

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

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

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

The motion was adopted.

New article 234A was added to the Constitution.

#### **New Article 242-A**

**Mr. President :** Dr. Ambedkar, you may move amendment No. 372A regarding the heading.

**Shri T. T. Krishnamachari :** If No. 373 is passed, then the deletion of the heading is consequential.

**The Honourable Dr. B. R. Ambedkar :** Sir, I move amendment No. 373:

“That after article 242, the following new article be inserted :—

‘242A. (1) Parliament may by law provide for the adjudication of any dispute of complaint with respect Adjudication of disputes relating to waters of inter state rivers or river valleys.	to the use, distribution or control of the waters of, or in, any inter-State river or river valley.
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- (2) Notwithstanding anything contained in this Constitution, Parliament may, by law, provide that neither the Supreme Court nor any other court shall exercise jurisdiction in respect of any such dispute or complaint as is referred to in clause (1) of this article.’ ”

Sir, originally this article provided for Presidential action. It was thought that these disputes regarding water and so on may be very rare, and consequently they may be disposed of by some kind of special machinery that might be appointed. But in view of the fact that we are now creating various corporations and these corporations will be endowed with power of taking possession of property and other things, very many disputes may arise and consequently it would be necessary to appoint one permanent body to deal with these questions. Consequently it has been felt that the original draft or proposal was too hide-bound or too stereo-typed to allow any elastic action that may be necessary to be taken for meeting with these problems. Consequently I am now proposing this new article which leaves it to Parliament to make laws for the settlement of these disputes.

**Shri R. K. Sidhwa :** Article 242 is proposed to be deleted, and so how does this new article 242A come up after article 242?

**The Honourable Dr. B. R. Ambedkar :** This one only indicates the position.

**Mr. President :** We have passed article 242. Now, does any one want to speak on this new article? There is no amendment to it.

**Shri Brajeshwar Prasad :** Mr. President, Sir, I support clause (1) of this article, but I feel that there is no necessity for vesting power into the hands of Parliament to make laws for resolving disputes in connection with inter-state river and river valleys. That matter I feel, should have been left in the hands of the President alone.

**Mr. President :** Now, I put the new article 242-A to vote.

The question is :

“That article 242A stand part of the constitution.”

The motion was adopted.

New article 242A was added to the Constitution.

**Mr. President :** Amendment No. 372A.

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

“That the heading above article 239, and articles 239, 240, 241 and 242 be deleted.”

These are covered by article 242-A and therefore are unnecessary.

**Mr. President :** Does anyone wish to say anything about this amendment? There is no amendment. I then put it to the House.

The question is :

“That the heading above article 239, and articles 239, 242, 241 and 242 be deleted.”

The motion was adopted.

The heading above article 239, and articles 239, 240, 241, and 242 were deleted.

### Articles 248-A, 263 and 263-A

**The Honourable Dr. B. R. Ambedkar :** Sir, I should like to move the three amendments 380, 381 and 382 introducing three new articles, and I begin with amendment No. 382 because the rest are consequential.

**Mr. President :** All right.

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

“That after article 263, the following new article be inserted :—

‘263A. All moneys received by or deposited with—

(a) any officer employed in connection with the affairs of the Union or of a State in his capacity as such, Custody of suitors’ deposits and other moneys received by public servants and courts.	other than revenues or public moneys raised or received by the Government of India or the Government of a State, as the case may be, or
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(b) any court within the territory of India to the credit of any cause, matter, account or persons shall be paid into the public account of India or of the State, as the case may be.’ ”

Sir, if you permit me, I shall move the other amendments also and then offer some general observations to enable Members to understand the changes that we propose to make.

**Mr. President :** Yes.

**The Honourable Dr. B. R. Ambedkar :** I move amendment No. 380 and amendment No. 381. I move :

“That for article 248A, the following article be substituted :—

‘248A. (1) Subject to the provisions of article 248B of this Constitution and to the provisions of this Chapter with respect to the assignment of the whole or part of the Consolidated Funds and Public Accounts of India and of the States. net proceeds or certain taxes and duties to States, all revenues received by the Government of India and all loans raised by them by the issue of treasury bills, loans or ways and means advances and all moneys received in repayment of loans shall form one consolidated fund to be entitled “The Consolidated Fund of India” and all revenues received by the Government of a State, loans raised by the Government of a State by the issue of treasury bills, loans or ways and means advances and all moneys received by a State in repayment of loans shall form one consolidated fund to be entitled “The Consolidated Fund of the State.”’