

The Assembly re-assembled after Lunch at Four of the Clock, Mr President (The Honourable Dr. Rajendra Prasad) in the Chair.

DRAFT CONSTITUTION—(Contd.)

Part VI-A

Mr. President : We shall now take up Part VI-A.

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

“That after Part VI, the following new Part be inserted :—

PART VI-A

THE STATES IN PART III OF THE FIRST SCHEDULE

211 A. The provision of Part VI of this Constitution shall apply in relation to the States for the time being specified in Part III of the First Schedule as they apply in relation to the States for the time being specified in Part I of that Schedule subject to the following modifications and omissions, namely :—

- (1) For the word “Governor” wherever it occurs in the said Part VI, except when it occurs for the second time in clause (b) of article 209, the word “Rajpramukh” shall be substituted.
- (2) In article 128, for the word and figure “Part I” the word and figure “Part III shall be substituted.
- (3) Articles 131, 132 and 134 shall be omitted.
- (4) In article 135,—
 - (a) in clause (1), for the words, “be appointed” the word “becoms” shall be substituted;
 - (b) for clause (3). the following clause shall be substituted, namely:—

“(3) The Rajpramukh shall be entitled without payment of rent to the use of his residences, and there shall be paid to the Rajpramukh such allowances as the President may, by general or special order, determine.”;
 - (c) in clause (4), the words ‘emoluments and’ shall be omitted.
- (5) In article 136, after the words “senior-most judge of that court available” the words or in such other manner as may be prescribed in this behalf by the President’ shall be inserted.
- (6) In article 144, the Proviso to clause (1) shall be omitted.
- (7) In article 148, for clause (1) the following clause shall be substituted, namely:—

“(1) For every State there shall be a Legislature which shall consist of the Rajpramukh and—

 - (a) in the State of Mysore, two Houses;
 - (b) in other States, one House.”
- (8) In article 163, for the words “as are specified in the Second Schedule” the words, “as the Rajpramukh may determine” shall be substituted.
- (9) In article 170 for the words “as were immediately before the date of commencement of this Constitution applicable in the case of members of the Provincial Legislative Assembly for that State” the words “as the Rajpramukh may determine” shall be substituted.

- (10) In clause (3) of article 177—
- (a) for sub-clause (a), the following sub-clause shall be substituted, namely :—
“(a) the allowances of the Rajpramukh and other expenditure relating to his office as determined by the President by general or special order;”
 - (b) after sub-clause (c), the following sub-clause shall be inserted, namely :—
“(ce) in the case of the State of Travancore-Cochin, a sum of fifty-one lakhs of rupees required to be paid annually to the Devaswom fund under the covenant entered into before the commencement of this Constitution by the Rulers of the Indian States of Travancore and Cochin for the formation of the United States of Travancore and Cochin;”
- (11) In article 183, for clause (2), the following clause shall be substituted, namely:—
- “(2) Until rules are made under clause (1) of this article, the rules of procedure and standing orders in force immediately before the commencement of this Constitution with respect to the Legislature for the State or, where no House of the Legislature for the State existed, the rules of procedure and standing orders in force immediately before such commencement with respect to the Legislative Assembly of such Province, as may be specified in this behalf by the Rajpramukh of the State, shall have effect in relation to the Legislature of the State subject to such modifications and adaptations as may be made therein by the Speaker of the Legislative Assembly or the Chairman of the Legislative Council, as the case may be.”
- (12) In clause (2) of article 191, for the word “Province” the words “Indian State” shall be substituted.
- (13) For article 197, the following article shall be substituted, namely:—
- “197. The judges of each High Court shall be entitled to such salaries and allowances and to such rights in respect of leave of absence and pension as may from time to time be determined by the President after consultation with the Rajpramukh:
- ‘Salaries, etc., of Judges. in respect of leave of absence and pension as may from time to time be determined by the President after consultation with the Rajpramukh:
- Provided that neither the salary of a judge nor his rights in respect of leave, of absence or pension shall be varied to his disadvantage after his appointment.

I think I will move the other amendments afterwards.

As will be seen, the underlying idea of this Part is that Part VI of this Constitution which deals with the Constitution of the States will now automatically apply under the provisions of article 21-A to States in Part III. But it is realized that in applying Part VI to the Indian States which will be in Part II there are special circumstances for which it is necessary to make some provision and the purpose of this particular amendment 217 is to indicate those particular articles in which these amendments are necessary to be made in order to deal with the special circumstances of the States in Part III. Otherwise the States in Part III so far as their internal constitution is concerned will be on a par with the States in Part I.

Mr. President : Shall we have the amendments ?

Shri K. M. Munshi (Bombay : General) : May I read the Statement . . .

Mr. President : After the amendments are moved. Mr. Naziruddin Ahmad.

Mr. Naziruddin Ahmad : Mr. President, I will move Nos. 237 and 238, but a consequential amendment in the body of the Constitution would be necessary and I have suggested that in amendment No. 254. I beg to move :

“That in amendment No. 217 of List VII (Second Week), in the proposed new article 211-A. for the word ‘modifications’ the words ‘adaptations, modifications’ be substituted.”

I also move:

“That in amendment No. 217 of List VII (Second Week),—

- (i) in item (3) of the proposed article 211 A, for the words ‘shall be omitted’ the words ‘shall not apply to this part’ be substituted;
- (ii) in item (4) of the proposed article 211 A, in paragraph (a), after the words ‘in clause (1)’ the words ‘for the time being specified in the First Schedule’ be omitted and be inserted.”

[Mr. Naziruddin Ahmad]

I also move 254 as consequential amendment to the acceptance of Part II of amendment 238. I move :

“That in clause (1) of article 135, the words ‘for the time being specified in the First Schedule’ be deleted.”

Sir, with regard to the scheme of article 21 I-A, I submit that the Drafting Committee has resorted to a kind of short-cut. They have merely adapted the articles applying to the Provinces so as to suit them to the purposes of the Indian States. Instead of this process they should have re-written the articles absolutely anew. There are many provisions which are similar to the Provinces and the Centre. If the process of adaptation was carried on like this, many provincial articles might have been adapted by a single section like this. In this process, there is a danger of overlooking a large number of anomalies and it is difficult to say what anomaly remains even after the adaptation. I submit that if possible these articles as adapted should be re-written as different independent Part altogether. That is a suggestion which I hope the Drafting Committee will consider.

My first amendment relates to the body of article 211-A. It says that Part III of the First Schedule, *viz.*, the provisions of Part VI shall be accepted subject to the following “modifications and omissions”. I wanted to make it read ‘adaptations, modifications and omissions’. The word ‘adaptation’ seems to me to be very appropriate. What we are doing is to adapt provisions applying to the Provinces to make them suitable for the Indian States. So these are really not mere modifications and omissions but really and essentially they are adaptations. That is why the word “adaptation” is particularly suitable in the context and should be accepted.

Then, Sir, as to the next amendment, it is also of a drafting nature. I shall merely indicate it and leave it to the Drafting Committee to consider the matter. It is in item 3. It is said that “articles 131, 132 and 134 shall be omitted”. Instead of that it would be better to say that these articles “shall not apply to this Part”. That is to say, articles 131, 132 and 134 shall not apply to Part VI-A which is under consideration. This is of a drafting nature and I should leave it to the Drafting Committee to consider.

The next amendment, to my mind, is a matter of some importance. It relates to the adaptations of article 131, clause (1). It, I mean the original article, says that the Governor shall not be a member of either House of Parliament or of a House of the Legislature of any State for the time being specified in the First Schedule. We want to adapt it to apply to the Rajpramukhs. As so adapted, it would read that the Rajpramukh shall not be a member of either House of Parliament or a House of the Legislature of the State for the time being specified in the First Schedule. I submit that as the time when this original article was drafted, the picture of the Indian States was rather vague, and therefore, we concentrated ourselves on phraseology applicable to the Provinces, namely, “the States for the time being in the First Schedule”. I submit that the Rajpramukh should not only be not a member of either House of Parliament or of the States for the time being specified in the First Schedule, but also not a member of the legislature of any State for the time being specified in the Third Schedule. What I mean to say is that the working should be such that.....

The Honourable Shri K. Santhanam (Madras : General) : The honourable Member is confusing the Part I of the First Schedule with the First Schedule. The First Schedule includes all the States.

Mr. President : Specified in the First Schedule, and not Part I of the Schedule.

Mr. Naziruddin Ahmad : I am grateful to Mr. Santhanam for pointing it out. In that case, this amendment and amendment No. 254 would also be unnecessary.

Sir, these articles are coming in in absolutely huge numbers every morning and we have to consider them on the day they are received. With regard to the other amendments, they might be considered by the Drafting Committee.

(Amendment No. 239, List VIII, Second Week was not moved.)

Mr. President : Amendment No. 240—Mr. Sidhwa.

Shri R. K. Sidhwa : Sir, I move :

“That in amendment No. 217 of List VII (Second Week), in item (4) of the proposed article 211 A, in paragraph (b), the words ‘and such allowance shall be a charge on the revenues of the State’ be added at the end of the proposed clause (3).”

And there is a similar amendment, No. 241.

Sir, I move:

“That in amendment No. 217 of List VII (Second Week), in item 10 of the proposed article 211A, in paragraph (a) the words ‘and such expenditure shall be a charge on the revenues of the State’ be added at the end of the proposed sub-clause (a).”

The Honourable Shri K. Santhanam : Para. (10) is a charging section. If you read it with article 177, it will be seen that these allowances will be a charge. That is what Mr. Sidhwa wants.

Shri R.K. Sidhwa : My point is that it should not be a charge on the Union. As the Privy Purse is chargeable to the Union, I want to know whether the allowances are to be charged to the Union or the State. If it is charged to the State, then my amendment is not necessary.

The Honourable Shri K. Santhanam : Article 177 refers only to the Rajpramukhs.

Shri K.M. Munshi : It is only chargeable on the States.

Mr. President : If you refer to paragraph (1) it is covered by that. It says—

“In clause (3) of article 177 for sub-clause (a), the following sub-clause shall be substituted, namely:—

‘(a) the allowances of the Rajpramukh and other expenditure relating to his office as determined by the President by general or special order :’ ”

Shri R. K. Sidhwa : It does not indicate that it will be chargeable to the State.

The Honourable Shri K. Santhanam : The whole article 177 deals with it.

Shri R. K. Sidhwa : If it is now clear, I have no objection. If it is chargeable to the State, that is what I want.

Mr. President : Article 177 clause (3) covers it.

The Honourable Dr. B. R. Ambedkar : My amendment No. 10 covers it.

Shri R. K. Sidhwa : I see it now. Then there is another amendment No. 246, relating to the new article 235A. Will that come up later on ?

Mr. President : Yes. We now come to amendment No. 242—Shri Brajeshwar Prasad.

Shri Brajeshwar Prasad : Sir, I beg to move:

“That in amendment No. 217 of list VII (second week), in item (13) of the proposed article 211A, the words ‘after consultation with the Rajpramukh’ be deleted from article 197.”

Sir, I am opposed to the statutory obligation on the part of the President to consult the Rajpramukh. I know, in practice, the President will always consult the Rajpramukh. But if there is any statutory obligation, it means that the sphere of action of the President would be circumscribed. It will not be easily possible for any man to go counter to the advice tendered by the Rajpramukh. Therefore, Sir, I am in favour of the proposition that the authority of the President in this sphere should be unrestricted and unhampered. Sir, there is another reason why I am against the Rajpramukh. I want that all powers, as far as possible, should be vested in the hands of the President, which means in the hands of the Government of India. Being fundamentally opposed to federalism and provincial autonomy and being an advocate of a unitary State, I feel that powers should be vested, as far as this topic is concerned, in the hands of the President and the President alone.

Mr. President : There are two more amendments, notice of one of which has been given by Kaka Bhagwant Roy.

Kaka Bhagwant Roy : (Patiala and East Punjab States Union) Mr. President, Sir, I move :

“That in amendment No. 217 of List VII (Second Week), for paragraph (b) of item (4) of the proposed article 211A, the following be substituted:—

‘(b) for clause (3), the following clause be substituted; namely—

- (3) The Rajpramukh shall be entitled, without payment of rent to the use of his residences, and there shall be paid to the Rajpramukh such allowances as the President may, on consideration of the recommendation made by the Legislature of the State, by general or special order, determine.’ ”

Sir, the big allowances of the Rajpramukhs are to be a direct charge on the State revenues, and the State revenues are paid by the States people. So, the representatives of the people—I mean the State Legislatures—should have the right to discuss the allowances which are to be paid to the Rajpramukhs. You remember, Sir, that when we were discussing Schedule VII, I put up a similar kind of amendment and I was assured by Dr. Ambedkar that, when we took up the States Chapter, we shall surely consider over it. I think Dr. Ambedkar would be kind enough to consider over this amendment and accept it.

Prof. Shibban Lal Saksena : Mr. President, Sir, I beg to move:

“That in amendment No. 217 of List VII (Second Week), in paragraph (a) of item (10) of the proposed article 211A, for the words ‘the President by general or special order’ the words ‘Parliament by law’ be substituted.”

Mr. President : The copy that I have, reads—

“That in amendment No. 278 of List X (Second Week), in clause (1) of the proposed article 197, for the words ‘President after consultation with the Rajpramukh’ the words ‘Parliament by law’ be substituted.”

Prof. Shibban Lal Saksena : The amendment that I am moving is 288 of List XII.

Mr. President : I have just received it. You can move it.

Shri T. T. Krishnamachari : But that has not been moved.

The Honourable Dr. B. R. Ambedkar : How can you move it?

Prof. Shibban Lal Saksena : I am not moving the amendment which the President read out. I am moving No. 288 of List XII.

The Honourable Shri K. Santhanam : Before that there are amendments Nos. 276, 277 and 278 in List X.

Mr. President : We have not yet come to that. He may move that and then we shall take them up.

Prof. Shibban Lal Saksena : Here we are making provisions for allowances to be paid to the Rajpramukhs and we have said that these allowances shall be determined by the President by general or special order. Now, in the original article, the salary of the Governors is to be determined by Parliament, and I do not know why the allowances of the Rajpramukhs should not be determined by Parliament. In fact, the allowances should be fixed once for all and should not be varying. Therefore, I think that these allowances should be determined by Parliament and not by the President. They should not be liable to variation with every change of President. This is my amendment No. 288.

The Honourable Shri K. Santhanam : Mr. President, Sir, I move:

“That in amendment No. 217 of List VII (Second Week), in item (4) of the proposed article 211A for paragraph (b) the following, be substituted :—

‘(b) for clause (3), the following clause shall be substituted, namely—

- (3) Unless he has his own residence in the Capital of his State, the Rajpramukh shall be entitled to the use of an official residence without payment of rent, and there shall be paid to the Rajpramukh such allowances as the President may, by general or special order, determine.’ ”

The point of this amendment is that in the clause as originally drafted, the provision is that the Rajpramukh shall be entitled without payment of rent to the use of his residences; if there are his residences, certainly we need not make a constitutional provision that he is entitled to use them. It is only when he has to use some residence which is not his by right, the question of payment of rent arises. That is why I want to make the provision that only when a Rajpramukh has not got his own residence in his Capital, he should be entitled to the use of an official residence without payment of rent, and my amendment has been tabled accordingly. Sir, I beg to move :

“That in amendment No. 217 of List VII (Second Week), in item (13) of the proposed article 211 A, for article 197, the following be substituted :—

‘Salaries, etc. of Judges. 197. (1) There shall be paid to the judges of each High Court Such salaries as may be determined by the President after consultation with the Rajpramukh.

- (2) Every judge shall be entitled to such allowances and to such rights in respect of leave of absence and pension as may from time to time be determined by or under law made by Parliament and, until so determined, to such allowances and rights as may be determined by the President in consultation with the Rajpramukh:

Provided that neither the allowance of a judges nor his rights in respect of leave of absence or pension shall be varied to his disadvantage after his appointment.’ ”

Sir, our attempt has been to bring the States as far into line with the provinces as possible. So far as salaries are concerned, it has been found necessary that the salaries of the High Court Judges in the States should differ at least for the present from those of the High Courts in the provinces. Therefore the President has been given the right under article 193 (7). The Parliament has been given power to fix the other allowances, and rights in respect of leave of absence and pensions. There is no justification why Parliament or Parliamentary legislation should not apply to the judges in the States High Courts as well. Therefore so far as clause (2) and the proviso are concerned, I have adopted the same language as in article 197 with the difference that to start with the allowances may be fixed by the President. In clause (1) I have given

[Shri K. Santhanam]

the President the right to fix the salaries of judges so that the new article 197 will follow the old article 197 as closely as it is possible and necessary to do so—

Shri H. V. Kamath : On a point of clarification, may I ask my honourable Friend Mr. Santhanam whether, in view of the fact that Rajpramukhs have been specifically exempted from payment of rent for their official residence, the article relating to the Governors also will be suitably amended ? That article does not exempt them specifically.

Mr. President : That question does not arise at this stage.

Shri H. V. Kamath : Governors and Rajpramukhs are on a par with each other.

Mr. President : That may be, but we are not dealing with Governors here.

The Honourable Shri K. Santhanam : I may add that the Rajpramukhs have generally their own residences in the capital and therefore no question of rent will arise.

Shri A. Thanu Pillai (Travancore & Cochin Union) : May I know from my honourable Friend, Mr. Santhanam, why he makes a distinction between salaries and allowances of High Court judges ?

Honourable Shri K. Santhanam : Because article 197 has made the distinction. It has fixed salaries in the Schedule II and made it unalterable by Parliament. But clause (2) of 197 makes the all owances and other rights in respect of leave, pension, etc., subject to parliamentary legislation. Because under 197 we have made the distinction. I am only trying to preserve the same distinction with respect to the States.

Shri H. R. Guruv Reddy (Mysore State): Mr. President, Sir, I move :

“That in amendment No. 217 of List VII (second week), in item (1) of the proposed article 211A, for the word ‘Rajpramukh’ the words ‘Maharaja, Nizam’ or the ‘Rajpramukh’ be substituted.”

Sir, it may be said that this matter would be explained elsewhere in the Constitution. But I feel that it is necessary.....

Shri T. T. Krishnamachari (Madras : General): May I point out that it is the intention of the Drafting Committee that this definition should be included in the definition clause 303 to which we propose to make amendments and if the honourable Member would wait, he will probably get an opportunity of putting these words as he wants them as an amendment to our proposal.

Shri H. R. Guruv Reddy : In that case, I will have it postponed. I shall move 287, I move:

“That in amendment No. 217 of List VII (Second Week), in paragraph (b) of item (4) of the proposed article 211A, in the proposed clause (3), for the words ‘payment of rent’ the words ‘any obligation’ be substituted.”

The use of the word “rent” looks as though it is belittling the rulers of the States. Therefore, I suggest the word “obligation” be introduced. Nothing else.

Prof. Shibban Lal Saksena : Mr. President. Sir, I beg to move:

“That in amendment No. 278 of List X (Second Week), in clause (1) of the proposed article 197, for the words ‘President after consultation with the Rajpramukh’ the words ‘Parliament by law’ be substituted.”

Amendment No. 278 was moved by my Friend, Mr. Santhanam. My object in moving this amendment is this. Already my honourable Friend from Travancore has raised the question, which Mr. Santhanam also answered. He said that

he was trying to conform to article 207 in List 7 of amendments now under discussion. I think that is no reason. I feel that salaries must be fixed. They must not be variable and it must not be for the President to fix them from time to time after consultation with the Rajpramukh. Whatever the salary, it is only proper that it should be fixed by the Parliament. The Parliament should be the ultimate authority. I am prepared to concede that during the transition period you may keep this clause, but if you want it permanently in the Constitution, these salaries must be fixed by the Parliament by law.

Shri Raj Bahadur (United States of Matsya) : In view of the statement made by Shri K. Santhanam I do not move Amendment No. 277.

Mr. President : These are all the amendments The article as well as the amendments are open to discussion.

The Honourable Sardar Vallabhbhai J. Patel (Bombay : General) : Sir, I have prepared a speech which I thought I would not be able to deliver because of the strain that it would cause me and I have requested Mr. Munshi to read it on my behalf. It gives a general resume of the origin of the amendments which have been proposed by Dr. Ambedkar. There are a large number of them about which it is necessary to explain how they came to be introduced. It is also necessary to give a general idea of the background of all these things. Therefore, if you will permit, I shall ask Mr. Munshi to read it.

Mr. President : Yes, Mr. Munshi may read it.

The Honourable Sardar Vallabhbhai J. Patel : *Sir it has been my endeavour to keep the House fully informed of our policy and the developments in respect of the States. Apart from the statements I have made on the floor of the House from time to time, I laid before the House in July last year a White Paper on States in which was set out in detail not only the policy pursued by the Government of India towards the States but also the various agreements and Covenants entered into with the Rulers were reproduced. In March last I placed before the House another detailed report on the policy and the working of the Ministry of States. Now that the process of integration of the States has been completed I propose to place before the House next month another State Paper which Will contain a comprehensive review of all the developments which have taken place in respect of the Indian States since this Government was called upon to face the problem of States.

The amendments which are now being proposed concerning the provisions of the Constitution applicable to the States, embody the results of the bloodless revolution which within a remarkably short period, has transformed the internal and external set up of the States. The fact that the new Constitution specifies only nine States in Part III of Schedule I is an index to the phenomenal progress made by the policy of integration pursued by the Government of India. By integrating 500 and odd States into sizeable units and by the complete elimination of centuries-old autocracies, the Indian democracy has won a great victory of which the Princes and the people of India alike should be proud. This is an achievement which should redound to the credit of any nation or people at any phase of history.

As the House is aware, when the States entered the Constituent Assembly, of India, it was thought that the Constitution of the States would not form part of the Constitution of India. It was also understood that unlike the Provinces the accession of the States to the Indian Union would not be automatic but would be by means of some process of ratification of the Constitution. In the context of those commitments and the conditions then obtaining certain

*The speech was read out by Shri K. M. Munshi.

[The Honourable Sardar Vallabhbhai J. Patel]

provisions were incorporated in the Draft Constitution, which placed the States in certain important respects on a footing different from that of the Provinces.

As a result of the policy of integration and democratization of States pursued by the Government of India since December 1947 the process of what might be described as 'unionisation' of States has been greatly accelerated. Two important developments in this direction have been the extension of the legislative authority of the Dominion over the States and the federal financial integration of the States. The States had originally acceded in respect of the three subjects of Defence, Foreign Affairs and Communications only. With the formation of the Unions the legislative power of the Dominion Parliament was extended in respect of the Unions of States to all matters specified in the Federal and Concurrent Lists except those relating to taxation. The content of the accession of the State of Mysore was also likewise extended.

The gap in the financial field has now been filled by the arrangements which have been negotiated, with the States on the basis of the recommendations made by the Indian States Finances Enquiry Committee. The fundamental basis of this scheme is that federal financial integration of the States is a necessary consequence of the basic conception underlying the new Constitution of the Union of India—that of Provinces and States as equal partners. The scheme, therefore, is based upon complete equality between the Provinces and States in the following respects :—

- (1) The Central Government should perform the same functions and exercise the same powers in States as in Provinces;
- (2) The Central Government should function through its own executive organisations in States as in Provinces;
- (3) There should be uniformity and equality in the basis of contributions to Central resources from Provinces and States;
- (4) There should be equality of treatment as between Provinces and States in the matters of common services rendered by the Central Government, and as regards the sharing of divisible federal taxes, grants-in-aid, 'subsidies', and all other forms of financial and technical assistance.

The fact that these far-reaching changes in our fiscal structure are being introduced with the full concurrence of the States is in itself a great tribute to the excellent work done by the Indian States Finances Enquiry Committee under the chairmanship of Sir V. T. Krishnamachari, who brought to bear on this important problem his vast experience in Indian States.

These important developments enabled us to review the position of the States under the new Constitution and to remove from it all vestiges of anomalies and disparities which found their way into the new Constitution as a legacy from the past.

When the Covenants establishing the various Unions of States were entered into, it was contemplated that the Constitutions of the various Unions would be formed by their respective Constituent Assemblies within the framework of the covenants and the Constitution of India. These provisions were made in the covenants at a time when we were still working under the shadow of the theory, that the assumption, by the Constituent Assembly of India, of the constitution-making authority in respect of the States would constitute an infringement of the autonomy of the States. As however, the States came closer, to the Centre, it was realised that the idea of separate Constitutions being framed for the different Constituent units of the Indian Union was a legacy

from the Rulers" polity and that in a people's polity there was no scope for variegated constitutional patterns. We, therefore, discussed this matter with the Premiers of the various Unions and decided, with their concurrence, that the Constitution of the States should also form an integral part of the Constitution of India. The readiness with which the legislatures of the three States in which such bodies are functioning at present, namely, Mysore, Travancore and Cochin Union and Saurashtra, have accepted this procedure, bears testimony to the wish of the people of the States to eschew the separatist trends of the past.

In view of these important developments it became necessary to recast a number of the provisions of the Constitution in so far as they related to the States. The amendments we are proposing have been examined by the Constitution-making bodies of Mysore, Saurashtra and Travancore and Cochin Union. Some of the modifications proposed by these bodies have been incorporated in the amendments tabled before the House. Others have been dropped as a result of the discussions I have had with the representatives of these Constituent Assemblies.

It is a matter of deep regret for me that it has not been possible for us to adopt a similar procedure for ascertaining the wishes of the people of the other States and Unions of States through their elected representatives. Unfortunately we have no properly constituted legislatures in the rest of the States; nor will it be possible to have legislatures constituted in them before the Constitution of India emerges in its final form. We have, therefore, no option but to make the Constitution operative in these States on the basis of its acceptance by the Ruler of the Rajpramukh, as the case may be, who will no doubt consult their Councils of Ministers. I am sure neither the honourable Members representing those States in this House nor the people of the States generally, would wish that the enforcement of the Constitution in these States should be held over until legislatures or constitution-making bodies are constituted in them. The legislatures of these States, when, constituted under the new Constitution, may propose amendments to the Constitution. I wish to assure the people of these States that any recommendations made by their first legislatures would receive our earnest consideration. In the meantime I have no doubt, that the Constitution framed by this House, where all the States except one are duly represented, will be acceptable to them.

In view of the special problems with which the Government of Jammu and Kashmir is faced, we have made a special provision for the continuance of the constitutional relationship of the State with the Union on the existing basis. In the case of Hyderabad State the acceptance of the Constitution will be subject to ratification by the people of the State.

As the House will see, in several respects the Constitution as it now emerges, is different from the original draft. We have deleted such provisions, as articles 224 and 225, which imposed limitations on the Union's legislative and executive authority in relation to States in the federal sphere. The entries in the legislative List, which differentiated between the States and Provinces have likewise been dropped. The legislative and executive authority of the Union in respect of the States will, therefore, be co-extensive with its similar authority in and over the Provinces. Subject to certain adjustments during the transitional period, the fiscal relationship of the States with the Centre will also be the same as that between the Provinces and the Centre. The jurisdiction of the Supreme Court will now extend to the States to the same extent as in the case of the Provinces. The High Courts of the States are to be constituted and will function in the same manner as the Provincial High Courts. All the citizens of India, whether residing in States or Provinces, will enjoy

[The Honourable Sardar Vallabhbhai J. Patel]

the same fundamental rights and the same legal remedies to enforce them. In the matter of their constitutional relationship with the Centre and in their internal set-up the States will be on a par with the Provinces.

I am sure the House will note with gratification the important fact that unlike the scheme of 1935, 'our new constitution is not an alliance between democracies and dynasties, but a really union of the Indian people built on the basic concept of the sovereignty of the people. It removes all barriers between the people of the States and the people of Provinces and, achieves for the first time the objective of a strong democratic 'Indian built on the true foundation of a co-operative enterprise on the part of the people of the Provinces and States alike.

As the House is acquainted with trends of developments affecting the States it is not necessary for me to explain to the House the various amendments which have been tabled. There are two or three matters, however, about which I should like to make a few observations.

One of these is the proposed article 306-B. As the House is aware, the States, as we inherited them, Were in varying stages of development. In' most cases the advance had to be made from the starting point of pure, 'autocracy. Having regard to the magnitude of the task, which confronted the Governments of the Unions in the transitional period, and to the fact that neither the Services inherited by them nor the political organisations, as they existed there, were in a position to assume, unaided, full responsibilities of the administration, we made a provision in some of the Covenants that till the new Constitution came into operation in these . Unions, the, Rajpramukh and the Council of Ministers shall, in the exercise of their functions, be under the general control of the Government of India and comply With the instructions issued by that Government from time to time. The stress of the transitional phase is likely to continue for some years. We are ourselves most anxious that the people of these States should shoulder their full responsibilities; 'however, we cannot ignore the fact that while the administrative Organisation and political institutions are to be found in most of the States in a relatively less developed state, the problems relating to the integration of the States and the change-over from an autocratic to a democratic order are such, as to test the mettle of long established administrations and experienced leaders of people. We have therefore, found it necessary that in the interest of the growth of democratic institutions in these States, no less than the requirements of administrative efficiency, the Government of India should exercise general supervision over the Governments of the States till such time as it may be necessary.

It is natural that a provision of this nature which treats States in Part III differently. from Part I States should cause some misgivings. I wish to assure the honourable Members representing these States, and through them the people of these States that the provision involves no censure of any Government. It merely provides for contingencies which, in view of the present conditions, are more likely to arise in Part III States than in the States of other categories. We do not wish to interfere with the day-to-day administration of any of the State. We are ourselves most anxious that the people of the States should learn by experience. This article is essentially in the nature of a safety-value to obviate recourse to drastic remedies such as the provisions for the breakdown of the constitutional machinery. It is quite obvious that in this matter the States, *e.g.*, Mysore and Travancore and Cochin Union where democratic institutions have been functioning for a long time and where Governments responsible to legislatures are in office, have to be treated differently from the States not conforming to these standars. In all these cases our

control will be exercised in varying degrees according to the requirements of each case. The proviso to the article gives us the necessary discretion to deal with each case on its merits.

I hope this statement which embodies our considered policy will allay any apprehension which the Governments of any of these States may have concerning this article.

Another matter about which I would like to remove misgivings is the proposed amendment to article 3. This amendment places the States in Part III on the same footing as the States in Part I in respect of territorial readjustments. The Constituent Assembly of Mysore recommended to us that the article as already adopted by this House, which provides for prior consent of Part III States before any proposals affecting their territories are placed before the House, should remain unaltered. We have not found it possible to agree to the suggestion for the simple reason that in such matters there should be no differentiation between Part I and Part III States. I, however take this opportunity of assuring the representatives of Mysore State that whether the article provides for consultation or consent of the legislature of the affected State, the wishes of the people cannot be ignored either by the Central Government or legislature. After all, we are a democracy; the main sanction behind us is the will of the people and we cannot act in disregard of public opinion.

I now come to the proposed article 267-A in respect of which some explanation is necessary. The Government of India have guaranteed to the Rulers of merged and integrated States payment of privy purses as fixed under the terms of the various Covenants and Agreements of Merger. Article 267-A give constitutional recognition to these guarantees and provides for this expenditure being charged on the Central Revenues subject to such recoveries as may be made from time to time from the Provinces and States in respect of these payments.

I shall first deal with the financial aspect of these arrangements. In the past, in most of the States there was no distinction between the expenditure on the administration and the Ruler's privy purse. Even where the Ruler's privy purse had been fixed no effective steps were taken to, ensure that the expenditure expected to be covered by the privy purse was not, directly or indirectly, charged on the revenues of the State. Large amounts, therefore, were spent on the Rulers and on the members of the ruling families. This expenditure has been estimated to exceed twenty crores of rupees per year.

All the agreements of merger and Covenants now provide for the fixation of the Ruler's privy purse which is intended to cover all the expenses of the Rulers and their families including the expenses of their residences, marriages and other ceremonies, etc. The privy purse guaranteed under these agreements is less than the percentage for the Deccan States under the award given by Dr. Rajendra Prasad, Shri Shankerrao Deo and Dr. Pattabhi Sitaramayya. It is calculated on the basis of 15 per cent. on the first lakh of average annual revenue of the State concerned ten per cent. on the next four lakhs and seven and a half per cent. above five lakhs, subject to a maximum of ten lakhs. The maximum figure of ten lakhs has been exceeded only in the case of some of the major States, which had been recognised as viable and the amounts fixed in such cases are payable during their life-time only. The total annual privy purse commitments so far made amount to about Rs. four and a half crores. When the amounts guaranteed to certain Rulers during their life-time are subsequently refixed the total annual expenditure in respect of privy purses will amount to less than Rs. four crores.

Under the terms of the Covenants and the agreements entered into by the Rules privy purses are payable to the Rulers, out of the revenues of the States

[The Honourable Sardar Vallabhbhai J. Patel]

concerned and payments have so far been made accordingly. During the of the discussions with the Indian States Finances Enquiry Committee, it urged by most of the States that the liability for paying privy purses of Rulers should be taken over by the Centre on the ground that—

- (a) privy purses have been fixed by the Centre;
- (b) privy purses are political in nature; and
- (c) similar payments are not made by the Provinces.

Apart from these considerations, the position has definitely changed since the execution of the Covenants. In the first place, so far as the merged States are concerned, with their total extinction under the new Constitution of India, as separate entities, the basis of liability for privy purse payments guaranteed to the Rulers of the States will undergo a change, in that the States, from the revenues of which privy purses are payable, would cease to exist. Secondly, the term “revenues of the State” has now to be viewed in the context of the federal financial integration of States. This integration involves a two-fold process; one, of ‘functional’ partition of the present composite State Governments, and the other of ‘merger’ of the partitioned ‘federal’ portions of the State Governments with the present Central Government. It follows, therefore, that when the federal financial integration becomes effective, the liability in respect of privy purse payments should strictly speaking be shared on an equitable basis by the functional successors to the Governments of merged and integrated States, that is, the Central Government, on the one hand, and the Governments of Provinces and States on the other. Having regard to all these factors, we have decided that the best course would be that these payments should constitute a charge on the Central revenues, but that, at the same time, provision should be made for the recovery of such contributions from the Governments of the States, during such transitional period and in such amounts as may be considered appropriate. These recoveries are to be made in accordance with the scheme for financial integration of the States.

I have already stated that the privy purse settlements made by us will reduce the burden of the expenditure on the Rulers to at least one-fourth of the previous figure. Besides, the States have benefited very considerably from the process of integration in the form of cash balances inherited by them from the Rulers. Thus, for instance, the Rajpramukh of Madhya Bharat alone has made over to the Union large sums of money yielding interest sufficient to cover a major portion of the total privy purses of the Rulers, who have joined this Union. So, far as the assumption of the part of the burden by the Centre is concerned, we must remember that this arrangement flows as a consequence of the financial integration of the States, which will have an effect of lasting character on the economy of this country. The fiscal unification of India will patch up the disruptive rents in the economy of India which rendered effective implementation of economic policies in the Provinces impossible. Thus, for instance, in the matter of income-tax evasion alone, which has been a serious matter in recent years the gains from federal financial integration will prove very substantial. From the financial point of view, therefore, the arrangements we have made are going to benefit very materially the economy of this country.

I shall now come to the political and moral aspect of these settlements in order to view the payments guaranteed by us in their correct perspective, we have to remember that they are linked with the momentous developments affecting the most vital interests of this country. These guarantees form part of the historic settlements which ensfire in them the consummation of the great ideal of geographical, political and economic unification of India, an ideal

which for centuries remained a distant dream and which appeared as remote and as difficult of attainment as ever even after the advent of Indian independence.

Human memory is proverbially short. Meeting in October, 1949, we are apt to forget the magnitude of the problem which confronted us in August, 1947. As the honourable Members are aware, the so-called lapse of paramountcy was a part of the Plan announced on June 3, 1947, which was accepted by the Congress. We agreed to this arrangement in the same manner as we agreed to the partition of India. We accepted it because we had no option to act otherwise. While there was recognition in the various announcements of the British Government of the fundamental fact that each State should link up its future with the Dominion with which it was geographically contiguous, the Indian Independence Act released the States from all their obligations to the British Crown. In their various authoritative pronouncements, the British spokesmen recognised that with the lapse of paramountcy, technically and legally the States would become independent. They even conceded that theoretically the States were free to link their future with whichever Dominion they liked although, in saying so, they referred to certain geographical compulsions, which could not be evaded. The situation was indeed fraught with immeasurable potentialities of disruption, for some of the Rulers did wish to exercise their technical right to declare independence and others to join the neighbouring Dominion. If the Rulers had exercised their right in such an unpatriotic manner, they would have found considerable support from influential elements hostile to the interests of this country.

It was against this unpropitious background that the Government of India invited the Rulers of the States to accede on three subjects of Defence, External Affairs and Communications. At the time the proposal was put forward to the Rulers, an assurance was given to them that they would retain the status quo except for accession on these subjects. It had been made clear to them that this accession did not also imply any financial liability on the part of the States—and that there was no intention either to encroach on the internal autonomy or the sovereignty of the States or to fetter their discretion in respect of their acceptance of the new Constitution of India. These commitments had to be borne in mind when the States Ministry approached the Rulers for the integration of their States. There was nothing to compel or induce the Rulers to merge the identity of their States. Any use of force would have not only been against our professed principles but would have also caused serious repercussions. If the Rulers had elected to stay out, they would have continued to draw the heavy civil lists which they were drawing before and in large number of cases they could have continued to enjoy unrestricted use of the State revenues. The minimum which we could offer to them as *quid pro quo* for parting with their ruling powers was to guarantee to them privy purses and certain privileges on a reasonable and defined basis. The privy purse settlements are therefore in the nature of consideration for the surrender by the Rulers of all their ruling powers and also for the dissolution of the States, as separate units. We would do well to remember that the British Government spent enormous amounts in respect of the Mahratta settlements alone. We are ourselves honouring the commitments of the British Government in respect of the pensions of those Rulers who helped them in consolidating their Empire. Need we cavil then at the small-purposely use the, word—small—price we have paid for the bloodless revolution which has affected the destinies of millions of our people.

The capacity for mischief and trouble on the part of the Rulers if the settlement with them would not have been reached on a negotiated basis was for greater than could be imagined at this stage. Let us do justice to them; let us

[The Honourable Sardar Vallabhbhai J. Patel]

place ourselves in their position and then assess the value of their sacrifice. The Rulers have now discharged their part of the obligations by transferring all ruling powers and by agreeing, to the integration of their States. The main part of our obligation under these agreements, is to ensure that the guarantees given by us in respect of privy purse are fully implemented. Our failure to do so would be a breach of faith and seriously prejudice the stabilisation of the new order.

In commending the various provisions concerning the States to the House I would ask the Honourable Members to view them as a coordinated over-all settlement of a gigantic problem. A particular provision isolated from its context may give a wholly erroneous impression. Some of us might find fault with what might appear as relics of the previous autocratic set up. I wish to assure Honourable Members that autocracy in the States has gone, and has gone for good. Let us not get impatient with any particular term which might remind us of the past. The form in which the Rulers find recognition in the new Constitution of India, in no way impairs the democratic set up of the States. The Rulers have made an honourable exist;- it now remains for the people to fill the breach and to derive full benefit from the new order.

I take the liberty to remind the House that at the Haripura Session the Congress in 1938 defined its objective in respect of the States as follows :—

“The Congress stands for the same political, social and economic freedom in the States as in the rest of India and considers the States as integral parts of India which cannot be separated. The Purna Swaraj or complete Independence, which is the objective of the Congress, is for the whole of India, inclusive of the States, for the integrity and unity of India must be maintained in freedom as it has been maintained in subjection. The only kind of federation that can be to the Congress is one in which the States participate as free units, enjoying the same measure of democratic freedom as the rest of India.”

I am sure the House will agree with me when I say that the provision which we are now placing before the House embody in them full achievement of that objective. (*Cheers*).

Mr. President : We shall now proceed with the further discussion of amendment No. 217 which Dr. Ambedkar has moved and the various amendments which have been moved to that amendment. If any Member wishes to say anything he can do so now.

Dr. B. Pattabhi Sitaramayya (Madras : General) : Mr. President Sir, on a previous occasion when I first spoke in this House I had stated that it was a sudden impulse that overtook me which drew me to the mike. I beg permission to repeat the same.

As I heard page after page, paragraph after paragraph, sentence after sentence of the masterly document that has been just now read to us. I felt exalted and transported to a new world of vision, a dream-land which we had in mind. When we effected a compromise at Haripura, in terms of the resolution which, fortunately, has been recalled to your minds by being read verbatim. That was the result of a struggle between two sections, the more conservative and the more radical, which was ultimately brought about by the masterly Intervention of the present Home Minister and the Prime Minister and our revered Mahatmaji. It was in 1936 that I began to take direct and active interest in the affairs of the States because I felt that they, could not be kept apart from the provinces of India for any length of time and as I travelled from State to State and cleared thousands of miles by car, I felt that there was no natural partition between the States and the Provinces. They were not separated either by forests or jungles or deserts or rivers or mountain ranges but they were all of a piece with one another and only a toll

bar represented by a rope was the dividing line between the two areas and if you travel through Kathiawar which is now called Saurashtra with its 417 States, you cannot pass any two miles without changing over from State to, province and province to State. That was an impossible state of things. How it had come into being was unimaginable and there was no point in postponing the consideration of the amalgamation of the provinces and the States. That was how the Haripura Resolution was brought into existence and today we have the unique satisfaction that under the strategy and statesmanship of our Home Minister who is also the Minister for the States, it has been possible for him to bring about this unity in financial matters, in strategic matters, in matters of the army and above all, in matters of the Constitution.

All congratulations are due to the representatives of the States who are assembled here for the ready manner in which they have acceded to these suggestions. At first when we were engaged in the Negotiating Committee in February 1947, it looked to me as though it would be a miracle to bring the representatives of the various States into this House, but when these men who were not able to stand within a mile of the Palaces of the Princes were sitting side by side with them on equal terms, it was a pleasurable sight to witness, and from that day forward we have progressed from step to step and stage by stage until today we have about 92 of them represented in this House sitting on terms of equality and friendly comradeship with us all.

One point I would like to mention and that is the privy purse. When a palace is built especially in a clayey and slushy area which makes the foundations weak, more bricks are thrown into the foundations than are visible in the walls or on the facade. It is the facade that draws attention it is facade that is worked artistically, but the bricks are all thrown into the foundations never to be seen, but always bearing the burden of the mighty edifice that is visible above. That was the foundation that we had laid in trying to bring the sixteen Deccan States into one Union and this is the second occasion upon which the Home Minister, who is the Minister for the States, has made a direct reference to the names of three of us in respect of the propriety of the measure of the privy purse that has been granted to the princes. We had to do the spade-work and we had to offer a bail to our princes, we had to draw them into the scheme of Union. All honour to those sixteen princes who had agreed to come into the Union for the first time at a time when neither unification nor unionisation was visualized or conceived. All honour to the Rajas of Phaltan, of Sangli, of Bhore and of Aundh who had taken the initiative in this matter and made it possible; on foundations which had to be well and truly laid and therefore more money had to be spent upon them, we had to give privy purses on a much larger scale. It was the fortunate privilege of the Minister for the States to build upon those foundations and negotiate, a much smaller privy purse and all honour to our Minister of States, for having made it almost the minimum.

Perhaps there is a feeling in the country and some friends who have no responsibility placed on them in regard to the administration of the State are fond of speaking somewhat disparagingly of the amount of privy purse that has been granted to our princes. Let it be made clear that there is no mistake made in granting these, which have been on the most moderate scale, and I am sure that as time passes perhaps the Princes themselves will feel that this kind of 'maintenance' life ill suits them. It is not the Princes that are so much the burden on the administration as the Jagirdars. Hyderabad has 1,200 Jagirdars, Gwalior has 600. All these have to be liquidated and when you take into consideration the compensation that is due to all these people, you will find that in the proportion in which you have put an end to autocracy, you are also increasing your privy purse liability and maintenance liability. That is inevitable. But as has been very well pointed out in this document

[Dr. B. Pattabhi Sitaramayya]

it makes for a saving of 20 crores which are the illegal allowances taken and of several crores which are legally saveable from the budgets as they had obtained up to now. The privy purse after all is a small matter. It is the monetary equivalent of the, moral surrender of the Princes. Moral surrender is what we want and all honour to the Princes that have readily agreed to such an arrangement. You can easily increase the resources of the country. You can easily decrease your expenditure by agreement. Therefore I must offer my congratulation to the Ministry upon the magnificent achievement for which they are responsible.

Finally, I should like to say that while much has been done, there is a little yet to be achieved. Madhyabharat comes next to Mysore and Travancore for the excellent traditions that it is building up and Rajasthan has still to build up such traditions. Saurashtra is not likely to be isolated for long, and then you have the problems in PEPSU and the Himachal States and last of all, Vindhya-prant. I am sure that that statesmanship and farsightedness, that acuteness of vision and that perspicacity which have been able to achieve these results will be able to follow them up by equally brilliant results in regard to these four problematical questions that still confront the States Ministry and the country.

When this is done, the whole of India will have been placed upon one common foundation and the achievements which are visualised in the Haripura Resolution will have been completed. I, therefore, offer my thanks and congratulations not merely as an individual but also as the Officiating President, as the Substitute-President of the permanent President of the States People's Conference, then as the Vice-President and now as the President of the Indian National Congress. I welcome the settlement and congratulate the Honourable the States Minister upon this magnificent achievement for which there is no parallel in history. I can easily recall the Confederation of the German States being brought together after the Battle of Jena in 1871, when France was defeated and all the Confederacy was converted into a Federation. Even that does not make any approach to the unionization of the 562 Islands of autocracy, citadels of personal rule, which had been established by the British for their own purposes. The British had gone but when they had gone, they had left a blot upon their own good name by publishing the document of 12th May 1946 relating to paramountcy which they had not allowed to be published till 23rd May 1946, i.e., till we had given our reply to the 16th May document round which all negotiations had centred. By one stroke of the pen they had released these 562 lions from their cages. And they let them loose upon the country. Fortunately, the States Ministry had been able to get hold of them and make them real citizens of usefulness; and we are sure that with their co-operation in the fields of diplomacy and industries—the two fields for which they are eminently fitted—they will help to exalt the good name of India in the comity of nations.

Mr. President : I do not mind allowing some more speakers to speak, but I suggest we finish this Part today.

Shri Ram Sahai (Madhya Bharat) : * [Mr. President, I believe there could be no occasion for greater satisfaction of the people of the Indian States than the present one when the people of those regions find themselves on the same level as the people of the Provinces. I find that they have been given under the Constitution the same status as has been provided for the people of the Provinces. No one can doubt that the people of the States have been able

* [] Translation of Hindustani Speech.

to secure this privilege only because of the great interest that Sardar Patel has taken in the problems of the States. No one can, of course, doubt that the Resolution passed by the Haripura Session of the Indian National Congress with respect to the States and the agitation carried on by the All-India States Peoples Conference as a result of that resolution for the integration and uniform administration in the Indian States and the situation created as a result of that agitation have all combined to facilitate the task of the Sardar in this respect, and have enabled him to solve the problem of the States at the earliest possible moment. All the Regional Councils affiliated to the All-India States Peoples' Conference had laboured hard in this direction and as a result of their efforts and the leadership and guidance of Sardar Patel, you find today that the States have been able to get the same status under the Constitution which is enjoyed by the Provinces.

Only last year a convention of the representatives of the States in the Constituent Assembly was held in Delhi. The statement issued by that Convention also demanded that provision should be made in the Constitution at an early date so as to put the States and the Provinces on the same level. It was as a result of that that a Committee to draw up a model constitution was appointed under the States Ministry and it drew up such a model constitution. But the conditions changed so quickly that we find that we have advanced much beyond the model constitution, and we find that the people of the States are getting the same rights as the people of the Provinces and the responsibilities and the opportunities of work for both are the same under the Constitution. Moreover, a Part relating to the States is being added to the Constitution as recommended by the Committee which had drawn up the model constitution. I may here point out that the people of the States had come to entertain many doubts about the implications of the article 306-B which has been inserted in the Constitution. Some of us even went to see the Sardar in this connection. The clarification that Sardar Patel gave to us of that article gave us very great satisfaction and all the doubts that we had in our mind were completely removed and we were convinced that in view of the conditions existing in different States such an article was really needed.

Formerly the States used to be under the control of the Political Department. Now I believe they will have to work under the guidance of the States Ministry. But I believe there would be a big difference between the former and the present-system. Formerly the Ruler of the State used to act with a view to maintain the foreign rule in India. But now the work that we shall have to do under the guidance of the States Ministry would be mainly with a view to establish as early as possible an efficient and effective administrative system. We are being provided with all the rights and facilities which are being provided to the Provinces. I, therefore, believe that it is not desirable for us to entertain any doubt or suspicion in this respect, more particularly in view of the statement made by Sardar Patel in the House in which he has made matters very clear and has given the necessary assurances.

There is a Legislative Assembly in Madhya Bharat. In Gwalior, an Assembly of this type had been in existence for the last thirty years and in Indore also such an Assembly had been in existence for about fifteen to twenty years.

The Assembly that has come into existence after the merger of several States in the Madhya Bharat Union has no doubt been in existence for a short while only. But even that Assembly has got representatives of the people of all Constituent States and that Assembly has been conducting its business according to the constitution drawn up by itself. But I believe that now we shall be working almost in the same way as the Provincial Governments work under this Constitution which we are adopting.]

Shri A. Thanu Pillai : Mr. President, Sir, I wish to add my humble quota of praise and thanks to the States Ministry and the great personality that is now in charge of that Ministry. Sir, the changes that have come about in the relations between the Indian States and the Government of India and the rapidity of those changes are really marvellous. I shall refer just to one fact. A few months ago it was considered necessary to appoint a committee to draft a model constitution for the States. That means that even then the idea was that the Indian States would have to frame their own separate constitutions. And we have now reached the stage at which we are able to frame the constitution for the whole of India, including the States, here, and that is an achievement certainly, of which any administrator, any Ministry, can be justly proud; and coming from one of the Indian States, and I may say, one of the foremost of the Indian States, I am particularly glad that I have an opportunity of witnessing this change and taking part in framing the Constitution, and making the Constitution for the States, part of the whole Constitution of India.

This brilliant record of achievement should serve as an inspiration to all of us, including the people of the States. As was mentioned here, the States are in different stages or different degrees of development. I am glad that the provisions relating to the Provinces are made applicable to the States. The States that are foremost in the whole country owe that fact to their adopting the methods prevailing in the Provinces, I mean the administrative and legislative methods, early enough. If Mysore, Travancore and Cochin are now in the forefront of Indian States, that is largely due to the fact that we adopted early enough the administrative methods and the legislative methods that were obtaining in the Provinces. The North Indian States lagged behind because they pursued their old methods, and the result is that today we find they are distinctly backward. Therefore, when we adopt the same system, when we adopt the same kind of provisions for all the States and the provinces we can naturally hope for rapid progress so far all these States are concerned. Let us hope that will be the result.

Now, Sir, I wish to refer to one or two matters to which reference has already been made here. As for article 306-B, I fully appreciate why that article is sought to be introduced. But I would like to mention the fact that some States are really on a par with the Indian provinces and there is certainly no necessity or justification to treat those States differently from the provinces. From the speech of Sardar Patel that was read out to us, we find that the aim of the States Ministry is as far as possible to introduce the same administrative and legislative methods in the States as in the provinces and deal with the States both in respect of administrative and legislative matters and in regard to interference by the Centre in the same way as the provinces. If that is so, I would ask, why not except at least such of those States as deserve to be placed on a par with the provinces even at this stage and exclude them in the Constitution itself from control by the Central Government? I fully understand the spirit in which the provision now proposed in the draft Constitution is sought to be introduced, and every Member of this House who comes from the States must view it in that spirit. But we should not go beyond the necessities of the situation. There are not only the legal and constitutional aspects of the matter; there is also the question of sentiment and self-respect involved in this. Why treat Mysore and the Union of Travancore and Cochin differently from Madras or Bombay? That is the question that naturally arises. These States are as much advanced as any Indian province. Why should you treat them differently? Where is the necessity? The Drafting Committee may be good enough to consider this my suggestion and if the proposed control is considered necessary in the case of some States, a Schedule of such States may be included in the constitution

excluding advanced States like Mysore, Travancore and Cochin. To leave it to the President to exclude such States by executive order cannot be justified.

Then, there is another minor matter raised by Mr. Santhanam which I wish to refer to. He suggested that even though the pay of the High Court Judges in States or States Unions could be fixed by the President in consultation with the Rajpramukh, their allowances and pensions should be dealt with differently and that they must be fixed by Parliament. I can understand the case in regard to pensions because pensions of High Court judges, are to be a charge on the Consolidated Fund of India. If this is so, pensions may be fixed by Parliament. But if there is any justification to have the salaries of High Court judges in the States fixed by the President in consultation with the Rajpramukh, there is justification also for having their allowances fixed in the same way. So, I would suggest that in Mr. Santhanam's proposed amendment this modification may be made, that is to say, that that amendment should be restricted to pensions only, leaving allowances to be treated on the same basis as the salaries.

Then, Sir, in regard to the privy purse, I have nothing to say. I think the proposed provisions should be acceptable to the Members that come from the States.

Finally, I would like to make an appeal to the Government and to this House in regard to the financial position of the Indian States. It is a matter of common knowledge that because of the federal financial integration, the States stand to lose a good part of their financial resources. Provision is sought to be made for enabling States to run their administrations as they have hitherto been doing for some considerable period, and I hope effect will be given to this provision in a very liberal spirit by the Government of India. In fact, I must make an earnest appeal that the consideration of this problem should be in a very liberal and sympathetic attitude. Otherwise, the administrations of the States cannot go on. So far as Travancore and Cochin are concerned out a total revenue of 10 to 12 crores, we stand to lose three or four crores; unless amends are made, our administration cannot function and would come to a standstill. I hope this matter will receive the earnest consideration of the Central Government.

Provision is sought to be made for agreements being entered into between the Central Government and the States Unions in regard to the financial adjustments necessitated by federal financial integration. Provisions have to be made to meet all cases in regard to which agreements will have to be entered into. In regard to duties that are abolished in the States, provision is proposed for reimbursement being made by the Centre. Provision should also be made for agreements being entered into to give financial aid to the Indian States on account of loss of income-tax and other sources of revenue. I hope all these necessary provisions will be made in the Constitution.

With these observations, I support the article that is placed before the House.

Mr. President : It has been represented that many Members from the States would like to participate in the discussion in connection With these articles relating to the States. I think this is a very reasonable desire on their part, and I am prepared to accommodate them. So, I would not put the whole thing to the vote today. We may continue the discussion tomorrow. but there is one suggestion which I would like to make. We would have in that case the other amendments placed before the House so that the whole things may be taken ultimately at one time when all the amendments are there before the House.

Mr. President : If you would finish within a short time, I am prepared to allow you to speak now.

Shrimati Annie Mascarene (Travancore & Cochin Union) .: Mr. President, Sir, after listening to the speech of the Sardar, I feel that all my difficulties with regard to the States have disappeared. Section 306 B had been rather a disquieting one since I had come across it, and I had thought that in the making of democratic India, the States are going to be under a Roman-like tutelage for ages to come. Travancore, Cochin and Mysore, in fact the South Indian States, had been the territories in which democracy had been given its first advent. I am not flattering myself, but I should like to inform this House I think they already know—that adult franchise was first introduced in India by Travancore, and democratic institutions were introduced in Travancore and Cochin before any other province could think of them. When article 306 B was introduced, we thought, are we going to be dropped down with an inferiority complex by the States Ministry ? The wisdom of the Bismark of India had been too deep for us to understand. He has so moulded the destiny of democratic India that States which are already quite advanced are on a par with the provinces, and the States which are to advance hereafter are given a safety valve so that they may develop without fear.

There is one point which strikes me as being of great importance and that is the centralisation of power. No nation, no empire had survived in the world without a strong centralisation of power. The confederation of Germany as moulded by Bismark today finds a place so difficult on the map of Europe that European administrators find it a problem to dismember them. The examples of Venizelos in Greece and Sun Yat Sen in China are enough to convince us that this Bismark of India is an administrator whose wisdom and experience are unequalled. The States people are very much obliged to the States Ministry for the work they have done during the last few months. They are able to feel now that they are no more going to be tyrannised by autocracies which under the British Administration repressed them. 40 per cent. of the territory of India and 23 per cent. of the population of India are now on a par with the provinces and provincial subjects, so much so the moulding of the destiny of democratic India is made easy and in a short time we shall be one of the foremost democracies that the world had ever seen. We should congratulate ourselves that this is the first occasion in the history of the world when four hundred millions of people have launched on the ocean of self-government and that is going to be the best example ever known in the history of the world. I thank the States Ministry once again and request the people of the States under development to rise equal to the occasion ‘and come soon on a par with the provinces, so that by next year we shall have no States but only provinces in a democratic India.

The Assembly then adjourned till Ten of the Clock on Thursday, the 13th October 1949.
