

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

“That in clause (1a) of article 67, for the word, figure and letter ‘Schedule III-B the word, figure and letter ‘Schedule III-A’ be substituted.”

I have already explained the need for this amendment. I hope the House will accept the amendment.

Mr. President : This is merely consequential. The question is:

“That in clause (1a) of article 67, for the word, figure and letter ‘Schedule III-B’ the word, figure and letter ‘Schedule III-A’ be substituted.”

The amendment was adopted.

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

“That in clause (1) of article 4, after the words ‘First Schedule’ the words, figure and letter ‘and Schedule III-A’ be inserted.”

I have also explained the need for this amendment. I hope the House will accept the amendment.

Mr. President : This is also consequential. The question is:

“That in clause (1) of article 4, after the words ‘First Schedule’ the words figure and letter ‘and Schedule III-A’ be inserted.”

The amendment was adopted.

Shri T. T. Krishnamachari : Mr. President, I move:

“That in clause (1) of article, 4, for the words ‘incidental and consequential provisions’ the words and brackets ‘supplemental, incidental and consequential provisions (including provisions as to representation in Parliament and in the Legislature or Legislatures of the State’ or States to be affected by such law)’ be substituted.”

This is a modification of the words which we now seek to supplant. There is nothing intrinsic in this amendment which seeks to vary a principle which has been incorporated in article 4.

Mr. Naziruddin Ahmad: Does it enlarge the scope of the original text?

Shri T. T. Krishnamachari : Only to the extent that article 4 is an operative clause, in regard to article 3, and the enlargement is restricted only to the extent that is absolutely necessary.

Mr. President : The question is:

“That in clause (1) of article 4, for the words ‘incidental and consequential provisions the words and brackets ‘supplemental, incidental and consequential provisions (including provisions as to representation in Parliament and in the Legislature or Legislatures of the State or States to be affected by such law)’ be substituted.”

The amendment was adopted.

PART XVIII

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

“That for Part XVIII the following Part be substituted:

PART XVIII

SHORT TITLE, COMMENCEMENT AND REPEALS

Short title.

313A. This Consitution may be called the Constitution of India.”

Shri B. Das: You have to say “of India, that is Bharat”.

Shri T. T. Krishnamachari : We have used the word India as we have used it in other places in the Constitution.”

314. This article and articles 5, 5A, 5AA, 5B, 303, 311, 331 A and 312F of this Constitution shall come into force at once, and the remaining provisions thereof shall come into force on the twenty sixth day of January, 1950, which date is referred to in this Constitution as the date of commencement of this Constitution.

Commencement.

315. The Indian Independence Act, 1947, in so far as its provisions are repugnant to this Constitution and the Government of India Act, 1935, including the India (Central Government and Legislature) Act, 1946 and, all other enactments amending or supplementing the Government of India Act, 1935, shall cease to have effect :

Repeal.

Provided that nothing in this article shall affect the provisions of the Abolition of Privy Council Jurisdiction Act, 1949.”

Sir, the first clause 313A is a formal one. The second clause relates to clause 314 which in the draft Constitution has been left more or less blank after the words “This Constitution shall come into force on..... This clause puts in articles 5, 5A, 5AA and 5B relating to Citizenship, article 303 (Definitions) and articles 311, 311A and 312F which are transitory provisions. 311 relates to the election of the provisional Parliament, 311A to the provisional President, and 312F relates to the provisional Parliament so as to determine the method to be followed for the by- elections and the rules to be followed for that purpose. These have been put in as the articles will have to come into force immediately. The remaining articles will come into force on the appointed day, which is the 26th of January 1950.

So far as 315 is concerned, this more or less follows the scheme in the draft Constitution with this exception that we have found it necessary to provide that the operation of the Privy Council Jurisdiction Act passed by this House shall not be affected by this repeal. I do not think there is any need to explain the purport of these articles as they are self-explanatory.

The Honourable Shri K. Santhanam : What about the appointment of a Commission for the delimitation of constituencies ?

Shri T. T. Krishnamachari : That we have not put in, I would like to add this. There may be, for instance, the question of delimitation of constituencies under article 290. This must be preceded by a legislation by the provisional Parliament. I do not think anything could be done in that regard between now and the 26th of January, 1950. I will mention here another matter, if I may do so with your permission. These are the articles that to us now appear as being necessary to be. put in article 314. The position will be examined at greater length. Actually I understand the Law Ministry attached to the Government of India is going through the whole matter and is carefully scanning the provisions of the Constitution that will have to come into force before the appointed date. Should we feel that anything should be added to these articles we shall seek your permission and the permission of the House to incorporate them at a later stage. At the moment these are the only articles affected as far as we can see by going through the articles and scrutinising the meaning of those articles. But other consequential matters might arise, and if they should arise on a scrutiny and examination of the articles by us we shall certainly bring fresh proposals before the House with your permission.

Mr. President : There are certain amendments relating to the original article, I shall take them up if the Members want them, and if they fit in with the amendment as now put in. There are three here. One is by Dr. Deshmukh He is

not here; so it is not moved. The next one is by Mr. Brajeshwar Prasad. He too is not here. So it is also not moved. Then there is again an amendment relating to 315 by Dr. Deshmukh. So it is not also moved. Are there any others ?

Shri H. V. Kamath: I have certain amendments in Vol. II of the printed list.

Mr. President : You may move them, but I think we may take these from the beginning. First 314. There are certain amendments. One is by Mr. N. Ahmad regarding numbering of the Chapter. It is verbal and need not be moved. Mr. Prakasam is not here. Mr. Lari is no longer a member. There is no other amendment to 314. To 315 there is one by Mr. Kamath-3325. He may move it.

Shri H. V. Kamath: Mr. President, I refer to amendments 3325 and 3327 of Printed List, Vol. II. I do not propose to move 3325 because the article as now moved by my honourable Friend Mr. Krishnamachari has made an alteration in 314 regarding the date on which the Constitution will come into force. My amendment which refers to the date of commencement of the Constitution has therefore no validity now. Amendment 3327 is a verbal or formal one. The House will see that the marginal heading of article 315 is "Repeals" and in conformity with that, I thought it would be more correct to state at the end of this article instead of the words "shall cease to have effect"—"shall stand repealed". Of course, I am not a lawyer or an authority on matters of constitutional terminology and phraseology. I shall be content with leaving this matter to the collective wisdom of the Drafting Committee.

But, Sir, I would like to make a few observations in regard to the amendment just now moved by my honourable Friend Mr. Krishnamachari, No. 463. The first point is with regard to article 315 as moved by him. This refers to the Indian Independence Act, 1947. If the House will compare this with the original draft of this article, they will see that the words "insofar as its provisions are repugnant to this Constitution" are a fresh insertion. The original draft was silent on this point. I would like to know what exactly is the significance of these words. Do we not state categorically, clearly and unambiguously that with effect from the date of commencement of this Constitution the Indian Independence Act stands repealed, and of course the Government of India Act and what not? When this Constitution comes into force, then all other laws that were in force till that date automatically become null and void. Therefore, these words "insofar as its provisions are repugnant to this Constitution"—are wholly unnecessary and should be deleted. I am sorry I had no time to give notice of an amendment.

As regards article 314, it refers to the date of commencement of this Constitution. Certain articles have got—and quite rightly so,—to come into force at once. I have nothing to say on that point. But about the second part of this article which says that the rest of the Constitution shall come into force on the 26th January 1950. I made a suggestion some time ago that, granting, with all my heart that the 26th of January has got a sanctity all its own in our national calendar, we might still have another day, and it might very aptly and in the fitness of things signify, the advent of our complete freedom and republican status. We may christen it the "Republic Day" The 26th January would still be regarded as "Independence Day", the day on which we took the famous pledge of independence, But in all humility I suggest that we might have a—"Republic Day" which we may observe like other days in our national calendar. I have no objection if the "Independence Day" and the "Republic Day"

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synchronise, but I think it would add more importance to our national calendar if we had “Independence Day” on the 26th January and another day in January or December as “Republic Day”. As a matter of fact, if it were possible, we might have December 9th, 1949, as the Republic Day, because we began this historic Assembly on the 9th December. But perhaps it is not quite possible to get all these things ready by then, so I would suggest a day in January and have it as “Republic Day” to be celebrated like “Independence Day” or “Gandhi Jayanti” or other national days. I would request the House to, consider this little submission of mine to the effect that we might as well state that the remaining provisions of this article shall come into force on the midnight of the 25/26th January 1950. Just as in August 1947 we celebrated or we welcomed the advent of freedom on the night of 14/15th August 1947, it would be in the fitness of things if we state here definitely that the remaining provisions thereof shall come into force on the midnight of 25/26th January 1950, and if that were adopted today, it would have the way for the celebration of another historic ceremony.

I do not know what the astrologers will have to say about this matter, because last time when they were consulted, there was a conflict of opinion about the auspiciousness of the date.

Mr. President : They offered their opinion without being consulted.

Shri H. V. Kamath: They were consulted by friends outside and they were not quite agreed whether it was wholly auspicious. I do not think we are always bound by the opinions of astrologers, but other things being equal, we might as well celebrate it on the midnight of 25/26th January 1950.

I hope Mr. T. T. Krishnamachari has been listening to me and that he will try his best to answer the suggestions that I have made.

Mr. Naziruddin Ahmad: I am not moving my amendment, but with regard to the amendment that has been moved by Mr. T. T. Krishnamachari, I have some difficulty about the proposed article 315. Article 315 tries to state that the Indian Independence Act, insofar as it is repugnant to this Constitution, shall cease to have effect. I however think that this should be covered by the old article 307. I do not know what has become of it: whether it is proposed to move it or not. But article 307 in the Draft Constitution.....

Shri T. T. Krishnamachari : Another article 307 has been moved and accepted and is part of the Constitution.

Mr. Naziruddin Ahmad: This article 307 would cover 315. I am referring to the old article, and I suppose that the new article 307 is substantially of the same effect.

Shri T. T. Krishnamachari: Except clause (2)

Mr. Naziruddin Ahmad: Clause (1) says: “Subject to the other provisions of this Constitution, all the laws in force in the territory of India immediately before the commencement of this Constitution shall continue in force therein until.....”

So, “all laws in force in the territory of India” would also include the Indian Independence Act 1947.

Shri T. T. Krishnamachari : It is expressly mentioned.

Mr. Naziruddin Ahmad: It is not necessary: otherwise you should mention all the other existing Acts which would be covered. The Indian Independence Act is completely in the hands of the Indian Legislature. That Act states that from the appointed date, all laws relating to the Indian administration and all British laws applicable to India, should no longer be affected or modified or dealt with in any way by the British Parliament but this should be dealt with specifically by the Indian Legislature. If that is so, I fail to see how the Indian Independence Act is an Act which requires a special mention. That is certainly within our competence. The British Parliament has no longer any jurisdiction over that. They have enacted a self-denying ordinance and that is certainly a law in force in the territory of India. Those laws which are now existing will have to be adopted under article 307. I do not know how far the office has proceeded with it, because on the 26th January we expect a complete Adaptation Order, fully ready, to be applicable on that date. On and from that date all laws, inconsistent with the present Constitution should be clearly adapted to suit the Constitution.

I think the word "Repeal" in the marginal note is inapplicable because we are not repealing the Independence Act: we are merely trying to say that insofar as it is inconsistent with the present Constitution it shall cease to have effect. We really modify the Act or adapt it to suit the present Constitution and that purpose would certainly be served by article 307. I therefore oppose article 315. All that we want is not the repeal but really an adaptation.

With regard to article 314, there is one expression which is coming up before the House repeatedly, namely, "the date of the commencement of this Constitution". Sometimes we say, "the commencement of the Constitution". On other occasions we say "the date of the commencement of this Constitution". I think the words 'the date of', are absolutely unnecessary and tautological. We mention here the "26th day of January 1950", which date is referred to in this, article as the "date of " the commencement of this Constitution. The 26th day of January 1950 is certainly a "date", and if that is referred to as the commencement of this Constitution the words 'date or are absolute unnecessary. The use of this expression has been rather indiscriminate in many places that they occur and in many places they do not occur. I should think these words should be deleted by the Drafting Committee so as to make the expression absolutely neat and clear and yet complete.

I would like to know what progress has been made in the adaptation of the of the existing laws because this is extremely important and things should be ready on the 26th January. This will affect courts, offices and various other persons. We should have a completely adapted series of Acts, as was done in the case of the Government of India Act, all the Acts were adapted and an Adaptation Order was printed and circulated before time so as to be ready on the date that the Constitution came into effect, that is, on the 1st April 1937.

I should like to know what progress has been made already, because if that is not taken in hand, there may be an impasse and confusion. So this requires clarification and if we have taken that in hand, then article 315 will be absolutely unnecessary.

The Honourable Shri K. Santhanam: Sir, I have just two points to make with reference to amendment No. 463. I think before any other article is brought into Operation, it is desirable to have at least the Preamble and article I also to be brought into operation because all the other clauses refer to India and so before article I comes into operation, I do not think it is quite right that

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other articles should be brought into operation. I suggest that the Preamble and article I also may be added. These articles should be brought into immediate operation while the rest may come into operation on the 26th of January.

Mr. Naziruddin Ahmad: The difficulty would be that the Preamble has not yet been accepted by the House.

The Honourable Shri K. Santhanam: It will have to be accepted before the Constitution is complete. I am only suggesting this.

Shri R. K. Sidhwa: May I know why you want the Preamble to be made applicable immediately ?

The Honourable Shri K. Santhanam: Preliminary to bringing the whole Constitution into force, we are bringing some provisions of the Constitution into force and the object of the Constitution and the name of the country must be there before any part of the Constitution can be brought into force. You may consider that suggestion for what it is worth.

In proposed article 315 there are provisions what are hardly consistent with the dignity of the new Constitution. It says: "The Indian Independence Act, 1947, insofar as its provisions are repugnant to this Constitution and the Government of India Act, 1935, including the India (Central Government and Legislature) Act, 1946, and all other enactment amending or supplementing the Government of India Act, 1935, shall cease to have effect." The Independence Act to the extent it is not repugnant to the provisions will continue in existence and be in force. I think the entire Independence Act must be repealed. The only fundamental law must be the Constitution. The validity of all other laws must be derived from the Constitution. When the Government of India Act, 1935 was passed, all the previous Acts were completely repealed. I do not think we should leave the Indian Independence Act as if it is continued together with the Constitution as a fundamental law of the country so that it can be argued in the Supreme Court that a certain provision of the Indian Independence Act, because it is not repugnant to the provisions of the Constitution will continue in force. Our Supreme Court should not derive any authority from the Indian Independence Act; it should derive its authority only from the Constitution. I think this is an elementary principle which is necessary for the dignity of the whole Constitution. We should not say that our Constitution consists of the Constitutions which we have enacted and the Indian Independence Act to the extent it is not repugnant to the provisions of the Constitution. So I think this is a matter of importance and I suggest that Mr. Alladi and others should put their heads together and see that we do not enact a clause which is likely to be detrimental to the dignity of the Constitution we are making.

Shri B. Das: Mr. President, Sir, in article 314 it says: "This article 311 will come into force at once." When the article 311 was passed I understood that those members of provincial legislatures that are Members of this House will continue till the 26th of January, 1950. I wish it should be made clear that all members of provincial legislatures, that our comrades and colleagues here will remain with us until the 26th of January 1950 when the Republic will be declared. I hope no mistake will be made on that quarter if we accept the present article 314 (Interruption). I respectfully request you to examine article 311 and I want to know whether our colleagues here from the provincial legislatures will continue to remain with us till the 26th January, 1950 when the Republic will be declared. Otherwise if that is not Contemplated, I oppose inclusion of article 311 here.

Shri R. K. Sidhwa: It is clear.

Shri Alladi Krishnaswami Ayyar (Madras: General): Mr. President, I just want to say a word or two in regard to the first objection of my Honourable Friend Mr. Santhanam. I might point out that in the Draft Constitution, article 315, there is no reference to the retention of any revision of the Dominion Act after our Constitution comes into force. I would read the language of the said original article. "The Indian Independence Act, 1947 and the Government of India Act, 1935, including the India (Central Government and Legislature) Act, 1946 and all other enactments amending or supplementing the Government of India Act, 1935, shall cease to have effect." On a careful consideration I am inclined to agree with Mr. Santhanam, namely, that there is no question of the retention of any of the provisions of the earlier Act after our new Constitution comes into force. No doubt we might give a fresh lease of life to certain laws which were passed under the old Constitution and adopt them, so to speak, as the law under our Constitution. That is necessary and that provision has been made. I might also point out we were particularly anxious that the Constitution which we are making or passing must not be traceable to section 7 of the Independence Act and we took the view that there is no necessity of even the Governor General's assent being required for the new Constitution. The new Constitution will not be a constitution passed under or in pursuance of the wide and comprehensive powers given under section 7 or 8 of the Indian Independence Act. Therefore, when once we pass a Constitution, use our own free will, independent of and without reference to any earlier Act, there is no need of mentioning that the Independence Act will continue to be in force to any extent whatever. I might mention that even when an Act like the Government of India Act of 1935 was passed it was in pursuance of an Act of Parliament and the earlier Government of India Act was treated as repealed, excepting in so far as the provisions of the earlier Government of India Act were in terms adopted and continued by particular sections of the Government of India Act. Under those circumstances there is force in the suggestion of Mr. Santhanam, but they are in the nature of a drafting amendment. If permission is given that might be dropped at a later stage. The reason why I am mentioning this is that having emerged from the Drafting Committee, it is only fair that it should be amended again by the Drafting Committee. There will be no difficulty whatever in regard to that point.

Then some technical point was raised by my honourable Friend, Mr. Kamath, with regard to the words 'cease to have effect'; for the very reason for which he has been fighting we advisedly put in the express words "cease to have effect". On the point as to repeal, we are to remember we are an independent body. The Independence Act emanated from another Parliament. There is no question of our repealing another Act. That is why advisedly the draft Constitution contained the express provision "cease to have effect." Therefore, consistent with the ideas of my honourable Friend Mr. Kamath, who always stands for the independence of this country, for the Constitution not having reference to anything emanating from the British Parliament, it is appropriate and fitting that the expression 'cease' should be there instead of the word 'repealed'.

Then, Sir, lastly the point mentioned by Mr. Santhanam : one, regarding the coming into force of the Preamble and secondly, that India shall be a Union. I think, if I may say with respect to my honourable Friend who is always careful about his points, there is no force in that objection. So far as the Preamble is concerned, though in an ordinary statute we do not attach any importance to the Preamble, all importance has to be attached to the Preamble in a Constitutional statute, there is no such thing as the Preamble immediately coming

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into force. The Preamble will come into force in all its plenitude when the Constitution comes into force. There is no reason to say that the Preamble will come into force earlier than when the Constitution comes into force.

Secondly, I do not think we can bring into force the article that India shall be a Union because India does not immediately become a Union of States as it is understood throughout the Constitution. A Union must be understood with the entire constitutional mechanism that has been created under the Constitution which we are passing. We cannot conceive of a body or soul without limbs. If the limbs do not begin to operate how can a Union come into existence. So far as that point is concerned, even Homer nods and there is no force in the objection raised by Mr. Santhanam that the article must come into force immediately.

Mr. President : There was one point raised by Mr. Das with regard to article 311.

Shri T. T. Krishnamachari : That is very clear, Sir,

Shri Alladi Krishnaswami Ayyar: I have not caught the point.

Shri Kuladhar Chaliha (Assam: General): Sir, I want to understand from the Drafting Committee how you can reconcile article 311(3) with article 314 article 314 says that it shall come into force at once. These Member, will have to vacate immediately I think. I want to have an answer from Mr. Krishnamachari. If that is the consequence, we cannot support this.

The Honourable Shri K. Santhanam: This will come into effect when the Third Reading is passed.

Mr. President : That is exactly the point raised by Mr. B. Das also.

Shri T. T. Krishnamachari : Sir, in regard to the point raised by Mr. B. Das and Mr. Kuladhar Chaliha, I would like to say this. Article 311(3) says:

“If a member of the Constituent Assembly of the Dominion of India was on the sixth day of October 1949, or thereafter becomes at any time before the commencement of this Constitution a member of a House of the legislature of a Governor’s province then, as from the date of commencement of this Constitution the seat of such member shall unless he has ceased to be a member of that Assembly earlier, become vacant.”

Here, article 314 says that the date of the commencement of the Constitution is 26th of January 1950. Even though these articles are to come into force immediately, the date of the commencement of the Constitution will be the operating factor. I do not think there is any doubt about that. I can tell honourable Members this. The idea is that Members who have double member-ship remain Members until the 25th of January. (Interruption). Honourable Members will please bear me patiently. We will have to examine the position again, if instead of the words ‘date of commencement of the Constitution’ the words ‘appointed date’ would suit better. Because, the appointed day happens to be the 26th of January. The position will be examined by Dr. Ambedkar and the Drafting Committee and if it is felt that the position of the Members will in any way be prejudicially affected, I will give this assurance to this House, that we will try to safeguard it by a suitable amendment and I think honourable Members need have no fear in that matter.

Dr. B. Pattabhi Sitaramayya (Madras : General): I should like to know what was the object with which this was included. The date of commencement of the Constitution being evident and the tenure continuing till that date, what

was the object of including this article mentioning the articles which are immediately coming into force? Probably it is to bring the elections into operation. If so, can you have an implied purpose and a declared purpose which are different from each other. This must be re-examined.

Shri T. T. Krishnamachari : The honourable Doctor has really put his finger on the point. The point is that, notwithstanding the fact that the vacancies have not occurred until the 25th of January, elections will have to be held so that the new Members will be enabled to take their seats on the 26th of January, on which date the vacancies will definitely occur. The idea is to enable the President of the Constituent Assembly to hold these elections notwithstanding the fact the actual vacancies will occur later. The wording of article 311 is clear. Both articles 311 and 312F permit the President of the Constituent Assembly to make appropriate rules for the purpose of enabling elections to be held on the supposition that the seats will become vacant on the 25th of January. The position as the Doctor has understood is correct and the position is also perfectly clear. I do not think any Member will be prejudicially affected by the fact that these articles are being brought into effect immediately from the time the Constitution is finally passed, or the Third Reading has been passed. If we do not do it, the President of the Constituent Assembly will not be empowered to take any action under articles 311 and 312 F.

With regard to the wording of article 315, I must bow to the superior wisdom of my honourable Colleague Mr. Alladi Krishnaswami Ayyar. If he now feels that the wording is not as it should be, I suppose the matter has definitely to be reconsidered. I would only say this, When experts differ, the layman is literally at sea. The reason why we made this change in the draft article is because of the advice that has been given to us by the Constitutional Adviser of this honourable House which is in these terms. “—This article provides without any qualification that the Indian Independence Act, 1947 and certain other Parliamentary enactments shall cease to have effect. There are, however, certain provisions of the Indian Independence Act which would not cease to have effect. For example, there is no reason why the provision of that Act stating that His Majesty’s Government in the United Kingdom have no longer any responsibility as respects the government of any of the territories which immediately before August 1947 were included in British India, that the suzerainty of His Majesty over the Indian States lapses, etc., should not continue to remain in force. There is nothing in this provision that is repugnant to the new Constitution. Hence the proposed amendment.” My honourable Friend Mr. Alladi Krishnaswami Ayyar holds the view that as this Constitution is completely independent in character, it acts on its own volition and therefore all the other enactments that preceded it must automatically cease to have effect. I quite agree. But, this is the opinion that was given to us by the Constitutional Adviser and it is only on the lines of this opinion that we put in these words “in so far as its provisions are repugnant to this Constitution.

I had originally thought of suggesting that we might, in order to make the meaning of this particular article clear, split it up into two and call it 315 (1) with the following words: “The Indian Independence Act, 1947, in so far as its provisions are repugnant to this Constitution”. Then put the figure (2) and put the following words after it. “The Government of India Act, 1935 including the India (Central Government and Legislature) Act, 1946, and all other enactments amending or supplementing the Government of India Act”. And thereafter, put these words below, which shall apply to both (1) and (2): shall cease to have effect”. In view of the position taken up by my honourable Friend Mr. Alladi Krishnaswami Ayyar, I would suggest with your permission, that the House do pass this article in this form and we will have the position re-examined.

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My honourable Colleague, the Chairman of the Drafting Committee is not here. We shall have the position re- examined and if necessary, at the Third Reading Stage, when we are convinced that these words “in so far as its provisions are repugnant to this Constitution” should be eliminated, we shall eliminate them at the Third Reading Stage.

I therefore suggest that we shall pass this article in the present form and if any change is necessary, we shall take adequate legal advice and the eminent lawyer members of the Drafting Committee will examine it. We will ‘put my honourable colleague Mr. Alladi Krishnaswami Ayyar against Dr. Ambedkar and Mr. Munshi and we will probably be able to arrive at a settlement so far as the wording is concerned. I do hope that....

The Honourable Shri K. Santhanam: Would it not be better that the opposite course is adopted?

Shri T. T. Krishnamachari : I have suggested one course. My honourable Friend Mr. Santhanam takes the opposite view. It is for the House to decide whether my view is proper or the opposite view. I would also suggest that before we finalise the wording of the article, we shall have the benefit of the views of Sir B. N. Rau about this matter. We shall immediately write to him about this matter and ask him if he would revise his view in the light of the expression of opposite views in the House. Therefore, I suggest that this article be accepted by the House in its present form, subject to this condition that the whole thing will be re-examined and if on examination we find that the objections mentioned by my honourable Friend Mr. Santhanam and supported by my honourable Colleague have any validity, the article will come before the House in a revised form.

So far as the objection to the wording “cease to have effect” is concerned, which my honourable Friend Mr. Kamath wants to be supplanted by the word “repealed”, I think my honourable Colleague Mr. Alladi Krishnaswami Ayyar has answered him adequately. The House need, therefore, have no qualms in accepting the wording ‘cease to have effect.’

Shri H. V. Kamath: What about the two suggestions that I made in regard to a separate Republic day and also about the Midnight ceremony ?

Shri T. T. Krishnamachari : That is a matter for the appropriate authorities and not for the Drafting Committee.

Mr. Naziruddin Ahmed: Is it proper to accept this subject to reconsideration? If these controversial matters are left over for the Third Reading, other matters will have no time. I suggest it should be dropped. It is included in 307.

Mr. President : That again is a controversial matter. In some form it has to be passed today so that the Second Reading may be completed. If any question arises for revision, that may be done at the Third Reading stage, and as Mr. Krishnamachari said they will have the matter re-examined and if we find that any amendment is necessary, we shall take that up at that stage. If we leave it also, then we could not bring anything new at that stage.

The Honourable Shri K. Santhanam: If the words ‘In so far as its provisions are repugnant to this Constitution, are omitted, it will have unanimous acceptance and there is nothing to prevent them in re-introducing those words if they

are found essential. Now we are asked to take it in a form which we dislike and it is said that they will consider it later. There is no difficulty for the Drafting Committee to re-introduce the words if it is considered essential.

Mr. President : It is really a matter for the House to decide. I will put the two views separately.

The question is:

That for Part XVIII, the following Part be substituted:

PART XVIII

SHORT TITLE, COMMENCEMENT AND REPEALS

‘313. This Constitution may be called the Constitution of India’.

The amendment was adopted.

Mr. President : The question is:

“This article and articles 5, 5A, 5AA, 5B, 303, 311, 311A and 312F of this Constitution shall come into force at once, and the remaining provisions thereof shall come into force on the twenty-sixth day of January, 1950, which date is referred to in this Constitution as the date of commencement of this Constitution.”

The amendment was adopted

Article 315

Mr. President : The question is:

“That in proposed article 315 the words ‘in so far as its provisions are repugnant to this Constitution’ be deleted.”

The amendment was adopted.

Mr. President : Of course it is understood that it is subject to re-examination.

The Honourable Shri K. Santhanam : Yes, It is appreciated.

Shri H. V. Kamath: I leave my amendment in the printed list to the wisdom of the Drafting Committee. That need not be put to vote.

Mr. President : The question is :

“That proposed article 315, as amended, stand part of the Constitution”.

The motion was adopted.

Article 315, as amended, was added to the Constitution.

Article 306A

Mr. President : We go to 306A.

It is suggested that we had better begin the Preamble. It may be moved.

Shri T. T. Krishnamachari : It is not necessary to move it. The Preamble may be taken into consideration.

Mr. President : The Preamble is moved. I shall have to take up the various amendments to the Preamble now. I have a large number of amendments—many of them printed in the printed list.

Maulana Hasrat Mohani (United Provinces: Muslim): I understand that you have already decided that the Preamble will be taken up last. How is it that there are some articles remaining undiscussed and you pass to the Preamble?”

Mr. President : Not many articles left.

Maulana Hasrat Mohani: Even one article—unless you finish the articles, you cannot take up the Preamble.

Mr. President : Very well, let us take up 306A.