

interests of the people, it will be a good Constitution; if it works otherwise, it will be a bad Constitution. It is for the future electors to elect the right kind of persons, who will work the Constitution in the interests of the people. The responsibility, therefore, lies with the people. One thing, however, I would like to observe and that is in the circumstances in which we were placed, we could not have produced anything better. With such divergent views in the Assembly, it is indeed a miracle that we have achieved this measure of agreement. At one extreme we had Seth Govind Das, the champion of the cow and at the other extreme we had Professor K. T. Shah, the champion of the underdog, and in-between we had many variations; the last speaker (Shri Rohini Kumar Chawdhari) would supply a good example....

***Shri Lokanath Misra :** ...It is my view and so it may be that this, our Constitution Act will go as a great civilised document of the modern world. But I would not like to indulge in any kind of self-praise, praise either for the Drafting Committee or for the honourable Members or for our honourable President or for anybody else. The reason is, we have only done our duty, as best as we could and it is for the people to judge our labours....

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†Shri Jadubans Sahay (Bihar : General) : Sir, much has been said regarding the different aspects of this Constitution....

...The fact is that we are a nation born new and we have to learn the arts of democracy. The lessons of democracy are not taught in any book, but they have got to be developed. It all depends upon the character of a nation, the integrity, the honesty, our love for democratic principles and our zeal to pursue and follow them which can make or mar a constitution. The constitution of a country does not depend upon the cold letters, however beautifully or brilliantly printed in a book. It depends to its growth and development upon the character of a nation. It is the soil— the character of a nation—upon which the seeds of Constitution have got to germinate. If the soil is rocky or barren, then certainly howsoever good the Constitution might be and in howsoever grand language it may be worded, it is sure that the Constitution cannot lead us to our goal. But I have faith, Sir, in the innate genius of our country. I have faith also in the coming generation of tomorrow and we have nothing to despair over what we have done. I think that no amount of guarantees in the Consti-

*CAD, Official Report, Vol. X, 22nd November 1949, p. 797.

† *Ibid.*, p. 800.

tution or the filling up of the omissions mentioned will carry us to the goal. It depends upon those who work the Constitution. It depends on how we develop the spirit of tolerance and not on the Constitution or the letter of the law. It depends on the spirit of love towards those that are down trodden and those who call themselves minorities. We may enact in the Constitution that untouchability is abolished in every heart and home but that carries us nowhere. You should have love and sympathy for what we call the 'have-nots'. It does not depend on the Constitution or its articles. It depends upon our own character, our own vitality as a nation....

***Shri Gopal Narain** (United Provinces : General) : Mr. President, Sir, during the last three years when the Constitution was on the anvil I remained a calm and silent observer except twice when I broke the monotony. But at this final and Third Reading stage I wish to record my views plainly, openly and courageously.

At the outset I congratulate Dr. Ambedkar, the Chairman of the Drafting Committee and the members thereof for producing such a voluminous Constitution in which nothing has been left out. Even price control has been included in it. I venture to think that if they had the time they would have even prescribed a code of life in this Constitution. A word more for Dr. Ambedkar, Sir. There is no doubt, he is lucidity and clarity personified. He has made a name for himself....

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†Shri Ajit Prasad Jain (United Provinces : General): Mr. President, Sir, it is but once in life that a nation decides to give a Constitution unto itself, and we who have participated in framing this Constitution have a good reason to be proud of our lot. In the history of India, there have been periods of greatness and glory, there have been periods of great empires and expansion and of benevolent and good kings, but never did we have a Constitution framed by the people for the people. Before proceeding further it is necessary that we offer our thanks to Dr. Ambedkar and the Drafting Committee who have sat day after day incessantly and worked hard....

‡Shri S. V. Krishnamoorthy Rao (Mysore state): Mr. President, Sir, I deem it a great privilege to have had an opportunity of being associated in the framing of this Constitution under your able guidance and I stand before you to add my humble need of praise to the Chairman and

*CAD, Official Report, Vol. X, 22nd November 1949, pp. 803-804.

† *Ibid.*, p. 805.

‡ *Ibid.*, p. 809.

members of the Drafting Committee for making an excellent job of the work that was entrusted to them. Sir, I submit that under the heavy stress and strain of time and circumstances under which they had to undertake this task, no other committee or no other body would have given us a better Constitution....

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***Shri Thirumala Rao** : ...Situating as we are, we are in possession of a Constitution which can be turned to best account by the persons that work it, by the legislators and by the Ministers that these legislators would choose. I say that it depends mostly on the Prime Ministers for the next few years of this country to see that the greatest benefit is derived from this Constitution. We have rightly selected, Sir, the Chakra as our emblem, as the historic reminiscence of the period of Asoka. Describing the meaning of this Chakra, Rhys David, the famous orientalist has said that this Chakra is intended to send rolling the Royal Chariot wheel of universal empire of truth and righteousness. If any country which departs from the essential moral principles on which it professes to stand it has no future. But this country in keeping with the ancient traditions and ideals has rightly chosen that Chakra which is called the Dharma Chakra of Asoka and Mahatma Gandhi has blessed this Chakra. With his spirit hovering over this nation and with this emblem of our flag, it is the duty of this House and the leaders of the future to uphold the Congress principles and fulfil the destiny of this Nation.

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†Shri Ari Bahadur Gurung (West Bengal : General) : Mr. President, Sir, I associate myself with my colleagues in congratulating the Chairman of the Drafting Committee for having brought this stupendous task to a successful conclusion....

‡Giani Gurumukh Singh Musafir (East Punjab : Sikh) : ...One word more and I have finished. In preparing the draft, Dr. Ambedkar and members of the Drafting Committee have worked very hard. They deserve our congratulations for preparing this draft within such a short time and under adverse circumstances....

@Shri R. V. Dhulekar (United Provinces : General) : Mr. President, Sir, I am here to support the Resolution that has been placed before this

*CAD, Official Report, Vol. X, 22nd November 1949, p. 820.

† *Ibid.*, 23rd November 1949, p. 821.

‡ *Ibid.*, p. 825.

@ *Ibid.*, p. 826.

House by Dr. Ambedkar. The Constitution has been discussed at very great length in these three years and therefore it is now too late to point out all the defects and the great points that are in the Constitution. I am satisfied that the Constitution on the whole is a very good one. Everybody knows that milk contains more than 15 per cent, of water and if the balance is good, it maintains our body and strengthens it. It gives a longer life....

... In the end, I have to place my heartfelt thanks on record to you, Sir, the President and Dr. Ambedkar. The work that was before us was a very great task. Dr. Ambedkar has performed a very great work. I would not say Herculean because that is a very small word. He has performed a task worthy of the great Pandava Bhim and worthy of the name that he has—Bhim Rao Ambedkar.—He has certainly justified his name—Bhim Rao—and he has performed the task with clarity of vision, clarity of thought and clarity of language. Throughout, he was very clear. He always tried to understand the opponent's view and he always tried to accommodate him, and he always tried to put his own views in the most clear language. We are very grateful to him....

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***Shri B. P. Jhunjunwala** (Bihar : General) : Mr. President, Sir, there have been various criticisms of this Constitution and one of the criticisms levelled against the Drafting Committee is that they have done nothing more than adopt the Government of India Act of 1935. If this criticism can be levelled against the Drafting Committee, I should say it is most uncharitable. On the other hand, I would say that before adopting any article, the Drafting Committee has taken great pains to go through all the Constitutions of the world and looked into all the amendments with great care both from the point of view of theory as well as from the point of view of their practical application. If they have not accepted any theories it is not because these were not in the Government of India Act 1935, though those theories were applicable and right, but because they could not be practically applied here under the present condition....

‡Shri Alladi Krishnaswami Ayyar : (Madras : General) : Sir, in supporting the motion of the Honourable Dr. Ambedkar for the adoption of the Constitution, I crave the indulgence of the House for a short while. This Constitution has been settled by the Constituent Assembly in the

*CAD, Official Report, Vol. X, 23rd November 1949, pp. 828-829.

† *Ibid.*, pp. 831-832.

‡ *Ibid.*, p. 834.

light of the recommendations of the various committees appointed by this House and the draft as originally submitted by the Drafting Committee and as revised later. The Constitution as it has finally emerged, I submit, truly reflects the spirit of the Objectives Resolution with which this Assembly started its work and the Preamble of the Constitution which is mainly founded on the Objectives Resolution....

*...Before I conclude, I would be failing in my duty if I do not express my high appreciation of the skill and ability with which my friend the Hounourable Dr. Ambedkar has piloted this Constitution and his untiring work as the chairman of the Drafting Committee. Latterly I know he was ably assisted by my friend Mr. T. T. Krishnamachari. I would also be failing in my duty if I do not give my tributes to the services of Sir B. N. Rau and to the untiring energy, patience, ability and industry of the Joint Secretary, Mr. Mukherjee and his lieutenants.

In the end, you will pardon me, Sir, if I make some reference to your work in this Assembly as it may savour of flattery. You have given your whole life to the service of this country and this is the crowning act. There is none who is held in greater esteem and in love than yourself and you have showed yourself to be the worthy President of this Assembly. I am particularly grateful to you because on account of my state of health you have been pleased to permit me to address from my seat and I am also thankful to the Members of this House for the indulgence they have extended to me in that respect. It is some consolation to me that I might have been of some little use in the work of the various committees and in the work of this Assembly. (*Cheers*).

†**Mr. Hyder Husein :** ...This is not the stage, nor the time for criticising the various provisions of this Constitution. There has been a good deal of it, both inside and outside this hall. My answer is that this is the best that the available talent in the country could produce, and if we expect anything more, we have to produce men of greater intellect and scholarship in the land, if that is possible in the near future. I am however, bound to say that the product is one of which any nation can be proud. Let us then, pledge ourselves to give it our unstinted support, without any mental reservations whatsoever. We have attained political freedom, and the need of the day is the economic uplift of the country, as for this alone freedom was worth lighting for. This requires greater labour, greater work and greater sacrifice than even the light for freedom. It is not so difficult

*CAD, Official Report, Vol. X, 23rd November 1949, pp. 840-841.

† *Ibid.*, p. 842.

to destroy a thing as it to construct it. With the termination of foreign domination in the land, we have full opportunity for constructive work. Let us then strive to build our India which will be worthy of its past and a pride for the future....

***Shri B. M. Gupte :** ...After all, a Constitution cannot be judged merely from its text or on paper.... So it is not the Constitution that matters nor the people who make it, but it is the men who work the Constitution and the spirit in which they work it. Any Constitution may be good on paper, but its success depends upon the manner in which it is worked....

...In spite of the initial trouble and occasional lapses I hope generally and ultimately the commonsense of the common man will triumph. It was for us only to fashion the instrument. It is for others to work it. As far as I can see, we can certainly make the claim that we have fashioned it to the best of our abilities and according to the best of our lights. It is an instrument fairly workable and fairly flexible. It ensures security and stability. If we study the provisions of this Constitution, we find that the one dominating concern of the Drafting Committee was the security of the new State. Therefore, this Constitution ensures security and stability without impeding progress. It promotes collective good without stifling the development of individual personality. But in my opinion, the real test of the Constitution would be whether it is able to bring about any speedy improvement in the miserable lot under which the common man has been suffering for generations past. If this Constitution brings him some solace, I shall certainly feel very proud of my association in the framing of it.

†Shri Balwant Sinha Mehta : ...The fact is that the Constitution drawn up by us is not only quite detailed but also quite good. I am quite sure that the foreigners would be wonderstruck when they would see how good a Constitution we have been able to give to ourselves. All the Members of this august Body and the members of the Drafting Committee and more particularly Dr. Ambedkar, T. T. Krishnamachari, Shri Alladi Krishnaswami and others have laboured hard for giving a proper shape to the constitution. I believe, these gentlemen deserve all the praise we can bestow upon them. We must also offer our homage to Pandit Jawaharlal Nehru, Sardar Patel and the other Congress leaders and martyrs....

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*CAD, Official Report, Vol. X, 23rd November 1949, p. 445.

† *Ibid.*, p. 461.

***Sardar Sochet Singh :** ...Our Constitution carries in it the impress of the high-souled nobility of the President—Dr. Rajendra Prasad, the universal vision of Pandit Jawaharlal Nehru, the unfailing judgment and strength of Sardar Vallabhbhai Patel, the scintillating and penetrating intellectuality of Dr. Pattabhi Sitaramayya, the erudition and labours of Dr. Ambedkar and above all, the Patriarchal blessings and divine inspiration of the Father of the Nation—our revered Mahatma Gandhi. It is my hope and prayer that such a monumental Charter of Freedom of millions of my countrymen will not fail to bring about peace, prosperity and happiness not only for this country, but for the whole world. (*Cheers.*)

†**Mr. T. J. M. Wilson** (Madras : General) : Mr. President, Sir, I also join in thanking you, the Rashtrapathi and the Chairman and members of the Drafting Committee for this Constitution....

‡...I now come to the criticism that is levelled against the Constitution that it has not provided for or conferred anything on the common man, that it has not provided for social and economic justice. That, I submit, Sir, is an erroneous contention, because it is based on an erroneous conception of the scope of the Constitution. A Constitution has a limited scope. Its main function is to provide for a machinery of Government, and this Constitution has provided for a machinery of the government, whatever its character. And whatever the privileges or rights put in certain chapters are only those rights and privileges which we have achieved so far. The Constitution embodies and gives sanction only to those rights that are achieved. That is the basic conception which I want to emphasise, because otherwise, if we had embodied certain rights in the Constitution which we have not achieved so far, that would, have given a distorted, dishonest and hypocritical picture of the country as a whole, and what is more, the Constitution would have been simply unworkable. Therefore, the Constitution has a limited purpose, and in spite of certain ugly features of the Constitution, for example the provision for the protection of property as a fundamental right, it would not and shall not prevent the country, as Mr. Santhanam has pointed out, from achieving socialism....

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@Shri Dharanidhar Basu Matari (Assam : General) : Mr. President, Sir, I feel I cannot leave the Constituent Assembly to return to my

*CAD, Official Report, Vol. X, 23rd November 1949, pp. 855-856.

† *Ibid.*, p. 856.

‡ *Ibid.*, p. 838.

@ *Ibid.*, p. 867.

province, Assam, without adding my own tribute to Dr. Ambedkar and the Drafting Committee for their great achievement in producing this Constitution. I think I am right in saying that everyone has some or the other criticism or grievance to air. The Constitution does not, and cannot satisfy every section from all points of view, but, taking everything from an all-India point of view, the Constitution is not disappointing and, in fact, the best that could have been framed under the difficult circumstances after Partition. It is not what has been put down in cold print in the Constitution, in the Articles, in the Schedules, that will matter. It will surely be the spirit in which the purpose of the Constitution is executed. If all sections co-operate honestly and unselfishly, I am certain India will progress along right lines....

***Shri Ari Bahadur Gurung :** Mr. President, Sir, I associate myself with my colleagues in congratulating the Chairman and other members of the Drafting committee for having brought this stupendous task to a successful conclusion. I have only a few observations to make. Firstly, the criticism of the Constitution that it does not provide for the establishment of socialism is as irrelevant as the complaint that it is likely to open the way to dictatorship is futile. The real test of democracy is to give the right to people to decide for themselves the nature of the Government they would like to have. The question of dictatorship or totalitarian communism will depend entirely upon the manner in which the people will work the Constitution. The Constitution will be subject to a continuous series of modifications according to the will of the people. Such provisions have been provided already in the Constitution. Sir, I personally feel that a Constitution is something of a sacred character which inspires future generations. It is the embodiment of the living faith and philosophy. Therefore we must not forget this gospel....

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†Shri Manikya Lal Varma (United State of Rajasthan) : [Mr. President, first of all I take this opportunity to offer my thanks to the Honourable Dr. Ambedkar and the Members of this House....

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†Shrimati Purnima Banerji (United Provinces : General) : Sir, at the cost of a little repetition, I would at the outset like to associate myself with my colleagues in their expression of thanks to the

*CAD, Official Report, Vol. X, 23rd November 1949, p. 868.

† *Ibid.*, 24th November 1949, p. 873.

‡ *Ibid.*, p. 878.

Members of the Drafting Committee, to you and to all others who played such an important and necessary role in the various stages of this Constitution. Without being open to the charge of making any invidious distinction, I would like to add a special word of thanks to you on behalf of the back-benchers of this House. For, at various stages of the Constitution, when we were rightly or wrongly exercised by certain doubts in regard to certain clauses of the Constitution, you used your good influence on our behalf with the Drafting Committee to clear these doubts.

Sir, the Constitution of a country always is a very important and precious document, because it gives us an idea of how the great people of a country fashion their institutions, how they want to live, what are the political arrangements under which they exercise their judgment and what are the hopes and aspirations which they entertain for the future.

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

*CAD, Official Report, Vol. X, 24th November 1949, p. 890.

wish fulfilled and bless us, because he fell a victim to a cruel and villainous plot....

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***Shri Jaipal Singh** (Bihar : General) : Mr. President, Sir, may I venture to ignore your counsel against repetition and add my own tribute, unqualified tribute, for the tremendous work Dr. Ambedkar and his hard-worked team have put in the making of the new Constitution and also, Sir, may I humbly add, for the inexhaustible patience you yourself have shown in guiding our deliberations....

†Shri A. Thanu Pillai : ...In conclusion, Sir, from what I have been able to see of the procedure of this Assembly, I must tell you I am amazed at the patience you have been showing. Even if it be a question of our communication with the Moon, if the rules permitted it, you were prepared to put it to the vote. (2) This was the extent of patience that we witnessed here on your part. I must also be permitted to add one word of thankfulness to all those concerned, for the ability of Dr. Ambedkar and Mr. Alladi Krishnaswami Ayyar, for the extreme interest that Mr. T. T. Krishnamachari and Mr. Santhanam and others took in the framing of the Constitution—when I mention a few of these names, it does not mean that there are no other names to be mentioned. Everybody concerned has functioned well....

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

@...Sir, another charge is that this Constitution is full of checks and safeguards, and it curtails freedom of the individual and restricts State autonomy. I do not take it in that light. These safeguards are there only as fences intended to protect the infant freedom and democracy from stray cattle. A tiger cannot say, for instance, that it should be free to kill the lambs and take them away. This is my reply when the cry that civil liberty is in danger is raised and all these provisions are thrown in our face....

*CAD, Official Report, Vol. X, 24th November 1949, p. 893.

† *Ibid.*, p. 898.

‡ *Ibid.*, pp. 898-899.

@ *Ibid.*, p. 901.

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

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

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

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

*CAD, Official Report, Vol. X, 24th November 1949, p. 903.

† *Ibid.*, p. 913.

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

†Shri L. S. Bhatkar (C. P. & Berar : General): @[Mr. President, I congratulate Dr. Ambedkar and other members of the Drafting committee for preparing this Draft Constitution with so much labour and industry after our country had achieved its freedom.... Article 17 provides for the abolition of untouchability for which I congratulate the Drafting Committee.... ‡Article 338 refers to justice for the Scheduled Castes. Mr. President, I wish to tell you that the position of Harijans in the services hitherto is as follows :

C. P. & BERAR

			Population (1931 Census)	Gazetted posts
(1)			(2)	(3)
Brahmans	...	...	.5,42,556	448
Marathas & others	...	...	.18,82,654	17
Scheduled Castes	...	...	.30,51,413	3
Muslims	...	...	.7,83,697	99
Sikhs		...	.14,996	13
				580

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

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

*CAD, Official Report, Vol. XI, 24th November 1949, p. 914.

† *Ibid.*, p. 915.

@Translation of Hindustani speech.

‡ *Ibid.*, p. 916.

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In one word, I can say that the present Constitution is the result of many happy compromises effected as a consequence of the spirit of 'give and take' so liberally manifested by the Members of this House. In such circumstances you cannot expect that all the Members will have the same degree of satisfaction on all matters incorporated in the Constitution. This really explains the mixed reaction accorded to the Constitution by the various speakers. While I myself do not agree with every thing incorporated

*CAD, Official Report, Vol. XI, 24th November 1949, pp. 919-920.

in the Constitution, I can say without the slightest fear of contradiction, that it has the substantial support of a very substantial section of this House.

It is no doubt true that the Constitution as originally drafted has undergone a radical change. Such a change was inevitable under the altered conditions of the country....

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*GOVERNMENT OF INDIA ACT (AMENDMENT) BILL

Mr. President : The first thing today is to take up the Bill of which notice has been given by Dr. Ambedkar.

The Honourable Dr. B. R. Ambedkar (Bombay : General) : Sir, I move for leave to introduce a Bill further to amend the Government of India Act, 1935.

Mr. President : The question is :—

“That leave be given to introduce a Bill further to amend the Government of India Act, 1935.”

The motion was adopted.

The Honourable Dr. B. R. Ambedkar : Sir, I introduce the Bill.

Mr. President: The Bill is introduced.

The Honourable Dr. B. R. Ambedkar : Sir, I move :

“That the bill further to amend the Government of India Act, 1935, be taken into consideration by the Assembly at once.”

Mr. President : Motion moved.

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The motion was adopted.

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†**The Honourable Dr. B. R. Ambedkar :** Sir, I am sure that there is some confusion in the mind of my friend Mr. Naziruddin Ahmad, as I find by reference to the various Acts that are passed by the Constituent Assembly the proposal in the Bill that it should be called the Fourth Amendment Act is the proper wording. The first Act that was passed by the Constituent Assembly is called the Government of India (Amendment) Act, 1949. The second one is called the Government of India I (Second Amendment) Act, 1949, which deals with the removal of prisoners from one unit to another unit. The third Amendment Act, 1949, deals with evacuee property, and the Bengal election.

Mr. Naziruddin Ahmad : It is not called an Amendment Act at all, it has got a different name.

*CAD, Official Report, Vol. XI, 25th November 1949, p. 920.

† *Ibid.*, 25th November 1949. p. 923

‡ *Ibid.*, pp. 927-929.

The Honourable Dr. B. R. Ambedkar : If you look at clause 1, there you will see, "This Act may be called the Government of India (Second Amendment) Act, 1949." The next one is called the third Amendment Act, 1949, which deals with the custody, management and disposal of evacuee property and the election in West Bengal.

The confusion, I think, has arisen from the fact that we have passed two other Acts in the Constituent Assembly, one relating to the Abolition of Privy Council Jurisdiction and another amending the Central Government and Legislature Act, 1946. Those Acts are not amendments of the Government of India Act, at all. Although those Acts may have indirect effect on the Government of India Act, they are not amendments to the Government of India Act. We are, therefore, entitled to class this as the Fourth Amendment, because, so far as direct amendment of the Government of India Act, 1935 is concerned, this Assembly has passed only three Acts and no other.

Mr. Naziruddin Ahmad : But there is no Third Amendment Act, at all.

The Hounourable Dr. B. R. Ambedkar : Of course there is. The third Act deals with the custody, management and disposal of evacuee property. I have got the Act here before me.

Mr. President : There seems to be a little confusion about this matter. Fourth is not the number of the Act. what is described here is the fourth amendment of the Act. That is not the number of the Act itself. The number of the Act is separate.

The Honourable Dr. B. R. Ambedkar : It is a description of the present Act. It is a short title.

Mr. President : It is only a description. The number will be Act No. 6 of 1949.

The Honourable Dr. B. R. Ambedkar : That is so. This is a short title.

Mr. President : The constituent Assembly has passed five Acts upto now, in 1949 and this will be the sixth. But so far as amendments are concerned, it is the fourth amendment to the Government of India Act, and therefore it is called the Fourth amendment.

Pandit Hirday Nath Kunzru (United Provinces : General) : If out of the five Acts that we have already passed....

Mr. President : This is the sixth.

The Honourable Dr. B. R. Ambedkar : We have passed in this Assembly five Acts. Out of them two have nothing to do with any amendment of the Government of India Act, 1935.

Pandit Hirday Nath Kunzru : Why were they placed before the Constituent Assembly if they were not of a constitutional character?

The Honourable Dr. B. R. Ambedkar : The short title is quite different from the purport of the Act.

Pandit Hirday Nath Kunzru : The question is whether the right of a litigant to appeal to the Privy Council could have been taken away without an amendment to the Government of India Act, 1935.

The Honourable Dr. B. R. Ambedkar : The short title of the next Act was the Central Government and Legislature Amendment Act, 1949. that Act sought to amend the India (Central Government and Legislature) Act, 1946 which is an Act of Parliament and not the Government of India Act, 1935. The other Act was the abolition of Privy Council jurisdiction Act, 1949.

Pandit Hirday Nath Kunzru : But the earlier Act to which my honourable Friend has referred, namely, the Amendment to the Central Legislature Act was itself an amendment of the Government of India Act.

The Honourable Dr. B. R. Ambedkar : No, no, that is not, there was a separate Act passed by Parliament called the India (Central Government and Legislature) Act 1946. This amendment was an amendment to that Act. That Act was outside the Government of India Act, 1935.

Shri R. K. Sidhva : Perhaps Dr. Ambedkar will remember that the amendment to the Act from Cotton Seeds to Cotton was really an amendment to the Government of India Act, to which he has made no mention.

The Honourable Dr. B. R. Ambedkar : This would mean a sixth Act no doubt but the short title is something quite different to the number of the Acts. We are discussing the short titles.

Shri T. T. Krishnamachari (Madras : General) : This is a matter of nomenclature and in fact in the previous Acts amended by Parliament, they have given different names for Acts which in purport amended the Government of India Act, such as the India Burma Emergency Powers Act, 1942. The matter of nomenclature need not be pursued to its logical and bitter end. I suggest the House to proceed with the consideration of the Bill.

Mr. Naziruddin Ahmad : Is there any Act No. IV?

Mr. President : There seems to be.

The Honourable Dr. B. R. Ambedkar : There is.

Mr. Naziruddin Ahmad : I have not got it.

The Honourable Dr. B. R. Ambedkar : If you have not a copy, what can we do ?

Mr. President: After all, nothing will turn upon the title !

The Honourable Dr. B. R. Ambedkar : I can give him the number also, if he wants it.

Act No. I of 1949 is called by the short title of “The Government of India (amendment) Act 1949.”

Act No. II of 1949 is called “The Government of India (second amendment) Act, 1949.”

Act No. III of 1949 is called “The India (Central Government and legislature) Amendment Act, 1949.”

Act No. IV of 1949 is called “The Government of India (Third Amendment) Act, 1949.”

Act No. V of 1949 is called “The abolition of Privy Council Jurisdiction Act, 1949.”

Acts III and V have nothing to do with the Government of India Act, 1935 and that is why we call this the fourth Amendment of the Government of India Act.

Mr. President : The question is :

“That in sub-clause (1) of clause 1, for the words ‘Fourth Amendment’ the words ‘Third Amendment’ be substituted.”

The amendment was negatived.

Mr. President : The question is :

“That clause 1 do stand part of the Bill,”

The motion was adopted.

Clause 1 was added to the Bill.

Clause 2

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

“That clause 2 be deleted.”

Sir, I also beg to move :

“That in clause 2, the following statute reference be appended :

‘52 & 53 vict., C.63.’ ”

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†**The Honourable Dr. B. R. Ambedkar :** All that I can say is that this is the uniform clause that has been passed by this Assembly in the other Acts amending the Government of India Act, therefore, in order to keep up the uniformity and to provide for the interpretation of this particular Act, clause 2 is a very necessary part of the Bill.

*CAD, Official Report, Vol. XI, 25th November 1949, p. 929.

†*Ibid.*, p. 929.

With regard to the suggestion of my friend all that it means is that there should be a marginal note giving the chapter number of the Interpretation Act of 1889. That is a matter for the draftsman to consider, and if he thinks such a marginal note is necessary, he will no doubt consider the matter. But this marginal note is not added against the clause of the other Acts which amend the Government of India Act of 1935.

Mr. Naziruddin Ahmad : Although Dr. Ambedkar says that in all the previous Acts this clause appears, yet I beg to point out that in Act No. V, there is no such clause. I pointed out the omission but I was over-ruled.

The Honourable Dr. B. R. Ambedkar : That was a self-contained Act. It required no reference to the Interpretation Act at all.

[The amendments of Naziruddin Ahmad were negatived and clause 2 was added to the Bill.]

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Clause 3

***Shri H. V. Pataskar :** Sir, I move :

“That in clause 3, after the words ‘alter the name of any Province’ the words ‘after ascertaining the opinion of the members of the Legislature of the province whose name is proposed to be changed’ be added.”

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†**The Honourable Dr. B. R. Ambedkar :** Sir, dealing first with the amendment of Mr. Pataskar, I am afraid I must point out that it would not fit in within the framework of section 290. My friend does not seem to have noticed that to the various sub-clauses of clause (1) of section 290 there is a general proviso which applies to all the sub-clauses (a), (b), (c) and (d). If he refers to that proviso he will find that his amendment would introduce double conditions for the operation of the new clause, namely sub-clause (e). Sub-clause (e) would be subject to the condition he wants to lay down in his amendment, namely, ‘after ascertaining the opinion of the members of the legislature of the province whose name is proposed to be changed’. In addition to that, sub-clause (e) would also be governed by the proviso, namely that the Governor-General shall ascertain the views of the Government of the province. In view of this there would arise a very difficult condition, according to his amendment, the Governor-General will be bound to ascertain the wishes of the legislature. According to the proviso to section 290, he will be bound to ascertain the views of the Government of the province. He will therefore put himself in a double

*CAD, Official Report, Vol. XI, 25th November 1949, p. 930.

† *Ibid.*, pp. 935-937.

difficulty by reason of the fact that the Governor-General will have to consult two different bodies, that is not going to be a very easy matter. Secondly, he would realise that it is not quite justifiable that sub-clauses (a) to (d) should be governed by a single proviso, while the new sub-clause (e) should be governed by two provisions.

Shri H. V. Pataskar : That is not so.

The Honourable Dr. B. R. Ambedkar : That is what I say. How do you know? Therefore it seems to me that he is putting himself and the Governor-General in a somewhat difficult position by making such a suggestion. Do not therefore think that at this stage it would be logical to accept it, whatever be the merits of the suggestion.

Coming to the amendment of my friend, Mr. Sidhva, he seems to me to have completely confused the intention of this article and the provisions contained in the new Constitution. He speaks of Parliament and requires that the order made by the Governor-General be placed within three days of its making before Parliament. Mr. Sidhva has evidently forgotten that, when he speaks of the Parliament, he speaks of the legislature which comes into being on the 26th January 1950. On that date the Governor-General disappears, and this section 290 as well as the sub-clause (e) which I am trying to introduce by this measure will also disappear. On the 26th January what will be on the Statute Book and operative would be the provisions contained in article 3 of the new Constitution. He has, I am sorry to say, not paid sufficient attention to the point that I have sought to make.

Shri R. K. Sidhva : What the Governor-General does will be binding upon the President.

The Honourable Dr. B. R. Ambedkar : It seems to me that both these suggestions are impracticable. As to the general proposition whether Parliament should be brought in or not, we have to deal with two matters. One is that there is a general desire on the part of some of the provinces that the names by which they have been called under the Government of India Act 1935 do not smell sweet according to them, and they would like to begin with the names which they think are good enough for them on the date on which the Constitution commences. The Constituent Assembly felt at the time when the matter was discussed last time that this desire of some of the provinces whose names are not good enough in their own opinion has a good case and therefore a provision ought to be made for the Governor-General before the commencement of this Constitution to take such action as he thinks necessary to carry out the

desires of the provinces. Therefore it seems to me that such a provision is necessary.

A certain amount of fear has been expressed that some provinces might suggest to the Governor-General names which may not be possible in the opinion of the other provinces, and consequently names which have been rejected by this House or disapproved by this House may be given to the new provinces without the knowledge of this Constituent Assembly or without the consent of the provincial legislatures concerned. It seems to me that that sort of suggestion is reading too much into section 290 as amended by this Bill because under section 290 the Governor-General has absolute discretion in this matter and is not bound to act upon the suggestion made either by the Provincial Government or, if I accept the amendment of Mr. Pataskar, the opinion of the legislature. He is free to act and the only authority who is to advise him to act is the Cabinet at the Centre. All that is required under section 290 is to ascertain the views of the Government of the Province. That does not mean that the Governor-General is bound to accept any name that has been suggested. I am quite certain in my own mind that the discussion that has taken place in this House, the opinions expressed by this House on the suggestion made by Professor Saksena in regard to the name of the United Provinces will be taken into consideration by the Central Executive and by the Governor-General before he decides to take any action under the proposed amendment to article 290.

Mr. President : I will now put the amendments to the vote. Mr. Naziruddin Ahmad, do you want your amendment to be put to the vote? It is only a matter of punctuation?

Mr. Naziruddin Ahmad : It may be left to the Drafting committee.

The Honourable Dr. B. R. Ambedkar : It is a wrong amendment.

[Clause 3, Preamble and the title were adopted and added to the Bill.]

***The Honourable Dr. B. R. Ambedkar :** Sir, I move :

“That the Bill further to amend the Government of India Act, 1935, as settled by the Assembly, be passed.”

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The motion was adopted.

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