

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

“That in amendment No. 20 of List I (Eighth Week), at the end of clause (1) of the proposed new article 209 A, the following be added :—

‘where there is a difference of opinion regarding an appointment between the Governor or Ruler of the State and the High Court, the opinion of the former shall prevail’.”

The amendment was negatived.

**Mr. President :** There are two amendments by Pandit Kunzru, Nos. 132 and 133. The question is :

“That in amendment No. 20 of List I (Eighth Week), in clause (1) of the proposed new article 209 A, the words ‘and the posting and promotion of’ be omitted.”

The amendment was negatived.

**Mr. President :** The question is: “That in amendment No. 20 of List I (Eighth Week), in the proposed new article 209 C, after the words ‘grant of leave to’ the words ‘district judges in any State and’ be inserted.”

The amendment was negatived.

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

“That proposed articles 209 A, 209 B, 209 C, 209 D and 209 E stand part of the Constitution.”

The motion was adopted.

Articles 209 A, 209 B, 209 C, 209 D and 209 E were added to the Constitution.

### Article 215

**Mr. President :** It is suggested that we take up Article 215.

**Shri Brajeshwar Prasad :** Sir, I move:

“That for amendments Nos. 2732 to 2737 of the List of Amendments, the following be substituted :—

“That for article 215, the following be substituted :—

“215. (1) Any territory specified in Part IV of the First Schedule and any other territory comprised within the territory of India but not specified in that Schedule shall be administered by the President in his discretion either directly or acting through a Chief Commissioner or other authority to be appointed by him.

(2) The Chief Commissioner or other authority to be appointed by the President in his discretion shall be the delegate of the President who shall have the Power in his discretion to resume or modify such powers as he himself had conferred.

(3) The President shall have the power to take any part of the Union of India under his immediate authority and management by placing it in Part IV of the First Schedule.

(4) No Act of Parliament shall apply to any territory in Part IV of the First Schedule unless the President in his discretion by public notification so directs and the President in giving such a direction with respect to any Act may direct that the Act shall in its application to the territories in Part IV of the First Schedule or to any specified part thereof, have effect subject to such exceptions or modifications as he thinks fit.

(5) The President may in his discretion make regulations for the Peace, order and good government of any such territory and any regulations so made may repeal or amend any Act of the Parliament or any existing law which is for the time being applicable to such territory and, when promulgated by the President, shall have the same force and effect as an Act of Parliament.” ‘ ‘

Sir, I move without offering any comments.

**Shri T. T. Krishnamachari :** Sir, I have only one matter to place before you. House and through the House to be transmitted to the appropriate authorities.

This article refers to those areas which will be enumerated in Part IV of Schedule I and which would be directly under the administration of the Central Government. I would like one particular area which is not included in the Draft Constitution under Part IV of Schedule I to be included in that area. The particular area I have in mind is one that was provisionally included in Schedule V under Madras and by virtue of the amendment that the House has now accepted to Schedule V it is left to the President to enumerate what are the areas to be covered by Schedule V. I refer to those islands called Laccadive Islands, including Minicoy and Amindivi which form a cluster of islands on the western side of India in the Arabian Sea. Those islands are supposed to be scheduled areas and the administration is vested in the Government of Madras.

In suggesting that the Centre should take over these islands under its own care I would at once disclaim any idea of casting any reflection on the administration of these islands by the Government of Madras. The fact really is that the islands are far away from the Madras Coast and the provincial Government has hardly got the equipment necessary to look after the administration of an area like this, because they have not got any naval vessels or a private merchantile fleet either. What is being done at the present moment is, I understand, that a sub-collector visits these islands once a year along with a medical officer and that is about all the connection that the Government of Madras has with these islands. I have no desire here to emphasise the strategic value of these islands. They may or may not have such a value. But it seems perfectly obvious that the idea was a relic of the past by which the administration of these islands was vested in a provincial Government which is a somewhat onerous responsibility for this administration and should no longer continue to be so. I do think that whatever value these islands might have for the future of the Union as such, it is a responsibility that must be taken over by the Centre and the administration of these islands must be looked after by the Centre in the same way as they would be looking after the administration of other areas covered by article 215, which find mention in Part IV of Schedule VII.

I hope these remarks of mine will be transmitted to the appropriate quarter by the Secretariat of the Constituent Assembly and when we come to consider Schedule I, Part IV appropriate amendments will be made on the suggestion of the Ministry concerned.

**The Honourable Dr. B. R. Ambedkar :** I have nothing to say, Sir.

**Sardar Hukum Singh :** Sir, I have no amendment to move. I have one objection to clause (2) of this article, to which I want to draw the attention of the President of the Drafting Committee. The phraseology looks to me as derogatory to the sovereignty of the Parliament and I would request him, if possible to change the words :

“The President may make regulations for the peace and good government of any such territory and any regulation so made may repeal or amend any law made by Parliament.”

I take objection to the provision that the President may amend any law made by Parliament, which we say is sovereign. Our purpose will be served if we say that regulation will provide that any Act of Parliament would not be applicable to such territory or it shall be applicable to the territory with any modifications.

I only want to bring this to the notice of the Chairman of the Drafting Committee.

**Mr. President :** Sardar Hukam Singh has made certain suggestions with regard to paragraph 2. He says that it is derogatory to the authority of Parliament to say that the President will repeal or amend any law made by Parliament and that the words should be so modified as to indicate that the power of Parliament is not in any way subordinated.

**The Honourable Dr. B. R. Ambedkar :** That is so. It is a kind of adaptation. In regard to the autonomous districts of Assam the Governor of Assam has similar power to adapt the laws made by Parliament when he thinks fit so to do. The whole law made by Parliament cannot be applied to certain peculiarly constituted territories unless they are adapted.

**Sardar Hukam Singh :** Is that a sufficient answer, Sir ? My suggestion was that it is derogatory to the sovereignty of Parliament to say that the President would repeal an Act passed by Parliament.

**Mr. President :** The suggestion is about a word and not about the power ?

**The Honourable Dr. B. R. Ambedkar :** The President is part of Parliament. There is no difficulty at all.

**Mr. President :** I will now put the amendment of Shri Brajeshwar Prasad to vote.

The question is

“That for amendments Nos. 2732 to 2737 of the List of Amendments, the following be substituted :—

‘That for article 215, the following be substituted’:—

“215. (1) Any territory specified in Part IV of the First Schedule and any other territory comprised within the territory of India but not specified in that Schedule shall be administered by the President in his discretion either directly or acting through a Chief Commissioner or other authority to be appointed by him.

(2) The Chief Commissioner or other authority to be appointed by the President in his discretion shall be the delegate of the President who shall have the power in his discretion to resume or modify such powers as he himself had conferred.

(3) The President shall have the power to take any part of the Union of India under his immediate authority and management by placing it in Part IV of the First Schedule.

(4) No Act of Parliament shall apply to any territory in Part IV of the First Schedule unless the President in his discretion by public notification so directs and the President in giving such a direction with respect to any Act may direct that the Act shall in its application to the territories in Part IV of the First Schedule, or to any specified part thereof, have effect subject to such exceptions or modifications as he thinks fit.

(5) The President may in his discretion make regulations for the peace, order and good government of any such territory and any regulations so made may repeal or amend any Act of the Parliament or any existing law which is for the time being applicable to such territory and, when promulgated by the President, shall have the same force and effect as an Act of Parliament.” ’ ’

The amendment was negatived.

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

“That article 215 stand part of the Constitution.”

The motion was adopted.

Article 215 was added to the Constitution.

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### Article 303

**Mr. President :** Article 303. We can now take up the definition of article 303.

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

“That sub-clause (c) of clause (1) of article 303 be omitted.”