

Wednesday, 22nd January, 1947

Volume II



**20-1-1947
to
25-1-1947**

CONSTITUENT ASSEMBLY DEBATES

OFFICIAL REPORT

REPRINTED BY LOK SABHA SECRETARIAT, NEW DELHI
SIXTH REPRINT 2014

Printed at JAINCO ART INDIA, New Delhi

CONSTITUENT ASSEMBLY OF INDIA

President:

The Honourable DR. RAJENDRA PRASAD.

Vice President:

Dr. H. C. MOOKHERJEE.

Constitutional Adviser:

Sir B. N. RAU, C.I.E.

Secretary:

Mr. H. V. R. IENGAR, C.I.E., I.C.S.

Deputy Secretary:

Mr. R. K. RAMADHYANI, I.C.S.

Mr. B. F. H. B. TYABJI, I.C.S.

Under Secretary:

Khan Bahadur S.G. HASNAIN.

Assistant Secretary:

Mr. K.V. PADMANABHAN.

Marshal:

Subedar Major HARBANS LAL JAIDKA.

CONTENTS

Volume II—20th to 25th January 1947

	PAGES		PAGES
Monday, 20th January, 1947—		Friday, 24th January, 1947 (Open Session)—	
Presentation of credentials and Signing of the Register	267	Election of Vice-President	327
Statement by President <i>re</i> Alle- gations in Parliament about the representative character of the Constituent Assembly	267	Election of the Advisory Committee	328—49
Statement by President <i>re</i> the dis- crepancy between the Cabinet Mission's Statement of May 16, 1946 as published in India and the printed pamphlet circulated to members	268	Budget Estimates	349
Resolution <i>re</i> Steering Committee	268—69	Wednesday, 22nd January, 1947 (In Camera Session)	
Resolution <i>re</i> Aims and Objects	269—89	Friday, 24th January, 1947 (In Camera Session)—	
Tuesday, 21st January, 1947—		Budget Estimates	326
Election of the Steering Committee .	291	Saturday, 25th January, 1947—	
Resolution <i>re</i> Aims and Objects	291—95	Election of Vice-President	351
	295—313	Election of Business Committee	351—52
Wednesday, 22nd January, 1947 (Open Session)—		Committee on Subjects assigned to Union Centre	352—58
Resolution <i>re</i> Aims and Objects	315—324	Motion for Adjournment	359—61
Resolution to include Bhutan and Sikkim within the Scope of the Negotiating Committee	324—26	Congratulations to Vice-President	361—62
Budget Estimates of the Constituent Assembly	326	Mr. S. Lahiri's letter to the President	363

CONSTITUENT ASSEMBLY OF INDIA

Wednesday, the 22nd January, 1947

The Constituent Assembly of India met in the Constitution Hall, New Delhi, at Eleven of the Clock, Mr. President (The Hon'ble Dr. Rajendra Prasad) in the Chair.

RESOLUTION RE: AIMS AND OBJECTS—*contd.*

Mr. President: There are three items in the Agenda to-day—

1. Discussion of the Resolution that has been going on for some days.
2. Another Resolution about Bhutan and Sikkim to be moved by Pandit Jawaharlal Nehru, and
3. Budget.

I think we had better complete the discussion on the Objectives Resolution which has been moved by Pandit Jawaharlal Nehru. I noticed yesterday that Members wanted closure on that and if that is the feeling of the House, then I would ask Pandit Jawaharlal Nehru to straightway say what he has to say in reply and complete the discussion.

Mr. H.J. Khandekar (C. P. and Berar : General):*[I want to express my views on the Resolution before the House later on. The Independence Day falls on the 26th of January. This Resolution seeks to make India free and therefore the decision on it should also be taken on 26th January. Though 26th January is a holiday. I would propose, that a resolution of so great importance should be passed on the Independence Day. Therefore I request that the Assembly should meet on that day, may be, for a few minutes only.]*

Rai Bahadur Syamanandan Sahaya (Bihar: General): Sir, I beg the leave of the House to withdraw the two amendments which stand in my name. (*Hear, hear.*).

Mr. President: Rai Bahadur Syamanandan Sahaya had moved two amendments to the Resolution. He wants leave of the House now to withdraw them. Do I take it that the House agrees?

Hon'ble Members: Yes.

Mr. President: Those two amendments are withdrawn. We have now got only the main Resolution. There is no other amendment.

A suggestion has just been put forward by Mr. Khandekar that we should pass this Resolution on the 26th, but unfortunately that happens to be a Sunday.

Mr. H. J. Khandekar: There should be a session of the Assembly for a few minutes because this Resolution is an important resolution and should be passed on the Independence Day. 26th is a Sunday and I therefore request the Chair to have the session for a few minutes to consider this Resolution and pass it.

Mr. President: We shall see about it after Pandit Jawaharlal Nehru has spoken. I shall take the vote of the House whether it should be passed today or not.

Hon'ble Members: Today.

Mr. President: Then 22nd has to become 26th. Pandit Jawaharlal Nehru.

[] English translation of Hindustani speech.

The Hon'ble Pandit Jawahar Lal Nehru (United Provinces: General):
*[Mr. President, six weeks have passed since I moved this Resolution. I had thought then that the Resolution would be discussed and passed within two or three days, but later the House decided to postpone it in order to give time to others to think over it. The decision to postpone an important Resolution like this was probably not to the linking of others like me, but I did not doubt that the decision was sound and proper. The anxiety and impatience in our hearts was not for the passage of the Resolution, which was simply a symbol, but to attain the high aims which were enshrined in it. It is also our intense desire to march on with all others and reach our goal with millions of Indians. Therefore, it was advisable to postpone the Resolution and to afford ample opportunity not only to this House but also to the country in general to think over it. The sense of all amendments and specially the amendment moved by Dr. Jayakar was generally for postponement. I am grateful to Dr. Jayakar for the withdrawal of his amendment and I thank the others also who have withdrawn their amendments. Many Members have spoken on the Resolution. Their number may be thirty or forty or more. Almost all of them have supported it without any criticism. Some of them, of course, have drawn our attention to some particular matters. I am of opinion that if a plebiscite of the crores of people of India is taken, all of them will be found to stand for the Resolution; though there might be some who would lay more or less emphasis on some particular aspect of the Resolution. The Resolution was meant to clothe in words the desire of crores of Indians and it was very carefully worded so as to avoid any strongly controversial issue. There is no need to say a great deal about this but with your permission, I would like to draw your attention to some points. One of the reasons for the postponement of the Resolution was that we wished that our brothers who had not come here, should be in a position to decide to come in. They have had a full month to consider the matter but I regret that they have not yet decided to come. However as I have already said at the outset, we will keep the door open for them and they will be welcomed up to the last moment, and we will give them and others, who have a right to come in, every opportunity for coming in. But it is clear that while the door remains open, our work cannot be held up. It has, therefore, become indispensable for us to proceed further and carry the Resolution to its logical conclusion. I have hopes that even at this stage those, who are absent, would decide to come in.

Some of us, even though they are in agreement with this Resolution, were in favour of postponing some other business too so that the absentees might not find any obstacle in their way to come in. I am in sympathy with this suggestion but in spite of this I am at a loss to understand how this suggestion could be put forward. That is a question of waiting; not that of postponing the Resolution. We have waited for six long weeks. This is no matter of weeks; ages have slipped by while we have been waiting. How long are we to wait now? Many of us who waited have since passed away and many are nearing the end of their lives. We have waited enough and now we cannot wait any longer. We are to further the work of the Assembly, speed up the pace and finish our work soon. You should bear in mind that this Assembly is not only to pass resolutions, I may point out that the Constitution, which we frame, is not an end by itself, but it would be only the basis for further work.

The first task of this Assembly is to free India through a new constitution to feed the starving people and cloth the naked masses and to give every Indian fullest opportunity to develop himself according to his capacity. This is certainly a great task. Look at India today. We are sitting

*[English translation of Hindustani speech begins.

here and there in despair in many places, and unrest in many cities. The atmosphere is surcharged with these quarrels and feuds which are called communal disturbances, and unfortunately we sometimes cannot avoid them. But at present the greatest and most important question in India is how to solve the problem of the poor and the starving. Wherever we turn, we are confronted with this problem. If we cannot solve this problem soon, all our paper constitutions will become useless and purposeless. Keeping this aspect in view, who could suggest to us to postpone and wait?

A point has been raised from one side that some ideas contained in the Resolution do not commend themselves to the Rulers of the States, because they conflict with the powers of the Princes. A suggestion has also been made to postpone the decision about the States in the absence of their representatives. It is a fact they are not present here but if we wait for them it is not possible for us to finish the work even at the end of the Constituent Assembly according to the plan. This is impossible. Our scheme was not that they should come in at the end. We invited them to come in at the beginning. If they come, they are welcome. Nobody is going to place any obstacles. If there is any hesitation, it is on their part only. A month ago you formed a Committee to get into touch with their representatives. We were always anxious to discuss with them although we did not get any opportunity for it. That is no fault of ours. We did not ask for time. We want to finish our work as early as possible. I am informed they complain of the following words contained in the Resolution.

“Sovereignty belong to the people and rests with the people.”

That is to say, the final decision should rest with the people of the States. They object to this. It is certainly a surprising objection. It may not be very surprising if those people who have lived in an atmosphere of mediaevalism do not give up their cherished illusions, but in the modern age how can a man believe for a moment in the divine and despotic rights of a human being? I fail to understand how any Indian, whether he belongs to a State or to any other part of the country, could dare utter such things. It is scandalous now to put forward an idea which originated in the world hundreds of years ago and was buried deep in the earth long before our present age. However, I would respectfully tell them to desist from saying such things. They are putting a wrong thing before the world and by doing so they are lowering their own status and weakening their own position. At least this Assembly is not prepared to damage its very foundation and, if it does so, it will shake the very basis of our whole constitution.

We claim in this Resolution to frame a free and democratic Indian Republic. A question may be asked what relation will that Republic bear to other countries of the world? What would be its relations with England, the British Commonwealth and other countries? This Resolution means that we are completely free and are not included in any group except the Union of Nations which is now being formed in the world. The truth is that the world has totally changed. The meanings of words too are changing. Today any man who can think a little, will come to the conclusion that the only way to remove the doubts and dangers from the world is to unite all the nations and ask them to work together and help each other. The organisation of the United Nations is not free from big gaps and fissures. Thousands of difficulties lie ahead and a great deal of suspicion exists between countries. I have already said that we are not thinking in terms of isolating ourselves from the world. We will work in complete cooperation with other countries. It is not an easy thing to work in cooperation with England or the British Commonwealth, and yet we are

[The Hon'ble Pandit Jawahar Lal Nehru]

prepared to do so. We will forget our old quarrels, strive to achieve our complete independence and stretch our hands of friendship to other countries, but that friendship shall in no case mar or weaken our freedom.

This is not a resolution of war; it is simply to put our legitimate rights before the world; and in doing so if we are challenged, we will not hesitate in accepting that challenge. But after all, this is resolution of goodwill and compromise, among the people of India, whatever their community or religion and with the different countries of the world including England and the British Commonwealth of Nations. The Resolution claims to be on friendly terms with all and it has been put before you with that motive and intention. I hope you will accept it.

A friend has suggested that it would be advisable to move the Resolution just on the eve of the Independence Day which is due to come after four days only. But I will ask him if it is proper to delay a proper thing even for a moment? Not a moment's postponement is advisable and we should finish our work as soon as possible.

This Resolution which has been put before you is in a new form and in a new shape, but I would like to tell you that it has a long trail of resolutions pledges and declarations including the world-famed resolutions of "Independence" and "Quit India" behind it. It is high time to fulfil our pledges which we made from time to time. How are these pledges to be fulfilled? The right answer lies with you and I hope you will not only accept the Resolution but also fulfill it as you fulfil a solemn pledge.

One thing more I would like to tell you. We have been confronted and will again be confronted with various questions. Persons of various groups, communities, and interests would look at it from different points of view, and diverse questions and problems would be raised by them, but we should all bear in mind that we should not, on the eve of Independence, allow ourselves to be carried away by petty matters. If India goes down, all will go down; if India thrives, all will thrive and if India lives, all will live including the parties, communities and groups.

With your permission I would like to say something in English also.]*

Mr. President, it was my proud privilege, Sir, six weeks ago, to move this Resolution before this Hon'ble House I felt the weight and solemnity of that occasion. It was not a mere form of words that I placed before the House, carefully chosen as those words were. But those words and the Resolution represented something far more; they represented the depth of our being; they represented the agony and hopes of the nation coming at last to fruition. As I stood here on that occasion I felt the past crowding round me, and I felt also the future taking shape. We stood on the razor's edge of the present, and as I was speaking, I was addressing not only this Hon'ble House, but the millions of India, who were vastly interested in our work. And because I felt that we were coming to the end of an age, I had a sense of our forbears watching this undertaking of ours and possibly blessing it, if we moved aright, and the future, of which we became trustees, became almost a living thing, taking shape and moving before our eyes. It was a great responsibility to be trustees of the future, and is was some responsibility also to be inheritors of the great past of ours. And between that great past and the great future which we envisage, we stood on the edge of the present and the weight of that occasion, I have no doubt, impressed itself upon this Hon'ble House.

] * English translation of Hindustani speech ends.

So, I placed this Resolution before the House, and I had hoped that it could be passed in a day or two and we could start our other work immediately. But after a long debate this House decided to postpone further consideration of this Resolution. May I confess that I was a little disappointed because I was impatient that we should go forward? I felt that we were not true to the pledges that we had taken by lingering on the road. It was a bad beginning that we should postpone even such an important Resolution about objectives. Would that imply that our future work would go along slowly and be postponed from time to time? Nevertheless, I have no doubt, that the decision this House took in its wisdom in postponing this Resolution, was a right decision, because we have always balanced two factors, one the urgent necessity in reaching our goal, and the other, that we should reach it in proper time and with as great a unanimity as possible. It was right, therefore, if I may say with all respect, that this House decided to adjourn consideration of this motion and thus not only demonstrated before the world our earnest desire to have all those people here who have not so far come in here, but also to assure the country and every one else, how anxious we were to have the cooperation of all. Since then six weeks have passed, and during these weeks there has been plenty of opportunity for those, who wanted to come. Unfortunately, they have not yet decided to come and they still hover in this state of indecision. I regret that, and all I can say in this, that we shall welcome them at any future time when they may wish to come. But it should be made clear without any possibility of misunderstanding that no work will be held up in future, whether any one comes or not. (*Cheers.*) There has been waiting enough. Not only waiting six weeks, but many in this country have waited for years and years, and the country has waited for some generations now. How long are we to wait? And if we, some of us, who are more prosperous can afford to wait, what about the waiting of the hungry and the starving? This Resolution will not feed the hungry or the starving, but it brings a promise of many things—it brings the promise of freedom, it brings the promise of food and opportunity for all. Therefore, the sooner we set about it the better. So we waited for six weeks, and during these six weeks the country thought about it, pondered over it, and other countries also, and other people who are interested have thought about it. Now we have come back here to take up the further consideration of this Resolution. We have had a long debate and we stand on the verge of passing it. I am grateful to Dr. Jayakar and Mr. Sahaya for having withdrawn their amendments. Dr. Jayakar's purpose was served by the postponing of this Resolution, and it appears now that there is no one in this House who does not accept fully this Resolution as it is. It may be, some would like it to be slightly differently worded or the emphasis placed more on this part or on that part. But taking it as a whole, it is a resolution which has already received the full assent of this House, and there is little doubt that it has received the full assent of the country. (*Cheers.*)

There have been some criticisms of it, notably, from some of the Princes. Their first criticism has been that such a Resolution should not be passed in the absence of the representatives of the States. In part I agree with that criticism, that is to say, I should have liked all the States being properly represented here, the whole of India—every part of India being properly represented here—when we pass this Resolution. But if they are not here it is not our fault. It is largely the fault of the Scheme under which we are functioning, and we have this choice before us. Are we to postpone our functioning because some people cannot be here?

[The Hon'ble Pandit Jawahar Lal Nehru]

That would be a dreadful thing if we stopped not only this Resolution, but possibly so much else, because representatives of the States are not here. So far as we are concerned, they can come in at the earliest possible moment, we will welcome them if they send proper representatives of the States. So far as we are concerned, even during the last six weeks or a month, we have made some effort to get into touch with the committee representing the States' Rulers to find a way for their proper representation here. It is not our fault that there has been any delay. We are anxious to get every one in, whether it is the representatives of the Muslim League or the States or any one else. We shall continue to persevere in this endeavour so that this House may be as fully representative of the country as it is possible to be. So, we cannot postpone this Resolution or anything else because some people are not here.

Another point has been raised: the idea of the sovereignty of the people, which is enshrined in this Resolution, does not commend itself to certain rulers of Indian States. That is a surprising objection and, if I may say so, if that objection is raised in all seriousness by anybody, be he a Ruler or a Minister, it is enough to condemn the Indian States system of every Ruler or Minister that exists in India. It is a scandalous thing for any man to say, however highly placed he may be, that he is here by special divine dispensation to rule over human beings today. That is a thing which is an intolerable presumption on any man's part, and it is a thing which this House will never allow and will repudiate if it is put before it. We have heard a lot about this Divine Right of Kings, we had read a lot about of it in past histories and we had thought that we had heard the last of it and that it had been put an end to and buried deep down into the earth long ages ago. If any individual in India or elsewhere raises it today, he would be doing so without any relation to the present in India. So, I would suggest to such persons in all seriousness that, if they want to be respected or considered with any measure of friendliness, no such idea should be even hinted at, much less said. On this there is going to be no compromise. (*Hear, hear*).

But, as I made plain on the previous occasion when I spoke, this Resolution makes it clear that we are not interfering in the internal affairs of the States. I even said that we are not interfering with the system of monarchy in the States, if the people of the States so want it. I gave the example of the Irish Republic in the British Commonwealth and it is conceivable to me that within the Indian Republic, there might be monarchies if the people so desire. That is entirely for them to determine. This Resolution and, presumably, the Constitution that we make, will not interfere with that matter. Inevitably it will be necessary to bring about uniformity in the freedom of the various parts of India, because it is inconceivable to me that certain parts of India should have democratic freedom and certain others should be denied it. That cannot be. That will give rise to trouble, just as in the wide world today there is trouble because some countries are free and some are not. Much more trouble will there be if there is freedom in parts of India and lack of freedom in other parts of India.

But we are not laying down in this Resolution any strict system in regard to the governance of the Indian States. All that we say is this that they, or such of them, as are big enough to form unions or group themselves into small unions, will be autonomous units with a very large measure of freedom to do as they choose, subject no doubt to certain central functions in which they will co-operate with the Centre, in which they will be represented in the Centre and in which the Centre will have control. So that, in a sense, this Resolution does not interfere with the

inner working of those Units. They will be autonomous and, as I have said, if those Units choose to have some kind of constitutional monarchy at their head, they would be welcome to do so. For my part, I am for a Republic in India as anywhere else. But whatever my views may be on that subject, it is not my desire to impose my will on others; whatever the views of this House may be on this subject, I imagine that it is not the desire of this House to impose its will in these matters.

So, the object of the Ruler of an Indian State to this Resolution becomes an objection, in theory, to the theoretical implications and the practical implications of the doctrine of sovereignty of the people. To nothing else does any one object. That is an objection which cannot stand for an instant. We claim in this Resolution to frame a constitution for a Sovereign, Independent, Indian Republic—necessarily Republic. What else can we have in India? Whatever the States may have or may not have, it is impossible and inconceivable and undesirable to think in any other terms but in terms of the Republic in India.

Now, what relation will that Republic bear to the other countries of the world, to England and to the British Commonwealth and the rest? For a long time past we have taken a pledge on Independence Day that India must sever her connection with great Britain, because that connection had become an emblem of British domination. At no time have we thought in terms of isolating ourselves in this part of the world from other countries or of being hostile to countries which have dominated over us. On the eve of this great occasion, when we stand on the threshold of freedom we do not wish to carry a trial of hostility with us against any other country. We want to be friendly to all. We want to be friendly with the British people and the British Commonwealth of Nations.

But what I would like this House to consider is this: When these words and these labels are fast changing their meaning and in the world today there is no isolation, you cannot live apart from the others. You must co-operate or you must fight. There is no middle way. We wish for peace. We do not want to fight any nation if we can help it. The only possible real objective that we, in common with other nations, can have is the objective of co-operating in building up some kind of world structure, call it 'One World', call it what you like. The beginnings of this world structure have been laid down in the United Nations Organisation. It is feeble yet; it has many defects; nevertheless, it is the beginning of the world structure. And India has pledged herself to cooperate in that work.

Now, if we think of that structure and our co-operation with other countries in achieving it, where does the question come of our being tied up with this Group of Nations or that Group? Indeed, the more groups and blocks are formed, the weaker will that great structure become.

Therefore, in order to strengthen that big structure, it is desirable for all countries not to insist, not to lay stress on separate groups and separate blocks. I know that there are such separate groups and blocks today and because they exist today, there is hostility between them, and there is even talk of war among them. I do not know what the future will bring to us, whether peace or war. We stand on the edge of a precipice and there are various forces which pull us on one side in favour of co-operation and peace, and on the other, push us towards the precipice

[The Hon'ble Pandit Jawahar Lal Nehru]

of war and disintegration. I am not prophet enough to know what will happen, but I do know that those who desire peace must deprecate separate blocks which necessarily become hostile to other blocks. Therefore India, in so far as it has a foreign policy, has declared that it wants to remain independent and free of all these blocks and that it wants to cooperate on equal terms with all countries. It is a difficult position because, when people are full of fear of each other, any person who tries to be neutral is suspected of sympathy with the other party. We can see that in India and we can see that in the wider sphere of world politics. Recently an American statesman criticised India in words which show how lacking in knowledge and understanding even the statesmen of America are. Because we follow our own policy, this group of nations thinks that we are siding with the other and that group of nations thinks that we are siding with this. That is bound to happen. If we seek to be a free, independent, democratic republic, it is not to dissociate ourselves from other countries, but rather as a free nation to co-operate in the fullest measure with other countries for peace and freedom, to cooperate with Britain, with the British Commonwealth of Nations, with the United States of America, with the Soviet Union, and with all other countries, big and small. But real co-operation would only come between us and these other nations when we know that we are free to cooperate and are not imposed upon and forced to co-operate. So long as there is the slightest trace of compulsion, there can be no co-operation.

Therefore, I commend this Resolution to the House and I commend this Resolution, if I may say so, not only to this House but to the world at large so that it can be perfectly clear that it is a gesture of friendship to all, and, that behind it there lies no hostility. We have suffered enough in the past. We have struggled sufficiently, we may have to struggle again, but under the leadership of a very great personality we have sought always to think in terms of friendship and goodwill towards others, even those who opposed us. How far we have succeeded, we do not know, because we are weak human beings. Nevertheless, the impress of that message has found a place in the hearts of millions of people of this country, and even when we err and go astray, we cannot forget it. Some of us may be little men, some may be big, but whether we are small men or big, for the moment we represent a great cause and therefore something of the shadow of greatness falls upon us. Today in this Assembly we represent a mighty cause and this Resolution that I have placed before you gives some semblance of that cause. We shall pass this Resolution, and I hope that this Resolution will lead us to a constitution on the lines suggested by this Resolution. I trust that the constitution itself will lead us to the real freedom that we have clamored for and that real freedom in turn will bring food to our starving peoples, clothing for them, housing for them and all manner of opportunities of progress, that it will lead also to the freedom of the other countries of Asia, because in a sense, however unworthy we have become—let us recognise it—the leaders of the freedom movement of Asia, and whatever we do, we should think of ourselves in these larger terms. When some petty matter divides us and we have difficulties and fonclits amongst ourselves over these small matters, let us remember not only this Resolution but this great responsibility that we shoulder, the responsibility of the freedom of 400 million people of India, the responsibility of the leadership of a large part of Asia, the responsibility of being some kind of guide to vast numbers of people all over the world. It is a tremendous responsibility. If we remember it, perhaps we may not

bicker so much over this seat or that post, over some small gain for this group or that. The one thing that should be obvious to all of us is this that there is no group in India, no party, no religious community, which can prosper if India does not prosper. If India goes down, we go down, all of us, whether we have a few seats more or less, whether we get a slight advantage or we do not. But if it is well with India, if India lives as a vital free country, then it is well with all of us to whatever community or religion we might belong.

We shall frame the Constitution, and I hope it will be a good constitution, but does anyone in this House imagine that, when a free India emerges, it will be bound down by anything that even this House might lay down for it? A free India will see the bursting forth of the energy of a mighty nation. What it will do and what it will not, I do not know, that it will not consent to be bound down by anything. Some people imagine, that what we do now, may not be touched for 10 years or 20 years, if we do not do it today, we will not be able to do it later. That seems to me a complete misapprehension. I am not placing before the House what I want done and what I do not want done, but I should like the House to consider that we are on the eve of revolutionary changes, revolutionary in every sense of the word, because when the spirit of a nation breaks its bonds, it functions in peculiar ways and it should function in strange ways. It may be that the Constitution, this House may frame, may not satisfy that free India. This House cannot bind down the next generation, or the people who will duly succeed us in this task. Therefore, let us not trouble ourselves too much about the petty details of what we do, those details will not survive for long, if they are achieved in conflict. What we achieve in unanimity, what we achieve by co-operation is likely to survive. What we gain here and there by conflict and by overbearing manners and by threats will not survive long. It will only leave a trail of bad blood. And so now I commend this Resolution to the House and may I read the last para of this Resolution? But one or more, Sir, before I read it. India is a great country, great in her resources, great in her manpower, great in her potential, in every way. I have little doubt that a Free India on every plane will play a big part on the world stage, even on the narrowest plane of material power, and I should like India to play that great part in that plane. Nevertheless today there is a conflict in the world between forces in different planes. We hear a lot about the atom bomb and the various kinds of energy that it represents and in essence today there is a conflict in the world between two things, that atom bomb and what it represents and the spirit of humanity. I hope that while India will no doubt play a great part in all the material spheres, she will always lay stress on that spirit of humanity, and I have no doubt in my mind, that ultimately in this conflict, that is confronting the world, the human spirit will prevail over the atom bomb. May this Resolution bear fruit and may the time come when in the words of this Resolution, this ancient land attains its rightful and honoured place in the world and makes its full and willing contribution to the promotion of world peace and the welfare of mankind.

Mr. President: The time has now arrived when you should give your solemn votes on this Resolution. Remembering the solemnity of the occasion and the greatness of the pledge and the promise which this Resolution contains, I hope every Member will stand up in his place when giving his vote in favour of it.

I will read the Resolution:

This Constituent Assembly declares its firm and solemn resolve to proclaim India as an Independent Sovereign Republic and to draw up for her future governance a Constitution:

(2) WHEREIN the territories that now comprise British India, the territories that now form the Indian States, and such other parts of India as are outside British India and the States as well as such other territories as are willing to be constituted into the Independent Sovereign India shall be a Union of them all; and

(3) WHEREIN the said territories, whether with their present boundaries or with such others as may be determined by the Constituent Assembly and thereafter according to the law of the Constitution, shall possess and retain the status of autonomous units, together with residuary powers, and exercise all powers and functions of government and administration, save and except such powers and functions as are vested in or assigned to the Union, or as are inherent or implied in the Union or resulting therefrom; and

(4) WHEREIN all power and authority of the Sovereign Independent India, its constituent parts and organs of government, are derived from the people; and

(5) WHEREIN shall be guaranteed and secured to all the people of India justice, social, economic, and political; equality of status, of opportunity, and before the law; freedom of thought, expression, belief, faith, worship, vocation, association and action, subject to law and public morality; and

(6) WHEREIN adequate safeguards shall be provided for minorities, backward and tribal areas, and depressed and other backward classes; and

(7) WHEREBY shall be maintained the integrity of the territory of the Republic and its sovereign rights on land, sea and air according to justice and the law of civilised nations; and

(8) this ancient land attain its rightful and honoured place in the world and make its full and willing contribution to the promotion of world peace and the welfare of mankind.

(The Hon'ble the President then read a Hindi translation of the Resolution.)

I have got the Urdu translation also. Unfortunately I am not able to read it. I shall be glad if some other Member could read it for me.

(Shri Mohanlal Saksena then read the Urdu translation of the Resolution.)

Mr. President: I will request Members now to stand in their places and vote in favour of this Resolution.

The Resolution was adopted, all members standing.

RESOLUTION TO INCLUDE BHUTAN AND SIKKIM WITHIN THE SCOPE OF THE NEGOTIATING COMMITTEE

Mr. President: We have got the next resolution relating to Sikkim and Bhutan. Pandit Jawaharlal Nehru will move this.

The Hon'ble Pandit Jawaharlal Nehru: Mr. President, Sir, I beg to move the following Resolution:

"This Assembly resolve that the Committee constituted by its Resolution of December 21, 1946 (to confer with the Negotiating Committee set up by the Chamber of Princes and with other representatives of Indian States for certain specified purposes) shall in addition have power to confer with such persons as the Committee thinks fit for the purpose of examining the special problems of Bhutan and Sikkim and to report to the Assembly the result of such examination."

May I point out, Sir, that the copy of this Resolution that has been circulated should be varied slightly in the penultimate line, to read, "for the purpose of examining the special problems of Bhutan and Sikkim and to report to the Assembly".....

The House will remember that we passed a resolution in December last appointing a Committee consisting of Maulana Abul Kalam Azad, Sardar Vallabhbhai Patel, Dr. Pattabhi Sitaramayya, Mr. Shankarrao

Deo, Sir N. Gopalaswami Ayyangar and myself to confer with the Negotiating Committee set up by the Chamber of Princes and with other representatives of Indian States for the purpose of—

- (a) fixing the distribution of the seats in the Assembly not exceeding 93 in number which, in the Cabinet Mission's Statement of 16th May, 1946, are reserved for Indian States, and
- (b) fixing the method by which the representatives of the States should be returned to this Assembly, and thereafter to report to the Constituent Assembly the result of such negotiations. Further it was resolved that not more than three other Members may be added to this Committee later. This Committee was to consider two matters, fixing and distribution of seats for States and fixing the method by which the representatives of the States should be returned to the Assembly. The question has arisen as to how we have to deal with certain areas which are not Indian States. In this Resolution before us, Bhutan and Sikkim are mentioned.

Bhutan is in a sense an Independent State under the protection of India. Sikkim is in a sense an Indian State but different from the other. It is not proper to think of Bhutan therefore in the same category as an Indian State. I do not know what the future position of Bhutan might be in relation to India. That is a matter to be determined in consultation and in co-operation with the representatives of Bhutan. There is no question of compulsion in the matter. Now the terms of reference of the Committee you have appointed on the last occasion will not entitle it to tackle any such problem. Those terms are limited to the method of representation in this Assembly and the distribution of seats. I would like to say that there is some objection raised on the part of the Indian Princes to Negotiating Committee as to why the terms of reference have been so limited by us. They have been limited for obvious reasons—that all the later problems of the Indian States are going to be dealt with by those representatives of Indian States when they come and it would be absurd for us to come to final decisions with regard to the main problems before the representatives are here. Therefore deliberately we limited the functions of our Negotiating Committee. But in limiting them we prevented them from dealing with other problems which may arise in regard to territories which are not Indian States, specially Bhutan and Sikkim, and this Resolution gives them authority to meet representatives of Bhutan and Sikkim and discuss any special problems that may arise. I want to make it clear, on the one hand, that this Constituent Assembly has every right to discuss problems with even Independent States, if necessary. There is nothing to limit our right to discuss our future relations with the Independent States but for the moment. I am not dealing with that problem. Whatever the position of Bhutan might be, there is no question that we have the power and authority to deal with their representatives. This is in no way trying to lessen the status of Bhutan's present position. Whatever this may be it will be recognized to be something entirely different to that of Indian States. We are simply empowering our Committee to deal with the representatives and then to report to this Constituent Assembly the result of those negotiations.

I beg to move this Resolution, Sir.

The Hon'ble Pandit Govind Ballabh Pant (United Provinces: General):
I second the Resolution.

Mr. President: The Resolution has been moved and seconded. If anyone wants to speak, he can do so.....(After a pause).....May I take it that no one wishes to speak about this Resolution? I will put the Resolution to vote.....

The Resolution was adopted.

Mr. President: There are two motions regarding the Budget of the Assembly.

Mr. H.V. Kamath (C.P. & Berar : General): May I invite your attention, Sir, to the request made by a large section of this House that as a mark of tribute to Netaji Subash Chandra Bose, whose golden jubilee falls tomorrow, this House shall not meet tomorrow for the transaction of any business?

Mr. President: Mr. Kamath, as I understand, we have not got anything ready for tomorrow; so, in any case we are going to have a holiday tomorrow. (*Cheers*).....Mr. Gadgil.

BUDGET ESTIMATES OF THE CONSTITUENT ASSEMBLY

Mr. N.V. Gadgil (Bombay : General): I beg to move—

“Resolved that the Assembly do accord sanction to the estimated expenditure of the Assembly for the years 1946-47 and 1947-48 as shown in the attached statements prepared by the Staff and Finance Committee in pursuance of rule 50 (1) of the Constitution Assembly Rules.”

Sir, as laid down in the Rules.....

Sri K. Santhanam (Madras : General): I move that this thing may be taken up in Committee. It is not desirable that we should discuss the Budget in the presence of visitors. So I move that we go into Committee.

Prof. N.G. Ranga (Madras : General): I second it.

Sri Biswanath Das (Orissa : General): I also support it.

Mr. Somnath Lahiri (Bengal: General): It deals with public money. I do not see any reason why we should be afraid of discussing in public.

Mr. President: Let the motion be moved and then we shall consider whether the consideration will be in Committee.

Sri K. Santhanam: The Motion has been moved. He is going to make a speech. Therefore we want it in *camera*. There is nothing to be hidden or to be afraid of but we want to have the freedom to speak freely.

Mr. President: I had better then take the sense of the House. Those who want it in Committee form later on will please say ‘Aye’.

The Hon’ble Mr. B.G. Kher (Bombay : General): The whole House may be turned into Committee.

Mr. President: Those who are in favour of Committee may say ‘Aye’.....

The motion was adopted.

Mr. President: We shall then go into Committee and as the Committee meetings are private, I would request the visitors to withdraw.

(The galleries were then cleared)

(The proceedings were then conducted in *camera*).
