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Volume XII  
No. 1

Tuesday  
24th January  
1950



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# CONSTITUENT ASSEMBLY DEBATES

OFFICIAL REPORT

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6641  
THE CONSTITUENT ASSEMBLY OF INDIA

*President :*

THE HONOURABLE DR. RAJENDRA PRASAD.

*Vice-President :*

DR. H. C. MOOKERJEE.

*Constitutional Adviser*

SIR B. N. RAU, C.I.E.

*Secretary :*

SHRI H. V. R. INGAP, C.I.E., I.C.S.

*Joint Secretary :*

SHRI S. N. MUKERJEE.

*Deputy Secretary :*

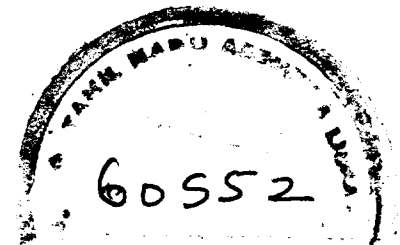
SHRI JUGAL KISHORE KHANNA.

*Under Secretary :*

PROF. BAL KRISHNA.

*Marshal :*

SUBEDAR MAJOR HARBANS RAI JAIDKA.



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## CONSTITUENT ASSEMBLY OF INDIA

*Tuesday, the 24th January 1950*

The Constituent Assembly met in the Constitution Hall, New Delhi, at Eleven of the Clock, Mr. President (The Honourable Dr. Rajendra Prasad), in the Chair.

### TAKING THE PLEDGE AND SIGNING THE REGISTER

The following Members took the Pledge and signed the Register:—

Shri Ratnappa Bharmappa Kumbhar (Bombay States).

Dr. Y. S. Parmar (Himachal Pradesh).

### STATEMENT RE: NATIONAL ANTHEM

**Mr. President:** There is one matter which has been pending for discussion, namely the question of the National Anthem. At one time it was thought that the matter might be brought up before the House and a decision taken by the House by way of a resolution. But it has been felt that, instead of taking a formal decision by means of a resolution, it is better if I make a statement with regard to the National Anthem. Accordingly I make this statement.

The composition consisting of the words and music known as Jana Gana Mana is the National Anthem of India, subject to such alterations in the words as the Government may authorise as occasion arises; and the song Vande Mataram, which has played a historic part in the struggle for Indian freedom, shall be honoured equally with Jana Gana Mana and shall have equal status with it. *(Applause)*. I hope this will satisfy the Members.

### ELECTION OF NEW MEMBERS

**Shri B. Das** (Orissa: General): Sir, before we dispersed on the last occasion, we gave full power to you, the Honourable President of the Constituent Assembly of India, to direct the provincial Governments and the Government of India about the way in which elections will take place for the seats vacated by the displaced persons, who will not be Members of this place any more. Further, we read in the papers that the Honourable the Prime Minister made a statement that more women should be elected to the Parliament. We saw certain statement issued by Rashtrapati Dr. Pattabhi Sitaramayya in connection with election of more women Members.

**An Honourable Member:** On a point of order, Sir.

**Shri B. Das:** There is no occasion for any point of order now. The present position, I may say, is that the United Provinces has sent two lady Members in place of three now displaced. The Orissa province has not sent any lady Member. No other Province has made any extra effort to send in lady Members. Women are about 50 per cent. of the population. I do not want that they should give battle at the time of the next elections on this ground. I do not want a pitched battle between Man and Woman.

**Mr. President:** I think if you only put a question I may answer it.

**Shri H. V. Kamath** (C. P. & Berar: General): May I request you, Sir, to be so good as to tell the House whether any steps were taken to secure the representation of Hyderabad in this Assembly, and if so, at what stage the matter stands today? That is the only State that has not so far sent any Member to this Assembly.

**Mr. President:** I shall answer the questions one by one. So far as filling the vacancies which arose on account of the elimination of Members who were also members of the provincial legislatures is concerned, the rules were amended and elections have been held in accordance with those rules. According to the decision of the House and according to those rules there are no seats reserved for women. It was left to the electorate to elect women. Such persons as have been elected will come to this House and we could not compel any electorate to send in women only.

As regards the other question, I am not in a position to say as to what steps have been or have not been taken. That is really a matter for the Government.

**Shri H. V. Kamath:** May I know if any instructions were issued from your office?

**Mr. President:** We had asked all those who are entitled to send Members to this House to send their representatives. That has been done and nothing further has happened after that.

**Shri H. J. Khandekar** (C. P. & Berar: General): May I know whether any instructions were issued by you or by your office to fill the seats vacated by Scheduled Castes by Members from the aboriginal tribes?

**Mr. President:** I do not think there were any such instructions issued.

**Shri H. J. Khandekar:** But there were some instructions issued to some Provinces that the Harijan seats should be filled by the aboriginal tribes.

**Mr. President:** I do not know.

**Shri H. J. Khandekar:** Were such instructions issued in Orissa?

**Mr. President:** I do not know.

**Prof. Shibban Lal Saksena** (United Provinces: General): May I know whether any Hindi translation of the Constitution has been prepared?

**Mr. President:** Yes, it is ready.

**Shri H. J. Khandekar:** May I request you to enquire into the matter as regards Orissa where from a member of the aboriginal tribe is elected to this House in place of a Harijan?

**Mr. President:** If I continue in this place I will enquire about it.

## ELECTION OF PRESIDENT OF INDIA

**Mr. President:** The next item is the announcement of the result of the elections. I call upon Shri H. V. R. Iengar, the Returning Officer and the Secretary of the Constituent Assembly to make the announcement.

**Shri H. V. R. Iengar** (Returning Officer and Secretary, Constituent Assembly): Mr. President, I have to inform honourable Members that only one nomination paper has been received for the office of the President of India. The name of

that candidate is Dr. Rajendra Prasad. (*Loud and prolonged cheers.*) His nomination has been proposed by Pandit Jawaharlal Nehru (*Renewed Cheers*) and seconded by Sardar Vallabhbhai Patel (*Continued Cheers*). Under sub-rule (1) of rule 8 of the Rules for the election of the President, I hereby declare Dr. Rajendra Prasad to be duly elected to the Office of President of India. (*Prolonged Cheers*).

**The Honourable Shri Jawaharlal Nehru** (United Provinces: General): Mr. President, may I, Sir, on my own behalf and on behalf of every Member of this honourable House offer you respectful congratulations on this high honour that has been conferred upon you? It is more than three years since I began the work of this Constituent Assembly under your leadership, and during these three years much has happened in this country which has changed the face of this country. We have faced turmoil and crisis repeatedly but we have gone on with the work of making a Constitution for the Republic of India, and now we have accomplished that task. That chapter is closed. Fresh labours await us and another chapter begins in a day or two. Not only have we had experience of your able leadership during these three years of great difficulty but many of us have known you for three and thirty years or so as a soldier of India, ever in the forefront of the battle for freedom. (*Cheers*). So, we welcome you Sir, as our leader, as the Head of the Republic of India, and as a comrade who has faced without flinching all the crisis and troubles that have confronted this country during the past generation. One task is accomplished today in this Assembly and this Assembly will cease to be, having done its work or rather it will suffer a sea change and emerge as the Parliament of the Republic of India. One task is accomplished that we set for us long ago. Other tasks now confront us. One dream that we dreamt for years past has been realised, but we confront again other dreams and other tasks, perhaps more arduous than the one we have already accomplished. It is a comfort for us all to know that in these future tasks and struggles, we shall have you as the Head of this Republic of India, and may I, Sir, pledge my loyalty and fealty to this Republic of which you will be the honoured President. (*Prolonged Cheers*).

**The Honourable Sardar Vallabhbhai J. Patel** (Bombay: General): Mr. President and Friends, I crave your permission, Sir, to join in the chorus of congratulations showered on you on this sacred occasion when you have been elected as the Head of the State by the unanimous will of the representatives of the nation. (*Cheers*). I endorse every word that has fallen from the lips of the Honourable the Prime Minister and I beg to congratulate you on the great honour that has been conferred on you. For three years you have been working as the President of the Constituent Assembly and Members have watched the way in which the proceedings of the Assembly have been conducted by you. At one time we were anxious and nervous because of your failing health due to the strain put upon you, but Providence has been merciful enough to restore you to your normal health and enable all of us to have the good fortune of seeing you elected as the first President and the Head of the State of the Republic of India. This is a red letter day in the history of India, and we have no manner of doubt that under your wise judgment, your unruffled and cool temperament and your method of dealing with men and things, the honour and prestige of the country will rise as days go by and under your distinguished leadership the country will attain the status which it deserves among the nations of the world. I pray God may give us all the good sense to give you unreserved loyalty and complete co-operation in the heavy task which God has put upon you. We all of us have to swim together in the stormy seas that we have to cross in the future. You have by your affectionate temperament and by your goodness of heart won the affection of every section of not only this House but every section of the people of the country at large. You richly deserve the honour that has been conferred upon you. (*Cheers*).

**Shri B. Das:** Mr. President.....

**Mr. President:** Before Mr. Das speaks, may I just remind Members that on an occasion like this it is embarrassing for me to be sitting here and to listening to speeches which will contain sentiments hardly deserved by me, and I would therefore request Members, if they insist upon speaking, to confine their remarks to just as few sentences as possible.

**Shri B. Das** (Orissa: General): Mr. President, Sir, my heart goes in thankfulness to God that you are the first President of the Republic of India. Two thousand-five hundred years ago, your province gave birth to Gautam Buddha who carried the message of peace all over Asia. In our own century Mahatma Gandhi, the Father of the Nation, preached the gospel of universal peace through non-violence. You are a great disciple of his and I sincerely hope—I have known you for so many years—that you will carry that message and uphold the doctrines of Mahatma Gandhi not only in your rule over us in India but throughout the universe. People are everywhere suffering from the greed of men and India stands in no less need of upliftment. It is God's will that you should guide our destinies through non-violence to peace and to a higher and nobler status of humanity. I hope that under your leadership India will be able to bring about world peace and human happiness.

**Dr. H. C. Mookerjee** (West Bengal: General): Sir, even I belong to a particular political organization. The fact that you have been elected to fill your very high position unanimously is the clearest possible proof that you are not the choice of a particular dominant political party, but the choice of the whole nation. This choice of the whole nation, you have won on account of your sterling honesty, on account of your past record of unselfish service, and the country has given you the highest possible position it can give anybody. It is only in deference to your wishes that I shall not make any long speech. I have to say one thing and it is, I pray to God that as you do your duty, you may win the approval of your own conscience, you may win the approval of the nation which has elected you and that you will win the approval of the Father of our Nation, who must be pleased when he sees what is happening, and finally, the approval of God. May God bless you in all that you do.

**Mr. Hussain Imam** (Bihar: Muslim): Mr. President, it is a day of happiness for all especially for us Biharis, as it is after centuries that a Bihari has been able to give its services to India in the manner and in the personality of your goodness. We, Sir, in this House, have known your goodness and known all your qualities of head and heart, and we could not but be happy at the choice which has been made. We all of us without any distinction of caste, creed or community congratulate you from the bottom of our heart and hope that you will fulfill this place with honour, dignity and benefit to the people of India.

**Mr. President:** For once after three years, I hope the House will permit me to stop further discussion.

**Shri V. I. Muniswamy Pillay** (Madras: General): Sir, coming as I do from the southern-most Province of India, the Tamil Nad, I take this opportunity, Sir, of extending our whole-hearted congratulation to you, Sir, for being unanimously elected to the greatest office of India, under whose destiny is going to be the future of India. Sir, Mahatma Gandhi in whose footsteps you have been following and observing his noble example of extending your whole-hearted support to the down-trodden masses of India, I pray, Sir, that the Almighty may give you long life, so that you may continue that noble work and elevate the down-trodden, the oppressed, the untouchable and all those people who have been removed away from the statute as no longer untouchables.

**Mr. President:** I have had co-operation from the Members all these years. I hope it will not be denied to me today, i.e., on the last day. So I would beg honourable Members now to stop further discussion and not embarrass me more.

(Seth Govind Das came to the mike to speak).

(Interruption.)

**Mr. President:** I am sure I have the House with me on this occasion as on all occasions, and so, I would request Members who are anxious to speak to desist from doing so.

I recognize the solemnity of this occasion. We have after a long struggle reached one stage, and now another stage begins. It has been your kindness to place on me a very heavy responsibility. I have always held that the time for congratulation is not when a man is appointed to an office, but when he retires, and I would like to wait until the moment comes when I have to lay down the office which you have conferred on me to see whether I have deserved the confidence and the goodwill which have been showered on me from all sides and by all friends alike. When I sit listening to laudatory speeches—and although I have tried to cut that down to some extent, here also I have had to submit to it to a certain extent,—I am reminded of a story in the Maha Bharat, which is so full of piquant situations, and the solution that was found by Shree Krishna, who solved all those difficult and apparently insoluble problems which arose was this. One of those days, Arjun took a vow that he would perform a certain thing before the sun set on that day and that if he did not succeed, he would burn himself on a pyre. He unfortunately, did not succeed. And then the problem arose as to what was to be done. In fulfilment of that vow, he would have to burn himself. This, of course, was unthinkable so far as the Pandavas were concerned. But Arjuna was adamant in his resolve. Shree Krishna solved this problem by saying, “if you sit and praise yourself or listen to praise by others, that would be equivalent to committing suicide and burning yourself; so you had better submit to that and your vow will be fulfilled.” Very often I have listened to such speeches in that spirit. Because, I have felt that there are many things which I am not able to fulfil, which I am not able to accomplish, and the only way in which I can fulfil these things is to commit that kind of suicide. But, here, I am in a somewhat different situation. When our Prime Minister and our Deputy Prime Minister speak with emotion about me, I cannot but reciprocate that kind of emotion. We have lived and worked together for more than quarter of a century and in the closest association we have fought. We have never faltered; we have jointly succeeded also. And now that I am placed in one chair and they are occupying other chairs side by side, and there are other friends whose association I value equally well who will be sitting by their side to help and assist me and when I know that I have the good will of all the members of this House and of a very large circle of friends outside this House, I feel confident that the duties which have been imposed upon me will be discharged to their satisfaction: not because I can do that, but because the joint efforts of all will enable the duties to be so performed.

The country today is facing very many problems and my feeling is that the kind of work which we have now to do is different from what we used to do two years ago. It requires greater devotion, greater care, greater application and greater sacrifice. I can only hope that the country will throw up men and women who will be able to take up the burden and fulfil the highest aspirations of our people. May God give us strength to do that.

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## SIGNING OF THE HINDI TRANSLATION OF THE CONSTITUTION

**Mr. President:** Now there are two things more which remain to be done. One is the authentication or rather the certification of the Hindi Translation of the Constitution. Honourable Members will recollect that this House authorised me by a resolution to get the Hindi translation prepared, and printed and published before the 26th of January. That has been done. The House also authorised me to get translations in other languages prepared, printed and published. That work has not yet been completed; it has been taken up.

I wish to ask Shri Ghanshyam Singh Gupta to let me have the Hindi Translation so that I may formally place it before the House and certify it.

(The Honourable Shri Ghanshyam Singh Gupta handed over to Mr. President copies of the Hindi Translation of the Constitution. Mr. President then signed them).

## SIGNING OF THE CONSTITUTION

**Mr. President:** The only thing that now remains is the signing of the copy of the Constitution by the Members. There are three copies ready. One is in English completely hand-written and illuminated by artists. The second copy is in print in English. The third copy is also hand-written in Hindi. All the three copies are laid on the table and Members will be requested one by one to come and sign the copies. The idea is to call them in the order in which they are sitting in the House now. But, as the Honourable the Prime Minister has to go on public duty, I will request him first to sign them.

(The Honourable Shri Jawaharlal Nehru then signed the copies of the Constitution.)

**Shri Algu Rai Shastri (U.P.: General):** \* [Mr. President, I want to submit that since the Constituent Assembly has accomplished its task, its office will now be closed. I wish that the services of the staff working in this office should continue in some form or other. It should not be that on the 26th of January, when the whole country will be engaged in festivities, these officials may not feel like participating in them, although they deserve their share. This is all that I want to submit.]

**Mr. President:** \* [I would like to say in this connection that I have paid attention to this question and have corresponded with the Legislative Department and other departments of the Government for accommodating, so far as possible, the persons working in our office. Efforts are being made for it. I hope that most of the people, if not all, will find employment. Efforts will be made to find employment for those also who are left out.]

The Members will now come from the right side, from Madras side, as they are, and sign one by one.

(The Members then signed the copies of the Constitution.)

**Mr. President:** I would suggest to honourable Members just to take their places, and sign as the names are called. That would, I think, be better; it will certainly look nicer. Mr. Khanna will call out the names of the Members, one after another.

(The remaining Members present then signed the copies of the Constitution after which Mr. President signed the copies).

\* Translation of Hindustani Speech.

**Mr. President:** Is there any Member who has not yet signed? If any, he may sign later on in the office.

**Honourable Members:** Bande Mataram.

**Shri M. Ananthasayanam Ayyangar (Madras: General):** All of us will sing, with your permission, Sir, "Jana Gana Mana".

**Mr. President:** Yes.

(Shrimati Purnima Banerji with other Members sang "Jana Gana Mana" all standing).

**Mr. President:** "Bande Mataram".

(Pandit Lakshmi Kanta Maitra, with other Members then sang "Bande Mataram", all standing.)

**Mr. President:** The House will stand adjourned now, *sine die*.

The Constituent Assembly then adjourned, *sine die*.

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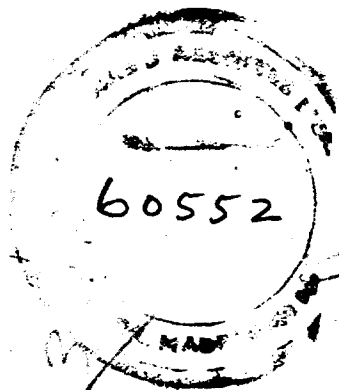
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தவணைத்தாள்.

சே எண் :

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