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CONSTITUENT ASSEMBLY MEETS IN DELHI

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 'chais' 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 were absent.

Those occupying the front row included Pandit Nehru, Maulana Azad, Sardar Patel, Acharya Kripalani, Dr. Rajendra Prasad, Mrs. Naidu, Mr. Harekrishna Mahab, 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. Mrs. Kripalani had a seat immediately behind her husband.

Acharya Kripalani, the Congress President, made a brief speech in Hindustani proposing Dr. Sachchidananda Sinha to be the chair.

Acharya Kripalani said that on this historic and auspicious occasion 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 with political and educational affairs, first as member of the Imperial Legislative Council, then of the Central Legislative, 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 stairs and conducted Dr. Sinha to the presidential chair.

GOODWILL MESSAGES

Dr. Sinha then read out messages of goodwill from the United States, China and Australia.

Mr. Dean Acheson, Acting Secretary of State, of the United States, in a message said: "With the approach of December 9, I extend to you as Provisional Chairman 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 freedom-loving people throughout the entire world."

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 nations. The Australian Government, therefore, greets the opening of the Constituent Assembly as an outward sign of a new era for India and offers the delegates of the Constituent Assembly its best wishes for success in their task."

All three messages were greeted with cheers. Dr. Sinha said: "I am sure the House will authorise and direct me to convey its thanks to the authorities of these Governments which have sent us such cheering and inspiring messages (cheers)."

Mr. Sinha further added that this is a very auspicious sign for the success of your work.

Dr. Sinha said that he had received an election petition from Khan Abdul Samad Khan of British Baluchistan challenging the validity of the election of Nawab Mohd. Khan Jogazai as the member of the Constituent 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 after the election of the permanent President.

Dr. Sinha after finishing his address informed the House that he was not able to do any work in the afternoon and under medical advice he did not propose to sit in the chair after the luncheon recess. So, for the time being till the formal business of signing the register was completed, he would want the assistance of a deputy chairman and he proposed that Mr. Frank Anthony be nominated by the Assembly.

Dr. Sinha then referred to the death of Mr. Prasanna Gub Raikut, a member of the Assembly from Bengal.

Inviting the members to present their credentials and sign the register, Dr. Sinha said he would, in order to save time, dispense with the formality of shaking hands.

The first member to present his credentials and sign the register was Mr. C. Rajagopalachari. He was followed by Dr. Pattabhi Sittaramayya, Mr. T. Prakasam, Sir N. Gopalaswamy Ayyangar and others.

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

INAUGURAL ADDRESS

Ameri Constitution Suggested

"A constitution reared for immortality" was held up as the ideal before the Constituent Assembly this morning by Dr. Sachchidananda Sinha, Temporary Chairman, in his inaugural address.

He drew attention to the American Constitution, which it had been claimed embodied this ideal, and said that 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 necessities and requirements of India.

The American Constitution, he pointed out, was based on "a series of compromises" as well as a series of compromises, and, speaking from 50 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 a particular name, was found in a statement of Mr. Gandhi in 1922.

WHERE ASSEMBLY MEETS

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

first was made at 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 the Quebec convention consisted of only 33 representatives, issued as many as 74 resolutions, which were afterwards duly incorporated in toto in the British North American Act, under the provisions of which the first self-governing Dominion of the British Commonwealth of Canada came into existence in 1867. The British Parliament accepted the Canadian convention's scheme in its entirety, except for minor essential amendments. I hope and pray that your labours may be crowned with a similar success.

The American Constitutional system was more or less adopted in the schemes prepared for framing the constitutions of Australia and South Africa, which shows that the results achieved by the American convention had been accepted by the world as a model for the framing of federal constitutions for various countries.

It is for these reasons that I have felt justified in inviting your attention to the American system of constituent and constitutional law as one which their citizens will find a free gift of the British Parliament, and not necessarily for wholesale adoption, but for the judicious adaptation of its provisions to the necessities and requirements of your own country, with such modifications as may be necessary to suit the conditions of our social, economic and political life. I have done so as, according to Munro—a standard authority on the subject—the American Constitution is based on a series of compromises as well as a series of compromises. I may venture to add, as a result of my long experience of public life for now nearly half a century, that reasonable agreements and judicious compromises are nowhere more called for than in framing a constitution for a country like India.

In commending to you for your careful consideration and acceptance, with reasonable agreements and judicious compromises, the fundamental principles of the American system, I cannot do better than quote the striking observations on the subject of the greatest British authority, namely Lord Bryce, who in his monumental work called the *American Commonwealth*, writes as follows:—"Its central, or national Government is not a mere league, for it does not wholly depend on the component units which call the States. It is itself a Commonwealth, as well as a union of Commonwealths, because it claims directly the obedience of every citizen, and acts immediately upon him through its courts and executive officers. Still less are the minor communities the States, mere sub-divisions of the Union, mere creatures of the national Government, like the counties of England or the Departments of France. They have over them no authority which is not their own, and not delegated by the Central Government."

It may possibly be that, in some such scheme skilfully adapted to our own requirements, a satisfactory constitution for India may be found. I am sure that the reasonable expectations and legitimate aspirations of almost all the leading political parties in the country.

MR. GANDHI'S STATEMENT

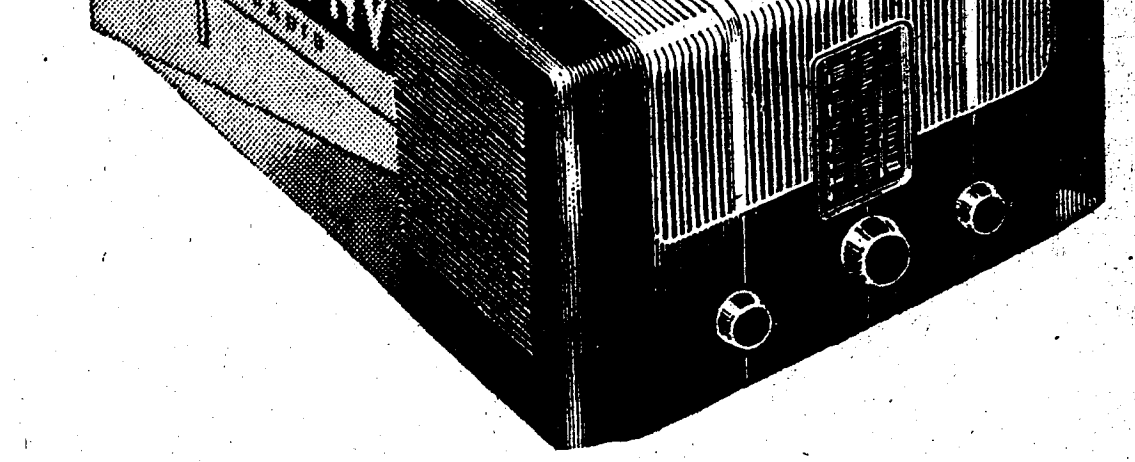
Having invited attention to some aspects of the question of constituent-making in Europe and America, I may now profitably turn to some aspects of the question in our own country. I have definite reference to a Constituent Assembly (though not under that particular name) I have found in a statement of Mahatma Gandhi as far back as 1922. He said, "Swami Vivekananda, a gift of the British Parliament. It will be a declaration of India's full self-expression, expressed through an Act of Parliament. It will be merely a courteous ratification of the wish of the people of India. The ratification will be a treaty to which Britain will be a party. The British Parliament when the settlement comes, will be the guardian of the people of India as expressed through the freely chosen representatives."

ACCEPTED BY BOTH PARTIES

It may be stated that the idea of a constituent Assembly, as the only method 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, a whole the Muslim League wanted two Constituent Assemblies, in accordance with its demand for two separate States in the country. Any way, whether one or two, the idea of a Constituent Assembly being the proper method for the framing of a constitution had clearly dawned by that time on public consciousness in the country, and it was with reference to that great upheaval that Pandit Jawaharlal Nehru declared that it means a nation on the move, fashioning for itself a new Government of its own making through their elected representatives.

We are meeting, however, in this Assembly under the scheme propounded by the British Cabinet Mission, which, though differing from the suggestion 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, and 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 Mission have been the subject of acute controversies between some of the political parties amongst us, and I do not want, therefore, to rush in where even political angles might well fear to tread.

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