

[Mr. President]

meetings of that Committee and I found that they were still struggling with one of the articles which come rather early. Some progress must have been made since then but I am not sure how far they have gone upto now. I still stick to my opinion—I do not know if that is shared by all the Members of this House—but I still stick to my opinion that it would be in keeping with our nation dignity and honour if we can pass our Constitution in original form in our own language, (*Cheers*) but I do find that this difficulty has faced us all these months, and I can only hope that the Committee which has been appointed will be able to give us a satisfactory translation in time for being placed before this House and accepted by it. I am not in a position to say that today, but as soon as I can get that translation, I shall place the matter before the House.

**Shri M. Thirumala Rao** (Madras: General): On a point of clarification, Sir, in the event of a satisfactory translation in Hindi being available, is it proposed to give up the adoption of this constitution in English?

**Mr. President :** I do not think so, because the original has been prepared in the English language and it has to be adopted, but we can also adopt it in our own language if the translation is satisfactorily prepared.

**The Honourable Shri K. Santhanam** (Madras: General): I take it that even then it will be duly debated because many of us may have amendments to suggest to the Hindi translation.

**Mr. President :** Of course, it will be open to any member of the House to move any amendments to the translation, so far as the language is concerned, but not with regard to the substance because the substance will have been accepted in the English language.

We shall now proceed to the consideration of the Draft Constitution. The House dealt with articles upto 67. We shall now proceed further. The Steering Committee was of the opinion that we might adopt the articles dealing with election matters first. That is, I think, the wish of this House also. But I understand that it will not be possible to proceed with those articles today and we can take them up from tomorrow. Today we begin with article 68 and such articles only dealing with election matters as fall within today's discussion, and those that come later will be taken up tomorrow.

There is one article of which notice has been given by way of amendment. *i.e.*, 67-A. It will be taken up first.

#### **New Article 67-A**

**The Honourable Dr. B.R. Ambedkar** (Bombay: General): Mr. President, Sir, I move:

“That after article 67, the following new article be inserted :—

‘67-A. (1) The President may nominate persons not exceeding three in number to assist and advise the Houses of Parliament in connection with any particular Bill introduced or to be introduced in either House of Parliament.

(2) Every person so nominated in connection with any particular Bill shall, in relation to the said Bill, have the right to speak in, and otherwise to take part in the proceedings of either House and any joint sitting of the Houses of Parliament and any Committee of Parliament of which he may be named a member, but shall not, by virtue of such nomination, be entitled to vote nor shall he be entitled to speak in or otherwise to take part in the proceedings of either House or any joint sitting of the Houses or any Committee of Parliament in relation to any other matter.’ ”

Sir, the necessity for this article being inserted in the Constitution is this: The House will remember that the composition of the Upper Chamber was originally set out in paragraph 14 of the report of the Union Constitution Committee. In that paragraph it was stated that the Drafting Committee should adopt as its model the Irish system nominating fifteen members of the Upper Chamber out of a panel constituted by various interests such as science, literature, agriculture, engineering and so on. When the Drafting Committee took up this matter, Sir, B.N. Rau, who had in the meanwhile gone on tour, had a discussion with Mr. De Valera and the other members of the Irish Government as to how far this system which was in operation in Ireland had been a successful thing, and he was told that the panel system had completely failed with the result that the Drafting Committee decided to drop the provision suggested in paragraph 14 of the report of the Union Constitution Committee, and proposed a simple measure, *viz.* to endow the President with the authority to nominate fifteen persons the Upper Chamber representing special knowledge or practical experience in science, literature and social services. After the Drafting Committee had prepared this Draft, the matter was again reconsidered by the Union Constitution Committee and at this session of the Union Constitution Committee, the Committee proposed that the total number of nominations which was originally restricted to fifteen should be divided into two classes, *viz.*, that there should be a set of people nominated as full members of the House and they should have special knowledge and practical experience in art, science, literature and social services and that three other persons should be nominated as experts to assist and advise Parliament in the matter of any particular measure that the Parliament may be considering at the moment.

The first part of the recommendation of the second session, if I may say so, of the Union Constitution Committee has already been incorporated in article 67 which has already been passed by the Assembly. It is to give effect to the second part of the recommendation of the Union Constitution Committee that this article is proposed to be introduced in the Constitution. Honourable Members will see that this article limits the functions of the members nominated thereunder. The functions are to assist and advise the Houses in a particular measure that may be before the House; in other words, the members who would be nominated under article 67-A, their term and their duration will be co-terminous with the proceedings with regard to a particular Bill in relation to which they are nominated by the President to advise and assist the House.

From the second paragraph of article 67-A it will be noticed that they are only entitled to take part in the debate, whether the debate is taking place in the House as a whole or in a particular committee to which they are nominated by the House as members thereof; but they are not entitled to vote at all, so that the addition of these three members will certainly not affect the voting strength of the House. I am sure that the House will accept this new provision contained in article 67-A. If I may point out to the House, the provision contained in article 67-A of nominating experts to the House is not at all a new suggestion. Those members of the House who are familiar with the provisions of the Government of India Act of 1919 know when it introduced a popular element in the House, it also contained a provision which empowered the Governors of the different provinces to appoint experts to deal in a particular manner when the House is considering such a measure. I think it is a useful provision and it would do a lot of good if such a provision was introduced in the Constitution.

**Pandit Thakur Das Bhargava :** Sir, with your permission, I wish to bring to your notice that so far as this new provision is concerned, no notice of it was given before and we did not know if such a provision was going to be brought before the House. In the printed book which has been circulated to us, this does not appear there. This is the first time that we are informed of its existence. I beg of you under these circumstances to kindly hold this section over, so that we may be able to table proper amendments to this article. So far as the provision of article 67-A go, they appear, on a cursory examination, to be extremely wide. We have just heard that the powers of these persons who will be nominated will be co-terminous with the proceedings of a particular Bill, but there is nothing in this section to indicate that. Similarly I understand that the words “In relation to the said Bill” are too wide. I can understand if the House agrees to the appointment of experts and then their powers should be limited to the time when the Bill is on the anvil of the Legislature and only in so far as the Bill is being considered. These words “in relation go to the said Bill” might mean that whenever a provision of this kind is taken up any of those matters in regard to.....

**Pandit Hirday Nath Kunzru** (United Provinces: General): The honourable Member is not audible.

**Mr. President :** Does the honourable Member want that the discussion of this article be held over?

**Pandit Thakur Das Bhargava :** Exactly.

**Mr. President :** Is that the wish of the House that it should be held over?

**Shri T.T. Krishnamachari** (Madras: General): We may go on with the discussion now and if the Drafting Committee want to reconsider it, we can do so later on.

**Mr. President :** The suggestion is that this thing was not circulated before and Members wish to have time.

**The Honourable Dr. B.R. Ambedkar :** I have no objection if the House wants that the consideration of this matter be postponed.

**Mr. President :** We shall postpone it today and we shall take it up later.

---

### Article 68

**Mr. President :** The motion is:

“That article 68 form part of the Constitution.”

We shall now take up the amendments to this article.

(Amendment Nos. 1453 and 1454 were not moved.)

Amendment No. 1455 stands in the name of Mr. Naziruddin Ahmad. I think that is a verbal amendment. Will you like to move it? With regard to these verbal amendments, I was going to make a suggestion to the Honourable Dr. Ambedkar. With regard to them, he might consider them in consultation with the Members who have given notice of such verbal amendments and such of them as would be accepted could be taken up at the time when the motion is placed before the House as having been accepted and we would save the time of the House in that way, but with regard to those which are not acceptable, of course, we shall have to consider what to do with them.

**The Honourable Dr. B. R. Ambedkar :** The Drafting Committee may be very glad to follow that procedure.