

[The Honourable Dr. B. R. Ambedkar]

Provided that the President may at any time after the expiration of five years from such commencement terminate or modify any such agreement if after consideration of the report of the Finance Commission constituted under article 260 of this Constitution he thinks it necessary to do so.

‘274 DDD. Nothing in articles 274 A and 274 C of this Constitution shall affect the provisions of any existing law except in so far as the President may by order otherwise provide.’ ”  
Effect of article 274A and 274C on existing laws.

“That after article 302. the following new article be inserted, namely :—

‘302A. In the exercise of the power of Parliament or of the Legislature of a State to make laws or in the exercise of the executive power of the Union or of a State, due regard shall be had to the guarantee or assurance given under any such covenant or agreement as is referred to in article 267A\* of this Constitution with respect to the personal rights, privileges and dignities of the Ruler of an Indian State.’ ”

“That after article 306, the following new articles be inserted :

‘306B. Notwithstanding anything contained in this Constitution, during a period of ten years from the commencement thereof, or during such longer or shorter period as Parliament may by law provide in respect of any State. the Government of every State for the time being specified in Part III of the First Schedule shall be under the general control of, and comply with such particular directions, if any, as may from time to time be given by the President, and any failure to comply with such directions shall be deemed to be a failure to carry out the Government of the State in accordance with the provisions of this Constitution:

‘Provided that the President may by order direct that the provisions of this article shall not apply to any State specified in the order.’ ”

“That for clause (1) of article 258, the following clause be substituted :-

‘(1) Notwithstanding anything contained in this Chapter, the Government of India may, subject to the provisions of clause (2) of this article, enter into an agreement with the Government of a State for the time being specified in Part III of the First Schedule with respect to-

- (a) the levy and collection of any tax or duty leviable by the Government of India in such State and for the distribution of the proceeds thereof otherwise than in accordance with the provisions of this Chapter;
- (b) the grant of any financial assistance by the Government of India to such State in consequence of the loss of any revenue which that State used to derive from any tax or duty leviable under this constitution by the Government of India or from any other sources;
- (c) the contribution by such State in respect of any payment made by the Government of India under clause (1) of article 267A of this Constitution,

and when an agreement is so entered into, the provisions of this Chapter shall in relation to such State have effect subject to the terms of such agreement.’ ”

“That in Chapter I of Part IX, after article 267, the following new article shall be inserted, namely :—

‘267A. (1) Where under any covenant or agreement entered into by the Ruler of any Indian State before the commencement of this Constitution, the payment of any sums, free of tax, has been guaranteed or assured by the Government of the Dominion of India to any Ruler of such State as Privy Purse—

- (a) such sums shall be charged on, and paid out of, the Consolidated Fund of India; and
- (b) the sums so paid to any Ruler shall be exempt from all taxes on income.

(2) Where the territories of any such Indian State as aforesaid are comprised within a State specified in Part I or Part III of the First Schedule there shall be charged on, and paid out of, the Consolidated Fund of that State such contribution, if any, in respect of the payments made by the Government of India

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\*To be circulated later.

under clause (1) of this article and for such period as may, subject to any agreement entered into in that behalf under clause (1) of article 258 of this Constitution, be determined by order of the President.”

“That after article 270, the following new article be inserted :-

‘270A. (1) As from the commencement of this Constitution—

(a) All assets relating to any of the matters enumerated in the Union List vested immediately before such commencement, in any Indian State corresponding to any State for the time being specified in Part III of the First Schedule shall be vested in the Government of India, and

(b) all liabilities relating to any of the said matters of the Government of any Indian State corresponding to any State for the time being specified in Part III of the First Schedule shall be the liabilities of the Government of India.

subject to any agreement entered into in that behalf by the Government of India with the Government of that State.

(2) As from the commencement of this Constitution the Government of each State for the time being specified in Part III of the first Schedule shall be the successor of the Government of the corresponding Indian State as regards all property, assets, liabilities in obligations other than the assets and liabilities referred to in (1) of this article.”

**Shri Brajeshwar Prasad (Bihar: General)** : Sir, I would like to suggest that these two amendments No. 218 and 219 relating to articles 224 and 225 should be disposed of first, or the amendments standing in the name of honourable Members to these articles will also have to be moved.

**Mr. President** : They have to be deleted. It dispose of them.

The question is:

“That article 224 be omitted.”

The motion was adopted.

Article 224 was deleted from the Constitution.

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

“That article 225 be omitted.”

The motion was adopted.

Article 225 was deleted from the Constitution.

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**Mr. President** : Then we shall take up amendments to 220.

**Shri Brajeshwar Prasad** : Sir, I move :

“That in amendment No. 220 of List VII (Second Week), in clause (1), of the proposed new article 235A, for the words ‘ until Parliament by law otherwise provides’ the words until the President by order otherwise provides’ be substituted.”

I am opposed to these words, because I hold that these words are inappropriate. There must be a clear distinction between executive orders and legislative authority. This is a subject which is purely of an executive character. The question as to when the armed forces of the State should be fully integrated with the Indian Army is not a legislative matter. It is a matter which can be decided by the executive authority. There should be no confusion between the executive and the legislative functions. Here no vital principle is involved. We have already accepted that the Indian Army is also a part of the Indian

**Mr. President :** Prof. Shibban Lal Saksena, you have given notice of some amendments this morning.

**Prof. Shibban Lal Saksena :** Mr. President, Sir, notice has been given of amendments to the new articles 258, 267-A, 270-A and 264-A.

**Mr. President :** 264-A has not been moved.

**Prof. Shibban Lal Saksena :** I beg to move :

“That in amendment No. 299 of List XIII (Second Week), at the end of the proposed clause (1) of article 258 the following words be added :—

‘after that agreement has been approved by Parliament.’ ”

My second amendment is :

“That in amendment No. 299 of List XIII (Second Week), sub-clause (a), (b) and (c) of the proposed clause (1) of article 259 be re-lettered as sub-clauses (b), (c) and (d) of that clause and the following be inserted as sub-clause (a) :-

- (a) questions arising from or connected with the resting in the Union of assets and liabilities of such states related to any of the matters enumerated in the Union List.”

This second amendment is really an improvement on amendment 300 of Mr. Krishnamachari. Regarding the first amendment, I feel that when important agreements about financial matters are made with the States, it must be the Parliament which must be the final authority. Therefore I want to add “after that agreement has been approved by Parliament.”

My amendment to article 267A is :

“That in amendment No. 301 of List XIII (Second Week), sub-clause (b) of clause (1) of the proposed new article 267A be deleted.”

When the agreement provides for an allowance free of income- tax, there is no need for this clause. My next amendment to article 267A is—

“That in amendment No. 301 of List XIII (Second Week), in clause (2) of the proposed new article 267A, for the words ‘by order of the President’ the ‘words by Parliament by law’ be substituted.”

Here also it should be the Parliament that should finally sanction the expenditure. Therefore, I have suggested this change.

Then my amendment to new article 270A is :

“That in amendment No. 302 of List XIII (Second Week), in clause (1) of the proposed new article 270A, the words ‘and approved by Parliament’ be added at the end.”

This relates to the properties. Clause (1) says :—

“As from the commencement of this Constitution all assets relating to any of the matters enumerated in the Union List vested immediately before such commencement in any Indian State corresponding to any State for the time being specified in Part III of the First Schedule shall be vested in the Government of India.”

To this I want to add at the end ‘and approved by Parliament.’

I only desire by all these amendments to assert and maintain the final authority of Parliament and I hope these amendments will be accepted.

**Mr. President :** The article and the amendments are open for discussion. Mr. Sarangadhar Das.

**Shri B. Das (Orissa : General) :** Sir, I have tabled two amendments to article 267A. I move :

“That in amendment No. 301 of List XIII (Second Week), after clause (2) of the proposed new article 267A the following new clause be added :—

- ‘(3) When any sums are guaranteed or assured to any Ruler’s family members or relations such sums be treated as part of privy purse and as free of tax.’

Another amendment I have tabled is to the following effect :—

“That in amendment No. 301 of list XIII (Second Week), in clause (1) of the proposed new article 267A, after the words ‘to any Ruler’ the words ‘or his family relations, be inserted.”

It is understood from article 267A that the money granted to any ruler should be free of taxes. When negotiations were going on, most of us understood that Ruler’s mother and other family members and widows of former rulers who receive grants by those negotiations will not be taxed income-tax or any other tax. I was surprised last night to receive a visit from the Dowagar Maharani of Mayurbhanj who had been granted Rs. 3,000 p.m. as her allowance when negotiations took place. For April and May she received Rs. 3,000 per month and for these two months she was paid fully. Thereafter Rs. 707 p.m. is being deducted from April last as income-tax on the same. She is the wife of a Maharaja who is no more and the daughter of a Maharaja. How could she pay income-tax when income-tax did not exist in many States? It means that many of these relatives of rulers, such as the ruler’s mother, his sister-in-law as in the case I cited and others, they will all be taxed, income-tax. Yesterday our revered leader, Sardar Vallabhbhai Patel, made an excellent speech whereby he guaranteed peace and tranquility for the citizens of the States. I think such peace and tranquility is guaranteed to the relatives of the rulers also. According to the draft article 267-A, the privy purse is to be free of income-tax. There are many States in India which never paid any income-tax. Particularly when we come to the lady members of the ruler’s family—the ex-Raja’s family—it is very hard on them they cannot understand why any income-tax should be deducted and in such large proportion as Rs. 707 out of Rs. 3,000 per month! It includes super-tax and other taxes also. Perhaps that State had no income-tax at all, and even if it had, it was not on such a high level as is prevalent in our provinces. Till last night I had not understood that the relations of the Princes and the Maharanis—the mother of the ex-Ruler, or wife of the late Ruler will be subjected to such deduction of income-tax. I think privy purse means money that is sanctioned to a ruler and his family members. Therefore, they must be exempt from any tax. If the ruler with a huge sum of Rs. 20 lakhs or 25 lakhs as allowances is not subjected to income-tax why should the relations of the rulers be taxed income-tax and that too at the maximum rates of income-tax assessment that is prevalent in India, and that has never been understood in the States ? Sir, this is a lacuna that has been left over and it must be corrected. It is no use harassing people who were enjoying great privileges in those States. If the rulers or the descendants of the rulers are to enjoy such privileges in the future. I do not understand why the ruler’s mother and the near cognate Maharani of the State should be taxed income-tax. I hope this wrong will be corrected and righted.

**Mr. President :** The whole thing is now for discussion. Mr. Sarangadhar Das.

**Shri Sarangadhar Das :** Mr. President, I had given an amendment to delete article 306 B, but as deletion is not being moved, I want to say a few words about this article.

First of all, I want to say that I am second to none in recognising and praising the work that the Honourable Sardar Vallabhbhai Patel has done in reducing the number of States from five hundred and odd to seven. I happened in 1947, as a Member of the All-India States Peoples Conference, to know what the dangers were and what a gigantic task it was. I personally at that time did not believe that it could be done in such a short time. But it has been done, and for the consummation of this monumental work the whole credit must go to Sardar Vallabhbhai Patel and the States Ministry. I am also aware that

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when we had objected to the distinction made between the Provinces and the States in the new constitution, in certain fundamental matters last winter, he had given us an assurance that he was trying to bring the States on a par with the Provinces, and that he has done now.

But my objection now to article 306 B is for this reason that we are trying to have democratic institutions all over; we have destroyed autocracy and introduced democracy; but in having this article 306 B whereby the States Ministry, I mean the Government of India, will have control over these States Unions. It makes a distinction between the Provinces and the States, and to my mind it strikes at the root of democratic institutions. I am in a minority of one here. Because I know very well that many of the States Members who happen to be Ministers in their States Unions or States do not like this article, do not like this subordination to the Government of India, in respect of their day-to-day administration, and yet they, because of a certain mandate, cannot speak and they will not speak. My objection to the article is particularly on this ground that by having control and by sending directions from the Centre to the States, bureaucratic rule will completely prevail. There will be no real representative Government.

I can also say from my experience of the last one and a half years with regard to the Indian States that have been merged into the Provinces, that the officials who have been sent by the Provincial Governments as administrators into these States have acted in such a way that they are the successors of the Rajas, they are the successors of the rulers in their whimsical rule, and the general people in those States have that impression. Whatever nominated representatives there used to be last year in Orissa and C. P. States, they had no voice and the people soon found out that the so-called representatives who were nominated as Councillors by the Provincial Governments had no voice in the matter of administration. They were nobodies, and consequently the officials are ruling now as they were ruling in the Raja's regime. And it is very unfortunate that our officials from the Provinces who were trained in a certain administrative machinery in the provinces, when they come to these States where there is no democracy, where there is no voice of the people, they have acted as if they were the rulers themselves. Probably they think they have an opportunity to be the rajas for some time and they have done so.

I also know that in many of the big Unions that have been formed during the last year there are officials, the subordinate officials and the high ones, who act in that manner and the people have no say, no opportunity of airing their grievances. Consequently, when the States Ministry, or I should say the Government of India will give directions for the day-to-day administration, it will assure those officials that although the States Unions will have their legislatures and there will be representatives elected by the people, even those elected people might take some decisions which may be contrary to the decisions of the Government of India, and that the decision of the Government will have to be carried out by those officials, and that the representatives will have no other say but to keep quiet, and let the machine go on according to the desire of the Government of India. Everyone concerned will realize the supremacy of the officials. I quite appreciate, as some of the speakers have already stated, and Sardar Vallabhbhai himself has stated in his statement, that in the States the people do not have democratic traditions, there was no local board, no municipality. I know there were States where even a library could not be established, because the Raja and his Dewan were afraid that people by reading books would become rebels.

I appreciate that, out now that we are introducing democracy. I strongly protest that there should be one treatment for the provinces, where the ministries

will be autonomous without any interference from outside and another treatment for States and that those States Unions or States like Mysore will have to take orders from the Central Government. I know that some of them will be exempted and they deserve that exemption. Even then, when Mysore gets the distinction of being fully autonomous, and Rajasthan becomes a subordinate body, I believe this House will realise what the feeling of the representatives of Rajasthan will be. My contention is that when the article takes any of these States or States Unions under a period of tutelage, it may be for ten years or Parliament might decide on a period of fifteen or twenty years, it deprives the administration of its representative character.

Now, it seems that exactly as the British Government wanted during the last fifty or sixty years to train us in democratic forms of Government, so also our own Government, our own leaders, who were condemning the policies of the British Government, are now introducing the same technique in the case of the States people, and I have a feeling that the Government at the Centre and also most of the Members from the provinces here have a step-motherly feeling towards the people of the States. This will be evident from what has happened about the merged States. Last January we passed here an amendment to the Government of India Act for completely merging some States into the provinces of Bombay, Madras, C.P. and Orissa. At that time we had hoped and we had some assurance from some quarters that there would be election under the restricted franchise of the 1935 Act, but there has been no election and I know definitely that in two of the provinces at least, members have been nominated by the provincial government through official machinery. It is an interesting thing to know that the nominations were not even made by Congress Committees. One would presume that Government being run by Congress, it would listen to the Congress Committees. In one province the recommendations of the Congress Committees were thrown out. In another the Congress Committees were not consulted at all. One would take it that as the government is run by the Congress Party it would consult its own machinery, but it was not done. In most cases officials have nominated the members. They are called people's representatives. To my mind it is an insult to the people of the States that some people who were unknown in public life or used to side with the Raja, have been nominated. From this I want the House to understand that now that autocracy has been destroyed and we have democracy all over India and the whole country is integrated into one whole, there is a tendency on the part of the Government at the Centre to keep the people of the States under tutelage.

Now, when it comes to the intelligence of the people of the States as voters, I would say—and I am very well acquainted with my province—that there is no difference between the intelligence, the awareness of the general electorate in the provinces and in the States. If you consider that the electorate's ignorance results in this kind of nominations and directions from the Centre, then I would say it was a mistake on our part to introduce adult franchise in our Constitution I would say that if we do not have any belief in the people, then let us have adult franchise gradually. Of course, personally I do not share that view. I say that as an argument only. I believe that once democracy is introduced, if people make any mistakes, they will immediately learn from those mistakes, and that is the way democracy can grow and that is why, speaking from my experience not only in my own province and in the States of Orissa but also in Rajasthan and parts of Madhya Bharat, this is a retrograde measure, this article 306 B Sardar Vallabhbhai has accomplished the integration of the whole country into one whole and has got rid of autocracy in such a short time. This retrograde article 306 B will detract a great deal from the good that he and the States Ministry have done.

I said at the beginning that I am in a minority of one because I do not belong to the party that dominates this Assembly. I was in the party, I have come

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out lately; that is why I am speaking, I am free to speak. But I wish to give you this warning, to honourable Members of this House, and to the Government, that unless this step-motherly attitude towards the people of the States is removed and they are allowed to function just the same as the people of the provinces are functioning or will function under the new Constitution in the future, unless the States people are given the same rights as the people in the Provinces are, I do not think this democracy will grow. Anything may happen in future. There may be troubles in these States Union Ministries, there may be a blow-up somewhere, at any rate democracy will not grow.

That is why I appeal to the Honourable Members of the House as well as to Sardar Vallabhbhai that if it is necessary to have this article 306 B, it should not be put into action in any of the States. I feel that if the Government of any State breaks down, provision has been made in articles 275, 276 and others which will be applied to the Provinces and these might as well be applied to the States Unions. That is why I think 306 B is not necessary and if it is passed, as have no doubt, it will be passed, my appeal to Sardar Vallabhbhai and the Government of India is that it should not be put into action. If there is anything wrong in any of the Union Governments it should be set right by persuasion.

**Shri K. Chengalaraya Reddy** (Mysore State) : Mr. President, Sir, it gives me great pleasure to make a few general observations in connection with the proposal that has now been placed before the House. The proposal is that Part VI of the Constitution which applies to the States enumerated in Part I of the First Schedule should also be made applicable to the States to be mentioned in Part III of that Schedule with such modifications and omissions as may be called for in the circumstances in which the States are placed. It is a matter of supreme gratification to me that towards the concluding stages of the work of this august Assembly this decision is being taken.

When this Assembly started its work it was a matter of grave doubt whether a common Constitution would at all be possible for all the units comprised in the Dominion of India. It was assumed and admitted that so far as the Indian States are concerned the Constitution for those States should be framed by the respective Constituent Assemblies of those States. It was in pursuance of that decision that Constituent Assemblies came into existence in some of the States and those Constituent Assemblies started their task of framing constitutions which were necessary for their particular States. But let me here recall the attempts made by the representatives of the Mysore State as also the representatives of some other States to bring about a procedure by means of which a common Constitution could be adopted for these States also.

As early as August 1947 when the representatives of some of these States came to this august House as Members, a serious attempt was made to set up a Committee of this House to evolve a model constitution which would be applicable to the Indian States with a view to incorporate such a constitution in the body of the Indian Constitution itself. But at that time it was not found either feasible or practicable and we were called upon in our respective States to frame our own constitutions. Even then when we started our work, we were conscious of the supreme necessity that such separate constitutions should be in consonance with the Indian Constitution and should be in accordance with the Aims and Objectives Resolution of the Indian Constituent Assembly. Even, when we had been given the opportunity and freedom to frame our own constitutions that was the stand that we had taken. And it is because of that background that I say now that it is a matter for supreme gratification for the people of the Indian States—at any rate I can speak authoritatively for the people of Mysore that this decision is about to be taken august House.

Well, Sir, we are face to face with a situation which all the statesmanship that the country can muster in order to make the freedom that we have won secure and stable beyond any risk whatsoever. It has always been felt that any variegated patterns of constitutions in several units would bring about disunity and some amount of working in different, diverse directions. It has been conceded now that the constitution for the Indian States also should be more or less uniform and be on the same lines as the constitution for the Provinces. In this connection I want to pay my humble tribute and congratulations to the Ministry of States and to Sardar in particular for the dexterous way in which this complicated problem of the Indian States has been tackled ever since August 15, 1947. The situation with which we were faced at that time was one full of potentialities for mischief, full of opportunities for the disintegration of India, full of possibilities for making the freedom that had been won being diverted into wrong channels. But for the statesmanlike handling of this problem I am afraid the opportunities that had been given for fissiparous tendencies to manifest themselves would have stricken a mortal blow at India in its very infancy of freedom. So, I join in the chorus of tributes and congratulations that have been extended to the Ministry of States and to the Sardar in particular from all over the world at the magnificent way in which this problem has been handled. It has been rightly claimed that what we have achieved today is a bloodless revolution, an achievement unparalleled in the history of any country at any time. Today we are proud of the fact that we are hammering out a Constitution which ensures for the first time in the history of India a united democratic and virile nation. Towards, this consummation as has already been pointed out the co-operative enterprise of the people of the States as well as of the people of the Provinces has been responsible, and for the first time in the history of India a people's polity based on the sovereignty of the people is coming into existence. So, I think there will be no difference of opinion anywhere in this country, in any State whatsoever, difference of opinion regarding the propriety or the desirability of having a common Constitution for all parts of this Union.

Having said that, Sir, I would like to refer to some details regarding the proposals that have been placed before this House. In the main, I am in agreement with the proposals that have been placed and most of the draft amendments that have been now put before the House should not be difficult of acceptance by all the representatives in this House, including the representatives of the Indian States. The general position is that so far as the various rights, powers and responsibilities that have been given to various authorities in Part VI of the Constitution are concerned, the same powers are to be given to the corresponding authorities in the Indian States. There are some differences however, for which provision had to be made. It was never in doubt that so far as Fundamental Rights and citizenship rights are concerned, there would be no difference between unit and unit. But so far as the internal constitution is concerned it has become necessary to make some modifications. I would like to briefly touch upon them in order to clarify the position, because it has been asked by some honourable Members: "if you are for a common constitution, why do you want these modifications? Why do you want Part VIA at all?" it is lot difficult for me to answer that question. But the lucid and comprehensive statement that has been made by Sardar Patel yesterday with regard to this matter is a convincing answer to such questions.

First, Sir, the one modification that has been found necessary is with relation to the constitutional head of the States concerned. In the provinces the constitutional head is to be the Government of that State. But, so far as the Indian States are concerned this cannot be the position, because the facts of history, the inexorable existing circumstances, necessitated a different arrangement to be made. It is because of that certain other provision had been made and a modification, an amendment, is placed before this House so far as



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the Indian States are concerned, it will be the Rajpramukh that will be the constitutional head of those particular States. It should be clearly understood that so far as the powers of this Constitutional Head are concerned—by whatever name you may call him—they are absolutely identical with the powers that are conferred on the Governors in relation to the provinces. So, though a Rajpramukh is recognised as the constitutional head, the powers that he will be exercising will not be a bit more or a bit less than the powers that the Governor will exercise.

Regarding the definition of the word there is some difference of opinion. It has been urged that since the word 'Rajpramukh' means that he is a Pramukh amongst several other Rajas it may not be quite appropriate with regard to such States where there is only one ruler. This is sought to be got over by the definition of the word "Rajpramukh" which will be duly placed before the House. The definition recognises the differences existing in various States and says that so far as Hyderabad is concerned "Rajpramukh" will mean the Nizam of Hyderabad. So far as Jammu and Kashmir and Mysore are concerned, it will mean the Maharaja, subject to the stipulation that they should be recognised as such by the President of the Union. There is nothing surprising in this. There was a stipulation of recognition even under the old set-up when the British Paramount power was here and there is nothing of a very different nature that is proposed now. So, though a more appropriate word could have been found for the constitutional head of the States, in view of what has been embodied in the covenants that have been already entered into, where the word "Rajpramukh" has already been used, it is proposed to retain that word.

So far as legislative powers are concerned, there is no differentiation whatsoever. The field of legislation so far as the provinces and Indian States are concerned, will be exactly identical and uniform and I need not advert to that aspect at any length.

Regarding the financial arrangements, Sir, I would like to say only one word. There also, the basis on which we are proceeding is that the relationship between the provinces and the Centre and the relationship between the Indian States and the Centre should be identical. When this principle is to be implemented, it will naturally mean certain dislocation in the finances of the Indian States. During the last few months attempts have been made in order to bring about some arrangement which will secure the implementation of the principle of uniformity and at the same time provide for the non-dislocation of the finances of the Indian States. The Federal Finance Integration Committee, presided over by Sir V. T. Krishnamachari, has gone into this question fully and almost all the States have provisionally signed the agreements in this behalf. In this connection, I want to urge one aspect. The arrangement that will be entered into by the States with the Centre is proposed for a period of ten years only. I want strongly to urge that this period of ten years may well be extended to a period of fifteen years in order to enable the Indian States to tide over the difficult situation that they will be faced with as a result of the Federal financial agreement. This proposal has already been mooted in the concerned quarters and I hope this suggestion of ours will receive the very earnest and sympathetic consideration of the authorities.

Then, Sir, regarding the redistribution of boundaries of States there has been some difference of opinion. Originally clause (3), as it was passed by this august House, provided for the ascertainment of the views of the Legislature so far as the provinces in Part I were concerned and the consent of the States in so far as the States in Part III were concerned. The Mysore Constituent Assembly was of the view that in so far as the Indian States are concerned, the previous consent of the States may be obtained before any redistribution

of boundaries. I need not go into the reasons which actuated the Mysore Constituent Assembly to come to this decision and to make that recommendation. In view of the fact that so far as provinces are concerned the ascertainment of views only was sufficient, it has been put before us that even so far as States are concerned, such a procedure would be satisfactory and there need be no differentiation regarding this particular matter as between the provinces in Part I and the States in Part III. I do not want to pursue this point further, excepting to invite the attention of the House to the Statement made by Sardar Patel yesterday. He has definitely stated that whether it be the consent of the Legislature of the State or the views of the Legislature of the province, the wishes of the people will not be ignored whenever any redistribution of the territories has to come about. He has also stated that the wishes of the Legislature of a particular State will not be ignored either by the Government of India or by the Parliament. In view of that assurance I do not want to pursue this point any further.

I want to refer to one more important aspect before I conclude. The whole object of the proposal that is now placed before us is to secure uniformity in relation to the Provinces mentioned in Part I and States in Part III. It is against this background, Sir, that the Sardar has said that there has naturally been some misgiving in relation to the proposed draft article 306 B. Different opinions have already been expressed on the floor of this House by honourable Members. I must respectfully submit that *prima facie*, this article 306 B provides for a differentiation as between Provinces and States. So naturally one is tempted to put the question “why this differentiation?” If the object is to treat the Provinces and States alike then why subject these States in Part III of the Schedule to the general control envisaged in article 306 B, I will be failing in my duty if I did not point out that so far as the Mysore Constituent Assembly is concerned, it was of the unanimous opinion that so far at any rate as Mysore was concerned this article should not be made applicable to it.

Well, Sir, we the people of the States have always been urging and agitating for a common Constitution on the assumption that there would be no differentiation between the Provinces and the States. Now, seemingly this article 306 B brings about a differentiation. At the same time, I want to say this namely, that in our approach to this problem we have always been actuated by the dominating desire that the security and stability of India should not be jeopardised to the smallest extent. We want to consider every proposal that may be placed before us from that fundamental point of view. If the Ministry of States feels that under the present circumstances some such power is necessary in order to stabilise the position, in order to make democracy firm, and in order to place it on a firm footing in any of the States, then I would not like to question the wisdom of the Ministry of States in that respect. But it has to be borne in mind that this clause cannot be made uniformity applicable to all the States enumerated in Part III.

I am speaking only for Mysore on this occasion. Mysore has been known to have an ordered administration since the last so many decades. Mysore is known to have a permanent service of which not only Mysore but even India may be proud. Mysore was the first among Indian States—and may I say among the Provinces as well—to have a democratic House so early as in 1881. In 1907 another House called the Legislative Council was ushered into existence. So through all these decades the people of Mysore have been used to the working of democratic institutions. It is a fact that so far as the executive is concerned, there was a Diwan and the Diwan was the sole executive authority. But it can not be gain said that Mysore during all these decades has had experience of democratic institutions.

[Shri K. Chengalaraya Reddy]

In view of that it would not be proper and desirable to bring a State like Mysore under the provisions of article 306 B The Sardar has been pleased to say in the statement that he made to the House yesterday that it is obvious that so far as Mysore, Travancore and Cochin are concerned, where democratic institutions have been in existence since a long time and where Ministers have been owing responsibility to the legislature they have to be treated on a different footing. It is my fervent hope that even in relation to the other States mentioned in part III of the Schedule it would not be necessary to invoke the aid of the powers that are vested in the Centre by article 306 B. Sagacity and statesmanship on the part of our leaders as also the willing co-operation of the people of the Indian States have brought us to a stage when we can be proud of the achievements that we have secured so far. I hope that even in the future, though this article 306 B may go into the Constitution, it will not be necessary for the Centre to invoke the aid of this article either *suo motu* or because, of other considerations. I hope that this article will be more or less a dead letter in the Constitution. In any case I expect that 306 B will not be applied to the State of Mysore.

I do not want to take more time of this House. It has been said yesterday that the co-operative enterprise of both the people of the States and the Provinces has been responsible for this consummation. We are all proud of that; we all share in the joy of that. And I have already paid my humble tribute and congratulation to the States Ministry for this achievement. But a greater task still lies ahead of us. This co-operative enterprise has to be sustained in order to usher in what I may call Swarajya. Social and economic democracy has yet to be achieved and the political freedom that we have won and the Constitution that we are framing should be worked out in such a manner as would redound to the honour of India, and I have every confidence that the same enterprise, the same co-operation and the same steadfastness will be forthcoming in abundance in the future also in order to make this Constitution a great success in its actual implementation.

With these few observations I commend in general the amendments that have been placed before this House by the Drafting Committee and I would also appeal to the concerned authorities to be pleased always to consider the special conditions that may be existing in any State when applying the provisions of this Constitution as they are going to be passed very shortly in this House.

SHRI JAINARAIN VYAS (United State of Rajasthan) Mr. President, Sir, we heard the masterly statement of Sardar Vallabhbhai Patel that was read out to us yesterday. We also heard the brilliant speech of Dr. Pattabhi Sitaramayya, our Congress President, supporting the statement and Praising Sardar Patel for what he has done for the people of the Indian States. We have also heard some speeches from honourable Members of this House including that of Mr. Sidhwa who characterized the people of the States as a backward class.

**Shri R. K. Sidhwa :** I did not say that all States were backward class.

**Shri Jainarain Vyas :** I am very glad that he did not think us like that. We may be backward, but I may assure you Sir, and through you the Government of India, and specially the State Ministry, That we are grateful people also, and we are grateful to the Honourable Deputy Prime Minister, Sardar Vallabhbhai Patel for the changes he has brought in the country by diminishing, the number of states from 562 to seven.

I do not want to say much about the amendments, but I will restrict my remarks to article 306 B. On the face of it, as everybody has remarked, this article seems to be obnoxious and it looks as if it has been designed to put the

people of the States—that is, the administration of the States—under surveillance for ten years. But after hearing the statement of Sardar Vallabhbhai Patel we have to desist from opposing it. He has referred to so many factors and I as one who has got some experience of the working of the States, and working for a short time in the administration of a State, know that inexperience on the part of administrators has played some part in the framing of this article. Then, there may be some faults, real or imaginary on the part of the administrators, but there are other factors also that have contributed to the framing of this action. In the States as Mr. Sidhva and others perhaps do not know, there are intrigues. We may not be able administrators but in the State there are intrigues such as those not seen in the provinces, intriguing, carrying on whispering campaigns and playing all dirty tactics. These people are there and if the Government of India safeguard the interest of the administration as a whole against those intrigues, well, I cannot blame them for that.

Then there is one thing which I want to refer to, and it is that the unification of the States has been brought about, so early that so many details have not yet been worked out. There ought to have been pre-planning but there was no time for pre-planning and as such the States are in the process of being formed they have not been totally formed in from that point of view also some supervision seems to be necessary. I was one of those, Sir, who agreed that this supervision should last in those States which have not got legislatures and should last till such period as the legislatures are formed and after the formation of the legislatures these restrictions or supervision or control of the Centre should go but the period has been extended to ten years. But as Mr. Reddy has just pointed out. I hope this period would not be utilised for controlling the State administration. As a matter of fact, we ourselves, who are in the States would see that this restriction, control or supervision is not applied to us.

The difficulty with the States was that the people of the States were not given in opportunity. One of the speakers pointed out that there were restrictions on opening libraries in the States. It is a fact, Sir, I go a step further and say that there were restrictions in opening schools, even boarding-houses; and for a people who have got restrictions to open schools, libraries, boarding-houses, to read and conduct newspapers, it is very difficult to understand the ways of the world; but in spite of that, I may tell you that ever since, the States Peoples Conference was created in 1927, there is a great deal of awakening in the Indian States and the people are not as they used to be before 1927. Given an opportunity, I can assure you Sir, the people would not lag behind the people of the provinces on the contrary, I am afraid after ten years or even before ten years, a time may come when the people of the States may say that some of the provinces are very backward and some restrictions may be imposed upon them and not upon us? That time may also come, Sir.

When people refer to general backwardness of the States, well, I feel a bit pained, There are States which may be backward and there are States which have become backward on account of certain reasons, but then there are States which are more forward than even the provinces. Take for example the State of Mysore, the State of Travancore and Cochin. I do not want to name the provinces near about or on the East or on the North or the South or the West but some of the States are better administered. If you see from a cultural point of view some of the States have better seats of culture, better buildings, better accommodation, better facilities for the people. In my own State, Sir, no I am very sorry, in my own division, which is a part of the Rajasthan now, there were famines and famines and famines. We did not allow Jodhpur to be made Bengal. We saved the people; we spent a lot of money on them, not only thousands and lakhs, but crores and those who think we may not be very forward from a

[Shri Jainarain Vyas]

democratic point of view will realize that from a humanitarian point of view the States were far ahead of many provinces and I can assure you that given an opportunity we will retain that culture and that humanity which we retained when the provinces perhaps forgot these things.

There are one or two things which I want to point out and that is that in the States we have got feudal elements. In the Division in which I live now, 90 per cent. of land is under feudal landlords and some of them personally are very good people; but taken as a whole the feudalism in Rajputana may play a very nasty part in the future of the nation. I would request Sardar Patel to take note of this fact and while controlling or supervising the administration of the States, he will see that these feudal elements are kept under proper control.

Another point which I want to refer to, Sir, is that the princes have been now given the right of citizenship and the right of rulership has perhaps been taken away from them in a way. This right of citizenship may also react against the people in some cases. I do not say that they should be refused human rights, but as restrictions have been placed upon the administration for ten years, I think restrictions should be placed upon the right of citizenship of the princes as well; otherwise given an opportunity to have a free play, they will use all the means at their disposal, all the weapons at their disposal to monopolise the administration of the States through other means. I hope, Sir, this point would also be taken into proper consideration when controlling and supervising the administrations.

I do not agree with Mr. Sidhva when he says that the States cannot find administrators. (Interruption.) Not in all States, I am glad to be told, but in some of the States. The difficulty as I pointed out was that the States could not have the legislatures and could not have the democratic traditions which the provinces had. Given that opportunity, I can assure Mr. Sidhva that the States, will give better administrators than the provinces have given to you. Can you forget Mahatma Gandhi? He was born in a State, mind that. We cannot forget Sheikh Abdullah. When the country was in difficulty and when the enemy was four miles away from Srinagar and when the army had gone away from Srinagar, he saved Srinagar, he saved the Hindus and he made a name. We cannot forget Sir S. Viswesvarayya, that famous administrator to whom a part of efficiency in the administration of Mysore is due. Well, the opportunity has not been given and we want that opportunity to be given. (Interruption). It be given because it is we Who Could take the opportunity. One thing which we have done is this: We have finished with the sovereignty of the rulers, and the second thing is that the rulers would not directly claim their salaries and their allowances also from the States now. Let them settle their accounts with the Centre. So the rulers have no power to interfere in the administration of the States, in the finances of the States, and that thirty has been achieved. I also feel like others that we need a certain amount of control which has not been imposed upon the princes. I am sure when we create legislatures in our States, we will give you administrators and legislators and we would not give an opportunity to Sardar Patel to control or supervise in the way that article 306 B is supposed to control us.

With these words, I generally support the amendments put forward and I offer my grateful thanks to the Honourable Sardar Patel for the statement which he made and which was, as I said, masterly and which leaves scope for the people of the States to improve their lot even before ten years. I thank once again the States' Ministry and I thank you, Sir, for giving me this opportunity for expressing my views.

**Kanwar Jaswant Singh** (United State of Rajasthan) : Mr. President, Sir, I am grateful to you for this opportunity that you have given me to express my views on Part VI-A. After the statement of the Honourable Sardar Patel yesterday, there is not much for the representatives of the States to say. Therefore, I will confine my remarks to the few essential things.

First of all, in article 211 A. clause (4) sub-clause (b), it is stated that the Rajpramukh shall be entitled without payment of rent to the use of his residences. In regard to this, I would submit, Sir, that practically in all the States the Rajpramukhs have got their own residences and therefore the question of the payment of rent does not arise. This point may therefore kindly be taken into consideration by the Drafting Committee when they finalise the thing.

In regard to clause 10(b), provision has been made in the case of the Sate of Travancore Cochin for a sum of Rs. 51 lakhs to be paid to the Devasom Fund as entered in the covenant from the exchequer of the union. There are other States also where such sums are spent on the Devasthan Department. I know for instance that in the Union of Rajashtan, a collateral letter has been sent to the Maharana of Udaipur where a large sum has been guaranteed for being spent on the Devasthan Department. This provision should, in my opinion, be included here when it has been done in the case of one State.

Then Sir coming to article 302A and article 267A about guarantee of Rights and privileges and Privy Purse Sums of Ruler of Indian States, this is a matter of great satisfaction. In view of the services of the Rulers and the patriotic manner in which they have accepted the advice of our venerable leader Sardar Patel their position should receive due recognition. They have parted with their power and kingdoms so gracefully and it is only in the fitness of things that these rights and privileges and privy purse without payment of Income-Tax should have been guaranteed in the Constitution.

Then comes the question of article 306 B With regard to this, Sir, though coming from a State, I welcome this provision. It is a very wholesome provision, so far as some of the States Unions are concerned. It may be that for advanced States like Travancore and Mysore, such a provision may not be called for. So far as my province is concerned, that is Rajasthan, I feel that without such a provision, the security of the country may some time or other be jeopardised. The reason why I consider that so far as Rajasthan is concerned such a provision is essential is that, in the first instance, it is a border State on the border of Pakistan; and in view of the strained relations between the two Dominions, it is essential that there should be vigilance on the border and Central control is very necessary. Secondly, in view of the fact that a new Ministry has been installed there, who, though belonging to a political party, have very little experience and political background, and as stated by Sardar Patel in his statement yesterday, in view of the varying degrees of development of the political organisations in States, it is necessary that there should be such control.

Further, Sir, we have seen the working of the Ministry in Rajasthan for the last six months, and that is all the more reason why we feel that such a provision is absolutely called for. The Prime Minister and the other Ministers have been visiting the different places which were formerly the States. What they have been doing is this. They arrive and address public meetings; they abuse the rulers and abuse the jagirdars and do propaganda work. Beyond this, they do not do any substantial work. This is just in contrast of what our revered leader Sardar Patel does. He has missed no occasion to shower praises on the Rulers for the

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time to time be given by the President, and any failure to comply with such directions shall be deemed to be a failure to carry out the Government of the State in accordance with the provisions of this Constitution:

Provided that the President may by order direct that the provisions of this article shall not apply to any State specified in the order’.”

The motion was adopted.

Article 306-B was added to the Constitution.

**Mr. President** : I shall put article 258 to vote.

The question is:

“That for clause (1) or article 258, the following clause be substituted:—

- (1) Notwithstanding anything contained in this Chapter, the Government of India may, subject to the provisions of clause (2) of this article, enter into an agreement with the Government of a State for the time being specified in Part III of the First Schedule with the respect to—
  - (a) the levy and collection of any tax or duty leviable by the Government of India in such State and for the distribution of the proceeds thereof otherwise than in accordance with the provisions of this Chapter;
  - (b) the grant of any financial assistance by the Government of India to such State in consequence of the loss of any revenue which that State used to derive from any tax or duty leviable under this Constitution by the Government of India or from any other sources;
  - (c) The contribution by such State in respect of any payment made by the Government of India under clause (1) of article 267-A of this Constitution,

and, when an agreement is so entered into, the provisions of this Chapter shall in relation to such State have effect subject to the terms of such agreement”.

The motion was adopted.

**Mr. President** : I shall put article 267-A.

The question is:

“That in Chapter I of Part IX, after article 267, the following new article shall be inserted, namely:—

- ‘267A. (1) Where under any covenant or agreement entered into by the Ruler of any Indian State before the commencement of this Constitution, the payment of any sums, free of tax, has been guaranteed or assured by the Government of the Dominion of India to any Ruler of such State as Privy Purse—
- Privy Purse sums of Rulers.
- (a) such sums shall be charged on, and paid out of, the Consolidated Fund of India; and
  - (b) the sums so paid to any Ruler shall be exempt for all taxes on income.
  - (2) Where the territories of any such Indian States as aforesaid are comprised within a State specified in Part I or Part III of the First Schedule there shall be charged on, and paid out of, the Consolidated Fund of that State such contribution, if any in respect of the payments made by the Government of India under clause (1) of this article and for such period as may, subject to any agreement entered into in that behalf under clause (1) of article 258 of this Constitution, be determined by order of the President’.”

The motion was adopted.

Article 267-A was added to the Constitution.