पत्र-संख्या: १३६

सेवा में:- चीफ सेक्रेटरी, भारतीय संघ-सरकार,
काउन्सिल हाउस, नई दिल्ली।

-१-

सादर-जय हिन्द!

आदरणीय महानुभाव!

मध्य-प्रान्तीय चीवर-समाज की ओर से चीवर जाति के अधिकारों की देशभर में रक्षा हो- मांगों का ज्ञापन भेजा रहा है। यह मांग केवल मध्य-प्रान्त तक ही सीमित नहीं, बल्कि भारत के कोने कोने में बसने वाले उत्सेक इस जाति के बच्चे की अपना हक है।

यदि वास्तव में जनप्रिय कांग्रेस सरकार का मुद्दआ पिछड़ी हुई जातियों को भी उन्नत करने का है, तो उसे बुरीश-सरकार से भी अधिक इन जातियों को उठाने की पूरी पूरी कोशिश करना चाहिए।

हम आशा करते हैं कि निकट भविष्य में ही भारत सरकार इन पर गौर करके कोई उचित कदम उठायेगी।

कृपया पहुँच की रसीद भेजें।

भवदीय:-
मोहनसिंह रैकवार,
अध्यक्ष,
मध्य प्रान्तीय चीवर-समाज,
"नायक भवन" नं० ६८८,
गांधीगंज पश्चिम,
हेड आफिस, जबलपुर

जबलपुर
ता० १६-१-४८

Cons. 19/1/48

CONSTITUENT ASSEMBLY OF INDIA
Date 19/1
Dy. No. 972-Cons
File No.

पृष्ठ (1)

इन्डिया ऐक्ट सन १९३५ के अनुसार धीवर वर्ग की सिर्फ चांदा और बुल्डाना जिलों में प्रतिनिधित्व दिया गया है। मध्य प्रान्त और बरार के हर जिलों में धीवर वर्ग को यह प्रतिनिधित्व मिलना लाजमी है। तभी उनके अधिकारों की समुचित रक्षा हो सकती है।

1- केन्द्रीय धारा सभा तथा प्रान्तीय धारा सभाओं में वालिग मताधिकार के द्वारा धीवर वर्ग की जनसंख्यानुसार उन्हें अपने वोटों द्वारा अपना प्रतिनिधी चुनकर भेजने का अधिकार मिलना चाहिये जैसे राजनैतिक, धार्मिक तथा शैक्षिक जीवन सवर्णों के बराबर होजाय तब तक हमें विशेषाधिकार इस रूप में दिये जांय। क्यों कि इनका जीवन मूक जंगली पशुओं के समान रहता है। न बदन पर उचित वस्त्र रहता है, और न खाने को उचित भोजन ही। इसलिये इनको यह हालत देखना पड़ती है क्यों कि इनको सवर्णों से आला वेतन मिलता है।

2- स्थानीय लोकल बोर्ड, डिस्ट्रिक काउंसिल, म्युनिसिपल कमेटियों में सीट सुरक्षित रखी जांये।

3- केन्द्रीय सरकार, प्रान्तीय सरकार, स्थानीय स्वराज्य संस्थाओं में इनकी संख्यानुसार जो जिस लायक होवे उसे मुनासिब जगह दी जाय।

4- सरकार की ओर से जलांशयों के पेशा पर धीवर वर्ग का मालकान हक मिलने का बिल होना चाहिये।

5- इन्डियन डोमीनियन के अन्दर शिक्षा सम्बन्धी रियायतें मिलना चाहिये।

6- (अ) इन्डियन डोमीनियन के फौजी महकमों में एवं इन्जिनियरिंग डिपार्टमेन्ट में आबादी और योग्यतियत के अनुसार जगह मिलना चाहिये।

(ब) धीवर वर्ग को इन्डियन डोमीनियन की फौज सेना (मिलीटरी) और उससे सम्बन्धित सभी महकमों में नौकरी का संरक्षण मिलना चाहिये।

7- सरकार की ओर से धीवर वर्ग के नवयुवकों को आधुनिक ढंग की नेवी एजुकेशन (नाविक विद्या) की ट्रेनिंग के लिये सर्व प्रथम अवसर प्रदान किया जाना चाहिये।

8- धीवर वर्ग के लोगों को सरकार की ओर से मछली के व्यवसाय को वैज्ञानिक ढंग पर करने का सर्व प्रथम अवसर मिलना चाहिये तथा व्यवसाय को उन्नतिशील बनाने के लिये आर्थिक सहायता मिलना चाहिये।

९- श्रमिक वर्ग के सब नवयुवकों को मछली व्यवसाय का विशेषज्ञ बनने की शिक्षा प्राप्त करने के लिये विदेशों के मछली शिक्षा-केन्द्रों को भेजना चाहिये। तथा उनकी अध्ययन की दशा में सरकार की ओर से पूरा खर्च मिलना चाहिये।

१०- श्रमिक वर्ग के सिंघाड़ी पैदा करने वाले जो तालाब सरकार ने उनसे वापिस लोलिये हैं, उनकी सेवन में सरकार को चाहिये कि वह श्रमिक वर्ग को दूसरा धंधा उतनी ही आमदनी वाला दे ताकि जो कुटुम्ब उस धंधे से वंचित किये गये हैं, वे पुनः दूसरे धंधों से लग रह कर जीवन निर्वाह कर सकें।

११- श्रमिक वर्ग के कुटुम्बों को अपने उद्योग धंधे उन्नतिशील बनाने के हेतु सरकार की ओर से आर्थिक सहायता मिलना चाहिये ताकि लोग अपना व्यवसाय सुव्यवस्थित रूप से चला सकें तथा महंगे ब्याज के कर्ज से बच सकें।

१२- श्रमिक वर्ग के कुटुम्ब जो गांवों में बसते हैं, और उनके पास जो काश्त की जमीन है, यदि उनकी पैदावार से उनके कुटुम्ब का समुचित रूप से भरण पोषण नहीं होता है तो सरकार को चाहिये कि इतनी पैदावार की जमीन और दे ताकि उस कुटुम्ब का जीवनस्तर ऊंचा उठ सके।

१३- श्रमिक वर्ग से गांवों में जमींदारान, मालगुजारान, व सरकारी अफसरान जो बेगार लेते हैं उसे शीघ्र बन्द कराया जाय।

१४- सरकार को चाहिये कि वह अपने सातहद मुलाजमानों, खास कर स्कूल मास्टरों तथा सवर्ण हिन्दुओं, मालगुजारों, जमींदारों, साहूकारों व नागरिकों को "तमीज" सिखावें कि वे अपमान सूचक शब्दों से सम्बोधित करना बन्द करदें तथा मनुष्य से मनुष्य जैसा व्यवहार करें जैसा कि स्वतन्त्र देशों में होता है।

१५- (अ) श्रमिक वर्ग के जो लोग नावों, जहाजों पर काम करते हैं उनका सरकार की ओर से जीवन बीमा होना चाहिये।

(ब) नाविक की ड्यूटी के समय यदि कोई दुर्घटनावश शारीरिक क्षति होजाय तो मालिकों की ओर से उनका पूरा पूरा मुआवजा सरकार को दिलाना चाहिये।

१६- (अ) श्रमिक वर्ग के लोग किसी साहूकार, मालगुजार और जमींदार के यहां खानगी नौकरी करें तो उनकी नौकरी पक्की होनी चाहिये।

(ब) नौकरी करने के घंटे निश्चित होना चाहिये।

(स) प्रोविडेन्ट-फंड व बुढ़ापे के लिये पेन्शन का प्रबन्ध होना चाहिये।

(द) बीमारी के समय सवेतन छुट्टी मिलना चाहिये।

(इ) स्त्री नौकर जच्चगी के समय दो माह की (Confinement Leave) सवेतन छुट्टी मिलना चाहिये।

रामेश्वर सिंह कुशवाह
अध्यक्ष ता: १६-१-५२

मध्य-प्रान्तीय श्रमिक सभा नामक भवन
नं० ६६, गोकलगंज पश्चिम - जबलपुर

30

❀ सारी प्रजा सुखी-स्वतंत्र हो तथा अज्ञान, अभाव, चिंता, रोग, कष्ट और दुर्गुणोंसे रहित रहे ! ❀

Tele: 'Lokesangh Santnagar Delhi'

From:

लोक-संघ

संतनगर, करौलबाग, पो० ब० २१९, नई देहली.

LOKE SANGH, P.B. 219, New Delhi.

To The President,
The Constituent Assembly
of India,
NEW DELHI.

❀ व्यक्तिगत सम्पत्तिवादसे लोभ और अहंकारकी उत्पत्ति होती है ! ❀

Ref. 4886/CON. Deptt. VIDHAN. Dated January 26, 1948.

Fr no 10

Dear Sir,

REF: Your No: CA/6/ CONS/48 dated 19.1.48.
REG: CONSTITUTION OF INDIA.

While thanking you for the above we have the honour to advise despatch per separate cover of a copy of our Draft Constitution for India as desired by you. Let us hope it shall receive your due consideration wherefor we may thank you very heartily in anticipation.

Assuring you of our best cooperation at all times,

Yours faithfully

HONY: SECRETARY

CONSTITUENT ASSEMBLY
Date 27/1
Dy. No. 996-Cons
File No.

VSC/LS.

28/1

भूमि, कल-कारखाने, पावर और सब चीजों पर राष्ट्रका अधिकार हो !
Let Land, Machinery, Power & Products be Nationalized !

रोटी, कपड़ा, मकान, दवा, शिक्षा आदि आवश्यकतानुसार सबको सहूलियतसे मिले !
Food, Cloth, House, Medicine & Education for All !

Dy. No 98/const
28/1

31

CONSTITUTION of INDIA

By

BALKRISHNA MOHTA

संयोजक लोक संघ,
संघनगर; करोलबाग;
पो०ब० २१६; नई देहली

First Edition
May 1947.

PRICE
FOUR ANNAS.

PREAMBLE

Every state which stands for people must embody the following basic aims :—

1. To save Human Society from War and Strife.
2. To free Human Society from Evils.
3. To provide every member of its society with food, clothes, educations, free and proper medical relief and proper housing.
4. To free each of its citizens from the domestic anxieties.

History bears testimony to the fact that because of the above-mentioned aims, there have been amends and changes in states and statutes from time to time. But today in all countries conditions are just the reverse. In India the result has been social, economical and political chaos. Therefore a radical change in the form of Government and in its basic Laws is an unescapable necessity. It is with this end that the following draft is presented for the discrimination of the reader by way of suggestion and a possible solution of the present day evils.

AIMS AND OBJECTS OF THE CONSTITUTION

1. To rid human society of all stores of anxieties.
2. To rid society of all sorts of evils.
3. To place all the necessities of life within easy reach of every citizen.
4. To provide pensions and gratuities for old age.
5. To free parents from the anxiety of rearing up and educating their children.
6. To provide medical aid in illness.
7. To free every citizen from the anxiety for his family after his death.
8. To provide equal facilities and opportunities of progress to all.
9. To render means of recreation and entertainment easily available to each and every member.

DECLARATIONS

1. Every man and woman will have the completest freedom provided he or she does not transgress the same of others by virtue of his/her speech or action.
2. Every able-bodied man and woman would be provided with suitable work and every one shall have to do his/her share faithfully.

3. Every man, woman and child will have food bread, clothes, shelter, education medical aid and facilities according to their respective needs.
4. Every one will have the fulfilment of his old age necessities guaranteed by the state.
5. Every one will have facilities of recreation and entertainment,
6. Every man and woman will have equal opportunities physical, and intellectual attainments
7. Every man and woman will have personal freedom to follow any religion he or she may like.
8. All the lands, minerals, rivers, forests will be the property of the state.
9. Works, powers and factories will be the property of the state.
10. All the produce of the lands and the finished goods of factories will belong to the state.
11. Every citizen will have the necessities of life for physical and intellectual attainments according to his or her need. There will be no preference or disqualification, whatsoever because of his or her position, caste, colour creed or religion etc.
12. There will be only one State Language.
13. The State will not be responsible for the safty of any private property

14. There will be a universal code for the whole of India.
15. The whole of India will comprise of one state.
16. The state will provide educational facilities to every community in its mother tongue. (In this category will come only those languages and dialects which have their own Grammer.
17. There will be composite Central Administrative machinery for the whole state. It will consist of a House of Representatives a Legislative Assembly and an Executive Council.
18. Every citizen will be supplied with things of his or her need as per his or her tastes and prevalent Standard of living.

CITIZENSHIP RIGHTS

1. Freedom to follow any religion one wants to.
2. Freedom to vote as per one's own choice.
3. Freedom to enjoy available victuals, provided they do not harm or hinder the health.
4. Freedom to witness and perform all sorts of decent and unoffending plays, entertainments, music and singing.
5. Every citizen will be entitled to one month's sojourn facilities in a year.

Every citizen will have the unhampered right and privilege to offer constructive criticism and bring to the notice of the proper authorities the defects and improppr working of the state machinery and its officers.

7. Every citizen will be entitled to move to the highest judiciary with regard to his or her handicaps and allegations.
8. Every citizen will have the right to refuse work unworthy of his/her calibre and energies and do the work of his/her ability and calibre.
9. Every citizen will have the fullest freedom of speech provided it does not infringe the similar right of any other citizen.
10. Every citizen will have the fullest freedom to go and settle down in any foreign country provided the authorities concerned have no objection to it.

DUTIES OF EVERY CITIZEN

1. Nobody will do or say anything determental to him or her or to any other fellow citizen.
2. Every one must regard it his/her duty to fulfil task alloted to him/her.
3. It would be the imperative duty of every citizen to render all possible help and co-

operation in the maintenance of Law and Order.

4. Every citizen will have to undergo a course of military training, provided he is medically fit.
5. Every citizen will have to send his/her children to Govt-Nurseries after attaining the age of three.
6. Every citizen will have to follow strictly the dietetics suggested by medical experts.

RELIGIOUS FREEDOM

1. Every citizen will have the fullest freedom to follow the type of religion he or she believes in.
2. Every citizen will have the right and freedom to change his/her religion.
3. Every one will have the freedom to preach verbally his/her religion ; but nobody will be allowed to condemn that of others.
4. Only those things will be allowed to be used in worship and performance of religious rights etc., which form the surplus country's produce.

OWNERSHIP OF PRIVATE PROPERTY

1. Every citizen will have the right to possess and to keep in his/her custody Gold and Silver ornaments and jewellery etc., but their safety cannot be guaranteed by the State.

2. Every citizen can keep in his possession all the furnitures, residential quarters, conveyance other articles in his possession.
3. Every citizen will have the right and freedom to migrate to any other place in or outside the country with his moveable property.

The following will come under the category of this head

(a) Gold or silver articles, net in the form of alloys or set in frames.

(b) Ornaments and jewellery (not in frames).

(c) Cash, currency notes and change.

PRELIMINARIES TO RECTIFY THE ABOVE DECLARATION

1. To produce food stuffs sufficient for country's need.
2. To manufacture 40 yds. cloth per head.
3. To provide every adult with an abode of 10' × 10' and every child with that of 5' × 10'.
4. To provide the following for every thousand of citizens (men, women and children).

(a) One general store and grocery to meet the seasonal needs.

(b) One hospital with a house surgeon, two qualified nurses and proper

arrangements for first aid and out-door treatment.

(c) One Club.

(d) Four listener's rooms with up-to-date radio sets.

(e) One library with reading room.

(f) One montessary school or any other nursery for children between the age of 3 and 7.

(g) 100 Cycles, 100 Motor Cars and 2 Trucks.

(h) Ten modern hotels and restaurants serving food for different taste.

5. One big store after every 100 such stores.
6. One big and well equipped hospital with 200 beds after hundred groups of 1000 persons.
7. College, Boarding House and High School after every 1,00,000 persons,
8. To produce and store goods in their proper spheres of production.
9. Canals, roads, electricity, trams, railways roads, aeroplanes, motor cars and buses etc., be constructed and provided for public use as per need.

HOUSE OF REPRESENTATIVES.

Meetings.—Twice a year.

Quoram.—50 per cent of total membership.

Membership.—One representative per 2 Lakhs of persons (men, women & children).

Qualification of Members.—Should know any one language of the country, should be above 24 years and should be a resident of the constituency he/she represents.

Qualification of Voters.—Every adult above 18 years.

Elections.—All candidates will go to the place of the voters and explain in five minutes to the voters gathered, the programme each one of them wants to pursue and his particular capability to do so. The voters will then cast their votes in the presence of head of the village. The ballot papers will then go to the Returning Officers for counting and declaration of the result.

RIGHTS & PRIVILEGES OF THE HOUSE

1. To elect by majority votes all members of the Legislative Assembly.
2. The number of such members will be 5 per cent of the number of the House.
3. These members of the Legislative Assembly will be elected from among the members of the House.
4. The President of the *Executive Council* will

also be elected from among the members of the House.

5. For transacting its business normally, the House will elect a speaker from among its own members.
6. The meetings of the House will be called by a convenor.
7. The House will forward all its agreed resolutions to the Legislative Assembly and the Executive Council.
8. The House will fill in all vacancies of the Legislative Assembly.
9. The House will also fill in the Presidential Vacancy.
10. In case the President of the executive council has got to be replaced, the house will do so with the assent of 70% per cent of its members present in that meeting
11. Decisions in the house will be taken ordinarily by simple majority vote.
12. Members of the Legislative Assembly can only be removed by the assent of 60 per cent of the members present in the House.
13. All vacancies in the House will be filled in by the voters by way of bye-elections.
14. All members of the House are expected to devote their full time in fulfilling their duties.
15. Unopposed candidates will not be declared

de-novo. They will be declared elected only after obtaining at least 51 per cent votes in election

DUTIES OF THE HOUSE

1. The house will be answerable to every citizen of the State.
2. Every member will have to exert himself/herself to implement the pledges and laws passed by the State.
3. To convey the complaints and allegations of all and sundry to the members of the Legislative Assembly and the executive council.

RIGHTS OF THE VOTERS

1. To elect by conscious majority every member of the House of Representatives.
2. To exercise his/her right of voting without favour or fear.
3. In case of need to replace a particular member or some members, the majority of voters should apply to the House in writing asking for a fresh election on some valid grounds.
4. To ventilate their grievances through their representative and insist for their redress.

DUTIES OF THE VOTERS

1. To approach the member elected with re : to

TEN)

43

grievances and complaints and ask for redress.

2. To insist on electing the right sort of person without any fear, favour or prejudice.
3. To give all necessary help and co-operation in the election of their representatives.
4. To assert their right of voting in electing their representative.
5. To regard the right of one's voting equal to all votes of the country put together as a sacred trust and not to misuse it.

DUTIES OF THE MEMBERS OF THE HOUSE

1. To convey the complaints and allegations of their constituencies to the House and to insist on their early redress.
2. To send such complaints and allegations to the President of the executive council for his personal attentions and perusal.
3. To send such complaints and allegations to the Legislative Assembly.
4. To vote on all subjects on the Agenda of the house.
5. To resign his/her membership on any valid ground.

PERSONAL DUTIES OF THE MEMBERS

1. To tour and try to redress as far as possible all grievances of his/her constituency.
2. To be answerable to his/her constituents.

3. To consider all problems of the people from a humanitarian and Universal view points.
4. To follow and persuade others to follow all the rules and regulations of the State.
5. To attend every sitting of the House.

RIGHTS OF THE SPEAKER OF THE HOUSE

1. To supervise and conduct the business of the House smoothly.
2. In case of a tie, to facilitate a decision by his casting vote.
3. To restrain or eject or remove any member behaving against the conventional code of conduct, provided for the members.
4. To sign all the decisions arrived at by the House.
5. To put a proposition to vote on demand declare the result of voting and expedite closing of debates when demamded.

DUTIES OF THE PRESIDENT

1. To conduct the business of the House with unimpeachable impartiality and honesty.
2. To ignore all direct and indirect reflections cast on the person occupying the chair.

RIGHTS OF CONVENOR

1. To invite the members at the proper time.
2. To despatch invitations for sittings, 15 days before the due date.
3. To keep and remove the necessary staff to run the offices connected with the House.
4. To look after the residental and boarding facilities of the members.
5. To despatch copies of decisions to proper places for promulgation and publicity.

DUTIES OF CONVENOR

1. To run the office of the House efficiently and be answerable to every member with Re : to Secretarial work.

GENERAL RULES FOR ALL HOUSES

1. The seat of any member failing to attend three consecutive meetings of any house, will be treated as vacant.
2. Any member will be ejected out for the House on misconduct.
3. Election to every House will take place, in every fifth year.

4. If any setting is adjourned for Quorum, the adjourned meeting can also not be held but for the proper quorum.

5. Unless particularly specified, all decisions will be taken by a simple majority.

LEGISLATIVE ASSEMBLY

1. *Election Period* :—After every five years.

2. *Session* :—Four session in a year.

3. *Qualifications of Voters* :—Members of the Representatives will be its voters.

4. *Qualification of Members.*

   (a) He or she must be the member of the House or Representative.

   (b) Must know how to read, speak and write the Official Language.

   (c) Age not less than 30 years.

6. *The strength of Members* :—Five per cent of the membership of the House of Representatives.

6. *Method of Eelection* :—The House of representatives will elect all the members of the Legislative Assembly in its first general session.

THE OFFICE BEARERS OF THE LEGISLATIVE ASSEMBLY

(a) Temporary Chairman :—The oldest of its present members will be the Temporary President.

(b) Permanent Chairman :—The Present member will elect the Permanent Chairman. He will remain in power so long as the vote of no confidence is not passed against him.

(c) Permanent Chairman :—The Present Member will elect at a fixed date.

(d) Secretary and Joint Secretary will be elected by the members of the Legislative Assembly.

THE POWER OF LEGISLATIVE ASSEMBLY

1. To pass or cancel the Rules and Regulations proposed by the Executive Council.
2. To pass rules and regulations by 60% majority of the members present.
3. To despatch all the passed rules and regulations to all the concerned offices and its branches.
4. Its member can only be removed with the the assent of 5% of its member present.

5. To write to the House of Representative to fill in vacancies of members.
6. The decision of majority of Legislative Assembly will be final on any case put after the decision of the High Court

DUTIES OF THE LEGISLATIVE ASSEMBLY

1. To frame all Laws and Regulations from the National point of view.
2. To deem itself as answerable to the People and state constitution.
3. Should frame Law and Regulations from humanitarian view point.

RIGHTS OF THE PERMANENT CHAIRMAN

1. To conduct or transact smoothly the business of session.
2. Has a right to cast his/her one casting vote.
3. To eject the member who goes in the Session against the conventional code of conduct.
4. To declare all the Resolutions passed by the Assembly. To give ruling and take voting when demanded.
5. To sign all the decisions arrived at by the Assembly.

HIS DUTIES

1. To conduct the business of the Session with unimpeachable imparciality.
2. To be indifferent to all direct/indirect reflections cast on his/her person.

RIGHTS OF THE PERMANENT VICE PRESIDENT THE RIGHTS OF THE PRESIDENT WILL BE RESERVED TO HIM IN HIS ABSENCE.

HIS DUTIES

1. To render all possible co-operation to the President.
2. To think the duties of the President as his own.

RIGHTS OF THE SECRETARY OF THE LEGISLATIVE ASSEMBLY

1. To transact the official work in an orderly way.
2. To keep the staff according to need,
3. To put up the concerned resolutions and letters in the House.
4. To despatch decisions arrived at by the House to the concerned places and members.

HIS DUTY

1. Responsible to the Assembly for the office work.

RIGHTS OF THE JOINT SECRETARY

1. In the absence of the Secretary all his rights will be reserved to him.

HIS DUTIES

2. To give help and co-operation to the Secretary in every possible way.
3. To think the duties of the Secretary as that of his own.

INDIVIDUAL RIGHTS OF MEMBERS OF LEGISLATIVE ASSEMBLY

1. To give their opinions on subjects for discussion before the House.

THEIR INDIVIDUAL DUTIES

1. To think themselves responsible to the Indian People.
2. To Propagate in the Public all the Laws and Regulations passed by the Assembly.
3. To sojourn all over the country in the leisure period to understand imperfections and allegations of the Public.
4. To frame Laws from the humanterian point of view.

LEGISLATIVE ASSEMBLY

1. Election period :—After every five years.
2. Session—When need arises.
3. Strength of Members—Not more than 21.
4. President—He will be elected by the House of Representatives.
5. Qualification of the President:—
   a. Must be the member of the House of Representatives.

b. Must know the National Language.

c. Age not less than 30.

6. Formation—The Elected President will form his cabinet.

7. Port folios:—Judiciary, Law, Education, Health, Food, Electricity, Art and Industry, Transport, Home, Finance, Defence, Foreign, Publicity, Distribution, Agriculture a Husbundry Science, Research Planning, Cloth, Housing, Collegues of the President. The Assistant of President.

QUALIFICATIONS OF MEMBERS

1. Not necessary to be members of the House of Representatives.
2. Age—Not less than 30 Years.
3. Diploma Holders in their own Departments & having practical experience of 10 years.
4. If one is not a Diploma Holder of a particular branch then he must have the practical experience of 25 years of that line.

RIGHTS OF THE PRESIDENT

1. To execute the Laws and Regulations of the House of Representatives and the Legislative Assembly.
2. To carry on the work of administration according to the existing Laws in case the constitutional deadlock occurs in the House of Representatives and Legislative Assembly.

3. To fill in vacancies of the members of Executive Council.
4. The member of the Executive Council can only be ejected by the President after putting up the case of the concerned member before the Legislative Assembly and securing a majority of votes against the member.

HIS DUTIES

1. Answerable to the House of Representatives, the Legislative Assembly and the people.
2. To cannalise all his powers in achieving the aims and objects of the country and sustantiating the declaration and laws of the country,
3. To run the administration machinery according to the declaration made.

THE GENERAL RULES OF THE EXECUTIVE COUNCIL

1. All members will meet once a month.
2. The Elected President will remain in power until the New House of Representatives elects the New President.
3. Every department will keep vigilance over the work of the other.
4. Every department will keep the other informed of its activities.

5. Every department will get its law passed in the joint sitting of the Executive Council.

MINISTER FOR JUSTICE—HIS RIGHT

1. To establish Courts and High Courts to administer justice according to the framed Laws and Regulations.
2. To keep Officers, Judges. and Munsiffs and Clerks according to needs,

HIS DUTIES

1. To keep the Judicial Department impartial.
2. Answerable to the Public, the House of Representatives to Legislative Assembly and the Executive Council.
3. To administer justice to all according to declaration timely and expediently, made for the country.

RIGHTS OF THE LAW MINISTER

1. To frame Civil and Criminal Laws and to get these passed by the Legislative Assembly.
2. To get new laws passed or cancelled by the Legislative Assembly according to the needs of the age.
3. To employ staff for the Department.
4. To transfer the business of the Law Department.
5. To despatch the passed laws to all the concerned departments.

HIS DUTIES

1. Answerable to the Public the House of Representatives and the Legislative Assembly & the Executive Council.

RIGHTS OF THE MINISTER FOR EDUCATION

1. To frame laws for Education in order to get these passed by the Legislative Assembly.
2. To create conditions necessary for Education.
3. To keep the staff for the department.
4. To conduct the business of the department.

HIS DUTIES

1. To substantiate the passed laws concerning Education.
2. To afford facilities and opportunities which enable even citizens or persons to know how to read and write the National Language.
3. To arrange for educating the Public in their respective dialects or languages.
4. To afford facilities for the highest forms of Education, Art, Literature and Science.
5. To think himself or herself responsible to the Pub'ic, the House of Representatives, the Legislative Assembly and the executive Council.

RIGHT OF THE MINISTER OF HEALTH

1. To lay out new Hospitals.

2. To start Medical Training Schools to impart education concerning Health.
3. To frame Laws for Health and to get them passed by the Legislative Assembly.
4. To bring into force the approved laws.
5. To couduct the business of the Department.
6. To engage or dismis the members of the staff for the department.
7. To render healthy means of recreation and amusement accessible to all in the country.

HIS DUTIES

1. It is his responsibility to enable every citizen to grow healthy.
2. To afford facilities and opportunities to all to develop their abilities and capacities.
3. To arrange new inventions and discoveries in the medical field.
4. To launch a nation wide compaign for removing physical and mental diseases.
5. To arrange for Hospitals, Dispensaries and Maternity Hospitals and Hospital for children and First Aid arrangements at different places according to population.
6. To arrange for training, educating doctors and nurses according to the demand of the country.
7. To afford facilities to every person for his or her recreation and improvment of health.

To think oneself responsible to the Public, the House of Representatives, the Legislative Assembly and the Executive Council.

RIGHTS OF THE FOOD MINISTER

1. To arrange food for the Public.
2. To make laws concerning Food Department and get these approved by the Legislative Assembly.
3. To make addition or reduction in the staff of his department.
4. To manage the business of the Department.

HIS DUTIES

1. To manage nutritious food according to the needs of the country.
2. The safety of the Food material should be under the strict vigilence.
3. To arrange for providing food to every person to his or her needs.
4. To think oneself responsible to the Public. the House of Representatives. the Legislative Assembly or the Executive Council.

RIGHTS OF THE MINISTER FOR ELECTRICITY

1. To arrange supply of electricity for the whole country.
2. Frame Rules regarding Electricity and to get these passed by the Legislative Assembly.
3. To Appoint or dismis his staff.
4. To arrange for inventions for generating Electricity.

5. To conduct the affairs of the Department.

HIS DUTIES

1. To arrange for the supply of Electricity for purposes of Lighting, Water, Air. Industry and Agriculture, all over the country.
2. The keep vigilance for its proper use.
3. To think oneself responsible to the Public, the House of Representatives, the Legislative Assembly and the Executive Council.

RIGHTS OF THE MINISTER OF ART AND INDUSTRY

1. To establish and manage factories and industries of all commodities according to needs.
2. To frame Factory Laws and to get them passed by the Legislative Assembly.
3. To translate into practice the approved laws.
4. To make addition or reduction in the staff.
5. To make new inventions in the field of Industries (Industries Field).
6. To conduct the business of his department.

HIS DUTIES

1. To manufacture goods according to the needs of the public.
2. To think oneself responsible to Public, the House of Representatives, the Legislative Assembly and the Executive Council.

RIGHTS OF THE MINISTER FOR TRANSPORT

1. To increase or decrease the number of Railways, Post and Telegraphs, Roads, Canals, Trams, Motors, Aeroplanes and Ships and Boats according to the needs of the country.
2. To frame Transport Rules and get these passed by the Legislative Assembly.
3. To engage or dismis members of the staff for the department.
4. To transact its affairs according to needs.

HIS DUTIES

1. To arrange for transport facilities in accordance with the needs of the country.
2. To think oneself responsible to the Public, the House of Representatives, the Legislative Assembly and the Executive Council.

RIGHTS OF THE HOME MINISTER

1. To make conditions which enable the Public to behave according to the standing Laws and Regulations.
2. To keep Police and C.I.D. to maintain law and order in the country.
3. To frame Laws concerning the Police and C.I.D. departments and to get these passed by the Legislative Assembly.
4. To keep or dismis his staff.
5. To conduct the business of the Department.

HIS DUTIES

1. To be vigilant to maintain Internal peace and order in the country.
2. To arrange for the Police Stations according to needs.
3. To think himself responsible to the public, the House of Representatives, the Legislative Assembly and the Executive Council.

RIGHT OF THE DEFENCE MINISTER

1. To keep Military and Arms according to needs.
2. To frame martial laws and to get these passed by the Legislative Assembly.
3. To keep or dismis the staff of the department.
4. To conduct the business of the Department.

HIS DUTIES

1. To make all preparations for the Defence of the country.
2. To think oneself responsible to the publi , the House of Representative. the Legislative Assembly and the Executive Council.

RIGHTS OF FOREIGN MEMBER

1. To establish diplomatic relations with other countries.
2. To give premission to the Emargents and Immergent.

3. To get the laws of foreign Department passed by the Legislative Assembly.
4. To arrange for Exports and Imports.
5. To deal in all the Foreign affairs.
6. To keep or dismis the staff of the department.
7. To conduct the business of the Department.

HIS DUTIES

1. To export the surplus and to import the needful.
2. To transact all the foreign affairs keeping in view the material goods of the countrymen.
3. To think oneself responsible to the public, the House of Representatives. The Legislative Assembly and the Executive Council.

RIGHTS OF THE MINISTER FOR THE PROPAGANDA

1. To propagete the approved Laws and Regulations in the Public.
2. To arrange for all means of Propagandas, Cinema, Radio, Newspaper and Publicity.
3. To give publicity to Indian needs or requirements in the Foreign countries and to give publicity to the needs and requirements of the Foreign Countries in India.
4. To appoint or dismis the staff of thedepartment.
5. To conduct the business of the department.

HIS DUTIES

1. To think oneself responsible to the Public, the

House of Representatives, the Legislative Assembly and the Executive Council.

RIGHTS OF THE MINISTER FOR THE DISTRIBUTIONS

1. To place all the required commodities within reach of every citizen.
2. To get the laws and regulations of Distributions passed by the Legislative Assembly.
3. To appoint or dismis the staff of the Department.
4. To conduct the business of the Department.

DUTIES OF THE MINISTER FOR DISTRIBUTION

1. To arrange for necessaries of life available to public in time.
2. To think oneself responsible to the Public, the House of Representatives, the Legislative Assembly and the Executive Council.

RIGHTS OF THE MINISTER FOR AGRICULTURE

1. To train and engage such agriculturists who may give to the whole public the maximum of the products of land.
2. To construct cannals and machines according to needs.
3. To make rules of Agriculture and to get these passed by the Legislative Assembly.
4. To keep or dismis the staff of the Department.
5. To conduct the business of the Department.

HIS DUTIES

1. To arrange for getting the maximum produce of Land for the countrymen himself such as

wheat, oil, seeds, cotton, sugar, fruits and Vegetable etc.

2. To think himself responsible to the Public, the House of Representatives, the Legislative Assembly and the Executive Council.

RIGHTS OF THE MINISTER FOR SCIENCE

1. To make new discoveries and inventions on scientific basis.
2. To get the Laws of the department passed from the Legislative Assembly.
3. To keep or dismis the staff of his department.
4. To conduct all the business of the department.

DUTIES

1. To look after the progress of his department.
2. To think himself responsible to the Public, the House of Representative, the Legislative Assembly and the Executive Council.

RIGHTS OF THE MINISTER FOR PLANNING

1. To plan schemes for the requirements of the public.
2. To estimate quality and quantity of the required commodities.
3. To send the schemes or plans to the concerning department.
4. Te keep or dismis the staff of his Department.
5. To conduct every business of the department.

DUTIES OF THE MEMBER FOR PLANNING

1. To manage so as to enable every body to get his or her requirements.
2. To think himself responsible to the Public, the House of Representatives, the Legislative Assembly and the Executive Council.

RIGHTS OF THE MINISTER FOR CLOTHING

1. To arrange for placing the cotton, the woolen and the silken cloth within reach of public.
2. To start new mills according to needs.
3. To keep or dismis the staff of his department.
4. To conduct every business of the Department.

DUTIES

1. To manage as to enable every body to get the cloth according to his or her needs.
2. To think himself responsible to the Public, the House of Representatives the Legislative Assembly and the Executive Council.

RIGHTS OF THE MINISTER FOR HOUSING

1. To provide House facilities to the whole public according to declaration.
2. To arrange for buildings and stores for all Factories and Industries according to requirements.
3. To engage or dismis the staff of his department
4. To conduct the business of the Department,

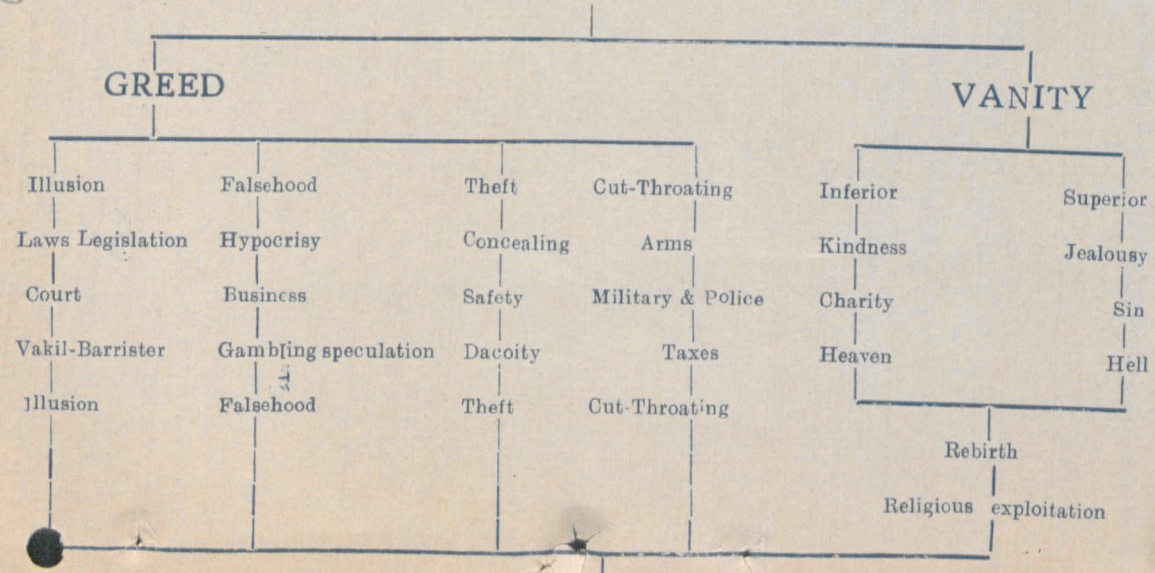
DUTIES

1. To provide proper Housing for the whole public according to declaration.
2. To think himself or herself, responsible to the Public, the House of Representatives, the Legislative Assembly and the Executive Council.

WHO SAYS WHAT ABOUT THIS CONSTITUTION

Vakil, Barrister and Doctor	Utopia.
First Class Manager	No Sense
Mill Owner	Mental Defect
Sculptor	Gone Mad
Industrial Magnets	Impossible
High Class Brokers	Mad reasoning
Ordinary business man	Difficult to achieve
Capitalists	Impracticable
Land-lords	Foolish
Kings	Shoot
Big Officers	Nonsence
Clerks	Appreciable
Labourers	Must be
Kisans	Ideal
Middle-class Persons	It is good but difficult to achieve
Military or Police	Worthy
Teachers	See when it begins to work.
President, Public Leader	Wait
Priest	Kalyug
Student	Prepare it soon

PRIVATE PROPERTY-WHAT IT LEADS TO



WORRIES AND DESTRUCTION.

To

70

The President,
Constituent Assembly.
New Delhi.

Dear Sir,

Fr. no. 14

I here with enclose a suggestion for your approval and to pass it as a resolution as the lines mentioned in the Assembly as well as in A.I.C.C. Next session. I expect it will prove some theft.

My idea, I think, will be fulfilled.

Jai Hind.

Your Sincerely,
Bmanayana Rao
24/2

Kharagpur
24.2.48

From
B.N. Rao
Clerk,
Kharagpur
B.N. Ry
Kharagpur

Dy. No. 290 Const
1/31

Draft sent to R.T.S. for issue

CONSTITUENT ASSEMBLY OF INDIA
Date 28/2
Dy. No. 1146-Const
File No.

PROSPERITY.

"GANDHIJI AMAR HO".

Dear sir,

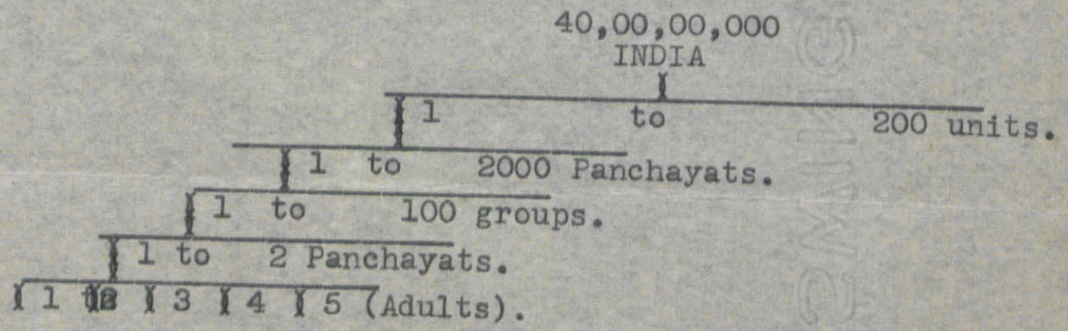
May I place before you the following few lines for your approval and pass it in the Constituent Assembly as a resolution and stress on every premier of the Province, on every Vice-Chancellor to work it thoroughly and as a duty of the students it must be carried by every student to fullfil the Great desire of Mahatmaji, the Amar Ho.

Every one knows that he placed his last will and Testiment before India and her people to check their destiny. We do not know what he has got in his mind about A.I.C.C. and placed the future Constitution of A.I.C.C. in a quite different way. Everyone must accept it how Congress has been formed and for what purpose. The purpose has been fullfilled. So now the Congress has to change its colour. Though the president has forgotten but not our Bapuji, his mind pleaded with him to throw before the eyes of India its way for future prosperity before his death. Though even at his death he wished the safety of India. Now it is the duty of India to carry on, though not known the proper way. Anyhow he made three Great Leaders from the mouldy sands of India.

The three leaders though of not equal mentality as our Mahatmaji yet got 80% of his. Now if they come together and work closely then they prove 140% above his good mottoes. They are Panditji, Sardarji & Doctorji. Now the three leaders, though Doctorji, you are our President, yet I have to mention here, have to place before us the way in which to carry on the blissed bless of Solitude.

Now the Constitution placed by our Mahatmaji is as follows:-

India has to be divided into 200 Units (as there are approximately 200 districts). Each unit has to be divided into 2000 panchayats (as we require 2000 volunteers per district) under the Leadership of 2nd. Grade Assistants. Each panchayat having 2nd. Assistant as its leader will have 50 1st. grade leaders and 50 Assistants including him-self and his assistant. So there are 100 groups (because there are approximately 100 villages in each district). Each group has to be divided into two panchayats of which either the 1st. grade leader or the assistant will be its President. Each panchayat will have five adults. The population of India will come into 5x2x100x2000x200 - 40,00,00,000 ~~Crores~~ approximately after division it will be between 35 to 40 Crores and it can be varied from 200 units.



Now the whole scheme which had followed by Great Asoka & Harsha, the great fathers of India, has been placed by the greatest father of the 19th & 20th Century of India before us. If it wants to be fullfilled these there required the help of Students. The time has come to students to play the greatest part of the World. They have to tour every village, town, city and India hand to hand with Congress and

p.t.o.

succeed in the fulfilment of the Greatest Last dream of our beloved Bapuji, though the way is thorny, long dreary way. If every Indian irrespective of race, creed or sex follows the Ten principles of the Testament, there will be nothing for India except of its Glory and prosperity. This is the only way left for us to keep Mahatma's name and fame for ever.

JAI HIND.

Your Most obedient
Servant,

Bnarayanarao
24/12

FROM:-

B. N. Rao.
Wagon
B. N. Ry.
Kharagpur.

Copy To:- Pandit NEHRU
Rajendra PRASAD.

D.1331-PS(I)/48

Constituent Assembly 74

To

Pandit Jawaharlal Nehru
Prime Minister of India.

Fr 16

Scott

Respected Sir,

Herewith please find copy of two appendices embodying CHANGES proposed under THE DRAFT CONSTITUTION which may please be read along with and as part of my book 'The Constitution of Free India', a copy of which has been already sent for favour of your kind perusal and comment.

3, Laxminarain Chakrabartty
Lane, Howrah, West Bengal, 6.3.48.

Yours obediently
M. Banerjee.

APPENDIX A

CHANGES UNDER THE DRAFT CONSTITUTION

Since this book was written, the Draft Constitution has been submitted by the Drafting Committee, consisting of Dr. B. R. Ambedkar (Chairman) and Messrs. N. Gopalaswami Ayyangar, Alladi Krishnaswami Ayyar, K. M. Munshi, N. Madhava Rau, D. P Khaitan and Saiyid Mohd Saadulla. The provisions of the Constitution discussed in the preceding chapters are those adopted by the Constituent Assembly so far, which have been largely retained in the Draft except for the following significant changes[1] :—

PREAMBLE

The Objectives Resolution proclaimed India as an Independent Sovereign Republic (See Pp. 55, 56-57 ante). The Drafting Committee has adopted the phrase Sovereign Democratic Republic because Independence is usually implied in the word 'Sovereign' and nothing is to be gained by the addition of the word 'Independent'. The force of this has been marred by an irrelevant note to the effect that the relationship between this Republic and the British Commonwealth of Nations remains to be decided subsequently, which means that the Committee is still indecisive as to India's declared Independence.

One Objective has been added, viz., "to promote among all fraternity assuring the dignity of the individual and the unity of the Nation", since the need for fraternal concord and goodwill in India is never greater than now.

The whole Preamble based on the Objectives Resolution has been drafted thus : "WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN DEMOCRATIC REPUBLIC and to secure to all its citizens JUSTICE, social, economic and political, LIBERTY of thought, expression, belief, faith and worship, EQUALITY of status and of opportunity, and to promote among them all FRATERNITY assuring the dignity of the individual and the unity of the Nation, do hereby ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION."

---

1 "In preparing the Draft", says Dr Ambedkar in an explanatory note, "the Drafting Committee was of course expected to follow the decisions taken by the Constituent Assembly or by its various Committees. This the Drafting Committee has endeavoured to do as far as possible. There were, however, some matters in respect of which the Drafting Committee felt it necessary to suggest certain changes."

UNION OF STATES

In Article 1 of the Draft, India has been described as a Union of States. The Units of the Union have been called 'States' on the U. S. model for the sake of uniformity, but this term is apt to be confusing since already there is a class of quasi-States in India, *sui generis*, known as the Native States.

CITIZENSHIP

The Citizenship clause (See P. 68, ante) has been re-written thus :

(*a*) Every person who or either of whose parents or any of whose grandparents was born in the territory of the Indian Union and who has not made his permanent abode in any foreign State after April 1, 1947 ; and

(*b*) Every person who or either of whose parents or any of whose grandparents was born in India (as defined in the Government of India Act, 1935) or in Burma, Ceylon or Malaya, and who has his domicile in the territory of the Indian Union

shall be a citizen of India, provided that he (or she) has not acquired the citizenship of any foreign State before the commencement of this Constitution (Art. 5 of the Draft).

The main principle embodied herein is that in order to be a citizen of the Union at its inception, a person must have some kind of territorial connection with the Union, whether by birth or descent or domicile.

The Committee has specially kept in view the cases of the large number of displaced persons who have had to migrate to India in recent months and has provided for them a particularly easy mode of acquiring domicile and, thereby, citizenship. What they have to do (assuming that they or either of their parents or any of their grandparents were born in India or Pakistan) is—

(*a*) to declare before a District Magistrate in India that they desire to acquire a domicile in India, and

(*b*) to reside in India for at least a month prior to the declaration.

THE COUNCIL OF STATES

The Council of States shall consist of 250 members, of whom 15, having special knowledge or practical experience in such matters as (*a*) literature, art, science and education, (*b*) agriculture, fisheries and allied subjects, (*c*) engineering and

architecture, (*d*) public administration and social services, shall be nominated by the President and the rest shall be representatives of the member-States (Art. 67 of the Draft).

The Irish model of functional constituencies or panels (condemned on P. 94 ante) has been rightly discarded by the Committee on the ground that the panel system proved unsatisfactory in Ireland itself, the country of its origin.

DURATION OF THE HOUSE OF THE PEOPLE

AND

OF PROVINCIAL LEGISLATIVE ASSEMBLIES

The term of the House of the People and of Provincial Legislative Assemblies was fixed at 4 years by the Constituent Assembly (See P. 93 and P. 119 ante). The Drafting Committee has extended the usual term by one year in both the cases, because new Ministers require some time to acquaint themselves with the details of administration and their last year of office is usually taken up in preparing for the next general election ; and with a four-year term they will not have enough time for any kind of planned administration.

THE GOVERNOR

ALTERNATIVE MODE OF APPOINTMENT

The Governor, according to the Constituent Assembly, will be elected by the people on the basis of universal adult suffrage (See P. 104 ante). The Committee has retained this but has suggested in addition an alternative method, viz., the Unit Legislature should elect a panel of four persons (who need not be residents of the Unit) and the President of the Union should appoint one of them as Governor (Art. 131 of the Draft). The reasoning behind this is good. Some members of the Committee rightly felt that the co-existence of a Governor elected by the people and a Chief Minister responsible to the Legislature might lead to friction and weakness in administration. But the alternative suggested, which is just a combination of indirect election and nomination, is not suitable. If the Unit Legislature is to elect, its decision should be final. That the Head of the Provincial or State Executive should be ultimately nominated by the Head of the Union Executive is both un-Democratic and un-Republican.

TENURE

The Governor's tenure of office will be five years instead of four (Art. 132), which follows as a corollary to the provision that the Provincial or State Assembly will have a five-year term.

DEPUTY GOVERNORS

The Committee has done away with the posts of Deputy Governors for the member-States decided upon by the Constituent Assembly (See P. 110 ante), because a Deputy Governor will have no function to perform so long as the Governor is there. At the Centre the position is different because the Vice-President is also the ex-officio Chairman of the Council of States, while most of the Unit Legislatures will have no Upper House.

LEGISLATIVE LISTS

The Legislative Lists (See Pp. 129-139 ante) recommended by the Union Powers Committee and adopted by the Constituent Assembly have been retained almost *in toto* under the Draft Constitution with these important modifications, viz., (*a*) when a subject, which is normally in the Provincial List, assumes national importance, the Union Parliament may legislate upon it provided that the Council of States passes a resolution to that effect by a two-thirds majority. (*b*) The whole subject of Succession. instead of only Succession to property other than agricultural land, and all matters in reepect of which parties are now governed by their personal law have been put into the Concurrent List. (*c*) For a term of five years from the commencement of the Constitution, trade and commerce in, and the production, supply and distribution of certain essential commodities as also the relief and rehabilitation of displaced persons shall be on the same footing as Concurrent List subjects.

COMMENTS ON THE DRAFT CONSTITUTION

The Draft Constitution has, on the whole, been widely applauded by nationalist opinion in the country. One nationalist daily nicely observed, "Years of study of world constitutions have been distilled into the Draft Indian Constitution. The result is claimed to be a complete, simple and symmetrical structure" (*The Indian News Chronicle*). According to *The Bombay Chronicle*. it is a "splendid spadework for the Assembly and the public", which embodies "the best lessons derived from the working of democratic institutions in India and the world." *The Times of India* has described it as "a constitutional document worthy in language and conception of its historical context", which has clothed "with legal and unmistakable language the general outline already approved" *The Indian Express* has given credit to the members for the 'excellent draft', which is at the same time 'compact, well-defined and clear.' "Taken by and large", said *The Mail*, "the principles of the new draft are sound and it safeguards the

fundamental rights of the people" In the words of *The Statesman*, "a refreshingly liberal spirit prevails in the draft and with liberalism goes respect for enlightenment. Altogether the document gives evidence of both high intelligence and admirable intentions." "Taken on the whole", concluded *The Hindusthan Times*, "the Committee have provided a draft which provides a fair basis for the constitution of what is called in the Preamble a Sovereign Democratic Republic".

The Draft, rather its contents, have, however, got a very cold reception in some circles. One Leftist paper has wanted to 'scrap the Constitution' altogether (*The Free Press Journal*). According to it, "the most outstanding characteristic of the Draft is that there is neither substance nor semblance of freedom." "The Constitution", it has argued further and somewhat tenably. "is a slavish imitation of the constitutions of Britain and the United States of America. Conditions in India are comparable with the conditions which prevailed in the Soviet Republic before the emergence of the Republic. The Constitution of Britain enabled the Feudal Barons and the Industrial Captains to lead the country in twenty-five years to two devastating world wars. The United States is a country which has developed materially, only to feed world wars outside its borders, and class wars and colour wars within its borders. Free India must draw its inspiration and its strength from India's villages. No constitution, which does not provide for the intensive participation of India's villages in the governance of the country, can survive." *The Morning News*, a Muslim League paper, arguing along different lines, has expressed misgivings as to "whether the transplantation of western democracy wholesale on the tropical soil of India where social conditions, specially among Hindus, are the very antithesis of what democracy stands for, will prove healthy to this country's body-politic." Accoding to *The Pakistan Times*, "the summary will disappoint many who expected the new constitution to be much more radically democratic than it appeared to be."

80

APPENDIX B.

The following important Articles of the Draft Constitution may be marginally noted against provisions discussed in this book:—

Page.	Lines.	Article.	Page.	Lines.	Article.
80	19—24	43	104	20—28	137
80	24—26	44 (3)	104	29	133
83	16—17	47 (1) (b)	104	30—31	135 (1), (2)
83	22—30	48	106	14—20	175
83	30—32	45, 46	106	31—37	187 (1)
84	8—10	45 (b)	107	2—6	187 (2) (a)
84	11—14	50	107	17—30	188 (1)
84	32—34	64 (1)	108	11—13	188 (4)
84	36—39	59	108	21—38	188 (1)—(3)
85	6—8	102 (1)	110	31—34	143 (1)
85	15—18	102 (2) (a)	110	35—36	144 (1)
85	28—32	91	111	12—14	144 (4)
87	5—13	55 (1)—(3)	115	2—4	143 (1)
87	19—24	62 (1)	115	15—16	188 (4)
88	13—14	62 (3)	116	2—7	144 (4), (1)
89	2	61 (1)	116	8—10	143 (3)
92	25—29	67 (5)	118	17—21	148 (3)
93	3—4	67 (6)	119	11—13	149 (2)
93	15—16	67 (5) (a)	119	13—14—	152
95	9—12	67 (3) (a), (b)	119	17—32	150 (1), (2)
96	17—19	68 (1)	119	33—36	151 (2)
96	32—37	89 (1), (3), (4)	119	33—36	151 (2)
97	3—5	90 (3)	119	36—37	52
101	5—11	304	120	29—37**	153 (1)—(2)
102	13—15	3 (a)—(d)	123	8—9	171 (1)
102	25—29	103 (4)	123	9—10	173 (1)
104	9—11	131	124	20—25	169 (3)
104	19—20	132 (b)*			

* The ground for impeachment under the Draft is violation of the Constitution and not any other misbehaviour.

** Read 'twice' for 'once' in line 30 and 'six' for 'twelve' in line 31.

Dy. No. 1352/Cons. 13.5.48.

Sl. No. 18

No. S. 163-B-(24)-Poll.
Home Department (Political)

Bombay Castle, 6th May 1948.

From

D. S. Bakhle, Esquire, O.B.E.I.C.S.,
Secretary to the Government of Bombay,
Home Department.

To

The Secretary Constitutent Assembly,
New Delhi.

Sir,

I am directed to forward herewith for your information a copy of an article headed "Supreme Court", published in the issue dated the 23rd April 1948, of the Bombay Sentinel, an English daily of Bombay.

Your obedient servant,

for Secretary to the Government of Bombay,
Home Department.

CONSTITUENT ASSEMBLY OF INDIA
Date 10/5/48
Dy. No. 1395-Cons.
File No.

Supreme Court.

More than usual importance should be attached to the draft constitution of the Supreme Court in the proposed constitution. As it is its function to interpret the constitution it will automatically combine in itself the function of the Federal Court and the Privy Council. The Supreme Court will play a great role in the future. Sir Hiralal Kania, Chief Justice of the Federal Court, inaugurating the New High Court of Assam did well to emphasise the absence of an effective opposition in legislatures made the position of the judiciary more than ever important. In such an event and we are witnessing more or less similar circumstances, the supreme Court will be the only safeguard against the ill-effects of legislation, hastily drafted and enacted. It will be the ultimate safeguard of the liberty of the subject. It is therefore of the utmost unportance that everything should be done to safeguard the independence of the judiciary by all possible constitutional provisions and nothing should be left to chance. With due respect to the framers of the draft constitution it must be said, some of the provisions regarding the Supreme Court bear the stamp of hurry, vagueness and contradiction. To cite but one instance unexceptional and excellent fundamental rights have been incorporated in the proposed constitution. Fundamental rights are only worth what their application is worth. Having thought it necessary to incorporate them, the members of the Constituent Assembly should have seen to it they were not hedged in by all sorts of restrictions, qualifications, explanations and intepretations, which practically take away these rights. The Federal Court is charged with the responsibility of enforcing these fundamental rights. It must be said that some of these rights, are extremely vague and difficult to enforce. According to a section reproduced in the draft constitution from the Government of India Act, it would not be possible to move a court for the issue of a writ against the Provincial or Central Governments. Certainly this would render the fundamental rights conceded by the constitution practically nugatory. Another anamoly in the draft constitution is that while the provision in the Government of India Act, which laid down that the proceedings in the Federal and High Courts should be in English had not been reproduced. Strangely enough no substitute clause has been incorporated. The whole intention of the framers of the constitution is reported to be to make the judiciary absolut ely

independent.If that is so the subordinate judiciary should not have been left in the lurch.Recruitment of the subordinate judiciary should have been specially provided for.There is some over-lapping in the provision empowering both the Supreme Court and the High Court to issue writs Even now,it is not too late to rectify these defects and theynshould be remedied.

WS
6-5-48

88

To

The Hon'ble PREMIER,

GOVT. OF MADRAS,

FORT ST. GEORGE.

Sub: **Preservation of the Hindu community as a homogeneous community**

Sir,

In continuation of our petitions to Govt., submitted in July 1947 and September 1947 [vide Annexure I] on the subject of recruitment to the Public Services, we submit that the question whether the Hindu community should be preserved as a homogeneous community or whether it may be allowed to be split up into different sects is an All-India question and cannot be treated as a purely provincial one as contended by some members of the Madras Legislature.

India can retain and enlarge its newly won freedom only if the Hindu community as a whole, stands firmly united against internal and external foes and does not succumb to fissiparous tendencies.

The division of the Hindu community in the Madras Presidency into Brahmin and Non-Brahmin Hindus was the work of the British bureaucracy and was intended by them to strengthen their own position It has no support in the religious structure of the Hindu society and if persisted will lead to national weakness and degeneration.

In the Hindu community there are numerous sects which are in no way inferior or superior one to another and the relation-ship between the Brahmins *vis-a vis* the Non-Brahmins is in no way different from that existing between the various Non-Brahmin sects *interse*.

Until recent years, Non-Brahmins and Brahmins lived in mutual love and respect in this province. Even now in numerous professions and walks of life they are dealing with one another in a spirit of friendship and co-operation Often Non-Brahmin caste Hindus prefer Brahmin doctors, advocates, and contractors, to Non-Brahmin Vakils, doctors, advocates, and contractors, and *vice versa* In the families of most Non-Brahmin Hindus, Brahmins Officiate as purohits on marriage and other important religious occasions. All classes of Hindus irrespective of caste or sect resort to Hindu temples where worship is conducted in accordance with ancient usages and receive **Prasathams** from Brahmin Archakas. They all pay equal homage to the heads of Brahmin mutts and all alike flock to hear upanyasams and lectures on religious matters given by great Brahmin and Non-Brahmin Scholars.

Numerous other instances may be given to establish social and religious solidarity between Brahmin and Non-Brahmin caste Hindus. The division of the Hindu Community into Brahmin and Non-Brahmin Hindus is purely a political division, brought about by the enemies of India's freedom.

89

In their recent orders relating to recruitment to the central services, the Government of India have treated the Hindu community as a homogeneous community and as a single unit. In Madras, the Hindu community is divided into Brahmin and Non-Brahmin Hindus for appointments to public services and for admission into Government colleges. The number of quatified Brahmin applicants for appointments to public services or for admission into Government colleges is equal to, if not more than, the number of qualified Non-Brahmin applicants. But, the number of appointments or seats in colleges allotted to Brhamins is only one fourth of the number allotted to Non-Brahmin Hindus in either category.

As requested in our petition dated 20th instant, the orders of Madras Government regulating admission of students into Government professional colleges on the basis of birth instead of on the basis of merit and qualifications should be cancelled. The interest of the country and the general welfare of the people require that the best talents in the country should be enlisted for service as doctors, engineers, technicians etc.

The working of the communal orders of Government relating to recruitment to the Public Services and admission to colleges has caused serious injury not only to the Brahmin community but has created great discontent among the sects of Non-Brahmin Hindus who are poor and are educationally backward. It is the rich and the educated Non-Brahmin Hindus who are benefitted most by the present communal orders of Govt. Those orders reserve 45 % of the Govt. Appointments and seats in colleges to the rich and highly educated Non-Brahmin Hindus although their number is small compared with the population of poor and educationally backward Non-Brahmin Hindus. The percentage of appointments fixed for the latter is only 14%. There are no just grounds for giving special treatment to the rich and highly educated Non-Brahmin Hindus except that they are in positions of authority.

Justice requires that special treatment should be given only to Hindus who are poor and educationally backward as defined in the Madras Educational rules. The special treatment now accorded to the rich and the educated Non-Brahmin Hindus is unjustifiable and should therefore be withdrawn. In this connection attention is invited to the suggestions made by Mr. Subramanian M.L.A. of Salem in his letter published in the 'Hindu' reproduced as annexure II

The present Madras Ministry has been returned to power as the members promised to carry out the Congress programme. To our knowledge the Congress has not approved at any of its general meetings the division of the Hindu community into Brahmin and Non-Brahmin Hindus but on the other hand has steadfastly set its face against such division. The Madras Ministry is following a policy not approved by the Congress. We request that the question whether the policy followed by the Madras Ministry is in consonance with the approved programme of the Congress may be referred to the working committee of the Congress to enable that committee to bring the matter before the General body of the Congress.

MADRAS
20th June 1948.

Yours faithfully,

ANNEXURE I

Abstract of the petitions to the Government of Madras submitted in July and September 1947

The passing of the Temple entry Act by the Madras legislature has rung the death knell of the caste system in the Madras, Presidency. The Madras Government however persist in maintaining the caste system for recruitment to the Public Services and for admission of students into Government Colleges. Under various orders issued by Govt. from time to time, roads, tanks, temples and choultries formerly inaccessible to certain classes of Hindus have been thrown open to all Hindus irrespective of their caste. Hotels, restaurants and cafes provide refreshments for all Hindus irrespective of their castes. In college hostels all students dine together the only distinction made being "Vegetarian" and Non-Vegetarian" In view of the above facts the Madras Government were requested to cancel their communal orders making distinction between Brahmins and other caste Hindus in the matter of Government patronage.

There may be Non-Brahmin caste Hindus who are poor and who are educationally backward. Special concessions may have to be accorded to them, but each case will have to be examined on its merits if justice is to be meted out. It is inconceivable how justice can be meted out if a whole community of Non-Brahmin Hindus numbering about forty millions with varying degrees of wealth and educational attainments is taken into account. Under such an arrangement rich and highly educated Non-Brahmins benefit while the claim for special treatment of the poor and educationally backward Non-Brahmin Hindus is largely ignored.

The Madras Government in their orders referred to above have treated all Hindus as a homogeneous community for purposes of religious and social reforms, but the Brahmin is treated as a unit separate from other caste Hindus for purposes of Government patronage. The Madras Government are thus blowing hot and cold with the same breath without caring for the consequences of such a policy.

91

ANNEXURE II

Communal Representation in Services

Sir,—While I appreciate and welcome the recent statement of the Indian Union Government regarding the representation in services on communal and religious basis and the recent speech made on the subject by Pandit Jawaharlal Nehru at Coimbatore, I wish to point out some of the defects in both the statements.

There are people belonging to some 146 sections of various communities in Madras Presidency who deserve special consideration in the spheres of education; economics, hygiene and Government employment besides the Harijans (scheduled caste) who have already been given fair concessions by the Government. They will be seriously affected by the recent statement of policy by the Union Government. Out of a population of 5 crores in this Province, nearly 2½ crores belong to these backward communities. Of this more than a crore belong to the vannikula Kshatriya community. The rest are made up of Thevar, Maravar, Agamudiar (Mukkulathor) and other sections. Though there is a standing order of the Madras Government providing concessions for these communities, it is regrettable that these concessions have not been granted.

We cannot call any Government democratic so long as a vast section of the people are kept backward in every sphere of life.

While no sane person will ever like appointments being made communally, particular concessions should be granted at least for some time, to the educated and experienced people belonging to backward communities till they come up to the level of other "forward" communities in all respects. I request the Union Government to show the same concessions to the members of the other backward communities as are shown to Harijans.

In future, the appointments could be made on the basis of "forward communities," "backward communities" and "Harijans" Christians, Mahomedans, Hindus, Sikhs, and others will come under the first category while all those who are backward among the Hindus will come under the second and the Harijans under the third Appointments shonld be in the proportion of 35, 50 and 15 percent respectively. This arrangement need continue only for ten years. When the "backward communities" and the "Harijans" attain the same status as that of the "forward communities", then these divisions can be scrapped and appointments made only on merit. If the Government come forward to make such an arrangement, caste and communal hatred will be eradicated. I request that the Central Government consider the above suggestions for appointment to services; and if it is not possible, the Central Government should at least direct the Madras Government to bring it into force forthwith.

SALEM
June 1948

A. SUBRAMANYAM, M.L.A.

Dy. No. 4171/Cons.
19.7.48

Sl. No. 24.

Rahuri

17/7/48 Dated --15-7-948

To

The President,
Indian Constituent Assembly
New Delhi.

Subject :- Further Suggestions re. Indian Constitution.

Reference:- Govt. of Indians letter No.F.16(3) P.S.47 (C.A.D.) dated 9-5-47

Respected Sir,

I humbly beg to submit that I intend to submit below my humble suggestions in furtherance of those that were submitted to the Govt of India and wich were forwarded in original by the Govt of India to your office under the reference quoted above .

(2)India including all Indian States should be exclusively ruled by the Indian Parliament Presidential and elected by the members of the Indian Union Parliament .

(3)In order to Keep up prestige and honour the Native States which have been acceded to the Indian Union may be consolidated into about twentyone groups and the Chiefs of them may have a seperate Cabinate called "House of Lords ." Thus there would be two houses (I)House of Commons (Public)which is the Indian Union Parliament and (2) House of Lords for the Indian States which are acceded to the Indian Union Govt.

(4) The function of the"House of Lords" is to formally sanction the Bills and the Acts and the Rules and Regulations and Ordinances passed by the Indian Parliament and to give effect to them in their own Indian States .

(5)The President of the House of Lords should be elected by the Chiefs of the groups every year and sanctioned by the Indian Union Parliament .

(6) In order to have perfect Knowledge in the matter of Administration the Chiefs of the Indian States may be given special training in the matter of Administration in the "Administration College "which may be specially opened for them . They may be also given Military training in the Army, Navy and Air-fourse, in the College specially opened for them so that they may occupy the high posts in the respective cores and serve as the best warriors and statesmen for the Indian Union Govt;.

(7) As the question of Nomenclature is before the Constitution of the Indian Union Govt, it is humbly submitted that the Indian Union Govt. may be termed in the simple name "Indian Republic State" as the state means and includes all Indian States acceded to the Indian Union Govt.

(8) The tenure of the Parliament shoule be for 5 years while that of the Provincial Council 3 years .

(9)There should be one Council or Assembly in each Province as the duel system of administation is not desirable as it entails unnecessary waste of time and funds in promul-

gating Laws and Regulations .

(IO) As India is going on foot since I5-8-47 while the western nations are moving in planes for years together it is not desirable to follow the nations of the western nations immediately after the reins of Administration of the Indian Union Govt. are taken in the matter of framing constitution and carrying on the Administration on the western lines . It is therefore humbly suggested that the right of Adult Franchise may be exercised in due course after the lapse of at least IO years when the general public would be able to know their right as well as the importance of the right of Adult Franchise. This right can be well exercised when the Primary education as well as the Adult education are in vogue through out the leangth and breadth of the Indian Union Govt.

(II) As it is learnt that the lists of voters are being prepared for exercising the Right of Adult Franchise for the new constitution the may be prepated as the information would be useful in general witha view to know the number of voters for the new Constitutional Govt. in India.

(I2) As suggested before the qualifications for the voters for the Indian Constitutional Govt. should be that the voters are (I) Graduates or Deploma holders of any University or college (2) or Income-tax, rent , or land revenue payers to the extent of Rs.500/- annualy while that for the Provincial Council or Assembly - Matric, Income-tax, rent, or land revenue payers to the extent of Rs. I25/- annually. This concession may be gradually diminished during the course of ten years, so that the right of Adult Franchise can be well exercised by the general Public when they know their own Right and the importance of the Right of Adult Franchise .

(I3) The object of restricting the limitations as detailed in para I2 above is that the Right may not be exercised by the illiterate people unknowingly and that the unqualified or undue persons may not come forward and assume and exercise the right and powers in the new Constitution when they are elected by the general public. It would be vesting Administration into the hands of undeserving persons which will lead into maladministration and ultimately frustrate the honest object and purpose for which the Indian Constitution is framed .

(I4) Similarly that the qualifications for candidates standing for the New Constitution should be very restricted ie. (I) -- They should be persons of having legal acumen (2) or should have experience of Provincial Council or Assembly for a period of at least three years or (3) that they posses some experience of the work of any Corporation or Muncipality as a member of the same or (4) The should be at least Graduates of any University in the Indian Union Govt. or, (5) That they should be members of any Trade Union having full experience and knowledge of the business matters both in India as well as

in foreign matters ...

(I5) Similarly the qualifications for the candidates standing for the Provincial Council or Assembly should be on the lines as submitted in para I4 above .

(I6) As the age limit is restricted to 55 in the case of Govt. servants and 60- in the case of High Court Judges it should be restricted in the case of Ministers, Governers, Speakers and such other officers of high posts for the Indian Union Govt. or Provincial Council or Assemblies to the extent of 65 , as the persons having best brains and experienced candidates may have a chance of occupying the high posts and showing their merit and skill in the Administrationof the Indian Union Govt.

(I7) There should be an Advisery-Board for the Indian Union Govt. of about 5 persons who are above 65 and who have full experience as Ministers, Governers, and Speakers of the Indian Administration for disposing of questions on Dead-Lock in the matter of Administration which are referred by the Ministers of the Indian Union Govt. Their decision in the matter should be followed in toto, The Board should be paid adequate remunaration for the services rendered by them .

(I8) In order that the Indian Union Govt. may be fully equipped with all the best sources there should be one World -Ambasador who would guide all the Ambasadors or Envoyes in the foreign countries in the matter of Foreign Political affairs and thus safe-guard the interest of the Indian Union Govt. He should be a moving World Ambasador for maintaining international ~~peace~~ peace and creating a friendly atmosphere witha view to show to the world that India will one day lead the whole world and restore Sanity and Peace on the ground of it's high and noble views ~~possessed once before~~. Thus the object of Mahatma Gandhi in preaching Gospels for India regarding Non-Voilence would be fulfilled .

(I9) In order to remove the communal tinge in the matter of Indian Administration there should be one National Caste- Hindi,- One National language - Hindi, and national spirit - Hindi. Apart from the personal caste whichever it may be- Hindu, Muslim, Christian, Shikh etc. which may be observed in one's house only. as everybody's house is his own castle but for political ~~purposes~~ and social purposes the public should stand on one platform under one National Tri-Colour- Flag - the emblem of the Indian Union Govt.

(20) In order to facilitate the best Administration of the Indian Union Govt. there should be at least ten percent nominated posts for the persons of the best brains who have not joined the Congress but who have sympathy for the Indian Union Govt. in the matter of Indian Administration and who are willing to serve the Govt. if chances are offered to them . They may hold their libaral views which are not repugnant to the interest of the Administration of the Indian Union Govt.

(2I) The Provincial Govts. may be formed on Language-bases and no person would be entitled to vote or stand

108

as a candidate for the council or Assembly unless and untill he holds property - land or house in the Province, or pays at least Income-tax or land revenue or rent in the Province in question. As a matter of fact he should be a resident of the place for a period of least three years, but as the circumstances have changed the concession for the time being may be granted .It is therefore , humbly submitted that the further suggestions aaso specified above may be considered and placed before the Committee if approved before the New Constitution is formed and I may kindly be informed accordingly, for which I shall be highly obliged.

Hoping to be excused for the troubles, A consolidated copy of the replies of the Bombay and India Govts appreciating my views , is herewith enclosed for x perusal .

Your Most Obedient Servant

R. S. Chabukswar

Retired Judicial Officer
Bombay Province .

Address :-

Shriyut R.S.Chabukswar
Retired Judicial Officer
Rahuri, District- Ahmednagar.

Copy respectfully submitted to the Prime-Minister, and President Indian Union Govt., New Delhi for favour of perusal.

Dy. No. 4233/Cons.
6.8.48.

Regd. under Act XXI of 1861. and certified by (a) the A.I.S.A. and (2) A.I.V.I.A.

Ref. No. 9328 Sl. No. 29

SEVA-SANGHA.
P. O. Contai, Dist. Midnapore.
Ry. Station—Contai Road
B. N. Ry. (*Bengal*)

Dated 2-8-48

Objects and activities :—1. Khadi-work. 2. Village Industries, such as (a) Paper-making, (b) Paddy husking, (c) Wheat grinding, (d) Silk production, (e) Mat-making, etc. 3. Improvement of : (a) Agriculture, (b) Cattle, (c) Sanitation. 4. Spread of education. 5. Rastrabhasha Prachar. 6. Removal of untouchability. 7. Relief work, etc.

डा: राजेन्द्रप्रसाद
अध्यक्ष विधान
परिषद
नई दिल्ली.

विषय:—
अस्पृश्यता और जातिभेद.

प्रियमहोदय,

बहुत खुशीकी बात है कि भारतके शासन तन्त्रके मसौदेमें अस्पृश्यताको सरकारी कामकाज के लिये दण्डनीय कर रखा है, लेकिन सारे समाजसे उसका जड़ उखाड़ना उसके द्वारा शायद संभव नहीं होगा, इसलिये तो जरूरत है एक सामाजिक तथा मानसिक क्रांतिकी-जो शिक्षा और संस्कृतिके क्षेत्रमें मतवालोंकेसे स्वरूप आ सकती है, तोभी भविष्यके लिये यह एक बहुत बड़ी सूचना है - और उसे अमलमें लानेसे सुधारका काम बहुत आसान होजाये बिना नहीं रह सकता, खानगी घरोंमें अस्पृश्यताको निषिद्ध और दंडनीय करनेका हक और शक्ति

This paper made by SANGHA.

I.P.C.—47—1000.

Regd. under Act XXI of 1861. and certified by (a) the A.I.S.A. and (2) A.I.V.I.A.

Ref No.....

SEVA-SANGHA.
P. O. Contai, Dist. Midnapore.
Ry. Station—Contai Road
B. N. Ry. (*Bengal*)

Dated.....

Objects and activities :—1. Khadi-work. 2. Village Industries, such as (a) Paper-making, (b) Paddy husking, (c) Wheat grinding, (d) Silk production, (e) Mat-making, etc. 3. Improvement of : (a) Agriculture, (b) Cattle, (c) Sanitation. 4. Spread of education. 5. Rastrabhasha Prachar. 6. Removal of untouchability. 7. Relief work, etc.

(२)

राष्ट्रकी है और होनी चाहिये या नहीं - यह भी सोचनेकी बात है, क्या चोरी खून खराबी वगैरहसे अस्पृश्यता कम अनर्थकार है? नहीं तो सर्वत्र सर्व रूपसे अुसका जड़ शुरूमें ही अुखेड़ना राष्ट्रका कर्तव्य है। ~~साथ साथ~~

साथ साथ और भी अेक बात विचार्य है, हिंदुसमाज में अस्पृश्यता का जड़ कहाँ है? किसके सहारेसे अस्पृश्यता सनप रही है? वह तो है जातपांतका विचार जबतक जातिभेद कायम है, तब तक अस्पृश्यताका अंत करना असंभवसा प्रतीत होता है। अिसलिये जात पाँतको मिटा देना सबसे पहला कर्तव्य है और राष्ट्र विधानमें अुसकी भी तजवीज होनी चाहिये, क्या यह शक्ति स्वाधीनताके बाधक होगा? तब तो किसी को चोरी करनेसे रोकना भी ठीक नहीं है। आजकी दुनियाँमें शक्ति-स्वाधीनता तो अेक अजब चीज जिसके नाम सब

कुछ किया जा सकता, हमारा निवेदन है कि अस्पृश्यताके साथ जातिभेदको भी विधानमें न केवल सरकारी काम काजके सिलसिलेमें पर सभी व्यक्ति गत क्षेत्रमें भी अवैध और दंडनीय कह देना विधान कारोंके लिये अवश्य कर्तव्य होगा, इसी सिलसिलेमें यह भी बताना जरूरी है कि अगले मर्दुम सुमारियोंमें जातपातका उल्लेख (खाना या कलम) न होना चाहिये, इसका तजबीज तो अबसे ही करना चाहिये, क्योंकि मर्दुम सुमारीके आधार पर ही जातपातकी तथा अस्पृश्यता के सारे काम काज किये जाते हैं।

इसके सिवा अंतर्जाति विवाह और खान पानको प्रोत्साहन देना और इसके खिलाफ कहीं कोई कानुनी रुकावट हो तो उसे पहले ही खतम कर देना जरूरी है।

आपका
श्री-कन्हैयालाल कोटि
(मंत्री)

कोपि-प्रेरित- श्री किशोरलाल मशरूवाला
संपादक "हरिजन"

Dy. No. 4443/Cons. 21-8-48

81. No. 32

Sectt. 29 343 Genl.—1942.

Mr. Mani 21/8.

All Communications to this Office should give the No., Date and Subject of any previous correspondence, and should note the department quoted.

No. 2237/XVII-269-48

FROM Shri R.P.Verma, B.A., LL.B.,
Additional Deputy SECRETARY TO GOVERNMENT,
UNITED PROVINCES,

To
The Secretary,
Constituant Assembly,
Delhi.

Dated Lucknow, August 17 1948.

Legislative DEPARTMENT

SIR,

I am directed to forward herewith a copy of the resolution passed in a meeting of depressed classes held at Ujhani, Budaun District on 7th. & 8th. March, 1948, for such action as may be deemed necessary.

Yours faithfully,

(R.P.Verma)
Additional Deputy Secretary.

No.2237(i)/XVII-269-48.
Copy forwarded to the Secretary, Depressed Classes Ujhani, District Budaun, for information.

By order,

(R.P.Verma)
Additional Deputy Secretary.

CONSTITUENT ASSEMBLY OF INDIA
Date 20.8.48
Dy. No. 2262
File No.

Copy of letter no. 1409(iv)/XXVI-260-48 dated Lucknow, August 10, 1948, from Government of the United Provinces, Harijan Sahayak Department,

.....

Copy of a resolution passed in a meeting of depressed classes held at Ujhani, Budaun District on 7th and 8th March, 1948.

x x x x x x x x

Resotution No.3

इस प्रस्ताव से हम गवर्नमेंट से प्रार्थना करते हैं कि प्रान्तीय तथा केन्द्रीय एसम्बली में दलित जाति की सीटें उनकी जन संख्या के अनुसार दी जावें ।

Forwarded to the Legislative Department for disposal.

By order,

Sd/ (B.N.Verma)
Assistant Secretary.

S. No 39

CONSTITUENT ASSEMBLY OF INDIA
5980
26-10-48.

137

ੴ ਸ੍ਰੀ ਵਾਹਿਗੁਰੂ ਜੀ ਕੀ ਫਤਹ ॥

RAMGARHIA SABHA. SIMLA.
(Regd.)

Estd. 1882.

ਰਾਮਗੜ੍ਹੀਆ ਸਭਾ, ਸ਼ਿਮਲਾ
(ਰਜਿਸਟਰਡ)

CONSTITUENT ASSEMBLY OF INDIA
23/X/48
2646 Const

No. 22/RS Dated 19th Oct. 1948.

The President,
Constituent Assembly Newdelhi.

Dear Sir,

The Ramgarhia Sabha Simla, a representative organisation of the Artisan Community, desires to convey the following opinion on the vital question of Fundamental Rights in the Draft Constitution of India, the opinion which is fully shared by an overwhelming majority of the people of the East Punjab:-

> "While appreciating the provisions in article 8 of the Draft Constituion of India authorising the State to make laws for the removal of any inequality, disparity, disadvantage or discrimination arising out of any existing law disapproves the provisions in article 13 ibid in so far as the present discriminatory laws including the Punjab Alienation Act of 1900, were concerned.
> "
> "This Sabha would however welcome any provision in the Statute intended to safeguard the interests of peasants, artisans and labourers based solely on economic grounds."

A copy of the detailed memorandum already submitted on the subject is also appended herewith. It is hoped that the aggrieved people of the province would be allo-wed to have a sigh of relief by removing the prevailing discrimination. Thanking you.

Yours faithfully

Swarn Singh
Honorary Secretary
Ramgarhia Sabha Simla.

138

The RAMGARHIA SABHA SIMLA.

(Regstd. & Estd. 1882)

TO THE CONSTITUTION MAKERS!

Memorandum submitted by the Ramgarhia Sabha Simla (a representative and oldest organisation of the Sikh artizans) to the members of the Constituent Assembly.:—

India has seen the dawn of freedom after innumerable sacrifices and sufferings. The Constituent Assembly is busy in framing the constitution of a "Free Indian Republic". In the words of Dr. Sachidanand Sinha, the inaugural chairman, every Indian feels pride on this advancement. Like their other countrymen, the inhabitants of the Punjab fully share the honour, the Indians feel. But half of the population of the Punjab, which on the basis of caste and racial discrimation, has been statutorily classed as 'non-agriculturists' and thus deprived of buying an inch of land and denied recruitment to services or admission to various Govt. schools & colleges and placed under permanent economical subjugation will feel hardly any relief with the coming freedom unless their internal economic bonds are removed and they are allowed equality of citizenship in their motherland which can only be attained by unification of the 'fundamental rights' and the removal of such racial discrimination which in the Punjab differentiates between man and man—simply because of birth in a certain tribe or caste. Hence the following to voice in support of removing the prevalent inequality and racial discrimination from the future constitution of the country.

Punjab Land Alienation Act of 1900 on grounds of birth or caste divided the population of the province in two equal parts—agriculturists and the non-agriculturists. This act was enacted to guard against passing of the land of poor agriculturists into the hands of the money lenders But, as the late Raja Sir Harnam Singh then foretold in the then Punjab Council, it created worst kind of money lenders in the agricultural tribes themselves and thus the aims of the Act were totally frusterated. The bigger agriculturist—fish swallowed her poor sister with much less compensation as there was no market competition for the land. Thus according to the official statistics lakhs of acres of land of poor peasants passed into the possession of their rich caste-men. This Act deprived the so-called nonagriculturists of the very right of citizenship. The artizans and the scheduled castes though the backbone of the agricultural industry, have also been classed as non-agriculturists although the Punjab Government in paras 19 and 22 of their memorandum dated the 17th August 1928 submitted to the Indian Statutory Commission while referring to the artizan and other labour classes said:

> "These are merely examples of that great stratum of the population which is neither on the one hand classed as agricultural tribes—although the operations of agriculture are not carried out without it nor finds its way in practice to the liberal professions. The lower classes are not confined to menial occupations, but take a very important part in agricultural operations and are in considerable demand as tenents."

This division based on caste differences and racial discrimination deprived the so-called non-agriculturist classes of ordinary rights of citizenship and of honourable living in the Punjab villages and of walking on public roads with ordinary self-respect. So much so whereas cattles belonging to a statutory agriculturist have free access to the fields & the pastures, a non-agriculturist cannot enter these places even for calls of nature without risk of insult and dishonour. Men of position and honourable professions even possessing and cultivating land for the simple reason of their having born in the unpriviliged tribes, are subjected to the greatest humiliation.

The Punjab Government admits the population of the agricultural tribes to be something like 10 millions or half of the population of the province. (Para 20 of the Punjab Government's Memorandum dated 17. 8. 28 presented to the Indian Statutory Commission). This certifies that tne non-agriculturists forms half of the Punjab Population. But the aforesaid economic disparity together with unequal franchise and prejudicial demarcation of constituencies have resulted in giving the 50 % non-agriculturists only 23 % representation in the Punjab Legislarive Assembly which is evident from the following particulars:

Total number of members in the Punjab Assembly=175

Reserved for special interests=18

	non-agriculturists	Agriculturists
Mohammedans	9	75
Hindus	25	17
Sikhs	3	28

This racial discrimination has gone to the extent of dividing the Sikhs also in two equal parts based on the old caste system for which there is absolutely no room in the Sikh ideology—rather this faith took its origin to remove these caste inequalities between man and man. Had it not been for their personal and exceptional qualifications and constitutional experience, the two non-agriculturist Sikh members of the Constituent Assembly (Sardars Uijal Singh and Harnam Singh) would not have been elected by the overwhelming majority of agriculturist Sikh members of the Punjab Assembly in the ordinary course. However these two Sikh gentlemen are not in the Constituent Assembly on the force of their non-agriculturist electorate but because of their party alliances. Even the Sikh Gurus if in life in these times, would have been grouped with the unpriviliged non-agriculturist tribes. This disparity would be further visible from the fact that among six Ministers of the Punjab none of whom has ever touched the plough for generations—only one Lala Bhimsain Sachar is a nonagriculturist who cannot buy an inch of land although his other companions may have the whole of the Punjab in their possession.

This economic difference if based on economic grounds that one who cultivated the land to be classed as agriculturist—would not have been a cause of any grievance or unrest. The non-agriculturists—so called by reason of birth, have been reduced to mere serfs. They are placed worst than animals. Whereas the rights of occupany of land has been monopolised by certain tribes, they have also usurped the recruitment to services and admission to various Government institutions. While describing the agriculturist tribes as "a definite part of social economy whose position has been stablised by legislation" and then analysing the trading and professional tribes of the province the Punjab Government say :

> " We now come to the third category of tribes, which consists of those engaged in what are regarded as inferior and menial occupations."

(Para 22 of Punjab Govt.'s Memorandum dated 17-8-28 presented to the Indian statutory Commission).

(P. T. O.)

This would be enough to describe the plight of the non-agriculturists of the Punjab and of the artizans and labourers who maintain no less self-respect than their brothers—agriculturists. The Indian Delegation to the United Nations Organisation under the able leadership of Srimati Vijaylakshmi Pandit successfully voiced against the racial discrimination against the Indians in South Africa Pity the same racial discrimination in an acute form exists in this important province of India whose artizans and labourers are described as menials and inferiors.

The Government of India Act 1935 adopted its final shape after undergoing the hammers of the White Paper of December 1931, Indian Franchise Committee 1932, and Joint Committee on Indian Constitutional Reforms 1933-34 Attention is particularly invited to paras 75 and 122 of the White Paper 1931 and paras 366 to 368 of the Joint Committee Report on Indian Constitutional Reforms dealing with the subject of 'Fundamental Rights; It would be worth while to incorporate herein-above quoted para 368 embodying a gist of all these references, which runs as follows:

"The proposal in the White Paper, however, contain a proviso which would, in one respect, still limit the effect of this narrower declaration of rights, namely, that "no law will be deemed to be discriminatory for this purpose on the ground only that it prohibits either absolutely or with exceptions the sale or mortgage of agricultural land in any area or to any person not belonging to some class recognised as being a class of persons engaged in, or connected with, agriculture in that area, or which recognises the existence of some right, privilege or disability attaching to members of a community by virtue of some privilege, law or custom having the force of law." This proviso is intended to cover legislation such as the Punjab Land Alienation Act, which is designed to protect the cultivator against the money—lender. This is no doubt a desirable object. Inasmuch, however, as the full effect of the proviso cannot be foreseen and may have the result that the legitimate interests of minorities may be impaired while they are denied the right of appeal to the Courts for redress, we think, that in cases where the legitimate interests of minorities may be adversely affected and access to the courts is barred by this proviso in the Constitution, the Governor should consider whether his special responsibility for the protection of minorities necessitates action on his part."

Even the Indian Franchise Committee in para 170 of their report admitted:

"The Punjab Land Alienation Act confers great advantages, social and economic, on the members of tha agricultural tribes, and it would not be right to give them in addition the political predominance which they would gain if they formed three-quarter of the electorate"

But inspite of these admissions, the Government of India Act 1935 emerged as follows as far as the fundamental rights were concerned, obviously based on a 300 pages memorandum submitted by the then Punjab Ministry to the Indian Statutory Commission intended to obtain political predominance for the privileged agricultural tribes whose position was also stablized by legislation;

'279- (1). No subject of His Majesty domiciled in India shall on grounds of religion, place, birth, descent, colour or any of them be ineligible for office under the Crown in India, or be prohibited on any such grounds from carrying on any trade business or profession in British India.

(2). Nothing in this section shall affect the operation of any law which-

(a) prohibits, either absolutely or subject to exceptions, the sale or mortgage of agricultural land in any particular area to any person not belonging to some class recognised by the law as being a class of persons engaged in or connected with agriculture in that area; or

(b) recognises the existence of some right, privilege or disability attaching to members of a community by virtue of some personal law or custom having the force of law"

Thus the political predominance to the agricultural tribes in addition to social and economic advantages conferred by the Punjab Land Alienation Act which was intended to be guarded against by the Lothian Committee and the "narrower declaration of fundamental rights" described by the Joint Committee on Indian Constitutional Reforms—actually came on the statute with the result that the racial discrimination was allowed to continue and to a house of 175 only 37 non-agriculturists got elected against their share of 87. The disability of recruitment to services and admission to various Government institutions further aggravtes the plight of the non-agriculturist population of the Punjab.

With these observations and various constitutional references, it is intended to stress upon the framers of the constitution of a Free Indian Republic to unequivocally equalise the fundamental rights of all the Indian nationals irrespective of caste or creed and thus remove the aforesaid disabilities and racial discrimination which have crushed the so-called nonagriculturist population of the Punjab, socially, economically and politically.

It would be worth while to quote herein from the Election Manifesto of the Indian National Congress the following two items regarding the equality of the fundamental rights:

"4 All citizens are equal before the law, irrespective of religion, caste, creed or sex;

5. No disability attaches to any citizen by reason of his or her religion, caste, creed, or sex, in regard to public employment, office of power or honour, and in the exercise of any trade or calling.,'

The Shiromani Akali Dal commonly known as Panthic Party also owned the Congress election manifesto in its entirety while contesting the last general elections. And the Great Sikh Gurus while describing the fundamental rights say:

"Sabh sanjhiwal sadain koi na dissai bahira jio"
(All are equal and none outside the common brotherhood.)

The Muslim nonagriculturist brothern are equally affected by this disparity. The Islam too does not allow difference between man and man by reason of birth.

It is therefore expected of the Constitution Makers of the Free Indian Republic that they would altogether do away with the provisions of article 279 (2) of the Government of India Act 1935 providing racial discrimination and thus equalise the fundamental rights of all the Indian nationals. However there could be no objection to base any economic provision on economic grounds or to protect the cultivator against the money lender or to afford certain privileges to actual tillers of the land. But the creation of certain priviliged agriculturist tribes although not doing the cultivation, enjoying political predominance in addition to social and economic advantages based on caste or tribe as the Punjab Land Alienation Act does, deserves altogether abolition from the statute if the 10 million socalled non-agriculrists of the Punjab, are also to feel the forthcoming freedom for which their share of service, sacrifice and sufferings is far greater than their priviliged brothers in power.

BHAGAT SINGH,
President,
Ramgarhia Sabha Simla.

Ramgarhia Bldgs. Simla W. C.
the 26th December 194[illegible]

Printing Service Co., Simla.

S. no 42

159

GRAM : "UTTHAN"

PHONE : B. B. 4467.

All India Marwari Federation.

President :—
Hon'ble Shree Brijlal Biyani.
Vice-Presidents :—
" Shree Ishwardas Jalan, M. L. A.,
Shree Gajadhar Somani.

152-B, Harrison Road,
Calcutta, 21st Octr 1948.

General Secretary :—
Shree Rameshwar Kejriwal, B. A.
Asst. General Secy. :—
Shree Brijmohan Bagaria,
B. A., B. L., Attorney-at-Law.

Ref. No. L/2934/48.

CONSTITUENT ASSEMBLY OF INDIA. Date 25/10/48 Dy. No. 2667 File No.

The Hon'ble Prime Minister,
Government of India,
New Delhi.

CONSTITUENT ASSEMBLY OF INDIA. Dy. No. 5995 Date 27-10-48 CONSTITUTION SECTION

Sir,

I have been directed by my committee to draw your attention to the growing cancer of Provincialism in almost all the provinces in India, including West Bengal, where our community happens to be the main target of attack. In this connection we have been, of late, receiving reports supported by even documents which go to show that there appears to be a deep-rooted conspiracy in some parts of West Bengal to uproot non-Bengalees from the province where they have been permanently living for several generations and have identified all their interests with the province. Enclosed herewith I am sending a few documents which will prove the existence of such a move.

We have already drawn the attention of the Hon'ble Premier, West Bengal, President of Provincial Congress Committee and others towards this move but it goes on increasing day by day. They have denounced it at public meetings. If the situation is allowed to continue like this, we are afraid, a time may come when it would be impossible both for the Government and the public to control the undesirable situation.

We do not want to go into the evils of provincialism, nor do we want to add specific examples as we are sure that the Government is fully aware of such agitation in the country.

tls
Copy
25/10.

160

GRAM : "UTTHAN"

PHONE : B. B. 4467.

All India Marwari Federation.

President :—
Hon'ble Shree Brijlal Biyani.
Vice-Presidents :—
" Shree Ishwardas Jalan, M. L. A.,
Shree Gajadhar Somani.

152-B, Harrison Road,
Calcutta, 104

General Secretary :—
Shree Rameshwar Kejriwal, B. A.
Asst. General Secy. :—
Shree Brijmohan Bagaria,
B. A., B. L., Attorney-at-Law.

Ref. No.

We, therefore, only submit below a few suggestions to combat this evil for your careful and kind consideration:

1. The necessity of adoption of measures on an All India basis to check this evil.

2. The new constitution of India should be of the type of a centralised Government where residuary powers remain with the Centre. The word "States" should be substituted by the word "Provinces". We may also refer here to our Premier, Dr. B.C. Roy's recent speech in Calcutta Press Conference in which he suggested that India must be governed from the Centre through local officials appointed by them to look after the administrative units. The idea of decentralisation does not hold any justification after the partition of the country. A Press cutting is also enclosed herewith.

3. Formation of a Ministry of Inter-Provincial relations at the centre with the object to harmonise the conflicting interests of different provinces and for co-ordinating their activities in such a way so as to ensure success of All-India policies of Central Government, i.e. to subordinate provincial interest to National interests failing which the danger of disintegration are likely to emerge.

4. The Central Government should by an ordinance ban publication of all such, books, leaflets,

GRAM : "UTTHAN" PHONE : B. B. 4467.

All India Marwari Federation.

President :—
Hon'ble Shree Brijlal Biyani.
Vice-Presidents :—
" Shree Ishwardas Jalan, M. L. A.,
Shree Gajadhar Somani.

152-B, Harrison Road,
Calcutta, 194

General Secretary :—
Shree Rameshwar Kejriwal, B. A.
Asst. General Secy. :—
Shree Brijmohan Bagaria,
B. A., B. L., Attorney-at-Law.

Ref. No.

newspaper articles, news slogans, speeches, gathering, processions, films etc. which may tend to promote ill feelings between different sections of the people of the country at any place and should enforce such laws vigorously in all the Provinces.

5. A new interpretation should be given to the idea of linguistic provinces as promised by the Indian National Congress so that such redistribution of provinces on linguistic basis does not allow the formation of States within the State. As a matter of fact province ought to be formed more for political reasons than for linguistic consideration only.

These are a few suggestions which if worked upon and put into practice may go a long way to check the danger of disintregation which are rampant at present all over India. The History of India eloquently tells us as to how India lost independence in the past for want of unity and lack of strong Central Government and hence something must be done to ensure unity, strength and oneness of the Indian Union, so that the History may not repeat itself. Unfortunately the partition of India has left dirty legacies and if those legacies are not checked in time we can visualise further partitions of India which will be the severest blow to the maintenance of our hard won freedom. We have full confidence in the Government and your leadership and we believe that our Government must be already busy in drawing plans to check this menance.

Awaiting for an early reply.

Yours faithfully,

Secretary.

SB.

copy to:- The President, Constituent Assembly of India
New Delhi