

The motion was negatived.

**Mr. Vice-President :** The next amendment is No. 246 moved by Dr. Ambedkar.

The question is: that the following words be added at the end of article 7:

“or under the control of the Government of India.”

The motion was adopted.

**Mr. Vice-President :** Then we come to amendment No. 247 as amended by No. 22.

The question is:

That in article 7, for the words and inverted commas “the State” the word and inverted commas “State” be substituted, and before the words “In this Part” the figure and brackets “(1)” be inserted, and the following new clause after clause (1) so framed be inserted :

“(2) The provisions of this Part shall, so far as may be, apply to all local authorities within the territory of India or under the control of the Union Government.”

The motion was negatived.

**Mr. Vice-President :** The question is: that in article 7, for the word “or” the word “and” be substituted.

The motion was negatived.

**Mr. Vice-President :** The question is: that article 7, as amended, stand part of the Constitution.

The motion was adopted.

Article 7, as amended, was added to the Constitution.

### Article 8

**Mr. Vice-President :** Now we go on to the next article.

The motion is:

That article 8 stand part of the Constitution.

There are a number of amendments. No. 250 is by Dr. P.K. Sen but he is not in the House. No. 251 is in the name of Mr. Kamath.

**Shri H. V. Kamath :** I am not moving it.

**Mr. Vice-President :** Then there is No. 252 by Pandit Lakshmi Kanta Maitra.

**Pandit Lakshmi Kanta Maitra** (West Bengal : General): Mr. Vice-President, Sir, I move to:

That the proviso to clause (2) of article 8 be deleted.

The purpose of this amendment is self-evident, and as I have been strictly enjoined not to make any speech I simply move this amendment.

Sir, I move.

**Mr. Vice-President :** Then there are amendment Nos. 253 to 258. Is any Member going to move his amendment?

The amendments were not moved.

**Shri Lokanath Misra :** Sir, I want to move amendment No. 259 standing

[Shri Lokanath Misra]

in my name. I beg to move: that after clause (2) of article 8, the following new clause be inserted and the existing clause (3) be re-numbered as clause (4):

“(3) The Union or the State shall not undertake any legislation or pass any law discriminatory to some community or communities, or applicable to some particular community or communities and no other.”

In moving this new article I seek a thing more than supplementing article 35 which we have passed. Article 35 directs the State to do certain things, that is, to bring about a uniform civil code. My article simply says what the state should not do, so that it may not frustrate the very purpose for which article 35 has been enacted. Sir, deliberately we have chosen that our state is a secular state and we have tried to get rid of all the wranglings of religion because of the belief that although religion was made to unite mankind it has been found that it has disunited mankind and has brought various disputes. Rightly, therefore, have we declared that our State would be a secular State and thereby we mean that everybody who inhabits this land, everybody who is a citizen is just a man and his human needs will be fulfilled and his religion, if he has any, will be taken care of by the individual himself.

If we approve of this purpose, to give mankind that equality, that sense of justice, then when we are here to legislate for a future constitution, we must make it a fundamental right that we will not legislate in a manner and on a matter which will discriminate between one community and another. Our law must be so broad-based, must be so very intrinsically sound that it must apply to every human being, every citizen of this land. When you make any difference between citizens in this land, you can make it only on the lines of community and community directly means religion and we have deliberately eschewed religion. Therefore, to be frank enough, to be bold enough, to be true enough to our professions, we must make it a point that whenever we bring anything on the anvil of legislation, it must be such that it will apply to one and all of this land and there will be no differentiation. Let people say: We have one fundamental safeguard against inequality and injustice. Here is the law. It applies to everybody,—be he a Rajah, be he a Praja, be he a Hindu, be he a Muslim, be he a Parsi, be he a Christian. That itself is enough safeguard, because it will apply to every citizen equally. If the law is bad, it is bad for everybody; if it is good, it is good for everybody. Therefore, I say this must be a fundamental principle. We must accept it here and now that any law that henceforward we may be legislating must be applicable to one and all. To that effect, I candidly place before this House that to avoid all future doubts, all disparity, all discrimination, all distinction, we must make it a law and a fundamental law that the Union or the States shall not undertake any legislation or pass any law discriminatory to some community or communities, or applicable to some particular community or communities and no other. This House has very frankly, openly and boldly accepted the principle in article 35. I simply beg this House to make that article complete and self-sufficient. That gave only a direction; this gives a positive mandate for what we should not do, because by not doing all these things, by discriminating between citizens and communities we have divided the country and let it not lead to greater divisions. I submit that unless we accept this principle, our idea of a United Nation, of a united mankind and of equality of every citizen in this land will be frustrated. I therefore commend this new article to the consideration of this great House.

The Assembly then adjourned till Ten of the Clock on Friday, the 26th November 1948.

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