

CONSTITUENT ASSEMBLY OF INDIA

Tuesday, the 7th December, 1948

The Constituent Assembly of India met in the Constitution Hall, New Delhi, at Ten of the Clock, Mr. Vice-President (Dr. H. C. Mookherjee) in the Chair.

DRAFT CONSTITUTION—(Contd.)

Article 15—Contd.

Mr. Vice-President (Dr. H. C. Mookherjee) : We can now resume general discussion on article 15.

The Honourable Dr. B. R. Ambedkar (Bombay : General) : Sir, May I request you to allow this matter to stand over for a little while?

Mr. Vice-President : Is that the wish of the House?

Honourable Members : Yes.

Article 20

Mr. Vice-President : Then we can go to the next article, that is article 20.

The motion before the House is:

“That article 20 form part of the Constitution.”

I have got a series of amendments which I shall read over. Amendment No. 613 is disallowed as it has the effect of a negative vote. Nos. 614 and 616 are almost identical; No. 614 may be moved.

The Honourable Dr. B. R. Ambedkar : Sir, I move:

“That in the beginning of article 20, the words ‘Subject to public order, morality and health,’ be inserted.”

Sir, it was just an omission. Honourable Members will see that these words also govern article 19; as a matter of fact they should also have governed article 20 because it is not the purpose to give absolute rights in these matters relating to religion. The State may reserve to itself the right to regulate all these institutions and their affairs whenever public order, morality or health require it.

Mr. Vice-President : I can put amendment No. 616 to the vote if it is to be pressed. Has any Member anything to say on the matter?

(Amendment No. 616 was not moved.)

Mr. Vice-President : There is, I understand, an amendment to amendment No. 614 in List No. VI. Is that amendment to amendment being moved?

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

“That for amendment No. 614 of the List of Amendments, the following be substituted namely:—

That article 20 be numbered as clause (1) of that article and the following new clause be added at the end, namely:—

‘(2) Nothing in clause (1) of this article shall affect the operation of any existing law or prevent the State from making any law for ensuring public order, public morality and public health.’ ”