

**Shri T. T. Krishnamachari :** Sir, in respect to amendment No. 373, I would ask your permission to hold this over till tomorrow.

**Shri R. K. Sidhwa :** I can understand changing one's mind after some days but this was presented to the House yesterday and so soon the honourable Member has changed his mind.

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

**Mr. Naziruddin Ahmad :** Sir, on a point of order, this is supposed to be a very important clause and it was circulated to us only this morning. We have many other things to do besides attending this House and we require time to consider the amendments. We cannot just now deal with them on the spur of the moment.

**Mr. President :** Very well, the amendment may be held over.

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

“That sub-clause (c) of clause (1) of article 303 be omitted.”

Before I move article 303 I would like, Sir, to have your permission to move an item in clause 303(1) (b) which has been held over. Items (b) and (c) of clause (1) of article 303 were held over and my amendment No. 375 is to ask permission of the House to delete item (c). Item (b) will have to be moved and if you will give me permission I will move it. There is no amendment to this. It relates to the definition of Anglo-Indians. Sir, I move :

“That item (b) of clause 1 of article 303 as it originally stood in the Draft Constitution be adopted.”

**Shri H. V. Kamath :** Sir, what will happen to those persons whose progenitors in the male line were of Australian or American descent ? “Anglo” refers to England and not Europe. This is somewhat badly drafted. What about those of American, Australian or Canadian descent ? I do not know how this difficulty will be overcome.

**Shri T. T. Krishnamachari :** This is the definition of the Government of India Act and we have only borrowed it.

**Shri H. V. Kamath :** Can we not rectify a mistake in the Government of India Act ?

**The Honourable Shri K. Santhanam :** The words “European descent” will include persons of Australian and American descent also.

**Shri H. V. Kamath :** Sir, are you satisfied with this draft ? I wonder.

**Mr. President :** Do not put me personal questions. I am satisfied with whatever the House adopts. Item (b) of clause (1) of article 303 was held over on the 16th September . . . . .

**Mr. Naziruddin Ahmad :** We are reminded of it only when the honourable Member read the revised draft form. It was not on the agenda. It shows gross carelessness.

**Mr. President :** Article 303 is on the agenda and no omissions or corrections in that article are now coming before us. I do not think it is any use holding over any further. I have looked over the amendments in the second printed list and I do not find any substantial amendment to this.

The question is :

“That item (b) of clause (1) of article 303 as it originally stood in the Draft Constitution be adopted.”

The motion was adopted.

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

“That sub-clause (c) of clause (1) of article 303 be omitted.”

This refers to the Indian Christians and there is no reference in the Constitution to Indian Christian as such because the rights that were originally given to them have now been abrogated by the amendments that have been moved. Therefore, Sir, this definition is no longer necessary.

**Mr. Naziruddin Ahmad** : What is this amendment, Sir ?

**Mr. President** : The definition of the word ‘Christian’ that is given in clause (c) in article 303(1) is to be omitted, because the word ‘Christian’ does not occur anywhere in the constitution.

That is the amendment.

The question is:

“That sub-clause (c) of clause (1) of article 303 be omitted.”

The amendment was adopted.

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**Shri T. T. Krishnamachari** : Mr. President, Sir, I move:—

“That for sub-clause (111) of clause (1) of article 303 the following sub-clause be substituted:—

‘(111) Indian State’ means any territory which the Government of the Dominion of India recognised as such a State’.”

The reference is to page 157 of the Draft Constitution and it has reference to an item that has already been passed. In the original as we have passed already this (111) is split up into two and deals with a definition as respects the period before the commencement of the Constitution and as respects the period after the commencement of the Constitution. That has now been found to be unnecessary and therefore, this definition has been substituted.

**Shri H. V. Kamath** : Sir, is it very necessary to say “the Government of the Dominion of India ?” Is it not enough to say “the Government of India?”

**Mr. President** : There is a confusion. The Government of India means also the Government of India under the new Constitution, but the Government of the Dominion of India means the Government which was in power before the commencement of the Constitution. I think it is to avoid that confusion that this amendment is brought in.

**Mr. Naziruddin Ahmad** : It seems to me, Sir, that the word ‘Dominion’ has been used in reference to the future.

**The Honourable Shri K. Santhanam** : I think that instead of the words “such a State” occurring at the end, the words “an Indian State” would be better.

**Shri T. T. Krishnamachari** : I am advised that if the amendment proposed by Mr. Santhanam is accepted the meaning will not be clear. The real fact is this that there is no need for the definition of an Indian State in so far as the

[Shri T. T. Krishnamachari]

Constitution after it comes into operation is concerned. It only has to refer to those States before the commencement of the Constitution. Therefore, it is not necessary to relate the 'Indian State' to the Constitution as such after it comes into operation and that is why we have shortened the definition that was originally accepted by the House into one, instead of two alternatives, and I am advised that the phrase "as such" exactly suits the purpose for which it is intended.

**The Honourable Shri K. Santhanam :** Even in the new Constitution the words 'Indian State' have occurred and will have to be interpreted for the purpose of assets and liabilities. Therefore, we have to say that 'Indian State' means any territory which was recognized as an 'Indian State' by the Dominion of India. This is purely a verbal-amendment.

**Shri T. T. Krishnamachari :** In the new Constitution wherever reference is made to an 'Indian State', it is made as a State and its relation to what existed previously is to the corresponding Indian State and the corresponding province. There is no place where the 'Indian State' occurs for the purpose of interpretation as things would exist after the Constitution comes into operation.

**Mr. Naziruddin Ahmad :** May I ask a question as to where in this Constitution the expression 'Indian States' have been used ? We must have an idea of the context in which this term is used in order to define it.

**Mr. President :** Mr. T. T. Krishnamachari has just mentioned two instances.

**Shri T. T. Krishnamachari :** If my honourable Friend wants a ready reference, I would ask him to refer to article 273-A which has now been held over and to 267-A which has been passed. There are a number of other articles as well of this nature.

**The Honourable Shri K. Santhanam :** At least the article 'a' occurring in the words 'such a State' may be dropped.

**Mr. President :** Is there any harm in saying 'recognized as an Indian State' ?

**Shri T. T. Krishnamachari :** That would not be correct, Sir. If we put the words 'Indian State', it must be as 'an Indian State', and it cannot be stated merely as 'Indian State'. Whether we retain the word 'State, or 'Indian State', the article will be necessary whether it is 'a' or 'an'. May I, Sir, read the definition in the Government of India Act?

"Indian State means any territory not being part of British India which His Majesty's Government recognized as being such a State, whether described as a State, an estate, jagir or otherwise."

**Mr. President :** I do not suppose there will be any difficulty about the meaning. It is question of English.

**Shri T. T. Krishnamachari :** We have more or less followed the precedent of the Government of India Act in these matters.

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

"That for sub-clause (111) of clause (1) of article 303 the following sub-clause be substituted:—

'(111) 'Indian State' means any territory which the Government of the Dominion of India recognised as such a State'."

The amendment was adopted.

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

“That for sub-clause (nn) of clause (1) of article 303, the following sub-clauses be substituted:—

‘(nn) ‘Rajpramukh’ means—

- (i) in relation to the State of Hyderabad, the person who for the time being is recognised by the President as the Nizam of Hyderabad;
- (ii) in relation to the State of Jammu and Kashmir or the State of Mysore, the person who for the time being is recognised by the President as the Maharaja of that State; and
- (iii) in relation to any other State for the time being specified in Part III of the First Schedule, the person who for the time being is recognised by the President as the Rajpramukh of that State,

and includes in relation to any of the said States any person for the time being recognised by the President as competent to exercise the powers of the Rajpramukh in relation to that State’.”

Sir, the original definition which this amendment seeks to replace referred only to Ruler, I propose to follow upto this amendment with a definition of ‘Ruler’, which is as follows

“(nn) ‘Ruler’ in relation to an Indian State means the Prince, Chief or other C” person by whom any such covenant or agreement as is referred to in clause (1) of Article 267A of this Constitution was entered into and who for the time being is recognised by the President as the Ruler of the State, and includes any person who for the time being is recognised by the President as the successor or such Ruler.”

As I said earlier, this splits up the original sub-clause (nn) in article 303 (1). It clearly states who is a Rajpramukh and in so referring to Rajpramukh, also permits the use of the word Nizam for the Ruler of Hyderabad and Maharaja for the Rulers of Jammu and Kashmir and Mysore. It also makes the distinction between Rajpramukh and Ruler clear, in that the Ruler will be a person who will not be a Rajpramukh, but will be a person who had entered into an agreement with the Government of India as is referred to in article 267-A, which was passed by the House yesterday even though he does not happen to have ruling powers. It has been provided that he must be a person who has been recognised by the President as a Ruler. Provision has also been made that the President should also recognise his successor as such Ruler.

**Shri H. V. Kamath :** Unfortunately, Sir, there are two lacunae in this amendment. It omits to define, firstly, Up-Rajpramukh and also Maharajpramukh. I am told that there is one person, the Maharana of Udaipur who is known as the Maharajpramukh. These are not defined in this amendment. These omissions must be filled before it can be good.

**Mr. President :** There is notice of an amendment bringing in the definition of Up-Rajpramukh. That is coming up later. The word Maharajpramukh has never been used.

**An Honourable Member :** He has no powers.

**The Honourable Shri K. Santhanam :** About the definition of Ruler, Sir, the last sentence says, “and includes any person who for the time being is recognised by the President as the successor of such Ruler.” If he is the successor of such Ruler, he will automatically be the Ruler. We cannot have a Ruler and a successor at the same time. I think the last portion would lead to confusion. It might suggest that at a time, there can be a Ruler and successor recognised for the same State. I think that is an impossibility. If he is the real successor, he becomes automatically the Ruler. At one time, there can be only one Ruler or successor. There cannot be both.

**Shri T. T. Krishnamachari :** The difficulty in my honourable Friend's Process of thinking is that there is no such thing as automatic succession. Succession has got to be recognised by the President.

**The Honourable Shri K. Santhanam :** What I meant is as soon as somebody is recognised as the successor, he will be the Ruler. Otherwise, there is no meaning in recognising a successor.

**Shri T. T. Krishnamachari :** There is a certain amount of confusion because we shall have Rulers without a State. Only the Rajpramukh is related to a State. The other Rulers will be more or less connected with the Estates that they held in the past. The idea really is that the person who succeeds to the estate must be recognised by the President. If he does not recognise him, he does not become the Ruler. There is nothing automatic about it. If the President recognises one person as a Ruler, until there is a vacancy, it is unlikely that he will recognise another as a successor. There must be a vacancy before the successor could be recognised. I see no difficulty in the wording as it is.

**The Honourable Shri K. Santhanam :** May I enquire whether a person who has lost his State by merger in a province continues to be a Ruler or he has become successor?

**Shri T. T. Krishnamachari :** The whole difficulty is, this is rather intricate. It is baffling. I admit that a person who has lost his State is nevertheless a Ruler, under the definition in (nn), and also for the purpose of Article 267- A.

**The Honourable Shri K. Santhanam :** Why not his son also be Ruler ?

**Shri T. T. Krishnamachari :** Might be.

**The Honourable Dr. B. R. Ambedkar :** If I may say so, this definition of Ruler is intended only for the limited purpose of making payments out of the privy purse. It has no other reference at all.

**The Honourable Shri K. Santhanam :** My point is whether it will be so construed as to mean two people at the same time entitled to the allowances. I want to ensure that at a time there will be only one person who will be entitled under the covenant to receive payment.

**Mr. President :** I think that is just secured by this, because the person recognised as, the Ruler alone will be entitled to the payment.

**The Honourable Dr. B. R. Ambedkar :** That would be governed by the provisions regarding recognition. I am sure the President is not going to recognise two or three or four persons. This expression is deliberately used in order to give the power to the President.

**The Honourable Shri K. Santhanam :** He might be called the Ruler or successor.

**Mr. President :** Mr. Santhanam, I think that is quite clear. The idea is to preserve those privileges which have been conferred on the Rulers to those who are recognised as their successors. That is to say, if a person is recognised as the Ruler, only that person who is recognised as his successor will inherit those privileges and not other successors.

I do not suppose any further discussion is necessary. I shall put it to vote.

The question is :

“That for sub-clause (nn) of clause (1) of article 303, the following sub-clauses be substituted:—

‘(nn) ‘Rajpramukh’ means—

- (i) in relation to the State of Hyderabad, the person who for the time being is recognised by the President as the Nizam of Hyderabad;

- (ii) in relation to the State of Jammu and Kashmir or the State of Mysore, the person who for the time being is recognised by the President as the Maharaja of that State; and
- (iii) in relation to any other State for the time being specified in Part III of the First Schedule, the person who for the time being is recognised by the President as the Rajpramukh of that State.

and includes in relation to any of the said States any person for the time being recognised by the President as competent to exercise the powers of the Rajpramukh in relation to that State;"

- (nnn) 'Ruler' in relation to an Indian State means the Prince, Chief or other person by whom any such covenant or agreement as is referred to in clause (1) of article 267A of this Constitution was entered into and who for the time being is recognised by the President as the Ruler of the State, and includes any person who for the time being is recognised by the President as the successor of such Ruler';".

The amendment was adopted.

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**Shri T. T. Krishnamachari :** Mr. President, I move

"That for sub-clause (r) of clause (1) of article 303, the following sub-clause be substituted:—

'(r) 'railway' does not include—

- (a) a tramway wholly within a municipal area, or
- (b) any other line of communication wholly situate in one State and declared by Parliament by law not to be a railway'."

Sir, the original definition stood thus:

"A railway does not include a tramway whether wholly within a municipal area or not."

It has now been found that there are railways in certain States which are not railways in the sense that they are accepted to be railways, but they are something in between a railway and a tramway. The definition is so altered as to permit the Parliament by law to recognise what is not to be a railway. This has been necessary because since we framed the original definition, certain things have transpired, in that most of the Indian States have or are about to transfer their railways to the Government of India and the conditions existing in those States have to be taken into account and provided for. That is why this amendment is being introduced.

**Shri R. K. Sidhwa :** Sir, tramways are never known as railways. I think it is redundant to say tramway within a municipal area. A tramway is a tramway. Who has brought into the brain of the Drafting Committee that tramway is a railway ? It looks so awkward. I therefore feel, Sir, that subparagraph (a) is redundant.

**The Honourable Shri K. Santhanam :** I am afraid my honourable Friend is wrong. Even at the time when the original definition was under discussion, I pointed out that it was wrong to say that a railway does not include a tramway. Because mechanically, there is no difference whatsoever between a railway and a tramway, except it may be that the latter has only one carriage or two carriages. Therefore this amendment is necessary. Otherwise in many places, many lines may be called tramways and there may be disputes. We do not want to have any kind of dispute. Therefore, the present definition is the proper definition to be adopted.

**Mr. Naziruddin Ahmad :** With regard to paragraph (b) I have some difficulty. It was stated by Mr. Krishnamachari in this argument.....

**Shri T. T. Krishnamachari :** May I suggest to the honourable Member to accept the argument of the expert who spoke before me in support of this amendment and ignore anything that I said before.

**Mr. Naziruddin Ahmad :** It is now clear that Mr. T. T. Krishnamachari is merely a conduit pipe. After all, he has taken the responsibility of explaining the matter. He has explained that the word State really means an Indian State and does not mean a province. In the new state of affairs, a State also includes a province. What is meant probably is a State mentioned in Part III of the first schedule. If that is so, it should be specifically stated. Because otherwise if there are small railways in any Indian province in Part I, they would also be excluded. If it is the intention to exclude Indian States on the ground that they have not come to terms up to this time, we should specifically state that.

**Shri T. T. Krishnamachari :** Right through the Constitution we have used only one word 'State'. Where we wanted to differentiate, we have mentioned them as States in Part I or Part II and so on. So I fail to see the force of Mr. Naziruddin Ahmad's speech.

**Mr. President :** Mr. Krishnamachari did not base his argument on the use of the word State. He did not say that either.

**Mr. Naziruddin Ahmad :** During the argument he mentioned the case of an Indian State. That had misled me.

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

"That for sub-clause (r) of clause (1) of article 303, the following sub-clause be substituted:—

'(r) 'railway' does not include—

- (a) a tramway wholly within a municipal area, or
- (b) any other line of communication wholly situate in one State and declared by Parliament by law not to be a railway'."

The amendment was adopted.

**Shri. T. T. Krishnamachari :** May I request you to permit me to move an amendment which has been tabled and has just been circulated. It has not been numbered and it refers to Up-rajpramukh. I move:—

"That to clause (1) of article 303, the following sub-clause be added :

'(y) 'Up-rajpramukh' in relation to any State means the person who for the time being is recognised by the President as the Up-rajpramukh of that State'."

Sir, I am indebted to my honourable Friend the Prime Minister of Mysore for drawing my attention to this defect.

As regards the question raised by Mr. Kamath about Maharajpramukh, I would only like to say that there is no mention in this Constitution of Maharajpramukh although one such person exists. We have not constitutionally recognised the existence of such a person. This definition arises out of the fact that we had to make mention of the name Up-rajpramukh in two places in the amendments that were moved yesterday in regard to removal of disqualifications for office. I hope the House will accept my amendment.

**Shri. H. V. Kamath :** There is some little difficulty in this connection. In accordance with the Sanskrit and Hindi philology as well as etymology, the

proper spelling should be Up-rajpramukh; otherwise I have heard British and other foreign journalists pronouncing it as Aprajpramukh.

**Mr. President** : The spelling will be corrected but I do not think that will prevent the ignorant people from mispronouncing it.

**Shri Jainarain Vyas** (United State of Rajasthan): Sir, I do not agree with the position of Maharajpramukh. He presides over the meetings of the Princes and if he is not recognised as the Constitutional Maharajpramukh, then all the meetings over which he presides will be null and void.

**Mr. President** : Is there anything like the meeting of the Princes as it used to be of the Chamber of Princes ?

**Shri Gokulbhai Daulatram Bhatt** (Bombay States) : \*[Sir, there is an article in the Covenant of Rajasthan which says: "If any meeting of the princes is held, it would be presided over by the Maharana of Udaipur as Maharajpramukh, if he be present in the meeting." It has been clearly mentioned therein. It is plain that this implies a question of his dignity. No other administrative power has been vested in him. But to that extent it is there and it deserves consideration. Hence it should be reconsidered.]

**Shri T. T. Krishnamachari** : We have not put in any provision of that nature in Part VI A.

**Mr. President** : Is there any provision for a meeting of the Princes in our Constitution ?

**Shri Gokulbhai Daulatram Bhatt** : Meeting of the Princes of the States that have been merged to form the Rajasthan Union is at present provided for.

**An Honourable Member** : There is a provision in the Covenant.

**Mr. President** : Not in the Constitution.

**Shri Gokulbhai Daulatram Bhatt** : The terms Rajpramukh and Uprajpramukh are there in the Covenant.

**Mr. Naziruddin Ahmad** : Covenants are part of the Constitution. They have joined as under the covenants. So we should recognise them. This requires careful consideration.

**Shri H. J. Khandekar** (C. P. & Berar : General) : I think this would be held over.

**The Honourable Shri K. Santhanam** : Here it is only the question of definition. We do not want a definition unless it is to be used in the Constitution.

**Shri T. T. Krishnamachari** : Sir, this will have to be accepted because an amendment in which this word occurs has already been accepted. If it is a definition of a term which has not found a place in the Constitution, that is a different matter, but my friend's contention is not a bar to the acceptance of this amendment.

**Mr. President** : So there is no question about Up-rajpramukh. We leave the question of Maharajpramukh for future consideration.

**Shri Gokulbhai Daulatram Bhatt** : I would like it to be made clear lest it may be held that, just as Rajpramukh and Up-rajpramukh are mentioned, so also he should have been specifically mentioned.

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\*[ ] Translation of Hindustani speech.



**Mr. President :** In our Constitution we have only used the term Uprajpramukh. The qualifying word may not create any difficulty.

**Shri T. T. Krishnamachari :** I have been informed that the allowance of the Mahrajpramukh of Udaipur is not as Maharajpramukh but as a Ruler who gets his privy purse under articles 267-A and therefore there is no need for a special title to be mentioned in the Constitution.

**Mr. President :** I am putting this to vote now.

**Shri H. J. Khandekar :** What will be the position if the Up-rajpramukh is a lady? What will be the name ?

**Mr. President :** In that way we have got women Chairman of Committees. That does not create any difficulty so far as English is concerned.

The question is :

“That to clause (1) of article 303, the following sub-clause be added:—

‘(y) ‘Up-rajpramukh’ in relation to any State means the person who for the time being is recognised by the President as the Up-rajpramukh of that state’.”

The amendment was adopted.

**Mr. President :** We then go to the Schedule.

**Shri Yudhishtir Mishra (Orissa States) :** Sir, I suggest that the consideration of the First Schedule may please be held over for tomorrow.

**Shri Brajeshwar Prasad :** Yes, Sir. It may be held over. We got the list at 8 o'clock this morning only.

**Mr. President :** It may be moved, and we will take up the amendments tomorrow morning.

#### FIRST SCHEDULE

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

“That for the First Schedule the following be substituted:—

##### “FIRST SCHEDULE

(Articles 1 and 4)

The States and the territories of India

##### PART I.

Name of States.

Names of corresponding Provinces.

1. Assam	Assam
2. Bengal	West Bengal
3. Bihar	Bihar
4. Bombay	Bombay
5. Koshal-Vidarbh	Central Provinces and Berar
6. Madras	Madras
7. Orissa	Orissa
8. Punjab	East Punjab
9. United Provinces.	United Provinces.

##### *Territories of States*

The territory of the State of Assam shall comprise the territories which immediately before the commencement of this Constitution were comprised in the Province of Assam, and Khasi States and the Assam Tribal Areas.

The territory of the State of Bengal shall comprise the territory which immediately before the commencement of this Constitution was comprised in the Province of West Bengal.”