

CONSTITUENT ASSEMBLY ADJOURNS SESSION

Historic Decisions Taken At Month-Long Meeting

NEW DELHI, June 16.

THE one-month long session of the Constituent Assembly which ended today was marked by two outstanding decisions of historical import—ratification of the London Agreement on India's continuance in the Commonwealth and abolition of reservation for minorities.

The Assembly also made rapid progress in the disposal of articles covering a varied range of subjects and has so far covered 229 Articles out of a total of 315 Articles and three schedules.

The composition of the Legislative bodies, the constitution of the Supreme Court and High Courts, and their functions and jurisdiction, the functions of the Auditor-General, the relations between the Union and the States, procedure in financial Bills and the establishment of a central electoral machinery were the main items disposed of during the current session.

Among the controversial but none-the-less important articles left over for the next session are those relating to citizenship, national language, nomenclature of the Union, financial relations between the Centre and the States, the three lists of legislative subjects, (Central, Provincial and Concurrent) and Instruments of Instructions to the President and the Governors.

According to the programme outlined today by the President, Dr. Rajendra Prasad, the House will reassemble by the third week of July next and will continue till August 15 by which time, the second reading of the Draft Constitution is expected to be completed.

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the amendment did not go far enough to make the electoral machinery sufficiently independent and that the Central Government could influence it in a manner which should be rejected to the fairness of elections. The other criticism was that it was a trespass on provincial autonomy. He would refute both the arguments.

Referring to the provision for the removal of the Election Commissioners, Mr. Munshi said that a change had been made for valid reasons. Between two elections normally there would be a period of five years, and it was unnecessary to have the Election Commission sitting all the time.

Replying to an argument that the Article whittled down provincial autonomy, Mr. Munshi said that that argument had a knock of appearing again and again in respect of every section. It is high time, he remarked, Mr. Munshi, "the Hon. members of the House reconcile themselves to the position that we have taken a line which is more suited to the conditions in the country, and even to the doctrinal or opinion of the theoretical rights of federalism."

Mr. Munshi said that he did not understand how democracy was affected by the amendment. Speaking generally of conditions in the provinces during elections, Mr. Munshi said that it was easy to manipulate elections and those matters must, therefore, be placed beyond the reach of temporary passions. Further, in a number of Indian States, democracy was not functioning. The strength and unity which India had achieved were due mainly to the centralised administrative control.

APPOINTMENT OF COMMISSIONERS
Dr. Ambedkar's View

The House passed a closure motion, and the President then called upon Dr. Ambedkar to reply. Dr. Ambedkar said that two points which had been raised by Prof. Shibbanlal Saxena and supported by Pandit Kunzru required consideration. One point was with regard to the appointment of Commissioners to the Election Commission and the second related to the removal of the Election Commissioners.

As regards the removal, he thought that no change was necessary, because the Chief Election Officer was placed on the same footing as a Judge of the Supreme Court. There could not be a greater measure of security.

With regard to other Commissioners, the power to remove them was left with the President, but it was subject to an important limitation, namely, that the President could only act on the recommendations of the Chief Commissioner.

With regard to the provision concerning appointment, he confessed that there was a great deal of force in Prof. Shibbanlal's criticism. There was no use making the tenure of the Election Commissioner secure if there was no provision in the constitution to prevent either a fool or a knave or a person who was likely to be under the thumb of the executive being appointed.

He thought that the House would take that into consideration when the Assembly dealt with the "Instrument of Instructions to the President." To meet the criticisms in regard to the appointment by the President, he was prepared to make certain amendments to the amended Article. His amendment sought to provide that the appointment by the President of the Chief Election Commissioner and other Commissioners should be subject to any law made in that behalf by Parliament.

It also suggested that the conditions of service and tenure of office of the Election Commissioners would also be subject to any provision made by Parliament.

Mr. Ananthasayanam Ayyangar said that the amendment was introduced after the closure motion had been passed and he asked whether it was in order.

PRESIDENT'S RULING

The President ruled that he would allow Dr. Ambedkar to move the amendment, and would permit further discussions, if necessary.

Dr. Ambedkar, after moving the amendment, remarked: "You cannot deal with a constitution by merely raising technical points. Mere technicalities will destroy the constitution."

The President then asked the House whether they would like to have further discussion. As the voices for and against were of even volume, the President ruled that further discussion would be required. He said that the Article would be taken up later in the day.

The House, after a brief discussion, accepted two new articles brought forward by Dr. Ambedkar, 289-A and 289-B, relating to suffrage. Article 289-A lays down that there shall be one general electoral roll for every constituency and that no person shall be ineligible for inclusion in or claim to be excluded from the electoral roll on grounds of religion, caste or sex.

Dr. Ambedkar explained that though provision for separate electorates had been abolished from the constitution, wherever it had been provided for, there was a feeling that the important decision taken by the House that there should be only joint electorates should be expressly stated. Hence Article 289-B had been introduced.

When Mr. Brajeshwari Prasad (Bihar) said he was opposed to adult suffrage provided for in Article 289-B, Dr. Prasad said that the House had already accepted the principle of adult suffrage under Article 149.

STATE LEGISLATURES

Dr. Ambedkar then moved amendments for substitution of Articles 290 and 291 defining the powers of Parliament and the State legislatures to make laws with respect to elections to legislatures. Under Article 290-B Parliament has the power to legislate on all matters relating to elections both for the Central and State Legislatures.

Article 291 gives powers to the State legislatures to make laws relating to all matters relating to elections in their States, in so far as provisions have not been made by Parliament in that behalf.

Pandit Thakurdas Bhargava (East Punjab) said there was no need for Article 291 since Article 290 gave the Central Legislatures powers to legislate on all matters relating to elections for the Centre as well as the States.

Mr. Anantassayanam Ayyangar said he did not agree with Pandit Bhargava and said that State legislatures should be given power to legislate on matters concerning elections in which Parliament had not legislated.

Dr. Ambedkar said that Article 291 was a "residuary" Article. Though the responsibility for making laws relating to elections had been laid squarely on the shoulders of Parliament, there might be some residuary matters of a local character on which it would be necessary for State legislatures to make provision.

The House then dealt with Articles 297 and 298 relating to special provisions for the Anglo-Indian community in services and for their education. Under Article 291 a percentage of the posts in the railways and the posts and telegraphs are reserved for the community for a period of ten years, to be progressively reduced every two years.

Article 298 makes provision for continuance of special grants given for the education of the community. These grants will be progressively reduced every three years, and will cease to be given after ten years. No amendments were moved to the Articles, which were, however, discussed.

Articles and he hoped to bring forward an amendment to include Mysore later.

Prof. Shibbanlal Saxena said he was not opposed to the concessions given to the Anglo-Indian community. He would wish, however, to advise the community to become one with the other people of India to remove those barriers which the British had erected between them and other communities.

Mr. Mahavir Tyagi (U. P.) said he was opposed to the concessions to the Anglo-Indian community which had the affection of India and England.

The sympathy shown to the community was "wrongly placed," he added. The community was highly progressive and did not require any help or protection. He would rather prefer help to be given to refugees who require such protection. The germs of communalism would breed if the Articles were allowed to remain in the constitution.

Mr. K. M. Munshi member of the Drafting Committee said that the Articles had been included after great deliberation and were based on recommendations of the Special Committee appointed. For the purpose which had been accepted by the Ministry Advisory Committee. It would be impossible for them to stand on their own legs if all protection were suddenly taken away.

Sixty per cent of the community were employed in certain service and if the provisions contemplated were not made the community would be thrown on the streets. Moreover the Article would be operative for a limited time only. He appealed to the House not to disturb by discussion, a decision which had been taken after great deliberation.

Mr. Krishna Chandra Sharma (U. P.) said that he would not grudge any help given to any section of the people, but asked whether the Article did not militate against the fundamental right that there should be no discrimination against any citizen on grounds only of religion, race, caste or sex.

The House accepted the motion for closure and adopted the Articles.

SCHEDULED TRIBES' WELFARE
Inclusion Of States

The House passed Article 300 which says then the President may at any time and shall on the expiration of ten years from the Commencement of the constitution appoint a Commission, to report on the administration of the scheduled areas and the welfare of the scheduled tribes in the states. The executive power of the Union shall extend to the giving of directions to the States as to the drawing up and execution of schemes specified in the direction to be essential for the welfare of the scheduled tribes in the States.

The Article was originally intended to apply only to those States of the Union which are now known as provinces. The House accepted an amendment moved by Dr. Ambedkar to include Indian States also.

Mr. A. V. Thakkar (Saurashtra), Secretary of the Harijan Sevak Sangh, Delhi said he was very glad that Indian States had been included.

Prof. Shibbanlal Saxena said that he had lived for many years among the tribal people and could say that there could not be more suppressed humanity anywhere else. They were completely ignorant and lived the life of primitive people. That Article would give power to Government to devise ways and means of improving their lot.

Mr. Mahavir Tyagi (U.P.) said that in the past Government had not met the tribal people deliberately backward. He was afraid that the Article did not go far enough.

LOT OF BACKWARD CLASSES

The House next adopted Article 301 which states that the President may appoint a Commission to investigate the conditions of socially and educationally backward classes within the territory of India and the difficulties under which they labour and to make recommendations on the steps to be taken by the Union or any State to remove such difficulties and to improve their condition and on the grants to be given for the purpose by the Union or any State to meet the difficulties subject to which such grants should be given.

The President shall cause a copy of the report so presented. Together with a memorandum explaining the action taken on it, to be laid before each House of Parliament.

Mr. H. V. Kamath moved an amendment seeking to add the words "for such further action as may be necessary". The object of his amendment, he said, was to ensure that Parliament would take action on the report presented to the President.

Prof. Shibbanlal Saxena (U.P.) supported Mr. Kamath's amendment and hoped that the "blot of backwardness" would be removed.

The Article was adopted after a closure motion.

Mr. Kamath's amendment was rejected.

ELECTORAL MACHINERY

Reassembling in the evening, the House resumed discussion on the article as amended by Dr. Ambedkar regarding the centralised electoral machinery.

Mr. Jaspatal Kapoor referred to the mention in the article of the election to the office of the vice-president being under the control, superintendence and direction of the Election Commission, and pointed out that the vice-president would be elected by members of the legislature. He thought that the article should be recast.

Sardar Hukumsingh appreciated the idea behind the article, namely to give protection to the cultural, linguistic and racial minorities against provincial prejudices, but the presumption was that the centre would not be liable to such prejudices and corruption at any time. He said that Government should take care to see that the Commission was so constituted that every interest was represented.

Mr. H. V. Kamath said that he could not understand why the Government should have no voice whatsoever in the appointment of election commissioners in his State.

The House adopted the article after a closure motion. Dr. Ambedkar's amendments were accepted and the others rejected.

The House adjourned till a date in July to be fixed by the President.—P.T.I.

KASHMIR MEMBERS ATTEND
President's Welcome

NEW DELHI, June 16: Sheikh Mohammed Abdullah, Prime Minister of Jammu and Kashmir, Mirza Afzal Khaliq, Revenue Minister, Maulana Mohammed Saad, General Secretary of the National Conference, and Pandit Moti Ram took their seats in the Constituent Assembly today as representatives of the four million people of Jammu and Kashmir.

Welcoming them on behalf of the Assembly, Dr. Rajendra Prasad said: "I am sure the House will join me in extending a cordial welcome to Sheikh Mohammed Abdullah and the three members who have joined the Assembly today (cheers)."

"This brings to the Assembly the full complement of representatives from all the States that have acceded to India. Their presence, is going to be of great help in framing the constitution, which is intended to cover the whole country. They have been somewhat late in coming, but it is neither their fault nor ours. Circumstances have been such that they have been delayed. I am sure they have come in time to make a very useful contribution to our constitution".

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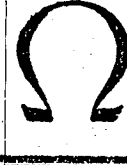
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