

Scrutinising Text Of Union Constitution

CONSTITUENT ASSEMBLY APPOINTS COMMITTEE

NEW DELHI, August 29.

THE Constituent Assembly today appointed a Committee to scrutinise the draft of the text of the Constitution of India and to submit to the Assembly for consideration the text as revised by the Committee.

The Committee will consist of Mr. Alladi Krishnaswamy Ayyar, Mr. N. Gopalaswamy Ayyangar, Dr. B. R. Ambedkar, Mr. K. M. Munshi, Syed Mohd. Saadulla, Sir B. L. Mitter and Mr. D. P. Khaitan.

The President, Dr. Rajendra Prasad, explained that the idea was to place before the House, at its next session, a draft in a more or less complete form. Ordinarily, the House would try to conform to its previous decisions and not alter them unless it found that there was something which called for a revision, but in regard to items which had not yet been discussed, the House would naturally scrutinise the draft with a greater degree of latitude or freedom. "I am anxious," said the President, "that the Constitution should be completed but, at the same time, I am equally anxious that we should do nothing in a hurry and that every clause, every sentence to a clause and every word of a clause should be weighed carefully by all the members. Therefore, when the draft comes before us in the final form, we shall take as much time as is considered necessary for giving the fullest possible consideration. Members will then have an opportunity of considering every word that is used in the draft."

Soth Govind Das reminded the President of his "announcement in the last session that the original text of the Constitution will be in the national language."

The motion for the appointment of the Committee was moved by Mr. Satyanarayan Sinha and was adopted with an amendment moved by Mr. B. G. Kher.

FUTURE WORKING OF ASSEMBLY
The Assembly after a debate, adopted Mr. Munshi's motion incorporating the main provisions of the Mavliankar Committee's report on the future working of the Constituent Assembly as a constitution-making and legislative body.

The report was presented to the House by Dr. B. R. Ambedkar who explained the provisions in detail. The Committee had made five main recommendations.

First, it was open to the Constituent Assembly to function as a legislature. Secondly, while so functioning it should adapt the rules of the Legislative Assembly as far as possible with the necessary amendments.

Thirdly, the necessary amendments should be made under the orders of the President of the Constituent Assembly.

Fourthly the work of the Constituent Assembly as a constitution-making body and ordinary legislature should be done on separate days and at separate sessions.

Fifthly, the power of prorogations should vest in the President of the Assembly and not in the Governor-General.

After determining these recommendations, Dr. Ambedkar said, the Committee considered whether there were any difficulties which would stand in the way of giving effect to them. Three difficulties were noticed.

FIRST DIFFICULTY

The Committee had to determine whether the same person could preside over both bodies of the Assembly—the constitution-making body as well as the legislature. The difficulty arose because Section 22 of the Government of India Act relating to the office of the Speaker had been dropped in the adaptations that had been made in the Indian Independence Act with the result that the President

was the one person who alone could preside over both bodies. Ordinarily speaking, there should be no great difficulty in that, but under the circumstances where the President was a Minister of State, the difficulty did arise. It would be anomalous if the President was a Minister of State and also presided over the Constituent Assembly when it was functioning as a law-making body. The Committee thought that one of the two following courses might be adopted. Either the President should cease to be a Minister of State or when the Assembly sat as a law-making body a separate officer, to be called the Speaker, might be elected to preside.

The second difficulty was with regard to the representatives of Indian States. The question was whether those representatives should be allowed to participate in the deliberations of the law-making body when questions outside the purview of the Instrument of Accession were being discussed. There were two methods of dealing with the difficulty. One was to adapt the procedure of in-and-out under which the States' representatives would be entitled to participate in the proceedings when items relating to the subjects of accession were being discussed and would not be permitted when other subjects were discussed. The Committee came to the conclusion that although theoretically the second course was more logical, from a practical point of view, such a distinction need not be made in the existing circumstances. Therefore, the Committee recommended that the representatives of Indian States should continue to take part in all subjects under discussion.

PRESENCE OF MINISTERS

The third difficulty was in respect of Ministers who were not members of the Constituent Assembly. The question arose whether such Ministers should take part in the proceedings of the Assembly as well as in the legislature. So far as the latter was concerned, there was no difficulty, for the existing provisions in the Government of India Act already covered it. It was necessary that the Ministers of State should also sit in the constitution-making body and their guidance should be available. The Committee recommended, therefore, that they should be allowed to participate in the work of the constitution-making body.

There were two other matters which the Committee had left open without any specific recommendations as they were beyond the terms of reference. The first question was in regard to double-membership. Certain members of the Assembly were also members of the provincial legislatures. There was no anomaly while the Constituent Assembly was purely a constitution-making body, but a conflict would arise when the Assembly began legislative work for, under the existing rules, no one could be a member of both a provincial and Central legislature. It was for the Assembly to decide the question.

The second matter related to the administrative organisation of the Constituent Assembly as to who should control it when the office of the Speaker was also established, whether the President or the Speaker. The House had to take a decision on that matter also.

MR. MUNSHI'S AMENDMENT

Mr. Munshi moved an amendment which, while retaining the main recommendations of the Committee, specifically chose one or other of the alternatives in regard to matters where the Committee had made alternative suggestions.

Mr. Munshi's amendment said: "Firstly, that a Speaker be elected to preside when the Assembly functioned as the Dominion Legislature; Ministers of Government who were not members of the Constituent Assembly should have the right to attend and participate in the work of constitution, making though until they became members they should not have any right to vote."

These suggestions were adopted after a debate in which Mr. T. T. Krishnamachari, Mr. Chandrasekhariah, Mr. P. Deshmukh, Mr. Bismillah Das, Mr. Hussain Imam, Mr. Dhulekar and Mr. Tajmul Hassan participated.

Dr. Rajendra Prasad said he proposed to appoint a Committee consisting of members from the Constituent Assembly Secretariat as well as the Legislative Assembly to go into the question of how the administrative work should be reorganised.

The House adjourned till 10 a.m. tomorrow.