Chapter – VII

Hasrat After Independence
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HASRAT AFTER INDEPENDENCE

Most of the League leaders made their way to the newly achieved Pakistan, Hasrat remained in India. Extracts from his personal diary illustrate his stand. Only a month after independence he writes “16 September 1947, today Ahmad Nabi Khan invited me to Bans Mandi in the evening for an exchange of views. I discussed at length the future prospects for the Muslims and made my point of view clear to most of the residents of Bans Mandi that the Muslims need not to show any sign of despair. If needed they should adopt guerrilla warfare against the present government”.¹

During this period at the instance of the Central Congress Government and Azad Muslim Conference was convened in Lucknow. Maulana Abul Kalam Azad took a leading part in it. It was his wish that Muslim League leaders should also participate in the deliberations, try to change their old mentality, and advise Muslims to adopt themselves to the changed circumstances. The U.P. Muslim League formed a delegation consisting of five persons, of whom Hasrat was one, to discuss this with Maulana Azad. Hasrat Mohani writes in his diary in the description of 27th December, 1947: “By 10.15 A.M. this morning I had finished my breakfast and had read newspapers, and in accordance with yesterday’s decision we five representative Rizwanullah, Hasrat Mohani, Zakir Ali, Farooqui, Nafisul Hasan at about 11’O clock arrived at the Carlton Hotel to talk with Abul Kalam Azad Sahib. We had not been conversing for long before it became clear that the suspicions that I

¹ Hasrat Mohani, Kulliya-i Hasrat Mohani, (Reprint), Delhi, Nomani Publishing House, 1977, p. 41.
had expressed in our consultations before hand about Maulana Abul Kalam’s intention were now confirmed by his own words. He freely confessed that today’s Conference had only one aim, namely that all Muslim organizations should terminate every political aspect of their activity and all communal organizations should merge in the Congress. Our rejoinder as we left was that our participation would be completely pointless. During the course of conversation, as we were on the point of leaving I took a dig at Abul Kalam which was like a cold douche to all his schemings and which made him extremely annoyed. I said ‘you are doing exactly what Sir Syed did in 1857. In order to allay the suspicions of the British Government, he urged the Muslims to concentrate purely on educational and social matters and to pledge political loyalty to Britain. Exactly in the same way you in 1947, are preaching to Muslims unconditional loyalty to the Congress and are determined that the Islamic organization shall confine themselves to social matter’.

7.1 Hasrat in Constituent Assembly

In 1946 Hasrat was elected a member of the Legislative Assembly of United Province on the ticket of the Muslim League. He also became the member of the Constituent Assembly. Choudhry Khaliquzzaman says –

“In the Indian Constituent Assembly there were eight seats for the U.P. Muslims. Out of which one was secured by a non-Muslim Leaguer and the remaining seven (Nawab Ismail Khan, Maulana Hasrat Mohani, Aziz Ahmad Khan, Nawab Qizilbash of Bahraich, Rizwanullah, Begum Aijaz Rasool, and Choudhry Khaliquzzaman) came to us”.

2. Ibid., pp. 42-43.
The Constituent Assembly of India first met on the 9th December, 1946, and continued till 24th January, 1950. The Constitution of India was finally adopted on 26th November, 1949 and signed by the Members of the Assembly having accomplished the task of framing the Constitution assigned to it adjourned sine die and became functus officio.4

Hasrat as member of the Constituent Assembly, participated in the discussion regularly and his views are reflected in his speeches.

After the speech of Dr. B.R. Ambedkar, Hasrat presented amendment-

"That the consideration of the Draft Constitution of India be postponed till the election of a fresh and competent Constituent Assembly on the basis of joint electorate and the formation of political rather than communal parties in India".5 The President had allowed to move it.

Hasrat said – "I was telling the reason why I do not regard this Constituent Assembly as a competent body. Firstly, because all over the world wherever a Constituent Assembly has been set up, it has been done as an outcome of revolution. Revolution does not necessarily mean an armed revolution. It only means that, when the prevailing system of Government has come to an end and another is intended to be set up in its place, a Constituent Assembly has been invariably called to frame and pass a constitution in the light of new conditions. If the previous form of Government were to continue then there was no need of a Constituent Assembly. Look at our new constitution drafted by Dr. Ambedkar. There is nothing new in it. He has

mostly copied out either the Government of India Act of 1935, or as admitted by him, has drawn from the constitutions of other countries. A bit from here and a bit from there – it is a Pandora’s Box. This is what has been produced by our friend Dr. Ambedkar! My biggest complaint on this account is that if for the purpose of drafting a constitution he had to copy out the constitutions of other countries, then why did he not embody the latest and the best constitution? How was it that he looked up to the constitutions of Australia, Canada, America, and England, but the constitution of the Soviet Union did not catch his eye? I have jotted down all the points he has made in his speech. This is not the time to reply them in detail, but this much I can say that he has retained all the bad points that he could lay his hands upon. He has observed that there should be no rigidity and legalism, but has he at any place said that a Unitary System of Government should be established? At one place he mentioned that he could not provide for the village Panchayats. If he had kept the Soviet Constitution in view, there would have been no difficulty in his way. I claim it and I challenge him on that point. For example, he has said that unless there is a unitary type of Government and a powerful Centre, nothing can be done. Such talk is beside the point. He does not know that it is so in the Soviet Constitution. What he has done is to allocate some subjects to Provinces, some to the Centre and some have been put in the concurrent list. In Soviet Constitution, every constituent state has been made a permanent republic; and to win its confidence every component unit has been given control over the defence, foreign relations and communications. What has been the result? He says that it would be detrimental, but there the Soviet Government have gained the confidence of their component states. The result
has been that all parts of the Soviet Union, considered from the point of view of population they are all Muslim republics – have helped their utmost in the last war. People of Caucasia and of every war-ravaged region have stood wholeheartedly by the Soviet Union. Cossacks and others who rendered help all belonged to the Union. Thus his observation is unjustified. He is not taking the people into his confidence, and says. that all should merge”.^6

He further says, “I repeat what I have already said, that the reason why this House is not competent, is that you have consulted all the constitutions of the world; but you have not cared to see the latest and the best constitutions. The second point arises, what was the basis of the election of our Constituent Assembly? It was on communal basis. Muslims had elected Muslims and Hindus had voted for the Hindus, but the States were not represented. What was the position at the time of the first meeting of the Constituent Assembly? On your own admission there were three parties, namely, the Congress, the Muslim League and the States, but up to that time the States had not come in. No member of the Muslim League had taken any part. The result has been that the constitution that has been framed has been forged by one party alone. How can you enforce it on others? I mean to say that no reliance can be placed by us as the Constitution has been framed by one party alone. In the situation that has now arisen we also find the same, namely that there is only one party. It is like this: the Muslim League is finished, it has dissolved itself and all the States have merged themselves in the ‘Indian Union’, and now only the Indian Government, namely one party, has remained in the field, That is why we have to form political parties so that your difficulties may come to an end”.^7

6. Ibid., p. 45.
7. Ibid., p. 46.
On that occasion another member of Constituent Assembly about any better solution Satyanarayan Sinha (Bihar General) and questioned Hasrat Mohani that Did you find out any better solution ? Hasrat replied, "I am coming to that, Dr. Ambedkar has just said that the majority party should be considerate towards the Minority party. I say: we do not want them. You have provided in the constitution that 14 per cent of the seats should be reserved for the Muslims. You still consider yourself 86 per cent and Muslims to be 14 per cent. So long as you have this communalism, nothing can be done. Why do you say that Muslims are in a Minority. So long as you depict them in communal colours Muslims shall remain a Minority. When we come as members of a political party or as members of the Independent Communist party or as Socialists and then form a coalition party, then as a whole they will be arrayed against the rest.

"You say that a long time has elapsed that many things have happened and that you have worked so hard. Mr. President, I would recall that when Pandit Jawahar Lal Nehru had presented the Draft. Constitution, I had then raised an objection and he had advised me to leave alone a primary matter. I had thereupon pointed out to him that it would be absurd to leave aside a point which is to be settled first. I had also pointed out that by doing so he would not be taking any strong and firm stand but would be stuffing irrelevant matter in all directions. I had also enquired what he would do if questions were raised on these issues, if without taking any decision, he started framing the constitution. It is a futility; we should see what type of Constitution is required. We want to make a picture, but if that picture is not painted correctly, it cannot be termed as a picture. You will say that you have worked hard and that quite a long time
has elapsed. My answer would be that there was neither any difficulty nor any risk. I had protested at that time and I was glad that the Honourable President had stated that the point would be considered and it was on that understanding that we had discussed the resolution. You know that the same thing has happened in Pakistan as well. Mr. Jinnah had said that as long as the Constituent Assembly is not elected, the constitution can not be passed. This is the reason why I am telling you that so long as the Constituent Assembly is not elected on non-communal basis, you have no right to get a constitution passed by this Constituent Assembly. No matter receives any consideration from you, because you are inflated with the idea that you are in a majority and whatever you like, will be passed. Do not imagine that no blame will come upon you. I am alone and I am saying all that I can say. You may not agree. In reality you are doing all that the British Government had been doing. After sometime they used to give us pensions and used to ask us to stay at home. But why should we do so?

"I would like to ask you what you are doing in Hyderabad. You say that a Constituent Assembly will be set up which would frame a constitution. You have accepted this principle for Hyderabad. Why don't you do it here? Obviously all this is being done on communal lines in which truth and justice have no place.

"If he says that he cannot do that, he has no power to elect a new Constituent Assembly on the basis of joint electorate and that would be done after the constitution has been framed, then I repeat what you have said, that 'legalism' and 'rigidity' should be cast aside. I ask him whether he can set up a
Constituent Assembly in Hyderabad without the Nizam’s firman. But here, we set up an electorate for the Constituent Assembly as we felt the need for it; so it is incorrect to say that we can not do it. ‘Where there is a will, there is a way, If you are earnest to be just to the country and if you want to treat every one equally, then I give you a warning that your endeavour to assimilate all into one whole, to build a paramount Indian power, will bring disaster. The latest example is that of Aurangzeb the Emperor. After conquering the whole of India he annexed the two Southern States of Bijapur and Golconda with the intention of founding a unitary Mughul Empire. What was the result? They say Aurangzeb lost his kingdom because of his bigotry but I say it was lost because of his imperialistic ideas. If he had not done that, he would not have lost a kingdom. Do not think it is easy to form a single unitary Government by coercing each and all into your fold. That can not last. You should hold fresh elections on non-communal basis, on the basis of joint electorates, and then whatever constitution you frame, will be acceptable to us. We regard the constitution framed by you, worthy of being consigned to the waste paper basket’.

Hasrat Mohani at another occasion on 17 May 1949, supported another member of Constituent Assembly. Hasrat says, “Sir, I am inclined to support my friend, Prof. Shibban Lal Saksena, and also my friend, Damodar Swarup Seth, for the following reasons: I support Mr. Saksena because he has adopted the same plea in his amendment as was adopted by me in the beginning when this Assembly met first. I said then and I say it even now that this House is not competent to frame this Constitution, because this House was elected on a very

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8. Ibid., pp. 46-47.
narrow electorate and that of a communal nature – rank communal nature – and it has resulted in the formation of a single party in this Assembly, and therefore it is ridiculous and absurd to entrust the constitution-making power to it. That party represents only one view and that is the only party in existence. When I say that, when I am of the opinion that this House is incompetent to frame the Constitution, it is obvious that I must support Mr. Saksena who wants the same as myself. He says, postpone the declaration of your ultimate object and your ultimate policy until a new House is elected on the broad principle of joint electorates”.

Not only Hasrat Mohani, but also the other members of the Constituent Assembly considered it as legal Constituent Assembly. But at last the majority of the members of that Assembly did not accept it.

7.2 Report on the Principles of the Union Constitution

On 21 July 1947, as the member of Constituent Assembly Pandit Jawaharlal Nehru presented a report on the Principles of the Union Constitution. But Hasrat opposed it. He said, “I have stated that before you take into consideration the Report. I want to make certain points clear. In this paper, which he claims to be a supplementary report, Pandit Nehru has made certain suggestions. After all, these are only his suggestions. Is it necessary for myself or for anybody else to accept his suggestions? I for one do not accept these suggestions. Besides, I have got very strong reasons for that, Pandit Nehru the other day said that we have already passed the Objectives Resolution and we

have to keep that resolution before us in drafting everything now or afterwards”.

The President of the session whether it was his suggestion that the Report should not be taken into consideration? Hasrat replied in that yes and further said, “Yes. What I say is this. Pandit Nehru in that Objectives Resolution. Says simply that we will have a Republic. It does not say whether the Republic will be a Unitary Republic or a Federal Republic. Even if it is a Federal Republic, it does not make it clear whether that Federal Republic, will be of a centrifugal or centripetal character and unless and until we decide all these things, it is futile to determine the model of Provincial Constitutions. This is why I suggested in my speech the other day: you want to get one thing passed in your provincial constitution; when you have passed the provincial constitution and when I propose on the occasion of a proposed revised Union Constitution Report coming for consideration before the next meeting of the Assembly perhaps in October, an amendment to the effect that it must be a Union of Indian Socialist Republics, then you may say, ‘you are precluded from doing that as that will be something like a settled fact. We have passed the provincial constitution and now there is no scope left for Hasrat Mohani to add anything or to say against that’.

“I am afraid, Sir, he said that it would be very easy for you to declare my amendments to the Union Constitution out of order as you did the other day in connection with an amendment proposed by my friend. Mr. Tajammul Husain. You will say ‘Well the provincial constitution has been accepted and

passed, now, your amendments are out of order. You will say, that the report has been accepted and therefore my amendments are out of order. I will have raised no objection at this stage, if this matter stands over. Then I will have every right to propose amendments on the occasion when you go clause by clause. Or I will have full rights to say that I oppose the Objectives Resolution also. I have got two reasons. One I have made clear that it does not decide anything”.

Hasrat Mohani again says in the Objective Resolution on the 18th September 1948 sitting said that the first thing about the Objective Resolution he had got verified copies of this thing together with the two speeches delivered by Pandit Nehru at the time of the passing of the Objective Resolution. It is this:

“The Constituent Assembly declares its firm and solemn resolve to proclaim India as an Independent Sovereign Republic and to draw up for her future governance a Constitution”.

Further he said, “This is the Objectives Resolution, that is an Independent Sovereign Republic. These are the three words and Pandit Nehru has declared more than once, and it has made history, that there will be no change introduced in this Objectives Resolution. To my astonishment, when I got this copy of the draft Constitution, I found as a sort of an introductory remark, Dr. Ambedkar has given the direct lie to that thing. He will not follow this Objectives Resolution. Here is what he himself admits. In paragraph 2, he says, about the Preamble: ‘The Objectives Resolution adopted by the

11. Ibid., p. 712.
Constituent Assembly in January 1947, declares that India is to be a Sovereign Independent Republic. The Drafting Committee has adopted the phrase Sovereign Democratic Republic because independence is usually implied in the word Sovereign, so that there is hardly anything to be gained by adding the word Independent".\textsuperscript{13}

\textbf{7.3 Preamble}

On 17\textsuperscript{th} October 1949 sitting of the Constituent Assembly one Honourable Member suggested that the Preamble to 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.

Hasrat Mohani objected to that, because unless we get the Preamble passed today, how could you produce any report on the Second reading? On this issue K.M. Munshi said that once in my life I support Maulana Saheb.\textsuperscript{14}

The President ordered that – "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. If necessary, we shall sit in the afternoon and dispose of it, unless we can do it within fifteen minutes.

"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 the substance and seeks to

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\textbf{13.} & Ibid., pp. 1678-79. \\
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bring in altogether new ideas. Therefore, I would ask him if he wishes to move his amendment first”.

On that issue he speak - “I have three amendments. I want to move first? I wish to move 453 first. It runs thus : 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”.

15. Ibid., pp. 429-430.
16. Ibid., p. 430.
Deshbandhu Gupta said that—"To remove such an amendment at this stage is out of order and it should therefore be disallowed. Hasrat said, “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 thing”.17

Deshbandhu Gupta again says that May I have ruling? Hasrat replied that “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”.18

President said, “The object of putting the Preamble last was that the Preamble may be in conformity with the Bill as accepted”.19

17. Ibid., p. 430.
18. Ibid., p. 431.
19. Ibid., p. 432.
But Hasrat already said in 15 November 1948 – “Sir, I beg to state that on the 6th November, I have notice of an amendment to this effect: That the consideration of the Draft Constitution clause by clause be postponed till after it has been finally decided which of the following three sets of words are to be incorporated in the Preamble of the same – Sovereign Independent Republic, Sovereign Democratic Republic, Sovereign Democratic State. It has not yet been decided which of these three sets is to be incorporated in the Constitution, and yet I understand that the Congress Party has decided to consider this Constitution, clause by clause, without deciding the most important question of what words should be there – Republic or State, in the Preamble.

“Have a complaint to make. All the amendments of which notice was given to your office have been printed, but my amendment has been left out. May I know the reason why this has been left out?”

Hasrat continued his speech saying – “I support this amendment because it is strictly on the lines of the Objectives Resolution. Instead of conforming to the Objectives Resolution, Dr. Ambedkar has changed the word ‘Republic’ into a ‘state’ and the word ‘independent’ into ‘Democratic’. This shows the way his mind is working. The Draft Constitution makes me sure that he wants to establish a unitary Indian Empire which will again be subject to the greater Anglo-American Empire consisting of America and its satellites, the British Commonwealth and some of the Western Powers of Europe”.

Hasrat says on 17th October 1949 – “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 will throw it 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 infact, 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 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 will 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 to 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 of 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 Republic 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? You said that we have got the word Republic. You have dropped the word Federation. You will also say that of course Pandit Jawahar Lal 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 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 Jawahar Lal 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 sue the words ‘Independent Republic’ my object will be served. I come forward and say that whatever has been done by Pandit Jawahar Lal Nehru is absolutely a false policy’.22

President put it ‘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, solemnly resolved to constitute India into a Sovereign Democratic Republic’ the following the substitute –

‘We, the people of India, having solemnly resolved to constitute India into a sovereign Federal Republic’. The amendment was rejected. Hasrat moved the amendment ‘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 the substitute: we, the people of India, having solemnly resolved to constitute to India, into a Sovereign Independent Republic’. The amendment was rejected.23

Hasrat moved the amendment – “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

23. Ibid., p. 434.
solemnly resolved to constitute India into a Union of Indian Socialistic Republics to be called U.S.S.R., on the lines of U.S.S.R. be substituted". But at last that the amendment After completion of twenty five years of Indian Constitution, in 1976 forty second Amendment Act 1976 added the word Sovereign Socialist Secular word added in the Preamble of the Constitution as follows:

“We, The People of India, having solemnly resolved to constitute India into a Sovereign Socialist Secular Democratic 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 of the individual and the unity and integrity of the Nation; In our Constituent Assembly this twenty sixth day of November, 1949, do hereby Adopt, Enact and Give to ourselves this Constitution”.

7.4 Unitary and Federal

The Constituent Assembly framed different committees to discuss their reports and recommendations in its debates. Are Indian constitution Federal or Unitary on that topic Hasrat says – “Mr. President, before this, a mistake was committed by Sardar Patel, and I think, now, my friend Sir N. Gopalaswami is committing a greater blunder. He is an eminent jurist. But I would beg you to consider as to what course you are adopting now. At that time I asked Sardar Patel that he had not till then decided any principle about the centre nor had it

24. Ibid., p. 435.
been decided as to what type of Constitution the Union would have, whether it would be a Union of the Dominion, or a Republic? If it is a Republic then would it be Socialist or Nationalist? In short, you have not decided as to what shall be its shape. You have simply said that 'all the powers shall vest in the Centre, and the Centre shall probably assume all powers. I say that there cannot be any greater blunder than this. It means that you consider that all the members here are fools. That is why I have raised this objection after full consideration. Replying to it, Pandit Nehru said that in the Resolution on objectives the word 'Republic' was present. Then I kept quiet but I wish to know what you are dreaming of, now. Pandit Nehru should know that our British Imperialist friends have already bound you, and they will now keep you in their dominion and for that they have created a new device. And in creating it France, Holland, England, America and the last in the queue. Chiang-Kai-Shek—the worst of men—have combined together. It is this: They have invented a sort of a Republic Dominion. They are thrusting this Republican Dominion on Indonesia, Holland is thrusting this Republican Dominion on Indonesia. France is thrusting this Republican Dominion on Indo-China, Vietnam. You have been made fools. They are going to thrust the same kind of Republican Indian Dominion on you and I am sure that you will have no escape from it. You will have to remain a dominion forever. They are pastmasters in the art of jugglery of words and double dealing. They say one thing and mean quite another thing. Our Governor-General, Lord Mountbatten, has said that we have compelled all the Indian States to join the Indian Union. This appears a fine performance, that we have brought all the Indian States under our thumb. I say that you have not brought them under your control, rather you have gone
under their control. You will naturally ask, how? It is like this: when you frame a Union Constitution, then what will happen? Your reply will be that till now it is only Indian dominion. No doubt you have got it and also along with that the right of changing the constitution. Now you have to think as to how the constitution shall be altered. Nothing can be passed unless three-fourths of the members agree to it. Those States, which shall now always be in the dominion, are almost one-third of the Union's strength. I ask you whether the representatives of the States, who have acceded to the Union, will also agree to change the Indian dominion into Socialist Republic? If that is so, you are deceiving yourselves. You are deceiving your own conscience if you think: that you can get out of this wretched Dominion Status. You have got one-third of your members belonging to the States and you have proposed that for changing the constitution, you will require a majority of three-fourths of the members of the Constituent Assembly. Don't you see that it will become impossible for you to change your constitution. You have condemned yourself to remain within the British Empire, in the British Commonwealth as a Dominion. Therefore, I say you have been made fools. I do not know how these friends of mine of the Congress High Command, who are my friends and co-workers, have come to accept this. Besides this Pandit Nehru has said that the Resolution on objectives has been passed and now no one has got the right to say anything. I say that what he calls Republic is not a real a Republic. It is that contemptible thing which the British Imperialists call by other names. Britishers have created the same thing in Indonesia. It is not hidden from anyone and therefore you should not commit the mistake, which Indonesians have committed”.

Hasrat’s speech was in Urdu but at some places he used English words. On that issue one member of the Constituent Assembly M.S. Aney (Deccan States) asked whether a member can deliver a bi-lingual speech. The President said that for the convenience of other members he is interpreting himself partly in the English language. Hasrat further says – “Thank you Sir. In this connection, I think it necessary to point out to you that the independence, which you have got, was already, christened as Dominion Status but they openly call it as an independent status. They never meant full independence. Who will be bigger fools than us, who knowing that we are being cheated, are celebrating our independence and are illuminating our houses? I can’t understand this! As I am not given to oppose the opinion of the majority, I kept quiet then, but now, I say that real independence has not come to us. I have got eminent jurists and wisemen as my friends here but it seems that the vision of all is befogged and they seem to be in a dream. I was saying that members of the Congress High Command are my friends and, have been my co-workers. I came here to this Constituent Assembly through the Muslim League, generally for the purpose of cooperating with my old friends. But now I find that they do not want my co-operation and they are rejecting my co-operation. There is no alternative left for me but to oppose them tooth and nail, and I oppose them on the ground that I have just explained that they have been made fools by these British Imperialists.

“Another proof of the fact that you have been befooled is that even such an enemy of Indian freedom as Mr. Churchill is, went out of his way and congratulated the Labour Government for having this thing passed. He said, ‘I do not mind whether this is only for a short time. It is quite sufficient for me
that they have accepted for the time being to remain a Dominion’. Mr. Churchill is clever enough you know that. I am very sorry and it is very surprising that people of such keen intellect as my friend Mr. Rajagopalachari, Dr. Radhakrishnan and Dr. Ambedkar do not see this trick and this deception.

“You have stated that you have agreed to take in these Indian States and you have taken one-third of your members from the States. You are going to make a provision that to change your constitution, to change from a Dominion to a Socialist Republic you will require a majority of three-fourths. This is obviously impossible. So long as these representatives of the States are part of your Assembly, of your Parliament, you cannot get out of this wretched thing - Dominion and commonwealth. I wish to know, what has happened to you? I could understand your demand for a strong Centre till Pakistan was not separated, you apprehended trouble from the Muslim majority provinces, but not now when Pakistan has been separated”.

Another member Mr. Mohammed Sharif, Mysore State, requested Hasrat to come to the point. Hasrat’s reply was “Yes, I am speaking what objections I had to offer to Pandit Jawahar Lal Nehru’s previous Union Constitution Scheme the same objection applies to this scheme also because these are identical. I maintain that the more natural and better thing would be to hand over all powers to the units, and then they may give all or these three subjects, viz. Defence, Foreign Affairs and Communications to the Centre, rather than handing over all powers to the Centre first which in its turn would delegate whatever powers it chooses to the unit. I don’t believe in any Empire,

27. Ibid., pp. 43-44.
Kingdom, Dominions or Commonwealth. We have had enough of these things. Now we will have none of them neither Emperor nor dictator nor Commonwealth nor Dominion. We will have our Union only of Socialist Republics, nothing less than that.

“This is my general objection, but since you have included the States also, my objection becomes ten times stronger. What powers have you given to our provinces? To my mind, you have curtailed their rights and powers which they had got even before independence. You have not increased them even by an iota. Rather you have curtailed them. But this depend on your sweet will as you have got the majority. It is but natural that all the members here are compelled to be bound by the Congress decisions. In fact, there should be no question of the Congress Party or the Muslim League Party as you have forsaken communalism. Justice demands that every member here should be told that they can live as members of political parties and not as Hindus and Muslims.

“What is the necessity for your having a strong centre vesting all powers in the centre only? What is the ground and what is your objective?

“Sir, you see I have said all this as you have given no powers to the provinces, and I pointed out this to you, for, you treat us as if all of us were fools.

“Therefore I ask my friend Mr. Gopalaswami Ayyangar not to befool himself by saying that you want a strong Centre. I don’t recognize that Centre. The only Centre that I will recognize will be that of our Union of Socialist Republics”.

28. Ibid., pp. 43-44.
In that discussion Hasrat says – “Sir, my Honourable friend Sardar Patel has presented the Report before you and with due respect to him I raise an objection to it. It is that till the Report on Union Constitution is presented before the House, consideration of this Report seems quite inappropriate. The reason is not this, as Patel Sahib has himself said, that it is not final and the mistakes, if any, could be rectified later on. If only verbal changes were intended I would never have raised this point. I want to tell you, and through you, my nationalist and national-socialist friends, who are present here, that my objection is a vital and far-reaching one. If you lightly pass over this objection, then I am sure you will have to repent this action of yours and regret it some day.

“Looking around, I find that except Nationalist members no one else is present here. There was one Communist member from Bengal, but somehow he has been ousted. From amongst the Forward Blockists, Sarat Chandra Bose has resigned from the membership. Mr. Tripathi of U.P. and one Forward Blockist of C.P., though they have not resigned their seats, for some unknown reasons they are not present in the House. I feel it my duty to place the viewpoint of such of my friends before you”.29

Sardar Vallabhbhai Patel objected that the debate is going to wrong track. Hasrat’s reply – “Had there been some ulterior motives behind it, I would not have put it up in this way. For example, if I had done all this with communal feeling and dilatory tactics. I would have asked you to withhold this Report until the report on Minorities is put up before us. But in fact, the

question is simply this that you should proceed on some principles and do not put up the Provincial Constitution before the Union Constitution is put before the House.

No doubt, Pandit Nehru has moved the Objectives Resolution of the Republic, but it has not been made clear as yet whether the proposed Republic would be of Unitary type or of Federal type. Again it has not been as yet decided in case it is a Federal Republic, whether the Government would be centrifugal or centripetal.

If you do not accede to my request, my party will line up with the Leftist groups and with the aid of the Communists and Forward Blockists it will compel you to accede to our demand. Let me explain this also in this way, that, unless there is some change in the Union Constitution and the Constitution of the Union is not made satisfactorily, till then the condition of the Provinces will remain unchanged and, it will not go beyond provincial autonomy, and we will, as an Indian saying has it; ‘we would always remain shoe-makers that we were’.

In the Report which Sardar Saheb has just now put up, he has very intelligently stated in it that they wanted to appoint Governors. You will see that with this word only, the whole constitution of the Union is defaced and distorted.

Even if we accept the suggestion of Sardar Patel, the clear meaning would be simply this that the Provinces would get Provincial autonomy only, and if this is so, I will say that all the years of your sacrifices, labours and the ‘Quit India’ Resolution, one and all will be rendered useless”.

30. Ibid., pp. 580-81.
The President interfered that Maulana Hasrat Mohani's amendment was in order. It is open to the House to throw it out. Then Hasrat says "All the time you were telling us that we would establish an independent Republic and parties shall be formed not on the basis of religion, but on socialistic principles". 

At last the President called upon Maulana Hasrat Mohani to move his amendment - "Sir, I move my amendment to this Clause No. 1. I think I will have some difficulty in expressing myself in a foreign tongue but to accommodate my friend from Madras, I shall try my best to express myself as best as I can. I move:

'That in Clause 1, for the words 'a Governor' the words 'a President' shall be substituted'.

"By this I intend to say that we have got an inherent right of all the members of all these constituent provinces to demand a Provincial Republic for every Province. What we have intended and what we thought and what we were expecting to get, we wanted and we thought that we will get a Union of Indian Republics. My friend Mr. Tripathi had moved an amendment in the last session of this Assembly that he wanted to introduce the word 'Socialist'. It did not have the support of the House. We will see to it afterwards. If we have got a Federal Republic, it does not matter whether you agree to make it a Socialist Republic or not. In the first instance, you may have a Nationalist Constitution and majority of Nationalist members but I am sure that the tendency of the World is to become, everyone of us is becoming now Socialist minded and I

31. Ibid., p. 581.
think that the time is not far off when, as we expect, we will be able to form a solid group of leftists and I think that by the latest, in the next election, I hope that we will be able to capture the whole of the organization. If you now agree to make every province a Republic, I do not care whether you agree to make it socialistic or not. We will make it a socialist republic. But one thing I must say, you cannot shelve this question. You cannot say 'we want only a Republic in the Centre. We will not allow any of these Provinces to become a Republic', and as I said, this is a trick when you say that in each Province there shall be a Governor. I say that it must be a President, If you accept the word 'President', then it means that you agree to make every Province a Republic. If you refuse to accept the word 'President', then it means that you are determined to retain those Provinces as mere autonomous Provinces. You grant only Provincial autonomy and nothing else. If that is your intention, I most strongly protest against this sort of treatment which if I am not using any strong words, I shall say, it will be something like staging a farce on the people of all the Provinces, especially on my Province, the United Provinces. Here my friend Pandit Nehru says 'You can introduce afterwards any amendment you like to the Union Constitution'. I, say I introduce this amendment here and now, and ask you to make this word 'Governor' 'President', so that you may not be able to refuse to reopen the whole thing on the occasion of my moving an amendment to the Union Constitution. Then the question of the Union Constitution will anyhow come in and this difficulty will crop up. My friend Sardar Patel also said there is no difference whether we call Governor or President. There is a great difference. Once you disallow my amendment you will say 'No, we will have only Governor'. That means that you want to give us only Provincial
autonomy. You do not want many of the Provinces to go even a single step further. I have read very carefully your Union Report. In this Union Report, page 12, Clause 9 says: 'The executive authority of the Ruler of a Federated State shall continue to be exercisable in that State with respect to Federal subjects until otherwise provided by the Federal authority'.

To this Clause 9, a note is added which says: 'In this respect the position of the provincial units is rather different. These have no executive power in respect of Federal subjects save as given by Federal law'.

"In respect of the Indian States you say something. But you say the position of the Provincial units is different. They have no residuary power in respect of special subjects. You fix only the provincial subjects. And you ask us to accept this clause. We will not. Of course, you have got a majority. You can pass anything you like. But I ask in the name of justice and fairplay 'What right have you got to deprive the provinces of India from aspiring to become Republics of the Union of Federal Republics, and not only Federal Republics but Socialist Federal Republics at that'? This was moved in a former meeting of the Assembly. You did not accept that. But the position was quite different then. You were suspecting the Pakistan people might make mischief. But they have been separated now. Some Muslim League members raised this objection; 'Now that India and Pakistan have become two different things, what is the meaning of the All-India Muslim League'. All India Muslim League means the Muslim League of India, i.e. of the minority Provinces. So, they said, 'If you want to have a Muslim League, you can start one for Pakistan, where we the Muslims of the Muslim minority provinces can have no influence, except
through the Council of the All India Muslim League which according to the
decision of Mr. Jinnah still exists and to which new members have already
been elected. I am one of the members from U.P. ( Interruption).

Mr. President order, order.

An Honourable Member asked "Does the speaker think that this is the
All India Muslim League Council?

Hasrat, "No, no. I am pointing out that I have nothing to do with
Pakistan except as a member of the All -India Muslim League Council. Where
is the harm If we take the Union Constitution first You have deliberately put
the Provincial Constitution here first. What is the meaning of that? By taking
this medel provincial report first you are doing us a very grave injustice. Of
course, you can have it passed. But you cannot prohibit the provinces from
demanding independence and becoming republics. You have said 'We want
only a Unitary Republic'. Then why have you introduced the word.
'Federation' in your Report here? It is simply to deceive the public. You fight
shy of the word 'Unitary'. Therefore to have your way you said 'Federation'.
This is why you want to preclude the provinces from demanding republican
government. But I tell you, you cannot compel them. You cannot impose your
authority on them. We want a Union of Socialist Republics and if you persist in
imposing nationalism and a nationalist constitution on your provinces you will
soon be swept off the face of the earth."32

7.5 Princely States

Hasrat was the only person who stood up in Constituent Assembly and
told, Sardar Patel on the issue of Princely states:

32. Ibid., pp. 589-91.
“you have done the same thing that Hastings, Wellesley and Clive did. You have snatched away independence from the weak states by the strength of your powerful armies. God’s curse be upon your Department”.

It will be remembered that in Hasrat’s scheme of 1942 he had envisaged the states becoming members of one or other of his federation after they had attained a democratic structure and administration. When the Constitution was completed and put for signature in Parliament Hasrat refused to put his signature to the Constitution. He was still not satisfied with the type of independence. An entry in his diary for 15th August 1949 reads:

“In connection with Independence Day, there was a banquet at Rajaji to night. As no conveyance could be arranged I could not go. Besides, I cannot find it in me to regard the independence we have been granted as real independence”.

7.6 Last Days of Hasrat

Maulana Jamal Mian Firangi Mahali was with him on this last Pilgrimage. He has written an account of this Pilgrimage and of Hasrat’s last journey to his eternal rest: “Maulana performed his last Haj in 1950. Perhaps during the journey he had sensed that his days were drawing to a close. In Madina, after two or three attendances (at the tomb of the Prophet) he expressed his intention of returning, and told him that he wanted to get back to Lucknow via Karachi and Lahore very quickly, as he did not have many more days to live.

33. Hasrat Mohani, op.cit., p. 43.
34. The Hindustan Times, Delhi, 27 Jan. 1950.
35. Hasrat Mohani, op.cit., p. 44.
“He had not been in good health since 1949. He was looking very weak during the Haj too. After returning to Kanpur he at once shifted to Lucknow, the Maulana Jamal received a short message from him saying, ‘I am here and it weighs upon my mind that you are not here’.

“On reaching Lucknow when I went into his presence, he was laying on a cot on which some rough sort of jute matting or the like was spread. When I enquired about this I was told that the Maulana was adamant that he would not use a soft mattress or a carpet. I insisted on his using soft bedding and told him that if he continued to use jute matting he would get back-sores and that not only he but the people nursing him would be distressed. At this he agreed to use soft bedding and in characteristic style said, ‘I passed my whole life in this way, and now you want me to die on cushions and carpets’. He did not like taking medicine and injections. One of the doctors provoked him by saying sarcastically. ‘Maulana you are afraid of this small needle. He replied angrily ‘I never feared anything in my life. How I could be afraid of your needle? I only resist it because now I consider it quite useless’.

“During his illness, the late Maulana Habib-ur-Rahman Ludhyanavi came to visit him. To console him he said, ‘Don’t worry, Maulana. Your illness is not serious. You will soon get well. Hasrat got up on bed and said, ‘Now just listen to me, I am ill, it is true, but I am not a fool. I know definitely that my call has come’.

“On the first of the new year, that is, 1951, Hasrat made this entry in his diary. ‘1st January, 1951: Today is the first day of the new year. Everybody will be thinking that another year has been added to his age. But in fact my life has
been reduced by one year, and his death has come forward by one year. Jamal Mian sent me two novels. One I did not like at all. The other, ‘The Good Earth’, I started reading with some difficulty, but thanks to God, after a few pages, it created to interest to me. Today I read hundred pages’.

He was on his deathbed, and knew fully well that he would not recover, but he spent his time in creative pursuits, and in spiritual meditation and prayer. Maulana Jamal Mian again wrote, “Three days before his death, Hasrat expressed the wish that the bill for his medicines should be paid up. He was staying at my house but was spending his own money. I said what is the hurry? We shall pay after your recovery. But Maulana would not agree, and paid up all the bills. It is a strange coincidence that he deposited some money with the druggist over and above the amount of the sum due. On the day of his death the accounts stood balanced and not a single penny was due to him. On 13th May 1951, at about 3 a.m. his son-in-law Syed Abdus Sami Sahib Nusrat Mohani, informed me that the Maulana’s condition was serious. When I reached him, his relatives standing around his bed, were crying. Hasrat was breathing his last. He recognized me and pointing towards his crying relatives with much effort and difficulty said: ‘Tell them please, this is not new thing that is happening’. These were his last words. The same day he died at 12 noon and was buried in the feet of his spiritual mentors’ grave in the graveyard of the ulama of Firangi Mahal which family commonly known in Lucknow, as the Bagh Maulvi Anwar, situated in the Rakabganj locality.

36. Ibid., pp. 45-46.
37. Ibid., p. 46.