

Shri H. V. Kamath: (C. P. & Berar: General): May I suggest that for the word “after” which Mr. Santhanam suggests, the word “from” would be more appropriate? “After” is not correct.

The Honourable Shri K. Santhanam: “From” may mean that for the first six months he should be member and afterwards if he ceases to be member he may continue to be minister. That is the lacuna which we are trying to fill up.

Shri T. T. Krishnamachari : There is only one point I would like to mention in respect of Mr. Santhanam’s amendment. His amendment is practically the same, except for a minor difference, namely, in a position where a person is a Minister who after having been elected duly and later on during four or five months after the original election some irregularity is found in the election and the election is set aside. Mr. Santhanam’s amendment would not cover such a case. So I would suggest that we should err on the safe side and that the House should accept the amendment moved by me.

The Honourable Shri K. Santhanam: I do not press my amendment.

The amendment was, by leave of the Assembly, withdrawn.

Mr. President : Then I put No. 446. The question is :

“That in clause (5) of article 62, for the words ‘who from the date of his appointment is, for a period of six consecutive months, not a member’ the words ‘who for any period of six consecutive months is not a member be substituted.’”

The amendment was adopted.

Article 147

Shri T. T. Krishnamachari: I move No. 447, which reads thus:

“That in article 141, for the words ‘with respect to which the Legislature of the State has power to make laws.’ the words ‘to which the executive power of the State extends’ be substituted.”

I have already explained the position while moving amendment No. 445 which the House was good enough to accept. This merely seeks to remedy the position so far as the Governor’s powers of granting pardon are concerned.

Mr. President : The question is ;

“That in article 141, for the words ‘with respect to which the Legislature of the State has power to make laws’ the words ‘to which’ executive power of the State extends’ be substituted.”

The motion was adopted.

Article 175

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

“That to article 175 the following proviso be added—

‘Provided further that the Governor shall not assent to, but shall reserve for consideration of the President any Bill which in the opinion of the Governor would, if it law, to derogate from the powers of the High Court as to endanger the position which that court is by this Constitution designed to fill’.”

The reason why we have to bring in this amendment at this stage is this. An amendment had been tabled by Dr. Ambedkar—No. 3406 of Volume II of amendments to amendments—seeking to recast the 4th Schedule, which the House has now decided to drop. and therefore Dr. Ambedkar could not move it. In that amendment. in clause (7) provision had been made in regard to the substance of the proviso which I have now moved. If the 4th Schedule had been there, this amendment would not have been necessary. At the time we considered article 175 we were not quite sure whether the 4th Schedule will be a part of the Constitution or not. That is my explanation for bringing forward this amendment.