

Seth Govind Das (C.P. & Berar : General) : Sir, I wholeheartedly support Pandit Pant's proposition....

Shri H. V. Kamath : I only wanted to know for how long the amendments will be held over.

An Honourable Member : It may be a day, a week or a fortnight.

Mr. Vice-President : I hold that a discussion of these few clauses should be held over till sufficient time has been given for arriving at some sort of understanding. This will be to the best interests of the House and of the country at large.

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ARTICLE 2 *

Mr. Naziruddin Ahmad : Sir I beg to move :

“That for article 2 and article 3. the following be substituted :

2. Parliament may by law—

(a) admit into the Union new States ;

(b) sub-divide any State to form two or more States :

(c) amalgamate any two or more of the following classes of territories to form a State, namely—

(i) States,

(ii) part or parts of any State.

(iii) newly acquired territory ;

(d) give a name to any State admitted under item (a) or created under items (b) and (c) of this article ;

(e) alter the name of any State :

Provided that no Bill for the purpose shall be introduced in either House of Parliament except on the recommendation of the President and unless—

(a) where the proposal contained in the Bill affects the boundaries or name of any State or States for the time being specified in Part I of the First Schedule, the views of the Legislative Assembly or in the case of a bi-cameral Legislature, of both Houses of the Legislature, of the State, or as the case may be, of each of the States both with respect to the proposal to introduce the Bill and with respect to the provisions thereof have been ascertained by the President; and

(b) where the proposal affects the boundaries or name of any State or States for the time being specified in Part III of the First Schedule, the previous consent of the State, or as the case may be, of each of the States to the proposal has been ascertained’.”.

[This was followed by the speech of the mover.]

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†**Mr. Naziruddin Ahmad** : ...My next amendment which I shall move in this connection is as follows :—

“That in Article 2 the words ‘from time to time’ be deleted.”

[Mr. Ahmed explains his amendment]

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‡**Shri M. Ananthasayanam Ayyangar** : Sir, I oppose these amendments. These are verbal matters and I would even appeal to you

* CAD, (Official Report). Vol. VII, 15th November 1948, p. 431.

†*Ibid.*, 18th November 1948, p. 435.

‡*Ibid.*, 18th November 1948, p. 435.

not to allow such amendments. I request you to put it to vote now.

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***The Honourable Dr. B. R. Ambedkar :** I oppose the amendments.

Mr. Vice-President : I will put the amendments Nos. 131 and 132 to vote. Dr. Ambedkar has spoken already and there cannot be any further discussion.

The amendments were negatived..

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Shri H. V. Kamath : Sir, I wish to speak on Article 2.

Mr. Vice-President Sir, it appears to me that there is a little lacuna in this Article which my Honourable friend, the able jurist and constitutional lawyer that he is, will rectify when it is finally dialled by the committee. If we turn to the report of the Union Constitution Committee.—I am reading from the report of the Committee, second series, from July to August 1947. copy of which was supplied to each member last year—there Article 2 begins thus :—“The Parliament of the Federation” of course, we have changed the word Federation into Union but here you import the word ‘Parliament’ suddenly in Article 2 without saying to which Parliament it refers. This is a lacuna, because there is nothing so far in the previous article regarding Parliament. So we must say here the “Parliament of the Union.” This lacuna, I hope, will be rectified.

The Honourable Dr. B. R. Ambedkar : We shall take note of what Mr. Kamath has said.

Article 2 was added to the Constitution.

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ARTICLE 3

†The Honourable Shri K. Santhanam (Madras : General) : Sir, I move :

“That in clause (a) of article 3, the following words be added at the end:
‘or by addition of other territories to States or parts of States’.”

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Shri M. Ananthasayanam Ayyangar : I request the House to accept the amendment because by this addition alone will the article become complete.

The Honourable Dr. B. R. Ambedkar : Mr. Vice-President. I am agreeable to the principle of the amendment moved by my friend Mr. Santhanam. The only point is that I like slightly to alter the language to read “or by uniting any territory to a part of any State”.

*CAD. (Official Report), Vol. VII. 18th November 1948. p. 435.

† *Ibid.*, p. 435.

The motion was adopted.

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Mr. Vice-President : I agree with you fully. Dr. Ambedkar may move his amendment.

“That for the existing proviso to article 3, the following proviso he substituted :

(a) where the proposal contained in the Bill affects the boundaries or name of any State or States for the time being specified in Part I of the First Schedule, the views of the Legislature of the State, or as the case may be, of each of the States both with respect to the proposal to introduce the Bill and with respect to the provisions thereof have been ascertained by the President; and

(b) where such proposal affects the boundaries or name of any State or States for the time being specified in Part III of the First Schedule, the previous consent of the State, or as the case may be, of each of the States to the proposal has been obtained.”

Mr. Vice-President, if one were to compare the amended proviso with the original proviso as it was set out in the Draft Constitution, the members will see that the new amendment introduces two changes. One is this: in original draft the power to introduce the Bill was given exclusively to the Government of India. No private Member of Parliament had the power, under the original draft, to propose any legislation of this sort. Attention of the Drafting Committee was drawn to the fact that this was a somewhat severe and unnecessary curtailment of the right of the members of Parliament to move any motion they liked and in which they felt concerned. Consequently we deleted this provision giving the power exclusively to the Government of India, and gave it to the President and stated that any such Bill whether it was brought by the Government of India or by any private Member should have the recommendation of the President. That is one change.

The second change is this : under the original Article 3, the power of the Government of India to introduce legislation was restricted by two conditions which are mentioned in (a) (i) and (ii). The conditions were that there must be, before the initiation of any action, representation

* CAD. (Official Report), Vol. VII, 17th November 1948. pp. 439-40.

made to the President by a majority of the representatives of the territory in the Legislature of the State, or a resolution in that behalf passed by the Legislature of any State whose boundaries or name will be affected by the proposal contained in the Bill. Here again, it was represented that there might be a small minority which felt very strongly that its position will not be safeguarded unless the boundary of the State were changed and that particular minority was permitted to join their brothers in the other State, and consequently if these brothers remained there, action would be completely paralysed. Consequently, we propose now in the amended draft, to delete (i) and (ii) of (a) and also (b) of the original draft. These have been split up into two parts, (a) and also (b). (a) deals with reorganisation of territory in so far as it affects the States in Part I, that is to say. Provinces and, (b) of the new amendment relates to what are now called Indian States. The main difference between the new sub-clauses (a) and (b) of my amendment is this : In the case of (a), that is to say, reorganisation of territories of States falling in Part I, all that is necessary is consultation. Consent is not required. All that the President is called upon to do is to be satisfied, before making the recommendation, that their wishes have been consulted.

With regard to (b), the provision is that there shall be consent. The distinction, as I said, is based upon the fact that, so far as we are at present concerned, the position of the Provinces is different from the position of the States. The States are sovereign States and the provinces are not sovereign States. Consequently, the Government need not be bound to require the consent of the provinces to change their boundaries ; while in the case of the Indian States, it is appropriate, in view of the fact that sovereignty remains with them that their consent should be obtained.

As regards the amendment moved by Prof. Shah, I do not see much difference between my amendment as contained in sub-clause (a) of the new proviso and his. He says that the discussion shall be initiated in the States. My sub-clause (a) of the proviso also provides that the States shall be consulted. I have not the least doubt about it that the method of consulting, which the President will adopt, will be to ask either the Prime Minister or the Governor to table a resolution which

may be discussed in the particular State legislature which may be affected, so that ultimately the initiation will be by the local legislature and not by the Parliament at all. I therefore submit that the amendment of Professor Shah is really unnecessary.

The Honourable Shri K. Santhanam :But, unfortunately, in his enthusiasm for what he calls the principle, he has tabled an amendment which altogether defeats his object. I therefore suggest that the amendment should be rejected and the proposition moved by Dr. Ambedkar should be accepted.

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Mr. Vice-President : Let us hear what Mr. Sidhwa has to say. We will certainly take up the amendments to which Mr. Kamath has drawn attention.

Shri R. K. Sidhwa : I do not accept the arguments advanced by Mr. Santhanam against the amendment moved by Professor Shah.....

.....Dr. Ambedkar's amendment is very clear and comprehensive..... I therefore commend the amendment of Dr. Ambedkar to the House.

[Amendment of Naziruddin Ahmed was not moved.]

***Mr. Vice-President :** Pandit Hirday Nath Kunzru.

Pandit Hirday nath Kunzru (United Provinces : General) : Mr. Vice-President, I beg to move:

“that in the amendment of Dr. Ambedkar as just moved, for the words ‘the previous consent’ the words ‘the views’ and for the words ‘has been’ the words ‘have been’ be substituted respectively.”

[This was followed by speech and discussion.]

†**Shri Rohini Kumar Chaudhari** (Assam : General) : Sir, it is my misfortune to have to oppose the amendments moved by the two stalwart members of this House, namely, Prof. Shah and Pandit Kunzru. I oppose them not because I like them less, but because I like Dr. Ambedkar's amendment more, as it meets the present situation very well.....

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†**Shri R. K. Sidhwa** (C. P. Berar : General) : I would like Dr. Ambedkar to enlighten the House as to why this difference has been made between States and Provinces.....

*CAD, (Official Report), Vol. VII, 17th November 1948, p. 441.

†*Ibid.*, p. 446.

‡*Ibid.* pp. 456-59.

With these observations, I support the amendment strongly and I hope Dr. Ambedkar will clear the point why a differentiation has been made in the case of the States, why he has stated that the views of the legislature should be ascertained in the case of the provinces, whereas in the case of the States he has stated that their previous consent should be obtained.

Mr. Vice-President : Dr. Ambedkar.

An Honourable Member : The question be now put, Sir.

Maulana Hasrat Mohani : (United Provinces : Muslim) : Sir, I rise to a point of order. Dr. Ambedkar has only moved an amendment and therefore, I submit, he has not got any right of reply. I have got a ruling of this House in which it is said definitely.....

Shri R. K. Sidhwa : I understand the whole article is under discussion. If the article is under discussion, Dr. Ambedkar has a right of reply.

Maulana Hasrat Mohani : Dr. Ambedkar has already spoken ; he has no right to make any further speech.

Mr. Vice-President : Please address the Chair.

Maulana Hasrat Mohani : Sir, I beg to point out, that the Ruling says—I am quoting from the printed proceedings of this House—the mover of an amendment has no right of reply. He cannot make a second speech.

Mr. Vice-President : I hold that the Article as well as the amendment are under discussion. Dr. Ambedkar.

The Honourable Shri Ghanshyam Singh Gupta (C.P. & Berar : General) : Sir, the mover has a right of reply.

Mr. Vice-President : That makes my position stronger.

The Honourable Shri Ghanshyam Singh Gupta : What I mean to say, Sir I submit that every mover of an amendment has got a right of reply.

Mr. Vice-President : You do not object to Dr. Ambedkar replying ?

The Honourable Shri Ghanshyam Singh Gupta : Not only do I not object, but I want to establish this practice that the mover of an amendment has a right of reply, because our rules differ widely from the rules that have been framed for the legislative side.

Mr. Vice-President : We shall decide that later on after Dr. Ambedkar has made his reply.

Shri Lakshminarayan Sahu (Orissa : General) : Sir, there is an amendment in my name.

Mr. Vice-President: Kindly take your seat, Mr. Sahu. Dr. Ambedkar.

The Honourable Dr. B. R. Ambedkar (Bombay : General) : The amendment moved by my friend Mr. Kunzru is an amendment which carries a great deal of my sympathy but unfortunately in the circumstances in which we stand. I am not in a position to accept the same. The arguments urged by my friend in supporting his amendment was that what I had stated originally in moving my amendment was inconsistent with some of the other clauses or articles contained in the Constitution. He said that the plea I had urged in justification of the distinction between the provinces and the States in the matter of the provisions contained in article 3 was inconsistent with Articles 226, 230 and 294. Now my submission is this that there is no inconsistency whatever in the plea I have urged in supporting a distinction between the provinces and the States and the various articles to which he has made reference.

With regard to Article 226 which gives power to the Central Legislature to pass legislation on matters included in Provincial list, my submission is this that that authority will be exercised by Parliament by virtue of a Resolution passed by two-third majority of the Upper Legislature. He will realize that the Upper House or Council of States will include representatives of the States as much as the representatives of the Provinces. They will undoubtedly participate in the proceedings of that particular Resolution which seeks to confer power upon Parliament to legislate on the matters included in that Resolution. Consequently it is hardly fair to say that Article 226 automatically usurps the sovereignty of the Indian States. It is really a measure which confers sovereignty by a special resolution passed by the Upper Chamber in which the States are fully represented. That is therefore no illustration of inconsistency at all.

With regard to Article 230, my submission is also the same. My learned friend will remember that the Indian States apart from what they do after the Constitution is passed have at any rate for the present, acceded on the basis of three subjects and one of the subjects is Foreign Affairs. Obviously implementation of the treaty is nothing but an exercise of the power conferred upon the Central Parliament for implementation of the treaty which is the subject matter covered by Foreign Affairs. Therefore that again cannot be said to be an usurpation of their sovereignty rights.

With regard to 294 which deals with the extension of the provisions of the protection of minorities in Indian States, that undoubtedly may appear for the moment to be a sort of encroachment of their sovereignty but it is nothing of the kind. It is merely one of the proposals which we shall be making to the Indian States that when they seek admission to the Indian Union they will have to accept Article 294. I might say that this extension was made by the Drafting Committee because the Drafting Committee heard that the Constituent Assemblies of some of the Indian States were making provisions in this regard so diverse and so alarming that the Drafting Committee thought it best to lay down what sort of arrangements for minority protection the Union Government will accept and what it will not accept.

Now, Sir, with regard to this question of differentiation between the Indian States and the Provinces of British India a great lot has been said, and I quite realise that the House is terribly excited over the distinction that the Constitution seeks to make but I should like to tell the house two things. One is this that we are at the present moment bound by the terms of agreement arrived at between the two Negotiating Committees, one appointed by the Indian Constituent Assembly representing the British provinces and the other of representatives nominated by the Indian States for the purpose of arriving at certain basis for drafting a common Constitution which would cover both parts. Now I do not wish to go into the details of the reports made by the Negotiating Committees but if my Honourable Friend Pandit Kunzru would refresh his mind by going over the report of that Committee, he will find that here is a distinct provision that nothing in the Negotiating Committee Report will be understood to permit the Indian Union to encroach upon the territories of the Indian States. My submission is, if that is an understanding—I do not mean to say a contract or agreement—arrived at between the two parties, at this stage we would do well in respecting that understanding. I would like to point out another tiling,—another article in the Constitution to which I am sorry to say my Friend Mr. Kunzru has made no reference—that is Article 212 which is a very important article and I should like to explain what exactly are the possibilities provided by the Indian Draft Constitution with regard to the Indian States. Honourable members must have seen that Article 3 provides for the admission of the Indian States

on the basis of such Instrument of Accession as may be executed by the Indian States in favour of the Indian Union. When a State as such is coming into the Indian Union, its position *vis-a-vis* the Central Government and *vis-a-vis* the provinces would and must be regulated by the terms contained in the Instrument of Accession but the Instrument of Accession is not the only method of bringing the Indian States into the Indian Constitution. There is another and a very important article in the Constitution which is 212. 212 provides that any Ruler of an Indian State may transfer the whole of his sovereignty to the Indian Union with respect to his particular State. When the whole of the sovereignty is transferred under the provisions of 212, the territory of that particular ruler becomes so to say the territory of India, with complete sovereignty vested in the Indian Union. Power is then given under Article 212 so that that particular territory the sovereignty over which has been fully transferred by the ruler to the Indian Union can then be governed as a province of India in which case Part II of the Constitution which defines the Constitution of the Indian provinces will automatically apply to that Indian State or it may be administered as a Centrally Administered area ; so that the President and the Central Parliament will have the fullest authority to devise any form of administration for that particular territory. Consequently my submission to the House is that there is no necessity—if I may use an expression—to be hysterical over this subject. If we have a little patience I have not the least doubt about it that our minister for the Indian States, who has done so much to reduce the chaos that existed before we started *on* the making of our Constitution, will exercise the *de facto* of paramountcy which the Union Government has obtained and reduce the chaos further and bring about an order either by inducing the Indian States to accept the same provisions which we have applied to Indian States or to follow the provisions of section 212 and surrender to us complete sovereignty so that the Indian Union may be able to deal with the Indian States in the same way in which it is able to deal with the provinces.

For the present I submit we shall be acting wisely by respecting the agreement which has been arrived at by the two Negotiating Committees and following it up until by further agreement we are in a position to change the basis rather with goodwill peace and honour to both sides. Sir, I oppose the amendment (*Cheers*).

Mr. Vice-President : I shall now put Amendment No. 150, as modified by the amendment of Pandit H. N. Kunzru to vote. (*Interruptions*). Kindly permit me to conduct the proceedings in the manner I wish it to be conducted.

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***Mr. Vice-President:** I am going to give my ruling. Under the Rules of the House I am not aware that there is anything which gives a right to the mover of an amendment to give a reply. If I asked Dr. Ambedkar to give a reply it was because he was asked certain questions and I thought it right and proper and fair that he should be given an opportunity of explaining his position. That is my ruling.

Now I shall put Pandit Kunzru's amendment to the vote.

[The motion was negatived. The motion of Dr. Ambedkar alone was adopted.]

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†Mr. Vice-President : It seems to me that the amendment of Prof. K. T. Shah, as well as the next set of amendments up to No. 175 fall through alter the acceptance of Dr. Ambedkar's amendment.

(Amendment No. 176 was not moved.)

.....That finishes Article 3. Is there anyone who wishes to discuss the Article as a whole ?

Pandit Lakshmi Kanta Maitra (West Bengal : General) : What will be the position if the Honourable member is allowed to speak on the Article as a whole ? Will Dr. Ambedkar be called upon to reply to that again ?

Mr. Vice-President : Most certainly not.

Pandit Lakshmi Kanta Maitra : That whole article has not yet been disposed of and Dr. Ambedkar has so far replied only to the amendment and not to the whole article.

Mr. Vice-President : We shall listen to the Honourable member and if he traverses old ground, we shall ask him to desist.

Pandit Lakshmi Kanta Maitra : Therefore, Dr. Ambedkar is not entitled to reply as a right ?

Mr. Vice-President : No.

Shri M. Ananthasayanam Ayyangar (Madras : General) : That is hypothetical. It does not arise.

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*CAD, (Official-Report), Vol. VII. 18th November 1948, p. 461.

†*Ibid.*, p. 462.

***Mr. Vice-President :** The question is :

“That Article 3, as amended, form part of the Constitution.”

The Motion was adopted.

ARTICLE 4

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

“That the words ‘of this Constitution’ he deleted in clause (1) of article 4 and throughout the Draft Constitution wherever the said words occur in the same context; and a now definition (bb) he inserted in clause (1) of article 303 :—

‘(bb) “article” means article of this Constitution’.”

[This was followed by speech.]

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Mr. Vice-President : The Honourable Member may move all his amendments to Article 4, one after the other up to amendment No. 181 on the order paper, and be as brief as possible.

Mr. Naziruddin Ahmad: Sir, I move:

“That in clause (1) of article 4, for the words ‘article 2 or article 3’, the words and figures ‘ article 2 or 3’, be substituted.”

I submit that the word ‘article’ need not be repealed as it is done in clause (1) and, in fact in many places in this Draft Constitution.

Then I move:

“That in clause (1) of article 4, for the winds and figures ‘article 2 or article 3’, the word and figure ‘article 3’ he substituted.”

I move next :

“That in clause (1) of article 4, for the words ‘shall contain such provisions for’, the words ‘shall also provide for’ he substituted.”

This is very simple amendment.

I now move my last amendment to this article :

“That in clause (2) of article 4, for the words ‘for the purposes of’, the words ‘within the meaning of’ be substituted.”

This is only a verbal amendment.

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Mahboob Ali Baig Sahib Bahadur (madras : Muslim) : Sir, I move amendment No. 184 :

“That in clause (2) of article 4, for the words ‘ for the purposes of article 304’, the words ‘under article 304’ be substituted.”

The retention of the existing words will lead to some sort of complication. Therefore we should substitute the words ‘under article 304’.

Shri H. V. Kamath : Mr. Vice-President, by your leave, I shall make a very brief observation on amendment No. 177 of my Honourable

*CAD, (Official Report), Vol. VII. 18th November 1948, pp. 465-66.

friend Mr. Naziruddin Ahmad. Before you call upon Dr. Ambedkar to reply, may I request him, in case he holds that amendment No. 177 should be rejected, to give us some reasons for his opposition and not merely repeat the trite formula 'I oppose this amendment'?.....

.....In conclusion I repeat my request to Dr. Ambedkar not to merely repeat the formula 'I oppose', but give reasons as to why he does so.

Shri Rohini Kumar Chaudhari : I have come to the rostrum to honour my friend Mr. Naziruddin Ahmed by opposing this amendment (*Laughter*)......

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***The Honourable Dr. B. R. Ambedkar :** Mr. Vice-President, Sir, I did not think that this was a matter which required any speech from me, but as Mr. Kamath has expressed a desire that I must not merely negative the amendment but should offer an explanation as to why I was not prepared to accept the amendments suggested by my Honourable Friend, Mr. Naziruddin Ahmad, I have come here to make my explanation. I think it will be agreed that in mailers of this sort, which relate merely to phraseology and not to the substance of the article itself, it cannot be stated that it is a matter of principle at all. It is a mere matter of precedent how different Constitutions have used language in matters which are analogous. My submission is that in the language we have used we are absolutely covered by precedent with regard to the question of repeating the phrase "of this Constitution". My friend, Mr. Kamath, stated that he has examined several constitutions such as that of Australia and of some other countries but did not find this phrase "of this Constitution" contained therein. I am sorry that he did not extend his researches to the Irish Constitution. If he had, he would have found that the phraseology used in the Draft Constitution is the same as is used in the Irish Constitution. For his reference, I would like to draw his attention to Article 19 of the Irish Constitution, article 27, sub-clause (4), article 32 and article 46, sub-clause (5) where he will find that, wherever the word "article" occurs, it is followed by the phrase "of this Constitution".

I may also point out to Mr. Kamath that in this respect we have also followed the phraseology contained in the Government of India Act 1935. I am sorry I have not had the time to examine all the sections of the Government of India Act but I have just, fortunately for myself, found one section which is 142-A where similar phraseology has been

*CAD, (Official Report). Vol. VII. 18th November 1948. pp. 467-68.

used. So far therefore as the first part of the amendment moved by my Honourable friend, Mr. Naziruddin, is concerned, my submission is that we have not acted in any eccentric manner but that whatever phraseology we have used is covered by the Constitutions of other countries as well.

With regard to his second amendment that we should not repeat the word “article” alter the word “or” and that we should merely say, “article 2 or 3”, my submission is again the same. There again we have followed well known Constitutions and if my friend will examine them, he will find that similar phraseology occurs elsewhere also. For his information, I would ask him to refer to section 69, sub-clause (3), of the Government of India Act. The word used there is “paragraph”. It says, “paragraph (d) or paragraph (e)”. It does not merely say, “paragraph (d) or (e)”. Therefore this can hardly be a matter of debate or a matter of difference of opinion so far as the principle is concerned. It is a mere matter of precedent and the question to be asked is : Have we done something which is not covered by precedent ? And my submission is this, that whatever we have done in the matter of using phraseology is covered by precedent and therefore, there can be no objection to any clause as it stands in the draft.

Mr. Naziruddin Ahmad : Then what about clause (2) of Article 4 ? I think there should be a short notice amendment to use the words “of this Constitution” in clause (2) in order to make the draft clear.

Mr. Vice-President: We cannot create a bad precedent by admitting a short notice amendment.

The Honourable Dr. B. R. Ambedkar : I cannot accept it, Sir.

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

[All the amendments of Mr. Naziruddin Ahmed were negatived and clause (1) and clause (2) of Article 4 stood part of the Constitution.]

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ARTICLE 28

***Mr. Vice-President :** 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’ to substituted.”

*CAD, (Official Report), Vol. VII. 19th November 1948. p. 474.

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[The motion of Mr. Kamath was negatived.]

†This amendment of Mr. Kamath included No. 838 and 840.

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.”

[This was followed by Mr. Ahmed’s speech.]

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***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

*CAD. (Official Report), Vol. VII, 19th November 1948, pp. 477-78

the practice we have adopted in drafting this Constitution.

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

[All the amendments of Mr. Naziruddin Ahmad were negatived. Article 28 was added to the Constitution.]

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[All the amendments to article 29 were negatived and the article was adopted.]

ARTICLE 30

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

“That in article 30, the words ‘strive to’ be omitted.”

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†**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.

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†**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.

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*CAD, (Official Report). Vol. VII, 19th November 1948, p.487.

†*Ibid.*, pp. 487-88.

‡*Ibid.*, p. 493.

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 instal 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 ideal 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 having a socialistic state 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.

*CAD, (Official Report), Vol. VII, 22nd November 1948. p.p 494-95.

Now, having regard to the fact that these various ways by which economic democracy may be brought about, we have deliberately introduced in 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 word 'strive'. The word 'strive' which occurs in the Draft Constitution, in my judgment, is very important. We have used it because our intention is that 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 fulfilment 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 Swamp Seth.

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 amendment was negatived.

***Shri L. Krishnaswami Kharathi** (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. Ambedkar : 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. Ambedkar 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.

Article 30 was added to the Constitution.

ARTICLE 30-A

†**Mr. Vice-President** (Dr. H. C. Mookherjee) :We shall now resume discussion on new Article 30-A. Does any member want to speak on amendment No. 872 ?

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*CAD, (Official Report), Vol. VII, 10th November 1948, p. 495.

†*Ibid.*, 22nd November 1948, p. 501.

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

Mr. Vice-President : Yes.

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

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

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†**Mr. Vice-President** : I have not been able to make out whether this amendment (No. 874) has been formally moved.

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

Shri H. V. Kamath (C.P. & Berar : General) : I do not want to traverse the ground which I covered in the course of my speech on Dr. Ambedkar's motion. I would only express the hope that where the type of capitalist, parliamentary democracy typified by Europe and America and the centralised socialism typified by the Soviet Union have failed to bring peace, happiness and prosperity to mankind, we in India might be able to set up a new political and economic pattern, and that we would be able to realise the vision of Mahatma Gandhi's Panchayat Raj and, through this system of decentralised socialism, we will lead mankind and the world to the goal of peace and happiness.

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

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

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

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

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

*CAD, (Official Report), Vol. VII, 22nd November 1948, p. 501.

†*Ibid.*, pp. 503-04

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

Honourable Members : Yes.

ARTICLE 31

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

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

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

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

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

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

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

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

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

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

Then there remain the three amendments moved by my friend, Professor K. T. Shah. His first amendment is to substitute the words “every citizen” for the words “the citizens”. Now, if that was the

*CAD, (Official Report. Vol. VII, 22nd November 1948. p. 504.

†*Ibid.*, p. 513.

‡*Ibid.*, p. 518.

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

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

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

*CAD, (Official Report), Vol. VII, 22nd November 1948, pp. 518-19

†*Ibid.*, p. 520.

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

(An Honourable Member rose to speak.)

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

The motion was adopted.

Article 31-A was added to the Constitution.

ARTICLE 32

†Shri Syamanandan Sahay (Bihar : General) : Sir, I will move amendments Nos. 933 and 934 together with your permission. I move :

“(i) That in the article 32 after the word ‘education’ a comma and the words ‘to medical aid’ be added ; and

(b) that for the words ‘of undeserved want’ the words “deserving relief be substituted.”

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‡The Honourable Dr. B. R. Ambedkar (Bombay : General) : Sir, I oppose the amendments.

Mr. Vice-President (Dr. H. C. Mookherjee) : I put the amendments to vote.

[Amendments Nos. 933 and 934, and 936 as further amended were negatived.]

ARTICLE 34

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#Mr. Vice-President : The amendment of Mr. Ramalingam Chettiar runs as follows :

“And in particular the State shall endeavour to promote cottage industries on co operative lines in rural areas.”

That is the language of the amendment moved by Mr. Chettiar. Therefore, it is in order. Now the article is open for general discussion.

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\$Shri S. Nagappa (Madras : General) : Sir, I do not want to take time of the House. I just want to make an amendment. After the words ‘to all workers, industrial’, the word ‘agricultural’ may be added.

*CAD, (Official Report). Vol. VII, 22nd November 1948. p. 527.

†*Ibid.*, 23rd November 1948. p. 329.

‡*Ibid.*, p. 529.

#*Ibid.*, p. 532.

\$*Ibid.*, pp. 534-35.

Sir, I need not say that the bulk of the working population consists of agricultural workers.

Mr. Vice-President : This is out of order.

The Honourable Dr. B. R. Ambedkar : Mr. Vice-President, Sir, as there is a considerable amount of feeling that the Directive Principles should make some reference to cottage industries, I am agreeable in principle to introduce in article 34 some words to give effect to the wishes of the Members of this House. I am therefore prepared to accept the amendment moved by my friend Mr. Ramalingam Chettiar, subject to the substitution of one or two words. One substitution that I would like to make is this. After the words "cottage industries on" I would like to add the words "individual or". I would like to substitute his word 'lines' by the word 'basis '. So that the amendment would read as follows :

"And in particular the State shall endeavour to promote cottage industries on individual or co-operative basis in rural areas."

That, I think, would meet the wishes of most of the Members who are particularly interested in the subject.

I may also add that I am quite agreeable to accept the amendment moved by Mr. Nagappa that the word 'agricultural' be added after the word 'industrial'.

Vice-President : That was not allowed.

The Honourable Dr. B. R. Ambedkar : I have no objection if you allow that. I think Mr. Nagappa's suggestion that agricultural labour is as important as industrial labour and should not be merely referred to by the word 'otherwise' has some substance in it. However, it is a matter of ruling and it is for you to decide.

Shri T. A. Ramalingam Chettiar : I accept Dr. Ambedkar's amendments.

Shri L. Krishnaswami Bharathi : (Madras :General) : Sir, may I suggest that we may stop with the word collage industries and omit the rest. Why do you want the words 'on individual or co-operative basis' ? There is no point in adding these words unless you want to lay special emphasis on co-operative basis. I would like these words 'on individual or co-operative basis' to be omitted.

Honourable Dr. B. R. Ambedkar : May I explain, Sir ? I find among the Members who are interested in the subject, there are two