

Monday, 22nd 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

Monday, the 22nd November, 1948

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

DRAFT CONSTITUTION—*contd.*

Article 30-A (contd.)

Mr. Vice-President (Dr. H. C. Mookherjee): Before we commence the proceedings of today, I beg to apologise to the House for my delay which I may add is not due to any fault of my own.

We shall now resume discussion on new Article 30-A. Does any Member want to speak on amendment No. 872?

Shri Mahavir Tyagi (United Provinces : General): Sir, the other day I had spoken at length on this amendment, and I had put in a request with the Mover of this amendment to kindly agree to postpone the discussion on this question just now and have it when my amendment No. 999 comes. I hope, if the honourable Mover agrees, then it will be better that you be pleased to postpone discussion just now, and take it up when the proper occasion comes.

Mr. Aziz Ahmad Khan (United Provinces : Muslim): Sir, this amendment was proposed by Mr. Karimuddin who is not present here today but at the same time the amendment was sent by me and him both, and he has specifically authorized me to submit that in case there is an agreement or an undertaking given by the Honourable the Law Member that he is prepared to incorporate the principle of it anywhere in the Constitution, then the amendment may be withdrawn; and I agree to it. Therefore, I am quite prepared to submit to your decision that consideration of the amendment may be delayed till we come to article 38.

The Honourable Dr. B. R. Ambedkar (Bombay : General): Sir, I have not followed exactly what it is, but if it is a matter which relates to prohibition...

Mr. Vice-President : Yes.

The Honourable Dr. B. R. Ambedkar : Then, it has been agreed between myself and Mr. Tyagi that he will move an amendment to Article 38, and I propose to accept his amendment. So, this matter may be postponed until we come to the consideration of Article 38.

Mr. Vice-President : Then we shall pass on to the next amendment No. 873.

Shri Basanta Kumar Das (West Bengal : General): Sir, I am not moving it.

Mr. Vice-President : The next amendment is No. 874.

Shri Raj Bahadur (United State of Matsya): Mr. Vice-President, Sir, I tabled this amendment because it appeared to me that the Draft Constitution contained no provisions to secure the most elementary justice or the barest chance of survival as decent and self-respecting citizens of the Indian Union, to the people of those territories in our country which are at present under the control and possession of feudal lords, the jagirdars. I want to invite the attention of this Assembly to the unfortunate circumstances—circumstances

[Shri Raj Bahadur]

which provoke sympathy and pity at one and the same time—under which these people are living. But before I do that I should read my amendment. The amendment runs as follows:

“That after article 30, the following new article 30-A be added:

‘30-A. The State shall not recognise feudalism in any shape or form and no person shall be entitled within the territory of India to any special rights or interests on the basis of property falling in the category of Jagirs or Muafis.’”

Sometimes the position of these jagirdars and these feudal estates is confused with that of the zamindars and zamindari. I submit that the two are essentially different in nature, conception and origin. In fact there is no resemblance or similarity between the two. The jagirdars find their origin in past history. They descend from certain ruling families in the States. In other words they are the scions of these families. They enjoy the right to hold properties in their jagirs and estates without paying anything absolutely, or if at all very little, to the State or Government to which they owe their origin. They enjoy independent judicial powers. They have got the right to levy even customs duty in some cases. In some other cases they have got the right to have a separate Police force. They also levy sales tax. Their succession always operates on the principle of primogeniture. As such, *vis-a-vis* the State to which they belong or *vis-a-vis* the Central Government, their position is one of quasi-sovereignty. I should therefore submit that there is nothing common between the zamindars and feudalists. *Vis-a-vis* their people, their rights and authority are almost unlimited. They have the right to levy extortionate rates of rents from the kisans (tenants) under them. It is common knowledge that they enforce begar, that is, forced labour, not only for ordinary purposes of agriculture but even for menial and humiliating jobs. Another thing that constitutes an insult to humanity itself is the imposition of a duty known as “Lagbag” on marriage or other occasions as also the way in which they impose certain humiliating social restrictions as for example in some cases these feudal lords do not allow their ryots and kisans to ride horses in their presence. If there is a marriage party, the bridegroom cannot ride a horse. The womenfolk of their ryots are not allowed to wear even silver trinkets or ornaments. In some cases, this goes to the extent of refusal of the right to hold an umbrella even. I therefore invite the attention of the House that if in a free India such conditions exist and are tolerated then this would mean clearly a denial of democracy and liberty. It is why when we address these people and tell them that “Swaraj has come”, they look blankly at our faces. They refuse to believe that Swaraj has really come and we find ourselves in a very awkward position. It is true that now with the democratisation of the States, we have got popular Ministers functioning in the States, but in some of the States where these jagirs or feudal estates exist there are some sort of mixed Governments and Ministries, and our popular Ministers are unable to bring any succour or relief to this hard-pressed and oppressed section of the people.

If we consider the problem from another point of view, we can also see that in our Constitution, there are three classes of States or “units”—firstly, Governor’s provinces, secondly, Chief Commissioners’ provinces, thirdly, the acceding States. But it is obvious that these feudal estates enjoying a sort of quasi-sovereignty over their people, constitute a class by themselves. It should have been therefore meet and proper that there should have been something in the Constitution to provide for the securing of social justice, of liberty and democratic freedom to the people in these feudal estates. Unfortunately it is not there. The simple question that arises from the amendment I have tabled is whether this Constitution of ours should or should not contain something in order to ensure even an elementary freedom for these people. As far as the Draft

Constitution is concerned, we have been assured that the position of the States, in course of time or may be even before we finish the consideration of the Draft Constitution, shall be brought on a par and equality with the rest of the units of the Indian union. But at the present time there is definitely a difference in the Draft Constitution between the treatment proposed or the present States Unions or States on the one hand and the provinces on the other. This goes to the extent that the people of the States cannot come in the defence of their fundamental rights even, before the Supreme Court. If you want to appeal regarding certain matters there is a special procedure provided for it and that procedure would make it very difficult for us to get even our rights vindicated from the Supreme Court. When I commend this question to the House, I presume that the House will earnestly consider it. I am not very serious to move my amendment. What I am very serious about is that when I go back to my constituency I may face the people with an easy conscience. I want to know in case they ask me, "What have you done for us who are so much hard-pressed under the thumb of these feudal lords?" what answer I shall give to them. I want this answer from this Assembly. It is not my purpose to delay the proper consideration of the Draft Constitution by any frivolous or superfluous amendments, but I submit that the House should come to the relief and succour of these hard-pressed people and our Constitution should contain adequate provisions to secure this.

Mr. Vice-President : I have not been able to make out whether this amendment has been formally moved.

Shri Raj Bahadur : I have not formally moved it. I have simply had my say on it, to invoke the attention of the House on this question.

Shri H. V. Kamath (C. P. & Berar : General): Mr. Vice-President, Sir, it is very unfortunate that several amendments dealing with this subject have been scattered pell-mell in this list of amendments. It would have been much better if these amendments relating to village panchayats had been taken up all together and had been placed in the list also in the same order. Unfortunately, however, that has not been so, and I am constrained to move the amendment as it appears on the Order Paper, because by not moving it, I do not want the impression to be created that I have resiled from the stand which I took in the course of the debate on Dr. Ambedkar's motion for consideration of the Draft Constitution. I am very happy to see that my feeble voice was reinforced by the powerful support of my veteran and elder colleagues in this House and I am glad that several amendments on this subject have appeared. If you are so disposed, Sir, I would formally move it now and request you to hold it over for consideration till the other amendments come up for discussion or an agreed amendment comes up. Whatever the case may be and whichever amendment on this subject is accepted by the House, the other amendments will be withdrawn in favour of that, and mine also will be withdrawn later on; but as matters stand, I have no other go but to move it before the House. I do not want to traverse the ground which I covered in the course of my speech on Dr. Ambedkar's motion. I would only express the hope that where the type of capitalist, parliamentary democracy typified by Europe and America and the centralised socialism typified by the Soviet Union have failed to bring peace, happiness and prosperity to mankind, we in India might be able to set up a new political and economic pattern, and that we would be able to realise the vision of Mahatma Gandhi's Panchayat Raj and, through this system of decentralised socialism, we will lead mankind and the world to the goal of peace and happiness.

I, therefore, with your leave formally move this amendment and make a personal request to you to hold this over till such time as the other amendment to this Article are ready for discussion. I shall read my amendment.

[Shri H. V. Kamath]

“That after article 30, the following new article be inserted:

‘30-A. The State shall endeavour to promote the healthy development of Gram Panchayats with a view to ultimately constituting them as basic units of administration.’ ”

Mr. Vice-President : Does Dr. Ambedkar wish to say anything on this amendment?

The Honourable Dr. B. R. Ambedkar : I move that this matter do stand over.

Mr. Vice-President : I find that there is an amendment, to add a new article 31-A, numbered 927 in the list, standing in the name of Shri K. Santhanam. This, as well as that amendment may be considered together. Is it the wish of the House that this may be done?

Honourable Members : Yes.

Article 31.

Mr. Vice-President : We shall then pass on to article 31.

An Honourable Member : Article 30 has not yet been put to the House.

Mr. Vice-President : It has been put and adopted.

Mr. Vice-President : The House will now take up article 31, for discussion.

Mr. Naziruddin Ahmad (West Bengal : Muslim): Sir, I beg to move:

“That in clause (i) of article 31, the words ‘men and women equally’ be omitted.”

The clause in question is to this effect, that “the citizens, men and women equally, have an adequate means of livelihood.” I submit, Sir, that the words ‘men and women equally’ are unnecessary and redundant. In fact with the acceptance of this amendment, the clause would run thus: “that the citizens have the right to an adequate means of livelihood.” I submit, Sir, that the word ‘citizen’ has been defined in article 5, clause (a). That definition is in general terms and I presume includes the feminine. The masculine, as it is well known, embraces the feminine. In the circumstances, as we have defined,.....

Pandit Lakshmi Kanta Maitra (West Bengal : General): Did the Honourable Member say, “masculine” means “feminine”?

Mr. Naziruddin Ahmad: ‘Masculine’ includes ‘feminine’ in interpretation. ‘Every person’ mentioned in article 5(a) means certainly feminine as well as masculine. Therefore, as the word ‘citizen’ has been precisely defined and that defined expression ‘citizen’ has been used in this article, I think the addition of the words “men and women equally” is unnecessary. If we are to make it clear that any law shall apply to men and women equally and if we are forced to declare it everywhere, then this expression has got to be used unnecessarily in many places. Although I agree with the principle that all citizens shall have certain rights without distinction of caste or creed, sex or colour, these words need not be there.

The Honourable Dr. B. R. Ambedkar: I oppose the amendment, Sir.

Shri Mahavir Tyagi: Sir, I have a suggestion to make. There are a number of amendments suggesting improvement in language or change in words. They do not propose any change of the spirit or the meaning of the article concerned. That being so, may I suggest that they may be collected together and sent to a committee which you may appoint to consider and dispose them of? If this is done much of the time of the House can be saved for the consideration of vital and important amendments.

Mr. Vice-President : I am quite willing to fall in with the suggestion, if that is the wish of the House. Probably we shall consider this suggestion later, after two or three days.

Shri Lokanath Misra (Orissa : General): Does it mean an adjournment of the consideration of these motions?

Mr. Vice-President : No. Why should we adjourn it? We can take a vote on it at once and come to a decision.

Prof. K. T. Shah (Bihar : General): Mr. Vice-President, Sir, I beg to move:—

“That in clause (i) of article 31, for the words ‘that the citizens, men and women equally, have the right to an adequate’ the words ‘every citizen has the right to an adequate’ be substituted.”

Sir, in commending this motion to the House, I would like to be understood in the first place that this is not merely an attempt to improve upon language. I do not profess to be an authority on the English language, and much less on the mysteries of technical draftsmanship as is implied in this language. Mine is only a common sense view of this matter. The term “the citizens”, as it is used in this clause, is so collective that I am afraid its distributive sense is apt to be lost sight of. I am, therefore, proposing to substitute for the words “the citizens” the words “every citizen” so that each and every member of the society shall have this right to an adequate standard of living. The distributive sense is brought out much better by my amendment, this very language is used in another article in this Chapter itself later on when they are speaking of the right to primary education. I am therefore suggesting no innovation which is not authorised by the draftsman’s own terminology.

It is, of course, beyond me to say why in one article, in one and the same Chapter, they use the collective expression “the citizens”, while in another article in the same Chapter they use the words “every citizen” and in a third again some different form. This, Sir, is the reason why, not understanding the distinction that may have been in the mind of the draftsman for using a variety of expressions to convey perhaps the same meaning, at least to a common sense man, I am proposing this amendment. If the intention is that the words “the citizens” are used in the collective sense, then I submit that would be an offence more of substance than I am at present inclined to believe while reading this article. For taking the term collectively it can at best express a vague hope for the happiness of the average citizen. Now, the law of averages is a very misleading law, and will give you a sort of satisfaction for which in truth there can be no basis. I have no desire to convert this debate into any kind of light hearted exhibition of one’s capacity to entertain the House; but I cannot help bringing here to the notice of the House the mischief that the vagaries of the mere mechanical statistician can reduce the law of averages, and give a result which is totally opposed to fact. In illustration, may I say that I have heard the story of a women’s hostel having to be reported upon, when the trustees of the hostel came to know that there were ten girls, and one of them had apparently misconducted herself. There was some trouble and a statistical authority was called in to investigate and report on this hostel. He examined the inmates and made the famous report saying that everyone of the inmates of the hostel was ninety per cent virgin and ten per cent pregnant. In this statement he was simply applying the law of the average.

I do not know whether it is fully appreciated that this kind of perpetration is within the power of the expert to achieve; and as I do not wish the Constitution to lead to this kind of expert technical perfection, I wish to substitute the words “every citizen” for the words “the citizens”, which will leave no room for doubt in the matter.

[Prof. K. T. Shah]

Another reason why I am moving this amendment for dropping the words “men and women equally” is that it smacks too much in my opinion, of patronising by men over women. There is no reason for man to believe that he is even an equal to woman, let alone superior. According to that view which I have always entertained that man is a somewhat lower animal as compared to woman, I feel that this exhibition of patronage by man over woman, as if we were conferring any special right, ought to be expunged from the Constitution.

Citizens are citizens irrespective of sex, age or creed; and that being one of the fundamental propositions accepted by the Constitution, I see no reason why we should say “men and women, equally” as if we were pleased to grant equal rights to men and women, rights moreover which are only directives, and therefore not necessarily to be implemented immediately. For these reasons, I suggest that this amendment ought to be taken, not merely as a verbal amendment, but one of substance, and I trust that those responsible for moving this Constitution before the House will accept it.

Mr. Vice-President : I understand that even though amendment No. 884 is to be negated, I must give an opportunity to Mr. Naziruddin Ahmad to speak on it.

Mr. Naziruddin Ahmad : Not moving it, Sir.

Mr. Vice-President : Then 885, Professor K. T. Shah.

Prof. K. T. Shah : Mr. Vice-President, Sir, I beg to move:

“That for clause (ii) of article 31, the following be substituted:

‘(ii) that the ownership, control and management of the natural resources of the country in the shape of mines and mineral wealth, forests, rivers and flowing waters as well as in the shape of the seas along the coast of the country shall be vested in and belong to the country collectively and shall be exploited and developed on behalf of the community by the State as represented by the Central or Provincial Governments or local governing authority or statutory corporation as may be provided for in each case by Act of Parliament’;”

Sir, the original clause for which I propose this one in substitution stands as follows:—

“(ii) that the ownership and control of the material resources of the community are so distributed as best to sub serve the common good;”

If I may venture to say so, Sir, the clause, as it stands can lend itself to any interpretation; and, with the background on which we have been working, with the traditions under which the administrative machinery is operating, and the allegiance which vested interests command in this House, I am afraid that, if this clause is allowed to stand as it is, instead of serving any purpose, it will make the proper development of the country or the just redistribution of its wealth, or bringing in a fair measure of social justice, only an empty dream.

I suggest, therefore, that it should be substituted by what I have just read out, where by the ownership, control and management of the natural resources shall be vested in the community collectively, and shall be exploited, developed and worked by the community as represented by the Central or Provincial or Local Governments, or by any statutory corporations that may have been created for the purpose.

I think there can be no dispute on this proposition that, as regards the natural resources that I have tried to describe, no human being has lent any value to those resources by his or her own labour.

They are gifts of nature. They are the initial endowment which each country has in greater or less measure; and, in mere equity, they should belong to all people collectively. And if they are to be developed, they should be developed also by, for, and on behalf of the community collectively.

The creation or even the presence of vested interests, of private monopolists, of those who seek only a profit for themselves, however useful, important, or necessary the production of such natural resources may be for the welfare of the community, is an offence in my opinion against the community, against the long-range interests of the country as a whole, against the unborn generations, that those of us who are steeped to the hilt, as it were, in ideals of private property and the profit motive, do not seem to realise to the fullest.

In the resources that are mentioned in my amendment not only is there no creation of any value or utility by anybody's proprietary right being there, but what is more, the real value comes always by the common effort of society, by the social circumstances that go to make any particular interests or resources of this kind valuable.

Take mines and mineral wealth. Mines and mineral wealth, as everybody knows, are an exhaustible, — a wasting asset. Unfortunately, these, instead of having been guarded and properly protected and kept for the community to be utilised in a very economical and thrifty manner, have been made over to individual profit-seeking concession-holders and private monopolists, so that we have no control over their exploitation, really speaking, for they are used in a manner almost criminal, so that they can obtain the utmost profit on them for themselves, regardless of what would happen if and when the mines should come to an end or the stored up wealth of ages past is exhausted.

I suggest, therefore, that we allow no long range interests of private profit-seekers involved in the utilisation of these mines and the mineral wealth, that on the proper utilisation of these mines and mineral wealth depends not only our industrial position, depend not only all our ambitions, hopes and dreams of industrialising this country, but what is much more, depends also the defence and security of the nation. It would, therefore, I repeat, be a crime against the community and its unborn generations if you do not realise, even at this hour, that the mineral wealth of the country cannot be left untouched in private hands, to be used, manipulated, exploited, exhausted as they like for their own profit.

It is high time, therefore, that in this Constitution we lay down very categorically that the ultimate ownership, the direct management, conduct and development of these resources can only be in the hands of the State or the agents of the State, the representatives of the State, or the creatures of the State, like Provinces, municipalities, or statutory corporations.

Another argument may also be advanced here in support of my view. By their very nature, these resources cannot be exploited economically or efficiently unless they become monopolies. In one form or another, they have to be developed in a monopolistic manner. Now monopolies are always distrusted so long as they remain in private hands and are operated for private profit. If they are to be monopolized, as I believe inevitably they will have to be, then it is just as well that they should be owned, managed and worked by the State.

It is not enough to provide only for a sort of vague State control over them as the original clause does; it is not enough merely to say that they could be so utilised as to "sub serve the common good," every word of which is vague, undefined and undefinable, and capable of being twisted to such a sense in any court of law, before any tribunal by clever, competent lawyers, as to be wholly divorced from the intention of the draftsman, assuming that the draftsman had some such intention as I am trying to present before the House. We must have more positive guarantee of their proper, social and wholly beneficial utilisation; and that can only be achieved if their ownership, control and management are vested in public hands.

[Prof. K. T. Shah]

Considerations, therefore, of immediate wealth, of the necessity of industrialisation, of national defence, and of social justice have moved me to invite this House to consider my amendment favourably, namely, that without a proper full-fledged ownership, absolute control and direct management by the State or its representatives of these resources, we will not be able to realise all our dreams in a fair, efficient, economical manner which I wish to attain by this means.

Most of these forms of wealth, I need hardly tell this House, are yet undeveloped, or developed in a very, very superficial manner. It is to be hoped that in years to come, we shall undertake and carry out a much more direct, a much more effective and efficient Plan for the all round development of the country, in every part and in every item of our available resources. If that is so, if we are going to achieve, if we are going to take that as our first concern, for the new life that is pulsating throughout the country, then I put it to you, Sir, that without some such provision, it would not be possible to attain the objective as quickly and as economically as we would desire.

I would only add one word. Deliberately, I have not included in the list of initial resources of the country, the biggest of them, namely land. I have not mentioned it, not because I do not believe that land should be owned, operated and held collectively, but because I recognize that the various measures that have been in recent years adopted to exclude landed proprietors—zamindars to oust them and take over the land, would automatically involve the proposition that the agricultural or culturable land of this country belongs to the country collectively, and must be used and developed for its benefit.

For these reasons, therefore, Sir, while particularising the natural resources which we should have in common ownership and develop collectively, I have deliberately left out perhaps the most important of them all. But that I trust will not prejudice the fate of this proposition by itself. I commend it to the House.

(Amendments Nos. 886 to 891 were not moved.)

Prof. K. T. Shah : Mr. Vice-President, Sir, I beg to move:

“That for clause (iii) of article 31, the following be substituted:

‘(iii) that there shall be no private monopolies in any form of production of material wealth, social service, or public utilities nor shall there be any concentration of means of production and distribution in private hands and the State shall adopt every means to prevent such concentration or accumulation.’”

Sir, the original Article as it is drafted reads as follows:

“(iii) that there shall be no private monopolies in any form of production of material wealth and means of production to the common detriment.”

Once again, I have to use the same argument namely that while I have taken the phraseology that is given in my amendment almost entirely from the Draft itself, I have tried to make it much more clear and unambiguous than the Draft makes it. I feel, Sir, that if the Draft remains as it is, it is liable to be interpreted in a way not at all intended perhaps by the draftsmen, or, at any rate, not understood in that sense by the reader.

I think, Sir, that monopolies by themselves are very offensive to the common good. In every country whose history is recorded, wherever they have manifested themselves, there have been cries of protest against their presence. Some of the most important decisions which have contributed materially to the growth of the English Constitution have been in regard to monopolies granted by the Crown. No fight was so strong in the ages gone by in England or France or other countries which have experienced this in a more intense form than the fight against the monopolies.

Monopolies, however, need not be created or established by direct grant or patent, or in a legal, open form that would admit itself to be caught or controlled, so to say, by the straightforward operation of any provision like this included in the Constitution or legal system in general.

Monopolies develop much more artificially; monopolies develop much more by force of the very circumstances that competition is supposed to provide. In a competitive society, we are told, the only guarantee of the common good being served is that, by the mere process of competition amongst themselves, the competing producers will have so to reduce prices, they would have so to bring down their costs or selling price, that the largest amount of profit can be gained if the monopolised commodity is consumed by the widest number of consumers. In actual fact, however, Sir, in every country that has got industrialised, and commercialised on a wide scale, you find that the competitors soon come to realise that competition is good for nobody. Hence by arrangement amongst themselves, by all sorts of devices, like Trusts, Syndicates, and Cartels, they try to make a virtual monopoly, which may seem inoffensive on the face of it, which may even appear to be aimed at cutting out costs and reducing overheads, and thereby making the product more easily and more cheaply accessible; but which, in fact, really result in adding enormously to the increasing profit of the private proprietor.

I take it, Sir, that members of this enlightened House will be all too familiar with the history of Trusts in England or America, and of the Syndicates and Cartels in Germany or France, for me to outline it. They would easily realise how insidiously, how slowly, but how irresistibly the movement for Trustification, Syndication, Cartelisation, combination or monopoly in all important industries began to develop, what devices they adopt for holding these monopolies tightly and closely among a selected few of their own blood circle, and what part the Interlocking Directorate plays in the general direction of policy; how when competition is intense, they try to ruin every new appearance in the field, so that the field remains for ever their exclusive possession, their exclusive property.

We in this country have too bitter, too recent, too varied and too numerous experiences of the operation of foreign monopolists, who, until the other day, held power in our country, whereby any indigenous enterprise that was against the vested interests of the alien Monopolists, had to put up the most intense struggle against the monopolist outsiders. Only the other day we had the spectacle, in which the history of the growth of a great national shipping concern was outlined. Those who know the vicissitudes through which that concern has gone, would realise the long years of fight, the discouraging developments that they had to put up with, because the Government of the country in those days was a foreign Government. Because the new competing interest was an Indian interest, it did not suit the Government to allow the foreign monopolists in any way to suffer, and the native new enterprise to succeed. The latter, therefore had to suffer all kinds of handicaps and disadvantages, into the details of which this is not the place nor the time to go. The fact, however, that in spite of that, by the support of the people, by the intrinsic strength of the service they wanted to render, the enterprise has survived to this day, does not undo the principal argument that I am trying to place before the House, that private Monopolies, by their very nature, are not in the interests of the public, unless they are of the community as a whole.

A private less correct monopolists will always be a predatory creature, who will hunt and prey upon those who become consumers of his product or service. Whether it is in an ordinary industry like the manufacturing industry

[Prof. K. T. Shah]

turning out a given product, or in any industry which is making consumer goods, or in a social service, like Education or Health, there is danger of monopolists creating strong private interest which it will never be in the interests of the country to tolerate. I should therefore forbid the very possibility of any monopoly emerging, let us say, in the matter of education or educational apparatus, let us say, in regard to health or the production of drugs, or making medicines, or the supply of surgical and other instruments and apparatuses. I would beg to submit to this House that there is every danger of our country being dominated by private monopolists unless, from the very start, in this very Constitution we make it perfectly clear that in this New India, there shall be no room for private monopolists, who would be predatory, who would be preying upon their kind as cannibals in a form that no savage or alleged savage of the Pacific Seas would do.

The civilised cannibal of our time, the blood-sucker, is the exploiter who is highly honoured, who is often titled, who is very fully represented in this House also, and is therefore able to dictate to you, and inspire you in innumerable ways, as to how you shall provide for his safety in the Constitution itself, so that he could get a new lease of life and go on in a variety of ways, multiplying, diversifying, increasing and intensifying his monopoly to the prejudice of the common people, to the prejudice of the country's defence, to the prejudice of all those who have been looking forward to this age as an age in which real power is supposed to be vested in the representatives of the people in this House, to be able at least to obtain the immediate necessities of life without paying the toll of the profiteer, and as such to be able to lead a life a little above the level of the beasts.

The Honourable Shri K. Santhanam: (Madras: General): Does the expression 'Private Monopolies' include monopolies by public companies?

Prof. K. T. Shah : I have already said in an earlier amendment that I would not only have monopolies but only monopolies when they are public, either Government owned, State-owned or owned by state Corporations. If by public companies you mean statutory companies, the answer is in the affirmative. But if you mean by public companies only those that are registered and falling under the Companies Act as public companies, then the answer is in the negative.

The Honourable Shri K. Santhanam : The expression 'private monopolies' will exclude public limited companies.

Prof. K. T. Shah : I would invite my Honourable friend to help me in making it much more explicit. If he will not, then he will forgive me for not paying more attention to these very casuistic words. The monopolies I have in mind are represented much more by Trusts, by inter-locking Directorates, by a variety of ways by which banks, insurance companies, transport concerns, electricity concerns, power corporations, utility corporations of all kinds etc. yet all combined horizontally, vertically, angularly, sideways, backways and frontways, so that if you take up the totality of them all, you will find that this country is in the grip of between 300 to 500 people or families so far as economic life of this country is concerned. They may have their nephews and their nieces functioning in various capacities. One may work in a factory, another may shine in sports, a third may flirt with Art, and a fourth may endow Science and Learning. One may be a Manager, and another may be a philanthropist, and yet another may be a religious teacher, but that does not change the complexion. There are a few hundred families in this country which hold us all in economic slavery of a kind that the

slavery in the Southern States of America has no comparison. If you do not open your eyes even now, then you are inviting with open eyes the kind of revolution in a form which none of us might desire but none of us would be able to resist. Sir, I commend this proposal to this House.

Mr. Naziruddin Ahmad : Sir, I beg to move:—

“That in clause (iii) of article 31, for the word ‘concentration’ the words ‘undue concentration’ be substituted.”

Sir, the passage in the Draft Constitution runs thus:—

“That the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment etc.”

My amendment would be to the effect that the clause should prevent “undue” concentration of wealth and means of production to the common detriment. I submit that the economic system which we have here today and which it seems is in view, would necessarily mean that the wealth and means of production would be uneconomic; unless we want to introduce a Communistic State, these inequities would be inevitable. Even in the Communistic State of today there are inequities. I submit, Sir, that it is impossible to equalise wealth and means of production in the hands of all. I submit, the earning of a good business man, that of a lawyer of eminence, that of a Minister of eminence and that of a common man in the street or a Chaprasi, cannot be equal. So I submit that all that we should attempt to prevent is “undue” concentration of wealth and means of production. There would be inevitable concentration of some wealth and the means of production. I submit Sir, that this word would remove the misconception.

(Amendments Nos. 896 to 903 were not moved.)

Mr. Naziruddin Ahmad: Sir, Amendment No. 904 consists of three parts, of which I wish to move only parts two and three.

Sir, I beg to move that in clause (v) of article 31, for the word “abused” the word “exploited”, and for the words “economic necessity” the word “want” be substituted.

Mr. Vice-President: Is it necessary to make a speech?

Mr. Naziruddin Ahmad : No, Sir.

Mr. Vice-President : Amendment No. 905, Mr. Kamath.

Shri H. V. Kamath : Mr. Vice-President, Sir, I find that so far as this amendment of mine is concerned, I am in very good company. I find that the Drafting Committee has sponsored an amendment—No. 907—to the same effect.

The clause as it stands, reads as follows:

“That State shall.....direct its policy towards securing.....that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength.”

My amendment seeks to add the word “sex” also, so that it will then read thus:

“.....are not forced by economic necessity to enter avocations unsuited to their age, sex or strength.”

I feel, Sir, that so long as the economic system is what it is today, it is conceivable that women might be forced by sheer necessity to take to occupations which may not be suitable to the conditions imposed on them by nature. I personally feel that this would be a wise amendment, a wise move, to see that necessity does not force women to enter certain occupations.

[Shri H. V. Kamath]

Since sending in this amendment, however, I have ascertained from my Honourable women friends in this House that they are not very keen on this provision being made, in this clause. So in spite of my inclination to the contrary, in spite of my disposition to retain this amendment, I have decided, out of deference to their wishes, not to press this amendment, and not to move it. Of course, it will await the fate of amendment No. 907 which has been officially sponsored.

Shri C. Subramaniam (Madras: General): Sir, can a speech be made if the Member is not moving his amendment?

Mr. Vice-President : I did not notice till the very end that Mr. Kamath was not going to move his amendment. We are all in the hands of Mr. Kamath in this matter. I am not a prophet.

Then we come to amendment No. 906, Shri Sahu.

Shri Lakshminarayan Sahu (Orissa: General) : *[Mr. Vice-President, I move the amendment which stands in my name:

“That in clause (v) of article 31, for the words ‘their age’ the words ‘their age, sex’ be substituted.”

Mr. Kamath admitted here that even he considers that the word ‘Sex’ should be put in but that he did not do so because the term ‘Sex’ was not liked by some lady members of this House. But I insist that this word should be retained here. I would like to know the reasons which led them to say that they did not like this word. We see that the word ‘Sex’ has already been used in article 9 of the Fundamental Rights. We also know that we use the word ‘Linga’ in our language, and so I fail to see the harm likely to be done by the use of this word here.

Secondly, if we do not use the word ‘Sex’ here, many unpleasant complications are likely to ensure. In order to avoid all such complications I would like that the words “Unsuited to their age, sex and strength” should be retained. There are many such factories and mines which are not fit for women to work in. But many women are compelled by circumstances to work there. To stop this practice the word “Sex” should be specifically used here.

The third point is that the members of the Drafting Committee like to use the word ‘sex’ here. When it is so, I do not find any reason to delete it. And hence the word sex must be retained so that women may be saved from exploitation. The condition of the women of our country is rather deplorable and I do not like that they should work day and night in the mines and be obliged to adopt some such profession which may spoil their home life. On account of these three reasons I propose that this word ‘Sex’ must be retained here and I move this amendment accordingly.]

Mr. Vice-President : No. 907, Dr. Ambedkar?

The Honourable Dr. B. R. Ambedkar : Not moving.

Mr. Vice-President : Then No. 908. Mr. Syed Abdur Rouf.

Syed Abdur Rouf (Assam : Muslim) : Sir, I beg to move:

“That in clause (v) of article 31, for the words ‘to their age or strength’ the words ‘to their sex, age or health’ be substituted.”

From the trend of the amendments it is seen that so far as acceptance of the word “sex” is concerned, there is unanimity of opinion in the House. Now, in my amendment I have tried further to add the word “health” in place of “strength”, because I think the word “health” includes and connotes the

* [] Translation of Hindustani speech.

word “strength”, but the word “strength” does not necessarily connote the word “health”. On this ground the word “strength” is unsuited. If we want to save the worker from ruin, we should consider the health of the worker, not merely his strength. I therefore commend this amendment for the acceptance of the House.

Shri S. V. Krishnamoorthy Rao (Mysore) : Sir, I move:

“That in clause (v) of article 31, for the words ‘that the strength and health’ the words ‘that the health and strength’ be substituted.”

My amendment is only in order to rearrange the phraseology. My only justification is that strength follows health and the phraseology sounds better. Sir, I move.

(Amendments Nos. 910 to 913 were not moved.)

Rev. Jerome D’Souza (Madras : General) : Mr. Vice-President, I am grateful to you for the opportunity you have given me of making a very brief statement on this amendment which I and some of my friends have tabled. Let me say at once, to reassure this House that that statement will be brief and that for reasons which I shall presently explain, it is not my intention to press the amendment. But, Sir, I deem it a matter of some importance that the grounds which moved us to table this amendment should be understood by this House, and that the broad principles on which we have based this request may be appreciated, so that though at the present moment and in the present form this amendment may not be acceptable or may not be prudently pressed, the spirit of it may be understood and somehow embodied in this momentous and solemn document of our Constitution.

Sir, there have been complaints from many sides of this House that our Constitution does not reflect the spirit or the genius of our people, that it is a kind of mixed recipe got up from various foreign sources and foreign constitutions. To a certain extent this was inevitable, but I am sure that the framers of the Draft have partly answered this criticism by the embodiment of certain principles in this part of the Constitution, the Directive Principles.

Now, Sir, if one thing characterises our people more than anything else, it is the power and the sanctity of the family tie, the sacredness which we have been accustomed to attach to the sanctities that go to make up the spirit and the atmosphere of home life. Therefore, I am sure that every section of this House will feel that it is in the fitness of things that this strong and traditional spirit of our nation and race might somehow be expressed in our Constitution. Sir, I venture to say that if the virtues, the strength and manhood of our people have survived so many centuries of invasion and subjection, it is because, in spite of external and political changes, the strength of the family, its protective power, its capacity to inspire and maintain virtue and moral strength, have never been diminished, have never been completely overcome in our land. Whatever is best in the Caste system—and nobody will say that it is an unmixed evil—I venture to say is an extension of the family spirit, and the attachment to family ties that has come out of it is its best and most admirable characteristic.

Sir, in a Constitution, we undertake legislation for the organisation of society. We are speaking of villages, of provinces and the Centre, of tribes and Communities, and every other form of society. Now, the primary unit of society, one whose limits and characteristics are fixed by nature itself, is the family. The varieties and forms of external civil society may vary and change, but the limits, the characteristics, the fundamental features of the family, are fixed by nature. And it is within the bosom of the family that the social virtues, on the basis of which we are making this Constitution, and the firmness of which will be responsible for the carrying out of the Constitu-

[Rev. Jerome D'Souza]

tion, those fundamental virtues are developed and most lastingly founded in the family circle—mutual regard, mutual dependence, respect for authority and order, foresight and planning, and even the capacity for negotiating with other units,—qualities which would be required on a wider scale and in a wider theatre in our political and public life. Nay, Sir, patriotism itself is but the extension and the amplification of the love of the family. We call our country Fatherland or Motherland. Even before we know the culture and the extent and the greatness of our historical past, we begin to love our country because we love the little place where we were born, because the scenes and the sounds and the sights of those places are linked for ever in our memories with the voices and visages which are among the most lasting and most treasured things in life. Therefore, I feel that this House will not reject this plea that in some form our respect and love for family traditions, may be reflected in this Constitution.

Now, Sir, I know that there is a serious divergence of view as to what this amendment should imply, in what manner the family should be protected and how its stability should be ensured. Let me, Sir, in all frankness place before you very briefly what was in my mind about the means of ensuring the stability of the family. In the first place, I believe it implies that in the majority of instances, in a normal state of society, the mother of the family should have freedom and leisure to give all her attention to the upbringing of her children and to the maintenance of that family. Now, I do not say that it is obligatory on her to do so always—there are exceptions, and she may sometimes find it convenient to give her best energies to answer the higher vocation of public life and public service. But under normal conditions this is her main and her sacred duty, and this implies that the wage-earner, be he the working man, be he the poorest in the country, should have a wage which will enable him to maintain his wife and children, a *family wage*, a concept which modern social legislation tends to accept more and more. I say, therefore, that the head of the family is not to get a wage in accordance with the strict principle of remuneration for labour done according to the laws of liberal economics. I rather say that society owes him, as the head of a family and as one of the most important elements in the organisation of society, a maintenance to which he has a right, partly independently of whatever work he does. That is one principle which this amendment implies.

In the second place, I believe that this amendment, or this idea of sacredness of the family, implies a readiness on the part of the State to recognise and encourage the institution of marriage in every way possible in its stable and monogamous form. I wish to draw the attention of the House to this fact that in all societies the tendency is to recognise more and more monogamous marriages as the only legal form of marriage. Moreover, I am aware of, and I am not here prepared to discuss, the claims of the women of our land to some degree of facility in breaking up unions which are no longer happy. I admit there may be grounds for separation when a union has become utterly unhappy. I plead at least for this: that the State should look with caution and prudence, nay with positive disfavour, on the multiplication of the facilities for divorce in order that the permanence and happiness of the family may be ensured.

In the third place,—and I know that here again I shall provoke the opposition of many elements, but nevertheless, it is necessary to state it on this occasion and in this House—it would be unfortunate if the State gave official patronage or approbation or encouragement to the artificial limitation of families. We in India who are recipients of such bounty from nature have nothing to fear from the multiplication of the greatest source of our wealth,

namely, the manhood of our land, the hard-working men and women of our race.

Lastly, I would, as a last idea which should accompany this notion of the sanctity and permanence and stability of the family, plead for respect for the rights of parents, the recognition of all reasonable authority on the part of parents in regard to their children, particularly, the right of the parent to see that his child is brought up in the traditions and in the beliefs, which are dear to him, so that there may not be in his family a disruption of the happy atmosphere, the uniformity, the homogeneity which should normally reign there. These are the implications—grave, far reaching, but I believe, acceptable to the vast majority of our countrymen—these are the implications of this amendment. But as I said already, it is because I understand that in this particular form and owing to the vagueness of its implications there may be very serious difference of opinion, I am prepared not to press it at the present moment, but I do want this House and my most honoured and most respected colleagues somehow and at sometime and in some form to speak the word which would ensure for future generations the blessings which they and we ourselves have inherited and enjoyed, to recognise that the great virtues which go to make up the greatness of a country—personal worth—are best developed in an early period and within the atmosphere of the home. We are optimists and democrats, but we know that human nature has many evil inclinations and if they are not to get the better of a man, if the vicious and anti-social elements in his nature are not to gain the upper hand, it is during these tender years that the seeds of lasting civic virtues should be planted. I therefore ask you, my honoured colleagues, to turn your attention, to turn your regard, back to that treasury of the tenderest and the most sacred memories that you have, the voices and the visages that are most dear to you, and appreciating all you have received from that circle and from those people, do something to ensure that the future children of this land will be blessed with the same happiness.

Shri V. C. Kesava Rao (Madras: General): I do not move amendment No. 917 standing in my name but I reserve the right of moving it later in connection with fundamental rights.

Pandit Thakur Dass Bhargava (East Punjab: General): I am not moving amendment No. 920 at present, but when we come to fundamental rights, I propose to move it.

I am not moving No. 923. The same remarks apply as in 920.

Mr. Vice-President : The article is now open for general discussion.

Prof. Shibban Lal Saksena (United Provinces: General): This is a clause which is very fundamental in our Constitution. The character of the amendments suggested also shows that it goes to the very root of the whole Constitution. My sympathies are undoubtedly with the amendments of Prof. K. T. Shah who has moved two amendments which really suggest that in this clause we should lay down that the system of our State shall be “Socialist”. In an amendment to the Preamble I have suggested that the word “Socialist”, should be added before the word “Union”. I personally feel that the particular amendments which he has moved are very important and I would urge on my friend Dr. Ambedkar at least to incorporate the spirit of those amendments somewhere in the Constitution. Part (2) of article 31 says:

“...Ownership and control of the material resources of the community are so distributed as best to subserve the common good.”

Now, this enunciation “ownership and control of the material resources of the community to be distributed so as to subserve the common good” is a

[Prof. Shibban Lal Saksena]

very wide enunciation of a most important principle. The enunciation is so general that any system of economy can be based upon it. Upon it can be based a system of socialist economy where all the resources of the country belong to the State and are to be used for the well being of the community as a whole. But a majority in the next Parliament can also come forward and say that the New Deal evolved by Roosevelt is the best system, and it should be adopted. This clause leaves it open to any future Parliament to evolve the best plan of their choice. But I feel personally that we should today at least lay down that the key industries of the country shall be owned by the State. This has been an important programme of the Congress since 1921. The Congress has accepted the principle that the key industries shall be controlled by the State. Even recently in the committee appointed by the Congress the report mentioned that the key industries shall be owned by the State; for the present we have postponed nationalisation of key industries for ten years. But I do feel that in our Constitution we must lay down that this is our fundamental policy. Unless we lay down in the Constitution itself that the key industries shall be nationalised and shall be primarily used to serve the needs of the nation, we shall be guilty of a great betrayal. Even if the principle is not to be enforced today, we must lay down in this clause (ii) about directive principles that the key industries shall be owned by the State. That is, according to the Congress, the best method of distributing the material resources of the country. I therefore think that Professor Shah's amendment has merely drawn attention to this fundamental principle.

His second amendment is against monopolies and my sympathies are entirely with him. The system of monopolies has been admitted to be very wrong everywhere. In America, about 54 per cent of the nation's wealth is owned by some 60 families of that State and it is said that the 12 directors of these industrial concerns there are more powerful than even the Cabinet Ministers of the U.S.A. I therefore think that we must take a lesson from the other countries and lay down in our Constitution that monopolies will not be permitted in India. This being so I trust that Dr. Ambedkar will try to incorporate this idea in the clause by means of an appropriate amendment.

I know there is one merit in his draft which is that he has left the whole thing open and it is my hope that he will incorporate this idea in the clause. This Assembly, which has the majority from one party that has already committed itself to these principles, should lay down these principles in the Constitution itself. As I said, Dr. Ambedkar has left the whole thing open and it is possible that an Assembly elected on the basis of adult franchise will lay it down that the State shall own and control the key industries.

I have given notice of an amendment to an amendment of Mr. Kamath (875-A) which he did not move. My object there was to substitute for the words "The State shall foster the growth" the words, "the State shall promote the development". The amended amendment would have read: "The State shall promote the development of economic and social democracy and to that end direct its policy towards securing." I had proposed that this amendment should be incorporated in the first line of article 31 in accordance with the view announced by Dr. Ambedkar the other day that we want an economic democracy on the basis of 'one man one value'. It is a great ideal and I congratulate him for giving expression to that great ideal. With these words I commend this article to the House and I hope that the spirit of my criticism will be remembered by Dr. Ambedkar.

Shri Jadubana Sahaya (Bihar: General): With your kind permission, Sir I hope the House will give me the indulgence of making certain observations in regard to article 31 which is now before the House for its consideration.

Sir, it was said, possibly yesterday, that this article of this Chapter is the Charter of economic democracy. It was also said that in this Charter and in this article we could find the germs of socialism and other isms. It was said also that this article was the Charter of the poor man. I most respectfully submit that in this Chapter, Article 31 is the pivot around which everything will revolve. Article 31 clause (ii) is the most important feature to which I shall most respectfully draw the attention of the House. But it is not possible for me, I am sorry, to support the amendment moved by my friend Professor Shah outright, because I respectfully submit it is loosely worded. But I may state for the information of the House that, so far as the principles which underlie his amendment are concerned, I support them. The spirit of it also I support. I fail to see why this august Assembly which meets only once in every country, is not keen to the extent of clearly and boldly incorporating in this article that the means of production and the natural or material resources of the country shall belong to the community and through it to the State. I cannot understand this, though the large majority of the amendments, if you scrutinise them, will be found to favour the principles underlying the amendment of Professor Shah. I cannot understand how it is that the Congress, the predominantly majority party here, is not pressing this thing.

One Honourable Member stated yesterday that these are political matters and that political parties should not bring up such amendments. I was considerably surprised to hear it. Constitution making is the work of political parties. So far as the organisation to which I have the honour to belong, *viz.*, the Congress we congressmen have given promises from many platforms to the teeming millions that so far as the means of production and the natural resources of the State are concerned, they will not be put into the hands of a favoured few. How can we go back on our word? After all this is a directive principle. I am not asking you to incorporate it so that the capitalists and the big purses of the country may not have the opportunity to work the mines and the minerals. This is only a directive principle. Are we not going to keep it as our goal that all means of productions and the gifts of Nature which belong to this vast country should belong to the State or to the community? I am sorry, Sir, that the bogey has been raised by the capitalists that if you talk like this they will cease to produce. I know the large majority of friends here will not be deterred by this bogey raised by the capitalists, because production is not for the welfare of the community. It is for the welfare of the capitalists. They produce for profits. Honourable Members of this House know it better than myself that they produce for profit and they will continue to produce as long as they make profit and, if not, they will not. So we should not be deterred by this slogan. As far as the Government of India is concerned,—somebody attributed it to the Prime Minister—it is said that after ten years we shall have nationalisation. To this, Sir, Ardeshir Dalal has stated, according to newspaper reports, that production is hampered because something was said by the Prime Minister of India.

Sir, in this Chapter and particularly in this article are we not going to suggest that ultimately we have to nationalise them, are we not going to suggest that is the aim of the nation, is the target of the nation? We stated in the August Resolution that land belongs to the tillers of the soil. You have here magnificent and sparkling words, social justice, political justice and economic justice. Very good and splendid words but they appear very far away from the toiling millions. Why not state here, not today, not tomorrow but in the distant future that the community will own what belongs to the community by the gift of nature and by the gift of God. I do not belong to the Socialist Party but I belong to the Congress to which many here belong. May I appeal to Dr. Ambedkar who claims to represent the down-trodden untouchables of the country not to wash away this hope from our hearts that in the future

[Shri Jadubana Sahaya]

years the natural resources of the community may belong not to the privileged few but to the poor people of the country, for the good and benefit of all.

Shri S. Nagappa (Madras: General): Sir, this clause is the only clause where the poor man, the common man can find some hope for the future. Clauses (ii) and (iii) are intended for the benefit of the poor man. No doubt, it would have been better if this clause had been drafted in more unequivocal terms instead of in this ambiguous language. As a layman, as a common man, I can see some ray of hope for the future in these clauses. It is the aim of all honourable Members who have assembled here to socialise as early as possible. As long as these clauses stand, there is no possibility of capitalism thriving in India. I am very much thankful to the Drafting Committee and to the President of it in particular for having brought in these clauses and my only grievance is that they have not been drafted in more unequivocal language. Sir, the slogans today are municipalise utilities and nationalise industries and means of production, and unless and until these things are done, there is no hope for the common man. Today, land is concentrated in a few hands and the tiller finds himself in serious difficulties. A friend was moving an amendment for abolishing feudalism in India. When such are his feelings, you can imagine what would be the feelings of a man who has been teased for centuries and centuries. You know the conditions of the tenants in jagirs and zamindaries. They are expected to work for nothing for a number of hours and for a number of days, whereas in factories there are fixed hours. I am very glad, Sir, that in the Fundamental Rights there is a provision against beggar and forced labour. I would request the framers of the Constitution to see that every word of it is translated into action. There is no use having pious wishes or putting in high-sounding words.

With these words, I support the article.

Shri Brajeshwar Prasad (Bihar: General): May I speak, Sir?

Mr. Vice-President : I am very sorry. I think there has been sufficient discussion. Dr. Ambedkar.

The Honourable Dr. Ambedkar : Mr. Vice-President, Sir, of the many amendments that have been moved to this particular article, there are only four that remain for consideration. I will first take up the amendment of Mr. Krishnamoorthy Rao. It is a mere verbal amendment and I say straightaway that I am quite prepared to accept that amendment.

Then there remain the three amendments moved by my friend, Professor K. T. Shah. His first amendment is to substitute the words "every citizen" for the words "the citizens". Now, if that was the only amendment he was moving, I would not have found myself in very great difficulty in accepting his amendment, but he also proposes to remove the words "men and women equally" to which I have considerable objection. I would therefore ask him not to press this particular amendment on the assurance that, when the Constitution is gone through in this House and is remitted back to the Drafting Committee for the consideration of verbal changes, I shall be quite prepared to incorporate his feelings as I can quite understand that "every citizen" is better phraseology than the words "the citizens".

With regard to his other amendments, *viz.*, substitution of his own clauses for sub-clauses (ii) and (iii) of Article 31, all I want to say is this that I would have been quite prepared to consider the amendment of Professor Shah if he had shown that what he intended to do by the substitution of his own clauses was not possible to be done under the language as it stands. So far as I am able to see, I think the language that has been used in the Draft is a much more extensive language which also includes the particular propositions which have been moved by Professor Shah, and I therefore do not see the necessity

for substituting these limited particular clauses for the clauses which have been drafted in general language deliberately for a set purpose. I therefore oppose his second and third amendments.

Mr. Vice-President : I shall now put the amendments to the vote, one by one.

Mr. Vice-President : The question is:

“That in clause (i) of article 31, the words ‘men and women equally be omitted.’”

The motion was negatived.

Mr. Vice-President : The question is:

“That in clause (i) of article 31, the words ‘that the citizens, men and women equally’ have the right to an adequate’ the words ‘every citizen has the right to an adequate’ be substituted.”

The motion was negatived.

Mr. Vice-President : The question is:

“That for clause (ii) of article 31, the following be substituted:—

‘(ii) that the ownership, control and management of the natural resources of the country in the shape of mines and mineral wealth, forests, rivers and flowing waters as well as in the shape of the seas along the coast of the country shall be vested in and belong to the country collectively and shall be exploited and developed on behalf of the community by the State as represented by the Central or Provincial Governments or local governing authority statutory corporation as may be provided for in each case by Act of Parliament.’”

The motion was negatived.

Mr. Vice-President : The question is:

“That for clause (iii) of article 31, the following be substituted:—

‘(iii) that there shall be no private monopolies in any form of production of material wealth, social service, or public utilities nor shall there be any concentration of means of production and distribution in private hands and the State shall adopt every means to prevent such concentration or accumulation.’”

The motion was negatived.

Mr. Vice-President : The question is:

“That in clause (iii) of article 31, for the word ‘concentration’ the words ‘undue concentration’ be substituted.”

The motion was negatived.

Mr. Vice-President : The question is:

“That in clause (v) article 31, for the word ‘abused’ the word ‘exploited’ and for the words ‘economic necessity’ the word ‘want’ be substituted.”

The motion was negatived.

Mr. Vice-President : The question is:

“That in clause (v) of article 31, for the words ‘their age’ the words ‘their age, sex’ be substituted.”

The motion was negatived.

Mr. Vice-President : The question is:

“That in clause (v) of article 31, for the words ‘to their age or strength’ the words ‘to their sex, age or health’ be substituted.”

The motion was negatived.

Mr. Vice-President : The question is:

“That in clause (v) of article 31, for the words ‘that the strength and health’, the words ‘that the health and strength’ be substituted.”

The motion was adopted.

Mr. Vice-President : The question is:

“That Article 31, as amended, be part of the Constitution.”

The motion was adopted.

Article 31, as amended, was added to the Constitution.

Mr. Vice-President : We shall now proceed to Article 31-A.

Article 31-A

Shri M. Ananthasayanam Ayyangar (Madras: General): Mr. Vice-President, Sir, Amendment No. 927 stands in my name, but Mr. Santhanam has given an amendment to this amendment, for substitution of this. I find that that language is better. With your permission, Sir, he may be allowed to move his amendment in the place of mine. If you want me to formally move my amendment, I will do so, but I am prepared to accept the substitution for 31-A. I am prepared to adopt whichever course you direct.

Mr. Vice-President : Let Mr. Santhanam move.

The Honourable Shri K. Santhanam : Sir, I beg to move:

“That after article 31, the following new article be added:—

‘31-A. The State shall take steps to organise village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government’.”

Sir, I need not elaborate the necessity for this clause. Many honourable Members had given similar amendments for village panchayats, but they had also attached to it conditions like self-sufficiency and other matters, which many of us did not consider desirable to be put into the directives. What powers should be given to a village panchayat, what its area should be and what its functions should be will vary from province to province and from state to state, and it is not desirable that any hard and fast direction should be given in the Constitution. There may be very small hamlets which are so isolated that even for fifty families, we may require a village panchayat; in other places it may be desirable to group them together so that they may form small townships and run efficient, almost municipal administrations. I think these must be left to the provincial legislatures. What is attempted to do here is to give a definite and unequivocal direction that the state shall take steps to organise panchayats and shall endow them with necessary powers and authority to enable them to function as units of self-government. That the entire structure of self-government, of independence in this country should be based on organised village community life is the common factor of all the amendments tabled and that factor has been made the principle basis of this amendment. I hope it will meet with unanimous acceptance. Thank you, Sir.

The Honourable Dr. B. R. Ambedkar : Sir, I accept the amendment.

(At this stage Seth Govind Das rose to speak).

Mr. Vice-President : If you want to discuss anything, you can discuss after Prof. Ranga’s amendment has been moved.

An Honourable Member : Prof. Ranga is not here.

Mr. Vice-President : I am on the horns of a dilemma. This amendment has been accepted. If I gave an opportunity to one speaker, then the whole question will have to be re-opened. I would value the advice of experts on this matter.

Shri M. Ananthasayanam Ayyangar : If you will permit me to say so, I shall only quote the procedure that is adopted in the House when it sits as a

Legislature. Even though a Member in charge of a Bill says he accepts an amendment, he only indicates the line of action for other Members to follow. They may go on speaking and he will always have a right of reply after they have spoken. Even to cut short the debate on certain matters which do not involve a principle, people would like to know what the attitude of the Government is. If it is found useless, they may not pursue that matter and it is for that reason that Dr. Ambedkar has said that he accepts the amendment. He still can reserve his reply after the speeches or debates are closed. I therefore request you to call upon other speakers who want to speak. It is a very important subject and every one would like to throw some light on it.

Mr. Vice-President : In that case, I shall call upon Mr. Prakasam to speak first.

Shri T. Prakasam (Madras : General): Mr. Vice-President, Sir, I feel happy that the Government have with grace accepted this amendment and agreed to introduce it in the Constitution. We should have tried to introduce this at the very beginning of the framing of the Constitution.

Shri Vishwambhar Dayal Tripathi (United Provinces : General): Sir, I do not know which Government he has referred to.

Shri T. Prakasam : I am referring to the Government as it is constituted today.

This is a subject which is so very dear to the country and to the Members of this House as is shown by the way in which they have intervened in the general debate and brought it to the forefront of the discussion that this should find a place in the Constitution itself. Dr. Rajendra Prasad, who is the President of the Constituent Assembly, himself expressed his opinion in favour of having village republics as the basis of the Constitution.

Shri Vishwambhar Dayal Tripathi : What has the Government to do with our discussions?

Mr. Vice-President : The reference was to the President of the Constituent Assembly and not to the Government.

Shri T. Prakasam : I have not referred to the Government. Thank you.

Dr. Rajendra Prasad has expressed his view in favour of making the village republic as the basis of the whole Constitution, which we are completing these days. On the 10th of May, Sir, Dr. Rajendra Prasad happened to express his views in this matter. The Constitutional Adviser, Sir B.N. Rau, when he dealt with this question, sympathised with the whole thing, but pointed out that it was too late to make any attempt to change the basis of the Constitution which has gone so far. I too agree, Sir, that if there was any mistake, the mistake was on our part in not having been vigilant enough and brought this before the House in proper time. When this was coming so late as that, I did not expect Dr. Ambedkar as Chairman of the Drafting Committee to be good enough to accept this.

Sir, a very serious situation was created by not making the village republic or the village unit as the real basis of the Constitution. It must be acknowledged on all hands that this is a construction which is begun at the top and which is going down to the bottom. What is suggested in this direction by Dr. Rajendra Prasad himself was that the structure must begin from the foundations and it must go up. That, Sir, is the Constitution which the departed Mahatma Gandhi indicated and tried to work up for nearly thirty years. Under these circumstances, it is very fortunate that this should come in at this stage, that this should be introduced and worked in a proper way. I must really congratulate Mr. Santhanam for having attempted to bring this

[Shri T. Prakasam]

amendment in this form so that all others who had tabled amendments, of whom I was also one, reconciled ourselves to accept this, because this gives opportunity to the people of every province and the whole of India to go on this basis and work up the whole thing, without interrupting the progress of the Constitution at this stage.

Sir, one of the distinguished friends of this House was remarking the other day to me, "why are you thinking of these village republics and all these things? The bullockcart days have gone; they will never come back." This was his observation. I may point out to that friend that the village republic which is proposed to be established in the country and worked is not a bullock cart village republic. The republic that would be established, Sir, under this resolution, under the orders of the Government as it were, would be a village republics which would use the bullockcarts, not for simply taking the fire-wood that is cut in the jungles to the towns and cities and getting some money for hire; these village republic would convert the work of the bullock carts to the work of carrying paddy and other produce which they produce in the village for their own benefit and for the benefit of the public. These village republics will also be serviceable to those men of ours who are now fighting in Kashmir. I was there the other day; I saw the way in which those friends in the battle field have been carrying on their work. Some of them said to us: "Well Sir, when you go back to the country, you please see that the prices of food-stuffs are reduced and that our people when they apply for small sites for habitation, they are secured." For all these things, the village republics will be of service to the military people in the best possible manner.

This is not a thing which should be looked upon with contempt, having forgotten our history and the history of the world. This is not the first time that this is introduced in our country. This is not a favour that we bestow upon our people by reviving these republics. When we fill the whole country with these organisations, I may tell you, there will be no food famines; there will be no cloth famine and we would not be spending 110 crores of rupees as we are doing today for the imports of food; this amount could be saved for the country. We have gone away far from the reality. These village republics will put a stop to black-marketing in a most wonderful manner. These village republics, if properly worked and organised on the basis of self-sufficiency, to which some may take exception, if the village is made a self-governing unit, it would put a stop to inflation also which the Government has not been able even to checkmate to any appreciable extent. This village organization will establish peace in our country. Today whatever the Government might be doing from the top here byway of getting food from other countries and distributing it, the food would not be distributed amongst the masses ordinarily through the agencies which we have got either in the Centre or in the provinces. All that trouble would be solved immediately so far as this business is concerned. Let me tell you above all that Communism—the menace the country is facing—we are seeing what is going on in China, we saw what was done in Czechoslovakia and we know what the position is in Burma, we know what the position is even in our own country with regard to Communism. Communism can be checked immediately if the villages are organized in this manner and if they are made to function properly. There would be no temptation for our own people to become Communists and to go about killing our own people as they have been doing. For all these reasons I would support this and I am very anxious that this must be carried out in all the provinces as quickly as possible, soon after the Constitution is passed, and I am seeing today the light and prosperity before the country when the Constitution is passed and when this village organization comes into existence.

Shri Surendra Mohan Ghose (West Bengal : General): Sir I am grateful to you for giving me an opportunity to express my feeling on this amendment moved by my honourable Friend Mr. Santhanam. Sir, you will find there is another amendment No. 991 which stands in my name almost identical with the present amendment which has been moved by my honourable Friend. I am glad that such an agreed amendment has been moved by my honourable Friend, Mr. Santhanam and that it has been accepted by the Honourable Law Minister, Dr. Ambedkar.

Sir, in my opinion the meaning of this Constitution would have been nothing so far as crores and crores of Indian people are concerned unless there was some provision like this in our Constitution. There is another point also *viz.*, for thousands and thousands of years the meaning of our life in India as it has been expressed in various activities, was this that complete freedom for every individual was granted. It was accepted that every individual had got full and unfettered freedom; but as to what the individual should do with that freedom there was some direction. Individuals had freedom only to work for unity. With that freedom they are to search for unity of our people. There was no freedom to an individual if he works for disruption of our unity. The same principle was also accepted in our Indian Constitution from time immemorial. Every village like the organic cells of our body was given full freedom to express itself but at the same time with that freedom they were to work only to maintain and preserve the unity of India.

Sir, our village people are so much familiar with this system that if today there is in our Constitution no provision like this they would not have considered this as their own Constitution or as something known to them, as something which they could call their own country's Constitution. Therefore, Sir, I am glad and I congratulate both my friend the Honourable Mr. Santhanam and the Honourable Dr. Ambedkar on moving this amendment as well as for acceptance of the same. Sir, I commend this.

Seth Govind Das (C. P. and Berar : General): *[Mr. President, very few speeches are being made now-a-days in this House in Hindi. I would, therefore, resume my practice of speaking in Hindi unless of course I have something to explain to my south Indian friends which requires my speaking here in English.

During the course of the speech he made while presenting this Draft to the House Dr. Ambedkar made some remarks about villages which caused me and, I believe, a great majority of the members of this House, great pain. It is a matter of deep pleasure to me that he has at last accepted the amendment moved by Shri Santhanam. We need not complain if one comes to the right course, though belatedly.

I belong, Sir, to a province in which perhaps the greatest progress has been made in respect to this matter. Our village Panchayats, our judicial Panchayats, and our laws for Janapadas are the talk of the whole of India today. There was a time when our province was regarded as a very backward province. But today the whole country will have to admit that our province though small in size, has given a lead in many matters to the other provinces of the country. So far as the scheme of village Republics is concerned, it is an undisputed fact that our province has progressed more than any other province towards its fulfilment.

Ours is an ancient, a very ancient country and the village has had always an important position here. This has not been so with every ancient country. In Greece, for instance, towns had greater importance than villages. The

* [] Translation of Hindustani speech.

[Seth Govind Das]

Republics of Athens and Sparta occupy a very important place in the world history today. But no importance was attached by them to the villages. But in our country the village occupied such an important position that even in the legends contained in most ancient books—the Upanishads—if there are descriptions of the forest retreats, of the sages, there are also descriptions of villages. Even in Kautilya's Arthashastra there are to be found references to our ancient villages. Modern historians have also admitted this fact. We find the description of our ancient village organisation, in 'Ancient Law' by Mr. Henry Man, 'Indian Village Community' by Mr. Baden Powel and in 'Fundamental Unity of India' by Shri B. C. Pal. I would request the members of this House to go through these books. They will come to know from these books the great importance the villages have had in India since the remotest times. Even during the Muslim Rule villages were considered of primary importance. It was during the British regime that the villages fell into neglect and lost their importance. There was a reason for this. The British Raj in India was based on the support of a handful of people. During the British regime Provinces, districts, tahsils and such other units were formed and so were formed the Talukdaris, Zamindaris and Malguzaris. The British rule lasted here for so many years only on account of the support of these few people.

Just as Mahatma Gandhi brought about a revolution in every other aspect of this country's life, so also he brought about a revolution in the village life. He started living in a village. He caused even the annual Congress Sessions to be held in villages. Now that we are about to accept this motion I would like to recall to the memory of the members of this House a speech that he had delivered here in Delhi, to the Asiatic conference. He had then advised the delegates of the various nations to go to Indian villages if they wanted to have a glimpse of the real India. He had told them that they would not get a picture of real India from the towns. Even today 80 per cent of our population lives in villages and it would be a great pity if we make no mention of our villages in the Constitution.

I support the amendment moved by Honourable K. Santhanam. I hope that the Directive Principles laid down in the Constitution would enable the provinces to follow the lead given by the Central Provinces in the matter and I hope a time will come when we shall be able to witness the ancient glory in our villages.]

Shri V. I. Muniswamy Pillai (Madras : General): Mr. Vice-President, Sir, by my Honourable Friend Mr. Santhanam moving this amendment and the Chairman of the Drafting Committee expressing that he is going to accept it shows the real feeling of the Sovereign Body towards their less fortunate brethren living in the villages. My Honourable Friend Mr. Prakasam referred to the statement made by the revered leaders Rajendra Prasad and Mahatma Gandhi. But we know it for a reality that the villages are in rack and ruin, and if there is to be any amenities or self-government, it is to the villages that the Sovereign Body must give them. The other day when I made a speech on the Draft Constitution, I pointed out that there is no provision to give the rural areas any choice of self-government. Now, under this amendment we bestow a certain amount of power to make the villages self-contained and to have self-government there. Sir, I am sure the seven lakhs of villages in the whole of India will welcome the provision of this amendment in this Constitution. Sir, it is with the revenue that is derived from the rural areas that it has been possible to create towns, with all amenities therein. But the man who gives the revenue by way of taxes could not get even the rudiments of amenities, due to a citizen. I feel that by accepting this amendment we will go a long way to re-construct

the villages that have been allowed to go to rack and ruin for centuries together. If the pies are taken care of, the rupees will take care of themselves. So I feel that by having this amendment, we are going a long way towards reconstructing our villages which are in such dire necessity of such reconstruction today.

Dr. V. Subramaniam (Madras : General): Mr. Vice-President, when our Mother India delivers her Constitution, if there is any living cell in the Constitution, it will be this village panchayat amendment which has been brought forward by my Honourable friend, Mr. Santhanam. It is a well-known fact that India is standing today as a self-governing unit in the world because of this living cell in our body politics—the village panchayat. Today, if we want to make the country strong and self-sufficient in every respect, this clause in the Constitution or in the Directive principles is very necessary.

Now, there has been some controversy about self-sufficiency. My interpretation when we speak of a village being self-sufficient is this. It may produce, say ground-nut in large quantities, and it may export it, even though it may be forced to import Dalda and other substances for the needs of the people in the village. By saying that it is self-sufficient, we only mean that it may grow all the articles that it can and also import what is necessary, from the neighbouring villages. That is my interpretation. But these are matters to be worked out in detail by the village panchayats themselves.

It is clear that as far as this amendment is concerned, there can be no two opinions about it. This amendment must be carried, and in our future constitution, much more powers must be given to the villages. As a matter of fact, we do not know how many carpenters there are in our land. If we have the panchayats, we need go only to their records and pick up the number of carpenters in every village. These panchayats will serve a very useful purpose. This clause is very essential, and I support this amendment.

Shri Satyanarayan Sinha (Bihar : General) : Sir, we have had enough discussion, and after Shri Bharathi, I would like to move for closure.

Shri L. Krishnaswami Bharathi (Madras : General): Mr. Vice-President, Sir, I congratulate the Honourable Mr. Santhanam for moving and Dr. Ambedkar for agreeing to this amendment. I must confess that I am not fully satisfied with this amendment, for the very simple reason that even today even under the present Constitution, I think the Provincial Governments have enough powers to form village panchayats and operating them as self-governing units. But to the extent to which it goes, I must express my satisfaction. It must be remembered that this is in the directive principles, and I see no reason why the idea of self-sufficiency should not have been accepted by Mr. Santhanam. The reasons that he gave for not accepting that principle are not at all convincing. In fact, two or three Honourable Members—Mr. Ranga, Shri Ananthasayanam Ayyangar, and Mr. Prakasam have given amendments with these ideas. Mr. Ananthasayanam Ayyangar's amendment says there is great need for effective decentralisation of political and economic powers. After all, what the amendment seeks to give is only political independence. Political independence apart from economic independence, has no meaning. The idea behind the Directive principles is to emphasize the way in which we want the country to function, and for that we must make it quite clear to the whole world that economic democracy is important and for that decentralisation of economic power is important. It is that aspect of the matter which Gandhiji emphasised. Decentralization both in the political and economic sphere is absolutely essential if India is to function as a democracy.

[Shri L. Krishnaswami Bharathi]

In fact, speaking at the Asian Relations Conference, Mahatmaji said pointing out to the City of Delhi:—

“This is not India. You people are seeing Delhi—this is not India. Go to villages; that is India, therein lives the soul of India.”

Therefore, I do not know why they should fight shy of ‘self-sufficiency’. It has been sufficiently explained by Mahatmaji, and if it is necessary I would like even to say some words from his speeches.

The Honourable Shri K. Santhanam: May I point out to the Honourable Member that self-government is not merely political? It may be economic or spiritual.

Shri L. Krishnaswami Bharathi: I quite understand it and that is the reason why it should be made clearer. If self-government includes that, it is much better that we explain it because that explanation is very necessary. I would very much like the word “self-sufficiency” in the Gandhian sense of the word, self-sufficiency not in all matters, let it be remembered, but in vital needs of life, self-sufficiency in the matter of food and clothing as far as possible. That is what Mahatmaji said. It does not mean absolute independence. Sir, I would ask leave to read from Mahatmaji’s articles certain important portions which will clear up the matter. This is what Gandhiji wrote:—

“My idea of Village Swaraj is that it is a complete republic, independent of its neighbours for its vital wants and yet interdependent for many others in which dependence is a necessity.”

An Honourable Member asked, “Well, what can you do? Some villages produce only paddy, they cannot have self-sufficiency”. Is it such an impossible proposition? Gandhiji was emphatic in saying that he was not at all suggesting that the village should be independent of all these things, but in certain matters you must have self-reliance, the basic idea being, “no work, no food”. Now the villagers think that as it is a Swaraj Government, *khadi* and food will flow from the heavens as *manna*. Gandhiji’s idea in this self-sufficiency is, “Don’t expect anything from the Government. You have got your hands and feet; work; without work you will have no food. You can produce your own cloth, you can produce your own food. But if you do not work, you shall have no food, no cloth.” That is the basic idea of decentralization and economic democracy. And if the villagers are to have that idea, we must put it here and tell them about self-sufficiency, “Do not expect any thing from the Government. Who is the Government? After all you constitute the Government. You must work, you must produce. Do not depend on these mills. Go on with your *charkha*, make our own food”. That is the basic idea of self-sufficiency and decentralization and economic democracy.

Mahatmaji said :—

“My idea of Village Swaraj is that it is a complete republic, independent of its neighbours for its vital wants, and yet interdependent for many others in which dependence is a necessity. Thus every village’s first concern will be to grow its own food crops and cotton for its cloth. It should have a reserve for its cattle, recreation and playground for adults and children. Then if there is more land available, it will grow *useful* money crops, thus excluding *ganja*, tobacco, opium and the like. The village will maintain a village theatre, school and public hall. It will have its own waterworks ensuring clean supply. This can be done through controlled wells and tanks. Education will be compulsory upto the final basic course. As far as possible every activity will be conducted on the co-operative basis. There will be no castes such as we have today with their graded untouchability. Non-violence with its technique of *Satyagraha* and non-cooperation will be the sanction of the village community...”

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

Sir, I think there are only a few more lines of Mahatmaji's picture of life. With your leave I should like to finish it.

"...There will be a compulsory service of village guards who will be selected by rotation from the register maintained by the village. The government of the village will be conducted by the *Panchayat* of five persons, annually elected by the adult villagers, male and female possessing minimum prescribed qualifications."

This is a rough idea of what Gandhiji felt, and therefore, in my opinion it is very necessary that this sovereign body should enunciate and give its views on this fundamental tenet of Mahatma Gandhi, his idea being that there must be decentralisation and the village must function as an economic unit. Of course, the Honourable Mr. Santhanam said that it is included. I only wanted that it should be made more explicit so that Mahatmaji's soul will be very much pleased. He said that India dies if the villages die, India can live only if the villages live.

The Honourable Dr. B. R. Ambedkar : Sir, as I accept the amendment. I have nothing more to add.

(An Honourable Member rose to speak.)

Mr. Vice-President : In this matter my decision is final. I have not yet found anybody who has opposed the motion put forward by Mr. Santhanam. There might be different ways of praising it, but at bottom and fundamentally, these speeches are nothing but praising the amendment.

The question is:

"That after article 31, the following new article be added:—

'31-A. The State shall take steps to organise village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government'."

The motion was adopted.

Mr. Vice-President : The question is:

"That the new article 31-A stand part of the Constitution."

The motion was adopted.

Article 31-A was added to the Constitution.

The Assembly then adjourned till Ten of the Clock on Tuesday, the 23rd November 1948.
