

[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

---

\*To be circulated later.

[Shri R. K. Sidhwa]

exist. With these words, Sir, I commend both the amendments Nos. 246 and 252 for the acceptance of the House.

**Prof. Shibban Lal Saksena** (United Provinces : General) : Sir, I beg to move :

“That in amendment No. 220 of List VII (Second Week), in clause (2) of the proposed new article 235A, the words ‘and the Union shall bear the expenses thereof’ be added at the end.”

This amendment No. 220 says :

“Notwithstanding anything contained in this Constitution, a State for the time being specified in Part III of the First Schedule having any armed force immediately before the commencement of this Constitution may, until Parliament by law otherwise provides, continue to maintain the said force after such commencement subject to such general or special orders as the President may from time to time issue in this behalf.

(2) Any such armed force as is referred to in clause (1) of this article shall form part of the forces of the Union.”

The question arises, who shall bear the costs ? In the first part it is said that until Parliament otherwise decides, the armed force shall be maintained by the State itself. In part 2 it is said that armed force shall form part of the forces of the Union. There is some discrepancy between the two. I personally feel, Sir, that what is intended is that very soon we shall have all the forces under the control of the Union and until Parliament passes a law to that effect, they continue to remain as they are. I think as they become part of the forces of the Union, the expenses should be borne by the Union and they should be under the control and discipline of the Union as is intended by clause (2). In fact, many of the States may not be able to provide for the maintenance of these forces. I, therefore, think that even though it may take some time for the Parliament to pass a law taking over all these forces, still *de facto* the forces must come to the Union and the expenses thereof must also be borne by the Union.

I have also given notice of amendments 303, 304 and 305. Amendment No. 303 refers to article 274 DD and says :

“That in amendment No. 223 of List VII (Second Week), in the proposed new article 274 DD, after the words ‘the President’ where they occur for the first time, the words subject to the approval of the Parliament be inserted.”

Article 274 DD says : “Notwithstanding anything contained in the foregoing provisions of this part the President may enter into an agreement with a State..... etc.” What I want is that this power which is being given to the President to enter into financial agreements with the States, especially when agreements must be subject to the approval of Parliament. Therefore, I want to introduce these words.

Then Sir, article 274 DDD says : “Nothing in articles 274A 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.” To this, my amendment is :

“That in amendment No. 223 of List VII (Second Week), in the proposed new article 274 DDD, for the words ‘President may by order’ the words ‘Parliament may by law’ be substituted.”

What I want is that here also for the words “the President may by order provide”, the words “Parliament may by law provide”, be substituted. My only argument is that I do not want that this power should be given to the President Which means the Cabinet, but it should be given to Parliament especially in matters of such importance.

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

“That in amendment No. 217 of List VII (Second Week), in item (13) of the proposed article 211 A. the words ‘after consultation with the Rajpramukh’ be deleted from article 197”.

The amendment was negatived.

**Shri R. K. Sidhwa :** I beg to withdraw my amendment No. 246.

The amendment was by leave of the Assembly, withdrawn.

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

“That in amendment No. 220 of List VII (Second Week), in clause (2) of the proposed new article 235A, the words ‘and the Union shall bear the expenses thereof’ be added at the end.”

The amendment was negatived.

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

“That article 237 be deleted.”

The motion was adopted.

Article 237 was deleted from the Constitution.

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

“That in amendment No. 223 of List VII (Second Week), in the proviso to the proposed new article 274 DDD, for the words ‘President may by order’ the words Parliament may by law’ be substituted.”

The amendment was negatived.

**Shri T. T. Krishnamachari :** Article 274 DD may be held over, Sir, to a subsequent day.

**Mr. President :** I shall put now article 302A to vote. The question is:

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

<p>‘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’.”</p>	<p>Rights and privileges of Rulers of Indian States.</p>
---	--

The motion was adopted.

Article 302A was added to the Constitution.

**Mr. President :** I shall now put the amendments to article 306-B. Part (ii) of No. 251 is disallowed as being out of order.

The question is:

“That in amendment No. 225 of List VII (Second Week), in the proposed now article 306 B,—

the words “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”, be deleted.

The amendment was negatived.

**Shri R. K. Sidhwa :** I would like to withdraw my amendment No. 252.

The amendment was by leave of the Assembly, withdrawn.

**Mr. President :** I shall now put the amendment of Prof. Shibban Lal Saksena to the proposed new article 270-A.

The question 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.”

The amendment was negatived.

**Mr. President :** I shall now put Part VI A as amended by the two amendments which have been accepted, namely Nos. 276 and 278.

The question is:

“That proposed Part VIA, as amended, stand part of the Constitution.”

The motion was adopted.

Part VIA, as amended, was added to the Constitution.

**Mr. President :** I will put new article 235-A to vote.

The question is:

“That after article 235, the following new article be inserted, namely:—

<p>235A. (1) Notwithstanding anything contained in this Constitution, a State for the time being specified in Part III of the First Schedule having any armed force immediately before the commencement of this Constitution may, until Parliament by law otherwise provides, continue to maintain the said force after such commencement subject to such general or special orders as the President may from time to time issue in this behalf.</p>	<p>Armed forces in State in Part III of the First Schedule.</p>
--	---

(2) Any such armed force as is referred to in clause (1) of this article shall form part of the forces of the Union’.”

The motion was adopted.

Article 235-A was added to the Constitution.

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

“That article 236, as amended, stand part of the Constitution.”

The motion was adopted.

Article 236, as amended was added to the Constitution.

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

“That new article 274 DDD stand part of the Constitution.”

The motion was adopted.

Article 274 DDD was added to the Constitution.

**Mr. President :** I shall now put article 360-B.

The question is:

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

<p>306 B Notwithstanding anything contained in this Constitution, during it 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</p>	<p>Temporary provisions with respect to States in Part III of the First Schedule.</p>
--	---