives of Indian States. It is considered desirable at present that only two out of four will be elected now and that the election of the two other members shall be postponed to a future date. We would have been happy had all the four members been elected on this occasion. But we thought it desirable to elect only two members at present and postpone the election of two other members to a subsequent date, when we will be fortunate enough to have a much larger representation of Indian States on this Assembly and all present here. We fondly hoped that some of the leading States like Hyderabad, Travancore, Mysore and some other States would have made up their minds to join us here in our work and co-operate with us. But I am sadly disappointed to find that they are not able to come and see eye to eye with us and that they are still pursuing a policy of “wait and see”. I hope that it will not be before long, that they will follow the noble example set up by States like Baroda, Bikaner, Rewa, Gwalior, Cochin, Udaipur, Jodhpur and some other States, whose representatives we have here in our midst and send their representatives also to help us in this great task of forging a constitution for this great country. I extend a hearty welcome to those representatives who will be elected to this Committee, to function on this Committee to help us with their advice and guidance in our work. With these words, I commend this motion for the acceptance of this House.

Mr. President: Motion moved:

“Resolved that this Assembly do proceed to elect, under sub-rule (2) of Rule 40 of the Constituent Assembly Rules, two additional members to the Steering Committee from among the representatives of the Indian States, in accordance with the principle of proportional representation by means of the single transferable vote.”

Mr. H. V. Kamath (C. P. & Berar: General) : Sir, under sub-rule (2) of Rule 40, four seats have been reserved for election from among the representatives of the Indian States. You have just now been good enough to tell us that today only sixteen representatives are present and seventy-seven are absent. In fairness to the members who are absent, I would suggest that only one seat may be filled today and the other three seats may be filled up later on.

Mr. President: The amendment of Mr. Kamath is that in place of two seats, one seat should be filled by election today.

The Hon'ble Pandit Jawaharlal Nehru : Sir, the Steering Committee has to work from day to day, and if you keep seats vacant for those people who are not here, it is neither good for them nor for the House nor for the Steering Committee. The work of the Steering Committee does not really involve matters of high principle, but it is very important work and it does affect the business of the House. I think it is not fair that the places of those who do not come here should be kept vacant and we should go on waiting. Of course I do not want anything to be done which might be injurious to their interests, and therefore any important matter can be raised again. Now that we have a chance to take them in, we should do so. It is open to the House to reconsider any matter of vital importance later. At the present moment it is desirable to give full opportunities to those who will come to take part in the business.

Mr. H. V. Kamath: Sir, in view of the assurance given by the Hon'ble Pandit Nehru that the number of seats will be increased at a later date I beg to withdraw the amendment.

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

The motion was adopted.

Mr. President: Nominations will be received up to 2 P.M. tomorrow and elections, if any, will be held from 4 to 5 P.M. in Room No. 24.

REPORT OF THE COMMITTEE ON UNION SUBJECTS

Mr. President: Presentation of the Report of the Committee appointed by the Resolution of the Constituent Assembly of the 25th January, 1947, to examine the scope of Union subjects.

Mr. H. V. Kamath: Sir, is it only the presentation of the Report or is a motion being moved? There is no notice of a motion.

Mr. President: If the Hon'ble Member will wait and hear, he will know what it is.

The Hon'ble Sir N. Gopalaswami Ayyangar (Madras: General): Sir, I come forward to perform a merely routine and prosaic duty of presenting the Report of the Committee on Union subjects. It is not intended that any motion on this Report should be placed before this House today. This Committee was appointed on the 25th January for the purpose of examining the scope and content of the subjects assigned to the Centre in the Statement of the Cabinet Mission of May 16th and to draw up lists of matters included in and interconnected with the subjects so assigned. The Committee started with a strength of twelve and power was reserved to you, Sir, to nominate ten more, the intention being that some seats should be filled by nomination of representatives of the Muslim League if they came in, and others should be assigned to representatives of the Indian States. As it is, the Muslim League has not so far come in, and as Pandit Jawaharlal explained to you a little while ago, strenuous attempts were made to get the full quota of nominations for representatives of the Indian States being filled in, if possible. But it was not possible to do so. In the later stages of our deliberations, however, we have had the assistance of two distinguished representatives from Indian States.

Now, Sir, I said I was only performing this prosaic duty; I was not going to perform the function which my Hon'ble friend, Mr. Kamath, would have liked me to perform today. Copies of this Report, I believe, have been circulated to Members. It is not, therefore, necessary that I should read the Report; and in connection with mere presentation of reports in a deliberative assembly of this kind it is not usual to make a speech on the contents of such a report except on an occasion such as the one mentioned by Mr. Kamath, for instance, on a motion for taking the Report into consideration. That motion is not to be made today, nor is it intended by those to whom has been entrusted the task of steering the business of this Assembly. It is not their intention that such a motion should be placed before the House during the current Session. There are several reasons why this decision has been taken. In the first place, Sir, the subject is a very important one; it is a vital matter connected with the framing of the Constitution, and it is only desirable that this Report on so important a subject should be read through and studied carefully by Members of this House before it is taken into consideration. And then we have got to remember that the Committee had to work on the Cabinet

Mission's Plan. That Plan contains some very unusual features, the unusualness really resulting from the desire to satisfy the wishes of the Muslim League if it ever decided to come in. The coming in of the Muslim League is not yet officially ruled out; there is still a possibility of their coming in, though the probability is perhaps very small. Should this possibility materialise it would be only just and reasonable that the debate on so important a subject, as the subjects and powers to be assigned to the Union centre, should be held in a House which contains a full representation of the Muslim League. Whether they will come in or not will be definitely known before the June-July Session of this Assembly. And that is one main reason why we are not taking up the discussion of this matter in this current Session.

Then, Sir, there are the Indian States—a number of representatives of Indian States have joined us today but there is a very large number still to come in. Those have not come in because they require time for going through the procedure prescribed for the purpose of choosing them and sending them to this Assembly. The Indian States have got a very vital interest in the matter which is covered by the Report of this Committee, and it is desirable that as full a representation of the Indian States as possible should be in the Assembly before we begin to discuss so important a matter. Thirdly, Sir, there is the question of the present political conversations. The decisions on those conversations are not available yet: they will be available in all probability before we meet again in the June-July Session. The decisions will be of the most important character, and I think the House will agree with me in thinking that those decisions will have very important repercussions on the plan of work which this Constituent Assembly will have to adopt in framing the Constitution for the country if that decision should, as it is feared, take the shape of anything like the division of India into two or more independent States it may become necessary for this Assembly to deviate from rigid conformity to the Cabinet Mission's Plan. It is unnecessary for me to say now in what directions this deviation might become necessary. The nature of those deviations must necessarily depend upon the political decisions that are taken but apart from such deviations the number of subjects that have to be assigned to the Centre, their scope and content, the definition of a field of concurrent jurisdiction between the Union and the Units, and the relations between the Union and the Units as regards the exercise of legislative and administrative powers, will all be matters which would require a fresh and thorough examination. This examination will so far as I can visualize have to be done in close collaboration between the Committee on Union Subjects and the two Committees which are proposed to be set up in the course of the current Session—one for the purpose of determining the principles of the Union Constitution, and the other for determining the principles of a model provincial constitution. These three Committees will have to work in close collaboration, and it is necessary that before they enter into such collaboration, they must have before them the political decisions that will have been reached before them.

Now, Sir, taking all these facts into consideration, it is, I think, very necessary that the debate on the Report of the Committee on Union Subjects should be postponed beyond this Session, to the next Session, and therefore it is that I am not placing before you any motion for taking this Report into consideration today.

There is one matter about which I think I must ask the permission of the House to approve of what this Committee has done. In the original Resolution appointing this Committee, it was asked to submit its Report

before the 15th of April. As a matter of fact, the Committee signed its Report on the 17th of April. I do hope, Sir, that the House will excuse this delay of two days.

There is another matter which I might mention. This Report should not be taken as the final Report of the Committee on Union Subjects. I have already placed before you considerations which will necessitate the matter being reviewed and overhauled by the same Committee in collaboration with other Committees. There are matters, for instance, connected with Indian States, which require perhaps more consideration than it was possible to give them during the time that this Committee met between its appointment and today. The representatives of the States who wish to give us the benefit of their views feel that there are some matters which require further investigation before they could finally commit themselves, and there are also other matters and certain questions connected with the subjects which have been listed in this Report about which greater consideration, it is considered by certain members of the Committee, would be necessary. And apart from that there is looming before us the political decision which will necessitate our overhauling the entire Report if it comes to that. Therefore, Sir, I request the permission of the House to let this Committee submit a further Report if it becomes necessary. With these words, I merely present the Report of the Committee to the House.

Mr. President: The Report has been presented. I think the House will condone two days delay in signing it, and will also give permission to the Committee to submit another Report if it finds it necessary to do so.

This was unanimously agreed to.

Mr. R. K. Sidhwa (C.P. & Berar: General) : When the subsequent Report is presented, may I know whether this Report will also be open to discussion. We have not read even a single sentence of this Report which has been presented to the House.

Mr. President: We are not entering into any discussion on this Report. The Hon'ble Member will read this Report, and we can then discuss it during the next Session.

We will meet at 8-30 tomorrow morning and we will go on until 12-30 when we will adjourn. Any Member who has any amendments to suggest to the Report of the Fundamental Rights Committee should do, so before 5 o'clock this evening. The Report will be taken into consideration tomorrow. The House now stands adjourned until 8-30 A.M. tomorrow.

The Assembly then adjourned till half past Eight of the Clock, on Tuesday, the 29th April 1947.

APPENDIX A
CONSTITUENT ASSEMBLY OF INDIA

*Report of the Committee appointed to negotiate with the
States Negotiating Committee*

By a resolution of the Constituent Assembly passed on the 21st December 1946, the following members, *viz.*

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

were appointed as a Committee to confer with the Negotiating Committee set up by the Chamber of Princes, and with other representatives of Indian States, for the purpose of:—

- (a) fixing the distribution of the seats, in the Assembly not exceeding 93 in number, which in the Cabinet Mission's Statement of May 16, 1946, are reserved for Indian States,
- (b) fixing the method by which the representatives of the States should be returned to the Assembly,

and thereafter to report the result of such negotiations. By a further resolution passed on the 21st January, 1947, we were empowered to confer with such persons as we thought fit, for examining the special problems of Bhutan and Sikkim, and to report to the Assembly the result of such examination. This report deals only with the negotiations conducted by us in pursuance of the resolution of the 21st December.

2. The first series of our joint meetings with the States Negotiating Committee were held on the 8th and 9th February, 1947. The discussion largely centred on the scope of subjects to be negotiated between the two committees. It was urged by the States Negotiating Committee that there had been no decision yet on the part of the States to enter the Constituent Assembly, and that it would not be possible for them to decide this issue till they received satisfactory assurances on a number of points mentioned in the resolution adopted on the 29th January, 1947, by the General Conference of Rulers (Appendix A). On the other hand, we pointed out that most of those points could only be discussed by a fully constituted Constituent Assembly including the representatives of the States; they were in any case clearly beyond our competence as a Committee, our own functions being limited to the matters laid down in the resolution of the Constituent Assembly passed on the 21st December, 1946. But while we were not prepared as a committee to discuss matters going beyond our mandate, we raised no objection to discussing, in a friendly and informal manner as individuals, certain difficulties, and to removing certain misapprehensions which seemed to be causing concern to the Princes. The more important of the points cleared up in the course of these discussions were summarised by Pandit Nehru as follows:—

“The first thing to be clear about is to proceed with the full acceptance of the Cabinet Mission's Statement. Apart from the legality of

that Statement one thing also seems to me obvious, namely, that the scheme is essentially a voluntary one, where no compulsion, except, as I said, compulsion of events, is indicated. No doubt, so far as we are concerned, we accept it as a voluntary scheme where people may join as individuals, as groups, or Rulers or otherwise. We are not trying to force any to join if they do not want to. It is a matter for negotiation throughout....

“Now, to go back, apart from the acceptance of the scheme which is basic, some points were raised yesterday. One was about the monarchical form of Government. That question has not arisen at all in the Constituent Assembly nor, so far as we can see, does it arise at all from the Statement. But it has been repeatedly stated on our behalf in the Constituent Assembly as outside that we have no objection to it we accept that, and we do not want to come in the way of the monarchical form of Government at all. This has been made perfectly clear.

“Another point that we raised in our discussion yesterday was about some apprehension about territorial readjustments. I tried to point out that the Resolution passed by the Constituent Assembly had no reference in the minds of those who framed the Resolution or who proposed it there, to any change regarding the States. It has no relation to the States. It was an indication that there will be provision made in the constitution or in the process of re-grouping units, etc., where some changes may have to be made. It had no reference to changing boundaries. I can concede territorial boundaries being changed for economic reasons, for facilitating governmental purposes, etc., but any such territorial readjustments, we are quite clear, should be made with the consent of the parties concerned, and not be forced down. I say, for the moment we are not thinking in terms of any such thing, but if this question arises, it should be essential that the parties concerned should consent to it.

“The scheme, as has already been stated, is a voluntary one, and whether in regard to the entry into the Constituent Assembly or subsequently when the Constituent Assembly decides and comes to conclusions, there will be no compulsion, and the States will have the right to have their say at any stage just as anybody else will have the right to have their say at any stage. So the coercive factor must be eliminated from that.

“In regard to some confusion which has possibly arisen in regard to subjects and powers, we go on what the Cabinet Mission's, Statement specifically says. The Cabinet Mission's Statement said: “The States will retain all subjects and powers other than those ceded to the Union.” That is perfectly clear, we accept that statement, we accept that entirely. Generally speaking, those are the matters that came up yesterday in the course of discussion, and perhaps we might proceed on that basis and consider matters now.”

We further explained that the Constituent Assembly could not possibly take up the position that they were not prepared to discuss matters with States not represented on the Chamber of Princes Negotiating Committee; or with representatives of States peoples, as that would involve an element of compulsion which was contrary to their conception of the scheme.

3. A general understanding having been arrived at, as a result of the above exchange of views, the States Negotiating Committee proceeded to consider the two matters on which we had been asked to negotiate by the Constituent Assembly. After a preliminary discussion, it was

decided that the question of the distribution of the 93 seats should be referred to the Secretariats of the Constituent Assembly and the Chamber of Princes, and their recommendations placed before the next meeting of the two committees on the 1st March, 1947.

4. In the meanwhile, the Dewan of Baroda had asked for direct negotiation with us on the representation of Baroda in the Constituent Assembly. We accordingly met Sir B. L. Mitter on the 9th February. In the course of our discussion, he made it clear that it was the decision of the Baroda State, both the Ruler and the people, to give the fullest cooperation to the Constituent Assembly in its work and that they were prepared to take steps forthwith for the selection of representatives so that these could take part in the work of the Assembly at the earliest possible date. It was agreed between us and the Dewan that Baroda should, having regard to its population, send three representatives and that these should be elected by the Dhara Sabha (the State legislature) on the principle of proportional representation, by means of the single transferable vote, and that only its elected and nominated non-official members should take part in the election.

5. The next joint meeting of the two committees was held on the 1st March, 1947. At this meeting we urged that H.M.G.'s declaration of the 20th February had introduced an additional element of urgency in our task and that it would be greatly to the advantage of the States no less than to the British Indian representatives in the Constituent Assembly if States' representatives could join the Assembly during April session. We pointed out that there was nothing in the State Paper of the 16th May which operated as a bar against States doing so. We also suggested that it would be to our mutual advantage if States' representatives could function forthwith on some of the committees set up by the Constituent Assembly, particularly the Union Powers Committee and the Advisory Committee on fundamental rights, etc. The States Negotiating Committee, however, expressed their inability to take these steps in the absence of a mandate from the General Conference of Rulers whom they promised to consult at an early date.

6. The discussion then turned on the method of distribution of the 93 seats allotted to the States. The Committees approved of the distribution as proposed by the two Secretariats, (Appendix B) and authorised the making of such minor modifications as are considered necessary by the parties concerned.

7. After this, we discussed the method of selecting representatives. Various proposals were made and discussed in a joint sub-committee set up for the purpose. Eventually, after a consideration of the sub-committee's report, the following formula was accepted by both Committees, *viz.*, that not less than 50 per cent. of the total representatives of States shall be elected by the elected members of legislatures or, where such legislatures do not exist, of other electoral colleges. The States would endeavour to increase the quota of elected representatives to as much above 50 per cent. of the total number as possible.

This formula has since been ratified by the General Conference of Rulers held on the 2nd April. A copy of the resolution passed by the Conference is attached (Appendix C).

We pointed out that in regard to two States, *viz.*, Hyderabad and Kashmir elections to their legislatures had been boycotted by important organisations representing the people of the States concerned, and the legislatures therefore could not be considered to represent the people as they were intended to do. In the cases of these two States, we suggested

that a suitable method of electing representatives for the Constituent Assembly should be devised. The Chancellor said that he would communicate the suggestion to the States concerned.

8. A Committee consisting of the following members: (1) Dr. Pattabhi Sitaramayya; (2) Sir N. Golpalaswami Ayyangar; (3) Sir V. T. Krishnamachari; (4) Sir Sultan Ahmed; (5) Sir B. N. Rau; (6) Mir Maqbool Mahmood; (7) Mr. H. V. R. Iengar was set up to consider the modifications referred to in para. 6 above and other matters of detail that might arise from time to time and to report, if necessary, to the two Negotiating Committees.

We have been informed that the States of Baroda, Jaipur, Jodhpur, Rewa, Cochin and Bikaner have already selected their representatives in accordance with the agreement arrived at. These representatives have been invited to take their seats at the forthcoming session of the Assembly. The States of Patiala, Udaipur, Gwalior and Bhavnagar have also announced that they will take part in the work of the Constituent Assembly.

JAWAHARLAL NEHRU.
A. K. AZAD.
VALLABHBHAI PATEL.
N. GOPALASWAMI.
SHANKARRAO DEO.
B. PATTABHI SITARAMAYYA.

NEW DELHI;
24th April 1947.

[Enclosure 1 to Appendix A]

TEXT OF RESOLUTION PASSED AT PRINCES MEETING HELD ON 29-1-47.

1. This meeting reiterates the willingness of the States to render the fullest possible co-operation in framing an agreed Constitution for, and in the setting up of, the proposed Union of India in accordance with the accepted plan; and declares:—

- (a) that the following fundamental proposition *inter alia* form the basis for the States' acceptance of the Cabinet Mission's plan—
- (i) The entry of the States into the Union of India in accordance with the accepted plan shall be on no other basis than that of negotiation, and the final decision shall rest with each State. The proposed Union shall comprise, so far as the States are concerned, the territories of only such States or groups of States as may decide to join the Union, it being understood that their participation in the constitutional discussions in the meantime will imply no commitments in regard to their ultimate decision which can only be taken after consideration of the complete picture of the constitution.
 - (ii) The States will retain all subjects and powers other than those ceded by them to the Union. Paramountcy will terminate at the close of the interim period and will not be transferred to or inherited by the new Government of India. All the rights surrendered by the States to the Paramount Power will return to the States. The proposed Union of India will, therefore, exercise only such functions in relation to the States in regard to Union subjects as are assigned or delegated by them to the Union. Every State shall continue to retain its sovereignty and all rights and powers except to the extent that those rights and powers have been expressly delegated by it. There can be no question of any powers being vested or inherent or implied in the Union in respect of the States unless specifically agreed to by them.
 - (iii) The Constitution of each State, its territorial integrity, and the succession of its reigning dynasty in accordance with the custom, law and usage of the State, shall not be interfered with by the Union or any Unit thereof, nor shall the existing boundaries of a State be altered except by its free consent and approval.
 - (iv) So far as the States are concerned, the Constituent Assembly is authorised only to settle the Union Constitution in accordance with the Cabinet Mission's plan, and is not authorised to deal with questions bearing on the internal administrations or constitutions of individual States or groups of States.
 - (v) His Majesty's Government have made it clear in Parliament that it is for the States to decide freely to come in or not as they choose. Moreover according to the Cabinet Mission's Memorandum of 12th May, 1946, on States Treaties and Paramountcy "Political arrangements between the States on the one side and the British Crown and British India on the other will be brought to an end" after the interim period. "The void will have to be filled either by the States entering

into a federal relationship with the successor Government.....
in British India, or failing this, entering into particular political
arrangements with it.”

- (b) that the States Negotiating Committee, selected by the Standing Committee of the Chamber of Princes and set up at the request of His Excellency the Viceroy in accordance with paragraph 21 of the Cabinet Mission’s Statement of the 16th May, 1946, is the only authoritative body competent under the Cabinet Mission’s plan to conduct preliminary negotiations on behalf of the States, on such questions relating to their position in the new Indian Constitutional structure as the States might entrust to it.
- (c) that while the distribution *inter se* of the States’ quota of seats on the Constituent Assembly is a matter for the States to consider and decide among themselves, the method of selection of the States representatives is a matter for consultation between the States Negotiating Committee and the corresponding Committee of the British- India portion of the Constituent Assembly before final decision is taken by the States concerned.

2. This meeting—

- (a) endorses the Press Statement issued on 10th June, 1946, by the Standing Committee of the Chamber of Princes in consultation with the Committee of Ministers and the Constitutional Advisory Committee, in regard to the attitude of the States towards the Cabinet Mission’s plan; and
- (b) supports the official statement of the views communicated by the States Delegation to the Cabinet Mission on 2nd April, 1946, which *inter alia* associated the States with the general desire in the country for India’s complete self-government or independence in accordance with the accepted plan.

3. This meeting resolves that, in accordance with this Resolution and the instructions and Resolutions of the States’ Constitutional Advisory Committee as endorsed by the Standing Committee of Princes and the Committee of Ministers, the States Negotiating Committee be authorised to confer with the corresponding Committee of the British India portion of the Constituent Assembly, as contemplated and declared by His Majesty’s Government in Parliament in order to negotiate (a) the terms of the States’ participation in the Constituent Assembly when it reassembles under paragraph 19(6) of the Cabinet Mission’s Statement and (b) in regard to their ultimate position in the All-India Union, provided that the results of these negotiations will be subject to the approval of the aforesaid States’ Committees and ratification by the States.

[Enclosure 2 to Appendix A]

NOTE ON THE PROPOSED ALLOCATION OF SEATS AMONG STATES

1. The allocation of seats proposed in the annexure has been prepared by the Secretariats of the Constituent Assembly and the Chamber of Princes and is intended as a basis of discussion for the Committees concerned.

2. As in British India, seats to individual States have been allotted generally on the basis of one seat for one million of the population, fractions of three-fourth or more counting as one and lesser fractions being ignored. In the case of groups, fractions of more than half have been counted as one, lower fractions being ignored.

3. States so desiring may pool or share their proportion of the allotted representation, whether individual or grouped, with that of any other State or group of States by mutual agreement, provided:—

- (a) that the total representation of the States and/or the groups affected is not disturbed, and
- (b) that geographic proximity, economic considerations and ethnic, cultural and linguistic affinity are duly kept in view.

ANNEXURE

A

SINGLE STATES

Division as shown in the Table of seats appended to Part II of the First Schedule to the Govt. of India Act, 1935	Names of States	Population in millions	Number of seats in the Constituent Assembly
1	2	3	4
I	Hyderabad	16.33	16
II	Mysore	7.32	7
II	Kashmir	4.02	4
IV	Gwalior	4.00	4
V	Baroda	2.85	3
IX	Travancore	6.07	6
IX	Cochin	1.42	1
X	Udaipur	1.92	2
X	Jaipur	3.04	3
X	Jodhpur	2.55	2
X	Bikaner	1.29	1
X	Alwar	0.82	1
X	Kotah	0.77	1
XI	Indore	1.51	1
XI	Bhopal	0.78	1
XI	Rewa	1.82	2

1	2	3	4
XIII	Kolhapur	1.09	1
XIV	Patiala	1.93	2
XIV	Bahawalpur	1.34	1
XVI	Mayurbhanj	0.99	1
20		611.86	60

B

FRONTIER GROUPS

Division	Names of States in the Group	Population in millions	Number of seats in the Constituent Assembly	
XIV	Kalat	} 0.25	} 0.66	
	Las Bela			} 0.07
	Kharan			} 0.03
XIV	Khairpur	} 0.31		
VII	Sikkim	} 0.12	} 0.7	
XV	Cooch Behar			} 0.64
XV	Tripura	} 0.51	} 1.23	
XV	Manipur			} 0.51
XVII	Khasi States	} 0.21		
XVII	Amb	} 0.25	} 0.67	
XVII	Chitral			} 0.10
XVII	Dir.			} 0.35
XVII	Swat			} 0.26
XVII	Phulra			} 0.01
		3.32	4	

C
INTERIOR GROUPS

Division	Names of States in the Group	Population in millions	Number of seats in the Constituent Assembly
VIII	Rampur Benares	} 0.93	1
IX	Pudukottai Banganapalle Sandur	} 0.49	Included in residuary Group XVII below.
X	Bharatpur Tonk Dholpur Karauli Bundi Sirohi Dungarpur Banswara Partapgarh Jhalawar Jaisalmer Kishengarh	} 2.86	
(13 States)			
XI	Shahpura		
XI	Datia Orchha Dhar Dewas (Senior) Dewas (Junior) Jaora Ratlam Panna Samthar Ajaigarh Bijawar Charkhari Chhatarpur Baoni Nagod Maihar Baraundha Barwani Ali Rajpur Jhabua Sailana Sitamau Rajgarh Narsingar Khilchipur	} 3.11	3
(26 States)			
XVII	Kurwai		

Division	Names of States in the Group	Population in millions	Number of seats in the Constituent Assembly
XII	Cutch	3.65	4
	Idar		
	Nawanagar		
	Bhavnagar		
	Junagadh		
	Dharangadhra		
	Gondal		
(16 States)	Porbandar		
	Morvi		
	Radhanpur		
	Wankaner		
	Palitana		
	Dhrol		
	Limbdi		
	Wadhwan		
XII-A	Rajkot		
	Jafrabad		
	Rajpipla		
	Palanpar		
	Cambay		
	Dharampur		
	Balasinor		
	Baria		
(15 States)	Chhota Udepur		
	Sant		
	Lunawada		
	Bansda		
	Sachin		
	Jawhar		
	Danta		
XIII	Janjiri	1.56	2
XIII	Sangli		
	Savantvadi		
	Mudhol		
	Bhor		
	Jamkhandi		
	Miraj (Senior)		
	Miraj (Junior)		
(14 States)	Kurundwad (Senior)		
	Kurundwad (Junior)		
Pudukottai-Banganapalle and Sandur	Akalkot		
	Phaltan		
	Jath		
	Aundh		
	Ramdurg		
XIV	Kapurthala	2.70	3
	Jind		
	Nabha		
	Mandi		
	Bilaspur		
	Suket		
(14 States)	Tehri-Garhwal		
	Sirmur		
	Chamba		
	Faridkot		
	Malerkotla		
	Loharu		
XVII	Kalsia		
	Bashahr		

Division	Names of States in the Group	Population in millions	Number of seats in the Constituent Assembly
XVI	Sonepur	} 4.25	4
	Patna		
	Kalahandi		
	Keonjhar		
	Dhenkanal		
	Nayagarh		
	Talcher		
	Nilgiri		
(25 States)	Gangpur		
	Bamra		
	Seraikela		
	Baud		
	Bonai		
XVII	Athgarh		
	Pal Lahara		
	Athmalik		
	Hindol		
	Narsingpur		
	Baramba		
	Tigiria		
	Khandpara		
	Ranpur		
	Daspalla		
	Rairakhol		
	Kharsawan		
XVI-A	Bastar	} 2.81	3
	Surguja		
	Raigarh		
	Nandgaon		
	Khairagarh		
	Jashpur		
(14 States)	Kanker		
	Korea		
	Sarangarh		
XVII	Changbhakar		
	Chhuikhadan		
	Kawardha		
	Sakti		
	Udaipur		
XVII	A-1 other States including three States mentioned in Division IX, viz.	} 4.26	4
		27.82	29

[Enclosure 3 to Appendix A]

TEXT OF THE RESOLUTION PASSED AT PRINCES MEETING HELD IN BOMBAY ON
2-4-47

1. This conference reiterates the support of the States to the freedom of the country, and their willingness to render the fullest possible co-operation in framing an agreed constitution and to all genuine efforts towards facilitating the transfer of power on an agreed basis. The conference reaffirms the resolution adopted by the General Conference of Rulers and representatives of States on January 29, 1947.

2. It ratifies the general understanding reached between the States Negotiating Committee and the corresponding Committee set up by the Constituent Assembly in regard to the allocation of the States' quota of seats in, and the method of selection of the State representatives to, the Constituent Assembly, and on the fundamental points discussed at their meetings held on February 8 and 9 and on March 1 and 2, subject to the acceptance of the aforesaid understanding by the Constituent Assembly.

3. It reiterates the previous decisions of the States to adhere strictly to the Cabinet Mission's plan, under which the representatives of such States as may so desire, may join the Constituent Assembly at the appropriate stage when that Assembly meets, in accordance with the Cabinet Mission's plan to settle the Union constitution, provided that such participation in preceded by acceptance by the Constituent Assembly, of the general understanding reached between the two Negotiating Committees in regard to the fundamental points, and other matters referred to in the second resolution.

4. The conference is glad to note that Mr. Attlee's statement of February 20, 1947, further confirms the declaration made by the Cabinet Mission that paramountcy will cease at the close of the interim period. This means that all the rights surrendered by the States to the paramount power will revert to them, and they will be in a position, as independent units, to negotiate freely in regard to their future relationship with others concerned.

5. This conference reaffirms its previous recommendations in regard to internal reforms, and emphasizes the urgency and importance of suitable action being taken without delay, where needed, with due regard to local conditions.

6. In view of the element of urgency introduced by Mr. Attlee's statement of February 20, 1947, this conference authorizes the Chancellor and the Standing Committee of the Chamber of Princes to conduct negotiations through the States' Negotiating Committee or such other sub-committees as the Standing Committee may appoint, in regard to questions affecting the States in general: (a) with the Crown Representative in regard to matters relating to the lapse of paramountcy, and those arising out of the proposed transfer of power, so far as they affect the States; (b) with Interim Government and the competent British Indian authorities in regard to matters referred to in Paragraph 4 of the Cabinet Mission's memorandum of May 12, 1946, on the States' treaties and paramountcy, provided that (1) these negotiations will be conducted in accordance with the resolution adopted by the General Conference of Rulers on January 29, 1947, and the instructions and resolutions of the States Constitutional Advisory Committee as endorsed by the Standing Committee of Princes and the Committee of Ministers; (2) the results of these negotiations will be subject to the approval of aforesaid States' Committee and ratification by the States.

7. This Conference requests His Highness the Chancellor to address His Excellency the Crown Representative with a view to ensuring early and satisfactory settlement by His Majesty's Government of questions relating to individual States prior to the transfer of power.

APPENDIX B
CONSTITUENT ASSEMBLY OF INDIA

REPORT OF THE UNION POWERS COMMITTEE TO THE
CONSTITUENT ASSEMBLY

We, the undersigned, members of the Committee appointed by the resolution of the Constituent Assembly of the 25th January to examine the scope of Union Powers, have the honour to submit this our report. Sir V. T. Krishnamachari and Sir B.L. Mitter were nominated to the Committee on 10th April, 1947, and the rest of us have had an opportunity of going over the entire ground again with them.

2. We consider that the scope of the subjects, Defence, Foreign Affairs and Communications in the Cabinet Delegation's Statement of the 16th May covers the following:—

A—"Defence" connotes the defence of the Union and of every part thereof and includes generally all preparation for defence, as well as all such acts in times of war as may be conducive to its successful prosecution and Communications in the Cabinet Delegation's Statement—of the 16th 'Defence' includes—

- (1) The raising, training, maintenance and control of Naval, Military and Air Forces and employment thereof for the defence of the Union and the execution of the laws of the Union and its Units; the strength, Organisation and control of the existing armed forces raised and employed in Indian States;
- (2) Defence industries;
- (3) Naval, Military and Air Force works;
- (4) Local self-government in cantonment areas, the constitution and powers within such areas of cantonment authorities, the regulation of house accommodation in such areas and the delimitation of such areas;
- (5) Arms, fire arms, ammuniton and explosives;
- (6) Atomic energy, and mineral resources essential to its production.

We recommend further that in order to enable the Union Government effectively to discharge its responsibility for defence, it should be vested with the powers similar to those contained in Sections 102 and 126-A of the Government of India Act, 1935.

B—"Foreign Affairs" connotes all matters which bring the Union into relation with any foreign country and in particular includes the following subjects :—

- (1) Diplomatic, consular and trade representation;
- (2) United Nations Organisation;
- (3) Participation in international conferences, associations and other bodies and implementing of decisions made thereat;
- (4) War and Peace;
- (5) The entering into and implementing of treaties and agreements with other countries;
- (6) Trade and Commerce with foreign countries;
- (7) Foreign loans;
- (8) Naturalisation and aliens;

- (9) Extradition;
- (10) Passports and visas;
- (11) Foreign jurisdiction;
- (12) Admiralty jurisdiction;
- (13) Piracies, felonies committed on the high seas and offences committed in the air against the law of nations;
- (14) Admission into, and emigration and expulsion from, the Union;
- (15) Port quarantine;
- (16) Import and export across customs frontiers as defined by the Union Government;
- (17) Fishing and fisheries beyond territorial waters.

C—The term “Communications” although it is wide enough to cover any connection between place should for the present purposes of the Union, in our opinion, include the following:—

- (1) Airways;
- (2) Highways and waterways declared by the Union to be Union highways and waterways;
- (3) Shipping and navigation on inland waterways, declared by the Union to be Union waterways, as regards mechanically propelled vessels, and the rule of the road on such waterways; carriage of passengers, and goods on such waterways;
- (4) (a) Posts and Telegraphs:
 Provided that the rights existing in favour of any individual State unit at the date of the establishment of the Union shall be preserved to the unit till the same are modified or extinguished by agreement between the Union and Unit concerned, subject however to the power of the Union to make laws for the regulation and control of the same.
- (b) Union telephones, wireless, broadcasting and other life forms of communications; the regulation and control of all other telephones, wireless, broadcasting and other like forms of communication;
- (5) Union railways; the regulation of all railways (other than minor railways) in respect of safety, maximum and minimum rates and fares, station and service terminal charges, interchange of traffic and the responsibility of railway administrations as carriers of goods and passengers; the regulation of minor railways in respect of safety and the responsibility of the administration of such railways as carriers of goods and passengers;
- (6) Maritime shipping and navigation, including shipping and navigation on tidal waters; Admiralty jurisdiction;
- (7) Major ports, that is to say, the declaration and delimitation of such ports, and the constitution and powers of Port Authorities therein;
- (8) Aircraft and air navigation; the provision of aerodromes, regulation and organisation of air traffic and of aerodromes;
- (9) Lighthouses, including lightships, beacons and other provision for the safety of shipping and aircraft;
- (10) Carriage of passengers and goods by sea or by air;
- (11) Union Meteorological Services;
- (12) Inter-Union quarantine.

D—The expression “the powers necessary to raise the finances required” for the Union subjects in the Cabinet Delegation’s Statement necessarily includes the power, to raise finances by taxation and loans. In existing

circumstances, we recommend the following sources of revenue for the Union:—

- (1) Duties of customs, including export duties;
- (2) Excise duties;
- (3) Corporation tax;
- (4) Taxes on income other than agricultural income;
- (5) Taxes on the capital value of the assets, exclusive of agricultural land of individuals and companies; taxes on the capital of companies;
- (6) Duties in respect of succession to property other than agricultural land;
- (7) Estate duty in respect of property other than agricultural land;
- (8) Fees in respect of any of the matters in the list of Union Powers, but not including fees taken in any Court, other than the Union Court.

We realise that, in the matter, of industrial development, the States are in varying degrees of advancement and conditions in British India and the States are in many respects dissimilar. Some of the above taxes are now regulated by agreements between the Government of India and the States. We, therefore, think that it may not be possible to impose a uniform standard of taxation throughout the Union all at once. We recommend that uniformity of taxation throughout the Units may, for an agreed period of years after the establishment of the Union not exceeding 15, be kept in abeyance and the incidences, levy, realisation and apportionment of the above taxes in the State Units shall be subject to agreements between them and the Union Government. Provision should accordingly be made in the Constitution for implementing the above recommendation.

This is in addition to the recommendations of the Sub-Committee on Fundamental Rights regarding internal customs duties.

3. It is impossible to enumerate the powers implied or inherent in or resultant from the express powers of the Union. We think that in any case the following powers come within the category :—

- (1) Union judiciary;
- (2) Acquisition of property for the purposes of the Union;
- (3) Union agencies and institutes for the following purposes, that is to say, for research, for professional or technical training, or for the promotion of special studies;
- (4) Census;
- (5) Offences against laws with respect to any of the matters in the list of Union powers;
- (6) Enquiries, surveys and statistics for the purposes of the Union;
- (7) Union Services;
- (8) Industrial disputes concerning Union employees;
- (9) Reserve Bank of India;
- (10) Property of the Union and the revenue therefrom;
- (11) Public debt of the Union;
- (12) Currency, coinage and legal tender;
- (13) All subjects in respect of Union areas;
- (14) Powers to deal with grave economic emergencies in any part of the Union affecting the Union.

4. We are of the opinion that provision should be made in the new constitution for the recognition throughout the Union of the laws and public acts laid records of the judicial proceedings of the Units and for judgments and orders delivered in one Unit being enforced in other Units. We note that a provision to this effect has already been made in the list of Fundamental Rights.

5. In addition to the above subjects which, in our view, come within the scope of Union powers in accordance with the Cabinet Delegation's Statement, we hope that the following subjects will also be included in the Union List by agreement:—

- (1) Insurance;
- (2) Company Laws;
- (3) Banking;
- (4) Negotiable Instruments;
- (5) Patents; trade marks, trade designs; copyright;
- (6) Planning;
- (7) Ancient and Historical Monuments;
- (8) Standard Weights and Measures.

Such an arrangement will ensure uniformity, throughout the territories of the union, in matters bearing on trade and commerce as has in fact been recognised in many federal constitutions. We have included Planning in the above list for the reason that, although authority may rest in respect of different subjects with the Units it is obviously in their interest to have a coordinating machinery to assist them.

6. We recommend the insertion in the constitution of a provision on the lines of Article (*xxxvii*) of Section 51 of the Australian Constitution Act.

7. We also recommend that by agreement there may be a list of concurrent subjects as between the Union and the Units.

(Sd.) JAWAHARLAL NEHRU
,, GOVIND BALLABH PANT
,, B. L. MITTER
,, JAIRAMDAS DAULATRAM
,, N. GOPALASWAMI AYYANGAR
,, K. M. MUNSHI
,, V. T. KRISHNAMACHARI
,, B. PATTABHAI SITARAMAYYA
,, BISWANATH DAS
,, A. KRISHNASWAMI AYYAR

New Delhi;
17th April 1947.