

Mr. President : It will be a charge on the provincial revenues.

The question is:

“That in clause (3) of article 135 for the words ‘Legislature of the State’ the word ‘Parliament’ be substituted.”

The amendment was adopted.

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

“That clause (4) of article 144 be omitted.”

Sir, clause (4) is similar to article 62(5) (a) which has been omitted and the reason for moving this is that this House has decided that there should be no Fourth Schedule to this Constitution, and as this clause is entirely dependent on the fact that there should be such a Schedule, it is no longer necessary.

Mr. President : The question is:

“That clause (4) of article 144 be omitted.”

The amendment was adopted.

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

“That clause (2) of article 149 be omitted.”

Clause (2) of article 149 is much the same as the previous article which the House has accepted, in regard to the House of the People. This clause (2) as it now stands provides for election on the basis of adult suffrage and so on and we find that this has been transposed. Now article 289-B deals with elections to Parliament and with elections to the Legislature of a State. Therefore this clause is not necessary.

Prof. Shibban Lal Saksena : I am not moving my typed amendment which reads:

“That amendment 369 of List IV (Second week) be deleted.”

Mr. Naziruddin Ahmad : Some of the Members including my humble self find it difficult to follow these changes of mind. When clause (2) of article 149 was there, then article-289-B should not have been passed : we should have passed immediately another amendment just to remove mere duplication. So far as the present amendments are concerned they have been circulated to us only today. The Members have had no time to consider them. The result of these hurried and rapid amendments might be that there might be other anomalies requiring further clarifications and corrections. It is difficult to follow them and the way we have been amending our old decisions on the ground of anomalies and duplications shows the danger of adopting them without real consideration.

Mr. President : I think all these articles were introduced under a separate part dealing with elections, and so it was considered necessary to remove all those which dealt with elections to this one place.

Mr. Naziruddin Ahmad : Why were they not thought of at the time of those amendments ?

Shri T. T. Krishnamachari : The explanation that the Chair has given is perfectly right. Actually we thought of a complete chapter and at the time that the chapter was introduced and accepted by the House we did not move for the deletion of this article because it was thought that it could be done

[Shri T. T. Krishnamachari]

at the end of debate in the Second Reading. We felt that various other things would arise and an amendment could be made to deal with these articles at the end. That is why we have brought it up now.

Mr. President : The question is:

“That clause (2) of article 149 be omitted.”

The amendment was adopted.

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

“That in clause (4) of article 149 for the words ‘Legislature of the State’ the word ‘Parliament’ be substituted.”

The reason is this: that the powers that are given to the Legislature of a State under clause (2) have now been given under article 290 to Parliament. It was a question of delimitation of other things and therefore this alteration is necessary. I am sure that my honourable Friend, Mr. Naziruddin Ahmad, would not find fault with us for not having at that time moved for a deletion of these words in substitution for the word “Parliament” because we felt that we could do it later on and therefore we had left it out at that time. It was not that we were unaware of the fact that we were doing something contrary to clause (1) of article 149.

Shri H. V. Kamath : There is a little verbal slip committed by the Drafting Committee in this connection. The word “Parliament” ought to substitute the phrase “the Legislature of the State”; otherwise if the amendment is accepted as it is, the clause would read as follows:

“With effect from such date as the Parliament may by law determine.” ‘The Parliament’ is obviously incorrect.

Shri T. T. Krishnamachari : I am very grateful to my honourable Friend for drawing our attention to it. May I ask you to treat the amendment that has been moved by me as:

“the Legislature of the State?”

I am very grateful to my honourable Friend.

Shri H. V. Kamath : Why not treat it as your amendment further amended by me ?

Prof. Shibban Lal Saksena : This is an important amendment. Here it is said:

“Upon the completion of each census, the representation of the several territorial constituencies in the Legislative Assembly of each State shall subject to the provisions of article 289 of this Constitution, be readjusted by such authority, in such manner and with effect from such date as the Legislature of the State may by law determine”

The intention was that when the new census is completed and the constituencies have been readjusted, then the Legislature of the State shall be the proper authority to readjust them. Now the powers have been given to Parliament. I welcome this from the point of view that it shall be somewhat uniform. But I want to know what is the machinery by which this will be done because the population of a province may increase and how with the new Constituencies be readjusted ? I am sure every province would like to be heard before such readjustment and as such there should be some provisions by which Parliament, before making such an amendment, should be able to know the views of

the Legislature of the State concerned. Take my own province: the population is six crores and we may have 500 seats. But suppose the population, increases-then the constituencies may have to be changed. Or take another province where the population is small and it increases : will they be able to increase the constituencies according to the population ? We have to provide how the Legislature of a State can be heard before the Parliament takes its decisions.

Mr. Naziruddin Ahmad : I would submit only one word in reply to what has been said by Mr. T. T. Krishnamachari. For one of my remarks in the previous amendment, Mr. Krishnamachari says that I am finding fault with them. I am not really finding fault with him but I just explained my difficulty which is shared by a number of Members in the House. Mr.T.T. Krishnamachari is on the other hand finding fault with Members.

Shri T. T. Krishnamachari : Sir, if I caused any annoyance to my friend I would like to apologise. In regard to my honourable Friend Prof. Shibban Lal Saksena's remarks I would ask him once again to read article 290. So far as the machinery is concerned the intention was that the machinery should be created and probably would be created. But at the moment we cannot say anything more than what is said in article 290 read with clause (4) of article 149.

Mr. President : The question is:

"That in clause (4) of article 149 for the words 'the Legislature of the State' the word 'Parliament' be substituted."

The amendment was adopted.

Shri T. T. Krishnamachari : Sir, may I request you to hold over amendment No. 371 as it is analogous to amendment No. 364 regarding which you were good enough to accede to my request to hold it over till tomorrow. Sir, I move :

"That to article 230 the following words be added at the end:—

'or any decision made at any international conference, association or other body'."

I think my honourable Friend Mr. Kamath would certainly appreciate this amendment, particularly in view of the fact that he was so keen to elaborate the provisions of the relative entries in List I of Schedule VII. The article as amended would, read :

"Notwithstanding anything in the foregoing provisions of this Chapter, Parliament has power to make any law for any State or part thereof for implementing any treaty, agreement of convention with any other country or countries or any decision made at any international conference, association or other body."

I think this makes it perfect and meets with all contingencies that might occur in which Parliament will have to make legislation for implementing international agreements and decisions of international conferences to which this country is or will be a party.

Shri H. V. Kamath : I am quite satisfied with the statement made by my Friend Mr. Krishnamachari.

Mr. President : The question is :

"That to article 230, the following words be added at the end:—

'or any decision made at any international conference, association or other body'."

The amendment was adopted.