CONSTITUENT ASSEMBLY OF INDIA DEBATES (PROCEEDINGS)- VOLUME IV

Monday, the 14th July, 1947

The Constituent Assembly of India met in the Constitution Hall, New Delhi, at Ten of the Clock on Monday, the 14th July 1947, Mr. President (The Honourable Dr. Rajendra Prasad) in the Chair.

PRESENTATION OF CREDENTIALS AND SIGNING OF THE REGISTER

Mr. President : Members who have not yet presented their credentials and signed the Register will do so now.

(The Secretary then called out the name of Haji Abdul Sathar Ham Ishaq Sait.)

Mr. Deshbandhu Gupta (Delhi.): Mr. President, may I rise to a point of order?

Before the Honourable Member is called upon to sign the Register, I would like to know whether it would not be fair to this House to ask whether he still subscribes to the Two-Nation theory or not? I take it that, as a sovereign body, and in view of the Partition that has been decided upon, we should review the whole question and lay down that a Member who does not subscribe to the Objectives Resolution that has been passed cannot sign the Register.

I want your ruling, Sir.

Mr. President: An interesting point has been raised. But I do not consider it is a point of order at all. It is a question of the right of Members who have been elected to the Constituent Assembly under the procedure laid clown. Any one who has been elected is entitled to sit in this House as long as he does not resign. Therefore I do not think I can prevent any Member who has been elected duly from signing the Register.

The following, Members then presented their Credentials and signed their names it, the Register:

Madras

1. Haji Abdul Sathar Haji Ishaq Sait

2. B. Pocker Sahib Bahadur
3. Mahboob Ali Baig Sahib Bahadur
4. K. T. M. Ahmed Ibrahim Sahib Bahadur

Bombay

5. The Honourable Mr. Ismail Ibrahim Chundrigar
6. Dr. B. R. Ambedkar
7. Mr. Abdul Kadar Mohammad Shaikh
8. Pandit Lakshmi Kanta Maitra
9. Mr. Debi Prosad Khaitan
10. Mrs. Renuka Ray
11. Mr.Damber Singh Gurung
12. Mr. R. E. Patel
13. Mr.Prafulla Chandra Sen
14. Mr.Upendranath Barman
15. Mr.Raghib Ahsan
16. Mr.Nazirudin Ahmad
17. Mr.Abdul Hamid
18. Mr. Satish Chandra Samanta
19. Mr. Suresh Chandra Majumdar
20. Mr. Basanta Kumar Das
21. Mr. Surendra Mohan Ghose
22. Mr.Arun Chandra Guha

United Provinces

23. Chaudhri Khaliquzzaman

24. Nawab Muhammad Ismail Khan
25. Mr. Aziz Ahmad Khan
26. Begum Aizaz Rasul
27. Mr. S. M. Rizwan Allah

East Punjab

28. The Honourable Sardar Baldev Singh
29. Diwan Charnan Lall
30. Maulana Daud Ghaznavi
31. Gyani Gurmukh Singh Musafir
32. Sheikh Mahoob Elahi
33. Sufi Abdul Hamid Khan
34. Chaudhuri Ranbir Singh
35. Chaudhuri Mohd. Hassan
36. Shri Bikramlal Sondhi
37. Prof. Yashwant Rai

Bihar

38. Mr. Tajamul Hussain
39. Mr. Saiyid Jafar Imam
40. Mr. Latifur Rahman
41. Mr. Mohd. Tahir

C.P. & Berar

42. Kazi Syed Karimuddin

Assam

43. Saiyid Muhammad Saadulla.

STATES

Mysore

44. Dewan Bahadur Sir A. Ramaswamy Mudaliar.

45. Mr. K. Chengalarya Reddy.

46. Mr. H. R. Guruv Reddy.

47. Mr. S. V. Krishnamurthi Rao.

48. Mr. H. Chandrasekharaiya.

49. Mr.Mahomed Sheriff.

50. Mr. T. Channiah

Gwalior

51. Mr. M. A. Sreenivasan.

52. Lt. Col. Brijraj Narain.

53. Shri Gopikrishna Vijavargiya.

54. Shri Ram Sahai.

Baroda

55. Mr. Chunnilal Purshottamdas.-, Shah.

Udaipur

56. Dr. Mohan Sinha Mehta.

56-A. Mr. A. Manikyalal Varma.

Jaipur

57. Raja Sardar Singhji Bahadur of Khetri.

.

Alwar

58. Dr. N. B. Khare.

Kotah

59. Lt.-Col. Kunwar Dalel Singhji.

Patiala

60. Sardar Jaidev Singh.

Sikkim & Cooch Behar

61. Mr. Himmat Singh K. Maheshwari.

Tripura, Manipur and Khasi States

62. Mr. G. S. Guha.

Rampur and Benares

63. Mr. B. H. Zaidi.

Eastern Rajputana States

64. Maharaja Mandhata Singh.

65. Maharaj Nagendra Singh.

66. Mr. Gokul Bhai Bhatt.

Western India & Gujarat States

67. Col. Maharaj Shri Himmat Singhji.

68. Mr. A. P. Pattani

69. Mr. Gaganvihari Lalubhai Mehta

70. Mr. Bhawanjee Arian Khimjee

71. Khan Bahadur Pheroze Kothawala

72. Mr. Vinayakrao B. Vaidya.

Deccan States

73. Mr. M. S. Aney

74. Mr. B. Munavalli

Eastern States

75. Rai Saheb Raghuraj Singh

76. Rai Bahadur Lala Rajkanwar

77. Mr. Sarangdhar Das

78. Mr. Yudhisthir Misra

Residuary Group

79. Mr. Balwant Rai Gopalji Mehta

Mr. President: Is there any other member who has not signed the Register yet? I take it that there is no one here who has not signed the Register yet.

Shri Balkrishna Sharma: (United Provinces: General): *[Mr. President: Before you proceed to take up the business of the day I beg to put forward, with your permission, some questions for consideration. Sir, have I your permission ?]*

Mr. President: *[The practice so far has been that, when any question is brought forward, it is considered whether permission to debate any matter relating to it is to be given or not. No question has been raised so far. I do not know what you intend saying. I think that permission will be given if what you intend saying is found to be proper and in order.] *

Shri Balkrishna Sharma: *[Though no question has so far been raised yet my prayer is that I may be permitted to explain my purpose, and a discussion may follow on it thereafter.]*

Mr. President: *[I do not know what you intend saying. If you had seen me and explained your purpose before, I may have given you permission. As no question has been so far raised, I do not see how I can give you the permission to speak at this moment.]*

Shri Biswanath Das (Orissa: General): Mr. President, before you go on to the other items of the agenda I beg to invite your attention to the communique issued under the authority of Government on the decision regarding allotment of Armed Forces as per recommendations of the Sub-Committee. Sir, the decision is said to be final. It is said that it is a rough and ready division on communal basis based on the unanimous recommendation of the Armed Forces Reconstitution Sub-Committee, and it is said that this relates to allotment of ships etc., and that the requirements of each Dominion have been kept in view.

Mr. President: Mr. Das, I do not think the Constituent Assembly as such is concerned with any statement in any newspaper, at any rate, at this stage. Therefore the question does not arise.

Shri Biswanath Das: I am only submitting to you the contents to judge the relevancy of it. This concerns important questions of division of assets of India and has made us all anxious. This is practically the Legislature and Sovereign body. This matter is agitating the minds of all people.

Mr. President: I think you are suffering under a misapprehension. We are not yet the Legislative Assembly. We are still only the Constituent Assembly as it has been functioning so far. If this were the Legislative Assembly you might perhaps bring that in. Now I do not think that question arises.

Mr. H. R. Guruv Reddy (Mysore State): On behalf of the Mysore chosen representatives, I would like to bring to the notice of the President that we have not yet been supplied with any literature, particularly the Rules of Procedure. We have made the request to the Office but we have not so far been supplied. We do like to take part in the proceedings but we are unable to take part on account of this. We request you kindly to give necessary instructions to the Office.

Mr. President: The Secretary will take note of that and do the needful.

Mr. H. J. Khandekar (C. P. and Berar: General): On a point of information, I would like to know how many Scheduled Caste members have signed from the Indian States out of those who have presented their Credentials.

Mr. President: I am afraid this office is not in a position to answer this question. Perhaps at a later time you may get full information from the Secretary.

Mr. Tajamul Husain (Bihar: Muslim): May I know from you, Sir, if any member from Sylhet is present here to-day?

Sardar K. M. Panikkar (Bikaner State): On a point of order. Is there a question time for this Constituent Assembly?

Mr. President: There is no time fixed. I have given that latitude to the members. I hope it will not be abused.

ADDRESS BY PRESIDENT

Mr. President : *[Hon'ble Members, we are meeting today after an interval of two and a half months. During this period many important events have occurred to which I believe I should refer. The most important of these was the statement of His Majesty's

Government made on June, the 3rd. This statement has profoundly affected Indian politics. One of its results has been the division of India, and it has also been decided to partition two provinces. Further, as a consequence of this, discussions are taking place, so far as I know, in the Government of India and the Provinces, concerned regarding the details of the Partition, and actual work relating to Partition is also proceeding. Besides this, changes in the membership of this Constituent Assembly have occurred. In Place of the members who formerly represented Bengal and Punjab some new and some former members have been returned in the new elections held in these two (which have now become four) provinces. Many States which had so far kept aloof from this Assembly have now sent in their representatives. The members belonging to the Muslim League who had so far remained absent are also attending the Assembly now.

The Constituent Assembly had appointed a number of Sub-Committees. Reports of these Sub-Committees have appeared in the Press and also been sent to the members. These reports, as they are now ready, will be placed before the House from time to time and you will be called upon to give your considered decisions on them. One of these Sub-Committee had been appointed to draft a model Constitution for the Provinces. Another was appointed to determine and recommend to us the principle on which the Union Constitution was to be based, and to prepare a rough draft of the Union Constitution as well. A third Committee was appointed to consider and determine the powers of the Union and submit its report relating to them. The reports of all the three Committees are now ready. One of these reports has been presented to the House for consideration and the reports of the other committees will be presented in due course, and I hope that the House will take its decision on them after due consideration during this session. It is my suggestion. and I believe you will approve of it, that after the House has accepted the reports some persons may be appointed to prepare the detailed draft of the Constitution, and that a Committee be appointed to go through this draft carefully and to submit its opinion on it to this House when it meets again. The draft will then be introduced in this House for detailed consideration and acceptance. Thus the Constitution would be finalised.

Another committee known as the Advisory Committee had been appointed, but it has not completed its work. It has set up the following Sub-Committees--Minority Sub-Committee, Fundamental Rights Sub-Committee, Tribal and Excluded Areas Sub-Committee. These Sub-Committees are parts of the former. One of these Sub-Committees has submitted its report, but the reports of the other two are not ready as yet. I hope that very soon the reports of these Sub-Committees will also, be submitted, so that when the Constitution is drafted these may be incorporated therein and the Constitution when finally accepted may be complete in all respects.

It is my hope that, if all this is done property, we shall be able to pass the Constitution finally after due consideration in the October meeting of the Assembly, I want that the work of the Constituent Assembly should be speeded up, because, as you are aware, according to the proposed Indian Independence Bill the Constituent Assembly would also function as the Legislative Assembly, and already there are many matters pending before the Legislative Assembly which must be taken into consideration. After some time the Budget Session would also be due. Consequently, the earlier we finish the work of the Constituent Assembly the sooner we shall have the opportunity to take in hand the work of the Legislative Assembly. But I do not want that the work of the Constituent Assembly should be done in such a hurry as to spoil any part of it. Every matter will have to be decided after full consideration. In

placing this proceed hurriedly to finish the work early, irrespective of whether its consequences are good or bad. On the other hand, you must devote so much time to each matter as you consider desirable. But if you keep in view that we have to do, sitting as the Legislative Assembly, other work also, we must finish our present work as early as possible.

I welcome all the new members, and they are many, who are present today. I hope that all of us together will finish, as early as possible, the work of the Constituent Assembly and will give a Constitution that shall be agreeable and acceptable to all.]*

Mr. H. V. Kamath (C.P. and Berar: General): *[Mr. President, could you kindly inform the House as to how many of the States representatives are elected and how many nominated?]*

Mr. President: *[I am unable to do so now. The information asked for will be supplied later on.]*

ELECTION CHANGES FROM BENGAL AND PUNJAB

Shri Sri Prakasa (U.P. General): *[Mr. President, so far as I know it was said at the time the elections to this Constituent Assembly were held that no outside authority had any control over it. I would like to be informed whether you were consulted about the changes that have taken place in Bengal and Punjab. Have these changes taken place according to the rules made by this Assembly? So far as I am aware members of this Assembly lose their membership when they submit their resignation. I would like to know if the members for Bengal and Punjab, who are no more members, lost their membership by submitting their resignation or as a result of the Viceroy's statement which led to new elections being held. If this is what has happened, and this appears to be the actual case, I would like to know your opinion and this matter and whether you consider all this proper and regular or not. We were told that once the Constituent Assembly was elected, neither any changes would be made in its constitution nor could any outsider have any authority or control over it. It appears to me that all these changes have taken place according to the statement of the Viceroy--a proceeding which is improper, unjust, illegal and contrary to the rules.]*

Mr. President : *[Your statement that these changes are the result of the Viceroy's statement and the consequential action taken by him on it is correct. But I believe that everyone has consented to these changes being made and so also have we done. The question of invalidity, therefore, does not arise. Moreover, now no one from among the members who had been formerly elected and have now lost their membership has submitted any petition against the termination of his membership. The newly elected members are members of this Assembly and shall continue to take part in its proceedings.]*

Shri Balkrishna Sharma : *[Mr. President: I want to draw the attention of the House to a point arising out of your statement. It is this. You have in your opening statement welcomed the new members and have expressed the hope that they will

make their contribution to the proceedings of this Assembly and will help in the framing of such a constitution for our India.....]*

Mr. President: *[Are you making a speech or asking a question?]*

Shri Balkrishna Sharma: *[Sir, I am asking a question.]*

Mr. President: *[Please ask the question now.]*

Shri Balkrishna Sharma: *[My question is that when you expressed this hope it must not have escaped you that the election of some members, and their number is appreciable, has been through a special procedure and that they are participating in the Assembly while putting faith in the two nation theory.....]*

Mr. President: *[You have started making a speech; or are you asking a question?]*

Shri Balkrishna Sharma: *[Have you been given the assurance that those who have been elected on the basis of the two-nation theory, will associate in your work after renouncing the two-nation theory and cooperate in furthering the common task?]*

Mr. President: *[A similar point was raised by Shri Deshbandhu Gupta. I then said in reply that I had no authority to forbid the members who had been duly elected from attending. I have therefore asked for no assurance and no assurance has been given to me. I have accepted all those who have been duly elected as members and on this we are acting. What all of you do here will show the intensions of each and all.]*

An Honourable Member: We could not follow your reply, Sir, in Hindi.

Mr. President: The question has been put in Hindi and I have to answer it in Hindi. If any one puts a question in English I will answer it in English.

Pandit Govind Malaviya (United Provinces: General): Sir, I would like to ask a question in order to clarify a point. My Honourable friend Mr. Sri Prakasa has raised a question, *viz.*, that this Constituent Assembly being a sovereign body and in view of the fact that members who had been previously elected had not resigned, how have other's taken their places. You, Sir, were good enough to say that everybody seemed to have acquiesced in this position and therefore it was right. I want to ask you, Sir, whether the position is not this that if any parts of the country decide to go out of the country, or secede from it, as, happily or unhappily, parts of two provinces have by their own vote decided to, the members from those parts of the country no longer have the right to continue as members of this Assembly? I want to get this point clarified, for, in future, it will be very important. I submit that the moment any part of the country decides not to remain part of India, automatically it loses all rights with regard to this Assembly.

Mr. President: I take it that any member elected from a part of a Province which has succeeded is not entitled to sit here: and I do not think any member like that is

here.

Mr. H. J. Khandekar: What about Mr. Sidhwa?

Mr. President : Mr. Sidhwa was your representative. *(Laughter)*, and elected by you from the C.P. and Berar.

MESSAGE FROM THE CHAIRMAN OF THE BURMA CONSTITUENT ASSEMBLY

Mr. President : We shall now go to the next item of business.

I am sure the Assembly will be glad to hear the message we have received from the Chairman of the Burma Constituent Assembly, in reply to the message that we had sent them.

"On behalf of myself and the Constituent Assembly of Burma, I desire to thank you most warmly for your very kind message of goodwill and good wishes which has been most deeply appreciated by the Constituent Assembly and the country. Such cordial greetings and sincere good wishes from you and the Members of the Constituent Assembly of India, at the outset of our deliberations, would be a source of inspiration and encouragement to us in the task of framing a Constitution for a free and united Burma. I can assure you that a free Burma will regard it as its special duty and privilege to maintain most cordial and friendly relations with your country and to make all possible contributions to the peace and happiness of the world.

May I avail myself of this opportunity to thank you and Sir. B. N. Rau for all the kind help and assistance accorded to our Constitutional Adviser during his short stay at New Delhi and for the free gift of your publications which are found to be most valuable in our work?

May I also take this opportunity on behalf of the Constituent Assembly 'of Burma and the people of this country to send you and through you to the Members of your Constituent Assembly and the people of India our sincere good wishes, for the successful conclusion of your labours and speedy realisation of your cherished aim of establishing a free and united India?" *(Cheers).*

REPORT OF THE ORDER OF BUSINESS COMMITTEE

Mr. President: The next item on the Agenda is the motion to be moved by Mr. Munshi.

Mr. K. M. Mushi (Bombay: General): Sir, I beg to move the following resolution:

"Resolved that the Constituent Assembly do proceed to take into consideration the further Report* of the Order of Business Committee appointed by the Resolution of the Assembly of the 25th January, 1947."

I have great pleasure, Sir, in moving this Report of the Order of Business Committee. As the House will see, this Report is quite different from the one submitted to the last sittings of the Assembly. Many and momentous have been the changes that have occurred in this country since, the last sittings, and this Report has

become necessary as a result of these changes. Some parts of the country have seceded from India and from the jurisdiction of this Constituent Assembly. By the end of this week, the British Parliament would have adopted legislation which would set India free by the 15th of August, 1947--an event for which we have been waiting for centuries; and lastly, the fetters that were imposed upon this Constituent Assembly by the plan of May 16 have fallen. These changes, therefore require that the programme of this Constituent Assembly should be reorientated in the new atmosphere to meet the new situation which has arisen.

Sir, I may take the liberty of pointing out that the May 16 Plan has now gone for all practical purposes and that we as a sovereign body are moving towards reconstruction the constitution of the future in an atmosphere of complete freedom. I will take the liberty of mentioning in greater detail the change which has been referred to in a paragraph of the Report. The plan of May 16 had one motive--to maintain the unity of the country at all costs. A strong Central Government was sacrified by the May 16 plan at the altar of preserving the unity which many of us, after close examination of the Plan found to be an attenuated unity which would not have lasted longer than the making of it. There were two stages envisaged in the Plan of May 16. The stages were the preliminary stage and the Union Constituent Assembly stage. A number of committees, which the House was pleased to set up, struggled to get some kind of a strong Government of India, a Government worth the name, out of these difficulties, but, the struggle, I am, free to. confess, was not very successful. As a matter of fact, very often if I may express my own sentiment, while examining the plan of May 16 over and over again the plan looked to me more like the parricide's bag which was invented by ancient Roman law. As you know, under the ancient criminal law of Rome, when a man committed a very heinous crime he was tied up in a bag with a monkey, a snake and a cock, and the bag was thrown into the Tiber till it sank.

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*Apendix

The more we saw the plan the more we found the minority struggling to get loose, the sections gnawing at the vitals and we had the double majority clause poisoning the very existence. Whatever other Members may feel. I feel-thank God--that we have got out of this bag at last. We have no sections and groups to go into, no elaborate procedure as was envisaged by it, no double majority clause, nor more provinces with residuary powers, no opting out, no revision after ten years and no longer only four categories of powers for the centre. We therefore feel free to form a federation of our choice, a federation with a Centre as strong as we can make it, subject of course to this that the Indian States have to be associated in this great task on a footing of the four categories powers and such further powers as they choose by agreement to cede to the centre. Therefore, Sir I personally am not at all sorry that this change has taken place. We have now a homogeneous country, though our frontiers have shrunk--let us hope only for the moment--and we can now look forward to going on unhesitatingly towards our cherished goal of strength and independence. And therefore the report that was submitted to the House had to be revised.

Members will be pleased to see that the bulk of the work is already done. The Provincial Constitution Committee's Report on the main structure of the constitution has been circulated to the Members of the House and it will be taken up in a day or

two in due course. Then the Union Constitution Committee has already prepared a White? Paper--if I may say so--on the structure of the Union Constitution and that will also be placed before the House at this sitting.

I may remind the House that the report of the Union Powers Committee was placed before the House last session. It contained the details of the powers which were implied in the four categories which we're mentioned in the May 16 plan. In view of the change, these powers had to be re-examined, and a supplementary report of the Union Powers Committee will also be placed before the House for consideration. In the report it is suggested that when these principles have been accepted by the House they will be forwarded to a drafting committee appointed for the purpose which will perform the task of framing the necessary Bills for a Constitution of the Union of India.

With regard to paragraph 3 of the Report, as the House knows, several proposals for new fundamental rights have been referred back to the Advisory Committee. The Minorities Committee has still to examine several points, particularly the principles to be adopted in relation to minorities. Further, the Tribal Special Committees are at work; some of them have not completed their work and I do not know whether the work of some of them will be carried on at all. All these matters have yet to be decided by the Advisory Committee. They will go before the Advisory Committee and the report will come.

In the last sentence of paragraph 3 it is suggested that the Advisory Committee should complete its task in August and the recommendations may go straight to the Drafting Committee which will draw up the necessary provisions of the Act and then they will come before this House at a later session in the form of certain provisions of the Bill. But Mr. Santhanam has moved an amendment to this Resolution of mine which I find is favoured by a considerable section of the House. The view, which I understand, is taken by fairly large numbers in this House, is that so far as the principles to be adopted in the constitution in relation to minorities are concerned, they should not be sent to the Drafting Committee straightway but that they must be placed before this House at this session; and after the principles are settled they should go before the Drafting Committee for being shaped into appropriate provisions. If that is the view of the House the Resolution of Mr. Santhanam will be accepted qualifying the last sentence in paragraph 3.

Paragraph 4 of the Report suggests that the Assembly should complete its work by the end of October of this year. It is highly necessary, Sir, as you were pleased to point out that the work of Constitution making should be completed at the earliest possible moment and that if possible by November we should complete our Constitution-making work. At one time the rules were framed on the footing that we may take longer. They dealt with the question of sections and groups and various other things. At the time the rule was framed--old Rule 63--it was intended that after the general lines of the Constitution were approved by this House they should be circulated to the members of the legislature. It is not necessary to indulge in that elaborate procedure, first because the office of the Constituent Assembly has circularised a set of questionnaries to which replies have been given by members of the several Legislatures in this country and the opinions are therefore before the Committees. Secondly, things are moving so fast that we cannot go on at the pace at which we intended to go before. By the, 15th August India will be a free and independent Dominion. We want to attain that stage as early as possible and to secure a constitution of our own which will give us the necessary strength. We must not

forget the fact that in the Dominion Constitution which comes into existence on the 15th August the States' representatives have no place. We want that the Constitution of the Union therefore must come into existence at the earliest possible time. If that is so we shall have to eliminate this unnecessary procedure of circulating the decision to the members of this, House. This House is sufficiently representative of all interests and there is no reason why we should unnecessary lengthen out the proceedings. Further, we know that this House is working under high pressure and within a limited time. For that purpose Members will find that in the Report of the Union Constitution Committee a provision has been made to this effect that within the first period of three years the constitution could be amended easily. In framing a Constitution as we are doing under great pressure, there are likely to be left several defects; and it is not necessary that we should have a very elaborate and rigid scheme for amending these provisions, in the first three years. Therefore, the point that is placed before the House by the Report is that on the one side the Advisory committee will continue to complete its task, on the other hand the Drafting Committee will take up the Constitution Bill and by the middle or the end of October next will be ready with the Bill for being placed before the House. It is of great importance that this Constitution should be framed as early as we possibly can do it.

One other point. We have today with us the representatives of the Muslim League. I have no doubt that they an here as loyal and law abiding citizens of India and that they will co-operate with us wholly in framing as speedily as we can a Constitution for the Union in which hope I they will get and honoured place as a minority. Secondly, I may refer to the representatives, of the States who have come here and I will make only one appeal to them. The time is very short. The report envisages the formation of the Union by the end of October or at least by the end of November. The House naturally expects the co-operation of Members and the representatives from the States as partners in this urgent work of framing a Constitution.

As regards the manner of the States coming into the Union, I am sure, whatever doubts they felt in the beginning, must have been dispelled by the way the Assembly has been working and by the statement issued a few days ago by the Honourable Sardar Vallabhbhai Patel which gives the fullest assurance to the States.

As far as the Members of the Constituent Assembly are concerned, they want the States to come in. On the basis of the May 16 Plan, I am sure the representatives from the States will be equally glad to come to an early decision.

I only want to say one thing. Time is of the essence of our activities here. We have to face the world with the determined purpose of framing a Constitution for a strong India which will be great and powerful. The world, I am afraid, is moving towards another crisis, and when that crisis comes--may it never come--it should not find us unprepared.

With these few words, I place this Report before the House for its consideration.

I have no Objection whatever to accept the amendment which Mr. K Santhanam is proposing to move.

Shri K. Santhanam (Madras: General): Sir, I beg to move:

"Add the following at the end of the motion:

'Resolved further that with the exception of para. 3, the Report be adopted and the Advisory Committee on Fundamental Rights, Minorities and Tribal and Excluded Areas be called upon to formulate at an early date and if possible before the end of this session the general principles to be adopted in the Constitution in relation to minorities for Consideration and decision of the Assembly prior to their incorporation in the draft of the Constitution and when the principles are so approved, the procedure proposed in para. 3 may be followed'."

I need not say much about the need for this amendment. We all know how our minds are greatly exercised about the principles to be followed regarding the safeguarding of the rights of minorities. If they are incorporated in the Draft Constitution, we shall find ourselves greatly handicapped in changing them. There will be a great deal of heart-burning if any important changes are sought to be made After the Draft is published, circulated and even commented upon in the press and on the platform. Therefore, it is essential that, like the other principles of the Constitution, the principles regarding electorates franchise and similar matters should first be approved and then only they should be put in the Draft.

Mr. President: Does any Member wish to speak on the motion before the house?

Mr. Naziruddin Ahmad : (West Bengal: Muslim): Mr. President. Sir, I am a new-comer to this House. I find from the motion moved by K. M. Munshi that what is proposed to be taken into consideration is the 'further Report' of the Order of Business Committee. It means that there was an earlier report. We have no copy of it. This puts us under a handicap.. It is very necessary for us to know what has been done already.

Secondly, we should have official copies of the May 16 Statement and also of the June 3 Statement. Although everybody has read them, we should like to have official copies of the same. Only then will it be possible for us to proceed in a systematic manner.

The Mover of the Resolution has appealed to the Members of the Muslim League to be loyal and law-abiding citizens of India. I should have thought that there was no need for any doubt whatever regarding the fact that we have come here as loyal and law-abiding citizens of India. (*Applause*). I submit with due humility that we have come here to take part in the deliberations of this House in framing a Constitution as quickly and as reasonably as we can. But we, the new-comers, require a little time to study the previous report, the debates and other relevant papers, before we can take a useful part in the House.

Shri R. V. Dhulekar : (U.P.: General): *[I agree with the Report submitted by Mr. Munshi and with what has said regarding the work that this Constituent Assembly should have done so far. I want to speak about some matters which will come before the House. The first is that recently some changes have occurred, with the result that some have ceased to be members of the Constituent Assembly and new ones have been elected, in their place. The new members, who have come here, will take some time to understand all that we have done. Thus we have to review the work that this Constituent Assembly has done during the past six months, and so long as we do not take into consideration what has been already accomplished we cannot proceed further. We have to think over it. We find that India has now been divided into two and we have to see whether the Constituent Assembly should stick to the views it adopted at the time of its inception or whether it should change them. We have to consider that also, because there are many things which are proper at a particular

time which cease to be so when the times have changed. The first thing that we have to note in the proceedings of the past few months is that we promised in the Objectives Resolution, which was moved in the House, that the people residing in India would be protected in every way and their culture, language and civilization would be fully safeguarded. We have to consider now whether the significance of these safeguards should continue to be what it was when they were accepted or it has to be altered. In my opinion it is necessary now to change our point of view and I think it necessary to amend the resolution that we have passed and also change the views expressed in discussing that resolution. At that time I raised the point that this Constituent Assembly should adopt Hindustani as its language. Now I submit that we have to reconsider the question of our language and script. The second thing that has been recorded in the Report relates to the month of October or November. It is said that this Constituent Assembly will now be converted into Central Assembly and we have to consider as to what will be the position of those who are members of the Provincial Legislature and have been returned to the Constituent Assembly. Some people say that the members of Provincial Assemblies, who have come here, will be requested to go back.....]*

Mr. President: *[Mr. Dhulekar, I think you have strayed far from the matter under consideration.]*

Shri R. V. Dhulekar: *[No, Sir; I am not far from the point.]*

Mr. President: *[I have been under the impression that I was doing my job and I feel that you have strayed far from the point. The question before us is whether we accept the programme or the time-table submitted to us in this Report. You are raising too many questions and this is not the time for you to raise constitutional issues.]*

Mr. R. V. Dhulekar: *[Sir, I am sorry but I beg to point out that the programme submitted by Mr. Munshi makes the Business Committee, which is in existence, feel that no matters, such as new elections, should be brought up as might cause delay. Therefore, I suggest that the present members of the Constituent Assembly should continue till the Constitution has been framed.]*

Mr. President: *[The question as to who should continue to be its members and who should not, does not arise, The simple and straight question is whether or not you accept the time-table now submitted by the Committee. Nor is the question of language before us. Your remarks in this connection are, irrelevant. What have you to say about the time-table and the other questions before the House?]*

Shri R. V. Dhulekar: *[I am sorry, but I beg to submit that it would suit the convenience of the Constituent Assembly that the existing members who have devoted all the their time to it should continue till October by which time the Constitution would be ready.]*

Mr. President: *[Again the same question I have already told you and the whole House that up to the time the members do not resign they continue. If anybody intends to remain as a member this question will arise.]*

Shri R. V. Dhulekar: *[Sir, I am satisfied, I wish to say one word more that some opportunity should be given to the House in its present meeting to have an idea of the

work already done and to be done in future. I have to say only this much.]*

Haji Abdul Sathar Haji Ishaq Sait (Madras: Muslim): I just want to call the attention of the House to the fact that this important amendment was not circulated to members of the House. I am not objecting to the amendment. It is an important amendment and I am in favour of it but it is very difficult to understand it without having a copy. May I therefore request your help to see that such important amendments, as far as possible, are circulated to members, in good time?

Mr. President: I entirely agree with you that all important amendments should be given notice of in due time so that members may have an opportunity of studying them.

The Hon'ble Pandit Hirday Nath Kunzru (United Provinces: General): May I request you, Mr. President, to talk a little louder?

We Could not hear you even when you were speaking through the microphone.

Mr. President: I am very sorry, but nobody complained before.

The Hon'ble Pandit Hirday Nath Kunzru: We can hear you now.

Mr. President: But I don't think I have raised my voice now.

The Hon'ble Pandit Jawaharlal Nehru: (U. P.: General): It is a matter of the distance between you and the mike.

Shri M. Ananthasayam Ayyangar : (Madras: General): I want to say a word or two about what Mr. Munshi said in moving his resolution. I do not feel very happy over what has happened, though I and others of my view have reconciled ourselves to this solution as the best, in the circumstances. I am glad, Sir, that the members of the Muslim League have come here in so far as they are residents of the Union of India. I am glad too that many States have come in. I would have been gladder still if entire India had been represented here. I am really surprised that my friend, Mr. Munshi, who stood for Akhand Hindustan, is now equally supporting this solution. I personally think that the May 16 solution was the best. I am sorry that solution has been given up. But let us not float over what has happened. Even though what has happened is the best in the circumstances, we should all hope for the day when we will come again together. If the May 16 solution which was unanimously approved had bean adhered to, the partition of Bengal, the partition of the Punjab, the secession of the North-West Frontier Province, the giving away of Sylhet, all these would have been avoided.

Mr. President: I entirely agree with you, but it is no use taking Mr. Munshi to task for that.

Mr. S. H. Prater : (Madras: General): Sir, I rise to support the amendment. We are considering the principles of a new Provincial Constitution which deeply affect the position of the minorities and decisions may be taken at this session accepting these principles. I therefore propose that the Minorities Committee be given early opportunity to consider them and their views may receive due consideration by this

Assembly before decisions are finally adopted. I therefore support the amendment.

The Hon'ble Mr. Jaipal Singh : (Bihar: General): Mr. President, I have great pleasure in supporting the amendment moved by Mr. Santhanam. While we all fully appreciate the urgency of expedition in the carrying on of our business here. I feel that it is quite impossible for the Report of the Excluded Areas Sub-Committee to be presented during this session. It has been suggested that big principles right be decided during this session. But, as it is, the Sub-Committee on Excluded Areas has yet to visit the Excluded and Partially Excluded areas of the provinces of Bihar and the United Provinces. While these two Provinces cannot possibly be visited during the rainy season, I do not see how the Adibasi problem and the big things that are going to affect them can possibly be decided during this session, as Mr. Munshi suggests. I think as Mr. Pratar has pointed out, it is very necessary that no 'section'--I regret I have to use the word 'section'--no portion of people of this Union should be left out when matters which vitally affect them are being considered. I wish only to point out that the Report of the Tribal Sub-Committee cannot possibly be ready till the end of August.

Mr. Aziz Ahmad Khan : (U. P.: Muslim): *[Honourable President, I oppose the Resolution which has been moved by Mr. Munshi and support the amendment. Sir, agree with you, that as in the process of this glorious task we have to solve scores of important problems, it does not behove us that we should conclude the proceedings in haste without considering them thoroughly. Sir, you have said that we should remember that the time at our disposal is short and work is long, but at the same time, we should keep in mind that we have to frame the constitution of India with due care. Contrary to this, I find in this Resolution that the Mover is of opinion that the Reports of the three Committees, which are extremely important, need not be submitted to this Assembly even after their completion. Accordingly, they are inserting the sections in the Constitution of India. The Resolution runs thus:

"We propose accordingly that the Assembly authorise the President to summon a session sometime in October, preferably in the early part of this month, for the purpose of considering the Draft Constitution."

Sir, so far as Fundamental Rights are concerned, we ought to get an opportunity to express, our opinion after careful consideration and then to hand over suggestions to the framers of the Constitution.]*

Mr. President: *[So far as Fundamental Rights are concerned, the Constituent Assembly has considered them very carefully. Now, only the Reports of Minority Committee and Tribal Areas Committee remain to be considered.]*

Mr. Aziz Ahmad Khan: *[If this is so, I think the wording of the resolution is wrong, because in the original resolution the Committee on Fundamental Rights has been clearly mentioned. So far as the Committee on Tribal Areas is concerned I think, in the present circumstances perhaps that would almost useless. Why will it be useless? You know the reason better. But before the Minorities Committee Report is inserted in the Constitution, it is desirable that it should be placed before the Constituent Assembly and we should get the fullest opportunity to discuss it and after we have given our best thought to it, it should be drafted in accordance with the procedure laid down in this connection. Therefore, as the Honourable President in his inaugural address has pointed out, in these matters we should not be in such a hurry ad to make a mess of the whole thing. Taking my stand on this. I oppose this

resolution and support the amendment].*

Mr. Mohan Sinha Mehta (Udaipur State): Sir, I understood from Mr. Munshi's speech-- I may be wrong--that he had anticipated and accepted Mr. Santhanam's amendment.

Mr. President: Mr. Munshi had said that he had already accepted the suggestion of Mr. Santhanam, Although he had not formally moved the amendment Mr. Munshi has already accepted the amendment.

The Honourable Pandit Jawaharlal Nehru : * [Mr. President, I have listened attentively to all the speeches that have been made hitherto, but I fail to understand why so many speeches have been made on this subject. Unfortunately, I could not follow even Mr. Munshi's speech. In any case, it is a simple matter that we must determine our future programme and the principles involved therein. We are not concerned with whether the work is finished in this session or the next. But we must have a concrete plan before us. Mr. Munshi has now put a plan before us, and we have to take a decision on it. After all what is the debate about? We will try to finish as much work as we can during this session and take up the remainder in October or November.]*

Mr. Mahomed Sheriff : (Mysore State): *[Mr. President, I endorse what has been said by Maulvi Aziz Ahmad. He has stated in his speech that no resolution, no law, and no plan can be of much use without granting adequate and satisfactory safeguards to the minorities. The principle to which the Maulvi Saheb has drawn your attention is very important. You know that if the resolution is accepted, an atmosphere of opposition and mistrust will be created among the minorities. So it is better to decide it (the minority question) at our earliest. So long as we do not find its solution, I think it would be premature to support the resolution. I, therefore, oppose this resolution and fully support the position taken up by Aziz Ahmed Saheb.]*

Shri Sri Prakasa: Mr. President, will you please, read out the Amendment again?

Mr. President: The amendment moved by Mr. Santhanam runs thus: This is to be added at the end of the motion.

"Resolved further that with the exception of para 3 the Report be adopted and the Advisory Committee on Fundamental Rights, Minorities and Tribal and Excluded Areas be called upon to formulate at an early date and if possible before the end of this session the general principles to be adopted in the constitution in relation to minorities for consideration and decision of the Assembly prior to their incorporation in the draft of the Constitution and when the principles are so approved, the procedure proposed in para. 3 may be followed."

B. Pocker Sahib Bahadur (Madras: Muslim): Mr. President, first of all, I must confess the disability under which I am suffering namely that I have not been able to follow most of the proceedings which have taken place, to the extent to which they are in languages other than English. Therefore, I would appeal to the President to make provision for rendering into English the proceedings that take place here. Otherwise, it would be very difficult for us to follow and participate in the proceedings. No doubt, I do agree that it is necessary to have a common language, a *lingua franca*, a national language. I agree with all that. But we have to take facts as they are. As the Constituent Assembly is now constituted, it consists of members who are acquainted with various languages. All of us know that all the members of this Assembly are not familiar either with Hindi or with Urdu. There may be some members who are not

familiar with English. But I take it that most of the members are familiar with English and therefore it would be a very useful procedure if the President finds his way to make the proceedings known to us all.

Now, Sir, as regards the proposition before the House, before dealing with that subject itself, I would like to say just one word as to the circumstances under which we the Muslim League Members have come here and have decided to participate in these proceedings. Now, Sir, you will agree that we have met here after an unprecedented event in the history of the world, namely the securing of independence for both India and for Pakistan without shedding a drop of blood.

Many Honourable Members: No, No.

B.Pocker Sahib Bahadur: I know quite well that there are several members.....

Mr. Debi Prosad Khaitan: (West Bengal: General): I rise to a point of order, I submit the speech of the Honourable Member is absolutely irrelevant to the proposition before the House. I would submit, Sir, that he should be asked to restrict himself to the motion before the House.

Mr. President: I would ask Honourable Members to leave that part of the task to me.

B. Pocker Sahib Bahadur: I know the feeling, Sir, perhaps a very painful feeling in many quarters, that what was known as India before has been reduced in extent and another kingdom namely Pakistan has been..

Mr. President: Will you please confine yourself to the motion before the House?

B. Pocker Sahib Bahadur: Sir, why I referred to that fact is only this. We have met here now after an event which has no precedent in the history of the world.

We are all very glad that we have met here and I congratulate Mr. Munshi for the excellent speech and for the excellent spirit in which he made it,--a speech which will be conducive to the united work of all the people concerned. I am very sorry to note that another Honourable Member has made a note of discord in his speech and I do believe that it was not quite wise on his part to have done so. We have to take the facts as they are and I may say that, so far as division is concerned, it is a matter of agreement between the two important bodies, the two great organisations in this country, namely, the Congress and the league. Both the organisations having agreed to the division, there is nothing to cry over.

Mr. President: May I remind the Honourable Member to confine himself to the motion before the House? I am afraid he has gone much beyond that.

B. Pocker Sahib Bahadur: I am only dealing with the point that has been dealt with by Mr. Munshi and referring to the reply given by another Honourable Member. If I am out of order in these circumstances, certainly I bow to your ruling and I do not want to say anything further. I have only made a reference to that. Mr. Munshi made an appeal to the members of the Muslim League to be loyal citizens of India and to

cooperate. Certainly this assurance has been there and the Muslim League members will be loyally co-operating with this Constituent Assembly and they also expect a responsive co-operation from the other side.

Now, Sir, so far as the resolution before the House is concerned, certainly the resolution has to be carried. As regards the amendment of Mr. Santhanam, I wholeheartedly support it.

Many Honourable Members: The question be now put.

The Honourable Pandit Govind Ballabh Pant (U.P.: General): I was going to move that the question be now put.

Mr. President: I accept that motion. I think the House does not want any further discussion.

I put Mr. Santhanam's amendment to the House.

The amendment was adopted.

Mr. President: The motion, as amended, is put to the House.

The motion, as amended, was adopted.

AMENDMENT OF RULES

Mr. President: The next item is a series of resolutions relating to amendment of the Rules of the Constituent Assembly. I will ask Mr. Munshi to move.

Mr. K. M. Munshi : Mr. President, Sir, the amendments which I have the honour to move on behalf of the Steering Committee really follow the lines which have been adopted in the Report. With your permission, Sir, I will take Rule by Rule. Sir, I move:

"That the following amendments to the Constituent Assembly Rules be taken into consideration:

'*Rule 2*:--In clause (b), *delete* the words 'Sections or' *Delete* clause (f) 5.55.

Mr. President: Does anyone wish to say anything? I put this motion which has been moved by Mr. Munshi.

(At this stage some members stated that they had not been supplied with copies of the Rules of Procedure).

I am told that copies have been sent to the addresses of the members but still such copies as are available in the office will be supplied to the new members.

Mr. Sarangdhar Das (Eastern States Group 1): We might take up the discussion tomorrow.

Diwan Bahadur Sir A. Ramaswami Mudaliar (Mysore State): Sir, I would like to support the suggestion that the Rules may be taken up tomorrow for consideration.

Mr. President: The amendments are of a formal character. But if members want it tomorrow, I am afraid I shall have to adjourn the House We can take up the Resolutions. As there is some objection on the part of some members that they have not got copies of the Rules of the Assembly and they would like to have them before the amendments are moved, I am afraid there is no option but to adjourn discussion of the Rules till tomorrow. There are certain other motions that we can take up.

ELECTION OF MEMBERS TO COMMITTEES

Mr. President: The next is regarding the election of Vice-Presidents. It cannot be taken up today because it is consequent upon a change in the Rule. So that also will have to be put off till we pass the amendments to the Rules.

Mr. Satyanarayan Sinha will move the next Motion.

Dr. B. Pattabhi Sitaramayya (Madras: General): To say that two Vice-Presidents will be elected is not opposed to the Rule. We may proceed to do that.

Mr. President: He can take that up later.

Mr. Satyanarayan Sinha (Bihar: General): The motion which stands in my name, Mr. President, is of a formal character:

"Resolved that this Assembly do proceed to elect, in the manner required under Rule 41(1) of the Constituent Assembly Rules, two member to be members of the Staff and Finance Committee."

You know, Sir, last time we had elected the Staff and Finance Committee by this House. Since then some of the members who were originally elected cease to be members of this House and under the Rules, when they cease to be members of the House, they cease to be members of the Committee. Therefore, there are vacancies on this Committee and the manner in which the vacancies are to be filled up is to be determined by the President. I therefore commend to this motion for your acceptance.

Mr. President: This Resolution has been moved by Mr. Satyanarayan Sinha.

"Resolved that this Assembly do proceed to elect, in the manner required, under Rule 42(1) of the Constituent Assembly Rules, two members to be members of the Staff and Finance Committee."

The motion was adopted.

Mr. Satyanarayan Sinha: Sir, I move:

"Resolved that this Assembly do Proceed to elect, in the manner required under Rule 44(3) of the Constituent Assembly Rules, three members to be members of the Credentials Committee."

I have to say the same thing which I said in regard to the first motion. The members originally elected for this Committee have ceased to be members of this House. Therefore, the House has got to elect three members from amongst its present members in the manner to be determined by the President.

An Honourable Member: We have not got the Rules.

Mr. President: The motion is only that certain members have to be elected according to rules to certain Committees. If we adopt the motion, then we will elect them according to the rules and before we elect them you will get the rules, I supposes! *(Laughter.)*

I do not think any discussion on this either is necessary. I shall put the motion to vote.

The motion was adopted.

Mr. Satyanarayan Sinha: Sir, I move:

"Resolved that this Assembly do proceed to elect, in the manner required under rule 45 (2) of the Constituent Assembly Rules, three members to be members of the House Committee."

I have to say the same thing as I said in regard to the previous motion, because the original members elected to this Committee have ceased to be members of the House since.

Mr. President: I put this also to vote now.

The motion was adopted.

Mr. Satyanarayan Sinha: Sir, I move:

"Resolved that this Assembly do proceed to elect. in the manner required under rule 40(2) and (5) of the Constituent Assembly Rules, nine members to, be members of the Steering Committee."

In this connection, I would like to invite your attention, Sir, to Rule 40 which says:

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

Last time we had elected 11 members. Out of the original members elected by the House, three have ceased to be members of this House. Therefore, there are three casual vacancies. You will find under the same rule, sub-rule (2) the following:

"The Assembly may from time to time elect, in such manner as it may deem appropriate, eight additional

members, of whom four shall be reserved for election from among the representatives of the Indian States."

Out of these additional eight members, four seats were reserved for the States. Out of those four, last time we had elected two from amongst the members of the States, so that there are two vacancies to be filled up out of the seats allotted to the States. The other four seats we have got to fill up by election of members from the General Constituency. Now these six vacancies have to be filled by the method of proportional representation and the three casual vacancies in the manner to be determined by the President. What I am suggesting is that just as we elected two Members from among the States representatives by the method of proportional representation, so I would commend to this House that they will accept that the other six vacancies may also be filled by proportional representation and out of these six, two will be reserved for the States representatives. The other three vacancies will be filled up like other committees by election in a manner to be determined by the President, as he deems fit.

Mr. President: Is it necessary to have any discussion on this? I put the motion to vote.

The motion was adopted.

ELECTION OF VICE-PRESIDENTS

Mr. President : Now, there is one Resolution which we have to consider and that is with regard to election of two Vice-Presidents, Under the Rule as it stands at present, there are two Vice-Presidents to be elected by the House and there were to be three Vice-Presidents *ex-officio* who would have been the Chairmen of the three Sections. Now the amendment that is proposed is that since Sections are not going to meet, all references to Sections should be omitted from the Rules and therefore those three Vice-Presidents will not now be Vice-Presidents at all because there will be no Sections whose Presidents would have been *ex-officio* Vice-Presidents of the Constituent Assembly. Dr. H. C. Mookerjee was the Vice-President who was elected last time, but after the new set-up he ceased to be a member of the Constituent Assembly because all members of the Constituent Assembly from Bengal have ceased to be members. He has been re-elected. but since he ceased to be a member so he ceased to be the Vice-President also. Now, someone has to be elected in his place. I do not know whether members may like to re-elect him, but that is a different matter. What I am suggesting is that there is no real difficulty because the is no intricate question. The motion is merely that two Vice-Presidents have to be elected. Of course, the election may take place tomorrow or day after, but at present all you have to say is that these two places of Vice-Presidents should be filled up. If the members have no objection, then I might ask the mover to move the Resolution, but if there is any objection on the part of any member I would rather put it off.

Honourable Members: There is no objection.

Mr. President: Then, Mr. Satyanarayan Sinha, you may please move this.

Mr. Satyanarayan Sinha : Sir, I move:

"Resolved that this Assembly do proceed to elect two Vice-Presidents in accordance with the provisions contained in the Constituent Assembly Rules."

Sir, you have already explained that we have got to elect only two Vice-Presidents. Last time we elected only one Vice-President and left the other seat to be filled up later. Dr. Mookerjee was unanimously elected Vice-President of this House. He ceased to be a member of this House on account of the Bengal Partition. I am glad that he has been re-elected to this House, but under the Rules the position has not changed. He is after all a newly elected member and we have also to elect another Vice-President. The manner in which the election will be held will be determined by the President.

Dr. N. B. Khare (Alwar State): Sir, while I support the Resolution, I would suggest that out of the two Vice-Presidents.....

Honourable Members: Mike, please.

Dr. N. B. Khare: I am speaking very loud (laughter)--one seat--should be from the States Group.

Mr. President: I am sorry, Dr. Khare, I have not heard what you said. (*Renewed laughter.*)

Dr. N. B. Khare: While supporting this Resolution I would respectfully suggest that out of the two Vice-President one should be from the States representatives.This does not mean that I want this on the basis of proportional representation for the States.

Mr. President: I put the motion to vote.

The motion was adopted.

Mr. President : I would now make some announcements. Now that we have decided that all these elections should take place I have to fix a time for putting in nominations and also for voting if it becomes necessary. I am fixing the times as follows:

Nominations will be received by the Secretary up to 1 P.M. on the 16th. I have given 48 hours from now for the nominations. The elections, if necessary, will be held in accordance with the principle of proportional representation by means of single transferable vote between 3 and 4 P.M. on the 17th in the Under Secretary's room, No. 25 ground-floor. This relates to the various Sub-Committees with regard to which we have just passed Resolutions.

With regard to the Vice-Presidents, there is no question of proportional representation there, but we have certain rules, according to which that election will take place. I have fixed 5 P.M. tomorrow for receiving nominations and the elections will take place on the following day, if necessary, at 4 P.M. in the same room, mentioned above.

There is one thing more which I would like to mention to the House before we adjourn today and that is with regard to the timing of our sessions from to-morrow onwards. The Secretary, according to our usual procedure has notified that tomorrow we will begin at 10 o'clock. I was suggesting that it would be better if we sit in the afternoons every day *i.e.* from 3 to 6 P.M. That would give members plenty of time to consider the various proposals that will be coming up; they will have the whole of the morning at their disposal for this purpose. Therefore, I would suggest that we have our sessions from 3 to 6 P.M. from tomorrow onwards.

Mr. Tajamul Husain: Sir, I would like to point out that to have the sittings from 3 to 6 P.M. would be rather inconvenient to the members because that will be a very hot time. We have to come from long distances and in order to be here by 3 we have to leave our houses by say 12 or 1 P.M. The best time would be the mornings as we have had today. We may, if necessary, have the sittings from 11 A.M. to 1 or 1-30 P.M.

Mr. President: I may point out that Delhi is quite hot even at 1 o'clock--the time of going back. It will not make any difference if you go at 1 o'clock at about 2 P.M.

Begum Aizaz Rasul (U.P.: Muslim): May I point out that the month of Ramzan will be starting in a few days' time and it would be very inconvenient for Muslim members to sit from 3 to 6 P.M. because the time for breaking the fast will be soon after that? So I would suggest that the morning time would be the best for all.

Mr. President: I do not know when Ramzan commences. We can consider the question again when Ramzan begins. We shall in any case be finishing of at 6 P.M. which is at least one hour before sun-set. Here the sun sets after 7 P.M. I take it that the House accepts my suggestion.

The House stands adjourned till 3 P.M. tomorrow.

The Assembly their adjourned till 3 P.M. on Tuesday, the 15th July, 1947.

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[English translation of Hindustani speech]

*APPENDIX

No. C.A./22/Com/47

CONSTITUENT ASSEMBLY OF INDIA

REPORT OF THE ORDER OF BUSINESS COMMITTEE

COUNCIL HOUSE,

New Delhi, 9th July,

1947.

From

THE CHAIRMAN,

ORDER OF BUSINESS COMMITTEE

To

THE PRESIDENT,

CONSTITUENT ASSEMBLY OF INDIA.

SIR,

During the last session of the Assembly, we submitted a report which was necessarily tentative because of the fluid political circumstances then obtaining. Since then, momentous changes have occurred and the position has become crystallised. His Majesty's Government has issued a fresh statement on June the 3rd which has been accepted by all the principal political parties; and as a result of the decisions taken in pursuance of that statement, certain parts of the country will secede from India. These changes have revolutionised both the procedural and the substantive parts of the scheme on the basis of which we have been working hitherto. So far as the procedural aspect is concerned, it is no longer necessary, for the Assembly to split into Sections and to consider the question of groups, and the double majority provisions in regard to matters of major communal importance are no longer operative.

It is against this background that we held a meeting on the 3rd of July. Pandit Nehru was present at the meeting at our request and we are grateful to him for the help he gave us.

2.We understand that during the next session,-- the Assembly will have before it three reports for consideration--those of the Union Constitution Committee, the Union Powers Committee and the Provincial Constitution Committee. Between them these reports will deal with a large majority of questions that would have to be decided by the Assembly. We recommend that the Assembly take decisions on these reports in the July Session and direct that the work be taken up at once of drafting the Constitution Bill. We recommend also that the Assembly appoint a Committee of members to scrutinise the draft before it is submitted to the Assembly and its subsequent session.

3.The matters that will remain outstanding at the end of July Session will be the reports of the Advisory Committee on Fundamental Rights, Minorities and the Administration of the Tribal and Excluded Areas. We suggest that the Advisory Committee complete its work in August and the recommendations made by the incorporated by the Draftsman in his Bill notwithstanding that no decisions will by then have been taken on them by the Assembly. Any changes which are subsequently considered necessary could be incorporated in the draft Bill by suitable amendments.

4. In our last report, we had suggested that the Assembly should complete its work

by the end of October this year. We reiterate this recommendation; and, having regard, to the progress made by the committees, we think this is quite practicable. We propose accordingly that the Assembly authorise the President to summon a session sometime in October, preferably in the early part of the month, for the purpose of considering the draft of the Constitution.

5.We do not think it necessary in the altered circumstances for decisions taken in the July Session to be circulated in accordance with Rule 63 of the Constituent Assembly Rules.

6.Our recommendations will involve an amendment to the Rules which we request the Steering Committee to take into consideration.

I have the honour to be,

Sir,

Your most obedient servant,

K.M. MUNSHI,

Chairman.

(on behalf of the Committee)