

[Shri T. T. Krishnamachari]

may take up the consideration of the appropriate provision relating to the States? If that is done continuity can be maintained.

Mr. President : I was myself going to make that suggestion. We may not take up the Financial Article in the States Part of the Constitution.

The House will now take up article 173 for discussion.

Amendments Nos. 2461 and 2462 are not moved. Dr. Ambedkar may move the next amendment, No. 2464.

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

“That in clause (4) of article 173, after the words ‘deemed to have been passed’ the words ‘by both Houses in the form in which it was passed’ be inserted.”

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

“That in clause (2) of article 173, for the word ‘thirty’ the word ‘twenty-one’ be substituted.”

Shri B. M. Gupte : I beg to moved:

“That with reference to amendment No. 2463 of the List of Amendments in article 173, for the words ‘thirty days’ wherever they occur, the words ‘fourteen days’ be substituted.”

This provision we have already adopted for the Central Legislature. In order to bring the States in line with that, this amendment may be accepted.

Mr. President : The question is:

“That with reference to amendment No. 2463 of the List of Amendments, in article 173, for the words ‘thirty days’ wherever they occur, the words ‘fourteen days’ be substituted.”

The amendment was adopted.

Mr. President : The question is:

“That in clause (4) of article 173, after the words ‘deemed to have been passed’ the words ‘by both Houses in the form in which it was passed’ be inserted.”

The amendment was adopted.

Mr. President : The question is:

“That article 173, as amended, stand part of the Constitution.”

The motion was adopted.

Article 173, as amended, was added to the Constitution.

Article 174

(Amendment No. 2465 was not moved.)

Mr. President : Dr. Ambedkar, there are two amendments in your name, Nos. 69 and 70 of List I. These are only to bring this article into line with the provision which we have already adopted.

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

“That for sub-clauses (c) and (d) of clause (1) of article 174, the following be substituted:

- ‘(c) the custody of the Consolidated Fund or the Contingency Fund of the State, the payment of moneys into or the withdrawal of moneys from any such fund;
- (d) the appropriation of moneys out of the Consolidated Fund of the State.’ ”

and also—

“That in sub-clauses (e) and (f) clause (1) of article 174, for the words Revenues of the State’ the words ‘Consolidated Fund of the State’ be substituted.”

H. V. Kamath : Mr. President, Sir, there are two amendments in my name, Nos. 2466 and 2467. As regards 2467 I only formally move it, as it is only of a drafting nature. As regards amendment No. 2466, I move:

“That in sub-clause (e) of clause (1) of article 174, for the words ‘the increasing of the amount of’ the words ‘varying amount of’ or abolishing’ be substituted.”

I raised a similar point when discussing the corresponding article for the Union Parliament, and I think, and I still hold the view that that point was not satisfactorily answered. The House will see that article 177 provides for various items that shall be charged upon the Consolidated Fund of the State, among these various items being the emoluments and allowances of the Speaker and the Deputy speaker of the Legislative Assembly and in the case of a State having a Council, of the Chairman and the Deputy Chairman of the Legislative Council. There is no provision at all in this Constitution to the effect that the emoluments and allowances of these would not be diminished during their terms of office, as we have got in the case of the Governor of the State. Therefore it is likely that the legislature may at any time by law diminish the emoluments of the Speaker, the deputy Speaker, Chairman and the Deputy Chairman.

Shri B. Das : But these are all charged expenditure under article 177.

Shri H. V. Kamath : But there is no provision that they shall not be diminished during their term of office, and if a proposal arises for the diminution of such allowances and emoluments, should we allow the Council to have power to move such a Bill? Mr. Ananthasayanam Ayyangar replying to this on the last occasion said that so far increasing the amount is concerned, that will come within the scope of a money Bill, and therefore such money Bills should be introduced only in the Lower House, but the point that I want to raise is this: Suppose the legislature wishes to diminish the emoluments and allowances of the Speaker, the Deputy Speaker, the Chairman and the Deputy Chairman, should we not regard that also as a Bill coming within the scope of money Bills for purposes of article 174? Should we allow the Upper House the power to move a motion with regard to that matter? Should we not consider that also as falling within the scope of this article 174 and allow the Lower House the exclusive power to make such a motion?

Then, Sir, as regards abolition. There is one omnibus clause, a comprehensive clause in article 177, clause (f) which lays down that any other expenditure declared by this Constitution or by the Legislature of the State to be so charged shall also be charged to the Consolidated Fund of the State. Here also I do not know whether any occasion will arise at any time during the tenure of the legislature when it might consider that an expenditure which was previously declared as an expenditure chargeable to the State. In that case also, the point is whether the Upper House should be given the power to make such a motion, or the Lower House alone should have that power. Sir, I move.

As regard 2467, I only formally move it but would leave the matter to the wisdom of the Drafting Committee.

Mr. President : There are no other amendments to this article. I shall now put it to vote.

Shri H. V. Kamath : Does not Dr. Ambedkar want to say anything in the matter?

The Honourable Dr. B. R. Ambedkar : All I can say is that I shall look into the matter when we take up the revision of the Constitution.

Mr. President : The question is:

“That for sub-clauses (c) and (d) of clause (1) of article 174, the following be substituted:

- (c) the custody of the Consolidated Fund or the Contingency Fund of the State, the payment of moneys into or the withdrawal of money from any such fund;
- (d) the appropriation of moneys out of the Consolidated Fund of the State;’ ”

The amendment was adopted.

Mr. President : The Question is:

“That in sub-clauses (e) and (f) of clause (1) of article 174, for the words ‘revenues of the State’ the words ‘Consolidated Fund of the State’ be substituted.”

The amendment was adopted.

Shri H. V. Kamath : As Dr. Ambedkar has promised to look into that matter, I will leave it to his wisdom. He might exercise it at a later stage.

Mr. President : Both the amendments?

The Honourable Dr. B. R. Ambedkar : There is only one amendment.

Shri H.V. Kamath : May I ask which one he promised to look into? Perhaps he will make it clear.

Honourable Dr. B. R. Ambedkar : Amendment No. 2466.

Mr. President : Very well, than, I will not put them to vote.

The question is:

“That article 174, as amended, stand part of the Constitution.”

The motion was adopted.

Article 174, as amended, was added to the Constitution

Shri Honourable Dr. B. R. Ambedkar : I want article 175 to be held over.

Shri T. T. Krishnamachari : I suggest articles 175 and 176 may be held over as they affect some problems which the Drafting Committee are still considering. Article 177 may be taken.

Mr. President : Then we shall take up article 177.

Article 177

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

“That in sub-clauses (a) and (b) of clause (2) of article 177, for the words ‘revenues of the State’, be substituted.”

I move:

“That in clause (3) of article 177, for the words ‘revenues of each State’, the words ‘Consolidated Fund of each State’ be substituted.”

Sir, I also move:

“That in sub-clause (b) of clause (3) of article 177, for the word ‘emoluments’ the word ‘salaries’ be substituted.”

(Amendments Nos. 2486, 2487 and 2489 were not moved.)