

The Honourable Dr. B. R. Ambedkar : I am quite prepared to withdraw them, Sir. But, I know it very well.

Mr. President : That settles the matter. I shall now put the amendments to vote.

The question is :

“That in amendment No. 378 of List VIII (Seventh Week), for the proposed new entry 88-A in List I, the following be substituted:—

‘88-A. Taxes on advertisement published in newspapers.’ ”

I think the Noes have it.

Some Honourable Members : Ayes have it, Sir.

Mr. President : No.

The amendment was negatived.

Mr. President : Then I put the original proposition moved by Dr. Ambedkar :

The question is :

“That after entry 88 in List I of the Seventh Schedule, the following entry be inserted:—

‘88A. Taxes on the sale or purchase of newspapers and on advertisements published therein.’ ”

The motion was adopted.

Entry 88-A was added to the Union List of the Seventh Schedule.

Mr. President : The question is :

“That in amendment No. 379 of List VIII (Seventh Week) in the proposed entry 58 of List II, the words ‘other than newspapers’ be deleted.”

The amendment was negatived.

Mr. President : Then, I put the entry as moved by Dr. Ambedkar.

The question is :

“That for entry 58 of List II of the Seventh Schedule, the following entries be substituted:—

‘58. Taxes on sale or purchase of goods other than newspapers.

58-A. Taxes on advertisements other than advertisements published in newspapers.’ ”

The motion was adopted.

Entries 58 and 58A, as amended, were added to the State List of the Seventh Schedule.

Articles Re-opened

Mr. President : We have got several articles placed in the order paper today which require reconsideration of the articles that have been passed. The first is article 250 which is intimately connected with the amendments which we have just now passed. Under the rules, no question which has once been decided by the Assembly shall be re-opened except with the consent of at least one-fourth of the Members present and voting. I should like to know if the House gives its consent.

Some Honourable Members : Yes.

Shri R. K. Sidhwa : In the second reading stage, Sir, when article by article is being passed, it is not permissible to reopen. If you allow this precedent it will be very bad precedent for the future. You cannot shut out any other Member from moving for a reconsideration of any article. There will be no finality then.

Mr. President : I cannot shut out; it is for the House to shut out. If one-fourth of the members wish a question to be reopened, it can be reopened. I find more than one-fourth of the members are willing to reopen this article 250.

There are other articles also which will have to be reopened which are mentioned in today's Order paper : articles 239-242, 248-A, 263, 202. May I take it that the House gives leave to reopen all these articles?

Shri R. K. Sidhwa : Sir, Members may not have objection to some articles, while they may object to some. The articles may be put one by one.

Mr. President : I shall put them one by one. Articles 239-242. I take it that the House gives leave to reopen then.

Several Honourable Members : Yes.

Mr. President : Article 248-A. I take it that the House gives leave to reopen it.

Several Honourable Members : Yes.

Mr. President : Article 263. I take that the House gives leave to reopen it.

Several Honourable Members : Yes.

Mr. President : Article 202. I take it that the House gives leave to reopen it.

Several Honourable Members : Yes.

Mr. President : Leave is given to reopen all these articles. Article 250 : Dr. Ambedkar.

Article 250

Shri T. T. Krishnamachari : Dr. Ambedkar has already moved it. It is only a formal matter and it can be put to vote.

Mr. President : Does any one wish to say anything about amendment No. 374 moved by Dr. Ambedkar?

(No Member rose.)

The Honourable Dr. B. R. Ambedkar : It is only a consequential thing, Sir.

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

The question is :

“That in clause (1) of article 250, after sub-clause (d), the following sub-clauses be added :—

‘(e) taxes other than stamp duties on transactions in stock-exchanges and futures market;

(f) taxes on the sale or purchase of newspapers and on advertisements published therein.’ ”

The amendment was adopted.

Article 202

Mr. President : Article 202.

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

“That in clause (1) of article 202, after the words ‘to issue’ the words ‘to any person or authority including in appropriate cases any Government within those territories,’ be inserted.”

I said when moving an amendment to article 302 that a consequential amendment would be necessary in article 202. I am therefore moving this Article 202 as amended will now read as follows:—

“Notwithstanding anything contained in article 25 of this Constitution, every High Court shall have power, throughout the territories in relation to which it exercises jurisdiction to issue to any person or authority including in appropriate cases any Government within those territories directions or orders in the nature of writs of *habeas corpus*, *mandamus*, prohibition, *quo warranto* and *certiorari*, for the enforcement of any of the rights conferred by part III of this Constitution for any other purposes.”

It is just consequential.

Pandit Thakur Das Bhargava (East Punjab : General) : Why do you say in appropriate cases’?

The Honourable Dr. B. R. Ambedkar : Because appropriate cases will be laid down by law of Parliament.

Mr. President : The question is :

“That is clause (1) of article 202 after the words ‘to issue’ the words ‘to any person or authority including in appropriate cases any Government within those territories’ be inserted.”

The amendment was adopted.

Article 234-A

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

“That after article 234, the following new article be inserted :—

‘234A. (1) The executive power of the Union shall also extend to the giving of direction Control of the Union over States to a State as to the measures to be taken for the protection as respects protection of railways, of the railways within the State.

- (2) Where by virtue of any direction given to a State under clause (1) of this article costs have been incurred in excess of those which would have been incurred in the discharge of the normal duties of the State if such direction had not been given there shall be paid by the Government of India to the State such sum as may be agreed or, in default of agreement, as may be determined by an arbitrator appointed by the Chief Justice of India in respect of the extra costs so incurred by the State.’ ”

Sir, all police first of all are in the Provincial list. Consequential the protection of railway property also lies within the field of Provincial Government. It was felt that in particular cases the Centre might desire that the property of the railway should be protected by taking special measures by the province and for that purpose the Centre now seeks to be endowed with power to give directions in their behalf. It is possible that by reason of the special directions given by the Centre some extra cost above the normal may be incurred by the provinces. In that event what that extra cost is, may either be determined by agreement or if there is no agreement, by an arbitrator chosen by the Chief Justice of India. The second clause is analogous to many of the clauses that we have passed in the Constitution for settling the disputes between the Centre and the Provinces so far as extra cost is concerned.

Dr. P. S. Deshmukh : Mr. President, I do not feel convinced about the necessity of this provision which refers only to railway property. I do not know what cause there is for special apprehension so far as the property belong to railway is concerned. There will be property belonging to the Centre spread over the length and breadth of India; and why should there be a special and specific provision for the protection and for issuing specific directions in this case only? The House is aware that the Centre has got