

Mr. President: The question is:

“That in amendment No. 48 of List II (First Week) of Amendments to Amendments, in clause (3) of the Proposed new while 163-A, for the words ‘the Assembly or the Council’ the words ‘the House or each House of the Legislature of the State’ be substituted.”

The amendment was negatived.

Mr. President : The question is:

“That in amendment No. 48 of List II (First Week) of Amendments in clause (3) of the proposed new article 163-A, all the words occurring after the words ‘or the Council’ be deleted.”

The amendment was negatived.

Mr. President : I put the article 163-A as moved by Dr. Ambedkar to vote.

The question is:

“That New Article 163-A, do form part of the Constitution.”

The motion was adopted.

New Article 163-A was added to the Constitution.

Article 175

Mr. President : Shall we take up 172 now ?

The Honourable Dr. B. R. Ambedkar : We shall keep it back for the moment.

Mr. President : Shall we take up No. 175 ?

The Honourable Dr. B. R. Ambedkar : Yes.

Shri H. V. Kamath : What about 127-A ?

Mr. President : That will come up along with 210.

Let us take up now 175. There are some amendments to it.

(Amendments Nos. 16 and 17 were not moved.)

The Honourable Dr. B. R. Ambedkar : Mr. President, Sir, I beg to move:
that:

“That for the proviso to article 175 the following proviso be substituted :—

‘Provided that the Governor may, as soon as possible after the presentation to him of the Bill for assent, return the Bill if it is not a money Bill together with a message requesting that the House or Houses will reconsider the Bill or any specified provisions thereof and, in particular, will consider the desirability of introducing any such amendments as he may recommend in his message, and when a Bill is so returned, the House or Houses shall reconsider the Bill accordingly and if the Bill is passed again by the House or Houses with or without amendment and presented to the Governor for assent, the Governor shall not withhold assent therefrom.’ ”

Sir, this is in substitution of the old proviso. The old proviso contained three important provisions. The first was that it conferred power on the Governor to return a Bill before assent to the Legislature and recommend certain specific points for consideration. The proviso as it stood left the matter of returning the Bill to the discretion of himself. Secondly, the right of return the Bill with the recommendation was applicable to all Bills including money Bills. Thirdly the right was given to the Governor to return the Bill only in those cases where the Legislature of a province was unicameral. It was felt then that in a responsible government there can be no room for the Governor acting on discretion. Therefore the new proviso deletes the word ‘In his discretion’. Similarly it is felt that this right to return the Bill should not be

[The Honourable Dr. B. R. Ambedkar]

extended to a money Bill and consequently the words 'if it is not a money Bill' are introduced. It is also felt that this right of a Governor to return the Bill to the Legislature need not necessarily be confined to cases where the Legislature of the province is unicameral. It is a salutary provision and may be made use of in all cases even where the Legislature of a province is bicameral.

It is to make provision for these three changes that the new proviso is sought to be substituted for the old one and I hope the House will accept it.

Mr. President : I have notice of some amendments which are printed in the Supplementary List. Does any Member wish to move any of the amendments ? They are in the names of Shri Satish Chandra, Shri B. M. Gupta and Prof. Shibban Lal Saksena.

(The amendments were not moved.)

Does any Member wish to speak on this ?

Honourable Members : Yes.

Mr. President : Then we shall have discussion, but no amendments on this.

Shri Satish Chandra (United Provinces : General) : Sir, whether I move my amendment to this article or not, depends on the shape in which article 172 emerges from the House. But article 172 has been for the present held over. There is no amendment to first paragraph of this article, and only one to the proviso has been moved by Dr. Ambedkar. So I may have to move my amendment to bring the language of this article in line with article 172, or the Drafting Committee may consider this point.

Mr. President : We shall consider that matter on Monday next. The House now stands adjourned till 9 o'clock on Monday. From Monday we propose to sit from 9 a.m. to 1 p.m. instead of from 8 a.m. to 12 noon.

The Assembly then adjourned till Nine of the clock on Monday, the 1st August, 1949.
