

# AMENDMENT OF CONSTITUTION

## Proposed Procedure

The House next took up Article 304 dealing with the procedure for amendment of the Constitution.

Dr. Ambedkar moved a substitute Article which says: "An amendment of the Constitution may be initiated by the introduction of a Bill for the purpose in either House of Parliament, and when the Bill is passed in each House by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting, it shall be presented to the President for his assent and upon such assent being given to the Bill, the Constitution shall stand amended in accordance with the terms of the Bill.

"Provided that if such amendment seeks to make any change in (a) Article 43, 44, 60, 142, or 213 "A" of this Constitution, or (b) Chapter IV of Part V, Chapter VII of Part VI, or Chapter I of Part IX of this Constitution, or (c) any of the lists in the seventh Schedule, or (d) the representation of States in Parliament, or (e) the provisions of this Article, the amendment shall also require to be ratified by the legislatures of not less than one half of the States for the time being specified in Parts I and III of the first Schedule by resolutions to that effect passed by those legislatures before the Bill, is presented to the President for assent.

Dr. Punjabrao Deshmukh, Mr. Brajeshwar Prasad and Mr. H. V. Kamath sought in their amendments to make the procedure for amending the Constitution "flexible". They argued that if the procedure was left "rigid" people would find ways other than constitutional to amend the Constitution and pave the way for "revolution".

Dr. Deshmukh sought in one of his amendments that only a clear majority of the total membership of each House should be needed for a Bill for amending the Constitution introduced in either House of Parliament to be passed subject to its being assented to by the President instead of the two-thirds majority as provided in the proposed Article.

Mr. Brajeshwar Prasad wanted in one of his amendments deletion of the words "by a majority of not less than two-thirds of the members of that House present and voting." He said that the power of Parliament should not be fettered in any way.

Mr. Kamath said that the way changes had been introduced in the Draft Constitution proved that in future also the need for similar changes might be felt.