

## CALENDAR FOR DECEMBER

SUN.	MOON.	Rise.	Set.
Tuesday 10	6.30 17.43	10.32	7.50
Wednesday 11	6.21 17.44	10.37	8.04
Thursday 12	6.11 17.45	10.42	8.18
Friday 13	6.01 17.46	10.47	8.32
Saturday 14	5.51 17.47	10.52	8.46
Sunday 15	5.41 17.48	10.57	8.60

## PHASES OF THE MOON

Sunday December 15 Last quarter 18 27

## WEATHER IN SOUTH INDIA

MADRAS, Dec. 9. Daily Weather Report for Madras Presidency and Mysore: The depression in the Bay has moved northwards and lay this morning about 300 miles south of Vizagapatnam and is likely to move north-east or north. Rain has occurred at most stations in Tamil Nadu, Kerala, South Kanara, Coorg and Mysore with a few falls in South Andhra Pradesh. The chief amounts are Mangalore 1.4 inches, Madras (Mannamkudi) and Nellore 1.2 inches each.

Night temperatures continued to be above normal.

Forecast valid until the evening of December 10: Widespread and locally heavy rain in the extreme north Andhra districts. Fairly widespread rain in Madras, South Kanara, Coorg and Mysore. Showers at a number of stations in Cochin, Travancore and in the rest of Andhra Pradesh and at some stations in Tamil Nadu and Rayalaseema.

Local forecast: Mainly fair.

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## CONSTITUENT ASSEMBLY

## SESSION OPENS AT NEW DELHI

## DR. SINHA'S ADDRESS

## GREETINGS FROM U. S. SECRETARY OF STATE

NEW DELHI, Dec. 9.

"A constitution reared for immortality was held up as the ideal before the Constituent Assembly this morning by Dr. Sachidananda Sinha, temporary Chairman, in his inaugural address to India's First Constituent Assembly which opened here this morning. He drew attention to the American constitution, which it had been claimed, embodied the ideal of a constitution which was one which should be carefully studied by the Indian Constituent Assembly, not necessarily for wholesale adoption but for judicious adaptation to the necessities and requirements of India. The American constitution, he pointed out, was based on 'a series of agreements' as well as a series of compromises and, speaking from fifty years' experience of public life, he said that "reasonable agreements and judicious compromises are nowhere more called for than in framing a constitution for a country like India."

Dr. Sinha recalled that the first definite reference to a Constituent Assembly, though not under that particular name, was found in a statement of Mahatma Gandhi in 1922. The idea of a Constituent Assembly as the only direct means for the framing of a Constitution in India, Dr. Sinha said, came to be entertained and accepted by the two major political parties in 1940, with this difference of opinion as to whether the Constituent Assembly for India as a whole, the Muslim League wanted two Constituent Assemblies, in accordance with its demand for two separate States in the country.

Dr. Sinha invoked divine blessings that "your Assemblies 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 equality among the great nations of the world," he added, "where there is no vision, the people perish."

Some 205 representatives, including nine women, from all the provinces were present. They sat in parallel rows facing the President, who presided over the brilliant, brightly 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 were absent.

The Constituent Assembly now included Pandit Nehru, Maulana Azad, Sardar Patel, Acharya Kripalani, Dr. Rajendra Prasad, Mrs. Naidu, Mr. Harekrishna Mehta, Pandit Pant, Dr. Ambedkar, Mr. Sarat Bose, Mr. C. Rajagopalachari and Mr. Asaf Ali. Mr. Sarat Bose and Dr. Ambedkar sat in the same bench. Mr. Kripalani had a seat immediately behind her husband.

Messages wishing success for the deliberations received from the Governments of U.S.A., China and Australia were read by the Chairman.

After the signing of the members the Constituent Assembly adjourned till 11 a.m. tomorrow.

The election of the permanent President may be taken up on the second day. It is gathered that the general Congress view is in favour of a Congressman as President and that Dr. Rajendra Prasad's name has been suggested.

## DR. SINHA'S SPEECH

Dr. Sachidananda Sinha, addressing the members of the Assembly, said:

"Hon'ble Members of the First Constituent Assembly—

I am deeply beholden to you for your having agreed to accept as your first President of your Constituent Assembly, which will enable me to assist you in transacting the preliminary business of the Assembly—such as the election of a permanent President, and thereafter the framing of the rules of business, the appointment of various Committees, and settling of the question of giving public access, or keeping confidential your proceedings—which will ultimately lead you to crown your labours by formulating a suitable and stable constitution for an Independent India. In expressing my sense of appreciation of your great kindness and good-will towards myself, I feel—confronted with small things with great—I am, on the present occasion, in the position in which Lord Palmerston found himself when Queen Victoria offered him the highest Order of Chivalry, namely the Knightship of the Garter. In accepting the Queen's offer, Lord Palmerston said, 'I must accept it as follows: "I have gratefully accepted Her Majesty's gracious offer as, thank God, there is no question of any damned merit about the honour conferred on me." I say I find myself more or less in the same position, for you have agreed to elect me President of the Constituent Assembly, the sole ground that I am, in the opinion of the members of the Assembly. Whatsoever the ground, however, on which you have chosen to have me as your first President, I am none the less profoundly grateful to you. I have had, in my fairly long life, several honours conferred on me, but none of them have been so great as this humble worker in public interest, but I assure you that I regard your mark of favour as a signal honour, which I shall cherish throughout the rest of my life."

## THE SWISS MODEL

On this historic and memorable occasion, 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. The Swiss constitution, which has been known to our fellow-subjects in Britain, for the simple reason, that under the British Constitution, there is no such thing as a constituent law, it being a cherished privilege of the British Parliament, as the sole sovereign authority, to make all laws, including the constitutional law of the country. As such, we have to look to countries other than Britain to be able to form a correct estimate of the position of a Constituent Assembly. In Europe, the oldest Republic, that of Switzerland, had a Constituent Assembly, which was called a "Constituent Assembly" and the ordinary Swiss of that term, for it came into existence, on a much smaller scale than it now exists, due to historic causes and accidents, several centuries back. Nevertheless, the present constitutional system of Switzerland has several notable and instructive features which have been recommended by qualified authorities to Indian constitution-makers, and I have no doubt that this great Assembly will study carefully the Swiss constitution and try to utilise it to the best advantage in the interest of preparing a suitable constitution for our 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 convened in 1789, after the French Revolution had succeeded in overthrowing the French monarchy. The French Republic since then, from time to time, and is even now,

more or less, in the melting pot. Though therefore, you may not be able to derive much advantage from the study of the French system of constituent law as that of the Swiss, that is no reason why you should not seek to derive what advantage you can in the preparation of the task before you, by a study of it.

## FRENCH AND AMERICAN EXAMPLES

As a matter of fact, the French constitution-makers, who met in 1789, at the first Constituent Assembly of their country, were themselves largely influenced by the work done by a couple of years earlier, in 1787, by the historic constituent assembly of the United States of America, for their country. Having thrown off their allegiance to the British King in Parliament, they met and drew up what had been regarded, and justly so, as the soundest and most practical and workable republican constitution in existence. It is this great constitution, which has been naturally taken as the model for all subsequent constitutions not only of France, but also of the self-governing Dominions of the British Commonwealth, like Canada, India, South Africa, and the like. I have no doubt 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 those of any other.

I think to those of the self-governing Dominions of the British Commonwealth, like Canada, India, South Africa, and the like. I have no doubt 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 those of any other.

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