

Mr. President : The question is:

“That clause (2) of article 100 be omitted.”

The amendment was adopted,

ARTICLE 248B (*reopened*)

Shri T. T. Krishnamachari : Sir, I move :

“That in clause (2) of article 248B, after the word ‘Governor’ the words ‘or Rajpramukh of the State’ be inserted.”

An explanation for this is hardly necessary.

Mr. President : The question is:

“That in clause (2) of article 248B, after the word ‘Governor’ the words ‘or Rajpramukh of the State’ be inserted.”

The amendment was adopted.

ARTICLE 263 (*reopened*)

Shri T. T. Krishnamachari : Sir, I move:

“That in clause (2) of article 263, after the word ‘Governor’ the words ‘or Rajpramukh’ be inserted.”

This clause deals with the custody of the Consolidated Fund of the States, and this change is necessary in view of the House having passed Part VI-A.

Mr. President : The question is:

“That in clause (2) of article 263, after the word ‘Governor’ the words ‘or Rajpramukh be inserted.”

The amendment was adopted.

SEVENTH SCHEDULE (*reopened*)

Shri T. T. Krishnamachari : Sir, I move:

“That in List I of the Seventh Schedule, after entry 43, the following entry be inserted:—

‘43 A. Courts of wards for the estates of Rulers of Indian States’.”

Sir, in the present set-up of the States, and in view of the fact that there are a number of Rulers, who are no longer Rulers in the real sense but have only estates, imposes a particular liability on the Central Government in regard to the administration of those estates, should that be necessary by virtue of the minority of those who own the estates or some incapacity for one reason or another of such persons, and the provision that is now being put in, is analogous to entry 25 of List II by which the provinces hitherto have been exercising jurisdiction over estates of zamindars and owners of other big estates where minority or other factors had supervened. The same provision is now sought to be put in with regard to the estates of Indian Rulers. This power has necessarily to be exercised by the Government of India and it cannot be entrusted for various reasons to the Governments of the States concerned.

Mr. President : The question is:

“That in List I of the Seventh Schedule, after entry 43, the following entry be inserted:—

43 A. Courts of Wards for the estates of Rulers of Indian States’.”

The amendment was adopted.

Shri T. T. Krishnamachari : Sir, I move :

“That in List II of the Seventh Schedule, to entry 25 the following words and figures be added:—

‘subject to the provisions of entry 43 A. of List I.’”

This is consequential as a result of the House accepting my previous amendment. This is necessary as it indicates precisely the powers of the States in regard to entry 25. Sir, I move.

Mr. President : The question is:

“That in List II of the Seventh Schedule, to entry 25 the following words and figures be add:—

‘subject to the provisions of entry 43 A. of List I.’”

The amendment was adopted.

ARTICLE 270 (*reopened*)

Shri T. T. Krishnamachari : Sir, there are two other articles. One is 270 for which, I hope, the permission of the House will be given to reopen that article., ‘There is another article of a non-controversial nature 67-A. I suggest that these two articles be taken up.

Mr. President : Let us take up 270 now.

Shri T. T. Krishnamachari : Sir, I move:

“That for article 270, the following article be substituted:—

270. (a) All property and assets vested in His Majesty for the purposes of the Government of the Dominion of India and all property and assets vested in His Majesty For the purposes of the Government of each Governor’s Province shall, as from the commencement of this Constitution, vest respectively in the Government of India and the Government of each corresponding State, and

(b) all liabilities and obligations of the Government of the Dominion of India and of the Government of each Governor’s province shall, as from tile commencement of this Constitution, be the liabilities and obligations, respectively, of the Government of India and the Government of each corresponding State,

subject to any adjustment made or to be made by reason of the creation before the commencement of this Constitution of the Dominion of Pakistan or of the provinces of West Bengal, East Bengal, West Punjab and East Punjab.”

Mr. President : I think this is also an independent article which you wish to move.

Shri T. T. Krishnamachari : It forms part of the Chapter. I said that permission may be given for redrafting this also.

Mr. President : I had better ask for that permission. It is sought to amend article 270 which was adopted at a previous session of the Assembly. Do the Members give permission to amend that article”

Honourable Members : Yes.

Mr. President : It has been moved. You can proceed.

Shri T. T. Krishnamachari : The reason why this amendment is sought to be moved is merely because our legal advisers have told us that the article as it has been approved by the House originally is defective in character. Sir, the original article, if the House would permit me for purposes of clarification, reads thus:—

“As from the commencement of this Constitution the Government of India and the Government of each State for the time being specified in Part I of the First Schedule shall respectively be the successors of the Government of the Dominion of India and of the corresponding Governors’ Provinces, as regards all property, assets, liabilities and obligations subject to any adjustment made or to be made by reason of the creation before the commencement of this Constitution of the Dominion of Pakistan or of the Provinces of West Bengal, East Bengal, West Punjab and East Punjab.”