

Tuesday, 9th 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

Tuesday, the 9th 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.

DRAFT CONSTITUTION—(*Contd.*)

Mr. Vice-President (Dr. H. C. Mookherjee): I take it as the unanimous desire of the House that the general discussion on the Honourable Dr. Ambedkar's motion should be concluded today. I have noticed endless repetitions of the same arguments and I appeal to those who will speak today that they will avoid issues which have been already dealt with.

Shri R. Sankar (Travancore): Sir, I must at the very outset congratulate the framers of the Draft Constitution on the very efficient manner in which they have executed their duty; and I must particularly congratulate Dr. Ambedkar on the very lucid and able exposition of the principles of the Draft Constitution that he gave us by his brilliant speech. I do not propose to go into the details of the Draft Constitution but will content myself with dealing with one or two aspects of it. I think the most salient features of the Draft Constitution are a very strong Centre and rather weak but homogeneous Units. Dr. Ambedkar made a fervent appeal to the representatives of the States to take up such an attitude as to make it possible for all the States and the provinces to follow the same line, and in course of time to establish homogeneous units of the Federation without any distinction between the States and the provinces. But I think there are certain things which differentiate the States among themselves, and the States as a class and the provinces. There are some which are very well advanced and others which are not only not so well advanced but are really backward. There are States in which literacy is less than 5 per cent. There are States in which literacy is more than 50 per cent. There are States which levy income-tax. There are others which do not levy income-tax at all. In fact, there is such a great difference between the States amongst themselves than between some of the States and the provinces that it is very difficult to find much in common between the States and the provinces as they are constituted at present. For an example of a State which is advanced, I might take the case of Travancore, which I have the honour to represent. Travancore is, I think, one of the most advanced States in the whole of India. In certain respects she is ahead even of the provinces. She has been able to work herself up to the present position on account of the fact that all her revenue resources had been tapped for along time and the Rulers had tried to develop the State from very early times. Today, she is one of the most highly advanced industrial areas in all India. More than 50 per cent. of her people are literate. Though a small State with an extent of only 7662 square miles, she has a revenue of nearly Rs. 9 crores. She spends about Rs. 2 crores on education now, more than half a crore on medicine and public health and as much on village uplift; and in other nation-building activities she spends very large sums. But if this Draft Constitution becomes law tomorrow, what is going to be the fate of this State? That is what concerns the people of the States as a whole and the people of Travancore in particular. Our customs

[Shri R. Sankar]

revenue is nearly Rs. 1½ crores. Our revenue from income-tax is nearly Rs. 2 crores and other federal items will come to nearly another crore. In other words, about 45 per cent of the income of the State will be central revenue from the day this Draft Constitution becomes law. The result would be that a State like Travancore will not be able to maintain, much less improve upon her present administrative efficiency. The States people now look at this picture more or less from this angle. The Princes, who were till now the stumbling block, have most of them decided to introduce responsible government in their realms, and the Ruler of Travancore has made no reservation whatever in this respect. The people are now anxious how they will be in a position to carry on the administrative functions of the State at least as it was carried on under the old irresponsible regime. I believe the Honourable Members of this House will see that it is a very hard case for a State like Travancore. Unless there be some provision by which a sort of fiscal autonomy is allowed to a state like mine it will be simply impossible for the State to maintain the high level of development it has been maintaining till today. The people after the long struggle are looking forward to the present responsible governments in the States to find a solution for the hundreds of problems, especially economic problems, that they are faced with, and if the States, instead of being in a better position, are in a worse position from tomorrow, they will certainly find it impossible to do anything and to solve any problem that they face. This aspect has to be borne in mind when this Draft is considered by this Body.

Another thing about which I would like to speak one word is the linguistic affair. There appears to be very much enthusiasm on the part of Honourable Members from the North whose mother tongue is Hindi or Urdu to force it all of a sudden upon others who scarcely understand a syllable of it now. Though much work has been done in the field of propagating the national language, Hindi-Hindustani, in the South, if you go out to the villages you will find that not even 1 per cent of the population knows Hindi. Even if you take such an educationally advanced State as Travancore and another State which is educationally far advanced—Cochin—not even 1 per cent of the population can even today understand either Hindi or Urdu. I would therefore request the members who are very enthusiastic about this thing—this common national language to wait for a time, to give an opportunity to the people of the South and the East to get themselves sufficiently acquainted with it. Hindi, of course, is in favour everywhere. Only some time—probably a decade or two—will have to be allowed. In the meanwhile, English must continue to enjoy the position it does today. If that be done, I think there will be none from any part of India who will stand in the way of Hindi being recognised as the national language of India.

As my time is up, I close with these remarks.

Shri M. Thirumala Rao (Madras : General): Mr. Vice-President, Sir, as a new recruit to this Constitution-making body, I seek the indulgence of the House for the few remarks I have the privilege of making here presently.

We are now on the eve of great changes and we have been endowed with the power of shaping our future in a manner that suits our genius and tradition. Of course the past 150 years of British rule has made an indelible impression on the Constitution that has been presented to us. I do not want to go into the details of the Constitution. I want to deal only with one aspect of it, *viz.*, whether this country should remain a part of the British Commonwealth of Nations.

Sir, the Objectives Resolution has clearly laid down that the basis of our State should be a complete Sovereign Independent Republic. I feel, Sir, that in the present set-up of world affairs, it is but meet that India should from the very

first make an attempt to stand on her own legs and show that we are capable of developing our own institutions on the lines best suited to us. No doubt, British statesmen and all those people who are accustomed to be imperialists are looking askance at us wondering whether we will cut ourselves away from the British Empire. It is too late in the day to think of having any constitutional ties with the word 'Empire' which smacks so much of a feeling that had been engendered in the past. But one thing necessary is that we should not excite any jealousy on the part of powers like Russia or America by permanently tying ourselves to the apron strings of British Imperialism or British Commonwealth.

Now, whatever one may say, the balance of power is yet influencing world affairs; and India, strategically situated as she is in the Indian Ocean, midway between the Pacific and the Atlantic and the Mediterranean, has a special responsibility and an important role in maintaining world peace. Though we are a young nation, with very ill-equipped defences, it must be our duty to see that we estrange nobody in the world with regard to our position in international affairs. As such, if we make it plain that complete sovereign independence is our ideal and also the practical basis on which we are building up our Constitution, we may not estrange people like the Americans in the future.

In spite of all the tall talk that has been indulged in with regard to the Anglo-American Bloc, an under current of jealousy still persists in America against the British Empire. But they have realised—even Republican papers in America have realised—that they must make a little sacrifice of their trade monopoly in order to strengthen India and build up a bulwark against the forces that are now sweeping the East from Russia. From that point of view I feel that we must have complete Republican and independent sovereignty in our Constitution and from that point of view, we may command some respect and also some assistance from countries which seek our help and co-operation in the near future.

With regard to other matters, we must borrow a lesson from the Australian and Canadian Constitutions where the provinces and Centre have evolved a sort of relationship which is still the bone of contention in their law courts. The recent instance in Australia where Nationalisation of Banking was attempted is an example: the Centre wanted to nationalise the banks but the provinces resisted. So also in our future development, the relationship between the provinces and the Centre has to be evolved in the best interests of the country. We require no doubt a strong Centre, but a strong Centre should not mean weak provinces. The provinces also should be equally strong to enable them to perform their multifarious duties and to develop schemes. They should be left with sufficient financial resources to discharge their duties and contribute to the strength of the Centre.

With regard to Defence, we have been unfortunately split up by the machinations of British diplomacy. Whether it is Pakistan or India, India is one and indivisible as far as the defence of the country is concerned; Pakistan, which is separated on the north-east and north-west by long stretches of the Indian Union territory, is much too small to defend herself and will have to co-ordinate her defences with India. Our frontiers lie much further than Pakistan; our eastern frontier lies much beyond Assam and if we are to integrate these, we will have to keep the States well-knit and to enter into a sort of alliance with Pakistan by enclosing it within a super-federation of this federation.

Sir, I visualise a day when it will be impossible for the new States to remain as separate entities for long. There was wisdom in the proposal that these two States could combine for certain purposes like international trade, currency and defence. I will not rule out the possibility of such a combination in the near future, in the next decade, if we are to develop our Constitution on proper lines.

[Shri M. Thirumala Rao]

One more point, Sir. We have been talking too much of a secular State. What is meant by a secular State? I understand that a secular State may not allow religion to play a very important part to the exclusion of other activities of the State. But we must make it clear that the ancient traditions and culture of this country will be fully protected and developed by the Constitution and through the Constitution.

Mr. Vice-President, I see that my time is up. With your permission I will conclude in another minute.

Wherever you go, to the Mother of Parliaments or to other British Institutions, you find invariably the Church associated with them, with their universities, with their Parliament, with their Courts of Law and so on. Although I do not want to impose our religion in our institutions to that extent, I do plead that we should protect our culture, our peculiar national characteristics and traditions. These should be protected by the Constitution. We should not forget, wherever we go, that we are not a hybrid nation or a disproportioned mixture of several cultures, but that we have a culture and a Government and a civilization of our own. This should be reflected in our Constitution.

Shri Raj Bahadur (United State of Matsya): Mr. Vice-President, Sir, I have sought this opportunity from you to speak during the discussion of the Draft Constitution, only because I felt impelled by a sense of duty that I should draw the attention of this august Assembly to two problems which I think are really constituting a grave danger to our newly-won freedom and to the unity and integrity of the Nation. I hope and wish that this Assembly, in order to safeguard the new and the nascent blossom of our freedom would provide adequate safeguards and provisions in the Constitution for the protection of the Nation and of our hard-won liberty from two great perils. These perils, indeed, are too grave to be ignored. The perils I mean are the evils of "provincialism" and "communalism" which, inspite of the "supreme sacrifice", have yet not been laid quite low. By this "supreme sacrifice" I mean the martyrdom of the Father of our Nation. For the time being it appears that the demon of communalism has been definitely laid low, but even so I was a little painfully surprised when yesterday honourable Members like Mr. Ismail and Mr. Lari.....

Nawab Muhammad Ismail Khan (United Provinces : Muslim): On a point of information. I never spoke yesterday.

Shri Raj Bahadur: Some of the Members of this House referred to the provision of proportionate representation and separate electorates. I mean to say Sir that, if we went to protect our freedom, we shall have to provide in our Constitution that just as we have said that there shall be no evil of "untouchability" in our body politic, so also we shall have to see that these tendencies, these idiosyncrasies which have been responsible for the vivisection of our mother-land shall not raise their ugly heads again. If I say this, it is because even today when we are finding that the effects of partition are still troubling our body politic, when we are not yet free from the evils of partition, there are people and forces in the country which are still trying to revive and perpetuate communal politics. It is absolutely necessary for us to see when we frame our Constitution that these evil forces do not imperil our freedom.

I may also say that there is another peril from which our country may suffer and that is "feudalism" that is still rampant in some of the States of Rajputana. Owing to the sagacity of our States' Minister, the problem of the States has been squarely dealt with, but may I still submit that the people in the various States of Rajputana are still under the thumb of these feudal landlords? The Jagirdari system is still there and the poor kisans for whom we have been clamouring for

freedom are still not breathing the air of freedom. The reactionary tendencies of these Jagirdars are still there and so I hope that, just as the problem of the States has been squarely dealt with, the problem of these feudal landlords will also be dealt with squarely and solved.

When I talk of feudalism, that naturally takes me to the problem of the States. In introducing the Draft Constitution which has been placed before us by the Honourable the Law Minister for discussion and consideration, he (the Law Minister) spoke of a dual polity. But in this Constitution, I find that there is a "triple polity" provided therein, inasmuch as the States are allowed to have constitutions different from the constitution for the provinces. We see that the States are allowed to maintain their own separate armies. We see also that their Constitutions would be devised and adopted by their own separate Constituent Assemblies. They have also been allowed to have their own separate judiciary and the people of the States will not be allowed to appeal to the Supreme Court even in defence of their Fundamental Rights. These things, separate armies, separate Constituent Assemblies and separate judiciary, are things which cause great concern to us, the people who have come from the States, and I feel that it is high time that this disparity, this incongruity between the various units of the Indian Union is done away with. I would submit, Sir, that it can be safely assumed that the Princes just as they have relinquished their powers for the sake of the nation, so also would they favour the bringing of the States on a par with the provinces for the sake of the unification of the country. I feel that it will also be possible for the provision relating to Rajpramukhs to be made analogous to that of the Governors. They may have the same powers as the Governors in the different provinces, but I would support definitely my friend Mr. Vyas in his appeal that the right of being elected to the high office of governorship may be conceded to the ordinary man in the street also. I do not see any reason why the office or the high post of a Governor should be restricted only to the Princes and depend only on their choice in the case of the States.

Then I may also respectfully refer to another factor which has lately come to light in our body politic and that is about the criticism that we see being levelled these days against our Ministers in almost all the provinces. That criticism may not have any justification behind it but still the criticism is there that our Ministers are not following the Gandhian ideals in their life, that they are travelling by aeroplanes, maintaining stately houses and so on and so forth. So I feel that in the Constitution there should be a provision giving a code of conduct for our Ministers so that we may not in future find, when history gives its verdict on us, that we have failed in our duty.

Lastly, I would beg to submit, Sir, that the provision for a Council of States in the Constitution seems to me to be redundant because an upper House has always acted as a dead weight upon the progress of the people. This smacks of a slavish imitation of the West and is quite unnecessary.

I hope these suggestions of mine will be considered by the House in due course.

Prof. N.G. Ranga (Madras : General): Mr. Vice-President, I am sorry to find that the Members of the Drafting Committee have completely forgotten the very fundamental thing that was really responsible for bringing this Constituent Assembly into existence and for giving them this chance of drafting this Constitution for India. One would have thought that it would be their elementary duty to have suggested to us that this Constitution is being framed by the Constituent Assembly which has been brought into existence by the labours of the countless martyrs and freedom fighters in this country guided and led by Mahatma Gandhi, but not a word has been said in regard to this matter. Therefore I suggest

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that we should make it clear that this Constituent Assembly comes into existence after India has attained freedom under the inspiring leadership of Mahatma Gandhi, the Father of our Nation, and that we are grateful for the unremitting struggle of the countless men and women to regain the right of independence for our nation. This is the least that we can possibly say in appreciation of the services rendered by these martyrs in our freedom struggle, and I hope the House will make the necessary amendment later on in this Draft.

Next, Sir, I am most unhappy that Dr. Ambedkar should have said what he has said about the village panchayats. All the democratic tradition of our country has been lost on him. If he had only known the achievements of the village panchayats in Southern India over a period of a millennium, he would certainly not have said those things. If he had cared to study Indian history with as much care as he seems to have devoted to the history of other countries, he certainly would not have ventured those remarks. I wish to remind the House, Sir, of the necessity for providing as many political institutions as possible in order to enable our villagers to gain as much experience in democratic institutions as possible in order to be able to discharge their responsibilities through adult suffrage in the new democracy that we are going to establish. Without this foundation stone of village panchayats in our country, how would it be possible for our masses to play their rightful part in our democracy? Sir, do we want centralisation of administration or decentralisation? Mahatma Gandhi has pleaded over a period of thirty years for decentralisation. We as Congressmen are committed to decentralisation. Indeed all the world is today in favour of decentralisation. If we want on the other hand centralisation, I wish to warn this House that that would only lead to Sovietisation and totalitarianism and not democracy. Therefore, Sir, I am not in favour of the so-called slogan of a strong Centre. The Centre is bound to be strong, is bound to grow more and more strong also on the lines of modern industrial development and economic conditions. Therefore, it is superfluous, indeed dangerous to proceed with this initial effort to make the Centre specially strong. In the Objectives Resolution that we passed in the beginning we wanted provinces to have the residual powers, but within a short period of two years public opinion rather has been interpreted by those drafters to have swung to the other extreme, to complete centralisation at the Centre and strengthening the Centre over-much.

I am certainly not in favour of having so many subjects as concurrent subjects. As Mr. Santhanam has rightly put it the other day, what you consider to be a concurrent subject today is likely to become an entirely federal subject in another five or ten years. Therefore, although I am quite ready to leave the residual powers to the Central Government, I certainly do not want the provinces to be weakened as this Draft Constitution seeks to do.

Sir, one of the most important consequences of over-centralisation and the strengthening of the Central Government would be handing over power not to the Central Government, but to the Central Secretariat. From the chaprassi or the duffadar at the Central Secretariat to the Secretary there, each one of them will consider himself to be a much more important person than the Premier of a province and the Prime Ministers of the provinces would be obliged to go about from office to office at the Centre in order to get any sort of attention at all from the Centre. We know in parliamentary life how difficult it is for ministers to have complete control over all that is being done by these various Secretaries at the Secretariat. Under these circumstances, it is highly dangerous indeed to enslave these Provincial Governments and place them at the mercy of the Central Secretariat and the Central bureaucracy.

Sir, I am certainly in favour of redistribution of our provinces, but in view of the fact that the President of the Constituent Assembly has appointed a Linguistic Commission to enquire into the possibility of establishing these provinces, I do think that any detailed discussion in this House is not in order, when that particular matter, before they make their report, is *sub-judice*; whether it is the top-most leaders of our country, the Prime Minister or the Deputy Prime Minister or any humble Member of this House—it is certainly *sub-judice* for any one today to express any opinion for or against the redistribution of provinces on a linguistic basis until this Commission expresses its own opinion. Therefore, I do not wish to say anything more, although I have certainly very much to say in favour of these linguistic provinces.

What are to be our ideals? We have stated some of our ideals here in the Fundamental Rights chapter as well as in the directives. But is it not necessary that we should make it perfectly clear in one of these directives that it is the duty of the State to establish village panchayats in every village or for every group of villages in order to help our villagers to gain training in self-government and also to attain village autonomy in social, economic and political matters, so that they will become the foundation stone for the top structure of our Constitution?

Next, Sir, I do not want this distinction to be made between the provinces and the so-called Indian States. Why should it be that the Indian provinces should be degraded into a kind of District Board status while these Indian States would be given so much special power and favours? Why should these Indian States be allowed to have their own separate Constituent Assemblies and formulate their own separate constitutions? Either we should have very powerful states including the Indian States and the provinces or we should have weak provinces and weak States just as is being proposed in this Constitution. I am certainly not in favour of weak provinces or weak States; I am in favour of strong States and therefore, I suggest that my honourable friends from the Indian States also should pool their resources with us and then agree that all the provinces as well as the Indian States should be placed on the same footing and they should be made as strong as possible.

Sir, in these objectives, nothing has been said about all those people who are living in our villages. There is something here said about the industrial workers. The industrial workers, unfortunate as they are, seem to be much less unfortunate than the rural people. It is high time, Sir, that we pay some attention to this aspect also in our villages. Certainly the Bombay Resolution of the Indian National Congress of August 1942 lays special stress upon the toilers in the fields, in factories and elsewhere. But no such mention is made here; special mention is made only of industrial workers. I suggest, therefore, that whatever we want to do must be for the benefit of all those people in the villages, in the towns, in the fields, in the factories and elsewhere.

Sir, in regard to the minorities, I am certainly not in favour of the reservations so far as the great Muslim community is concerned; they certainly cannot claim any longer to be such a helpless community as to be in need of these. One of those friends have come forward to say that they do not want to have these reservations.

I am not in favour of second Chambers, in the provinces especially. These second Chambers will only retard progress. Some people seem to think that some check like this should be put in there; it will only give a special premium to conservatism and therefore we should not have it.

Then there were some friends who said that this Constitution should be turned into a sort of rigid pole. I am not in favour of rigid poles; I am in favour of a flexible Constitution. If it had been found necessary within the last two years to swing from one side to the other, leaving the residuary powers to the provinces or keeping them with the Centre, then how much more it would be necessary in

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the next ten years for us to try to make the necessary constitutional changes in our own Constitution in the light of the experience that we would be gaining. So far we have not gained any experience. Our Constitutional Adviser has gone all over the world, he has consulted other statesmen and he has come back and suggested so many amendments. We do not know how many times we are going to amend our own constitution within the next ten years after this constitution is accepted and our new legislatures come into existence. Therefore, I welcome the suggestion made by the Honourable Prime Minister yesterday that we should try to make our constitution as flexible as possible and also to make it easier within the first ten years at least to make the necessary constitutional amendments to our own constitution.

Shri M. Ananthasayanam Ayyangar (Madras : General): Sir, objections of fundamental importance have been raised to the Draft Constitution as it has emerged from the Drafting Committee. I agree that there is nothing characteristic in this Constitution reflecting our ancient culture or our traditions. It is true that it is a patch work of some of the old constitutions of the west,—not even some of the modern constitutions of the west,—with a replica of the Government of India Act, 1935. It is true that they have been brought together and put into a whole. Dr. Ambedkar is not responsible for this; we alone have been responsible for this character of the Constitution. We have not thought that we must imprint upon this a new characteristic which will bring back to our memories our ancient culture. It is more our fault than the fault of Dr. Ambedkar.

It is no doubt true that Dr. Ambedkar gave an analysis of the several provisions of the Constitution, and unfortunately emphasised certain aspects of it, and gave his own views upon village republics, village autonomy and democracy. He could have spared us and spared the Assembly a controversy over these issues. Sir, left to myself, I would like very much that this Constitution must be based upon autonomous village republics. Democracy is not worth anything if once in a blue moon individuals are brought together for one common purpose, merely electing X, Y and Z to this Assembly or that Assembly and thereafter disperse. That is the present state of India today. People in the villages have had absolutely no opportunity to train themselves for democracy. They have not shared responsibility with anybody; they are absolutely irresponsible. That was the view that was taken and that was the purpose of the British who ruled us for 150 years. They destroyed the elements of our freedom, of our decentralised economy and the village republics that we had. They wanted to centralise the Government and concentrated all power in the Governor General and ultimately in the British Parliament. It was in that view that they took steps to see that the villages did not govern themselves. We must see that the villages is the unit for the social fabric that we are going to build. In the village itself, I would like that the family should be the unit, though for all-India purposes the individual must be taken as the unit for voting. The village must be reconstructed on these lines; otherwise, it will be a conglomeration of individuals, without any common purpose, occasionally meeting and dispersing, without an opportunity to come together and rehabilitate themselves both economically and politically.

But, as we are situated today, is it at all possible immediately to base our Constitution on village republics? I agree this ought to be our objective. But where are these republics? They have to be brought into existence. As it is, we cannot have a better Constitution than the one that has been placed before us on the model of some Western Constitutions. Therefore, I would advise that in the directives, a clause must be added, which would insist upon the various Governments that may come into existence in future to establish village panchayats, give them political autonomy and also economic independence in their own way to manage their own affairs. Later on, a time will come when

on the basis of these republics or autonomous panchayats a future Constitution may be built. I agree with our Leader, the Prime Minister, who spoke yesterday that this Constitution may be kept in a transitional form for a period of five years, so that in the light of whatever experience we may gather in this period, a future Assembly which may be elected on the basis of adult suffrage may re-draft our Constitution or amend or alter it. With that safeguard, I would urge upon this Assembly to accept the Constitution as it has been placed before us by the Drafting Committee and finalise it.

There is another criticism that has been levelled,—and according to me, it is a more serious one,—against this Constitution. To the man in the street, political democracy is worth nothing unless it is followed by economic democracy. In the Fundamental Rights, the right to speak, the right to address Assemblies, the right to write as one likes, all these have been guaranteed; but the right to live has not been guaranteed. Food and clothing are essentials of human existence. Where is a single word in the Constitution that a man shall be fed and clothed by the State? The State must provide the means of livelihood for every one. Russia has addressed itself to this problem and has concerned itself with the growing of food and the feeding of every citizen of the country by nationalising the means of production. In England, the Government cannot be in the saddle even for a single day if it allows even a single citizen to die of starvation. We have not yet taken any lesson from the 35 lakhs of people who died three or four years ago during the Bengal famine. Are we to perpetuate this tragedy? Is there a single word in the Constitution that imposes on the future Governments the obligation to see that nobody in India dies of starvation? What is the good of saying that every man shall have education, every man shall have political rights, and so on and so forth, unless he has the wherewithal to live? In England, either the Government must provide every citizen with employment or give him doles so that nobody will die of starvation. It is very disappointing to see that we have not introduced a similar provision in this Constitution. I would urge upon this Assembly that even now it is not too late, and that that must be our first concern; the other things may stand over if necessary.

There is another important matter to be considered and provided for. Otherwise India may be engulfed in a war or internal unrest. Now war clouds are thickening. There are two ideologies fighting for power, fighting for the supremacy of the world. On one side, there is the political democracy of the West; but there is the economic dictatorship of America. We do not want economic dictatorship at all; but we do want democracy. In Russia, there is no political democracy; but there is economic democracy. The two powers are striving for the mastery of the world; on account of this a war may come at any time. Is there anything here in this Constitution to say that we stand for economic democracy along with political democracy? There is a vague reference in the Objectives Resolution that there shall be social justice and economic justice. Economic justice may mean anything or may not mean anything. I would urge, here and now, that steps should be taken to make it impossible for any future Government to give away the means of production to private agencies. We have seen what private agencies mean. So far as cloth is concerned, within a short time of the removal of controls, prices went up. Why should we not take charge of all the mills and produce the necessary cloth? Even in the matter of food, in spite of all the exertions of this Government as well as the previous Government, are we able to grow sufficient quantity of food and distribute it in the country? I would therefore say, the time has come in this country when we must make a departure. We should not follow the economic dictatorship of the West or the political dictatorship of Russia. In between, we must have both political democracy as well as economic democracy. If we have to stand out as the protectors of Asia, or chalk out a new

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line and avoid all wars in the future, this alone can save us. Let us not be complacent. Communism is spreading. In the north there is communism; it has come to our very shores. China has been practically swallowed up by the communists. And likewise Indo-China. Burma is also in the grip of the communists. I do not know to whom I could attribute the sabotage of telephonic communications in Calcutta. I understand that there is a movement there to destroy the water works and destroy the power house also. There is a rumour afloat that in Delhi itself, there is going to be a strike in the Waterworks Department as also in the Electricity Department. Unless we make up our minds to have economic democracy in this country and provide for it in the Constitution, we may not be able to prevent the on-rush of communism in our land.

The next important matter for which provision should be made is the effective consolidation of our country as early as possible. I was really surprised to hear the words of my friend Mr. Hanumanthaiya yesterday. The people in the States were anxious to fall in line with the rest of India. They wanted to get rid of the Rulers; we helped them; when once they regained freedom, they want to supersede these Rulers and become the rulers in their own States. Big States and small want to be separated from the rest of India. Why should not they adopt this Constitution which is framed for the provinces also?

Shri K. Hanumanthaiya (Mysore): On a point of personal explanation, Sir, I never claimed any separate status or independence for any of the States.

Shri M. Ananthasayanam Ayyangar : There is a view that so far as the States are concerned, if they merge in India they will lose the peculiar privilege of having Prime Ministers in their small places. That is a disadvantage they have, I agree, but it is better to fall in line with the rest of India. Why should they not adopt the position in the rest of India and why should they reserve all the subjects for themselves and give only three or four subjects?

(At this stage Mr. Vice-President rang the bell.)

In the case of a Bill there is no question of time. Strangely enough you have imposed a time restriction.

Mr. Vice-President : You must set an example to others.

Shri M. Ananthasayanam Ayyangar : I will accept what you say; there will be ample opportunities and I shall clear up this matter later.

Shri Rohini Kumar Chaudhari : (Assam : General): Sir, I am deeply grateful to you for having given me this opportunity of participating in this debate of momentous importance but before I proceed, I should like to pay my share of tribute to the Members of the Drafting Committee, its worthy President and above all, our Constitutional Adviser whose services to our poor Province, Assam, in the heyday of his youth are still remembered with affection and gratitude.

Nevertheless, I must say that this Draft does not claim perfection and there are faults of omission and commission to which I must refer in the course of my speech. The first and foremost question which strikes me that this House should consider is whether they want to retain the State of Assam in the first schedule of this Constitution Act. The position has become somewhat difficult now, and you must once for all decide and provide in this Constitution measures which would enable Assam to be retained in India. I refer to the lamentable neglect to make any provision for finances so far as my province is concerned. It has been stated in the report that for five years the *status quo* must continue, which means that Assam at the end of five years will cease to exist as any province of importance. Sir, I must just go into a little detail. At

the present moment there is a deficit of one crore rupees in that province and the total revenue of the province including what is obtained from the Government of India is to the tune of four crores only and already the expenditure has gone up to five crores. If you have to maintain the minimum standard of administration of an Indian province, at least an expenditure of eight crores is necessary. From where is this amount to come? We have said and urged even in the olden days that we must get a share of the petrol and kerosene excise duty, and a share of the export duty on tea; but nothing has been so far done even though the conditions are so desperate. The Drafting Committee does not make any exception in the case of the special condition of that province. Sir, we have gone to the maximum capacity of taxation. Our rate of taxation is far more excessive than any other province and we tax ourselves at the rate of 4.3 whereas the rest of the provinces tax themselves at the rate of 4.9. We had started levying tax on agricultural income long before the rest of the provinces and we had taxed ourselves for amusement and luxuries long before others and even now our conditions are so desperate as this, and I would appeal to this House that if you really want to retain Assam in India, you must make some special financial provision for her and you must pay some special attention, otherwise that province will become bankrupt. India is one body politic and if one finger of that India is rotten, the whole India will rot in the long run. If you allow Assam to be ruined now, you will see that you will have to suffer ultimately for that.

I would like to refer to another point, and that is with regard to Article 149. Curiously enough, I find an amendment has been suggested which if given effect to will lay down a very dangerous principle, the principle of converting a general population into an absolute minority. I refer to the amendment which had been suggested by the Drafting Committee and which says:

“That in clause (3) of article 149, after the words ‘save in the case of the autonomous districts of Assam’ the words ‘and in case of constituencies having seats reserved for the purposes of article 294 of this Constitution’ be substituted.”

If this is given effect to, it will mean that all communities with reserved seats will have constituency of less than 1 lakh population whereas the general population must be restricted to constituencies having only 1 lakh population. This will mean additional weightage being given to reserved seats which is not claimed or asked for by any of the communities. The proportion of the population in the province is as follows:

Hill tribes	...	18 per cent.
Muslim	...	17 per cent.
Scheduled Castes	...	4 per cent.
General	...	34 per cent.

Where have you seen in a province where the general population is 34 per cent out of a total of 74 per cent that special weightages have to be given to communities ranging between 18 and 17 per cent of the total population? And yet if this is accepted it will mean that the general population will have to give up some of their seats and will get less than what they are entitled to on the basis of population. This is a dangerous principle, and though it refers only to one province it will create a situation in which the general population will be converted into a minority and weightage given to other people for whom seats have been reserved. Of course the proposition which I make will not affect the tribal population at all because they will have their autonomous districts. I certainly see that there are complications in the case of reserved seats if you

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adopt the formula of one lakh representation; but the best thing to be done in this matter would be to make an exception in the case of Assam in regard to having a constituency for a lakh of people.

I will refer to one other act of omission. In the Draft Constitution there is no mention of women. I think the peculiar composition of the Drafting Committee which consisted of people who have no domestic relations with women made them nervous about touching on that point. In this House there has been no mention of a special constituency for women. I know there are Members here who have unbounded faith in the chivalry of men and who consider that they will be quite competent to get seats even though no special constituency is reserved for them. But outside this House that is not the feeling. Women generally have lost faith in the chivalry of men. The young men of today do not show respect to them even in the trams and buses.

Mr. Vice-President : The Honourable Member has reached his time limit.

Shri M. Ananthasayanam Ayyangar : Sir, on a point of order, I do not find in the rules any provision for a time-limit in respect of Bills of this kind.

Mr. Vice-President : That was done with the consent of the House. First it was 10 minutes, then it was extended to 15 minutes, and then to 20, and again it was brought down to 10 minutes.

Shri Rohini Kumar Chaudhari : Sir, from my experience as a parliamentarian and a man of the world I think it would be wise to provide for a women's constituency. When a woman asks for something, as we know, it is easy to get it and give it to her; but when she does not ask for anything in particular it becomes very difficult to find out what she wants. If you give them a special constituency they can have their scramble and fight there among themselves without coming into the general constituency. Otherwise we may at times feel weak and yield in their favour and give them seats which they are not entitled to.

Shrimati Renuka Ray (West Bengal : General): Sir, the main features of the Draft Constitution embody the principles of a democratic federation and as such should win the approbation of all. At the same time there are certain matters which I feel are not quite explicit or in which changes are required, if this constitution is to conform to those ideals which actuated India during its many years of struggle and which are embodied in the Objectives Resolution to which our Prime Minister referred yesterday. Sir, I agree with my Honourable friend Dr. Ambedkar that it is the spirit in which the Constitution is worked that really counts. I feel that whatever the paper Constitution may be it is the spirit in which we are able to work it, that will make all the difference. Again, whatever constitution we may draw up today, it will not be possible for us to foretell how it will fit in with our requirements in its actual working and with the inherent genius of our race. It is therefore quite essential, as the Prime Minister said yesterday, that the Constitution at present should be flexible. I think amendments of the Constitution should be by simple majority for the next ten years so that there may be opportunities for adaptations and modifications in the light of experience.

Turning to the citizenship clause, I think there should be a categorical statement in it about a single uniform citizenship with equal rights and privileges. As rights involve responsibilities, so it is necessary that the obligations of citizenship should also be enumerated in this Clause.

With regard to Fundamental Rights, equal rights have been prescribed. Quite rightly, it has been laid down that the State shall not discriminate against any citizen on grounds of religion, race or sex. But in view of conditions in this country and in view of some of the opinions expressed by the

public—and the last speaker’s chivalry touched us deeply—I think it is necessary to have an explicit proviso that social laws of marriage and inheritance of the different communities shall not also have any disabilities attached to them on grounds of caste or sex. It is of course true that the right of equality includes this but there may be different interpretations and much confusion and I therefore appeal to the House to have a proviso to explain this.

I will not repeat what my Honourable friend Shri Ananthasayanam Ayyangar said but I do feel that in regard to the economic rights of the common man there is a lacuna. Although I agree that the provision “that no person shall be deprived of his property save by the authority of the law” is alright, I do not at the same time see why under justiciable rights one should have the second part of this clause which goes into details about compensations when property is taken by the State for public purposes in accordance with law. Surely if there is any need for putting this into the Constitution it should be under directives and not under rights which are justiciable and enforceable in courts of law. It is not right that we should commit the future to the economic structure of the present.

Turning to education, which I consider to be one of the most fundamental of rights, I feel there is a great inadequacy. I do not want to repeat what other speakers have said, but I would appeal to the House to include a proviso whereby a definite proportion of the budget is allotted for this purpose. This is nothing very new; it is already there in the Constitution of China which says:

“Educational appropriations shall set apart not less than 15 per cent of the total amount of the budget of the Central Government and not less than 30 per cent of the total amount of the provincial, district and municipal budgets respectively.” If we are to progress and prosper I suggest that in the matter of the two nation-building services of education and public health there should be some provision in the Constitution of the type that is there in the Chinese Constitution.

With regard to the reservation of seats for minorities we have not of course in a secular State provided for separate electorates, but I do not see why we should have reservation of seats for minorities. It is psychologically wrong to lay down, as it has been laid down, that after ten years the right shall lapse unless extended by amendment. I am sure that if this privilege is conceded now there will be a clamour for its extension. It is not fair to these minorities; it is not self-respecting for them. If the House wants to ensure representation for minorities I would suggest multiple constituencies with cumulative voting. Some speakers have suggested proportional representation by single transferable vote. I think that is a difficult procedure particularly for India and I would not recommend it. But I think that multiple constituencies with cumulative voting has a great deal to recommend it. In the first place, it will give much better representation not only to these minorities but to others; and it will also be a method of ensuring representation to the minorities without creating a separatist tendency. The last speaker Sri Rohini Chaudhari the erstwhile champion and defender of women who is against removing their social disabilities spoke about special electorates for women. All along the women of India have been against reservation of seats or special electorates. Before the 1935 Act came in we were against it and put forward our views in no uncertain terms, but it was forced upon us; and today, in spite of the chivalry of the previous speaker, Indian women will not tolerate any such reservations in the Constitution. I will not repeat what others have said about village panchayats. I feel that freed from the shackles of ignorance and superstition, the panchayat

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of the Gandhian village will certainly be the backbone of the structure of this country's Constitution. I do not think there is anything in the Constitution that can bar it.

Coming to the allocation of powers between the units and the Centre, I think we must approach this subject dispassionately. There is a great deal to be said for giving as much provincial autonomy as possible. At the same time, where a country has a tremendous leeway to make up, particularly in the nation-building services, the unifying force must be strong and the Centre should be given some power of a supervisory and coordinating character, in regard to both Education and Health. I do not think the provinces should be crippled by taking away from them certain financial securities. They should at least be given 60 per cent of the income-tax according to the recommendations of the expert committee, 35 per cent on the basis of collection, 20 per cent on the basis of population and 5 per cent for hard cases. This is a very good recommendation and I hope this House will agree to embody it in the Constitution. I also feel that a Financial Commission should be set up immediately and not after five years.

Before I conclude, I wish to say something about linguistic provinces. Unity must be our watchword today and it is a fatal mistake to allow realignment of provincial boundaries on a linguistic basis at this juncture of our country's history. It has already led to much bitterness and strife and will lead to more. There is no justice or logic if such a thing is allowed in one part of the country and not in others. For instance if you allow a province of Maharashtra to be formed, naturally there will be other parts which will want it. There is in Bengal a feeling of great bitterness that she who has sacrificed part of her territories so that the transfer of power could take place should be denied her rights, now. It was because of the political expediency of the British and to suit the purposes of an alien Government that Bengal was forcibly deprived of much of its territory when the movement for the freedom of India started here. I do not subscribe to the theory that we should have a reallocation on a linguistic basis at this time. If it is to be done at all it should be done after ten years when passions have subsided. In any case, for administrative purposes there is no need for a linguistic realignment. Linguistic minorities in every province should have a guarantee that they will be given education in their mother tongue. I would urge that the Linguistic Boundary Commission should stop work or in any case it should be put off for ten years. I repeat that the overriding consideration is that of unity, if we want that India should be strong and prosperous and should take its rightful place in the comity of nations.

The Honourable Shri Ghanshyam Singh Gupta (C.P. and Berar : General): Sir, it has been said that the language of the Union should be simple Hindustani, that the language of the Constitution, the language on which we shall frame our laws, should be Hindustani. I was in search of this simple Hindustani. I could not find it in C.P. I could not find it in the law books. I could not find it even in the official proceedings of this August House. The official proceedings of this House are published in three languages: English, Hindi and Urdu. I read English, I read Hindi and I got read Urdu with the idea that I might be able to find what they call simple Hindustani. I could not find it. Urdu was Urdu and Hindi was Hindi. There was no such thing as simple Hindustani. I thought that I might find it in the newspapers. 'The Tej', Limited, the Jubilee of which was celebrated the other day, publishes news in two languages, one in Hindi called 'the Vijay' and the other in Urdu, called 'The Tej'. I compared the languages of these two also. I could not find simple Hindustani. I would not waste the time of the Honourable House by

reading from these publications. I have got a copy of 'Vijay' in my hand. It is all Hindi in 'Vijay' and all Urdu in 'Tej'. I found two books, elementary text in Delhi may have simple Hindustani. I found two books, elementary text-books in Geometry (rekhaganit). I could not find simple Hindustani in them also. I also looked at the Elementary Arithmetic books and also Elementary Geography. I could not find there what they call simple Hindustani. They were all either Urdu or Hindi. I shall give you a few illustrations. Now, Sir, in elementary arithmetic multiplication we call गुणन (gunan) in Hindi. It is called ज़रब (zarab) in Urdu. Multiplicand is गुण्य (gunya) in Hindi, while it is मज़रब (mazarab) in Urdu. Multiplier is गुणक (gunak) in Hindi and it is मज़रबफ़ी (mazarbafi) in Urdu. Product is गुणनफल (gunanfal) in Hindi, while it is हासिल-इ-ज़रब (hasil-i-zarab) in Urdu. Divisor is भाजक (bhajak) in Hindi. It is मकसूम इलाह (maksum-i-lah) in Urdu. Dividend is भाज्य (bhajya) in Hindi. It is मकसूम (maksum) in Urdu. Quotient is भजनफल (bhajanphal). It is खर्चा-इ-क़िस्मत (kharf-i-kismat) in Urdu. L.C.M. is लघुत्तम समापवर्त्य (laghuttam samapvartya) in Hindi. It is जुआजाफ़-इ-अकल (zuazaf-i-aqual) in Urdu.

I can multiply illustrations. I now take up elementary geometry. Radius is त्रिज्या (trijya) in Hindi. It is निस्फ़क़तुर (nisfakatur) in Urdu. Isosceles triangle is समद्विबाहू त्रिभुज (samadvibahu tribhuj) in Hindi. It is मुसल्लस मुसावि-उल-साकेन (musallas-musvai-ul-sakin) in Urdu. Equilateral triangle is समतृबाहू त्रिभुज (samatribahu tribhuj) in Hindi. It is मुसल्लस मुसाब-उल-ज़िला (musallas-musavi-ul-zila) in Urdu. Right-angled Isosceles triangle is समकोण समद्विबाहू त्रिभुज (samkon samadvibahu tribhuj) in Hindi. while it is मुसल्लस मुसाविउस्साकेन कायम-मुज़्ज़बिया (musallas musavius-saquan quamuzzavia) in Urdu.

I can quote hundreds of such illustrations. I could not find simple Hindustani even in these elementary text-books. I felt somewhat puzzled when ladies and gentleman loudly proclaim that they can have simple Hindustani for our laws. It is only in the bazaar that I could find simple Hindustani. When we cannot have simple Hindustani even in the elementary school-books, how can our laws be made in it? I have done, Sir.

Shri Mahavir Tyagi (United Provinces : General): I thank you very much, Sir, I have been waiting for the last three days to speak on this Draft Constitution. I am glad you have permitted me to speak for a few minutes.

I must start by thanking and congratulating the Drafting Committee for the high level of legal language and phraseology which they have used in the Draft from beginning to end. I do not want to criticise the Drafting Committee. They have done their work very efficiently. They have collected together bits of the principles of Constitution that we lay before them in irregular instalments, and have given us a complete picture for our review.

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Sir, when we sat for the first time to draw a picture of the Constitution of India, we had a blank canvas a face and many of us did not actually know which side to start from and what colour to fill. It is all due to the ability of these talented lawyers that we have now got a complete picture to look at. When you wish to judge an artist's work, you should take the opinion of a layman. If it appeals to the layman, it must be good. That is my criterion. The lawyers have finished their work and the complete picture is before us. I, as a layman, want to put before you my ideas about it. The circumstances have changed from what they were when this work was entrusted to the Drafting Committee. It is very unfortunate that, in the history of India, the lamp which lit our hearts with pleasures of freedom was put out suddenly and we were steeped in sorrow. Then again, populations have changed and the whole face of the country has changed. The ideology also has changed to a great extent. Now to give that old picture on the canvas will be making the picture a back number. We must keep in mind today the present environments, the present conditions and the growing ideologies. So, Sir, we must examine the picture in the light which gave us freedom. In fact, we must examine it from the point of view of Gandhiji, through his eyes. His eyes are not with us, but still there are persons in this House who have the glimpse of his eyes. We can all recollect what Gandhiji thought about Swaraj. It must not be forgotten that this Constituent Assembly is the fruit of the labour of those who worked day and night for about thirty years in their attempt to win freedom. It is their achievement. It is they who should have given us the Constitution. They alone are competent to draw up the Constitution. The Constitution should have been the work of revolutionaries alone. But since this Assembly has been constituted by the British, we cannot think of the other possibilities and it could not be purely a Gandhian Constitution altogether. I admit this. But again, we are in the majority and we should see to it that the Gandhian outlook does not vanish from the country so soon after his death.

In this Constitution, I must confess, I am very much disappointed. I see nothing Gandhian in this Constitution. It is not the fault of the Drafting Committee. It is our own fault. When we decided upon the principles of this constitution we gave them certain basic principles to work upon. But conditions have since changed. When we decided about the representation of communities, language and other controversial matters we had to reckon with the reaction our decisions would have in Pakistan. Now the situation has totally changed. Pakistan has been freed of its minority problems altogether; there those problems have vanished. Here also the thorny and the horny ones have migrated away from India; those who fought us under one pretence or the other have forsaken their mother-country and have gone over to the other side, and have adopted a step-mother. We have with us now only those Muslims, Sikhs and others who want a united India. India is united today and therefore the Constitution must be suitable to the present set-up of things.

So, Sir, from the Gandhian point of view when I look at this picture, I find one thing very prominently lacking. Gandhiji had always been keen on total prohibition in the country, but the Constitution does not say a word about it. Our promises to the electorate on this issue have been fulfilled only in Madras and in some other provinces. Gandhiji was anxious that in India as a whole there should be complete prohibition. I would suggest that this idea of Gandhiji should be taken in before we sign this Constitution.

Then, Sir, Gandhiji was very keen on cottage industries to be organised on the basis of self-sufficiency. This item had a top priority in his 'constructive programme'. Here this is also lacking. I am an orthodox Gandhite and surely I am not a socialist and so I do not want to wipe away all the big industries. In the context of things today, the various industries in the country are very helpful, but if and when they are to be abolished, they should be abolished *en masse*. You cannot bring in socialism by stages, by socialising one industry after another. When socialism comes, it should cover everything, all at a time. If total socialism comes all of a sudden, there will be no loss to anybody, because the loss sustained by anybody on one count will be made upon the other count, because all property becomes absolutely a socialised property. To say in the Draft Constitution that people shall not be deprived of their property without adequate compensation means that India will ever belong to the vested interests. Today there is not even a blade of grass which does not belong to somebody or the other. There is not even one particle of sand which does not belong to somebody or the other. According to this Constitution, if the future generations want to socialise all property and all means of production, then every particle of sand and every blade of grass will have to be compensated for. I want to know, wherewith will they compensate this total wealth: it would all be in the hands of individuals who will demand compensation. So, compensation will be impossible. Gandhiji had said that the wealthy should consider themselves only as custodians of wealth. He never went to the extent to which we are going in this Draft Constitution. I therefore tell you, Sir, that before we sign this Constitution, we should see that we do not sow seeds of a bloody revolution in India. Only if revolution is meant to be avoided we should let the door remain open for coming generations, if they ever so desire, to socialise all vested interests and all means of production in the country. If we shut the door as we have done against future socialisation, by our Article 24(2), I submit, the youth of India will rise and knock at the door and smash it and the result would be a bloody revolution, (*cheers*). Therefore, Sir, I would plead that we should scrap this sub-clause altogether and make it possible in future for the Parliament to socialise all property and all means of production without being compensated for. It is also a sort of mistake, Sir, to say that we are a sovereign body. I do not think we are a sovereign body in the sense in which a Constituent Assembly should be. The sovereignty that we enjoy is the sovereignty that the British enjoyed in India: It is a transferred sovereignty. Real sovereignty will belong only to the Parliament which comes after the introduction of adult franchise. That Parliament must therefore be more morally and constitutionally competent than us to decide issues of this nature.

I then come to the question of minorities. I am sorry that Dr. Ambedkar made the statement that minorities are an explosive force which if it erupts can blow up the whole fabric of the State. I say that these minorities can do nothing of the sort. The reason is simple—they are not factual, they are a mere fiction having no existence. I throw them a challenge. They have no right to be separately represented here. Whom will they represent? The fiction of minorities was a British creation. The Scheduled Castes are not a minority at all, simply because a few castes of the poorer classes have been enumerated together in a schedule, they have become a "scheduled minority". This minority is a mere paper minority. It is being perpetuated now because some of the opportunist families among them want to reserve their seats in the legislatures. Those people who took pleasure in calling themselves a minority have migrated away from here. It is only those who believe in one State that remain. Therefore, Sir, there is no minority now and there should not be any provision for minority representation here, because this has proved ruinous to the so called minorities themselves. Take the Muslims. I had

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seen in Dehra Dun personally, and I know what their reactions are. They are an absolutely demoralised people today. Even the ordinary rights of citizenship they are not morally free to enjoy. They are so cowardly today that they cannot stand erect in India because of the wrong lead they had followed in the past. Therefore, Sir, I would ask the Scheduled Castes, the Sikhs, the Muslims and the other minorities and for the matter of that even Hindus not to ask for any kind of reservations for them. We are a secular State. We cannot give any recognition or weightage to any religious group of individuals. I could understand their claims as majority or minority if they, had belonged to different races. Beliefs or creeds are a purely individual affair. I also refute Dr. Ambedkar's claim that the majority in India is "basically a communal majority". The majority party is Congress, which is purely political.

Then, Sir, a word about the villages. Dr. Ambedkar said that he was happy that the "Drafting Committee has not accommodated the village". He characterised it as "a sink of localism and a den of communalism". It is these sinks of slavery that were facing all sorts of repression in the freedom struggle. When these sinks of slavery that were being charred, burnt and tortured in Chimoor, the pyramids of freedom were applying grease on the back of the Britishers. Unless I raise my voice against the remarks which Dr. Ambedkar has made against villages, I cannot face my village people. Dr. Ambedkar does not know what amount of sacrifice the villagers have undergone in the struggle for freedom. I submit, Sir, that villagers should be given their due share in the governance of the country. If they are not given their due share, I submit that they are bound to react to this. I thank you, Sir.

Shri B. Pocker Sahib Bahadur (Madras : Muslim): Sir, I am very thankful to you for giving me this opportunity to speak a few words on this motion. In the first place, I would just like to refer to the question of language. When I first entered this august body, I felt myself to be under a very great disability that I was not able to follow the proceedings that were going on. Then I found that a very considerable section of this House was in the same unfortunate position as myself and the idea struck me that the Constituent Assembly, which is going to determine the destinies of millions of this country for ever, is conducting the proceedings in a manner which does not bring credit either to this Assembly or to the nation. We have been going on speaking about very important and vital subjects without every one of us understanding each other. That is really a very unfortunate position. I raised my cry against it, but I must say that I did not succeed. Even now the disability continues, even though to a lesser extent and I am glad that, at any rate, there was some abatement in the matter of the extent to which that disability is suffered by us.

Now, Sir, in the Draft Constitution, provision is made that the official language shall be Hindi and English. I submit, Sir, that this also will create an anomaly. No doubt provision is made that arrangements may be made for giving the substance of all the speeches of one language in the other language, but to what extent and what is the method to be employed for that, it is yet to be provided for. I submit, Sir, that it is very necessary that for some reasonable period, it may be ten years, it may be fifteen years,—that is a matter of detail—there should be a provision that the official language should continue to be English. We have no reason to hate the English language. As a matter of fact we ought to be grateful to the culture that we have imbibed from that language. In fact for a great deal of our agitation for freedom and the freedom that we have obtained large contribution has been made by

the English language and by the culture which we imbibed from that language. Therefore, I do not think that there is anything which we should hate in that language; and particularly, when we have attained our freedom, we are entitled to adopt best from any nation from any part of the earth. I shall also say that there is no proprietorship in language. The English language cannot be claimed by the Englishman as their own with any exclusive right for themselves nor can we claim Hindi as the exclusive language for ourselves. There are several languages in the world and therefore we are entitled to use every language. So we are entitled to use the English language and we must adopt it until we are in a position to have one national language known to the generality of the public of this country. Until that position is attained, we must continue English as the official language so that every one who assembles in the Parliament may understand each other. Of course, there may be some stray cases in which the representatives may not be acquainted with English, but a very large majority of them will be acquainted with English and therefore, I submit, Sir, that the English language must continue to be the official language at least for fifteen years, by which time the nation may be prepared to have a national language for themselves.

Now, Sir, coming to the question as to what that national language should be, that is a matter to be decided by this august body. I must say at the very outset that I am not acquainted either with Hindi language or with Urdu language or with Hindustani. Therefore, I am taking a dispassionate view of the matter. It is very difficult to say that it is possible for the people of this country to learn Hindi overnight. No doubt we must have a national language, but we must prepare the nation for it by making provision for their learning that language. Now if Hindi is to be made compulsorily the official language, the question will arise in the elections by adult franchise that knowledge of Hindi should be the primary qualification of a candidate for election. I think it will be detrimental to the interests of the country, if that happens, and the knowledge of Hindi becomes the criterion in electing their representatives.

I do not want to dwell more on the subject as the time at my disposal is very short. I would only submit this. My suggestion is that this august body should decide in favour of Hindustani for no other reason than the fact that it is the solemn testament of Mahatma Gandhi, the father of the Nation. He was one who was well acquainted with this controversy about these languages and he knew what the Nation was and it is after mature consideration that great man has suggested that Hindustani with the Devnagari script and the Perisan script should be the official language and I hope that this august body will really revere the memory of that great man by deciding on Hindustani with Devnagari and Urdu script as the official language.

Now, Sir, if we do not abide by his advice, the world might say that after all the devotion and reverence we show to Mahatmaji is a lip-reverence and a lip-respect and it is not deeper than that. Let us not give occasion to the world to say that our reverence for Gandhiji is only lip-respect. Let us not allow ourselves to be accused of the grave charge that soon after the death of Mahatmaji his views and wishes were buried nine fathoms deep. At least for the sake of his memory, I appeal to you, Sir, and to all the Members of this body to vote upon Hindustani as the official language.

Now, Sir, I would just like to deal with another question, and that question is about the freedom of person. Recently we have heard so much about the power of promulgating ordinances that is being exercised by the various Governments. Particularly I am fully aware of the circumstances under which the Ordinance rule was enforced in the Madras Presidency. The legislature was in session. All on a sudden, it is prorogued one evening and the next morning there comes this bomb of an Ordinance, even taking away the powers of the

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High Court to issue writ of *Habeas Corpus* under section 491 of the Criminal Procedure Code. I refer to this fact in order to show that if the power of making an Ordinance is preserved, there is every likelihood of the power being abused and the liberty of the subject being dealt with in a very reckless way. In pursuance of these Ordinances, hundreds and thousands of innocent people were arrested and kept in custody as if they were chattel, without their even being told what the charge against them was and why they were detained even as required by the very Public Safety Act. In this connection, I would only request this House to see that the powers of the High Court are not in any way taken away with reference to saving the liberty of the subject. Neither the legislature nor the Government should be allowed to pass any law or Ordinance which takes away the power of the High Court to protect the liberty of the subject. That is a very fundamental point. We were crying hoarse when the Britishers were ruling that they were keeping in custody persons without bringing them to trial. I say this is a sacred right and it must be provided in the Fundamental Rights that no man, to whatever religion, or to whatever political creed he may belong, shall be arrested or detained except after trial by a court of law. This is a sacred right of which a citizen should not be deprived. It is said emergencies may arise; even when emergencies arise, there must be power in the High Court to see that the man is brought to trial and he must be kept in detention only after proper trial. No power should be given either to make any laws or to make any Ordinance to enable the Legislature or the Government to deprive the citizens of their personal liberty without his being brought to trial before a court of law. I would therefore request this Assembly to see that provision is made in the Fundamental Rights that the liberty of every subject is protected and no man should be incarcerated without being brought to trial before a court of law.

One word more, Sir, and that is about the salary of the High Court Judges. This morning when the memorandum submitted by the Chief Justice of the Federal Court and of the Chief Justices of the various High Courts was circulated to us, I realised on going through that memorandum that they have made out a very good case for maintaining the present salaries. The salaries were fixed about 70 years ago. After that, everything has gone only in favour of retaining it and all circumstances are against reducing the salaries. The purchasing power of the Rupee has gone down; income-tax has been increased; modern life has become more costly. In order to maintain their dignity and to keep the Judges beyond temptation, it is very necessary that the present salary of the High Court Judges should be maintained, without being reduced.

Just one minute more, Sir. I shall just mention the point. I have maintained that the only way of protecting the rights of the minorities is by giving separate electorates. I do not want to develop the point further. I know the matter has been discussed in this House before and the House was against it. I know the House will be against it even now. I am giving my honest feeling that it is the only rightway of protecting the rights of minorities and I would appeal to the House to consider the question dispassionately. If for any reason that is not practicable, and if the House thinks that it cannot agree to that, reservation is absolutely necessary. I do not want to go in to the reasons. In any case reservation of seats has to be retained. Election by proportional representation by the single transferable vote, or the creation of multiple constituencies with cumulative voting, may be some of the other remedies. I would only say that separate electorates is the proper remedy and the right method of giving protection to the minorities. In any case, if that is not practicable, reservation must be there, or in any case, the other

methods may be tried. Election by proportional representation by single transferable vote will be a rather complicated method; otherwise, I would have preferred that.

I thank you, Sir.

Shri L. Krishnaswami Bharathi : (Madras : General): Mr. Vice-President, Sir, coming almost at the fag end of the discussions, I do not think I have anything novel or new to traverse. However, I felt I should discharge my duty by giving certain views of mine.

Dr. Ambedkar deserves the congratulations of this House for the learned and brilliant exposition of the Draft Constitution. No congratulations are due to him for the provisions in the Draft for the simple reason they are not his. Honourable Members may remember that most of the clauses in the Draft Constitution were discussed, debated and decided upon in this House. Only a very few matters were left over for incorporation by the Drafting Committee. The House, however, would tender its thanks for his labours inputting them in order.

I am sorry, Sir, that Dr. Ambedkar should have gone out of his way to make certain references and observations which are not in consonance with the wishes or the spirit of the House, in regard to his references to the villages, and his reference to the character of the majority and 'constitutional morality'. Honourable Members have referred to the question of villages. I only wish to add this: He says: "I am glad that the Draft has discarded the village and adopted the individual as its unit." I would like to ask him where is the individual apart from the villages. When he says that the villages have been discarded and the individual has been taken into consideration, he has conveniently forgotten that the individuals constitute the village; and they number about ninety per cent of the population, who are the voters.

There is another matter which has been referred to by him; that is in regard to the character of the majority. He says, "the minorities have loyally accepted the rule of the majority which is basically a communal majority and not a political majority." I do not know what he has at the back of his mind. There was only one party which functioned on the political plane and on the Governmental plane, the Indian National Congress, which was entirely a non-communal organisation and a political party. And yet Dr. Ambedkar says it is 'basically a communal majority', which is not true in fact. I must say it is wrong, mischievous and misleading. I want to touch upon four points, *viz.*, the form of Government, the minority question, the language question and adult franchise and elections. I know with the limited time at my disposal I cannot develop those points at any length. However, I would like to touch upon certain aspects of the matter.

The Draft Constitution, Dr. Ambedkar said, is federal in composition. A careful reader of the whole Constitution would find that it is more unitary than federal. If I am to express my idea in terms of percentage, I am inclined to think it is 75 per cent unitary and 25 per cent federal. Many Honourable Members spoke strongly on the need for a strong Centre. I do not think there was any need for this kind of over-emphasis, for it is an obvious thing that the Centre ought to be strong, particularly in the peculiar context of the circumstances prevailing in the country. But I am afraid they are overdoing it. I feel a strong Centre does not, and need not necessarily mean a weak province. An attempt seems to be made and I find there is a tendency to over-burden the Centre and there is a tendency towards over-centralisation. I am glad Dr. Ambedkar has given a kind of warning. I am inclined to think that in actual working of the Constitution this course of taking

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more powers over to the Centre will be a fruitful source of friction. After all let it be remembered the strength of the chain is in its weakest link and the provinces should not be considered as a rival Governmental organization. The Centre is trying to chew more than it can digest. I find in the transitory provision there is an attempt for the first five years to take over even the provincial subjects. It is for the House to decide how far we can allow that.

Sir, coming to the minority question I am very happy to find that members belonging to the minority community are now coming round to the view that it is no good to have this kind of communal electorate even though in a diluted form in the form of a joint electorate. I am happy that Begam Aizaz Rasul has discarded this and does not want the separate electorate. Mr. Karimuddin also said the same thing but he wanted what is known as proportional representation through single transferable voting system. I am sorry to say that it is an attempt to come by the back door or side windows what is denied by the front door. This is not very proper and the suggestion that it may be done by proportional representation is absolutely unworkable and impractical, particularly in general elections where large masses of men and women who happen to be illiterates are concerned. Honourable Members may know that in that system the voter has to put numbers as 1, 2, 3 etc. against the names of candidates and it is very difficult and impracticable and therefore it is no good; and as Dr. Ambedkar said the minorities must trust the majority. There is one fundamental fact to be remembered. I am glad Mr. Tyagi emphasized that. Community should not be made the basis of civic rights. That is a fundamental principle that we must remember. In a secular State the right to representation is only the right to represent a territory in which all communities live and if a member is representing in the Assembly, he has the right to speak on behalf of all those living in the territory, of all communities and classes, men or women. That should be the idea with which we must function. I must take this opportunity of expressing my great appreciation of some minority communities who have been nationalistic throughout and who have not clamoured for special provisions only on the basis of birth or community. I refer to that community to which you, Sir, Mr. Vice-President, have the honour to belong. I have had opportunities of coming in close contact with Christian friends and throughout they have not demanded any kind of separate electorate or special provisions, and I am happy over that. If some members of minority community now do not want reservation, I may not give all credit to them as they are only making a virtue of necessity—this great Christian community have never asked for special considerations. They have all along been of the view that special electorates are no good and after all we must all live together and I am glad the Parsee community also had not wanted this special representation.

Then Sir, one Honourable Member wanted reservation in services. I should think though it is not undiluted nationalism, we must for some time to come give them reservation in services also. But one thing you must have clearly in mind. There must be a time limit for all these peace or compromise moves and you must make it clear that after the lapse of a certain specified period all these special provisions must go. I particularly support Mrs. Renuka Ray's suggestion that the last portion in Article 306 where it is stated that after 10 years this may be continued may be removed. We must give our view emphatically and definitely that it is only as a necessary evil that we are tolerating reservations on communal basis.

I want to say something on the language question. Much trouble arises on account of not properly defining what is exactly meant by national language. There is no doubt whatever that India must have a national language but you must remember that India is not entirely a country with one language existing

at present, and I am glad to find that the Draft Constitution has steered clear of all these controversies. They have simply said in Article 99 that in "Parliament business shall be transacted in English or Hindi". That is all. I do not think that the House need go into this question at present, as our Prime Minister said, to deciding upon a National language here and now. If at all we must have, let us have a language for the Central Government and then it must be made clear beyond a shadow of doubt that in the provinces the provincial languages and respective regional provincial languages shall be the official language for the territories comprised in the province. If that point is made clear beyond a shadow of doubt, much of the heat and much of the controversy will disappear. Let it be definitely understood that the regional language shall be both, in the legislatures and in the High Courts of the Provinces.

Sir, I have only one point more if you will give me two more minutes. That is regarding the election under adult franchise. Much doubt and apprehension is entertained in the minds of big constitutional experts like Mr T. R. Venkatarama Sastry of Madras about the efficacy of adult suffrage; but it is decided and we cannot go back on it. But the most important point that I want to emphasize is that the elected representatives must truly reflect the will of the people. Unfortunately, Honourable Members know how elections are conducted. Today we find from the papers an Honourable Member of this Constituent Assembly went to poll to cast his vote at an election. He is told: "Your vote is already cast." That is nothing surprising. That is happening on a large scale everywhere. I stood for election in 1937 and in two or three elections I was personally interested. I knew actually twice the actual number of votes were not polled correctly. Some arrangement must be devised by which this sort of corruption at elections must be stopped. I have a suggestion and I shall place it before this House for consideration and leave it at that. Every voter must be given what is known as an identity card. The identity card may contain—it is a matter of detail what the identity mark should be. I would very much like a photo of the voter to be put in a card which he might carry. In the post office we are given what is known as identity cards on a payment of Re. 1. Our photo is put there and wherever we go we can carry it. If such a system of something similar to it is done, the voter must first present this identity card and on presenting it he will be given the ballot paper and then he will exercise his vote. I am prepared to discuss the details. This arrangement will be a great boon. If this suggestion is taken up and put in the appropriate place, I have no doubt that the elected representatives would reflect the true will of the people.

Shri Kishorimohan Tripathi (C. P. and Berar States): Mr. Vice-President, Sir, there has been sufficient discussion of the Draft Constitution and I have been very carefully listening to the criticisms. There have been two types of criticisms. Some of the critics have criticized themselves rather than the Drafting Committee. They took certain decisions and all those decisions were embodied by the Drafting Committee and where the Drafting Committee wanted to make its own suggestions it underlined the Draft and has tried amply to draw the attention of the House to the suggestions and changes that it wanted to make. Critics have criticised and in doing so, they have indirectly criticised their own decision. There has been another type to criticism which has gone rather astray and critics have tried to bring in things which we need not discuss while discussing the constitution of a country. I would not now go into the details of the Constitution, into the nature of the Constitution, into the economic or other provisions of the Constitution. Much has been said on those issues. But I tried to find out the place of the Chattisgarh States in the Draft Constitution; I looked into the Schedule enumerating the various units of administration and found their names nowhere; whereas as a matter of fact the administration of these States has been integrated with

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that of C. P. and administrative units,—Districts,—have been carved out of these States. I do not know why these States have not been treated as a part and parcel of the province of C. P. in the Draft Constitution. I would request for this change; and when I say so I however do not want to say that as a result of this integration the people have felt something very advantageous. In the transitory stage of integration, there have been a lot of difficulties to people. They have, in fact, suffered. Their conditions have become rather worse, but I believe,—and believe honestly—that all those are only passing phases and they will go and in the long run these small States when merged and integrated with C. P. would derive their own benefit. They are not in a position to form a Union in any way; they have not got sufficient economic and other resources to develop themselves and therefore in no case should they be treated separately. Secondly, I will draw the attention of the House to the necessity of including co-ordination of agricultural development and planning in respect of food, its procurement and distribution, in the Union list as a Central subject. When I say so, I want to draw the attention of the House to the reply the Honourable Minister for Agriculture gave while replying to questions in the House when functioning as the Assembly that for want of proper provision or power it is not possible for the Centre to deal effectively with the question of agricultural development of the country. When we think of the reconstruction of the economy of India, the first and foremost thing that should strike our attention is the agricultural economy in India. If you want a planned development in India including agricultural economy, it is essential that agriculture—its development and planning—should find a place in the Union List rather than in the Provincial List. The food problem in India is very grave. It is going to be a serious problem for years to come and we have been spending most of our dollar and other exchange in getting imports of food from foreign countries and this has withheld and will be withholding our industrial development to a large extent. It is therefore very essential that a country-wide planning to develop agriculture to an extent where we can be self-sufficient in the matter of food should be treated as essential. I would therefore request the Drafting Committee to take into consideration this suggestion of mine and place the co-ordination of agricultural development as a Central subject. I am sure that the attention of the Drafting Committee has also been drawn to this subject by the Ministry of Agriculture also.

Then, I come to the question of India and her relationship to the Commonwealth. This question has yet been left undecided although references in the papers and in the speeches of Members have been made to it. I for one would like that India must declare herself an Independent Sovereign Republic. We should make no mention of our association with the Commonwealth in any part of the Constitution itself. Having declared herself a free and independent nation, India should then go to seek her association with one bloc or the other; but jumping from the present position of a Dominion to the relationship of the Commonwealth will inevitably mean that we are going to remain still a dependent country, dependent to the Commonwealth and the King of England.

Taking next the question of election in villages, much has been said about villages. There has been very sharp criticism of the view expressed by Dr. Ambedkar when he said that “the villages are dens of ignorance”. There has been ruthless criticism. I know this criticism is because of a genuine feeling on the part of the House. The House desires that the villages should come forward and play their full part in the national reconstruction. Since the desire is very genuine, I would request the House to detail out the election procedure in the Constitution itself. While giving adult franchise to every citizen of India, the eligibility for election to legislatures should be restricted

to such persons as neither pay income-tax nor hold land in excess of 100 acres. That, I am sure, would bring in most of the villagers to the legislatures and they will be able to play their best role.

I now come to the question of the linguistic provinces. It is said in examining this question that the redistribution of provinces is essential only on the ground of language. That is a wrong theory to my mind. A province should be formed or carved out of India, bearing in mind its economic resourcefulness, so that it could give full opportunity of growth to every citizen in it. The discussion of linguistic provinces, the appointment of a Commission to consider the question only on the basis of language, has already created a sort of wild feeling in the country and even in the political parties this tendency has taken place. I heard the other day that the States of Manipur, Tripura and a district of Cachar are demanding themselves to be a separate province in the Congress body. There are other small unions who desire to continue to be separate units. This is very harmful to the nation and must be prevented.

Then coming to the question of language, I am one who wants that Hindi should be accepted as the national language of India, but when I say so I do not mean the Hindi which we find in the translation of the Draft Constitution.

Mr. Vice-President : The Honourable Member has already exceeded his time.

Shri Kishorimohan Tripathi : Well, Sir, as I have no time, I close with these few words. I support the motion moved by Dr. Ambedkar.

Shri Vishwambhar Dayal Tripathi (United Provinces : General) : Sir, it is with a certain amount of hesitation that I am going to speak before you in English. It appears that a sort of misunderstanding has been created amongst a section of our Friends, particularly those from Southern India, that we speak in Hindi because we want to shut them off from our own ideas. I must assure them that it is not a fact. The real fact is—and I want to say so quite frankly—that we can express our ideas ten times better in Hindi than in English. This is the only reason why some of us always speak in Hindi. But in deference to the wishes of those friends I am going to speak in English.

To come directly to the subject matter, it has been a formality with almost all the speakers to congratulate the Members of the Drafting Committee and its Chairman on the labour they have put in and also on the merits of the Constitution. I would not undergo that formality. There is no doubt, of course, that they have put in a good deal of labour and have placed before us a complete picture of a Constitution on the principles that we laid down in this Constituent Assembly. I am also aware that there is a good deal of merit in the draft Constitution. They have no doubt thoroughly studied the constitutions of different countries and have tried to make a choice out of them and to adapt those constitutions to the needs of this country. This is the chief merit of this Draft Constitution. In one word, it is an 'orthodox' Constitution.

But along with its merits we have also to see as to what are the defects or demerits and omissions in this Draft Constitution. We should then try to remove those defects and omissions.

Before I point out these glaring defects and serious omissions, I would like to draw your attention to certain observations made by the Mover of the Draft Constitution. I would not go into unnecessary details, because those points have been effectively dealt with by a number of previous speakers. But I cannot refrain from making certain observations. The one thing—and to me it appears very objectionable—which I wish to reply to is Dr. Ambedkar's remark that the Indian soil is not suited to democracy. I do not know how my friend has read the history of India. I am myself a student of history and also politics and I can say with definiteness that democracy flourished

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in India much before Greece or any other country in the world. The entire western world has taken democratic ideas from Greece and it is generally regarded that Greece was the country where democracy first of all flourished. But I say and I can prove it to the hilt that democracy flourished in India much earlier than in Greece. I shall not go into the facts and figures, yet I would draw his attention to two or three points with regard to this matter. He might remember, as I know he has read history and he is also a scholar of Sanskrit, that even during the time of Buddha, democracy flourished in India. It is an oft-quoted phrase which I want to repeat here and it is this: that certain traders went from northern India to the south. The King of southern India asked them as to who was the ruler of northern India. They replied: "Deva, Kechiddesha Ganaadhinah Kechid Rajaadhina" (देव, केचिद्देश गणाधीना केचिद् राजाधीनाः) It means: some of the countries in the north are governed as republics, while there are others which are governed by kings.

Then, coming down to the period of Alexander, we find that the historians of Alexander have praised very much the city-states of northern India which were governed on democratic lines as republics. There is no doubt that later on the course of political development was arrested for sometime on account of invasions from outside. Yet we find that the same democracy continued to function in our villages under the name of village republics. This, the Mover himself has admitted in his address. It is very unfortunate that he should have made such remarks as are not borne out by the facts of history.

As regards the defects in the Draft-Constitution I would now draw your attention to the Objectives Resolution itself. Even that has been sought to be changed. The word 'Independent' has been sought to be changed into 'democratic' and the word 'republic' has also been sought to be changed into 'State'. I think the Drafting Committee should not have done it. The very suggestion of such a change is repugnant to us and I hope that this thing will not be accepted by the House.

Then, coming to the Fundamental Rights, we find that while freedom of speech and freedom of association etc. have been given by one hand, they have been taken away by the other. The Clauses that follow have done away with all those rights which have been given in the first clause of Article 13. Similarly, if we look at the Directive Principles of State Policy, we find the same thing. You will remember that I placed before you an amendment seeking to add the word 'socialist' before the word 'republic'. I am sorry that at that time Shri Seth Damodar Swarup did not think it proper to support me. I am glad he has now come here as a champion of socialism. But at that stage, I am sorry nobody supported it and my suggestion was rejected. Anyhow, whether the word 'socialist' is used or not we must try to see that, when we incorporate political democracy, we also incorporate economic democracy in the Constitution.

So far as the Directive Principles of State Policy as given in the Draft Constitution are concerned, there are no grounds for thinking that they will at all effect the future structure of society in India.

There are certain other defects also which I shall point out when the amendments are moved and discussed.

But I would certainly like to mention some of the grave omissions in the Draft Constitution. There are three such omissions which are very grave and important, and they are: the omission of National Flag, the omission of National song and the omission of National language. I think these three omissions are very grave. The Drafting Committee ought to have seen its way to

incorporate all these three subjects in our Constitution. So far as the flag is concerned, there is no controversy. This could have been easily incorporated in the Constitution.

There is some controversy about the National song between 'Vandemataram' and 'Jana-Gana-Mana'. I think 'Vandemataram' which has been our song during the last 50 years or so and which has been the beacon-light in our struggle for independence will become the National song of our country. Then there is the question of the National language.

Mr. Vice-President : If you go on speaking I will have no time to give to other intending speakers.

Shri Vishwambhar Dayal Tripathi : I shall conclude my speech after a reference to the National language, Sir.

Our country is very big, and it has not therefore been possible so far to have one language for the whole of India. But, as an independent country, we have now to evolve some language which may become the national language of India. In this connection I make the following suggestions—Firstly, in every province the work of the Government and of the people should be carried on in the language or languages of the masses. Secondly, English, although it has been imposed upon us by the foreigners, should remain for sometime for our inter-provincial relations. Thirdly, we must have Hindi as our National language written in Devnagri character. (*Cheers*). So, it is here and now that we should definitely decide that Hindi written in Devnagri character is to be the national language of our country; while English may remain as an alternative language for some time till we are able to develop Hindi sufficiently both in northern and in southern India. As I said, in the provinces, the language of the masses should continue to be the language of the State. These are my observations about the National language.

The last point which I have to place before you is that we should, from cultural as well as from economic point of view, make provision for cow-protection. Our Congress party had already decided that this should be done. This was probably not known to the Drafting Committee. Therefore no provision with regard to this has been incorporated in the Draft Constitution. I hope the Constituent Assembly will see its way to incorporate this also in our Constitution.

With these few words, I hope the Assembly will consider the amendments on these subjects when they come up for discussion and try to remove the defects and fill in the omissions that I have pointed out before the House, Jai Hind.

Shri Brajeshwar Prasad (Bihar : General): Mr. Vice-President, Sir, I am opposed to federalism because I fear that with the setting up of semi-sovereign part-States, centrifugal tendencies will break up Indian unity. Provincial autonomy led to the vivisection of the country. Federalism will lead to the establishment of innumerable Pakistans in this sub-continent.

Our Ministers at the Centre have been at the helm of affairs since the last fifteen months. They know how difficult it is to secure the approval of provincial Ministers on any measure of reform which they like to introduce. Much time is wasted in securing their approval, which is rarely obtained.

The existence of provincial governments does not benefit the common man in any special sense. Its abolition will not jeopardise his welfare at all. On the other hand, I am convinced that his lot will improve considerably. The professional politicians will of course be deprived of their means of livelihood. The average man in the provinces has to bear the burden of a costly administration. Salaries to Governor, Ministers, Parliamentary Secretaries and members of the legislatures swallow a large part of the revenue. The poor man is exploited in order to maintain the dignity of the State.

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Federalism is a conservative force in politics. It checks the rise and growth of radical economic movements. It perpetuates economic inequality between one province and another and this accentuates provincial rivalries and bitterness which lead to the demand for the formation of linguistic provinces.

Federalism is entirely unsuited to the needs of a collectivist age. Vast plans of national development await immediate enforcement. It will be a crime against the people of India to set up obstacles and hurdles in the form of part-States in the path of the Central authority which has to tackle the fourfold problems of illiteracy, poverty, communalism and provincialism. Those who talk of federalism, regionalism, provincial autonomy and linguistic provinces do not fully comprehend that they are talking the language of a bygone age. These concepts were appropriate to the needs of the 19th century when industrialism was in its incipient stage. These instruments of political organisation suit the requirements of agricultural communities interspersed over a wide area. Today the picture is entirely changed. We are thinking in terms of a world State which must be vested with all powers to regulate the problems of migration of people from overpopulated zones to areas which are underpopulated. The world State will have all powers to regulate the entire economic wealth of humanity. The existence of Nation-States has become an anomaly and a hindrance in the path of human progress and welfare. The dominant tendency of the age is towards greater concentration of power in the hands of some sovereign international authority. To talk of sub-national groups and federalism is to put back the hands of the clock. We do not know what will happen to India if a world war breaks out. If India gets an opportunity to build up the nation for a period of ten years at least, she will be in a position to meet the onslaughts of international powers. If India proceeds on collectivist lines unhampered by any provincial or federal part-States, she may be in a position to meet the challenge of the third world war. India lags centuries behind the Great Powers of the world. We must skip over certain stages of development and compress centuries into moments if we are to survive the forces of reaction both external and internal. By adopting parliamentary federalism we shall be playing into the hands of our enemies. A divided Germany, a vivisected Korea, pre-eminently fits into the political plans of international gangsters. A divided India provides some security to those who have plans of their own. The incorporation of federal principles in that part of India which has been left to us will provide hundred per cent security to those Jingoists and Junkers who survive on loot and plunder. No foreign power wants a strong Central Government in India. A strong Central Government in India will embarrass all. It is suicidal to divide powers into federal, concurrent and provincial. Any such division of powers will weaken the hands of the nation on all fronts.

Shri S. Nagappa (Madras : General): Can any Honourable Member read his manuscript speech?

Mr. Vice-President : I do not see any objection. Please go on.

Shri Brajeshwar Prasad : The Collector in the district and the Commissioner of the Division must be brought directly under the authority of the Central Ministry of Home Affairs. The Governors, Ministers and the provincial legislators must be asked to quit the scene. There should be only one Government in India. All provincial and State Governments must be abolished. The Constituent Assembly should vest all executive, legislative, judicial and financial powers in the hands of its President. He should have four advisers, Rajaji, Panditji, Sardar Patel and Moulana Azad. After having set up this system of government, the Constituent Assembly should be adjourned *sine*

die. The Assembly should be summoned only to give its verdict in case there is sharp difference of opinion on any issue between the majority of the Advisers on the one side and the President on the other. If the President or an Adviser dies, the Constituent Assembly must be summoned to elect a successor. This system of Government should last till the end of the Third World War which may break out any moment. The present Government of India Act should be abrogated.

I have advocated the rule of philosopher-kings because Plato, whom I consider to be the Father of Political Science, considered it to be the best system of government. We look back with pride to the days of Raja Ram of Ayodhya and Raja Janak of Mithila. What Plato advocated in his Republic has always been practised in India. I have advocated the rule of philosopher-kings because this is the best system of government. I have more faith in living people than in the dead clauses of a written constitution. I do not believe in a permanent constitution. We are at the end of an epoch. It is very difficult for us to sense the needs of the coming century. The Americans framed their constitution at the beginning of the epoch of capitalism. We are asked to frame our constitution at the end of this epoch. The end of the third World War will decide the broad economic and political patterns of the coming age. Today we are in a state of ferment and decay. The whole of Asia is in the melting pot. The nation stands in need of spoon-feeding. We are passing through the birth pangs of a new social order. Any constitution which we may frame today may become completely out of date tomorrow. Power placed in the hands of the electorate may prove disastrous.

The traditions of the Khalifas of Islam—Abu Baqar and Shah Omar—are worthy of emulation. Germany, Italy and Turkey rose to grand heights under Hitler, Mussolini and Kemal Ataturk. The Soviet dictator has worked miracles. The days of Chandragupta Maurya, Asoka, the Guptas, Harshavardhana and Akbar were the best periods of our history when India enjoyed peace and progress.

There is no parliamentary form of government worth mentioning in the whole of Asia. There are some deeper reasons for this. Any attempt to foist parliamentarism on India will only spell our ruin and misery.

I regard the parliamentary system of government as the direct form of democracy. The system of government set up by Hitler, Mussolini, Kemal Ataturk and Stalin represent the indirect forms of democracy. The whole of Germany, Italy and Turkey were behind the dictators. What Pandit Nehru is to us, probably that or more is Stalin to the people of the Soviet Union. How can we call the Soviet rule undemocratic? The only conclusion to which we are driven is that the basis of all governments—both parliamentary and totalitarian—is democratic.

The essence of democracy is not franchise. The representation of the real will of the people, as distinct from actual will, is the core of democracy. One man, whether elected by the people or not, can represent the people as a whole if he stands for the real will of the community. The rule of the dictator is essentially democratic if he stands for the greatest good of the greatest number. The substance is always more important than the form.

One party rule is in perfect consonance with the ideals of democracy. This fact has to be grasped. We can have perfect democracy only in a classless society. It is only after war, and nation states and capitalism have been liquidated, that we can achieve perfect democracy. Friends may retort that one party rule will lead to Fascism. To this I would reply that parliamentary governments, as in Germany and Italy, facilitate the rise of Fascism if the people are not highly conscious of their political responsibilities. Are the

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people of India conscious of their political responsibilities? The vast majority of the people of India are sunk in the lowest depths of illiteracy, poverty, communalism and provincialism. Only philosopher-kings can tackle these problems. Both parliamentarism and federalism will aggravate the malady.

Critics may urge that power corrupts and absolute power corrupts absolutely. I do not believe in this maxim. Was Hitler corrupt? Is Stalin corrupt? The records of Mushtapha Kemal and Mussolini are as good as that of the leaders of parliamentary democracy.

In this atomic age, the problems of the modern state have become so complex and baffling that more and more people are beginning to realise that the affairs of government can only be tackled by experts. Parliamentary democracy has outlived its utility.

If we want to meet the challenge of Anglo-American imperialism in Asia, if we want to meet the demands of international trade and commerce, if we want to meet the threat of the third world war which is looming large on the horizon, if we are to meet the onslaughts of international politics, we must hand over full power into the hands of our leaders.

It is not possible for our foreign friends to meddle in the affairs of Spain or the Soviet Union because they have hung an iron curtain around their frontiers. Parliamentary democracy facilitates foreign intervention into the internal affairs of a people. If we want to be free from the machinations of our foreign friends, we should not provide any opportunity to them. Our constitution must be fool-proof and knave-proof. Parliamentary democracy must be discarded.

Dr. Ambedkar said the other day that our Constitution is both federal and unitary. It is federal during times of peace and it is possible of being converted into unitary type during times of war. The distinction between peace and war is fictitious, because we are now living in a state of cold war. If we want to meet the onslaught of foreign powers the type of democracy which we are trying to build will perhaps obstruct us. The demands of peace time are as urgent and insistent as that of war. If we have an unitary type of constitution now, we may be able to meet the demands of the third world war. I do not know whether there are more competent leaders than Pandit Jawaharlal Nehru and Sardar Patel. Then why are we wasting the time of the Government of India by all sorts of criticisms? We must build up our economy. If we are not able to meet the challenge of war, we may go down in history. I am not very sure what will be the outcome or the fate of this country if a war breaks out. The whole of Asia is in the melting pot; let us not try to weaken the hands of our leaders. They are the best people; they are the only people who can govern this country. Is it necessary that in order to keep them in control, we must be sitting in the legislature and talking all kinds of nonsense?

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 (C.P. & Berar : General): Before we proceed, Sir, with the further consideration of the Motion, may I ask for a ruling from you as to whether the use of the word “nonsense” to describe the speeches of Honourable Members of this House conforms to parliamentary practice?

Mr. Vice-President (Mr. H. C. Mookherjee): I do not think it is in order.

Shri H. V. Kamath : This arises out of the speech made by Mr. Brajeshwar Prasad. He did use the word ‘nonsense’ to describe the speeches of Honourable Members in this House. That is why I am raising this point.

Mr. Vice-President : Is he present here?

Shri Brajeshwar Prasad : I did not know it was unparliamentary; if it is so, I withdraw it, Sir. I would replace it by any other word which the honourable Member may suggest.

Mr. Vice-President : We shall now resume further consideration of Dr. Ambedkar’s motion.

Shri Moturi Satyanarayana (Madras : General): *[Sir, you will be surprised to know that a person from Madras has come here to speak in Hindustani. The general belief so far was that all the Members from Madras would like to speak in English. I am not surprised at this. It is my conviction that all the speeches in this Assembly should be delivered in Hindustani. It is, however, very unfortunate that even though people have worked for this cause for the last thirty years, Hindustani-speaking people have not secured election to this House from the south, the east and the west. It does not mean that there are no Hindustani-speaking people in these provinces. Only, Hindustani-speaking people have not been able to secure election to this Assembly. I see that even the Members from the north speak in English only. The reason may be that they want to have closer relations with the people of the South and other provinces. Whatever may be the reason, the fact is that they do speak in English.

The Constitution which is now on the anvil places before us provisions of many kinds. It appears to me from what I have been able to gather from these provisions that it is being built from above and not from below, the base. If it had been built from the base upwards, our Constitution would have first been framed in the languages of our country. The people know what that swaraj means for which we have been labouring for the last thirty years and for which we have been fighting for the last thirty years, and they are also conscious that the Constitution is being framed for them and not for anyone else. But only the international view-point, and not the national nor the swaraj, nor even the villagers’ view-point, is being given weight in the framing of this Constitution. We want that the Constitution for the whole country should first be framed in the language of the country, that the Constitution should be for the people of the villages so as to ensure food and cloth for them, as it was the lack of these necessities that led us to make our demand for swaraj. It would be very good for us if the Constitution is framed in the languages of the country. It may afterwards be translated into English or into the languages of the countries whose constitutions we have drawn upon, of those whose opinion we value. It would have been much better if we had seen to this matter in the very beginning. If this consideration had

* [] Translation of Hindustani Speech.

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been kept in mind from the very beginning, we would not have had occasion to listen to all the criticisms that have been made today in this House — that this Constitution is not suited to the genius of our country, that it is not suited to the people of the villages, that it is not in the interests of the people of the cities and that it is not in the interests of the poor. We did not keep that in mind in the beginning and that is why there is all this criticism. I hold that if we have to provide food, cloth and shelter for our poor brethren, the villages and the village panchayats, should form the base of our Constitution. We should proceed with our work keeping them in mind. It is because we have not done this that we have to consider whether our provinces should be strong or weak, whether our Centre should be strong or weak. These questions arise only because we have not given due importance to our provinces and villages in framing our Constitution. The basic idea under lying the whole constitution is as to how our country will compete with Britain, Russia or America and what relations it will have with them. There is nothing in the whole Constitution to show that our intention was to do something for the inhabitants of our country, for our villagers and for our towns folk, and for the poor people.

So far as production is concerned, there is nothing in it that would make the village people work their utmost in order to produce the maximum quantity of wealth. I think that it will be said in reply to this that later on when this Constitution would be enforced all these would be taken to be implied by its provisions and would therefore be put into practice but that these cannot be specifically included within the Articles of the Constitution. But I hold that just as the face is to a man's character so also a mere glance at the Constitution should be sufficient to reveal the direction in which it tends to move the people. Therefore, I hope that at the time when the Constitution would be considered here clause by clause every attempt will be made to include in it provisions for all that we have been promising to provide to our countrymen.

For the last four or five days a very important problem—the problem of the relations that should subsist between the State or national language and the various provincial languages—has been engaging our attention.

There has been ample discussion as to what should be the position of the national language and the position to be given to the various provincial languages. I hold that unless we decide as to what would be the place of provincial languages, how they would be used in their respective provinces, no decision can be taken about the national language. In my opinion, our provincial languages must not have a less important place than that of our national language. If a decision is not taken in regard to this matter there will be a very powerful agitation in the country and many people will say that the people of northern India who hold Hindi as national language are trying to make their own language the national language. This will have a serious consequence in the provinces and they will oppose it and as a result the country will be split up into many divisions, as of old. To prevent this, it is very essential to make it clear that in no case the state language would take away the importance of provincial languages. If this is not done, there is a possibility of a very serious danger arising for the country. It must be averted. The purpose for which a State language is needed is to establish unity within the State. Another function it fulfils is to facilitate the carrying on of international relations. In my opinion it is very essential for us to build up a composite culture, a composite language and a composite society. The assimilation of the culture and the language and the dress of all those who come to our country has been a part of our tradition for centuries. We did this and marched on the path of progress. We should adopt that practice for the future

also. If we fail to do so, it is very possible we may not make such rapid progress in international matters as our Prime Minister has in view. On the contrary, it is quite likely that we may remain involved in our own internal disputes. It is better if we avoid it. Merely to hold this view is not sufficient. We must also act upon it. Therefore, I hope, Sir, that the language which is going to be made our national language, which is going to be used here, must be the link of a composite culture, must have a mixed vocabulary, a mixture of phrases and idioms and a composite script so that we may have mutual understanding within the coming ten or fifteen years, and thereafter be able to march forward together. Till that time we should not take any step to give up our composite culture. In short I would like to submit that our national language should be Hindustani and our culture should be Hindustani.

In regard to the national script I submit that until all our people have learnt to write in a common script—and today they use two separate scripts—both the scripts should be given recognition so that no one may have any occasion to complain that his script which he had been using for centuries was being suppressed after the attainment of freedom and that thereby his culture and religion was being suppressed. If we are prepared to continue to use the English language for the next fifteen or twenty years, I do not find any reason why the other current languages cannot be kept on for that period. Today some people complain that alien words are being imported into their language. But we should not only keep these words but—should also extend their meaning. I, therefore, think that both from the viewpoint of justice as from that of expediency it is essential to be fully considerate in such matters.

I would like to discuss this subject much more fully and perhaps it is not difficult to speak at length on it. But there have been so many longwinded speakers since this morning—several of whom you pulled up rather sharply—that I do not wish to take any further time of the House and I now conclude my remarks. I would, if I get an opportunity, express my views at the proper time on the amendments that have been tabled.]

Shri Suresh Chandra Majumdar (West Bengal : General): Mr. Vice-President, Sir, it is with deep humility in my heart that I rise to speak a few words on the onerous task which history has assigned to this Assembly namely, the making of a democratic Constitution for this great and ancient land whose civilization dates back to an age beyond man's memory. No nation has had such varied experience of success and failure, of happiness and sorrow, of fulfilment and frustration as ours. Among the many lessons with which our history is replete, there is one which in my opinion should command our utmost attention as we are engaged in settling the forms of our State and Government. It is this that throughout history our finest glories in whatever field they might be, were achieved precisely during those periods when India, striving towards political cohesion was most successful and such cohesion always presupposed a strong unifying Central authority. The form of that authority was different at different times and of course we shall have to evolve one that will suit the conditions of the present age but the truth remains that India's greatness depends as it has always done on the effective strength of a unifying Centre. I therefore want the Constitution to provide for a strong Centre and am glad that the Drafting Committee had kept this point prominently in their view. The time has now come to curb the bias in favour of the so-called 'provincial Autonomy' which arose from historical causes. When Alexander attacked India we understand that India was divided into 52 autonomous units and we know what consequences it produced. It might have had some justification when the Centre was irresponsible and completely under alien domination. Even so, 'provincial autonomy' encouraged provincialism and that the curse did not assume greater proportions was due wholly

[Shri Suresh Chandra Majumdar]

to the unifying influence and control which the All-India Congress exercised over the provincial ministries. Now there is no foreign power in the land and there should be no conflict between the provinces and the Centre; and as between the provinces themselves, possibilities of conflict can be best lessened by the Centre being given power to intervene effectively whenever and wherever provincial jealousies may threaten the unity, or impede the progress of the country as a whole. I therefore want that it is not only at times of war or other grave emergency that the State should function as a unitary State but that in normal peace time also the Centre should have certain necessary overriding powers without which planned reconstruction of the country will not be possible.

While on the subject of delimitation of powers. I should like to make a very brief reference to Dr. Ambedkar's comments on the role of the village community in India's history. It is true that at times the village community stood still when history passed by. But this happened invariably in periods of national depression when everything was in a state of stagnation and the political life itself was disintegrating and the village community was indifferent to the main course of history. But there were other times — times of healthy national life — when the village community did supply strength. I believe the village community, if it is properly revitalised and made power-conscious, can become not only a strong prop of the State but even the main source of its strength.

India has been always proud—and I also share that pride—of her achievement of cultural unity in diversity, but in matters political it is essential today that we emphasize unity and uniformity rather than diversity. I therefore want a uniform political structure for the whole country. No praise can be too high for the wonderful work of integration which the States Ministry has done and is still doing under the creative, I should rather say, inspired leadership of our Deputy Prime Minister and I hope this work will proceed further to the point where the viable States and the States' Unions will have the same political and administrative organisations as the other units—I mean the present Provinces—within the over-all political structure of the country. In view of the basic character of these units as recognised by the Chairman of the Drafting Committee himself, I do not even like them to be called "States", because that may create an impression that India is a Federation of the type of the United States of America. All units, the present Provinces as well as the integrated States, should be given the uniform nomenclature of "Province".

I am proud of the achievements not only of my own language but, as an Indian, also of those of the other major languages of India. I certainly want a *lingua Indica* for the whole country, but at the same time it will be an irreparable loss if we allow the major provincial languages to languish by neglect. The *lingua Indica* that we may adopt should not be a kind of imposition. It will be willingly accepted by all if it is allowed to make its way gradually and naturally and without giving a rise to a feeling of imposition. The previous Speaker, Shri Satyanarayana, is an outstanding example of this. Nobody imposed upon him Hindi or Hindustani, but Honourable Members have heard the fluency with which he spoke just now. As regards English we need not ignore its usefulness as a medium of international exchange, and even in the sphere of internal use I am not in favour of violently throttling it but would like to see its gradual replacement. It may not be wise to set a time limit in a matter like this.

It is unfortunate that the question of linguistic provinces has become mixed up with provincialism. The principle of linguistic provinces can be justified only on two grounds, namely, administrative and educational

convenience and the development of our great major languages. It would be wrong to introduce any other consideration into this matter, which unfortunately has become a subject of violent controversy and even conflict. Possibly we are all suffering from the hang-over of our depressed condition which is only just over and under which our foreign rulers always emphasized and encouraged the spirit of division. I hope we shall be able to see things in their proper perspective after some time. It is essential that at this stage all internal conflicts should be avoided. If, therefore, the question of linguistic regrouping of provinces cannot be settled without bitterness and conflict now, I think the question should be postponed for ten years. I would only urge that the Constitution should not contain any such provision as will make a settlement of this question too difficult in the future. At the same time I would appeal to all my countrymen meanwhile to behave in a manner so as not to prejudice the rightful claims of any language Hindi or Hindustani as the *lingua Indica* of India. It is due to my great love for all the major Indian languages as well as to the necessity I feel that all our countrymen should understand and follow the Constitution, that I have asked that the Constitution be made available in all the major Indian languages and approved by this Assembly before its final adoption.

One word more. I hope I will not be misunderstood in saying this in this Gandhian era. I want to say a few words regarding the right of the people to bear arms. We are passing the Constitution today. But so far as I can see there is no mention of that. I would like that the House may provide in the Constitution that as a fundamental right, all adults, irrespective of whether they are men or women, would be allowed to bear arms for the defence of Mother India whenever she would be in peril. Jai Hind.

Pandit Mukut Bihari Lal Bhargava (Ajmer-Merwara): Mr. Vice-President, Sir, the Draft Constitution has been under fire for the last several days in the House. I would not deal generally with the Draft Constitution but would confine my observations to one particular aspect of the Draft Constitution, and that is what is incorporated in Part VII of the Draft Constitution. It deals with what are known as the Chief Commissioners' provinces under the present Government of India Act of 1935. At the very outset I would respectfully draw the attention of the House that in this particular case the Drafting Committee and its Chairman have been very very unjust to the Chief Commissioners' provinces. Infact, in making the recommendations which the Drafting Committee has made in Part VII of the Draft Constitution, it has exceeded its powers. It is absolutely clear; if necessary, reference may be made to the resolution adopted by the House on 29th August 1947, which brought the Drafting Committee into existence. The powers of that Committee are specified in the Resolution that we adopted by the House on the occasion. It is simply to implement the decisions that have already been taken by the House. When the question of the Chief Commissioners' provinces came up before the House, from the Union Constitution Committee Report you will be pleased to find that in part VIII Clause 1 what was recommended by the Union Constitution Committee was that the Chief Commissioners' provinces should continue to be administered by the Centre as under the Government of India Act, 1935. When this clause 1 of part VIII of the Union Constitution Committee report was moved by the Honourable Sir N. Gopalswamy Ayyangar in the House, an amendment to it was moved by my friend Mr. Deshbandhu Gupta and that amendment was unanimously accepted by the House. That amendment sought the setting up of an *ad-hoc* committee consisting of seven Members of this Honourable House, which committee was to go into the question of the Chief Commissioners' provinces and to make suggestions for effecting changes in the administrative systems of these provinces on democratic lines so as to fit in with the changed conditions

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in the country. The fact that this amendment was unanimously accepted by the House clearly implies that the House stands committed to bringing about suitable administrative changes in the setup of these provinces on democratic lines so as to fit in with the Republican Constitution of free India. In spite of this mandate from the House, one is staggered to find the recommendation of the Drafting Committee in Articles 212 to 214 of the present Draft Constitution. My respectful submission would be that these recommendations are absolutely *ultra vires* in as much as the Drafting Committee could not set at nought the recommendations of the *ad-hoc* Committee. The *ad-hoc* Committee consisted of three very distinguished Members of this House,—Sir N. Gopalaswamy Ayyangar, Mr. Santhanam and Dr. Pattabhi Sitaramayya. In spite of this the unanimous recommendations of the *ad-hoc* Committee have been set at nought by Articles 212 to 214. What Article 212 does is to provide that the Chief Commissioners' provinces shall continue to be administered by the President to the extent he thinks fit, through a Chief Commissioner. What the Drafting Committee has done in this Article 212 is simply to repeat the words of the Government of India Act, 1935 Section 93 (3). These were the very words, which by the acceptance of the amendment of Mr. Gupta, were set at nought by the House. Consequently, my submission is that the present Articles 212 and 213 are absolutely *ultra vires* and the House should not give any consideration to them. The *ad-hoc* Committee after going into the question of the Chief Commissioners' provinces has incorporated certain recommendations to make certain administrative changes in the present constitution of the Chief Commissioners' provinces. In fact, in the modern age when India has attained the goal of full independence and when we have assembled here to draft a constitution befitting a free Republican India, it is impossible to think of a recommendation of the character incorporated in Articles 212 to 214. These recommendations seek to perpetuate a regime of autocracy. The Chief Commissioners' provinces have been enclaves of bureaucratic and autocratic regimes and even today, fifteen months after having attained full independence, we find there is undiluted autocracy prevailing there. For political and strategic reasons the British Government ignored the claims of the Chief Commissioners' provinces to responsible government. The only concession they made was in 1924 when a single seat was allotted in the legislature. Beyond this, the administrative set up in these provinces continue to be that of one man's rule. The Advisory Councils to the Chief Commissioner which were set up immediately after the formation of the National Interim Government at the Centre have served no useful purpose. In spite of them, one man's rule is prevailing. So far as Ajmer-Merwara is concerned, the administration there is a hot-bed of corruption, nepotism, favouritism and inefficiency. How can this deplorable state of affairs be brought to an end until and unless the accredited representatives of the people are given a voice and a hand in the administrative set-up? The demand for the establishment of responsible government in these Chief Commissioners' provinces has been repeated from every one of them. No less than three Conferences convened during the last two years in Ajmer-Merwara have repeated this demand for immediate establishment of responsible government. The Provincial Congress Committees have also done so in every place. Notwithstanding this, the autocracy has prevailed and these three Articles—212 to 214 of the Draft Constitution—air at perpetuating this system of autocracy. I appeal to this august House, how on earth can this state of affairs be tolerated by an Assembly which has assembled to draft a constitution for free India? Yesterday there was reference made to One-Rajputana Union. We all want territorial integration and administrative cohesion of the different Rajputana States into one single unit and every one desires that this should be an accomplished fact as soon as possible, but till that takes place, why should the

present administrative set-up be allowed to remain? We do not know what is going to be the future picture of Rajputana Union. If and when it comes, Ajmer-Merwara would always welcome any such move and Ajmer will be glad to join in any such Rajputana Union provided its historical, geographical and cultural place, which has always been its own since the dawn of history, throughout the Pathan, Moghul, Maharatta and the British periods, is retained in the future set-up of such Union. But because the existence of such a Union is a possibility or even a probability it does not mean that the autocratic system should be allowed to continue. To the other Chief Commissioner's province, *i.e.*, Delhi, a reference was made about it yesterday. Regarding Coorg, its position is also identical and analogous. The Legislative Council there has only advisory functions and it has neither legislative power nor any voice in the day to day administration. There also the demand of the people has been the establishment of responsible government. I fail to understand what can possibly be the difficulty for this House to accept *in toto* the recommendations of the *ad hoc* committee. The *ad hoc* committee has been careful in its recommendations. It has recommended that, looking to the financial difficulties of those tracts, it will be necessary that the Centre here should have greater powers than it has in Governors' provinces. We, the representatives of the Chief Commissioners' provinces, in spite of our unwillingness, agreed to accept those restrictions only as a compromise measure. Fiscal autonomy is conceded only in name, because all the financial proposals will have to be previously approved by the President of the Union. Similarly, in the legislative sphere also what has been recommended is that every Bill before it becomes law must be assented to by the President of the Union. It has also been provided in the *ad hoc* committee's report that in case of any difference of opinion between the Lieutenant Governor and the Ministers, the President will have the final voice. Consequently there cannot be room for any apprehension in accepting the recommendations and granting some form of responsible government to Ajmer-Merwara and the other Chief Commissioners' provinces.

One argument that has been repeated often is that it is not a viable unit, that it is not self-sufficient and that it is a deficit province. I would respectfully ask who is to be blamed for this? Ajmer-Merwara people never wanted that they should be segregated and left as an island in the midst of the Rajputana States. It was the responsibility and the decision of the then Government at the Centre that Ajmer-Merwara should remain as a separate entity in order that it may be the citadel of the Centre to keep its clutch firmly on the neighbouring States. Therefore why should the people be subjected to any penalty now? As I said, it was for strategic and political reasons that it was left as an island. That being so, may I ask why the Central Government was giving subventions to N.W.F.P. of about a crore of rupees and subvention also to Sind? Now if it decides to give today subventions to Assam, Orissa and also West Bengal and East Punjab, it is for strategic reasons and for protecting the frontiers. If that is the case, why should not Ajmer-Merwara also be given subvention? For the reasons placed before the House by me, Articles 212 to 214 are absolutely *ultra vires* of the powers of the Drafting Committee and the recommendations of the *ad hoc* committee appointed by this Honourable House, which already stands committed to a policy of accepting suitable administrative changes in the set-up of this province, should be accepted.

With these remarks I support the motion for the consideration of the Draft Constitution by the House.

Mr. Vice-President : There is an established convention that in the case of a Member who is not present when his name is called by the Chair to participate in the debate, he loses his right to speak. That happened to one of our colleagues at the beginning of today's sitting of this Assembly. He has

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explained to me that his absence was due to unavoidable reasons. If I have the permission of the House, I will give him a second chance to speak. As no one objects I give him permission to speak and call upon him to address the House.

Shri S. V. Krishnamurthy Rao (Mysore): Mr. Vice-President, I thank you for giving me an opportunity to speak on the Draft Constitution. I join the various speakers who have paid a chorus of tribute to the Drafting Committee and its Chairman, Dr. Ambedkar.

An attempt has been made in this Draft Constitution to put in the best experience of the various democratic constitutions in the world, both unitary and federal. Of course no Constitution can be perfect and even our Constitution will have to undergo some modifications before it finally emerges from this House.

I shall first refer to the Directive Principles of policy. I submit that this contains the germs of a socialistic government. I submit that this Chapter should come in immediately after the Preamble. As objective principles of the Union, we will be giving it greater sanctity than to others and it will stand as the Objective principles of the future Government. With certain modifications they can be adopted as a socialist programme for the future Parliament of India.

The next thing I wish to refer is the Fundamental Principles. I find certain conspicuous omissions here. In most of the democratic constitutions, the freedom of the press is guaranteed, but in our Constitution I find it is not there. Of course there is freedom of expression. But I feel in a country with 87 per cent illiteracy, our press has to play a very important role both in the political and democratic spheres in the education of the masses. I feel that a specific provision should be made in the Fundamental Principles guaranteeing freedom of the press. In fact in the Constitution of the United States of America it is enacted that the State shall not pass a law restricting the freedom of the press. Similarly, the inviolability and the sanctity of the home should be guaranteed. Similarly again, I feel that no citizen of India should be expelled from the State. Such a provision should find a place in the Chapter on Fundamental Rights.

One thing I would like to see omitted is the provision for freedom to propagate religion. This right which has been claimed by some has been the bane of our political life in this country. Probably it might have been thought proper to include it in the old set-up of things. In a secular State, such a provision, especially with the guarantee for the free exercise of religion and freedom of thought, is out of place in our Constitution and I submit to this House that that provision should be omitted.

Then there is the question of the redistribution of provinces. I am not one of those who see something read in this question. If the linguistic provinces have been bastions of strength in our fight for freedom, I do not understand how they can be damned as showing fissiparous tendency when we ask for linguistic provinces. In fact, every citizen should feel that he has got freedom. I feel that the language of the Parliament of the particular region should be the language of that area. In fact there is no place for multilingual provinces like Bombay and Madras.

The provinces should be distributed on a linguistic basis. We are not going to break our heads over this question. It can be settled amicably by mutual understanding and co-operation.

Similarly about language. The southern languages of India have borrowed freely from Sanskrit. We have got both Tatsama and Tadbhava words in our Dravidian languages. I feel that Hindi with the Devanagri script would be acceptable to us, but I think that it should not be forced on us all at once, especially the vast numbers of people inhabiting the Deccan peninsula. It should be gradually introduced. We are prepared to accept Hindi with the Devanagri script as the official language of India, but time should be given to us to pick

up Hindi. This Constitution should reflect the cumulative wisdom of every section of this House. If you want to take us with you, we must understand your arguments, we must understand your points of view and we must hammer out this Constitution and make it acceptable to all. So also, the sections of the people who have got the Urdu script should also be given time to pick up the Devanagri script as Begum Aizaz Rasul suggested.

One other point I would like to touch upon is regarding the provisions in Part VII for the states in Part II of the First Schedule, that is, Sections 212 to 214. I think they should not be made a permanent feature of the Constitution. In fact, the policy of the Government of India has been to make the States into viable units. Sections 212 to 214 with the various amendments suggested by the Drafting Committee will simply increase the number of these uneconomic small States in the country. Provision is made for Lieut. Governors, Council of Ministers and so on. If these are allowed to remain a permanent feature of the Constitution, I am afraid they will divide the country into smaller units and the Centre will be burdened with maintaining these uneconomic units. Within a short time these smaller units must be induced to merge with the larger provinces or States amidst which they are situated. Take for example the province of Coorg. It has an area of only 1,500 sq. miles and the population is about 160,000. I learn that ever since the Coorg budget was separated from the Central Budget, they have not been able to undertake any development project. They have not been able to repair a bridge which would cost only about Rs. 5,000.

Then about the capital of India, I agree with my Honourable friend from Mysore who stated that before vast sums of money are expended over the capital for the East Punjab and also the extension of Delhi, we should consider locating the capital in a more centrally situated place.

There may be some justification for Delhi to continue as a Centrally administered area because it is the capital, but there is absolutely no justification to increase these Centrally administered areas. In fact the Central Government will be functioning in two capacities, one as the Central Government and the other as a provincial government for the Centrally administered areas. I do not see any justification for the Centre spending large sums of money on these uneconomic units.

Both Mr. Ananthasayanam Ayyangar and Professor Ranga asked why there should be Constituent Assemblies for the States. I submit that this is none of our fault. As soon as we came here in July last, some of us Members representing the States tabled a resolution before this august Assembly that a committee be constituted to evolve a model constitution for the States. If the archives of the Steering Committee are searched, such a resolution will be found there, but unfortunately this Assembly did not take any steps and things so developed that we had to demand Constituent Assemblies in our States when we fought for responsible government in our States. I do not see any harm in this because no constitution drawn up by these Constituent Assemblies can be at variance with the Constitution that is going to be adopted by this House. They must fit in with the all India picture. So long as they do this, I do not see why they should not be allowed to finish their job.

Another suggestion was made that there should be uniform powers both for the States and the provinces. In this connection, I would like to submit, Sir, speaking on behalf of States like Travancore and Mysore, that we are far ahead of some provinces industrially, economically and financially. In bringing about uniformity between provinces and the States, I would submit to this House that there should be no levelling down. There should be only levelling up. Mysore has co-operated in all all-India matters and is still co-operating, and I am sure it will co-operate also in bringing about uniformity, provided there is only

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levelling up and no levelling down. In fact, I am one of those who believe that there should be uniform powers both for the States and the provinces. I want the Supreme Court to be given appellate powers not only in constitutional matters but also in civil and criminal matters. I am glad that the Drafting Committee has made provision for this and I am sure that this provision will be taken advantage of by the States.

Another point I would like to touch upon is Section 258 as regards the financial powers of the President. Power is given to the President to terminate any agreement entered into between a State in Part III and the Union after a period of five years. I submit, Sir, that five years is too short a time. The clause itself says that such an agreement would be valid for a period of ten years. If such an agreement is terminated, after five years it may disturb the financial position of the State concerned. In fact, for long range planning, five years is too small a period. I submit that it may be altered with the consent of the State. If after the report of the Finance Commission the President feels that it is necessary to terminate such an agreement, he may do so in consultation with the State concerned. My point is it should not be one-sided, as this would work as a great financial handicap to the State concerned.

Then, Sir, as regards the power to amend the Constitution. I do not agree with my Honourable friend, Mr. Santhanam, that it should be rigid. It should be as flexible as possible because the integration of smaller units into bigger units is still going on and bringing about uniformity between the States and the provinces also is still going on. Perhaps it will take some time before there is some sort of uniformity between the various units of the Federation, and during the initial period it should be as easy as possible for the future Parliament to amend the Constitution to suit the circumstances of the time. The power to amend the Constitution should be made flexible, but even here a difference is made between the States and the provinces. I submit that this difference between the States and the provinces as regards the number of votes should be done away with. Equal rights should be given both to the States and the provinces so far as amendments to the Constitution are concerned.

With these words, I support the motion for the consideration of the Draft Constitution.

Shri N. Madhava Rau (Orissa States).—Mr. Vice-President, I had not intended to join in this discussion, but in the course of the debate, several remarks were made not only on the provisions of the Draft Constitution, but on the manner in which the Drafting Committee had done their work. There was criticism made on alleged faults of commission and omission of the Committee. Mr. Alladi Krishnaswami Iyer who spoke yesterday and Mr. Saadulla who will speak on behalf of the Committee a little later have cleared or will clear the misapprehensions on which this criticism is based. I felt that as a member of the Committee who participated in many of its meetings, after I had joined the Committee I should also contribute my share in removing these misapprehensions if they exist among any large section of the House.

It is true that the Draft Constitution does not provide for all matters, or in just the way, that we would individually have liked. Honourable Members have pointed out, for instance, that cow-slaughter is not prohibited according to the Constitution, Fundamental Rights are too profusely qualified, no reference is made to the Father of the Nation, the National Flag or the National Anthem. And two of our Honourable friends have rightly observed that there is no mention even of God in the Draft Constitution. We have all our favourite ideas; but however sound or precious they may be intrinsically in other contexts, they cannot be imported into the Constitution unless they are germane to its purpose and are accepted by the Constituent Assembly.

Several speakers have criticised the Draft on the ground that it bears no impress of Gandhian philosophy and that while borrowing some of its provisions from alien sources, including the Government of India Act, 1935, it has not woven into its fabric any of the elements of ancient Indian polity.

Would our friends with Gandhian ideas tell us whether they are prepared to follow those ideas to their logical conclusions by dispensing, for instance, with armed forces; by doing away with legislative bodies, whose work, we have been told on good authority, Gandhiji considered a waste of time; by scrapping our judicial system and substituting for it some simple and informal methods of administering justice; by insisting that no Government servant or public worker should receive a salary exceeding Rs. 500 per month or whatever was the limit finally fixed? I know some of the Congress leaders who sincerely believe that all this should and could be done. But we are speaking now of the Constitution as it was settled by the Constituent Assembly on the last occasion. Apart from the Objectives Resolution (which is otherwise known as India's Charter of Freedom) and the enunciation of Fundamental Rights, the decisions of the Assembly dealt, sometimes in detail and sometimes in outline, with questions relating to the composition and powers of the Legislature, the executive authority and the judiciary of the Union and of the provinces, the distribution of legislative powers and administrative relations between the Union and the units, finance and borrowing powers, the amendment of the Constitution and soon. Is there any instance in which a decision of the Assembly embodying Gandhian principles has not been faithfully reproduced in the Draft Constitution? If it is the contention of these critics that the decisions of the Assembly itself have fallen short or departed from those principles, that is of course another matter.

Then those of our friends who wanted indigenous ideas of polity to be embodied in the Constitution would have to admit that while (as has been pointed out by an honourable Member today) there might have been republics in the northern India in the days of Alexander, by and large, kingship was an integral part of Indian polity. At a time when the institution of kingship is so unpopular, when even Indian rulers are barely tolerated although they have shed all power, when formal elections and ballot boxes unknown to our ancestors are regarded as the *sine qua non* and authentic symbols of democracy, it would be unreal to pretend to seek guidance for our immediate task in the ancient political philosophy of India. A more pertinent point is this. Why did not the exponents of these fine ideas press them on the attention of the House at the proper time and secure their acceptance when the Constitution was more or less settled during the last session? Why do they not do so even now if they have any feasible suggestions to make? Why should they blame the Drafting Committee for not incorporating in the Draft what can only be described as belated second thoughts?

There is undoubtedly a feeling among some Congress circles and others that the National Government in the Centre and the people's Government in the provinces are both departing from the principles of Gandhiji, that they are carrying on the much the same bureaucratic way as their alien predecessors and that the promised Ramrajya is nowhere near being realised. In these circumstances, "back to Gandhi" has become a sort of militant slogan and a challenge to the authorities. It might or might not be right, but it has to be addressed to the proper quarter. To apply that slogan in the context of the very restricted task entrusted to the Drafting Committee seems to be entirely pointless. I am reminded of a couplet written about an archaeologist of the name of Thomas Hearn. This is how it runs:

"Quoth Time to Thomas Hearn

What I forget you learnt."

"You learn what I forget" seems to be rather naive advice.

Shri B. Das (Orissa : General): On a point of order, Sir, Members of this House asked the Drafting Committee to draft the Constitution and each of us is giving out our views now. It is no use for a member of the Drafting Committee to tell the House that we use slogans. I strongly protest against such language by a member of the Drafting Committee.

Mr. Vice-President : Mr. Das, you do not propose to curtail the liberty of expression allowable to a member of the Drafting Committee? You and I may not agree with him. Surely he is entitled to give out his views. Is it not?

Shri N. Madhava Rau : It is very unfortunate that a good deal of controversy arose in regard to village panchayats. Dr. Ambedkar's strong remarks on the subject were apparently based on his own experience. But, like Mr. Alladi Krishnaswami Ayyar, I wish to speak for myself in the light of my own experience. For over thirty years, the Mysore Government have put the revival of village communities and the improvement of the working of village panchayats in the forefront of their activities. A great deal of public expenditure has been incurred on this account. All officers concerned from the Dewan to the Tahsildar have, according to their lights, given personal attention to the condition of the villages. The present popular Government in Mysore, are, I understand, making still more intensified efforts in the same direction. The results are, in my opinion encouraging and in some cases, quite gratifying. It is true some villages are chronically faction ridden and indulge in petty tyrannies, or remain the strongholds of untouchability. A considerable number are apathetic or even moribund. But about thirty per cent could be classed as good; that is to say, they had held regular meetings, collected panchayat taxes, undertaken some optional duties and carried out works of public utility and weekly cleaning by voluntary labour contributed by the villagers and had taken steps to ensure the vaccination of children and so on. The success that has been achieved such as it is, is largely conditioned by the initiative of a good headman or other influential land-lord. I am sure that experience in other parts of the country is more or less the same. In certain small Indian States, where the bureaucratic system of administration had not penetrated, I found remarkable self-help and organised effort in the villages. With sustained effort on the part of the provincial and State Governments, the resuscitation of village communities may well be hoped for. As the Members of the Assembly are aware, Gandhiji was very particular about constructive work in the villages. This is what he said on one occasion. "If the majority of congressmen were derived from our villages, they should be able to make our villages models of cleanliness in every sense. But they have never considered it their duty to identify themselves with the villagers in their daily lives." There is nothing in the Draft Constitution to prevent provincial Governments from developing the village panchayats system as vigorously and as rapidly as they are capable of doing. The only point which has now come into prominence is whether the electoral scheme for the legislatures should be founded on these panchayats. If the House comes to the decision that this should be done, two Articles in the Draft Constitution have to be slightly amended. But, before taking such a step, the Assembly will have very carefully to consider whether by throwing the village panchayats into the whirlpool of party politics, you will not be destroying once for all their usefulness as agencies of village administration.

In curious contrast with those Members who found fault with the Drafting Committee for not presenting to them a Constitution according to their own ideas, although they had not been approved by the Assembly, there were others who criticised the Committee for having exceeded its instructions. This is an aspect of the matter which will be dealt with by the next speaker. I have only to say, in view of the criticism of Mr. B. Das, that by accepting membership of the Drafting Committee, Members have not given up their freedom to express their views either from the committee room or the floor of this House.

The Draft Constitution is nothing more than a detailed agenda for this session, it is to serve as the basic working paper so to speak. There are other papers too, such as the Report of the Expert Committee on Finance and the Report of the Committee on Centrally Administered Areas. This is not the only paper before the House. If the Draft Constitution is viewed in this light, I am sure Members will appreciate that the charge that the Committee has, in any way exceeded its instructions is unfounded.

One of the honourable Members observed that this constitution if adopted would become a fruitful source of litigation. So long as the Constitution is of a federal type, the possibilities of litigation cannot be excluded. It is all the more necessary, therefore, that all Articles and Clauses are closely scrutinised to ensure that litigation and consequent uncertainties of administration are minimised if they cannot be avoided.

Sir, there are one or two points which I should like to refer to in this connection. One is this: when any federal constitution is in the process of making, there are always two opposing sets of views, namely, the views of those who want to make the Centre strong, and the views of those who would plead for the utmost extent of State autonomy. The provisions of the Draft Constitution are necessarily a compromise, tentatively suggested, of these opposing views. My own feeling is that the scales have been tilted a little towards the Centre. If this feeling is shared by any large section of the House, it should be possible to adjust the balance in the direction desired. The second point, Sir, is that the provisions relating to the accession of States are meagre. There have been so many different kinds of mergers of late and the final pattern, so far as we know, has not yet emerged. The exact procedure by which the States will accede to the Union has to be determined at an early date so that the names of the acceding States may be mentioned in the appropriate Schedule and other relevant parts of the Constitution finalised.

There is a good deal of wisdom in the saying: "For forms of Government let others contest; whatever is best governed is best." However, things being what they are, unfortunately, we have to have some sort of written constitution and it has inevitably, to be a lawyer's constitution. If it is possible for any honourable Members to animate the Draft Constitution by a Promethean breath of ancient political wisdom or exalted patriotic sentiment many of us in this House would surely welcome such an effort.

Shri Biswanath Das (Orissa : General) : Sir, May I have a word of elucidation from my honourable friend, as to why the Honourable Members of the Committee modified even decisions arrived at by the Constituent Assembly as also by Committees?

Shri N. Madhava Rau : I think if a specific instance is given, the next speaker will explain.

Shri T. Prakasam (Madras : General): The Honourable Mr. Madhava Rau said that the ballot box and ballot paper were not known to our ancestors. I would like to point out to him, Sir, that the ballot box and the ballot papers were described in an inscription on the walls of a temple in the villages of Uttaramerur, twenty miles from Conjeevaram. Every detail is given there. The ballot box was a pot with the mouth tied and placed on the ground with a hole made at the bottom and the ballot paper was the kadjan leaf and adult franchise was exercised. The election took place not only for that village but for the whole of India. This was just a thousand years ago. It is not known to my honourable Friend and that is why he made such a wrong statement—a grievously wrong statement and I want to correct it.

Syed Muhammad Saadulla (Assam : Muslim) : Mr. Vice-President, Sir, I rise with some difference to sum up this debate and general discussions of the Draft Constitution for I was a member of the Drafting Committee. I do not mean to cover all the grounds that have been advanced during the last four days on the floor of the House but I will speak generally on the trend of the criticism and try to show by facts why the Drafting Committee took a certain line of action. Many honourable Members have been kind enough to give us a meed of appreciation for the tremendous trouble we took in the task of preparing the Draft Constitution. Certain honourable Members were not in a position to congratulate the Drafting Committee and I welcome that also. For it is well known that in the midst of sweet dishes something briny, something salty adds to the taste. I have listened very carefully during the last three days to the criticisms that have been advanced. My task has been greatly lightened by the intervention of my friends, colleagues in the Drafting Committee—I mean Sir Alladi Krishnaswamy Ayyar and Mr. Madhava Rau—in this debate. The criticisms that were levelled against our labours boil down really to three only, one that we have travelled far beyond our jurisdiction, secondly that we have flouted the opinions expressed by various committees by not accepting their recommendations, and thirdly, that we had made a discrimination between the provinces and the Indian States. Sir, if human memory is short, official memory is shorter still. The Drafting Committee is not self-existent. It was created by a Resolution of this House in August 1947, if I remember a right. I personally was lying seriously ill at the time and I could not attend that session. But, Sir, I find from the proceedings that as the Drafting Committee has been asked to frame the Constitution within the four corners of the Objective Resolution, we will be met with the criticisms which we have heard now. Wise men even in those days had anticipated this and to the official Resolution an amendment was moved by the learned Premier of Bombay, Mr. Kher, wherein we are given this direction. I will read from his speech. He moved an amendment to the original Resolution for Constituting this Drafting Committee and there he said—“That the Drafting Committee should be charged with the duties of scrutinising the draft of the text of the Constitution of India prepared by the Constitutional Adviser giving effect to the decisions taken already in the Assembly and including all matters which are ancillary thereto or which have to be provided in such a Constitution, and to submit to the Assembly for consideration the text of the Draft Constitution as revised by the Committee”. This was his amendment. In his speech he said:

“We have laid down a principle that all the action to be taken in the Provincial Constitution will be taken in the name of the Governor. There are a number of things which have to be put in in order to give effect to this decision which the Assembly has taken and which have been given a place in the Government of India Act. Then there are provisions which are ancillary in the other constitutions and some other provisions which must usually find a place in the Constitution. All these will have to be included in our draft even though they may not have been discussed or decided here upto now. We have taken decisions on almost all important points. Those will be given effect to but the draft will also contain things which are ancillary to these and also, all such things as are otherwise necessary.”

That was the amendment which was accepted by the House. Sir, after this amendment of the Honourable Mr. Kher which was accepted by the House, it does not lie in the mouth of the Members of the Constituent Assembly to say that we have gone far beyond our jurisdiction.

Shri Biswanath Das : Sir, May I know whether this direction includes the accepting of Committee's reports, modification of such reports and rejection of important recommendations of such Committees?

Syed Muhammad Saadulla : I would request the Honourable Mr. Das, ex-Premier of Orissa, not to disturb me during the course of my speech.

I propose to meet his ground towards the end of my statement. I will also make the same request to other Honourable Members of the House, for otherwise I will lose the trend of my thought. I am not a seasoned orator like my friends here, and I speak from no notes. So I would appreciate their silence. If they want to ask me any questions, I will gladly reply to them if I can at the end of my speech.

The yard stick to measure the contents of the Draft Constitution is really the Objectives Resolution that was accepted by this House universally when it was moved by our learned Prime Minister. That Objectives Resolution contained only eight Articles, the last of which need not find a place in a Constitution. Let anyone here say that we have not conformed to the principles that are enunciated by that Objectives Resolution. We cannot say that those eight Articles form our Constitution: they gave us the barest skeleton. The Drafting Committee was charged with the duty of filling in the canvas and producing a complete picture of what the Constitution should be. At the time of moving that Objectives Resolution our popular Prime Minister said that this is an expression of our dream, this is the target of our aspirations and that it is nothing but a "Declaration". A declaration in such bold terms cannot form a Constitution. Therefore the Assembly, at the instance of Government—for the Resolution was moved by the then Chief Whip of the Government party—decided that the actual framing of the Constitution should be left in the hands of the Committee. I personally had no hand in my inclusion in that Committee. As a matter of fact, very strenuous attempts were made to oust me from the personnel of the Drafting Committee. I see from the proceedings that our stalwart friend Mr. Kamath raised a technical objection that I was not a Member of the Constituent Assembly at the time when my name was proposed. Probably he took that ground without knowing the facts. I was a Member of the Constituent Assembly from the very first. But he was correct that after the referendum in the districts of Sylhet, part of Sylhet was transferred to Eastern Pakistan, and the number of Members to be sent from Assam to the Constituent Assembly had to be reduced and there was a fresh election. But if I remember a right at this distance, we were electing Members of the Constituent Assembly, in the Provincial Legislative Assembly in August 1947, and, if I remember a right, I was again elected a Member at the time when Mr. Kamath had raised that technical objection.

Shri H. V. Kamath : On a point of personal explanation, Sir. My point was that my Honourable friend Mr. Saadulla had not taken his seat in the Assembly; he had not taken the oath nor signed the Register, and therefore he was not a Member of the Assembly technically.

Syed Muhammad Saadulla : Sir, in spite of my request Mr. Kamath has chosen to interrupt me.

Shri M. Thirumala Rao : May I know how all this is relevant to the subject under discussion?

Mr. Vice-President : Let us proceed with the subject.

Syed Muhammad Saadulla : Sir, what I was driving at was that these people of the Drafting Committee were really elected by the unanimous vote of the Constituent Assembly, and it does not lie in the mouth of anyone now to say that they are not competent, that they did not belong to a certain party, and that barring one none of the Members had the hall-mark of jail delivery. How can I tell Honourable Members that we toiled and moiled that we did our best, that we ransacked all the known Constitutions, ancient and recent from three different continents, to produce a Draft which has been termed to be nothing but patch-work? But those who are men of art, those who love crafts, know perfectly well that even by patch-work, beautiful patterns, very lovable designs can be created. I may claim that in spite of the deficiencies

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in our Draft we have tried to bring a complete picture, to give this Honourable House a document as full as possible which may form the basis of discussion in this House. The Drafting Committee never claimed this to be the last word on the Constitution, that its provisions are infallible or that these Articles cannot be changed. The very fact that this Draft has been placed before this august House for final acceptance shows that we are not committed to one policy or the other. Where we had differed from the recommendations of Committees, or where we had the temerity to change a word here or a word there from the accepted principles of this august House, we have given sufficient indication in foot-notes, so that nothing can be put in surreptitiously there. The attention of the House has been drawn so that their ideas may be focussed on those items in which the Drafting Committee thought that they should deviate from the principles already accepted or from the recommendations of the Committees.

As regards the Committees, we were in a difficult position. Some Committees' recommendation of the *ad-hoc* Committee on the Centrally Administered Areas and a decision was taken, but reports of certain other Committees—notably the Financial Experts Committee or the Centrally Administered Areas Committee—were not placed before the House. They could not be discussed by the Honourable Members and no decision could be arrived at. We have taken liberty in the Drafting Committee to put our own view on some matters. If we have done it, we have done it with the best of intentions. As regards two other matters, I will elaborate a little later, but please for God's sake, do not go with the uncharitable idea that the Drafting Committee were not amenable to the vote of this House.

The main point of criticism, at least in regard to those two Committees, is firstly that the Drafting Committee did not give any consideration to the recommendation of the *ad-hoc* Committee on the Centrally Administered Areas. We had very able exponents from those areas—Delhi and Ajmer-Merwara. We listened with the greatest respect, but we have heard the criticism on the very floor of this House that India should not multiply very small localities and convert them into units of the Union. We had the recommendations of this *ad-hoc* Committee before us but we were perplexed what to do with them. Take Delhi, for example. It has got a population of 20 lakhs. If it is converted into a separate unit—and it cannot but be separated into a distinct unit, call it Lieutenant Governor's province or put it under the Centre—in that case, what are we to do with the other localities which are now centrally administered, Ajmer-Merwara, for instance? According to 1941 census figures, Ajmer-Merwara had only 6 lakhs population, but Mr. Mukut Bihari Bhargava was good enough to tell me now that the population has increased to 9 lakhs. Let us put the present population at 10 lakhs. In that case, if we give a separate Lieutenant Governor's province to Delhi, how can we refuse it to Ajmer-Merwara? Then what about Coorg? It is another centrally administered locality with a population of less than 2 lakhs. Then again there is the Andaman islands which also boasts of a Chief Commissioner. Therefore, we thought it best that this matter should be left to be decided by the bigger body—the Constituent Assembly. Were we wrong in adopting this course? We drew specific attention of this august Assembly to this in Part VII of the Draft Constitution. In the foot-note there you will find that we have said :

“The Committee is of opinion that it is not necessary to make any detailed provisions with regard to the Constitution of the States specified in part II of the First Schedule which are at present Chief Commissioner's provinces on the lines suggested by the *ad-hoc* Committee on Chief Commissioner's provinces in their recommendations. The revised provisions proposed in this part would enable the recommendations of the *ad-hoc* Committee, if adopted by the Constituent Assembly, to be given effect to by the President by order.”

If we wanted to neglect these areas, if we wanted to give a cold shoulder to their aspirations, we would not have said that it is up to the Constituent Assembly whether they should give them a constitution on the lines recommended by the *ad hoc* Committee.

I now come to the greater charge—of practically refusing to accept the recommendations of the Experts Finance Committee. I can quite appreciate—nay, sympathize—with all those members from East Punjab, West Bengal, Orissa and Assam who have criticised this part of our recommendations. But I would leave it to the decision of this august House to judge whether the provisions that we have made are not far better ultimately than the recommendations made by the Expert Finance Committee. I was surprised to hear one particular criticism from an Honourable Member from Madras that we were either careless in going through those recommendations or we were incompetent to appreciate the principles underlying them. To both of these accusations I register an emphatic “No”. On the other hand, we gave the closest attention to the recommendations of the Expert Committee. I will show from their report as well as by figures that if the recommendations of that Committee had been accepted, the provinces will stand to lose, especially the poorer provinces like Assam, Orissa and Bihar. Again, it is not correct to say that the Drafting Committee has not accepted the majority of the recommendations of the Expert Finance Committee. I have that Committee’s report in my hands and anybody who has it in his hands will find that on page 41, Appendix VI, the Committee recommended certain amendments in the Draft Constitution. I am glad to say that 95 per cent of those amendments have been accepted by the Drafting Committee and will be found in our provisions. What we did not accept is the figures that the Expert Finance Committee suggested that we should include in our recommendations.

Now, to turn to specific points, first I take the recommendation of the Expert Committee regarding the share in the jute export duty which is now available to the jute-growing provinces of India. This subject is very vital for the Republic of India. Jute, as is known, is the world monopoly of these four provinces only. I am glad to see from Press reports that attempts are being made to grow jute in Madras, but taking the position as it is, the undivided Bengal used to produce 85 per cent of the world’s jute, Bihar 7 per cent, Assam 6 per cent and Orissa 2 per cent but these proportions have been changed by the partition of Bengal into East and West Bengal.

East Bengal used to produce 75 per cent of the total jute produced in Bengal. Therefore the present West Bengal produces only 10 per cent or 12 per cent of world jute. This position has changed the percentages of Assam, Bihar and Orissa. Yet, what do we find in the recommendations of the financial Experts’ report? Their recommendation is that the share—which under the Government of India Act of 1935, is 62½ per cent of the proceeds of the jute export duty which was given to the four provinces—should be stopped. No money should be given on this account to the provinces. But they realised that the poor provinces will be hard hit and therefore recommended that for ten years, the contribution should be made by the Government of India *ex-gratia* and in the following proportion:—

West Bengal—one crore,
 Assam—fifteen lakhs,
 Bihar—seventeen lakhs and
 Orissa—three lakhs.

Now, I request this Honourable House to consider seriously whether this distribution is just or equitable for a province like Assam or a province like Orissa or Bihar. Bihar has got its production ratio increased from 7 per cent

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to very nearly 35 per cent of the jute grown in India now. Similarly the percentage for Assam has gone up to 30 percent and proportionately for Orissa. Yet, the Financial Expert Committee wants to perpetuate the injustice that was done during the bureaucratic days and divide the proceeds in the same fashion, giving West Bengal which produces only 10 or 12 per cent of the total jute production as much as one crore.

One argument advanced by the Committee is that jute may be grown in the other provinces, but the mills converting the jute into finished products are situated in Bengal. It is perfectly correct that the export duty is levied not only on raw jute but also on the finished product. But consider the effect. West Bengal cannot increase its acreage. There, all the available waste lands are being requisitioned for refugees from East Pakistan. If any province can increase jute production it is Assam and Orissa. But if we do not get any return, if the share in the jute export duty is stopped, what is the incentive for Assam to increase the jute acreage? Jute is vital for India in the sense that all the jute produced in West Bengal is sold either to the continent of Europe or America by means of which we get the much-needed sterling or dollar exchange. If tomorrow the provinces of Assam and Orissa cease to produce jute, the jute mills in Bengal would not have anything to do and they will have to close down. It is on this account that the Drafting Committee thought that we should not accept those recommendations of the Expert Committee and let the *status quo* run.

The next recommendation of the Expert Finance Committee is that, in order to make up the loss which these provinces will suffer by the stop in the share of jute export duty, the Government of India which now shares on a 50-50 basis the income-tax from the provinces should increase the divisible pool of the provinces to 60 per cent or an increase of 10 per cent. Sir, most Honourable Members here do not know how unjustly and iniquitously this provision of division of income-tax has fallen on the poor provinces of Bihar and Assam. Bihar produces the raw material; Bihar has the gigantic steel works and offices, but their head offices are all in Bombay and hence the income-tax is paid in Bombay. Bihar therefore does not get any credit for this income-tax. Bihar has been crying hoarse to get this changed, but has been unsuccessful so far. In Assam, the condition is worse. Before Partition, Assam had some 1,200 tea gardens. Even after the removal of a large part of Sylhet to East Pakistan, Assam has got a thousand tea gardens. That is the only organised industry of Assam. But out of those 1,000 tea estates, the head offices or the offices of the managing agents of as many as 800 are in Calcutta or London. Up till now, Assam has been making insistent prayers to the Central Government from the time this system was introduced to change the system. The division under this system is on the basis of collection and not of origin.

Now, do you think, Sir, that if we accept this provision of the Finance Committee, justice would be meted out to Bihar and to Assam? We wanted revision of the entire system and the Finance Committee was compelled to accept the force of our arguments. But they tried to compromise and their compromises are put down in Section 55 of their recommendation.

They say: "We recommend that the provincial share, that is 60 per cent of the net proceeds, be distributed among the provinces as follows: —

20 per cent on the basis of population,

35 per cent on the basis of collection, and

5 per cent in the manner indicated in paragraph 56."

Paragraph 56 says: "The third block of 5 per cent should be utilised by the apportioning authority as a balancing factor in order to modify any hardship

that may arise in the case of particular provinces as a result of the application of the other two criteria.”

Sir, of the present provinces, after the merger of the native States with Orissa, Assam is the least populated provinces in India. We had a population according to the 1941 census of 102 lakhs, but now the population has dwindled to 72 lakhs. The population of Orissa has increased. Therefore if twenty per cent of the divisible pool of income-tax is divided on population basis, we get very little. Rather, Assam would get a reduced sum.

Then they say that 35 per cent should be distributed on the basis of collection. This way both Assam and Bihar will suffer, because the place of collection in the case of Assam is Calcutta and for Bihar, Bombay and naturally the major portion of the 60 per cent will go away from the provinces concerned. Only a little 5 per cent is left to mitigate any hardships that may arise in the case of particular provinces. Ours has been a cry in the wilderness; our voices are never heard at the Centre. However hoarse we may cry and however much our Premier may try, we do not get a hearing. Therefore, the Drafting Committee thought that it is not in the interests of the poorer provinces to accept this recommendation of the Expert Committee.

Again, the Committee has stated that the excise duty on tobacco should be divided amongst the provinces on the basis of estimated consumption. That would not help either Assam or Orissa for want of numbers. Although the Expert Committee made a reference about this in their main recommendations, they omitted this from the list of amendments which they have put down in Appendix VI. Therefore when they themselves have not recommended this, no blame can be attached to the Drafting Committee if they have not adopted it.

Lastly, Sir, the Expert Committee recommended that there should be a Finance Commission appointed immediately to go into the finances of the provinces and the Centre. We have not accepted that it should be appointed immediately because we felt that the appointment of such a Commission at this juncture would be fair neither to the provinces nor to the Central Government. Moreover, they will have nothing to go by. The Expert Committee themselves have stated:

“In this country the lack of sufficient economic and financial statistics and other similar data is a great handicap. Therefore, the allocation of resources has to be made largely on the basis of a broad judgment, at any rate until the necessary data become available. We attach great importance to the collection of these statistics and to connected research, and trust that the Government will make the necessary arrangements without delay.....”

An Honourable Member : For how long does the Honourable Member propose to continue? Is there no time limit for him?

Syed Muhammad Saadulla : I am finishing in a few minutes, if my friends will allow me.

Mr. Vice-President : I think he is entitled to as much time as he wants in order to answer the various criticisms that have been levelled against the Drafting Committee. Surely you should give him time to do it.

Syed Muhammad Saadulla : We find that even on the recommendation of the Expert Committee, there are no data available at the present moment. From the figures which they have published at page 27 of the brochure, we find that the Central Government's budget has been a deficit one continuously since 1937-38. According to the revised estimate for 1946-47, their deficit is a small one of about 45 lakhs, but I am sure, Sir, that when the final figures are published, the deficit will increase. That is the reason why, I presume, the Central Government without consulting the provinces concerned, by a stroke of the pen, have reduced the share of the Jute Export Duty to these four provinces from 62½ per cent. to 20 per cent. They would not have taken this extraordinary step if they were not hard-pressed for finance.

The Honourable Shri K. Santhanam (Madras: General): On a point of order, Sir, the Drafting Committee, I suggest, have nothing to do with the Government of India's financial administration. I think the Honourable Member should confine his remarks to the Constitution itself.

Syed Muhammad Saadulla : But, Sir, the Drafting Committee has been charged with neglect in this matter.

For the past ten years the Government of India themselves are having deficit budgets, and now they are incurring very huge expenditure on the rehabilitation of refugees, the war in Kashmir and the police action in Hyderabad. On account of these, they are not in a position to give sufficient help to the provinces, whereas the provinces are crying hoarse over the financial neglect from the Centre. Sir, I will just address one point about the particular position of Assam, as Assam's position is not appreciated by most Members of the House. It is not merely a frontier province of the Republic of India but it is a bulwark against aggression from the East. (Interruption).

Sir, if you do not allow me to speak I am subjecting myself to your Ruling. But I wish to say a few words as a Member coming from Assam.

Mr. Vice-President : You are speaking as a Member of the Drafting Committee.

The Honourable Shri B. G. Kher (Bombay: General) : May I suggest that he may continue this subject tomorrow, so that we may have more time?

Syed Muhammad Saadulla : I bow to your ruling, Sir, I thought that I have my three functions before this House, as a member of the Drafting Committee, also as a member from the neglected and benighted province of Assam and also as coming from the Muslims. I wanted to speak just two things about Assam and the Muslims, but I will reserve it for a future occasion.

Mr. Vice-President : I understand that Mr. Kamath had some kind of amendment. Is the Honourable Member pressing it?

Shri H. V. Kamath : I am not pressing it, as it is purely of a verbal nature.

Mr. Vice-President: The question is:

"That the Constituent Assembly do proceed to take into consideration the Draft Constitution of India settled by the Drafting Committee appointed in pursuance of the resolution of the Assembly dated the 29th day of August, 1947."

The motion was adopted.

Mr. Vice-President : I have to say something about our future programme of work. Naturally we shall get two days, tomorrow and the day after, for submitting amendments. I understand that a Member had written a letter to our President, asking for ten days' time. It is impossible to grant this extension of time without seriously jeopardizing the existing programme which we have set ourselves to fulfil. So the last date will be Thursday and the time 5 P.M. on the 11th.

I further understand that already three thousand amendments have been received and I am quite certain that within the next two days further amendments will come in. I take my courage in my hands and make a suggestion for the consideration of the House. It is this: that instead of trying to go through the amendments one by one on the floor of the House, it would be much better for those who have suggested these amendments to meet the Drafting Committee as a whole or certain members of the Drafting Committee and to discuss matters. In this way it is possible to expedite the work. It is for you to reject it at once without listening to my suggestion or to come to some sort of understanding. It may be that the Drafting Committee may

be persuaded to accept certain amendments; it is quite possible on the other hand that certain amendments will not need any further consideration. If this meets with your approval, then I suggest that the arrangement may come into effect from, say, Friday and the time fixed by 10-30 A.M.

Shri T. T. Krishnamachari (Madras : General): May I ask, Sir, if the Drafting Committee is in existence?

Mr. Vice-President : It may not be in existence, but the people in it are very much alive and they are prepared to take this trouble in order to reduce the work of the House.

Prof. N. G. Ranga : I dare say you are aware of the system that we have followed in the past. Anyhow so far as those people who belong to the Indian National Congress are concerned and those who are associated with it, we used to meet every day for three or four hours in order to lessen this work as you have suggested and make it easier for you to get through the allotted work. In addition to this, if we are to accept your suggestion it would mean that we would have to be sitting here with the Drafting Committee and beg them to accept this amendment or that. In addition we would have to meet again for three or four hours every day. Therefore, I wish to submit to you with all respect that this suggestion will not be very practicable and may not be quite acceptable to several of us. Therefore, we would like you to relieve us from this suggestion.

Shri R. K. Sidhwa (C.P. and Berar : General): I endorse the suggestion made by Prof. Ranga. The suggestion made is certainly not practicable and it is better to leave the Members to help expediting these amendments. I therefore suggest that the usual practice may prevail and the Members should be given the right to move their amendments in this House if they do not come to an agreement with the Drafting Committee.

Mr. Vice-President : If you do not agree, then you need not accept the suggestion. Further, the Drafting Committee is not defunct.

There is something more. Friday will be a closed holiday on account of Mohurram and the Honourable the President has given us Saturday to consider for the study of amendments, so that we shall meet on Monday the 15th at 10 A.M.

Shri H. V. Kamath : On a point of procedure, may I know whether the preamble will be taken first or last?

Mr. Vice-President : I am not in a position to give any decision on the matter.

The Assembly then adjourned till Ten of the Clock on Monday, the 15th November, 1948.
