

FOREWORD

SRI B. N. RAU was a distinguished member of the Indian Civil Service who acquired varied experience in the many posts that he held in the course of a long judicial career. His intimate knowledge of law and exceptional talents led him ultimately to the highest post which a member of that service could hope for on the judicial side, namely a judgeship in a provincial High Court. For a brief period after retirement he was Prime Minister, at a difficult time of transition, of one of the largest Indian States, Jammu and Kashmir.

All this seemed to be preparatory for the great work which brought him into close contact with me in 1946, the framing of India's Constitution by the Constituent Assembly. His subsequent work in the United Nations as India's permanent representative was among his outstanding contributions in a life full of significant achievements. Appropriately, he crowned his career with a term for two years as a judge of the International Court of Justice at the Hague.

By knowledge, experience and natural gifts he was the inevitable choice for the post of Constitutional Adviser to assist the Constituent Assembly in drafting India's Constitution. His first task, on assuming charge of the office in July 1946, was to collect and prepare, in a lucid and simple form, background material for the guidance of the members of the Assembly. Most of them were laymen without any legal training, while not many, even among those who had such training, could claim adequate equipment

for the kind of specialised work involved in framing a constitution. The difficulty was not paucity of material so much as the selection and the proper interpretation of a vast mass of information scattered in the history, the constitutions, both written and unwritten, and the actual working of the constitutional machinery in many countries. He greatly lightened the task of the members of the Assembly with several brochures, papers and notes based on a careful study of different aspects of the constitutions and of the constitutional precedents of several countries and with a fairly complete draft of the Indian Constitution to form the basis for detailed discussions.

If Dr. B. R. Ambedkar was the skilful pilot of the constitution through all its different stages, Sri B. N. Rau was the person who visualised the plan and laid its foundation. He was superb in draftsmanship, endowed with a style which was at once clear, illuminating and precise—qualities which are indispensable in any document of legal or constitutional importance. He was not only deeply learned but careful and circumspect in regard even to the minutest details, so that any problem that he handled received full consideration from every aspect, thus eliminating, as far as possible, mistakes through misunderstanding or misinterpretation. The opinions which he gave on any controversial point that arose in the course of the discussions in the Constituent Assembly were full and judicious and based on a deep study of the subject. His services to the Constituent Assembly were highly appreciated even outside India, and the credit for preparing the framework of the Constitution of Burma goes to him in a large measure.

These qualities of his, which enabled the Constituent Assembly of India to complete its complicated labours in less than three years, were later utilised in the United Nations where his great services were recognised and his opinions highly prized and respected. Although no mean lawyer, he never indulged in legalistic arguments, but always took a broad,

statesmanlike view of all questions which came up for consideration in the world organisation.

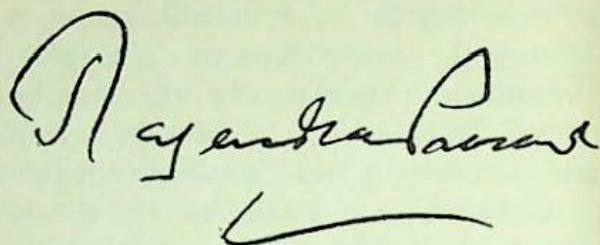
When the history of the Indian Constitution comes to be written, Sri B. N. Rau will occupy in it a significant place. Among the many stalwarts who played their part in the Constituent Assembly in the fulfilment of an extremely difficult undertaking, he distinguished himself by his erudition and detachment and his quietly persistent efforts.

Gathered in this volume are the notes and memoranda that he had originally prepared, either for the members of the Constituent Assembly or of its committees or for me as its President. A piece reprinted here appeared originally in *The Hindu* ; some of the other papers had a somewhat restricted though practical purpose in view, since they were not primarily intended for the general reader. But even a casual glance through these pages will indicate how valuable they are for a better understanding of our constitution. The basic unity of the theme imparts to these essays, notes, memoranda and reports an integration which they would otherwise have lacked.

The volume, so welcome by itself, underlines the urgent need for further research, to bring together the scattered mass of background material and data which influenced and shaped thinking in the Constituent Assembly and has given to our constitution its present form and content. Such research is necessary, not only for the student of contemporary politics, but for a full understanding by future generations of our constitution and of the interplay of social forces and attitudes behind the prosaic work of legal draftsmanship.

I have, therefore, the greatest pleasure in commending the book to the public, and, in particular, to discerning readers who, in the very nature of things, must be comparatively few in number. My pleasure in doing so is all the greater as I look upon this as the discharge of a debt due to the memory of a

guide, philosopher and friend in a task of such supreme nation.' importance as the framing of the Constitution of India.

A handwritten signature in black ink, reading 'Rajendra Prasad'. The signature is fluid and cursive, with a long horizontal stroke at the end.

Rashtrapathi Bhavan, New Delhi
24th January 1960