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## CONSTITUENT ASSEMBLY MEETS IN DELHI Another new

## American Constitution Recommended

## MEMBERS SIGN REGISTER: ENTHUSIASTIC SCENES

## Goodwill Messages From U.S., China And Australia

NEW DELHI, December 9. INDIA'S first Constituent Assembly of modern times opened here this morning.

Some 205 chosen representatives, including nine women, from all the provinces sat in semi-circular rows facing the presidential "dais" in the brilliantly lighted, domed library of the Council Chamber.

Seated in separate provincial "blocs" they were a variegated gathering, dressed in the many different garbs of the provinces they came from. Muslim League members

Those occupying the front row included Pandit Nehru, Maulana Azad, Sardar Patel, Acharya Kripalani, Dr. Rajendra Prasad, Mrs. Naidu, Mr. Harekrushna Mahtab, Pandit Pant, Dr. Ambedkar, Mr. Sarat Bose, Mr. C. Rajagopalachari and Mr. Asaf Ali.

He drew attention to the American

Constitution, which it had been

ment of Mr. Gandhi in 1922.

country.

Dr. S. Sinha

the people perism".

ent Assembly.

On this historic and memorable oc-

casion, you will not grudge, I am sure,

if I venture to address to you some

observations on certain aspects of what

is called a Constituent Assembly. This

political method of devising a constitu-

tion for a country has not been known

to our fellow-subjects in Britain, for the

simple reason that, under the British

estimate of the position of a Constitu-

In Europe, the oldest republic, that of

in overthrowing the French monarchy.

AMERICAN CONSTITUTION

couple of years earlier, in 1787, by the

that you will also, in the nature of

things, pay in the course of your work

greater attention to the provisions of

the American Constitution than to

I have referred above to the self-

As a matter of fact, the French

Mr. Sarat Bose and Dr. ha, Temporary Chairman, in his in-Ambedkar sat in the same bench. Mrs. Kripalani had a seat immediately behind her husband.

Acharya Kripalani, the Congress President, made a brief speech in Hindustani proposing Dr. Sachchida-nanda Sinha to the chair.

Acharya Kripalani said that on this historic and auspicious cccasion none was better fitted for the position than Dr. Sinha, who was not only great in age but great in the political life of the country. Dr. Sinha had been from 1910 onwards intimately associated political and educational affairs, first as member of the Imperial Legislative Council, then of the Central Legislature, as Vice-Chancellor of Patna University and in other ways. Above all. Dr. Sinha was an old Congressman. He was in the Congress till 1926, when it struck out on the path of independence. His formal membership of the Congress ceased thereafter, but in his heart he remained a Congressman.

After his speech Acharya Kripalani walked up the dais and con ducted Dr. Sinha to the presiden tial chair.

GOODWILL MESSAGES

Dr. Sinha then read out messages of goodwill from the United States. China and Australia. Mr. Dean Acheson, Acting Secre-

tary of State, of the United States. in a message said: "With the approach of December 9, I extend to you as Provisional Chairma: of the Constituent Assembly and through you to the Indian people the sincere good wishes of the United States Government and of the people of the United States for a successful conclusion of the great task you are about to undertake. India has a great contribution to make to the peace, stability and cultural advancement of mankind, and your deliberations will be watched with deep interest and hope by freedomloving people throughout the entire

A message from the Chinese Foreign Minister said: "On the auspicious occasion of the opening of the Indian Constituent Assembly I have the honour to extend to you in the name of the National Government of China my heartiest congratulations. I sincerely hope that your great Assembly will succeed in laying the solid foundations for a

democratic and prosperous India." The Australian Government said in their message:- "Australia has watched with keen interest and sympathy the course of events which have given the people of India their rightful place in the community of Constitution, there is no such thing as nations. The Australian Government, a constituent law. it being a cherished therefore, greets the opening of the privilege of the British Parliament, as Constituent Assembly as an outward the sole sovereign authority, to make sign of a new era for India and and unmake all laws, including the conoffers the delegates of the Consti- stitutional law of the country. As such, tuent Assembly its best wishes for Britain to be able to form a correct

success in their tasks." All three messages were greeted with cheers. Dr. Sinha said. "I am sure the House will authorise and Switzerland, has not had a constituent direct me to convey its thanks to law, in the ordinary sense of that term, the authorities of these Governments for it came into existence on a much which have sent us such cheering smaller scale than it now exists, due to and inspiring messages (cheers). I historic causes and accident, several may further add that this is a very centuries back. Nevertheless, the preauspicious sign for the success of

your work.' Angus Samad Khan of British Balu- no doubt that this great Assembly will stituent Assembly representing British Baluchistan. Dr. Sinha ruled the Nawab Jogazai would continue to be regarded as a duly elected member of the House until the matter is disposed of at a later stage wantage in the interest of preparing a suitable constitution for a free India. The only other State in Europe, to the constitution of which we could turn with some advantage, is that of France, the first Constituent Assembly of which (called "the French National Assembly") was convoked in 1789, after ter is disposed of at a later stage Assembly", was convoked in 1789, after after the election of the permanent the French Revolution had succeeded

Dr. Sinha after finishing his address informed the House then, from time to time, and is even that he was not able to now, more or less, in the melting pot do any work in the afternoons and Though, therefore, you may not be able under medical advice he did not to derive as much advantage from a propose to sit in the chair after study of the French system of constithe luncheon recess. So, for the tuent law as that of the Swiss, that time being till the formal business of signing the register was comof signing the register was com- to derive what advantage , before you, pleted, he would want the assistance by a study of it.
of a deputy chairman and he proposed that Mr. Frank Anthony be nominated by the Assembly.

Dr. Sinha then referred to the at the first Constituent Assembly of death of Mr. Prasanna Deb Raikut, their country, were themselves largely a member of the Assembly from influenced by the work done but a Bengal.

Inviting the members to present historic constitutional convention held their credentials and sign the regis-ter, Dr. Sinha said he would, in Having thrown off their allegiance to order to save time, dispense with the formality of shaking hands.

Having thrown off their allegiance to the British King in Parliament, they met and drew up what had been re-The first member to present his garded, and justly so, as the soundest

credentials and sign the register was Mr. C. Rajagopalachari. He was followed by Dr. Pattabhi Sitaramay-ya, Mr. T. Prakasam. Sir N. Gopalaswamy Ayyangar and others.

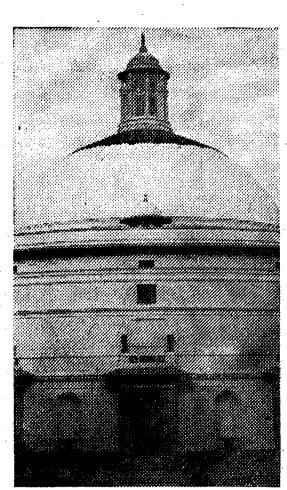
After the gigning of the markers of the search and garded, and justly so, as the soundest and most practical and workable republican constitution in existence. It is this great constitution, which had been naturally taken as the model for all subsequent constitutions not only of France, but also of the self-governing After the signing of the members the Constituent Assembly adjourned till 11 a.m. tomorrow.

France, but also of the self-governing Dominions of the British Commonwealth, like Canada, Australia and South Africa: and I have no doubt

INAUGURAL ADDRESS Constitution Ameri

Suggested

WHERE ASSEMBLY **MEETS** 



The Library building of the Central Legislature in New Delhi where the Constituent Assembly is in session.

first to benefit by the American system was Canada, the historic convention of which country, for drawing up a self-governing constitution, met in 1864 at Quebec. This convention drew up the Canadian Constitution, which was subsequently embodied in what is still on the statute book as the British North American Act, passed by the British Parliament in 1867.

CANADIAN CONVENTION You may be interested to hear that claimed embodied this ideal, and said the Quebec convention consisted of

Indian Constituent Assembly, not necessarily for wholesale adoption but for judicious adaptation to the necessities and requirements of India.

The American Constitution, he are the provisions of which the first self-governing Dominion of the British Commonwealth of Canada came into existence in 1867. The British Particle of Light Particular and the Canada came into existence in 1867. pointed out, was based on "a series of liament accepted the Canadian conagreements as well as a series of vention's scheme in its entirety, except compromises" and, speaking from for making only one drafting amend-ment. I nope and pray that your labours may be crowned with a similar said that "reasonable agreements and success.

judicious compromises are nowhere The American Constitutional system

was more or less adopted in the more called for than in framing a constitution for a country like India." schemes prepared for framing the con-Dr. Sinha recalled that the first stitutions of Australia and South Africa, which shows that the results definite reference to a Constituent achieved by the American convention Assembly, though not under that parhad been accepted by the world as a ticular name, was found in a statemodel for framing independent federal constitutions for various countries. The idea of a Constituent Assem- It is for these reasons that I have bly as the only direct means for the felt justified in inviting your attention framing of a constitution in India, and constitutional law as one which Dr. Sinha said, came to be entertain- should be carefully studied by youed and accepted by the two major not necessarily for wholesale adoption, political parties in 1940, with this but for the judicious adaptation of its difference that, while the Congress provisions to the necessities and redesired one constituent assembly quirements of your own country, with for India as a whole, the Muslim such modifications as may be necessary or essential owing to the peculiar League wanted two constituent asconditions of our social, economic and mand for two separate States in the cording to Munrous and rity on the subject—the American Dr. Sinha invoked divine blessings Constitution is based on "a series of that "your pro- agreements as well as a series of comceedings may be promises." I may venture to add, as ceedings may be a result of my long experience of and whether the Government of Binar marked not only public life for now nearly half a had set up a commission to inquire century, that reasonable agreements into the disturbances of October and

public spirit and and judicious compromises are nogenuine patriot where more called for than in framing ism. but also by a constitution for a country like India. wisdom, tolera- In commending to you for your careful consideration and acceptance, tion, justice and with reasonable agreements and judifairness to all: with a vision which may reing observations on the subject of of witnesses to be examined. The store India to her the greatest British authority, name- Commission's terms of reference pristine glory ly Viscount Bryce, who in his monuand gave her a mental work, called the American place of honour Commonwealth, writes as follows:and equality "Its central, or national Government informed that the Government of among the great is not a mere league, for it does not Bengal do not intend that this or nations of the munities which we call the States. It gate the disturbances in Eastern world". For, he is itself a Commonwealth, as well as Bengal. As the House was inform-"where there is no vision, it claims directly the obedience of every citizen, and acts immediately upon him through its courts and exe-DR. SINHA'S ADDRESS Dr. Sinha said in the course of his sub-divisions of the Union, mere crea-

> their own, and not delegated by the Central Government." It may possibly be that, in some such scheme skilfully adapted to our for an independent India, which may satisfy the reasonable expectations and legitimate aspirations of almost all the leading political parties in the

MR. GANDHI'S STATEMENT Having invited your attention some aspects of the question of constitution-making in Europe and America, I may now profitably turn to some aspects of the question in our own The first definite reference to a Constituent Assembly (though not under that particular name) I have found in a statement of Mahatma Gandhi, made so far back as 1922. He said, "Swaraj will not be a free gift sent constitutional system of Switzersent constitutional system of Switzer-land has several notable and instruc-tive features which have strongly been tive features which have strongly been pression, expressed through an Act Dr. Sinha said that he had receiv- recommended by qualified authorities to of Parliament. But it will be merely ed an election petition from Khan Indian constitution-makers, and I have a courteous ratification of the declared chistan challenging the validity of study carefully the Swiss Constitution, fication will be a treaty to which Brithe election of Nawab Mohd. Khan and try to utilise it to the best adaptation will be a party. The British Par
Jogazai as the member of the Con
vantage in the interest of preparing a liament, when the settlement comes, will ratify the wishes of the people of India as expressed through the free-

ly chosen representatives". ACCEPTED BY BOTH PARTIES
It may be stated that the idea of a Constituent Assembly, as the only direct means for the framing of a constitution in this country, came to be entertained and accepted by the two major political parties in 1940, with this difference that while the Congress desired one Constituent Assembly for India, as a whole, the Muslim League wanted two Constituent Assemblies, in accordance with its demand for two separate are likely to be employed, this House States in the country. Any way, whether one or two, the idea of a Consti- may be a remote responsibility, but I tuent Assembly being the proper assure the Under-Secretary that Inmethod for the framing of a constitu- dians regard this House as having the tion had clearly dawned by that time on public consciousness in the country, and it was with reference to that great for under the provision of the Civil Criupheaval that Pandit Jawaharlal Nehru declared that it means a nation on the move, fashioning for itself a new sistance when the situation permits. It

their elected representatives. We are meeting, however, in this As-been done in the normal way through sembly, under the scheme propounded the Provincial Government."—Reuter. We are meeting, however, in this Asby the British Cabinet Mission, which, though differing from the suggestions made on the subject by the Congress, the League, and other political organisations, had devised a scheme which, though not by all, had been accepted by many political parties, and also by large sections of the politically-minded classes not belonging to any political party, as one well worth giving a trial, with a view to ending the political deadlock, which had obtained for now many years past and frustrated our aims and aspirations. I have no desire to go further into the merits of the British Cabinet Mission's scheme as that might lead me to trespass on controversial ground, which I have no desire to traverse on the present occasion. I am aware that some parts of the scheme propounded by the British Cabinet Mis-"A constitution reared for immortality" was held up as the ideal wealth being based on, to a large cal parties amongst us, and I do not

I wish your labour success, and invoke divine blessings that your proceedings may be marked not only by good sense, public spirit, and genuine patriotism, but also by wisdom, toleration, justice, and fairness to all; and above all with a vision which may restore India to her pristine glory and give her a place of honour and equality among the great nations of the world. I particularly ask of you for a broad and catholic vision, for as the Bible justly teaches us: "Where there is no vision the people perish."-A.P.I. The Convention appointed an Executive Committee consisting of representatives from different provinces including Dr. M. R. Jayakar, Sir S. Radhakrishnan, Mr. Shankerrao Deo, Dr. Syama Prasad Mookerjee, Mr. K M. Munshi, Mr. K. Santanam, Lala Deshbandu Gupta, Mr. K. Madhava Menon, Mr. Gopinath Bardoloi, Seth Govind Das, Dr. Profulla Chandra Ghosh, Mr. R. R. Diwakar, Mr. S. Nijalingappa, Dr. P. B. Deshmukh, Chaudhury Charan Singh, Mr. Mukut Bihari Lall, Rai Bahadur Surajmal and Mr. Kala Venkat Rao (convener) The Convention was attended by about 150 representatives, including members of the Constituent Assembly and the Central and Provincial Legis latures.-A.P.I.

#### STATES ADVISORY COMMITTEE

Talks On Future Policy NEW DELHI. December 9: The States Constitutional Advisory Committee at a meeting held today under the chairmanship of the Nawab of Bhopal, Chancellor of the Chamber of Princes, reviewed the up-to-date constitutional position in the country 'vis-a-vis' the States and discussed the broad out-lines of the policy to be followed by the Negotiating Committee set up by the

Chamber of Princes. Among those who attended today's meeting were: The Maharaja Scindia of Gwalior, The Jam Saheb of Nawanagar, The Maharaja of Bikaner, Sir A. Ramaswami Mudaliar (Mysore), Sir C. P. Ramaswami Aiyer (Travancore), Sir T. Vijayaraghavachariar (Udaipur), Sardar H. S. Malik (Patiala), Raja Bahathat that Constitution was one which should be carefully studied by the Indian Constituent Assembly, not necessarily for wholesale adoption but for judicious adaptation to the necestral provisions of which the first self-governing Dominion of the British Ranbir Singh (Dholpur).—A.P.I.

#### Maintaining Order In India

#### "RESPONSIBILITY OF PROVINCES"

LONDON, December 9. Mr. Arthur Henderson, Under-Secretary of State for India, stated in the House of Commons today in reply to Mr. Godfrey Nicholson (Conservative) that it was the responsibility of a provincial Government to maintain law and order

Mr. Nicholson had asked when the Commission set up by the Bengal Government in September last to inquire into the August riots in Calcutta was expected to report; whether this Commission or any other had also inquired into the disturbances in Eastern Bengal in October;

November in that province. Mr. Henderson replied: "I am informed that the Commission of Inquiry into the Calcutta disturbances is not yet able to forecast when its cious compromises, the fundamental report will be ready. Its work is principles of the American system, I proceeding as expeditiously as possicannot do better than quote the strik- ble, but there is still a large number cover the disturbances in Calcutta between August 16 and 20 only. I am wholly depend on the component com- any other commission should investia union of Commonwealths, because ed on November 4, however, two senior judicial officers of the Indian Civil Service were deputed by the cutive officers. Still less are the mi- Governor of Bengal to visit the nor communities, the States, mere areas affected and report on what had occurred." tures of the national Government, like

NO INQUIRY IN BIHAR "I am informed that the Government the countries of England or the Deof Bihar do not contemplate setting up partments of France. They have over their citizens an authority which is a commission of inquiry into the recent disturbances in that province," Mr.

Henderson added. Mr. Nicholson asked: "Is Mr. Henderson aware that his reply will cause own requirements, a satisfactory solu- some anxiety in this country because tion may be found for a constitution we in this House have the central responsibility for law and order under the terms of the India Act."
Mr. Henderson: "This House of Par-

liament has conferred the authority for law and order under the 1935 Act on the Provincial Government, and it is not possible for His Majesty's Government to withdraw the powers that Parliament has conferred upon a Provincial Government." Mr. Nicholson: "There are special

responsibilities attached to the Govern-

Mr. Henderson: "There may be special responsibilities in respect of the situation I described in a former reply where the security of the country is gravely menaced, but over all questions involved under the label of law and order, it is the responsibility of the Provincial Governments."

Mr. Nicolson: "Does he not consider provinces was very gravely affected indeed by the large number of the King Emperor's subjects that were mas-

Replying to a further question, Mr. Henderson said: "I tried to make it clear that it is the responsibility of a Provincial Government to maintain law and order. When conditions arise which infringe upon law and order, it is the responsibility of a Provincial Government to order, if they so desire, an investigation into the situation, and that is exactly what they have done.' Mr. Nicholson: "When the Viceroy and the Governor intervene and British troops are employed-I am not saying that they were employed—but if they cannot acquit itself of responsibility. It responsibility."

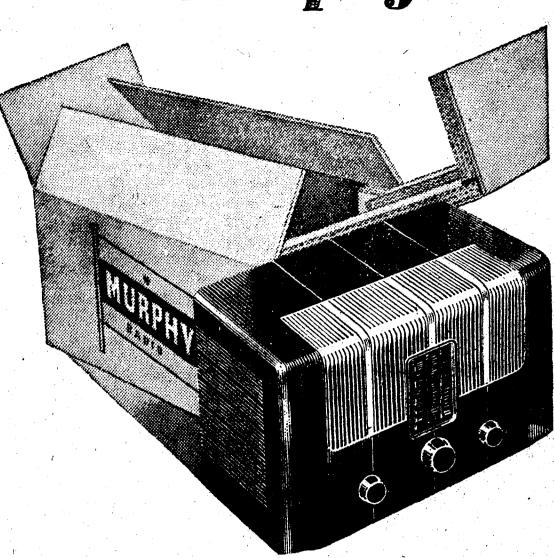
Mr. Henderson: "Troops were asked minal Code which permits civil authorities to ask military authorities for as-Government of its own making through is not a fact that the Viceroy has exercised his special responsibility. This has

#### CAMBODIA CABINET RESIGNS

ment of Cambodia, led by its Prime Minister, Prince Monireth, resigned today, according to a French agency's despatch. The King of Cambodia immediately asked Prince Monireth to form a new Government. The resignation of the Cabinet, it is reported, was demanded by the National Assembly, in which the opposition group gained a majority in the

expressed regret that the Government's resignation had come while Franco-Cambodian negotiations over the status of the territory rebefore the Constituent Assembly this extent, if not actually derived from, the want, therefore, to rush in where even cently returned to Cambodia by Siam morning hy Dr. Sachchidananda Sin- American Constitutional system. The political angles might well fear to tread. were still in progress.—Reuter.

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by using it carefully.

### Assembly's Demand PARIS. December 8: The Govern-

recent elections. French official sources in Cambodia

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those of any other.