

**Mr. President :** Article 391: amendment No. 424.

**Shri H. V. Kamath :** There is an amendment by Shri Thakkar Bapa, No. 423, Sir.

**Mr. President :** There is no amendment of the Drafting Committee; you proceed with article 391, amendment No. 424.

**Shri H. V. Kamath :** Sir, I move :

“That in clause (1) of article 391, for the words ‘amendment in’ wherever they occur, the words ‘amendment to’ be substituted.”

This is also a verbal amendment and I leave it to the wisdom of the Drafting Committee.

Sir I move:

“That in clause (1) of article 391, for the words ‘anything in this Constitution’, the words ‘anything contained in this Constitution’ be substituted.”

This amendment is also on a par with amendment 424 and I leave it to whatever fate may overtake it at the hands of the Drafting Committee.

**Shri R. K. Sidhwa :** Mr. President, Sir, I move :

“That at the end of article 391, the following new clause be added:—

‘(3) Such an amendment or amendments shall be placed within two months of the passing of Such an order before Parliament for its approval.’ ”

Sir, this article is a very important one.

**Shri T. T. Krishnamachari :** May I interrupt my honourable Friend and point out to him that the President will merely be putting into the provisions of the Constitution what would be a matter of fact and that would not admit of any approval by Parliament or of even placing before Parliament because on the 26th of January, these changes must become part of the Constitution. Otherwise, these States to which these changes refer will be hanging in the balance.

**Shri R. K. Sidhwa :** My point is this, I will just read the article as it is:

“if at any time between the passing of this Constitution and its commencement any action is taken under the provisions of the Government of India Act, 1935, which in the opinion of the President requires any amendment in the First Schedule and the Fourth Schedule, the President may, notwithstanding anything in this Constitution, by order, make such amendments in the said Schedules as may be necessary to give effect to the action so taken and any such order may contain such supplemental, incidental and consequential provisions, as the President may deem necessary.”

I refer to the First Schedule. I do not want to give any power to the President for First Schedule, which is a most contentious subject; during the last session we discussed it and postponed it for the consideration of this House. The First Schedule relates to addition or subtraction relating to the States and also the names of the States. If any additional name is to be made, could it be left to the President? Supposing Madras is to be divided, may I know if merely the President will have a power to add Andhra into this list or Maharashtra to be added to it and also to change the names of the States?

**Shri T. T. Krishnamachari :** Action would have been taken under the Government of India Act already before the promulgation of the Constitution.

**Shri R. K. Sidhwa :** I feel that the change in the name of States should be in the absolute power of this Assembly. With due respect to you, I feel that this is an important matter on which the House must have a voice. Already we have received a suggestion from U.P. to change the name of the