

CONSTITUTION OF INDIA PASSED

Lone Dissident in Assembly

PRESIDENT EXPLAINS SALIENT FEATURES

NEW DELHI, November 26.

THE Indian Constituent Assembly passed the Constitution of the Indian Republic today at 11-10 a.m. with great acclamation, there being only one dissentient voice. Dr. Rajendra Prasad, the President, authenticated the historic document at 11-12 a.m. so that parts of it might be brought into operation immediately.

Loud and prolonged cheers greeted the passage of the Constitution which will govern 320 million persons.

At 11-07 a.m. the President, Dr. Rajendra Prasad, put to the vote a motion by Dr. B. R. Ambedkar, Chairman of the Drafting Committee, that "the Constitution as settled by the Assembly be passed."

A lusty "Aye" indicated the assent of the House while the lone voice of Maulana Hasrat Mohani, who had earlier favoured the adoption of a Constitution like that of the Soviet Union, was raised in opposition to the motion. Maulana Mohani shouted "No."

Among the Articles which will come into force immediately are those relating to citizenship, provisional Parliament and temporary provisions.

Dr. Rajendra Prasad, in a 50-minute address to the House, said: "It is up to us to preserve and protect the independence that we have made it really a bear fruit for the man in the street."

The House cheered when he said: "Let us launch on this new enterprise of running our independent Republic with confidence, truth and non-violence and above all with heart within and God above."

Some of the members shouted "Vande Mataram" and "Bharat Mata Ki Jai" both when the Constitution was passed and when the President was authenticating the Constitution under the glare of arc lights of cameramen and flashes from the stills.

Dr. Rajendra Prasad then expressed his desire to go round and shake hands with the members, as he did on the day when he was elected President. Members said that they would themselves walk up to the dais. They were headed by the Prime Minister, Pandit Nehru, the Deputy Prime Minister, Sardar Patel, and Dr. B. R. Ambedkar, Chairman of the Drafting Committee.

Earlier, the House cheered Sardar Patel as he announced that all the nine States specified in Part "B" of the first Schedule (mentioning Indian States), including Hyderabad, had signified their acceptance of the Constitution which the House was going to pass.

The President read out two messages of congratulation from Mr. Sri Prakasa, former member of the House, and the Governor of Assam, and Dr. S. Sinha, who had conducted the proceedings of the House initially as the oldest member of the House.

Mr. B. Das (Orissa) asked the President whether he would make an announcement on the question of "Vande Mataram" being the national song. He also wanted to know what would be the National Anthem. The President said that the question would be considered later, if necessary by the Assembly when it met in January.

In reply to Mr. Aigai Rai Shastri (United Provinces), who wanted the Constitution to be in the "common man's language" namely Hindi, the President pointed out that for 15 years the House had agreed that English would be the official language of the Union. The President informed the House that he expected the Hindi translation of the Constitution to be ready by January 28. The Constitution would also be translated into other provincial languages.

The session ended with the singing of "Jana Gana Mana" by Mrs. Purnima Banerjee.

Dr. Rajendra Prasad, congratulating the Constituent Assembly on the accomplishment of "a task of such tremendous magnitude" as the framing of a Constitution for 320 million people, today expressed his faith in the village people who would constitute the bulk of India's vast new electorate.

"In my opinion," he said, "they possess intelligence and commonsense and have a culture which sophisticated people may not appreciate but which is solid."

He calculated 160 million people would be on the rolls as a result of the census and hoped that elections under the new Constitution would be held in the winter of 1950-51.

Nearly 200 members were present while the galleries were packed to capacity as the House met for passing the third reading of the Constitution.

Dr. Rajendra Prasad expressed his confidence that as time passed, whatever little distinction still existed between Indian States and the Provinces would disappear.

After describing the salient features of the Constitution, Dr. Prasad said that he looked on the decision on language as being very great importance. He added: "It is the duty of the country as a whole now and especially of those whose language is Hindi, to so shape and develop it as to enable it to be the language in which the composite culture of India can be expressed."

On the whole, he felt that the House had been able to draft a Constitution which he trusted would serve the country well.

He had only two regrets: Firstly, there were no qualifications prescribed for members of the legislatures and, secondly, the Constitution of a free "Bharat" was not in an Indian language.

Dr. Prasad pointed out that whatever the Constitution might or might not provide, the welfare of the country would depend upon the way in which the country was administered.

"India," he said, "needs today nothing more than a set of honest men who will have the interest of the country before them. There is a fissiparous tendency arising out of various elements in our life. We have communal differences, caste differences, language differences, provincial differences and so forth. It requires men of strong character, men of vision, men who will not sacrifice the interests of the country at large for the sake of smaller groups and areas and who will rise over the prejudices which are born of these differences. I have no doubt that the masses will throw them up. Let not those who served in the past rest on their oars, saying that they have done their part and now has come the time for them to enjoy the fruits of their labours."

He also called upon the people not to forget Mahatma Gandhi's teachings.

"TREMENDOUSNESS" OF TASK

Dr. Prasad referred to the "tremendousness" of the task which the House undertook about three years ago, and said: "If you consider the population with which the Assembly has had to deal, you will find that it is more than the population of the whole of Europe minus Russia, being 319 million as against 317 million."

"The countries of Europe have never been able to join together or coalesce even in a confederacy, much less under one unitary Government. Here, in spite of the size of the population and the country, we have succeeded in framing a Constitution which covers the whole of it. Apart from the size, there were other difficulties which were inherent in the problem itself. We have got many communities living in this country. We have got many languages prevalent in different parts of it. We have got other kinds of differences dividing the people in different parts from one another. We had to make provision not only for areas which are advanced educationally and economically, we had also to make provision for backward people like the tribes and for backward areas like the tribal areas. The communal problem has been one of the knottiest problems, which the country has had before it for a pretty long time."

"The second Round Table Conference which was given up by Mahatma Gandhi failed because the communal problem could not be solved. The subsequent history of the country is too recent to require narration here; but we know this that as a result, the country has had to be divided and we have lost two big portions in the north-east and north-west."

PROBLEM OF STATES

Tribute To Sardar Patel

Another problem of great magnitude, said Dr. Prasad, was that of the Indian States. As a result of the lapse of paramountcy when the British transferred power to India, it became open to any Prince or any combination of Princes to assume independence or even to enter into negotiations with any foreign power and thus become islands of independent territory within the country. It must be said to the credit of the Princes and the people of the States no less than to the credit of the States Ministry under the wise and far-sighted guidance of Sardar Patel (cheers) that, by the time the House had been able to pass the Constitution, the States were now more or less in the same position as the Provinces and it had become possible to describe all of them, including the Indian States and the Provinces, as States in the Constitution. As time passed, whatever little distinction still existed between them was bound to disappear.

COMMUNAL PROBLEM SOLVED

It had undoubtedly taken the House three years to complete the work, but considering what had been accomplished, it had no reason to be sorry for the time spent. The delay had enabled the apparently intractable problem of the States and the communal problem to be solved with the consent of all the parties concerned. Reservation of seats had been given up by the communities concerned and so the Constitution did not provide for reservation of seats on a communal basis. Reservation was, however, provided for the Depressed Classes who were Hindus and the tribal people, on account of their backwardness in education and in other respects.

The cost which the House incurred was not too high. The expenses up to November 22 came to nearly Rs. 64 lakhs.

The House cheered as Dr. Prasad referred to the "inspiring speech" made by Pandit Nehru in moving the

objectives resolution and said that the credit for fundamentals of the Constitution went to Pandit Nehru and Sardar Patel, who were the chairmen of several committees of the House.

Dr. Prasad did not attach importance to the label which might be given to the Constitution—whether it was called federal, unitary or by any other name. It made no difference so long as it served the purpose. The Constitution had to a not inconsiderable extent been influenced by the facts of history.

India knew republics in the olden days, but those republics were small ones. "We never had anything like the Republic which we are going to have now although there were empires in those days as well as during the Moghul period which covered very large parts of the country."

"For the first time now, it becomes open to the humblest and the lowliest citizens of the country to deserve and become the President or the head of this big State, which counts among the biggest states of the world today. This is not a small matter."

POWERS OF PRESIDENT

Although there were no specific provisions in the Constitution itself making it binding on the President to accept the advice of his Ministers, it was hoped that the convention under which in England the King always acted on the advice of his Ministers would be established in this country also and the President would become a constitutional President in all matters.

While providing some of the States with Second Chambers, the House had provided also for their easy removal or easy establishment by making this kind of amendment a matter of ordinary parliamentary legislation. Although provision had been made for a Second Chamber in the Centre and in some of the States, it was the popular House which would be supreme.

The Government of the country as a whole, both in the Centre and in the Provinces, would rest on the will of the people which would be expressed from day-to-day through their representatives in the legislatures and, occasionally, directly by them at the time of the general elections.

INTRODUCTION OF ADULT FRANCHISE

"Big Step"

Describing the introduction of adult franchise as a "big step," Dr. Prasad said that the work of organising election by 160 million voters was of tremendous magnitude. In no other country had election on such a large scale been held yet.

The legislative assemblies in the Provinces, it was roughly calculated would have more than 3,800 members, who would have to be elected in as many constituencies or perhaps a few less. There would be something like 500 members for the House of the people and 220 for the Council of States making a total of about 4,500 members. The country would have to be divided into something like 4,000 constituencies.

Dealing with other provisions, Dr. Prasad said that the Constitution provided for a judiciary which would be independent. It was difficult to suggest anything more to make the Supreme Court and the High Courts independent of the influence of the executive. One of the articles made it easy for the State Governments to introduce separation of executive from judicial functions and placing the magistracy which dealt with criminal cases on a similar footing as civil courts. He expressed the hope that "this long overdue reform" would be introduced soon in the States.

The provision for Public Service Commissions, he hoped, would be

very helpful in guarding against jobbery, nepotism and favouritism.

Another independent authority was the Controller and Auditor-General, who would see to it that no part of the revenues of India or of any of the States was used without due authority.

The provision for an Election Commissioner sought to ensure honest and straightforward election by the voters.

"One of the dangers which we have to face arises out of any corruption which parties, candidates or the Government in power may practise. We have had no experience of democratic elections for a long time except during the last few years and now that we have got real power, the danger of corruption is not imaginary only."

CENTRE'S POWERS

Referring to the complaint that the powers given to the Centre were too extensive, Dr. Prasad said, "We cannot be too cautious about our future, particularly when we remember the history of this country. But such powers given to the Centre to act within the sphere of the States relate only to emergencies. I do not anticipate that there will be any tendency on the part of the Centre to grab more powers than is necessary for the good administration of the country as a whole." In his view, the Central Legislature could safeguard the interests of the people they represented.

Referring to the solution of the language question, he said, "Now for the first time in our history we have accepted the language which will be the language used all over the country for all official purposes. Let me hope that it will develop into a national language in which all will feel equal pride, while each area will be not only free, but also encouraged to develop its own particular language in which its culture and its traditions are enshrined. The use of English during the period of transition was considered inevitable for practical reasons and no one need be despondent over this decision, which has been dictated purely by practical considerations."

He attached great importance to the provision in the directive principles that the State should endeavour to promote peace and security, maintain just and honourable relations between nations, foster respect for international law and treaty obligations and encourage settlement of international disputes by arbitration.

"In a world torn by conflicts, in a world which even after the devastation of two world wars is still depending on armaments to establish peace and goodwill, we are destined to play a great part, if we prove true to the teachings of the Father of the Nation and give effect to his directive principles in our constitution."

Dr. Prasad praised Sir B. N. Rao, Dr. Ambedkar and other members of the Drafting Committee and Mr. S. N. Mukerjee, the Chief Draftsman, and thanked the Secretary, Mr. H. V. R. Iyengar, for organising the Secretariat. He thanked the staff under the Deputy Secretary, Mr. Jugal Kishore Khanna, and the reporters.—P.T.I.

Policemen Arrested

SHILLONG, November 25: Eight persons, belonging to the Assam Police Force and Home Guards, were recently arrested by the Pakistan police in Sylhet District, according to information received here.

It is stated that while on duty under the officer-in-charge, Dawki Police Station bordering Pakistan, the Assam Police Force was challenged by the border militia of Pakistan and overpowered inside Indian territory.—P.T.I.

SMUGGLING GOLD INTO INDIA Arab Convicted

Found guilty of smuggling gold into India and thus contravening the Foreign Exchange Regulation Act, Belal bin Saad, an Arab, was sentenced to nine months' rigorous imprisonment by Mr. Oscar H. Brown, Chief Presidency Magistrate, at the Esplanade Police Court, Bombay, on Saturday. This is the first of a series of 70 cases in which Arabs were stated to be concerned in gold smuggling.

According to the prosecution, the accused and several other Arabs embarked from Kuwait and arrived in Bombay by the s.s. DWARKA on September 26 last. Among other ports the steamer had called on the way was Karachi. The accused on disembarkation was taken to baggage shed No. 15 where he denied having any gold or other articles to declare. He was then, along with 109 other Arabs, taken to St. George's Hospital where he was made to evacuate a foreign substance, namely, rubber, balloon, which contained 70 tolas of gold. The gold worth between Rs. 8,000 and Rs. 9,000 was confiscated to Government by the customs authorities, and the accused was charged with smuggling.

The accused pleaded not guilty. His plea was that he bought the gold at Karachi and according to Government's notification, no permit was necessary to bring gold from Pakistan to India.

The Chief Presidency Magistrate, in convicting the accused, discredited his story of bringing the gold from Karachi as the circumstantial evidence showed to the contrary. Mr. Brown found that Belal had brought the gold from Kuwait, and taking into consideration the seriousness of the offence, sentenced him to nine months' rigorous imprisonment.

On an application made by defence counsel, the accused was ordered to be released on a bail of Rs. 5,000 with a surety for a like amount subject to Belal filing an appeal in the High Court within three weeks.

Mr. N. K. Petigara with Mr. S. R. Vakil appeared for the prosecution. Dewan Bahadur M. A. P. Coelho appeared for the defence.

INTRODUCTION OF "TONED" MILK Rotarian's Suggestion

Rotarian Lt.-Col. J. D. Kothawala of Polson Ltd., addressing the Rotary Club of Bombay on Tuesday, 22nd November 1949, said that milk was the beverage of democracy, and perhaps the best symbol of universal brotherhood, and connected the other of milk in one form or the other to the human race from the cradle to the grave. He said that milk was a natural complete food and a properly balanced compound, or, strictly speaking, a mixture of all the substances required for growth, heating of the body and development of bone and teeth.

Col. Kothawala particularly advocated the introduction of "Toned" or "Standardised" milk and explained that buffalo milk contained such high percentage of fat that the human system could not absorb all the fat from such rich milk. He explained the scientific preparation of "Toned" milk and said that the process made the milk more digestible, cheapened it very considerably, and, at the same time, maintained its composition on a high nutritional value at least equal to cow's milk. He said that, if this method was generally adopted it would very considerably increase the available supplies of milk in this country.

The speaker sounded a note of warning against the use of milk not properly pasteurised or at least boiled, also, against the use of butter not from pasteurised milk or cream, as he said that the stable milk as produced in India contained many harmful germs which could be destroyed only by correct pasteurisation or at least by boiling, though the latter process at certain temperatures destroyed some of the vitamins and solidified a part of protein, rendering it more or less indigestible.

Mr. Rowland H. Owen

Mr. Rowland H. Owen, Senior, Trade Commissioner of the United Kingdom in India, arrived in Bombay on Saturday by the Anchor Liner M.V. CLICIA. Mr. Cumming Bruce, Counsellor for the U.K. High Commission in India, also arrived by the same vessel. Mr. Bruce will leave for New Delhi on Tuesday.

Today's Radio Programmes

BBC: EASTERN SERVICE—7.30 p.m. Radio Roundabout, 8.5 A.J. Ki Tamsel, 8.20 A.J. Ki Javab Men, 8.30 Bachchon Ke Liye.

BOMBAY—Master Naushad: 7.30 a.m., 12.50 p.m., 6. Anand Ranade: 7.45 a.m., 1.10 p.m., 8.30. Vinayakrao Patwardhan: 8 a.m., 1.50 p.m., 8. Kusun Shroff and Sisters: 8.30 a.m., 7.15 p.m., 9.15 p.m.; Mohammad Khan: 8.45 a.m., 7.30 p.m.; Film Music: 11 a.m.; Krishna Udayavakar: 12 noon, 6.20 p.m.; Western Music: 1.40 p.m., 10; S. I. Mohile: 5 p.m., 8.15 p.m.; Lalita Venkatram: 8.15 p.m.; Kamgar Sabha: 7.45 p.m.; Swar Mudrika: 9.30 p.m.; Radio Orchestra: 9.45 p.m.; Sangeet Sabha: 10 p.m.

CALCUTTA—Addresswar: 7.30 p.m., 8.45; Bijan Ghosh Dastidar: 7.45 a.m., 8.30; Western Music: 1 p.m., 7.30; Gokul Nag: 4.30 p.m., 5.30; Recorded Music: 6.45 p.m., 7.55; Tarapada Chakraborty: 7 p.m., 9, 10; Talk: 7.45 p.m., 7.55, 8.20 p.m.

DELHI—Asaf Ali Khan: 8 a.m., 9.30, 12.15 p.m., 10.30. K.R. Surange: 8.30 a.m., 11.45, 6.30 p.m., 10.50; Vidyanath Seth: 8.45 a.m., 10.45, 8 p.m.; Recorded Music: 9.45 a.m., 12.30 p.m., 1.30, 1.50, 7.45, 9.45; Vilayat Khan: 10.55 a.m., 5.15 p.m., 10; Ustad Ahmad Jan Thirwa: 8 a.m., 11.5, 5.50 a.m., 10.15; Munni Devi: 9.15 a.m., 11.15, 12 noon, 5.40 p.m.; Suman Umadekar: 8.15 a.m., 11.30, 8.15 p.m.; Western Music: 1 p.m., 1.40, 9.15, 9.45, 10; Mayaya: 8.30 p.m.; Music for Meditation: 9.30 p.m.; Informally Speaking: 9.30 p.m.

MADRAS—Recorded Music: 7.15 a.m., 9, 4 p.m., 6.15, 7.30, 9.45; Film Music: 7.30 a.m., 8.15, 1.40 p.m.; Historical Play in Malayalam: 9.10 a.m.; V. V. Vasanthi: 1 p.m.; Sound Track of Tamil film: 3 p.m.; Western Music: 4.30 p.m.; P. Jayaram: 11.5, 5.50 a.m., 10.15; Subbulakshmi: 5.30 p.m.; V. Parthasarathy: 6.15 p.m.; V. Parthasarathy: 6.45 p.m.; Lalita Dutt: 8 p.m.; C. V. Dhanalakshmi: 8.30 p.m.; UNESCO Adult Education Seminar: 9.15 p.m.; P. N. Raghava Rao: 9.30 p.m.

Alleged Attack On Karaikal Congress Leader

KARAİKAL, November 26: Mr. Maraikar, a prominent member of the Executive Council of the newly-formed Karaikal Merger Congress, is alleged to have been attacked and seriously injured on Thursday morning by a group of five or six persons. Mr. Maraikar was proceeding to a mosque for prayers when he was attacked. The rickshaw in which he was travelling was also said to have been damaged.

Mr. C. A. Chinnavelu, another member of the Congress, and three others were also said to have been assaulted at Neravi, a village about two miles from here, yesterday.

All the injured were treated at Karaikal Headquarters Hospital. French police are investigating.—P.T.I.

Surcharge On Goods Sent To Bombay

REMOVAL PLAN REJECTED

The United-Kingdom-Continental Bombay Conference has rejected a proposal made to it at the instance of the Government of India for the removal of a surcharge of 25 per cent. on goods shipped to Bombay from the United Kingdom and American ports, it was learnt in Bombay on Saturday.

The conference of group representatives of 10 foreign and two Indian shipping lines operating between U. K., Continental and American ports and Bombay was recently approached by the Indian High Commissioner in London, at the instance of the Government of India, to reconsider their earlier decision under which the surcharge was levied. The Indian Government's action arose through the recommendation made by the trustees of the port of Bombay that conditions here no longer warranted the necessity for the surcharge with congestion having been relieved.

The London conference immediately referred the matter to their Bombay counterpart asking them to make their recommendations on the issue.

LOW RATE OF IMPORTS

After prolonged discussions, the Chairman of the Bombay Conference, Mr. Kirkwood Brown, is understood to have cabled the decision to Mr. W. J. Gordon, Chairman of the London Conference, that the lack of congestion in the Bombay docks at present was caused by a low rate of imports. There was no guarantee that the present conditions would continue if there was a rise in overseas trade and a larger number of ships called at Bombay. Therefore, it was inopportune at the present juncture to withdraw the surcharge. The London Conference's decision to continue the surcharge is a sequel to the foregoing decision.

Death

D'SOUZA—Mrs. Maria Carolina Alphonso D'Souza, wife of Francis, expired yesterday. Funeral leaves residence, Bommar's Building, Mount Road, Mazagon, at 4 p.m. today for Haines Road.

PLANT FOR SALE

Inspection and offers by BONA FIDE purchasers are invited for the following machinery: (1) KRUPPS 70-ton cane sugar plant complete with Babcock and Wilcox boiler, sparingly used and as new. (2) Precision semi-automatic round canister making plant of 10,000 cans per day capacity in excellent working condition. (3) Strong teakwood vats suitable for storage of liquids of various capacities from 1500 to 4500 gallons. (4) Aluminium 30 plate filter press for non-corrosive filtering purposes.

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