# Third Reading Of India's **Draft** Constitution

## NEARLY 550 AMENDMENTS TO BE DISPOSED OF BY WEDNESDAY

NEW DELHI, November 14. THE Constituent Assembly met here at 11 a.m. today to take up the third reading of the draft Constitution. Dr. Rajendra Prasad, President, was in the chair.

discussing matters of procedure.

Dr. Prasad announced that all remember transaction of the busiamendments—about 550 of ness of the Government of India, them have been tabled—would and for the allocation among Minisbe disposed of by 1 p.m. on Wed-nesday.

ters of the said business." He held that the clause was redundant and was an infringement upon the rights nesday.

He ruled out amendments which of the Ministers. did not arise out of those moved by the Drafting Committee, but added stead of the President, the Prime that he would make an exception in the case of amendments which he make rules for the "more convenient considered reasonable or necessary. Dr. B. R. Ambedkar, Chairman of the Drafting Committee, presented

the report of the Drafting Committee choice of the phrase "more convetogether with the Draft Constitution nient" transaction of business, and wanted it to be substituted by the revised draft contains 395 Articles and eight Schedules as against 315 articles and eight Schedules in the

original draft printed in 1948. Among the changes made in the revised draft is the addition of price control in the Concurrent List (matters within the concurrent jurisdiction of both the Centre and the

Justifying this addition, the Drafting Committee report says: "Article 369 (old 306) confers on Parliament power to make laws with regard to price control in respect of certain essential commodities for a period of five years. Power has been also given to Parliament to control prices of commodities produced by industries, the control of which by the Union is declared by Parliament to be expedient in the public interest. For the of the country, we consider that both Parliament and the legislatures of the States should be given power with regard to price control."

EVACUEE PROPERTY LAWS The revised draft covers certain

vent the indemnifying of persons in the service of the Union or of a State in respect of action taken by them during such period. The revised draft contains a new Article (34) to cover this contingency.

for Parliament at one-tenth of the total number of members of the House, until Parliament otherwise provides. In the case of legislatures of States, it is provided that, until they decide otherwise, the quorum should be one-tenth or ten members,

mons of the U.K. Parliament was also pointed out to the Committee. The House of Commons quorum is only 40, which is less than one-fifteenth of the total strength of that

#### TRANSFER OF HIGH **COURT JUDGES**

### President's Powers

quantum of such allowance.

Committee that there is a possibility of a further change being made in the territories of the units and that action in this direction might be

comes into force and to make approprinte changes in the schedules. A new Article has accordingly been

done by persons under martial law. be ruled out of order and the Conto martial law.

The President, ruling out the obthat all constitutions contained pro-

done under martial law, and difficulty might arise if there was no such provision in the Constitution. was some discussion was Article 48, in the chapter on Directive Princi-

preservation of cows and milch cattle and prohibition of cow slaughter. Pandit Thakurdas Bhargava who moved amendments said that the amendment of the Drafting Com-

tee should not be allowed "to tam-

passed by the Central Legislature within 18 months before the commencement of the Constitution. It was pointed out to the Drafting | Drafting Committee could even put Committee that the fundamental rights in the Constitution might prevent validation by the legislature of acts done during the period when martial law is in force, and also pre-

Two new Articles fix the quorum

whichever is greater.

Originally the quorum was fixed at one-sixth of the membership, both for Parliament and the State legislatures, but it was pointed out to the Drafting Committee that in actual practice it might prove unworkable. In the case of the Constituent As-

sembly (Legislative), the provision for quorum in the Government of independence of the Auditor-Gene-India Act was amended so as to fix it at one-tenth instead of one-sixth.

The analogy of the House of Com-

The Committee has proposed the insertion of a new Article to enable the President to transfer a Judge of a High Court from one High Court to another. The present provision in the Constitution would not permit of any compensatory allowance being given to Judges on such transfer. Fower has accordingly been reserved to Parliament to determine by law the compensatory allowance to be paid in case they are so transferred. and, until Parliament so determines, to the President to fix by order the

It has been pointed out to the

should be given to the President to made literate they would find an take cognizance of these changes on the date when the Constitution proposed to empower the President to take the necessary action.

Amendments arising out of the changes suggested by the Drafting Committee were then moved by the

# OBJECTIONS TO NEW ARTICLE

Prof. Shibbanlal Saksena sought give it without mental reservations. the deletion of the new Article 34 We have had enough of words. We dealing with indemnification for acts He said that the new Article should s itution should have no reference

jections, allowed the amendment of the Drafting Committee and said visions for indemnification of acts

The next Article on which there ples of State Policy, relating to the Both Prof. Shibbanlal Saksena and

mittee should not be permitted. Prof. Saksena said that the Article as adopted by the Article as the second reading stage provided

for the specific prohibition of cow slaughter whereas the amendments proposed by the Drafting Committee had not. The Drafting Commitper" with the considered opinion of

The House spent 15 minutes Clause 3 of Article 77 which

Mr. R. K. Sidhwa wanted that, in-Minister should have the power to transaction" of the business of the Government of India.

Mr. H. V. Kamath did not agree with the Drafting Committee's phrase "efficient and convenient."

#### FIXING QUORUM OF HOUSE

#### Mr. Sidhwa's Argument

There was a brief discussion on Mr. Sidhwa's amendment which sought that the quorum of the House of Parliament should be fixed at one-sixth of the total number of members in the House, and not onetenth as laid down by the Drafting Committee. His argument was that this question had been discussed "threadbare" earlier and it was decided to fix the quorum at one-sixth. He saw, therefore, no reason for the change being made by the Drafting Committee, at this stage.

Mr. Sidhwa said that the argument that even in the House of Commons the quorum was very low sake of economic unity and stability | could not be accepted. No "bad law" of the House of Commons should be copied. The low quorum would serve as a "premium of idleness" and prevent members from realising their duty towards their constituents by remaining away from the House.

He did not think it proper that in a House of 500 members only 50 should frame all laws for 30 crores of people. He suggested that the a disqualification clause in the Constitution for members who failed to attend the House regularly. If it was thought that the House might have to be adjourned for want of quorum, if it was kept high, the House should surely be adjourned. That would bring members, Mr. Sidhwa said, to their senses. Mr.

Deshmukh supported Mr. Sidhwa. Mr. Jaspat Roy Kapoor, opposing Mr. Sidhwa, said that past experience had shown the need for reduc-

#### ing the quorum. FUNDAMENTAL RIGHTS

Prof. Shibbanlal Saksena and Pandit Thakurdas Bhargava wanted that the power to make rules for regulating the practice and procedure of the appropriate proceedings relating to the enforcement of fundamental rights should be vested in the Supreme Court alone. The exereise of that power should not be subject, as suggested by the Drafting Committee in the revised draft, to Presidential approval or legisla-

tive interference. Mr. B. Das and Mr. Raj Bahadur stressed the need for ensuring the

Pandit Thakurdas Bhargava wanted that the Parliament's powers to their restrict freedom of trade and commerce should only be by law enacted by virtue of powers conferred by the

Constitution. Mr. Naziruddin Ahmad, West Bengal Member in the Constituent Assembly, complained that the Draft- | Jam Saheb, being Committee had "stolen" one of

his amendments. Mr. H. V. Kamath (Central Provinces), who found himself in a have been appointed for their lifesimilar predicament in regard to time. three of his amendments, said that Discussion in the Council dragged he would not like to use the word "stolen," as it might be unparlia- the time being taken up by the mentary, but would say, "the Drafting Committee had 'plagiarised' tra Constituent Assembly into the

resolution in the Constituent Assem- position, and Mr. Menon had to use bly congratulating the people of all his powers of persuasion before Indonesia on the attainment of their the rulers could accept it. ireedom "after a great struggle." President Rajendra Prasad said that he would place the resolution

Provinces) opposed Pandit Bhar-

Mr. R. K. Sidhwa wanted reservation in the services to be made only taken under the existing provisions for the Scheduled Castes and not of the Government of India Act of the Backward Classes. As the 1935, between the passing of the remedy for the backwardness of Constitution and its commencement. these classes was not reservation It is, therefore, felt that authority but education. If all of them were equal place in society with other

communities. Mr. Jaipal Singh (Bihar) said that the revised Article only provided the wherewithal for implementing a principle which had already been accepted. He denied that the Scheduled Castes, Scheduled Tribes and other Backward Classes were trying to form a communal group and added: "We do being cited in support of this conformance to these places via Hong-not come here with a beggar's bowl. It was, therefore, suggest-kong.

want action.' Mr. K. Santhanam and Pandit Kunzru, supporting the revised Article, said that the amendment was only consequential.

Mr. M. R. Masani, former Indian prevailed upon by the people to ap-Ambassador to Brazil, took his seat ply the brake to hasty and illin the Constituent Assembly today. The discussion had not concluded when the House adjourned till tomorrow.—P.T.I.

### Bombay Assembly

Mr. Bajirao Tataya Kote and Ehau Balaji Jadhav have been nominated as candidates for the by-electo the Bombay Legislative Assembly from the Ahmednagar North General Rural constituency. Polling will take place on December

## Bombay Shops Act

amended the second schedule to the Bombay Shops and Establishments when they are published as Ordin-Act, 1949, so as to exclude such ances in the Gazette. After much shops dealing in pan, bidi, eigarettes discussion the proposed Amendment matches and other ancillary, articles as open not earlier than 6 a.m. from amendment wanted deletion of tablishments.

# MILITARY MEDICINE



Representatives of a number of countries attended the Twelfth International Congress on Military Medicine and Pharmacy held recently at Havana, Cuba. Seen in the picture (front row) are: Colonel Buyadier Meuli of Switzerland (left), and Gen. L. Jame of France. In the second row is Maj-Gen. D. R. Thapar, who represented India.

# No Imminent Merger Of Saurashtra With Bombay

## UNION ACCEPTS STATES MODEL CONSTITUTION

From Our Special Correspondent

DHRANGADHRA, November 14.

INDICATIONS that the idea of merging Saurashtra into Bombay Province had been shelved were evident when three important amendments to the Covenant governing the Union of Saurashtra were adopted on Sunday by the Council of Rulers of the Union at a specially-convened meeting here.

According to one of the necessitated by the fact that the amendments, the Constitution framed by the Constituent Assumbly of the Indian Union was subsequently authorised to frame the Constitution for all sembly of India becomes the States and States Unions. Constitution of Saurashtra.

The second amendment to Article of Saurashtra, walked into the chamber after the Council had concluded its deliberations and thanked tive authority from the Rajpramukh to the Saurashtra Constituent Assembly, which will function as the Union's interim legislature from January 20. These two amendments were suggested by the States

The third amendment, which was put forward in the form of a resolution passed by the Council, alters Article three of the Covenant so as to make the Jam Saheb of Nawanagar the Rajpramukh of Saurashtra for life.

The existing Article prescribes that the Rajpramukh be elected every five years. The Maharaja of Dhrangadhra. Acting Rajpramukh, presided, and Mr. V. P. Menon, Political Ad-

#### dressed the Council. STERLING SERVICES

viser to the States Ministry, ad-

The Council's resolution suggesting that the Jam Saheh be Rajpra-

mukh for life is a fitting recognition of the sterling lead given by him to Rulers of the Kathiawar and other States in integrating and democratisi n g principalities. The resolution also

removes what, large sense, was an injustice to the

Jam Saheb of cause in States Nawanagar. Unions formed after Saurashtra the Rajpramukhs

on for more than six hours, most of amendment converting the Saurash-Union's legislature. The amendment, Mr. R. K. Sidhwa has tabled a it is gathered, encountered much op-

OPPOSITION CONTENTION Opposition was also evident in the before the Steering Committee for lobbies, where some "representatives" of the people were canvassing Mr. H. J. Khandekar (Central the rejection of the suggested change. The grounds for the opposigava's amendment. Clause four of tion, it is reported, were as follows: As testified by the Ministers themselves, the Rajpramukh has been thoroughly constitutional and has never vetoed or objected to any legislation placed before him by the Cabinet for his signature. The Ministry should not, therefore, object to the present arrangement which has worked satisfactorily for the last 20 months, and should let it continue undisturbed for another year or so till the General Election is held under the new Constitution. Secondly, it was urged that those who were elected to the Constituent Assembly a few years ago could not be said to continue to enjoy public confidence, the defeat of the Coned that instead of vesting legislative authority in the present Assem-

### bly fresh elections should be held.

HASTY LEGISLATION Finally, it was argued that the Rajpramukh being more accessible and amenable to reason could be considered legislation, while, on the other hand he would lose all supervisory powers when once the legislative authority was vested in a legislature.

These arguments were countered by pointing out, first, that the Rajpramukh cannot use his theoretical supervisory powers in actual practice, because that would start a conflict between him and the popular Ministry. Secondly, the people and the press will have ample opportunities to express their opinions on all proposed legislation, which will have to be published in advance and pass through three readings if the power to legislate is given to The Bombay Government have people come to know of legislative measures only as fait accompli was accepted. Two minor amendments to Article

Mr. U. N. Dhebar, the Chief Minis-

the Rulers for responding to the Saurashtra Constituent Assembly's request that it should be converted into the Union's legislature. He said that their gesture was in keeping with their traditions during the last 18 months and that it meant an extension of the lead given by them in January, 1948, when they agreed to merge their States into a democratic Union for the good of their people and in realisation of democratic trends in the world today.

#### NO QUESTION OF MERGER

The amendment of the Covenant hardly two months before the coming into existence of the new Constitution of India indicates that the idea of merging Saurashtra into Bombay Province has been shelved. Lest this should be dismissed only as an inference, I asked Mr. Dhebar what the correct position was, and he told me categorically that the question of merger was not being negotiated at the moment, nor was there any chance of its being raised in the foreseeable future. This view was also supported by another high authority.

After the new Constitution comes into force, the merger of autonomous territories can occur only if their respective legislatures so desire. That being a difficult and problematic process, it is held that the question of the merger of Saurashtra can arise only if as the result of the creation of linguistic provinces Gujerat becomes a separate unit. And there seems to be little likelihood of new provinces coming into being in the immediate future.

### BENEFICIAL TO SAURASHTRA

Shelving the merger idea should prove beneficial to Saurashtra in many ways. In the first place it is not that all sections of public were or are in favour of merger and, as Mr. Dhebar himself has been at pains to point out, the talk of merger has been needlessly distracting the minds of people. distraction should now stop.

More important than people, the talk, as Mr. Dhebar told me, was having a very bad effect on the services who, being uncertain of their future in the event of merger taking place, could not be expected to put their best into their work. The services too should now be relieved of their anxiety and the Union Ministry, which cannot yet boast of an efficient administration, will now have the advantage of claiming devoted work from its servants of all

The Ministry, backed by the elected legislature, services and people of Saurashtra, now has an atmosphere of stability in which to concentrate on long-term development plans and put the Union on a sound, efficient and progressive basis.

## Mails To China

Unregistered letters and postcards only are now accepted at sender's risk for the following provinces in China, according to a Government Press Note:—Anhwei, Chahar, Honan, Hopeh, Chekiang, gress-sponsored party in the recent Jehol, Kiangsi, Kwangsi, Shansi, municipal elections in Saurashtra Shantung and Shensi. Mails will be

> next despatch of overseas mails for Southern America the U.S.A., Canada, Trinidad Demerara, Great Britain and Ireland, Europe, Mediterranean countries, Egypt, Arabia and Aden will be made from Bombay on November 17, 1949 by R.M.S. "Strathaird," says a Postal notification.

Mails arriving in the Bombay Foreign Post up to 6 p.m. on November 16 will be included in the despatch subject to limit of shipping space.

### Passport Refused

MADRAS, November 14: Mr. V. Chakkarai Chettiar, President of the All-India Trade Union Congress, who had planned to attend the Asiau Regional Conference of the W.F.T.U. beginning at Peking on November 19, has been refused passport facilities by the Government of India, it is 'earnt here.

Mr. R. M. Jambekar, a leading member of the A.-I.T.U.C., who is now on a tour in Europe, has been asked to represent the A.-I.T.U.C. at the Peking conference.—P.T.I.

Society left Benares for Calcutta on the operation of Section 10 of the 9 were also adopted, deleting clauses | Sunday, carrying with them the Act. Section 10 prescribes opening which empowered the Constituent sacred relics of Sariputta and Mog-Prof. Shibbanlal Saksena by an hours of shops and commercial es- Assembly to frame the Constitution gailana, the two chief disciples of of Saurashtra. The change was Lord Buddha.

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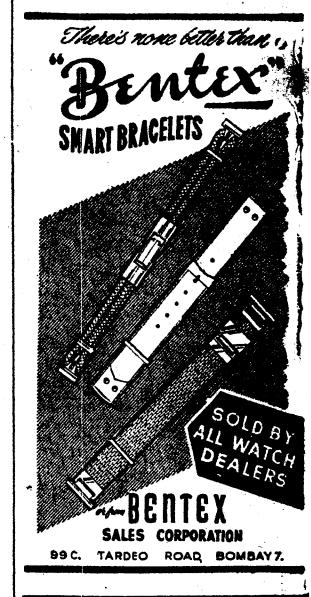
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