CONSTITUENT ASSEMBLY OF INDIA DEBATES (PROCEEDINGS) - VOLUME XI

Thursday, the 24th November, 1949

The Constituent Assembly of India met in the Constitution Hall, New Delhi, at Ten of the Clock, Mr. President (The Honourable Dr. Rajendra Prasad) in the Chair

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TAKING THE PLEDGE AND SIGNING THE REGISTER

Mr. President : I understand some new Members have come--Members from Vindhya Pradesh. They have to take the pledge now and sign the register.

The following Members took the Pledge and Signed the Register:-

1. Captain Awadesh Pratap Singh
2. Shri Shambu Nath shukla — United State of
3. Pandit Ram Sahai Tewari — Vindhya Pradesh
4. Shri Mannulalji Dwivedi

DRAFT CONSTITUTION-*(Contd.)*

Mr. President: We are now to resume discussion of the Draft Constitution. I desire to point out to honourable Members that although 77 Members have so far spoken on the motion of Dr. Ambedkar, I have got 54 names still on the list and we have only this day and perhaps one hour tomorrow for this purpose. So all these Members cannot possibly be

accommodated within these six hours or 6 ½ hours if they speak at the rate other Members have spoken and I leave it to them either to take as much time as they like and deprive others of the opportunity of speaking or simply to come forward, speak a few words so that their names may also go down on record and let as many of others as possible get an opportunity of joining in this.

Shri Guptanath Singh (Bihar: General): Sir, I want to make a suggestion. It seems a large number of Members are eager to speak. I, therefore, suggest that Members who are desirous of speaking here should be asked to submit their written speeches and those speeches be taken as read, as so many Members have read out their speeches.

Mr. President: There is no provision in our rules for taking speeches as read because they are all supposed to be delivered even when they are read. So I can only ask Members to think of others also and not to think only of themselves. As soon as a Member has spoken for five minutes, I shall ring the bell.

Chaudhri Ranbir Singh (East Punjab: General): *[Mr. President, Sir, before expressing my views on the constitution, I would pay my homage to the Father of the Nation, Mahatma Gandhi, Netaji Subhash Chandra Bose and other patriots who sacrificed their lives on the altar of the country and suffered in various ways.

Mr. President, today many of our brethren complain that we have taken too much time to frame the Constitution, but none can deny that at the time this Assembly was formed, India was under foreign rule and was divided into more than 600 units. There were many types of people and parties who wanted to divide the country. The changes that have taken place in this country during the last three years are unparalleled. During this period, our country was partitioned but despite this no one can deny that for the first time in History and under your Presidentship we are going to establish a single State of India, bigger and more firmly than ever.

Some friends may say that India was a comparatively bigger State under British rule, but none can deny that at the time there were 562 States in India, with their own systems of Government. No one can deny the fact that before 1857, the Britishers had attempted to establish a strong State by merging the States, but they had succeeded in merging only a few States, when there was a revolution in the country and the Britishers had to give up that idea. But under your Presidentship, under the leadership of our leaders like Pandit Jawaharlal Nehru and Sardar Patel and by following the path shown by Mahatma Gandhi, we have succeeded in persuading all these

States to be parts of the Indian Union and our country which was divided into 600 units when this Assembly began to function, would now be having about 27 provinces. I think within a short time there would be only 15 or 20 units in this country. In this way we have laid the foundation of a strong union by reducing the number of component units. None can deny that it has entailed delay but sufficient work has been accomplished during this period. I think, if we had completed the Constitution within a year at our first meeting it would certainly have contained provisions for communal reservations. That dispute or rather disease has been cured and this could be achieved only on account of the tact of our leaders.

Mr. President, I wish to say a few words on some articles of this Constitution about which I hold very pronounced opinions. By providing for adult franchise in this Constitution we have liberated every Indian politically, and similarly by abolishing *begar* under article 17 and outlawing untouchability under article 23, we have liberated every section of the country socially. Further in regard to economic freedom, we have by accepting article 31 (4) created conditions under which I hope the Zamindari system in India which is like a burden and stood like an obstacle in the progress of the country would be abolished within the next year, and thus we have solved this problem as we solved the problem of 562 Indian States under the leadership of Pandit Jawaharlal Nehru and Vallabhbhai Patel. I think that in my home province-Punjab too, which contains 10 percent big landlords as otherwise it is generally a region of small land holders this problem will be solved peacefully and thus we would also be able to liberate the landless peasants by virtue of this article. Similarly we would also be able to liberate the farm labourers as well as the factory labourers with the help of this Constitution. But, Mr. President, the interests that I represent here, that is, the landed peasantry has been, I am sorry, given a set back under this Constitution. The peasant could obtain economic independence only if the principle could be accepted that he should not be forced to sell his produce below cost. Had we accepted this in this Constitution and made such a provision in this, we could have saved him from economic exploitation. But we have unfortunately accepted 19(f) which would have a bad effect on my province. We have Land Alienation Act in our Province. I do admit that it suffers from certain shortcomings, but none can deny that lakhs of farmers who toil day and night have benefited from it to an extent that they have been able to retain their lands. I hope and trust that you would be the President of independent India and I believe this is the desire of a very large number of people. I hope, you will not reject my request as this Constitution authorises the President by an article to amend or repeal the law which may not be quite consistent with this Constitution. I therefore particularly appeal to you that even if you amend this Act which deals with lakhs of farmers, we have no objection if you permit Harijans who labour on

the land to purchase land, but I request you not to create conditions under which a person who has not been connected with the land may be able to acquire it. If that happens, there would, undoubtedly, be looting and robberies, and the advantages accruing from zamindari abolition would be nullified.

One thing which none in the House has mentioned and about which I feel most, is about the delimitation of Constituencies under article 327. I hold that the villages in India are very much backward, and if they are joined with the urban Constituencies, it will be very unjust for the rural areas. We could not accept Hindi as the National Language so early, because some people felt that they would lost their jobs thereby, but if you mix up the rural as well as urban Constituencies, you would be perpetrating serious injustice against those people who can neither express themselves, nor have any press or leadership. Under this Constitution they can be kept separate or mixed up. I hope that later on the Commission which would be set up for the purpose will keep the rural and urban areas separate.

I wanted to express my views on two or three topics further, but I do not want to take away the time of my other colleagues, and thus I conclude here.]*

Shri Manikya Lal Varma (United States of Rajasthan): *[Mr. President, I thank you, for the opportunity that you have kindly given me to express my views but I am sorry for the time restriction that you have imposed upon me. While I have never so far taken any opportunity to speak here, my Friends Shri Brajeshwar Prasad and Shri Kamath were allowed on many occasions to express their views in this House. I would request the Chair to kindly excuse me if exceed the time limit by a minute or two.

First of all I take this opportunity to offer my thanks to the Honourable Dr. Ambedkar and the Members of this House. Now I come to some salient features of the Constitution. We have really taken a very wise step by providing adult franchise in the Constitution. Now we shall be giving this experiment a trial. Mahatmaji wanted that the village Panchayats should elect District Panchayats and the District Panchayats in turn should elect Provincial Legislatures and so on, for he thought that the Legislatures formed in this manner will be composed of persons who are capable of taking a correct view about our national problems. If the experiment of adult franchise proves successful it will be well and good for us. We raised the slogan of adult franchise and it will be a tragedy if we fail to work it out successfully. Mahatmaji also wanted that there should be adult franchise in India and we must act upon his wish.

Now I would take the opportunity to express my thanks to our respected leader Thakkar Bapa for the progressive steps taken by him for the upliftment of Harijans whose cause he has been serving for fairly a long, long time. I extend my thanks to the Draftsmen of the Constitution for the honourable place, they have provided to the Harijans in the Constitution. The provision regarding the separation of the executive from the judiciary is a novel experiment and future alone can decide whether we succeed or fail in it. It is the dawn of our freedom and I hope our experiment will be successful. We owe our deep gratitude to our veteran and respected leader Sardar Vallabhbhai Patel for having absorbed the 584 independent States in the general set up of the Indian Union. It is really the States people who have had the worst experience of the tyranny of feudal lords and it is the States people who are feeling today the real glow of freedom-Swaraj. We the States people alone can feel the real worth of Swarajya. But I would like to say one thing in this connection. Sir, no doubt by eliminating these States, the cancer has been removed from the body of India but small boils in the shape of principalities or feudal estates still exist and we hope, Sardar Patel will remove them also at the earliest possible opportunity.

I say so because the conditions are horrible where feudalism obtains today. In Rajasthan where from I have come, there are two classes of jagirdars. One class thinks that the abolition of Jagirdari is now certain and it has already taken to agriculture and some other occupations. The other class of the jagirdars want to influence the Government of India by creating terrors. They have already started threatening the States Ministry of the Government of India and spreading terrors with the belief that by adopting these means they would be able to save their jagirs. Influenced by this belief they have started committing dacoities. I beg to draw your attention, Sir, to this men my feature and hope that they will be suppressed at the earliest possible moment. Now Sir, I would draw the attention of the Government of India as well as the Chair to the income, of the unit which I represent here. The Railways of Bikaner, Jodhpur and Udaipur are going to be taken over by the Central Government in April but for this no compensation is to be paid to the unit concerned. It will not receive any share from the income of these railways. The customs duty is going to be abolished in my unit and this will entail a loss of six to seven crores of rupees to its Revenue. The United States is a newly constituted union and as such it should receive every help, support, and co-operation from the Centre.

I would like to draw your attention to one other matter also. In Rajasthan there are many large towns such as Bharatpur, Alwar, Bikaner, Udaipur, Dungarpur, Banswara in Kishengarh which were seats of the States' Administration where a number of persons, poets, pandits and men of letters and arts used to work under the direct patronage of the rulers of the merged

States. Thousands of these workers have lost their jobs as a result of which the business in the States has come to a standstill. All possible steps should be taken to shift to these places some of the offices of the Government of India that are being shifted from Delhi, so that their economic condition may not deteriorate. The big plans and projects that are going to be formulated in India must be given effect to in the States also as the financial position of the States is not such as to permit them to launch these big projects particularly when the income from customs and Railways will be taken by the Central Government. The scheme of opening training camps and launching Dam projects must be given effect to in the States also.

Now I would like to say a few words about the Rajasthan language which is spoken by fifteen million people. I shall place before the House a few specimens of this language just to show, how heroic Rajasthani is. When Maharana Pratap was at war with Akbar, Prithviraj of Bikaner learnt from some source that the Maharana being tired was going to submit to Akbar, he wrote him a letter in such poetry:

Nakhoo mooddan paan, kon patank nija tana karadah dojey likh dee vaan, indon mohalee baat eke

(Should I now uphold my prestige or allow my body to be smashed to pieces? Please give me either of these two directions).

The Maharana sent him the following reply:

rihaya rakhasi aan, in tana soon iklingah aangey jaanri agason, prachee beech patang

(Let God Shiva always guard my honour. The sun will always rise in the east as it has every been rising).

This is a specimen of Rajasthani language which is full of heroism. By learning this language we spread the spirit of patriotism throughout the country. I would, therefore, submit, Sir, that this glorious language must find a place in the Constitution.

Lastly I would say a few words bout one thing which is causing me great pain. Under the Constitution Sirohi has been divided and a part of its territory, Abu has been merged with Bombay. The Government of India has the power to do so and we cannot question its competence to merge Abu in Gujarat, particularly we Congressmen cannot raise any question with regard to this action for we are under Congress discipline and have to bow to the decision of the Congress. But I would like to utter a note of warning in this

connection today. Abu has been merged in Gujarat and tomorrow the same thing will happen with Banswara, Dungarpur, Udaipur and other places. The slogan of "Greater Gujarat", that has been raised by the people of Gujaratis sure to spread its poison throughout the country. This tendency is very wrong and will weaken the State. If you want to do justice in this case, you should appoint a commission consisting of members from the Punjab, Bengal and Maharashtra to give a decision on the question whether Abu belongs to Rajasthan or Gujarat. On the basis of decision of the Commission the Government of India may do any thing it likes and we will have no objection to that. We are prepared to accept any decision on the question of Abu if it is taken on the basis of justice. There is some whispering here that Rajasthan and Gujarat should be united into one unit. The argument that is advanced in support of the proposition is that of fifteen million people above cannot successfully function as a State. We shall welcome this proposition provided it is worked but on an all India basis. Politically and economically small contiguous units may be united into bigger units. Instead of having units of fifteen million population we may form units with a population of thirty or forty millions. But whatever decision is taken with regard to this question, that must be on the lines comprise. It should not be an unjust and arbitrary decision. With these words I appeal to you Sir, that justice should be done to Rajasthan.]*

Shri Brajeshwar Prasad (Bihar: General) Mr. President, Sir, I rise to offer my limited and qualified support to this Constitution. But for the adoption of Hindi language and the abolition of untouchability, I would not have seen my way to support this Constitution. I support this Constitution to the extent it is unitary. I am opposed to Federalism, Provincial Autonomy, Parliamentarianism, Adult Franchise and Fundamental Rights.

There is no element of idealism in this Constitution. It is a Constitution foreign to the culture and genius of this land. It is a lawyers' Constitution. It is a Constitution meant to stabilise the interests-both economic and political of the bourgeoisie and the capitalist classes. Article 24 has banged the door to all progress. Without the liquidation of private property as the means of production, there is no bright future for India.

An Honourable Member: May I request the Honourable Member to read his speech slowly, so that we may follow him? He is going like the Toofan Express.

Shri Brajeshwar Prasad: I am speaking quite distinctly. I would go slow if the honourable President would give me time. But he would not.

The provision relating to compensation incorporated in article 24 stands

as a stumbling bloc in the way of progress. The present Government of India Act with suitable modifications would have amply served the needs of the hour. We are passing through a transitional period. Revolution is knocking at our door. We are not in a position to sense the needs of the coming century. There is decadence all round.

There was no necessity for drafting a Constitution at the present moment. We do not know which way India will choose to go in the near future. There are three courses left open to her. She may follow the road that leas to Moscow or she may fall in line with England and America. There is a third of alternative which to my mind appears to be the best course for her to follow. If there is any inner vitality left in her blood and veins, India will remain loyal to her genius and culture and maintain her separate individuality as the leader of a third Bloc in world politics.

This Constitution stands as a stumbling block in the way of Indo-Russian entente. By incorporating article 24 we have given a fresh lease of life to the capitalists. There cannot be any sincere and loyal co-operation between a capitalist State and Soviet Russia.

If India is to remain loyal to her ancient traditions she must discard the basic foundations of this Constitution. Dharma was the basis of all Governments in ancient India. If the will of ignorant and hungry people were ever to become the basis of government in India, it will mean the complete liquidation of all that is good and noble in Indian life. The common man has got no will of his own. He is a bundle of instincts and a creature of environment and heredity. His will can never be the basis of modern Governments in any part of the world and especially in India where he suffers from innumerable handicaps. The concept of Dharma incorporates all that is good and noble in Parliamentarianism and rejects the evils that have crept into it. A State based on Dharma will never tolerate economic inequality or social injustice. But it will never accord recognition to popular will as the basis of Government. For the will of man is nasty, brutish and short. Dharma is in consonance with the fundamental principles of Democracy. The will to will the general will is the core of democracy. The essence of Democracy is the representation of the real will of the people as opposed to and distinct from the actual will. The actual will is surcharged with passion and prejudice. The actual will changes from moment to moment, from hour to hour and from day to day. It contains within itself all that is mean, stupid and foolish in human life. it can never be the basis of Government. The real will on the other hand is in consonance with the teachings of the great leaders of thought in human history. It is in consonance with morality.

I am opposed to Parliamentarianism because it has no future in the modern age. The average individual is not in a position to understand the highly complicated problems of our industrial society. It is an age of Experts.

This Constitution will amply suit India if it is to fall in line with Anglo-American powers. I hold the opinion that if India decides to fall in line with England and America, she will be committing a first class mistake.

The hungry and starving millions of this country will never tolerate a government which chose to fall in line with the anglo-American powers. If I were to choose between Washington and Moscow I would choose Moscow and not Washington and New York. I love equality more than liberty.

The essence of the theory of decentralization is utter distrust of the State. Bakunin and Prince Kropotkin advocated the theory that the state is an evil. It was based on violence and therefore inimical to all that is good and noble in human life. The best state is that which is least governed. May I ask the Members of this House are they going to build up their State on the basis of these assumptions?

The emphasis in the doctrine of Philosophical Anarchism is upon the individual and not the State. The individual should be the sole reservoir of all powers. When we talk of decentralization of powers, our sole aim is to wrench power from the hands of the Centre and to vest it in the hands of the Provincial Governments. I hold the opinion that if further encroachments are made upon the power of the Centre, it will reduce the Government of India to the status of the League of Nations. If the social purposes of the age are to be fulfilled, more powers ought to be vested in the Centre. The theory of decentralization runs counter to the concept of a unitary state. A unitary state is the need of the hour. If the menace of Provincialism and Communalism are to be combated we cannot afford to think in terms of political decentralization.

The great Mahatma was an advocate of decentralization. His doctrine of decentralization had an integral relation with the concept of Ram Raja.

(At this stage, Mr. President rang the bell).

It is only in a non-violent society where all the elements of violence have been liquidated that we can achieve the goal of decentralization. As long as there are warring Nation states we cannot think in terms of decentralization. As long as there is economic inequality, the goal of decentralization will elude our grasp. It is only with the need of the Togetherness that we can usher in a decentralized society. As long as there is militarism it is not

possible to decentralise powers to any extent whatsoever.

(At this stage, Mr. President again rang the bell).

May I take one or two minutes more, Sir?

Mr. president : No you had better hand over your speech.

Shri Brajeshwar prasad: It should be taken as read, Sir.

Mr. President : No You hand it over.

Mr. Mohammad Tahir (Bihar: Muslim): *[Mr. President, before I begin I congratulate you from the core of my heart that the Constitution of free India has been completed under the Presidentship. It was predestined to be so because it was an urge-an inner voice which sprang from the soil of Bihar and it is Bihar which has completed it.

Now I would like to express my views regarding the Constitution. I shall try to put before you its both sides-good and bad-in a few words as I have understood them from this Constitution. I shall put forth the good side so that people might take lesson from it, and I shall expose the bad side so that in future if the Congress or some other party which comes in power considers these evils as evils, then it might be possible for them to remedy these ills.

Its good side is the administrative factor. Our Constitution presents to the words the best type of administration. I hope if the authorities of our country act up to it sincerely then it is certain that our country would make rapid progress in a short time and the world would be proud of our country.

In so far as the question of its bad side is concerned I am sorry to feel that it might offend my friends and so I apologise for that and I hope they would give me a patient hearing. Its evil is inherent in its policy. Our Constitution presents to the world the proof of a worst type of policy. Our Constitution ought to have been a mirror, so that if any one in the world would have looked into it he would have seen the true and clear condition of the country. But he can see only this much that this country is inhabited by Christians, Anglo Indians, Tribals, Hindus, Scheduled Castes Hindus, etc., etc., If anybody ask: Do Sikhs inhabit this country?, the reply would be in the negative. If he asks: "Do Muslims inhabit?", the reply would be in the negative. It is due to the narrow minded police of the Constitution. The general political and cultural rights of the Muslims, who are a permanent minority, have been trodden down. It seems as if in this Constitution the

Muslims as a community have no place in politics.

Those who asserted that the majority community of India would destroy the politics, culture and the language of the Muslims, will get the sold proof of their allegations in this Constitution. Now the Muslims have neither their culture, nor their politics, nor their language, although for other minorities every thing has been provided in the Constitution. In the same way the political rights of the Sikhs have been put to an end. It is now for the world to decide if this was the duty of free India which she has performed through her Constitution. However, I have no complaint against the present form of the Constitution. I have simply pointed out the defects. If in this Constitution any injustice has been done to the Muslims or they have been punished, then it would make the position of the Muslims all the more advantageous, because due to this shortcoming the responsibility of the people and Government of India would become greater towards the Muslims. If this responsibility would be realized with sincerity then the Muslims would not be the losers. Sir, in this connection, I would like to point out that after the 26th of January the Muslims of India will start a movement, which will be a very mild one and their deputation will wait upon the President of India and this will be the last test to know whether in India Muslims could really get some privileges or not.

Lastly I would like to submit that it is a matter of shame that our Constitution could not fix a name for our country. This is a proof of the intelligence of Dr. Ambedkar that he suggested a hotch-potch sort of name and got it accepted. Well, if somebody would have asked Doctor Saheb about his home land, he could have replied with pride that he belonged to Bharat or India or Hindustan. But now the Honourable Dr. will have to reply in these words: "I belong to India that is Bharat". Now, Sir, it is for you to see what a beautiful reply it is.

Lastly, I would like to request you and the honourable Members to excuse me if my observations have, in any way, offended them.]*

Shrimati Purnima Banerji (United Provinces: General): Sir, at the cost of a little repetition, I would at the outset like to associate myself with my colleagues in their expression of thanks to the Members of the Drafting Committee, to you and to all others who played such an important and necessary role in the various stages of this Constitution. Without being open to the charge of making any invidious distinction, I would like to add a special word of thanks to you on behalf of the back-benchers of this House. For, at various stages of the Constitution, when we were rightly or wrongly exercised by certain doubts in regard to certain clauses of the Constitution, you used your good influence on our behalf with the Drafting Committee to

clear these doubts.

Sir, the Constitution of a country always is a very important and precious document, because it gives us an idea of how the great people of a country fashion their institutions, how they want to live, what are the political arrangements under which they exercise their judgment and what are the hopes and aspirations which they entertain for the future. Sir, when we are considering the present Constitution, our minds involuntarily go back to the olden times and contemplates the stages through which India has passed and recalls those periods, the recent periods in the history of our political subjection, when we were told that we were hardly a nation, that we were divided among ourselves in mutually hostile groups, that democratic institutions were congenitally not suited to Indian conditions, etc. We were told in patronising and high sounding phrases that the goal of this country will be the increasing association of Indians in the governance of the country with a view to the gradual realisation of responsible self-government. There was a time when in any concessions in the form of liberty which were granted to us, words such as 'Our subjects or whatever race, creed or colour will be impartially admitted to office and service', or 'No native of India will in future be debarred from employment by reason of birth, descent or colour', or 'We shall respect the right and the dignity and honour of the native princes as our own' were used. These phrases, in short, summed up the conception that was before those who were in charge of our destiny, meant for the future of the country. From such a conception of things we know with what gesture of impatience of country turned away and took, in historical words, the Independence Pledge which other countries have also taken whenever freedom was denied to them. We pledged that: "We believe that it is the inalienable right of the people of India to get liberty and freedom." With these words we entered upon a new career and worked for the independence of this country. And today we find that in this Constitution are embodied those historical words which were again raised in some other corner of the world and have since then been making a circle round the world and will continue to circulate till it becomes a reality. These words are the call of Equality, Liberty and Fraternity which today find a place in our Constitution.

Judging from those days to this day it seems, that although we may not have arrived at a stage of our fulfillment and completion, we have progressed and surely at least the immediate requirements of a normal society have been today provided. We can no longer be told that we are a race apart and that we are unable to govern ourselves.

I feel, Sir, that in the debate that has been taking place in this House during the last few days it is amply proven that this Constitution has

received a very mixed reception. Perhaps the Constitution fully deserves a varied interpretation. The main foundation of the Constitution however rests on our common nationality and no Democracy. In our Constitution we say that no matter in which part of the country we may reside we are integral parts of a common Motherland, that we shall, wherever we may be, unite in working for the greatness of this country, that there shall be no distinction of caste, creed or colour or province and that no separatist tendencies will divide us and that whoever is an adult and fulfils the minimum qualifications laid down for candidature can aspire to the highest office in this land. Therefore at least one milestone we have reached and we have reached the stage when we no longer feel that the tallest amongst us must bow before any foreign ruler.

But, Sir, I still think that great as the change is, all these things provide only the minimum requirements of a society. We ourselves during our freedom movement said that it was not for the loaves and fishes of office that we were fighting but rather that we might have the political power in our hands with which we could fashion and remould and change the whole structure of society in such a manner that the grinding poverty of the masses may be removed, the living conditions of the people may improve and we could establish a society of equals in this great country of ours. To apply that test to this Constitution, Sir, I feel that it does provide those minimum necessities with which we can change things, and for this I take my clue from the Directive Principles of State Policy. We could not merely rest content with negative democracy, i.e., the right to cast votes, the right to form a government and the right to change it. In passing I would pause and say that important as these rights are in themselves, I consider that Fundamental Rights that we have provided are absolutely necessary for the working of democracy. If we want to established a democracy which should answer the needs of the growing pattern of society, we should place the means at the disposal of the people by which Governments can be establish, which in its turn can be done by the right of free association and free expression of opinion, with the exercise of which institutions can be changed. I feel, Sir, that the clauses restricting these Fundamental Rights should not have been in the Constitution and the impression should have been well founded so that one may change the Government of this country to the best interests of the people by peaceful means.

Sir, in the Directive Principles of State Policy we have said that although they may not be enforceable in a court of law, they are nevertheless fundamental for the governance of this country and we have in articles 38 and 39 stated that the economic policy of the country will be worked in such a manner as would subserve the common good. To quote the exact words, we have said 'that the ownership and control of the material resources of the

community are so distributed as best to subserve the common good; that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment.' These vital principles shall not be enforceable in a court of law but nevertheless they are fundamental in the governance of the country and all the future laws of this country shall have to take not of this. By the inclusion of these clauses I personally feel that this Constitution has provided us with the means for changing the structure of society. It will all depend on us whether we are able to establish that sovereign democratic republic, not for the hollow benefit of registering one's vote and passing legislation, not a democracy which will simply maintain the status quo or which will take upon itself the policy of laissez faire, but a democracy which will combine with it the healthy principle that the government governs best which governs least, with the principle that it should encourage the active citizenship of the country. The two articles that I have read out are the cornerstone of this Constitution. If you want the people to meet peacefully and without resorting to violence, then we much give them the free exercise of their right to meet.

At least in one aspect of this Constitution, I most categorically hold that the Fundamental Rights of meeting and forming associations should under no circumstances have been circumscribed or limited by any provisos. I would rather take my inspiration from the American Constitution in this respect where they prescribe the Fundamental Rights boldly, and merely state that they will be subject to laws made by Parliament. I do not hold the fantastic theory that all rights are always absolute. They are relative, but when it comes to stating the rights, I should think, Sir, that they should not be burdened by giving the circumstances in which those rights cannot be exercised. If these circumscribing clauses had not been stated in this Constitution the difference would have been Psychologically great- the difference would be that the laws which circumscribe the right of free speech and impose other restrictions would have been repealed when the necessity for them was no longer there; they would not have been statutorily fixed by the Constitution. The complaint already is that this is a written Constitution and a bulky Constitution, and the more a Constitution is written, the more rigid it becomes. Considering this, Sir, I feel more so that in the Fundamental Rights these restrictive provisos to freedom should not have been there.

Sir, article 21 guarantees personal liberty and article 22 provides for preventive detention. In article 21, I would have like to include the safety of the person, his dwelling and his personal property from being searched or confiscated, because the powers of search and detention by Governments have played a disastrous part in our own political history, and we would not like these powers to hamper the growth of healthy political movements in

future.

Then, Sir, in the Directive Principles of State Policy, under article 39 we have provided that while we may change the whole structure of society in such a way as will susbserve the general good of the country, there is no categorical statement that any industry might be taken over by the State should that be necessary for the general good. In the Karachi Resolution of the Congress where most of these Fundamental Rights were incorporated for the first time in a political document, there was a provision that key industries and all the mineral resources of the country shall be state-controlled. That, I think, should have found a specific place in the Directive Principles of State Policy.

If the powers of government for protecting the State against foreign aggression are considered necessary, then I hold that key industries and mineral resources of the country should have been taken over from the hands of private enterprise, and these should also be exempt from justifiability or property compensation which we have dealt with elsewhere.

Another thing which I would like to mention and I think I will be voicing the views of most of my colleagues in this, is on the subject of salt. Salt has a big history in this country like the Boston tea of the Americans. Even though, I understand that the intention of the Government is not to levy and duty on salt, I feel that it should have been a gift of free India to the people of this country and Constitution should have specifically provided that salt manufactured in India would be free of duty. That also finds a place in our Karachi Resolution on Fundamental Rights.

In the Preamble, Sir, I find the absence of the word which was dear to us and therefore should have found a place there, and that word is "Purna Swaraj". I would have wished that the Drafting Committee had said that "We, the people of India, having attained Purna Swaraj, now constitute ourselves into a democratic republic". That, I think, would have been a happy thing.

There is another point regarding the services. Many friends have dealt with that subject. I personally think that even from the point of maintaining a healthy spirit of permanency in services, I do not think they should have been statutorily safeguarded thereby bringing in another difference between themselves and the people. The services are usually guided in respect of the manner in which a man should be engaged and the manner in which a man should be dismissed by Service Manuals providing these rules and if that is good enough for the rest of the services of the country, it should be good

enough for the higher services of this land.

With your permission I would add another point. We have in this Constitution some references to women. I would beg my colleagues in this House particularly Rohini Babu not to deal with the subject with any levity or any lightness of spirit because we have to realize that women also as the rest of India are standing upon a new threshold of life. As between the purdah-system and the new life which awaits the development of her personality, she is finding a new place in her home and her country and it is difficult enough. The part she has played in the building up of her home where she has been described as *Sahahdharmini* has to be extended and she has to receive that recognition in the nation sphere also. She is also man's equal Partner and help-mate and in the nation building activities of the country she has much to do. That position still is to come into being, and therefore I would request my honourable Friend Mr. Rohini Kumar Chaudhuri and others who are present here to look upon this problem with the gravest possible thoughts and to give it their best help and assistance. I hope that as in the freedom of the country the women of India did not fail this land so in the preservation of this freedom she shall not fail.

Sir, with these words I would conclude with the words employed on the 14th of August by Pandit Jawaharlal Nehru when moving here a resolution, he said that it may not be given to all of us to fulfil the ambition of the greatest man of our age which was to wipe every tear from every eye but till the poverty of the masses has not been relieved and suffering remains, we pledge ourselves to the service of this country. I hope that in the short span which is allotted to us, you and I as colleagues and comrades will work hand in hand for the greatness of our country.

Shri V. S. Sarwate (Madhya Bharat): Mr. President, it may be admitted on all hands that one of the greatest achievements of this Constitution which we are enacting is that it equally applies to all the Indian States within the borders of India. This is a great and glorious consummation, unique in the history of India, and the country owes a debt of gratitude to Sardar Patel for it. But let us not forget at the same time those who have contributed as efficiently to this consummation, I mean, the peoples of those States. This House knows fully well the sacrifices and services of Sheikh Abdulla, but there were Sheikh Abdullah's in several Indian States of whom probably many in this House to not know. They were there in Travancore, in Mysore, in Baroda, in Kolhapur, in Saurashtra, in Central India, even in Rajasthan, in the Sigh States in the North and the Orissa States in the East. These people had organised strong Praja Mandals in their States and their demand for responsible Government could hardly be suppressed by the rulers concerned even with the help of the British power. When that power was gone the

rulers were left without any outside support. It may be magnanimous to say that the rulers readily agreed in a spirit of self-sacrifice when the covenants of either merger or accession were presented to them by the Government of India. But that is not a historical truth. It was because of the efforts of these people in the States that the rulers full well knew that they had no alternative; that if they did not agree to the Covenant of Accession they would have had to meet with a worse fate from their people, and it is this emergency, this necessity of circumstances, which made them yield. I trust, therefore, that this House would not grudge recording its appreciation of the sacrifice and service, of the sufferings and trials of the great fight which these people put up and continued in their several States for the consolidation of India.

Coming to the Constitution itself I may say that every man residing in Indian State would have been happy if the Rajpramukh had not been linked with the Governor and the President. I am reminded of a jibe at Panini, the Sanskrit Grammarian and in one of the aphorisms he had said:

Shwa yuvam dyonah (original in Devanagari)

He applied the same rule to a dog, to a young man and to God Indra. Something like this has happened in this Constitution. I would refer to article 361. The section says: "No criminal proceedings whatsoever shall be instituted or continued against the President or the Governor or Rajpramukh of a State in any court during his term of office". It was quite all right as far as the President or the Governor was concerned; but the clause does not fit in with the Rajpramukh, whose office terminates only with his life. Take a worse case. Supposing a Rajpramukh commits a murder. There is absolutely no remedy against this in this Constitution.

Shri T. T. Krishnamachari (Madras: General): May I point to my honourable Friend that the Rajpramukh will hold his office only subject to the President allowing him to do so and if he commits a murder, he will be removed from the office?

Shri V. S. Sarwate: I would again say that the Rajpramukh does not hold office during the pleasure of the President. He holds it by virtue of the covenants which have been agreed to and which could not be set aside.

Shri T. T. Krishnamachari: I am afraid my honourable Friend is completely misinformed.

Shri V. S. Sarwate: All right. I shall be happy to be wrong. All the

same.....

Pandit Thakur Das Bhargava (East Punjab: General): The Constitution is the sole authority now and overrides all Covenants, etc.

Shri V. S. Sarwate: I may be allowed to have my own views and I think that no process for the arrest or imprisonment of the President or the Governor or Rajpramukh of the State, shall issue from any court during his term of office.

Now I shall refer to article 238 which lays down that certain provisions of Part VI would not apply to Indian States. This section, for instance, says that articles 155, 156 and 157 shall be omitted from Part VI, i.e., they will not apply to Indian States. Article 155 lays down: "The Governor of a State shall be appointed by the President by warrant under his hand and seal." Article 156 says: "The Governor shall hold office during the pleasure of the President." But it has been specifically said in article 238 that article 156 shall not apply to the Indian States. That supports me in saying that the Rajpramukh does not hold office during the pleasure of the President. Further, it is curious that article 157 also does not apply. Article 157 says: "No person shall be eligible for appointment as Governor unless he is a citizen of India and has completed the age of thirty-five years." This article does not apply to the Rajpramukh. A Rajpramukh, even if he is 21 years of age, l will be able, according to this Constitution, to carry on his duties as Rajpramukh. It is anomalous that in the case of Provinces which are said to be better administered and which are said to have a better form of Government, the Governor should have completed the age of thirty-five years whereas in the case of Indian States which are said to be less efficiently administered, the Rajpramukh who has to discharge the same duties should be allowed to be of a younger age than thirty-five. I do not know why article 157 should not have been made applicable as far as the age is concerned to the Rajpramukhs. I know there are difficulties in the way of the Covenants. The Covenants lay down that the Rajpramukhs will be governed by the rules of succession in their State and further they would be Rajpramukhs for their life. I would have been happy, and probably everybody would have been happy if the constitutional pandits could have devised some means by which the Governors and the Rajpramukhs would have been separated in the case of Indian States. The Rajpramukhs could have been given some titular office and the office of the Governor should have been newly created. It may be too late to say this at this stage; but this is a defect in the Constitution which would have to be taken into account later on when the time comes for amendment.

I wish to refer to one or two points which seem to me to require some

comments. I find there is an article for the appointment of a Financial Commission, namely article 280. In this article, it is laid down, I am referring to clause (c) "the continuance or modification of the terms of any agreement entered into by the Government of any State specified in Part B of the First Schedule, (that is, the Indian States) under clause I of article 278 or under article 306." The words 'under clause (i) to article 306' are new and they have been inserted after the Second Reading. I am sorry and I regret very much that, being ill, I could not send in my amendment to this. This ought to be considered by the House or by the Drafting Committee or by whosoever be in charge, whether it would not have been better and in the interests of all concerned that the whole financial integration between the Indian States and the Government of India had been entrusted to the Finance Commission. There would have been an independent tribunal as it were which would have judged and decided taking into account all conditions. The present condition is this. The Government of India which is a party to the financial integration is to give the final ruling. That Government being the dominant partner, and the Indian State being the subservient partner, the balance of benefit is always likely to be on the side of the dominant partner. Therefore I say that it would have been much better if the financial integration had been left to the Finance Commission. The clause I referred to above is a new addition, which has been inserted after the Second Reading. This clause restricts reference to the Finance Commission to certain agreements only. I am afraid the attention of the House has not been drawn to this particular new clause. I would very humbly request the President and the authorities concerned to reconsider of financial integration between the Government of India and the Indian States is entrusted to the Finance Commission. This is a very important point; much more so, because, as one of the previous speakers said, some of the States are losing a very big portion of the income which they derive, e.g., from customs and railways. In such a State of things, it behoves the Government of India to take into account the loss which they are suffering and to take upon itself the burden of the privy purse at least. By the abolition of the States, the Government of India on the whole derives much more benefit than the particular State concerned. I am sure that after a few years, every Indian State would in any case have had responsible Government. The popular movement was so strong that in a few years time, they could not have remained rulers and probably the position as far as the rulers were concerned would have been much worse.

I shall finish in a minute or two. I have only to mention one of two points. I may be allowed to state that in certain cases the privy purses now settled by the covenants are more than what the rulers used to get before. I know a particular case whether the Ruler was getting less whereas he is getting more under the covenant as privy purse. This was done because the

interests of India as a whole required it to bring about this consolidation. Therefore, it behoves the Government of India, it is moral duty of the Government of India to take upon itself this burden of the privy purse. At present, what is done is that the Government of India pays in the first instance and then takes the same money from the State concerned. That should not be the case. The Government of India should pay from its own Consolidated Funds.

I want only to refer to one more article, article 295. This, I am afraid, is also a new section; probably some words are added after the Second Reading. This article lays down that the ownership of all property in the States which relates to the Union subject shall vest in the first instance in the Government of India, and then, may be made subject to any agreement which may be made in that respect. I should have thought it should have been the reverse. All property should have in the first instance belonged to the State concerned; and subject to any agreement, it should have gone to the government of India. In any case, this question of the ownership of the property in the Indian States relating to the Union subjects should be decided by the Finance Commission. It should be a subject of investigation by the Finance Commission. At present, agreements are reached, I am afraid, not so much on the financial principles as on the particular circumstances of each State concerned.

Lastly, I should say a word about article 371, relating to the general control over the States. There are States and States. I admit, and one would have to recognise the fact, that there are States which may require outside control. But there are States also which are in no degree less efficient than the British Provinces. So it is a slur on them which cannot but be felt very seriously by anybody who has any self-respect that all Indian States as a rule should be placed as if under a Court of Wards. There is, no doubt, a provision here which is some solace. As long as there is this control by the states Ministry all ministers in the States for solving their internal dissentions, instead of looking to their Legislature would run to Delhi, for advice from the States Ministry. Instead of pleasing their constituencies, they would rather please Delhi. This is inevitable under the circumstances and therefore it is neither beneficial to States concerned nor to India as a whole in the long run. I would therefore appeal to the future President that he gives full latitude to the proviso to this article, namely, "that the President may by order direct that the provisions of this Article shall not apply to any State specified in the order." To tell a man to be self-dependent, the best way is to take away his support: he may totter for some time but then he will regain his balance. So I appeal to the President that with the power given to him under this proviso, he excludes from the operation of this clause all those States whose administration justifies such

exclusion. With these words I support the Constitution.

Shri Basanta Kumar Das (West Bengal: General): Mr. President, Sir, there are mainly three factors which have given our Constitution the present shape. I like to call them the three legs of this Constitution, *viz.*

(1) The experience gained through the working of Government of India Act of 1935.

(2) The needs and aspirations of the people who have become free, and

(3) The impact of events occurring in the country and abroad and of those that may be expected during at least the coming 10 years.

Sir, the Government of India Act, 1935, is an almost perfect mechanism for the smooth running of a Police State and is worded in a very suitably legalistic language standing the test of time. The Constitution has therefore, done well to draw largely from that document so far as its administrative side is concerned.

But with freedom achieved, the State has to pass from a 'Police State' to a 'Welfare State' and along with the peace and security of the country the full growth of the people is to be assured. A copy of that Act cannot therefore be possible, nor would it be proper to do so. To effect a balance between those two very potent factors was therefore a necessity but that work has been much hampered by the third factor viz., the political situation particularly arising out of the division of the country, the fissiparous tendencies that always attend a newly achieved freedom and the cultural and ideological crisis through which this country as well as the other countries of the world are passing. In this very difficult task of making a compromise between these factors, the wisdom, knowledge and experience of our leaders have been put to a severe test. On the one side of the picture we have been given a central authority with almost dictatorial powers to ensure security, law and order and to deal with all disruptive forces with a very strong hand. On the other side we have the provisions of Fundamental Rights and the Directive Principles which is observed and worked out in a right spirit, will go a great way to fulfil the aspirations of the people who have been impatiently looking forward for happy and prosperous days after the shackles of foreign yoke have been cut as under.

But if the principles embodied in the Constitution fail to bring about the anticipated results, that failure must be attributed to the lack of skill to

handle the machine and not to the machine itself. A weak, inefficient, tactless administration is incapable of delivering the goods even with the best form of constitution on earth. This Constitution has at its background an administration guided by the great leaders of the country and to my mind, it is an experiment for at least 10 years.

I must, however, say that the Directive Principles which aim at the paramount task of nation-building and which are a sort of instrument of instruction from the nation's representatives to the administrators of the country might have been put in a more obligatory form. In its entirety the nation-building scheme envisaged in this Constitution is not as definite and comprehensive as it might well have been. To take for instance, I may mention the provisions regarding education-which place no compulsion on the administration to attain a certain level and standard within a definite period of time-although 'educate' and 'educate' should be the motto of the State in order that democracy may be a success in this country. The same may also be said about the economic pattern of the society as set forth in the Constitution.

But if the task of effecting a balance, I have referred to before, has not been property performed and our leaders have been led more by the exigencies of the situation than by hopeful liberalism, the ultimate appeal will lie with the ballot-box which is the greatest boon that the Constitution has conferred on the people.

I do not deny that the ballot box has many vices and it has been criticised by some as unsuited to the Indian soil. But the pattern of the Constitution we have set forth before us leaves us no escape from the ballot box. It is upto us to rid it of its vices and to learn and teach to use it as a sacred trust. Only if the ballot box remains incorruptible, we have nothing to be afraid of any arbitrary power that may have been conferred on the executive who shall have to serve the masters who hold the box. Criticism has been offered that the proposed system of ballot-box might well have been replaced by basing the Government on the village Panchayat as its unit with a view to ensure a truer and more real form of democracy. I must confess that we have not been able to bring about that revolutionary change for a decentralised government. In spite of the teachings of the great apostle of non-violence and truth, we have not been able to spiritualise our life and thought and politics in a way adequate to conform to a system of decentralised government. But the revolution has yet to come and come when it will, we must have to change this Constitution. But today let us welcome this great achievement and work it in a spirit of faith and hope extending all co-operation to our leaders whose handiwork it is and who may be considered fit to wield it to make the nation strong, prosperous and

secure.

Sir, I support the motion for acceptance of the Constitution.

Shrimati G. Durgabai (Madras: General: Mr. President, Sir, the speakers who have preceded me have placed before you in a highly learned way an exhaustive analysis of the Constitutional set up which this country is going to have. Sir, I have no intention to repeat them, firstly because I do not claim to have that legal or constitutional wisdom to say anything by way of throwing further light on the points already placed before this House. I also think that at this stage it is better to look forward than look backward and dissect this Constitution in a theoretical way to find out either the merits or the defects of it. Sir, there is only one standard by which we have got to judge this Constitution. The purpose of a democratic constitution is to find a device and to establish a machinery to find out the general will of the people and also to give scope for the general will to prevail. Does this Constitution fulfil this object? That is the point to be considered. Sir, with the franchise extended to all the adults, and with the ample checks provided to control the executive and the Fundamental Rights solemnly guaranteed by this Constitution, I do not think any fair-minded person would say that this Constitution does not fulfil that democratic purpose, that it does not establish the scope and opportunity for the will of the people to dominate in the administration of their affairs. May I say, Sir, that it is not or should not be the purpose of the makers of the Constitution to give the colour of a particular political ideology to the Constitution, and it is well that it is left to the people and the people should be left alone, and they should be the masters to shape the destiny of this country and also to mould their machinery as they like, as long as they hold the field. It would have been wrong on the part of the makers of the Constitution to have given that kind of colour or to put a kind of interpretation of a particular brand of political philosophy to tile provisions that are embodied in this Constitution. What the Constitution should do is to give the people sufficient and free scope to canvass their own particular brand of ideology and give them the means to make their own opinions prevail as long as they have got a voice in the administration of the country.

Sir, it is possible for a socialist to complain that the principles of his own party do not find a place in this Constitution. But ours is a Constitution which is neither a socialist Constitution, or a communist Constitution, or even for the matter of that, a Panchayat Raj Constitution. It is a people's Constitution and a Constitution which gives free and ample scope to the people of India to make experiments in socialism or any other ism in which they believe would make this country prosperous and happy. It would have been wrong on the part of the makers of the Constitution to have introduced their own

political philosophy, and they have done well in making this Constitution, as I say, a cent per cent. people's Constitution, and leaving it at that.

In their own wild disappointment, some unkind critics have described this Constitution as no better than "the Motor Vehicles Taxation Act". That, Sir, is very cheap criticism, I should say. Does this Constitution which for the first time gives adult franchise, for the first time guarantees the Fundamental Rights, and which has amazingly succeeded in blotting out the hundreds of patches of this country and made it a strong and united country, does this Constitution stand on a part with the Motor Vehicles Taxation act? Certainly, as I have said that is a way of criticising this Constitution which is a very cheap way.

Sir, I will not deal with the various constitutional safeguards provided in this Constitution for a democratic government. It is a subject on which many learned disquisition have been made. As I said we should now look forward and see to shape the future of things, by means of this Constitution. Many have dealt with the pros and cons of adult franchise. It is a very good thing, provided it is exercised in the interest of this country. What should we do to bring about this happy consummation? It is said that adult franchise unleashes vast forces which may not work in the interest of national good, but which may work in sectional interests. Sir, it depends upon the leaders who are going to take charge of the destinies of our country and of the new set up to create sufficient safeguards against such an abuse. I do not imagine the problem is so difficult as we think it to be, if we only make, in the first instance, membership of this house the membership of Parliament, not a position of unusual prestige or of position and power, but a post of duty and of heavy responsibility, a post of duty and very hard and efficient work. It is only then that many of the defects of parliamentary democracy will be automatically solved. Can we not devise a method by which the elected representatives would be looked upon, not as belonging to a privileged class, but as persons discharging a heavy responsibility and duties over and above, and in addition to talking which is what we are doing now. As long as we maintain the status quo with regard to the position of the representatives of the people there will be that scramble for seats in Parliament and the consequent scramble for power. Only when we are convinced and make others also relies that the position of an elected representative is not merely a position of luck or prestige, but a place of duty and hard and efficient work, only then will there be the necessary restraint in the matter of the choice of the representatives.

Sir, I will not take up much of the time of the House but will only mention one feature which appears to me to distinguish the Constitution from the American type of constitution, and that is with regard to the

judiciary. Although this Constitution is of the federal type there is not a double chain of courts created in this country, that is, one set to administer the federal laws and another set to administer the laws made by the State. All the courts form a single hierarchy, at the head of which is the Supreme Court. Immediate below the Supreme Court there are the various State High Courts and below them the subordinate Courts of the States. But every court of the chain, subject to the usual pecuniary and other local limits, will administer the laws of the country, whether made by Parliament or the Legislature of the State.

Sir, there are several other kinds of criticisms made against this Constitution, but I have not got time because I have to accommodate other colleagues of mine, as the President has already said.

Sir, I would just mention one or two points. It is said that there is nothing Gandhian in this Constitution. Look at the Chapter on Fundamental Rights. It has always been criticised in the House and some of the attacks have been bitter, that the Fundamental Rights are not worth the paper on which they are written. It is supposed that because the Fundamental Rights are hedged in by certain restrictions they are absolute trash? These restrictions on the Fundamental Rights are completely in consonance and in accord with well recognised restrictions in the whole jurisprudence not only of this country but of the whole world and the constitutions of various countries. The rights should not be absolute.

I have also heard the criticism that this Constitution has not laid down the duties of the citizen. It has laid down only the rights. I do not want to say much on the restrictions which have been placed on the Fundamental Rights. While claiming his rights under the Constitution the citizen should as well remember that he has got an obligation and a duty to the State, from which he expects his rights or his protection.

Look at the Chapter on Directive Principles of State Policy. It is said that they are just merely principles which are not enforceable through the courts of law. Constitutional declarations of social and economic policies of the State are becoming a common practice and it is not even unknown to ancient India. Artha Shastra mentions an injunction to the King in these terms:

"The king shall provide the orphan, he dying, the infirm, the afflicted, the helpless with maintenance He shall also provide subsistence to the helpless and the expectant mothers and to the children they give birth to."

This is basic injunction of the Artha Shastra, which the King has no

option but to obey and it could form the guiding principle of our Government both at the Centre and in the States.

I do not want to deal with the criticism that this Constitution which is a republican Constitution cannot work well within the Commonwealth, which we have chosen to be part of. From many sources we have heard this criticism. I do not want to deal with it at length but would only say a word. I do not think it is an insurmountable difficulty. I would mention again that it is not unknown in ancient India, because the republic of Licchavis is mentioned as having a form of membership or partnership with the empire of Chandragupta. These two names are inscribed on the imperial coins. Berriedale that in the commonwealth if there was no room for the republics to work then the enduring character of the Commonwealth itself was of a doubtful nature. Therefore it would be well that we recognised certain authorities for this purpose of working together. Therefore, it need not be thought that this would constitute any difficulty.

Last but not least I want to say that I have just read the decision of the Government of India this morning in the papers that they have created facilities to bring about the Andhra Province at an early date. They have done well in leaving the details to be worked out by a Partition Council and that the Centre would not interfere with them. I am very glad about it and I hope that the Partition Council which might be created will not do anything that is injurious to the peaceful and quiet life which the people are enjoying hitherto.

Dr. V. Subramaniam (Madras: General): Mr. President, in the Draft Constitution of India which we are going to adopt within a few days, we have only peg-marked the path for the construction of the road through which the ship of State should sail. The ship will be steered by the new Prime Minister of India on which there will be about 500 MPs as sailors. It is the duty of the President of the Republic of India to guide us all to the destination. The destination is contained in the Preamble. With the Preamble as our goal we are fixing 395 articles as peg-marks. The regular road is to be constructed by the future parliamentarians. By the wisdom and foresight of our leaders and with the help and co-operation of the honourable Members we were able to trace out a plan foreseeing the difficulties ahead and utilising the experience of other nations. Let us pray to the Almighty to give us sufficient strength and wisdom to steer the ship away from all the invisible obstacles.

We are to begin our journey on the 26th January 1950 when we will resolve ourselves to carry out the Constitution in letter and spirit for the good of the people. Equally so the people must also realise their duty to the State and work shoulder to shoulder with the State. The provisions

contained in the Fundamental Rights and Directive Principles of State Policy are ample evidences for the guarantee to the people.

Our old structure of society, as enunciated by the seers of our land was based on the varna and Dharma or duty that each varna must do. Now that all varnas have gone out of the work allotted for them, owing to the powerful cause of Time, "Kal", society wants a change in its structure so that people can select their own professions according to their tastes and get equal opportunities in the social, economic and political life. Further, modern society wants to make no distinction between man and man by births or status. These changes we were not able to bring about for the last many centuries. Now that alien rule has been eliminated, we give this Constitution to ourselves.

Constitutions of countries were generally framed immediately after revolutions or wars. We in India were fortunate to frame our Constitution almost in a normal atmosphere except for some troubles created as a result of the partition of the country. At this juncture, I bow my head in reverence to the Father of the Nation for his unique leadership, through whose ideals we were able to reach this stage. I think our Constitution will work well in due course. It is not wise to criticise it at the start itself.

The one thing that the future State should concentrate on, if they want to build an ideal India, is upon the building up of the individual in the State. If the individual is perfect then the State also become perfect. It will take a long time. A government conducted by an individual or group of individuals who are perfect both in thought and deed is Ram Rajya, a Rajya dreamt of by Mahatmaji.

In this Constitution I find a lacuna. There is no provision for creating a new era just like "Salivahana Sakapatha". Now it is Salivahana year 1872 and Kali 5051. So my desire is that soon after the birth of this Constitution for all State purposes we must open the Gandhian era as the first year, the date being the date of day when Mahatmaji was assassinated. Either Gandhiji's date of birth or death must deserve a new era.

The predominant feature of the Gandhian era would be the importance of the individual as against the State. Gandhi in all his writings and speeches emphasised the need to create conditions for the development of the personality of the individuals who constituted the State. This he visualised as possible only under conditions of complete decentralisation of power-political as well as economic. I cannot but share the views of some of my colleagues here that this Constitution has not aimed at bringing about such conditions in our country. Political power has been so much centralised as to endanger

the prospects of economic decentralisation so necessary for the development of the human personality of our people.

With these observations, I support the motion before us.

Shri K. M. Jedhe (Bombay: General): Mr. President, Sir, I stand here to congratulate Dr. Ambedkar and his colleagues for having taken great pains in framing India's new Constitution. We have spent nearly three years and now we are completing our great work. Some Members while congratulating Dr. Ambedkar have called him the present Manu. I am certain that he would not like this appellation. I know he hates Manu who has created four castes, the lowest of which is the untouchable class. I remember that he has publicly burnt Manu Smrithi in the huge meeting of the untouchables at Mohad in 1929. He is the great leader of the Harijans and is greatly extolled by them as their champion and is worshipped as an idol. They are very proud of him. They call him Bhim and make it known to the public that he has framed Bhim Smrithi. I also call it Bhim Smrithi though I belong to the Sprasya Class. Dr. Ambedkar is a great lawyer and a man of great ability and intellect; nobody will doubt that. Untouchability has been removed by law and while framing the Constitution, Dr. Ambedkar was very keen and earnest in safeguarding the interests of the Harijans. All Harijans must be grateful to him. At the same time, we must also be grateful to our country's Father, Mahatma Gandhi, who gave us independence. He was a great soul who made, great efforts during his life time to remove untouchability. His great wish was to bring the Harijans to the level of touchable. He is not among us to see his great wish fulfilled and bless us, because he fell a victim to a cruel and villainous plot.

I must also congratulate Sardar Vallabhbhai Patel for having achieved the unification of India. He is strong and resolute, strict and stern, while administering public justice. he has brought low to level ground the Indian princes who were a great impediment to India's swaraj movement at the time of the British Government, but now they are crestfallen. Now India is one and the whole credit goes to Sardar Patel. Here I must express my great respect and reverence for him.

The Constitution which is nearly complete has made the Centre too strong and much of the owners of the Provinces has been curtailed. The centre has become the great king and the provinces its dependencies. We get adult franchise and for this we must congratulate ourselves. Many have shed tears for having extended the franchise to all men and women above the age of 21. Their whole argument, which is selfish, is that the people of this country are ignorant and uneducated, but the whole blame goes to the upper class, because they have kept the people ignorant for the selfish ends.

No one will be deprived of his right of franchise if we want democracy, the rule of the people. We are told that democracy is embodied in the new Constitution. The Constitution has vested great powers in the hands of the President and I am under great apprehension that there will be a dictatorial rule instead of democracy and that the Fascist mentality will grow as the Centre is made strong. However, we are to see how our new Constitution works and satisfies the people.

We cherished great hopes that along with the Andhra Province, Samyuktha Maharashtra would come into existence with the beginning of the new Constitution, but in this we Maharashtrians were greatly disappointed. Andhra Members got their province separate and for this we must congratulate and praise them for their united efforts. We Maharashtrians were asking for separate Marathi-speaking province-Samyuktha Maharashtra including Bombay-but we did not get it because we were not one. Some C. P. Members were for Maha Vidarbh and Bombay Provincial Congress Committee was for Bombay to be a separate unit. Sir, we do not want Maharashtra to be divided. We are willing to remain in the Bombay Presidency for some years more. We still hope that Samyuktha Maharashtra will be created along with Bombay city. We have patience to wait and we hope that we will get Maharashtra as we demand. In this I will be supported by Shankarrao Deo and Kakasaheb Gadgil.

Sir, I have done.

Shri Satis Chandra Samanta (West Bengal: General): Mr. President, Sir, before I begin my speech, I want to tender my heartfelt offering of homage to those who sacrificed their lives, liberties and all the pleasures of their lives for the country, as a result of which we have become independent. Soon after independence we started framing the Constitution and we are now at its completion. This Constitution which we are going to present to ourselves is based on democracy. The world is after democracy and we are also following the same path. According to Abraham Lincoln, democracy means the Government of the people, by the people, for the people. We have framed our Constitution according to that principle. We have been selected to come here in a democratic way and we have framed this Constitution according to the best of our knowledge. In spite of personal points of difference, we have accepted the verdict of the majority; if we now go into the merits or demerits of the Constitution, nothing will be gained.

Now, as regards the Constitution, I may refer to the fact that on 29th July 1934, the Congress demanded the constitution of a Constituent Assembly. The then British rulers did not grant our demand. Now, through our sacrifices and efforts, we have constituted our own Constituent

Assembly. This Constitution we are going to give to ourselves is a thing which is for us to adopt and work in a true spirit. We the people of India have framed it and if there be any defect in it, we should accept it and not grumble about it; because the people of India and their representatives who have framed it are what they are, it will go on.

So we having nothing to grumble. My friends have gone into the merits and demerits of the Constitution. I admit there are demerits, but now we cannot escape those demerits. I am one of those who can express joy over the framing of this Constitution, as a Member of this Constituent Assembly, because the fundamental things which we want are there in this Constitution. In spite of the defects that this Constitution contains, we who are the framers of this Constitution should try to execute the articles thereof in the proper spirit for the welfare of the country. If we do not take that trouble and that responsibility, we will not be doing our duty. So, whatever defects the Constitution may have, much will depend upon the way in which it is worked. I would therefore urge upon the framers of this Constitution, the Members of this Assembly to explain its provisions in their constituencies with in one year from now, before the next general elections and educate the electorate to be worthy citizens of India so that the right men may be elected by them for properly working this Constitution. Unless the electorate has the education to choose real representatives. However good the Constitution may be, it will bring so good to us. I repeat this request to the present Government also to educate the electorate by introducing compulsory adult education within the next year so that this Constitution may bring about the desired effect.

Sir, I want to say a word about adult franchise. As one who is a villager and a common man, I know the defects of the villagers. Unless we give them opportunities to know what they are, they will never rise. There have been good men and there are still good men in the villages. If real responsibility is given to them, every one of them will prove his worth and this Constitution can be worked successfully.

Sir, I moved an amendment seeking to bring the village panchayats under the Fundamental Rights. They have, however, been brought under the Directive Principles. If the village panchayats are properly constituted as provided in the Directive Principles, the wishes of Mahatma Gandhi could be fulfilled. There are many articles in this Constitution which fulfil the ideals of the Father of the Nation, Mahatma Gandhi. Those ideals should be fulfilled.

Lastly, I would request one and all not to criticise the Constitution, but to give effect to its provisions with a spirit of service so that the wishes of the

Father of the Nation may be fulfilled. With these words I conclude:

Kaka Bhagwant Roy (Patiala and East Punjab State Union): *[Mr. President, a large number of my honourable Friends have expressed different views regarding the very Constitution which they have themselves framed. This has confused me and has also given me pleasure. So far as I am concerned, I foresee the basis of revolution in this Constitution. After years of political struggle and unparalleled sacrifices, India attained independence and the Constituent Assembly of free India was constituted. A wave of enthusiasm overtook India. But the people of the States only looked towards this great Assembly with hopes in their eyes. As the time marched, the map of India's beautiful future became clearer to Indian people. The States subjects got rid of the despotic rule. Small States were dissolved and went into Unions. In a big country like India they were given equal share. The Indian people were given the right to constitute their own government by their own votes. In truth it can be said that for the future the reins of the Government have been entrusted to the Indian people. It appears to me that in the history of this ancient country this is the first revolution of its kind when power has been snatched from the hands of Rajas, Maharajas and their courtiers and has been placed in the hands of the people and when rulers' birth right to rule has been nullified. Now it is the duty of the people to consolidate this change and to infuse life by their good actions in this Constitution which is based on beautiful ideas. I am aware of the responsibilities of the people and their leaders. Our countrymen are innocent and illiterate. Different people and different bodies will play with their sentiments by their own tactics. But its duration will be short. I am fear-stricken. With the enforcement of this Constitution the ignored people of the country will raise their heads with the help of natural force and will acquire the rights of which they were deprived for centuries together and that great revolution which lies implicit in the Constitution and looks like a dream, will reveal itself in its true colour. That map which our beloved leader (Respected Gandhiji) kept in mind while engaged in the political struggle will be in its prime of youth. And those very stories which we have been hearing and reading of our country's knowledge, civilization, culture, wealth and prosperity will become a reality and will give to the world the message of happiness, love and beauty. In the Constitution, reference has been made regarding the Harijans. Whenever we debated on this subject in this House and whenever its necessity was felt, I hanged my head with shame. I would like to say that those who called themselves of higher castes have perpetrated brutalities on this community and by giving them bad names based on the nature of their professions throughout the centuries. I cannot understand how those who have praised India and Indians have done so? That country is very low and mean in which discrimination has been made and is being made between man and man. For centuries together the

untouchables and the Harijans of India have been so badly downtrodden that they cannot be compensated even if the reins of Indian Government are handed over to them. In this age of progress a day will dawn when the future generations will read about untouchability and the needs of our forefathers will make them hang their heads in shame. In this connection I would like to say that the centuries old communalism which had dominated the Indian mind in some shape or the other, and everything was measured in accordance with this maxim, so much so that even water was given a Hindu as well as a Muslim name. This ancient land was partitioned and two years ago Hindus, Sikhs and Muslims became the victims of this communalism and the creation of God was sacrificed at its alter. By putting an end to this communalism once for all, politics and religion have been divorced from each other. So far as the Provinces and the Centre are concerned, it has been seen that Centre has been made very strong and powerful. It is but proper that the Central Government of such a big country must be very strong as history shows, whenever the Centre was weak the Governors of the Provinces rose in rebellion, and unfurled their own flags. I cannot help saying that the Englishmen, for the first time united the country and ushered in a strong Central Government and brought home to every Indian the feeling that he was an India. But we have been bred in such a narrow atmosphere for centuries that even today I feel that we think in terms of provinces and communities and not in terms of India as a whole. I admit that, hand in hand with the Centre all the parts of the country must be strong. Because until and unless all the parts of the body are not strong mentally, physically and spiritually, the body as a whole, can never be strong. But in order to take work from all parts there should be a brain in the centre which should handle all the parts properly and justly and afford opportunities to all for proper development. This should be the shape of our Centre and the Provinces.

Lastly, as a representative of the State, I am indebted to the beloved President of this Assembly, Dr. Rajendra Prasad, as the States have been given equal share in the Constitution and that the position of the States have been placed at par with other Provinces. Now I must thank our beloved leader Sardar Patel who with a strong hand and in an appreciable way has snatched the power from the Rajas and has entrusted it to the people. Having spelt the doom of centuries old system, the Princes and the people have been brought in one line. Sir, I see in this Constitution that the despotic rule has come to an end for ever and the day of popular rule has dawned.]*

Shri Jaipal Singh (Bihar: General): Mr. President, Sir, may I venture to ignore your counsel against repetition and add my own tribute, unqualified tribute, for the tremendous work Dr. Ambedkar and his hard-worked team

have put in the making of the new Constitution and also, Sir, may I humbly add, for the inexhaustible patience you yourself have shown in guiding our deliberations. While I record my own thanks to you, Sir, and, to the members of the Drafting Committee, I am not oblivious of the enormous amount of work, seen and unseen, that has been put in by the Constituent Assembly Secretariat. I think the whole House owes a great deal the highest and to the lowest members of the staff of the Constituent Assembly Secretariat. I know we, M. C. A. s., by virtue of the position we hold in this House, are exacting persons, but they have been diligent and loyal in their services to us and I think we should acknowledge our recognition of the services, willingness and diligence they have shown throughout the time that we have been here. I do hope that the sanctity of the Constitution will, in no way, be lessened by the unemployment of any member of the staff of the Constituent Assembly Secretariat. Personally I would like to see, that, somehow or other, everyone, who has worked with us in the making of the Constitution, is absorbed elsewhere if he cannot be absorbed in the future Secretariat from next year. I do not think, Sir, it is necessary for me to single out any particular section of the Secretariat. We all know how prompt services have been given to us whether they related to the making of accounts or to the supply of petrol or to the providing of suitable accommodation and furniture in our houses or anything like that. Whatever we have asked for has been willingly given us and that also promptly. I feel I must record my own recognition because, as a Member of the Staff and Finance Committee, I know the amount of work they have put in and in recording this recognition I am thinking more of the people whose work is unseen, people who happen to work in the upper stories of the Council House and not merely the people whose faces we are accustomed to see every day.

Sir, I do not think it is necessary for me to say anything about the Constitution. The constitution has been made by us. I know that some sections individually are not fully satisfied. That is as it should be. No Constitution can please all the different sections of any country, let alone a country like India, but, the overall picture, to my mind, is very satisfactory and not disappointing . I have great faith that this man-made Constitution will succeed if men will be genuine and generous enough in the working of the Constitution. After all, the various potential facets of this Constitution may be disturbing at this stage. There is potentiality for the new Constitution being democratic. There is also the other aspect, rather disconcerting, of the Constitution being converted into a totalitarian administration. Everything is there. It is for us men to make this what we want it to be. There is that flexibility. It is not the written word that matters. It is the life that we put into that written word that will count in the long run.

I know there are many things regarding Adibasis that are not writ in the Constitution. For example, we do not know yet, Sir, how the President is going to treat the question of scheduling of the areas. We do not know, for example, what kind of inventory of the various Scheduled Tribes, will be made. We do not Know yet as to whether there will be co-ordinated administration from the Centre so that the work in the various provinces, where we have Scheduled Tribes, will be regulated and directed. None of these things are mentioned and yet I have faith enough to say that I am looking forward to a great future for the Scheduled Tribes, as well as for others, because, it would be for us to make or mar the future of our country, to make or mar the Constitution. Sir, it is in that great faith I give my unqualified support to the Constitution.

Shri A. Thanu Pillai (Travancore State): Mr. President, Sir, we are now coming to the close of a very important task. We are adopting finally the Constitution for a very great country with an unbroken past, which few other countries can claim and that devoutedly-wished for future which is to satisfy the aspirations embodied in the Chapters on Fundamental Rights and the Directive Principles of State Policy.

Sir, the articles have all been discussed at full length at the second reading stage and the criticisms have been fully answered by no less an advocate than Dr. Ambedkar and we have come to the end of our labours. I think, Sir, that Adult Franchise, in spite of the objections that may be raised against it, is really the core of our Constitution and it is but just and right that we have adopted it. I am really surprised that even today objections are raised to Adult Franchise. Not only from the stand-point of democratic principles but from the facts of the situation in the country, it is clearly indispensable. We must look at the temper of the nation today. Will anything other than adult franchise satisfy the people? I am definitely of the view that nothing short of it could have formed the basis of our Constitution.

Now, Sir, I have very little time allowed to me and I am now chiefly interested only in pointing out a few things which should be kept in view in implementing the Constitution. I fully agree with Mr. Santhanam who said that the contents of the Constitution should be made familiar to the entire country and elections should be held as early as possible. Sir, various defects have been pointed out but I agree with the general view that the control of affairs of our nation is now sought to be placed in the hands of the people themselves. But that should be done as early as possible. Any delay may be even dangerous and in regard to elections, Sir, there are various difficulties. I know from personal experience what an election on the basis of adult franchise is, but I must point out one fact to this House; there is no question of my being misunderstood-an election on the basis of adult

franchise should be a real election; it should be a free election and everything should be done by all parties concerned, political leaders, leaders of parties, those that are in Governments today to see that the elections on adult franchise basis are really free. Sir, I know that even under Congress Governments, elections are not free today. We have got the legacy of mis-conduct on the part of officers of Governments in the past. The previous Governments in some parts of the country, at any rate, indulged in all manner of vagaries and unfair means in bringing about results favourable to candidates whom they liked in elections and in some places even now in elections, conducted by Congress Governments, I am very sorry to have to point out that the same policy is pursued. It is the duty of whoever is in power to see-and the Central Government should particularly see that elections are free. I am very glad that under the new Constitution power placed in the hands of the Centre to see to this; that is to say, the Election Commission is to be appointed by the Central Government and the full control of elections, the preparation of rolls, the way in which election disputes are dealt with,-all this has to be attended to by that Commission appointed by the Centre. However, much I may differ from the general view that has been adopted in framing the Constitution that the powers of the Centre should be, as extensive and those of the units as restricted as possible,-I agree in this that provision should be made to ensure that the elections are free.

Now there are various complaints against the Congress Governments that the Governments are not doing anything for the people, that the Governments are not above corruption and so on. The effective answer to these complaints will be to place power in the hands of the people themselves and do it an effective and proper way. Then the responsibility will be on the people themselves. This result can be really achieved only if the elections are free. Government power and the advantages accruing to a party from being in power should not in any way, be made use of for securing favourable results in elections. If this principle is ignored, the result will be negation of democracy. The present Government, not being the result of elections on the basis of adult franchise cannot be said to be a people's government in the full sense of the term, but we should have such a Government as early as possible.

Now, Sir, I wish to refer to one or two other matters. In regard to the formation of provinces on a linguistic basis, my view is-it may be taken for what is worth-that language is made too much of in the formation of provinces. No doubt, language has a part to play in administration but it is not everything. There are other equally vital and important considerations to be taken into account in forming new provinces. For instance in regard to the proposal by some that Cochin and Travancore along Malabar should be

formed into a Kerala Province, I ask people responsible for it to examine the matter as to how far that area by itself would form an economically sound unit. Look at the economic aspect of the matter also and see whether it is that kind of province with inadequate resources that we should form in the future or whether, if a change in the present set up is necessary, that area should be merged with the other districts of the Madras province so that a compact strong and resourceful South Indian State may emerge. I place this for the consideration of all those who are interested in this question. Sir, it is now said that the Tamils do not want the Malayalees in their province and the Malayalees cannot get on with the Tamils. If that is the view people take how is the Union of India to be maintained? As a result of the idea of linguistic provinces a situation has arisen in which people say they cannot get on with others who speak languages different from their own. I fail to see any reason is this. In my own State there are Tamils and Malayalees and we are getting on well together. This loud cry of linguistic province now begins to create difficulties. I want those that are responsible to take a sober view of the mater and look at the real issues involved.

Now, Sir, in regard to the question of language itself I have got a few suggestions to make. I am very glad that in the Constitution a provision has been made that Hindi may be adopted as the official language of any State. My point is this. I want to place great emphasis on that provision and to suggest that even though a province is not a Hindi-speaking province, for governmental purposes at the higher levels of administrative work Hindi should be adopted. Hindi should be given the place that English occupies today, in our national political life. I know my opinion may not be generally accepted in non Hindi-speaking provinces and States. I find before me eminent persons who are in control of educational affairs who have taken the view that the regional languages must be adopted as the official language in the States and Provinces. I take a different view, Sir. I want Hindi to be enthroned in the place English occupies today when English is to go. We must no forget the fact that whatever our differences with Englishmen, they have conferred on us a great blessing. How are we here today? How am I able to be understood by you and how can I understand you? It is because of the common language; it is not because it is english, it is because of the commonness of that language so far as our country today is concerned. I am thinking of having an Indian language and that language can only be Hindi today and, therefore Hindi should be given that place. Sir, you just consider how many common matters we shall have to deal with in the future. If a man from Travancore or Tamilnad wishes to come here to transact business, he must know Hindi. It may be a research institute, it may be an all India Conference; if one wants to take part in any of these, one must know Hindi. There are one-thousand and one other things of common interest. The legislature here must be composed of Hindi knowing

men. What about the legislature in the Tamilnad? Why not everybody try to know Hindi? Hindi must be made a compulsory subject of study throughout the country. At any rate, Hindi should be given the place that English occupies today. Not that I want that English should be banished. Our children are capable of learning three languages : Hindi, English and the mother tongue. Anyway, this is my view. Some people say that unless you carry on the administration in Tamiland in Tamil, the villagers will not understand you and the administration of Madras will become impossible. I differ from this view. So far as the villagers are concerned, you can issue instructions, you can issue orders, in the language known to him. So far as the higher levels of administrative work are concerned, in the provincial secretariat, you must have Hindi. Otherwise, the whole country will find itself at a great disadvantage and will experience great difficulty and the administration will be practically impossible. I would have taken more time of the House on this question but I do not want to go against your directions.

There is one other matter which I would like to touch upon. The Centre is given immense power. Personally, I feel that the Centre has been given too much power. There must have been a conviction in the minds of those that are responsible for the shaping of these provisions that the centre will always be unerring and infallible and the province are likely to err. It is on this basis that the whole superstructure is built. I differ from this view. The Provinces are as capable of taking care of themselves as the Centre and that fact must be recognised.

I would only mention one or two points. Take legislation. In all important matters, Central legislation must prevail whether the subject is in the Concurrent List or in the Central List. I must bring to the notice of this House and of those that are responsible for future legislation that in some parts of India progress has been made in some directions which has not been made throughout the country or in the major provinces. I may refer to the abolition of the death penalty in Travancore. That is a matter for serious consideration. On the 26th of January 1950, a Travancore culprit who is guilty of murder stands the chance of being hanged. Till then, he is free from that. Not that I want to help the murderer; it is a humane law that we have adopted, and there is very strong opinion in favour of that. Are we to go back? Can we do otherwise than going back to the hangman? We have to go back to the hangman on the 26th of January. What I want you to remember is that you should patiently consider the progress made even in small parts of the country and no legislation should have the effect of undoing the good that has already been done. Uniformity should not lead to retrogression. The higher standards reached in any parts of the country should adopted in respect of the whole country. I may also mention one other thing. This is

particularly relevant now because the Hindu Code Bill is before the legislature. In our place, among the Marumakathayees, the personal law, the family law, the law of marriage and so forth is such.....

Shri L. krishnaswami Bharathi (Madras : General): We are not now discussing the Hindi Code Bill here.

Shri A. Thanu Pillai : I am not discussing that; I am only referring to that Bill to illustrate a point and I think I am perfectly within my rights in doing that. What I wanted to say is, our law is more progressive from the point of view of modern conceptions of life, and if we are to go back to the ancient Hindu Law with its narrow religious basis, the result will be unfortunate. If you wish to provide for a common civil code for India, that must be in consonance with modern advanced conceptions of life. Our women are free; our marriage laws are in consonance with the up-to-date concepts of social existence. Have we go to back to conceptions unacceptable in the modern world? I want only the future legislature to consider these aspects of the matter. Not that I want to discuss the Hindu Code Bill here; I have experience enough not to discuss it here. Mr. Bharathi may understand that.

In regard to interference on the part of the Centre, I may just refer to one more point. The Centre should be strong, I agree. But the strength of the Centre does not consist in the number of subjects to be handled by the Centre, but more in the willing co-operation and willing acquiescence of the Provinces and States in what the Centre is doing. That willing co-operation and willing acquiescence, is not to be achieved by tightening the ropes round the necks of the Provinces and units, but by giving ample scope to the units to develop. I am afraid we have made a mistake even with regard to the appointment of the Governor. The Governor is practically a nominal entity; he could have been left to the Provinces to elect.

I do not want to take up more of the time of the House. I hope, any way that all the provisions will be so implemented that there will be as little friction as possible and the Provinces will feel that they have come their own, that they are given freedom to develop themselves and that the Centre will take care to see that feeling is engendered and fostered.

The duty of the Centre is immense. Today I read in the papers that as far as public health is concerned, to combat tuberculosis alone, the Honourable Rajkumari Amrit Kaur wants 400 crores to start with and an annual recurring diseases, of 100 crores. There are, besides, malaria and a hundred other diseases. from the point of view of public health. Take education. You complain against adult franchise. We must educate all our children. How

many crores would we require for it? The financial resources of the units are curtailed to the limit. Even a fresh tax they cannot impose; that the Centre alone can do. Under these circumstances, it is the duty of the Centre to see that the country develops. This Constituent Assembly has placed upon the Centre a burden that it will find difficult to bear. That is the result of the provisions of the Constitution. When the financial resources of the States are so restricted, when everything that may be newly tapped has been left to the Centre, how can you ask the States to develop industries, agriculture, education, public health and improve labour conditions? All the resources are concentrated in the hands of the Centre. The Centre has therefore the duty to find funds for national development in all directions. I hope the Centre, will be equal to the task and our country will proceed from progress to progress and Constitution that we are now enacting will pave the way for the glorious India that we have in view.

One more word, Sir. It is said that this Constitution is inelastic. It is not. No doubt, certain provisions could have been better framed. Even in regard to personal liberty, what I find is that article 22 gives the power to formulate the in that regard to the legislature, that means, that means, the representatives of the entire people. You may pass any law that you like. I do not overlook the fact that the amendment of the Constitution in regard to certain matters require the consent of a two-thirds majority and of a majority of the legislatures of the States. How these provisions will be worked, how they would avoid friction, how they will be allowed to function smoothly, all that will largely depend upon the spirit of co-operation between the Centre and the units.

In conclusion, Sir, from what I have been able to see of the procedure of this Assembly, I must tell you I am amazed at the patience you have been showing. Even if it be a question of our communication with the Moon, if the rules permitted it, you were prepared to put it to the vote. (2) This was the extent of patience that we witnessed here on your part. I must also be permitted to add one word of thankfulness to all those concerned, for the ability of Dr. Ambedkar and Mr. Alladi Krishnaswami Ayyar, for the extreme interest that Mr. T. T. Krishnamachari and Mr. Santhanam and others took in the framing of the Constitution - when I mention a few of these names, it does not mean that there are other names to be mentioned. Everybody concerned has functioned well. Let us hope that this occasion will be recorded in the annals of our history as the occasion when the Constitution was framed which led to the fame and glory of the country, to plenty and prosperity, to contentment and peace. Let us always remember with gratitude the great man who, though not with us in body, is really now guiding our destinies by his writings and speeches, and by the inspiration that he was able to spread by is life throughout the land and throughout the

world. Let ours be the country which will spread peace and good-will among the nations of the world.

Thank you, Sir.

Shri O. V. Alagesan (Madras : General) : Mr. President, Sir, the Drafting Committee and all those that have been connected with its labour have been rightly congratulated and we are sure to miss the stentorian voice of Dr. Ambedkar explaining in a crystal clear manner the provisions of the Constitution and also the shrill voice of my Friend Mr. T. T. Krishnamachari whose contribution to the making of this Constitution everybody acknowledges.

Sir, one of the criticisms against the Constitution is its lengthiness. In having precedents there is advantage as well as disadvantage. It is advantageous because it show one way. It is disadvantageous because it binds us down to a certain extent and our initiative is to that extent restricted. The Government of India Act was no doubt the precedent in this connection and it will not be wrong to say that our Constitution has been a glorified edition of the Government of India Act - of course, with this difference that under that Act the power rested with the British people whereas here the Indian people are the sole masters. In our country we are used to the long epics, Ramayana and Mahabharatha, and so it is in keeping with the traditions of this country that we are having this epic of a Constitution. If I may be permitted to say so, the Drafting Committee to a certain extent is responsible for the lengthiness of this document. They in their wisdom wanted to provide for everything and they did not want to leave anything for posterity. They tried to provide against every difficulty that may arise in the future. Like an artist who draws and re-draws to make a perfect picture, the Drafting Committee went on adding, amending and omitting to make a perfect Constitution emboldened by the indulgence shown to them by this House. As a result, we are having a lengthy document which is full of details which can very well have been left to the future Parliament.

Again there is the criticism that we took too much time for making this Constitution. It is not right to say that. If we calculate the number of days of that this House actually sat, then it will be found that there had been no waste of time. If anybody has still doubts, we have only to remember Pakistan. They also started Constitution-making with us, though a little later. They have still not made any progress whereas we have finished our Constitution and we are going to put it into effect. That apart there is a more important reason why this period should be considered the minimum period for the making of this Constitution. As one speaker pointed out during this

period of three years, time was not standing still. Revolutionary changes or dynamic changes-as the Prime Minister is found of putting - have been taking place. Indian when it was handed over to us was heterogeneous politically. Then the mighty task of welding this country into one homogeneous political whole, the integrating it economically and financially began and it is still going on and our leaders deserve every credit and congratulations for this achievement of theirs.

When you take all these into consideration, nobody will say that we took more time than is necessary. Not only that: a constitution is expected to embody and preserve the revolution that has preceded its making. In our case, the present Constitution has not only embodied and preserved the revolution that has preceded it but has also crystallised the revolutionary changes that were taking shape simultaneously with its making. Our Constitution is unique in this respect. So we can very well be proud of this Constitution.

At this time when all India rejoices at having got this Constitution, I would request the House to remember the foreign pockets in this country which still disfigure the political map of this land. Sir, they are our kith and kin, brothers and sisters and - when the whole country rejoices, they are unable to share in the general rejoicing. They have been separated from us by an unnatural wall. If I am asked to wait for another six months so that those possessions may be brought within the ambit of this Constitution. I shall very gladly do so and it will not be time wasted. But that is not to be. We have to wait yet. At present, we can only hope that our leaders who have so much achievement to their credit will also take up this question without delay and solve it to our satisfaction and see to the disappearance of the wall that separates Indians from Indians.

Another very serious criticism was that under this Constitution democracy will degenerate into a dictatorship. I do not see any warrant for this assumption. Our own experience given the lie direct to such a fear. We see both in this House and in the provincial legislatures only one party, that is, the Congress Party, that is predominating. The opposition inside the legislatures is unorganized - it is not worth the name of opposition. The opposition parties outside the country function in an irresponsible way. One party that is wedded to violence and sabotage wants to create chaos in the country so that it can somehow capture power. There is another party, though it is not wedded to violence, which being sure that it will not be called upon in the near future to shoulder the burdens of office, is mouthing all sorts of impractical slogans and platitudes and trying to mislead the people. Under these circumstances the temptation for the Congress to behave as a one party dictatorship is very great. But, what do we see? Does

the Congress party behave in a dictatorial manner? No. It can be said without any fear of contradiction that if there is one party which, having so much power in its hands, took all the other points of view into consideration and even accommodated them, it is the Congress Party. Our leaders are having a devotional following in this country. No other leaders had such a backing and such a following in any other country. Our leaders could very well have converted their rule into a dictatorship and there would not have been much objection had they done so. They did not do any such thing. They behaved as perfect democratic leaders. I say, this augurs well for this Constitution and democracy in this country. Democracy will not be endangered under this Constitution and we will not have any dictatorship and there is absolutely no warrant for such a fear. After all nobody can say that democracy can be protected by the written word of the Constitution. Let us take only one example. In the past we had democratic elections both in British India and in French India. Here it was possible for the party in opposition to the government of the day to come in a majority through the ballot-box. In French India also the ballot-box was the arbiter. But there it was never possible for the party which was not backed by the government of the day to capture even a single seat. So it is not as if democracy is protected by what we write in the Constitution. It is more in the working, in the spirit in which it is worked that democracy will be safe rather than by any written safeguards in the Constitution. Looked at that way, we can boldly claim that there will be no room for endangering democracy under this Constitution, and it will work perfectly well. Of course nobody can say that this Constitution is infallible. No Constitution can be perfect - I will go even to the extent of saying that no Constitution need be perfect. Everything lies in the working of the Constitution. The proof of the pudding is in the eating.

There is another criticism that the village as a political unit has not been recognized. I fear that behind the back of this criticism is distrust of adult franchise. What was conceived under the village unit system was that the village voters would be called upon to elect the Panchayats and only the members of the Panchayats were to take part in the elections to the various assemblies, Provincial and Central. But now, it is the village voter himself who will be called upon to weigh the issues before the country and elect his representative, and so he will directly participate in the election. I claim this to be a more progressive arrangement than having village units which elect the electorate indirectly Not only that; it has been said that the genius of this country does not find expression in this Constitution. I do not understand what is concretely meant by this charge. If the genius of this country is to be taken, then we all along had only monarchy. Only the monarchical system was prevalent in this country. But nobody would seriously suggest that we should now go back to the monarchical system. In

fact, we are removing the relics of monarchy at present. So, this charge that the genius of the country does not find a place in the Constitution is a meaningless one or rather it is more sentimental than substantial. No country can claim to have invented all the ideas in the religious and philosophical spheres as well as in the political and social spheres. After all, every country is great in its own way, and one country has to take anything that is good from other countries. Just as the Western countries have to take from us the philosophical and religious thoughts of our ancient wise men, we have to take the political and social institutions from other lands, and there is nothing wrong in it.

Sir, another charge is that this Constitution is full of checks and safeguards, and it curtails freedom of the individual and restricts State autonomy. I do not take it in that light. These safeguards are there only as fences intended to protect the infant freedom and democracy from stray cattle. A tiger cannot say, for instance, that it should be free to kill the lambs and take them away. This is my reply when the cry that civil liberty as in danger is raised and all these provisions are thrown in our face. Though for me and for many others who have known what detention is, the article relating to preventive detention is a bitter pill to swallow, we may expect that that weapon will be very sparingly used and there will be no necessity to use it, unless under very grave emergency, when the stability of the entire society is threatened by subversive elements.

Sir, under this Constitution, the foundations of a secular democracy have been well and truly laid, and if we are true to ourselves and to our traditions, and our leader Mahatma Gandhi, we can safety hope that we will march from progress to progress and convert this Constitution into a blessing for this ancient land.

Mr. President : Before adjourning the House, I desire to give to the House an idea of the programme. This afternoon we shall sit for two hours, and I expect all those Members who have not had a chance to speak, to be present here to take their chance then. Tomorrow, in the afternoon, say from three or half-past three, Dr. Ambedkar would speak, and before that one other Member of the Drafting Committee would like to take a little time in dealing with the points which have been raised in the course of the discussion. The rest of the time will be given to other Members to speak, and I hope that between this afternoon and whatever time we can spare tomorrow, I shall be permitted to accommodate everybody who has given his name to me. That can be done if Members prove as reasonable as they have been today.

Then on Saturday morning, I propose to put the motion to vote; and

after the motion has been carried, I would authenticate the Constitution here in the presence of this House. But before I put the motion to vote, if the Members permit me I would like to say a few words.

The House now stands adjourned to.....

Shri Lakshmi Kanta Maitra (West Bengal : General) : Authentication means the signature of all the Members?

Mr. President. : Not the signature of all the Members. I might just explain. There are certain articles in the Constitution which come into force immediately. The bulk of the Constitution comes into force on the 26th January; so, for enabling work to be done under these articles which come into force immediately, I shall have to authenticate the Constitution day after tomorrow, and I will do that.

It is proposed to have another session of the Assembly, say on the 24th or 25th January and on that day, we shall have the election of the President and I would ask all the Members to sign the Constitution. It is proposed to have by that time, the Constitution ready in a form in which the signature could be taken from the all the members. There was a suggestion that we should have a hand-written copy of the Constitution made. It was pressed upon me by several Members that that should be done, and we are arranging with some calligraphists to have a complete copy by then. And there will also be a printed copy ready, and Members may sign either both or any of the two, whichever they like. It will not be possible to supply to Members a copy with all the signatures them; but we might consider later on, if it is not very expensive affairs, whether we should not be able to supply to each Member a copy of the Constitution bearing all the signatures so that.....

Shri B. L. Sondhi (East Punjab : General) : Cannot be the Members pay for it, if they like?

Mr. President: We shall bear that also in mind, and if Members are willing to pay, probably the question of cost may not arise.

Some Honourable Members: Yes, Sir.

Shri L. Krishnaswami Bharathi : What about the suggestion of Mr. Santhanam that all the Members may be supplied with copies of the Constitution signed by you?

Mr. President: Well, I do not mind signing about three hundred copies,

it does not make much difference, we can do that. But apart from that I was thinking of the copies which would bear the signatures or photographic copy of the signatures of all the Members, which they may preserve as a memento, if they like.

This is what is arranged at present, and I hope we shall be able to keep to the time-table as also to those proposals which I have just indicated.

The Hose stands adjourned till three o'clock, this afternoon.

The Assembly then adjourned for Lunch till 3 P.M.

The Assembly reassembled after lunch at three P.M. Mr. President (the Honourable Dr. Rajendra Prasad) in the chair.

Shri L. Krishnaswami Bharathi : Sir, no period in the history of India has contributed more memorable events than the short space of the past three years. Looking back upon the past three years since we commenced the stupendous task of framing this Constitution, one is bound to be struck by the kaleidoscopic changes that have happened in the history of our country.

Five memorable events of great magnitude and significance marked out this eventful period. To state them *seriatim*, they are: 1. the partition of our country, 2. the achievement of independence, 3. the passing away of Mahatma Gandhi, the Father of the Nation, 4. the integration of what are known as Indian States, and last but not least 5. the setting of the Constitution of Free India.

I do not propose to deal in detail with these matters. A great number of Members have spoken on this Constitution. Some have criticized it and some have praised it. No one has condemned it wholesale, nor has anyone accepted it in full. It is of course not possible to get the unanimous approval of the whole House, constituted as it is. But, Sir, I think we can claim that this Constitution represents the greatest measure of agreement amongst the Members.

This Constitution contains some special and redeeming features, but if it

is to be judged from the fundamental basis of Gandhian ideology, I must confess that it falls for short of it. It is perhaps wrong to say that it has totally ignored Gandhiji's ideology, but I am clearly of the view that the approach of this Constitution to the basic and fundamental principle of Gandhism is half-hearted, halting and hesitant.

Time forbids me to go into detail. Let me, however, mention a few illustrations. The removal of the charkha from the National Flag is one such. I know that Mahatma Gandhi did not reconcile himself to the change till his death. Secondly, Gandhiji's idea of decentralisation of democracy has not been given effect to. The Gandhian ideal of economic self-sufficiency in regard to the prime necessities of life - food and cloth - at the village level has not been incorporated nor emphasised. Thirdly, the high salary of officials is totally opposed to the Gandhian viewpoint. Fourthly, salt duty has not been prohibited constitutionally. Last but not least, Gandhiji's wishes in regard to the State language have been ignored. I do not proposed to go into these matters in detail.

I would, however, like to say a few words in regard to the language question. Although I am glad that the Assembly has unanimously accepted it, the resolution in regard to State language is - to use the Shakespearean double superlative - "the most unkindest cut of all". I very much regret that we have not been able to accept the guidance of Mahatma Gandhi in this regard. Gandhiji's definition of State language was, that it should be a language "commonly spoken and easily understood by the masses in North India", which is neither over-Sanskritized nor over-Persianised, that is to say, Hindi-*plus* -Urdu-Hindustani. I do not know how for this idea is getting implemented by the protagonists of Hindi. My own view is that they are not doing it and are probably going in the opposite direction. I happened to read a very interesting book, which contained much useful information. Grearson, the greatest expert on languages, in his monumental work "Linguistic Survey of India" has made certain very useful and important observations. He is of the view that the language must be developed in terms of the masses. Any attempt at Sanskritization will bring about a rift between the learned and the ordinary people, - a view which was very strongly held by Mahatma Gandhi. He quotes a very old Sanskrit Professor of Benares "Whenever a Hindi author takes pen in hand, he ceases to be sober and is Sanskrit-drunk.". I do not know how for that is correct, but my own personal experience is that the love for Hindi in some of its protagonists is so much that sometimes they overstep the bounds of sobriety. I do not know if we are to congratulate our friends, the protagonists of Hindi and accepting the present name of the State language I owe it to the great linguistic Grearson again for the information that "Hindi" is a Persian word. This may perhaps demonstrate that the protagonists of Hindi are after all not so anti-Urdu or

anti-Persian as they are painted to be.

The article on language is the result of serious thought and careful consideration. We have accepted it and we in the South assure you that we will stand by it. India as a nation must have a State language, and of the languages in India, Hindi as defined by Mahatmaji has to that language. There cannot be and should not be two opinions on that matter. But the more important thing is the whole approach to the matter. We in South India are at a disadvantage. It is easy for people in North India to adopt Hindi as the official language, because it happens to be their mother tongue. There is a movement in South resisting the introduction of Hindi, but we must go an explain the people there that this is not going to displace their mother tongue. Mr. Pattam Thanu Pillai referred to the question this morning. I do not know what is happening in Trivandrum, but so far as my part of the country is concerned, I am glad that we have incorporated it in the Constitution that the idea of Hindi and the necessity for its introduction is not to work to the detriment of the regional languages. The regional languages will have full play. We require a common State language only for all-India purposes, and this language can only be Hindi. But this morning Mr. Pattam Thanu Pillai said that they could have Hindi in their own respective spheres. By all means, they can have it in Trivandrum or the United States of Cochin and Travancore.

Shri P. T. Chacko: The same is the feeling there also; make no mistake

Shri L. Krishnaswami Bharathi : I am glad to be told so. It is but correct and all we can ask for is that whereas Provinces can have their own language, they must function in terms of the whole nation; other languages should not work to be detriment of the interests of the national language. The correspondence for India can only be in Hindi. It cannot be in any other language. Those responsible for administration in Tamilnad, in Andhra Desha etc. can only deal with it in Hindi. Therefore, we will go and tell the people that there is nothing wrong in the adoption of Hindi. By all means, they can develop their own regional languages and work in them, but they must have a national language. There is not going to be a question of imposition. That is the most important thing which my friends from North India have to understand and explain. This is a difficult task. We can explain to the people that there is nothing wrong about it. But the speech of Members like Mr. Pattam Thanu Pillai will give a very wrong impression. We have got to tell them that it is his individual opinion. Another Member from Travancore also says that the feeling in Travancore is the same as I have expressed. I am very clear in my mind that it is not our object to work to the detriment of the mother-tongue nor of the State language.

Shri A. Thanu Pillai : I wish to inform my friend that he has misunderstood me, if he took it that I meant to say that Hindi should work against the interests of the mother- tongue. what I said with that in the higher levels fo the administrative work Hindi should be adopted. that is not what he understood.

Shri L. Krishnaswami Bharathi: My own impression is that whenever it is a State language it may work to the detriment though it may not be the intention, of the mother tongue. When English was the State language, it worked to the great detriment of the other languages of India, and in other spheres also it was injurious to the mother tongue. It is only in that sense I said that the effect of introducing Hindi in the administration of the provinces will be detrimental to the mother tongue of the provinces. The idea of the creation of linguistic provinces is to foster the mother tongue of the provinces. Some people think that this is anti-national. I believe on the other hand that this is perfectly consistent with national interests. We work in different areas in the interests of the Congress and we appeal to the people only in the regional languages. The administration must be carried on in the language of the people so that there may be identity of interest and feeling between the Government and the governed. It is in that light I said that we must have regional languages. That is the very basis of the linguistic provinces. This does not mean disintegration or working in provincial or parochial interests.

Then there is the question of the numerals. The solution on this question is one of which we ought to be proud. My honourable Friend Mr. Jaspat Roy Kapoor said that these are English numerals and I interrupted him saying that that it is wrong to call them English numerals any more. They are really Indian numerals. The original of these numerals was Indian. In support of my contention I would refer to the fact that 2,000 years ago, in the Asoka Pillar, in the Nanaghat Inscriptions and in the Nasik caves all these numerals appear. Numerals one, four and six appear in the Asoka Pillar, two, four and seven are found in the Nanaghat Inscriptions and the rest are there cut out in the Nasik caves of the first and second century. All these forms bear considerable resemblance to the present forms of these numerals. To say that they are English is not therefore correct. Mr. Kapoor said that the Members who supported these numerals discovered this fact only after the debate regarding them started. Sir, it may perhaps be of interest to honourable Members to know that our Prime Minister Pandit Jawaharlal Nehru, writing some years ago, has referred to this aspect of the matter. It is very interests. He called the numerals 'Our Indian numerals'. Sir, at page 248....

Mr. President: May I remind the honourable Members that if he goes on at this rate it will be very difficult to find time for other Members to have their say.

Shri L. Krishnaswami Bharathi: Sir, I will soon finish. The observation of Pandit Nehru in this connection is very interesting. Panditji has said: "The

clumsy method of using and counting frame, and the use of Roman and such like numerals, had long retarded progress when the ten Indian numerals, including the zero sign, liberated the human mind from these restrictions and threw a flood of light on the behaviour of numbers. These number symbols were unique and entirely different from all other symbols that had been in use in other countries. They are common enough today and we take them for granted." Sir, I will take only a few minutes more.

One of the redeeming features of this Constitution is the abolition of the separate electorates. I am glad that this has been made possible with the willing consent of the representative Members of the respective communities. I must particularly congratulate the Members of the Muslim community for agreeing to give up special representation in the legislature. It is no small matter and it is not keeping with the spirit of the times. The question naturally arises how far and to what extent the leaders are our people will give effect to it when the actual working comes. Are we sure that the majority community has shed its communalism so that the candidates belonging to the other communities may be elected without reference to their religion? Future alone can give the answer. I am anxious that the majority community must play the game fair. At the same time there is a heavy responsibility cast on the members of the minority communities to conduct themselves in such a way as to deserve the confidence of the other communities. This is possible only if they merge politically with the rest of the population and not perpetuate communalism by having communal political organisations. I think the time has come for the Muslim League to close down as a political organisation and work on the non-political plane. The organisation must give up its political role. I am sorry that Pakistan is making it difficult for us to create that atmosphere. But, as Mahatma Gandhi has said: Let us not copy them in their bad manners. I hope that the necessary atmosphere will be created so that there will be no political communal organisation to rouse once again communal bitterness. I remember, Sir, that our Government have passed a Resolution to that effect immediately after the death of Mahatma Gandhi. I hope they will implement it and that the people outside will make it impossible for any communal organisation to work on the political plane.

Sir, the question of adult franchise is another redeeming feature of the Constitution. I welcome it. In a country where a large percentage of the people are illiterate, doubts are entertained whether we can trust them to do the right thing. My own experience is that the masses have the instinctive power or habit and intelligence of choosing the right person or the right party. But one is clear that if democracy is to function, it certainly must have a large number of its population literate. Thus only the mind of the masses will be reflected in the Government. But Sir, the elections are not as they

ought to be. I have been a candidate at some of the hotly contested elections to the Legislative Assembly and I have won. I have noticed that it is unfortunate that a large number of people give false votes. False presentation is not rare. A man impersonates 15 to 20 others and thus multiplies the votes. An honourable Member told me about a lady voter that she impersonated 13 lady voters. I have myself heard people saying that they voted in the name of more than a dozen others. That is a very sorry state of affairs. Unless this evil practice is checked, democracy will become meaningless. Such a practice will increase the number of votes any candidate gets, but it will not reflect the true wish and will of the people.

(At this stage, Mr. President rang the bell)

I am finishing, Sir.

Mr. President: You have taken more than twenty-five minutes.

Shri L. Krishnaswami Bharathi: I am sorry. I will finish soon. I am therefore anxious that polling should be made fool-proof if that is possible. I think it is possible and my suggestion therefore is this : The voters must be given what are known as identification cards, preferably with photos. Well, people may raise all sorts of objections but there is no time for me to touch upon this important matter. If identification cards are given beforehand, no voter can vote for somebody else.

Another suggestion that I would like to make is this. When a voter comes to exercise his vote, immediately after he votes, his fingers should be marked with an indelible mark, which cannot be erased for a day or two. This will show that he has already exercised his vote. These suggestions may be considered.

In conclusion, I feel we could have produced a better Constitution based on Gandhian ideology. Perhaps one must seek solace in the statement that a nation gets what it deserves. I hope, trust and pray, Sir, that the objectives of the Constitution contained in the Preamble will get fully implemented in the working of the Constitution so that peace, prosperity and plenty may rule in this land.

Shri Ratan Lal Malviya : (C. P. & Berar States) : *[Mr. President, Sir, many speeches have been made on the Constitution and it is not necessary for me to repeat the points already made. I will, therefore, try to throw light on those aspects of the Constitution which have not been touched as yet.

I am a representative of Chhatisgarh States and as far as the States are concerned I may say with some pride that these States opened a new chapter in the history of the States. On the 14th and 15th December, 1947 these states were the first among Indian States to merge in India. After that the changes which have taken place in the States during the last two years are known to all. All the five hundred and sixty-two states have been brought to one level.. Either they have been merged or have become Centrally administered areas or have united to form different Unions of States. This has been a great step for the unification of the country. Sir, as regards those states which are Centrally administered, the Centre has taken full responsibility upon itself for their administration and as regards the states which have combined to form unions, there is a provision for them and according to article 371 the responsibility goes to the President himself who will look after them for ten years. Our friends from Mysore and Travancore have criticised this article. It may be that there criticism might have some substance, for before 1947 or before the Constitution of the union, the States of Travancore and Mysore were more advanced than the Provinces. They are educationally and industrially more advanced. They were therefore believed to be more advanced than even the Provinces. Just as my Friend Shri Thanu Pillai has said that under article 371 of the Constitution, the influence of the Central Government in the administration of the Unions might have an adverse effect and instead of raising the cultural and political level of the states to that of the Provinces it might entirely retard the progress of the states. But I would like to point out that this article was very necessary. Excluding the States of Travancore and Mysore, the other states are so under-developed and backward that unless their affairs are controlled by the Central Government for another 10 years, they cannot be expected to make any progress. Hence for the backward states article 371 is salutary and its inclusion is very necessary.

As regards the Merged states, their administration has been handed over to the Provinces under section 290 of the Government of India Act as adopted. Just as article 371 applies to the Unions, so also I would have preferred that for a period of 10 years the same article may have been applied to the Merged states, so that the Central Government could have maintained contact with the conditions of the subjects of those states and also to enable the President to see to their progress.

Sir, I would like to point it out that when I say that the Central Government must keep an eye over the Merged states, I do not mean to censure the Provincial Governments of Bihar, Orissa and C. P. This is in no way a vote of no-confidence against our leaders who are holding the reins of administration there. They are recognized leaders and we have all respect for them, but it is essential that these states should be looked after properly

for the present. Whatever has happened during the two years is not consoling and therefore it appears necessary that for some period say for five or ten years to come, if article 371 cannot be applied to them, at least the President himself should keep an eye over the affairs of the Merged States.

Now I would like to throw light on the States of C. P. particularly as I come from C. P. As regards the States of C. P., Sir, their population is nearly 28 lakhs out of which fourteen and a half lakhs are Adibasis. According to Schedule VI, responsibility of the welfare of these Adibasis would be on the President. I submit that even though these have been merged in this way and even though we can count upon the full sympathy of the Provincial administration as provided for under section 290, the responsibility of the Central administration would also continue to remain. I want to make it clear by giving you an example.

Mr. President: *[Perhaps you mean Schedule V.]*

Shri Ratan Lal Malviya: *[Yes Sir. By an instance I would like to explain that before article 290 was adopted, we tried hard that our representatives should go to the Provincial Legislatures, but till that article was adopted our representatives could not be taken in the C. P. Assembly. Later on the representatives were nominated to the Provincial Assemblies. It was left necessary to appoint at least one of states' representatives as a minister. From the newspapers I came to know that in Orissa three Ministers were to be appointed. About the C. P. though such news did appear in newspapers, but I am not aware of any steps being taken to appoint one of the representatives of the States of the C. P. as a Minister. I would like to make it clear that whatever I have said here is not a vote of censure against the C. P. Government. Of course. I wanted to say that the present Ministers of the C. P. have not direct relation with the states and in the absence of a direct relation, the difficulties of the states can be attended to after considerable lapse of time. The people of the backward states cannot find seats in the cabinet as they do not have proper representation. Thus it becomes necessary that there must be a Minister from the States of the C. P.

One thing more I would like to point out about the Adibasis. I have already said that there are more than 50 per cent. Adibasis in the C. P. Under the supervision of Shri Thakkar Bapa and through his kind attempts a special scheme has been formulated for them and that scheme has been implemented. But that scheme would prove a success only when, a Minister from the states is taken in the Cabinet and is put in charge of the scheme. I

thank Shri Thakkar Bapa for all this.

I want to bring to your notice a fact which is quite fresh, and that is about Vindhya Pradesh. Vindhya Pradesh adjoins Chhattisgarh, and the boundary of Vindhya Pradesh is about four miles from the place where I live. I am more or less connected with the politics of Vindhya Pradesh of which I have got a good knowledge. Whatever is published about it in the newspapers is known to me. I also know how the political affairs of that state have deteriorated. The area and population of Vindhya Pradesh are so small that it cannot make any progress as a free state. So its merger is essential. So far I know about the people of that place, there are two groups. One is against the merger and their number is very great, the other is in favour of merger and their number is very small. As I have already said, Vindhya Pradesh should be merged. But I learn from the newspapers that Vindhya Pradesh is to be divided. A part of it would go to the U. P. and the rest of the C. P. As far as I can think this is not a good thing. This would create disrespect in them and at the same time restlessness may also prevail there. Hence it would be better to merge Vindhya Pradesh, of course, but such states, which are pocketed states, should be merged in U. P. and the rest of the States should be merged in C. P.

Before I conclude, Sir, my small speech, I consider it my duty to thank you. I cannot also conclude my speech without offering tributes to respected Bapu. It was the result of the co-operation of all of us and it was the result of the blessings of our Bapu that we got freedom and are completing our Constitution. We hope that following his advice our country shall go on progressing and will continue to flourish.]*

Shri Har Govind Pant (United provinces : General) : * [Mr. President, I have come here to support the motion of Pandit Ambedkar. I am deliberately using this epithet 'Pandit.' Everyone knows what scholarship Dr. Ambedkar evinced in preparing the draft of the Constitution and in making a logical exposition of its provisions in this House. It can therefore be said that he is worthy of this title. Influenced by his scholarship some of the honourable Members have been pleased to confer on him the title of Manu Bhagwan. We are passing through the *Vaivashwat Manwantar.* A *Manwantar* consists of seventy-two four-yug cycle. We are passing through the twenty-eight cycle of Vaivashwat, the Seventh Manu. To bring in a new Manu in this chain may perhaps create a difficulty. Therefore I think that the title of Up-Manu and not of Manu can be conferred on him. It should also be considered that in framing this Constitution eight 'Manus' have made their contribution and therefore it would not be improper to call them eight 'Up-Manus'.

I believe in the older order and according to it a Manwantar, *i.e.,* the

time of one Manu covers a very long period. A *Manwantar* ends when seventy-two four-*yug* cycles are complete. During the period of one Creation there are fourteen Manus. *Kaliyug* alone covers four lakh, thirty-two thousand years. *Duapar* consists of eight lakh, sixty-four thousand years. *Treta* has a double number of years, *i.e.,* seventeen lakh, twenty-eight thousand years. *Satyug* runs for thirty-four lakh, fifty-six thousand years. Thus the total number of years in one cycle of four-*yugs* is sixty-four lakh, eighty thousand. On the completion of seventy-two four-*yug* cycles, there will be only one *Manwantar.* This is the idea in India of the period of present Creation. This is the time-chart handed over to us by ancient India. It is possible that this correctness may be confirmed by science as it progresses. Eternal though Time is, I do hope that the present Constitution has been framed on the basis of mutual agreement. As I have said, I have come here to support the motion that is before the House at present. Therefore I do not consider it necessary to comment upon it.

As I have said, this Constitution has been prepared on the basis of agreement and we should sincerely strive for its success. According to the ancient order the primary aim of human life is the achievement of four Vargas. I need not say what place has been given to Dharma in our Constitution. When Dharma itself occupies a dubious place, it is all the more unnecessary to speak of *Moksha.* As for the remaining to *Vargas, i.e. Artha* and *Kama,* they have been properly provided for in the Constitution and everyone has been granted an equal right of their achievement. Ancient India accepted that man can achieve his good in both the worlds only through *Dharma.* Shri Vyas Deva says:

'madhvarvahu viroumyevah nahi kashshat chunotimam
dharmadiyarshcha kamashcha sa dharmahkinnasevyate'

(with raised arm I declare it, but no one listen to me, that *Dharma, Artha and Kama* can be achieved through *Dharma.* Why not follow it?)

The happiness of all and the interests of society can be promoted only by following the path of *Dharma.* If we foresake it and go our own way, we cannot make the nation or the individual happy. The extent to which cow-slaughter has been prohibited in the Constitution is only proper. In ancient times the Brahamans had no possessions and considered it unnecessary to secure protection for themselves. They did not consider it their duty to secure safeguards for themselves. Therefore the Constitution provided for their protection. In the present Constitution safeguards have been provided for Scheduled Castes and Tribes for some time. Their protection was necessary because they cannot protect themselves. Therefore we see that there is some similarity in the old Manu Smriti and the present Smriti. The

only difference is that in place of 'go brahmana hitaya cha' (For the good of the cow and the Brahman), there is now ' go pariganita hitaya cha' (For the good of the cow and the Scheduled Castes). Therefore the demonstrations against Manu Smriti were out of place. Anyway, I do not want to say anything more about this matter and want to only emphasis that we should extend full protection to the Constitution which has been framed with the consent of all. We have done a fine thing by including adult franchise in it. A second wealth we have received in the form of Fundamental Rights and a third in the form of abandonment of the system of separate electorates. A fourth wealth we have got in the form of Hindi which has been accepted as the National language. The achievement of these four types of wealths, we can characterise as the achievement of four *Vargas.* We have, no doubt, achieved them but we can utilise them only when we sincerely strive to carry out the decision arrived at by the consent of all. I accept that the South Indians will experience some difficulty in learning Hindi but manliness is proved only by overcoming difficulties. Therefore I wish that all the honourable Members and in fact all of my countrymen should consider it their duty to make all the decisions arrived at this House a great success. Then alone will our country benefit. I would like to add in this connection that it is a matter of pride to us that even though our Constitution is the most voluminous of all the constitutions of the world but never was a division called for at the time of voting on any article whatsoever and no list in connection with division was prepared. I need not mention the names of those who were responsible for its unique feature of this House. I have reverence for them in my heart but if I express it its importance will go. Therefore I would not mention the name of any person in this connection.

We have a unique history of the non-violent struggle for the achievement of our country's freedom. We all know whose efforts have enabled us to witness this occasion. An unparalleled event in the history of the world occurred in this country. Whenever I entered this House I first caught sight of the picture of Mahatma Gandhi. Although this oil painting has been fixed at a particular place but his soul pervades the whole country and the hearts of all of us. All this is due to his penance alone. While looking up to that picture today it appears that it is pointing out that the country because of the greed for small profit has forgotten the Great Dandi March. I regret that we could not come to any clear decision regarding the salt-tax. But I hope that in future the nation will never need to tax salt. There are a number of complains regarding the arrangements for securing salt from Sambar lake. If salt is taxed its prices will increase in far off places.

I have been working with the Congress since 1905. Ever since I entertained the belief that the soul of the Indian nation is awake. When I was a student I read in the papers the accounts of Khudi Ram Bose, Kanhai

Lal Datt and other patriots and began to have faith in the immortality of our nation. I am confident that, when in this age to, great men like Mahatma Gandhi can be born among us, the soul of India, the soul of our nation indeed awake and there is no ground for pessimism. Only we have to work with sincerity. If we are ready to lend our united co-operation to carry out the decision we have arrived at, we are bound to meet success and thereby we shall enhance the prestige of India much more than what it was in ancient times. Just now it was being said that propaganda should be made among the people to explain to them the implications of some special provisions of the Constitution. I would like to say that those who desire to work in this connection have already started the work. I have also done a little work in this direction. I am confronted with one difficulty in this matter. I belong to the Himalaya region which abounds in beautiful sites and sacred placed. The people of other areas very seldom go there. For purposes of pilgrimage also very few people go there and the inhabitants of my area have very little contact with other people. Therefore the country has not been able to understand the importance of my area from the national point of view. Therefore, it is solely our responsibility that we should awaken out people to their duties towards their country. I want to assure you that in spite of the difficulties peculiar to may area we are doing our duty and will continue to do so. You might have learnt from press reports that the Imperialists of China have begun to look greedily at Tibet. Our area is adjacent to Tibet. It is possible that very soon an occasion may arise when we might have to do our duty by our country and when we might be able to show that we are ready to serve our country with our blood and with our money. In the end I would only say that I am fortunate in having got at this age an opportunity of participating in the framing of the Constitution. I thank you for kindly giving me the opportunity of saying a few words. I hope immortal India will ever remain immortal and will do great deeds to promote the welfare of the world.]*

Shri Sarangdhar Das (Orissa States) : Mr. President, Sir, I cannot completely agree with this Constitution because it is not a revolutionary document. The social and economic structure of the country as it is now is to remain. Nevertheless, there are certain glaring defects which I wish to point out, particularly in the Fundamental Rights. Although certain very essential rights have been conceded, in a later article viz., article 22 - preventive detention clause - some of these have been taken away; and so it is not proper to say that Fundamental Rights have been fully conceded.

Then I have to mention the clause with regard to acquisition of property. The compensation that is to be paid for the acquisition of property is framed on the basis of the present structure, and it is wrong for us to say that by this Constitution we are introducing an era of plenty and prosperity for the

people. It is my view that the natural resources of the country and the means of production are the property of the community. There is nothing radical about it, when you consider that in many countries, especially in the U.S. where they had "sanctity of property" in the beginning. But, during the 19th and early 20th Century that changed. And I believe our Constitution should have taken the lesson from that and declared that the natural resources of the country and the means of production and distribution are the property of the community, and as far as paying compensation for such property is concerned, in as much as the holders or the trustees of these properties have enjoyed the benefits there-from for hundreds of years and have gained profits from it I do not see why there should be any compensation paid to them now. I do not want to go into the details but that is a point that should have been taken into consideration. I know there was some opposition to the compensation clause but by sheer majority it was passed.

Again I am reminded of the speeches of several of the honourable Members who have talked about Gandhiji's plan of democracy. They have regretted that nothing of Gandhiji's principles have been incorporated into the Constitution. I for one do not wish to dwell on the point, but, we talk in one breath of forming a society in which there would be neither high nor low people. That is to say, their incomes would be as far as possible equal and yet in the Constitution itself we have incorporated those abnormally high salaries for high official beginning from the President downwards. While the pay of the Government servants in the lowest grate is 30/- a month, to give the President Rs. 10,000 a month is absolutely absurd. In this respect as far as I knew when I was in the U.S., I remember this that even 25 years ago the difference between the low-paid servant and the highest-paid in certain localities was not so much as in this case. If we continue to look at the services of highly-placed people in this manner, I do not see how we can say that we are introducing a Constitution which would result in bringing forward a society where everyone will be equal both socially and economically.

Then I wish to say something about the national language. The article as it has been passed and on which this morning Mr. Thanu Pillai spoke , I am in full agreement with him except that he has missed a very big point which unfortunately he cannot distinguish viz., Mahatma Gandhi's original ideas as well as of those who know the ways of the world *re*. language was that Hindustani should be the national language. The article as it has been framed no doubt implies that it will be Hindustani but it is wrong to call it 'Hindi'. I believe because Hindi had been advocated by certain Members of two or three provinces who always talk about introducing original Sanskrit words, that it has evoked a lot of opposition in South India, in Bengal and I believe in parts of Bombay province. Hindustani is really the language that

the people speak and also in non-Hindustani speaking provinces e.g., in Orissa although we do not speak Hindustani, we can understand a person speaking Hindustani better than one who speaks pure Hindi. Because pure Hindi is advocated by our U. P. and C. P. friends has a lot of Sanskrit words which are unintelligible to the ordinary mass of people. as they are not learned in Sanskrit. If the framers of the Constitution have yielded to the pressure of these orthodox Hindi friends of ours, I think it has been a great mistake. After the language article was passed, I have had the chance to travel in South India, and also in Bengal and I have found a good deal of opposition which has no basis at all except that the people in those parts think North India is imposing this language on them, and they rightly resent such imposition. Consequently when the time comes to implement this article, the Government of the day should see to it that such a language as Hindustani is introduced as is being introduced by the Hindustani Prachar Sabha in many parts of the country and then when Hindustani will be accepted by the people all over India, I believe all this misapprehension will go within a few years.

With regard to the States, some of my friends, also from the States areas have supported that article which provides for the tutelage of State Unions or of individual States like Mysore or the Travancore-Cochin Union for ten years, I had opposed it while the article was under consideration. I disagree with those friends. No matter how backward some of these States may be, I think it is wrong to take away democratic rights from the people and their representatives and spoon-feed them. So that is a very reactionary measure after the States - some six hundred and odd of them - had been immolated. It is a reactionary measure to bring certain parts of those areas under Central control for ten years. And then again, I wish to say in this connection that although the States have gone, and although we say that the rulers have gone, I do not believe that they have gone. They have their privy purses and other emoluments. In as much as they are set down in the Constitution, they remain for good. That is really a gain for the rulers because now they do not have the burden of responsibility for administering their areas. Still they enjoy these privy purses which are again rather unnatural, because they have been based on the wartime inflated incomes. So my contention is that the rulers remain in our society in another form, not as rulers with powers to govern their areas, but as a new type of vested interests which is not desirable and which is not conducive to the kind of society that the Constitution claims to introduce.

It is also objectionable that too many powers have been vested in the Centre. I remember, in 1947 when the principles of the Constitution were decided, at that time, the Centre was not to have so many powers. I do realise that after partition of the country, the situation has changed;

nevertheless, the giving of so many powers to the Centre, the power to nominate this official and that official, the Governors and so forth will afford the opportunity to the party in power to perpetuate itself. Further, with regard to the nomination of Governors for the Provinces, I am afraid, if any party other than the present ruling party comes into power in certain provinces, and a Governor of the party in power is nominated for such province, there will be clashes between the Government and the Governor, i.e., between the ministry and the Governor, and that will not be conducive to smooth working. From this point of view, I believe the concentration of too many powers in the Centre will gradually result in the introduction of a sort of dictatorship of a single party.

There is also another objectionable feature that I wish to mention, which goes against the principles of democracy, and that is, that in the Council of States, certain number of members will be nominated by the President, and out of them one or more may be taken in as Ministers in the Central Cabinet. On the one side, we speak about democracy and on the other side we take recourse to measures which go against the principles of democracy.

Just at present within the short time allotted to me, I can think of these defects which I have detailed. But at the same time, I must speak of the good points also in the Constitution.

I disagree with most of my friends, particularly the Hindu friends who expatiate on the existence of the republican system of government, i.e., republics in our old Hindu polity. I disagree with them. My contention is that our lower classes, the lower castes of our society, whom we call Harijans, have all along been kept in a depressed condition. Consequently, there was no democracy. If there was democracy, if there was a republic, it was amongst the higher classes, what we call the higher castes. If you look at the Constitution from that point of view. I think the removal of untouchability and the introduction of adult franchise are two of the very best elements that have been introduced in this Constitution. I may remind you, Sir, that in the American Constitution, the franchise was given only to free, white citizens, because in those days, there were also white people who were slaves, working, as slaves in the West Indies and the Caribbean Islands. They were debarred from the franchise. The black people, the Negroes, were nowhere. They were denied the vote. They came only in the time of Abraham Lincoln, when they were enfranchised. So, I say, in our Constitution, the conceding of adult franchise, of equality of women and of the removal of untouchability, these three things are the best in the Constitution.

There is also another good point in it, and that is the setting up of the

secular State. There is no doubt everything has been done to make the State secular, although quite a number of criticisms have been made of it, on the basis that it is not Indian, meaning that it is not based on the Hindu religion. In that connection I would say that no religious instruction whether Hindu or Christian or Islam, should be given in any school. There is such provision in some of the clauses that in certain circumstances religious instruction is permissible, I think that should go.

Although I have pointed out a few of the very great defects, in as much as adult franchise has been conceded by this Constitution, I have no doubt, that the mass of people who will exercise the franchise in the future, can change the entire Constitution, if they so desire, and they will desire. So I do not condemn, nor disapprove, of the Constitution, as some of my friends have said that nobody has condemned it. It is no use condemning it. When adult franchise is there, by exercising that right, we can change the Constitution according to the needs of our society in the future.

With these few words, Sir, I also thank the Drafting Committee, and you, Mr. president, for all the labour that you have put into this and for doing everything to satisfy all sections of this House.

Shrimati Ammu Swaminathan (Madras : General) : Sir, the passing of this Constitution for an Independent India can be called without exaggeration the realisation of a great dream of four hundred million people. For so many years the people of this country had been working for this realisation and today we have actually got what we had been working for.

The first picture which really comes into my mind when I stand here this afternoon is the picture of the great man, Mahatma Gandhi, who by years and years of untiring work made it possible for us today to be an independent country. I think if we are to deserve this Constitution we have to make up our minds to work it, into something alive and something that will be of benefit to every citizen of this country. I know that the Constitution gives us in the Fundamental Rights, equal status, adult franchise and has also provided for the removal of untouchability and things of that kind for which India had been fighting all these years. But all these things appearing on paper is not enough if we are to make this country happy and prosperous. We have to see that these ideas and ideals which are on paper in the Constitution are implemented by the people of this country.

Sir, I would also like to pay my tribute to you and join with other Members who had congratulated you and shown their gratitude to you. All Members of this Assembly will always remember you with great affection and esteem and we will always remember the kindness and consideration

you have shown towards every Member of this House.

We have also to pay our tribute to Dr. Ambedkar and the members of the Drafting Committee and the Secretariat of the Constituent Assembly for the very hard work that they had put in for so many weeks and months. I know their task has not been as easy one but they have overcome all difficulties and thus we are today on the every of passing this great Constitution of our country.

I feel that the Constitution actually rests on two pillars - Fundamental Rights and the Directive Principles of State Policy. The fundamental rights of the people of India are guaranteed in such matters as freedom of speech, association and worship. The last is a very vital question to the people of this country. The Hindus have always been known to be tolerant towards all religions and we have put that down in our Constitution so that there will be no mistake about it and nobody can say that our Constitution did not include freedom of worship to every citizen of this country.

Now it is for us to see that this Constitution is worked properly so as to bring about the democratic State in India for which we had been working and hoping for and when we bring this about we must see that not only the rights are assured to every citizen but that he knows his duties and responsibilities towards the State. His freedom should be so used as to be of benefit to this country. Freedom is not to be used for doing anything that anyone likes. As it is so often said, freedom does not mean license. Let us hope that in the years to come this Constitution will be considered as something worthy or our country. Though there are many who find fault with a great number of clauses in it I hope they will remember that when we were going on with this work of constitution-making India was passing through difficult times, very unhappy times and our task was a very difficult one. I feel that it has been a great achievement to have been able to bring all the divergent opinions together and frame a Constitution of this kind which has been agreed to by a very large majority, though perhaps not by all.

A great many Members of this House have been praising this Constitution and there has been a certain amount of criticism also. There is one criticism which I would like to make and that is that this Constitution is to my mind a very long and a very bulky volume. I always imagined a constitution and still believe, to be a small volume which one could carry in ones purse or pocket and not a huge big volume. There was no necessity to go into so many details as has been done here. All the details, I think, should have been left to the Government and the legislatures. After all they are going to function according to the policy laid down by the Constitution and was it necessary, I

would ask, to load the Constitution with all this? I know very little about constitution-making, not do I pretend to be an expert. But I do feel as one of the citizens of India and as one of those who have been a member of a legislature for two or three years that it was not necessary to have so much details in the Constitution. However, as it is I do think that it is a great piece of work and I would like to say that it has been a great joy and happiness to me to have been here as a Member of this Assembly when framing the Constitution of India and I hope that some of us will live to see that the Constitution becomes a real stronghold for human rights and it will be worked towards establishing a real democracy, so that there will be happiness and prosperity for every one in India.

Equal rights is a great thing and it is only fitting that it has been included in the Constitution. People outside have been saying that India did not give equal rights to her women. Now we can say that when the Indian people themselves framed their Constitution they have given rights to women equal with every other citizen of the country. That in itself is a great achievement and it is going to help our women not only to realise their responsibilities but to come forward and fully shoulder their responsibilities to make India a great country that she had been.

With these few words, Sir, I strongly support that the Constitution may be passed

Shri L. S. Bhatkar (C. P. & Berar : General) : *[Mr. President, I congratulate Dr. Ambedkar and other members of the Drafting Committee for preparing this Draft Constitution with so much labour and industry after our country had achieved its freedom. But many shortcomings still remain in it. The rights granted to the people under article 19 of the Fundamental Rights are a farce, because whatever has been given under that article has been taken away by the proviso of that article. Article 17 provides for the abolition of untouchability for which I congratulate the Drafting Committee. Every Province has been passed legislation for the abolition of untouchability, but that is only on paper, it is not followed anywhere. Only a few people are trying to eradicate untouchability which has entered. If I may say so, the blood and bones of caste Hindus on account of its existence for thousands of years. But before any law can be of any help, the caste Hindus should effect a change of heart. Untouchability can be abolished only in this way. It is your responsibility to study the lesson taught by the Father of the Nation, Mahatma Gandhi in this respect and to come out successful in the test.

Again in the Constitution that has been passed not much importance has been given to the peasants and the workers. The provisions of this

Constitution reveal that behind them was a great eagerness to provide for high salaries to the Government officials, and not the least thought seems to have been given to the peasants and the workers who labour with the sweat of their brow to take the nation on the road to progress and prosperity, and who had given their blood in profession for the sake of achieving Independence for this country. This is being adopted for the protection of the rich. The Zamindars have robbed the peasants of thousands of bighas of their land by various methods. No attempt has been made anywhere in this Constitution to restore the land of peasants back to them. The nation cannot progress until industries have been nationalised. Provinces are enacting laws to abolish Zamindari while the land of the peasants is being looted by other methods. That land has now to be acquired by the peasants on payments. This means that the Zamindars are being strengthened more and more. This Constitution should have provided that the peasants would get the land gratis. Mahatmaji told us that this nation can be deemed to be free only when freedom is found to be beneficial to the peasants and workers. This Constitution does not seem to contain anything beneficial for them. An attempt has been made in this Constitution for the protection of the minorities. Article 338 refers to justice for the Scheduled Castes. Mr. President, I wish to tell you that the position of Harijans in the services hitherto is as follows:

C. P. & Berar

Caste	Population (1931 Census)	Gazetted posts
(1)	(2)	(3)
Brahmans	5,42,556	448
Marathas & others	18,82,654	17
Scheduled Castes	30,51,413	3
Muslims	783,697	99
Sikhs	14,996	13

Honourable Shri B. G. Kher gave the following figures in reply to a question in Bombay Legislative Assembly by Shri R. M. Nalwade :-

Community	Population in 1931	No. of Gazetted officers	No. of non-Gazetted officers i.e. clerks
(1)	(2)	(3)	(4)
Deprepssed classes	18,55,148	14	8,201
Marathas & others	42,07,159	606	43,360
Brahmans	9,18,120	1,370	21,448
Muslims	19,20,368	201	13,797
Others		886	18,658

This demonstrates clearly the necessity of making some provisions assuring that such injustice will not continue any more, and there would be speedy action to end it. I request the Government of India and the provincial Government to apply article 338 for our welfare and recruit Harijans in the services according to their population.

Secondly, this Assembly should contain 60 Harijan Members on the basis of our population, but today we are only 27. I hope, Mr. President, you will make up our quota by filling the casual vacancies in the light of this suggestion.]*

Shri Ram Chandra Upodhyaya United State of Rajasthan) : *[Mr. President, Sir, while speaking on the Constitution today we should keep in mind what our country thought about its future three years back and

what hopes it entertained regarding its Constitution. I remember it well that when the interim government was functioning here the people of the States were behind the bars and all their efforts were directed towards the achievement of responsible government. Two years back we entertained the hope that we would get responsible government and that we would frame separate constitution for the States. Time is passing very swiftly and perhaps we are not able to keep pace with it. Even within the short time of two years so many separate States united together and formed into Unions. What we could not even think of an year ago, we have achieved already. I remember that one year back during the session of Matsya Congress Committee a resolution was moved to the effect that a Constituent Assembly should be formed for the Matsya Union which should frame a constitution of its own. I was present there at the time and I said that it was a reactionary step because when a constitution was being framed for the whole country, it was not proper to demand separate constitutions for different Unions. Everything has been made possible even within an year. If we take into consideration that a Constitution has been framed for the whole country and that too speedily, we can will be proud of our achievement. We see that our neighbouring country, Pakistan, which was previously a part of our country, is far behind us in framing a Constitution. Not only that it has yet been able to frame a constitution for itself but it has not been able to solve the problem of its four or five States too. It has not been able to integrate them properly so far. When we look at the country and also take into consideration the period of two years, we can well take great pride in what we have achieved. Many people in India blame us for having taken too much time in framing the Constitution. No doubt we took some time but in view of the difficulties with which we were confronted, we did not take much time. If we had finished our labours six months back, we would not have been able to produce the Constitution that we have framed today. I feel that it would have been better if we had taken six months in the final reading of the Constitution. In the meanwhile we could have prepared and got printed the lists of voters and determined the constituencies. We should have done so. I think that if we had finished our labours six months hence, our Constitution would have been more complete than what it is. However, I am pleased to note that there is provision in the Constitution to make changes in it whenever such necessity arises. I think it is not very proper for us to speak of the merits or demerits of the Constitution because it has been framed by us. We took stock of the whole situation and produced the best thing we could. It can be left for the future generations and for the historians to judge whether we arrived at a correct decision in the atmosphere and situation

we were placed in.

A number of people are saying that we have provided many things in this Constitution which are against democratic principles and that we have nullified the right of citizenship. I would ask you not to look at this Constitution from the point of view that the Constitution of America and other western countries are far more advanced than ours. If the country judges it from that point of view it would not be doing justice to us. The people should ask themselves whether they have the same love for the country, for democracy and for the rights and duties as the people of those countries have for theirs. The answer is in the negative. Then why should we make a comparison today with those countries? When our freedom and democracy will be firmly rooted we will be able to make whatever changes we like in our Constitution and to go ahead with it and then alone will it be proper for us to compare our Constitution with those of other countries.

We should see that it is after remaining in bondage for thousands of years that we have achieved freedom. Just now the people have not even learnt to love their country and their nation. The conditions obtaining in the country at present are so bad that we begin to doubt whether we would be able to maintain our freedom and our democracy by even following the Constitution. We see that the Rajas still retain their old position. I know that Sardar Patel and our Government have put an end to the States. But we should not be under a delusion and shut our eyes to realities. The truth is that although the States have been finished but the Rajas are still there. With the fall of the States and Rajas have not fallen. They have great power and wealth. They still dream that they would have their way when the Central Government weakens. We have not forgotten that an year and half back our Maharajas dreamt that as they were very near to Delhi, they would, getting an opportunity, fly aloft their flag on the Red Fort. They had purchased aeroplanes for the purpose and had kept their army in readiness. They have an eye on Delhi and are waiting for an opportunity. There are others also for whom their community is their country. They want that their community should come into power whether the country lives or perishes. The Rajputs want that they should take over the reins of administration of India. Some dream of a Jat Raj. Some want to establish an Ahir Raj. Such are the ideas of some people about their future. I ask whether these ideas are not dangerous for our country? Moreover there are some people who want to serve their ends by bringing about anarchy in the country. Some think that their province alone should govern the whole of India. Some dream of a Maharashtrian Kingdom and some of something else. We should take into consideration

these factors which threaten the security of our country and then take up the task of examining this Constitution. There is no doubt that if we had been placed in a better position, we would have incorporated in it better things. It is not that we have no love for freedom and citizenship. We also want that no person should be imprisoned until he is proved guilty of a crime against law and that every person should enjoy full liberty. In view of the present situation the rights that have been provided are adequate. In view of the present situation the Constitution should be considered as an arrangement for ten years. If we are able to retain our freedom for ten years, which I am sure we would be able to do, and the foots our democracy are strengthened, we would be able to make changes in it and to make it progressive. Then alone would it be proper to strike a comparison.

Considering the present situation I find two or three redeeming features in the Constitution which can be characterised as healthy seeds of democracy. Getting good ground and atmosphere these seeds will give forth good sprouts and the sprouts will grow into trees. The Parliament will be formed on the basis of adult franchise and will enjoy full power. We shall thereby be able to protect our democracy and shall have no fear in regard to our future. Besides, people are raising a hue and cry in the name of religion. They quote scriptures and mislead the people. Pakistan was established on the basis of religion and on that basis it has driven out the Hindus and non-Muslims with the result that the people have begun to blame the Congressmen. At such a time we have shown courage in establishing a secular State and faced all sorts of comments. Even today propaganda is being made against us and the Congress in the name of religion and we have to face a lot of criticism. We have given equal rights of citizenship to all. We have given equal right to women although Britain and America were able to grant such rights at a very late stage. We have given full freedom for propagating religion. We can well be proud of these things.

We have indeed taken a great step in regard to States. Even the foreigners wonder at our achievement. No doubt I feel that we could have done a few things in a better way. I admit that the people of the States are a little backward in comparison to the people of the Provinces but to lay down the condition for them that for ten years they would be under the control of the Centre smacks of a little high handedness. This will make it difficult and is already making it difficult to pave the way for democracy. We feel that we are going to have a dual Government. The Civil Services men of the Centre carry on the administration according to their views and our Ministers according to their own views. The result is

terrible. They try to blame each other with the result that the administration deteriorates considerably. Honourable Sardar Patel assured us that this arrangement will be enforced when it will be absolutely necessary and that is why we accepted this provision. But such an arrangement should be rarely but in practice and if possible it should not be used at all. The country will benefit by it.

Secondly, we have vested too many powers and special powers in the Centre. The Provinces have been rendered powerless. This is a great defect. It would mean a set-back to our democracy. The exigencies of the times necessitated such a provision and we accepted it. But I hope that the Central Government will make as little use of its special powers as it is possible for it because that would advance the cause of our democracy.

In conclusion I would like to say that an injustice has been done to my area taking shelter under this Constitution. I feel that I should say something in regard to this matter. Sirohi has been arbitrarily divided and one part of it has been integrated with the province of Bombay. It is unjust to take this step without consulting the people. It would be dangerous to carry on democratic administration in such a way. Sirohi is an insignificant area and its division does not mean that Rajasthan is going to perish but the question is one of sentiment and the method of action. To divide it without consulting the people is improper. It could have been integrated with Gujarat or Rajasthan for the time being. It would not have made any difference. After two or four years the people could have been consulted and it could have been accordingly integrated with any area whatsoever. Efforts should be made to make amends for this as early as possible. By going against the wishes of the people, democracy gets a set-back and the people get discontented.

In the end I would like to say that at least some time to come our Constitution will prove to be very good and if we continue to march forward on the path shown by it we will safeguard our freedom and democracy and make our country great in a very short time. Therefore we should accept it.

Shri Ram Chandra Gupta (United Provinces : General) : Sir, I am very thankful to you for giving me this opportunity of speaking for a few minutes on this motion.

The present Constitution will go down, in the annals of this nation, as a great ''CHARTER OF FREEDOM', which our people have today achieved after a long and ceaseless struggle and much suffering. We have

therefore every reason to be proud of it; and I have no manner of doubt posterity will continue to remember January 26th, 1950 as the sacred day when real freedom dawned in this country.

This Constitution which consists of nearly 400 clauses is the result of 3 year-long hard labour, anxious thought, and much compromise. The country will no doubt feel grateful to all those who have had a hand in the shaping of this Constitution. Our thanks are due to all members of the Drafting Committee - particularly to Dr. Ambedkar, and to you, Sir. Both of you have demonstrated how accommodating you can be to others.

The Constitution as it stands today, is the result of heated discussion and long debates carried over thousands of amendments moved by the honourable Members of this House. In fact there is not a single word in the Constitution which has not received the notice of some Member or the other. I can go to the length of stating that even punctuations, viz., comma, semicolon, and full stops, have received due notice from our vigilant friend, Mr. Naziruddin Ahmad. It is true that unanimity could not be achieved on every matter, but there is no doubt that all clauses passed by the House always had the support of a very large majority. Almost all the important controversial questions were postponed many times for fuller consideration and the achievement of unanimity, if possible.

In one word, I can say that the present Constitution is the result of many happy compromises effected as a consequence of the spirit of 'give and take' so liberally manifested by the Members of this House. In such circumstances you cannot expect that all the Members will have the same degree of satisfaction on all matters incorporated in the Constitution. This really explains the mixed reaction accorded to the Constitution by the various speakers. While I myself do not agree with every thing incorporated in the Constitution. I can say without the slightest fear of contradiction, that it has the substantial support of a very substantial section of this House.

It is no doubt true that the Constitution as originally drafted has undergone a radical change. Such a change was inevitable under the altered conditions of the country. When we began in December, 1946, the country was not divided and the then conditions did require a Constitution of a different type. By the partition of the country very many questions which were then important lost all significance. Prior to the partition of the country it was thought that all the provinces should be practically independent of the Centre except in certain matters - defence,

communication etc.; - the residuary powers to vest in the units; but the partition did demand, and rightly demanded that the Centre should be made as strong as possible. The Constitution has effected this change, and I believe that this change is for the better. I am not satisfied by the criticism that there should have been less of centralisation, and more decentralisation. I may perhaps agree to this criticism only in a small measure and not more. *A strong Central Government is the need of the hour*; and I prophesy that the future will tell you that this centralisation was a blessing. All along the ages, and our history bears ample testimony to this fact, the overmastering problem before India has been one of integration, and consolidation and unification. A unitary and highly centralised form of Government is suited to the needs of this country. However, in future if our experience shows that in certain matters some more powers should be given to the units, I feel there would be no difficulty in getting the change effected by the amendment of the Constitution as provided for in Sec. 368.

The other material change effected in the Constitution was due to the regrouping and consolidation of the 600 and odd princely States. Can any body say that this change has not been for the better? For effecting this merger all credit goes to our beloved Deputy Prime Minister, Sardar Patel, who performed this miracle in such a short time. The ruling chiefs of those states who voluntarily abdicated their authority in the interest of their motherland also deserve our sincere thanks.

We can now feel proud that ours is one country, one language, and one Constitution, to govern all - low or high, Scheduled Castes or high Castes, minorities or majorities. Our Constitution does not make any distinction whatsoever. In fact it has removed all traces of untouchability from the country. The Constitution has been hailed by all the Members of the Scheduled Castes in this House, and we can safely say that it is quite satisfactory from their point of view. The Constitution has, as a precautionary measure, given special rights to the Scheduled Castes, Anglo-Indians for a short time only.

The Constitution has placed women on absolute equal footing with the menfolk; and we can say that ours is the only Constitution giving these rights to women without any reserve or restrictions.

Another criticism levelled against this Constitution is that it is too lengthy. This also seems to be unjustified. Ours is a peculiar country where you have to provide for so many contingencies and conflicting interests. It is but natural, therefore, that the Constitution should be a

detailed one. This codification of numerous details, which are likely to arise every day, must occupy considerable space in any constitution. Besides this, we have benefited by the comparative study of our own old Acts, including the Government of India Act of 1935. We have also utilised the good points of the American, British, Australian, and other Constitutions and at the same time tried to save ourselves from many pitfalls of other Constitutions. Some honourable Members have termed it as a "Patch-work". This is not so. Our Constitution really consists of all that is best in other constitutions, modified to suit our peculiar needs.

Another good feature of the Constitution is that it has done away with the system of separate electorate and reservation of seats (except for a short duration in some cases).

This Constitution, for the first time, has provided for appeal against sentence of death to the Supreme Court under certain circumstances. It does not go far enough in so far as it fails to provide appeals in all cases where death penalty is imposed or confirmed by a High Court. I would have, however, preferred total abolition of death sentences.

The question of Zamindari abolition has been agitating the country for a long time. The payment of compensation at the market rate was beyond the means of the units concerned. This Constitution, while awarding equitable compensation, has provided in article 31 that the compensation shall be determined in accordance with certain principles. This enactment has made it possible to abolish the Zamindari system, root and branch.

Article 21 of the Constitution relating to protection of life and personal liberty of an individual is a clause which has attracted the attention of a large section of the public, specially lawyers and judges. Their contention is that the clause, as enacted, will not safeguard the rights of the individual sufficiently. Their fear is unjustified because no Government in the country can pass any legislation and then enforce it in a wanton or irresponsible manner. Sanction of the legislature is essential under the clause. There is no doubt the clause is wide enough to confer very wide powers on the legislatures of the country and I am sure that a resort to such extraordinary powers would be had only when the exigencies of the time would require them.

In the end, I shall request the Members of this house, and through them my countrymen outside this House, to work this Constitution in the spirit of devotees. If we work this Constitution and co-operate with each

other, even the seemingly glaring shortcomings of this Constitution, which appear so great today, will gradually peter out. Let us swear by this Constitution and pledge ourselves "to protect, preserve, and defend" this Constitution - no matter what the price we may have to pay in so doing.

Mr. President: The House now stands adjourned till ten o'clock tomorrow morning.

The Assembly then adjourned till Ten of the Clock on Friday, the 25th November, 1949.

[Translation of Hindustani speech]