

CONSTITUENT ASSEMBLY OF INDIA DEBATES (PROCEEDINGS)- VOLUME VII

Friday, the 19th November, 1948

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

DRAFT CONSTITUTION -(contd.)

Article 28

Mr. Vice-President (Dr. H. C. Mookherjee): Shall we resume discussion of Part IV? If I remember a right, amendment numbers 831, 832 and 833 were disposed of yesterday. We start with amendment No. 834.

Shri Brajeshwar Prasad (Bihar: General): Sir, before we go clause by clause, I would suggest that the House may be given an opportunity to discuss the general provisions of State Policy.

Mr. Vice-President: I am afraid it cannot be done.

(Amendment numbers 834, 835 and 836 were not moved.)

Kazi Syed Karimuddin (C. P. & Berar: Muslim): Mr. Vice-President, Sir, the amendment which I am moving is:

"That in the heading under Part IV the word 'Directive' be deleted."

Sir, it would have been much better if the amendment of Mr. Kamath could be taken up along with the amendment that I have moved. The provisions of Directive Principles which have been embodied in Part IV are very important as they relate to uniform civil code and to economic pattern and very many Fundamental matters. Directive Principles mean that they will not be binding on the State; in any case, they would not be enforceable in a court of law. My submission is that, if this Constitution is not laying down these principles for being enforced in a court of law, or if they are not binding on the State, they are meaningless. I would like to draw the attention of the Honourable Members to what Dr. Ambedkar has said in his own book, that these principles should be embodied in the Constitution as Fundamental Rights and that a scheme embodying these principles should be brought into operation within ten years. I find, Sir, in Article 31 the economic pattern of the country has been based on very vague generalisations. It is very necessary that the word 'Directive' should be deleted, and as Mr. Kamath has suggested, they should be made Fundamental Principles of State Policy. Therefore, my submission is that the word 'Directive' is unnecessary and meaningless. The provisions under this Chapter become only platitudes or pious wishes and it has been very rightly stated by Dr. Ambedkar that they are more or less only Instrument of Instructions. If they are really an Instrument of Instructions, why should they find a place in the Fundamental Principles to be embodied in the

Constitution, I do not understand. Dr. Ambedkar has further said in his speech that we do not want to lay down certain principles because it would open to the coming generations to have their own pattern - I do not want to read the whole speech. It is only stated in Article 31 that there will be improvement in economic, social and other things. What is the use of laying down generalisations as has been stated in Article 31? Therefore, I submit, it is no use treating these principles as Directive; such a course will not prove to be to the good of the people and to the State. It is very necessary that all these principles should be made mandatory in order that a scheme embodying these principles could be brought into operation within ten years.

Sir, I move my amendment, and reading my amendment with Mr. Kamath's amendment, it should be "Fundamental Rights".

Shri M. Ananthasayanam Ayyangar: (Madras: General): Sir, if my friend Mr. Karimuddin follows Mr. Kamath, as Mr. Kamath has withdrawn his amendment.....

Shri H. V. Kamath (C. P. & Berar: General): I have not yet withdrawn my amendment, Sir.

Shri M. Ananthasayanam Ayyangar: He is not moving, I think. The point is this. It is not as if Mr. Karimuddin does not want this Chapter. He only wants the word 'Directive'.....

Kazi Syed Karimuddin: I want the Chapter; only, I want the word "Directive" to be deleted from the heading.

Shri M. Ananthasayanam Ayyangar: He does not want the Chapter to be deleted.

Shri H. V. Kamath : On a point of order, Sir, did we not agree yesterday that all the amendments to an article will be moved first, and then the article will be taken up for discussion?

Mr. Vice-President: Mr. Kamath is correct. I am sorry that this matter escaped my attention altogether. Discussion will be taken up later on.

The next amendment stands in the name of Mr. Kamath, No. 838.

Are you moving amendment No. 838?

Shri H. V. Kamath: Mr. Vice-President, I move:

"That in the heading under Part IV for the word 'Directive', the word 'Fundamental' be substituted."

Sir, while moving this amendment for the consideration of my Honourable friend Dr. Ambedkar and of the House, I would like to advance only two reasons for the same. Firstly, we have been told that Parts III and IV of the Draft Constitution embody certain rights, Part III being justiciable rights and Part IV being non-justiciable rights. But both are looked upon or regarded as rights which are fundamental. I derive support from the report of the Honourable Sardar Patel. I am reading from the reports of the Committees Second Series, from July to August, 1947. Copies of this booklet were

supplied to all the Members of the House in March of this year. I am reading from the Honourable Sardar Vallabhbhai Patel's Report which was presented to the Assembly on the 30th August 1947. There he says - and it is addressed to the President of the Constituent Assembly - in para. 2:

"We have come to the conclusion."

'We' means the Advisory Committee on the subject of Fundamental Rights.

"We have come to the conclusion that in addition to these Fundamental Rights, the Constitution should include certain directives of state policy which though not cognizable in any court of law, should be regarded as fundamental in the governance of the country."

And on page 48 of this booklet which contains there part of the committee of which the Honourable Sardar Patel was the Chairman, they have given the title to these very rights which are now embodied in Part IV - "Fundamental Principles of Governance". I should like to know from Dr. Ambedkar and the gentlemen of the Drafting Committee, why they have made a departure from the title given by Sardar Patel to these rights. That Committee gave the title of 'Fundamental Principles of Governance', but here the Drafting Committee have changed the title to 'Directive Principles of State Policy'. There is some force in Syed Karimuddin's argument that both these are fundamental - the justiciable and the non-justiciable rights; and in requesting the House to consider my amendment I would only say this in conclusion, that if this amendment is thrown out, you will be throwing out not my amendment, but the recommendation of Sardar Vallabhbhai Patel.

Mr. Vice-President: Amendment No. 839 - not moved. Is amendment No. 840 going to be moved?

Shri M. Ananthasayanam Ayyangar : No. 840 is the same as No. 838.

Mr. Vice President: Then, it seems to me that the amendments considered so far deal with the heading of this chapter. Members who wish to speak on this may please do so now.

Shri M. Ananthasayanam Ayyangar : Sir, the object of differentiating certain rights as justiciable and non-justiciable rights is well-known. Those here are non-justiciable rights as has been laid down in paragraph 29. They shall not be enforceable in a court of law. Mr. Karimuddin wants that these also should be justiciable rights. I do not know if Mr. Karimuddin is a lawyer. But let him consider one or two suggestions. In Article 26 it is said that the State should within a period of ten years introduce free compulsory education. Take this as an instance. Let us assume that the State does not do so, then can any court of law enforce it? Against whom? In case a decree is granted by a court of law, who will carry it out? If the Government does not carry it out, can the High Court or the Supreme Court enforce it? Is it open to the Supreme Court to change such a government? With its authority, can it by an officer of the Court, an Amin or a Sheriff, imprison all the Ministers, and bring into existence a new set of ministers? In the nature of things, these are only directives and cannot be justiciable rights at all. So there is no purpose in removing the word directive. These are principles which the Government must keep in mind, what ever government may be in power, and they must be carried out. We have incorporated them in the Constitution itself because we attach importance to them. But to classify them as

Fundamental Rights as in Part III would be to take away the difference between the one set and the other, and making all the rights justiciable, which, in the nature of things, is impossible. There is no use being carried away by sentiments. We must be practical. We cannot go on introducing various provisions here which any Government, if it is indifferent to public opinion, can ignore. It is not a court that can enforce these provisions or rights. It is the public opinion and the strength of public opinion that is behind a demand that can enforce these provisions. Once in four years elections will take place, and then it is open to the electorate not to send the very same persons who are in different to public opinion. That is the real sanction, and not the sanction of any court of law.

Therefore, this amendment is mis-conceived, and I would request the House not to accept it.

Mr. Naziruddin Ahmad (West Bengal: Muslim): Sir, I support the amendment to drop the word "directive". It is not only the heading but the entire chapter which is misconceived. Only the other day Dr. Ambedkar enunciated a very important principle by way of reply to Prof. Shah's amendment (No. 98) by which he wanted to introduce certain words into the Constitution to which Dr. Ambedkar said that pious expressions are not proper things to be embodied in a Constitution. He said, "the Constitution is a mere mechanism and no political principles or policies need or should be incorporated in it." He further said that "political principles or policies should be dictated by the people themselves through their votes and posterity should never be fettered by an announcement of policy or principle." These are important words coming from such a high authority. I submit these pious principles should not be enunciated unless there is the backing of the law and they are also made justiciable. Dr. Ambedkar further said that to introduce pious expressions would be "taking away from the people their right to vote" and these things would be "superfluous". I submit that if you introduce pious principles without making them justiciable, it will be something like resolutions made on New Year's day which are broken on the 2nd of January. I submit that these pious wishes are so obvious that they need not be enunciated at all. If you state them you might also say that people should get up from their bed early and be kind to their neighbours, and so forth. Sir, I submit these are not proper things to be embodied in the Constitution and the amendment of Syed Karimuddin should be accepted.

The Honourable Dr. B. R. Ambedkar (Bombay: General): Sir, I am sorry I cannot accept either of the two amendments: Mr. Kamath's amendment is really incorporated in the phraseology as it now stands; the word "Fundamental" occurs, as Mr. Kamath will find, in the very first Article of this part. Therefore his object that these principles should be treated as fundamental is already achieved by the wording of this Article.

With regard to the word "directive" I think it is necessary and important that the word should be retained because it is to be understood that in enacting this part of the constitution the Constituent Assembly, as I said, is giving certain directions to the future legislature and the future executive to show in what manner they are to exercise the legislative and the executive power which they will have. If the word "directive" is omitted I am afraid the intention of the Constituent Assembly in enacting this part will fail in its purpose. Surely, as some have said, it is not the intention to introduce in this part these principles as mere pious declarations. It is the intention of this Assembly that in future both the legislature and the executive should not merely pay lip service to these principles enacted in this part, but that they should be made

the basis of all executive and legislative action that may be taken hereafter in the matter of the governance of the country. I therefore submit that both the words "fundamental" and "directive" are necessary and should be retained.

Mr. Vice-President: The question is:

"That in the heading under Part IV, the word 'Directive' be deleted."

The motion was negatived.

Shri H. V. Kamath: Sir, I beg leave of the House to withdraw my amendment.

The amendment was, by leave of the Assembly, withdrawn.

Mr. Vice-President: We shall now take up amendment Nos. 841 to 846. The movers will kindly move them one after another and then there will be a discussion.

Amendment No. 841 is a negative one and therefore it is ruled out of order.

Since the Member concerned is not here, Amendment No. 842 falls through.

Amendment Nos. 843 to 846 - Mr. Naziruddin Ahmad.

Mr. Naziruddin Ahmad : I shall be moving Nos. 843, 844 and 846 I shall not be moving No. 845.

Sir, I move:

"That in article 28, the words 'unless the context otherwise requires' be omitted."

"That in article 28, for the word 'requires', the word 'indicates' be substituted."

"That in article 28, for the words 'the State', the word 'State' be substituted."

With regard to my first amendment for the deletion of the words "unless the context otherwise requires", I beg only to submit this. There are only a few articles in this part. This article attempts to define "the State" to mean States in part III of the Constitution. I submit that there is here no difficulty or any confusion. If we say "unless the context otherwise requires" it would indicate that the meaning that has been definitely given by article 28 to the expression "the State" is subject to fluctuation in accordance with the context, that is in accordance with the individual approach of each man. This would create an uncertainty and a very needless uncertainty in the context. I would submit that the word should be precisely defined. In fact the word "State" has been defined in so many places to mean so many things that there has already been a sufficient amount of confusion in the understanding of the word "State" and the introduction of these words "unless the context otherwise requires" would introduce further complications. I therefore submit that these words should be removed and, if necessary, doubts in any particular context should be met by a proper change in draftsmanship.

The second amendment is merely verbal, and I want to change the word 'requires'

into the word 'indicates'. I do not wish to say anything further in this connection.

With regard to the third amendment, that for the words "the State" the word "State" be substituted, I have to submit that the word 'State' is the proper word in the context. If we define the expression as "the State" it will lead to difficulties in the clauses in which this expression occurs. I should submit that the word "State" should be more appropriate and I shall attempt to show why.

The Australian precedent which has been cited in another connection by the Honourable Dr. Ambedkar, I think, should better be discarded. The reason why I submit this amendment is this: That in the context the expression "the State" appears in articles 29 to 40. In those contexts the words "the State" are inappropriate. It should be remembered that the words "the State" are attempted to be defined as "State" within the meaning of Part III of the Constitution. It is enough for me to point out that there are more States than one included in Part III of the Constitution. Therefore the words "the State" in the following articles - 29 to 40 - would be inappropriate. If there is one individual State which we want to indicate, the words "the State" would be proper in the context. But we have in mind not one State or "the State" but several States in the different contexts. So I have suggested the expression "State". It is for this reason that I want to remove the word "the" which to my mind is absolutely unnecessary. It is a grammatical article which need have no place in the definition itself. If we tie down the definition to the word "the" the words become inseparable and therefore a forced use of this expression in the succeeding articles becomes absolutely compulsory. Therefore, this will need careful consideration.

The Honourable Dr. B. R. Ambedkar : Sir, I oppose the amendments of my friend, Mr. Naziruddin Ahmad. The words "the State" in Article 28 have been used deliberately. In this Constitution, the word "State" has been used in two different senses. It is used as the collective entity, either representing the Centre or the Province, both of which in certain parts of the Constitution are spoken of as "State". But the word used there is in a collective sense. Here the words "the State" are used both in a collective sense as well as in the distributive sense. If my friend were to refer to part III, which begins with article 7 of the Constitution, he will see in what sense the word "State" is used. In this part, unless the context otherwise requires, "the State" includes the Government and the Parliament of India and the Government and the Legislature of each of the States and all local or other authorities within the territory of India. So that, so far as the Directive Principles are concerned, even a village *panchayat* or a district or local board would be a State also. In order to distinguish the sense in which we have used the word we have thought it desirable to speak of 'State' and also 'the State'. Honourable Members will find this distinction also made in Article 12 of the Constitution. There we say:

"No title shall be conferred by the State;

No citizen of India shall accept any title from any foreign State."

There we do not use the words "the State"; but in the first part we use the words 'the State'. We do not want any of the authorities, either of the Centre or of the provinces, to confer any title upon any individual. That being the distinction, the House will realise that the retention of the words 'the State' in Article 28 is in consonance with the practice we have adopted in drafting this Constitution.

Mr. Vice-President: I shall now put these three amendments to vote. The question is:

"That in article 28, the words 'unless the context otherwise requires' be omitted."

The amendment was negated.

Mr. Vice-President: The question is:

"That in article 28, for the word 'requires' the word 'indicates' be substituted."

The amendment was negated.

Mr. Vice-President: The question is:

"That article 28, for the words 'the State', the word 'State' be substituted."

The amendment was negated.

Mr. Vice-President: I shall put Article 28 to vote. The question is:

"That article 28 form part of the Constitution."

The motion was adopted.

Article 28 was added to the Constitution.

Article 29

Mr. Vice-President: The House will now take up Article 29 for discussion.

Amendment No. 847 for the deletion of Article 29 is out of order.

Professor K. T. Shah may now move his amendment.

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

"That for article 29, the following be substituted:

'29. The provisions contained in this Part shall be treated as the obligations of the State towards the citizens, shall be enforceable in such manner and by such authority as may be deemed appropriate in or under the respective law relating to each such obligation. It shall be the duty of the State to apply these principles in making the necessary and appropriate laws'."

In submitting this motion to the House, I would in the first place express my sense of keen appreciation of Dr. Ambedkar's remarks made a few minutes ago, wherein he not only insisted that we should not leave such matters as mere pious principles, but also should make them a sort of directive, which, though the word mandatory is not used, may amount to that state. I was a little unhappy when, on a previous occasion, the learned Doctor was pleased to say that the Constitution was not a document for embodying such principles. It seems that the course of conversion operates very

swiftly with a brain so alert, an intelligence so sharp a mind so open to new ideas as that of the learned Doctor. That is why I am very happy to express my sense of keen appreciation for the rapid conversion that he has exhibited today in agreeing to find a place for enforcement in the Constitution. In fact he has gone a step further; and, though he does not admit their place in the name or designation of the Constitution, he has been pleased to make that as a positive thing, the enforcement of such principles, fundamentals as they are called, in the Constitution.

Having expressed this, Sir, I hope that Dr. Ambedkar would also see the advisability of accepting my amendment that this article 29, which I regard as an insult to the entire Constitution, be substituted by what I have suggested.

Sir, article 29 makes it quite clear, in the opening phrase, that no court can enforce these ideals. That is to say, the only authority that we are going to set up in the Constitution, to give effect to whatever hopes and aspirations, ambitions and desires, we may have in making these laws and in laying down this Constitution, is from the very start exempted, exonerated and excused from giving effect to one of the most cardinal, important and creative Chapters of this Constitution. We have suffered from a hundred years of exploitation; we have suffered from a hundred years of denial and exclusion. Now that we are coming into our own, we insist - I hope the House will join me in the intention - that the night of darkness shall pass away and that from the very first rising of the sun on the horizon, even from the first glimpse of dawn, we shall make up our minds, we shall gird up our loins to give effect to all the hopes that our leaders in the past have expressed.

Sir, certainly it would not be in consonance with such a hope as this to lay down, at the very outset, in a Chapter like this, that no court shall be entitled to give effect to our hopes and aspirations. If I may say so without any offence, it is a kind of provision which encourages the Court and also the Executive not to worry about whatever is said in the Constitution, but to act only at their own convenience and on their practicability, and go on with it. It looks to me like a cheque on a bank payable when able, *viz.*, only if the resources of the Bank permit. I do not think that any authority connected with the drafting of this Constitution would approve of such a provision being incorporated in the Negotiable Instruments Act authorising the making of a cheque payable when able. It seems to me that unless my amendment is accepted, this Chapter would be nothing else, as it stands, but a mere expression of some vague desire on the part of the framers that, if and when circumstances permit, conditions allow, we may do this or that or the third thing. There is nothing mandatory, - with all deference to those who have spoken in support of the retention of the word 'directive' in the title of the Chapter - or compulsory, included in the various provisions. Sir, in the absence of any such mandatory direction to those who may have the governance of the country hereafter, it is quite possible that all these things for which we have been hoping and striving all these years may never come to pass, at any rate within our lifetime. This is an attitude which no lover of the people would care to justify, would dare to justify.

I suggest, Sir, that many things look impracticable until they are tried, and become practicable if they are tried. Nothing in practice is practicable until it is tried. Take even the elementary right to education which every civilised Government is now undertaking to provide for the children of the nation. Even this right to compulsory primary education has been provided for in such a clumsy, half-hearted and hesitating manner that one wonders whether the framers of this Draft were at all anxious that

the curse of ignorance that has rested upon us all these years should be removed at all. The provision made here just permits the State, even within the period of ten years, only to "endeavour" to give effect to this aspiration. Even there it is not compulsory, even such an elementary right as the right to primary education for every child in the nation is not mandatory. As such I feel Sir, that unless some change is made, unless you make these preemptory obligations mandatory duties of the State, the State or the constituent parts of it may not at all attend to these duties of the State. These are most elementary duties in my opinion, duties which are most primary duties, if I may say so, most sacred that no one should try to insult this House by suggesting these are not practicable.

Then, Sir about the absence of any sanctions as another learned friend put it. An old English writer - it was Walter Bagehot, I think, - who wrote in a classic chapter of his book on the English Constitution that Parliament votes every year large sums of money to the Crown, but there is no sanction or authority for anybody to compel the Crown that the sums shall be spent. I agree. There is no constitutional authority laid down so far in the unwritten Constitution of England that the sums voted shall be spent. But does anyone think that because there is no legal sanction, any Minister in his senses would for a moment suggest that these sums need not be spent, or that the so-called prerogatives of the King like dismissing any officer of the State would be used now arbitrarily as they had been in the past?

I mention this illustration, Sir, merely to emphasis the fact that it rests with you whether or not you are resolved that no longer shall the courses that have rested upon us so far will continue, for a moment longer than we can afford or than we can possibly help. It is no use putting down these mere pious hopes and aspirations or general directives that may be enforced if and when circumstances permit. It is possible that circumstances will never permit until you compel them to permit you. That is why from the very start I would lay down that these shall be mandatory, compulsory obligations of the State, which every citizen will have the right to demand should be fulfilled, and if today you think of no sanction, if today you can devise no means by which they can be enforced except perhaps by the periodic general elections when Ministries may be turned out for not fulfilling these duties, then it is up to you to devise something. Where there is a well - to repeat the trite old saying - there will always be a way. It is either bankruptcy of intelligence if you say that you cannot find a way; or it is really a genuine lack of desire to make good what we have been hoping and striving for.

There may be many in this House - I am sure Dr. Ambedkar is the foremost amongst them - who will remember that when the late Gopal Krishna Gokhale first brought forward the Bill for compulsory primary education, the then officials of the then Government of India gave all sorts of reasons why such a step was simply impracticable. One of the arguments was that an expenditure of three crores spread over ten years, that is rupees thirty lakhs a year, was too heavy a burden for the Government of India's finances at that time to bear. But within four years of that, however, they were wasting not three crores but more than thirty crores over the war in which we had no concern and about which we were not consulted.

That was the case when we were powerless, when we were helpless in our own country. That position, however, is changed today, and I hope the Ministers of the new Government of India, the Ministers of the Government of free India, the legislators of the Republican India, will not now rest content with merely expressing these pious

wishes. If there are difficulties in the way, they are only meant to be overcome. These difficulties should not be allowed to stop our progress at any cost. Hence it is that I would like to invite the House to agree with me that the provisions contained in this Chapter must be regarded as the Obligations of the State towards every citizen and vice versa. Every citizen should have the right to compel the State to enforce these obligations by whatever means may be found practicable and effective, and conversely the State also should have the right to see that every citizen fulfils his obligations to the State.

There is only one more word that I have to say and I have done. My Honourable Friend Mr. Rohini Kumar Chaudhary expressed his keen sense of appreciation yesterday for the gang of thieves who are operating between Calcutta and Delhi, and he warned me they may do so also between Bombay and Delhi. I am deeply grateful for the solicitude that he had expressed on my account as well as on that of another Honourable Member. I can only assure him that his apprehensions are groundless, because I am not in the habit of just travelling in a railway compartment with my amendments in an attache case under my head. I carry them mostly in my own head. Unless therefore the thieves take a highly expert surgeon with them, who can remove the amendments from my brain, they cannot take away my amendments; and the House will not be spared - certainly Mr. Rohini Kumar Chaudhary will not be spared - the necessity of going through these amendments. May I also add without any offence that the loss of these amendments is not the loss of Mr. Naziruddin Ahmad or myself. It is the loss of the House, because those of us who have come here and put forward these amendments are not doing them for fun or mischief, but have put brains and intelligence into them.

Mr. Naziruddin Ahmad: I wish to speak on my amendment, though I do not wish to move it.

Shri M. Ananthasayanam Ayyangar: A similar amendment for substituting the words "every State" for the words "the State" was moved and negatived.

Mr. Naziruddin Ahmad: It depends upon the context.

Mr. Vice-President: If you insist on speaking, you may do so.

Mr. Naziruddin Ahmad: I won't take more than one minute, Sir.

Shri M. Ananthasayanam Ayyangar: I submit that the President has always got the right to disallow in order to avoid frivolous amendments. This matter has already been considered by the House. It has been disposed of and except for the purpose of taking the time of the House, there seems to be nothing else behind it. I submit that there is no substance in Mr. Naziruddin Ahmad's amendment, and if it is still being persisted, then I want your ruling.

Mr. Naziruddin Ahmad: I very much regret that my attempt to explain is being regarded as dilatory.

Mr. Vice-President: I suggest you proceed without paying any attention to what he says.

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

"That in article 29, for the words 'the State', the words 'every State' be substituted."

I fully admit the force of the remarks of Mr. Ananthasayanam Ayyangar, but I am compelled to place before the House a certain difficulty. Article 29 says that it shall be the duty of the State to apply these principles in making laws. Then the State means one State, but here there are a large number of States.

The Honourable Shri K. Santhanam (Madras: General): May I ask the honourable member to see Article 29 where "the State" has been defined as wring the same meaning as in Part III of this Constitution. Therefore in article 29 also the State is the same thing.

Mr. Naziruddin Ahmad: I was pointing out the difficulty in the draft. We have already been placed in a straight jacket by accepting the words "the State" and the straight jacket is pursuing us in the clauses. I should say the words 'every State' are more appropriate. The fact that we have accepted the definition does not prevent us to avoid the absurdities in the following articles. I submit that the expression in the context is absolutely absurd.

Prof. Shibhan Lal Saksena (United Provinces: General) : I am not moving my amendment, but I want to speak on the Article as a whole. Sir, this Article has been the subject of many amendments and the purpose of most of the amendments is that this Chapter should have some sort of binding force. I have also given notice of an amendment which is No. 861 in the printed list and which says that "After a period of ten years, these directive principles of State Policy shall become the Fundamental Rights of the People and shall be forceable by any Court". After a very careful consideration of the various Articles in this Chapter, I feel that it will not be proper to lay down such a tall order. In fact, the Drafting Committee has itself laid down a period of ten years for compulsory Education up to fourteen years of age and three years for separation of Executive from Judiciary and some such other things. So something has been done in this direction. What I really want is that these Directive principles in this Chapter should not merely remain a pious wish. My Honourable friend, Prof. K. T. Shah, also wanted that these fundamental principles should guide the state in their legislation. I wish to assure him that the very fact that this chapter forms part of the Constitution, gives such a guarantee and it will surely be open to every legislature to point out when an Act is brought before the Assembly that it is in conflict with the principles laid down in this Chapter. So, the mere fact that they are being included in the Constitution shows that every legislature will be found to respect these directive principles in the Constitution and therefore, any act which offends the directive principles shall be *ultra vires*. Although every citizen will not be able to go to a court of law for enforcement of these principles, yet the President of every Assembly will be within his rights to rule out any Bill and say that this Bill can not be moved, because it is against the fundamental directive principles of the Constitution itself. I therefore, think that this chapter is not merely a chapter of pious wishes, but a chapter containing great principles. A perusal of articles 31 will show that very many high principles have been enunciated here and I hope Prof. Shah will also admit that if these principles are acted upon in both the Union Legislature and the State Legislatures, we shall have a State which will almost be acting as if these principles were fundamental rights which were enforceable by a court of law. Of course, every individual will not be able to go to a court of law to get their enforcement, but every

legislature will be able to rule out any Bill which offends these principles. I therefore, think that my amendment which was intended to put a sort of time limit to make the State go on with their implementation at a rapid pace, so that all these directive principles may become incorporated in Acts of Parliament in ten years, may create difficulties by its rigid time limit. I hope my purpose will be realized by the fact that this part shall be a part of the Constitution and every legislature will be required to respect the principles contained in it and to see that no Act is passed which is against the principles enunciated in this chapter. I therefore, think that those friends who term this Article merely as a chapter of pious wishes are not correct. This is a very important chapter which lays down the principles which will govern the policy of the State and which, therefore, will ensure to the people of the country the realisation of the great ideals laid down in the preamble. I therefore hope that the opposition which my friend, Prof. Shah has voiced through his amendment will not be pressed. Sir, I therefore support this Article.

Mr. Hussain Imam (Bihar : Muslim) : May I ask if there will be no discussion on these amendments except by the movers?

Mr. Vice-President: If you had caught my eye, I would have given you an opportunity.

Mr. Hussain Imam: I thought that after the amendments have been disposed of by putting them to vote, discussion would be allowed.

Mr. Vice-President: No. It was decided yesterday that honourable members can speak both upon the amendments as well as on the article.

Mr. Hussain Imam: By a discussion other members of the House will also get an opportunity.

Mr. Vice-President : Why did you not stand up ?

The question is :

"That for article 29, the following be substituted :

'29. The provisions contained in this Part shall be treated as the obligations of the State towards the citizens, shall be enforceable in such manner and such authority as may be deemed appropriate in or under the respective law relating to each such obligation. It shall be the duty of the State to apply these principles in making the necessary and appropriate laws'."

The motion was negated.

Mr. Vice-President: The question is :

"That in-article 29, for the words 'the State', the words 'every State' be substituted."

The motion was negated.

Mr. Vice-President: The question is :

"That Article 29 stand part of the Constitution."

The motion was adopted.

Article 29 was added to the Constitution.

Mahboob Ali Baig Sahib Bahadur (Madras : Muslim) . Sir, I said that I will speak on this Article. I stood up, Sir.

Mr. Vice-President: I did not see you. Can you not speak on Article 30?

Mahboob Ali Baig Sahib Bahadur : Article 29 is the most important Article.

Mr. Vice-president: I am unable to go back. I shall give you an opportunity to speak on Article 30.

Shri Amiyo Kumar Ghosh (Bihar : General) : Sir, may I know the correct procedure? When a clause is put to the House, is it not the right of a member to speak either in favour of the clause or against it?

Mr. Vice-President: Certainly.

Shri Amiyo Koniar Ghosh: But, I think, Sir, no such opportunity has been given in this case. The amendments were put to vote. When the clause was put to vote, several gentlemen stood up to oppose the entire clause. I think the correct procedure is, after the amendments have been put to the vote and they are lost, the entire clause is put to the House. At that time a member has got the right to oppose it or support it; he may speak on the entire clause. That is the correct procedure.

Shri M. Ananthasayanam Ayyangar: Sir, yesterday you gave a ruling and it was accepted that instead of having two different sets of discussions, there may be one discussion once for all both on the amendments and the Article, and that after the amendment are put to the vote, the Article may be put to the vote without any further discussion, and declared carried or otherwise. That was your ruling and we have been following it. Separate discussions, one for the amendments and another for the Articles are not necessary.

Shri Amiyo Kumar Ghosh: That was not a ruling for the entire Constitution that was specially meant for Article 3. I think Mr. Ayyangar is laying down a new principle.

Mr. Vice-President: That was the procedure adopted. (*Interruption.*) Kindly allow me to speak. Shall I proceed? (To B. Pocker Sahib Bahadur, who stood up) Do you want to say anything? I am prepared to make way in your favour.

B. Pocker Sahib Bahadur: Sir, I am very sorry to note that Mr. Ananthasayanam Ayyangar is taking upon himself very frequently the duties of the Vice-President himself. (*Interruption*).

Mr. Vice-President: Order, order.

B. Pocker Sahib Bahadur: Sir, he has been giving instruction to the Chair every now and then. In fact.....(*Interruption*).

Some Honourable Members: Withdraw.

B. Pocker Sahib Bahadur: I am quoting a fact, Sir. Just now.....

Shri K. Hanumanthaiya (Mysore) : Sir, he is casting aspersion on an honourable member.

Mr. Vice-President: Order, order.

B. Pocker Sahib Bahadur : I am just quoting facts. He has said just now that the ruling of the Chair is that the questions on the amendments and also questions opposing the clause itself should all be discussed together. As a matter of fact, when Mr. Mahboob Ali Baig came here and wanted to speak against the clause itself, he was told by the Chair that the proper time for him would be when the clause itself is before the House after the amendments are over. Whatever it is, it is for the Chair to decide the question.

Shri Biswanath Das (Orissa: General) : Sir, on a point of order. It is to be very much regretted that an honourable member jumps up and goes on to draw the attention of the Vice-President and the honourable members of the House to certain questions which should have been noticed by the Vice-President himself. The very fact that the Vice-President has not taken notice of these goes to show that either he himself desired them or they were his rulings. It is none of the business of the Honourable member to point out to this House or to the Honourable the Vice-President the way in which he should have acted himself. I am sorry to say that it is a reflection on the Chair. Therefore, I would request you, Sir, not to tolerate, much less to allow such disturbances of the proceedings.

Mr. Vice-President : May I suggest that Mr. Ayyangar merely repeated a procedure which had been adopted with the approval of the House in conducting our proceedings. I do not consider that Mr. Ayyangar was wrong in reminding us about what had passed yesterday. I deeply regret that these things should not have been appreciated in the proper spirit by the honourable member speaking. I want that we should work together in complete harmony and that no misunderstanding should spring up. We must come here with clear and open hearts, prepared to trust one another. In democracy it always happens that the minority can only put forward its point of view and try to persuade the majority, and submit to the ruling of the majority. That is what democracy means as I understand it in my poor and inadequate way. Surely, the business of the House can hardly be conducted unless certain rules are followed and followed faithfully, in the spirit and not merely in the letter. As I have already said, if Mr. Mahboob Ali Baig had caught my eye, I would have surely given him an opportunity to speak. In fact, if honourable members will only scrutinise the way in which I have tried to conduct the proceedings of the House, they will find that I have gone out of my way in affording facilities to certain groups which at the present moment feel that they were not sufficiently strong to make their voices heard. That has been my policy, and in that policy, I am grateful that the majority community has lent me its unstinted support. In these circumstances, I would beg you, Mr. Pocker Sahib, to kindly resume your seat and allow me to conduct the business of the House in the way that seems best to me and not to cast reflections, which pain me, either on

Mr. Ayyangar who is there to help us, or on myself, who am trying my very best so far as my poor abilities go, to conduct the business to the entire satisfaction of the House. Will you please resume your seat ?

B. Pocker Sahib Bahadur: Sir, I do not want to say anything more except to thank you for the kindly way in which you have expressed your anxiety to give every facility to people who are in the minority. I must also apologise to you if you take it that I in any way meant any reflection on you or on Mr. Ayyangar. I only wanted to bring to your notice how we misunderstood what you stated and that we thought that we had further opportunities after all the amendments are discussed. I am thankful to you, Sir, for the way in which, you have expressed your anxiety to give opportunities to the minority to express themselves.

Mr. Vice-President: May I make one suggestion? When such a kind of understanding has been given by me namely that an honourable member will speak on a particular occasion, for the time being, he may occupy a front seat so that he may not experience much difficulty in catching my eye. Let me assure the House once again that I shall do whatever lies in my power to give every possible facility to the members of the minority communities.

Mr. Hussain Imam : May I ask for elucidation of your ruling, as I was not present when this ruling was given. Therefore I want for the guidance of the House that it should be elucidated first. My own impression was that by your ruling what was meant was that members who were speaking on amendments should not claim a second right of speech on the main motion itself. It was never meant that as soon as an amendment is moved and the mover of the article says whether he accepts or rejects it, the discussion ends. That only means that the discussion as far as that particular amendment is concerned is ended, but the discussion on the main article can continue and in that connection I will remind you that I stood up as soon as Dr. Ambedkar had intimated his opinion on the amendments and therefore I was perfectly justified—and I had caught your eye—to express my opinion on the article. It is on that restricted line that I want your ruling as to whether my understanding is correct or I am wrong.

Mr. Vice-President: Let me explain it. First of all the amendments are moved and members moving them can also speak on the clause as a whole. Then there is opportunity given to Honourable members to discuss the amendments as well as the article itself and after that Dr. Ambedkar replies and that closes the discussion. That is how I have tried to understand it and that will be the procedure which will be followed hereafter.

Mr. Hussain Imam: It is not clear whether the discussion on the general article itself closes. The discussion on the amendment can close, not the general discussion.

Shri Ram Sahai [United State of Gwalior- Indore-Malwa (Madhya Bharat)]: *[Mr. President, I would like to submit that many members do not like to express their views on the amendments that are moved here and to participate in the debate on them, because they consider them to be meaningless, useless and devoid of any utility. If it continues, the result would be no discussion on the original clause. Therefore, I submit, Sir, that since members do not like to speak on the many amendments that are being moved here, they simply fall through. In my opinion, it is much more necessary to speak on the original clause and consider it fully.

Therefore I would submit that the amendments that are useless and are moved for no reason should be ruled out and we should devote ourselves to a fuller consideration of the original clause.]*

Mr. Mohamed Ismail Sahib (Madras: Muslim): Mr. Vice-President, Sir, while I appreciate the consideration you have been showing to the House, to the various sections of the House, I want this point to be made clear. Now suppose several amendments are being moved to a certain article. Then those amendments are discussed and afterwards replied to by the Honourable Mover of the Resolution. I want to know whether after the reply is given by the Honourable Mover I mean the Law Minister, the article is not before the House for general discussion. Because the amendments may relate only to certain parts of the article. There may be other parts on which honourable members might have something to say. Therefore I request you to make it clear whether after all the amendments are disposed of, Members have got a light to speak on the article itself.

Mr. Vice-President: What I said was this; suppose there are four amendments. They are moved one after another. Between the moving of the amendments and the reply by the Chairman of the Drafting Committee there is an interval during which other members may participate in the discussion and they might talk not only about the amendments but about the clause itself.

Mr. Mohamed Ismail Sahib: My point is after the amendments are disposed of by the House, whether the members have not got the right to speak on the articles as amended or not as amended—that is what I want to know. The members should in fairness be given an opportunity to speak on the article.

Mr. Vice-President: They have that opportunity.

Shri M. Ananthasayanani Ayyangar: Mr. Vice-President, that opportunity means once again after Dr. Ambedkar has spoken?

Mr. Vice-President: No.

Shri M. Ananthasayanam Ayyangar : It is rather strange that persons who have been in Legislatures should make this objection. We know that the Resolutions are first moved and then all amendments are asked to be moved on the particular clause or resolution. Then both the resolution and the amendments are open for discussion. Thereafter the amendments are put to vote and then the clause is put to vote. There is no scope for a general discussion once again on the clause. There should be no departure from this practice which is followed in the Dominion Legislature.

Mr. Vice President: I do not think it is profitable to continue the discussion. The ruling is final. I shall not permit further discussion.

Nawab Muhammad Ismail Khan (United Provinces: Muslim) : After the amendment has been moved.

Mr. Vice-President: I am afraid you fail to appreciate the fact that the decision

has been given. I am not prepared to reopen the discussion.

Nawab Muhammad Ismail Khan: In order to facilitate discussion, after amendments have been moved the Chair may please say that the article is now open to general discussion so that people may rise to speak on the motion.

Article 30

Mr. Vice-President: The motion before the House is :

" That article 30 form part of the Constitution. "

The first amendment stands in the name of Mr. Naziruddin Ahmad. This is out of order. The second amendment is in the name of Mr. Damodar Swarup Seth.

Shri Damodar Swarup Seth (United Provinces : General): Sir, I move that for article 30, the following be substituted :

"30. The State shall endeavour to promote the welfare, prosperity and progress of the people by establishing and maintaining democratic socialist order and for the purpose the State shall direct its policy towards securing :—

(a) the transfer to public ownership of important means of communication, credit and exchange, mineral resources and the resources, of natural power and such other large economic enterprise as are matured for socialisation;

(b) the municipalisation of public utilities;

(c) the encouragement of the organisation of agriculture, credit and industries on co-operative basis."

Sir, my reason for submitting this amendment is that I feel that as it is worded, the article is somewhat indefinite and vague, and does not convey any clear indication as to the economic nature of the social order to be established. We all know that the society in which we now live is of a capitalistic order or character and in this society we see the exploiter and exploited classes both existing side by side; and the exploiting class is naturally the top-dog and the exploited class the under-dog. In such a society we clearly see that the real welfare of the masses, of the toiling millions can neither be secured nor protected, unless the society is made clear of the exploiter class, and that can only be possible when we establish a socialist democratic order, and transfer to public ownership the "important means of production, communication, credit and exchange, mineral resources and the resources of natural power and such other large economic enterprise as are matured for socialisation;" bring about the "municipalisation of public utilities"; and "the encouragement of the organisation of agriculture, credit and industries on co-operative basis".

So far as I know, the Indian National Congress in its election manifesto promised the transfer of ownership of the means of public utilities, communication, production, credit, exchange, to the ownership of the public. The Economic Committee's Report of the Congress also accepts this principle. Without that, we are not going to establish a social democratic order in which the real welfare of the masses will be secured. Let it not be said of us. Sir, that we made promises simply to break them, as was done by the British Government. Here we talk too much about democracy and the welfare of

the masses. But in practice, we see actually that there is little or no democracy. The will of the ruler even to-day prevails, in the form of the law. If we really want that something should be done for the masses, and their real welfare secured, that can only be possible through a socialist, democratic order. And if we are really keen to establish such an order, we should lay down in this Constitution that the order which we are going to establish will be a socialist democratic or democratic socialist one. The wording should be as clear as possible so that its meaning may not be changed when it is in the interest of the ruling classes to do so.

With these words, Sir, I submit this amendment for the acceptance of this Assembly.

Mr. Vice-President: No. 864 is the same as No. 863. Therefore it need not be moved. Is 867 moved ?

Mr. Naziruddin Ahmad : Yes, Sir, I move it. I beg to move:

"That in article 30, the words "strive to" be omitted."

Sir, the article in the passage runs to this effect—"The State shall strive to promote the welfare of the people." I want the removal of the words 'strive to'. The article, would then read as follows :

"The State shall promote the welfare of the people."

I submit, Sir, that by providing that these rights shall not be justiciable, this Article has been sufficiently weakened, and by again putting in the words "shall strive" to promote the welfare of the people, the Article has been still further weakened. I submit, Sir, that if these rights are to be introduced in the Constitution, they should be that the "State shall promote the welfare of the people", not merely "strive to". As it is, it would mean that the State is not expected actually, to promote the welfare of the people, but merely strive to do so. In this weakened and diluted form, I think it is worse than useless. Therefore, in order to give the article some practical meaning, these words must be removed.

Shri H. V. Kamath : Sir, I move amendment No. 870:

"That in article 30. the Word "The" occurring before the words "national life" be deleted"

Sir, I was rather reluctant to give notice of this amendment, considering that it is of a minor character; but somehow the word 'the' jarred upon my ear and ultimately I decided to send it on. I am not so presumptuous as to advise my learned friend Dr. Ambedkar or his wise colleagues of the Drafting Committee on matters of language; but I do hope that in this case, the word 'the' jars upon their ears as much as it does on mine, and it does violence to the laws of euphony. So I request him to omit it.

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

Mr. Vice-President: No. 871 not moved.

Now the Article is open for general discussion.

Mahboob Ali Baig Sahib Bahadur : Sir, I oppose the amendment of Mr. Damodar Swarup Seth (No. 863) as well as the Article itself. The reason is that the amendment seeks to import into the constitution certain principles of a particular political school. My view is that in a constitution no principles of any school of political thought should be incorporated. For the same reason I oppose the clause itself. This question of directive principles of State policy should be examined from two points of view, *i.e.*, democratic principles and secondly, the enforceability of those principles. With regard to the first you know that in the Preamble to the constitution a democratic republic or State is envisaged, and in the body of the constitution the type of democracy which is commonly known as parliamentary democracy is embodied. And the executive which is embodied in the constitution is what is termed the parliamentary executive which comes into power on account of the majority of a particular party having been elected by the electorate; and that executive is responsible to the people through the Parliament. Therefore inevitably there would be parties in the country which seek election to parliament and these political parties have different and distinctive ideas, ideals, ideologies, programmes and principles. Sometimes they are so different that they can be called antagonistic; and it is on the merits of the principles or programmes of particular parties that the electorates return them to Parliament. And when a particular party is returned in a majority and is entitled to form the government, the people and the electorate have got a right to expect the implementation of those programmes and principles. That is what is meant by parliamentary democracy as it obtains in the United Kingdom, and which is sought to be embodied in this constitution. Now the question is, in these circumstances what is the place of these directive principles of State policy in a parliamentary democracy in which the executive is made responsible to the parliament which has been chosen and elected on the merits of the principles and programmes laid down by that party? That is the most important thing for us to consider. We can conceive of cases where a party which has been returned by the people has programmes and principles which are contrary to the principles that are laid down in this Chapter. Recently we know that in the British Parliament the Conservatives have moved for the rejection of nationalisation of iron and steel. Yesterday we heard there was an uproar. It was no doubt defeated by the Labour Government; that clearly shows that political parties have different and distinctive programmes, and it is on their merits that the parties are returned to parliament in a parliamentary democracy. When that is the position envisaged and embodied in the constitution, what is the place of these directive principles in it? They have obviously no place. It is undemocratic opposed to parliamentary democracy which is envisaged here. Is it the purpose of these principles to bind and tie down the political parties in the country to a certain programme and principles laid down in this? Surely not; that will not be democracy or at least democracy of the type that is envisaged here, *viz.*, parliamentary democracy which is responsible to the people. Therefore my submission is that these principles are out of place and contrary to the principles of parliamentary democracy.

Now it is said by some that these are fundamental principles. I submit that if they are so fundamental they cannot be changed except by amendment of the constitution, and should not find a place here. In fact my own view of fundamental rights is that they are those which are taken away from the purview of the legislature; they are so fundamental that no party can veto them. If all those rights that are embodied here are so fundamental they must be transferred to the Chapter of Fundamental Rights. I consider that most of them are not fundamental rights but only items of programme of

certain schools of political thought. Therefore I submit that these clauses must not find a place here at all; and I believe it is for that reason that Dr. Ambedkar while opposing a programme of this kind embodied in an amendment of Prof. K. T. Shah with regard to the panchayat system said that this constitution is only a mechanism whereby any party which has come into power may utilise it and implement its programme according to its political thoughts, principles and programmes. That is quite right. Now I fail to see how this programme can come into the constitution. Either they are fundamental or they are matters of policy. If they are so fundamental that no legislature can interfere with them and have to be placed beyond the purview of the legislature and the executive, they should be placed somewhere else. In my view, however, these are not fundamental but mere State policy. And Dr. Ambedkar was right when he said that this is only a mechanism and any party which comes into power might implement its principles and programmes, ideals and ideologies.

Now, Sir, we next have to see whether there is any enforceability. In a Constitution like this, except where discretion is given to the Governor or the Governor-General or some other authority to act in this way or that way, no clause should find a place which cannot be enforced. Supposing a Government which comes into power does not care about these things, neglects them and ignores them because it has a different mandate from the people. The people have accepted its programme and the guidance that you have provided here is such that it goes against the mandate given to the party by virtue of their having been returned to power : not only that, it neglects them and goes out of the way and does something contrary. What is going to happen? Who is to judge?

It is said by my friend, Mr. Ananthasayanam Ayyangar that the country will judge. The country does not judge these directive principles. It judges the ideals, programmes and the principles of the concerned parties. That is what is called parliamentary democracy. Therefore I submit that not only Article 31 but all the articles that follow — the whole Chapter — has no place. It may be that a certain party thought that unless certain principles are introduced in the Constitution itself by a Constituent Assembly where it has a majority, perhaps in the country political parties might take objection, might canvass support for themselves and against the party at present in power. May be that is the reason. Or perhaps they think these are fundamental rights. One of these reasons must be there. I am sure they cannot be called fundamental rights. So it is the anxiety of the party in power to placate the electorate, saying we have framed a Constitution in which we have made these provisions which are as good, if not better than the principles and programmes of some other party, say the Socialist Party.

So, I submit that these principles are wrong. They do not find a place in, the Constitution and on account of the fact that they cannot be enforced they are useless and they had better be deleted.

Shri K. Hanumanthaiya : Sir, I have to oppose the amendment moved by my Socialist friend, Shri Damodar Swarup Seth and I request the House to give its full support to the Article as it stands. If the Honourable Member who moved amendment No. 863 carefully reads article 30, as well as article 31, clauses (1) and (2), he will surely find that all the ideas he wants to incorporate are contained therein. In fact the previous speaker, Mr. Baig based his opposition to the amendment and to the original clause on this very reason. What he wants to achieve by his amendment is there already—in these two clauses—and therefore, it is completely superfluous to accept

this amendment.

As for Mr. Baig, it has become the fashion of his school of thought always to fling a remark at the majority party and I can only say his argument suffers from "Grapes are sour" psychology. Merely because he is in a minority today, he chooses to fling remarks now and then in this fashion. If a particular school of thought persuades the country to be with it, there is nothing sinful or immoral or objectionable in that. The fact that he has not been able to do so is a disqualification in his favour. Instead of admitting this, he cannot go on throwing stones at the majority party in this fashion. The same applies to his argument that this particular section or article wants to bring a particular type of Government into being. It was the case that several centuries back it was a sin to talk of democratic government in this country. It was a question then of a particular king ruling or a particular emperor ruling. The days of one individual or one section of people ruling a country have gone for ever. Now it is a democratic age. It is the people's government. A particular type of Government holds sway over the people and the State at a particular time. There was a time when, individualism and *laissez faire* policy held sway over Governments. That policy has now been given up. It is now a question of socialization. Now the trend of the time is socialism and that holds the field. Many Honourable Members of this House want to go even in advance of the ideals stated in the Articles. But the Drafting Committee has very happily worded the phraseology which does not favour any of these extremes, and at the same time, it has been so wisely worded that even Communist Party can implement its ideology under article 30 and article 31, clauses (1) and (2), if it comes to power. No party is prevented from implementing its ideology under these sections. If anybody reads the wording of the section he will find—as I for one do—it is difficult to say to what word or to what sentence he can take objection. Therefore, Sir, amendment No. 863 is superfluous and the Article as it stands deserves the full support of this House.

Mr. Hussain Imam: Mr. Vice-President, I regret that it is not possible for me to give my full support to Damodar Swarup Seth nor can I admire the Government or the movers, or those who are behind this article at their great fear of bringing forward anything which will smack of socialism. I regret, Sir, that the Government has succeeded neither in placating the capital nor the labour. ...

Shri T. T. Krishnamachari (Madras : General) : What has this House got to do with the Government?

Mr. Hussain Imam: I am stating facts as they exist. The articles are being governed by a party and under party whips amendments are stopped

Mr. Vice-President: Order, order.

Shri M. Thirumala Rao (Madras: General): My friend wants to say some facts. Should they not be relevant to the subject under discussion?

Mr. Hussain Imam: Let me have my say. You can then say what you like. Mr. Gautam had a similar amendment.

Shri Mohan Lal Gautam (United Provinces : General) : Was I called on to move it ?

Mr. Hussain Imam: No, Sir.

Mr. Vice-President: Please address the Chair and do not carry on an argument among yourselves; otherwise, I might as well vacate the Chair. I will give him opportunities to criticise the article, but not any particular political party. So far as this House is concerned, there is no political party in existence.

Mr. Hussain Imam : I will follow your advice, Sir. I would mention one fact. The directive principles have laid down a number of liabilities on the future State. What the amendment proposes to do is to supply some assets to meet the liabilities created by the constitution as at is going to be framed. In that way I welcome the suggestion for a mild type of socialisation. The socialisation envisaged in this amendment is not a full-fledged socialisation. For instance, it does not include the nationalisation of land which is at present the active policy of many of the States in India. Therefore to say that the mover wants to make any revolutionary change or fundamental change is wrong. It must be remembered that we are creating liabilities for the future State of India saying that it shall do this, that and the other. Is it wrong to attempt to place some funds also at the disposal of such a State?

Let me remind the House that when the Eighteenth Amendment to the American Constitution was brought forward to introduce Prohibition, the fact that nothing of that nature (about Prohibition) existed in the Constitution of the United States of America did not prevent the Eighteenth Amendment being moved. Similarly, when the Amendment was repealed six years afterwards, there was nothing in the Constitution to stop it. Is there any provision in the British Constitution for nationalising mines, the State Banks and the Iron and Steel industries? There is no provision and yet they are doing all this. If the existing Constitution is not a bar to the Labour Party bringing in socialist changes, I fail to understand how the provision made in this amendment would prevent the Conservative Party from coming to power and not enforce these measures? This is not a justiciable right. It is just a directive principle of State policy. A political party in power can ignore these directive principles and there is no provision anywhere making it obligatory on the party to see that these directive principles are followed. Not even the President of the Union has been authorised to put his foot down when he sees a State government going against the directive principles. I therefore suggest that bringing forward of this amendment will not prevent a certain political party from coming to power and there is nothing wrong. These directive principles, as they have been laid down, are singularly inoperative. They merely say that if the people and the Government are good they will observe these directives. I do not think there is any need for having any ineffectual directives at all. It is only when you provide a law or fix a certain standard that you have to provide for those who are not up to that standard. It is just to prevent transgression. And where is the provision here to prevent this? All the directive principles can be ignored by the State Governments and there is no remedy for it. Even the President of the Union cannot do anything to see that the directive principles are observed. The Central Legislature cannot bring forward any motion for the Government which ignores these directive principles to be dismissed or some alternative being adopted. In the Instrument of Instructions issued to Governors under the Government of India Act there was authority given to the Central Government or Secretary of State to see that those instructions are carried out. But here we have provided nothing like that. At least I do not find anything like that and I shall be obliged if Dr. Ambedkar will point out to us any method by means of which transgressions by the Governments of the States of the directive principles can be proceeded against. There must be some method of

intervention by the Legislature. The provincial legislatures cannot intervene because the provincial Governments are responsible Governments. If there happens to be a going back on directive principles, it is not the Ministers alone, but the entire legislature that would be responsible for it. So, there must be some superior authority to examine whether the directive principles are followed or not. Unless some provision is made on these lines it will only go to prove what one Honourable Member suggested, *viz.*, that these principles have been brought in just to silence criticism and to have a good sign-board that we have good intentions, without having any intention of following those directions. I therefore suggest that the House should examine the amendments rather more dispassionately and, if there is anything good in these amendments, because of the fact that they have been brought forward by a Member who is not *persona grata* with the majority, they should not be rejected. We are framing a Constitution and in that connection I appeal to the House to be more generous, more conciliatory and more sympathetic and accept the things as they are and not think that by means of these amendments some party will gain advantage. It is not so. It is very necessary that some kind of provision for socialisation should be there. I say this though I do not go as far as Shri Damodar Swarup. But let us give some indication of our trend of thought in our Constitution. Take the case in question of the nationalisation of coal mines accepted by the British Government long ago as an ultimate goal. The Committee which reported on this question in 1935 accepted it as the ultimate goal, though there was then a Conservative Government in power in England. I suggest that these amendments should be dispassionately considered and if there is anything good in them it should be accepted by the Mover of the draft Constitution.

Shri Mahavir Tyagi (United Provinces: General): Sir, from the point of view of making a Constitution for our country, this Article is of great importance. It contains at least a fourth part of the aim which we have in view. For, in the Preamble we say that we are drawing up this Constitution with the aim of securing Justice, Equality and Fraternity. Sir, this clause is the only clause which directly deals with justice and justice has been defined here as justice, social, economic and political. In fact, Sir, it accommodates all that we desire. It accommodates all the revolutionary slogans in a particular form. It is social and economic justice that is demanded by the most radical of the radicals of the world. This clause is in fact the pivotal point in the Constitution, but still I am inclined to criticise its language. The clause from the language point of view is not strong; it is very halting. Our aim in framing this Constitution is to secure social, economic and political justice, but in the clause as it is worded, unfortunately there are so many halting sub-clauses. It says, "The State shall strive to promote". I think the amendment moved by my honourable friend, Mr. Naziruddin Ahmad, makes the clause read better.

Shri Roiuni Kumar Chaudhari (Assam: General) : On a point of information, Sir, as the honourable member is supporting this clause, may I ask him kindly to explain the word "inform" used in this clause.

Shri Maharir Tyagi: "Inform" means animate the institutions of national life. "Inform" is the most idiomatic word which is used in that clause. It adds beauty to the clause. "Inform" means that in the making of the institutions justice should be the foundation. You should not take the word "inform" in the ordinary meaning of the Information Department.

Sir, this clause is very halting. I appeal to Dr. Ambedkar and his other colleagues

to accommodate the wishes of the House on all sides When we want to put something real in the Constitution, why should these lawyers come between our wishes and the Constitution? They should make it absolutely plain that the purpose of the Constitution is to secure justice, social, political and economic. So, Sir, why should they introduce the words "strive to"? Suppose a man wants a recommendation from me and I say, "I will try", it means that I have not given a promise. Why not say, "The State shall promote"?

Then it goes on to say, "The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, etc." Why introduce so many halting phrases in this clause? Why say, "as it may"? If a government cannot do it, we do not want that government. If a State cannot do it, of what use is that State to us? The function of a State is taken to be only the maintenance of law and order by means of the army and the police. We do not want a police state. In fact, all order and tranquillity which reigns over mankind is not the effect of any government in the world. Its origin lies in the principles of society. Order would remain intact, even if the formality of having Governments had been done away with. The desire to associate is an instinctive feature of man, and so the credit for the peace and tranquillity of the world goes to the individuals who make up the society. The first and the foremost duty of a Government is to promote the welfare of the people. That is why governments are there. If a Government cannot do this, they should have the honesty to move out and give place to others. Sir, it must be made incumbent on the State to promote the welfare of the people by securing justice, social, economic and political, without introducing the words "as it may". I appeal to Dr. Ambedkar to listen to the advice of those who have come here from the people and also of those like me who have no legal knowledge gained in law colleges, in England or elsewhere—unfortunately my education has been by experience of the people—I therefore plead and request the House to accommodate the wishes of the people. I hope the wordings of this clause will be changed by my lawyer friends with a view to make it incumbent on the Government to promote the welfare of the people. I am not a man of words; I am a man of ideas and action. I can only give ideas. Dr. Ambedkar is a man of words and therefore he may be able to devise suitable words to convey the idea. This clause must be made very strong and unequivocal. It should be made the first and foremost duty of the Government to promote the welfare of the people by securing and protecting a social order in which justice, social, economic and political shall inform all our institutions. If this suggestion of mine is accepted, the most radical of radicals will be accommodated.

Shri Mohanlal Gautam: Is the discussion going to be closed now ?

Mr. Vice-President: I have given a reasonable time for discussion, both for and against the amendments.

Shri Mohanlal Gautam: Will you please permit me to speak ?

Mr. Vice-President: I maintain that we have had a reasonable amount of time—merely an hour—for discussion and Dr. Ambedkar should now address the House.

Shri Mohanlal Gautam: My submission is that I gave notice of an amendment. It is only a chance that Seth Damodar Swarup's amendment was placed at the top and mine below it and therefore, you did not think it desirable or necessary for me to

move it. I stood twice or thrice and I am unfortunate that I was not given a chance to speak on my amendment.

Mr. Vice-President: I think the amendment was discussed at full length and I do not think there is any use moving it now.

Shri T. T. Krishnamachari: Certain observations have been made by a member in regard to the manner the Congressmen in this House are acting I think, Sir, it is the duty of the Congressmen to repudiate this statement. May I ask you, Sir, to give us an opportunity of repudiating those charges which have been levelled against us ?

Mr. Vice-President: I think we had better close the discussion, here.

Shrimati Renuka Ray (West Bengal: General) : I think this is very unfair.

The Honourable Dr. B. R. Ambedkar : Mr. Vice-President, I see that there is a great deal of misunderstanding as to the real provisions in the Constitution in the minds of those members of the House who are interested in this kind of directive principles. It is quite possible that the misunderstanding or rather inadequate understanding is due to the fact that I myself in my opening speech in support of the motion that I made, did not refer to this aspect of the question. That was because, not that I did not wish to place this matter before the House in a clear-cut fashion, but my speech had already become so large that I did not venture to make it more tiresome than I had already done; but I think it is desirable that I should take a few minutes of the House in order to explain what I regard as the fundamental position taken in the Constitution. As I stated, our Constitution as a piece of mechanism lays down what is called parliamentary democracy. By parliamentary democracy we mean 'one man, one vote'. We also mean that every Government shall be on the anvil, both in its daily affairs and also at the end of a certain period when the voters and the electorate will be given an opportunity to assess the work done by the Government. The reason why we have established in this Constitution a political democracy is because we do not want to install by any means whatsoever a perpetual dictatorship of any particular body of people. While we have established political democracy, it is also the desire that we should lay down as our ideal economic democracy. We do not want merely to lay down a mechanism to enable people to come and capture power. The Constitution also wishes to lay down an ideal before those who would be forming the Government. That idea is economic democracy, whereby, so far as I am concerned, I understand to mean, 'one man, one vote'. The question is : Have we got any fixed idea as to how we should bring about economic democracy ? There are various ways in which people believe that economic democracy can be brought about; there are those who believe in individualism as the best form of economic democracy; there are those who believe in having a socialistic state as the best form of economic democracy; there are those who believe in the communistic idea as the most perfect form of economic democracy.

Now, having regard to the fact that there are various ways by which economic democracy may be brought about, we have deliberately introduced in the language that we have used, in the directive principles, something which is not fixed or rigid. We have left enough room for people of different ways of thinking, with regard to the reaching of the ideal of economic democracy, to strive in their own way, to persuade the electorate that it is the best way of reaching economic democracy, the fullest

opportunity to act in the way in which they want to act.

Sir, that is the reason why the language of the articles in Part IV is left in the manner in which this Drafting Committee thought it best to leave it. It is no use giving a fixed, rigid form to something which is not rigid, which is fundamentally changing and must, having regard to the circumstances and the times, keep on changing. It is, therefore, no use saying that the directive principles have no value. In my judgment, the directive principles have a great value, for they lay down that our ideal is economic democracy. Because we did not want merely a parliamentary form of Government to be instituted through the various mechanisms provided in the Constitution, without any direction as to what our economic ideal, as to what our social order ought to be, we deliberately included the Directive Principles in our Constitution. I think, if the friends who are agitated over this question bear in mind what I have said just now that our object in framing this Constitution is really two fold : (i) to lay down the form of political democracy, and (ii) to lay down that our ideal is economic democracy and also to prescribe that every Government whatever, it is in power, shall strive to bring about economic democracy, much of the misunderstanding under which most members are labouring will disappear.

My friend Mr. Tyagi made an appeal to me to remove the word 'strive', and phrases like that I think he has misunderstood why we have used the 'strive'. The word 'strive' which occurs in the Draft Constitution, in judgment, is very important. We have used it because our intention is even when there are circumstances which prevent the Government, or which stand in the way of the Government giving effect to these Directive Principles, they shall, even under hard and unpropitious circumstances, always strive in the fulfillment of these Directives. That is why we have used the word 'strive'. Otherwise, it would be open for any Government to say that the circumstances are so bad, that the finances are so inadequate that we cannot even make an effort in the direction in which the Constitution asks us to go. I think my friend Mr. Tyagi will see that the word 'strive' in this context is of great importance and it would be very wrong to delete it.

As to the rest of the amendments, I am afraid I have to oppose them.

Mr. Vice-President : Only two amendments have been moved; I shall put them to vote. The first is amendment No. 863 by Shri Damodar Swarup Seth.

The question is:

"That for article 30, the following be substituted:—

'30. The State shall endeavour to promote the welfare, prosperity and progress of the people by establishing and maintaining democratic socialist order and for the purpose the shall direct its policy towards securing:—

(a) the transfer to public ownership important means of communication, credit and exchange, mineral resources and the resources of natural power and such other large economic enterprise as are matured for socialisation;

(b) the municipalisation of public utilities;

(c) the encouragement of the organisation of agriculture, credit and industries co-operative basis."

The amendment was negatived.

Shri H. V. Kamath: I am not pressing my amendment, Sir.

Mr. Vice-President: The next one is amendment No. 867 by Mr. Naziruddin Ahmad.

The question is :—

"That in article 30, the words 'strive to' be omitted."

The amendment was negatived.

Shri L. Krishna swami Bharathi (Madras: General): Sir, Mr. Kamath must have the leave of the House to withdraw his amendment.

Mr. Hussain Imam: The Mover has accepted the amendment!

Mr. Vice-President: Does the House give him leave to withdraw?

Several Honourable Members: Yes.

Shri L. Krishnaswami Bharathi: I object to leave being granted.

The Honourable Dr. B. R. Ambeddkar: If he wants to withdraw, I have no objection; let him withdraw.

Shri H. V. Kamath: There seems to be some conflict in the House over this. One Honourable Member thinks that Dr. Ambedkcar has accepted it. I did not know that he had accepted it. If he has accepted it, then, no question of withdrawal arises.

Mr. Vice-President: Do you wish to withdraw ?

Shri H. V. Kamath: Yes.

The amendment was, by leave of the Assembly, withdrawn.

Mr. Vice-President: The question before the House is:

"That Article 30 stand part of the Constitution."

The motion was adopted.

Article 30 was added to the Constitution.

Shri Mahavir Tyagi: Does this clause pass with the word "the" ?

Mr. Vice-President: It has been passed as it stands now.

New Article 30-A

Kazi Syed Karimuddin : Mr. Vice-President, Sir, I move:

"That after article 30, the following new article be inserted :—

'30-A. The State shall strive to secure prohibition of manufacture, sale or transportation or consumption of intoxicating liquors for beverage purposes."

I need not give a very long lecture in this respect. In the American Constitution this has been described as a Fundamental Right. I will read Amendment 21 of the American Constitution :

"The transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited."

Sir, it is a fact known to everybody that Mahatma Gandhi was preaching all his life that the use of liquor and the manufacture of liquor should be prohibited in India; and in fact in keeping with that policy the Provincial Governments in India have been framing laws and are applying those laws. I am really surprised that in the Constitution which is drafted, there is no mention about the prohibition or manufacture or sale of liquors in India. We know that thousands of families have been ruined and are miserable on account of this evil. In the directive principles of the State, which according to Dr. Ambedkar have no sanction, they ought to have been embodied because the State would have tried their utmost to secure prohibition of liquors. The rejection of this additional clause will be the rejection of the wishes of Mahatma Gandhi.

Mr. Vice-President: Amendment No. 873—not moved. Any Member who wishes to speak on amendment 872 may please do so now.

Prof. Shibban Lal Saksena : Sir, my friend Kazi Karimuddin Sahib has raised a very important issue. Although I could not agree that a separate clause for this is necessary here, but I do wish that in clause 31 there should be a sub-clause incorporating that the State Policy is prohibition. In fact the Congress from the very beginning since 1920 has placed prohibition as one of the chief planks of its struggle. Many of us have gone to jail for picketing liquor shops and toddy shops and I do not think it is proper that in this Constitution when we are laying down the Directive Principles of State policy we should not make mention of prohibition. Of course there is a general clause in part (vi) of 31 which says :

"That childhood and youth are protected against exploitation and against moral and material abandonment"

Of course its meaning is almost the same but that is far too general and I think that prohibition is something so important that this should be mentioned as one of the sub-clauses in article 31. I hope on this matter it is not necessary to give long arguments as it is well-known that many of our Governments have already declared several districts dry. Madras has the honour of declaring first the whole of the province dry. We do not wish to live by the excise revenue which is in fact the revenue got by

the ruin of so many labour class families. I therefore think that in our country, when all the religions are unanimous about prohibition, this amendment of Kazi Karimuddin should be mentioned somewhere in Article 31. Because this is something on which the entire House is unanimous, I hope Dr. Ambedkar will see to its inclusion.

Seth Govind Das (C. P. & Berar) : Sir, I do not wish to press Honourable Dr. Ambedkar to accept this amendment but at the same time I entirely agree with my honourable friend, Prof. Saksena that we are pledged to the policy of prohibition. Everybody knows that in spite of the reduction in revenue in various provinces we follow this policy. It is true that up till now complete prohibition is not there in every province, yet an effort is being lined to bring about complete prohibition not only in the provinces but in the Centrally administered areas also. Now, Sir, it would really not be in accordance with our traditions that when we are making a new Constitution for our Inland, no mention is made about prohibition. I hope that the Honourable Dr. Ambedkar and the Drafting Committee will find out, if this amendment is not accepted, a suitable place in the constitution where a reference is made to prohibition and I think that every community of this land, Hindus, Muslims, Christians, Sikhs, Parsees and others will agree that the principle of prohibition must be accepted in this country and our Constitution should say something with respect to prohibition. Though, Sir, I am not in a position to support the amendment I would request the Honourable Dr. Ambedkar to make the policy in this respect clear.

Mr. Mohamed Ismail Sahib : Sir, I have got the honour to support the amendment that is placed before the House. Sir, you know with regard to the principle underlying this amendment, there has not been and there is not any difference of opinion amongst any section of people. Almost all sections political or otherwise, are agreed upon this principle. Therefore, Sir, one would have expected the Government to have made this principle the subject-matter of even a mandatory and statutory article. It is really a very mild amendment to say that this principle on which there is no difference of opinion in the country should be made at least part of this Part, viz. of Directive Principles. I therefore, Sir, earnestly request the Honourable the Mover to accept this amendment; though he may not accept it as part of article 30, he may, as was suggested by one or two of my friends, make it part of article 31. I would request him once again to make prohibition find a place in the Constitution because there is absolutely—I may say almost absolutely—no difference of opinion in the matter. Whatever may be the loss in the matter of revenue, people are agreed that the Government must find other ways and means of revenue and should enforce this principle which the Congress Party as well as the other parties had been advocating for decades.

Shri Biswanath Das : Sir, I am very sorry I have to oppose my honourable friend, the mover of the amendment: my grounds are there. We have been—I mean the nationalist sections of the country have been—wedded to the principle of entire prohibition but unfortunately my honourable friend wants and proposes as a Directive part of the Constitution that we should prohibit only the manufacture and consumption of liquor. What becomes of opium ? Opium is the worst evil that is prevailing in the country. Sir, China and the eastern countries are in their present position because of opium-eating. Therefore, I for myself would not be a party to any prohibition if it does not include the prohibition and manufacture of opium for purposes of consumption.

Sir, I am not in favour of having a reform of this magnitude to be put in the Directive principles in the Constitution. I consider the Directive Principles of the

Fundamental Rights in the Constitution as the Sermon on the Mount. Shri Bhagavat has stated that there is nothing like small and great but fact remains that there are small and great. Therefore nothing will be gained by putting all and sundry in the Fundamental Rights. Under these circumstances I feel that any additions to what we have already is going to serve no useful purpose. We are wedded to democracy. We are going to have a national government. A National Government even today led and guided by not less persons than Pandit Jawaharlal Nehru and Sardar Patel will not have their way if they do not carry the people with them. That being the position, I do not see why the question of prohibition should come in at all here as a Sermon on the Mount. Sir, despite the difficulties, despite the financial stringencies, despite various limitations, the provincial Governments in Madras and other Provinces have already adumbrated the reform. I plead patience with friends. For myself I want an all-India policy in which the provinces and the States should go on together fighting against this mighty demon of drink and opium consumption.

Under these circumstances I do not see how any useful purpose could be served by only putting this in the framework of the Constitution as a Directive Principle. Directive Principles are of course useful and they will serve as a beacon light to the incoming ministries. They will serve as a sort of test for the work of the Ministry after the term of office of five or three years. As test, they remain for ever, but that does not bring us anywhere near our goal if we include this in the Constitution and keep it as a Directive Principle. Under the circumstances I am strongly opposed to this addition which will mean nothing more than another Sermon on the Mount. Sir, I want a practical step to be taken and the practical step is being taken, despite difficulties, and I have no hesitation in believing that the installation of a national Government of India, guided and led by a Ministry which is responsible to the Honourable Members of the Constituent Assembly or the National Parliament, will have no other option than to take up this great reform on hand without any delay. Sir, despite difficulties, even the Central Government, ridiculous though it looks, is thinking of having prohibition in the province of Delhi. I state all this merely to show the anxiety of the Government, I again appeal to the Honourable the Mover that nothing can be gained by appealing to sentiments in the name of Mahatma Gandhi. We must look to the practical aspect of the question, and nothing will be served by putting this in the Directive Principles. Under these circumstances, I stand opposed to the amendment.

Shri Mahavir Tyagi : Sir, I have a similar amendment, and that is No. 999 but a practical joke has been played here and my amendment has been completely reversed by the omission of two words. I do not know where and at what time this clerical mistake has occurred or when. My amendment reads thus—

Mr. Vice-President: But I cannot permit you to move your amendment now.

Shri Mahavir Tyagi: No, Sir, I am only quoting it. It reads:

"That at the end of article 38, the following words be inserted:—

'and shall endeavour by means of both temperance and prohibition the use by mouth of liquor and other intoxicating drugs except on medical grounds'."

The words should be "shall endeavour to stop by means of both temperance and prohibition. etc." I am reminded of a couplet in Urdu which with your permission I

will repeat—

Ilahi hamse mai khawaron ko

woh dunya ata hoti;

Jahan hukman piya Kerte,

na pite to saza hoti.

Well, Sir, on this occasion, I have come to oppose this amendment, not because I disagree with its contents but because he has suggested it a bit too early. I feel that the amendment of Syed Karimuddin is one to which we can have the support of an overwhelming majority of this Assembly. But my difficulty is that this is not the proper place where this amendment should come up. My friend wants it to come in as article 30-A. My suggestion is that it should come below article 31 where all the directives have been enumerated; that is the proper place for his amendment.

That there must be prohibition is admitted to by all. I submit that Gandhiji's foremost plank of constructive programme was prohibition (*cheers*), and we all stand pledged to this programme; we had pledged in front of Gandhiji. We have repeated that pledge tens of times every year on Independence Days and now we cannot falsify that pledge before the nation. The time has now come when we must implement our programme of prohibition. We must bring it in the Constitution. I am in full agreement with the spirit of the amendment, but it is misplaced. I must submit that the Constitution as it is, and I have repeated this many times before, is devoid of Gandhiji's ideas. It is very poor from that point of view. We have not accommodated him in the least. I had hoped that even if he be dead, we would keep his spirit alive, but he stands dead even in this Constitution. Without his spirit, I submit that the Constitution is dead. We had given our pledges to stand by his programme, and, we had done so in the most unambiguous and unequivocal manner; Sir, on such questions we Congressmen cannot compromise, whatever may be the consequences. This prohibition has been in his programme. It has been also in our Election Manifesto, on which all members of the provincial Assemblies were elected, and it is through those elected bodies in the provinces that we have been sent to this Assembly, indirectly. So basically the whole of our electorate has voted for the programme of prohibition, and if now we do not bring it in here, we shall be betraying the wishes and the trust of the whole electorate, and the people on whose behalf we say, rightly or wrongly, that we are making this Constitution. Let us not forget that we are using the name of the people. If we do not appreciate their desires and do not accommodate them in this Constitution, we shall have no moral justification to use the name of the people. If we cannot accommodate even the idea of prohibition in our Constitution, then what else have we been sent here for? We have been talking of revolutions, and about all sorts of progress. But if we cannot have even this small reform in our Constitution; the book will not be even worth touching with a pair of tongs. I therefore submit that if the Draft Constitution does not contain prohibition, it does not contain Gandhiji, because where there is liquor, Gandhiji cannot be, and where Gandhiji is, liquor cannot be. That is the position. Therefore, I submit that this amendment may be accommodated at some proper place in the Constitution. I support the spirit of the amendment, but only oppose it because it is proposed to be put in a place which is not the proper one to incorporate it. With these words I oppose not the spirit, but the

place where my friend wants his amendment to be inserted.

Kazi Syed Karimuddin: If Dr. Ambedkar accepts the spirit of my amendment and is prepared to accommodate it in article 31, I will have no objection in withdrawing. it.

B. Pocker Sahib Bahadur : Sir, I heartily support this amendment and in doing so I do not want to take up the time of the House except to draw its attention to one fact. One of the previous speakers mentioned financial difficulties which will arise out of prohibition. I only want to draw the attention of the House to the fact that prohibition has been accepted by the Government of Madras, and by the Madras legislature and they have worked it out wonderfully well. It is working wonderfully well in spite of financial difficulties,, and these difficulties are being overcome. Therefore, I would say financial difficulties should not stand in our way. As was pointed out by the previous speaker, if we have got any real reverence for the views of Gandhiji, we ought to incorporate prohibition at least in the directive principles, if not in the mandatory provisions of the Fundamental Rights. It is not at all a difficult thing to include it in the chapter dealing with the directive principles.

After all, it only says, Government shall strive to achieve what is stated there. Therefore I appeal to the House that the Members here should not allow it to be said of them that soon after Gandhiji's death, his wishes and views were also buried nine fathoms deep.

Mr. Vice-President: The House stands adjourned till Monday, the 22nd November, 10 a.m.

The Assembly then adjourned till Ten of the clock on Monday, the 22nd November, 1948.

[Translation of Hindustani speech.]