

## CONSTITUENT ASSEMBLY OF INDIA

*Tuesday, the 9th August 1949*

The Constituent Assembly of India met in the Constitution Hall, New Delhi, at Nine of the Clock, Mr. President (The Honourable Dr. Rajendra Prasad) in the Chair.

DRAFT CONSTITUTION—(Contd.)

**Article 255—(Contd.)**

**The Honourable Rev. J. J. M. Nichols Roy** (Assam : General) : Mr. President, yesterday I spoke a little on my amendment. I have given now a correct version of my amendment. That would make the thing clear. May I speak on it, Sir ?

**Mr. President** : I will take this in the place of the one that you moved yesterday.

We shall continue discussion of the article which we were discussing last night.

**The Honourable Rev. J. J. M. Nichols Roy** : May I read it, Sir?

**Mr. President** : I shall read it out at the time of voting. Mr. B. Das.

**Shri B. Das** (Orissa: General) : Sir, we are discussing article 255 which deals with grants-in-aid to provinces generally, and also in certain reserved fields such as development of Scheduled and Tribal areas and helping the development of Scheduled tribes in some of the provinces.

Sir, I join my feeble voice to the “tales of woe”, however disliked it may be by the richer provinces and by that great humanitarian, Dr. Ambedkar. Sir, if I am feeble, it is because my province has remained undeveloped throughout one hundred and fifty years of British rule. The colonial pattern of government that the Englishman introduced wanted complete centralised control and wanted expansion of the British rule not only in India but throughout Asia. That did not allow the Centre under the former British Raj to part with any finances for the development of those undeveloped provinces of which we heard so much yesterday. Sir, everything is not happy in the Drafting Committee. Yesterday my honourable Friend Dr. Ambedkar told us that the Drafting Committee came to the conclusion that it would adhere to the old system of financial redistribution. I had an idea that the Drafting Committee was there to draft the principles that are laid down by Expert Committees of this House or that are the intentions of this House. I congratulate my Friend Syed Muhammad Sa’adulla Saheb on that excellent speech which he delivered yesterday pleading for that benighted province of Assam. That reveals there was no unanimity of opinion in the Drafting Committee on that Issue. Yet in the name of the Drafting Committee we are told that we have no alternative but to accept articles 254 or 255 or the subsequent articles that we will discuss today and tomorrow. I thought Dr. Ambedkar always felt for the under-dog as he had the spirit of humanity. This Constitution will remain a scrap of paper if the Centre follows the tradition of its foreign predecessors—the British Government—and monopolise all the sources of taxation and does not assist the Drafting Committee and this House to arrive at an equitable basis of distribution of resources so that

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the provinces stand on an even keel. Even Lord Meston thought that to stand on an even keel Bihar, Orissa and Assam needed help. Even the Otto Niemeyer Award admitted at the time that certain provinces are undeveloped and they need resources but under the circumstances it excluded the grant of more money. But today we heard from the spokesman of the Government of India in Dr. Ambedkar, that the Government of India had no concrete scheme, no definite scheme to raise the basic standard of expenditure of those undeveloped provinces of Bihar, Orissa and Assam and, to which list West Bengal, by act of God and man having been partitioned, has been added.

Sir, I referred the other day to that bureaucratic document that the Government of India in Finance Department placed before the Sarker Expert Committee. The Government of India attained by then independence though it was only five months old. The Finance Department produced an autocratic, bureaucratic document which is colourless and heartless and without any conception of the sovereign—duties that developed on the Finance Ministry, because it has conserved all sources of revenue in its own hands—not by its own efforts but through the system of centralised rule that it inherited from the former British Raj. My idea of independence is over and I do not dream of independence. I do not breathe in the atmosphere of independence today. Sir, accidentally, circumstantially we have become part of a Commonwealth and one is ashamed to open daily papers—whether Indian or British papers—India is part of that Commonwealth Empire and India must follow the doctrine of the United Kingdom by handing over all its economic resources. Today our resources are subordinated to British economic policy and we do not find the spokesman of the Finance Ministry present here to explain his functions or to explain the attitude of the Government of India. Sir, the document I referred to is the memorandum which the Finance Department produced before the Sarker Committee and it gives an analysis of revenues and expenditures for ten years on page 4. It says that the revenues of the Government of India were 1968 crores, civil expenditure 1731 crores, defence expenditure 1887 crores. We know how the huge defence expenditure was met. It was met from the borrowings and it has added up to the unproductive size of the public debt but in para. 8 on page 3 they say, I mean the Finance Department—I will not say the Finance Ministry as it did not understand the functions of Finance Ministry then or even now—that in these ten years it helped the provinces to the extent of 196.7 crores, and it says in spite of its own heavy commitments the Centre released nearly 200 crores of rupees to the provinces during this period. It shows the bureaucratic mentality and spirit of the Finance Department and we see no change in it after one and a half years when that document was written; and yet let me analyse it. In 1937-38 the annual revenue of the Centre was 86 crores; in 1946-47 it was 336 crores; and in 1949-50 it is 325 crores. These revenues the Government of India did not manufacture themselves. They get it from the people of India and yet it grudges the 200 crores which means out of 1968 crores it is only 10 per cent. It gave 10 per cent of the revenues collected during these ten years to the provinces and it grudges it.

Here under article 255 we are discussing grants-in-aid to the provinces. Who made the Government of India, Finance Department, into a charitable institution that it gives occasional charities to undeveloped areas like Assam, Orissa, Bihar or Bengal? We stand on justice and equity, we stand here on our rights that every province must have social justice, must have a basic standard of income or revenue. If I am condemned to four or five rupees *per capita* income, if Assam is condemned almost to the same level, it is not my fault. It is a legacy that foreign rulers have left. Today the spokesman of the Government of India stands up and talks glibly that they do not want to accept any change

in the basic standard of revenue that must be allocated to the provinces. Sir, I said on Friday last that you will be pleased to examine, after these articles regarding re-distribution of finances between the Provinces and Centre, are considered, whether the Centre has discharged its powers and duties so as to give a minimum standard of development, and to raise the standard of administration in those areas where better public health, better standard of education, better mode of living should come into being simultaneously with this Constitution. I do not claim that the Centre should so allocate the revenues as to give Rs. 25 *per capita* revenue expenditure to Orissa or Assam. I do not say that. But this august House, this sovereign House will nullify itself, will stultify itself if it does not determine before this Draft Constitution becomes an Act, what will be the basic standard of revenue placed at the disposal of the Provinces so that the Provinces might start on an even keel. Sir, article 255 talks of grants-in-aid of the revenues, of such States “as Parliament may determine to be in need of assistance.” My honourable Friend Rev. Nichols-Roy had tabled an amendment whereby he wants the introduction of the idea that what minimum assistance the provinces are getting, let them not be deprived of, till the so-called *ad hoc* committee or the Finance Commission comes into existence : There is a very deliberate suspicion on the part of my friends from the undeveloped provinces that the Government of India in the Finance Department may become more autocratic and may deprive the provinces of the small grants, in-aid that are now prevailing. My honourable Friend Dr. Ambedkar talked and waxed eloquent on the provision of article 256 over the development of Assam, and over the development of other tribal areas—he quoted article 255 proviso (a) that the average expenditure of revenues during the three years immediately, preceding the commencement of this Constitution should be granted to these provinces. I must say, Sir, this is very bad logic on the part of that great humanitarian leader Dr. Ambedkar. Undeveloped provinces like Assam and Orissa had no resources to develop these tribal areas, these excluded areas, although the Government of India Act, 1935, of which my honourable Friend Dr. Ambedkar is so fond, from which he quotes so often as if it is the Magna Charta on which all constitutions could be based—that Act provided that it was the duty of the Central Government to help the development of these tribal areas. But, Sir, it remained a dead letter. The 1935 Act was never promulgated at the Centre. It was a mistake, and I recognise that it was a mistake on our part, not to have accepted the 1935 Act the Federal Constitution at the Centre. If we did, today we would have been much better off. What happened? Did the Central Government help in the development of the tribal areas in these undeveloped provinces? No. Sometimes it gave doles in charities, but it did not really help in the development of the tribal areas; the Nagas, the Khasis and other tribes in Assam remained where they stood. What it did, it did for the defence of the British Empire, on the eastern frontier, and we know in the last war, where the enemy came. The enemy came through those hills, on to the Kohima battle-fields. So today to talk here, blithely that the undeveloped provinces will get the average of the last three years expenditure before the Constitution commences, shows the incapacity of the Government of India’s Finance Department, to face the situation to solve those problems. It has not faced the situation. Sir, I am a man of principles too—I agree with my honourable Friends Pandit Kunzru and Dr. Ambedkar that there should be principles, financial principles which should guide the governance of India and the provinces. But what are the financial principles that must be laid down. My Friend Dr. Ambedkar, coming from the Rs. 25 *per capita* standard of Bombay presidency, does not like the export duty to be distributed iniquitously to certain provinces. He quoted from the Export Committee’s Report, and it was a pleasant surprise to find that the Government of India and Dr. Ambedkar have accepted at least one moiety of the recommendations of that Committee. My friend quoted from ‘that report, but he forgot to quote the consequential lines, regarding the allocation of jute duty. Sir, though we

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are not discussing specially the share of jute duty, we are still considering the grants-in-aid; and on page 9 of the Report, in para. 36, where the Sarker Committee allocates money for a period of ten years, they qualify it by saying... "If at the end of ten years, which we think should be sufficient to enable the Provinces to develop their resources adequately, the Provinces still need assistance in order to make up for this loss of revenue, it should no doubt be open to them to seek grants-in-aid from the Centre, which would be considered on their merits in the usual course by the Finance Commission". Dr. Ambedkar did not qualify the Draft article which this House accepted yesterday—254—with this part of the recommendation, that the grants-in-aid must be given till provincial resources reach the right -standard. Here the Centre denies us, the undeveloped provinces, a basic standard of expenditure. Then in one stroke, by article 254, they still keep these poor provinces on tenterhooks. Orissa gets only 3 lakhs. I am not very much pleading here the cause of Orissa. I am pleading the cause of justice and equity, that there should have been a proviso somewhere so that the wrong done so arbitrarily by the Centre in the Draft Constitution, by article 254, may be set right automatically. That is why I plead before you, you as the guardian of this sovereign Constituent Assembly. You will see that there is some definite binding on the Government of India to give up its autocratic and bureaucratic codes and to pass round its resources to enable the Provinces to develop and not to be at the mercy of the Finance Commission or the Finance Minister of the time assisted and guided as he will always be by bureaucratic officials who continue in their set career from 1924 onwards without any appreciation of new responsibilities devolved on them.

Sir, the Nalini Sarker Committee's recommendation must be taken as a whole, not in part, because it conceived the idea of a Finance Commission immediately appointed. We know it was postponed. The amendment tabled by Dr. Ambedkar refers to the appointment of a Finance Commission. That means that in ten years Bengal will be deprived of 100 lakhs whereas the consideration of Bengal's possible deficits or deficiencies will not be taken up for some four years from today. Is that justice ? Is that fair ? We talk here time in and time out of justiciable rights. What is justiciable, when millions and millions are deprived of their basic standard of administration so that they cannot develop? If the richer Provinces like Madras, Bombay, and the U.P. are silent here today, if they think they have no obligatory duties to see that economic justice is rendered to the undeveloped Provinces. I think they are living in an Utopian paradise. If they think that their prosperity will add to the prosperity of India, they are entirely mistaken. If so many Provinces in the east of India starve, if they go on in utter poverty, if the standard of people is not developed, how can India be prosperous and how can Madras laugh at our demand of raising our basic standard of administration by securing a minimum basic standard of resources? The Government of India has not faced it, they are not facing, it because it is a bankrupt Government. That is not the concern of this sovereign House. Let the spokesmen of the Finance Ministry come here and tell us their plans over redistribution of resources—they do not tell us their reactions—they want us to continue in that same sorry way as we did under the foreign administrators for years and years.

I plead before this august House that these financial provisions of the Draft Constitution are, if I may use the word, mere bunkum. They do not create a democratic sense in the Provinces. They do not help the provinces to live with hope and to reconstruct life with hope under this Constitution My Friend Dr. Ambedkar spoke yesterday and acknowledged the existence of the Nalini Sarker Report and said he was prepared to accept a moiety of it. Sir, it lies in your hands to appoint a Committee of this House to examine the Nalini Sarker Report so that we incorporate such beneficent recommendations that are

there for the uplift of those underdeveloped Provinces. It is not to the advantage of the Centre, handicapped as it is today, to part with its resources. It may be the Parliament that will make the law, but the Parliament may not make any law. What was the attitude of the Finance Department in the Parliament in the last two years ? I do not blame Dr. Matthai alone, I blame Dr. Matthai and his predecessor Mr. Shanmukham Chetty, the two independent Ministers, I blame strongly the policy dictated by the Finance Department. Dr. Matthai may fancy he has the law today and he can give a moiety here and there when justice demands other rights—fuller distribution of resources to Provinces

Sir, we heard the appointment of the Fiscal Commission. We know it has been appointed with our distinguished Friend Mr. V. T. Krishnamachari as the President. How many years will they take to assess the fiscal policy of India ? Mr. Shanmukham Chetty, in the Parliament, announced that there will be a Taxation Inquiry Committee, that the Taxation Inquiry Committee will see what taxes should be levied, then the House and the country will determine what resources should go to the Provinces. But, Sir, a year afterwards Dr. Matthai stated in the House that unless we know the *per capita* basis of income, unless we know the national income of India, we are not going to appoint a Taxation Inquiry Committee.

**Mr. President :** May I point out to the honourable Member that we are not discussing the Government of India ? We are discussing the Constitution and any remarks which he wishes to make should be confined to the Draft Constitution and the provisions contained therein.

**Shri B. Das :** Thank you, Sir, that is what I am trying to do. I am sorry I have to bring in the Government of India—it has become like King Charles' head in my speeches!

**Mr. President :** Yes, it seems to be so.

**Shri B. Das :** Yes, Sir, but how can the resources come to Provinces, how can the grants-in-aid come to Provinces unless the basic system of distribution of resources is set down in this Draft Constitution ? That is the objective with which I speak, and I was illustrating and I still wish to illustrate that the Government of India are deliberately postponing this evil day when they will stop their extravagance and pass on the equitable share of the resources to the Provinces. That is all that I am aiming at. If I am wandering about in my speech. I am not as brilliant a speaker as Dr. Ambedkar, so I have to go in a round-about way.

**Mr. President :** I have not interfered with the speakers when they have been discussing these financial provisions because I felt that any grievances which Members might feel might be mentioned here. But very often these speeches have gone much farther than the particular article under consideration, and the speeches become pointless when no amendments have been moved which would enable the House to decide in a way different from that proposed by the Drafting Committee. I would therefore suggest to Members that now that the grievances have been ventilated they should confine themselves to the articles and if there are any amendments they might speak on the amendments. But general discussion of the policy of the Government of India becomes pointless here because we are not here discussing the Government of India, nor have we got anyone here as representative of the Government of India present in this House. This is the Constituent Assembly charged with a particular duty, namely, the framing of the Constitution, and we are not concerned with what the Government of India has been doing or is doing at the present moment—we are concerned with what the Constitution should be. So, if Members have any grievances they may ventilate those grievances elsewhere and they should

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confine their Speeches here to the articles and to any amendments which they wish to move. It was open to Members to move amendments; I find they have not moved them and still speeches are being made which go against the Draft Constitution as proposed by the Drafting Committee.

**Shri B. Das :** Sir, I am aware of my shortcomings. Even Dr. Ambedkar yesterday admitted the shortcomings of the Drafting Committee. He could not face squarely and fairly the recommendations of the Drafting Committee. If we had not moved any amendments it was because the Drafting Committee itself is confused and I find my Friend Janab Sa'adulla Saheb speaking quite differently in such a passionate manner. I do not know whether I am to lend my support to Dr. Ambedkar. I am not going to make any further speeches on this or on article 260. If the recommendations of a Committee of this House appointed by you is not given effect to, what hopes can provinces have? And the Finance Commission may come about five or six years hence. It is a well-known practice of British statesmen who have since left this country, that when they could not solve a problem they would appoint a committee. And if they could not solve it to appoint further sub-committees. The tradition of the Government of India or of the other House is not to remedy these difficulties ....

**Mr. President :** It was open to the honourable Member to have moved amendments to every particular article that has been placed before the House and to every single sentence therein but he has not done so.

**Shri B. Das :** I feel guilty, but in one place I suggested that the Government of India within six months of this Constitution should announce in the House the basis of allocation of these resources. Somehow that could not be moved, because we have not a sympathetic atmosphere in the House. I therefore appeal to you. I have full confidence in you. I would request you to ask your experts to examine the Drafting Committee's report along with the Government of India Act, 1935, the provisions of which never came into operation. If that is the economic justice which we are going to do to the provinces, woe betide me, woe betide this House and woe betide this country. Every province will remain in an extremely backward condition, because the Government of India in the Finance Ministry will carry on its merry career. The caravan will move on even as it did in the days of Sir Basil Blackett and Sir James Grigg and thereafter. That is my sorrow and my misfortune.

**Shri Brajeshwar Prasad (Bihar : General) :** Sir, I rise to offer a few comments on article 255. I am opposed to the provision made in the article that Parliament should determine the amount of the grants to deficit provinces. I do not see any reason why any difference should be made between the procedure adopted in articles 254 and 255. Under article 254 it was proposed that the President and not the Parliament be empowered because the prospect of the Members wrangling on the floor of the House was not considered to be proper and in consonance with the spirit of nationalism. Therefore the President was empowered and not Parliament. I do not see any reason why another procedure has been adopted in article 255 where Parliament has been empowered. If wrangling is not good under article 254, it is also not good under article 255. Therefore I am in favour of the procedure laid down in article 254.

Sir, I want to speak very frankly and without any reservation. There is another reason why I am in favour of the President and not the Parliament. The reason is that there is apprehension in our minds that the majority of the members belonging to one particular province may tilt the balance against the interests of the minority provinces or deficit provinces without paying any regard or having any consideration of the interests and the needs of the deficit provinces. Therefore I am in favour of the proposal that article 255 should be amended on the lines suggested by my honourable Friend, Rev. Nichols Roy.

There has been much wrangling on the floor of the House that such and such province has been exploited and that proper attention has not been paid to the needs of the weaker provinces. I do not want to enter into any controversy on this point. I claim myself to be a nationalist and as belonging to the whole of India and as such I would not support on the floor of the House any measure in favour of one province and against the interests of another province I feel that as long as men like your august self, Sir, are at the helm of affairs in the Government of India, as long as men like Rajaji, Sardar Patel, Pandit Nehru and Maulana Abul Kalam Azad are there, the interests of the provinces, which mean the interests of the people of India, are perfectly safe. Therefore, I entirely support the proposition laid down in article 255 that grants shall be made in accordance with the needs of the provinces to be determined not by Parliament but by the President.

There is another point to which I would like to draw the attention of the House. This article 255 ought to have come before the House after we had decided the constitution of the Government of the tribal areas. The implication of this article is that the tribal areas shall remain tagged on to the provinces and I am strongly opposed to this idea. I am in favour of the proposition that all tribal areas should form one centrally-administered area. I would like to refer here to the views of the Assam Government. On page 12 of the pamphlet that has been distributed to us the view of the Assam Government has been that :

“The present artificial union should be ended. The backward tracts should be excluded from the province of Assam and administered by the Governor in Council as agent of the Governor-General-in-Council and at the cost of the central revenues. The time may so on come when that frontier will become no less, if not more, important for the defence of India than the North-West Frontier.”

Coming to the views of the Simon Commission, they had expressed the view that :

“The typical backward tract is a deficit area and no provincial legislature is likely to possess either the will or the means to devote special attention to its particular requirements.”

I am in favour of the idea that all tribal areas should be taken away from the boundaries of the different provinces. I do not know how far this is the proper time when I should go into the question of the constitution of the tribal areas but if you would permit me, Sir, I will give my reasons for the suggestions that I have made.

Reason No. 1 is that I am in favour of the separation of the tribal areas from the different provinces because the economic position of the provinces is deplorable. They will not be able to devote any money towards the development of the tribal people. The plight of Assam, its heart-breaking tale of woe and suffering to which our attention was drawn in such a brilliant way by our honourable Friend Mr. Sa'adulla, has impressed me, and other Members who have listened to his speeches. It is a deficit province. It has not been able to raise the standard of living of the non-tribal section of the people. How can you expect it to pay attention to people coming from the Mongoloid races ?

Sir, it is not only in relation to the tribal areas of Assam but in relation to the other tribal areas as well that my remarks are equally applicable. I feel that there has been exploitation on a mass scale, we must hang down our heads in shame. The tribal people have been made a pawn on the chessboard of provincial politics, and humanity demands—I approach the problem purely from a humanist point of view—that these people must be taken away from the provinces and placed under a Commissioner General. I feel that there should be an independent and autonomous authority at the Centre, under the superintendence, direction and control of a man like Thakkar Bapa who will be able to pay proper regard and attention to it and do his level best for the

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uplift of these people. I do not want that the Central Government itself should interfere in the affairs of the tribal areas. The problems are too delicate and we need the advice and help of experts, of anthropologists, of doctors and of scientists; politicians and legislators have no part to play as far as the development of tribal areas is concerned. I feel that if you separate these tribal tracts and integrate them into one whole it will give a sense of oneness to these tribal people, a demand which has been made from time immemorial. They are the ancient sons of the soil; they must now find a place in the Government of India after the advent of Swaraj. Sir, I am quite clear in my own mind that if proper steps are not taken to bring about an improvement in the condition of this exploited mass of humanity, there will be an *unheaval*. There is already unrest. It is dangerous to be a prophet in politics but I am sure that the next general elections will reveal the nature of the problems that controls us. Let there be no complacency on that point. Sir, the proposal I have placed before the House is in perfect accord with the principles of self-determination ....

**Dr. P. S. Deshmukh (C.P. & Berar : General) :** Sir, may I point out that this proposal is not before the House ?

**Shri Brajeshwar Prasad :** I asked the permission of the Chair to speak on this and I thought the silence of the Chair amounted to permission.

**Mr. President :** Only to this extent that the speech is confined to the financial provisions.

**Shri Brajeshwar Prasad :** This question is vitally linked up with the proviso that has been made. We are giving power to the provincial Governments but we have not yet decided the constitution of the tribal areas. If we pass this article we will be out of court in suggesting that the tribal areas should be separated from the provinces. I have already said that this article should have come after we decided the constitution of the tribal areas; but since this has come first I think this is the proper place where I can place my views regarding the tribal arms. Sir, the proposal I have placed before the House that all the tribal areas should be integrated into one whole and placed under an autonomous body under the Central Government is in perfect accord with the principles of Self determination.

**Mr. President :** We can consider that when we consider the Schedule.

**Shri Brajeshwar Prasad :** Very well, Sir.

**An Honourable Member:** I move that the question be now put.

**Several Honourable Members:** No. no.

**Mr. Naziruddin Ahmad (West Bengal : Muslim) :** Sir, I strongly protest against untimely demands being made for closure of the debate. We are now faced with extremely difficult problems which have to be solved now, which we had been postponing from time to time.

**Shri Brajeshwar Prasad :** Sir, I have also felt the injustice of demanding closure on vital questions.

**Mr. President :** I have not accepted any motion for closure that is not proper.

**Mr. Naziruddin Ahmad :** When there is a general desire for continuing a debate it should not be thought that Members desire to waste the time of the House. Some Members may be more fortunate than others in knowing the mind of the Drafting Committee which again appears to be a mouth piece of some powerful body behind them. But we are not, so fortunately placed.



We find that the House is frequently being faced with radical amendments absolutely unawares. And although we feel the justice of your remark that debates are sometimes pointless, I will submit that new ideas are often thrown out for the first time and Members have no time to consider and study them and send in amendments. The absence of amendments, therefore, does not mean that there are no objections. That is why Members are forced to some extent to air their grievances in a general manner and that inevitably leads to some pointless debate. The remedy is that Members should be given ample time in advance to consider new proposals and suggest amendments if they think proper.

My honourable Friend Shri Brajeshwar Prasad has raised a very important point, that articles which are related to one another logically should be put before the House in one lot. Instead of that we are being given things in a piecemeal fashion. The Drafting Committee treats us as if they are magicians and we are the spectators; they give one show at a time and keep other connected things up their sleeve. They thus commit the House to a certain view and then proceed to other things. This practice of doing things piecemeal is very inconvenient. Even the Government of India Act which was passed by experts in the British Houses of Parliament was not dealt with in this manner. I think it is better that the Drafting Committee should give us a complete picture of what they want. We can then suggest proper amendments and the debate would then be more to the point. Otherwise the Members feel helpless and stray away from the point under debate.

Sir, I submit that article 255 is connected with various other things of which one is the problem of the Tribal Areas. You cannot take a partial view of it; you have to take an over-all picture and then decide things. I think this article is a wholesome one but I desire that the hands of the President should be strengthened. I have given my view that the Centre is taking too much power to itself, but if they do take any power I should like it to be exercised by the President rather than by the Parliament which would be a body with fluctuating opinions. I agree with Dr. Ambedkar's remark yesterday that leaving the distribution of revenue among the provinces in the hands of the Parliament would be a dangerous thing. Parliament acts according to the mood of the moment and is likely to arrive at combinations between the different Provinces to the detriment of a needy Province which may not have adequate representation in the House. I therefore agree with the amendment of Rev. Nichols-Roy that, until Parliament makes any law, the President should have the power to give the necessary orders. I think there was a lacuna in article 225 which is sought to be removed by this amendment of Rev. Nichols Roy. In fact there would be a gap between the passing of this Constitution and the enactment to be made by Parliament. There is bound to be a long interval; and Parliament again will take sufficient time to consider it, and there is also the Upper House. If there is difference of opinion between the two Houses there will be further delay. Parliament may quite reasonably take time to come to a decision on intricate matters of law and may not pass any law at all. I therefore submit that until Parliament enacts a law the President should be given power to intervene and act as he thinks just and proper. I would rather submit that the President should be allowed to act in his discretion and if his acts are satisfactory Parliament may pass the necessary law and empower the president to discharge his functions. So I submit that Rev. Nichols-Roy's amendment is extremely timely and proper and should be accepted by the House.

But how do we consider these things? Dr. Ambedkar, who is the mouth piece of the Drafting Committee, which is again the mouthpiece of the powerful section of the House, is now and then absent. He is absent in body now., Even when he is bodily present in the House. he is absent in mind. In these circumstances this debate looks like .....

**Mr. President :** The honourable Member is not just in complaining about Dr. Ambedkar's absence. I think Dr. Ambedkar is present here most of the time. Even now I believe he is somewhere in the House.

**Mr. Naziruddin Ahmad :** Sir, he is absent in mind, at any rate. I say go with great respect. I quite sympathise with Dr. Ambedkar. He is a powerful man. He works very hard. But the pressure put upon him seems to be too much. He is now present in body but absent in mind, being engaged in conversation. It is this misfortune of ours that I was referring to.

The point is this. Unless he replies to the debate, which he does not usually do, the result will be, as it has been, that any refusal on his part to consider the amendment will be accepted by the House and amendment will be lost. So, in order to make the debate effective, I think Dr. Ambedkar should listen to it. There is of course no power in the House to compel him to do so. But some attention is due to our discussions.

**Shri A. V. Thakkar (Saurashtra) :** Sir, I had no intention to take part in this debate, had it not been for the remarks made by the honourable Member from Bihar, Mr. Brajeshwar Prasad. The article as it stands with the modification suggested by Dr. Ambedkar is very good in its own way. Enough provision has been made in the article for supplying funds to the provinces which have large tribal populations and scheduled areas. Some provinces are rich enough and prosperous enough to take care of such groups of people and of their backward areas, while others are not. It is for this reason that the necessary provision has been made in the article. As far as 'it goes, it is very good. I am thankful to the House and to the Constitution-makers for making provision, in the Constitution itself for that.

Now, speaking of the present welfare work, of course, it does not fall within the Constitution-making body's jurisdiction, but I may just drop a hint, as it is connected with this question, this vital question. In expectation of the provisions that are being made in the Constitution, people are expecting perhaps much. But the poor provinces which are in need of money and which are starving for money do expect something from the Central Government. Those poor provinces are Assam and Orissa. The question of Assam is a bit complicated. There are friends who have spoken on that and will yet speak on that subject. With regard to Orissa, our Friend, Shri B. Das, has spoken. But the real point about it is this : The tribal people of these areas form a very large proportion of the total population of the provinces. In Orissa they form 30 to 35 per cent of the population or I am sorry, 35 lakhs, while in Assam their population is about 24 lakhs. These provinces cannot provide any funds for the welfare of their backward people. The Constitution promises to look after their welfare. But the fulfilment of the promise will take not less than three years. I am not exaggerating the time that will be taken. For the whole thing to come into force not less than three years will be -needed. Therefore, it is time that the Prime Minister and the Cabinet considered this question anxiously and very carefully and immediately provide some funds, if not for all the tribal areas in the different provinces, at least in Assam and Orissa.

My honourable Friend from Bihar proposed that all the tribal areas in India should be formed into a separate group of areas—I do not know whether it is possible to form them into one single area—and placed under the Government of India. To that proposition I may say that that is the best way of doing a disservice to these tribal people. Do you want to assimilate them or to dissimilate them ? Do you want to keep them apart from the general population or do you want them to become a part of the nation ? I am afraid my Friend Mr. Brajeshwar Prasad has not done, the right thing in putting forth this Proposition. Sir it is our business to assimilate the tribal people. At present we have them

separated from us and residing on hill-tops and in valleys which are heavily malarial. Do you want to put them still further away from us ? That is not the way for doing them a service, excuse me. The best way to serve them would be to provide enough funds for them from the Centre....

**Shri Brajeshwar Prasad :** May I interrupt the honourable Member to explain my view by means of an illustration ? I am of opinion that the line of action that should be taken in the future should be left to their future leaders. They should be free to decide whether or not to keep these people as a separate entity.

**Shri A. V. Thakkar :** There is no question of separation or amalgamation. The areas are there and they will remain there. Therefore, I would request the Government of India to provide funds for the welfare of these people before this Constitution comes into force and not simply make a promise on paper in the Constitution Book.

**Dr. P. S. Deshmukh:** Sir, before I speak on the article, I would like to say that I endorse the remarks made by my Friend Mr. Naziruddin Ahmad so far as the consideration of the suggestions made by various Members are concerned. It is a fact which I hope it will be possible for you to take notice that very often the amendments moved and the remarks and observations made, which are not absolutely in keeping with the ideas and suggestions of the Drafting Committee, are very rarely attended to. I think he has rightly complained about the absence of Dr. Ambedkar from the House and his lack of attention to suggestions made for his consideration. We do not object to his absence, but there should be at least some arrangement.....

**Shri Brajeshwar Prasad:** He is now present and not absent.

**Mr. President :** Dr. Ambedkar has not been absent for any length of time. He has been present most of the time.

**Dr. P. S. Deshmukh :** I accept that, Sir. My suggestion was that if he is to be absent or occupied with certain other matters, there should be someone to pay some attention to what is urged by honourable Members of the House.

I think that the members of the Drafting Committee and the Chairman himself are so obsessed with the correctness of their own ideas that they as a rule do not think that there is anything useful in the suggestions made by the honourable Members of this House. I do not think this attitude is correct, and I can quote instances where sensible suggestions made by the honourable Members of this House and amendments urged by them have simply been brushed aside without being considered. I hope it will be possible to rectify this position because I think there are many Members of this House who wish to take this Constitution more seriously than probably many others.

Coming to the article, Sir, I support the amendment that has been moved by the honourable Rev. Nichols-Roy. Sir, my reasons for supporting this amendment are however entirely different from those advanced by many of the honourable Members who have spoken before me. Mr. Brajeshwar Prasad is going from bad to worse in expressing his lack of confidence in the future Parliament and Assemblies elected on adult franchise. (*Laughter*). He has also become increasingly autobiographical. I do not object to that, Sir. We are fortunate in having an opportunity to listen to the ideas that he holds and holds so strongly. But I support the amendment on different grounds altogether. In fact, on principle I am totally opposed to the powers, so far as the finances of the State are concerned, being given to the President individually. I agree fully with Prof. Shibban Lal Saksena in this that there should be no encroachment on the autonomy of the Parliament in all possible matters, and that was the reason

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why I contested even the embodiment of the Fundamental Rights because they take away to that extent the supremacy of the Parliament. Whenever any expenditure is charged on the revenues of India, there is an encroachment on the supremacy of the Parliament. Article 254 has been altered from what it was. If we look at the original draft of this article, we will find that the power which is now given to the President was intended to be given to the Parliament. This was how the article was intended to stand.

“Notwithstanding anything in 253 of this Constitution, such proportion, as Parliament may by law determine, of the net proceeds in each year of any export duty on jute or jute-products shall not form part of the revenues of India, etc.”

Now, if Dr. Ambedkar found it necessary to alter this article and give the powers to the President, he should have logically taken care to bring about the same change so far as article 255 was concerned. I am certain, Sir, that this is merely due to lack of attention and lack of care. And what was the reason that was given by the honourable Dr. Ambedkar so far as this change in article 254 was concerned ? I was not at all satisfied with it. He seems to have for the moment, any way, the prejudice which Mr. Brajeshwar Prasad is never tired of expressing viz., lack of faith in the future Parliament. The only reason he gave was that he did not think it wise to leave it to the Parliament to decide these financial issues. I do not feel convinced by this only argument advanced by him.

**Shri Brajeshwar Prasad :** I gave two reasons. Probably my friend did not follow me.

**Dr. P. S. Deshmukh :** I do not propose to answer Mr. Brajeshwar Prasad to the extent he expects because that is unnecessary for my purpose. I am only referring to points which I think are relevant and should be answered. Just as I do not like the President being given any powers so far as the revenues of the State and their distribution is concerned, I also do not like any items to be charged on the revenues of India. This is a special and somewhat exceptional provision which should not be resorted to in such liberal manner, because there is a very special provision so far as charging of the revenues of India is concerned. That is governed by article 93 which we have already passed. That article lays down—

“So much of the estimates as relates to expenditure charged upon the Consolidated Fund of India shall not be submitted to the vote of Parliament.”

Whenever we have a provision whereby any expenditure is charged upon the Consolidated Fund, to that extent Parliament is deprived of any effective voice in it, and I do not think it is in the interests of the dignity or the supreme nature of the position of the Parliament to increase the items where expenditure is charged on the Consolidated Fund of India. In spite of all that, Sir, this is a provision which relates to the welfare and the proper governance of those areas where the unfortunate tribal people live. The areas are so big and the population so large that it is only right that the powers of any expenditure that we provide for in that regard should be given to the President. Even is the Act of 1935 the excluded areas and the welfare of the tribal people were in the discretion and were the special responsibility of the Governors and the Governor-General. If we agree that the condition of the tribal areas is such that they require some special assistance, then it is only proper that Dr. Ambedkar should change the provisions of article 255 so as to bring them in conformity with the provisions of article 254. He is yet to get up and say whether he accepts this amendment or not. I hope he will be in a position to say that he agrees with the contention that has been advanced. My interest in this provision for Assam is because Assam forms an important frontier of India and it has been suffering financially for a very large number of years. I am somewhat personally interested in the matter and this is because of the fact that in

my own province of the Central Provinces and Berar, we have also got tribal areas and a large tribal population. Their population in our province is 44,39,000 out of the total population of 1,96,00,000 or roughly 22.6 per cent. Sir, besides this I have always taken the utmost interest in the welfare of the backward and suppressed and oppressed communities in India and from that point of view also, I sincerely urge that the utmost possible help should be rendered to the province of Assam. I hope, therefore that this sensible amendment which appears to have convinced the honourable Doctor long ago so far as article 254 is concerned will appeal to him now and the amendment would be accepted.

**Shri Prabhu Dayal Himatsingka :** (West Bengal : General): Mr. President Sir, I beg to support the amendment moved by my honourable Friend the honourable Rev. Nichols Roy. That amendment, if accepted, will make this article a little more flexible. At the present moment, until Parliament by law provides no amount can be given as grants-in-aid to any of the provinces. If the amendment suggested by him is accepted, if the Parliament does not by law provide the President may prescribe by Order and then the provinces may be given such sums as they may be in need of. You will find, Sir, from the scheme of the provisions of this Chapter that except for income-tax, all the other collections made by the Centre are to be retained by them until 'under article 260 the Finance Commission makes a report and then the President can take action : but so long as that is not done, it is necessary that the President should be enabled to make some provisions for the provinces which are in need of such an aid. The other provision in this section is quite necessary and useful and in spite of the difficulties imagined by my Friend, Mr. Brajeshwar Prasad I do not see how even if any other provision is made for the tribal areas as suggested by him, the provision in this article can stand in the way. The two provisos make provision that if any amounts is spent by any of the Provinces for schemes of development that will be undertaken both in consultation or with the approval of the Government of India, such sums will be paid by the Government of India and similarly Assam will be paid out of the revenues of India as grants-in-aid such sums, capital and recurring, which they will be spending in excess of what they had spent in the last two years. Therefore, Sir, I do not see how these provisions here can in any way stand against or militate against any of the provisions that we may make hereafter. Therefore, I would appeal to the Drafting Committee to accept the amendment moved by the honourable Rev. Nichols Roy as that will not in any way interfere with the scheme and at the same time will make this provision more flexible.

**Shri Biswanath Das** (Orissa: General) : Sir, a point has just now been made that the provisions made herein interfere with the powers of the Parliament. I join issue with my honourable Friend in this Statement. I do not see how the provision at all interferes with it, namely, with the powers of the Parliament. In the first place, an enquiry is being provided statutorily under the Constitution. The President undertakes an enquiry. In the second place, under article 255 a Bill is placed before the Parliament and the Parliament passes the Bill. Again Parliament under the statute places a self-denying ordinance upon its own self that such and such a State will be given such and such an amount. Therefore the assignment comes under the sanction accorded by the Parliament itself; and thirdly, it has also been laid down that that is for a period or term of years. All the necessary safeguards have been provided by the Drafting Committee. I therefore, plead with my Honourable Friends who hold that the provision regarding grants in this article at all interferes with the powers of the Parliament. In fact I hold that the aid flows from the powers vested in Parliament and emanate with its own sanction. Therefore, there is little reason in attacking the article on that score.

[Shri Biswanath Das]

Sir, I have another complaint against this article against the use of the expressions “scheduled tribes” and “scheduled areas”. Sir, special expressions have been coined and used for denoting and connoting certain ideas and certain difficulties. But experience has shown that with more connotations used, the difficulties increase. Sir, regarding the Depressed Classes, we have substituted a word “Harijan” and that has not solved either our or their difficulties. We have to move with the times. In the Draft Constitution, we have proclaimed and provided equality for all, and provisions have been made in more than one place to give effect to these declarations. That being the position, I do not see why these expressions “scheduled tribes, scheduled areas” and the rest be kept and perpetuated in the Constitution. Sir, in this connection, it may not be out of place to recall that the Imperialist Britain very cleverly put in the idea of separate electorate in 1898. Eleven years hardly passed and you find an insistence in the Minto-Morley Reforms for implementing this in the statute and hardly thirty seven years after that you get the partition of India. With this experience, I plead with my honourable Friends not to play with fire and go on coming expressions “scheduled tribes and scheduled areas”. Why should we ? They are an backward classes; we have got many backward classes and a special provision is being made and protection has been given in articles 28 to 40 and they are quite enough. As if these are not ample, you have made special provisions; but why not vest these powers in Parliament, and give confidence to the Parliament? People have devoted their life-long services-this country has given birth to persons like Thakkars and a galaxy of such workers who have made it a life-long devotion of theirs to serve these backward people. Why not have confidence In the good sense of the country, in the protection afforded in the Constitution and why perpetuate these expressions which I believe, Sir, lead into something deplorable as is our experience with regard to separate electorate ?

Having stated so far about backward tribes and areas, I come to another portion of article 255.

I specially refer to the first clause in the proviso, which reads :

“The average excess of expenditure over the revenues during the three years immediately preceding the commencement of this Constitution in respect of the administration of the tribal areas specified in Part I of the table appended to paragraph 19 of the Sixth Schedule;”

Sir, grants will have to be made on the basis of the excess expenditure incurred during the past three years. How and why ? Where are the unfortunate Governments of Assam and Orissa to find excess money to be spent in these undeveloped areas ? They are themselves running into deficits and their incapacity and the colossal want of these areas have been stressed by no less a person than Thakkar Bapa himself, who has devoted all his life and pleasure to this great problem. Why should you rely on the past expenses when these administrations have to run without any surplus balance to be invested in these undeveloped areas ? Sir, this portion of the provision seems to be unnecessary especially after provisions contained in sub-clause (b) of the proviso, namely, “the costs of such schemes of development as may be undertaken by that State with the approval of the Government of India for the purpose etc.” Clear it is that nothing could be done without prior sanction.

Sir, I am thankful to the honourable House as also to the Drafting Committee and the Government for making, special provision for these undeveloped areas, in this article. But, when are these benefits to commence? These benefits could accrue after five years. I understand certain amendments are coming limiting the period further down, which I welcome. They may come a little earlier. As has been stressed by the honourable and revered Thakkar Bapa,

their wants are urgent and immediate and the resources of the provinces are few and far between. Under these circumstances, I plead that certain specific provisions be made or a declaration be forthcoming from the powers-that-be that immediate provision in this regard is made.

With these words, Sir, I support the amendment of my honourable Friend, Rev. Nichols Roy because it eases the situation so far as it goes.

**Shri P. S. Nataraja Pillai** (Travancore State) : Sir, my only excuse for tervening in this debate at this late stage is that coming as I do from a Schedule III State, there are certain facts which I would like to place before this House.

Sir, perhaps the articles bearing on the distribution of revenues between the units and the Centre are the most important ones, perhaps the vital ones, in any Federal Constitution. As the Draft Constitution now stands, the distinction between States in Schedule I and the States in Schedule III has been done away with and we have accepted articles placing the Schedule III States on a par with the Schedule I States. So far, even on the question of financial distribution between the provinces and the Centre there have been complaints and though there have been awards, even their bickerings and friction still continue. I do quite well realise the onerous responsibility of the Centre and without adding to its financial resources the Centre will not be able to discharge it. But, at the same time, Sir, for the material and moral welfare of the people, the States have also to discharge their duties. Unless this question of division of finances is equitably settled and justice done, we cannot expect the peaceful progress of our people.

Sir, these new Unions of States created by the merger of Indian States have for a long time enjoyed a kind of right to tax the central sources of revenue, as income, excise and customs. Their financial system and their administrative structure have been developed on these sources of income. Now if ail of a sudden, the central sphere is marked out, taken away and if the States are left with only the resources they can take along with other provinces, then the future of these States will be black indeed. For example, in the State from which I come, Travancore, forty per cent. of the revenue is derived from the central sources of revenue. Immediately this Constitution comes into force, that source of revenue will be lost to this unit. The administrative system of this State was developed during the course of the last one century and more, and the administration itself was modelled with these resources at their command. Now unless some provision is made for a transitional period to develop other sources of revenue to meet the exigencies of their administration, the lot of these States will be hard indeed.

This fact is not new to this House, as is evident from the Report of the Union Powers Committee, in paragraph 2 of their report dated 17th April 1947. where they say:

“Some of the above taxes are now regulated by agreement between the Government of India and the States. We therefore think that it may not be possible to impose a uniform standard of taxation throughout the Union all at once. We therefore recommend that uniformity of taxation throughout the Union may, for an agreed period of years after the establishment of the Union, not extending 15, be kept in abeyance and the incidence, levy and realisation and apportionment of the above taxes in the State units shall be subject to agreement between them and the Union Government. Provision should accordingly be made in the Constitution for implementing the above recommendation.”

In pursuance of this recommendation, provision has been made in the Draft Constitution. But I feel, Sir, by the changes that have been effected and by the articles that we have adopted before, the revised Draft may not contain article 258 as drafted in the original Draft. As it is today, the States in

[Shri P. S. Nataraja Pillai]

Schedule III and Schedule I stand on a par. Unless some sources of revenue are set apart or some adjustments made-for the transitional period, for ten years or so, to make the States capable of meeting their demands from their own resources, these States cannot function. Some provision must be made in 'the Constitution to give them adequate financial help. That help may be in the form of subventions or in the form of grants. If the Constitution is to take effect on a particular date, from that date onwards, these States will lose the right which they had been enjoying for a long time past.

I may, in this connection, beg leave to place before the House that in certain States, the administration has been steadily progressive and they have been catering to the growing needs of the people. In some States, for, example, Travancore the State from which I come, compulsory education has been introduced prohibition has been enforced, and even land tax which is considered to be the principal source of taxation for provinces, a basic tax on land has been fixed and prohibitory assessment and taxation abolished. Unless some provision is made, the future of these States will be pitiable indeed. In a highly literate and politically conscious country, unless the State is able to provide for the natural and progressive development of the people and to satisfy their aspirations, there will be serious trouble, and that will not help the progress and prosperity of the whole of India. For, I feel that the strength of the chain will depend upon the strength of the links. Discontent and trouble in any area, will not be in the interests of the people of India. I earnestly submit to the House that this aspect of the question may also be considered.

**Shri Rohini Kumar Chaudhuri** (Assam: General) : Mr. President, Sir, honourable and responsible persons who were entrusted with the framing of the new Constitution should take into consideration the past experience so that the past defects may be remedied in the present Constitution. It is with this end in view that several Members of any province as well as from elsewhere spoke at length on the inequity and the injustice which was done under the past Constitution so far as provinces like Assam and Orissa were concerned; but Sir. I need not repeat or allude to those things in my present speech. I would only ask honourable Members of this House to remember that the justice which we had expected by an amendment of article 253 or 254-that expectation has gone in vain, and now we are left to this article 255. If 255 were worded in a different way, it might help provinces like Assam and Orissa. As it stands it even now rests with the Parliament whether any money would be allocated to any province in need of such money or not. Of course this article enables the Parliament to give sufficient grant to the provinces which are in need of it but it does not make it compulsory on the part of Parliament to make such grant. The Parliament is composed of members of different provinces, and each member is under some obligation or has given some sort of assurance that the concern of his province will be his first concern; and now therefore if in a tussle between different provinces the Parliament is not persuaded to give a grant to any particular province, or in an emergence the Parliament decides not to make any grant to any particular province and it confines the grants to richer provinces, what will be the fate of Bihar, Orissa and Assam that stand in absolute need of grant from the Centre ? I would therefore ask honourable Members who are in charge of the framing of this Constitution to give special attention to this aspect of the question whether the provinces who are admittedly in need of grants can expect or would be entitled to expect that some grant should always be made to them in order to meet their needs. Under the old article 142 of the Government of India Act the Government at the Centre has always been giving some grant to the Provinces, and so if it is treated as a matter of convention and if the words in 255 really mean 'shall', then I have nothing to say. But if this



article leaves the option to Parliament even not to grant a province which may be in need of that grant, then I would most respectfully protest against the present phraseology of this article.

I would also like to draw the attention of the House to the first proviso of article 225. This is the only silver lining in the *whole* chapter of finance in our Constitution. It compels the Government of India to finance certain grants for development and raising the level of administration of scheduled areas in a particular State. To that extent it is all right but when you say that it should be raised only to the level of the rest of the areas of that State, I think it practically means that you are giving nothing. In the poor state of finances in a province like Assam where there is a large tribal area, if you only wish that it should be raised to the level of the rest of the areas of the province, it means you will do nothing because time is coming shortly, unless you do something in the matter, when the whole administration of the province of Assam shall have to collapse for want of finance and the condition in that province will deteriorate from day to day and by the time you have this article in force it will be very bad. If your ambition is only to raise the tribal areas in the province of Assam to the rest of the province, it means that your ambition is very small indeed and that you do not want to do anything. Therefore I would suggest that the ambition which you ought to have in this matter is that the areas—tribal areas—should be administered in such a way that it can be brought up not merely to the level of the rest of the province of Assam but also to the level of the areas of the Union itself. Therefore I have suggested in my amendment that these words ‘of the areas of that State’ should be converted to “areas of the Union”. Although that amendment is not there, there is nothing to prevent us from working in that direction. Another point to which I would draw the attention of the House is as regards the sub-clause (a) of the second proviso which says :

“The average excess of expenditure over the revenues during the two years immediately preceding the commencement of this Constitution, etc.”

I submit that the Word ‘average’ should not be there. When the period is reduced from three to two years I think the question of average did not arise. The word ‘average’ might be dropped and we might say ‘excess expenditure should be provided for’. The expenditure is rising every year and even the expenditure of one year will have no proportion to expenditure of next preceding year. Therefore in the interest of tribal areas, the word ‘average’ should have been dropped and ‘any excess of expenditure found At the time this Constitution comes into force’ should be substituted. If these two considerations are borne in mind i.e., consideration of raising the level of the tribal areas to the ordinary level of the rest of the Union; and -secondly, excess of expenditure found at the time of the Constitution coming into force, then something,, substantial, I am sure, will have been done in the cause of improvement of tribal areas.

**Pandit Thakur Das Bhargava** (East Punjab : General) : Sir, this article 255 is really one of the symbols of the solidarity of India. Those poor provinces who cannot meet their expenses and raise their level of administration to the level of the administration of other province stand in need of financing by the Centre, and whatever may have been the policy in the past, the policy of the present Constitution is to bring about a change in that policy and now the rule is confirmed by article 255 that these provinces will be helped by the Centre. It says :

“Such sums, as Parliament may by law provide, shall be charged on the revenues of India in each year as grants-in-aid of the revenues of such States as Parliament may determine to be in need of assistance, and different sums may be fixed for different States.”

[Pandit Thakur Das Bhargava]

Unfortunately, I find there are three 'mays' in this article and only one 'shall'. This article does not, as a matter of fact give any right to any province in need to insist and to get its rights declared by Parliament. It is in the discretion of the Parliament and the article is so worded that it leaves full discretion to Parliament to give such assistance or not.

I should have been more happy if a duty had been enjoined upon Parliament to give assistance to such of the Provinces as stood in need of it. In this connection I cannot but mention to you the case of East Punjab. The provisos to this -article speak of the administration of scheduled tribes, etc., etc. But unfortunately there are some provinces, specially East Punjab, whose finances have been devastated and whose better income earning parts have been given over to Pakistan, and where, therefore, the income has now become comparatively much lower than before. In regard to such provinces, it is absolutely clear that unless the Centre goes to their aid, it will be difficult for them to arrange for an administration which will be on a level with those in other provinces. In regard to such provinces it is necessary that the President should be authorised to give such aid as the Cabinet thinks justifiable. To this end, and probably for other purposes also, the Rev. Nichols Roy has brought in his amendment and I support that amendment. Before such laws are made by Parliament, there is no reason why the President should not be empowered to do the right thing when the occasion demands it. I therefore, support this amendment, and request that it may be passed by the House.

**Prof. Shibban Lal Saksena** (United Provinces : General) : Mr. President, Sir, first of all, I want to draw the attention of Dr. Ambedkar to one fact connected with this article. In this article, he has said ". Such sums, as Parliament may by law provide, shall be charged on the revenues of India in each year as grants-in-aid of the revenues of such States as Parliament may determine to be in need of assistance, and different sums may be fixed for different States". But, Sir, I had moved a similar amendment, in connection with articles 251 and 254 in which I had only desired that the allotment should be made by Parliament by law. But the argument raised against it was that there will be unnecessary wrangles in Parliament for allotments to the provinces. But I find that in the present case, he has stated "that Parliament may by law provide. . . . etc." May I know whether there will not be wrangles in Parliament for bigger allotments to the provinces ? Either he is illogical, or he has other purposes Which he wants to hide. Or it may be that he made a mistake then in connection with my amendment, when he objected to the words "Parliament by law may." Anyway, I am glad he has agreed to these words in the present article.

Sir, I support the amendment moved by the Rev. Nichols Roy, and I am thankful to Mr. Sa'adulla for his long and illuminating speech in which he gave us a very lucid idea of things in Assam. I personally also feel that this Home has not shown its concerns for Assam to the extent that it deserves. Assam is our frontier province, and the last war has shown its importance. But we are literally starving it. Assam gives us at least Rs. 12 crores by way of export duty on tea and Petroleum alone, leaving aside all the other things, and we take every pie of it and give them only 30 lakhs. And yet we expect that Assam, our eastern frontier should be the bulwark of our defence. I think that the case made out by our Assam friends is a steel case and it must be considered by the House. This amendment, in fact, only enables the President that this relief to Assam should be given immediately. Otherwise "Parliament by law" will take some time, and they want that as soon as this Constitution is passed, the President, can by order allot to them some share by which they will be able to meet the recurring deficits and

also carry out some of their development schemes. I have been to Assam on many occasions, in connection with labour Organisation of railway workers, of coal mines and petrol workers there, and I know how important this area is. It is a vast expanse of probably 50,000 sq. miles with a population of only 75 lakhs. The tribal people form a third of the population,. Here we have provided special sums for their- development. But I feel that we must have a five-year plan to bring these tribal areas into line with the rest of the population. They have been neglected for many generations. Thakkar Bapa who has spent his whole life in serving these people drew our attention to the plight of these people, both in Orissa and in Assam, and he is happy that we are providing in Constitution special sums for them. I hope we shall not wait for law to be made by Parliament in this respect. Allotments should be made from the funds of the Union for development of these areas and these tribal people so that they may take their proper place in our free country and be a bulwark of our freedom and the guardians of the eastern frontiers of India.

**The Honourable Dr. B. R. Ambedkar** (Bombay: General) : Mr. President, Sir, I can at once say that I am prepared to accept the amendment moved by my Friend Mr. Nichols Roy. The draft of this article does seem to give the impression that until Parliament determines each year what the grants are to be, the President will have no power to do so. That certainly is not the intention of the Drafting Committee. The Drafting Committee would like the President to exercise -his -powers of making grants under article 255 even before Parliament has made any determination of this matter. And in order to make this position quite clear, I am, as I said before, prepared to accept the amendment moved by Mr. Nichols Roy. I would, however, at this stage, like to say that I have not yet had sufficient time to examine the exact language he has put in his amendment; and therefore, subject to the reservation that the Drafting Committee would have the liberty to change the language in order to suit the text as it stands in article 255, I am prepared to accept his amendment.

**Mr. President** : I will now put the amendments to vote. The first is amendment No. 84 of Dr. Ambedkar.

The question is :

“That in article 255, for the words ‘revenues of India, wherever they occur, the words Consolidated Fund of India’ be substituted.”

The amendment was adopted.

**Mr. President** : Then comes amendment No. 85, also of Dr. Ambedkar.

The question is:

“That in the first Proviso to article 255, the words and figures ‘for the time being specified in Part I of the First Schedule’ be omitted.”

The amendment was adopted.

**Mr. President** : Then I put amendment No. 86.

The question is:

“That in clause (a) of the second Proviso to article 255, for the words ‘three years’ the words ‘two years’ be substituted.”

The amendment was adopted.

**Mr. President** : And then I put Rev. Nichols Roy’s amendment.

[Mr. President]

The question is:

“That in article 255,—

- (a) after the words ‘Parliament may by law provide the words ‘or until Parliament thus provides, as may be prescribed by the President’ be inserted;
- (b) after the words ‘Parliament may determine’ the words ‘or until Parliament determines as the President may determine’ be inserted; and
- (c) the following Explanation be added at the end of the article:—

“*Explanation.*—The word “prescribed” has the same meaning as in article 251 (4) (b).”

The amendment was adopted.

**Mr. President :** Then I put the article, as amended.

The question is:

“That article 255, as amended, stand part of the Constitution.”

The motion was adopted.

Article 255, as amended, was added to the Constitution.

#### Article 256

**Mr. President :** We now take up article 256. Amendment No. 2925 by Dr. Ambedkar, in Vol. II, of the printed list.

**The Honourable Dr. B. R. Ambedkar :** Sir, I move:

“That for clause (1) of article 256 the following clause be substituted: —

“(1) Notwithstanding anything in article 217 of this Constitution, no law of the legislature of a State relating to taxes for the benefit of the State or of a municipality, district board, local board or other local authority therein, in respect of professions, trades, callings or employments shall be invalid on the ground that it relates to a tax on income.”

Sir, it is proposed in a subsequent article to permit local authorities to levy certain taxes on professions, trades callings and employments upto a certain limit. It is feared that such a tax, if levied by the State, might be called in question on the ground that it amounts to a tax on income and being within the exclusive authority of the Centre. It is to prevent any such challenge to any law made for the purposes mentioned in sub-clause (1) that this provision has been deemed by the Drafting Committee to be very necessary, and accordingly I move this amendment.

**Mr. President :** There is an amendment to this amendment of which notice, has been given by Mr. Sidhva.

**Shri R. K. Sidhwa (C.P. & Berar : General) :** I do not wish to move it.

**Mr. President :** Then there are amendment Nos. 2926 and 2927 on the Printed List, of Giani Gurmukh Singh Musafir. I see he is not moving them. Then No. 2928 standing in the name of Sardar Bhopinder Singh Man.

**Sardar Bhopinder Singh Man (East Punjab: Sikh):** I am not moving it.

**Mr. President :** Then amendment No. 203, Mr. Sidhva.

**Shri R. K. Sidhwa :** I do not wish to move it.

**Mr. President :** Then Nos. 89 and 90 in the name of Mr. P. D. Himatsingka. He is not moving them. No. 91 in the name of Dr. Ambedkar.

**The Honourable Dr. B. R. Ambedkar :** Sir, I do not wish to move it.

**Mr. President :** Amendment No. 92, Mr. Shibban Lal Saksena.