

- (d) such of the other provisions of this Constitution and subject to such exceptions and modifications shall apply in relation to the State as the President may by order specify:

Provided that no such order which relates to the matters specified in the Instrument of Accession of the State aforesaid shall be issued except in consultation with the Government of the State:

Provided further that no such order which relates to matters other than those referred to in the last preceding proviso shall be issued except with the concurrence of that Government.

- (2) If the concurrence of the Government of the State referred to in sub-clause (b) (ii) or in the second proviso to sub-clause (d) of clause (1) was given before the Constituent Assembly for the purpose of framing the Constitution of the State is convened, it shall be placed before such Assembly for such decision as it may take thereon.

- (3) Notwithstanding anything in the preceding clauses of this article, the President may, by public notification declare that this article shall cease to be operative or shall be operative only with such exceptions and modifications and from such date as he may specify:

Provided that the recommendation of the Constituent Assembly of the State shall be necessary before the President Issues such a notification’.”

The motion was adopted.

Article 306A was added to the Constitution.

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**Mr. President:** These are all the amendments that we have had from the Drafting Committee. There are certain amendments printed in the List of Amendments and probably some others in some one or other of the numerous lists subsequently circulated. The question is whether we take up any of those amendments. We have gone through the whole Constitution article by article and clause by clause at great length and I do not think we can reopen any of those things at this stage by bringing in fresh amendments. There is one amendment by Pandit Thakur Das Bhargava, No. 472, on which Mr. Naziruddin Ahmad has given notice of an amendment, and this was included in List I of Fifth Week. It was not by itself an amendment. It was a long article and it related only to one paragraph of that article. I think this very point has been covered by article 109 which we have passed. Article 109 confers original jurisdiction on the Supreme Court and Article 121 lays down that the Supreme Court will have its own rules of procedure, while article 25 deals with the remedies given to a party to have Fundamental Rights enforced in court. I think these three articles between themselves cover everything contained in the amendments of Mr. Naziruddin Ahmad and Pandit Bhargava. I therefore rule out of Pandit Bhargava's amendment.

We shall now take up the Preamble.

### Preamble

**An Honourable Member:** May I suggest that the Preamble be taken up when we meet again in November for the Third Reading? By that time, the Drafting Committee will also have submitted its final report to this House.

**Maulana Hasrat Mohani:** I object to that, because unless you get the Preamble passed today, how could you produce any report on the Second Reading?

**Shri K. M. Munshi:** Once in my life I support the Maulana Saheb!

**Mr. President :** I think we should get the Preamble also passed today. The Constitution as a whole has to be passed in its Second Reading and the Preamble forms part of the Constitution. Therefore, the Preamble cannot be postponed.

[Mr. President]

If necessary, we shall sit in the afternoon and dispose of it, unless we can do it within fifteen minutes that remain before one o'clock.

I find there are quite a good number of amendments to the Preamble in Vol. I of the Printed List. Many of them bring in certain matters really not germane to the Preamble but by way of introduction of the Preamble. But I find that Maulana Hasrat Mohani's amendment is one of substance and seeks to bring in altogether new ideas. Therefore, I would ask him if he wishes to move his amendment first.

**Maulana Hasrat Mohani:** I have three amendments. I want to move them separately, not in one bundle.

**Mr. President :** Which one do you want to move first?

**Maulana Hasrat Mohani:** I wish to move 453 first. It runs thus:

“That for amendment No. 8 of the List of Amendments (Volume 1), the following be substituted:—

“That in the Preamble, for the words “We, the People of India, having solemnly resolved to constitute India into a Sovereign Democratic Republic” the following be substituted:—

“We, the People of India having solemnly resolved to constitute India into a Sovereign Federal Republic”.”

*or alternatively*

“We, the people of India, having solemnly resolved to constitute India into a Sovereign Independent Republic”.

I shall just now give my reasons for proposing these amendments. In view of the proverbial shortness of public memory, I want first to remind the Members about a very fundamental fact that has been brought into the present Constitution and in the Draft prepared by Dr. Ambedkar. I refer to Volume IV No. 6 of the official report of the proceedings of this Assembly—list 738, Part I: Federal territory and jurisdiction. Under “name of territory and federation” it is said that the Federation hereby established shall be a sovereign independent republic known as India. So it is clearly laid down that we will have only a Federation and it will be a federation of Indian republics. But my friend, Dr. Ambedkar has cleverly, I suppose, dropped the word “federal” altogether and the word “independent” also has been dropped and he has said “democratic State”. I objected to that when I spoke the other day.

**Shri Deshbandhu Gupta:** (Delhi): On a point of order: the effect of these amendments if passed would be that the whole Constitution will have to be recast.

**Maulana Hasrat Mohani:** Who will be responsible for that?

**Shri Deshbandhu Gupta:** To move such an amendment at this stage is out of order and it should therefore be disallowed.

**Maulana Hasrat Mohani:** I should submit that I tried my best in the very beginning to stop you. I said that when you are going to decide the fate of India you should first make up your mind to find out and declare what kind of constitution you are going to frame. But I was ruled out. Of course I said if you do not accept my suggestion then you should not grumble, when the Preamble is presented; should I not raise any objection? Then I will not listen to you if you say because we have passed such and such a things .....

**Shri Deshbandhu Gupta :** May I have your ruling?

**Maulana Hasrat Mohani :** I say that you are responsible for preventing me from getting this thing discussed in the very beginning and therefore if you have to redraft the whole Constitution it does not matter. I shall insist on it. I have every right to propose any amendment in the Preamble, and if you find you have already passed something quite different, let me tell you that the Preamble will not be subject to your erroneous decisions and you will have to correct those decisions and it may take a year or two. But it does not matter. But unless and until you conform to the accepted principles prevalent all over the world, I think it will be ridiculous to pass this so perfunctorily.

**Shri Deshbandhu Gupta :** May I draw the attention of the Chair to the point of order moved by me? I am serious about it.

**Mr. President :** He is moving amendment No. 453 which runs thus:

“That in the Preamble for the words

‘We, the People of India, having solemnly solved to constitute India into a Sovereign Democratic Republic’ the following be substituted:—

We, the People of India, having solemnly resolved to constitute India into a Sovereign Federal Republic.’ ”

Or

‘We, the people of India having solemnly resolved to constitute India into a Sovereign Independent Republic.’ ”

So far as this amendment is concerned, I do not see anything in it that is out of order.

You are taking only this one, Maulana Sahib?

**Maulana Hasrat Mohani:** No, no. I will propose the other one when the time comes.

**Mr. President :** At present you are moving this one?

**Maulana Hasrat Mohani:** Yes. But I am not giving up the other amendment.

**Mr. President :** You are not taking up any other at the present moment. You have moved amendment No. 453.

**Maulana Hasrat Mohani:** Yes—this and the other one.

**Mr. President :** Which other one? We have only one amendment.

**Maulana Hasrat Mohani:** The alternative!

**Mr. President :** That does not make any difference.

**Dr. B. Pattabhi Sitaramayya:** You said before that if there are alternative amendments and one of them is moved, the other one would be blocked.

**Mr. President :** I do not see much difference between the two amendments. They are more or less the same. Therefore whether the one or the other is accepted does not matter.

**Dr. B. Pattabhi Sitaramayya:** So, if they are the same, only one can be accepted.

**Mr. President :** Whichever he moves, that I will put to the House.

**Maulana Hasrat Mohani:** So I have read out the official report. I refer to volume IV .....

**Mr. President :** The object of putting the Preamble last was that the Preamble may be in conformity with the Bill as accepted.

**Maulana Hasrat Mohani:** When I wanted the Preamble discussed at the very beginning you said we will not allow you to discuss it. I therefore pointed out that I was suspicious that when you had passed all the other articles according to your wishes, if any one else proposed anything about the Preamble you would say that it was not possible to go back on what we had passed it is now a settled fact and you will then rule me out of order. You gave me a promise that you would not do that and I have that in the printed report.

**Dr. B. Pattabhi Sitaramayya:** Well, you have been good enough to disallow the point of order but he admits the point of order and therefore he must be ruled out now.

**Maulana Hasrat Mohani:** What is the point of order?

**Mr. President :** Maulana Sahib, you are referring to something that I promised. I just want to have that.

**Maulana Hasrat Mohani:** I will read out to you what you said on a previous occasion. I have here also an admission on the part of Dr. Ambedkar himself. I refer you to the printed report, volume 7, No. 6, page 418 where he says that he will not object to any amendment being proposed at this stage.

With regard to yourself, I refer you to volume 4, No. 6 on page 733. That was the occasion when the report on the proposed Union Constitution was presented by Pandit Jawaharlal Nehru. I raised an objection at that time and you said that "you need not obstruct him just now". You said I could raise this objection afterwards. "As I understand it, the Maulana's point is that I should give him a promise at this stage that his amendment will not be ruled out of order." Then you said "More than this I cannot say anything at this stage." "I have given some sort of promise that Maulana wanted. I take it that the House wishes that we should proceed with the consideration of this report." I objected and said that I would not allow this report to be considered and then you said that I can raise my objection afterwards and for the present I may, allow Pandit Jawaharlal Nehru to proceed with; this report and it was on that understanding that I refrained from saying all these things at that time.

**Mr. President :** Far from giving a promise I definitely refused to give a promise. I read the relevant portion of the debate: "As I understand it, the Maulana's point is that I should give him a promise at this stage that his amendment will not be ruled out of order. Obviously I cannot give any promise to any Member before the matter actually comes up. But you may all have noticed that I am very liberal in the matter of allowing amendments to be moved even if they come out of time. Unless there is any technical ground, I do not see any reason why his amendment may be ruled out of order. More than this I cannot say anything at this stage."

**Maulana Hasrat Mohani:** I have been given some sort of promise. Very well, Sir. According to that report the Committee appointed for framing the constitution was given a clear directive that the Constitution should be framed in accordance with the Objectives Resolution passed by this Assembly. It is quite strange that instead of following the Objectives Resolution, Dr. Ambedkar is passing anything he likes. He wants the Objectives Resolution to be in conformity with his erroneous decision. He has reversed the order and this is what I object to most because it has changed the character of the Constitution. As I pointed out here, what was the object of the Objectives Resolution and the

report. They said that it will be a Federation of sovereign Independent Republics. Mark this plural form "Republics". Now he has reversed the whole thing. He has dropped the word 'Federation'; he has dropped the word Republic and he has dropped also the word, 'independent' for some ulterior motive which I am not going to disclose at this moment. I reserve it for a future occasion when I win throw is in his face when the time comes. For the present I say that according to the Objectives Resolution and according to the instructions given by Pandit Jawaharlal Nehru they should at least change this article in this way, that the spirit of what he suggested may be included in the article proposed by Dr. Ambedkar. He in fact, accepted this thing; he drops the word 'independent'. For the word 'independent' I want to put the word 'Federal' that is, a sovereign federal Republic; it does not matter if it is not a Republic. When I say a Sovereign Federal Republic, it means a Republic and the State units of that will also be Republics or it will be a federation, at least not what he wants. Instead of having a Republic or any Federation, he wants only a Union of States and the 'Union' also in the sense of a Federation. I say 'No'. He takes that word only because it implies also a sort of a unitary system, and whatever he wants he has reversed and changed the whole character of this Constitution. We mean and the Objectives Resolution means that India will be made a Federation of Independent Republics and he now says "No". India will be transformed and in the place of the British Empire you will create an Indian Empire which will consist only of States which will have got no power and in the States you have also included and brought down the Provinces also. Formerly, I thought that the States will get the benefit of this inclusion but you have brought down the provinces also and you have deprived them of everything and even the sort of provincial autonomy has been taken away and in fact you have allowed nothing for the Provinces. You decided that you win have elected governors for the provinces. I objected to the word 'governors' in the very beginning and when Pandit Jawaharlal Nehru said "I cannot satisfy the Maulana; he is a very deep man. He is afraid of this word 'Governor', I suggested that instead of the word 'Governor' we may put the word "President" also in regard to the provinces. They said that they need not do that. I did not press that matter at that time but now I find on hearing the explanations given by Dr. Ambedkar that he has reversed the whole picture and he has let the cat out of the bag. He has clearly said: "What will be India that is Bharat? It will be a Union of States." What does this mean? You have discarded the word 'Republic'; you have discarded the word "Federation"; you have discarded the word "Independent", and my honourable Friend, Dr. Ambedkar says: "Well, what does it matter? It does not matter when we say Republic. It is immaterial whether you call it independent or not". I say if this is immaterial why is he so anxious to change that word 'independent' into 'democratic'? There is something secretly going behind the scenes and I pointed out on a previous occasion that when Pandit Jawaharlal Nehru changed his mind and went to England to have some sort of connection with the British Commonwealth, then he thought that we will have a Republic and also 'independent'. So he wanted to create a loop-hole for himself because he can now say. "We are already a Republic". We are not an independent Republic. What sort of a Republic are we? Some sort of Republic that these European countries, these Imperialists, who are past-masters in this jugglery of words, have coined new phrases; and what are these new phrases? Holland has invented a phrase a Republican Dominion and France has coined a new word for Vietnam which says that it will be a colonial Republic. We admit that Vietnam is a Republic and Holland says that they have accepted Indonesia as a Republic but it says it is a Republican Dominion. Instead of the Dominion it will be included in an imperial regime and that fraud was brought about by Holland and by France and do you propose that you will also bring about the same fraud to be enacted here?

[Maulana Hasrat Mohani]

You said that we have got the word Republic. You have dropped the word Federation. You will also say that of course Pandit Jawaharlal Nehru has agreed to remain in the British Commonwealth because they accept we are independent. But, what sort of independence? It will be a republican dominion. Because if it is a real republic and not a republican dominion, you should have nothing to do with any King or Emperor directly or indirectly in any manner. When once Pandit Jawaharlal Nehru has agreed to remain in the British Commonwealth, I think he has forfeited his right to call India as a Republic. It is not a republic. If it is a republic, it is a republican dominion, as I said just now.

So, my alternative proposal is this. Either introduce the word 'Federal' instead of the word "Democratic". It will make something clear. If you do not want to introduce this word 'federation', if you are afraid of it, I will grant a concession to Dr. Ambedkar and you stick to the original wording of the Objectives Resolution which is given here. It will be "Independent Sovereign Republic." I say, drop this word 'democratic' and keep to the actual words used in the Objectives Resolution. If you use the words "Independent Republic" my object will be served. I come forward and say that whatever has been done by Pandit Jawaharlal Nehru is absolutely a false policy.

**Mr. President :** Does any one else wish to say anything about this amendment? I will put it to the vote. First alternative.

The question is:

"That in the Preamble for the words, 'We, the people of India, having solemnly resolved to constitute India into a Sovereign Democratic Republic' the following be substituted:—

'We, the people of India, having solemnly resolved to constitute India into a Sovereign Federal Republic.' "

The amendment was negatived.

**Mr. President :** I shall put the second alternative.

The question is:

"That in the Preamble, for the words, 'We, the people of India, having solemnly resolved to constitute India into a Sovereign Democratic Republic' the following be substituted:—

'We, the people of India, having solemnly resolved to constitute India into a Sovereign Independent Republic.' "

The amendment was negatived.

**Mr. President :** We shall take up the other things when we meet at six o'clock.

The Assembly then adjourned for Lunch till Six p.m.

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The Assembly reassembled after Lunch at 6 P.M., Mr. President (The Honourable Dr. Rajendra Prasad) in the Chair.

**Mr. President :** We have to take up the other amendment now. There is one in the name of Maulana Hasrat Mohani, No. 9.

**Maulana Hasrat Mohani:** Mr. President, I move:

“That in the Preamble, for the words ‘We, the People of India, having solemnly resolved to constitute India into a Sovereign Democratic Republic’ the words ‘We, The People of India, having solemnly resolved to constitute India into a Union of Indians socialistic Republics to be called U.I.S.R. on the lines of U.S.S.R.’ be substituted.”

**Shri Deshbandhu Gupta:** May I now raise the point of order again and submit that it is out of order because it goes counter to the Constitution we have passed?

**Mr. President :** A point of order has been raised that the whole Constitution that has been framed and accepted by this House is inconsistent with this amendment of the Preamble and therefore it should be ruled out of order.

**Maulana Hasrat Mohani:** It was for this very point I requested you to save me from this sort of manoeuvring. I am not going to repeat the same things. The other day I proposed this very thing in connection with article 1. What I am going to propose today is on a different basis. If you find me repeating the same argument, you can declare me out of order but if I say something quite new which has nothing to do with my amendment to the First article of the Constitution, I think I am entitled to some indulgence on your part. As I showed in my statement earlier, you gave a sort of promise that you will not rule me out abruptly, or without any consideration. Of course if you still think that I have nothing new to say and you find me repeating, you can rule me out; but if it is something, quite different from what I said in connection with article 1, then of course I do not see any reason why my amendment should be ruled out of order.

**Dr. B. Pattabhi Sitaramayya:** May I know whether the vote that was taken this morning was a vote to reject Maulana’s amendment? There was no positive vote on the wording of the Preamble?

**Mr. President :** I did not take any.

**Dr. B. Pattabhi Sitaramayya:** Therefore all that was done was to reject this amendment to substitute ‘independent’ or ‘Federal’ for the word ‘Democratic’.

**Mr. President :** Maulana, what I have to decide is not whether you are going to repeat or not. The point is whether this is in order or not. The objection is that it is inconsistent with the whole Constitution we have passed. What have you to say about that?

**Maulana Hasrat Mohani:** I do not know how it is inconsistent. Because the words in the Preamble are ‘Sovereign Democratic Republic’. I say that instead of these you can say ‘Union of independent Republics’. Where is the inconsistency? I do not find any inconsistency in that.

**Mr. President :** Do you really suggest that the Constitution we have passed is on the lines of U.S.S.R.?

**Maulana Hasrat Mohani :** I am not going to say anything of the kind I do not say we should go and merge in the U.S.S.R. or that you should adopt the same Constitution; but what I want to say is that we should work out our Constitution along the lines and on the pattern of Soviet Russia. It is a special pattern and also republican pattern and also it is of a centrifugal pattern.

**Shri Jainarain Vyas (Rajasthan):** May I enquire if the honourable Member is making a speech or replying to the point of order?

**Mr. President:** He is replying to the point of order.

**Maulana Hasrat Mohani:** When I propose this that we are not going to merge ourselves with Russia or we are not going to adopt the Constitution of U.S.S.R., I am only suggesting that the Constitution and the Preamble we are adopting here in this Second reading must be on the same lines, of the same pattern as the U.S.S.R. plan and I do not think there is any thing inconsistent in that. What are those considerations? What are the Fundamental principles of the U.S.S.R.? They are three. First that it will be federal constitution. Secondly that it will be a centrifugal federation, and at the same time, the Centre, after getting some central powers, it again delegated those powers to their constituent units, declaring that they.....

**Mr. President :** I think it will save time if I allowed Maulana Sahib to move his amendment, without giving any ruling. So you had better finish your speech.

**Maulana Hasrat Mohani :** Some of my friends here, whenever they hear the word "Soviet", say, "He is an agent of the Soviet Government, and he is in the pay of the Soviet Government." I do not think anybody in this world can accuse me of that kind of thing.

**Mr. President :** Nobody has said that in this House.

**Maulana Hasrat Mohani:** They are the henchmen of the Soviet, they carry out the orders they receive from the Soviet Government. I have no connection with them. I have got no connection with the Communist Party of India even, because I refused to join them on the ground that once they made the mistake of saying that we have got a common ground with England because we are both fighting Nazism. I said then, and I say it now, "Anybody who helps any foreign Government, especially the British Government, under any terms or for any motive, I say that he is wrong."

**Mr. President :** Maulana Sahib, let me remind you that we are not concerned with biographical details. You will please speak on your amendment.

**Maulana Hasrat Mohani:** I am not going to say anything to which anyone can take objection. I have nothing to do with the Soviet Government or the Soviet Constitution. I want only our Constitution and our Preamble to follow the lines adopted by the Soviet Government, and those are the three lines which I have mentioned. That is to say, our Constitution must be federal, and also along with being federal, it must be centrifugal, that the constituent States or Republics should willingly hand over certain central powers to the Centre. And after that, to obtain the goodwill of the constituent units, they again, I mean the Soviet Government again, gave freedom to their constituent units or republics. They said, "If you find at any time that the Centre is deciding something against your interest, you are at liberty to differ from the Centre." And therefore, they gave them the simultaneous right, and if they found anything going wrong, any proposal of the Centre, they could at once go. out and they said that even when the war was raging. They said to all those Muslim republics of the U.S.S.R., "If you like, you can go and fight on whichever site you want. If you do not like to fight for us, we do not press you. What was the result? The U.S.S.R. took them into its confidence and the result was not a single Muslim went against the Soviet Republic. Everyone fought, whole heartedly with the Soviet Government. What was the reason for this? They did so, because they found they had been taken into the confidence of the U.S.S.R. They were not made to leave the Soviet group. Why should they leave them? They were also cautious. They, would



never propose anything which might obviously go against the interest of their Constituent units.

So by adopting this conciliatory attitude they have attained that kind of from and that kind of success that has never been known in the world before. I say, Sir, that we should also follow the same policy, and we should also adopt the same attitude. We should also take out minorities into our confidence. Instead of doing that, you are going to out caste the altogether. You are passing anything you like, without the slightest consideration for the interests of even your political minorities. You do not care a fig about us, You see, your Bengal Government and your Madras Government have declared the Communist Party to be unlawful, on the ground that the Communists have adopted some unlawful means, that they are fighting, killing, murdering and looting. Well, I say that the same thing can be said by the Communists. They can say, "You do not allow us any scope, you do not allow us to take an independent and constitutional attitude, and you....."

**Mr. President:** May I remind you, that we are not in the Legislative Assembly, but we are here in the Constituent Assembly, and we are not concerned with what is happening in the country at the present moment.

**Maulana Hasrat Mohani:** Very well, Sir, I have only a few sentences more to speak in this connection and I am not going to take very long over them.

Supposing you say that the Communists can fight a free election in the next election, with joint electorates and all that, and without any restriction. But how are they going to do that? Supposing the Communist Party wants to adopt this constitutional means, will you allow them to issue their manifesto, which must certainly be against your principles? Will you allow them to have their agents for the elections? Will you allow them to have their own workers who will approach every voter? You will not do anything of that kind. Once they issue their manifesto, you will at once send them to the prison. So it is a question of whether the hen came first or the egg came first. You imprison them because they adopt violent means, and they say, "We are forced to resort to violent means because you do not leave us any scope for constitutional means."

**Mr. President :** Maulana Sahib, you are not speaking on your amendment.

**Maulana Hasrat Mohani:** Very well. I have only to request Dr. Ambedkar and this House to adopt the same conciliatory attitude to all political minorities and to adopt the same principles as have been adopted by the Soviet Union. I am not going to ask you to join the Soviet Union or to adopt their Constitution. With these few words, I propose my amendment and request Dr. Ambedkar to accept it.

**Mr. President :** Does anyone wish to say anything about this amendment?

**Honourable Members:** No.

**Mr. President :** Then I will put it to vote.

The question is:

"That in the Preamble for the words 'We, the People of India, having solemnly resolved to constitute India into a Sovereign Democratic 'Republic' the words 'We The people of India, having solemnly resolved to constitute India into a Union of Indian Socialistic Republics to be called U.I.S.R. on the lines of U.S.S.R., be substituted."

The amendment was negatived.

**Mr. President :** Now we have got a large number of amendments of which notice is given by other Members. Some of these amendments relate to two things. In some of them the name of God is brought in some form or other in this Preamble. In some others, the name of Mahatma Gandhi is brought in some form or other. Then there are some in which some amendments are suggested to the wording. But those are rather minor things, and the main amendments are really those in which the name of God is brought in, or the name of Mahatma Gandhi is brought in, or both together. Now, I would like to know from Members if they insist upon these amendments being moved, because I cannot prevent them from moving them; but I would suggest that neither God nor Mahatma Gandhi admits of a discussion in this House. (Hear, hear).

**Shri H. V. Kamath:** Mr. President, may I move my amendment No. 430?

**Mr. President :** If it is moved it may have to be voted upon.

**Shri Deshbandhu Gupta:** Sir, before Mr. Kamath moves his amendment, may I draw the attention of the House to the fact that when the Assembly passed the Objectives Resolution solemnly, all Members—standing, the Prime Minister at that time had made an appeal in these words:

yet,

“It is a Resolution and it is something much more than a resolution. It is a declaration. It is a firm resolve. It is a pledge and an undertaking and it is for all of us I hope a dedication..... and I wish this House, if I may say so respectfully, consider this Resolution not in a spirit of narrow legal wording, but rather look at the spirit behind that Resolution.”

The Preamble is no less important and the Prime Minister's remarks are equally applicable to same. I therefore appeal to Mr. Kamath that this may be borne in mind.

**Mr. President :** May I just point out to Mr. Kamath one thing? In the Schedule III which we have passed an oath or affirmation is prescribed for Ministers and others who have to take office. We have put the thing in the alternative form, such as ‘Swear in the name of God’ or, ‘Solemnly affirm’ so as to give freedom of choice to the believers and the non-believers to take the oath or the affirmation. Now here, would you like this thing also to be in the alternative form?

**Shri H. V. Kamath:** Here we are not individuals. Here we are all the people of India. There is much difference between the two.

**Mr. President :** The people of India includes individuals. If you insist upon moving your amendment I cannot prevent you. But I would suggest to you not to insist upon it.

**Shri H. V. Kamath:** Mr. President, I move.....

**Shrimati Purnima Banerji** (United Provinces: General). Mr. President, I would beg of you to see that the matter of God is not made the subject of discussion between a majority and a minority. It is most embarrassing. To most of us, believers and non-believers, it will be difficult to affirm or deny God. Let us not try to invoke His name in vain. It should not be brought up in this form and the Members compelled to vote one way or the other. The flame of God is invoked by every nation upon earth and God is an Impartial Entity and He should be allowed to remain so. With these words, I appeal to Mr. Kamath not to put us to the embarrassment of having to vote upon God.

**Shri H. V. Kamath:** I regret I cannot accept the appeal. I shall move amendment No. 430 standing in my name. Sir, I move:

“That in amendment No. 2 of the List of Amendments (Volume I), the following be substituted for, the proposed preamble:-

‘In the name of God,

We, the people of India,

having solemnly resolved to constitute India into a Sovereign democratic republic, and to secure to all her citizen

Justice, social economic and political;

Liberty of thought, expression, belief, faith and worship;

Equality of status and of opportunity; and to promote among them all;

Fraternity. assuring the dignity of the individual and the unity of the nation;

in our Constituent Assembly do hereby adopt, enact and give to ourselves this Constitution.’

**Dr. B. Pattabhi Sitaramayya:** ‘The amendment is only in the first line, you see, Sir?’

**Mr. President :** It is exactly the same as the Preamble except that it begins with ‘In the name of God’.

**Honorable Members:** No speech, please.

**The Honourable Shri K. Santhanam:** I rise to a point of order. The amendment moved must have a meaning.

**Mr. President :** It is not a point of order really.

**Shri H. V. Kamath:** I can reply to Mr. Santhanam. My amendment means, in the name of God we do this and that. No long speech is needed to commend this motion. Besides invoking the name of God, I have taken a little liberty with only one word, and that is, I have changed the word ‘Its’ citizens to ‘her’ citizens.

**Shri A. Thanu Pillai:** (Travancore and Cochin State): May I rise to a point of order, Sir? If Mr. Kamath’s amendment is accepted, -of course I am a believer in God-would not that amount to compulsion in the matter of faith? Is it not out of order to move a motion like that? It affects the fundamental right of freedom of faith. A man has a right to believe in God or not, according to the Constitution. In that view this amendment should be ruled out, though I am myself a staunch believer in God.

**Shri. H. V. Kamath:** My reply to Mr. Thanu Pillai is that we are passing this in the name and on behalf of the people of India. All that we have done, here in this Assembly has been in the name and on behalf of the people of India.

**Shri Rohini Kumar Chaudhury** (Assam: General): May I move an amendment to that of Shri Kamath that, instead of ‘In the name of God’, would he be pleased to accept ‘In the name of Goddess’? (laughter).

**Shri H. V. Kamath:** Mr. President, all that we have done in this House has been done on behalf of and for the people of India, and all decisions have been taken here by the vote of the House. Whether this becomes a matter for the vote of the House or not, I am sure in their heart of hearts the people of India for whom we have been working and toiling here for the last three years would endorse this amendment in toto. That is so far as the point raised by Mr. Pillai is concerned.

I have taken only a slight liberty with the text of the Preamble. As I have pointed out, I am sticking to the wording of the Objectives Resolution moved

[Shri H. V. Kamath]

by Pandit Jawaharlal Nehru in December 1946. In the first part of it, the future with reference to the governance of the country the words used are “her future governance”, her being apt for the motherland. That being so, we should say ‘her’ and not ‘its’ citizens in the Preamble. I would leave this however to the Drafting Committee.

As regards the substance of the motion I do not propose to make a long speech. In this august House, the first Constituent Assembly of India, of our Bharata Varsha, in this land, ancient but ever young, which has through the ages renewed itself at the Divine Fountain, let us consecrate this Constitution by a Solemn dedication to God in the spirit of the Geeta.

*Yatkaroshi yadashnasi*

*Yajjuhoshi dadasi yat*

*Yattapasyasi Kaunteya*

*Tatkurushwa madarpanam.*

Whatever our shortcomings, whatever the defects and errors of this Constitution let us pray that God will give us strength, courage and wisdom to transmute our baser metal into gold, through hard work, suffering and sacrifice for India and for her people. This has been the voice of our ancient civilisation, has been the voice through all these centuries, a voice distinctive, vital and creative, and if we, the people of India, heed that voice, all will be well with us.

**Shri V. I. Muniswamy Pillay** (Madras: General): I strongly support the motion moved by Mr. Kamath.

(Prof. Shibban Lal Saksena rose to speak.)

**Mr. President :** Do you want to move any amendment?

**Prof. Shibban Lal Saksena:** Yes, Sir; No. 3.

**Mr. President :** Does anyone wish to speak on this amendment which has been moved by Mr. Kamath?

**Shri M. Thirumala Rao** (Madras: General): Are you allowing Mr. Saksena to move his amendment? I want to speak a few words on Mr. Kamath’s amendment.

**Mr. President :** We are now on Mr. Kamath’s amendment.

**Shri Mahavir Tyagi:** May I remind Dr. Ambedkar of the promise he made to me on another occasion. May I read a few lines, Sir ? Sir, on the 15th November 1948 when the question was discussed, Dr. Ambedkar had asked me to remind him about this question of sovereignty, I said-

“I hope..... that his draft means that it (sovereignty) vests with the people, and big explanation may well go down into the records for future reference.”

He replied -

“Beyond doubt it vests with the people. I might also tell my friend that I shall not have the least objection if this matter was raised again when we are discussing the Preamble.”

**Mr. President :** That is not the point. At the present moment we are on Mr. Kamath’s amendment, not on that. We are not dealing with that question now.

**Shri M. Thirumala Rao :** It is unfortunate that Mr. Kamath has not seen his way not to press his amendment to a vote. This is a thing of such vital

importance and affects the life of the whole nation, that it should not be subjected to the vote of a House of three hundred people whether India wants God or not. We have accepted that God should be there in the Oath, but for those who do not believe in God, there is an alternative there, but there is no possibility of a compromise which can provide for both the things in the Preamble. Therefore, I think it would be better that Mr. Kamath withdraws his amendment and does not subject God about Whom he spoke in such reverent terms to the vote of the House, and if it comes to the vote, it will not be fair to ourselves and to the nation.

**Dr. B. Pattabhi Sitaramayya:** May I request that that amendment may be disposed of first before we take up anything else?

**Pandit Hirday Nath Kunzru:** It is a matter of the deepest regret that a matter that concerns our innermost and most sacred feelings should have been brought into the arena of discussion. It would have been far more consistent with our belief in the highest truths and our determination to adhere firmly to them that we should not seek to impose our own belief on others. I recognise the sincerity of Mr. Kamath and of those who agree with him, but I do not see why in a matter that vitally concerns every man individually, the collective view should be forced on anybody. Such a course of action is inconsistent with the Preamble which promises liberty of thought, expression, belief, faith and worship to everyone. How can we deal with this question in a narrow spirit? We invoke the name of God, but I make bold to say that while we do so, we are showing a narrow, sectarian spirit, which is contrary to the spirit of the Constitution and which we should try to forget at this time when we have reached the end of a very important stage of our labours.

**Shri Rohini Kumar Chaudhury:** Sir, I am at once with my Friend, Pandit Kunzru, in objecting to the amendment which has been moved by my Friend. Mr. Kamath. Sir, I have great admiration for my Friend, Mr. Kamath. I am one who has unbounded confidence in him so far as political affairs are concerned. I must confess that I am very sadly disappointed in him this evening. By this amendment, he shocked the feelings of many when he stoutly refused to accept the amendment which I proposed. Sir, it is not a matter of laughter with me. I believe in a Goddess. I belong to Kamrup where the Goddess Kamakhya is worshipped.

**An Honourable Member:** God includes Goddess.

**Mr. President :** It is bad as it is that we have brought in the name of God in our discussion. We should not become flippant about it.

**Shri Rohini Kumar Chaudhury:** We should remember that when we started our political movement, we started it with the singing of Bande Mataram. What does Bande Mataram mean? It means an invocation to a Goddess. It means belief in a Goddess. Sir, we who belong to the Sakthi cult, protest against invoking the name of God alone, completely ignoring the Goddess. That is my submission. If we bring in the name of God at all, we should bring in the name of the Goddess also. As I said, this amendment should not have been brought. But as it has been brought, this is my point of view.

**The Honourable Shri Satyanarayan Sinha** (Bihar: General): Sir, the question may now be put.

**Pandit Govind Malaviya** (United Provinces: General): Sir, I wish to say a few words.

**Mr. President :** There are so many others who are wanting to speak. But it has now been suggested that the matter be closed.

**Pandit Govind Malaviya:** It has been said that we should not impose our will on any section. I hope the other section of the House also will not do that. I wish, with your permission to say a few words on this matter.

**Mr. President :** But closure has been moved. I shall put the closure motion to vote.

The question is:

“That the question be now put.”

The motion was adopted

**Mr. President :** Now I have to put the amendment moved by Mr. Kamath to vote. There is no alternative left to me.

**The Honourable Dr. B. R. Ambedkar :** He may be asked to withdraw it.

**Mr. President :** I suggested to him not to move it. It rests with him to withdraw it.

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

**Mr. President :** He says he does not withdraw it.

The question is:

“That in amendment No. 2 of the List of Amendments (Volume 1), the following be substituted for the proposed preamble:-

‘In the name of God,

We, the people of India.

having solemnly resolved to constitute India into a Sovereign democratic republic, to all her citizens,

Justice social. economic and political;

Liberty of thought, expression, belief, faith and worship;

Equality of status and of opportunity; and to promote among them all

Fraternity, assuring the dignity of the individual and the unity of the nation;

in, our Constituent Assembly do hereby adopt, enact and give to ourselves the Constitution.”

**Shri H. V. Kamath :** I claim a division.

**Pandit Govind Malaviya:** I want a division on this question.

**Maulana Hasrat Mohani:** I also want a division on this question.

**Pandit Govind Malaviya:** I want a division because I feel that we are doing an injustice to this country and to its people and I want to know who says what on this matter.

The Assembly divided by show of hands.

Ayes: 41.

Noes: 68.

The amendment was negatived.

**Shri H. V. Kamath:** This, Sir, is a black day in our annals. God save India.

**Pandit Govind Malaviya:** Sir, it is so vital a matter and I again beg of you that we might have a division on this matter.

**Mr. President :** I have had the division now.

**Shri A. Thanu Pillai:** Sir, Mr. Kamath should not have made that statement and he should withdraw it.

**Mr. President :** I may tell Pandit Govind Malaviya this. I have got here in our Rules the following:

“A matter requiring the decision of the Assembly shall be brought forward by means of a question put by the Chairman.

In all matters requiring to be decided by the members of the Assembly, the Chairman shall exercise a vote only in the case of an equality of votes.

Votes may be taken by voices or division and shall be taken by division if any member so desires.”

Here I have taken the voices and then I have adopted the particular method of division by asking members to raise their hands, instead of asking them to rise in their places. I think I have substantially fulfilled the requirement of the Rules.

**Shri Mahavir Tyagi:** On a point of order, Sir, the President has already once laid down, by means of a Standing Order, as to what will be the method of Division. I have not got the Order with me because it was issued separately. In that Standing Order it is mentioned in so many words that when a member calls a Division the President shall get all tile doors closed and say “Ayes to the Right. Noes to the Left.” And then the members will file past by the side of the Tellers. That Standing Order was issued during the session and the requirement of that Standing Order has not been fulfilled.

**Mr. President :** You have not read the rule rightly. Paragraph (4) of rule 30 says: “The Chairman shall determine the method of taking vote by division.” I have followed that.

**Shri Mahavir Tyagi:** My point is once the standing order was issued it cannot be changed verbally.

**Mr. President :** Is it suggested that paragraph (4) of rule 30 is superseded?

**Shri H. V. Kamath:** That has been amplified and clarified in your office circular.

**Mr. President :** It does not require any clarification. It is very clear. The Chairman shall determine the method of taking voice by division:

“If in the opinion of the person presiding, a division is claimed unnecessarily (that is to say, when he is satisfied in any particular case that there is a clear preponderance of opinion in support of his declaration and against the challengers) he may not follow the ordinary method of having votes recorded in the division lobbies but may have the vote of the House by asking the members who are for ‘Aye’ and for ‘No’ respectively to rise, in their places and thereupon as he thinks fit, may either declare the determination of the House immediately or may order a division to be held. When the Chairman there and then declares the determination of the House, the names of voters will not ordinarily be recorded.”

**An Honourable Member:** The word “division” has got a particular meaning in point of phraseology. Claiming of division means that names will have to be recorded. It is not mere counting of hands. That is the practice followed in the Legislative Assembly.

**Mr. President :** We are not concerned with the procedure in other places. Our procedure is governed by our own rules and I have taken the division in the sense intended by that order. That is my final ruling.

**Pandit Govind Malaviya :** I have no doubt about the rules. They are quite clear. It is for the Chair to decide the manner in which the views of the House should be obtained. I did not have any doubt in my mind when I made the request to you. But since it is so important a matter about which many of

[Pandit Govind Malaviya]

us feel so very keenly, I leave it to you to decide whether anything more should be done. If you are satisfied that what has been done is not enough then in view of our request and our feeling, if you could consider it feasible to have some other method for a division adopted, we shall be very grateful.

**Mr. President :** I am perfectly satisfied that I have got the view of the House correctly and that is all I am concerned with. We shall go to the next item.

**Pandit Govind Malaviya:** There was an amendment in my name on this point. You have decided that only Mr. Kamath's amendment will be moved, but my amendment is quite different. It does not bring in the name of God and it is possible that it may not be offensive to anybody.

**Mr. President :** I am now going to take the amendments as they are on the Order Paper. I will see what is to be done about your amendment when we come to it. Prof Shah is not here; so his amendment is not moved. Then Mr. Saksena's amendment.

**Prof. Shibban Lal Saksena:** Sir, I beg to move:

"That for the Preamble, the following be substituted:—

'In the name of God the Almighty, under whose inspiration and guidance, the Father of our Nation, Mahatma Gandhi, led the Nation from slavery into Freedom, by unique adherence to the eternal principles of Satya and Ahimsa and who sustained the millions of our countrymen and the martyrs of the Nation in their heroic and unrelenting struggle to regain the Complete Independence of our Motherland,

We, the people of Bharat, having solemnly resolved to constitute Bharat into a Sovereign, Independent, Democratic, Socialist Republic, and to secure to all its citizens:

JUSTICE, social, economic and political,

LIBERTY of thought, expression, belief, faith and worship,

EQUALITY of status and of opportunity; and to promote among them all;

FRATERNITY assuring the dignity and freedom of the individual and the unity of the country and the Nation:

In our Constituent Assembly this;..... day of Vikrami Samvat 2006 (the 26th day of January, 1950 A.D.) do hereby enact, adopt and give to ourselves this Constitution.' "

I have been very much pained to see the attitude of some of our friends regarding the introduction of the holy name of God and the Father of the Nation at the banning of our Constitution. While they have a right to have their say, other people also have a full right to have their say. This country has always prided on its discoveries in the realm of the spirit and we are now afraid even to put in God's name at the commencement of our Constitution. I am one of those who think that we have produced a great piece of work by preparing this Constitution. There may be some defects in it. But I am sure we have done some very great things. It is only meet and proper that the name of God and the name of the Father of the Nation should be put at the beginning of our Constitution. I am sorry that some people should have thought that we are forcing it on them. There are other Constitutions in the world—the Irish Constitution, for instance—wherein in the very beginning in the Preamble God has been mentioned and homage has been paid to the martyrs who won their freedom. I have therefore been very much pained to



feel that some Members merely at the mention of the name of God or the Father of the Nation feel that something is sought to be forced upon somebody. If they feel that way, they are at liberty to have their opinion, but why force others who feel intensely in the matter to eliminate God's name? I greatly regret the attitude of my friends. I hope they will reconsider it. This Constitution will probably build our country on a new pattern and on the basis of the ideals set by the Father of the Nation. It is therefore meet and proper that we should humble ourselves before God and pay homage to the Father of the Nation by incorporating their names in the very beginning of the Constitution.

**Shri Brajeshwar Prasad** (Bihar: General): Mr. President, I rise to oppose the amendment moved by my Friend Prof. Shibhan Lal Saksena. I do not want that the name of Mahatma Gandhi should be incorporated in this Constitution, because it is not a Gandhian Constitution. The foundation stones of this Constitution are the decisions of the American Supreme Court. It is the Government of India Act, 1935, repeated again. If we had a Gandhian Constitution, I would have been the first to offer my support. I do not want that the name of Mahatma Gandhi should be dragged in this rotten Constitution.

**Mr. President :** I will now put this amendment to vote.

**Acharya J. B. Kripalani** (United Provinces: General): May I request the Mover of the amendment to withdraw it? It is not behaving us to vote on this amendment. We must be very sparing of the use of the name of the Father of the Nation. My Friend Shibban Lal knows that I yield to nobody in my love and respect for Gandhiji. I think it will be consistent with that respect if we do not bring him into this Constitution that may be changed and reshaped at any time.

**Prof. Shibhan Lal Saksena:** Sir, in response to the appeal of Acharya Kripalani, I beg to withdraw my amendment.

The amendment was, by leave of the Assembly withdrawn.

(Amendment No. 4 was not moved.)

**Pandit Govind Malaviya:** The amendment of which I had given notice ran thus:

That in the Preamble, for the words 'We the People of India' the following be substituted:—

'By the grace of Parameshwar, The Supreme Being, Lord of the Universe (Called by different names by different Peoples of the world).

From Whom emanates all that is good and wise, and Who is the Prime Source of all Authority,

We the people of Bharata (India).

Humbly acknowledging our devotion to Him,

And gratefully remembering our great leader Mahatma Mohandas Karamchand Gandhi and the innumerable sons and daughters of this land who have laboured, struggled and suffered for our freedom, And."

**Dr. P. S. Deshmukh:** I rise to a point of order. The essence of this amendment is in two respects. It introduces the name of God and it brings in the name of Mahatma Gandhi. Both of these issues have been decided by this House. In one case there has been some debate and voting; in the other case the honourable Gentleman has withdrawn the motion. I therefore urge

[Dr. P. S. Deshmukh]

that this amendment should be ruled out of order since the main ingredients in that amendment have been already decided by the House.

**Pandit Govind Malaviya:** If the words which I had used had been noted, it would have been seen that I had said that I was reading the amendment which I had intended to move. I had said that “it ran thus and thus”. If the House had borne with me for a moment, I was going to say, Sir that this was the amendment of which I had given notice, but in view of the session which had just taken place what I wished to move now was:

I would delete the last portions referring to Mahatma Gandhi and others, and would also delete the word Parameshwara at the beginning. That was what I was going to say to meet the point of view which has been expressed.

**The Honourable Dr. B. R. Ambedkar :** They have been disposed of:

**Pandit Govind Malaviya:** Then the amendment would read:

“By the Grace of the Supreme Being, Lord of the Universe, called by different names.....”

**Maulana Hasrat Mohani:** Is he proposing some new amendment? I rise to a point of order. He is out of order. He is proposing something new.

**Pandit Govind Malaviya:** Then it will satisfy even the unreasonable point of view which has been expressed here. We will not be referring to ‘God’ as such or to anybody’s particular God because my amendment says “called by different names by different peoples of the world” and yet we would be able to put into our Preamble something which has been the most distinctive and permanent feature of the thought and belief, of the tradition, of the culture and of the history of the entire life of the people of this country from time immemorial. I submit, Sir, that we have come here as representatives of the people of India. Honesty demands that we should record here what may be their view. In this Preamble, Sir.....

**Mr. President :** I shall decide the point of order. The first point is whether it is covered by the amendment which has been defeated. I think it is covered.

**Pandit Govind Malaviya:** Even after the deletions, if you think so, I shall take my seat.

**Mr. President :** By simply omitting the word Parameshwar you do not take out of the amendment which has been defeated.

**Pandit Govind Malaviya:** I thought the objection of some of our friends was to the word “God”. I shall obey your Ruling, Sir.

**Shri Mahavir Tyagi:** I do not want to move my amendment No. 11 but I want to ask Dr. Ambedkar if he is going to keep to the promise he had made.

**Mr. President :** That is a different matter.

**Shri Mahavir Tyagi:** He told me to remind him at the time when the Preamble was being discussed.

**Mr. Naziruddin Ahmad:** If there is a breach of promise, then my friend should go to Court!

**Shri Mahavir Tyagi:** It is not a question of breach of promise. I was assured according to the proceedings, by what Dr. Ambedkar had stated about the investment of sovereignty. I had moved an amendment and he had replied that

the meaning was “vested in the people” but it was not defined in so many words I had insisted that it be ascertained. Dr. Ambedkar said: “You doubt that it vests with the people. I might tell my friend that I shall not have the least objection.”

**Mr. President :** Is there any amendment?

**Shri Mahavir Tyagi:** But this is for the Drafting Committee to do it.

**Shri Satish Chandra** (United Provinces : General): There is an amendment No. 452 in list XXI to the same effect, standing jointly in the names of Shrimati Purnima Banerji and myself.

**Shri Mahavir Tyagi:** If you permit me they might accommodate it in the Drafting Committee.

**Mr. President :** I understand there is an amendment to that effect. We shall have to take it up when we come to it.

Amendment No. 14: there are several amendments with regard to the name. Those do not arise now.

Does any Member who has given notice of the amendments printed in the first volume wish to move his amendment?

**Honourable Members:** No.

**Mr. President :** I shall go to the supplementary list. There are amendments in the supplementary printed list and I take it that no Member wants to move any of those amendments either.

**Honourable Members:** No, no.

(At this stage Shrimati Purnima Banerji rose to speak).

**Mr. President :** Yours is one of these recent amendments, but I am now thinking of the old printed list.

Then we come to amendment No. 452.

**Shri Brajeshwar Prasad:** There is amendment No. 313 previous to that in List XIII second page.

**Mr. President :** Yes, you can move it.

**Shri Brajeshwar Prasad:** Mr. President, Sir, there are eight amendments standing in my name. I refer to amendments Nos. 313, 314, 316 and 317, 318, 319, 320 and 323. Sir, I would like to move only one amendment.

I refer to amendment No. 313. Mr. President, Sir, I move:

That for amendment No. 1 of the List of amendments (Vol. 1), the following be substituted:—

“That for the Preamble the following be substituted:—

“WE THE PEOPLE OF INDIA, having resolved to constitute India into a CO-OPERATIVE COMMONWEALTH to establish SOCIALIST ORDER and to secure to all its citizens—

- 1 an adequate means of LIVELIHOOD
2. FREE AND COMPULSORY EDUCATION
3. FREE MEDICAL AID
4. COMPULSORY MILITARY TRAINING

do hereby ordain and establish this Constitution for India”.

**Dr. P. S. Deshmukh :** What about a camel and motor cycle?

**Shri Brajeshwar Prasad:** It is for you to suggest those things. Sir, this word secular has not found any place in our Constitution. This is the word on which the greatest stress has been laid by our national leaders. I do submit that this word ought to be incorporated in our Preamble because it will tone-up the morale of the minorities and it will check the spirit of loafism that is rampant in politics. I have laid stress on another word. I refer to the word 'Socialist'. I believe that the future of India is in Socialism. I believe in a Socialist order. When I say that I believe in a socialist order. I do not mean that I accept the Marxian interpretation of History. I do not believe in class war nor in the materialist Philosophy which is so widely prevalent among the socialist circles. By socialism I mean an equalitarian social order. Equality of opportunity without equality of income is a mere shibboleth. I believe that in India we have to evolve a new type of socialism consistent with the tradition and history of this land. The theory of materialism is a well-knit dogma. I think that we people in India have not to learn anything from Germany on philosophical speculation.

Now I come to some other words which have found place in the Preamble. There seems to be a confusion of thought. I hold the opinion that the word 'liberty' and 'equality' do not go together. They are incompatibles. They are the enemies of one another, the one can only triumph at the expense of the other. With your kind permission, I would quote a small passage of a few lines from a booklet. I refer to the book entitled "*Liberty versus equality*" by Muriel Jaeger:

"It is becoming more and more widely accepted that ownership is one of those liberties infringe the liberty of others and so must be abolished, or drastically restricted. And at this point what one may call the "paradox of liberty" becomes acute. If every liberty that does, or may do, harm to one's fellow-men were taken away, there would be no liberty left. The abolition or restriction of private wealth implies some kind of public control. Public control means public planning, for the general good is the whole object of taking wealth out of private hands. This is well-worn platitude; but it is the details that interest us—the effect that the application of those platitudes will have upon our lives from day to day, from year to year, and from generation to generation.

"Public planning means that enterprise, labour, distribution must be strictly regulated. It means, therefore that that one's chance to choose one's occupation must be reduced, since the plan cannot possibly be worked unless enough labour is directed into the occupation where it is needed, regardless of whether enough people want to do that kind of work or not."

Sir, I would crave your indulgence for a few minutes.

**Mr. President :** Are you going to read the Whole book?

**Shri Brajeshwar Prasad:** No, Sir.

**Mr. President :** I thought you said you would read one sentence, but at least you have read one paragraph.

**Shri Brajeshwar Prasad:** I have read a few lines; I wanted to finish one paragraph consisting of 12 lines

I will just urge another point. I hold that liberty and equality are not merely incompatibles but they can be reconciled only in a classless society and here, I would again refer to another paragraph and I would like with your permission to read a few lines:

"As for the final goal, the Marxists, who are so severe with "Utopians", have always been rather pathetically vague. But so far as one can discover, they foreseen a state in which everyone will work cheerfully for the common good, any help himself to whatever he wants from the common stock, which will then be so ample that there will be no danger of any rivalry or clashing of interests. They think that this will be the natural result of a society 'without force and without subordination' and that good social habits will grow of themselves in a classless society, so that special state apparatus will become gradually superfluous. It appears from this that the ultimate Communist idea is complete Liberty combined with complete Equality."

I do not want to place impossible ideals before the nation. Sir, it is only in a classless society that we can achieve a reconciliation of the two concepts of liberty and equality.

I have suggested that instead of these ideals laid down in the preamble we should have some pragmatic ideals before us. If we succeed in providing an adequate means of livelihood, free and compulsory education, free medical aid and compulsory military training I would think that our efforts have borne fruit. I do not want to place impossible ideals before the nation which we know well that neither in our life-time nor in the life-time of our children or our grand children we will not be able to achieve. I would like to refer to another point before I conclude. I object to the word 'sovereignty' in this Preamble. I hold the opinion that the whole concept of Austinian sovereignty has been exploded. A legal concept must have some relation with real facts. If it is not so, it has got no value.

Sir, it is not right to say that the Government of Nepal is a sovereign State. It has got the right: it is sovereign and it can declare war against the U.S.A. The Government of the U.S.S.R. is free to liquidate the Communist Party of Russia. We know that both in the external and internal affairs the State is circumscribed by numerous factors. If the Government of Nepal declares war against America or the U.S.S.R. tries to liquidate the Communist Party, we know what the result would be. Therefore, I hold the opinion that we should not place any undue emphasis upon this word "sovereignty". I hold the opinion that this ideal is neither necessary nor desirable because sovereignty leads to war; sovereignty leads to imperialism. (Clapping and interruption).

**Mr. President :** I hope the honourable Member will take the hint.

**Shri Brajeshwar Prasad:** I have a right to demand protection from you. I can never be hood-winked in this way.... I will have my say and let honourable Members clap their hands, I will go on speaking and unless you ask me to close my speech, I will go on speaking. I cannot allow, Sir, without raising my voice of protest.....

**Shri Mahavir Tyagi:** On a point of order, I hope you as the custodian of the rights of Honourable Members will see that Members are not shouted down like that.

**Mr. President :** There is no attempt at shouting him down. They only want to cheer him down. The honourable Member had better finish.

**Shri Brajeshwar Prasad:** Sir, I will now deal with only one aspect of the question. The word 'sovereign' has found a place in this Preamble. I am rather thick-skinned. I will never resume my seat. I will speak and then take my seat. I feel that this word 'sovereign' is entirely misplaced. A State consists of individuals. Are individuals sovereign in any sense of the term? If individuals are not sovereign, how can a State which consists of individuals be sovereign. It is a very well-known fact that man has no free will of his own, that he is circumscribed by factors of heredity and environment. Both qualitatively and quantitatively he holds a very insignificant place in the universe. If man is so insignificant, if man is a non entity in the world how can a State which consists of individuals be a sovereign State? Therefore, Sir, I am opposed to this idea of sovereignty.

We are sovereign. We are a sovereign State to the extent it is possible for a modern state to be sovereign. We do not aspire to rise to those Austinian heights because, as I have already stated, it is a frivolous concept, it is a mis-

[Shri Brajeshwar Prasad]

chievous concept. The deletion of the word 'sovereign will not in any way deter us from exercising the functions of sovereignty which are vested in the Government of India. It will not detract one iota of sovereignty. But by the retention of the word 'sovereign', we are placing a false ideal, a mischievous ideal before the nation. Therefore, I am opposed to this Preamble. Let us have some pragmatic life-ideals which we may be capable of achieving in our own life-time and in the life-time of our children.

**Mr. President :** Does any one wish to say anything about the amendment? I shall put this amendment to vote.

The question is:

That the amendment No. 1 of the List of Amendments (Vol. 1), the following be substituted:—

That for the Preamble, the following be substituted:—

“WE THE PEOPLE OF INDIA—having resolved to constitute India into a SECULAR CO-OPERATIVE COMMONWEALTH to establish SOCIALIST ORDER and to secure to all its citizens—

1. an adequate means of LIVELIHOOD
2. FREE AND COMPULSORY EDUCATION
3. FREE MEDICAL AID
4. COMPULSORY MILITARY TRAINING

do hereby ordain and establish this Constitution for India”

The amendment was negatived.

**Mr. President :** We shall take up the amendment of which notice has been given by Shrimati Purnima Banerji, amendment No. 452.

**Shri H. V. Kamath:** On a point of order, may I submit, Sir, that I have not moved my amendment No 2? This is with reference to my amendment. Therefore, it cannot arise.

**Shri Mahavir Tyagi:** On the point of order, may I submit, Sir.

**Mr. President :** The point of order has been raised. I am considering it. Let me find out what he has moved and what he has not moved.

**Shri Mahavir Tyagi:** On the point of order raised by my honorable Friend Mr. Kamath. I beg to submit that on previous occasions, such amendments have been permitted in the House. When there was no occasion to give amendments because they were time-barred, many of us took the opportunity of just hinging our amendments or connecting them with previous ones. If those Members did not move, it is not the fault of the other honourable Members who have come with their ideas and their amendments. Because there is no other chance of making the amendments relevant, with in the time, the only course left to them was, just to relate their amendments to previous ones already given notice of. I would therefore submit, Sir, that at this fag end of the debate, you might kindly not give a ruling which will debar the moving of this amendment.

**Mr. Naziruddin Ahmed:** May I point out Sir, that this is not an amendment to another amendment, in which case it would have been barred by the rules, but an amendment “with reference to” some other amendment. Therefore, the amendment is in order.

**Mr. President :** I have as a matter of fact allowed amendments of this nature to be moved. So, I cannot rule this out.

**Shrimati Purnima Banerji:** Sir, I move:

“That in amendment No. 2 of the List of Amendments (Volume 1), for the first paragraph in the proposed preamble, the following be substituted:—

‘We on behalf of the people of India from whom is derived all power and authority of the independent India.....

With your permission, Sir, I would like to drop the word “sovereign” here.

“its constituent parts and organs of Government, having solemnly resolved to constitute India into a Sovereign Democratic Republic and to secure to all its citizens:—

Sir, my honourable Friend Mr. Tyagi has given point to my amendment and further strengthened my hands. I feel that the Preamble that we are now dealing with forms one of the most important parts of the Constitution and to persons like us who are not of a legalistic bent of mind, it stands as a charter of our freedom and as a measure of our success or our failure. It lays down the goal to which we are going and therefore at this moment if members of this House will allow us to express what we feel on this subject with a little more patience, then, I personally will be very grateful.

Sir, I feel that the Constitution which we have drawn up has invested the President and Parliament with wide powers. At this moment, I do not think we should be content with considering the masses of our people as the sovereign authority from whom all power is derived and in whom all sovereign authority rests by merely believing that because they once go to the polls once in five years their sovereignty is secured. Therefore, I feel that, in the Preamble, mention of that sovereignty should be made. I have not gone beyond what the House has already passed. The wording which I have quoted here is taken almost verbatim from the Objectives Resolution which was first passed in this House in January 1947. As I said before, the three parts of the Constitution or rather three incidents in the Constitution, one, the Objectives Resolution, second the statement of Objectives of State policy and the Preamble are supposed not to have any legal binding upon the Constitution. But they, in fact, constitute the very life breath of the Constitution which we have here framed. I do not wish to take more of your time. I would strengthen my argument with the speech quoted by my honourable Friend Mr. Tyagi from the speech made by Dr. Ambedkar when he moved the Preamble. At that moment, I was not present in the House. But that has borne my contention out that the sovereignty of the people should be mentioned somewhere in the Constitution. With these words, I move my amendment.

**Shri Mahavir Tyagi:** Sir, In supporting the amendment of my honourable Friend, Shrimati Banerji, I have to remind the House of the proceedings of 15th November 1948, when a similar amendment was moved by me. It was worded like this that the sovereignty will vest in the whole body of people. It was discussed thread-bare and I was assured that the article to which I was moving that amendment was not the proper place for that amendment and I was promised that this amendment would be considered when the Preamble was discussed. Now is the occasion when I beg to remind the House of the promise the Chairman of the Drafting Committee gave me. I am keen that the residence of the sovereignty should be defined, I am more keen about it because up till today the sovereignty vests in His Majesty the King of England. There is all Englishman in whom we have vested the sovereignty for a century past. So if we do not say in so many words, as to where the sovereignty would vest in future it will go on vesting in an

[Shri Mahavir Tyagi]

Englishman. We want to break it away from him. Therefore we must definitely say that there is no more sovereignty attached to the King of England.

Then, I also do not want to let remain any doubt or danger of any Government, this or future, to bargain or barter away the sovereignty of the Country in the name of Commonwealth or common brotherhood or common citizenship or whatever it be. So the sovereignty must be vested in so many words in the people as a whole. In China in their Constitution they have put it that the sovereignty vests in the whole people of China. Whether the Communists take China or not, the people will remain. People will not be animals if they become communists or if they adopt any party label. People will remain in India as well and the sovereignty will vest in the people of India. It must be defined so that the Government might not misuse it. It does not vest even in the Government. Government only represents the people. Because Dr. Ambedkar has agreed to put it in the Constitution, I do not want to dilate upon it and I hope he will kindly accommodate these words and make it clear once for all that the sovereignty vest in the people and not in any foreigner as it does today, nor in the state even though it has the title of being a "sovereign state".

**Acharya J. B. Kripalani:** Mr. President, Sir, it was not my intention to speak but some friends, wanted that at this last moment when practically we are Finishing Our Constitution I should speak a few words. Some of my friends said that I began, by a formal speech, the proceedings of this House and that I should, at this time of its Second Reading which is for all practical purposes the final reading, finish the proceedings.

Sir, you, like a good host, have reserved the choicest wine for the last. This Preamble should have come in the beginning of the Constitution even as it is given in the beginning of the Constitution. There was a reason for that because it would have been before us in every detailed Provision that we made in the Constitution. It would have cautioned us that we were not deviating from the basic principles which we have laid down in the Preamble. As I have sat in this House from day to day, I have seen that very often we have deviated from the basic principle laid down in the preamble only recently we went against the great principle of democracy. This unfortunate land is divided into many castes and economic classes. There are innumerable divisions. I think it was the first time in the history of World's Constitutions that a new caste of administrators was created, and it was placed in a privileged position. It was placed in the position where even the chosen representatives of the people could not touch its special privileges as against the people. This, I submit, was going against the first basic principles of our Constitution.

Sir, I want, at this solemn hour to remind the House that what we have stated in this Preamble are not legal and political principles only. They are also great moral and spiritual principles and if I may say so, they are mystic principles. In fact these were not first legal and constitutional principles, but they were really spiritual and moral principles. If we look at history, we shall find that because the lawyers and politician made their principles into legal and constitutional form that their life and vitality was lost and is being lost even today. Take democracy. What is it? It implies the equality of man, it implies fraternity. Above all it implies the great principle of nonviolence. How can



there be democracy where there is violence? Even the ordinary definition of democracy is that instead of breaking heads, we count heads. This non-violence then there is at the root of democracy. And I submit that the principle of non-violence, is a moral principle. It is a spiritual principle. It is a mystic principle. It is a principle which says that life is one, that you cannot divide it, that it is the same pulsating through us all. As the Bible puts it, "we are one of another," as Vendanta puts it, that all this is One. If we want to use democracy as only a legal, constitutional and formal device, I submit, we shall fail. As we have put democracy at the basis of your Constitution, I wish Sir, that the whole country should understand the moral, the spiritual and the mystic implication of the word "democracy". If we have not done that, we shall fail as they have failed in other countries. Democracy will be made into autocracy and it will be made into imperialism, and it will be made into fascism. But as a moral principle, it must be lived in life. If it is not lived in life, and the whole of it in all its departments, it becomes only a formal and a legal principle. We have got to see that we live this democracy in our life. It would be inconsistent with democracy to have it only in the legal and political field. Politically, we are a democratic people but economically we are divided into such classes that that the barriers cannot be crossed. If we have got to be democratic we have got to be economically so too.

I also say democracy is inconsistent with caste system. That is social aristocracy. We must do away with castes and classes Otherwise we cannot swear by democracy. And we must remember that economic democracy does not merely mean that there should be no classes, that there should be no rich and poor; but the State itself should live in a manner that is consistent with the life of the poor, if people happen to be poor. It is not economic equality if for pomp and pageant, we spend thousands and lakhs of rupees. It is again not democracy if at every corner of the Government House human beings are made to stand statue like and unmoving. Such things are against the dignity of the individuals. If we establish democracy, we have to establish it in the whole of our life, in all its departments, whether it be in administration, or in society or in the economic field. This we must know and understand.

Then we have said that we will have liberty of thought, expression, belief, faith and worship. We must understand the implications of this also. All these freedoms can only be guaranteed on the basis of non-violence. If there is violence, you cannot have liberty of thought, you cannot have liberty of expression, you cannot have liberty of faith or liberty of worship. And this non-violence should go so far as to make us not only what is popularly called tolerant of other people, but to a certain extent, we should accept their ideas as good for them. Mere tolerance will not carry us far. Many people are merely tolerant. Why? Because they are indifferent. They say "this man's worship is different from ours. It is wrong. The man is sure to go to hell"; but let him; it is none of my business." That is not tolerance. That is intolerance. If violence is not used physically, it is because it is not possible always to use violence, but there is mental violence. We have to respect each other's faith. We have to respect it as having an element of truth. No religion in the world is perfect, and yet there is no faith without some element of God's truth

Then we have said that there should be equality of status and opportunity. This implies that in our public affairs, we should be absolutely above board, that there should be no nepotism, there should be no favouritism, there should be no 'mine' and 'not mine'. This can be done. We can give equality of opportunity and equality of status only when what is considered as "Ours" is put behind and what is considered as "Not Ours" is put before. Unless we do these things, we will not be able to fulfil the aims of our Constitution.

[Acharya J. B. Kripalani]

Again I come to the great doctrine of fraternity which is allied with democracy. It means that we are all sons of the same God, as the religious would say but as the mystic would say, that there is one life pulsating through us all or as the Bible says, "We are one of another." There can be no fraternity without this. So I want this House to remember that what we have enunciated are not merely legal, constitutional and formal principles, but moral principles; and moral principles have got to be lived in life. They have to be lived whether it is private life or it is public life, whether it is commercial life, political life or the life of an administrator. They have to be lived throughout. These things, we have to remember if our Constitution is to succeed.

Sir, one word more and I have done. I think the amendment proposed by Shrimati Purnima Banerji should be accepted, because it really describes the true position and as such it should be enunciated in the Preamble. On formal occasion, on great occasions, on important occasions, we have to remind our selves that we are here as the representatives of the people. More than that. We have to remind ourselves that we are the servants of the people. We often forget that we are here in a representative capacity. We, often forget that we are the servants of the people. It always happens that our language, because of our thoughts and actions, gives little countenance to this basic idea. A Minister says "Our Government" not "The People's Government." The Prime Minister says "My Government" not the "People's Government". Therefore, on this solemn occasion, it is necessary to lay down clearly and distinctly that sovereignty resides in and flows from the people. (*Cheers*). I hope therefore, this House will carry Shrimati Purnima Banerji's amendment.

**Mr. President :** Are there some other people who want to speak ?

**Mr. Naziruddin Ahmad:** Mr. President, Sir, the eloquent words of Acharya Kripalani require one explanation. He seems to think—and I speak with great respect—that the success of a democracy depends upon the introduction of some sweet and palatable words in the Constitution, I however, submit that the success of a democracy depends on how it is practically worked. It has nothing to do whatever with what we may state in the Preamble or in the Constitution. On the actual working of democracy its success depends.

**Honourable Members:** Closure, closure.

**Mr. President :** I take it that closure is accepted. I shall now ask Dr. Ambedkar to reply

**The Honourable Dr. B. R. Ambedkar:** Mr. President, Sir, the point in the amendment which makes it, or is supposed to make it, different from the Preamble drafted by the Drafting Committee lies in the addition of the words "from whom is derived all power and authority". The question therefore is whether the Preamble as drafted, conveys any other meaning than what is the general intention of the House, *viz.* that this Constitution should emanate from the people and should recognise that the sovereignty to make this Constitution vests in the people. I do not think that there is any other matter that is a matter of dispute. My contention is that what is suggested in this amendment is already contained in the draft Preamble.

**Maulana Hasrat Mohani :** Then why don't you accept it?

**The Honourable Dr. B. R. Ambedkar :** I propose to show now, by a detailed examination, that my contention is true.

Sir, this amendment if one were to analyse it, falls into three distinct parts. There is one part which is declaratory. The second part is descriptive. The third part is objective and obligatory if I may say so. Now, the declaratory part consists of the following phrase: 'We the people of India, in our Constituent Assembly, day, this month..... do hereby adopt, enact and give to ourselves constitution.' Those Members of the House who are worried as to whether Preamble does or does not state that this Constitution and the power and authority and sovereignty to make this Constitution vest in the people should separate the other parts of the amendment from the part which I have read out, namely the opening words 'We the people of India in our Constituent Assembly, this day, do hereby adopt, enact and give to ourselves this Constitution' Reading it in that fashion.....

**Shri Mahavir Tyagi:** Where do the people come in? It is the Constituent Assembly Members that come in.

**The Honourable Dr. B. R. Ambedkar :** That is a different matter. I am for the moment discussing this narrow point: Does this Constitution say or does this Constitution not say that the Constitution is ordained, adopted and enacted by the people. I think anybody who reads its plain language, not dissociating it from the other parts, namely the descriptive and the objective cannot have any doubt that that is what the Preamble means.

Now my friend Mr. Tyagi said that this Constitution is being passed by a body of people who have been elected on a narrow franchise. It is quite true that it is not a Constituent Assembly in the sense that it includes every adult male and female in this country. But if my Friend Mr. Tyagi wants that this Constitution should not become operative unless it has been referred to the people in the form of a referendum, that is quite a different question which has nothing to do with the point which we are debating whether this Constitution Should have validity if it was passed by this Constituent Assembly or whether it will have validity only when it is passed on a referendum. That is quite a different matter altogether. It has nothing to do with the point under debate.

The point under debate is this: Does this Constitution or does it not acknowledge, recognise and proclaim that it emanates from the people? I say it does.

I would like honourable Members to consider also the Preamble of the Constitution of the United States. I shall read a portion of it. It says: "we the people of the United States"—I am not reading the other parts—"We the people of the United States do ordain and establish this Constitution for the United States of America." As most Members know, that Constitution was drafted by a very small body. I forget now the exact details and the number of the States that were represented in that small body which met at Philadelphia to draw up the Constitution. (Honourable Members There were 13 States). There were 13 States. Therefore, if the representatives of 13 States assembled in a small conference in Philadelphia could pass a Constitution and say that what they did was in the name of the people, on their authority, basing on it their sovereignty. I personally myself, do not understand unless a man was an absolute pedant, that a body of people 292 in number, representing this vast continent, in their representative capacity, could not say that they are acting in the name of the people of this country. (*'Hear, hear'*).

**Maulana Hasrat Mohani:** I do not think. It is only a community.

**The Honourable Dr. B. R. Ambedkar :** That is a different matter, Maulana. I cannot deal with that. Therefore, so far as that contention is concerned,

[The Honourable Dr. B. R. Ambedkar]

I submit that there need be no ground for any kind of fear or apprehension. No person in this House desires that there should be anything in this Constitution which has the remotest semblance of its having been derived from the sovereignty of the British Parliament. Nobody has the slightest desire for that. In fact we wish to delete every vestige of the sovereignty of the British Parliament such as it existed before the operation of this Constitution. There is no difference of opinion between any Member of this House and any Member of the Drafting Committee so far as that is concerned.

Some Members, I suppose, have a certain amount of fear or apprehension that, on account of the fact that earlier this year the Constituent Assembly joined in making a declaration that this country will be associated with the British Commonwealth, that association has in some way derogated from the sovereignty of the people. Sir, I do not think that that is a right view to take. Every independent country must have some kind of a treaty with some other country. Because one sovereign country makes a treaty with another sovereign country, that country does not become less sovereign on that account. *(Interruption)*. I am taking the worst example I know that some people have that sort of fear. *(Interruption)*.

**Shrimati Purnima Banerji:** May I, Sir.....

**Mr. President :** Let Dr. Ambedkar proceed. He has not insinuated anything.

**The Honourable Dr. B. R. Ambedkar :** I say that this Preamble embodies what is the desire of every Member of the House that this Constitution should have its root, its authority, its sovereignty, from the people. That it has.

Therefore I am not prepared to accept the amendment. I do not want to say anything about the text of the amendment. Probably the amendment is somewhat worded, if I may say so with all respect, in a form which would not fit in the Preamble as we have drafted, and therefore on both these grounds I think there is no justification for altering the language which has been used by the Drafting Committee.

**Mr. President :** The question is:

“That in amendment No. 2 of the List of Amendments (Volume 1), for the first paragraph in the proposed Preamble, the following be substituted:—

‘We, on behalf of the people of India from whom is derived all power and authority of the Independent India, its constituent parts and organs of government, having solemnly resolved to constitute India into a Sovereign Democratic Republic and to secure to all its citizens.’ ”

The amendment was negatived.

**Mr. President :** There is no other amendment. The Preamble, as it is, is now open to discussion, if any Member wishes to say anything.

**Honourable Members:** The question may now be put.

**Mr. President :** If nobody is willing to speak, I shall put the Preamble to the vote. The question is:

“That the Preamble stand part of the Constitution”.

The motion was adopted

The preamble was added to the Constitution.

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**Mr. President :** We are now coming to the close of this session. Before I actually adjourn the House, there are certain things which have to be settled