

**Shrimati Renuka Ray (West Bengal: General):** Mr. President, Sir, we are at last reaching the final stages of our Constitution-making, in three years. Three years, naturally, may appear to be a long time to frame a Constitution. But it must be borne in mind that since this Constituent Assembly first came into existence, swift-riding changes came in our country. With the partition of the country, the territorial orbit of the constitution-makers was circumscribed, while with the transfer of power, this House became a sovereign body, drawing up the constitution of a free country, and acting also in the dual role of Parliament. Thus the first seven months of its labour were largely wasted as changes had to be made. Much of the time of the Constituent Assembly was also spent in dealing with emergency situations and the day to day problems of Parliament. Again, Sir, with the integration of the Indian States, even changes which were not contemplated a year ago had to be made. Sir, when this country was partitioned and provinces like my own province and the Punjab were dismembered, those who were not our friends thought and expected that the further Balkanisation of India was imminent. Who could have thought at that time, which of us conceived, that in two short years, all the Indian States, including Hyderabad, would become a composite parts of the co-ordinated whole, and that for the States and the Provinces in a common measure, we would be drawing up a Constitution for the entire Indian Union? Sir, living as we do in close proximity to these events that have taken place, it is difficult for us to realise the full significance of the bloodless revolution that has taken place and which stands as an eloquent testimony to the genius of Sardar Patel. I feel that it is only posterity that can give due appreciation to these events.

Sir, turning now to the Constitution, I must say that it is a very voluminous Constitution that we have drawn up. It is perhaps the most voluminous in the world today. I was one of those who had believed that it would have been better not to have entered into such a welter of details, but to have drawn up a Constitution on more general lines. Sir, a written Constitution, however, elastic, must, to a very large extent, be a rigid Constitution. It would have been better, I think, to have eliminated as far as possible rigidity, by not going into too many details. But the argument that held with this House was that we were concerned with numerous complex problems, that living conditions in this country differed so much and so widely that much detail was necessary. But for the life of me, I cannot understand why we had to go to such details as to put in the salaries of high dignitaries of the State, like the President and the salaries of Judges, in the Constitution. Why should the Constitution thus usurp what are really the normal duties of Parliament? Apart from any question of the amounts of salaries that have been put in, I should like to point out that in the modern world, where money is always changing in value, a sum of Rs. 5,000 today, may tomorrow be worth only 500 or 5. So in the Constitution what purpose can be served by prescribing the exact amount of the salaries?

Sir, turning to the Constitution as it stands, in broad outline, though there may be many flaws, and one very major transgression against the very objectives of our Preamble, I feel, on the whole, this Constitution can fulfil the objectives for which we have drawn it up.

It has after all been drawn up by men and women who represent this country but who belong to very diverse cultures, different outlooks, with varying ideas on many subjects and thus the Constitution had to be drawn up in common agreement and as a matter of compromise and therefore it may be said, though each of us individually may have much to say on a great many of the clauses, on the whole we have been able to achieve a measure of common agreement.

So far as the Fundamental Rights of this Constitution are concerned, I think in the case of the majority of them, if they are properly explained to our people, there is nothing that will not win their approbation and the approval of all. I should like in particular to refer to one Fundamental Right which makes a tremendous difference and really does bring in equality: "The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.....". This right is a justiciable Fundamental Right today enforceable through courts of law, and if there are any laws, social and which remain as a contradiction to this principle of a justiciable right, those laws will have to be overridden.

It is very unfortunate that although the political rights are in these fundamental principles, the economic rights of citizens have not been able to be put in as justiciable rights today. Conditions in our country are such that it has not been possible for us at the present moment to have them as Fundamental Rights which are enforceable through courts of law. They have been put in as directives of State policy. Sir, it is also all the more unfortunate that among these directives of State policy are some to the most vital rights of citizens and along with them are lumped many matters of much lesser importance. At the same time, I do not think there is anything to despair because it is possible for the Parliament and the government of the future to bring these rights which are now directives as economic rights, and as Fundamental Right, in the near future.

Sir, the content of democracy is not political democracy alone, and although it is quite true that we have laid down a Constitution which with adult suffrage has brought political democracy to this country, it is equally true that this Constitution has not been able to provide as effectively as possible for the economic rights of the citizens, although there is no bar in attaining them.

I said a little while ago that there is one great flaw, one great transgression, in the Fundamental Rights which is a blot on this very Constitution. While every other economic right is in directives of States policy, the right to hold and acquire private property alone remains as the fundamental justiciable right. Not only is it there in Article 13(f) but it is further entrenched because of Article 31 of the Fundamental Rights. It is entrenched in such a manner that the Parliament of the day has not the final authority to even determine the amount and value of the compensation that has to be paid when property is acquired in the national interest.

Sir, the very exemptions that have been made in Article 31 show how firmly these rights are entrenched. These exemptions are in regard to zamindari property in certain provinces and even for these there is a time-limit. So that in the case of all other forms of property as well as in the case of zamindari property which cannot be legislated for in the prescribed time-limit, Parliament will have little voice. There was a great deal of confusion on this matter, I feel. There were many who seemed to think that if it was Parliament who had the final right to lay down the manner of compensation it may so happen that no compensation at all would be paid. Sir, I am sure you will agree with me, and the House also will agree with me, that no constitutional authority could ever have laid down any such principles in which no compensation whatsoever was paid. Therefore, I consider that there was a great confusion of issues when this point was raised and I feel, and I would humbly submit, that many of us did not quite realise what we were doing when we allowed this Clause in the present form to be included in the Constitution.

Posterity may well say of us that here, we did try to lay down the economic structure of future times, for all time, perhaps there is only one compensation, one consolation that we can by amendment of the Constitution change this, and I am sure Sir, that very shortly it will be necessary to bring in such an amendment.

After all, a Constitution is but a paper document. It is the way in which it is worked that will determine its success or its failure. We are the framers of this Constitution and in our humble way, as a compromise amongst so many, we have done the best that we could have perhaps, although we must consider that there are many flaws left. But it is the architects who will actually implement this Constitution, who will give it life and breath, who will really determine in what manner it will be worked. It will be to them to make of it something worthy and worthwhile and also it may be that they can mar it, distort it, maim it and make those very fundamental principles and rights which are meant for the security of citizens be used in such a way as to bring about the detriment of the citizen. It is really the architects of this generation and the next we are going to put this Constitution into working, on whom will depend a great deal, its success or its failure. It is not for us to say whether we have done our job well or badly. There will be, as I have said, need for amendments which some of us feel must come in the near future. In the light of the experience of the working of this Constitution, there will be need for many other adaptations to bring it into conformity with and adapted to the needs of the genius of our race.

Sir, before I conclude, I should like to join with those who have expressed their gratitude to you for the fortitude and the patience and the sweet tolerance that you have shown to the Members of this House. I would also like to express my thanks to the able members of the Drafting Committee and its Chairman, and particularly I should like to say a word about Mr. T.T. Krishnamachari who has put in as much effort and as much energy as this galaxy of brilliant lawyers amongst whom he has on more than one occasion brought to bear a humanising touch. Our deep gratitude is also due to Sir B.N. Rau, the Constitutional Adviser who without prejudice, explained legal intricacies to us and made them clear.

Sir, finally I would like to say that may it be given to us to be able to work this Constitution in this generation and in the generations to come, in such a manner, that the lofty ideas that the Father of our Nation laid down, may indeed become a living reality for the people of this land. May Gandhian socialism be a practical contribution of this country to the world of man.