

The Honourable Dr. B. R. Ambedkar: That is only a drafting suggestion. For instance, it can be said that most of the articles we are adopting for the State Legislatures are more or less the same articles which we have adopted for the Parliament at the Centre. We might as well say that in most of the other cases the same provisions will apply to the State Legislature but as we have not adopted that course, it would be rather odd to adopt it in this particular case.

Mr. President: I shall first put the amendment of Mr. Jaspat Roy Kapoor to the House:

The question is:

“That in clause (4) of article 169 after the words ‘a House of the Legislature of a State’ the words ‘or any committee thereof’ be inserted.”

The amendment was adopted.

Mr. President: The question is:

“That article 169, as amended, stand part of the Constitution.”

The motion was adopted.

Article 169, as amended, was added to the Constitution.

Article 170

Mr. President: To article 170 there are no substantial amendments except Nos. 2450 and 2451.

(Amendment Nos. 2448 and 2449 were not moved.)

Shri L. Krishnaswami Bharathi (Madras: General): Sir, I beg to move:

“That in article 170, after the words ‘so made’ the words ‘salaries and’ be inserted.”

Sir, this is only to fill in an inadvertent omission in this article. Article 170 relates to salaries and allowances of members of the Assembly and the Legislative Council. This has two parts as the House will see. The first part makes provision for Parliament to determine salaries and allowances etc. and then the next part says that till such provision is made the existing conditions shall continue. But in the actual wording it is only said “allowances at such rates” shall be continued. The House will know that in the provinces members of the legislature are receiving salaries at present. Unless this word “salaries” is added the members of the provincial legislatures would get no salary till provision is made in that regard. The article is in similar terms to article 86 which relates to members of Parliament. Members of the Constituent Assembly are not receiving salaries and hence provision is made only for allowances, whereas in the provincial legislatures the members receive salaries. It is therefore necessary that you must have the word ‘salary’, and I hope the House will accept the amendment.

Mr. President: The other amendment is 2451 in the name of Mr. Z.H. Lari. A similar amendment was discussed and rejected in regard to the Central Parliament. I find that Mr. Lari is also not here and so the amendment is not moved.

The Honourable Dr. B. R. Ambedkar: Sir, I accept Mr. Bharathi’s amendment.

Mr. President: The question is:

“That in article 170, after the words ‘so made’ the words ‘salaries and’ be inserted.”

The amendment was adopted.

Mr. President: The question is:

“That article 170, as amended, stand part of the Constitution.”

The motion was adopted.

Article 170, as amended, was added to the Constitution.

Mr. President: There is notice of a new article 170-A in the name of Mr. Bharathi.

Shri L. Krishnaswami Bharathi: Sir, I am not moving it.

Mr. President: There is another in the name of Prof. K. T. Shah.

New Article 170-A

Prof. K. T. Shah (Bihar: General): Sir, I beg to move:

‘That after article 170, the following new article 170-A, be inserted:—

‘170-A. It shall be open to the Legislature of any State to move the Supreme Court to restrain any other State from ill-treating or discriminating against or denying the Fundamental Rights of citizens to the individuals originating from the former State but who are settled or carrying on any trade, profession, occupation or business in the latter on the ground only of their not being original inhabitants of that State.’ ”

Sir, this is a very difficult matter which is already agitating the minds of many public men; and unless we find a remedy for it in a constitutional manner, it would raise its ugly head to very unpleasant proportions.

Generally speaking Sir, I think it is of the same character and fraught with the same consequences as the communal evil which has resulted in the partition of the country. Inter-provincial jealousies and rivalries, which are already showing themselves in variety of ways, would mean a menace to the country’s integrity and the maintenance of proper friendly feelings between the various parts of the country which require urgent attention. And if we desire a constitutional solution, if we desire a peaceful amicable settlement of such problems, a provision of the kind I am suggesting is of the utmost importance. The manifestation of this sentiment in some form of discriminating taxation, if not legislation, and in the form of discriminating appointments in services and other advantages in trade, occupation or business to the persons originating from one part of the country and carrying on business trade or profession in another, are already known to us. One solution which is suggested is the reconstitution of several parts of the country on some form of internal homogeneity, like language. But that creates new difficulties. I am afraid the sentiment is such that, unless a harmonious and amicable arrangement is provided within the Constitution itself, these dangers will not be obviated.

It is possible that you may have entrusted powers of this kind to the Central Government of Legislature. On that basis, you may have a feeling of some kind of justice being given to the parties complaining. For my part, I am afraid that, by their very nature, the Central Government or the Central Legislature may be suspected of being actuated by political rather than purely judicial motives; and that is why I suggest that the power be vested in the legislature collectively of a State to move the Supreme Court, which will always give, presumably, decisions on purely judicial lines so that any grievance of the kind implied in the amendment may be solved by unimpeachable and unexceptionable judicial authority on lines exclusively of justice.