

# CONSTITUTION OF UNION PARLIAMENT

## Article Passed By Assembly Without Amendment

NEW DELHI, January 3.

**M**EMBERS of the Constituent Assembly today stood for a minute in silence, at the request of the Vice-President, Dr. H. C. Mookerjee, to mark the acceptance of "cease-fire" in Kashmir by both India and Pakistan and also to honour the lives that were lost in the Kashmir struggle.

Thereafter the House took up Article 66 of the Draft Constitution dealing with the constitution of the Indian Union Parliament.

The Article says that there shall be a Parliament for the Union, which shall consist of the President and two Houses, to be known respectively as the Council of States and the House of the People.

The House adopted this Article without any amendment. Three amendments, moved by Mr. Lokenath Misra, Begum Aizaz Rasul and Prof. K. T. Shah, were lost when put to the vote.

Mr. Lokenath Misra moved an amendment, which sought to do away with the Upper House or the Council of States. In his opinion the Council of States was out of date and was not necessary. The retention of the second chamber involved only waste of public money and waste of time in getting Bills passed.

Begum Aizaz Rasul moved an amendment seeking to name the legislature of the Indian Union as the Indian National Congress. It was the only way by which they could permanently record the services of the Congress to the cause of the country's freedom, she said.

### PROF. SHAH'S AMENDMENT

Prof. K. T. Shah moved an amendment which sought to remove the President from Parliament. He maintained that the mere imitation of the British Constitution, a large part of which was unwritten, was quite unnecessary in India.

Mr. Anantasayanam Ayyangar opposed all the three amendments and commended the Article as it stood in the draft. He said that Mr. Lokenath Misra's amendment, which favoured the abolition of the Upper House, was not acceptable in the present circumstances.

Opposing Begum Aizaz Rasul's amendment, Mr. Ayyangar said that it should not be incorporated in the Constitution, because Government formed under a constitution with this amendment would be dubbed as a one-party Government.

Opposing the amendment of Prof. Shah, he said that under Article 42 of the Constitution, which the House had already adopted, the executive power of the Union was vested in the President and, therefore, to seek to dissociate the President from Parliament would not be proper.

Dr. Ambedkar did not reply. He, however, said that he was not prepared to support any of the amendments.

The amendments being lost when put to vote, the Article was adopted as it stood in the original draft.

Article 67 relating to composition of the Houses of Parliament was then taken up for consideration.

At the suggestion of Mr. Bharati the Article which consisted of nine clauses with a number of sub-clauses, was split up into three parts: (1) clauses relating to the Council of States; (2) clauses as regards the House of the People and (3) consequential clauses relating to both Houses in the interests of clarity and to facilitate discussion.

Prof. Shah moved that Clause (2)

which dealt with qualifications of members to be nominated to the Council of States by the President should be deleted.

He also moved that Clause (4), which left the selection of representatives of the States to the Council to Parliament be deleted.

Dr. Ambedkar, by an amendment, sought that the Council of States should consist of not more than 250 members, of whom 12 members should be nominated by the President in the manner provided in Clause (2). The original clause provided that the Council of States should consist of 250 members, of whom 15 members should be nominated.

Mr. Lokenath Misra's amendment aimed to reduce the strength of the Council from 250 to 150.

### FUNCTIONAL REPRESENTATION

Mr. Lakshminarayan Sahu, in another amendment, suggested that the sub-clause relating to nomination should be deleted. He pleaded against nomination and preferred functional representation for election to the Council of States.

Mr. Naziruddin Ahmed's amendment suggested that "not more than six per cent. of the total number of members of the House" should be nominated to the Council.

Sardar Hukum Singh moved that members should be nominated to the Council "from amongst the categories of persons illustrated in Clause 2".

Dr. Ambedkar moved that the proviso to Clause (1) be deleted and the following new clause substituted: The allocation of seats to representatives of the States in the Council of States shall be in accordance with the provisions in that behalf contained in Schedule III-B".

Mr. Lokhnath Misra moved that the allocation of seats to States representatives in the Council of States should be on the basis of equal representation to each of the component States, the number of which should in no case be more than three.

Dr. Ambedkar moved another amendment to Article 67 which said that the 15 members to be nominated by the President to the Council of States shall consist of persons having special knowledge or practical experience in respect of such matters as letters, art, science and social services.

Mr. Lokhnath Misra moved a further amendment to Dr. Ambedkar's amendment suggesting that instead of the words "letters, art, science and social services," the words "history of ancient Indian philosophy and culture" be substituted.