

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

That clause (3) of article 10 be deleted.

The motion was negatived.

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

“That in clause (3) of article 10, for the words ‘shall prevent the State from making any provision for the reservation’ the words ‘shall, during a period of ten years after the commencement of this Constitution, prevent the State from making any reservation’ be substituted.”

The motion was negatived.

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

“That in clause (3) of article 10, the word ‘backward’ be omitted.”

The amendment was negatived.

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

“That in clause (4) of article 10, after the words ‘in connection with’ the word ‘managing’ be added, and the words ‘or denomination’ be deleted.”

The amendment was negatived.

**Mr. Vice-President :** I shall now put the article as a whole as amended by amendment No. 338, (as modified by amendment No. 77), as amended by amendment No. 340 as modified by amendments numbers 81 and 82 of list III, and as further amended by amendment No. 342. The question is:

That this Article in this modified form stand part of the Constitution.

The motion was adopted.

Article 10, as amended, was added to the Constitution.

#### Article 12

**Mr. Vice-President :** We come to Article 12.

**An Honourable Member :** What about Article 10-A, Sir?

**Mr. Vice-President :** So far as our records show, that was finished. That was not moved.

The motion before the House is:

“That article 12 form part of the Constitution.”

The first amendment is No. 383, standing in the name of Pandit Lakshmi Kanta Maitra and others.

(Amendment No. 383 was not moved.)

**Mr. Vice-President :** Amendment No. 384 is out of order.

(Amendment No. 385 was not moved.)

**Mr. Vice-President :** Amendments Nos. 386 and 392 may be considered together. I can allow amendment No. 386 to be moved. It stands in the name of Shri Kamleshwari Prasad Yadav.

(Amendments numbers 386 and 392 were not moved.)

**Mr. Vice-President :** Amendments Nos. 387 and 394 are of similar import. I shall allow amendment number 387 to be moved. One thing more: before you speak, I want to know whether Mr. A. K. Menon in whose name amendment No. 394 stands, wants to press it.

**Shri A. K. Menon** (Madras : General) : No, Sir.

**Shri T. T. Krishnamachari :** Sir, I move:

“That in clause (1) of article 12, after the word “title” the words ‘not being a military or academic distinction’ be inserted.”

Sir, article 12 clause (1) will read, as amended, as follows:

“No title not being a military or academic distinction shall be conferred by the State.”

The history of this particular article the Members of the House know very well. Generally, public opinion has been against any titles being granted. The House is also aware that consequent on India becoming independent, several people who had accepted titles from our British Rulers in the past had given up their titles, though some of them do retain them still. There has been a proposal at one stage that it is the intention of the members of the Drafting Committee to exclude only hereditary titles or other privileges of birth; but Dr. Ambedkar has chosen not to move it. Actually, if he had moved it, it would have made the position of those people who did not have any hereditary titles, but resigned their titles with the advent of independence, very difficult. Then, it would mean that the Government could grant titles like Dewan Bahadur, something analogous to knighthood, and so on. It would put those people who have been patriotic enough to resign their titles at the time that we got independence in a very invidious position.

Even now, in my view, the article is not complete; because, without a specific non-recognition of titles already granted by the British, those people who have been good enough to resign their titles have no benefit. Some have resigned their titles in order to get jobs; and they have got jobs. Other people have resigned; and they have got nothing out of it. Some people have kept their titles and those titles are recognised by the present Government. It makes the position of those people who have resigned their titles very sad. It may probably be that in course of time the Government will refuse to recognise those titles. I know the one Paper which is very near to the Government refuses to recognise such titles. Personally, I think, if the House would permit me to make a personal remark, from my point of view, the retention of titles is beneficial. Here is an honourable Member of the House who bears the same name as mine. He even went to England along with me. He is a titled gentleman; I am not and that helps to avoid confusion and I am glad he retained his title. That is by the way. What I really mean by this amendment is that certain type of titles has to be permitted. For instance, honourable Members of this House know that the Government have decided on three types of Military distinction to be granted in the future Mahavir Chakra, Parama Vir Chakra and Vir Chakra. Please do not confuse this with the name of our friend Mahabir Tyagi, a very distinguished Member of this House, to whom the title was given by his parents. In course of time, these Vir Chakras will become Bir Chakras. This amendment is moved to make provision for these Military distinctions.

In regard to academic distinctions, you may ask, academic distinctions are not conferred by the State. It may probably be that, some time later, the State might be willing to revive titles like Mahamahopadhyaya which will probably be classed as academic.

Even so, in consonance with the definition of State in article 7, the University becomes a State and no one in the House can say, that the University is something completely divorced from State. So much so, the titles granted by Universities or academic institutions have to be provided for as one cannot completely exclude it from the scope of clause (1) of article 12 as it stands now. The House might ask whether those titles earned by us by sitting for an examination however insignificant it might be like mine or however big it might be like Dr. Ambedkar's will those titles come under the scope of article 12 because the holder had to sit for an examination and get it. These will not come under article 12. But there are titles which are *Honoris Causa*. For instance the House knows that our Prime Minister, Deputy Minister, Ministers and Governor-General are being showered with Doctorates wherever they go and wherever there happens to be a mushroom University. To provide for contingencies of that sort and also so that when other Members of the House

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become Ministers they might also get these titles, we are providing by this amendment that academic distinctions should be excluded from the scope of this sub-clause. I hope the House fully understands the meaning of this amendment, which in my view takes stock of things to come and provides for them. I hope the House will accept my amendment.

**Mr. Vice-President :** Amendments Nos. 388, 389, first part of 390, 391, 395 to 397 are of similar import. 389 may be moved.

**Shri Loknath Misra :** Sir, I beg to move:

“That in clause (1) of article 12, after the words “be conferred” the words “or recognised” be inserted.”

Sir, this is a small amendment. I beg to submit that if you are going to abolish all titles, it is also proper that those people who have already titles rightly or wrongly should no more be recognized. We know that titles are appendages and titles give a different view to the man and we know instances where people have got titles which they do not deserve and the entitled gentlemen belies the import of the title. I therefore submit that we should not only abolish all titles, we should also cease to recognise any title that has been conferred, but recognised by none of us.

**Mr. Vice-President :** I would like to know whether the mover of amendment No. 388 wants it to be put to vote.

**Shri H. V. Kamath:** Yes, Sir.

**Mr. Vice-President :** No. 390 first part. I want to know whether this should be put to vote.

**Prof. K. T. Shah:** Yes.

**Mr. Vice-President :** 391 is the same. 393, 396 and 397 are not moved. 390 (second part) is disallowed as being a verbal amendment. I can allow 398, 399 and 400 to be moved.

(Nos. 398 and 399 were not moved).

**Mr. Naziruddin Ahmad :** Mr. Vice-President, Sir, I beg to move:

“That for clause (2) of article 12 the following clause be substituted:—

“(2) No title conferred by any foreign State on any citizen of India shall be recognised by the State.”

This word ‘the’ before “State” is a consequential change. Sir, the clause which this amendment seeks to replace runs thus:—

“No citizen of India shall accept any title from any foreign State.”

What is prohibited by the original clause is the ‘acceptance’ of a title. I would ask: if anybody accepts any foreign title, what is the penalty which is provided? No penalty is provided for accepting it. The State has no means of giving effect to this clause. If anybody accepts a title from a foreign State, what are you going to do—send him to rigorous imprisonment for six months?

**The Honourable Dr. B. R. Ambedkar :** The State shall not recognize it.

**Mr. Naziruddin Ahmad :** I am grateful for the interruption. My amendment is exactly this that no title conferred by any foreign State on the citizens of India shall be recognised by the State. The honourable Member Dr. Ambedkar has stated very kindly that the State shall not recognize it. That is really the form in which it should be stated. Supposing any title is conferred upon any honourable Member here by a foreign State and if he accepts it, you have no means of effecting a compliance with clause (2). All that you can do as has been rightly pointed out by Dr. Ambedkar is that you do not recognise

it; and that is the form in which this amendment stands. I do not think any further authority is necessary than the interjection of Dr. Ambedkar to support my amendment.

(Amendments Nos. 401, 402 and 403 were not moved.)

**Shri Algu Rai Shastri** (United Provinces: General): \*[I am not moving this amendment because a similar amendment was moved earlier by Shri Krishnamachari and I agree with him. I, therefore, do not move my amendment.]

**Mr. Vice-President** : 404 is not moved. 405, 407, 410 and 411 are of similar nature. I rule that amendment No. 405 may be moved.

(Amendments Nos. 405, 407, 410, 411 and 406 were not moved.)

**Mr. Vice-President** : Amendment Nos. 408 and 409 are verbal ones and therefore I disallow them. Now for general discussion. Mr. Kamath.

**Shri H. V. Kamath** : Mr. Vice-President, Sir, with your permission, I want to say a few words in support of the amendment.

**Mr. Vice-President** : I can allow you discussion on the clause as a whole, but cannot allow you to speak about your own amendment.

**Shri H. V. Kamath** : With your permission, I want to refer to the amendment of some other member. I want to say something in support of the amendment moved by my friend Mr. Lokanath Misra. But before I come to that, I would like to say one or two words about the doubt or difficulty raised by my friend Mr. Naziruddin Ahmad in the course of his motion on amendment No. 400. He wanted to know if a member of the House, or for the matter of that, if a citizen of India, is invested with a title by any foreign State, what will happen? Shall we sentence him to rigorous imprisonment? But I say the remedy is easy. We can say that the citizen who accepts that title forfeits his citizenship of India. Such a remedy is open to us, in accordance with the provision of this article.

**Mr. Naziruddin Ahmad** : But there is no provision to that effect.

**Shri H. V. Kamath** : I suppose it will flow from the existing provision.

Now, coming to the amendment which was moved by Mr. Misra, and which I am going to support, the amendment says that titles should neither be conferred nor recognized by the State. I think, it is a very important provision in the new set-up of our country. It is one thing to say that titles should not be conferred and quite another thing to say that titles shall not be recognized. Unfortunately, Sir, even today in our country, even after the British have quitted our country, the toys or the baubles that the British have left behind still remain with us. Of course, we cannot compel our fellow-citizens, our brethren here, to give up the titles that they might have received at the hands of their erstwhile British Masters. There may not be any compulsion. But certainly, we can see to it that the State, that is to say, the Government does not in any way recognise those titles. I will illustrate my point. In most, or at least some of the government documents, records or communiques or press-notes issued by the Government from time to time, officers of the State, including ambassadors abroad, are referred to along with their titles. If I remember a right, our Charge-d-Affaires in Paris, and our Ambassador in America, whenever their names are mentioned by the Government in a press-note or communique, their titles go along with their names. The titles are not dropped. I for one, fail to see why Government should continue to recognise or mention these titles in the course of their official communiques or notes.—I remember very well, that after the Russian Revolution, and after the revolution in Turkey 25 years ago, whatever titles had been bestowed by the former regime

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\*[ ] Translation of Hindustani speech.

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were abolished and those who did not choose to give up such titles were given no importance whatsoever. The State did not refer to those titles whenever they referred to the names.

Of course, it may be argued against the amendment of Mr. Misra, that it is not possible to make this a justiciable right. But certainly, I fail to see, if clause (1) of article 12 can be made a justiciable right, why not this? I have got very serious doubts on the point whether clause (1) of article 12 can be a justiciable, fundamental right. No title shall be conferred by the State. But if the State inadvertently or in a fit of absent-mindedness or due to some other cause, does confer titles, what can be done against the State? After all, the State itself has conferred the title. Will you proceed against the State? If you can proceed against the State in that eventuality, there is no reason why the State cannot be proceeded against, if the State in any way recognises a title conferred by the erstwhile British masters. I therefore, support Mr. Misra's amendment. So far as those titles are concerned which are still with us unfortunately, and so far as those title-holders are concerned the Government of India should not recognise them in any way whatsoever in their documents or references or in any other way. If there is any legal difficulty about incorporating it as a justiciable fundamental right, I shall be happy to hear from my learned friend Dr. Ambedkar that the principle is acceptable, and if it can be embodied in the Constitution somewhere, or if it could be brought forward in Parliament by means of a special bill, to the effect that the State will not recognise titles, then I shall be happy. I also hope that in that event, my friend Mr. Misra will not press his amendment.

**Shri R. K. Sidhwa** (C. P. and Berar: General): Mr. Vice-President. Sir, the conferment of titles during the British regime has been so scandalous that a large section of the people of the country has always viewed it with contempt. Therefore I am very glad that in this House and everywhere outside also, today the conferment of titles is looked upon with equal contempt, and this Constitution rightly provides that there should be no titles conferred upon anyone by the State.

If you refer to clause (3) a concession has been made of a person upon whom a title is conferred by a foreign State. Sir, if our State does not recognise in our own country the conferment of titles, I really fail to understand why we should allow even a foreign State to confer a title upon one of our own citizens. I am of the opinion that the word 'title' should be omitted from the clause. It says—

"No person holding any office of profit or trust under the State shall, without the consent of the President, accept any present, emolument, title or office of any kind from or under any foreign State."

Sir, emoluments, we can understand. Presents we can understand, but why titles? The whole object of this article is not to confer titles then why include 'title' in clause (3)? The beauty of this article is really spoilt by this little word. I support this article, but I should have preferred that foreign states also should not be allowed to confer any title on any of our countrymen.

**The Honourable Dr. B. R. Ambedkar** : Sir, I accept the amendment moved by my Friend Mr. T. T. Krishnamachari.

With regard to the amendment moved by my friend Mr. Naziruddin Ahmad, he wanted the word "accepted" to be substituted by the word "recognised". His argument was, supposing the citizen does accept a title, what is the penal provision in the Constitution which would nullify that act? My answer to that is very simple: that it would be perfectly open under the Constitution for

Parliament under its residuary powers to make a law prescribing what should be done with regard to an individual who does accept a title contrary to the provisions of this article. I should have thought that that was an adequate provision for meeting the case which he has put before the House.

With regard to the second point of Mr. Kamath, if I have understood him correctly, he asked whether this is a justiciable right. My reply to that is very simple: it is not a justiciable right. The non-acceptance of titles is a condition of continued citizenship; it is not a right, it is a duty imposed upon the individual that if he continues to be the citizen of this country then he must abide by certain conditions, one of the conditions is that he must not accept a title because it would be open for Parliament, when it provides by law as to what should be done to persons who abrogate the provisions of this article, to say that if any person accepts a title contrary to the provisions of article 12 (1) or (2), certain penalties may follow. One of the penalties may be that he may lose the right of citizenship. Therefore, there is really no difficulty in understanding this provision as it is a condition attached to citizenship by itself it is not a justiciable right.

**Shri H. V. Kamath :** My point is about recognition of existing titles by the State.

**The Honourable Dr. B. R. Ambedkar :** As I said in reply to my friend Mr. Naziruddin Ahmad, it is open for Parliament to take such action as it likes, and one of the actions which Parliament may take is to say that we shall not recognise these titles.

**Shri H. V. Kamath :** I want Dr. Ambedkar to accept the principle. Parliament can do what it likes later on.

**The Honourable Dr. B. R. Ambedkar :** Certainly it is just commonsense that if the Constitution says that no person shall accept a title, it will be an obligation upon Parliament to see that no citizen shall commit a breach of that provision.

The Assembly then adjourned till Half Past Nine of the Clock on Wednesday, the 1st December 1948.