

This is consequential as a result of the House accepting my previous amendment. This is necessary as it indicates precisely the powers of the States in regard to entry 25. Sir, I move.

Mr. President : The question is:

“That in List II of the Seventh Schedule, to entry 25 the following words and figures be add:—

‘subject to the provisions of entry 43 A. of List I.’”

The amendment was adopted.

ARTICLE 270 (*reopened*)

Shri T. T. Krishnamachari : Sir, there are two other articles. One is 270 for which, I hope, the permission of the House will be given to reopen that article., ‘There is another article of a non-controversial nature 67-A. I suggest that these two articles be taken up.

Mr. President : Let us take up 270 now.

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

“That for article 270, the following article be substituted:—

270. (a) All property and assets vested in His Majesty for the purposes of the Government of the Dominion of India and all property and assets vested in His Majesty For the purposes of the Government of each Governor’s Province shall, as from the commencement of this Constitution, vest respectively in the Government of India and the Government of each corresponding State, and

(b) all liabilities and obligations of the Government of the Dominion of India and of the Government of each Governor’s province shall, as from tile commencement of this Constitution, be the liabilities and obligations, respectively, of the Government of India and the Government of each corresponding State,

subject to any adjustment made or to be made by reason of the creation before the commencement of this Constitution of the Dominion of Pakistan or of the provinces of West Bengal, East Bengal, West Punjab and East Punjab.”

Mr. President : I think this is also an independent article which you wish to move.

Shri T. T. Krishnamachari : It forms part of the Chapter. I said that permission may be given for redrafting this also.

Mr. President : I had better ask for that permission. It is sought to amend article 270 which was adopted at a previous session of the Assembly. Do the Members give permission to amend that article”

Honourable Members : Yes.

Mr. President : It has been moved. You can proceed.

Shri T. T. Krishnamachari : The reason why this amendment is sought to be moved is merely because our legal advisers have told us that the article as it has been approved by the House originally is defective in character. Sir, the original article, if the House would permit me for purposes of clarification, reads thus:—

“As from the commencement of this Constitution the Government of India and the Government of each State for the time being specified in Part I of the First Schedule shall respectively be the successors of the Government of the Dominion of India and of the corresponding Governors’ Provinces, as regards all property, assets, liabilities and obligations subject to any adjustment made or to be made by reason of the creation before the commencement of this Constitution of the Dominion of Pakistan or of the Provinces of West Bengal, East Bengal, West Punjab and East Punjab.”

[Shri T. T. Krishnamachari]

The reason for the suggested change is this : The technical term that was used in the past was that all properties and assets Were vested in his Majesty both in regard to properties that were administered by the Government of India and by the Governments of the provinces. But in respect of the liabilities and obligations of the Governments concerned the language used is slightly different. It has been found that so far as this position is concerned it must be clarified. I should like to tell Honourable Members of this House, who I know react rather adversely to any reference to His Majesty, that it is a matter in which we have no escape. If formerly the legal phraseology was that all assets and property of the Governments, whether of the Centre or of the Provinces, were vested in His Majesty, we have to use the same words in order to re-vest those properties and assets in the Government of India to be and the Governments of the States that are to be created by reason of this Constitution. Honourable Members will therefore understand that this is a matter in which our legal advisers have been categorical and we have no other option except to amend the article in the manner suggested by me. I hope the honourable Members of the House will find no difficulty in accepting the article as amended by me as it will make the position crystal clear and above any legal defect which it was stated the original article 270 did suffer from.

Mr. President : Does any Member wish to say anything on this? Then I will put this new article 270 to vote.

The question is:

“That for article 270, the following article be substituted:—

‘270 (a) All property and assets vested in His Majesty for the purposes of the Government of the Dominion of India and all property and assets vested in His Majesty for the purposes of the Government of each Governor’s Province shall, as from the commencement of this Constitution, vest respectively in the Government of India and the Government of each corresponding State, and

(b) all liabilities and obligations of the Government of the Dominion of India and of the Government of each Governor’s Province shall, as from the commencement of this Constitution, be the liabilities and obligations, respectively, of the Government of India and the Government of each corresponding State,

subject to any adjustment made or to be made by reason of the creation before the commencement of this Constitution of the Dominion of Pakistan or of the Provinces of West Bengal, East Bengal, West Punjab and East Punjab’.”

The motion was adopted.

Article 270 was added to the Constitution.

NEW ARTICLE 67 A.

Shri T. T. Krishnamachari : May I move article 67 A, Sir,

Mr. President : Yes.

Shri T. T. Krishnamachari : I move:

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

67A. Notwithstanding anything contained in clause (5) of article 67 of this Constitution, Parliament may by law provide for the representation in the House of the People of any State for the time being specified in Part II of the First Schedule or of any territories comprised within the territory of India but not included within any State on a basis or in a manner other than that provided in that clause’.”

Special representation to State in part II and territories other than States.