

The question is:

“That in amendment No. 1002 of the List of Amendments, for article 38-A, the following be substituted:—

‘38-A. The State shall endeavour to organise agriculture and animal husbandry in modern and scientific lines and shall in particular take steps for preserving and improving the breeds of cattle and prohibit the slaughter of cow and other useful cattle specially milch and draught cattle and their young stocks.’ ”

The motion was adopted.

Mr. Vice-President : Article 38-A will consist of the amendment of Pandit Thakur Dass Bhargava. The question before the House is:

“That article 38-A in the form just mentioned form part of the Constitution.”

The motion was adopted.

Article 38-A, as amended, was added to the Constitution.

Article 39

Mr. Vice-President : Shall we now go on to the next item in the agenda? No. 1003 has been covered by one of the previous amendments. No. 1004 has also been disposed of. Then No. 1005. The first part of it cannot be moved, but the second part can be moved. (Not moved.)

Then the motion before the House is that article 39 forms part of the Constitution. There are several amendments to this.

(Nos. 1006, 1007 and 1008 were not moved.) No. 1009 by Dr. Ambedkar and his colleagues.

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

“That in article 39, after the words ‘from spoliation’ the word ‘disfigurement’ be inserted,

Prof. Shibban Lal Saksena : Mr. Vice-President, Sir, I beg to move:

“That in article 39, after the words ‘from spoliation’ the word ‘disfigurement’ be inserted, and all the words after the words ‘may be’ to the end of the article be deleted.”

The Honourable Dr. B. R. Ambedkar : Why do you want to make a speech when I am going to accept it?

Prof. Shibban Lal Saksena : I am glad that Dr. Ambedkar is going to accept it. Because this article is to be a directive principle, it should not mention about laws of Parliament and so we must omit the words “to preserve and maintain according to law made by Parliament all such monuments or places or objects.”

The Honourable Dr. B. R. Ambedkar : Sir, I accept the amendment.

Mr. Vice-President : There is another amendment in the name of Shri Ram Sahai, which is identical in words. I shall put this to vote.

Shri Ram Sahai : *[Mr. Vice-President, Sir, there are two amendments in my name, and one of them is covered by the amendment just moved by Mr. Shibban Lal Saksena. As Mr. Saksena’s amendment has been accepted by Dr. Ambedkar, I need not move mine. Now I move my other amendment that seeks to replace the words “It shall be the obligation of the State” in Article 39 by the words “The State shall”. My object in moving the amendment is that the words “The State shall” should be in Article 39 just as they have been put in the preceding article and the words “It shall be the obligation of the State” should not be put in here. I have moved this amendment to bring all these Articles into conformity. I hope Dr. Ambedkar will accept it and so will the House.]

Mr. Vice President : I am now putting the amendments one by one.

The question is:

“That in article 39, after the words ‘from spoliation’ the word ‘disfigurement’ be inserted.”

The motion was adopted.

Mr. Vice-President : There is the amendment of Prof. Shibban Lal Saksena.

* [] Translation of Hindustani speech.

Begum Aizaz Rasul (United Provinces : Muslim): May I know if Dr. Ambedkar has accepted Prof. Shibban Lal Saksena's amendment? If not, I wish to oppose the second part.

Mr. Vice-President : There is no second part so far as I am aware. It only refers to deletion of certain words. The first part is the same.

Begum Aizaz Rasul : I wish to oppose that motion.

Mr. Vice-President : I am afraid it is too late now. The question is:

"That in article 39, after the words 'from spoliation', the word 'disfigurement' be inserted, and all the words after the words 'may be' to the end of the article be deleted."

The motion was adopted.

Mr. Vice-President : The question is:

"That in article 39, for the words 'It shall be the obligation of the State to', the words 'The State shall' be substituted."

The motion was negatived.

Shri Ram Sahai : I want to point out that Dr. Ambedkar has accepted my amendment. I would request you kindly to again call for voting.

Mr. Vice-President : I put the matter before the House and the House has rejected it, and whatever the reasons might be, it is not for me to reopen the matter.

I will put that clause in the form in which it now stands before the House.

Shri Ram Sahai : *[My submission is, Sir, that Dr. Ambedkar has already accepted my amendment. I demand division on this question.]

Mr. Vice-President : It is too late now. Why don't you stand up in proper time and demand a division? The matter is now closed. The question is:

"That article 39, as amended, do stand part of the Constitution."

The motion was adopted.

Article 39, as amended, was added to the Constitution.

Article 39-A

The Honourable Dr. B. R. Ambedkar : Mr. Vice-President, Sir, I move:

"That after article 39, the following new article be inserted:

'39-A. That State shall take steps to secure that, within a period of three years from the commencement of this Constitution, there is separation of the judiciary from the executive in the public services of the State.' "

I do not think it is necessary for me to make any very lengthy statement in support of the amendment which I have moved. It has been the desire of this country from long past that there should be separation of the judiciary from the executive and the demand has been continued right from the time when the Congress was founded. Unfortunately, the British Government did not give effect to the resolutions of the Congress demanding this particular principle being introduced into the administration of the country. We think that the time has come when this reform should be carried out. It is, of course, realised that there may be certain difficulties in the carrying out of this reform; consequently this amendment has taken into consideration two particular matters which may be found to be matters of difficulty. One is this: that we deliberately did not make it a matter of fundamental principle, because if we had made it a matter of fundamental principle it would have become absolutely obligatory instantaneously on the passing of the Constitution to bring about the separation of the judiciary and the executive. We have therefore deliberately put this matter in the chapter dealing with directive principles and there too we have provided that this reform shall be carried out within three years, so that there is no room left for what might be called procrastination in a matter of this kind. Sir, I move.

Shri T. T. Krishnamachari (Madras : General): Mr. Vice-President, Sir, this is an after-thought of Dr. Ambedkar or, shall I say, of the rump of the

* [] Translation of Hindustani speech.