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| Name | Speech |
| 10# Shri M. Ananthasyanam Ayyangar: | Sir, I submit that amendments Nos. 83 to 96, both inclusive, may kindly be allowed to stand over. They relate to the alternative names, or rather the substitution of names - BHARAT, BHARAT VARSHA, HINDUSTAN - for the word INDIA, in Article 1, clause (1). It requires some consideration. Through you I am requesting the Assembly to kindly pass over these items and allow these amendments to stand over for some time. A few days later when we come to the Preamble these amendments might be then taken up. I am referring to amendments Nos. 83 to 96, both inclusive, and also amendment No. 97 which reads: "That in clause (1) of article 1, for the word 'India' the word 'Bharat (India)' and for the word 'States' the word' Provinces' be substituted." So I would like all these to stand over. |
| 305# Mr. Vice-President: | Is that agreed to by the House? |
| 328# Honourable Members: | Yes. |
| 210# Shri Lokanath Misra: | Of course I would have no objection, Sir, if you defer consideration of these amendments for two or three days, but I beg to bring to your notice that amendment No. 85, which stands in my name, does not only mean to change the name of India into 'Bharatavarsha', but it means something more and I am afraid if you hold over this amendment those things would be inappropriate at a later stage. I am submitting that I may be allowed to move this amendment, of course without committing myself to the change of the name of India to 'Bharatavarsha' or otherwise. Though I am not insisting on the change of name just now, I ask that I may be allowed to move the other part of my amendment. |
| #10# Shri M. Ananthasayanam Ayyangar: | My request was that amendments relating only to the name may stand over and in his case on the understanding that the word 'India' be changed to some other name, he may move his amendment. I am not asking that the other portion of this amendment may not be moved. |
| #305# Mr. Vice-President: | So the Honourable Member may take the opportunity of moving the second part of his amendment at the proper place. Now we shall go to the amendments. Amendment No. 98 stands in the name of Professor K. T. Shah. |
| #227# Prof. K. T. Shah: | Sir, I beg to move: "That in clause (1) of article 1, after the words 'shall be a' the words 'Secular, Federal Socialist' be inserted." and the amended article or clause will read as follows: "India shall be a Secular, Federal, Socialist Union of States." In submitting this motion to the House I want first of all to point out that owing to the arrangements by which the Preamble is not considered at this moment, it is a little difficult for those who would like to embody their hopes and aspirations in the Constitution to give expression to them by making amendments of specific clauses which necessarily are restricted in the legal technique as we all know. Had it been possible to consider the governing ideals, so to say, which are embodied in this Preamble to the Draft Constitution, it might have been easier to consider these proposals not only on their own merits, but also as following from such ideals embodied in the preamble as may have been accepted. As it is, in suggesting this amendment, I am anxious to point out that this is not only a statement of fact as it exists, but also embodies an aspiration which it is hoped will be soon realized. The amendment tries to add three words to the descriptions of our State or Union: that is to say, the new Union shall be a Federal, Secular, Socialist Union of States. The Draft Constitution, may I add in passing, has rendered our task very difficult by omitting a section on definitions, so that terms like "States" are used in a variety of meanings from Article to Article, and therefore it is not always easy to distinguish between the various senses in which, and sometimes conflicting senses in which one and the same term is used. I take it, however, that in the present context the word "Union" stands for the composite aggregate of States, a new State by itself, which has to be according to my amendment a Federal, Secular Socialist State. I take first the word 'Federal'. This word implies that this is a Union which however is not a Unitary State, in as much as the component or Constituent parts, also described as States in the Draft Constitution, are equally parts and members of the Union, which have definite rights, definite powers and functions, not necessarily overlapping, often however concurrent with the powers and functions assigned to the Union or to the Federal Government. Accordingly it is necessary in my opinion to guard against any misapprehension or misdescription hereafter of this new State, the Union, which we shall describe as the Union of India. Lest the term 'Union' should lead any one to imagine that it is a unitary Government I should like to make it clear, in the very first article, the first clause of that article, that it is a `federal union'. By its very nature the term 'federal' implies an agreed association on equal terms of the states forming part of the Federation. It would be no federation, I submit, there would be no real equality of status, if there is discrimination or differentiation between one member and another and the Union will not be strengthened, I venture to submit, in proportion as there are members States which are weaker in comparison to other States. If some members are less powerful than others, the strength of the Union, I venture to submit, will depend not upon the strongest member of it, but be limited by the weakest member. There will therefore have to be equality of status, powers and functions as between the several members, which I wish to ensure by this amendment by adding the word `Federal'. So far as I remember, this word does not occur any where in the constitution to describe this new State of India as a Federation and this seems to me the best place to add this word, so as to leave no room for mistake or misunderstanding hereafter. Next, as regards the Secular character of the State, we have been told time and again from every platform, that ours is a secular State. If that is true, if that holds good, I do not see why the term could not be added or inserted in the constitution itself, once again, to guard against any possibility of misunderstanding or misapprehension. The term` secular', I agree, does not find place necessarily in constitutions on which ours seems to have been modelled. But every constitution is framed in the background of the people concerned. The mere fact, therefore, that such description is not formally or specifically adopted to distinguish one state from another, or to emphasis the character of our state is no reason, in my opinion, why we should not insert now at this hour, when we are making our constitution, this very clear and emphatic description of that State. The secularity of the state must be stressed in view not only of the unhappy experiences we had last year and in the years before and the excesses to which, in the name of religion, communalism or sectarianism can go, but I intend also to emphasis by this description the character and nature of the state which we are constituting today, which would ensure to all its peoples, all its citizens that in all matters relating to the governance of the country and dealings between man and man and dealings between citizen and Government the consideration that will actuate will be the objective realities of the situation, the material factors that condition our being, our living and our acting. For that purpose and in that connection no extraneous considerations or authority will be allowed to interfere, so that the relations between man and man, the relation of the citizen to the state, the relations of the states inner se may not be influenced by those other considerations which will result in injustice or inequality as between the several citizens that constitute the people of India. And last is the term `socialist'. I am fully aware that it would not be quite a correct description of the state today in India to call it a Socialist Union. I am afraid it is anything but Socialist so far. But I do not see any reason why we should not insert here an aspiration, which I trust many in this House share with me, that if not today, soon hereafter, the character and composition of the State will change, change so radically, so satisfactorily and effectively that the country would become a truly Socialist Union of States. The term `socialist' is, I know, frightening to a number of people, who do not examine its implications, or would not understand the meaning of the term and all that it stands for. They merely consider the term `socialist' as synonymous with abuse, if one were using some such term, and therefore by the very sound, by the very name of it they get frightened and are prepared to oppose it. I know that a person who advocates socialism, or who is a declared or professed socialist is to them taboo, and therefore not even worth a moment's consideration...... |
| #178# Seth Govind Das: | It is absolutely wrong. |
| #227# Prof. K. T. Shah: | Thank you. If the assurance given by some friends is correct, I hope the House would have no objection to accept this amendment. I trust that those friends here who are very loud in this assertion will induce others in the House to set aside party barriers, and support me in this promising description, this encouraging epithet of the State. By the term `socialist' I may assure my friends here that what is implied or conveyed by this amendment is a state in which equal justice and equal opportunity for everybody is assured, in which every one is expected to contribute by his lab our, by his intelligence, and by his work all that he can to the maximum capacity, and every one would be assured of getting all that he needs and all that he wants for maintaining a decent civilised standard of existence. I am sure this can be achieved without any violation of peaceful and orderly progress. I am sure that there is no need to fear in the implications of this term the possibility of a violent revolution resulting in the disestablishment of vested interests. Those who recognise the essential justice in this term, those who think with me that socialism is not only the coming order of the day, but is the only order in which justice between man and man can be assured, is the only order in which privileges of class exclusiveness property for exploiting elements can be dispensed with must support me in this amendment. It is the only order in which, man would be restored to his natural right and enjoy equal opportunities and his life no longer regulated by artificial barriers, customs, conventions, laws and decrees that man has imposed on himself and his fellows in defence of vested interests. If this ideal is accepted I do not see that there is anything objectionable in inserting this epithet or designation or description in this article, and calling our Union a Socialist Union of States. I have one more word to add. As I said at the very beginning this is not merely an addition or amendment to correct legal technicality, or make a factual change, but an aspiration and also a description of present facts. There are the words "shall be" in the draft itself. I therefore take my stand on the term "shall be", and read in them a promise and hope which I wish to amplify and definitise. I trust the majority, if not all the members of this House, will share with me. |
| #64# The Honourable Dr. B. R. Ambedkar: | Mr. Vice-President, Sir, I regret that I cannot accept the amendment of Prof. K. T. Shah. My objections, stated briefly are two. In the first place the Constitution, as I stated in my opening speech in support of the motion I made before the House, is merely a mechanism for the purpose of regulating the work of the various organs of the State. It is not a mechanism where by particular members or particular parties are installed in office. What should be the policy of the State, how the Society should be organised in its social and economic side are matters which must be decided by the people themselves according to time and circumstances. It cannot be laid down in the Constitution itself, because that is destroying democracy altogether. If you state in the Constitution that the social organisation of the State shall take a particular form, you are, in my judgment, taking away the liberty of the people to decide what should be the social organisation in which they wish to live. It is perfectly possible today, for the majority people to hold that the socialist organisation of society is better than the capitalist organisation of society. But it would be perfectly possible for thinking people to devise some other form of social organisation which might be better than the socialist organisation of today or of tomorrow. I do not see therefore why the Constitution should tie down the people to live in a particular form and not leave it to the people themselves to decide it for themselves. This is one reason why the amendment should be opposed. The second reason is that the amendment is purely superfluous. My Honourable friend, Prof. Shah, does not seem to have taken into account the fact that apart from the Fundamental Rights, which we have embodied in the Constitution, we have also introduced other sections which deal with directive principles of state policy. If my honourable friend were to read the Articles contained in Part IV, he will find that both the Legislature as well as the Executive have been placed by this Constitution under certain definite obligations as to the form of their policy. Now, to read only Article 31, which deals with this matter: It says: "The State shall, in particular, direct its policy towards securing -- that the citizens, men and women equally, have the right to an adequate means of livelihood; that the ownership and control of the material resources of the community are so distributed as best to sub serve the common good; that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment; that there is equal pay for equal work for both men and women;...." There are some other items more or less in the same strain. What I would like to ask Professor Shah is this: If these directive principles to which I have drawn attention are not socialistic in their direction and in their content, I fail to understand what more socialism can be. Therefore my submission is that these socialist principles are already embodied in our Constitution and it is unnecessary to accept this amendment. |
| #178# Shri H. V. Kamath: | Mr. Vice-President, the amendment moved by my honourable friend, Prof. K. T. Shah is, I submit somewhat out of place. As regards the words `secular and socialist' suggested by him I personally think that they should find a place, if at all only in the Preamble. If you refer to the title of this Part, it says, `Union and its Territory and jurisdiction'. Therefore this Part deals with Territory and the jurisdiction of the Union and not with what is going to be the character of the future Constitutional structure. As regards the word `Union' if Prof. Shah had referred to the footnote on page 2 of the draft Constitution, he would have found that "The Committee considers that following the language of the Preamble to the British North America Act,1867, it would not be inappropriate to describe India as a Union although its Constitution may be federal in structure". I have the Constitution of British North America before me. Therein it is said: "Whereas the provinces of Canada, Nova Scotia, have expressed a desire to be federally united", but subsequently the word "federal" is dropped, and only the word "Union" retained. Similarly, in our Constitution the emphasis should be on the word `Union' rather than on the word `Federal'. The tendency to disintegrate in our body politic has been rampant since the dawn of history and if this tendency is to be curbed the word `federal' should be omitted from this Article. You might remember, Sir, that the content of Federation has been incorporated in the Constitution and we have various Lists prescribed for Union, etc. So long as the essence is there in the Constitution, I do not see any reason why the word `Federal' should be specifically inserted here to qualify the word `Union'. I therefore oppose the amendment of Professor Shah. |
| #305# Mr. Vice-President: | The question is: "That in clause (1) of Article 1 after the words `shall be a' the words `Secular, Federal, Socialist' be inserted." The motion was negatived. |
| #305# Mr. Vice-President: | I want to make one thing clear. After the reply has been given by Dr. Ambedkar, I shall not permit any further discussion. I have made a mistake once. I am not going to repeat it. (Laughter). |
| #221# Mahboob Ali Baig Sahib Bahadur: | Mr. Vice-President, Sir, I move: "That in clause (1) of Article 1 for the word `States' the word `provinces' be substituted." You, Sir, will remember that when Dr. Ambedkar moved the motion for the consideration of this Draft Constitution, when he was dealing with the form of Government, he stated that.......... |
| #305# Mr. Vice-President: | We do not want a discussion of this nature. I appeal to the Honourable Member to speak only if he has something new to say. |
| #221# Mahboob Ali Baig Sahib Bahadur: | Dr. Ambedkar stated, when dealing with the form of government, that there are two forms of government, one unitary and the other federal. |
| #220# Shri K. Hanumanthaiya: | On a point of order, Sir. We have already voted down the amendment of Prof. K. T. Shah. It contained the word "Federation" and the House has already given its decision on that question. If the mover of the present amendment moves his amendment, the House would be reconsidering the same question. Therefore, in view of the fact that this amendment, was already covered by the previous amendment and discussion and voting had taken place on it, I think he is out of order in moving this amendment. I hope the Chair will use its discretion in the matter so that we may do our work quickly. |
| #305# Mr. Vice-President: | I agree with you in thinking that the question has been discussed, but I think he is still in order if he insists on moving this particular amendment. |
| #221# Mahboob Ali Baig Sahib Bahadur: | Dr. Ambedkar asserted that in the Draft Constitution the government that is proposed is federal and not unitary, but subsequently he stated that nothing turns upon the term used, whether you call it a Union or a Federation. He further went on to say that the word `Union' has been used advisedly so that the constituent parts may not have the freedom to get out. I take it that I am correct in interpreting the view taken by Dr. Ambedkar. Now, Sir, a Constitution is either unitary or federal, but if the framers of the Draft Constitution had in the back of their minds a unitary government and yet called it federal......... |
| 305# Mr. Vice-President: | Since the time at our disposal is short, please confine yourself strictly to the point. |
| #221# Mahboob Ali Baig Sahib Bahadur: | If Dr. Ambedkar says that the word "Union" was used not with any great significance, there is no reason why we should not use the correct word "Federation", but if on the other hand the word " Union" was used with a purpose so that in course of time this federal form of government may be converted into a unitary form of government, then it is for this House now to use the correct word so that it may be difficult in future for any power-seeking party that may come into power easily to convert this into a unitary form of government. So, it is for the House to use the correct word "Federation" instead of the word "Union". This is my justification, Sir, for moving this amendment. If you mean that the government must be a federal government and not a unitary government and if you want to prevent in future any power-seeking party to convert it into a unitary form of government and become Fascist and totalitarian, then it is up to us now to use the correct word, which is "Federation". Therefore, Sir, I move that the word "Federation" may be substituted for the word" Union". |
| #64# The Honourable Dr. B. R. Ambedkar: | I do not accept the amendment. |
| #305# Mr. Vice-President: | I now put the amendment to the vote. The motion was negatived |
| #305# Mr. Vice-President: | Then Amendment No. 100 to be moved by Mr. Lari. I think it is covered by amendment No. 99. Does Mr. Lari insist on moving it? (Mr. Lari was not in the House). Then we pass on to amendment No. 101. Mr. Kamath. |
| #178# Shri H. V. Kamath: | I am moving only the second part of it, Sir. At the outset may I submit to you........ |
| #305# Mr. Vice-President: | What do you want to say, Mr. Ayyangar? |
| #10# Shri Mr. Ananthasayanam Ayyangar: | So far as this amendment is concerned, I do not want any postponement. I do not see any serious objection to the latter part of it being moved. |
| #328# An Honourable Member: | Amendment No. 104 is on the same subject, Sir. |
| #178# Shri H. V. Kamath: | At the outset, may I bring to your notice, Sir, that I originally sent this amendment separately as two amendments. Unfortunately the office has lumped them together into one. Had these amendments been printed separately, no difficulty would have arisen. The first amendment was to insert the word "Federal" before the word "Union", and the second was to substitute the word "Pradeshas" for the word "States". May I now proceed to the amendment itself. The second part of the amendment only is before the House. I move, Sir: "That for the word `States' in clause (1) of Article 1,the words `Pradeshas' may be substituted." |
| #42# Shri C. Subramaniam: | On a point of order, Sir. This is not an amendment. The word "Pradeshas" is only a Hindi translation of the word "States". If we accept translations of words as amendments, it will create endless complications. The Draft Constitution is in the English language and we should adhere to English terminology and not accept other words, whether they be from Hindi or Hindustani. |
| #305# Mr. Vice-President: | May I point out that it is not really a point of order, but an argument against the use of the word "Pradeshas"? Please allow Mr. Kamath, if he so wishes, to address the House. |
| #178# Shri H. V. Kamath: | I am glad, Sir, that several friend shave already made their observations, because that shows how much interest the House is taking in this matter. So I now proceed fortified by that conviction. My reasons for substitution of the word "State" by the word "Pradesha" are manifold. Firstly, I find that in this Draft Constitution, the word "State" has been used in more senses than one. May I invite your attention and the attention of the House to Part III, Article 7, of India and the Government and the Legislature of each of the States and all local or other authorities within the territory of India. Here we use the word "State" in quite a different sense. So the first reason for my amendment for the substitution of the word "State" by the word "Pradesha" is to avoid this confusion which is likely to arise by the use of the word "State" in different places in different senses in this Constitution. Secondly, Sir, - I hope my suspicion or my doubt is wrong, - but I feel that this word "State" smacks of a blind copying or imitation of the word "State" which you find in the Constitution of the United States. We have been told by Dr. Ambedkar in his first speech on the motion for the consideration of the Draft Constitution that we have borrowed so many things from various constitutions of the world. Here it strikes me that word "State" has been borrowed from the Constitution of the U.S.A. and I am against all blind copying or blind imitation. Thirdly, Sir, looking at our own history, at least during the last 150 years, the word "State" has come to be associated with something which we intensely dislike, if not abhor. The States in India have been associated with a particular type of administration which we are anxious to terminate with the least possible delay and we have already done so under the sagacious leadership of Sardar Patel. Therefore, this malodorous association with the British regime, which, happily, is no more, I seek to get rid of through this amendment which I have moved before the House. To those friends of mine, who are sticklers for the English language, who think that because this Constitution has been drafted in English, we should not bring in words that are our own, I should like to make one submission and that is this, that the bar to my mind is not against all words that are indigenous, that are Hindi or Indian in their etymological structure. I am reading from the "Constitutional Precedents", regarding the Constitution of the Irish Free State - it was adopted in 1937 - which was supplied to us a year and half ago by the Secretariat of the Assembly. If we turn to 114 of this Constitutional Precedents, we find there is a footnote on that this effect: "Also in the Irish language." This means that the Constitution of 1937 was adopted firstly in English, because the footnote says it was adopted also in the Irish language. That means to say that originally it was adopted in the English language and later on adopted in the Irish language. If you look at the Constitution of Ireland, we find so many Irish words and not English words, words like - I do not know how they are pronounced in the English language - Oireachtas, Dail Eireann, Taois each (for the Prime Minister) and Seanad Eireann. All these words are purely Irish words and they have retained these words in the Irish Constitution adopted in the English language, and they did not bother to substitute the equivalent word sin the English language. Therefore it is for this House to decide what words we can incorporate in our Constitution though they are Indian, Hindi or any other language of our country. So, Sir, for the reasons that I have stated already the word "State" should never be used in our Constitution in this context. Firstly, because it smacks of blind imitation. Secondly, because of its association with a regime which, by our efforts and by the grace of God, we have put an end to. I will make one other submission, Sir. In the new integrated States - former States or Indian States which we have been able to unite into one unit - we have already used the word "Pradesh", and we have called the Himachal Union as the Himachal Pradesh and the Vindhya Union as the Vidhya Pradesh, and there is a movement afoot in Assam to call the union of States there as Purbachal Pradesh. Another point is that we are going to constitute provinces on a new basis in the near future. Already the provinces of Madras, of C. P. and of Bombay have got merged in themselves some of the former Indian States and so the new provinces are going to be different from the old Provinces and therefore the word "Pradesh" is much better and much more apt than the word "State". Sir, the last point that I want to make is this. My friend Mr. G. S. Gupta has also tabled an amendment to this article. That would arise only if my amendment is adopted. If this fails, the amendment of my friend will not arise. If my amendment is adopted, then certainly consequential changes will have to be made throughout the text of the Draft Constitution. Therefore, I move this amendment, Sir: "That in clause (1) of Article 1, for the word `States' the word `Pradeshas' be substituted." and commend it to the acceptance of the House. |
| #212# The Honourable Shri Ghanshyam Singh Gupta: | Sir, I would like to submit this with regard to my amendment. Mr. Kamath has given an amendment which only says that in clause (1) of article 1 for the word 'States', the word `Pradeshas' be substituted. That would mean, that in other clauses, in other articles, the word may not be substituted. If that contingency arises, it may not be all right. Therefore, my amendment No. 104 may either be treated as an amendment to Mr. Kamath's amendment or I may be allowed to move it now, so that no further complication may arise. Because, it would be really absurd if the word ' States' is changed into `Pradeshas' only in clause (1) of Article 1. Sir, I shall read Article 1. Clause (1) of Article I say: "India shall be a Union of States." This is the only place where Mr. Kamath has sought to change. It means instead of `States' we shall have, "India shall be a Union of Pradeshas." In clauses (2) and (3) and in other clauses, the word `State' will continue. |
| #305# Mr. Vice-President: | May I interrupt with your permission. If this amendment of Mr. Kamath is rejected, then, amendment No. 104 comes in. Even if it is carried, then, your amendment will come in subsequently and you will have a subsequent chance. I think that would economise the time of the House. |