

to reduce the number of persons who happen to be there in a particular area as members of the public service commission of that area.

The Honourable Dr. B. R. Ambedkar : I do not propose to accept the amendment of Dr. Deshmukh. It is unnecessary.

Mr. President : I will first put the amendment of Dr. Deshmukh to vote.

The question is:

“That in amendment No. 12 of List I (First Week), in the proposed new article 310 B, after the words ‘commencement of this Constitution’ wherever they occur, the words ‘whose services have not, for any reason, been terminated’ be inserted.”

The amendment was negatived.

Mr. President : I will now put the articles contained in the amendment of Dr. Ambedkar one by one to vote.

The question is:

“That after article 310, the following new article be inserted:—

‘310-A. The Auditor-General of India holding office immediately before the date of commencement of this Constitution shall, unless he has elected otherwise, become on that date the Comptroller and Auditor-General of India and shall thereupon be entitled to such salaries and allowances and to such rights in respect of leave and pension as are provided for under clause (2) of article 124 of this Constitution in respect of the Comptroller and Auditor-General of India and shall be entitled to continue to hold office until the expiration of his term of office as determined under the provisions (?) which were applicable immediately before such commencement.’	
Provisions as to Comptroller and auditor- General.	

The motion was adopted

Mr. President : ‘The question is:

“That after article 310 A, the following new article be inserted:—

310 B. (1) The members of the public Service Commission for the Dominion of India holding office immediately before the date of commencement of this Constitution shall, unless they have elected otherwise, become on that date the members of the Public Service Commission for the Union and shall, notwithstanding anything contained in clauses (1) and (2) of article 285 of this Constitution but subject to the proviso to clause (2) of that article continue to hold office until the expiration of their term of office as determined under the rules which were applicable immediately before such commencement to such members.	
Provisions as the Public Service Commissions.	

(2) The members of a Public Service Commission of a Province or of a Public Service Commission serving the needs of a group of Provinces holding office immediately before the date of commencement of this Constitution shall, unless they have elected otherwise, become on that date members of the Public Service Commission for the corresponding State or the members of the Joint Public Service Commission serving the needs of the corresponding States, as the case may be, and shall, notwithstanding anything contained in clauses (1) and (2) of article 285 of this Constitution but subject to the proviso to clause (2) of that article, continue to hold office until the expiration of their term of office as determined under the rules which were applicable immediately before such commencement to such members.’ “

The motion was adopted.

Articles 310-A and 310-B were added to the Constitution.

Article 311A

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

“That after article 311, the following new article be inserted:—

‘311A. (1) Such person as the Constituent Assembly of the Dominion of India shall have elected in this behalf shall be the Provisional President of India until a President has been elected in accordance with the provisions contained in Chapter I of Part V of this Constitution and has entered upon his office,	
Provisions as to Provisional President.	

[The Honourable Dr. B. R. Ambedkar]

- (2) In the event of the occurrence of any vacancy in the office of the Provisional President by reason of his death, resignation, or removal, or otherwise, it shall be filled by a person elected in this behalf by the Provisional Parliament functioning under article 311 of this Constitution, and until a person is so elected, the Chief Justice of India shall act as the Provisional President’.”

Mr. President : There are two amendments to this. One is for the deletion of the word “provisional” before the word “President”:

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

“That in amendment No. 28 of List IT (First Week), in clause (1) of the proposed article 311A the word ‘provisional’ be deleted.”

“That in amendment No. 28 of List 11 (First Week), in clause (2) of the proposed article 31 1 A, for the words ‘provisional President’ in the first place where they occur the words ‘President so elected by the Constituent Assembly of the Dominion of India,’ be substituted.”

“That in amendment No. 28 of List It (First Week), in clause (2) of the proposed article 31 1 A, for the words ‘the Provisional President’ in the second place where they occur, the word ‘President’ be substituted.”

Dr. P. S. Deshmukh : Since the principle underlying my amendment has been accepted, I do not see any reason for moving my amendment.

Mr. President : The article and the amendments are now open to discussion.

Shri R. K. Sidhwa (C. P. & Berar: General): I have an amendment standing in my name:

“That in amendment No. 13 in the proposed new article 31 1 B for the word ‘provisional’ wherever it occurs, the word ‘first’ be substituted.”

I am glad, Sir, that Dr. Ambedkar has agreed to leave out the word “provisional” before the word “President”, because I cannot see how you can have a provisional President. The House, duly constituted, will elect the President. He may be the first President, but you cannot call him “provisional”. The word “provisional” will mean that somebody has nominated him. I do not want any aspersion cast on our first President and I therefore thought that the word “first” will be more appropriate. Under the Government of India Act of 1935 when Orissa was separated from Bihar and N.W.F. Province was created into a separate province, and when Sind was separated from Bombay and constituted as a separate province, during the transitory period, the Governors of these provinces were called the first Governors although they were nominated. I think that the word “provisional” will be unjustified and unfair to use in connection with our first President whom we shall be electing under the provisions of this Constitution. I am therefore glad that the Drafting Committee has omitted the word “provisional”. I would prefer the word “first” but the omission of the word “provisional” serves my purpose, and I have no objection to it. With these words, I commend the amendment for the acceptance of the House.

Prof. Shibban Lal Saksena : Mr. President, Sir, clause (2) of article 311A as moved by Dr. Ambedkar says that in the event of the occurrence of any vacancy in the office of the Provisional President, it shall be filled by a person elected in this behalf by the Provisional Parliament functioning under article 311 of this Constitution. My point is that Parliament should not be called “provisional”. I hope Dr. Ambedkar will see the reasonableness of this suggestion and will omit the word “provisional” before the word “Parliament”, as he has done in the case of the President.

The Honourable Dr. B. R. Ambedkar : I do not think there can be any great objection to the retention of the words “provisional Parliament” I do

not propose to make any change in that. It would not be called the “Provisional Parliament” but for purposes of the language of this article I think it is necessary to say that it is the Provisional Parliament.

Shri R. K. Sidhwa: But I thought that Dr. Ambedkar has agreed to omit the word “Provisional”.

Mr. President : No, this is with reference to the Parliament. Mr. Shibban Lal Saksena wanted that the word “Provisional” should be omitted before the word “Parliament”.

Dr. P. S. Deshmukh : If that is so, I would like to move my amendment for the deletion of the word “Provisional” in the other place also.

Mr. President : Does your amendment refer to Parliament also ?

Dr. P. S. Deshmukh : Yes, Sir.

Mr. President : Mr. Shibban Lal Saksena has moved it. That will be put to the vote. I will now put the various amendments to vote. The question is:

“That in amendment No. 23 of List 11 (First Week), in clause (1) of the proposed article 311A the word ‘provisional’ be deleted”.

The amendment was adopted.

The Honourable Shri K. Santhanam (Madras: General): Does it mean the word “Provisional” will be deleted before the word “Parliament” also ?

Mr. President : No; that comes later on.

The question is—

“That in amendment No. 28 of List 11 First Week), in clause (2) of the proposed article 311A, for the words ‘provisional President’ in the first place where they occur, the words ‘President so elected by the Constituent Assembly of the Dominion of India’ be substituted.”

The amendment was adopted.

Mr. President : The question is:

“That in amendment No. 28 of List II (First Week), in clause (2) of the proposed article 311A, for the words ‘the provisional president’ in the second place where they occur, the word ‘President’ be substituted.”

The amendment was adopted.

Mr. President : Then I take up the amendment which was sought to be moved by Dr. Deshmukh but which was actually moved by Mr. Shibban Lal Saksena.

The question is:

“That in clause (2) of the proposed new article 311 A, the word ‘provisional’ occurring before the word ‘Parliament’ be deleted.”

The amendment was negatived.

Mr. President : The question is:

“That article 311 A, as amended stand part of the Constitution”.

The motion was adopted.

Article 311A, as amended, was added to the Constitution.