

SECOND READING OF CONSTITUTION

Constituent Assembly Session Opens Today

IMPORTANT ITEMS TO HAVE SMOOTH PASSAGE

From Our Special Representative

NEW DELHI, July 29.

COMPLETION of the second reading of the Draft Constitution is the target for the six-week session of the Constituent Assembly which commences here tomorrow morning with Dr. Rajendra Prasad presiding.

Smooth passage is ensured for a number of important and controversial provisions in the Draft in view of the series of consultations which took place here early this month.

The House is expected to dispose of, in the first instance such Articles as were left over during the last session, as these tie up all the chapters whose consideration has been completed.

These clauses relate to the Secretariats of Parliament and of States' Legislatures, salaries of judges, abolition or creation and composition of Legislative Councils in units, emergency provisions and the powers of the Auditor-General of India.

Provisions over which no final conclusions have yet been reached, such as certain aspects of the financial relations between the Centre and the Provinces, the conditions of States, the seven Schedules and the question of language, will be taken up at a later stage.

The Drafting Committee have asked Premiers, and Finance Ministers of Provinces and States to send in their alternative suggestions before the second week of August on Articles under dispute such as Sales Tax, taxation on public utility concerns, instruments of instructions to States Governments and allied matters.

It is expected that a new Article after 79 will be incorporated, providing for the establishment of a separate Secretariat for each House of Parliament.

HIGH COURT JUDGES' PAY

The salaries and conditions of services of Judges of the Supreme Court and High Courts are stipulated in the relevant articles in the first schedule. The Chief Justice of the Supreme Court will get Rs. 5,000 and any other Judge, Rs. 4,000. The Chief Justice of High Courts under the new provisions, will get Rs. 4,000 and any other Judge, Rs. 3,500.

An additional Article is expected to be included after the one providing for the constitution of Upper Chambers in certain provinces. It suggests that Parliament may by law provide for the abolition of a Council where one exists and the creation of a Council where one does not exist in a State, if the Lower House of that State passes a resolution to that effect by a majority of not less than two thirds of members present and voting.

EMERGENCY PROVISIONS

As regards the emergency provisions, some changes are indicated. Among the causes for which the President may declare the existence of a grave emergency, the expression "internal disturbance," will be substituted for "domestic violence."

A new Article is also likely to be added, stipulating that it should be the duty of the Union to protect every State against external aggression and internal disturbance and to ensure that the Government of every State is carried on in accordance with the provisions of the new Constitution.

As regards the provisions relating to the failure of the Constitutional machinery in the States, the draft is being changed so as to bring the Indian States and States Unions within their scope by adding the word "ruler" in addition to "governor" in the relevant places.

As regards economic and financial provisions, Article 244 may be changed so that any State may impose on goods imported from other States any tax to which similar goods manufactured or produced in that State are subject, but that there should be no discrimination between goods so imported and goods so manufactured.

Any State can also impose reasonable restrictions on the freedom of trade, commerce or intercourse with or within that State, as may be required in the public interest. The President's sanction is required for amending the above provision.