

CONSTITUENT ASSEMBLY OF INDIA DEBATES (PROCEEDINGS)- VOLUME II

Tuesday, the 21st January, 1947

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

ELECTION OF THE STEERING COMMITTEE

Mr. President : I have to inform the Hon'ble Members that the names of the following thirteen members have been validly proposed for election to the Steering Committee:

1. The Hon'ble Maulana Abul Kalam Azad.
2. The Hon'ble Sardar Vallabhbhai J. Patel.
3. Sardar Ujjal Singh.
4. Shrimati G. Durgabai.
5. Mr. S. H. Prater.
6. Mr. Kiran Sankar Roy.
7. Shri Satyanarayan Sinha.
8. Sri M. Ananthasayanam Ayyangar.
9. Mr. S. N. Mane.
10. Mr. K. M. Munshi.
11. Diwan Chaman Lall.
12. Mr. Somnath Lahiri.
13. Sri Lakshminarayan Sahu.

Only eleven members are to be elected, and if there are no withdrawals, an election will be held in accordance with the principle of proportional representation by means of the single transferable vote in the Under Secretary's room (Room No. 24, Ground

Floor, Council House) between 3 and 5 p.m. today.

The next item is the Resolution to be moved by Pandit Jawaharlal Nehru I do not find him here. We shall therefore proceed with the discussion and wait for this to be taken up at a later stage.

Mr. Rajkumar Chakravarty (Bengal: General): May I enquire what is the time for withdrawal of candidature for the Steering Committee?

Mr. President: Any time before the actual voting commences at 3 p.m. today.

Then we shall proceed with the discussion of the Resolution. Mr. Madhava Menon.

RESOLUTION RE: AIMS AND OBJECTS - contd

Sri K. Madhava Menon (Madras: General): Mr. President, Sir I stand here to support the Resolution moved by Pandit Jawaharlal Nehru, I know, it does not require much more support from anybody, as very little opposition has been made to the proposition. It is absolutely necessary that we pass this Resolution without any further delay. As Sir Alladi pointed out in his speech, you may search the proceedings of any constituent assembly in vain to find that no such Resolution had been moved or passed before the other business of the Assembly began. We have already waited too long in this matter and I think we shall be failing in our duty if we delay it any further. We must realise that the whole country is looking towards us with hope, as to what we are going to do for them. The only objection, if I can call it an objection, is the amendment moved by Dr. Jayakar. In principle, Dr. Jayakar's amendment does not differ much from the Resolution moved, except that Dr. Jayakar wants us to wait, or if I may say so, give an opportunity for those who are absent here, to partake in the Resolution. Dr. Jayakar says that two of the partners are absent, one for reasons not known to us, the other being impossible for it to come here. It is fair that we should wait for them. He mentioned why not we wait till the 20th January, when we are meeting again. We have waited, Sir, as he wanted and we hope that he will have no reason to complain that his request has been disregarded by us.

The objection raised by Dr. Jayakar that under the terms of May 16 Statement of the Cabinet Mission, we are precluded from passing a resolution like this at the preliminary meeting, is contradictory to his own resolution which says what the objects and aims of this Assembly should be. Dr. Jayakar said that the fundamentals of the Constitution need not be mentioned here, and I do not think we have mentioned fundamentals of the Constitution here, but have only mentioned our objects and aims. He said --and I was rather surprised when he said it--that if the Muslim League will not come in, the States also will not come in, and Dr. Jayakar mentioned or rather visualised, that if we passed this Resolution here before the Muslim League comes in, there will be a Hindustan, a Pakistan and a Rajasthan in this country. I felt that his imagination was running riot when he visualised the coming in of three sthans- Hindustan, Pakistan and Rajasthan. I am sure that no such contingency is going to come and no such contingency should frighten us from passing this Resolution. If we delay further on the ground that others are absent here, I am afraid we are only putting a premium on intransigence. I wish we will not do so but proceed with the Resolution and pass it without further delay.

Mr. B. Das (Orissa: General): Mr. President, some of us were hesitating during the last session that this Resolution may be adjourned to a later date so that the absent ones can come; not that I was not wholeheartedly for the Resolution. As a Congressman and as an Indian, I concur wholeheartedly with the principles enunciated in the Resolution of Pandit Jawaharlal Nehru. Not that it was not enunciated before, but at the beginning of our constitution-framing career we wanted that an enunciation of our goal and objectives should be made in this House, in which all the Members of this House should take part. It is my sorrow, however, that the Muslim League, some of whom have been our co-workers in public life, are absent. At that time, foolishly some of us thought that they will come now and participate in the declaration of our national objectives and rights and at the same time take a willing share of the joys of the coming dawn of freedom. But that is not to be. One cannot understand how the members of the Muslim League, who are our friends intimate friends, intimate associates and intimate co-operators in our life-time for the last twenty-thirty years, how they can abstain from coming in at this stage.

I cannot understand what they want. It is said that they want two nations; they want Pakistan. Mahatma Gandhi, the other day has said, let them have the Pakistan provinces or a Pakistan country whereby we will know what is the greatest ideal of the Muslim nation, whereby they can show that a Pakistan country is a better governed country than the Hindustan or the Panthistan that the Sikhs want. What are our Muslim friends afraid of, and why is it that they are not here? Sir, there are three parties concerned, the British, the Muslim League and the Congress. The British Government are the stumbling block in our way. Even the Declaration of His Majesty's Government's further clarification of the Statement of May 16, by their Statement of December 6th, shown that the British are not helping India to achieve independence. What is it that is obstructing our Muslim friends? Sir, the Qaid-e-Azam has been my political guru at the beginning of my career in the Indian Legislative Assembly. I still admire him as a friend. But I cannot understand him as a leader of the party. I do not understand what he wants. There are members in the Working Committee of the Muslim League who are my personal friends, and friends of many of the people who are here. I cannot understand how Abdul Matin Chaudhury or Nawab Ismail Khan or Raja Ghazanfar Ali Khan or Hussain Imam and others, cannot live with Hindus in Hindustan or in the Union of India as brothers. Unfortunately, I am sorry I find that most of the leaders of the Muslim League live in the so-called Hindustan. I have not yet found any Muslim Leaguer of the Pakistan Provinces of Bengal or Punjab who has got great political principles for the guidance of this country or the world, or has enunciated his principles. I am not here to point out the differences between the Congress and the Muslim League. I am here to appeal to the Muslim League from this forum that it is high time that they, who are our friends outside, should be friends in this House. If they differ from us on the point of Pakistan, let them give us their views. Let them tell us whether they want an independent Republic Pakistan or whether they want a Dominion Pakistan? What do they want? I want to appeal to my friends in the Muslim League to think of their old, old associations, the old neighbourly feelings and to come early to this House so that we can all take part in securing independence for India which is so dear to our hearts.

I have said nothing on the main Resolution because I agree with everything that is enunciated there. That has been our dream for these years. I conclude my speech again with an appeal to Mr. Jinnah and my Muslim League friends to come and tell us where we are making a mistake, to tell the Hindus also where the Hindus are making a mistake and are not allowing Mr. Jinnah to build up an independent nation. With that I

conclude my remarks.

Mr. Devendranath Samanta (Bihar: General): Mr. President, I thank you for kindly giving me an opportunity of expressing my views regarding the memorable Resolution moved by our revered leader, Pandit Jawaharlal Nehru.

Sir, I feel happy to rise to give my whole-hearted support to the Resolution. The Resolution has already received support from a large number of speakers who have preceded me, and they have discussed the necessity, the utility and propriety of moving and passing the same. They have discussed the Resolution from various points of view, and I do not want to take the precious time of the House by repeating the same arguments; I would simply like to make a few observations with your permission while supporting the Resolution.

It has been admitted in all quarters, that the Constituent Assembly which is to frame a constitution for a free India, is the outcome of untold suffering and immense sacrifice of the masses of this country. Therefore the Constitution to be framed should be such as to promote the interests of the masses and to benefit the country as a whole.

The framers of the Constitution, who are the elected representatives of the people, are highly responsible persons and they would, in the due discharge of their responsible duties, frame the Constitution cautiously and wisely for the best interests of all concerned.

We should have full confidence in the sincerity, honesty and integrity of the members who have undertaken this responsibility of producing a Constitution which will fulfil the aspirations of our countrymen and will promote peace and prosperity of the country.

The principles to be followed in framing the Constitution and the provisions to be made herein have been enunciated by the Resolution.

It has been fortunately and appropriately laid down in the Resolution that in the Constitution shall be guaranteed and secured to all the people of India Justice social, economic and political, equality of status, of opportunity, etc, which indicate that all people will be afforded suitable facilities for development.

It has also been laid down that in the Constitution adequate safeguards shall be provided for minorities, Backward and Tribal Areas and Depressed and other Backward Classes, and this should be quite sufficient to allay the suspicions entertained, if any, of the minorities and others whose safeguards are so assured.

I should like to point out that in certain quarters apprehension arises from alleged inadequate representation in the Constituent Assembly, but in connection with this, my respectful submission is, that the framing of a constitution suitable or unsuitable to a particular minority, does not depend upon the extent of representation only but upon the good will of the masses who ultimately guide and control the framing of the Constitution. So, in my humble opinion, it is the goodwill of the masses that counts much and not the strength of representation of a particular community in the

Constitution-framing body.

So any minority community making a grievance of the fact that the community is, inadequately represented is not right in making a grievance of this fact on this ground alone that they cannot get effective representation. Because representation, a little more or less, will be of no use if the community alienates the sympathy of the other communities upon whom the decision of a particular matters will depend to a great extent.

Having faith in the integrity and honesty of the framers of the Constitution, the minor communities, namely the Scheduled Classes, the Adibasis, Sikhs, Indian Christians Anglo-Indians and Parsis have rightly cooperated in framing the Constitution in spite of their small and- inadequate representation in the Assembly. Now the aspirations of the people and their strength will be the guiding factors in framing the Constitution.

One section, namely, the Muslim League, could also have joined the Constituent Assembly in framing the Constitution, had they not been under the impression that vivisection of India and formation of Pakistan would promote their interests best. I would like to point out that, barring the Muslim League, no one in the country favours the idea of vivisection of the country. It is hoped that in future the necessity of United India will be appreciated by every section of the people.

Sir, there is no necessity now for or pressing the amendment moved by the Right Hon'ble Dr. Jayakar, and it is to be expected that the mover of the amendment will find his way to withdraw the amendment.

Sir, our great country, which has unfortunately been subjected to foreign domination and which has been exploited in every possible way by the British Imperialists, may soon have the chance of being independent and free from all sorts of exploitation.

The Adibasis, Sir, who along with other have been exploited to the greatest extent by the Britishers and their agents, are happy to think that in future they will be free from such exploitation and will get a chance of developing socially, economically and culturally.

Now, Sir, as the Resolution has already got support from a large number of Hon'ble Members, I should not like to take much of the precious time of the House. With these few observations, Sir, I support the Resolution, and, I hope that it will be unanimously accepted and passed.

ELECTION OF THE STEERING COMMITTEE

Mr. President : Before calling on the next speaker to address the House, I have to announce that Srijut Somnath Lahiri and Sri Lakshminarayan Sahu have withdrawn their candidature. (*Applause*). So, the following Members are declared elected to the Steering Committee:

1. The Hon'ble Maulana Abul Kalam Azad.

2. The Hon'ble Sardar Vallabhbhai J. Patel.
3. Sardar Ujjal Singh.
4. Shrimati G. Durgabai.
5. Mr. S. H. Prater.
6. Mr. Kiran Sankar Roy.
7. Mr. Satyanarayan Sinha.
8. Sri M. Ananthasayanam Ayyangar.
9. Mr. S. N. Mane.
10. Mr. K. M Munshi.
11. Diwan Chaman Lall.

They are declared elected. There is no voting in the afternoon.

RESOLUTION RE: AIMS AND OBJECTS -*contd.*

Rev. Jerome D'Souza (Madras:General): Mr. President, I wish to pay a warm and sincere tribute to the spirit which has animated this momentous Resolution of the Hon'ble Pandit Jawaharlal Nehru. Sir, it is the custom among all sections of our people to accept in an unquestioned manner the democratic creed as universally applicable to us. But I do not know, Sir, if people who make this verbal profession realise all the implications of it and are prepared to carry it out in every way in practical life to the extent to which such profession really does imply.

Sir, whatever may be the objections that may have been raised against this or that part of the Resolution, I take it as an adequate, as a careful, and as an entirely acceptable profession of the democratic creed, of the Government of the people, for the people, and by the people. I think, Sir, that if the spirit that animates it, continues to be applied to the details of the Constitution that this great Assembly will draw up, if it is applied in the daily administration of the Provinces and of the Centre, there will be no section of our people that will have reason to complain, and contentment is bound to follow.

Dr. Ambedkar remarked in the course of his speech, that the ideological or the theoretical part of it contained an expression of opinion which is accepted by all, almost implying that it was something of a common-place in political and journalistic thought. I am not sure, Sir, if that is quite true for any part of the world, and even if it were broadly true, there are occasions when these ordinarily accepted things need to be repeated and asserted solemnly and forcefully. It is said of a great European statesman, Talleyrand, that, when a certain sentiment was declared to be unnecessarily repeated, that "it went without saying," he remarked that "it would go all the better for being repeated, once again". I take it, Sir, that on this solemn, occasion, this profession of our democratic belief is made in a solemn, public, and

irrevocable manner. In this sense I believe that every section of our people will welcome the very carefully-weighed and poised manner in which these convictions have been expressed. No doubt, Sir, all this will require amplification, elucidation. Permit me, Sir, to draw the attention of this House to a double danger which, I think, it is necessary to be prepared against. On the one hand, in applying those principles of individual liberty, for which ample provision has been made in this preambulatory declaration, it will be difficult to resist, I say it will be difficult to resist from the very motive of love of country and the desire for rapid improvement and progress in our land, the desire to do things more by force and regimentation, more by the authority and power of the Central State, than by agreement, than by persuasion. It is a temptation to which many great men and lovers of their country have succumbed. But in the manner in which provision will be made to prevent such suppression of individual liberties, I hope and trust, that our great country may give an example of a consistent adherence to those principles of agreement and consensus of opinion, and not overweight the power of the State in a manner, as one of the previous speakers said, that will reduce the individual to a mere robot. That is one danger, Sir.

The other danger, undoubtedly present, is one which affects us as :members of a minority community. The danger would be not that the minorities would have any of their special rights or necessary safeguards overridden by any mistaken some of jealousy or opposition or lack of fairness;--I do not think that the great majority communities of India or any of their most honoured representatives would be guilty of all that unfair overriding of privileges and safeguards; but by a genuine, though mistaken love of country and desire for unanimity and homogeneity, which it is not possible to have and which perhaps is not even necessary, they may try to pass measures which will seriously wound and grieve the minorities or special groups.

In the last session of this Assembly one speaker said, among things -which were acceptable to every part of the House,--used an expression in regard to minorities which I respectfully submit we could not possibly accept. It was said that no nation, no great people could prosper and survive with permanent minorities within, that, somehow or other, they have got to be "absorbed", and he quoted the example of the United States as a country in which this process of absorption is taking place. I do understand, Sir, the sense in which this was said, viz., that there should be a certain degree of homogeneity and that there should be a common recognition of common interests and rights and that the State and the nation should be organised on the recognition of these common Tights and interests. This is essential. But, Sir, "absorption" in the sense of cultural or religious or any other absorption is something against which it is necessary for us to guard, and it is, I am sure, not the wish of the majority communities nor the sober reflecting opinion of this great House, that they should impose any thing on any minority, which would lead to such absorption. Sir, I wish the example of a country like Switzerland is borne in Mind. Even in the United States, in spite of their common language and a universally accepted Constitution, linguistic minorities are permitted to develop the culture of their motherland, whether it be Germany or Italy or France. There remain still, in the great Commonwealth of Canada, two sections of people, Scottish and English on the one hand, and the ancient French community on the other, living in complete amity following the customs and the spirit of their own motherlands and developing their own literature. One section of the Commonwealth of Canada finds it easy to cooperate and collaborate with the other sections and world for the glory and success of a country which is recognised to be a single nation. In Switzerland, three groups with three languages and with a difference of religion, sometimes sharply pronounced, are maintained in a confederation which has known how to defend itself against the onslaught of envious people and has

defended itself in no uncertain manner through centuries. I am sure, Sir, that the strength of this land will be based upon the strength of individual members of the different communities. And they will not achieve their full strength unless they base themselves upon convictions and ideals which are their very own. Cultural autonomy for which I am pleading and which has been promised as far as it is not inconsistent with national strength, even though it may appear in some sense as opposed to national unity, is still consistent with if undoubtedly there is a way of exaggerating these cultural peculiarities. I am sure that quite apart from subscribing to different beliefs, it is possible for members of all communities, Hindu, Muslim, Christian and Parsi, to accept the common heritage of this great land and secure that degree of uniformity, that degree of common agreement, on the basis of which national unity can be built up. I know, Sir, speaking for my own community, the Christian community, that there have been times when our countrymen looked upon this community and religion as being unduly associated with a culture that was not Indian, unduly identified with what has been called Europeanising ways, but I should like to assure great Assembly that it is not necessary, that it has not always been the case, that again and again people of my persuasion, whether they came from another land or whether they were from this land, have acted in complete conformity with the finest traditions of this country. On the opening day, Sir, the esteemed Vice-Chancellor of the Benares University, Dr. Sir S. Radhakrishnan, referred to the first Englishman who had come to this land, the Jesuit Thomas Stevens, and said that after him there came merchants and conquerors and that now we see that end of that "invasion" I should like to assure this House, Sir,--what I am sure, Sir S. Radhakrishnan knows--that the merchants, the traders and the conquerors had nothing to do with the Jesuit who preceded them. On the contrary, Sir, he came to India at a moment when there was no hospitality for him in his own land, from where he was banished under the threat of persecution. This great country offered him hospitality and he made this land his own, learnt its language and has written a book which Marathi scholars tell me is a classic, the "Purana" of Thomas Stevens. It is in that spirit, Sir, that the adherents of that faith wish to come here and it is in that spirit that we wish to collaborate in the task of national reconstruction for the Prosperity and the greatness of this land.

I should not like to take the time of the House much longer but, I cannot avoid saying something upon another point about which much, has been said, but I hope to be able to say something about it, which may perhaps be a new point of view. Much has been said about the sovereignty of the people, about the possibility of that principle being inconsistent with the principle of monarchy, and about the dangers and difficulties which might arise therefrom. Sir, this doctrine of the sovereignty of the people is not a new doctrine. It is not a 19th century doctrine. The history of political thought in Europe shows that there was a struggle round about that doctrine in the 16th century when certain kings claimed the Divine Right of Government; and against them, it may interest this House to know, even conservative thinkers, thinkers who were monarchists, asserted the sovereignty of the people. St. Robert Billarmine and Suarez asserted this against James I of England, though they interpreted it in a different way from Rousseau, who in later times conceived that the power of the State came from the people by the pooling and the coalescing of all the rights of the people which they are imagined to surrender. But the State, Sir, is not a sort of undesirable excrescence resulting from the surrender of individual liberty. The State is a natural outcome of the nature of man who has to perfect himself in social and community life, with a necessary central authority. That authority comes as Sir S. Radhakrishnan stated, from the moral law and that is the basis upon which the rights of individuals and of the State have to be maintained. That ultimate authority, Sir, some would prefer to express it as coming from Almighty God as the author of nature and of

all moral law. I cannot help expressing a regret, Sir, that the name of Almighty God finds no place in this momentous declaration. I understand, Sir, the reasons which moved the hon'ble framer and mover of this Resolution in not bringing in anything which may look like a religious profession, but you will permit me, Sir, to say before concluding my remarks, that if by some way in this momentous preambulatory declaration the name of Almighty God had been brought in, it would have been in conformity with the persuasion, with the convictions, with the spirit of this vast land of ours and its ancient civilisation. Sir, although it has not been brought up here, I do believe that the State ultimately receives from Him that sanction and approbation which gives it a certain sacredness. I am not pleading here for a doctrine by which the State is made divine. But I do mean that the subjects of the State, when they accept that State and are citizens of it, must obey it conscientiously, must feel that it is their duty to accept the authority of the Government of their land. Sir, we believe in Providence; we believe that the unfolding of History with all its vicissitudes still reveals a Providential design. Even though His sacred name is not here, I sincerely believe that we have met here under the covert of His protection and His Grace which alone moves the hearts of men. We hope and pray that the deliberations that we have begun this solemn and preambulatory declaration will be taken to their legitimate conclusion by the same grace and that the land for which we are labouring will rise again with new strength, with new prosperity, with new happiness.

Mr. H. J. Khandekar (C. P. and Berar: General): * [Mr. President, I am here to support the Resolution moved by the Hon'ble Pandit Jawaharlal Nehru. We are going to frame the Constitution for India today. The people of India and we sought for such an opportunity to frame it ourselves and I am glad the occasion has come now. When the Constitution for India is going to be framed by us, it should be drafted in our national language. It is our duty and in pursuance of this I am delivering my speech in Hindustani. I belong to a community which has been backward and depressed in India for many thousands of years. I am a Harijan and I shall place before you the voice of 90 millions of Harijans in India. The Harijan Community is accepting this Resolution with great pleasure for the sole reason that the Resolution, embodies safeguards for all the minorities in India. Speaking against this Resolution and for Dr. Jayakar's amendment, my friend. Dr. Ambedkar said that India should remain united and have a strong central government. He was not happy and satisfied with his recent visit to England. I am very pleased by the Speech he has delivered on his return to India and I hope he will stick to it.

I hope, God grants him a little more good sense, he will give up the demand for separate electorates and also stop saying henceforth "I am not a Hindu" which he has been telling up till now. I pray to God to give him good sense and I have hopes that He will.

If I describe to you the condition of Harijans, you will be moved. They have been and are still being subjected to endless oppressions and cruelties. We endured these cruelties with patience and never thought of abandoning our faith. We are Hindus, will remain Hindus and will secure our rights as Hindus. We will never say we are not Hindus. Undoubtedly we are Hindus and we will, as Hindus, fight the Hindus and secure our rights. We know that 90 per cent. of the victims of the atrocities committed in Noakhali and East Bengal were Harijans. Their houses were burnt, their children were killed and women were molested. Above all, many thousands a Harijans had to submit to forcible conversion. If any community is given weightage more than in proportion to its numerical strength, certainly Harijans will also fight for weightage

according to their numerical strength. What was done to the community, which is backward and down-trodden today? I remind you of the Poona Pact. I place before you the example of my own province. In Central Provinces where we constitute 25 per cent. of the population and we are entitled to twenty-eight seats, we are given only twenty seats in pursuance of the Poona Pact. Where have our eight seats gone? In my province our Muslim brethren form four per cent. of the population. On the basis of their numerical strength in the Province, they are entitled to get six seats only. But I am sorry the eight seats of Harijans were taken away from them and given to Muslim brethren and thus they got fourteen seats instead of six. Harijans cannot tolerate such injustice. They should be given representation according to this numerical strength. May be, your census records shows the number of Harijans in India as 40 or 50 millions but I can emphatically say that our population is never less than that of Muslims. We are ninety millions and we should get representation according to our numerical strength.

One thing is wanting in the Resolution, and, if the mover agrees, it can be modified. The Resolution promises safeguards and rights to all the minorities. But unfortunately there are 10 million people in India who, without any fault on their part, are described as criminal tribes from their very birth. Hundreds of thousands of men and women in India were declared as criminal tribes according to the current law. To deprive them of their rights they are declared so. No matter whether they are criminals or not, from their very birth they are made criminals. Some provision to abolish this law must be embodied in this Resolution. I hope the mover will realise it and provide some safeguards for this Class in the Resolution.

The Congress has passed a resolution accepting the grouping clause in the Cabinet Mission Plan. Though a Congressman, I feel apprehension as to what would happen to the Depressed Classes in "B" and "C" groups. I have been thinking over it since the Congress accepted it. Though directly there is no Pakistan in Bengal today, still Harijans were subjected to great atrocities there. The members here, who have witnessed the happenings there, are greatly surprised. From the newspapers it appears that to the extent of ninety per cent it was the Harijans who were subjected to cruelties there. I am afraid no untouchable will remain alive in regions where Pakistan is established after the acceptance of the grouping clause. The Harijans of those regions, where the establishment of Pakistan is dreamt of, will have to accept either forced conversion or death. They are weak and are likely to be subjected to various atrocities and even at present people commit atrocities on them. Every community is increasing its strength to achieve its political demand. A day will come when because of the grouping provision our numerical strength will be weakened and that of other communities will be strengthened. And with the growth of their strength, no Harijan will exist in their provinces. Therefore, when considering this Resolution we must provide special safeguards for the Harijans of those Provinces, where they are in such plight. It is in view of this fact that Dr. Ambedkar has pleaded for a strong central government. If in Provincial Legislatures the Harijans are not given representation according to their numerical strength, the fears which we feel in the case of Bengal, and to which I have been an eye witness, will continue to remain. If we are given full representation in the Central Legislature, all such fears will vanish. I support the Resolution whole heartedly and hope that all the members in the House will do their best to restore the rights, of which our backward community has been deprived for thousands of years. Wherever the question of allotting seats arose, we were given one or two seats. This is happening in the case of local bodies in many provinces. Many times we demanded representation according to our numerical strength. But laws have been enacted merely to the effect, that if no Harijan is elected, one should be selected

and if this is not possible, a nomination should be made.

Even where the Harijans form more than fifty per cent. of the population, there also only one member from them is selected or nominated. It shows that the attention of the people has not yet been drawn towards us. Therefore whenever occasion arises attempts should be made to secure us representation according to our numerical strength. And then alone we can feel that you are doing something for us. If you want to satisfy us, by giving one or two seats, that will not do. The Harijan Community is awakened now; it is politically conscious of its rights, to secure which, it will throw in its full strength. With these words I conclude my speech and hope you will pay due consideration to our rights and will not let us remain in the position in which we have been so long. With this hope I support the Resolution.]*

Shri R. V. Dhulekar (United Provinces: General): *[Mr. President, the Resolution moved by the Hon'ble Pandit Jawaharlal Nehru has been seconded; many speeches have been delivered on it and many objections have been raised to the clauses of the Resolution. Dealing with the speeches made and objections raised, I shall express my views in support of the Resolution.

Mahatma Gandhi has summarised the philosophy of human life in two words--truth and non-violence. Truth is justice, right action and that which is obligatory; truth and non-violence is not to injure others, not to deprive others of their liberty and possessions and is to protect life; and the social rights of others.

These two, truth and non-violence, are the essence of the teachings of the *Vedas* and *Upanishads*, the two form the creed of the Congress and the Resolution before the House is based on them. The Resolution is the true expression of the sentiments, ambitions, good intentions and objects of the people of India. The Resolution is a picture of what the country, which is at present under the British domination, wants to do and how it wants to exist in the world after it has attained independence.

The important clauses of the Resolution are :--]*

"This, Constituent Assembly declares its firm and solemn resolve to proclaim India as an Independent Sovereign Republic and to draw up for her future governance a Constitution"

"WHEREIN the territories that now comprise British India, the territories that now form the Indian States, and such other parts of India as are outside British India and the States as well as such other territories, as are willing to be constituted into the Independent Sovereign India, shall be a Union of them all; and

WHEREIN the said territories, whether with their present boundaries or with such others as may be determined by the Constituent Assembly and thereafter according to the Law of the Constitution, shall possess and retain the status of autonomous Units, together with residuary powers, and exercise all powers and functions of government and administration, save and except such powers and functions as are vested in or assigned to the Union, or as are inherent or implied in the Union or resulting therefrom; and

"WHEREIN all power and authority of the Sovereign India, its constituent parts and organs of government, are derived from the people, and

WHEREIN shall be guaranteed and secured to all the people of India justice, social, economic and political: equality of status, of opportunity, and before the law; freedom of thought, expression, belief, faith, worship, vocation, association and action, subject to law and public morality; and

* * * * *

WHEREBY shall be maintained the integrity of the territory of the Republic and its sovereign rights on land, sea, and air according to justice and the law of civilised nations, and

This ancient land attain its rightful and honoured place in the world and makes its full and willing contribution to the promotion, of world peace ad the welfare of mankind."

Mr. Deshbandhu Gupta (Delhi) : On a point of order, Sir, is it open to an Hon'ble member to read from manuscript?

Mr. President: I do not think he is reading. He has got copious notes. (*Laughter*).

Mr. R. V. Dhulekar : *I can always speak as if I am reading. Mr. President, no right thinking man can entertain any objection to any of the clauses of the Resolution. The Resolution guarantees the rights of the people of the whole of India; it provides safeguards for, the minorities and promises to remedy injustice done to the Backward and Depressed Classes; it promises them full opportunity for their advancement.

As for Indian States, the Resolution gives them complete freedom in regard to their internal administration and assures that all their just and legitimate rights will be safeguarded. Of course, their present unjust and despotic rule will no more be allowed to continue. Despotism and Democracy are, at variance and the two cannot go together. I believe that no longer will any ruler venture to suppress the fundamental rights of his people. Neither the people of the States will allow such irresponsible government to function, nor this Assembly can render any assistance to the ruler in their unjust cause. An objection has been raised as to the necessity of such a resolution and it is suggested that if the Resolution is at all necessary, it should not be moved till the States' representatives participate. It is said that the States, representatives, have not had enough time to consider the Resolution. The objection raised about the absence to the States' representatives has no foundation at all. According to clause 19(2) of the Statement of the British Cabinet Mission, the representatives of the States cannot participate in the Assembly at the preliminary stage. To deal with all the matters relating to the States, the Assembly will negotiate with the Negotiating Committee formed by the States. It is unwise not declare our aims and objects to the rulers of the States, to the people of India and to the people of the world at large. If we do not so now; many false fears and vicious thoughts may arise. The Resolution conveys our basic principles to the world. Every one should consider and weigh them well and then give us his co-operation.

An objection to this effect has also been raised that the Muslim League members are absent and, therefore, the Resolution should not be moved for the present. Firstly, this objection is groundless. When the League has taken part in the election of the Constituent Assembly and has already elected its members to this body in pursuance of the Cabinet Missions Plan, it is improper on the part of the League members not to participate in the Assembly. The League's demand of representation on the basis of numerical strength and separate electorates having been accepted, the responsibility for their absence rests with them. The House has no power of force its members to be present here. If one does not participate, he the Constitution to be framed should be such as to promote the interests deprives himself of his rights. The members that are present cannot be blamed for it. Apart from this, their absence causes harm to their own electorates.

Secondly, after the H. M. G.'s Statement of the 6th December, 1946, there can be no objection whatsoever to the Resolution. The Congress accepted the said Statement by passing a resolution and gave the Muslim League a chance to direct its representatives to join the Constituent Assembly. The preliminary session of the Constituent Assembly along with this Resolution, was postponed for month. I am sorry the Muslim League did not accept the hand of goodwill and friendliness extended by the Indian National Congress. May be, the Muslim League has thought of extending its co-operation but has not yet had enough time to come to a final decision. I still hope, the League representatives will soon take their right place in the House and help to make India an Independent Sovereign Republic.

Enough opportunity has been provided by us to our adversaries to cast on us the undeserved blot that we are divided and can never be united. Still, there is time to remove this blot and, with all humility, I would request my brethren in the Muslim League to be earnest about it.

Some selfish Englishmen including the notable statesmen, Lord Simon and Mr. Churchill, throw unjustified aspersions on this Assembly. They say that this Assembly is a truncated body in the absence of the Muslim League representative, that its decision carries no weight and that the British Government should neither accept the Constitution framed by the Assembly nor work it. What a baseless and mean charge it is! It is much below culture and civilization and against all canons of wisdom and statesmanship. Such "Wise" fools of politics lost and destroyed big empires that had been acquired by dint of wisdom and power. We have seen with our own eyes the downfall of Tsarism and the dictatorships of Hitler, Mussolini and the Mikado. The mightily armada of British Imperialism is gradually going down under the onslaughts of the mass upsurge. The British Empire cannot escape the doom, it will be fortunate if Mr. Attlee, the political pilot of England, could save his land and the people by taking a lesson from the recent history of Germany, Italy and Japan. It is my duty to offer this reasonable advice but it is up to them to pay heed to it or not.

Human history is itself a book. Endlessly it writes and writes the hard facts alone. It makes no discrimination between the strong and the weak. Yudhishthir the embodiment of truth, only once in his life told a half truth "*Narova Kunjaro va*"; and for this minor untruth, the cruel pen of *Vyasa*, the celebrated author of the famous epic, the *Mahabharat*, lined him with the bars and made him undergo the sufferings of hell.

There is now the occasion before Great Britain to do justice to the four hundred million people of India. It is with British either to loge or use the chance of acquiring the friendship. It will be useless to repent when the game is over.

I wish to address the representatives of the minorities and the Depressed classes a few words with regard to the Clauses embodying safeguards for them. The question of safeguard arises when there is any fear of injustice. In absence of such fear, no one wants safeguards. If you turn the pages of Indian history you will find the existence of some disabilities or discriminations that have been created by the society itself out of either foolishness or selfishness. Take for example, untouchability. To turn a major part of community into untouchables and to deprive them of human rights is a crime that can never be excused. The only atonement for this is to acknowledge their rights and to return the same to them. We are resolved to do so. But the point, to which I wish to draw your attention, is this, that no doubt our country or community stands

guilty for creating social barriers and divisions but the Britishers aggravated these evils in order to establish and consolidate their imperialistic hold, on us and thereby created a sense of hatred and ill-feeling between us. They never made any attempt to solve the complicated problems which they had themselves created; on the contrary, they intensified them. With their duplicity they created a gulf between the Brahmins and the non-Brahmins, between touchables and untouchables, between the Hindus and the Muslims, between the Sikhs and Muslims, even between man and woman, brother and brother. Are we to shoulder the responsibility for their guilt? If so, I am ready to 'own the entire responsibility single-handed. But to continue the safeguards and perpetuate the division is not a wise course. I wish to tell you and tell you rather bluntly, "Please wake up."? The English played their game under the cover of safeguards. With the help of it they allured you to a long lull. Give it up now. When are you going to frame the Constitution yourself and remove these disparities? Now there is no one to misguide you. Safeguards cannot remove the existing disparities and divisions. You cannot make the ground even by preserving pits and mounds. Let us to bold and make united efforts to remove the disparities so that one and all may enjoy equal rights. Please remember that a larger representation cannot be a guarantee of safety. On the contrary, the tussle for representation will create conflict.

In 1916, The Indian National Congress conceded to the Muslims their demand for separate electorates and reservation of seats. Within the last thirty years, this vicious system has brought the country to the verge of civil war and partition it made the two sister communities thirsty for the blood of each other. The trick played by Lord Minto in 1906 proved successful.

Some say that the Constituent Assembly is not a sovereign body; it is a creation of the British; its very existence has no meaning and the Constitution drawn up by it has no importance. I cannot have the audacity to say that they are devoid of sense but I do say that they are ignorant of Indian history. I need not dwell much on this point. One thousand years ago, India, for some reason, was decentralised or divided and failing to withstand the invasions of foreigners came under their sway. Since that very time the fire of freedom has been, constantly blazing in the hearts of the Indian people. It was never extinguished. On the one hand, this fire appeared in the form of sages. Swami Ramdas, Goswami Tulsidas, Guru Nanak, Swami Dayanand, Ram Krishna Paramhansa, Vivekanand and Ram Teerath are symbols of this very fire. On the other hand, statesmen and politicians like Shivaji, Guru Govind Singh, Rana Pratap Rani of Jhansi, Rani Lakshmi Bai, Raja Ram Mohan Roy, Lokmanya Tilak, Motilal Nehru and Subhash Chandra Bose were also political symbols of this very fire. Mahatma Gandhi and Khan Abdul Ghaffar Khan are saints and politicians both. The Indians owned Babar, Humayun and Akbar to the extent they indentified themselves with India. During the British regime in India not a single day has passed that has not seen some torture done to some Indian in jail for his zeal of freedom. The fight for freedom has been going on continuously for the--last two hundred years. The sixty years history of the Congress is a history of sufferings and sacrifices. Khudiram Bose, Bhagat Singh, Rajguru, Chandrashekhar Azad and many other patriots in thousands sacrificed their lives for the cause of India's independence. Millions of Indians have shown wonderful heroism and patience because of the sacrifices made by Congressmen, England is gradually conceding power. The Acts passed in 1899, 1909, 1919 and 1935 go to prove that Indians have been gradually snatching power from the British. The national movement of 1940-52 and the international situation created by the recent Great War, have forced England to quit India. This Constituent Assembly represents the power that has been forcibly taken from the British. It is not their gift. The hands of Britain are not strong enough to take it back. England will have to accept the

Constitution framed by us. There is no doubt about it. The recent triumph of India in the Assembly of the United Nations proves that India is no more a family concern of the British Imperialism. India has attained the status of a free and powerful nation. I can find no word to praise the unique work done by Mrs. Vijayalakshmi Pandit in this direction. She has held the head of India high and the immortal glory of Mrs. Pandit shall ever remain in the history of India in golden letters.

Mr. President, I will not take much more time; two words more, and I have concluded my speech.

All the Indians and particularly the Muslims, the Sikhs, the Depressed Classes and other minorities should have no fear. Their rights are safe in the hands of leaders like Mahatma Gandhi, Khan Abdul Gaffar Khan, Pandit Jawaharlal Nehru and Sardar Patel. Through this Resolution the Assembly declares and promises equal treatment and justice to all.

Other nations had also felt the necessity of such declarations; I would commend the Declaration of the 21st January 1919, by the Irish Republic to the members.

I wish to tell the members of the Assembly that India is determined like a rock to attain her freedom. England should take note of these words of mine.

With these words, I support the Resolution.

Dr. H. C. Mookherjee (Bengal: General): Mr. President, so far as my own community is concerned, I have always tried to adhere to the principle contained in that English proverb "Little children should be seen and not heard". On this particular occasion, I feel compelled to support the Resolution moved by Pandit Jawaharlal Nehru because I submit it is absolutely essential that the world should know that behind this Resolution we not only have the great Indian parties but also small, minute minorities, religious and social groups to one of which I belong. That is the reason why I am standing here. Those who have preceded me have amplified in much detail everything that can be said upon the Resolution in question. What is of special interest to me, is to be found in the 5th and 6th paragraphs of the Resolution. These are the things which appeal to me, because I believe, that the leadership which has come hitherto from the Congress, will be retained by the Congress so long as it adheres to the principles laid down therein.

So far as other points are concerned, I am not immediately interested in them, but what strikes me with great grief, is the fact that difficulty should have arisen amongst ourselves and inside India. I shall not specify the different parties but it seems to me that so far as the difficulties of minorities, whether major or minor, are concerned, the difficulties are to be found as regards enjoyment of civic and political rights. These rights are fundamental and would be applicable to every social and religious group. So far as religious rights are concerned, we have freedom of worship. Every religion today is militant. Those days are gone when the Christian missionary, the Muslim *maulvi* or the Sikh *guru* could afford to make inroads upon the great Hindu majority community with impunity. Every religion is militant today and enjoys the power of converting people into its own fold. I do not see why we should be doubtful in this matter, I am referring to the Christian group--about our rights in the matter of propaganda.

The Congress has been the spear-head of nationalism and as long as it looks to the

progress of the country, I will not question it. It will not only gain the allegiance of the rest of India but also of the smallest of minorities including my own.

Mr. Promatha Ranjan Thakur (Bengal: General): How long are we to go on with this Resolution?

Mr. President: I do not know. (*Laughter*)

Shri Balkrishna Sharma (United Provinces: General): Can anybody move the closure here?

Mr. President: Of course, anybody can move closure.

Mr. H. V. Pataskar (Bombay: General): Mr. President, I rise to support this Resolution moved by the Hon'ble Pandit Jawaharlal Nehru. Many persons of diverse interests and political thought have already expressed their views on this Resolution. I wish to confine myself to only a few aspects of this question, and that, too, in as few words as I possibly can.

The first and most important question is why this Resolution is necessary at this stage. The simple answer is that the enormity and the complex nature of the task, with which we are faced, is the principal reason why it is necessary to pass such a resolution at this stage. Let us, Sir, look at the task before us. We are burdened with the task of framing a constitution which will be suitable for 40 crores and odd of the people of India, who form one-fifth of the human race. Then again, these 40 crores are divided religiously into Hindus, Muslims, Christians, Jains, Sikhs and various other sects and sub-sects. One-third of the Indian territory is covered by what we call States. They are an anachronism, and they are about 516 in number. They, again, are different and divergent in their economic status. Some of them have an income of only, I am told, less than Rs. 100 per year. Again, in the matter of administration, some of these administrations are highly despotic and there is personal rule. In other States we find there is some sort of attempt at constitutional government. Then again, these 40 crores of people inhabiting this land are in various stages of evolution, as we know from the various claims that have already been put forth on behalf of Backward Classes and Tribal Areas and so forth. Economically, also we are divided, and while we have some multimillionaires on the one hand, there are also people who are on the verge of starvation or are actually starving. Administratively also, the foreign rule is responsible for dividing our country into non-homogeneous provinces, and that has again created so many problems with which we are faced. It is for such a large mass of people, so divided and cross-divided and subdivided, partly by foreign aggression in pre-British days, and largely, by British imperialism, that we have to frame a constitution, which will be suitable or acceptable to many of these elements, or at any rate which will satisfy the needs and aspirations of as many of them as we possible can.

Naturally, when we begin the task of framing a constitution for such a mass of people, these divisions, sub-divisions and cross-divisions multiply themselves. There is, in fact, a scramble for securing the interests of this division or that sub-division of this cross-division. Many of these interests are mutually conflicting as we have seen from many of the views expressed even on the floor of this House. India, we know, is a land of ignorance and poverty, and it is very easy in this state of the country to exploit religious fanaticism for so-called political activities of certain people. There is

no modern and efficient constitution in the world which is based on a particular religion. The basic principle of every religion is to make a better order of society, throughout the world, irrespective of territorial boundaries. We postulate 'God' by whatever name called, in order that humanity may be formed into a true and real brotherhood. Religion which thus starts with the object of raising humanity to a higher and nobler level, is being used as an instrument to perpetrate the worst horrors by man against man and for degrading man to the level of a beast.

We have, thus, before us a problem of such complex and vast nature. We have, the problem of antagonism between the Muslims and the Hindus, the antagonism between Hindus and Hindus, the problem of the Christians, the Anglo-Indians, the Depressed Classes, the Backward Classes; and lastly, there is the problem of the rights of women.

Every section and cross-section thinks of its own individual rights and claims a charter for itself. Sir, I am afraid, in the general scramble for different charters for different sections, the charter for the common man is likely to be lost sight of--the charter for the common man which is the thing, most needed. This Resolution, Sir, embodies the charter for the common man. As I understand it, the purpose of this Resolution is to make it clear not only to all Indians, but also to those who are interested in the welfare of the world as a whole, what we propose to do. More than any statements or counter-statements of various political leaders either in India or outside, this Resolution must satisfy all those who have any doubts regarding our intentions. They should look at this comprehensive statement and feel convinced that the interests, of every Indian, irrespective of caste, creed, religion, sex; and social or economic status, will be safeguarded in the future Constitution which we propose to frame. If this does not satisfy those who have chosen to stay out, nothing else can satisfy them. We shall try to be fair and just to every section. But we shall also see that we are not coerced into any wrong action by threats of any nature. Having made our objectives clear, we shall march forward with our task and on our way to independence fearlessly, and we shall face all difficulties that may be placed in our path. We shall achieve our goal of independence; and a free independent India will play an important role in stabilising the world conditions which are in ferment to-day.

With these words, Sir, I support the Resolution which has been moved by the Hon'ble Pandit Jawaharlal Nehru.

Mr. S. H. Prater (Madras: General): Sir, in an earlier stage of the debate on this Resolution, a representative of my community supported an amendment of Dr. Jayakar for the Postponement of this Resolution. We now feel that such postponement is no longer valid or justifiable (*hear, hear*), and this House should proceed forthwith to accept and pass this Resolution.

This Resolution embodies what should be the objective of this Assembly--to create and establish a system of government which will give India the status of an independent sovereign State. And in accepting this Resolution, this Assembly will be taking the first step in implementing this purpose, by declaring our will to vest India with complete control and authority in her domestic affairs, and to vest her with complete independence of action in the field of international relationship.

The attainment of this independence will depend upon our solving for ourselves the problem of self-government. The terms of this Resolution lay down the basis of this

solution. It is a resolution of compromise. Its terms fall completely within the Cabinet Mission's Proposals, which are designed to provide a *via media* between opposing claims of the Congress and the Muslim League. These proposals may be repugnant to this party or that. But the need of to-day is the need for men to recognise those truths which they most dislike and to sacrifice their Several ideals to the common good. There are; two truths which must be recognised, and those truths are embodied in the terms of this Resolution--one, that any constitution that we build up, must be based on provincial autonomy, and two, that there must be a union of all the--autonomous States and Provinces. The history of India teaches that, from the time of the Mauryas down to the days of the British, India has remained a country of separate States, Kingdoms and Provinces with separate national identities, separate national cultures, which engender and have always engendered strong local patriotism. It is not the communal differences of the hour, but it is these local patriotisms which have governed the political evolution of India, as we know it to-day. A strong unitary government, a confirmed policy of centralisation which marked the earlier stages of British administration and rule, had to give way before these inexorable forces to decentralisation, to the increasing devolution of power from the Centre to the Provinces and to the increasing independence of provincial administrations. Provincial autonomy came to us not as an extraneous proposition, it was directed by the peremptory need of a country, composed of various States and Provinces, peopled by various races, whose whole cultural, economic and political needs could only be met by autonomous rule. The grant of provincial autonomy and residuary powers to the Provinces as envisaged in this Resolution meets this need. But if history teaches that provincial autonomy can be the only basis upon which we can build a new constitution, it equally proves that there must be a union of these provinces in a single State governed by a single central authority. Whenever such supreme power was absent to hold the balance between the various provinces, there was always struggle and strife, with its disastrous consequences to the country as a whole. It is only by a Union such as this Resolution envisages that we can secure mutual peace and common prosperity of the peoples of this country. It is only by such a Union that we can secure their integrity from foreign aggression. It is only by such a Union that the peoples of India can, as a group, become a dominant power in world politics. This Union, whatever the factors against it, will be established, because it arises from and is based on reality and truth. It is, based on deep human needs. But if this Union of ours is not to be a mere geographical name, but a real union of the hearts and minds of men, it must be founded not on suspicion, not on the advantages that this political party or that may gain, but on a spirit of sympathy understanding and compromise which is the essence of true statesmanship.

And this brings me to the question of minorities. The Resolution advocates the fundamental rights of every citizen in this country. It also advocates the fullest protection to the minorities. This is a question which not only concerns the smaller minorities, it is a question which also concerns the major elements of the population, Hindus and Muslims, who may relapse into the position of minorities in various areas of the country. As such, the protection of minorities becomes the key to the framing of the whole Constitution, because if we are aiming at unity, such unity can only be achieved by measures which will give to the minorities in the Provinces and in the groups of Provinces the fullest protection for social, economic, religious and cultural needs. Eventually, the whole question will depend upon the goodwill, sympathy and understanding of this Assembly. We are a sovereign body, but let us approach our task, not in the spirit of legislators moved by no emotion, but by a majority vote. Let us approach our task rather in the spirit of negotiators, who in every decision that we make seek to obtain the acceptance of those whom those decisions will most affect.

Once we establish such a convention, I think our work will go smoothly. In this Assembly we have the means of reaching a common measure of agreement between all elements of this country. Let us by common effort, common endeavour, in a spirit of true compromise, endeavour to achieve the common good. (*Cheers*).

Mr. President: I understand that the Right Hon'ble Dr. Jayakar wishes to make a statement in regard to his amendment. He may do that now.

The Right Hon'ble Dr. M. R. Jayakar (Bombay: General): Sir, I am very grateful to you for giving me a few minutes to make a short statement in connection with the amendment which I moved at a very early stage of this debate. The Assembly will recall that that amendment was dictated by a few considerations, mainly, the desire to make it easier for the Muslim League and the Indian States to take part in our deliberations. In connection with the Muslim League I can, say that the Assembly practically accepted the proposal which was contained in my amendment. It postponed its deliberations to the 20th of January. It has gone further and accepted the Statement of His Majesty's Government of the 6th December. Though it did all this, the Muslim League has still not come in. Whether they propose to, come in, nobody knows. They have held their cards up to the 29th January knowing full well that on the 20th of the month, nine days before they meet, we shall meet here. In the course of my speech I suggested as a compromise one course, namely, that if this Assembly was not willing to wait until the stage was reached according to the terms of sub-clause 6 of paragraph 19 of the Cabinet Mission's Statement after the sections had met and framed their Constitutions,--I said that if this Assembly was not prepared to wait till then because that stage would be reached at a very late date,--I suggested that we should at least wait until the date of our next session, namely, 20th January, which I thought would give the Muslim League enough time to make up its mind. I, having made that suggestion, and the House having accepted it, realize that I am in honour bound not to press my amendment any further. (*Cheers*.) I do not want however to appear as if I was backing out of the considerations which prompted my amendment, but as the House accepted the proposal I definitely made, the contract is complete. I do not therefore, propose to press my amendment. But in doing so, I may be permitted to urge a few considerations before the House. If those considerations appeal to the House, it might, of its own motion, take such course as it thinks best. Those considerations are just a few and I ask for your patience for a few minutes.

Mr. President: Is it any new proposal that the Right Hon'ble Member is making now?

The Right Hon'ble Dr. M. B. Jayakar: Sir, I am not making a new proposal. I wish only to suggest that in considering the Resolution now before the House a few considerations.....

The Hon'ble Pandit Govind Ballabh Pant (United Provinces: General): Sir, may I just submit that Dr. Jayakar has, I understand, withdrawn his amendment? Having withdrawn his amendment, it is not, I think, proper and also not regular that he should make a fresh speech now. He has had his opportunity to express his views fully on the day, he spoke during the last session. Now, having withdrawn his amendment.... (Voices: 'Go to the microphone, please')..... I was submitting that Dr. Jayakar had now withdrawn his amendment. A person who has already delivered a speech may be allowed a special opportunity for withdrawing his amendment if he chooses to do so. Having withdrawn his amendment he should not however complicate

the situation further by proposing, in some form or other a new and a fresh amendment at this stage. Whether he puts his idea forward in the precise form of an amendment or otherwise, makes no difference. In any case, if he chooses to make a new suggestion now and thus put the Assembly in an awkward and embarrassing position, the difficulty is not met by his refraining from calling it an amendment. It remains an amendment nonetheless. The stage for that is past. So, I submit it is not open to him to make any fresh proposals now, whether under the guise of remarks or observations. He has exhausted the opportunity, the special opportunity that was given to him. Now he may well be requested to resume his seat. (A voice: Is there any new proposal?)

Mr. President: Now new proposals at this stage. I only allowed Dr. Jayakar to declare his position in withdrawing his amendment.

The Right Hon'ble Dr. M. B. Jayakar: While withdrawing my amendment and explaining my reasons, I am entitled to place before the House some points for its consideration.

Dr. P. S. Deshmukh (C. P. Berar: General): I should like to point out that the Hon'ble Member should be permitted to complete his statement. (*Hear, hear.*) The mere fact that he has stated that he has withdrawn his amendment should not debar him from making a statement. The opportunity that was given by the Chair was for him to make a statement. He is not proposing any fresh amendment, and he should be at liberty to complete the statement he wants to make, supposing he had chosen not to use the sentence that he was withdrawing his amendment till the end of his speech, would the Hon'ble Member, who has opposed the continuance of his speech, have been in order? So, the mere fact that Dr. Jayakar has used the sentence that he was withdrawing the amendment, should not debar him from completing his speech and making the observations he wishes to make. He should be at liberty to do so and we are prepared to hear him.

Mr. R. K. Sidhwa (C. P. Berar: General): Mr. President, I differ from the last speaker on this question. Dr. Jayakar has definitely stated that he wants to make two suggestions. Now, Sir, if you allow him to do so, you would necessarily have to give an opportunity to other members to speak on those suggestions--on the merits of those suggestion. Therefore this House would be put in an awkward position as was rightly pointed out by the Hon'ble Mr. Pant. Dr. Jayakar distinctly stated that he wants to make two suggestions. I do not know what those suggestions are. They may be good or they may be bad. But it should not be allowed to remain on record, unless an opportunity is given to other members to give their opinion on the matter. I therefore second the suggestion made by the Hon'ble Mr. Pant.

Mr. President : I do not think it necessary to have any further discussion on this point. I understand the position. I think Dr. Jayakar has exhausted his right of making a statement with regard to the amendment.

I will now put to the House whether it allows the amendment to be withdrawn.

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

Mr. C. M. Poonacha (Coorg): Mr. President, Sir, I wish to express myself wholeheartedly in support of the Resolution moved by the, Hon'ble Pandit Jawaharlal

Nehru. In doing so I have to draw the attention of the House to the discussions that have taken place outside this Assembly. There has been a sort of question of the competence of this Assembly so far as the passing of a resolution of this kind is concerned before addressing ourselves to the tasks ahead, I think it is necessary for us to take up for consideration, a resolution setting out the objectives for which we are assembled here. For that purpose I do feel that our action in this respect is not contrary to what is already contained in the State Paper. We are by this Resolution, more or less, attempting to cross the t's and dot the i's of what is contained in the Statement of May 16, 1946. We are not doing anything beyond the limits of the framework of what is stated in the said State Paper.

So far as the other points are concerned, I would like to draw the attention of the House to the fact of the sovereign rights vesting with the people of India. Here seems to be some controversy going on as regards these sovereign rights, particularly in Indian States. They do not contest the fact that in British India sovereignty vests with the people of British India and when that is so, there can be no argument against the sovereignty of the people in the Indian States as well. It is a historical truism, Sir, that there are States with Rulers ruling over people, and also States administering rules without the Rulers. But there cannot be Rulers without the people. Therefore, it conclusively proves that the sovereignty of the people is a recognised fact of human activities which is demonstrated not merely by a resolution of this type but from history which has proved all along that it is the people who own the State and who confer the the administrative headship on Rulers and Kings.

Much has been said, Sir, about minorities. Instead of claiming that we are a minority of so many millions or that we are a minority of so many cores, I would suggest that we should better consider about the many more millions that are yet to be born. We are not here purely for the purpose of drawing up a constitution for the present generation only. We are here for framing a constitution for the coming generations also. So, the task of framing a free-India constitution for ourselves, as well as for the coming generations, makes our duty all the more onerous. Therefore we will have to be more considerate, more responsible, more specific about our intentions. In doing so, it is within our competence, it is within our province, within our jurisdiction to set before us the objectives which we are working for. Not only to ourselves and to our poor millions, but also to the world, let us better state now, for what we stand and for what purpose we have assembled here. This Resolution clearly expresses our cherished intentions and, so, Sir, I wholeheartedly support this Resolution.

Shri Vishwambhar Dayal Tripathi (United Provinces : General) * [Mr. President and friends : When we are going to frame the Constitution for our land, it is but natural that we should think on what basic principles our future constitution --the constitution for a free and independent India --should be framed. Therefore, I support the Resolution on the fundamental principles on the Constitution moved by the Hon'ble Pandit Jawaharlal Nehru. I want to draw your attention to some of the important clauses of the Resolution. Besides other things, basic principles are embodied in paras, 4 and 5 of the Resolution. As far as the basic principles embodied in the above-mentioned paragraphs are concerned, I am in complete agreement with them. But I would like to tell you that these principles are enunciated not only in our constitution but they are accepted by almost all the countries in their respective Constitutions. But in spite of the embodiment of these basic principles in the Constitutions of various countries, and despite the declaration by their politicians that their Constitutions would

function according to them, we find that these principles are never practised. If you go through the Constitutions of England, France, America and Netherlands or pursue the declarations made by their politicians and administrators, you will find that these principles, in some way or other, are accepted by them also. But in spite of this we find that these empires do not practise them. Throughout Asia, Indo-China, Java, Burma and India, we find that the European Imperialism do not care to work according to these principles, though they are present in their respective Constitutions. Therefore, it is essential for us to consider in what way we can put them in practice. This is an important desideratum for us.

As I have said before, I want to draw your special attention to three paragraphs. In the 4th paragraph it is stated that we will frame a constitution for a sovereign and independent India, wherein all powers and authority are derived from the people. So far as this principle is concerned, it is very sound and every one will welcome it. But those who are students of politics know how these principles were misused in many countries. One of my friends just referred to the Constitution of England and said how the same had been misused there. Many centuries ago, the renowned politician of England, Mr. Hobbes, had established the principle that all powers of State are derived from the people. But the monarchs of England misused this principle. The monarchs indeed accepted that all powers and authorities are derived from the people, but at the same time they told the world that once the people delegated the powers and authorities to the rulers, those powers no more remained with the people. The evil consequence of this we find in the theory of the "Divine Right of Kings" in history. Therefore, it is very essential that, where we say "all powers and authorities are derived from the people," we must also make it clear that the same shall remain always vested in the people. And for this reason I attempted to put in an amendment to this effect. But for many reasons, the amendment could not be put in. Therefore, when we draft the Constitution later on, we must think over it and embody this in our Constitution.

So far as the 5th and the 6th paragraphs are concerned, the principles embodied in them are very attractive and desirable. In some way or other, they are present in the Constitutions of almost all the countries, but they are never practised. And, therefore, we must consider well as to how we should translate these principles into action, and, when drafting the Constitution, we should pay particular attention to it. It is stated here, that the Constitution which will be drawn up and the State which will be established on the basis of that Constitution, will guarantee social economic and political justice to all the people. No doubt it sounds very good. But you know that the body, which is vested with power and authority, interprets the term 'justice' in its own way. If, in our country, the power and authority tomorrow passes on to the capitalists, they will interpret the term 'social, economic and political justice' in their own way. But, if, in reality the power and authority are vested in the people, their representatives will interpret it correctly. Therefore, it is necessary that we embody in the Constitution some such safeguards that the body vested with the power and authority may not interpret these principles in their own arbitrary way. To achieve this end there is only one way and it is this. When we frame the Constitution, we should declare it beforehand that our constitution shall not be framed, and the State created under that Constitution shall not be established on a capitalistic basis. If we do not do so now, the rulers may later on interpret these principles in their own arbitrary way and against the best interests of the people.

Much has been said before you about the Muslim League and Mr. Jinnah and most

of it is correct. But I would like to tell you that if before drawing up the Constitution, you declare that our constitution shall be drawn up on socialistic lines, undoubtedly many of our Muslim brethren will be gladly willing to cooperate with us.

All the minorities, whether Muslims or Harijans, have doubts and fears in their hearts as to how the rulers would interpret these principles after the Constitution is drawn up. Therefore, if we are to remove their doubts and fears, we should declare it now, that our constitution shall be framed and the government to be created under the Constitution shall be formed in a socialistic and positively not on a capitalistic basis. We should make this clear. For this reason, I had put in an amendment and had suggested that the word 'socialistic' should be added before 'India' in the Resolution. Again, I would say that if we want the principle, embodied in the Resolution to be put into practice, the only way to secure this end is to draw up the Constitution on a socialistic basis. The Hon'ble Pandit Jawaharlal Nehru, in his speech delivered in the beginning, referred to my amendment and said something. He clearly said that he wants to draw up the Constitution on socialistic lines later on and that he did not want any with respect that there is no question of controversy. If really we mean to do some good to the people, if we want not only to remove the British rule but to build such a social and economic structure, whereby the people may get full opportunity for their advancement, it is very essential that we draw up our Constitution on socialistic lines. I think this will solve all the existing problems of minorities whether they be Muslims, Harijans or others. No doubt there are many among us who do not favour socialistic principles, but so far as the Congress is concerned, it has already accepted them. It declared in its election manifesto that it stands for the abolition of the zamindari system, and the nationalisation of the key industries. Therefore, when the Congress has already accepted these principles, it becomes our duty to frame the Constitution on the basis of these very principles. Some may have objections to it, but I think ninety-nine or ninety-eighty per cent of the people will have no objection at all. The public will be fully benefited when we accept socialistic ideals and draw up the Constitution on that basis.

I want to draw your attention to one more fundamental thing. When we are declaring our solemn resolve to establish an Independent Sovereign Republic State in our land we should also decide whether this Constituent Assembly is a sovereign body or not. If it has no sovereign rights, it cannot frame a constitution embodying sovereign rights. It has been said in the Resolution that this Constituent Assembly resolves to declare India an Independent Sovereign Republic. Under these circumstances, we should also declare by another resolution that this Constituent Assembly is a sovereign body. The State Paper of May 16 has placed various limitations and restrictions on our functions. I need not go into details. All of you know it well. But I want to tell you one thing in this connection. We have assembled in this house, not because the Constituent Assembly, owes its creator to the State Paper, but because it is the outcome of the sufferings and sacrifices of the country made during the last fifty or sixty years, and particularly during the last five or six years. The sufferings and sacrifices made by the country have compelled the British politicians to form this Assembly and to speak of the transference of power to you. I want to make it perfectly clear to you that we have assembled here not as a result of the State Paper, but as a result of the great agitation the country made during last five or six years.

This Constituent Assembly is the result of the movement of 1942 when the Congress passed the 'Quit India' Resolution it is the result of the heroic deeds of the

Indian National Army, the exploits of which are before us; it is the result of the heroic deeds of our respected great revolutionary leader, Shri Subhash Chandra Bose, who showed how we can organise and fight the big powers for the liberation of our land. Therefore, it is totally wrong to attribute the existence of this Assembly to the State Paper. This Assembly is the outcome of the work done by our country in side and outside the land within the last five or six years. I want to make it clear that it has derived its power and authority from the people and not from the British Parliament. Therefore, we should now declare that this Constituent Assembly is a Sovereign body. It has derived its power and authority from the people and not from the British Parliament and we are not prepared to accept any limitation that the British Parliament and we are not prepared to accept any limitation that the British Parliament may unconstitutionally impose upon it. I hope, in order to translate the principles embodied in the Resolution into practice, we will adopt all such measures that may enable us to establish an independent State in our land. It is crystal clear that our Independent State shall be established on socialistic lines so that the poor people of our land may be fully benefited.

I do not want to take any more of your time and support the Resolution with these words.]*

Mr. President : We have had discussion for several days on this Resolution. As far as I have been able to judge, members now wish that this discussion should be brought to an end. So, tomorrow morning I hope we shall complete this discussion and finish this Resolution.

The House will now adjourn till Eleven of the Clock tomorrow.

Tomorrow we shall take up the other Resolution of which notice has been given by Pandit Jawaharlal Nehru and which has not been taken up today.

Sri K. Santhanam (Madras : General) : Is the Budget coming tomorrow?

Mr. President : It may come tomorrow. It is in the agenda.

The Assembly then adjourned till Eleven of the Clock, on Wednesday, the 22nd January, 1947.

[English translation of Hindustani Speech.]