

[Shri T. T. Krishnamachari]

was passed by the House. The intention is more or less self-explanatory. It is a question of empowering the President to refer a matter like the one mentioned in the amendment to the Supreme Court for its opinion and for the Supreme Court to report to the President its opinion thereon and it varies vitally from the provision of article 119 as it stands now. It is found necessary in circumstances now present in view of the enlargement of the scope of the Constitution by the additions that have since been made.

Mr. President : The question is:

“That article 119 be renumbered as clause (1) of article 119, and to the said article as so renumbered the following clause be added:—

- ‘(2) The President may notwithstanding anything contained in clause (i) of the proviso to article 109 of this Constitution, refer a dispute of the kind mentioned in the said clause to the Supreme Court for opinion and the Supreme Court may’ after such hearing as it thinks fit, report to the President its opinion thereon.’”

The amendment was adopted.

Shri T. T. Krishnamachari : Sir, I move :

“That in clause (3) of article 135, for the words ‘shall have an official residence’ the words ‘shall be entitled without payment of rent to the use of his official residences’ be substituted.”

This refers to the Governor. The amendment to article 48 referred to the President and it has been accepted by the House.

Shri H. V. Kamath : In my humble judgment there is a little discrepancy here. We have provided rent-free residences to the President and the Judges of the Supreme Court at the Centre. Similarly, on the same reasoning, should we not provide rent-free residences to the Governor and the High Court Judges? Why do we provide it for the Governor only?

The Honourable Dr. B. R. Ambedkar : Logic cannot be employed to make a proposition absurd.

Mr. President : The question does not arise here. The question is:

“That in clause (3) of article 135, for the words ‘shall have an official residence’ the words ‘shall be entitled without payment of rent to the use of his official residences’ be substituted.”

The amendment was adopted.

Shri T. T. Krishnamachari : Mr. President, Sir, I move:

“That in clause (3) of article 135, for the words ‘the Legislature of the State the word ‘Parliament’ be substituted.”

The appointment of the Governor is now being made by the President. It is therefore felt that it would not be proper to leave his emoluments to be decided by the legislature of the State as it originally was when we had intended that the Governor should be elected. This should have been amended earlier, but we found that we could do it only at the last stage. Therefore, I am moving that the emoluments of the Governor shall be determined by Parliament by law.

Prof. Shibban Lal Saksena : I am glad that the change is being made. I would only like to know who will pay the salary of the Governor—will it come out of the provincial exchequer or the Central exchequer ?

Mr. President : It will be a charge on the provincial revenues.

The question is:

“That in clause (3) of article 135 for the words ‘Legislature of the State’ the word ‘Parliament’ be substituted.”

The amendment was adopted.

Shri T. T. Krishnamachari : Sir, I move:

“That clause (4) of article 144 be omitted.”

Sir, clause (4) is similar to article 62(5) (a) which has been omitted and the reason for moving this is that this House has decided that there should be no Fourth Schedule to this Constitution, and as this clause is entirely dependent on the fact that there should be such a Schedule, it is no longer necessary.

Mr. President : The question is:

“That clause (4) of article 144 be omitted.”

The amendment was adopted.

Shri T. T. Krishnamachari : Sir, I move:

“That clause (2) of article 149 be omitted.”

Clause (2) of article 149 is much the same as the previous article which the House has accepted, in regard to the House of the People. This clause (2) as it now stands provides for election on the basis of adult suffrage and so on and we find that this has been transposed. Now article 289-B deals with elections to Parliament and with elections to the Legislature of a State. Therefore this clause is not necessary.

Prof. Shibban Lal Saksena : I am not moving my typed amendment which reads:

“That amendment 369 of List IV (Second week) be deleted.”

Mr. Naziruddin Ahmad : Some of the Members including my humble self find it difficult to follow these changes of mind. When clause (2) of article 149 was there, then article-289-B should not have been passed : we should have passed immediately another amendment just to remove mere duplication. So far as the present amendments are concerned they have been circulated to us only today. The Members have had no time to consider them. The result of these hurried and rapid amendments might be that there might be other anomalies requiring further clarifications and corrections. It is difficult to follow them and the way we have been amending our old decisions on the ground of anomalies and duplications shows the danger of adopting them without real consideration.

Mr. President : I think all these articles were introduced under a separate part dealing with elections, and so it was considered necessary to remove all those which dealt with elections to this one place.

Mr. Naziruddin Ahmad : Why were they not thought of at the time of those amendments ?

Shri T. T. Krishnamachari : The explanation that the Chair has given is perfectly right. Actually we thought of a complete chapter and at the time that the chapter was introduced and accepted by the House we did not move for the deletion of this article because it was thought that it could be done