

Saturday, 6th November, 1948

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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

Saturday, the 6th November 1948

The Constituent Assembly of India met in the Constitution Hall, New Delhi, at Ten of the Clock, Mr. Vice-President (Dr. H. C. Mookherjee) in the Chair.

MOTION *RE* DRAFT CONSTITUTION—(*contd.*)

Shri Arun Chandra Guha (West Bengal: General): Mr. Vice-President, Sir, we are assembled here to give final touch to the first Constitution of Free India. It is a very significant moment of our life and in this moment I cannot but recollect the past, the years of trouble and struggle that we have passed through. We have lost many comrades; the whole nation has undergone many troubles and sacrifices. When we are assembled here to give shape to our future destiny and our future constitution, I must bow down to the memories of those who have left us in the course of the long years of struggle that we have passed through,—Surendranath Banerjea, Lajpat Rai, Motilal Nehru, Deshbandhu Chittaranjan, and many others who have led us in the struggle and last by Mahatma Gandhi, the Father of the Nation. And in our intimate circle, particularly in Bengal, we have also our friends who have led us through all the struggle, less known to the public, but not less devoted to the cause, not less honest and sincere in their ardent desire for freeing the country. Coming as I do from the circle of workers who have been through the struggle for more than four decades, Sir, I cannot but recollect at least the names of some—Jatindra Nath Mookerji, Swamy Prajnananda Saraswati, Surya Sen, Bhagat Singh and others. They have also served the cause, though they are not so widely known—they have also contributed to the cause.

Now to the Draft Constitution. I am afraid the Drafting Committee has gone beyond the terms. I am afraid the whole constitution that has been laid before us has gone beyond the main principles laid down by the Constituent Assembly. In the whole Draft Constitution we see no trace of Congress outlook, no trace of Gandhian social and political outlook. The learned Dr. Ambedkar in his long and learned speech has found no occasion to refer to Gandhiji or to the Congress. It is not surprising, because I feel the whole Constitution lacks in Congress ideal and Congress ideology particularly. When we are going to frame a constitution, it is not only a political structure that we are going to frame; it is not only an administrative machinery that we are going to set up; it is a machinery for the social and economic future of the nation.

I feel, as for the economic side, the Draft Constitution is almost silent. It is rather anxious to safeguard the sanctity of property; it is rather anxious to safeguard the rights of those who have got something and it is silent about those who are dispossessed and who have got nothing. While there is much about the sanctity of property and the inviolability of property, things such as right to work, right to means of livelihood and right to leisure etc., have been left out and these things should have been effectively incorporated, in the Constitution.

[Shri Arun Chandra Guha]

As for the Fundamental Rights, Dr. Ambedkar,—he is a learned professor and I acknowledge his learning and his ability and I think the Draft Constitution is mainly his handicraft—in his introductory speech, he has entered into a sort of metaphysical debate. He has introduced a new term; I feel, Sir, there is no right in the world which is absolute. Every right carries with it some obligation; without obligation there cannot be any right. So it is no use taking shelter behind the plea that the Fundamental Rights cannot be absolute. I know these must be relative; but that does not mean that the Fundamental Rights should be negated by putting some provisos. All the rights that have been mentioned in the Fundamental Rights section have immediately been negated by putting some provisos and some subsidiary clauses. It would have been better for the Drafting Committee not to have provided these provisos within the Constitution at all. Then the future Government would have been able to act freely in framing the Fundamental Rights. But now as these have been incorporated within the Constitution it would be a question of amending the Constitution to make it broad-based. So I would ask the House either to put the Fundamental Rights rather frankly or to omit the whole chapter from the Constitution so that the future Government may frame the Fundamental Rights according to the needs of the time and not be handicapped with the task of amending the Constitution which has put some difficulties in the way.

Then, Sir, Dr. Ambedkar has passed some remarks about the village units. We have been in the Congress for years. We have been taught to think of the village panchayats as the future basis of administrative machinery. The Gandhian and the Congress outlook has been that the future constitution of India would be a pyramidal structure and its basis would be the village panchayats. According to Dr. Ambedkar, the villages have been the ruination of India, the villages have been the den of ignorance. If that has been the case now, that is due to us who have been living in the towns, who have been shining under the foreign bureaucracy and foreign rule. Our villages have been starved; our villages have been strangled deliberately by the foreign Government; and the towns-people have played a willing tool in this ignoble task. Resuscitating of the villages, I think, should be the first task of the future free India. I have told you, Sir, that who have been taught according to the Gandhian outlook and the Congress outlook that the future constitution of India would be a pyramidal structure based on the village panchayats.

I admit we require a strong Centre; but that does not mean that its limbs should be weak. We cannot have a strong Centre without strong limbs. If we can build the whole structure on the village panchayats, on the willing co-operation of the people, then I feel the Centre would automatically become strong. I yet request the House that it may incorporate some clauses so that village panchayats may be allowed to play some effective part in the future administration of the country.

Dr. Ambedkar has posed before us a question that they have tried to put the constitution on the basis of provinces, on the basis of some political units, on the basis of the individual as the basic unit. The village should be the real basis of the machinery. The individual is the soul of the whole constitution; but the village should be made the basis of the machinery of its administration.

Then, Sir, I would like to say something about the language. In the Draft Constitution it has been stated that Hindi and English should be freely used in this House, and other languages can be used only when the speaker is unable to express himself adequately in either of these languages, I feel, Sir, as in the Soviet Constitution, we should allow the eight or nine major languages of India to be freely used in this House. As in the Soviet Constitution, by sheer weight of number the Russian language has all the predominance, here also, Hindi would have all the predominance by the sheer weight of number.

There is no shed of doubt in the mind of any of us that Hindi is destined to be the national language and the language of the State in India; yet that should not mean that other languages which have mighty literature, mighty traditions behind them should not be allowed to be spoken in this House without the speaker declaring himself to be unable to express himself in Hindi or English. I would request that other languages should be allowed to be freely used in this House.

Mr. Vice-President (Dr. H. C. Mookherjee): Before I call upon the next member to address the House, I have here forty slips of members who wish to speak. The matter is so urgent and so important that I should like everybody to have an opportunity of airing his views on the Draft Constitution. May I therefore appeal to the speakers not to exceed the time limit which I have fixed as ten minutes?

Shri T. Prakasam : (Madras : General): Sir, the Draft Constitution introduced by Dr. Ambedkar, the Honourable Member in charge, is a very big document. The trouble taken by him and those who are associated with him must have been really very great. My Honourable friend Mr. T. T. Krishnamachari when he was speaking explained the handicap under which the Honourable Dr. Ambedkar had been labouring on account of as many as five or six members of the Committee having dropped out and their places not having been filled up. I have been attending this session regularly with the hope and expectation that the Constitution that would be evolved would be one that would meet with the wishes and desires of those who had fought the battle of freedom for thirty years, and who had succeeded in securing freedom under the leadership of the departed Mahatma Gandhi. I was hoping, Sir, having seen the Preamble, that everything would follow in regular course and bring out a Constitution that will give food and cloth to the millions of our people and also give education and protection to all the people of the land. But, Sir, to the utter disappointment of myself and some of us who think with me, this Draft Constitution has drifted from point to point until at last it has become very difficult for us to understand where we are, where the country is, where the people are, what is it that they are going to derive out of this Constitution when it is put on the statute book. Now, Sir, when a Constitution is drafted, generally, what is expected of those who are in charge of drafting the Constitution, those who are in charge of approving the constitution as members of the Constituent Assembly is, what are the conditions in the country, what is the situation in the country, are we doing all that is necessary to get over the troubles in the country? With that object, I have been waiting to learn from all Members who have been devoting their time in explaining the real position with regard to this Constitution. I feel thankful to some of those members who have not forgotten the way in which the battle of freedom had been fought in this country and how freedom had been secured. So far as the drafting of this Constitution is concerned, with all respect to the Honourable Dr. Ambedkar, I must say that he has not been able to put himself in the position of those who had been fighting for the freedom of this country for thirty long years. In one stroke he condemned the village panchayat system. He has referred to the remarks of one great man of those old days of the British, Mr. Metcalfe, and the description given by him that the village panchayats existed and continued, whatever may have been happening with regard to the Government at the top; whoever may have come and whoever may have gone, they did not concern themselves. It is not a matter which should have been treated by Dr. Ambedkar in that manner. That was a condition to which we had been reduced, after the village panchayats had been exhausted on account of the oppression of the various foreign rulers who had come over to this country. Still inspite of all that had been done for their suppression, they had survived. That is what Metcalfe wanted to explain to the world and to us who have been ignoring it. Therefore village panchayat

[Shri T. Prakasam]

is not to be condemned on that basis. I do not advocate for one moment today that village panchayat should be such as described by Metcalfe under those circumstances. Village panchayat should be one which is up-to-date, which gives real power to rule and to get money and expend it, in the hands of the villagers. I would like to know what is this Government that is being constituted under this Draft Constitution. For whose benefit is this intended? Is it for the benefit of a few people or is it for the benefit of the millions of people who pay taxes? Whether they have power or not they pay the taxes under the vicious system that had been established in this country and under which we had been groaning for a hundred and fifty years and we tried our best to get rid of that system. The British built up a system in the Centre and in the provinces in such a manner that the tiller of the soil and the labourer and other people are made to pay some tax or other to enable this Government to carry on administration from the Fort St. George or some other Fort and from this Delhi Centre or other places. What becomes of those millions who pay the taxes? The money is taken away under the British system by those people who have been established here step by step and the money is brought here and spent. How the money is spent the tax payer does not know and the tax payer has been left in the lurch. He does not know whether there is any ruler at all, even after the establishment of freedom by us, because we are perpetuating the same system and we are supposed to be governing in the name of King George. The Governor-General is appointed by the British Cabinet and our currency notes are being printed with the head of King George. To-day, after two years of establishment of freedom, we are in that condition. Therefore, it is only right and proper that this Constituent Assembly which has been sent by the people of this country should take particular care to see that this Draft Constitution of Dr. Ambedkar is so amended that it would really become a constitution for the benefit of the masses and the millions of people for whose sake the battles have been fought by that great friend who has gone away leaving us here to get along with our work. When he was alive his system and his schemes were not supported by us whole heartedly or by the millions in the country. If that had been done, as he said, within twelve months we would have established freedom. That man of vision was with us and with all the betrayal made by us, he managed to educate us and keep us calm and fought all the battles until he succeeded and gave us a scheme for the construction of the future Government. Having been the man who roused the millions of people who had been in ignorance at the bottom when he came here and lifted them up, he made them understand that 'you are all men having soul force in the same manner in which I have got. If you educate yourself and carry on my programme, you will carry out everything and you will establish freedom.' I myself, Sir, had a talk with the great Lala Lajpat Rai more than forty five years ago in England. He was the earliest of the sufferers for freedom and he said: "Look at the organization and discipline and the way in which people here conduct themselves. Can we ever hope to send away these British people from our country and establish freedom?" That was my feeling when I touched that shore. Under those circumstances it was, that this man Gandhiji came as a Seer and lifted us up and I and many friends here entered into his movement and we had been struggling on all these thirty years. The real thing has not been established. The British system drowned us and suppressed the country and made the people utterly helpless. To get rid of the capitalist system he introduced what was called the constructive programme to enable every man and woman to do his or her duty and then make themselves fit for making sacrifices and finally to send away the British. He succeeded and the people succeeded. The people must be thanked for the readiness with which they flung themselves into any ordeal whether it was one of fire or one of water. Instead of having a Constitution based on a socialist basis in the manner in which Gandhiji had

formulated for thirty long years, he divided the whole country into linguistic areas and framed the Constitution for the Congress and worked that for thirty years and it is on account of that we won the freedom—that socialist basis has all been thrown off and a capitalist basis is being introduced. That will be the result of this Constitution. To-day we are in the throes of a famine for food and cloth and I would ask Dr. Ambedkar whether this Constitution would solve any of these problems. To my mind it is not possible so long as the capitalist system of the world is kept up. You may pass so many resolutions and appoint so many committees to solve the inflation problem, but have not been able to reach that point. Therefore it is necessary that this Constitution must be amended in such a manner that the capitalist monetary system is not adopted but a more proper socialist system of our own—I don't mean to say the Russian, we had our own system and we have had our system which had been put into force by Mahatma Gandhi and worked for thirty years successfully. This type of Draft Constitution is beyond my comprehension and I would appeal earnestly to Dr. Ambedkar—I do not blame him alone. Dr. Ambedkar has not been in the battle-field for thirty years. He had not in any way understood the significance of this. He had been attacking the whole system and the programme of Gandhi and the Congress all his life-time.....

Mr. Vice-President : Order, order.

Shri T. Prakasam : If I should not say so much—I do not know—I will obey your order. The Draft Constitution has gone in a wrong direction and it requires amendment very badly. I may tell the Honourable Members of this House and you, Sir, that if this is allowed to go on in the same manner, if the same capitalistic monetary system is adopted here, we must remember what happened to other countries. The monetary system adopted by the capitalist countries of the world had proved a failure not once but twice. After the first war you have all seen what was called the world's first economic distress. Germany had become bankrupt. England had become very nearly bankrupt. Her pound became equivalent only to seven shillings in the foreign market. But for the gold that was exported from here by the kind friends of our own mercantile leaders here, the capitalists, England also would have become completely bankrupt. That is the first thing. Then the second economic distress came upon the world. You will all remember what Dalton, the British Chancellor of the Exchequer said. He said that under the changed conditions the loss sustained by Britain on account of the dollar exchange business was 13 million dollars every day. And the whole system was going to collapse. If that had not been prevented by this Marshall Aid system they would have been perhaps in a worst position. Today England is suffering that way. I therefore warn Honourable Members of this House not to plunge this country into such an economic condition by adopting this Draft Constitution without making necessary changes when the amendment stage comes. I have been waiting to see whether any light would come—whether any day would come with regard to these things. Sometimes I put myself in communication with the Finance Minister, who is not to be found here, with regard to the monetary system that should be adopted. (At this stage Mr. Vice-President again rang the bell). Well, Sir, I stop.

Shri Vishwambhar Dayal Tripathi (United Provinces : General): Sir, I wish to draw your attention to one very important matter. We are discussing a very important subject and it will be very difficult for any one of us to compress our ideas in ten minutes. I would therefore request you to relax your rule and to give us time to express our ideas freely and fully. The other day when we made this request to the Honourable President we were assured that we shall have full and ample time for discussion. I hope you will kindly accede to our request.

Mr. Vice-President : As a matter of fact yesterday every honourable member exceeded the ten minutes limit. I am in the hands of the House: I can give any amount of time you want. But after all there must be some definite rule.

Prof. N. G. Ranga (Madras : General): Sir, you have said that yesterday every Member was exceeding the ten minutes limit. As an experienced speaker I would like to say how annoying and how trouble some it is for a speaker to be reminded by your bell that his time is up. There is considerable force in what my Honourable friend has said, namely, that it is impossible for any one to develop any point satisfactorily within the short space of ten minutes. It is necessary that the period should be extended at least to twenty minutes and if necessary, the general discussion should be extended by one day more.

Mr. Vice-President : Are you prepared to give one day more to the general discussion?

Many Honourable Members : Yes.

An Honourable Member : What about those who have already spoken and taken only ten minutes time?

Dr. Joseph Alban D'Souza (Bombay : General): Mr. Vice-President, never before in the annals of the history of this great nation, a history that goes back to thousands of years has there ever been, and probably will there ever be, greater need—nay, Sir, I may even say as much need—as at this most vital and momentous juncture when this Honourable House will be considering clause by clause, article by article, the Draft Constitution for a Free, Sovereign, Democratic Indian Republic—as much need for a quiet and sincere introspection into our individual consciences for the purpose of giving unto Caesar what unto Caesar is due; as much need for a keen spirit of fraternal accommodation and co-operation where by peace, harmony and goodwill will be the hall-marks of our varied existences individually as well as collectively; as much need for a sufficient breadth of vision so that the complex and the difficult problems that we have to face in connection with this constitutional set-up may be examined primarily from the broader angle of the prosperity and progress of the country as a whole; and lastly, as much need for an adequately generous and altruistic display of that well-known maxim “Love thy neighbour as thyself”, so that in the higher interests of the nation as a whole, sentimental, emotional, parochial particularisms may not be allowed unduly to influence the decisions of fundamental policy affecting the nation as a whole.

It has been admitted by several Members—practically by every Member who has spoken before me—that the Draft Constitution is an excellent piece of work. May I say that it is a monumental piece of work put up by the Honourable Dr. Ambedkar and his Drafting Committee after months of laborious work which may definitely be qualified as the work of experts, work which is comparative, selective and efficient in character right from the beginning to the end.

After these general remarks on the approach to the examination of what the Honourable Mover in his speech styled the formidable document before this Honourable House, which he has told us is the bulkiest amongst all the Constitutions in the world, containing 315 articles and as many as eight Schedules, after indicating to the Honourable Members of this House what ought to be the approach to the consideration of this fundamental document, I crave your permission to refer to a few items in the context of the Constitution. As a Member of the Advisory Committee for Minority Rights. I have been and am particularly interested in the Justiciable Fundamental Rights. I feel at this juncture that it is my bounden duty to express my gratitude in the highest form possible to the Honourable Sardar Vallabhbai Patel, the

Chairman of the Advisory Committee for the highly satisfactory and equitable manner in which these rights have been meted out to the minorities by the majority party. I feel sure, Sir, that it is this satisfactory and equitable deal that will make the minorities cling to the majority through thick as well as thin. Sir, it is my earnest hope that these rights as they are laid down in the Draft Constitution will not be permitted to suffer in any way whatever during their transit through this Honourable House.

Whilst I am on the subject of minority rights, there is one humble submission that I would like to place before the Honourable Mover of this Resolution. It is in connection with Article 299 of the Draft Constitution which says:

“There shall be a Special Officer for minorities for the Union and a Special Officer for minorities for each State..... who shall be appointed by the Governor of the State.”

Necessarily, Sir, the Special Officer of the Union is under the Central Legislature, but what I would submit to the Honourable House is that some modifying measure should be introduced where by while the appointment of the Special Officer at the Centre is by the President, in the nine States it should also be by the President. In some way or other these Officers in the States should be made responsible to the Centre. If that is done, I dare say work in the States by these Officers will be done without fear or favour. It is a submission that I make and I do hope that if it is in any way possible a modification should be made with the object of making the Special Officer in the State responsible to the Centre.

The other submission is also on the subject of minority rights and deals with the right to constitutional remedies in Article 25. Ordinarily, as the Draft Constitution stands, only the Supreme Court will be dealing with these cases. But, Sir, I wish to point out to this Honourable House that most of the cases will be concerning the poorer section and poor classes of our citizens, especially amongst the masses. There is a provision made in sub-clause (3) that Parliament may by law empower other courts than the Supreme Court to deal with such cases. But what I submit is that rather than wait for Parliament in time to come to introduce legislation to empower other courts, it should be done here, and it would ease the situation of the poorer class of people particularly the masses, if by means of modification something is introduced straight away, not waiting for parliamentary measures or enactments later on.

Sir, the last point I wish to make naturally arises from the suggestions I have already made with reference to the Special Officer for minority rights being made-responsible to the Centre. I am sure the Honourable House has already made out that I am for a very strong Centre. The stronger the Centre the greater will be the consolidation of the State services and State work. The history of India shows that for want of strength in the Centre, empires have passed away and dynasties have disappeared. The question of a strong Centre may be considered a paramount one and this is what will have to be done if we want to maintain the freedom achieved after centuries of foreign domination. A strong Centre is absolutely necessary in order to consolidate the entire Union, and I do hope that the Constitution as it is laid out will be passed with the three subjects: Union subjects, Provincial subjects and the Concurrent subjects with residual powers given to the Centre as indicated in the Constitution.

Sir, I am thankful to you for giving me the opportunity of expressing my views on this Draft Constitution.

The Honourable Shri K. Santhanam (Madras General): Mr. Vice-President, we have come to the last and the most difficult stage of our work. While I am anxious that we should finish this work as expeditiously as possible, we may

[The Honourable Shri K. Santhanam]

not forget that we are making the Constitution of India and that for mere speed we should not sacrifice a proper and careful consideration of the provisions which may affect the welfare and the future of this country.

The Drafting Committee have done a good job of work, but at the same time I am afraid they cannot escape two valid criticisms. The Committee, I think illegitimately, converted themselves into a Constitution Committee. They have taken upon themselves the responsibility of changing some vital provisions adopted in the open House by this Assembly. They have also felt themselves entitled to reject the reports of committees appointed by this House. (Hear, hear. I happen to be a Member of the Committee which reported on the future constitution of Delhi and the Centrally administered Provinces. It is true that the report of that Committee was not discussed in this House and no decisions were taken, but I think the recommendations of that Committee were more entitled to be embodied in this Constitution than the views of the Drafting Committee. (Hear, hear). Sir, I shall not labour the point and I leave it to the House to judge when the clauses come up which proposals the House will choose to accept. But I would confine myself today to discuss certain fundamental principles which were touched upon by the Mover of this Resolution.

Dr. Ambedkar rightly stressed those aspects of our Constitution which make for rigidity and flexibility and he claimed that the Constitution of India as drafted is more flexible than the American Constitution or other federal constitutions. But I venture to suggest that flexibility is not always a virtue. The constitution of a country is like the human frame; certain parts of it have to be rigid in order that the constitution may endure; there will have to be other parts which will have to be flexible. So, I would like you to concentrate on those parts which have to be rigid. I think it is dangerous to compromise with fundamental principles. We may think it is expedient to compromise with them for the necessities of the moment, but once we compromise on fundamental principles that compromise becomes a canker in the Constitution and will finally destroy it.

Sir, what are the fundamental principles which are sought to be embodied in this Constitution? First of all, there is to be a single, equal and secular citizenship. Secondly, there is to be adult franchise. Thirdly, it is to be a Federation. Fourthly, there is to be a responsible type of executive. I suggest that we should examine the provisions of the Constitution to see whether every one of these principles has been embodied to the fullest extent.

Take for instance the principle of single, equal and secular citizenship. These are said to be protected by the Fundamental Rights. But Dr. Ambedkar himself admitted that every one of the Fundamental Rights is subject to a large exception. He said that even in the United States of America, the Supreme Court has had to modify these Fundamental Rights. That is quite true. But even our Supreme Court will have to deal with these Fundamental Rights. While it was the function of the Supreme Court of the United States of America to restrict the scope of the Fundamental Rights by considering the necessities of the State, it will be the duty of the Federal Court or the Supreme Court of India to restrict the scope of the limitations. For, if the limitations are to be interpreted broadly, then we may as well omit the Chapter on Fundamental Rights altogether.

Sir, I think we should scrutinise these provisions and see that the limitations imposed are as narrowly and as strictly defined as possible, because in these days of emergencies and emergency powers, it is essential that some at least of the Civil liberties of the people should be preserved by the Constitution. It should not be easy for the local legislatures and even the Central Legislature to take them away altogether.

Sir, there is next the question of adult franchise I wish that we could adopt it as a principle that it should be the duty of the Central Government to compile and maintain the Registers or Rolls of adult franchise throughout the country, because we know that Provincial Governments and local Governments who modify these rolls on linguistic and other secular considerations are not unlikely to be a little lax in the careful preparation of these Registers or Rolls (*Hear, hear*). There may be defects. For instance, there was an attempt by Madras to compile a register of voters. It was all done in a single day or two days and there are complaints that 50 per cent of the voters of the city have been left out. In this particular instance, there was no motive. But, administrative efficiency and thoroughness in the compilation of these Registers was not observed. Sir, we feel we could not be too careful or too watchful in this matter. We want every citizen of India to be automatically included in the Register and his right to be in the rolls protected, by all means possible in the Constitution. Therefore, I would suggest to this House that they should consider the desirability of placing the responsibility of preparing and maintaining this Register on the Central Government itself. Now the Central Government has the responsibility of taking the census of India at ten-yearly intervals. I think we may create a permanent machinery which will not only take the ten-yearly census, but also maintain the Registers of adult franchise throughout the country so that there could be no complaint about and no manipulations of these Registers.

Sir, Dr. Ambedkar spoke of the dual polity. Now we have got three Lists—the Federal List, the Provincial List and the Concurrent List. The Drafting Committee has expanded the scope of the Concurrent List. We have had experience of the Concurrent List. It tends to blur the distinction between the Centre and the Provinces. In the course of time it is an inevitable political tendency of all Federal Constitutions that the Federal List grows and the Concurrent List fades out, because when once the Central Legislature takes jurisdiction over a particular field of legislation, the jurisdiction of the provincial legislature goes out. Therefore we may take it that in ten years or fifteen years' time the entire Concurrent List would be transferred automatically to the Federal List. We must reflect whether this is what we want and whether this is desirable. If we do not want it we will have to see that the Concurrent List is either restricted to the minimum or define the scope of the Central and Provincial Jurisdiction in regard to matters mentioned in that List.

Then I come to the question of the responsible or cabinet type of executive. It is of the utmost importance in every responsible government that the frontiers of responsibility should be clear and definite. There should be no ambiguity about it. When once responsibility is blurred, the cabinet type of government is automatically annulled and we get near the presidential type of Government. I do not myself object to a presidential type of government and it may quite suit the country. If necessary, the Centre and the Provinces can adopt a Presidential Chapter knowing all the implications and the consequences. In many cases I think the presidential type is superior and much better suited to India. It confers stability and I think stability rather than flexibility is the need of the hour for India. But let us not adopt the cabinet type and then try to undermine it by all kinds of devices.

Take for instance the Instrument of Instructions to the President and to the Governors. Originally there was only an Instrument of Instructions to the Governors. Now the Drafting Committee have put in a Chapter on Instrument of Instructions to the President. What happens if the Prime Minister of India ignores these Instructions? Will the Governor-General tell him, "Now according to the Constitution it is my right to insist on the Instruction?" There is a possibility of conflict between the President of India and the

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Prime Minister and the Cabinet. Similarly in the provinces also. These Instruments of Instructions may bring about a conflict between the provincial Ministries and the Governor. I think if we are going in for responsible government, we should go in for it full and entire. Let us not compromise on fundamental principles, because compromise on fundamental principles will land us in all kinds of dilemmas and anomalies and it will not be easy to saddle the Constitution with different methods to deal with each dilemma.

Within the time at my disposal I have tried simply to touch upon certain points of importance which will have to be discussed thoroughly when we take up the Articles of the Draft Constitution.

Sir, there are, however, one or two vital matters which have to be considered in particular. For instance, take the provisions for changing the Constitution. It is provided that the change can be effected only in one sitting by a certain majority in both Houses. I think in the matter of a Constitution changes should not be allowed easily, because political parties may come into power owing to sudden changes in national feeling. The Constitution should be considered as the spinal chord. If it is more flexible than necessary and if it is altered every now and then, simply because a party has got majority in the legislature, then the whole basis of democracy will go to pieces. I think therefore the provisions regarding changes in the Constitution require to be carefully thought out. Changing the Constitution should not be made easy. At least if the changes on most important matters are vested in the Parliament, I would suggest that it should be not only by a larger majority than the actual majority but that it should be done at least twice over after an interval of six months or one year. We may thus ensure that the changes in the Constitution are brought about with a full realisation of the consequences. We should not change our Constitution hastily. Canada has not changed her Constitution ever since it was set up. Has she suffered for it? The United States of America changes its constitution only very rarely.

I think a rigid Constitution is for more important for stability than flexibility and ease in changing the Constitution. The Constitution is the bone work of our freedom, and bones must be rigid rather than flexible.

Sir, I am sorry that Dr. Ambedkar went out of his way to speak about village panchayats and say that they did not provide the proper background for a modern constitution. To some extent I agree but at the same time I do not agree with his condemnation of the village panchayats and his statement that they were responsible for all the national disasters. I think that in spite of revolutions and changes, they have preserved Indian life and but for them India will be a chaos. I wish that some statutory provision had been inserted regarding village autonomy within proper limits. Of course there are difficulties because there are villages which are very small and there are big villages, and many of them may have to be grouped for establishing panchayats, but I do think that at some stage or other when all the provinces have set up panchayats, their existence may have to be recognised in the Constitution, for in the long run local autonomy for each village must constitute the basic framework for the future freedom of this country.

Sir, I am finishing in a minute. There is only one more point. I shall merely touch upon it. I agree with the mover that the artificial distinction between Provinces and States should vanish as quickly and as speedily as possible. The only impediment is that certain financial interests have developed owing to the possession of Central subjects by the States, and if we can find a formula to protect the States from the financial consequences of adopting the same constitutions as the provinces, the States may not object to fall in line with the provinces. Therefore I suggest that we should adopt the principle that no State should suffer by falling in line with the provinces

and let us give them a guarantee that they will be recouped from Central funds for any loss caused by falling in line with the provinces. I suggest that we may consider a formula for protecting them against any kind of financial suffering on account of becoming identical with provinces. I agree that we should not have the anomaly of having A class States and B class States which will only cause confusion. If possible, I would like that all these different categories of units should be abolished. There should be only one standard unit constitution with freedom for these constitutions to adjust themselves to local circumstances.

Sir, owing to the rigid time limit which I fear is not conducive to a proper discussion of the Constitution, I have confined myself only to a few points. I hope they will receive the consideration of this House.

Shri R. K. Sidhwa (C. P. & Berar : General). Mr. Vice-President, Sir, as an able and competent lawyer, the Honourable Dr. Ambedkar has presented the Draft Constitution in this House in very lucid terms and he has impressed the outside world and also some of the Honourable Members here, but that is not the criterion for judging the constitution. This is a Constitution prepared for democracy in this country and Dr. Ambedkar has negated the very idea of democracy by ignoring the local authorities and villages. Sir, local authorities are the pivots of the social and economic life of the country and if there is no place for local authorities in this Constitution, let me tell you that the Constitution is not worth considering. Local authorities today are in very peculiarly miserable condition. The provinces which complain that the Centre has been made too strong and that certain powers have been taken away from them, have themselves in the intoxication of power taken away the powers of the local bodies, and in the name of mal-administration today more than 50 per cent of the local bodies have been superseded by Provincial Governments. Sir, this was the attitude in the previous British regime, and our Provincial Governments are merely following that practice instead of revolutionising the entire system of local bodies. Unless a direction is given in the Constitution to Provincial Governments to make these bodies very useful organisations for the uplift of villagers, let me tell you, that this document is not worth presentation in the name of democracy. The finances of the local bodies are in a miserable condition. The Provincial Governments would not like to give them the electricity taxes, the entertainment taxes, etc. which are the only sources of revenue for these local bodies in Western countries. Here in this country all these taxes are grabbed by the provinces. This has left the local bodies mere skeletons today. If this is the tendency, how can you expect the local bodies and villages to prosper? His Excellency the Governor General in his recent speeches and also our Deputy Prime Minister in his speech in Bombay stated that every villager must be made to understand that he is responsible man or a responsible woman and made to realise that he or she has got a share in the administration of the country. I fail to understand how this can be done if you ignore the villagers, the largest portion of the population?

You will merely be taking power into your hands and make some improvements in the top, but the masses of people are struggling today to become happy and you will be nowhere helpful to them. On the contrary the present feeling that the masses have been neglected will be intensified if we pass this Constitution without really making a reference to the points that I have mentioned. Dr. Ambedkar, Sir, has made a confession rightly that many of the provisions of the various constitutions in other countries have been borrowed and inserted in this Constitution. I personally think that there is nothing wrong in borrowing some good provisions that may be existing in other countries. The only thing that has to be seen is that these provisions which may be beneficial in those countries may be equally beneficial in this country also. I,

[Shri R.K. Sidhwa]

however, see from Schedule 7—they are important lists — that the Union Power List, the State List, the Provincial List and the Concurrent List, have been copied wholesale from the 1935 Act, barring a few changes here and there. I do not know whether they have taken care to enquire from various provincial Governments whether they have found loop-holes. I will mention one or two items. The terminal tax, the profession tax and the levy of taxes on Government of India buildings, have been the bone of contention between the Provincial Governments and the Central Government, in as much as in some cases the matter had gone to the Federal Court. It seems to me that the Sub-Committee have merely copied all these items without giving any consideration to the hardships that have been imposed by the Provincial Governments. I, therefore, feel that these three lists when they come before the House should be given due attention by the House. Last time when we met this list came before us and the time was not sufficient and we left it as they were and I hope very minute consideration will be given to this list which is as important as any other provision of this Constitution.

Coming to the Fundamental Rights, I do not know whether the Committee had the power to upset the unanimous decision of this House. The sub-Committee is perfectly justified in making recommendations, I do not dispute that and these are also recommendations, I admit. But on a fundamental matter when the House after mature consideration had taken a decision on a basic principle on the Fundamental Rights, I feel that they have exceeded their rights in making even those recommendations.

I will only give one illustration. The Constituent Assembly in its last session passed the Fundamental Rights:

“No person shall be deprived of his life or liberty, without due process of law nor shall any person be denied the equal treatment of the laws within the territories of the Union.”

The Drafting Committee have made a change in this, a revolutionary change, I should say and put before this Honourable House. I will read their recommendation:

“No person shall be deprived of his life or personal liberty except according to procedure established by law.....”

The remaining words have been deleted. We will take this matter up when the occasion arises. But Sir, I do feel that in the Fundamental Rights that we passed last time there was already a grievance that we have not gone to the extent to which we should have and if you are going to curtail even those rights of the citizen, I do feel, Sir, that the very nomenclature of the Fundamental Rights would be ridiculed.

I was really impressed with one point that was raised in regard to the constitution of the States. I endorse what he has stated in this respect. When we made this Constitution last time the conditions of the States were quite different than what they are today and I fail to understand why there should be a separate Constitution for each new State. There should be a provision that all States should adopt the provincial part of this Constitution. Instead of the Governor, the ruler should be the Governor and likewise certain other changes, but there should be no separate Constitution for each State. After all they have all acceded to the Indian Union and their laws should be the same laws as ours. It is not one-man rule now and I fail to understand how there can be two laws functioning in one country when all States are part and parcel of our own kith and kin in this Union. I therefore, feel, Sir, that very serious consideration has to be given to this question as to whether we can allow the States people to prepare their own constitution which may go against the very fundamentals of the main Constitution that we are now preparing. In the Fundamental Rights they may go somewhere lesser than we have decided. In many of the matters they may go against what we have finally provided for every citizen of this country.

Sir, take for instance the High Courts. Today in the High Courts of India the best men are on the benches. They are first-rate men and even their judgments are appealable to the Federal Court and to the Privy Council; but in these second-rate High Courts in the States—I do not mean any disrespect by stating second-rate, but it is a fact that they are not first-rate men — their judgments are not challengeable in a Federal Court. Is that fair, I ask you that you do not give this right to the citizen of a State? I therefore feel, Sir, that this matter also will have to be very seriously considered and to make the work of the State people very easy, provincial part of this Constitution should be absolutely made applicable to them, barring a few changes.

Lastly, a reference has been made about the reservation and protection for minorities. I have remained in this Minority Committee and Sub-Committee of the Minorities and I am really thankful to the majority community for the manner in which they have dealt with the minority question and I must say that there should be no complaint from any quarter in this respect. As far as our community is concerned, although the offer has been made for the reservation of seats, we have refused it with thanks. Similarly, yesterday Kazi Syed Karimuddin insisted on removal of reservation of seats. This statement even at a later stage is very welcome. Just as when the majority community offered the reservation of seats to the Parsi community, we said: “No, thank you, we do not want,” similarly all the groups, I expect, Sir, will refuse with thanks the offer of the majority.

Maulana Hasrat Mohani (United Provinces : Muslim): Mr. Khaliqzaman wanted reservation and not Syed Karimuddin.

Shri R. K. Sidhwa : I do not follow. I therefore appeal that this communal poison should be removed from this country and this Constitution should be made into a document about which we could feel proud and we should be able to say to the world that this is a document which the Indian people have made for others to imitate. With these words, Sir, I end. I hope that some of the points which I have mentioned will be borne in mind when the time comes. Thank you, Sir.

Shri Ram Sahai [United State of Gwalior-Indore-Malwa (Madhya Bharat)]: *[Mr. Vice-President, Sir, many Members have shed light on a number of points relating to the Constitution. I shall not go over them again. I shall only speak a few words in regard to the States. I would like to make it clear to the House that the people of the States are in favour of a strong Centre and would whole-heartedly support the establishment of a strong Centre in this way. I submit, however, that much thought does not seem to have been given to the States in the Constitution that has been placed before us. I would like to illustrate this point by one example.

In Schedule I, Part III, the States have been specified as they had been in the past, although a number of States have merged to form Unions and have in a way given themselves the character of a province. Madhya Bharat Union may be taken as a case in instance. The Raj Pramukh of Madhya Bharat signed a new Instrument of Accession on June 15, by which all the subjects mentioned in the first and third lists of Seventh Schedule excluding taxes and duties, have been handed over to the Centre. This means that even the Judiciary has been subordinated to the Centre. But even then no appeal can lie to the Supreme Court from the decisions of its High Court under Sections 111 and 113 of the present Draft. When the Madhya Bharat Union has, by its new instrument of accession surrendered all its rights, transferred all its powers to the Centre and agreed to all its proposals, I cannot see why a provision has been made prohibiting appeals being made to the Supreme Court against the judgments of the High Court of the Union.

* [] Translation of Hindustani speech.

[Shri Ram Sahai]

Section 113 lays down that a reference can be made to the Supreme Court. But I fail to understand why an appeal against the High Court cannot be admitted in the Supreme Court. This is a matter which particularly affects the rights of the people. I submit that a single provision of such a type would have been sufficient for the protection of the rights of the people. Our efforts to bring the High Court of the Union, into line with the Provincial High Courts would be facilitated and would be crowned with success if these High Courts are made subordinate to the Supreme Court. And this step would also considerably facilitate the attempts to bring the Unions into line with the Provinces. It may be said that the High Courts are not sufficiently developed there but so far as the High Courts of Gwalior and Indore are concerned I can say with some pride that they are in no way inferior to the High Courts of the provinces, nor do they have lesser standing. They too have as learned Judges as have the High Courts of the provinces.

Honourable Dr. Ambedkar wants that Constituent Assemblies may not come into being in the States. But I think that if Dr. Ambedkar had been a little in touch with the Ministry of States regarding this matter and had placed it before that Ministry, these complications, that have been introduced now, would not have arisen at all. I would place before him the matter of the Constituent Assembly of Madhya Bharat as a case in point. An interim legislature is being formed there and a Constituent Assembly will also be formed. What may possibly be the necessity of forming these two at the same time? There will be interim legislature there and after that the Constituent Assembly will be formed. No session of the interim legislature is in view as yet and it is yet to be seen when the work of the Constituent Assembly would start. The members of the interim legislature are here in this Constitution Assembly to frame the Constitution. I fail to understand why these people who can make laws in the legislature and are framing the Constitution here, cannot frame the Constitution there. Such complications have been brought in. I am sure that if Dr. Ambedkar had consulted Sardar Patel in this matter, many problems would have been easily solved.

No necessity now remains for the Constituent Assemblies that have been formed or are being formed in the States particularly when almost all the States have taken the shape of provinces.

I would like to submit to the House that the third part of the First Schedule should be revised and the Unions, wherever they have been formed, should be included in the first part. Such an inclusion will result in bringing the States up to the level of the provinces—the only remaining difference would be that the Governors of the provinces would be elected by the public, while the Rajpramukhs of the States would be elected by the princes. As remarked by Messrs. Santhanam and Sidhwa, it would be very advantageous to put the provinces and the Unions on the same footing and in my opinion such a step is both necessary and essential. We should revise the parts of both these schedules, and they should be redrafted in such a way that the States which have already formed Unions be brought to the level of the provinces.

The Committee of experts appointed in connection with the financial provisions has decided that within ten years all the States should at least be brought to the level of the provinces. I find that there is nothing in this Constitution which would permit the report of the committee of experts being given a practicable shape. I would therefore request the drafting Committee that it should make some such provisions by which States which have merged to form Unions should be brought to the level of the provinces. And there should remain no difficulties in respect to this matter.

I would like to submit to the House one thing more, and it is that the big States like Mysore and Travancore, which claim a better position than most of the provinces, should—and I request the rulers and representatives of these states to give up their interests in this aspect—accept the same status as is enjoyed by the other provinces. All these sources, which are not essential for the State, should be handed over to the Centre. In this way we can all help to build up a strong Centre. One cannot fail to understand that like other States Gwalior State could have maintained its separate existence. But the ruler of that State himself realized this necessity and handed over all his powers to the Centre. Just as this Constitution is meant for the people of the provinces similarly it should be for the people of the States also. Hence I would like to submit to the House and more specially the Drafting Committee that they should adopt some such device that those Unions which have assumed the form of provinces and the big States which have not merged into any Union may be able to attain uniformity in this respect.]

Shri Jainarain Vyas (Jodhpur): *[Mr. Vice-President, Sir, Dr. Ambedkar and his colleagues as also the typist and copists have to be thanked for the labour expended in preparing the Draft Constitution that is before us. This is a very big Draft and many things have been included in it. But, as is the case with all drafts prepared by men, this Draft too has many defects. In particular, the use of the word “State” which has not been defined at any place is, in a way, very confusing to all of us. What a State means from the territorial or regional point of view is left entirely vague. Its definition is not given at any place therein. From the point of view of rights of citizenship also it cannot be gathered what the term “State” means. For purposes of Fundamental Rights the term “States” has been made to include Legislatures of the States, Local Governments and the Governments of the States. As the word “State” was generally used for Indian States, it would have been better if some other word had been substituted for it.

States too have been divided into different categories. There are Governors Provinces and Chief Commissioners’ Provinces and the third category would consist of what are called States that is to say, Indian States. They are specified in Schedule I, Part III. I support the view of Dr. Ambedkar, which he expressed in the course of his speech, that the States should be as big as the provinces and they should be in line with the provinces. In fact we the people living in States cannot do justice to our economy by remaining in small territories nor can we properly carry on our administration. But at the same time we would like to tell Dr. Ambedkar and his colleagues that they should have also shown some anxiety to bring us into line with the provinces. In Schedule I, Part III, they have divided us into small units. We should have been grouped into larger units even there. States, that is to say Princes’ States have not been given the right of appeal to the Federal Court by the article providing for appeal to that Court. Only the provinces can avail themselves of that right of appeal. Why have we been made Harijans in the matter of appeals to the Federal Court? This policy of treating the people of States as Harijans in the matter of appeal to Federal Court reveals that even you have not cared to form big units. On the contrary I find that you are keeping some mental reservations. You say that we should form big States but then it is your duty that you should grant us our rights. Mr. Sidhwa observed just now that we should come on at par with the big provinces. I ask, who does not want to come on at par with them? But you say that the Princes of the States and the people of the provinces can be Governors. Why do you not give this opportunity to the people of the States? If you really mean that the States and Governors’ Provinces are of two different categories, you should say it

* [] Translation of Hindustani speech.

[Shri Jainarain Vyas]

clearly, as also that you want to keep this reservation in respect to the States—that you will keep some such matters excluded and will not give them to the people of the States. You should be quite frank in these matters. On the one hand it is said that the States should be brought on a par with the Governors' Provinces and on the other that the people of the States will not be entitled for appointment as Governors though the Princes of the States may be so appointed. I do not appreciate this distinction. I think that this is a defect in this Constitution and it should be removed.

Another observation which I would like to make is in regard to the territories of the provinces. It has been provided in this Constitution that some territories of the provinces can be separated from them and joined to other territories, that two or more territories can be joined together to form a province. The condition for forming such provinces is that either the legislature of the State or its members or the majority of the members should submit to the President of the State that they want to form a separate province for themselves. But in this matter too a reservation has been kept against the people of the States which are specified in Schedule I, Part III. The States are not permitted to form a big unit by submitting a proposal through their legislatures or through the Members of their legislatures. For that the consent of the State is necessary. I do not understand what "consent of the State" means. If the legislature of the State consents, if its members consent, it should have been taken to be the consent of the State. But perhaps "consent of the State" means "consent of the ruler". If it is not so, will a referendum be held or will it be ascertained by some other system? If consent of the State does not mean consent of the ruler, it should be stated clearly. Therefore, I think that so far as the States are concerned, the constitution is not fully clear.

I would like to make one or two other observations about this Constitution. I admire that equal rights have been given to all classes of people but I cannot say whether it is deliberately or otherwise that while the people have been given the right of access to Dharamshalas and wells, they have not been given the right of entering temples. I cannot say whether the fact that while the Harijans have been given the right of access to wells, Dharmashalas, etc., they have not been given the right of entering temples came under the notice of Dr. Ambedkar. I think that it is either a mistake or an omission. If it is an omission, it should be provided for.

There is no doubt that it has not been considered necessary to differentiate between the minorities and the majority and the citizens have been considered citizens in a general sense but even then it has been accepted that if some educational institutions are run by the minorities, the State should be able to aid them. It means that under this Draft it would still be possible to run the existing communal schools and educational institutions. *I do not think that it is right to leave scope for such a possibility when we are free and the people of the minority communities and the majority community have to live as brothers.* But the system of Grants-in-aid to such institutions would produce only such a result.

I have to make only one more observation and that is about the language. A number of our brothers have spoken about it. An Honorable Member went so far as to remark that Hindi Imperialism is being established here. Another Honourable Member said that linguistic fanaticism is being fomented here. I would like to tell them that no question of Hindi imperialism or linguistic fanaticism is involved, when we say that we should have a national language of our own. When we can adopt English I do not understand why we cannot adopt Hindi. If you do not want to adopt Hindi, have courage and say that English is our national language. But you do not say that. When English

is not our *lingua franca* it is not right that we should not allow another language to become the national language. I sympathise with those who say that they cannot understand Hindi but at the same time I would say that they should now try to evolve a national language of their own. If we do not do so there is not so much the danger of the imposition of the English language as of the question of linguistic provinces taking the form of linguistic countries. We do not say that all the people should speak one language only. So long as they cannot do so they may speak English—no one will prevent them from doing so. I am speaking Hindi although my language is Rajasthani which is different from Hindi and has some peculiarities not to be found in Hindi. But at the same time I know that the largest number of people can speak Hindi and can learn Hindi. Therefore we should adopt one national language. I hope there will be no misunderstanding about those who are trying to make Hindi the national language, that they want to establish supremacy of that language. They only want one national language in the interest of our country. It does not mean that the provincial languages will be put under any ban or that English will be bereft of the position it has attained. It may be that in the long run English may no more be there.

With these words I support the Draft Constitution placed before us by Dr. Ambedkar and I hope he will try to incorporate the changes that have been suggested.

Shri B. A. Mandloi (C. P. and Berar : General): Mr. Vice-President, Sir, Dr. Ambedkar, Chairman of the Drafting Committee, in a very lucid speech explained the salient points of the Draft Constitution. In answer to the questions which are raised, namely, what is the form of the Government and what is the constitution of the country, he has pointed out that it is a federal type of Government with a strong Centre and a parliamentary system of Government with a single judiciary and uniformity in fundamental laws. He has also said that the emphasis has been placed on responsibility rather than on stability. It is strong enough in peace-time as well as in war-time. He has answered in his speech the various criticisms levelled against the Draft Constitution and I submit that his speech is a very lucid exposition of the Draft Constitution. The Draft Constitution prepared by the Drafting Committee is based on the reports of the various Committees, namely, the Union Power Committee, the Provincial Constitution Committee, the Advisory Committee and the Minority Committee. The Constituent Assembly in its very first session passed a Resolution with respect to the objective of our Constitution. That Resolution was moved by our respected leader, Pandit Jawaharlal Nehru, and was unanimously passed. We have to see that our Constitution is based on that fundamental Resolution—on that Objectives Resolution—in which the claims for justice, liberty, equality and fraternity had been granted. I submit that the Draft Constitution is a true reflection of the Objectives Resolution and therefore we can say that it has fulfilled our object.

There is another touch-stone with which to see whether the Draft Constitution answers the purpose of our country and our nation. That touch-stone is whether it would maintain our freedom, our independence and our democratic, secular Government. I am of opinion that, looking from that point of view also, this Draft Constitution serves our purpose.

There are, however, certain omissions and certain things which are not found in this Draft Constitution and proper emphasis has not been placed on those subjects. The omissions are with respect to our National Flag and National Anthem. In a Draft Constitution and in a Constitution which is going to govern our country, there should be a proper place for the National Anthem and for the National Flag. There is also a necessity with respect to a common language and a common script. We should be definite on this because after all our aim is to be one nation and one State. In the absence of one common

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language we cannot claim to be one nation and one State. Taking into consideration the various languages prevailing in our country one can say without any controversy that the place of honour should go to Hindi and the script should be Devanagri script. We should bid good-bye to the English language as early as possible because it would be derogatory to our nationhood if we adopt a foreign language. The Hindi language is spoken and understood by a vast majority of the people in the country and the Devanagri script is a very scientific script and it should be adopted as the official script of our Government.

While we have attempted to make the Centre quite strong, I submit that we have not paid sufficient attention to our Provinces. The Provincial budgets are poor budgets and there is a chronic poverty prevailing in the Provinces. The responsibilities of the Provinces are great. We have to fight ignorance, disease and so many other things and we have to carry on nation-building departments and the constructive work in the provinces. The allocation from the Central revenues to the provinces should be on an equitable basis so that the Provinces may be able to discharge their duties properly and efficiently.

In his speech Dr. Ambedkar made an appeal with respect to the States — that the States which have formed into units and acceded to the Union should also be on a par with the Provinces. We would certainly like to see that uniform laws prevail there also and the level of progress is maintained in the States in a uniform manner. I therefore would suggest that in the Draft Constitution we should not make a distinction between the units of the provinces and the units of the States. We have got representatives of the States and we can, in consultation with them, bring the States to the same level as the other Provinces shown in Part I of the Constitution.

Something has been said with respect to the minorities. The Advisory Committee on Minorities has recommended certain safeguards for the minorities. Though the future relationships are going to take place on the basis of joint electorates, these safeguards have been provided. Sir, I submit that these are days of voluntary surrenders. In the year 1947 the British, after a rule of a hundred and fifty years, surrendered voluntarily though there was the fight of the Congress going on for so many years. Then we found that the Rulers of the Indian States have also surrendered. And I feel sure that if the minorities were to surrender the safeguards, they would be in a better and stronger position and they need not have any fear from the majority. If they surrender the safeguards and join the majority, coalesce with the majority and merge with the majority, we would have a stronger India and our ideal of nationhood would be realised earlier.

Sir, our Constitution is a Constitution which has been evolved by us from a comparison of the various constitutions prevailing in the civilized countries all over the world. Various good points from all the constitutions have been taken with such modifications as are necessary in the interests of our country. If we faithfully and honestly work out the Constitution, I feel sure that our country would be prosperous, would be happy, would be strong, and we would be able to maintain our independence and not only maintain our independence but would be fulfilling the great mission of our departed leader, the Father of the Nation, who said that hereafter India would be in such a position as to free the other dependent countries and bring peace and prosperity in the whole world.

With these words, Sir, I submit that the Motion moved by Dr. Ambedkar be accepted by the House.

Pandit Balkrishna Sharma (United Provinces : General) : Mr. Vice-President, Sir, so many friends have come here and offered their congratulations to the Honourable the Law Minister who was in charge of this Draft Consti-

tution that it will sound almost a tautology if I repeat the same sentiments again. But I think I will be failing in my duty if I do not offer my humble and respectful congratulations to the learned Law Minister for the very lucid manner in which he has presented this Draft Constitution for our consideration.

Many friends and critics have come here and levelled certain charges against our Constitution. The one charge which has been repeated by many friends is that ours is a very bulky Constitution. The Mover himself referred to the bulky nature of this document. When we really examine the clauses and articles of the various other Constitutions we come to the conclusion that ours is indeed a bulky Constitution. Sir, as you know, it contains 315 Articles, whereas the Constitution of British North America, that is Canada, contains only 147 Articles; the Commonwealth of Australia Act contains about 128 Articles; the Union of South Africa Act contains 153 Articles; the Irish Constitution contains only 63 Articles; the U.S. Constitution contains 28 Articles; the U.S.S.R. Constitution 146 Articles; the Swiss Federal Constitution 123 Articles; the German Reich Constitution contains 181 Articles; and the Japanese Constitution 103 Articles. A glance at these Constitutions shows that none of them contains more than 200 Articles whereas our Constitution contains 315 Articles.

Critics have tried to make a great deal out of this bulkiness of our Constitution. But we must not forget that ours is a big country of 330 millions and we are making a Constitution for almost one fifth of humanity. Therefore there should be no wonder that our Constitution is bulky. Not only are we making a Constitution for a number of people for whom so far no other country has made any Constitution but our problems are varied and are different. Also, at the same time we have tried to give in the constitution of ours a *modus operandi* where by we have been able to set at naught the rigours of federalism and the vagaries of unitary form of Government. In an attempt to bring about that compromise between federalism and unitary form of Government, we had naturally to take recourse to certain Articles which are responsible for increasing the bulk of our Constitution.

As I said, Sir, our is a country which has got its own problems. In no country in the world are there what we call the principalities—the States—and there should be no wonder that in order to bring all these various factors in line with the present day democratic principles, the draftsmen of our Constitution could not compress into a few Articles all that they wanted to do. Therefore the charge that has been levelled against our Constitution that it is bulky seems to me to be frivolous.

The second charge is that we have borrowed almost *vervativim* from the various constitutions and that we have not cared to glance at the Constitution of the U.S.S.R. Now, so far as this particular charge is concerned, I would like to draw the attention of the Honourable House to some very patent factual and fundamental differences that exist between our country and the U.S.S.R. Let us not forget that the Russian Constitution came into existence after full eighteen years of Government by a single party, the Communist Party of the U.S.S.R. For full eighteen years that party was in power. The October Revolution of 1917 brought that party to power and, till 1935, they did not think of making a Constitution for their country. After eighteen years, during which period a rigid single-party rule was there, they thought of giving a constitution to Russia. Our conditions are far different from the conditions prevailing in Russia. Naturally, if we could not borrow any provision from the Russian Constitution which may appear on the face of it desirable, we must not forget that we did not borrow on purpose. It is said that the Russian Constitution gives the fullest scope to the minorities, but

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we forget that during the eighteen years when that rigid party known as the Communist Party of Russia was in power in what is called the Democratic Republics of Russia, it had established such a strong hold upon the various Republics that constitute the U.S.S.R., that in spite of the fact that the Constitution gave them power to break off their connection with the Central Government, in the very nature of things it is impossible for them even to think of doing so. The Republics of Georgia, Ukraine, etc. and some of the other Central Asian republics, long before a Constitution was given to them, were in the grip of that well-knit, well-organised Communist Party of the U.S.S.R. Therefore, to turn round and say that we have not taken this or that great principle of the Russian Constitution and embodied it in our own Constitution is to ignore the facts as they exist in Russia and as they exist in our own country.

Sir, if we look at the political development that has taken shape in our own country, we will find that it is on democratic principles that our party, the Congress Political Party, has developed. The Russian Communist Party has developed on a totally different basis and that basis is the basis of revolutionary totalitarianism. Therefore those friends who came to the rostrum and spoke very well of the Russian Constitution and twitted us for not having borrowed various clauses from the Russian Constitution, may be told that their criticism is absolutely baseless. While making that criticism they have not cared to look at the situation in our own country.

Then again, let us not forget that there is a vital difference between the principles, the aims and objects of the Russian polity and the principles and the aims and objects of the polity which we want to develop in our own country.

Sir, in Russia, the individual as such has got precious little value. It is the State, the Society and the Party for which the individual should exist. But here, under the inspiring leadership of Mahatma Gandhi we have learnt to look at things in a little different way. We consider individuals to be the basis of society and party and State. This insistence upon the individual makes our situation far different from the situation that prevails in Russia. For all these reasons if our Constitution makers could not borrow from the Russian Constitution, then I can say that they did so on purpose and that it was proper that they should have looked to the democratic countries for inspiration rather than to Russia which, though apparently a democratic State, is yet a Government on a rigid single party basis.

The third charge which has been laid at the door of our Constitution makers is that this Constitution has got a very powerful centrifugal tendency and that the little provincial autonomy which seems to have been given under the Constitution is likely to be taken away in the course of working this constitution and that all power is likely to centre in the Union State. But why should we forget that we, our country, we all, have been chronic patients of what I may call centrifugalities? This centrifugal tendency is a tendency to fly away from the Centre. This tendency of the various limbs to break off from the body politic is a historical tendency. We should not ignore it.

Today we are sitting here to weld the Nation into a strong well-knit, well organised society. If our Constitution-makers do not take care to guard against that chronic illness from which our country has been suffering for centuries, then we are likely to come to grief. Therefore I say that these friends and critics, who think that the Centre which has been given certain powers to meet certain emergencies is likely to abuse those powers, are trying to cry 'wolf' 'wolf' before actually the wolf comes to their doors.

There is no doubt that the Constitution does not contain any clause about village panchayats. A good deal of criticism has been hurled at it for that reason, but may I point out that the Constitution in no way rules out the development of the village panchayats? The Constitution does not put any obstruction whatsoever in the path of the development of those units of local self-government which will enjoy power for managing their own affairs, and therefore that criticism also seems to me to be without any foundation.

One word more, Sir, and I have done. I was rather pained to see that my esteemed friend, Mr. T. T. Krishnamachari, and my respected elder, Pandit Lakshmi Kanta Maitra, have taken our efforts, in the direction of trying to give a national language, with suspicion and even with a little sense of exasperation. I tender to my friend, Mr. T.T. Krishnamachari, a thousand apologies if that impression has been created. May I tell the House that those of us who feel that there should be a national language, that there should be a common medium by which we may be in a position ultimately to exchange our ideas and to express ourselves — this *lingua Indica* should be Hindi in our opinion — that certainly does not mean that we wish to tread upon the toes of any friends of ours. No provincial language can come to grief if those friends co-operate with us in evolving a national language. In trying to give a common language to the nation, our efforts are not with a view to exasperating any friends. We want sympathisers from every quarter. We want the whole group from the Dakshina to come to our rescue and to help us in our efforts to give a national language to this ancient land of ours. Thanks.

Pandit Thakur Dass Bhargava (East Punjab : General) : (Began in Hindustani).

Shri S. Nagappa (Madras : General): Sir, may I request that those of the members who can express themselves in English should speak in English?

Pandit Thakur Dass Bhargava : Since my friends insist that I should speak in English, I bow to their wishes. It is true that I am able to express myself with greater ease in Hindi but at the same time I do wish that I should be understood by all the members of the House.

Sir, I wish to join in the chorus of praise which has been showered in this House on the Drafting Committee, but I cannot do so without reservation. When I bear in mind the complaints made by some friends here, I do feel that the Drafting Committee has not done what we expected it to do. Some of the members were absent, some did not join, some did not fully apply their minds. In regard to the financial provisions, what do we find? They have shirked the question and have not given us any solution whatsoever with regard to some other questions also. The real soul of India is not represented by this Constitution, and the autonomy of the villages is not fully delineated here and this camera (holding out the Draft Constitution) cannot give a true picture of what many people would like India to be. The Drafting Committee had not the mind of Gandhiji, had not the mind of those who think that India's teeming millions should be reflected through this camera. All the same, Sir, I cannot withhold my need of praise for the labour, the industry and the ability with which Dr. Ambedkar has dealt with this Constitution. I congratulate him on the speech that he made without necessarily concurring with him in all the sentiments that he expressed before this House.

I think, Sir, that the soul of this Constitution is contained in the Preamble and I am glad to express my sense of gratitude to Dr. Ambedkar for having added the word 'fraternity' to the Preamble. Now, Sir, I want to apply the touch-stone of this Preamble to the entire Constitution. If Justice, Liberty, Equality and Fraternity are to be found in this Constitution, if we can get this ideal through this Constitution, I maintain that the Constitution is good. In

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so far as these four things which are contained in the Preamble are wanting, then I am bound to say that the Constitution is wanting, and from this angle I want to judge the Constitution. I know that time is very limited and I cannot touch upon everything. I wish to speak about only three or four subjects.

In the first place, I would like to draw the attention of the House to Part II-Citizenship. There are about 60 lakhs of people or more who have come from Western Pakistan, Sind, Baluchistan and East Bengal. These people are not aliens. If technically they are regarded as aliens, I do maintain that it is a sin to do so, because this situation has been brought about by the Government who agreed to partition. Therefore to make a law that each one of them should go before a District Magistrate within one month and declare that he or she is a citizen of India is rather hard. In practice, I know it will be impossible as most of these 60 lakhs of people are illiterate and do not know anything about this provision in the Constitution. If any such illiterate man fails to register himself as a citizen under this article, what would happen to him? Therefore I maintain that this is a very serious flaw in Part II. We ought to see that all these persons who have come from Pakistan on account of this Government agreeing to partition automatically become citizens of India without any effort on their part. If they want to secure themselves by making a declaration, I have no objection, but in case they fail to comply with this provision, I maintain that we should have a provision that mere permanent residence entitles them to full citizenship rights. To insist that they can only become citizens after they have gone to a District Magistrate and made a declaration that they want to be citizens of India is, in my opinion, an act of tyranny on them.

I therefore submit that this clause should be amended in such a way that those 60 lakhs of people may become citizens of India without any special effort on their part.

Secondly, I beg to submit that in regard to the question of minorities, as you know, Sir, I have been taking the very same position which you have been taking in the Minority Committee and I must say that you yourself have been a sort of beacon light to me and to others who thought like you. In regard to this question, I beg to submit that under the third clause of the Preamble equality of status and of liberty will be given to all.

In regard to the majority community — Sir, there will be either single constituencies or plural constituencies. In regard to single constituencies my submission is that if a member of a minority community will stand for those constituencies the members of the majority community will not be allowed to stand. This means that the electoral right of the member of the majority community will not be equal to the electoral right of the minority community. Again if they had plural constituencies even then I maintain, it is very humiliating for any person to stand and secure the largest number of votes and then to be told that another person of a minority community will represent that constituency and not he who secured the largest number of votes. It is extremely humiliating and I want that in regard to the electoral right there should be perfect equality among the members of the minority community and the majority community.

Sir, I have been a worker all my life for the welfare of the minority community people. For the last 35 years I have been a worker and all those who belong to minority communities know that I have never made a speech on the occasion of budget when I have not submitted to this House that in regard to posts, lands, money, property, the members of the Scheduled castes should be given preference and priority and I do maintain it is necessary to pass such measures as will level up their economic and social equality.

I am in favour of Clauses 299 and 300 which provide sufficient safeguards for them, but in regard to this aspect of reservation of seats, I must submit that I am dead opposed to it. When weightage was sought to be given to the Anglo-Indians we made an effort to see that this weightage question is not introduced into our Constitution and we succeeded ultimately and by nomination any deficiency in the number of Anglo-Indians was sought to be made up and we have got section 293 and other sections where nomination has been impressed upon to make up deficiencies, if any. Now, Sir, I maintain that in regard to Muhammadans and Sikhs and Christians no occasion for reservation arises at all and the entire population is almost homogeneous, so far as wealth, social influence and status and other things are concerned. In fact some of these communities are perhaps better off than the majority community. In regard to Harijans, members of the Scheduled castes it may be said that in wealth, social influence and social status they are inferior, but all the same I want that their position may be levelled up in ways other than by reservation of seats. In regard to this right also I am agreeable that if there is any deficiency in any number according to section 67, then we will have recourse to nomination and by nomination the number may be made up if this House thinks that their right should be secured in this respect. There is no occasion for having reservations at all but if any are necessary this method of reservation is very humiliating to the majority community and will be very harmful to the minority community. Yesterday Mr. Karimuddin gave very good reasons in the House. In the Legislative Assembly Sardar Gurmukh Singh on behalf of the Sikhs said that he did not want reservations. I know that since August 1947 the situation has changed and my Muslim friends and my Sikh friends are coming round to the view that the reservations are not useful for them. I wish that many of them expressed their minds. In regard to reservations therefore my position is that if reservations are thought to be necessary by this House, the reservation should be made only by nomination. We know how the Bureaucracy used this power of nomination, but in regard to a President who will be elected by the people. I do not think that such a misunderstanding or such a situation can arise. In regard to reservations the question of equality of status comes in the way and at the same time such a system tends to perpetuate the psychology of separation and the majority community is bound to consider that the reservation being there they are not bound to do anything further and the word fraternity which has been added in the last sentence by Dr. Ambedkar will lose its significance. If we want to abolish the sense of separation, it is necessary that we should not encourage the sense of separation by our own act. I therefore submit, Sir, that in regard to reservation I wish the House accepted the proposition which I am advocating from the very day in which I entered this House.

Some criticism has been made in this House that this Constitution is more political than social and economic in nature. Prof. K. T. Shah gave vent to his feeling yesterday and I for one respect every word of what he said, but may I humbly submit that in this Constitution we have got sections 32, 33, 38 which deal with the social and economic aspect? Now, Sir, I do not want that we should have a Constitution which we may not be able to work; if this Constitution said that the State shall provide full employment and amenities and these rights given in the directive principles were also justiciable, we shall be stultifying ourselves and promising to do what we are unable to do at present as I do not think that the present Government of India is able to do what the other States in Europe can do. This Constitution very modestly says that we shall endeavour to the best of our ability to do what we claim to do. These directive principles have been spoken of disparagingly by some of the Members. I beg to submit that I regard these directive principles to be essence of this Constitution. They give us a target, they place before us our aim and we shall do all that we can to have this aim satisfied. In regard to this, sections 32, 33

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and some other sections provide social and economic basis for advancement. In regard to section 38 it says that the standard of living shall be raised. But the question arises. How shall the standard of living be raised?

In India a poor country, where the average earning of a man is only five shillings a week, compared to other countries of the world where the earnings are at least twenty times as much, we do not know how to face this question. If we go to the villages, even drinking water is not easily available. In regard to clothing, you know better than I can describe. In regard to these matters, if we want really to place some sort of an obligation on the Government, let us say clearly that the Government shall have, as soon as it gets into full power, to undertake the execution of irrigation and hydro-electric projects by harnessing the rivers, by the construction of dams, and adopt other means of increasing the production of food and fodder. Similarly, we can say certainly that the Government should provide good drinking water in the country. If you want rivers of milk and honey to flow in India, we should also say that the Government shall preserve, protect and improve the useful breeds of cattle, and ban the slaughter of useful cattle, particularly milch cows and young calves. I am placing this humble submission before the House. I know that the Congress party unanimously accepted this proposition when it was put to the House by me at the time of their meeting. But, it was my misfortune that this thing could not be debated in this House; and when the occasion came, the House was adjourned. I submit that there is a very great demand in this country that some steps should be taken to see that people get good food, good drinking water and milk. I have used the words "useful breeds of cattle and useful cattle". I may say every Government in India, even the Muslim Kings, the Government of Afghanistan, and even now Burma, have settled this thing by law for all time. In Burma, today, which has got no religion like ours, who do not regard the cow as sacred, they have enacted that slaughter of cows shall be banned. I do not want that. What I want is that the slaughter of useful cattle shall be banned. That is my humble submission to this House and I think nobody will disagree. This would, at the same time, give satisfaction to crores of people who regard this question from a different motive, though I do not regard it from that motive.

I have to make one other submission to the House and it is this. We have heard too much about the village panchayats. How these village panchayats will work I do not know. We have got a conception and that conception we try to put into practice. I wish to submit to this House for their very serious consideration that when the constituencies come to be formed under the new Constitution, they should make territorial constituencies; they should not make constituencies of cities alone and they should not make constituencies of villages alone. They should evolve a system by which the differentiation between the rural and urban people, between those who have too much and who have too little may for all time be removed, so that we may evolve one nation. In my visit to England just now, I found when an application goes to the Government for starting a new factory, they say, "go to the villages, we shall not allow any more factories in London". I want all the factories should be so established in India that for the villages or for groups of villages some sort of employment may be provided. The industries should be decentralised as much as the administration should be decentralised. The disparity between the mode of living of the rural people and the urban people must be abolished if we want to evolve one nation. At the present time, what do we find? The urban people and the rural people are so much a part from each other in their modes of living and outlook on life. To go near the villages is very difficult. The urban people do not like to go to the villages. I know the Congress has gone to the villages

all honour to the Congress. But, there are a good many in the Congress also who do not wish to go to the villages; they cannot go because their mode of living is different. You will have to evolve such constituencies in which the cities and villages come in without any distinction; if there is a constituency for a lakhs of the population, the cities and villages should be included in one constituency. Some of the village people themselves may not like the urban people coming in, and will regard this proposition as a contrivance for usurpation of their preserve but in making this proposal I have the best interests of the country as a whole before myself. I wish that the amenities of life may be the same everywhere in city as well as in village and in future all efforts be concentrated financially and politically to bring the village into line with the city. I hope if you will ponder over this question, you will agree that it is essential to work this constitution in such a manner and in such a spirit as will conduce to better life and better happiness of the nationals of this country.

Shri H. V. Kamath (C. P. and Berar : General): On a point of order, Sir, may I ask whether it is fair to this House that Dr. Ambedkar who has moved this motion and who is expected to reply, to the debate should remain absent from the House? Is anybody deputising for him here ?

Mr. Vice-President : Yes.

Shri Algu Rai Shastri (United Provinces : General): *[Mr. President, Sir, the point raised by Shri Kamath just now appears to be quite sound because so long as the member in charge does not benefit from the speeches that are being delivered and does not pay attention to whatever is being said in the House, it is futile to have a discussion. Therefore, I request that so long as he is unable to be present here, the discussion should be postponed. However, if he has authorised some one else to note down whatever is said here and then to help him, there would be no harm done. Otherwise the whole discussion that is being held appears to be a mere waste of breath and will not be of any use in amending the Constitution.

You should, therefore, give a clear ruling that if there is to be a discussion, the member in charge, who is piloting the Draft, should be present here or some representative of his should be here. So long as this is not arranged, the discussion should be postponed.]

Shri Satyanarayan Sinha (Bihar : General): Mr. Saadulla who was in the Drafting Committee is here and he represents Dr. Ambedkar.

Mr. Vice-President : There are members of the Drafting Committee here who are deputising for the Honourable Dr. Ambedkar. I think that our requirements are fairly met. I hope this will satisfy the House.

Shri Lala Raj Kanwar (Orissa States): Sir, as a back-bencher and as one who has generally been a silent Member of this House, I crave your indulgence and the indulgence of this august Assembly to make a few observations for what they are worth. My observations, if I may say so, will be confined to only one aspect, albeit a very important aspect, of the problem that we are called upon to tackle, namely the question of national language.

Mr. Vice-President : It is for you to consider whether a detailed examination of that is necessary now.

Shri Lala Raj Kanwar : I am not going into the details; I shall confine myself to general observations. The Constitution is bound to reflect the will of the people and the voice of the people and I believe, therefore, the voice of God, as the Latin saying goes, *vox populi, vox Dei*. It means that it is not a question of the language of the Constitution, but the language of the nation and the country at large. Sir, in the Upanishads, which are the repository of concentrated

* [] Translation of Hindustani speech.

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wisdom and divine knowledge, and about which the great German Philosopher Schopenhauer said that “in the whole world there is no study so elevating as that of the Upanishads, which has been the solace of my life and which will be the solace of my death”, it is written:

यन्मनसा ध्यायति तद्वाचा वदति यद्वाचा वदति तद् कर्मणा करोति
यत् कर्मणा करोति तदामि संपद्यते ॥

*As one thinks from the mind, so he speaks from the mouth;
as one speaks from the mouth, so he acts;
as one acts, so he becomes. That is, the deeds proclaim the man.*

Language is the outward expression of our inner most thoughts and a common national language is a prime necessity as it makes for unity and cohesion in a manner in which no other single factor does. As in the case of redistribution of provincial boundaries, there is an outcry in favour of some of the provincial languages struggling for supremacy. This is only natural but there should be no antagonism between one language and another. Whether the provinces should be formed on linguistic basis or some other basis or should be left intact has nothing to do with the question of national language—the *lingua franca* of the country. That the Government of the day can give a great lead in this matter goes without saying. Witness the case of English which under the domination of our late foreign masters practically became the *lingua franca* throughout the length and breadth of this vast country. But in order to be the national language it should not only be the language of the intelligentsia but of the common people. It should be a language which should be spoken and understood by all classes of people and by the majority of them. Considering the huge population of India we find that of the provincial languages such as Bengali, Marathi, Gujarati, Punjabi, Telugu or Oriya, none of them is spoken or understood by the great majority of the people of India and the only language that can lay claim to a great extent to this position is Hindi which is spoken not only in Upper India but in C. P., Rajputana, Bihar and various other tracts. But the spoken Hindi is not the Sanskritised Hindi of Scholars and the intelligentsia—for after all what is their percentage as compared to the huge population of the country—but a Hindi full of short, sweet and simple words, the pure, chaste and unadulterated Hindi spoken by the great majority of the people and which the uneducated people, the women folk and the children make full use of and speak freely and frankly. Although Sanskrit is the mother of most of the Indian languages—the languages not only of India but also of the World—and although it is the language *par excellence* in which our Vedas, Upanishads, Shastras, the Ramayan and Mahabharat and the Immortal Gita are written and although in the words of Sir William Jones, the great Orientalist, “Sanskrit is more perfect than Greek, more copious than Latin and sweeter than Italian”, still it is not the language of the common people and so it is not desirable that we should draw upon it for our daily requirements in Hindi. Moreover Sanskrit has been a dead language for several centuries like Latin, Greek and Hebrew, and in spite of the marvels of the marvellous and inimitable Ashtadhyayi of Panini, the greatest Grammarian of the world, Sanskrit is most difficult to learn. The test of a national language should be its simplicity, and that it should be easily understood by everybody in the country. Now nobody can deny that the Sanskrit Alphabet is the most perfect and scientific in the World and it is also very natural and not unlike the alphabets of other languages. For example the very first letter of its alphabet is अ. The mouth automatically opens when you have to utter this and the sound represented by it is the very first sound which one hears when the mouth is opened. Similarly when the last

letter of the Sanskrit alphabet, that is ऋ is uttered the mouth is automatically shut, which means that it is rightly the last letter of the alphabet, although I do not forget that ऋ in a sense is not the last letter of the Devanagri alphabet because it is followed by other letters like य र ल व but they are variations of other letters. For instance य is a variation of इ, र is a variation of ऋ, ल is a variation of लृ, व is a variation of उ. On account of the perfection of the Sanskrit alphabet, Hindi which is spoken by the great majority of the people in this country, should when reduced in writing, be written in Devanagri script (*Cheers*). Sometime ago a move was made to evolve what is known as basic English. If some such steps could be taken with regard to Hindi, it would be much easier for other people who do not at present speak Hindi or write Hindi to learn it in the minimum of time. In view of the position hitherto and at present occupied by Urdu written in the Persian script and in view of the fact that it is the language generally used by our Muslim brethren who number early 3^{1/2} or 4 crores in this country and who are scattered throughout the length and breadth of this country, and in view of its intrinsic merit that its script is a sort of shorthand, I think it is desirable that we should pay some attention to Urdu also but of course it can never be and there is no reason why, it should be the primary language of the Nation. The national and official language should of course be Hindi written in the Devanagri script but the second language should in my opinion be Urdu because it is a sort of shorthand and takes much lesser time to write and occupies much lesser space than other languages. For example take the word 'Muntazim' which in Urdu is written as if it were one compound letter, but if you write in Hindi in Devanagri script or Roman English it will consist of 7 or 8 distinct letters. Similar instances are 'Muntazir, Muntashir, Muntakhib' and hundreds of other similar combinations of letters which at present form unitary words. So I think that in view of the fact that Urdu is at present spoken by an appreciable number of people in this country and especially in big cities like Delhi, Agra, Lucknow and other places, and the country side round about Delhi, and other large centres of population in Northern India and it possesses certain advantages in as much as it is a sort of shorthand, I submit that we should treat it as the second language of the country. Moreover, if we adopt it as a second language, it will be a gesture of good-will towards the Muslim population who, as I have already said, number no less than 3^{1/2} to 4 crores. And in a secular State we will do well to make such a gesture. However much we may feel the consequences of the partition and the holocaust that followed in its wake we should take a realistic view of things, for after all we cannot build on anger, vengeance or retribution. Although I happen to represent a distant part of India at the moment, namely the Orissa States, I am a Punjabi, and like most Punjabis have suffered grievously in a variety of ways on account of the partition, but that should not make me forgetful of our duty towards the country. We should also not forget that the Father of the Nation during his life-time freely and unreservedly expressed himself in favour of Hindustani, and in expressing this opinion he was never depressed; on the other hand he was always impressed with the reality of the situation and the necessity and the correctness of this view.

One other suggestion that I should like to make in all humility is that in framing our Constitution we should invoke God's blessings as is done by every householder when he performs some big ceremony or when some great *Yajna* has to be performed. And what greater *Yajna* could there be than this in the new India that is born after so much travail? I therefore suggest that at the commencement of the Constitution we should say that we invoke God's blessings in this holy task, and at the end of the Preamble also we should use some such words as "So help us God". At a time of great trial facing his

[Shri Lala Raj Kanwar]

country Rudyard Kipling devoutly wrote:

Lord God of gods,
Be with us yet,
Lest we forget, Lest we forget.

I trust this suggestion of mine will be considered by this Honourable House.

Before I resume my seat I should like to add my tribute to the chorus of praise showered on the Honourable the Law Minister, Dr. Ambedkar, Chairman of the Drafting Committee, for the excellent speech made by him while moving for the consideration of the Draft Constitution. For lucidity and clarity of exposition and expression it could hardly be surpassed. Both he and his co-adjutors are entitled to our best gratitude for the very strenuous work they have done in preparing the Draft Constitution. Sir, I thank you for giving me this opportunity of making my submission.

Shri Yudhisthir Mishra (Orissa States): Mr. Vice-President, Sir, I have been called upon to speak at this fag-end of the morning session and I shall try to finish it as soon as possible. I want to submit a few points for the consideration of this Assembly. The first thing is that in the whole of the Draft Constitution there is no provision for the economic independence of the country. So long we had been fighting for the political independence of the country, and times without number, our leaders have said that we shall try to establish in this country such a Constitution as will provide for the economic independence of the country. But I am sorry to say that nothing of the kind has been done. There is nothing for the common people to be secure about their future. There is nothing in this Draft Constitution which provides them full opportunities for their growth in the future. The Constitution should firstly provide that all the lands, machinery and all other means of production and products thereof will be owned and controlled by the State in the interests of the people.

Secondly, the State should provide for every man and woman work according to his or her capacity and ability and supply the people with materials and goods according to their needs and requirements.

Thirdly, the production of goods should be determined and regulated according to the needs of the people. The Draft Constitution does not give any guarantee for the nationalisation of the wealth within a reasonable time; and it does not say anywhere that every man and woman should be provided with work in this country.

The second submission I would like to make is about civil liberty. The Draft Constitution provides that a person can be detained without trial in the interests of the state. I do not understand what is meant by "in the interests of the state". You have been seen, in the last few months, from January and thereafter, what is meant by detention without trial. In the various High Courts it has been held that the detention which has been ordered by the various Provincial Governments was in some cases illegal. When there is the law of the land to be applied to different individuals, I do not understand why there should be any provision at all for detention without trial. We fought against this during the time of the British Government, and I do not see any reason why this provision should be retained now also. Of course this principle has been agreed to by this Assembly while adopting the principles of the Constitution. But I would submit that this view should be changed and that the provision which has been given a place in the Draft Constitution should be amended.

The third submission I would like to make is about States, the Rulers of which have ceded their jurisdiction and power to the Central Government. The provision which has been made in the Draft Constitution is beyond the terms of reference given to the Drafting Committee. I do not understand why the Drafting Committee has gone beyond the terms of reference and has gone beyond the

wishes of the people of the States who have come under the administration of the Government of India and adopted a Constitution which is not at all demanded or liked by the people of the States. I would therefore say that Article 212 which has also been applied with respect to the States who have merged with the Provinces should be amended and that the wishes of the people should be respected in that regard. Of course, in due time the amendments will be moved, and I hope the House will accept the same.

With these words, Sir, I command the Draft Constitution for the consideration of the House.

Mr. Vice-President : I am glad to announce to the Honourable Members that the President has agreed that in deference to the wishes of the House, we shall have another day, that is Monday, for general discussion.

The Assembly then adjourned for lunch, till Three of the Clock.

The Assembly re-assembled after lunch at Three of the Clock, Mr. Vice-President (Dr. H. C. Mookherjee) in the Chair.

Shri H. V. Kamath : Will you be so good as to direct that.....

Mr. Vice-President (Dr. H. C. Mookherjee): Will the Honourable Member kindly resume his seat?

TAKING THE PLEDGE AND SIGNING THE REGISTER

The following member took the Pledge and signed the Register:

Shri Ratna Lal Malaviya (C. P. and Berar States).

MOTION *re* DRAFT CONSTITUTION—*Contd.*

Mr. Vice-President : We will now resume the debate.

Shri H. V. Kamath : Will you be so good as to direct that a copy of Dr. Ambedkar's speech introducing the Draft Constitution be supplied to every Honourable Member with the least possible delay?

Mr. Vice-President : I understand that the speech of the Honourable Dr. Ambedkar will have to be cyclostyled. This will be done as quickly as possible and possibly copies will be made available to the Members either this evening or tomorrow morning.

We will now resume the debate.

Prof. Shibban Lal Saksena (United Provinces : General): Mr. Vice-President.....

Shri B. Das (Orissa : General): Are you allowed to speak twice on this motion?

Prof. Shibban Lal Saksena : No. Formerly I spoke on the amendment of Seth Damodar Swarup. I have not yet spoken on the motion moved by Dr. Ambedkar.

Mr. Vice-President, we are today called upon to discuss the principles underlying our Draft Constitution. To begin with, I must congratulate the learned Doctor who has placed this motion before us. I have read the speech, which he delivered, several times and I think it is a masterpiece of lucid exposition of our Constitution. I certainly think that there could not have been an abler advocacy for the Draft Constitution. But I would like to say something about the principles incorporated in the Constitution.

Sir, this Draft Constitution has accepted, as he himself said, the democratic Government of England as the model and has rejected the American system of Government. I personally have tried to compare both and to weigh which is better. I personally think that our country's need at present is for a stable State. I think what we require first is stability of Government. I therefore think that we should have opted for the system which prevails in America. A President elected by adult suffrage should be in charge of the Nation and he should have the right to choose his executive to carry on the administration, and the judiciary should be independent of the executive. I personally think that stability of Government is the first need of the Nation today. There are already tendencies which are fissiparous. There is the demand for linguistic provinces and for re-distribution of the provinces. We have also seen quarrels about the division of powers between the units and the Centre. All these tendencies are natural. But if we had modelled our Constitution on the American example and had adopted their system of election, I think it would have met our needs better. Therefore, in one fundamental respect I beg to

differ from Dr. Ambedkar who has opted for the British model. The British system works admirably. But that is the result of seven hundred years' experience and training. Besides, I think there are two special features of British life which enable them to keep their system going. There are no fissiparous tendencies and the loyalty to one King is a strong binding force. Secondly, in every English man, respect for his Constitution is ingrained. In our own country, I personally feel that the American system would be better. There will be less corruption and we can grow to our full stature much better under that system than we can do under the system recommended.

Then, Sir, Dr. Ambedkar has criticised the system of village panchayats which prevailed in India and which was envisaged by our elders to be an ideal basis for our Constitution. I was just now reading Mahatma Gandhi's speech in the 1931 Round Table Conference in London. He was speaking about the method of election to the Federal Legislature. There he recommended that the villages should be the electoral units. He in fact gave fundamental importance to the village republics. He said that it was in villages that the real soul of India lived. I was really sorry that Dr. Ambedkar should express such views about the village panchayats. I am certain that his views are not the views of any other Members of this House. Let us see what Dr. Ambedkar has said about these village panchayats:

“Their part in the destiny of the country has been well described by Metcalfe himself who says:

‘Dynasty after dynasty tumbles down. Revolution succeeds to revolution. Hindoo, Pathan, Mogul, Maharashtra, Sikh, English, are all masters in turn but the village communities remain the same. In times of trouble they arm and fortify themselves. Any hostile army passes through the country. The village communities collect their cattle within their walls, and let the enemy pass unprovoked.’

Such is the part the village communities have played in the history of their country. Knowing this, what pride can one feel in them? That they have survived through all vicissitudes may be a fact. But mere survival has no value. The question is on what plane they have survived. Surely on a low selfish level. I hold that these village republics have been the ruination of India. I am therefore surprised that those who condemn provincialism and communalism should come forward as champions of the village. What is the village but a sink of localism and a den of ignorance, narrow-mindedness and communalism. I am glad that the Draft Constitution has discarded the village and adopted the individual as its unit.”

I am certain that a very large majority of the House do not agree with this view of village republics. As one who has done work in villages and has experience of the working of Congress village panchayats for the last twenty-five years, I can say that this picture is purely imaginary. It is an entirely wrong picture. I personally feel that, if we bring to these village panchayats all the light and all the knowledge which the country and the world have gathered, they will become the most potent forces for holding the country together and for its progress towards the ideal of Ram Rajya. In fact, the Soviet Constitution is based on village units, village Soviets as they are called. I feel personally that these village republics, like the Russian village Soviets, can become models of good self-government. I think that the Constitution should provide for the establishment of village republics.

The Upper House under this Draft Constitution is to be elected indirectly by provincial legislatures. I think it should be elected on a wider franchise and village panchayats should be required to elect the Upper House. The suggested method of electing the Upper House by provincial legislatures is a very wrong method. If village panchayats are allowed to elect the Upper House, we will have a more representative Upper House. I personally feel that unless we give the villages more responsibility, we cannot really solve their problems.

[Professor Shibban Lal Saksena]

The third point I want to touch upon is States. I fully agree with Dr. Ambedkar in his criticism against having two kinds of constitutions, one for Indian States and one for provinces. I feel that the States should be made to fall in line with the provinces. I hope that the States' representatives here will see that it will be more advantageous to have constitutions for the States similar to those for the provinces. Instead of Governors, they can have Rajas as constitutional heads. Most of the smaller States have already merged themselves with bigger units. Where they are very small, they have already merged themselves with provinces. I feel that the Constitution should have a provision that, if any State wishes to fall in line with the provinces, the provincial constitution shall apply to that State also. I hope that by the time the Constitution is passed, most of the States will agree to fall in line with the provinces.

Then, Sir, about the fundamental rights, Dr. Ambedkar said that nowhere in the world are Fundamental Rights absolute. I personally feel that our Fundamental Rights should be in more unambiguous form. I think there is much force in the contention that the provisos to these Fundamental Rights take away much of the rights granted by the Constitution. I think that these Articles should be modified.

Then, Sir, one word about our national language. I think there should be a separate clause stipulating a national language on the model of the Irish Constitution. I personally feel that it should be Hindi written in Devanagri characters. Similarly I think the form of the flag should also be provided for in our Constitution: what colour it shall be and what its dimensions should be, should all be declared in the Constitution. I also quite agree with Seth Govind Das when he said that cow-slaughter should be banned in the Indian Union. I personally feel that the sentiment of thirty crores of population should be respected. I feel that we should provide in one of the Articles of this Constitution the banning of cow-slaughter. I feel that after all we have to take the people as they are and we will have to respect their sentiments also. I therefore feel that this Constitution should be amended to suit our needs and requirements.

Lastly, Sir, I thank the Drafting Committee for providing us with a very fine Constitution. I also feel that the suggestions that I have made will be discussed at the amendment stage and finally find a place in the Constitution of our country. Sir, with these words, I commend the motion to the House.

Shri Sarangdhar Das (Orissa States): Mr. Vice-President, Sir, like all the previous Speakers I congratulate the Drafting Committee, and especially its Chairman, Dr. Ambedkar for the hard work that they have put in. But at the same time, there are certain things in his speech with which I cannot agree. When he says: "What is the village but a sink of localism and a den of ignorance, narrow-mindedness and communalism?" I am rather surprised that a respected member of this House and also a Minister of the National Government should have such an idea about our villages. I must say here, that with the spread of western education in our schools and colleges we had lost contact with the villages, and it was our leader, Mahatma Gandhi, who advised the intelligentsia to go back to the villages, and that was some thirty years ago. For the last thirty years we have been going into the villages and making ourselves one with the villagers; and in reply to Dr. Ambedkar's accusation, I would say that there is no localism in the villages. There is ignorance,—yes, ignorance of the English language and also our various written languages, and that situation is due to the kind of Government we had, a Government that destroyed our educational system. As far as knowledge of nature and wisdom gathered from Shastras and Puranas are concerned. I would say that there is more wisdom and more knowledge in the villages than in our modern cities.

I am not a hater of cities. I have lived in cities in two continents, but unfortunately our cities in India are entirely different from the cities in other countries. Our people living in the cities are far away from the villagers, from their life, and that is why we have become such that we think there is nothing good in the villages. Now this idea is changing; I do not know if it is changing outside the Congress circles, but I am positive that within the Congress circles, the idea of the villages is uppermost in everybody's mind. I shall therefore appeal to Dr. Ambedkar to reconsider this matter and to give the villagers their due because the villages in the near future will come into their own as they used to be.

Now then when we come to the Draft Constitution itself, I am at one with Dr. Ambedkar in the matter of more power to the Centre, because a strong Centre is very necessary at the present time. No matter what we say about the fundamentals of the culture of our peoples in different provinces being the same, we are a heterogeneous people; and taking advantage of the situation that the British have gone, there are all kinds of disruptive elements trying to raise their heads, and therefore it is essential that the Centre must be strong so that all the different peoples of the country can be welded together into one nation. In this connection, I would urge upon you to keep this idea of linguistic provinces in abeyance for, say, five or ten years, because although I come from a province where we also think that injustice has been done to our province, nevertheless because of this linguistic provinces idea during the last one year, there has been more bitterness between the peoples of neighbouring provinces than anything good. And this is not the time to have bitterness. We want goodwill between the neighbouring provinces and that is why I would strongly urge that this linguistic provinces idea should be kept in abeyance for at least five years. As regards language, I know and every freedom loving man in any country knows that there must be a national language. In that respect also, we have different provincial languages some of which have developed very much and are of a very high order, while there are other which are backward. So, there is a competition between the different provincial languages. But, we must remember that we must use a language that the majority of people speak or understand. There is no language other than Hindi that can stand this test. Hindi is a language based on Sanskrit. Because in the different provinces we study Sanskrit to some extent, although not as fully as the older generations used to do, our regional languages also are based on Sanskrit, our Sadhu Bhasha as we call it in my province, that is, the scholarly language is such, that I believe, this scholarly language spoken in Orissa can be understood by the Hindi people or the people from the Punjab and they do understand it. So also, the Oriyas understand Hindi though they may not be able to speak it. The same is the case in Bengal, Maharashtra, etc. When we look at it from that point of view, I am rather surprised that other non-Hindi-speaking friends, particularly in South India consider that the demand for adopting Hindi as our national language is "imperialism of language". I do not see where there is imperialism of language. If the South Indians can speak in no other language than English, do they mean to say that the millions of people living in the Madras Province understand English? It is only a few, and a few of the uneducated people in the cities also who understand English; but not in the villages. We will have to banish English; but at the same time, I would say to the advocates of Hindi that it cannot be done right away, immediately. Some time must be given to the people of South India and other non-Hindi speaking provinces to get acquainted with Hindi and to make their contacts with North India and Western India in the national language.

The next point I want to dwell on is the Indian States. When we first considered the principles of the Constitution, some ten months ago, the

[Shri Sarangdhar Das]

Indian States were in a different position. Since then, things have changed. I cannot see how we shall have units of Indian States and of provinces, and call them all units, and yet, the Indian States are not on a par with the provinces. Particularly I see, that the High Courts of the Indian States will not be under the jurisdiction of the Supreme Court. It is said in the Chapter on Fundamental Rights that these rights are guaranteed to every citizen in India. I take it that a person, man or woman, living in an Indian State or in a Union of States as they have been formed during the last few months, is a citizen of India and if his Fundamental Rights are curtailed by the Government there, there is an appeal to the High Court and that is the final judgment, while in the provinces, the matter can go up to the Supreme Court. I do not see how the man or woman in the States is on a par with the man or woman in the provinces.

Then there are various other matters that exist in many States, particularly in Rajputana and Central India, where there are Jagirdars who own practically 75 to 90 per cent. of the land under the Maharajas of Jaipur, Jodhpur and Bikaner; there is an inland customs duty collected by the Jagirdar from the producer, and then again by the Maharajas' Government, and then when the goods are exported to the neighbouring State, that State also levies an import duty. I can give a particular instance of cotton grown in Jaipur, paying two duties in the Jagirdar's territory and while going out of Jaipur, paying another import duty in Bikaner, when exported to Bikaner, where there is no cotton grown. These matters will have to be changed and the earlier they are changed, the better it is for the primary producer as well as the consumer and also for the expansion of trade and commerce.

Then there is another matter and this is the last one that I want to stress, that is the tribal population in the various States that have come into the provinces, particularly in Orissa and the Central Provinces. It is the duty of the Union Government to improve their standard of living, and to give social and economic amenities to all the people. These tribal people, unfortunately, have been in a very backward condition as far as education, sanitation and economic status are concerned. There are about twenty lakhs of tribal people in Orissa and about 15 lakhs in the Central Provinces. For the quick advancement of these fellow citizens of ours, it will be necessary to allot large sums of money from the Centre, because the provinces cannot bear such heavy burdens. In the matter of financial arrangements between the Centre and the provinces, it will be necessary, when there is any per capita allotment on population basis, for the purposes of the tribal people, the amount must be four or five times the ordinary allotment allowed for the non-tribal people. I press this point particularly, because, if we are to improve their status in the quickest possible time, it is necessary to spend more money whenever it is needed and wherever the people are backward.

Chaudhari Ranbir Singh (East Punjab : General): *[Mr. Vice-President, while supporting the motion of Dr. Ambedkar I would like to submit a few words to this House. I agree with Seth Govind Das that it would have been better if we had decided upon our National Anthem, National Flag and National Language in the very beginning. With reference to what Shri Maitraji said yesterday, I admit that we cannot expect our Deccan friends to speak in Hindi and to use it for the business of the House all at once. But there would have been one advantage if the problem of the national language had been settled in the very beginning—and even now the advantage would accrue—and it would

* [] Translation of Hindustani speech.

have been that people would have come to know which language was to be their national language and which language they should seek to learn.

I would not like to go deep into the question of centralisation and decentralisation of power, but I would like to draw the attention of the House to one matter. Mahatma Gandhi, the Father of the Nation always taught us that whether in the political or in the economic sphere decentralisation engenders a power which is much greater than other kinds of power. Besides, there are other reasons also for this view. I am a villager, born and bred in a farmer's house. Naturally I have imbibed its culture. I love it. All the problems connected with it fill my mind. I think that in building the country the villagers should get their due share and villagers should have their influence in every sphere. Besides there is another matter to which attention was drawn this morning by Babu Thakur Dasji. It is that the distinction between rural and urban seats should be done away with. I have no doubt that if we take a long view of the matter it would be beneficial for the rural areas—and more specially in a country like India where there are seven lakhs of villages and only a few cities. But we cannot ignore the conditions of today. Howsoever ingeniously we may try to beguile them with subtle arguments and fine sentiments the village people cannot be blinded to the fact that the power of the Press and the Intelligentsia is centred in the cities alone, and that they of the villages have little say in the affairs of the nation. It is no use, therefore, to ignore this reality. Today a distinction has to be maintained in our country between the rural and urban seats. In fact reservation of seats is to be provided and it should be provided, for those who are backward. The reservation provided in our Constitution is rather a peculiar one. We should remember what used to be emphasised by the Father of our Nation, Mahatma Gandhi, that is, the means for achieving an end have to be very carefully scrutinised, for the end is conditioned by the means. Our aim today is to set up a secular State—a non-denominational State. I cannot therefore, see any reason why seats should be reserved for minorities or sectarian groups. I do not see any sound reason for the adoption of such a course of action. Would not its adoption defeat the realisation of Ideals we have in view? Our object of establishing a secular State in this country would remain merely an unrealised dream if we decide to provide safeguards on grounds of religion. The training, the level of education, and the power of the followers of Islam do not need any further demonstration in the circumstances prevailing in the country to-day for we have already had ample proof of the same.

We have seen that by the power of their organisation and with the help of a foreign power they brought about the partition of the country. The other minorities that have already been referred to are not less powerful. We cannot from any point of view call them backward communities. It is no doubt true that it may be said, if it can be said for any group at all, that Harijans constitute a backward class. Both from their educational and financial conditions they may be called a backward class. But even in this respect we have to keep in view one other consideration. It is that if we provide in this Constitution safeguards for Harijans, the word 'Harijans' would be perpetuated even though such is not our intention. We want to form a classless society in the country. But a classless society cannot be formed if we make a provision for reservation of seats on the contrary. This would only perpetuate the word 'Harijan'. In my opinion there is another way and a much better way of providing safeguards for them. All the backward people in the country are either peasants or labourers. All such people were disfranchised in Russia as did no manual work and lived not by their labour, but on the returns on their capital. We may not disfranchise such people in our country today. We may even give them rights according to their numbers. But we should provide safeguard for manual workers, the peasants and the wage-earners. If safeguards are to be provided they must be only for

[Chaudhari Ranbir Singh]

those who are peasants and wage-earners and in fact safeguards can be properly provided for them alone.

There is one thing more. As I said before, it may perhaps be objected that this will give rise to another serious problem, that is to say, the words 'peasant' and 'labourer' will find a permanent place in the Constitution. But I think that, even if this happens, it will not be in any way injurious to anyone. It will be all the better that the people of the whole country would be labelled as peasants and workers. If every one would earn his bread by labour, it would be the best thing for the country and the problems of food and cloth with which the country is faced today would then be solved easily.

I would like to proceed to make one more observation and this I may do only as a peasant. It is with respect to the protection of the cows. Pandit Thakurdass Bhargava and I had jointly moved a resolution on slaughter of cows in the Congress party and at that time it was unanimously adopted. But unfortunately no mention of it has been made in our Constitution. Though the same was the case in regard to Hindi on which question also the party had come to a decision, yet the mention of Hindi is to be found in the Draft while no mention has been made of the resolution as regards cow protection. I humbly submit that that resolution should be carried out as a whole—rather it should be enlarged as follows:

“In discharge of the primary duty of the State to provide adequate food, water and clothing to the nationals and improve their standard of living the State shall endeavour:—

- (a) as soon as possible to undertake the execution of irrigation and hydro-electric projects by harnessing rivers and construction of dams and adopt means of increasing production of food and fodder.
- (b) to preserve, project and improve the useful breeds of cattle and ban the slaughter of useful cattle, specially milch and draught cattle and the young stocks.”

Sir, I would like to make one more point in regard to the economic order. I have no objection, rather I am happy that the Centre should be very strong. But I consider it my duty to submit that the finances of the provinces should be on a sound basis. Today there is not a single pie of the income of the peasant who earns it by his sweat and blood, which is not taxed. If he cultivates even a single bigha of land he has to pay a tax on it. As compared to this even an income of two thousand rupees of other people of India is not taxed. This is a great injustice to the peasant, particularly in a country where they dominate and have a large population. It should rather be considered how the continuance of this injustice in a country of peasants would look like? Therefore I want that the provincial governments should realise land revenue on the same basis as the income tax; for this purpose their finances should be strengthened.

I would like to make one more observation as a Punjabi. Punjab was partitioned as a consequence of the Freedom of India and partition completely dislocated the entire administration of this Province. To bring it again into line with the other provinces it is necessary that at least for the next ten years, in so far as its finances are concerned, special concession should be shown to East Punjab.]

Mr. Vice-President : I have received a number of communications from Honourable Members suggesting that the House might be adjourned as they want to go to the Exhibition. I want to know the views of the House.

Honourable Members: Yes, it may be done.

Mr. Vice-President : I have got the names of sixty gentlemen who wish to speak. The adjournment will mean that only a smaller number will be able to speak because there is only one day left. It is for the House to decide what they want.

An Honourable Member : We might adjourn at half past four.

Another Honourable Member : Let it be four o'clock.

Mr. Vice-President : We will carry on up to a quarter past four.

Shri R. R. Diwakar (Bombay : General): Mr. Vice-President, Sir, Honourable Members who have spoken before me have covered enough ground and I think I should not take much time of the House in going over the same ground. I would like to make a few points which from my point of view are very important when we are on the eve of giving a new Constitution to our country. One thing which I wish to make quite clear is that the Draft Constitution which is before us is really a monumental work and we all of us have already given congratulations to the Drafting Committee and its Chairman who is piloting it through this House. At the same time I would like to point out that the Drafting Committee has not only drafted the decisions of the Constituent Assembly but in my humble opinion it has gone far beyond mere drafting. I may say that it has reviewed the decisions, it has revised some of the decisions and possibly recast a number of them. It might be that it was inevitable to do so under the circumstances, but at the same time we, the Members of the Constituent Assembly, should be aware of this fact when we are considering the Draft and when we are thinking in terms of giving our amendments.

The second point I want to make is about the hurry with which some people want to finish the discussions about this Draft. I do not think that much hurry will be beneficial in going through the Draft. Enough time should be allowed, and none of the amendments that may be given should in any way be suppressed or insufficient time given to them. Enough time should be given for the discussion of important things. If not for anything else, I want to point out that it is more than one year since Free India is in existence, and this year has been one of rich experience. This experience itself, I think, should make us pause and think about changing a number of provisions that are there in the Draft, as it is today before us.

Let us take the question of adult franchise. A number of us are already thinking as to whether we shall have the required type of people in the legislatures if we straight away introduce adult franchise. I am one of those who would suggest that while we should keep adult franchise as it is, so far as the electorate is concerned, we should consider and put our heads together and see if the qualifications of candidates are, in a way, such as would bring to the legislatures people who would really be capable of shouldering their responsibilities. No doubt it is a superstition with western democratic method that each one who has a vote is also eligible for becoming a candidate. But I do not think that it is absolutely necessary for the purposes of democracy to follow this tradition of western countries. We can as well think about the important consideration that we want a legislator who is not merely a representative but also a representative who can legislate and who has a certain perspective. While we are speaking in terms of nationalism, unitary government, strong Centre etc., all these words would be useless and meaningless if we do not have in our legislatures people who have this perspective and who can look upon every piece of legislation with this perspective and in this context. The Constitution, after all, draws its force from the people who work it and if we are not able to send to the legislatures people who can understand, who can grasp the spirit of the whole Constitution, I think it would be very difficult to work it for what it is worth. I want to point

[Shri R. R. Diwakar]

out that there are some more considerations of this type which experience has brought home to us during the past one year, and they should stand us in good stead in considering the Draft that is before us.

Another important point which has been harped upon from this platform is about linguistic provinces and the question of language. The battle of languages has been or is being fought almost from day to day—it comes up in a number of dubious ways. But I think that when once we have all agreed that there should be a *lingua franca*, a national language, I do not think that we should quarrel any more about details and emphasise unnecessarily the point that our Constitution itself should be in that language. With due respect to the Hindi Language—or Hindustani or whatever we may call it—I should say that it has not yet developed the connotations, that are necessary for its free use in legalistic and constitutional works as well as constitutional methods and interpretation. Therefore, it is absolutely necessary that we should wait a little more before we rush in that way. I would plead that we should pass the Constitution in the English language and we should also have a good Hindi translation of it, but so far as an authoritative version is concerned, for the next few years the English one should be that authoritative version. That, of course, is my humble opinion.

Now, the old hatred or rather the dislike for the English language must really lapse with the 15th of August 1947. Before the 15th August 1947, we were using the English language as slaves, and therefore we ought to have felt the revulsion that we were feeling. But today, it is out of choice, out of the merits of that language possibly, out of the difficulties of the situation, on account of the heterogeneous languages which so many of us speak that we take to it, we rely on it for some period; and that I think should be the best way of doing things. It is from the point of view of arriving at the highest common measure, what may be called the highest common factor, that we ought to look at this problem; then I hope we shall be coming to a very good conclusion and a harmonious one.

Now about linguistic provinces. The question is before the Commission that has been appointed by the President of our Assembly; it is premature to say anything about it. Really speaking, I wish that none had referred to it from this platform. But since it has been referred to, I should think that this question should not in any way be shelved or postponed since this Constituent Assembly is there; and since we are considering the whole future of the country as well as of the Provinces, it is no use simply brushing it aside saying that there are difficulties in the way. If there are difficulties, well, we are all here to see that those difficulties are removed. I do not think that there are insuperable difficulties which we cannot overcome as a nation. We have overcome greater difficulties, possibly we shall have to overcome far greater difficulties in future, and at such a time it is necessary that each limb of the nation, each group in the country, feels that its future is assured, that its development is assured and that there is no danger of its being suppressed or neglected in the future Constitution of India.

Sir, I once more urge that we should not be in a hurry about this Constitution—it might take a few days more or a few days less. I would urge you to take fully into consideration the experience that we have had during the whole year and bring that experience to bear upon the provisions of the Draft Constitution that we have before us.

With these few remarks, I commend the Draft and congratulate once again the Drafting Committee and its able Chairman and on the way in which he has presented this Draft to this House.

Shri Himmat Singh K. Maheshwari (Sikkim-and-Cooch Behar): Mr. Vice-President, Sir, the House has during the past two days heard some very vigorous and useful criticisms on the Draft—before it. It is not my intention to repeat or to paraphrase any of the suggestions that have been made. I shall permit myself to make only one general comment and to make one appeal.

The general comment that I wish to make is that the Draft tends to make people, or will tend to make people, more litigious, more inclined to go to law courts, less truthful and less likely to follow the methods of truth and non-violence. If I may say so, Sir, the Draft is really a lawyers' paradise. It opens up vast avenues of litigation and will give our able and ingenious lawyers plenty of work to do. Whether this will help the nation as a whole, is extremely doubtful.

Many of the provisions of the Draft confer benefits or concessions of a somewhat illusory character. Some of them, in my opinion, are even harmful. The question then is: what is this blemish due to? I shall hazard an answer: the answer is that the raw material out of which this Draft has been made is all foreign. The ideas are foreign, the garb is foreign, and what is more, the form is top-heavy. With these disadvantages I am afraid it was not possible to do much better than what the Committee has done. Whether at this stage it will be possible to remove these defects I am unable to say. But I wish to put in a strong plea that when the Draft is examined clause by clause by the House, every effort should be made to expunge all unnecessary provisions and provisions which might more conveniently be left for legislation by the Dominion Parliament in future.

The appeal which I wish to make to the House is in connection with a subject which has been touched upon by a number of speakers today and yesterday. It is in connection with reservation of seats in the legislatures for the minorities—Muslims, Sikhs, Scheduled Castes and others. My friend Mr. Karimuddin sounded a very healthy note yesterday when he opposed reservation of seats for Muslims. From my personal experience in the State which I represent, I am able to say that the refusal to grant separate electorates and the refusal to grant reservation of seats in the legislatures to Muslims during the last 25 or 30 years has had the most beneficial results in my State. The result has been that Hindus and Muslims have always been on the most friendly terms and have, even during the troublous times of 1946, 1947 and this year, remained on the most friendly terms without breaking each others' heads. They co-operate in every field of life and are the best of friends. Reservations are bound to encourage separatism and postpone at least for some time the realisation of the dream which we have, namely, that of evolving a truly secular State. As long as any community demands and gets reservation of seats in the legislatures a truly secular State, in my opinion, must remain a distant dream. I therefore make a most earnest appeal to my friends of all minority communities to drop their claim for reservations voluntarily so that this Constitution may start off as a truly democratic, virile, strong Constitution without any draw backs to begin with. One of our Sikh friends yesterday, as far as I could understand him, also put in a plea I believe against reservation. That is a very healthy sign. I have still to hear what the Scheduled Castes in this House have to say. Personally, Sir, I have always felt that giving any person the name of a Scheduled Caste involves a stigma.

(At this stage the bell was rung indicating that the Member's time was up.)

I bow to your call, Sir. I have said nearly all that I wanted to say.

Mr. Vice-President : The House stands adjourned till 10 o'clock on Monday, the 8th November 1948.

The Assembly then adjourned till Ten of the Clock on Monday, the 8th November 1948.
