

**Mr. Vice-President :** The question is:

“That in clause (2) of article 64, for the word ‘President’, where it occurs for the first time, the words ‘Government of India’, for the word ‘President’, where it occurs for the second time, the words ‘Council of Ministers’, and for the word ‘President’ where it occurs for the third time the words ‘Government of India’ be substituted respectively, and the following proviso be added at the end of clause (2):—

‘Provided that nothing in this article shall invalidate any act or word of Government expressed in the name of a particular Department or Ministry’.”

The amendment was negatived.

**Mr. Vice-President :** The question is:

“That article 64 stand part of the Constitution.”

The motion was adopted.

Article 64 was added to the Constitution.

### Article 65

**Mr. Vice-President :** Amendment No. 1349 has the effect of a negative vote, and is, therefore, disallowed.

Amendment No. 1350 stands in the name of Shri H. V. Kamath and may be moved.

**Shri H. V. Kamath (C.P. & Berar : General) :** Mr. Vice-President, I move. Sir,

“That in clause (a) of article 65, after the word ‘President’ a comma and the words ‘as soon as they are made,’ be inserted.”

This clause as it stands at present, reads as follows:—

“It shall be the duty of the Prime Minister—

to communicate to the President all decisions of the Council of Minister,.....”

If my amendment be accepted by the House, the clause, as amended, would read thus:—

“It shall be the duty of the Prime Minister—

to communicate to the President, as soon as they are made, all decisions of the Council of Ministers.”

The amendment is more or less formal, and only makes for clarity of the meaning of the clause. In my judgment, there is no need whatever for such a clause in the Constitution and I think that it may as well be incorporated in the Rules of Business of the Cabinet. But somehow or other, it has found its way in the Constitution and any amendment which seeks to eliminate it would be disallowed as it seeks to negative the motion. Personally I should have wished that the article as a whole were not there, because it is merely some of the Rules of Business of the Cabinet; and what they should do in this matter must be purely a routine affair and must have been embodied in the Rules of Business of the Council of Ministers. But as it has come before us, I would only move this amendment, with a view to obtaining greater clarity of this particular sub-clause(a), because decisions of the Council of Ministers, if they are not communicated as soon as they are made,—it may be, of course, that they will be communicated very soon after that—but to make it absolutely clear, we might as well provide for this, that all the decisions of the Cabinet must be communicated to the President as soon as they are made, so that if a contingency arises, as visualized in sub-clauses (b) and (c), the President may call for information and if the President so requires, any matter which has been considered by the Cabinet already, may be re-opened by them, as provided for in sub-clause (c) of this article. Delay perhaps may be dangerous in this matter as in so many others, and therefore with a view to eliminate any

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delay, any procrastination in these matters, I move, Sir, that decisions of the Cabinet must be communicated to the President as soon as they are made. I move amendment No. 1350 of the List of Amendments and commend it to the acceptance of the House.

**Mr. Vice-President :** There is an amendment to this amendment No. 71 of List No. V (Sixth week) standing in the name of Mr. R. K. Sidhva—Member not in the House.

Then we come to Amendment No. 1351 standing in the names of Shri. A. K. Menon and Shri B. M. Gupte.

(The amendment was not moved.)

Amendment No. 1352 stands in the name of Prof. K. T. Shah.

**Prof. K. T. Shah :** This is a matter of detail and I would like to be excused from moving this amendment.

**Mr. Vice-President :** There is only one amendment now before the House and the clause is open for general discussion. Dr. Ambedkar, would you like to say anything?

**The Honourable Dr. B. R. Ambedkar :** No, Sir, I do not accept Mr. Kamath's amendment.

**Mr. Vice-President :** The question is:

"That in clause (a) of article 65, after the word 'President' a comma and the words 'as soon as they are made,' be inserted."

The amendment was negatived.

**Mr. Vice-President :** The question is:

"That article 65 stand part of the Constitution."

The motion was adopted.

Article 65 was added to the Constitution.

**Mr. Vice-President :** Ordinarily, we close at 1 P.M. in order to accommodate our Muslim brethren. Today, we close just now to accommodate ourselves. The House stands adjourned till 10 A.M. tomorrow.

**Shri M. Ananthasayanam Ayyangar :** May I request you, Sir,.....

**Mr. Vice-President :** The House has been adjourned; no further business can be transacted now.

The Assembly then adjourned till Ten of the Clock on Saturday the 8th January, 1949.

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