

I propose also to address the various Provincial Governments to assist me with the co-operation of their Translation Departments and any experts that they may have in their own employ. If I get these names soon, I think the work of translation could be expedited.

I believe there are many translations already made in various languages. Those translations might also be utilised and I would request Members who have information about those translations to give me information with regard to them.

Shri V. I. Muniswamy Pillai (Madras: General): May I know when the tram selection will be over?

Mr. President : As soon as possible. But there is this difficulty which the House will bear in mind. We have not finalised the Constitution as a whole. There are still many articles which have to pass the Second Reading stage. Whatever translation is prepared now will be only with regard to the articles which have been finalised so far as the Second Reading is concerned. There may be some changes made further, but they will be only minor changes.

As regards the Hindi I translation that work is proceeding on the basis of the articles finalised from day to day in the House. There is no other translation being prepared in that sense under our authority. But now that you have asked to get translations prepared in other languages also, I think this is the best course I can adopt in the circumstances. I hope the House will give me authority and approval to this plan.

Shri K. M. Munshi : May I respectfully suggest that, if Members can give the names by this evening, then it will be possible for you to announce the names this evening ?

Mr. President : I do not think they will find it convenient to give the names by this evening. I would not limit the time to this evening.

Shri V. I. Muniswamy Pillai : Should the selection of names be confined to the members of this House.

Mr. President : Not necessarily. They may be outsiders also. They should be experts whose translation will be accepted as authoritative in their own languages. I shall have to depend upon the authority which those people carry to get the translation accepted by their own people.

Shri M. Ananthasayanam Ayyangar : Are the translations likely to be long delayed?

Mr. President : They will have to expedite the translations as soon as possible.

Babu Ram Narayan Singh (Bihar: General): In the beginning you announced that the Constitution will be passed in Hindi.

Mr. President : That was my wish and intention, but I find that it has not fructified and it is not possible. That is all I can say. Members are familiar with the events that have happened and the circumstances under which I had to give up that idea.

Article 303.—(Contd.)

Mr. President : Now the House will proceed to the next item on the agenda. Consideration of article 303 may be resumed. There are no amendments to sub-clauses (k) and (1). Therefore I will put them to vote. The question is:

“That sub-clauses (k) and (1) stand Part of article 303(1).”

The motion was adopted.

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

“That after sub-clause (1) of clause (1) of article 303, the following sub-clauses be inserted namely :—

‘(II) “High Court” means any court which is deemed for the purposes of this Constitution to be a High Court for any State and includes—

- (i) any court in the territory of India constituted or reconstituted under this Constitution as a High Court, and
- (ii) any other court in the territory of India which may be declared by Parliament by law to be a High Court for all or any of the purposes of this Constitution.

(III) “Indian State” means—

- (i) as respects the period before the commencement of this Constitution, any territory which the Government of the Dominion of India recognised as such a State; and
- (ii) as respects any period after the commencement of this Constitution, any territory not being part of the territory of India which the President recognises as being such a State.’ ”

Mr. President : There is no amendment to this. As no one wishes to speak on this I will put it to vote.

The question is :

“That after sub-clause (1) of clause (1) of article 303, the following sub-clauses be inserted, namely :—

‘(II) “High Court” means any court which is deemed for the purposes of this Constitution to be a High Court for any State and includes—

- (i) any court in the territory of India constituted or reconstituted under this Constitution as a High Court, and
- (ii) any other court in the territory of India which may be declared by Parliament by law to be a High Court for all or any of the purposes of this Constitution.

(III) “Indian State” means—

- (i) as respects the period before the commencement of this Constitution, any territory which the Government of the Dominion of India recognised as such a State; and
- (ii) as respects any period after the commencement of this Constitution, any territory not being part of the territory of India which the President recognises as being such a State.’ ”

The amendment was adopted.

Mr. President : The question is :

“That sub-clause (m) and (n) stand part of article 303(1)”.

The motion was adopted.

(Amendment No. 141 was not moved).

The Honourable Dr. B. R. Ambedkar : I beg to move:

“That after sub-clause (n) of clause (1) of article 303, the following sub-clause be inserted, namely :—

‘(nn) ‘Ruler’ in relation to a State for the time being specified in Part III of the First Schedule means the person who for the time being is recognised by the President as the Ruler of the State and includes any person for the time being recognized by the President as exercising the powers of the Ruler of the State. and in relation to an Indian State means the Prince, Chief or other person recognised by the Government of the Dominion of India or the President as the Ruler of the State;’ ”

Mr. President : There is no amendment to this. I will put it to vote.

The question is :

“That after sub-clause (n) of clause (1) of article 303, the following sub-clause be inserted, namely :—

‘(nn) ‘Ruler’ in relation to a State for the time being specified in Part III of the First Schedule means the person who for the time being is recognised by the President as the Ruler of the State and includes any person for the time being recognised by the President as exercising the powers of the Ruler of the State, and in relation to an Indian State means the Prince. Chief or other person recognised by the Government of the Dominion of India or the President as the Ruler of the State;’ ”

[Mr. President]

The amendment was adopted.

Shri. H. V. Kamath : May I ask Dr. Ambedkar what exactly is the point in mentioning that 'securities' includes stock ? Why not mention shares also?

Shri T. T. Krishnamachari : I may mention, Sir, that the word usually used in respect of Government securities is 'stock' by the British Parliament.

Mr. President : There are no amendments to sub-clause 'o'.

The question is :

"That sub-clause (o) stand part of article 303(1)"

The motion was adopted.

Mr. President : I think we had better stop here.

Before we adjourn, there is one thing I desire to mention. I have received a letter addressed to me by Mr. Z.H. Lari, a Member of this Assembly. He has resigned his Membership of this House and in the letter of resignation he has mentioned certain reasons connected with the discussion about the language question which we had the other day. He has asked me that I should read out his letter to the House. I find, however, that before the letter reached me a copy of it was given to the Press and the substance of the letter has already appeared in the newspapers. That being so I do not think it is necessary that I should read out this letter to the House. Of course I shall take the other action that is necessary in connection with it.

Shri Jaspat Roy Kapoor (United Provinces : General): On a point of order. If this House is going to take any cognisance of this matter, I think the contents of it may as well be discussed, and the Assembly given an opportunity to express its view on that letter.

Honourable Members : No, No.

Shri Jaspat Roy Kapoor : I am not suggesting that it should be discussed. My only submission is that the Assembly should not be considered to have taken cognisance of the contents of that letter.

Shri M. Thirumala Rao (Madras: General) : On a point of information, is it necessary that this letter should be placed before the House or the Members of this House should know the contents of that letter. I do not think it need be placed before the House.

Mr. President : If the matter had not been published, the question of reading it to the House may have arisen. I cannot say what decision in that case would have been, but since it has already been published, the question of reading it to the House does not arise.

Shri R. K. Sidhwa : He should have had the courtesy not to publish it.

Shri Mahavir Tyagi : Is the formality of acceptance either by the House or by the President necessary ? The very fact that the resignation has reached ...

Mr. President : As I have said, I shall take action under the rules. Under the rules, I am authorised to accept resignations. That matter does not concern the House.

The House is adjourned till 4 o'clock this afternoon.

The Assembly then adjourned till Four of the Clock in the Afternoon.

The Assembly reassembled after lunch at Four of the Clock in the afternoon.
Mr. President (the Honourable Dr. Rajendra Prasad) in the Chair.

Article 303 (contd.)

Mr. President : We shall take up item (p) of article 303 now.

Shri T. T. Krishnamachari : There is no amendment to this.

Mr. President : The question is:

“That sub-clause (p) stand part of article 303(1).”

The motion was adopted.

Mr. President : Then we shall take up sub-clause (q). Is there any amendment to this sub-clause ?

Shri T.T. Krishnamachari : There are amendments Nos. 3224 and thereafter standing in the name of Mr. Santhanam and others. I do not think they are being moved.

Mr. President : The question is :

That sub-clause (q) stand part of article 303(1).”

The motion was adopted.

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

“That for sub-clause (r) of clause (1) of article 303, the following sub-clause be substituted :—

‘(r) ‘railway’ does not include tramway, whether wholly within a municipal area or not.’ ”

Sir, may I move the other amendments to sub-clauses (s), (t) and (u) because they are consequential ?

Mr. President : Yes.

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

That sub-clauses (s), (t) and (u) of clause (1) of article 303 be omitted.”

This is consequential on the revision that we have made in the entry in List I in Schedule VII. There is no need to define Union Railways, State Railways or Minor Railways separately.

The Honourable Shri K. Santhanam (Madras: General) : I only want to know whether tramway is defined anywhere. There is no fundamental difference between a railway and a tramway, except that one is called a railway and the other a tramway.

Mr. President : It is for this reason that it is sought to state that a railway does not include tramway.

The question is:

“That for sub-clause (r) of clause (1) of article 303 the following sub-clause be substituted:—

‘(r) ‘railway’ does not include tramway, whether wholly within a municipal area or not.’ ”

The amendment was adopted.

Mr. President : The question is:

That sub-clauses (s), (t) and (u) of clause (1) of article 303 be omitted”

The amendment was adopted.

Shri T. T. Krishnamachari : There is no amendment to (v).

Mr. President : The question is:

“That sub-clause (v) stand part of article 303(1).”

The motion was adopted.

Shri T.T. Krishnamachari : Sir, will you take up amendments 203 and 204 together?

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

“That with reference to amendment No. 147 of List IV (Eighth Week), for sub-clause (w) of clause (1) of article 303, the following sub-clause be substituted:—

‘(w) ‘Schedule Castes’ means such castes, races or tribes or parts or groups within such castes, races or tribes as are deemed under article 300 A of this Constitution- to be Scheduled Castes for the purposes of this Constitution.’ ”

The only change is, the word ‘specified’ has been changed to ‘deemed’, Sir, I move :

“That with reference to amendment No. 148 of List IV (Eighth Week), for sub-clause (x) of clause (1) of article 303, the following sub-clause be substituted :—

‘(x) ‘scheduled tribes’ means such tribes or tribal communities or parts of or groups within such tribes or tribal communities as are deemed under article 300 B of this Constitution to be scheduled tribes for the purposes of this Constitution.’ ”

I am incorporating the other amendment which has also been tabled.

Shall we take up, the two other articles also at the same time?

Mr. President : Yes.

New articles 300 A and 300 B

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

“That after article 300, the following articles be inserted :—

300 A (1) The President may, after consultation with the Governor or Ruler of a State, by public notification specify the castes, races or tribes or Scheduled Castes parts of or groups within castes, races or tribes, which shall for purposes of this Constitution be deemed to be Scheduled Castes in relation to that State.

(2) Parliament may by law include in or exclude from the list of Scheduled Castes specified in a notification issued by the President under clause (1) of this article any caste, race or tribe or part of or group within any caste, race or tribe, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.

300 B. (1) The President may after consultation with the Governor or Ruler of a State, by public notification specify the tribes or tribal communities or parts of or groups within tribes or tribal communities which shall for purposes of this Constitution be deemed to be scheduled tribes in relation to that State.

(2) Parliament may by law include in or exclude from the list of scheduled tribes specified in a notification issued by the President under clause (1) of this article any Tribe or Tribal community or part of or group within any Tribe or Tribal community but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.”

The object of these two articles, as I stated, was to eliminate the necessity of burdening the Constitution with long lists of Scheduled Castes and Scheduled Tribes. It is now proposed that the President, in consultation with the Governor or Ruler of a State should have, the power to issue a general notification in the Gazette specifying all the Castes and tribes or groups thereof deemed to be Scheduled Castes and Scheduled Tribes for the purposes of the privileges which have been defined for them in the Constitution. The only limitation that has been imposed is this : that once a notification has been issued by the President, which, undoubtedly, he will be issuing in consultation with and on the advice of the Government of each State, thereafter, if any elimination was to be made from the List so notified or any addition was to be made, that must be made by Parliament and not by the President. The object is to eliminate any kind of political factors having a play in the matter of the disturbance in the Schedule so published by the President.

Mr. President : 218A.

Shri T. T. Krishnamachari : In reading it he has included that.

Mr. President : 224.

Pandit Thakur Das Bhargava : Sir, I move:

“That in amendment No. 201 of List V (Eighth Week) in clause (2) of the proposed new article 300 A the following be added at the end :—

‘for a period of ten years from the commencement of this Constitution.’”

I also move :

“That in amendment No. 201 of List V (Eighth Week) in clause (2) of the proposed new article 300 B the following be added at the end :—

‘for a period of ten years from the commencement of this Constitution’.”

I agree with the principle that for ten years to come no variation of the notification originally made by the President should be possible. Because now that special privileges of reservation, etc., have been given to the Scheduled Castes, I do not like the idea that the Executive, President or Governor or any other person may be able to tamper with that right, but after a period of ten years, when this privilege will no longer be available to the Scheduled Castes, there will be no difference between the Scheduled Castes and other backward classes which will be declared under article 301 of the Constitution. At that time there will be no meaning in taking away this power from the President in consultation with the Governor. Therefore my humble submission is that the proposed amendment be accepted to make the point absolutely clear and free from ambiguity. Unless we add these words for a period of ten years from the commencement of this Constitution, you will be taking away the power of the President to include or exclude proper classes from the purview of the notification which will be issued under 300 A and B. After the first ten years the privileges which will be open to these classes are probably under article 10 and under articles 296 and 299. I do not know of any other privileges which have been specifically given to these Scheduled Castes. Whereas I am, very insistent and conscious that these provisions should not be tampered with, I do like that these castes may not become stereo-typed and may not lose the capacity of travelling out of the schedule when the right occasion demands it. I, therefore, submit that if you put these words you will be making the whole thing elastic and the President will have the power of including or excluding after the lapse of ten years such tribes or castes within the notification.

Mr. President : Mr. Chaliha—you have two amendments. One is 205 and the other is 225. I do not know if 205 arises now.

Shri Kuladhar Chaliha (Assam: General) : Mr. President, I move;

“That in amendment No. 201 of List V (Eighth Week) in clause (2) of the proposed new article 300 B after the words ‘Parliament may’ the words ‘and subject to its decision the State Legislature’ be inserted.”

I have always been fighting that the Governor should have power to safeguard the rights of the Tribes. I am glad in some measure this has been conceded. Yet I find certain amount of suspicion in that the State Legislature is neglected. The Drafting Committee has not allowed the State Legislature to have a voice. In order to fill up that lacuna I have said that Parliament may and subject to its decision the State Legislature.

Shri. T.T. Krishnamachari : Then what is left to the State Legislature?

Shri Kuladhar Chaliha : Somehow or other I feel you have neglected it. In these you have covered a good deal which you had objected to in the past. The Governor has been given power I am glad to say. The only thing is provincial assemblies have no voice in this. Whatever Parliament says they are bound by it; but if there is anything which consistently with the orders of the Parliament they can do anything, they should be allowed to have the power. That is why I have moved this. However I am thankful this time that the Drafting Committee has assimilated good ideas and only provincial assemblies have been neglected. However, the Governor is there—that is an improvement—Parliament, is there and the President is there. Therefore, I Thank the Drafting Committee for this.

Mr. President : Mr. Sidhwa.

The Honourable Dr. B. R. Ambedkar : It is already covered.

Shri Brajeshwar Prasad (Bihar : General). There are some amendments seeking to add some more clauses.

Mr. President : That is a separate matter. These were all the amendments.

Shri V. I. Muniswami Pillai : Mr. President, I come to support the amendments that have been moved by the Honourable Dr. Ambedkar. These amendments deal with the definition of Scheduled Castes. As far as I can see he has made it clear that, according to the second part of it, the President on the 26th January 1950 will publish a list of such communities that come under the category of Scheduled Castes. But I would like to inform this House of the background which brought out the special name of Scheduled Castes. It was the intouchability, the social evil that has been practised by the Hindu Community for ages, that was responsible for the Government and the people to know the section of people coming under the category of Hindus and who were kept at the outskirts of the Hindu society. Going backwards to 1916 it was in that year when Government found that something had to be done for the untouchable classes, (when they said untouchable classes, they were always understood to be Hindus,) and they had to be recognised. In Madras there were six communities that came under this classification. During the Montagu Chelmsford reforms they were made ten. In 1930 when the great epoch-making fast of Mahatma Gandhi came about, then only the country saw who were the real untouchable classes. And in the 1935 Act, the Government thoroughly examined the whole thing and as far as the Province of Madras is concerned they brought 86 communities into this list or category, though there were some touchable classes also. Now, after further examination the Provincial Governments have drawn up a list and I think according to the amendment mover's suggestions, all those communities that come under the category of untouchables and those who profess Hinduism will be the Scheduled Castes, because I want

to emphasise about the religion. I emphasise this because of late there have been some movements here and there; there are people who have left Scheduled Castes and Hinduism and joined other religions and they also are claiming to be scheduled Castes. Such convert cannot come under the scope of this definition. While I have no objection to Government granting any concessions to these converts, I feel strongly that they should not be clubbed along with Scheduled Castes.

Sir, I am grateful to the Drafting Committee and also to the Chairman of that Committee for making the second portion of it very clear, that in future, after the declaration by the President as to who will be the Scheduled Castes, and when there is need for including any other class or to exclude, anybody or any community from the list of Scheduled Castes that must be by the word of Parliament. I feel grateful to him for bringing in this clause, because I know, as a matter of fact, when Harijans behave independently or asserting their right on some matters, the Ministers in some Provinces not only take note and action against those members, but they bring the community to which that particular individual belongs; and thereby not only the individual, but also the community that comes under that category of Scheduled Castes are harassed. By this provision, I think the danger is removed.

I strongly oppose the amendment moved by Pandit Bhargava. The reason is that he wants to have the ten years period for observing these amendments. But he has entirely forgotten that under another article that we have already passed, or will pass the Constitution provides for the appointment of a Special officer at the Centre and also various officers in all the Provinces to go into the various disabilities of these communities and to submit a report to the President who will then be able to know whether the Scheduled Castes have reached a stage when the facilities now given to them could be withdrawn. I do not think that the reasons that he has advanced are fair and square for the uplift of the Harijans.

With these few words, I support the amendment.

Mr. President : Does anyone else wish to speak? Do you wish to say any thing Dr. Ambedkar?

The Honourable Dr. B. R. Ambedkar : I do not accept the amendment of Pandit Thakur Das Bhargaava.

Mr. President : Then I put the amendments. The first is the one with reference to amendment 147.

The question is :

“That with reference to amendment No. 147 of List IV (Eighth Week), for sub-clause (w) of clause (1) of article 303, the following sub-clause be substituted :—

‘(w) ‘Scheduled Castes’ means such castes, races or tribes or parts of or groups within such castes, races or tribes as are deemed under article 300 A of this Constitution to be Scheduled Castes for the purposes of this Constitution;”

The amendment was adopted.

Mr. President : Then the amendment regarding (x).

The question is

“That with reference to amendment No. 148 of List IV (Eighth Week), for sub-clause (x) of clause (1) of article 303, the following sub-clause be substituted :—

‘(x) ‘Scheduled tribes’ means such tribes or tribal communities or parts of or groups within such tribes or tribal communities as are deemed under article 300 B of this Constitution to Scheduled Tribes for the purposes of this Constitution;”

The amendment was adopted.

Mr. President: Then I put the two new articles 300-A and 300-B, But I first put the amendment No. 224 of Pandit Thakur Das Bhargava.

The question is :

“That in amendment No. 201 of List V (Eighth Week), in clause (2) of the proposed new article 300-A, the following be added at the end:—

‘for a period of ten years from the commencement of this Constitution.’”

The amendment was negatived.

Mr. President : There is no other amendment.

I then put No. 201. The question is :

“that after article 300, the proposed new article 300-A stand part of the Constitution.”

The motion was adopted.

Article 300-A was added to the Constitution.

Mr. President : Then 300-B and the amendment moved by Mr. Sidhva or Mr. Krishnamachari about adding the word “tribal”. But then there is another amendment, that of Mr. Chaliha.

The question is:

“That in amendment No. 201 of List V (Eighth Week), in clause (2) of the proposed new article 300-B, after the words ‘Parliament may’ the words ‘and subject to its decision the State Legislature’ be inserted.”

The amendment was negatived.

Mr. President : Then I put No. 227 of Pandit Thakur Das Bhargava.

The question is :

“That in amendment No. 201 of List V (Eighth Week) in clause (2) of the proposed new article 300-B, the following be added at the end :—

‘for a period of ten years from the commencement of this constitution.’ ”

The amendment was negatived.

Mr. President : Then I put Mr. Krishnamachari’s amendment which has really been accepted by Dr. Ambedkar—218-A.

The question is:

“That in amendment No. 201 of List V (Eighth Week), in the proposed new article 300-B—

- (a) in clause (1), for the word ‘communities’ in the two places where it occurs, the words ‘tribal communities’ be substituted;
- (b) in clause (2), for the word ‘community’, in the two places where it occurs, the words ‘tribal community’ be substituted.”

The amendment was adopted.

Mr. President : Then I put article 300-B as proposed by Dr. Ambedkar.

The question is :

“That proposed article 300-B be adopted.”

The motion was adopted.

Article 300-B was added to the Constitution.

EIGHTH SCHEDULE

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

“That the Eighth Schedule be deleted.”

Mr. President : There are certain amendments to the Eighth Schedule. They would not arise now.

The Honourable Dr. B. R. Ambedkar : No, Sir, they would not arise.

Mr. President : The question is :

“That the Eighth Schedule be deleted.”

The motion was adopted.

Schedule Eighth was deleted from the Constitution.

(Amendment No. 3749 of Volume II seeking to add New Schedule IX was not moved.)

Article 303—(Contd.)

Shri Brajeshwar Prasad : Sir, I beg to move:

“That in amendment No. 3234 of the List of Amendments, in clause (1) of article 303, after the proposed sub-clause (x), the following now sub-clause be added :—

‘(xx) to aid and advise the President means that there is no statutory obligation that President is to be guided by ministerial advice.’ ”

Sir, I do not want to move (z) and have moved only (zz).

Shri T. T. Krishnamachari : Sir, I am afraid the amendments is out of order for the reason that in the article relating to the Council of Ministers we have definitely provided that the President must act in such and such a manner as prescribed in Schedule III-A. I think my honourable Friend cannot anticipate III-A and nullify the effect of the wording of that particular schedule. The article referred to by me is (62) (5) (a). The amendment runs counter to the article and it cannot therefore be accepted.

Mr. President : Instead of taking it as a point of order I will dispose of the amendment.

The question is:

“That in amendment No. 3234 of the List of Amendments, in clause (1) of article 303, after the proposed sub-clause (y), the following new sub-clause be added :—

“(zz) ‘to aid and advise the President’ means that there is no statutory obligation that President is to be guided by ministerial advice.’ ”

The amendment was negatived.

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

“That in clause (2) of article 303, the following words be added at the end :—

‘as it applies for the interpretation of an Act of the Legislature of the Dominion of India.’ ”

The reference is to the General Clauses Act.

Shri Jaspat Roy Kapoor : I wonder whether there is any real necessity for making this. Even if it is, I do not know how far it would be correct if you have it like this “as it applies for the interpretation of an Act of the Legislature of the Dominion of India”. Because, hereafter when the Constitution has come into force, there shall be no law which has been made by the Legislature of the Dominion of India. The Dominion of India will cease then and all the Acts in force within the Dominion of India will automatically become Acts of the Union.

The Honourable Dr. B. R. Ambedkar : The point is this that the General Clauses Act applies to Acts, Regulations and Ordinances. It is therefore necessary to say to which class of these laws this will apply. That is the reason why this amendment is proposed.

Shri T. T. Krishnamachari : The reference is to the General Clauses Act for the purposes of interpretation. There are three classifications so far as the General Clauses Act is concerned, namely Acts, Ordinances and Regulations. What we want is that only those particular portions which refer to Acts should apply so far as this particular clause is concerned.

Shri Jaspat Roy Kapoor : What I mean to submit is that after the Constitution comes into force there shall be no law in existence which could be said to be a law of the Dominion of India. So I think our purpose would be fully served if we say “as it applies for the interpretation of any existing Act.”

The Honourable Dr. B. R. Ambedkar : I am afraid you have not examined the General Clauses Act.

Shri Jaspal Roy Kapoor : It is no use introducing some provision without carefully scrutinising it.

The Honourable Dr. B. R. Ambedkar : It had better be left to the draftsmen as to what is necessary and what is not.

Shri Jaspal Roy Kapoor : I agree that any necessary corrections should be left to the Drafting Committee. But there is no harm in admitting a mistake if it is a mistake.

The Honourable Dr. B. R. Ambedkar : I refuse to accept, it is a mistake.

Shri Jaspal Roy Kapoor : I know it is not easy to convince you.

Mr. Naziruddin Ahmad : Sir, I submit amendment No. 206 is perfectly unnecessary. Clause (2) of article 303 is absolutely clear. It says :

“Unless the context otherwise requires, the General Clauses Act, 1897 (X of 1897), shall apply for the interpretation of this Constitution.”

This is quite enough. The addition of the words again, “ as it applies for the interpretation of an Act of the Legislature of the Dominion of India” is absolutely unnecessary. It is of course absolute, plain truth that the General Clauses Act really applies to all the Acts of the Dominion of India. In a book on literature this adjective clause relating to the General Clauses Act would be perfectly valid, but in a legislative enactment it is unnecessary. Clause (2) is perfectly clear that the Act applies to this Constitution, the addition of the explanatory matter as it applies for the interpretation of the Dominion Act is absolutely unnecessary. All that we need say is that the General Clauses Act shall apply for the interpretation of the Constitution unless, of course, the context otherwise requires.

The Honourable Dr. B. R. Ambedkar : Sir, I have said what I had to say and after having seen the General Clauses Act right here, I am quite convinced that the amendment I have moved is a very necessary amendment.

Mr. President : The question is :

“That in clause (2) of article 303, the following words be added at the end:—

‘as it applies for the interpretation of an Act of the Legislature of the Dominion of India.’ ”

The amendment was adopted.

Mr. President : Then clause (3). There is amendment No. 156.

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

“That in clause (3) of article 303—

- (i) after the word and figure ‘Part I’ the words and figures ‘or Part III’ be inserted;
- (ii) for the words ‘as the case may be, to an Ordinance made by a Governor’ the words ‘to an Ordinance made by a Governor or Ruler, as the case may be’ be substituted.’ ”

It is purely consequential.

Mr. President : The question is:

That in clause (3) of article 303—

- (i) after the word and figure ‘Part I’ the words and figures ‘or Part III’ be inserted;
- (ii) for the words ‘as the case may be, to an Ordinance made by a Governor’ the words ‘to an Ordinance made by a Governor or Ruler, as the case may be’ be substituted.’ ”

The amendment was adopted.

Mr. President : Then I put the whole of this article 303.

The question is:

“That article 303, as amended, stand part of the Constitution.”

The motion was adopted.

Article, 303, as amended was added to the Constitution.

Article 304

Mr. President : Article 304. Amendment No. 118.