

[Shri H. V. Kamath]

“That after article 30, the following new article be inserted:

‘30-A. The State shall endeavour to promote the healthy development of Gram Panchayats with a view to ultimately constituting them as basic units of administration.’ ”

Mr. Vice-President : Does Dr. Ambedkar wish to say anything on this amendment?

The Honourable Dr. B. R. Ambedkar : I move that this matter do stand over.

Mr. Vice-President : I find that there is an amendment, to add a new article 31-A, numbered 927 in the list, standing in the name of Shri K. Santhanam. This, as well as that amendment may be considered together. Is it the wish of the House that this may be done?

Honourable Members : Yes.

Article 31.

Mr. Vice-President : We shall then pass on to article 31.

An Honourable Member : Article 30 has not yet been put to the House.

Mr. Vice-President : It has been put and adopted.

Mr. Vice-President : The House will now take up article 31, for discussion.

Mr. Naziruddin Ahmad (West Bengal : Muslim): Sir, I beg to move:

“That in clause (i) of article 31, the words ‘men and women equally’ be omitted.”

The clause in question is to this effect, that “the citizens, men and women equally, have an adequate means of livelihood.” I submit, Sir, that the words ‘men and women equally’ are unnecessary and redundant. In fact with the acceptance of this amendment, the clause would run thus: “that the citizens have the right to an adequate means of livelihood.” I submit, Sir, that the word ‘citizen’ has been defined in article 5, clause (a). That definition is in general terms and I presume includes the feminine. The masculine, as it is well known, embraces the feminine. In the circumstances, as we have defined,.....

Pandit Lakshmi Kanta Maitra (West Bengal : General): Did the Honourable Member say, “masculine” means “feminine”?

Mr. Naziruddin Ahmad: ‘Masculine’ includes ‘feminine’ in interpretation. ‘Every person’ mentioned in article 5(a) means certainly feminine as well as masculine. Therefore, as the word ‘citizen’ has been precisely defined and that defined expression ‘citizen’ has been used in this article, I think the addition of the words “men and women equally” is unnecessary. If we are to make it clear that any law shall apply to men and women equally and if we are forced to declare it everywhere, then this expression has got to be used unnecessarily in many places. Although I agree with the principle that all citizens shall have certain rights without distinction of caste or creed, sex or colour, these words need not be there.

The Honourable Dr. B. R. Ambedkar: I oppose the amendment, Sir.

Shri Mahavir Tyagi: Sir, I have a suggestion to make. There are a number of amendments suggesting improvement in language or change in words. They do not propose any change of the spirit or the meaning of the article concerned. That being so, may I suggest that they may be collected together and sent to a committee which you may appoint to consider and dispose them of? If this is done much of the time of the House can be saved for the consideration of vital and important amendments.

Mr. Vice-President : I am quite willing to fall in with the suggestion, if that is the wish of the House. Probably we shall consider this suggestion later, after two or three days.

Shri Lokanath Misra (Orissa : General): Does it mean an adjournment of the consideration of these motions?

Mr. Vice-President : No. Why should we adjourn it? We can take a vote on it at once and come to a decision.

Prof. K. T. Shah (Bihar : General): Mr. Vice-President, Sir, I beg to move:—

“That in clause (i) of article 31, for the words ‘that the citizens, men and women equally, have the right to an adequate’ the words ‘every citizen has the right to an adequate’ be substituted.”

Sir, in commending this motion to the House, I would like to be understood in the first place that this is not merely an attempt to improve upon language. I do not profess to be an authority on the English language, and much less on the mysteries of technical draftsmanship as is implied in this language. Mine is only a common sense view of this matter. The term “the citizens”, as it is used in this clause, is so collective that I am afraid its distributive sense is apt to be lost sight of. I am, therefore, proposing to substitute for the words “the citizens” the words “every citizen” so that each and every member of the society shall have this right to an adequate standard of living. The distributive sense is brought out much better by my amendment, this very language is used in another article in this Chapter itself later on when they are speaking of the right to primary education. I am therefore suggesting no innovation which is not authorised by the draftsman’s own terminology.

It is, of course, beyond me to say why in one article, in one and the same Chapter, they use the collective expression “the citizens”, while in another article in the same Chapter they use the words “every citizen” and in a third again some different form. This, Sir, is the reason why, not understanding the distinction that may have been in the mind of the draftsman for using a variety of expressions to convey perhaps the same meaning, at least to a common sense man, I am proposing this amendment. If the intention is that the words “the citizens” are used in the collective sense, then I submit that would be an offence more of substance than I am at present inclined to believe while reading this article. For taking the term collectively it can at best express a vague hope for the happiness of the average citizen. Now, the law of averages is a very misleading law, and will give you a sort of satisfaction for which in truth there can be no basis. I have no desire to convert this debate into any kind of light hearted exhibition of one’s capacity to entertain the House; but I cannot help bringing here to the notice of the House the mischief that the vagaries of the mere mechanical statistician can reduce the law of averages, and give a result which is totally opposed to fact. In illustration, may I say that I have heard the story of a women’s hostel having to be reported upon, when the trustees of the hostel came to know that there were ten girls, and one of them had apparently misconducted herself. There was some trouble and a statistical authority was called in to investigate and report on this hostel. He examined the inmates and made the famous report saying that everyone of the inmates of the hostel was ninety per cent virgin and ten per cent pregnant. In this statement he was simply applying the law of the average.

I do not know whether it is fully appreciated that this kind of perpetration is within the power of the expert to achieve; and as I do not wish the Constitution to lead to this kind of expert technical perfection, I wish to substitute the words “every citizen” for the words “the citizens”, which will leave no room for doubt in the matter.

[Prof. K. T. Shah]

Another reason why I am moving this amendment for dropping the words “men and women equally” is that it smacks too much in my opinion, of patronising by men over women. There is no reason for man to believe that he is even an equal to woman, let alone superior. According to that view which I have always entertained that man is a somewhat lower animal as compared to woman, I feel that this exhibition of patronage by man over woman, as if we were conferring any special right, ought to be expunged from the Constitution.

Citizens are citizens irrespective of sex, age or creed; and that being one of the fundamental propositions accepted by the Constitution, I see no reason why we should say “men and women, equally” as if we were pleased to grant equal rights to men and women, rights moreover which are only directives, and therefore not necessarily to be implemented immediately. For these reasons, I suggest that this amendment ought to be taken, not merely as a verbal amendment, but one of substance, and I trust that those responsible for moving this Constitution before the House will accept it.

Mr. Vice-President : I understand that even though amendment No. 884 is to be negatived, I must give an opportunity to Mr. Naziruddin Ahmad to speak on it.

Mr. Naziruddin Ahmad : Not moving it, Sir.

Mr. Vice-President : Then 885, Professor K. T. Shah.

Prof. K. T. Shah : Mr. Vice-President, Sir, I beg to move:

“That for clause (ii) of article 31, the following be substituted:

‘(ii) that the ownership, control and management of the natural resources of the country in the shape of mines and mineral wealth, forests, rivers and flowing waters as well as in the shape of the seas along the coast of the country shall be vested in and belong to the country collectively and shall be exploited and developed on behalf of the community by the State as represented by the Central or Provincial Governments or local governing authority or statutory corporation as may be provided for in each case by Act of Parliament’;”

Sir, the original clause for which I propose this one in substitution stands as follows:—

“(ii) that the ownership and control of the material resources of the community are so distributed as best to sub serve the common good;”

If I may venture to say so, Sir, the clause, as it stands can lend itself to any interpretation; and, with the background on which we have been working, with the traditions under which the administrative machinery is operating, and the allegiance which vested interests command in this House, I am afraid that, if this clause is allowed to stand as it is, instead of serving any purpose, it will make the proper development of the country or the just redistribution of its wealth, or bringing in a fair measure of social justice, only an empty dream.

I suggest, therefore, that it should be substituted by what I have just read out, where by the ownership, control and management of the natural resources shall be vested in the community collectively, and shall be exploited, developed and worked by the community as represented by the Central or Provincial or Local Governments, or by any statutory corporations that may have been created for the purpose.

I think there can be no dispute on this proposition that, as regards the natural resources that I have tried to describe, no human being has lent any value to those resources by his or her own labour.

They are gifts of nature. They are the initial endowment which each country has in greater or less measure; and, in mere equity, they should belong to all people collectively. And if they are to be developed, they should be developed also by, for, and on behalf of the community collectively.

The creation or even the presence of vested interests, of private monopolists, of those who seek only a profit for themselves, however useful, important, or necessary the production of such natural resources may be for the welfare of the community, is an offence in my opinion against the community, against the long-range interests of the country as a whole, against the unborn generations, that those of us who are steeped to the hilt, as it were, in ideals of private property and the profit motive, do not seem to realise to the fullest.

In the resources that are mentioned in my amendment not only is there no creation of any value or utility by anybody's proprietary right being there, but what is more, the real value comes always by the common effort of society, by the social circumstances that go to make any particular interests or resources of this kind valuable.

Take mines and mineral wealth. Mines and mineral wealth, as everybody knows, are an exhaustible, — a wasting asset. Unfortunately, these, instead of having been guarded and properly protected and kept for the community to be utilised in a very economical and thrifty manner, have been made over to individual profit-seeking concession-holders and private monopolists, so that we have no control over their exploitation, really speaking, for they are used in a manner almost criminal, so that they can obtain the utmost profit on them for themselves, regardless of what would happen if and when the mines should come to an end or the stored up wealth of ages past is exhausted.

I suggest, therefore, that we allow no long range interests of private profit-seekers involved in the utilisation of these mines and the mineral wealth, that on the proper utilisation of these mines and mineral wealth depends not only our industrial position, depend not only all our ambitions, hopes and dreams of industrialising this country, but what is much more, depends also the defence and security of the nation. It would, therefore, I repeat, be a crime against the community and its unborn generations if you do not realise, even at this hour, that the mineral wealth of the country cannot be left untouched in private hands, to be used, manipulated, exploited, exhausted as they like for their own profit.

It is high time, therefore, that in this Constitution we lay down very categorically that the ultimate ownership, the direct management, conduct and development of these resources can only be in the hands of the State or the agents of the State, the representatives of the State, or the creatures of the State, like Provinces, municipalities, or statutory corporations.

Another argument may also be advanced here in support of my view. By their very nature, these resources cannot be exploited economically or efficiently unless they become monopolies. In one form or another, they have to be developed in a monopolistic manner. Now monopolies are always distrusted so long as they remain in private hands and are operated for private profit. If they are to be monopolized, as I believe inevitably they will have to be, then it is just as well that they should be owned, managed and worked by the State.

It is not enough to provide only for a sort of vague State control over them as the original clause does; it is not enough merely to say that they could be so utilised as to "sub serve the common good," every word of which is vague, undefined and undefinable, and capable of being twisted to such a sense in any court of law, before any tribunal by clever, competent lawyers, as to be wholly divorced from the intention of the draftsman, assuming that the draftsman had some such intention as I am trying to present before the House. We must have more positive guarantee of their proper, social and wholly beneficial utilisation; and that can only be achieved if their ownership, control and management are vested in public hands.

[Prof. K. T. Shah]

Considerations, therefore, of immediate wealth, of the necessity of industrialisation, of national defence, and of social justice have moved me to invite this House to consider my amendment favourably, namely, that without a proper full-fledged ownership, absolute control and direct management by the State or its representatives of these resources, we will not be able to realise all our dreams in a fair, efficient, economical manner which I wish to attain by this means.

Most of these forms of wealth, I need hardly tell this House, are yet undeveloped, or developed in a very, very superficial manner. It is to be hoped that in years to come, we shall undertake and carry out a much more direct, a much more effective and efficient Plan for the all round development of the country, in every part and in every item of our available resources. If that is so, if we are going to achieve, if we are going to take that as our first concern, for the new life that is pulsating throughout the country, then I put it to you, Sir, that without some such provision, it would not be possible to attain the objective as quickly and as economically as we would desire.

I would only add one word. Deliberately, I have not included in the list of initial resources of the country, the biggest of them, namely land. I have not mentioned it, not because I do not believe that land should be owned, operated and held collectively, but because I recognize that the various measures that have been in recent years adopted to exclude landed proprietors—zamindars to oust them and take over the land, would automatically involve the proposition that the agricultural or culturable land of this country belongs to the country collectively, and must be used and developed for its benefit.

For these reasons, therefore, Sir, while particularising the natural resources which we should have in common ownership and develop collectively, I have deliberately left out perhaps the most important of them all. But that I trust will not prejudice the fate of this proposition by itself. I commend it to the House.

(Amendments Nos. 886 to 891 were not moved.)

Prof. K. T. Shah : Mr. Vice-President, Sir, I beg to move:

“That for clause (iii) of article 31, the following be substituted:

‘(iii) that there shall be no private monopolies in any form of production of material wealth, social service, or public utilities nor shall there be any concentration of means of production and distribution in private hands and the State shall adopt every means to prevent such concentration or accumulation’.”

Sir, the original Article as it is drafted reads as follows:

“(iii) that there shall be no private monopolies in any form of production of material wealth and means of production to the common detriment.”

Once again, I have to use the same argument namely that while I have taken the phraseology that is given in my amendment almost entirely from the Draft itself, I have tried to make it much more clear and unambiguous than the Draft makes it. I feel, Sir, that if the Draft remains as it is, it is liable to be interpreted in a way not at all intended perhaps by the draftsmen, or, at any rate, not understood in that sense by the reader.

I think, Sir, that monopolies by themselves are very offensive to the common good. In every country whose history is recorded, wherever they have manifested themselves, there have been cries of protest against their presence. Some of the most important decisions which have contributed materially to the growth of the English Constitution have been in regard to monopolies granted by the Crown. No fight was so strong in the ages gone by in England or France or other countries which have experienced this in a more intense form than the fight against the monopolies.

Monopolies, however, need not be created or established by direct grant or patent, or in a legal, open form that would admit itself to be caught or controlled, so to say, by the straightforward operation of any provision like this included in the Constitution or legal system in general.

Monopolies develop much more artificially; monopolies develop much more by force of the very circumstances that competition is supposed to provide. In a competitive society, we are told, the only guarantee of the common good being served is that, by the mere process of competition amongst themselves, the competing producers will have so to reduce prices, they would have so to bring down their costs or selling price, that the largest amount of profit can be gained if the monopolised commodity is consumed by the widest number of consumers. In actual fact, however, Sir, in every country that has got industrialised, and commercialised on a wide scale, you find that the competitors soon come to realise that competition is good for nobody. Hence by arrangement amongst themselves, by all sorts of devices, like Trusts, Syndicates, and Cartels, they try to make a virtual monopoly, which may seem inoffensive on the face of it, which may even appear to be aimed at cutting out costs and reducing overheads, and thereby making the product more easily and more cheaply accessible; but which, in fact, really result in adding enormously to the increasing profit of the private proprietor.

I take it, Sir, that members of this enlightened House will be all too familiar with the history of Trusts in England or America, and of the Syndicates and Cartels in Germany or France, for me to outline it. They would easily realise how insidiously, how slowly, but how irresistibly the movement for Trustification, Syndication, Cartelisation, combination or monopoly in all important industries began to develop, what devices they adopt for holding these monopolies tightly and closely among a selected few of their own blood circle, and what part the Interlocking Directorate plays in the general direction of policy; how when competition is intense, they try to ruin every new appearance in the field, so that the field remains for ever their exclusive possession, their exclusive property.

We in this country have too bitter, too recent, too varied and too numerous experiences of the operation of foreign monopolists, who, until the other day, held power in our country, whereby any indigenous enterprise that was against the vested interests of the alien Monopolists, had to put up the most intense struggle against the monopolist outsiders. Only the other day we had the spectacle, in which the history of the growth of a great national shipping concern was outlined. Those who know the vicissitudes through which that concern has gone, would realise the long years of fight, the discouraging developments that they had to put up with, because the Government of the country in those days was a foreign Government. Because the new competing interest was an Indian interest, it did not suit the Government to allow the foreign monopolists in any way to suffer, and the native new enterprise to succeed. The latter, therefore had to suffer all kinds of handicaps and disadvantages, into the details of which this is not the place nor the time to go. The fact, however, that in spite of that, by the support of the people, by the intrinsic strength of the service they wanted to render, the enterprise has survived to this day, does not undo the principal argument that I am trying to place before the House, that private Monopolies, by their very nature, are not in the interests of the public, unless they are of the community as a whole.

A private less correct monopolists will always be a predatory creature, who will hunt and prey upon those who become consumers of his product or service. Whether it is in an ordinary industry like the manufacturing industry

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turning out a given product, or in any industry which is making consumer goods, or in a social service, like Education or Health, there is danger of monopolists creating strong private interest which it will never be in the interests of the country to tolerate. I should therefore forbid the very possibility of any monopoly emerging, let us say, in the matter of education or educational apparatus, let us say, in regard to health or the production of drugs, or making medicines, or the supply of surgical and other instruments and apparatuses. I would beg to submit to this House that there is every danger of our country being dominated by private monopolists unless, from the very start, in this very Constitution we make it perfectly clear that in this New India, there shall be no room for private monopolists, who would be predatory, who would be preying upon their kind as cannibals in a form that no savage or alleged savage of the Pacific Seas would do.

The civilised cannibal of our time, the blood-sucker, is the exploiter who is highly honoured, who is often titled, who is very fully represented in this House also, and is therefore able to dictate to you, and inspire you in innumerable ways, as to how you shall provide for his safety in the Constitution itself, so that he could get a new lease of life and go on in a variety of ways, multiplying, diversifying, increasing and intensifying his monopoly to the prejudice of the common people, to the prejudice of the country's defence, to the prejudice of all those who have been looking forward to this age as an age in which real power is supposed to be vested in the representatives of the people in this House, to be able at least to obtain the immediate necessities of life without paying the toll of the profiteer, and as such to be able to lead a life a little above the level of the beasts.

The Honourable Shri K. Santhanam: (Madras: General): Does the expression 'Private Monopolies' include monopolies by public companies?

Prof. K. T. Shah : I have already said in an earlier amendment that I would not only have monopolies but only monopolies when they are public, either Government owned, State-owned or owned by state Corporations. If by public companies you mean statutory companies, the answer is in the affirmative. But if you mean by public companies only those that are registered and falling under the Companies Act as public companies, then the answer is in the negative.

The Honourable Shri K. Santhanam : The expression 'private monopolies' will exclude public limited companies.

Prof. K. T. Shah : I would invite my Honourable friend to help me in making it much more explicit. If he will not, then he will forgive me for not paying more attention to these very casuistic words. The monopolies I have in mind are represented much more by Trusts, by inter-locking Directorates, by a variety of ways by which banks, insurance companies, transport concerns, electricity concerns, power corporations, utility corporations of all kinds etc. yet all combined horizontally, vertically, angularly, sideways, backways and frontways, so that if you take up the totality of them all, you will find that this country is in the grip of between 300 to 500 people or families so far as economic life of this country is concerned. They may have their nephews and their nieces functioning in various capacities. One may work in a factory, another may shine in sports, a third may flirt with Art, and a fourth may endow Science and Learning. One may be a Manager, and another may be a philanthropist, and yet another may be a religious teacher, but that does not change the complexion. There are a few hundred families in this country which hold us all in economic slavery of a kind that the

slavery in the Southern States of America has no comparison. If you do not open your eyes even now, then you are inviting with open eyes the kind of revolution in a form which none of us might desire but none of us would be able to resist. Sir, I commend this proposal to this House.

Mr. Naziruddin Ahmad : Sir, I beg to move:—

“That in clause (iii) of article 31, for the word ‘concentration’ the words ‘undue concentration’ be substituted.”

Sir, the passage in the Draft Constitution runs thus:—

“That the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment etc.”

My amendment would be to the effect that the clause should prevent “undue” concentration of wealth and means of production to the common detriment. I submit that the economic system which we have here today and which it seems is in view, would necessarily mean that the wealth and means of production would be uneconomic; unless we want to introduce a Communistic State, these inequities would be inevitable. Even in the Communistic State of today there are inequities. I submit, Sir, that it is impossible to equalise wealth and means of production in the hands of all. I submit, the earning of a good business man, that of a lawyer of eminence, that of a Minister of eminence and that of a common man in the street or a Chaprasi, cannot be equal. So I submit that all that we should attempt to prevent is “undue” concentration of wealth and means of production. There would be inevitable concentration of some wealth and the means of production. I submit Sir, that this word would remove the misconception.

(Amendments Nos. 896 to 903 were not moved.)

Mr. Naziruddin Ahmad: Sir, Amendment No. 904 consists of three parts, of which I wish to move only parts two and three.

Sir, I beg to move that in clause (v) of article 31, for the word “abused” the word “exploited”, and for the words “economic necessity” the word “want” be substituted.

Mr. Vice-President: Is it necessary to make a speech?

Mr. Naziruddin Ahmad : No, Sir.

Mr. Vice-President : Amendment No. 905, Mr. Kamath.

Shri H. V. Kamath : Mr. Vice-President, Sir, I find that so far as this amendment of mine is concerned, I am in very good company. I find that the Drafting Committee has sponsored an amendment—No. 907—to the same effect.

The clause as it stands, reads as follows:

“That State shall.....direct its policy towards securing.....that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength.”

My amendment seeks to add the word “sex” also, so that it will then read thus:

“.....are not forced by economic necessity to enter avocations unsuited to their age, sex or strength.”

I feel, Sir, that so long as the economic system is what it is today, it is conceivable that women might be forced by sheer necessity to take to occupations which may not be suitable to the conditions imposed on them by nature. I personally feel that this would be a wise amendment, a wise move, to see that necessity does not force women to enter certain occupations.

[Shri H. V. Kamath]

Since sending in this amendment, however, I have ascertained from my Honourable women friends in this House that they are not very keen on this provision being made, in this clause. So in spite of my inclination to the contrary, in spite of my disposition to retain this amendment, I have decided, out of deference to their wishes, not to press this amendment, and not to move it. Of course, it will await the fate of amendment No. 907 which has been officially sponsored.

Shri C. Subramaniam (Madras: General): Sir, can a speech be made if the Member is not moving his amendment?

Mr. Vice-President : I did not notice till the very end that Mr. Kamath was not going to move his amendment. We are all in the hands of Mr. Kamath in this matter. I am not a prophet.

Then we come to amendment No. 906, Shri Sahu.

Shri Lakshminarayan Sahu (Orissa: General) : *[Mr. Vice-President, I move the amendment which stands in my name:

“That in clause (v) of article 31, for the words ‘their age’ the words ‘their age, sex’ be substituted.”

Mr. Kamath admitted here that even he considers that the word ‘Sex’ should be put in but that he did not do so because the term ‘Sex’ was not liked by some lady members of this House. But I insist that this word should be retained here. I would like to know the reasons which led them to say that they did not like this word. We see that the word ‘Sex’ has already been used in article 9 of the Fundamental Rights. We also know that we use the word ‘Linga’ in our language, and so I fail to see the harm likely to be done by the use of this word here.

Secondly, if we do not use the word ‘Sex’ here, many unpleasant complications are likely to ensure. In order to avoid all such complications I would like that the words “Unsuited to their age, sex and strength” should be retained. There are many such factories and mines which are not fit for women to work in. But many women are compelled by circumstances to work there. To stop this practice the word “Sex” should be specifically used here.

The third point is that the members of the Drafting Committee like to use the word ‘sex’ here. When it is so, I do not find any reason to delete it. And hence the word sex must be retained so that women may be saved from exploitation. The condition of the women of our country is rather deplorable and I do not like that they should work day and night in the mines and be obliged to adopt some such profession which may spoil their home life. On account of these three reasons I propose that this word ‘Sex’ must be retained here and I move this amendment accordingly.]

Mr. Vice-President : No. 907, Dr. Ambedkar?

The Honourable Dr. B. R. Ambedkar : Not moving.

Mr. Vice-President : Then No. 908. Mr. Syed Abdur Rouf.

Syed Abdur Rouf (Assam : Muslim) : Sir, I beg to move:

“That in clause (v) of article 31, for the words ‘to their age or strength’ the words ‘to their sex, age or health’ be substituted.”

From the trend of the amendments it is seen that so far as acceptance of the word “sex” is concerned, there is unanimity of opinion in the House. Now, in my amendment I have tried further to add the word “health” in place of “strength”, because I think the word “health” includes and connotes the

* [] Translation of Hindustani speech.

word “strength”, but the word “strength” does not necessarily connote the word “health”. On this ground the word “strength” is unsuited. If we want to save the worker from ruin, we should consider the health of the worker, not merely his strength. I therefore commend this amendment for the acceptance of the House.

Shri S. V. Krishnamoorthy Rao (Mysore) : Sir, I move:

“That in clause (v) of article 31, for the words ‘that the strength and health’ the words ‘that the health and strength’ be substituted.”

My amendment is only in order to rearrange the phraseology. My only justification is that strength follows health and the phraseology sounds better. Sir, I move.

(Amendments Nos. 910 to 913 were not moved.)

Rev. Jerome D’Souza (Madras : General) : Mr. Vice-President, I am grateful to you for the opportunity you have given me of making a very brief statement on this amendment which I and some of my friends have tabled. Let me say at once, to reassure this House that that statement will be brief and that for reasons which I shall presently explain, it is not my intention to press the amendment. But, Sir, I deem it a matter of some importance that the grounds which moved us to table this amendment should be understood by this House, and that the broad principles on which we have based this request may be appreciated, so that though at the present moment and in the present form this amendment may not be acceptable or may not be prudently pressed, the spirit of it may be understood and somehow embodied in this momentous and solemn document of our Constitution.

Sir, there have been complaints from many sides of this House that our Constitution does not reflect the spirit or the genius of our people, that it is a kind of mixed recipe got up from various foreign sources and foreign constitutions. To a certain extent this was inevitable, but I am sure that the framers of the Draft have partly answered this criticism by the embodiment of certain principles in this part of the Constitution, the Directive Principles.

Now, Sir, if one thing characterises our people more than anything else, it is the power and the sanctity of the family tie, the sacredness which we have been accustomed to attach to the sanctities that go to make up the spirit and the atmosphere of home life. Therefore, I am sure that every section of this House will feel that it is in the fitness of things that this strong and traditional spirit of our nation and race might somehow be expressed in our Constitution. Sir, I venture to say that if the virtues, the strength and manhood of our people have survived so many centuries of invasion and subjection, it is because, in spite of external and political changes, the strength of the family, its protective power, its capacity to inspire and maintain virtue and moral strength, have never been diminished, have never been completely overcome in our land. Whatever is best in the Caste system—and nobody will say that it is an unmixed evil—I venture to say is an extension of the family spirit, and the attachment to family ties that has come out of it is its best and most admirable characteristic.

Sir, in a Constitution, we undertake legislation for the organisation of society. We are speaking of villages, of provinces and the Centre, of tribes and Communities, and every other form of society. Now, the primary unit of society, one whose limits and characteristics are fixed by nature itself, is the family. The varieties and forms of external civil society may vary and change, but the limits, the characteristics, the fundamental features of the family, are fixed by nature. And it is within the bosom of the family that the social virtues, on the basis of which we are making this Constitution, and the firmness of which will be responsible for the carrying out of the Constitu-

[Rev. Jerome D'Souza]

tion, those fundamental virtues are developed and most lastingly founded in the family circle—mutual regard, mutual dependence, respect for authority and order, foresight and planning, and even the capacity for negotiating with other units,—qualities which would be required on a wider scale and in a wider theatre in our political and public life. Nay, Sir, patriotism itself is but the extension and the amplification of the love of the family. We call our country Fatherland or Motherland. Even before we know the culture and the extent and the greatness of our historical past, we begin to love our country because we love the little place where we were born, because the scenes and the sounds and the sights of those places are linked for ever in our memories with the voices and visages which are among the most lasting and most treasured things in life. Therefore, I feel that this House will not reject this plea that in some form our respect and love for family traditions, may be reflected in this Constitution.

Now, Sir, I know that there is a serious divergence of view as to what this amendment should imply, in what manner the family should be protected and how its stability should be ensured. Let me, Sir, in all frankness place before you very briefly what was in my mind about the means of ensuring the stability of the family. In the first place, I believe it implies that in the majority of instances, in a normal state of society, the mother of the family should have freedom and leisure to give all her attention to the upbringing of her children and to the maintenance of that family. Now, I do not say that it is obligatory on her to do so always—there are exceptions, and she may sometimes find it convenient to give her best energies to answer the higher vocation of public life and public service. But under normal conditions this is her main and her sacred duty, and this implies that the wage-earner, be he the working man, be he the poorest in the country, should have a wage which will enable him to maintain his wife and children, a *family wage*, a concept which modern social legislation tends to accept more and more. I say, therefore, that the head of the family is not to get a wage in accordance with the strict principle of remuneration for labour done according to the laws of liberal economics. I rather say that society owes him, as the head of a family and as one of the most important elements in the organisation of society, a maintenance to which he has a right, partly independently of whatever work he does. That is one principle which this amendment implies.

In the second place, I believe that this amendment, or this idea of sacredness of the family, implies a readiness on the part of the State to recognise and encourage the institution of marriage in every way possible in its stable and monogamous form. I wish to draw the attention of the House to this fact that in all societies the tendency is to recognise more and more monogamous marriages as the only legal form of marriage. Moreover, I am aware of, and I am not here prepared to discuss, the claims of the women of our land to some degree of facility in breaking up unions which are no longer happy. I admit there may be grounds for separation when a union has become utterly unhappy. I plead at least for this: that the State should look with caution and prudence, nay with positive disfavour, on the multiplication of the facilities for divorce in order that the permanence and happiness of the family may be ensured.

In the third place,—and I know that here again I shall provoke the opposition of many elements, but nevertheless, it is necessary to state it on this occasion and in this House—it would be unfortunate if the State gave official patronage or approbation or encouragement to the artificial limitation of families. We in India who are recipients of such bounty from nature have nothing to fear from the multiplication of the greatest source of our wealth,

namely, the manhood of our land, the hard-working men and women of our race.

Lastly, I would, as a last idea which should accompany this notion of the sanctity and permanence and stability of the family, plead for respect for the rights of parents, the recognition of all reasonable authority on the part of parents in regard to their children, particularly, the right of the parent to see that his child is brought up in the traditions and in the beliefs, which are dear to him, so that there may not be in his family a disruption of the happy atmosphere, the uniformity, the homogeneity which should normally reign there. These are the implications—grave, far reaching, but I believe, acceptable to the vast majority of our countrymen—these are the implications of this amendment. But as I said already, it is because I understand that in this particular form and owing to the vagueness of its implications there may be very serious difference of opinion, I am prepared not to press it at the present moment, but I do want this House and my most honoured and most respected colleagues somehow and at sometime and in some form to speak the word which would ensure for future generations the blessings which they and we ourselves have inherited and enjoyed, to recognise that the great virtues which go to make up the greatness of a country—personal worth—are best developed in an early period and within the atmosphere of the home. We are optimists and democrats, but we know that human nature has many evil inclinations and if they are not to get the better of a man, if the vicious and anti-social elements in his nature are not to gain the upper hand, it is during these tender years that the seeds of lasting civic virtues should be planted. I therefore ask you, my honoured colleagues, to turn your attention, to turn your regard, back to that treasury of the tenderest and the most sacred memories that you have, the voices and the visages that are most dear to you, and appreciating all you have received from that circle and from those people, do something to ensure that the future children of this land will be blessed with the same happiness.

Shri V. C. Kesava Rao (Madras: General): I do not move amendment No. 917 standing in my name but I reserve the right of moving it later in connection with fundamental rights.

Pandit Thakur Dass Bhargava (East Punjab: General): I am not moving amendment No. 920 at present, but when we come to fundamental rights, I propose to move it.

I am not moving No. 923. The same remarks apply as in 920.

Mr. Vice-President : The article is now open for general discussion.

Prof. Shibban Lal Saksena (United Provinces: General): This is a clause which is very fundamental in our Constitution. The character of the amendments suggested also shows that it goes to the very root of the whole Constitution. My sympathies are undoubtedly with the amendments of Prof. K. T. Shah who has moved two amendments which really suggest that in this clause we should lay down that the system of our State shall be “Socialist”. In an amendment to the Preamble I have suggested that the word “Socialist”, should be added before the word “Union”. I personally feel that the particular amendments which he has moved are very important and I would urge on my friend Dr. Ambedkar at least to incorporate the spirit of those amendments somewhere in the Constitution. Part (2) of article 31 says:

“...Ownership and control of the material resources of the community are so distributed as best to subserve the common good.”

Now, this enunciation “ownership and control of the material resources of the community to be distributed so as to subserve the common good” is a

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very wide enunciation of a most important principle. The enunciation is so general that any system of economy can be based upon it. Upon it can be based a system of socialist economy where all the resources of the country belong to the State and are to be used for the well being of the community as a whole. But a majority in the next Parliament can also come forward and say that the New Deal evolved by Roosevelt is the best system, and it should be adopted. This clause leaves it open to any future Parliament to evolve the best plan of their choice. But I feel personally that we should today at least lay down that the key industries of the country shall be owned by the State. This has been an important programme of the Congress since 1921. The Congress has accepted the principle that the key industries shall be controlled by the State. Even recently in the committee appointed by the Congress the report mentioned that the key industries shall be owned by the State; for the present we have postponed nationalisation of key industries for ten years. But I do feel that in our Constitution we must lay down that this is our fundamental policy. Unless we lay down in the Constitution itself that the key industries shall be nationalised and shall be primarily used to serve the needs of the nation, we shall be guilty of a great betrayal. Even if the principle is not to be enforced today, we must lay down in this clause (ii) about directive principles that the key industries shall be owned by the State. That is, according to the Congress, the best method of distributing the material resources of the country. I therefore think that Professor Shah's amendment has merely drawn attention to this fundamental principle.

His second amendment is against monopolies and my sympathies are entirely with him. The system of monopolies has been admitted to be very wrong everywhere. In America, about 54 per cent of the nation's wealth is owned by some 60 families of that State and it is said that the 12 directors of these industrial concerns there are more powerful than even the Cabinet Ministers of the U.S.A. I therefore think that we must take a lesson from the other countries and lay down in our Constitution that monopolies will not be permitted in India. This being so I trust that Dr. Ambedkar will try to incorporate this idea in the clause by means of an appropriate amendment.

I know there is one merit in his draft which is that he has left the whole thing open and it is my hope that he will incorporate this idea in the clause. This Assembly, which has the majority from one party that has already committed itself to these principles, should lay down these principles in the Constitution itself. As I said, Dr. Ambedkar has left the whole thing open and it is possible that an Assembly elected on the basis of adult franchise will lay it down that the State shall own and control the key industries.

I have given notice of an amendment to an amendment of Mr. Kamath (875-A) which he did not move. My object there was to substitute for the words "The State shall foster the growth" the words, "the State shall promote the development". The amended amendment would have read: "The State shall promote the development of economic and social democracy and to that end direct its policy towards securing." I had proposed that this amendment should be incorporated in the first line of article 31 in accordance with the view announced by Dr. Ambedkar the other day that we want an economic democracy on the basis of 'one man one value'. It is a great ideal and I congratulate him for giving expression to that great ideal. With these words I commend this article to the House and I hope that the spirit of my criticism will be remembered by Dr. Ambedkar.

Shri Jadubana Sahaya (Bihar: General): With your kind permission, Sir I hope the House will give me the indulgence of making certain observations in regard to article 31 which is now before the House for its consideration.

Sir, it was said, possibly yesterday, that this article of this Chapter is the Charter of economic democracy. It was also said that in this Charter and in this article we could find the germs of socialism and other isms. It was said also that this article was the Charter of the poor man. I most respectfully submit that in this Chapter, Article 31 is the pivot around which everything will revolve. Article 31 clause (ii) is the most important feature to which I shall most respectfully draw the attention of the House. But it is not possible for me, I am sorry, to support the amendment moved by my friend Professor Shah outright, because I respectfully submit it is loosely worded. But I may state for the information of the House that, so far as the principles which underlie his amendment are concerned, I support them. The spirit of it also I support. I fail to see why this august Assembly which meets only once in every country, is not keen to the extent of clearly and boldly incorporating in this article that the means of production and the natural or material resources of the country shall belong to the community and through it to the State. I cannot understand this, though the large majority of the amendments, if you scrutinise them, will be found to favour the principles underlying the amendment of Professor Shah. I cannot understand how it is that the Congress, the predominantly majority party here, is not pressing this thing.

One Honourable Member stated yesterday that these are political matters and that political parties should not bring up such amendments. I was considerably surprised to hear it. Constitution making is the work of political parties. So far as the organisation to which I have the honour to belong, *viz.*, the Congress we congressmen have given promises from many platforms to the teeming millions that so far as the means of production and the natural resources of the State are concerned, they will not be put into the hands of a favoured few. How can we go back on our word? After all this is a directive principle. I am not asking you to incorporate it so that the capitalists and the big purses of the country may not have the opportunity to work the mines and the minerals. This is only a directive principle. Are we not going to keep it as our goal that all means of productions and the gifts of Nature which belong to this vast country should belong to the State or to the community? I am sorry, Sir, that the bogey has been raised by the capitalists that if you talk like this they will cease to produce. I know the large majority of friends here will not be deterred by this bogey raised by the capitalists, because production is not for the welfare of the community. It is for the welfare of the capitalists. They produce for profits. Honourable Members of this House know it better than myself that they produce for profit and they will continue to produce as long as they make profit and, if not, they will not. So we should not be deterred by this slogan. As far as the Government of India is concerned,—somebody attributed it to the Prime Minister—it is said that after ten years we shall have nationalisation. To this, Sir, Ardeshir Dalal has stated, according to newspaper reports, that production is hampered because something was said by the Prime Minister of India.

Sir, in this Chapter and particularly in this article are we not going to suggest that ultimately we have to nationalise them, are we not going to suggest that is the aim of the nation, is the target of the nation? We stated in the August Resolution that land belongs to the tillers of the soil. You have here magnificent and sparkling words, social justice, political justice and economic justice. Very good and splendid words but they appear very far away from the toiling millions. Why not state here, not today, not tomorrow but in the distant future that the community will own what belongs to the community by the gift of nature and by the gift of God. I do not belong to the Socialist Party but I belong to the Congress to which many here belong. May I appeal to Dr. Ambedkar who claims to represent the down-trodden untouchables of the country not to wash away this hope from our hearts that in the future

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years the natural resources of the community may belong not to the privileged few but to the poor people of the country, for the good and benefit of all.

Shri S. Nagappa (Madras: General): Sir, this clause is the only clause where the poor man, the common man can find some hope for the future. Clauses (ii) and (iii) are intended for the benefit of the poor man. No doubt, it would have been better if this clause had been drafted in more unequivocal terms instead of in this ambiguous language. As a layman, as a common man, I can see some ray of hope for the future in these clauses. It is the aim of all honourable Members who have assembled here to socialise as early as possible. As long as these clauses stand, there is no possibility of capitalism thriving in India. I am very much thankful to the Drafting Committee and to the President of it in particular for having brought in these clauses and my only grievance is that they have not been drafted in more unequivocal language. Sir, the slogans today are municipalise utilities and nationalise industries and means of production, and unless and until these things are done, there is no hope for the common man. Today, land is concentrated in a few hands and the tiller finds himself in serious difficulties. A friend was moving an amendment for abolishing feudalism in India. When such are his feelings, you can imagine what would be the feelings of a man who has been teased for centuries and centuries. You know the conditions of the tenants in jagirs and zamindaries. They are expected to work for nothing for a number of hours and for a number of days, whereas in factories there are fixed hours. I am very glad, Sir, that in the Fundamental Rights there is a provision against beggar and forced labour. I would request the framers of the Constitution to see that every word of it is translated into action. There is no use having pious wishes or putting in high-sounding words.

With these words, I support the article.

Shri Brajeshwar Prasad (Bihar: General): May I speak, Sir?

Mr. Vice-President : I am very sorry. I think there has been sufficient discussion. Dr. Ambedkar.

The Honourable Dr. Ambedkar : Mr. Vice-President, Sir, of the many amendments that have been moved to this particular article, there are only four that remain for consideration. I will first take up the amendment of Mr. Krishnamoorthy Rao. It is a mere verbal amendment and I say straightaway that I am quite prepared to accept that amendment.

Then there remain the three amendments moved by my friend, Professor K. T. Shah. His first amendment is to substitute the words "every citizen" for the words "the citizens". Now, if that was the only amendment he was moving, I would not have found myself in very great difficulty in accepting his amendment, but he also proposes to remove the words "men and women equally" to which I have considerable objection. I would therefore ask him not to press this particular amendment on the assurance that, when the Constitution is gone through in this House and is remitted back to the Drafting Committee for the consideration of verbal changes, I shall be quite prepared to incorporate his feelings as I can quite understand that "every citizen" is better phraseology than the words "the citizens".

With regard to his other amendments, viz., substitution of his own clauses for sub-clauses (ii) and (iii) of Article 31, all I want to say is this that I would have been quite prepared to consider the amendment of Professor Shah if he had shown that what he intended to do by the substitution of his own clauses was not possible to be done under the language as it stands. So far as I am able to see, I think the language that has been used in the Draft is a much more extensive language which also includes the particular propositions which have been moved by Professor Shah, and I therefore do not see the necessity

for substituting these limited particular clauses for the clauses which have been drafted in general language deliberately for a set purpose. I therefore oppose his second and third amendments.

Mr. Vice-President : I shall now put the amendments to the vote, one by one.

Mr. Vice-President : The question is:

“That in clause (i) of article 31, the words ‘men and women equally be omitted.’”

The motion was negatived.

Mr. Vice-President : The question is:

“That in clause (i) of article 31, the words ‘that the citizens, men and women equally’ have the right to an adequate’ the words ‘every citizen has the right to an adequate’ be substituted.”

The motion was negatived.

Mr. Vice-President : The question is:

“That for clause (ii) of article 31, the following be substituted:—

‘(ii) that the ownership, control and management of the natural resources of the country in the shape of mines and mineral wealth, forests, rivers and flowing waters as well as in the shape of the seas along the coast of the country shall be vested in and belong to the country collectively and shall be exploited and developed on behalf of the community by the State as represented by the Central or Provincial Governments or local governing authority statutory corporation as may be provided for in each case by Act of Parliament’.”

The motion was negatived.

Mr. Vice-President : The question is:

“That for clause (iii) of article 31, the following be substituted:—

‘(iii) that there shall be no private monopolies in any form of production of material wealth, social service, or public utilities nor shall there be any concentration of means of production and distribution in private hands and the State shall adopt every means to prevent such concentration or accumulation’.”

The motion was negatived.

Mr. Vice-President : The question is:

“That in clause (iii) of article 31, for the word ‘concentration’ the words ‘undue concentration’ be substituted.”

The motion was negatived.

Mr. Vice-President : The question is:

“That in clause (v) article 31, for the word ‘abused’ the word ‘exploited’ and for the words ‘economic necessity’ the word ‘want’ be substituted.”

The motion was negatived.

Mr. Vice-President : The question is:

“That in clause (v) of article 31, for the words ‘their age’ the words ‘their age, sex’ be substituted.”

The motion was negatived.

Mr. Vice-President : The question is:

“That in clause (v) of article 31, for the words ‘to their age or strength’ the words ‘to their sex, age or health’ be substituted.”

The motion was negatived.

Mr. Vice-President : The question is:

“That in clause (v) of article 31, for the words ‘that the strength and health’, the words ‘that the health and strength’ be substituted.”

The motion was adopted.

Mr. Vice-President : The question is:

“That Article 31, as amended, be part of the Constitution.”

The motion was adopted.

Article 31, as amended, was added to the Constitution.

Mr. Vice-President : We shall now proceed to Article 31-A.

Article 31-A

Shri M. Ananthasayanam Ayyangar (Madras: General): Mr. Vice-President, Sir, Amendment No. 927 stands in my name, but Mr. Santhanam has given an amendment to this amendment, for substitution of this. I find that that language is better. With your permission, Sir, he may be allowed to move his amendment in the place of mine. If you want me to formally move my amendment, I will do so, but I am prepared to accept the substitution for 31-A. I am prepared to adopt whichever course you direct.

Mr. Vice-President : Let Mr. Santhanam move.

The Honourable Shri K. Santhanam : Sir, I beg to move:

“That after article 31, the following new article be added:—

‘31-A. The State shall take steps to organise village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government’.”

Sir, I need not elaborate the necessity for this clause. Many honourable Members had given similar amendments for village panchayats, but they had also attached to it conditions like self-sufficiency and other matters, which many of us did not consider desirable to be put into the directives. What powers should be given to a village panchayat, what its area should be and what its functions should be will vary from province to province and from state to state, and it is not desirable that any hard and fast direction should be given in the Constitution. There may be very small hamlets which are so isolated that even for fifty families, we may require a village panchayat; in other places it may be desirable to group them together so that they may form small townships and run efficient, almost municipal administrations. I think these must be left to the provincial legislatures. What is attempted to do here is to give a definite and unequivocal direction that the state shall take steps to organise panchayats and shall endow them with necessary powers and authority to enable them to function as units of self-government. That the entire structure of self-government, of independence in this country should be based on organised village community life is the common factor of all the amendments tabled and that factor has been made the principle basis of this amendment. I hope it will meet with unanimous acceptance. Thank you, Sir.

The Honourable Dr. B. R. Ambedkar : Sir, I accept the amendment.

(At this stage Seth Govind Das rose to speak).

Mr. Vice-President : If you want to discuss anything, you can discuss after Prof. Ranga's amendment has been moved.

An Honourable Member : Prof. Ranga is not here.

Mr. Vice-President : I am on the horns of a dilemma. This amendment has been accepted. If I gave an opportunity to one speaker, then the whole question will have to be re-opened. I would value the advice of experts on this matter.

Shri M. Ananthasayanam Ayyangar : If you will permit me to say so, I shall only quote the procedure that is adopted in the House when it sits as a