

CONSTITUENT ASSEMBLY OF INDIA DEBATES (PROCEEDINGS) - VOLUME XI

Saturday, the 26th November, 1949

The Constituent Assembly of India met in the Constitution Hall, New Delhi, at Ten of the clock, Mr. President (The Honourable Dr. Rajendra Prasad) in the Chair.

ANNOUNCEMENT *RE.* STATES

Mr. President: I understand that Sardar Patel has to make some announcement regarding the position of the States. Before putting the motion formally to vote I would ask him to make the statement.

The Honourable Sardar Vallabhbhai J. Patel (Bombay: General): Sir, I have a short announcement to make. As honourable Members will recall, in the course of the detailed statement I made before this house on the 12th October on the position of the States under the new Constitution, I appraised honourable Members of the procedure we contemplated regarding the acceptance of the Constitution by the States. I am glad to inform the House that all the nine States specified in Part B of the First Schedule of the Constitution, including the State of Hyderabad, have signified, in the manner indicated in my statement made on October 12th, their acceptance of the Constitution which the House is now going to adopt.

DRAFT CONSTITUTION-(*Contd.*)

Shri B. Das (Orissa: General): Sir, I would like to know if you are going to make a pronouncement as to whether *Vandemataram* should be the national song and what should be our national anthem.

Mr. President : I am not going to make any announcement now. That matter will be considered later on, if necessary, by the Assembly when we meet in January.

I have received two messages from two gentlemen, one of them who was a Member and the other who still continues to be a Member of the Assembly.

The first Message is from His excellency Shri Sri Prakasa:

"Offer hearty respectful felicitations solemn auspicious occasion putting the Presidential seal confirming Nation's self-wrought Charter of liberty. Earnestly pray we prove worthy of freedom and loyal to Constitution spontaneously availing ourselves of opportunities afforded for country's devoted service -Shri Prakasa".

The second Message is from Dr. Sachchidananda Sinha:

"If permissible kindly convey Assembly my message. Though privileged to inaugurate as First President its proceedings in December, 1946 but not to take part in their closing tomorrow, due to continued ill-health. I have, with keenest interest and deepest sympathy followed the work of constitution making and remembering that nothing in this world is or can be perfect or please all and also the patent facts that the area to be covered was tremendous the population multitudinous of hundreds of millions with multiplicity of languages and conflicts of vast and varied interests, it is not at all surprising that there are several problems unsolved. But, to me, it is marvellous that so much unity and integrity should have been evolved in almost all matters reflecting thereby highest credit on the good sense of the Assembly. And no less redounding to you as highly tactful President. As the seniormost Member of the Assembly, I invoke Divine Mercy that your labours may be crowned with fullest success and that the ancient historic land of Bharat may again stand forth great and glorious in the scale of Nations – Sachchidananda Sinha".

Shri Algu Rai Shastri (United Provinces: General): *[Mr. President, before you resume the day's work. I would like to know from you as to when and in which form the Hindi Translation of this Constitution would appear. I had suggested the other day that when we meet before the 26th January, we should give two or three days for general discussion of that translation and authenticate it. Are you going to consider this humble request of mine? You would recollect that you had yourself declared that the Constitution of our Nation would be framed in our own National Language but you have not yet made any definite announcement on this question. I would request that some announcement should be made in this respect. We can sit for two or three days and adopt the Constitution in our National Language. We should pass our Constitution in the language of the country. This language (English) is not the language of the people, it is not the language of the common man. I, therefore, request you in the name of Indian nationalism and in the name of Indian people to make a definite announcement in this respect.]

Mr. President : *[You would be aware that some articles have been adopted in the Constitution wherein it has been decided which would be the language for official use. Therein it has also been decided that for the next 15 years all official work at the Centre would be carried in English. And if it is considered necessary and expedient, Hindi may also find some place therein. At present perhaps it will not be possible to place the Constitution in Hindi before this House and to get it adopted. Besides this, the Constituent Assembly has itself passed a resolution directing me to publish the Hindi translation of the Constitution by the 26th of January. I am making arrangements for that and the translation would be published by the 26th of January.

I would also, as soon as possible, get it translated and published in other languages. It is therefore not opportune to get the Constitution prepared in Hindi, discuss it and to adopt it here.]

Shri R. V. Dhulekar (United Provinces: General): *[Will it be possible to get it signed by us, when the Constituent Assembly adopts it here?]

Mr. President: *[I do not know whether all the Members of the Assembly would be prepared to accept the translation. It can be done after full consideration of every word and every phrase. This may perhaps take as much time as had been taken by the English version. So it does not seem to be possible. But the translation will be ready.]

Shri R. V. Dhulekar: *[My request is not that the translation should be adopted by the Assembly on the 26th January, but it should be decided that it would come into force from that day.]

Mr. President: *[That translation will be published on my behalf. The people would judge it for what it is worth.]*

Before I formally put the motion which was moved by Dr. Ambedkar, I desire to say a few words.

I desire to congratulate the Assembly on accomplishing a task of such tremendous magnitude. It is not my purpose to appraise the value of the work that the Assembly has done or the merits or demerits of the Constitution which it has framed. I am content to leave that to others and to posterity. I shall attempt only to point out some of its salient features and the method which we have pursued in framing the Constitution.

Before I do that, I would like to mention some facts which will show the tremendousness of the task which we undertook some three years ago. If you consider the population with which the Assembly has had to deal, you will find that it is more than the population of the whole of Europe minus Russia, being 319 millions as against 317 millions. The countries of Europe have never been able to join together or coalesce even in a Confederacy, much less under one unitary Government. Here, in spite of the size of the population and the country, we have succeeded in framing a Constitution which covers the whole of it. Apart from the size, there were other difficulties which were inherent in the problem itself. We have got many communities living in this country. We have got many languages prevalent in different parts of it. We have got other kinds of differences dividing the people in the different parts from one another. We had to make provision not only for areas which are advanced educationally and economically; we had also to make provision for backward people like the Tribes and for backward areas like the Tribal areas. The communal problem had been one of the knottiest problems which the country has had before it for a pretty long time. The Second Round Table Conference which was attended by Mahatma Gandhi failed because the communal problem could not be solved. The subsequent history of the country is too recent to require narration here; but we know this that as a result, the country has had to be divided and we have lost two big portions in the north-east and north-west.

Another problem of great magnitude was the problem of the Indian States. When the British came to India, they did not conquer the country as a whole or at one stroke. They got bits of it from time to time. The bits which came into their direct possession and control came to be known as British India; but a considerable portion remained under the rule and control of the Indian Princes. The British thought at the time that it was not necessary or profitable for them to take direct control of those territories, and they allowed the old Rulers to continue subject to their suzerainty. But they entered into various kinds of treaties and engagements with them. We had something near six hundred States covering more than one-third of the territory of India and one-fourth of the population of the country. They varied in size from small tiny principalities to big States like Mysore, Hyderabad, Kashmir, etc. When the British decided to leave this country, they transferred power to us; but at the same time, they also declared that all the treaties and engagements they had with the Princes had lapsed. The paramountcy which they had so long exercised and by which they could keep the Princes in order also lapsed. The Indian Government was then faced with the problem of tackling these States which had different traditions of rule, some of them having some form of popular representation in Assemblies and some having no semblance of anything like that, and governing completely autocratically.

As a result of the declaration that the treaties with the Princes and Paramountcy had lapsed, it became open to any Prince or any combination of Princes to assume independence and even to enter into negotiations with any foreign power and thus become islands of independent territory within the country. There were undoubtedly geographical and other compulsions which made it physically impossible for most of them to go against the Government of India but constitutionally it had become possible. The Constituent Assembly therefore had at the very beginning of its labours, to enter into negotiations with them to bring their representatives into the Assembly so that a constitution might be framed in consultation with them. The first efforts were successful and some of them did join this Assembly at an early stage but others hesitated. It is not necessary to pry into the secrets of what was happening in those days behind the scenes. It will be sufficient to state that by August 1947 when the Indian Independence Act came into force, almost all of them with two notable exceptions, Kashmir in the north and Hyderabad in the South, had acceded to India. Kashmir soon after followed

the example of others and acceded. There were standstill agreements with all of them including Hyderabad which continued the *status quo*. As time passed, it became apparent that it was not possible at any rate for the smaller States to maintain their separate independence existence and then a process of integration with India started. In course of time not only have all the smaller States coalesced and become integrated with some province or other of India but some of the larger ones also have joined. Many of the States have formed Unions of their own and such Unions have become part of the Indian Union. It must be said to the credit of the Princes and the people of the States no less than to the credit of the States Ministry under the wise and far-sighted guidance of Sardar Vallabhbhai Patel that by the time we have been able to pass this Constitution, the States are now more or less in the same position as the Provinces and it has become possible to describe all of them including the Indian States and the Provinces as States in the Constitution. The announcement which has been made just now by Sardar Vallabhbhai Patel makes the position very clear, and now there is no difference between the States, as understood before, and the provinces in the New Constitution.

It has undoubtedly taken us three years to complete this work, but when we consider the work that has been accomplished and the number of days that we have spent in framing this Constitution, the details of which were given by the Honourable Dr. B. R. Ambedkar, yesterday, we have no reason to be sorry for the time spent.

It has enabled the apparently intractable problem of the States and the communal problem to be solved. What had proved insoluble at the Round Table Conference and had resulted in the division of the country has been solved with the consent of all parties concerned, and again under the wise guidance of Honourable Sardar Vallabhbhai Patel.

At first we were able to get rid of separate electorates which had poisoned our political life for so many years, but reservation of seats for the communities which enjoyed separate electorates before had to be conceded, although on the basis of their population and not as had been done in the Act of 1919 and the Act of 1935 of giving additional representation on account of the so-called historical and other superiority claimed by some of the communities. It has become possible only because the Constitution was not passed earlier that even reservation of seats has been given up by the communities concerned and so our Constitution does not provide for reservation of seats on communal basis, but for reservation only in favour of two classes of people in our population, namely, the depressed classes who are Hindus and the tribal people, on account of their backwardness in education and in other respects. I therefore see no reason to be apologetic about the delay.

The cost too which the Assembly has had to incur during its three year's existence is not too high when you take into consideration the factors going to constitute it. I understand that the expenses up to the 22nd of November come to Rs. 63,96,729/-.

The method which the Constituent Assembly adopted in connection with the Constitution was first to lay down its 'terms of reference' as it were in the form of an Objective Resolution which was moved by Pandit Jawaharlal Nehru in an inspiring speech and which constitutes now the Preamble to our Constitution. It then proceeded to appoint a number of committees to deal with different aspects of the Constitutional problem. Dr. Ambedkar mentioned the names of these Committees. Several of these had as their Chairman either Pandit Jawaharlal Nehru or Sardar Patel to whom thus goes the credit for the fundamentals of our Constitution. I have only to add that they all worked in a business-like manner and produced reports which were considered by the Assembly and their recommendations were adopted as the basis on which the draft of the Constitution had to be prepared. This was done by Mr. B. N. Rau, who brought to bear on his task a detailed knowledge of Constitutions of other countries and an extensive knowledge of the conditions of this country as well as his own administrative experience. The Assembly then appointed the Drafting Committee which worked on the original draft prepared by Mr. B. N. Rau and produced the Draft Constitution which was

considered by the Assembly at great length at the second reading stage. As Dr. Ambedkar pointed out, there were not less than 7,635 amendments of which 2,473 amendments were moved. I am mentioning this only to show that it was not only the Members of the Drafting Committee who were giving their close attention to the Constitution, but other Members were vigilant and scrutinizing the Draft in all its details. No wonder, that we had to consider not only each article in the Draft, but practically every sentence and sometimes, every word in every article. It may interest honourable members to know that the public were taking great interest in its proceedings and I have discovered that no less than 53,000 visitors were admitted to the Visitors gallery during the period when the Constitution has been under consideration. In the result, the Draft Constitution has increased in size, and by the time it has been passed, it has come to have 395 articles and 8 schedules, instead of the 243 articles and 13 schedules of the original Draft of Mr. B. N. Rau. I do not attach much importance to the complaint which is sometimes made that it has become too bulky. If the provisions have been well thought out, the bulk need not disturb the equanimity of our mind.

We have now to consider the salient features of the Constitution. The first question which arises and which has been mooted is as to the category to which this Constitution belongs. Personally, I do not attach any importance to the label which may be attached to it – whether you call it Federal Constitution or Unitary Constitution or by any other name. It makes no difference so long as the Constitution serves our purpose. We are not bound to have a constitution which completely and fully falls in line with known categories of constitutions in the world. We have to take certain facts of history in our own country and the Constitution has not to an inconsiderable extent been influenced by such realities as facts of history.

You are all aware that until the Round Table conference of 1930, India was completely a Unitary Government, and the provinces derived whatever power they possessed from the Government of India. It was there for the first time that the question of Federation in a practical form arose which would include not only the provinces but also the many States that were in existence. The Constitution of 1935 provided for a Federation in which both the provinces of India and the States were asked to join. But the federal part of it could not be brought into operation, because terms on which the Princes could agree to join it could not be settled in spite of prolonged negotiation. And, when the war broke out, that part of the Constitution had practically to be abrogated.

In the present Constitution it has been possible not only to bring in practically all the States which fell within our geographical limits, but to integrate the largest majority of them in India, and the Constitution as it stands practically makes no difference so far as the administration and the distribution of powers among the various organs of the State are concerned between what were the Provinces and what were Indian States before. They are all now more or less on the same footing and, as time passes, whatever little distinction still exists is bound to disappear. Therefore, so far as labelling is concerned, we need not be troubled by it.

Well, the first and the most obvious fact which will attract any observer is the fact that we are going to have a Republic. India knew republics in the past olden days, but that was 2,000 years ago or more and those republics were small republics. We never had anything like the Republic which we are going to have now, although there were empires in those days as well as during the Mughal period which covered very large parts of the country. The President of the Republic will be an elected President. We never have had an elected Head of the State which covered such a large area of India. And it is for the first time that it becomes open to the humblest and the lowliest citizens of the country to deserve and become the President or the Head of this big State which counts among the biggest States of the world today. This is not a small matter. But because we have an elected President, some of the problems which are of a very difficult nature have arisen. We have provided for the election of the President. We have provided for an elected legislature which is going to have supreme authority. In America, the legislature and the President are both elected and, there both

have more or less equal powers – each in its or his own sphere, the President in the executive sphere and the legislature in the legislative sphere.

We considered whether we should adopt the American model or the British model where we have a hereditary king who is the fountain of all honour and power, but who does not actually enjoy any power. All the power rests in the Legislature to which the Ministers are responsible. We have had to reconcile the position of an elected President with an elected Legislature and, in doing so, we have adopted more or less the position of the British Monarch for the President. This may or may not be satisfactory. Some people think too much power has been given to the President; others think that the President, being an elected President, should have even more powers than are given to him.

If you look at it from the point of view of the electorate which elects the Parliament and which elects the President, you will find that practically the entire adult population of the country joins in electing this Parliament and it is not only the Members of the Parliament of India but also the Members of the Legislative Assemblies of the States who join in electing the President. It thus comes about that, while the Parliament and Legislative Assemblies are elected by the adult population of the country as a whole, the President is elected by representatives who represent the entire population twice over, once as representatives of the States and again as their representatives in the Central Parliament of the country. But although the President is elected by the same electorate as the Central and State Legislatures, it is as well that his position is that of a Constitutional President.

Then we come to the Ministers. They are of course responsible to the Legislature and tender advice to the President who is bound to act according to that advice. Although there are no specific provisions, so far as I know, in the Constitution itself making it binding on the President to accept the advice of his Ministers, it is hoped that the convention under which in England the King acts always on the advice of his Ministers will be established in this country also and, the president, not so much on account of the written word in the Constitution, but as the result of this very healthy convention, will become a Constitutional President in all matters.

The Central Legislature consists of two Houses known as the House of People and the Council of States which both together constitute the Parliament of India. In the Provinces, or States as they are now called, we shall have a Legislative Assembly in all of them except those which are mentioned in Parts C and D of Schedule I, but every one of them will not have a Second Chamber. Some of the provinces, whose representatives felt that a Second Chamber is required for them, have been provided with a Second Chamber. But there is a provision in the Constitution that if a province does not want such a Second Chamber to continue or if a province which has not got one wants to establish one, the wish has to be expressed through the Legislature by a majority of two-thirds of the Members voting and by a majority of the total number of Members in the Legislative Assembly. So, even while providing some of the States with Second Chambers, we have provided also for their easy removal or for their easy establishment by making this kind of amendment of the Constitution not a Constitutional Amendment, but a matter of ordinary parliamentary legislation.

We have provided for adult suffrage by which the legislative assemblies in the provinces and the House of the People in the Centre will be elected. It is a very big step that we have taken. It is big not only because our present electorate is a very much smaller electorate and based very largely on property qualification, but it is also big because it involves tremendous numbers. Our population now is something like 320 millions if not more and we have found from experience gained during the enrolment of voters that has been going on in the provinces that 50 per cent. roughly representing the adult population. And on that basis we shall have not less than 160 million voters on our rolls. The work of organising election by such vast numbers is of tremendous magnitude and there is no other country where election on such a large scale has ever yet been held.

I will just mention to you some facts in this connection. The legislative assemblies in the provinces, it is roughly calculated, will have more than 3,800 members who will have to be elected in as many constituencies or perhaps a few less. Then there will be something like 500 members for the House of the People and about 220 Members for the Council of States. We shall thus have to provide for the election of more than 4,500 members and the country will have to be divided into something like 4,000 constituencies or so. I was the other day, as a matter of amusement, calculating what our electoral roll will look like. If you print 40 names on a page of foolscap size, we shall require something like 20 lakhs of sheets of foolscap size to print all the names of the voters, and if you combine the whole thing in one volume, the thickness of the volume will be something like 200 yards. That alone gives us some idea of the vastness of the task and the work involved in finalising the rolls, delimiting Constituencies, fixing polling stations and making other arrangements which will have to be done between now and the winter of 1950-51 when it is hoped the elections may be held.

Some people have doubted the wisdom of adult franchise. Personally, although I look upon it as an experiment the result of which no one will be able to forecast today, I am not dismayed by it. I am a man of the village and although I have had to live in cities for a pretty long time, on account of my work, my roots are still there. I, therefore, know the village people who will constitute the bulk of this vast electorate. In my opinion, our people possess intelligence and commonsense. They also have a culture which the sophisticated people of today many not appreciate, but which is solid. They are not literate and do not possess the mechanical skill of reading and writing. But, I have no doubt in my mind that they are able to take measure of their own interest and also of the interests of the country at large if things are explained to them. In fact, in some respects, I consider them to be even more intelligent than many a worker in a factory, who loses his individuality and becomes more or less a part of the machine which he has to work. I have, therefore, no doubt in my mind that if things are explained to them, they will not only be able to pick up the technique of election, but will be able to cast their votes in an intelligent manner and I have, therefore, no misgivings about the future, on their account. I cannot say the same thing about the other people who may try to influence them by slogans and by placing before them beautiful pictures of impracticable programmes. Nevertheless, I think their sturdy commonsense will enable them to see things in the right perspective. We can, therefore, reasonably hope that we shall have legislatures composed of members who shall have their feet on the ground and who will take a realistic view of things.

Although provision has been made for a second chamber in the Parliament and for second chambers in some of the States, it is the popular House which is supreme. In all financial and money matters, the supremacy of the popular House is laid down in so many words. But even in regard to other matters where the Upper Chamber may be said to have equal powers for initiating and passing laws, the supremacy of the popular House is assured. So far as Parliament is concerned, if a difference arises between the two Chambers, a joint session may be held; but the Constitution provides that the number of Members of the Council of States shall not be more than 50 percent. of the Members of the House of the People. Therefore, even in the case of a joint session, the supremacy of the House of the People is maintained, unless the majority in that very House is a small one which will be just a case in which its supremacy should not prevail. In the case of provincial legislatures, the decision of the Lower House, prevails if it is taken a second time. The Upper Chamber therefore can only delay the passage of Bills for a time, but cannot prevent it. The President or the Governor, as the case may be, will have to give his assent to any legislation, but that will be only on the advice of his Ministry which is responsible ultimately to the popular House. Thus, it is the will of the people as expressed by their representatives in the popular Chamber that will finally determine all matters. The second Chamber and the President or the Governor can only direct reconsideration and can only cause some delay; but if the popular Chamber is determined, it will have its way under the Constitution. The Government therefore of the country as a whole, both in the Centre and in the Provinces, will rest on the will of the people which will be expressed from day to day through their representatives in the legislatures and, occasionally directly by them at the time of the general

elections.

We have provided in the Constitution for a judiciary which will be independent. It is difficult to suggest anything more to make the Supreme Court and the High Courts independent of the influence of the Executive. There is an attempt made in the Constitution to make even the lower judiciary independent of any outside or extraneous influence. One of our articles makes it easy for the State Governments to introduce separation of Executive from Judicial functions and placing the magistracy which deals with criminal cases on similar footing as Civil Courts. I can only express the hope that this long overdue reform will soon be introduced in the States.

Our Constitution has devised certain independent agencies to deal with particular matters. Thus, it has provided for Public Service Commission both for the Union and for the States and placed such Commission on an independent footing so that they may discharge their duties without being influenced by the Executive. One of the things against which we have to guard is that there should be no room as far as it is humanly possible for jobbery, nepotism and favouritism. I think the provisions which we have introduced into our Constitution will be very helpful in this direction.

Another independent authority is the Comptroller and Auditor-General who will watch our finances and see to it that no part of the revenues of India or of any of the States is used for purposes and on items without due authority and whose duty it will be otherwise to keep our accounts in order. When we consider that our Governments will have to deal with hundreds of crores, it becomes clear how important and vital this Department will be. We have provided another important authority, i.e., the Election Commissioner whose function it will be to conduct and supervise the elections to the Legislatures and to take all other necessary action and connection with them. One of the dangers which we have to face arises out of any corruption which parties, candidates or the Government in power may practise. We have had no experience of democratic elections for a long time except during the last few years and now that we have got real power, the danger of corruption is not only imaginary. It is therefore as well that our Constitution guards against this danger and makes provision for an honest and straightforward election by the voters. In the case of the Legislature, the High Courts, the Public Services Commission, the Comptroller and Auditor-General and the Election Commissioner, the Staff which will assist them in their work has also been placed under their control and in most of these cases their appointment, promotion and discipline vest in the particular institution to which they belong thus giving additional safeguards about their independence.

The Constitution has given in two Schedules, namely Schedules V and VI, special provisions for administration and control of Scheduled Areas and Scheduled Tribes. In the case of the Tribes and Tribal Areas in States other than Assam, the Tribes will be able to influence the administration through the Tribes Advisory Council. In the case of the Tribes and Tribal Areas in Assam, they are given larger powers through their district Councils and Autonomous Regional Councils. There is, further provision for a Minister in the State Ministries to be in charge of the welfare of the Tribes and the Scheduled Castes and a Commission will also report about the way in which the areas are administered. It was necessary to make this provision on account of the backwardness of the Tribes which require protection and also because their own way of solving their own problems and carrying on their Tribal life. These provisions have given them considerable satisfaction as the provision for the welfare and protection of the Scheduled Castes has given satisfaction to them.

The Constitution has gone into great details regarding the distribution of power and functions between the Union and the States in all aspects of their administrative and other activities. It has been said by some that the powers given to the Centre are too many and too extensive and the States have been deprived of power which should really belong to them in their own fields. I do not wish to pass any judgment on this criticism and can only say that we cannot be too cautious about our future, particularly when we remember the history of this country extending over many centuries.

But such powers as have been given to the Centre to act within the sphere of the States relate only to emergencies, whether political or financial and economic, and I do not anticipate that there will be any tendency on the part of the Centre to grab more power than is necessary for good administration of the country as a whole. In any case the Central Legislature consists of representatives from the States and unless they are convinced of their over-riding necessity, they are not likely to consent to the use of any such powers by the Central executive as against the States whose people they represent. I do not attach much importance to the complaint that residuary powers have been vested in the Union. Powers have been very meticulously and elaborately defined and demarcated in the three lists of Schedule Seven, and the residue whatever it may be, is not likely to cover any large field, and, therefore, the vesting of such residuary powers does not mean any very serious derogation in fact from the power which ought to belong to the States.

One of the problems which the Constituent Assembly took considerable time in solving relates to the language for official purposes of the country. There is a natural desire that we should have our own language, and in spite of the difficulties on account of the multiplicity of languages prevalent in the country, we have been able to adopt Hindi which is the language that is understood by the largest number of people in the country as our official language. I look upon this as a decision of very great importance when we consider that in a small country like Switzerland they have no less than three official languages and in South Africa two official languages. It shows a spirit of accommodation and a determination to organize the country as one nation that those whose language is not Hindi have voluntarily accepted it as the official language. (Cheers). There is no question of imposition now. English during the period of British rule, Persian during the period of the Muslim Empire were Court and official languages. Although people have studied them and have acquired proficiency in them, nobody can claim that they were voluntarily adopted by the people of the country at large. Now for the first time in our history we have accepted one language which will be the language to be used all over the country for all official purposes, and let me hope that it will develop into a national language in which all will feel equal pride while each area will be not only free, but also encouraged to develop its own peculiar language in which its culture and its traditions are enshrined. The use of English during the period of transition was considered inevitable for practical reasons and no one need be despondent over this decision, which has been dictated purely by practical considerations. It is the duty of the country as a whole now and especially of those whose language is Hindi to so shape and develop it as to make it the language in which the composite culture of India can find its expression adequately and nobly.

Another important feature of our Constitution is that it enables amendments to be made without much difficulty. Even the constitutional amendments are not as difficult as in the case of some other countries, but many of the provisions in the Constitution are capable of being amended by the Parliament by ordinary acts and do not require the procedure laid down for constitutional amendments to be followed. There was a provision at one time which proposed that amendments should be made easy for the first five years after the Constitution comes into force, but such a provision has become unnecessary on account of the numerous exceptions which have been made in the Constitution itself for amendments without the procedure laid down for constitutional amendments. On the whole, therefore, we have been able to draft a Constitution which I trust will serve the country well.

There is a special provision in our Directive Principles to which I attach great importance. We have not provided for the good of our people only but have laid down in our directive principles that our State shall endeavour to promote material peace and security, maintain just and honourable relations between nations, foster respects for international law and treaty obligations and encourage settlement of international disputes by arbitration. In a world torn with conflicts, in a world which even after the devastation of two world wars is still depending on armaments to establish peace and goodwill, we are destined to play a great part, if we prove true to the teachings of the Father of the

Nation and give effect to this directive principle in our Constitution. Would to God that he would give us the wisdom and the strength to pursue this path in spite of the difficulties which beset us and the atmosphere which may well choke us. Let us have faith in ourselves and in the teachings of the Master whose portrait hangs over my head and we shall fulfil the hopes and prove true to the best interests of not only our country but of the world at large.

I do not propose to deal with the criticism which relate mostly to the articles in the part dealing with Fundamental Rights by which absolute rights are curtailed and the articles dealing with Emergency Powers. Other Members have dealt with these objections at great length. All that I need state at this stage is that the present conditions of the country and tendencies which are apparent have necessitated these provisions which are also based on the experience of other countries which have had to enforce them through judicial decisions, even when they were not provided for in the Constitution.

There are only two regrets which I must share with the honourable Members I would have liked to have some qualifications laid down for members of the Legislatures. It is anomalous that we should insist upon high qualifications for those who administer or help in administering the law but none for those who made it except that they are elected. A law giver requires intellectual equipment but even more than that capacity to take a balanced view of things to act independently and above all to be true to those fundamental things of life – in one word – to have character (*Hear, hear*). It is not possible to devise any yardstick for measuring the moral qualities of a man and so long as that is not possible, our Constitution will remain defective. The other regret is that we have not been able to draw up our first Constitution of a free Bharat in an Indian language. The difficulties in both cases were practical and proved insurmountable. But that does not make the regret any the less poignant.

We have prepared a democratic Constitution. But successful working of democratic institutions requires in those who have to work them willingness to respect the view points of others, capacity for compromise and accommodation. Many things which cannot be written in a Constitution are done by conventions. Let me hope that we shall show those capacities and develop those conventions. The way in which we have been able to draw this Constitution without taking recourse to voting and to divisions in Lobbies strengthens that hope.

Whatever the Constitution may or may not provide, the welfare of the country will depend upon the way in which the country is administered. That will depend upon the men who administer it. It is a trite saying that a country can have only the Government it deserves. Our Constitution has provision in it which appear to some to be objectionable from one point or another. We must admit that the defects are inherent in the situation in the country and the people at large. If the people who are elected are capable and men of character and integrity, they would be able to make the best even of a defective Constitution. If they are lacking in these, the Constitution cannot help the country. After all, a Constitution like a machine is a lifeless thing. It acquires life because of the men who control it and operate it, and India needs today nothing more than a set of honest men who will have the interest of the country before them. There is a fissiparous tendency arising out of various elements in our life. We have communal differences, caste differences, language differences, provincial differences and so forth. It requires men of strong character, men of vision, men who will not sacrifice the interests of the country at large for the sake of smaller groups and areas and who will rise over the prejudices which are born of these differences. We can only hope that the country will throw up such men in abundance. I can say this from the experience of the struggle that we have had during the period of the freedom movement that new occasions throw up new men; not once but almost on every occasion when all leading men in the Congress were clapped into prison suddenly without having the time to leave instructions to others and even to make plans for carrying on their campaigns, people arose from amongst the masses who were able to continue and conduct the campaigns with intelligence, with initiative, with capacity for organization which nobody suspected

they possessed. I have no doubt that when the country needs men of character, they will be coming up and the masses will throw them up. Let not those who have served in the past therefore rest on their oars, saying that they have done their part and now has come the time for them to enjoy the fruits of their labours. No such time comes to anyone who is really earnest about his work. In India today I feel that the work that confronts us is even more difficult than the work which we had when we were engaged in the struggle. We did not have then any conflicting claims to reconcile, no loaves and fishes to distribute, no powers to share. We have all these now, and the temptations are really great. Would to God that we shall have the wisdom and the strength to rise above them, and to serve the country which we have succeeded in liberating.

Mahatma Gandhi laid stress on the purity of the methods which had to be pursued for attaining our ends. Let us not forget that this teaching has eternal value and was not intended only for the period of stress and struggle but has as much authority and value today as it ever had before. We have a tendency to blame others for everything that goes wrong and not to introspect and try to see if we have any share in it or not. It is very much easier to scan one's own actions and motives if one is inclined to do so than to appraise correctly the actions and motives of others. I shall only hope that all those whose good fortune it may be to work this Constitution in future will remember that it was a unique victory which we achieved by the unique method taught to us by the Father of the Nation, and it is up to us to preserve and protect the independence that we have won and to make it really bear fruit for the man in the street. Let us launch on this new enterprise of running our Independent Republic with confidence, with truth and non-violence and above all with heart within and God over head.

Before I close, I must express my thanks to all the Members of this august Assembly from whom I have received not only courtesy but, if I may say so, also their respect and affection. Sitting in the Chair and watching the proceedings from day to day. I have realised as nobody else could have, with what zeal and devotion the members of the Drafting Committee and especially its Chairman, Dr. Ambedkar in spite of his indifferent health, have worked. (Cheers). We could never make a decision which was or could be ever so right as when we put him on the Drafting Committee and made him its Chairman. He has not only justified his selection but has added luster to the work which he has done. In this connection, it would be invidious to make any distinction as among the other members of the Committee. I know they have all worked with the same zeal and devotion as its Chairman, and they deserve the thanks of the country.

I must convey, if you will permit me, my own thanks as well as the thanks of the house to our Constitutional Adviser, Shri B. N. Rau, who worked honorarily all the time that he was here, assisting the Assembly not only with his knowledge and erudition but also enabled the other Members to perform their duties with thoroughness and intelligence by supplying them with the material on which they could work. In this he was assisted by his band and research workers and other members of the staff who worked with zeal and devotion. Tribute has been paid justly to Shri S. N. Mukerjee who has proved of such invaluable help to the Drafting Committee.

Coming to the staff of the Secretariat of the Constituent Assembly I must first mention and thank the Secretary, Mr. H. V. R. Yengar, who organised the Secretariat as an efficient working body. Although latterly when the work began to proceed with more or less clock-work regularity, it was possible for us to relieve him of part of his duties to take up other work, but he has never lost touch with our Secretariat or with the work of the Constituent Assembly.

The members of the staff have worked with efficiency and with devotion under our Deputy Secretary Shri Jugal Kishore Khanna. It is not always possible to see their work which is done removed from the gaze of the Members of this Assembly but I am sure the tribute which Member after Members has paid to their efficiency and devotion to work is thoroughly deserved. Our Reports

have done their work in a way which will give credit to them and which has helped in the preservation of a record of the proceedings of the Assembly which have been long and taxing. I must mention the translators as also the Translation Committee under the Chairmanship of Honourable Shir G. S. Gupta who have had a hard job in finding Hindi equivalents for English terms used in the Constitution. They are just now engaged in helping a Committee of Linguistic Experts in evolving a vocabulary which will be acceptable to all other languages as equivalents to English words used in the Constitution and in law. The Watch and Ward officers, and the Police and last though not least the Marshall have all performed their duties to our satisfaction. (Cheers). I should not forget the peons and even the humbler people. They have all done their best. It is necessary for me to say all this because with the completion of the work of Constitution-framing, most of them who have been working on a temporary basis, will be out of employment unless they could be absorbed in other Departments and Ministries. I do hope that it will be possible to absorb them (hear, hear) as they have considerable experience and are willing and efficient set of workers. All deserve my thanks as I have received courtesy, co-operation and loyal service from all (*Prolonged Cheers.*)

It now remains to put the motion which was moved by Dr. Ambedkar, to the vote of the House. The question is :

"That the Constitution as settled by the Assembly be passed."

The motion was adopted, (Prolonged Cheers).

Mr. President : I have now formally to sign the Bill which has now become an Act, by way of its authentication so that it may get authority and come into force immediately.

Dr. Raghuvira (C. P. & Berar : General) : * [Will you sign in Hindi ?]

Mr. President : * [Why do you ask that question?]

Mr. President then authenticated the Constitution.

Mr. President : Before the House adjourns, there is one formal matter to be gone through, and that is to give me authority to call another session of the Assembly in January.

Shri Satyanarayan Sinha (Bihar : General) : Sir, I move :

"Resolved that the Constituent Assembly do adjourn till such date before the 26th of January 1950 as the President may fix."

Mr. President : The question is :

"Resolved that the Constituent Assembly do adjourn till such date before the 26th of January, 1950 as the President may. "

The motion was adopted

Mr. President : Before we adjourn, I would like to go round and shake hands with all the Members as I did when you first elected me to this place.

The Honourable Pandit Jawaharlal Nehru (United Provinces : General) : We shall come there and shake hands one by one, sir.

(The honourable Members then shook hands with Mr. President one by one.)

Mr. President : The House is adjourned *sine die*.

The Assembly then adjourned until a date before the 26th of January 1950, to be fixed by the President.

[Translation of Hindustani speech]