HINDI NUMERALS ON CAR NUMBER PLATES

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***Pandit Balkrishna Sharma :** ...My submision to him has always been that Delhi as a Province is surrounded on all sides by Provinces which have declared Hindi as their Government language and Devanagari as the Government script.

Mr. President: Order, order. I have got the information which you wanted to give me. As I said, Honourable Members will not insist upon my giving a ruling on the question of privilege. It may not be in their interest. As I have said, the matter will be taken up with the Government.

The Honourable Dr. B. R. Ambedkar (Bombay : General) **:** There is no privilege to break the law.

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ARTICLE 92

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

1. "That in sub-clause (b) of clause (3) of article 92, for the words 'emoluments' the words 'salaries' be substituted."

That is the usual wording we are using.

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

2. "That in sub-clauses (a) and (b) of clause (2) of article 92. for the words 'revenues of India' the words 'Consolidated Fund of India' be substituted."

3. "That in clause (3) of article 92, for the words 'revenues of India' the words 'Consolidated Fund of India' be substituted."

4. "That after sub-clause (d) of clause (3) of article 92, the following sub-clause be inserted :—

(dd) the salary, allowances and pension payable to or in respect of the Comptroller 'and Auditor-General of India'."

With regard to 9, all I, need say is that the House has already passed article 124, clause (5) which contains the present amendment. It is therefore here, because, it was felt that all items which are declared to be charges on the Consolidated Fund of India had better be brought in together, rather than be scattered in different parts of the Constitution.

[All four amendments of Dr. Ambedkar as shown above were accepted others were rejected. Article 92 as amended was added to the constitution.]

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ARTICLE 93

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

"That in clause (1) of article 93, for the words 'revenues of India' the words 'Consolidated Fund of India' be substituted."

[Amendment was carried. Article 93, as amended, was added to the constitution.]

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*CAD, Vol. VIII, 10th June 1949, pp. 746-48.

†*Ibid.,* p. 750.

‡*Ibid.,* p. 754.

ARTICLE 94

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

"Thai for article 94, the following article be substituted :—

Appropriation Bills

'94. (1) As soon as may be after the grunts under the last preceding article have been made by the House of the People there shall be introduced a Bill to provide for the appropriation out of the Consolidated Fund of India all moneys required to meet—

(a) the grants so made by the House of the People: and

(b) the expenditure charged on the Consolidated Fund of India but not exceeding in any case the amount shown in the statement previously laid before Parliament.

(2) No amendment shall be proposed to any such Bill in either House of Parliament which will have the effect of varying the amount or altering the destination of any grant so made or of varying the amount of any expenditure charged on the Consolidated Fund of India, and the decision of the person presiding as to the amendments which are admissible under this clause shall be final.

(3) Subject to the provisions of the next two succeeding articles no money shall be withdrawn from the Consolidated fund of India except under appropriation made by law passed in accordance with the provisions of this article.'"

As I explained yesterday the object of this new article 94 is to replace the provisions contained in the old article relating to the certification of a schedule by the Governor-General.

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†The Honourable Dr. B. R. Ambedkar : Mr. President, Sir, I thought that the observations made by my Friend Mr. T. T. Krishnamachari would have been regarded as sufficient to meet the objections raised by my Friend Mr. Santhanam, but since my Friend Mr. Bharathi by his speech has indicated that at any rate his doubts have not been cleared, I find it necessary to rise and to make a few observations. My Friend Mr. Santhanam said that we were unnecessarily borrowing the procedure of an Appropriation Bill and that the existing procedure of an authenticated schedule should have been sufficient for our purposes. His argument if I understood him correctly was this : that an Appropriation Bill is necessary in the House of Commons because the supply estimates are dealt with by a Committee of the whole House and not by the House itself. Consequently the Appropriation Bill is, in his opinion, a necessary concomitant of a procedure of estimates being dealt with by sort of Committee of the House. Personally, I think there is no connection between the Committee procedure of the House of Commons and the necessity of an Appropriation Bill. I might tell the

*CAD, Vol. VIII, 10th June 1949, pp. 754-55.

†*Ibid., pp.* 762-64.

House as to how this procedure of the House of Commons going into a Committee of Supply to deal with the estimates came into being. The House will remember that there was a time in English political history when the King and the House of Commons were at loggerheads. There was not such pleasant feeling of trust and confidence which exists now today between the House of Commons and the King. The King was regarded as a tyrant, as an oppressor, as a person interested in levying taxes and spending them in the way in which he wanted. It was also regarded that the Speaker of the House of Commons instead of being a person chosen by the House of Commons enjoying the confidence of the House of Commons was regarded as a spy of the King. Consequently, the members of the House of Commons always feared that if the whole House discussed the estimates, the Speaker who had a right to preside when the House as a whole met in session would in all probability, to secure the favour of the King, report the names of the members of the House to the King who criticised the King's conduct, his wastefulness, his acts of tyranny. In order therefore to get rid of the Speaker who was, as I said in the biginning, regarded as a spy of the King carrying tales of what happened in the House of Commons to the King, they devised this procedure of going into a Committee; because when the House met in Committee the Speaker has no right to preside. That was the main object why the House of Commons met in Committee of Supply. As I said, even if the House did not meet in Committee of Supply, it would have been necessary for the House to pass an Appropriation Bill. As my Friend—at least the lawyer friends—will remember, there was a time when the House of Commons merely passed resolutions in Committee of Ways and Means to determine the taxes that may be levied, and consequently the taxes were levied for a long time—I think up to 1913 on the basis of mere resolutions passed by the House of Commons Committee of Ways and Means. In 1913 this question was taken to a Court of law whether taxes could be levied merely on the basis of resolutions passed by the House of Commons in the Committee of Ways and Means, and the High Court declared that the House of commons had no right to levy taxes on the basis of mere resolutions. Parliament must pass a law in order to enable Parliament to levy taxes. Consequently, the British Parliament passed what is called a Provincial Collection of taxes Act.

I have no doubt about it that if the expenditure was voted in Committee of .Supply and the resolutions of the House of Commons were to be treated as final authority, they would have also been condemned by Courts of law, because it is an established proposition that what operates is law and not resolution. Therefore my first submission is this : that the point made by my Friend Mr. Santhanam, that the Appropriation Bill procedure is somehow an integral part of the Committee procedure of the House of Commons has no foundation whatsoever. I have already submitted why the procedure of an authenticated schedule by the Governor-General is both uncalled for, having regard to the altered provision of the President who has no function in his discretion or in his individual judgment, and how in matters of finance the authority of Parliament should be supreme, and not the authority of the executive as represented by the President. I therfore need say nothing more on this point.

Then my Friend, Mr. Santhanam, said, if I understood him correctly, that article 95—I do not know whether he referred to article 96; but he certainly referred to article 95—would nullify clause (3) of the new article 94. Clause (3) stated that no money could be spent except under an appropriation made by law. He seemed to be under the impression that supplementary, additional or excess grants which are mentioned in new article 95, and votes on account, or votes on credit or exceptional grants mentioned in the new article 96 would be voted without an Appropriation law. I think he has not completely read the article. If he were to read sub-clause (2) of the new article 95 as well as the last para of new article 96 and also a further article which will be moved at a later stage—winch is article 248A—he will see that there is a provision made that the moneys can be drawn, whether for supplementary or additional grants or for votes on account or for any purpose, without a provision made by law for drawing moneys on Consolidated Fund. I can quite understand the confusion which probably has arisen in the minds of many Members by reason of the fact that in some place we speak of a Consolidated Fund Act while in another place we speak of an Appropriation Act. The point is this : fundamentally, there is no difference between a Consolidated Fund Act and an Appropriation Act. Both have the same purpose, namely, the purpose of authorising an authority duly constituted to draw moneys from the Consolidated Fund.

The difference between a Consolidated Fund Act and the Appropriation Act is just this. In the Consolidated Fund Act a lump sum is mentioned while in the Appropriation Act what is mentioned is all the details—the main head, the sub-heads and the items. Obviously, the procedure of an Appropriation Bill cannot be brought into operation at the stage of a Consolidated Fund Bill because Parliament has not gone through the whole process of appropriating money for heads, for sub-heads and for items included under the sub-heads. Consequently when money is voted under a Consolidated Fund Act, it means that the executive may draw so much lump sum out of the Consolidated Fund which will at a subsequent stage be shown in what is called the final Appropriation Act. If Honourable Friends will remember that there is no authority given to the executive to draw money except under a Consolidated Fund Act or under an Appropriation Act, they will realize that so far as possible an attempt is made to make these provisions as fool-proof and knave-proof as one can possibly do.

[Dr. Ambedkar's motion was adopted. Article 94, as amended was added to Constitution.]

ARTICLE 95

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

"That for article 95, the following article be substituted :

Supplementary, additonal or excess grants.

'95 (1) The President shall—

(a) if the amount authorised by any law made in accordance with the provisions of article 94 of this Constitution to be expended for a particular service for the current financial year is found to be insufficient for the purposes of that year or when a need has arisen during the current financial year for supplementary or additional expenditure upon some new service not contemplated in the annual financial statement for that year; or

(b) if any money has been spent on any service during a financial year in express of the amount granted for that service and for that year, cause to be laid before both the Houses of Parliament another statement showing the estimated amount of that expenditure or cause, to be presented to the House of the People a demand for such excess, as the case may be.

(2) the provision of the last three preceding articles shall have effect in relation to any such statement and expenditure or demand and also to any law to be made authorising the appropriation of moneys out of the Consolidated Fund of India to meet such expenditure or the grant in respect of such demand as they have effect in relation to the annual financial statement and the expenditure mentioned therein; or to a demand for a grant and the law to be made for the authorization of appropriation of moneys out of the Consolidated Fund of India to meet such expenditure or grant.'"

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*CAD, Vol. VIII, 10th June 1949, p. 765.

***The Honourable Dr. B. R. Ambedkar :** Mr. President, Sir, I find that the financial provisions which are placed before this House have given considerable worry to the Members. I can appreciate that, for I remember that when Mr. Churchill's father became the Lord Chancellor, a budget was placed before him showing figures in decimals and dots thereon. Evidently he was not a student of mathematics and could not understand what the figures meant with a dot in it. So he wrote on the file, "what do these damned dots mean ?", asking for an explanation from the Secretary of the Finance Department. Having regard to such difficulty of understanding from persons so highly placed as Mr. Churchill's father, I am not at all surprised if the members of this House also find similar difficulty in understanding these provisions. I should therefore like to go somewhat into elementary propositions in order to place the House in a right frame of mind.

Sir, I should like to tell the House the effect of the provisions contained in article 92, article 93(2) and article 94. Article 92 places upon the President the obligation to lay before Parliament a financial statement for the year—I would like to emphasise the words "for the year"—showing the expenditure in certain categories, those charged on the revenues of India and those not charged on the revenues of India. After that is done, then comes into operation article 93(2), which states how the estimates are to be dealt with. It says that the estimates shall be presented to the House in the form of demands and shall be voted upon by the House of the People. After that work is done, article 94 comes into operation, the new article 94 which says that all these grants made by the House of the People shall be put and regularised in the form of an Appropriation Act No. I would like to ask the Members to consider what the effect is of articles 92, 93 (2) and 94. Suppose we did not enact any other article, what would be the effect ? The effect of the provisions contained in articles 92, 93(2) and 94 in my judgment would be that the President would not be in a position constitutionally to present before Parliament any other estimates during the course of the year. Those are the only estimates which the President could present according to law. That would mean that there would be no provision for, submitting supplementary grants, supplementary demands, excess grants on the other grants which have been referred to such as votes

*CAD; Vol. VIII, 10th June 1949. pp. 768-70.

on credit and things of that sort. If no provision was made for the presentation of supplementary grants and the other grants to which I have referred, the whole business of the executive would be held up. Therefore, while enacting the general provision that the president shall be bound to present the estimates of expenditure for the particular year before Parliament, he is also authorised by law to submit other estimates if the necessity for those estimates arises. Unless therefore we make an express provision in the Constitution for the presentation of supplementary and excess grants, articles 92, 93(2) and 94 would debar any such presentation. The House will now understand why it is necessary to make that provision for the presentation of these supplementary demands.

The question has been raised as to excess grants. The difficulty, I think, is natural. Members have said that when it is stated that no moneys can be spent by the executive beyond the limits fixed by the Appropriation Act, how is it that a case in excess grants can arise ? That, I think, is the point. The reply to that is this. We are making provisions in the terms of an amendment moved by my Friend Pandit Kunzru, which is new article 248-B on page 27 of List I, where there is a provision for the establishment of a Contingency Fund out of the Consolidated Fund of India. Personally myself, I do not think that such a provision is necessary because this question had arisen in Australia, in litigation between the state of New South Wales and the Commonwealth of Australia and the question there was whether the Commonwealth was entitled to establish a Contingency Fund when the law stated that all the revenues should be collected together into a Consolidated Fund, and the answer given by the Australia-Commonwealth High Court was that the establishment of a Consolidated Fund would not prevent the legislature of the Parliament from establishing out of the Consolidated Fund any other fund, although that particular fund may not be spent during that year because it is merely an appropriation although in a different from. However to leave no doubt on this point that it would be open to Parliament notwithstanding the provision of a Consolidated Fund to create a Contingency Fund. I am going to accept the amendment of my Friend, Pandit Kunzru for the incorporation of a new article 248-B. It is, therefore, possible that appart from the Fund that is issued on the basis of an Appropriation Act to the executive, the executive would still be in possession of the Consolidated Fund and such other fund as may be created by law from

time to time. It would be perfectly possible for the executive without actually having any intention to break the Appropriation Act to incur expenditure in excess of what is voted by Parliament and draw upon the Contingency Fund or the other fund. Therefore a breach of the Act has been committed and it is possible to commit such an act because the executive in an emergency thinks it ought to be done and there is provision of fund for them to do so. The question, therefore, is this : when an act like this is done, are you not going to make a provision for the regularisation of that act ? In fact, if I may say so, the passing of an excess grant is nothing else but an Indemnity Act passed by Parliament to exonerate certain officers of government who have in good faith done something which is contrary to the law for the time being. There is nothing else in the idea of an excess grant and I would like to read to the Members of the House paragraph 230 from the House of Commons—Manual of Procedure for the public business. This is what paragraph 230 says :—

> "An excess grant is needed when a department has by means of advances from the Civil Contingencies Fund or the Treasury Chest Fund or cut of funds derived from extra receipts or otherwise spent the money on any service during any financial year in excess of the amount granted for that service and for that year."

Therefore, there is nothing very strange about it. The only tiling is that when there is a supplementary estimate the sanction is obtained without excess expenditure being incurred. In the case of excess grant the excess expenditure has already been incurred and the executive comes before Parliament for sanctioning what has already been spent. Therefore, I think there is no difficulty; not only there is no difficulty but there is a necessity, unless you go to the length of providing that when any executive officer spends any money beyond what is sanctioned by the Appropriation Act, he shall be deemed to be a criminal and prosecuted, you shall have to adopt this procedure of excess grant.

The Honourable Shri K. Santhanam : May I ask if under the provisions of the law as stated in the new article 95(2) the three preceding articles will have effect ? Does it mean that every supplementary demand should be followed by a supplementary Appropriation Act.

The Honourable Dr. B. R. Ambedkar : Yes; that would be the intention.

The Honourable Shri K. Santhanam : The appropriation will not be for the whole year ?

The Honourable Dr. B. R. Ambedkar : There may be supplementary appropriation. That always happens in the House of Commons.

Prof. Shibban Lal Saksena : What about my amendment. Sir ?

The Honourable Dr. B. R. Ambdkar : I am very sorry. Prof. Shibban Lal Saksena says that the financial year should be changed. Well, I have nothing to say except that I suspect that his motives are not very pure. He perhaps wants a winter session so that he can spin as long as he wants. If he wants longer sessions, he must sit during summer months as we are now doing.

[Dr. Ambedkar's amendment was accepted. Article 95, as amended, as mentioned earlier was added to the Constitution.]

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ARTICLE 96

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

"That for article 96, the following article be substituted:—

Votes on account, votes on credit and exceptional grants.

'96. (1) Notwithstanding anything contained in the foregoing provisions of this Chapter, the House of the People shall have power—

(a) to make any grant in advance in respect of the estimated expenditure for a part of any financial year pending the completion of the procedure prescribed in article 93 of this Constitution for the voting of such grant and the passing of the law in accordance with the provisions of article 94 of this Constitution in relation to that expenditure;

(b) to make a grant for meeting an unexpected demand upon the resources of India when on account of the magnitude or the indefinite character of the service the demand cannot be staled with the details ordinarily given in an annual financial statement;

(c) to make an exceptional grant which forms no part of the current service of any financial year;

and to authorise by law the withdrawal of moneys from the consolidated Fund of India for the purpose for which the said grants are made.

(2) The provisions of articles 93 and 94 of this Constitution shall have effect in relation to the making of any grant under clause (1) of this article and to any law to be made under that clause as they have effect in relation to the making of a grant with regard to any expenditure mentioned in the annual financial statement and the law to be made for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet such expenditure.'"

The Honourable Shri K. Santhanam : Sir, I do not want to reopen the general principle which has been accepted; hut I wish to say that the drafting of this article is rather defective.

For instance, in clause (1) it says, "the House of the People shall have power" and this is followed by, after sub-clause (c), "and to authorise by law……." I think according to the Constitution, the House of the People cannot authorise by law.

The Honourable Dr. B. R. Ambedkar : I should say, Sir, that the Drafting Committee reserves to itself the liberty to re-draft the last three lines following sub-clause (c).

*CAD, Vol. VIII, 10th June 1949, pp. 711-713.

The Honourable Shri K. Santhanam : Sir, I am unable to understand this. In the House here we pass something which is obviously wrong and unconstitutional and then leave it to the Drafting Committee. I do not think we can leave it to the Drafting Committee to tamper with the provisions we are making unless there is some lacuna or a mistake. We do not want to be faced with a new Constitutional together and subjected to the trouble of looking at it article by article again. I do not think it is right for this House to pass a clause which is obviously wrong. Either he must say Parliament shall have power……

The Honourable Dr. B. R. Ambedkar : I am prepared to accept the amendment right now. You may suggest it. "Parliament shall have power to authorise by law.

The Honourable Shri K. Santhanam : Sir, the amendment may be, "and Parliament shall have power to authorise by law the withdrawal of moneys from the Consolidated Fund of India for the purposes for winch the said grants are made."

Coming to clause (2), it says "that the provisions of articles 93 and94 of this Constitution shall have effect in relation to the making of any grant...;" I want to know if this means that there will have to bean Appropriation Act for this and that Appropriation Act will also show all the divisions, charged and non-charged, votable and non-votable, as stated in the previous article. If that is the implication…….

The Honourable Dr. B. R. Ambedkar : That cannot be.

The Honourable shri K. Santhanam : Article 93 says…..

Shri T. T. Krishnamachari : If it will help the Honourable Member, we can say, there will be a Consolidated Fund Bill No. I before an Appropriation Act, which will have the main skeleton.

The Honourable Shri K. Santhanam : What I want to know is whether the Consolidated Fund Bill No. I will also consist of the charged and non-charged amounts and voted and non-voted amounts, or will give only the votable portion.

The Honourable Dr. B. R. Ambedkar : The charged portion occurs only in the final Appropriation Act. This voting account gives what in the technical language of the House of Commons are called supply services as distinct from services charged on the revenues.

The Honourable Shri K. Santhanam : This article says that the provisions of articles 93 and 94 will have to be complied with.

The Honourable Dr. B. R. Ambedkar : Articles 93 and 94 mean the voting of Appropriation Act.

The Honourable Shri K. Santhanam : Article 93, first part, says that the charged portion would be shown and the second part says that such portion as is votable shall be presented to the vote. I want to know whether both these portions will be appplicable to the voting account.

The Honourable Dr. B. R. Ambedkar : Article 93 says that the vote of the House is not necessary for services charged on the revenues of India.

The Honourable Shri K. Santhanam : But, they will have to be shown in the Appropriation act.

The Honourable Dr. B. R. Ambedkar : When passed. This is what is called Consolidated Fund Act I.

The Honourable Shri K. Santhanam : Article 94 does not deal with Consolidated Fund Act.

The Honourable Dr. B. R. Ambedkar : That is also the Appropriation Act. As I stated before, there is no distinction. The Appropriation Act shows the details while the Consolidated Fund Act does not show details.

The Honourable Shri K. Santhanam : I do not think Dr. Ambedkar's explanations can override the precise provisions of an article. As the article stands, all the provisions of articles 93 and 94 will apply to this Consolidated Fund as to the other. Therefore, the entire budget procedure will have to be duplicated.

The Honourable Dr. B. R. Ambedkar : If the honourable Member will read carefully sub-clause (2), he will see what sub-clause it deals with. It says, "The provisions of articles 93 and 94 of this Constitution shall have effect in relation to the making of any grant under clause (I).

The Honourable shri K. Santhanam : Please read on.

The Honourable Dr. B. R. Ambedkar : As I stated, there is no question of grant with regard to services charged *on* the revenues.

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***The Honourable Dr. B. R. Ambedkar :** Sir, I do not think there is any necessity to say anything more. I am only moving an amendment:

> "That after sub-clause (c), of clause (1), the following words be added after 'and' and before 'to':—
>
> 'Parliament shall have power.'"

[Amendment was accepted along with Dr. Ambedkar's previous motion. Article 96, as amended, was added to the Constitution]

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*CAD, Vol. VIII, 10th January 1949, p. 774.

ARTICLE 97

The Honourable Dr. B. R. Ambedkar : I do not think any reply is called for, but I would like. Sir, with your permission to move one amendment myself. I move :

> "That with reference to amendment No. 1723 of the List of Amendments, in clause (3) of article 97, for the words 'revenues of India' the words 'Consolidated Fund of India' be substituted."

Shri H. V. Kamath : The words at the end of the clause have been needlessly repeated.

The Honourable Dr. B. R. Ambedkar : I do not think so.

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Mr. President : I shall now put Dr. Ambedkar's amendment. The question is :

> "That with reference to amendment No. 1723 of the List of Amendments, in clause (3) of article 97, for the words 'revenues of India' the words 'Consolidated Fund of India' be substituted."

The amendment was adopted.

Article 97, as amended, was added to the Constitution.

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ARTICLE 98

†**The Honourable Dr. B. R. Ambedkar :** All that I can say is that I cannot accept Mr. Jaspat Roy Kapoor's amendment. It is much better that the matter be left elastic to be provided for by rules. With regard to Mr. Kamath's amendment, I certainly feel drawn to it. But for the moment I cannot commit myself, but I can assure him that this matter will be considered by the Drafting Committee.

Mr. President : Then I do not put Mr. Kamath's amendment to the vote. I treat it as a drafting amendment which the Drafting Committee will consider.

With regard to Mr. Jaspat Roy Kapoor's amendment No. 15 I would like to draw Dr. Ambedkar's attention to one point. In clause (2) of article 98 we have the words :

> "With respect to the Legislature of the Dominion of India."

In another place we have used the expression "Constituent Assembly of India". I suppose Dr. Ambedkar would like to have the same expression here also ?

The Honourable Dr. B. R. Ambedkar : Yes.

Mr. President : I was pointing out that here in this clause (2), the expression "Legislature of the Dominion of India" occurs. Perhaps, the expression 'Constituent Assembly of India' will be better ?

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*CAD, Vol. VIII, 10th January 1949, pp. 777-78

† *Ibid.,* pp. 780-81.

The Honourable Dr. B. R. Ambedkar : We have now got two Assemblies so to say, the Constituent Assembly sitting as Constituent Assembly and the Constituent Assembly sitting as legislature. We have rules on both sides. I think therefore it would be desirable to retain the words 'Dominion of India', so that we could adopt the rules which are prevalent on the other side.

Shri Jaspat Roy Kapoor : My submission is that for the words 'Legislature of the Dominion of India' we may have the words 'Constituent Assembly of India' and the words 'Legislative' with in brackets. That is how we have describing our Constituent Assembly when it functions as Legislature.

The Honourable Dr. B. R. Ambedkar : We have to use the language of the India Independence Act. We have to restrict ourselves to the terminology of the Act.

Mr. President : If it will not create any difficulty, I do not mind it. I will put the amendment moved by Shri Jaspat Roy Kapoor to vote.

Shri Jaspat Roy Kapoor : Sir, I seek leave of the House to withdraw it. I do not want it to have the fate of a defeated amendment.

Mr. President: If the House grants him leave to withdraw his amendment, it may be withdrawn.

[The amendment was, by leave of the Assembly, withdrawn. Article 98 was added to the Constitution.]

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NEW ARTICLE 98-A

***Mr. President:** We have notice of an amendment to insert a new article by Dr. Ambedkar.

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

"That after article 98, the following new article he inserted :—

Regulation by law of procedure in Parliament in relation to financial business.

'98-A. Parliament may. for the purpose of the timely completion of the financial business, regular by law the procedure of, and the conduct of business in, each House of Parliament in relation to any financial matter or to any Bill for appropriation of moneys out of the Consolidated fund of India' and. if and in so far as the provision of any law so made is inconsist with any rule made by a House of Parliament under the last preceding article or with any rule or standing order having effect in relation to Parliament under clause (2) of that article, such provision shall prevail.'"

Mr. President : As no Member desires to speak on this amendment, I shall put the motion to vote.

The motion was adopted.

Article 98-A was added to the Constitution.

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*CAD, Vol. VIII, 10th June 1949, p. 781.

ARTICLE 173

***Mr. President :** ...Dr. Ambedkar may move the next amendment, No. 2464.

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

"That in clause (4) of article 173, alter the words 'deemed to have been passed' the words by 'both Houses in the form in which it was passed' be inserted."

[The amendment of Dr. Ambedkar was accepted.]

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

ARTICLE 174

†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 provisions which we have already adopted.

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

"That for sub-clause (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-clause (e) and (f) of clause (1) of article 174, for the words 'revenue of the State 'the words 'Consolidated Fund of the State' be substituted."

‡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.

[Dr. Ambedkar's amendments were adopted.]

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#Shri H. V. Kamath : As Dr. Ambedkar has promised to look into the 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.

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*CAD, Vol. VIII, 10th June 1949, p. 782.

† *Ibid.,* pp. 782-83.

‡*Ibid., p.* 783.

#*Ibid.,* p. 784.

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

Mr. President : Very well, then, 1 will not put them to vote.

Article 174, as amended, was added to the Constitution.

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***The 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 move :

"That in sub-clauses (a) and (h) of clause (2) of article 177. for the words 'revenues of the State' the words 'Consolidated Fund 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."

[Dr. Ambedkar's all amendments were carried.]

ARTICLE 178

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

"That in clause (1) of article 178, for the words 'revenues of a State', the words 'Consolidated Fund of a State' be substituted."

(Amendment No. 2490 was not moved).

Mr. President : The question is :

"That in clause (1) of article 178, for the words 'revenues of a State', the words 'Consolidated Fund of a State' be substituted."

The amendment was adopted.

Mr. President: The question is :

"That article 178 as amended, stand part of the Constitution."

The motion was adopted.

Article 178, as amended, was added to the Constitution.

ARTICLE 179

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

"That for article 179, the following be substituted :—

Appropriation Bills

'179. (1) As soon as may be after the grants under the last preceding article have been made by the Assembly there shall be introduced a Bill to provide for the appropriation out of the Consolidated Fund of the Slate all money required to meet—

*CAD, Vol. VIII, 10th June 1949, p. 7S4.

† *Ibid.,* p. 784.

‡ *Ibid., pp.* 785-86.

Ibid., pp. 785-86.

(a) the grants so made by the Assembly, and

(b) the expenditure charged on the Consolidated Fund of the State but not exceeding in any case the amount shown in the statement previously laid before the House or Houses.

(2) No amendment shall he proposed to any such Bill in the I louse or either House of the Legislature of the State which will have the effect of varying the amount or altering the destination of any grant so made or of varying the amount of any expenditure charged on the Consolidated Fund of the State, and the decision of the person presiding as to the amendments which are admissible under this clause shall be final.

(3) Subject to the provisions of the next two succeeding articles no money shall be withdrawn from the Consolidated Fund of the State except under appropriation made by law passed in accordance with the provisions of this article'."

Mr. President : There is no other amendment to this article,

[The motion was adopted. Article 179, as amended, was added to the Constitution.]

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ARTICLE 180

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

"That for article 180, the following article be substituted :—

'180(1) The Governor shall—

Supplementary additional or excess grants.

(a) if the amount authorised by any law made in accordance with the provisions of article 179 of this Constitution to be expended for a particular service for the current financial year is found to be insufficient for the purposes of that year or when a need has arisen during the current financial year for supplementary or additional expenditure upon some new service not contemplated in the annual financial statement for that year, or

(b) if any money has been spent on any service during a financial year in excess of the amount granted for that service and for that year, cause to be laid before the House or the Houses of the Legislature of the State another statement showing the estimated amount of that expenditure or cause to be presented to the Legislative Assembly of the State a demand for such excess, as the case may be.

(2) The provisions of the last three preceding articles shall have effect in relation to any such statement and expenditure or demand and also to any law to be made authorising the appropriation of moneys out of the Consolidated Fund of the State to meet such expenditure or the grant in respect of such demand as they have effect in relation to the annual financial statement and the expenditure mentioned therein or to a demand for a grant and the law to be made for the authorisation of appropriation of moneys out of the consolidated Fund of the State to meet such expenditure or grant.'"

Article 180, as amended, was added to the constitution

Amendment was adopted

ARTICLE 181

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

"That for article 181. the following article be substituted :

Votes on account, votes on credit and exceptional grants.

181. (1) Notwithstanding anything contained in the foregoing provisions of this Chapter, the Legislative Assembly of a state shall have power.

*CAD, Vol. VIII, 10th June 1949, pp. 786-87.

†*Ibid.,* pp. 787-88.

(a) to make any grant in advance in respect of the estimated expenditure for apart of any financial year pending the completion of the procedure prescribed in article 178 of this Constitution for the voting of such grant and the passing of the law in accordance with the provisions of article 17° of this constitution in relation to that expenditure ;

(b) to make a grant for meeting an unexpected demand upon the resources of the State when on account of the magnitude or the indefinite character of the service the demand cannot lie stated with the details ordinarily given in an annual financial statement;

(c) to make an exceptional grant which forms no part of the current service of any financial year :

and the Legislature of the state shall have power to authorise by law the withdrawal of moneys from the Consolidated Fund of the State for the purposes for which the said grants are made.

(2) The provisions of articles 178 and 179 of this Constitution shall have effect in relation to the making of any grant under clause (1) of this article and to any Jaw to be made under that clause as they have effect in relation to the making of a grant with regard to any expenditure mentioned in the annual financial statement and the law to be made for the authorisation of appropriation of moneys out of the Consolidated Fund of the State to meet such expenditure.'"

[Motion was adopted. Article 181 as amended, was added to the Constitution.]

ARTICLE 182

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

"That article 182 form part of the constitution."

The Honourable Dr. B. R. Ambedkar : With your permission, Sir, I seek to move a small amendment.

"That in article 182, for the words 'revenues of the State' the words 'Consolidated fund of the State' be substituted."

Mr. President : There is no other amendment.

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[The amendment was adopted. Article 182, as amended was added to the Constitution.]

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ARTICLE 183

†**Mr. President:** Does anyone else wish to say anything ?

The Honourable Dr. B. R. Ambedkar : I do not accept this amendment. (of Mr. Sidhwa)

Mr. President: The question is :

"That in clause (1) of article 183, the word 'shall' be substituted for the word 'may 'and the following be added at the end :—

'within 6 months from the date of the first session of the assembly.'

The amendment of Mr. R. K. Sidhva was negatived.

Article 183 was added to the Constitution.

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*CAD, Vol. VIII, 10th June 1949, p. 788.
†*Ibid,* p. 789.
‡*Ibid.,* p. 790.

NEW ARTICLE 183-A

‡**Mr. President:** There is a new article 183-A proposed by Dr. Ambedkar.

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

"That after article 183, the following new article be inserted:—

Regulation by law of procedure in the Legislature of the State in relation to financial business.

'183-A. The Legislature of a State may, for the purpose of the timely completion of the financial business, regulate by law the procedure of, and the conduct of business in, the House or Houses of the Legislature of the State in relation to any financial matter or to any Bill for the appropriation of moneys out of the Consolidated Fund of the State, and. if in so far as the provision of any law so made is consistent with any rule made by the House or either House of the Legislature of the State under the last preceding article or with any rule or standing order having effect in relation to the Legislature of the state under clause (2) of that article, such provision shall prevail.'"

Mr. President : Does anyone wish to say anything ? The question is :

"That new article 183-A be added to the constitution."

The motion was adopted.

Article 183-A, was added to the Constitution.

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ARTICLE 217

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***Mr. President:** I have not seen any amendment.

Prof. Shibban Lal Saksena : I gave notice of it this morning. I beg to move…..

The Honourable Dr. B. R. Ambedkar (Bombay : General)**:** We have not got copies of his amendment.

Shri L. Krishnaswami Bharathi (Madras : General)**:** We cannot follow what he is moving.

Mr. President : He gave notice of his amendment a few minutes before we actually sat. But I am told it is more or less word for word the same as No. 2741.

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†Prof. Shibban Lal Saksena : Sir, I feel that articles of this fundamental importance should not go unnoticed in this House merely because certain amendments are not moved by Members who gave notice of them.

The Honourable Dr. B. R. Ambedkar : I would like to raise one or two points about this. This seems to be a rather important matter. The first thing I want to know is whether this is an amendment or an amendment to an amendment. If it is an amendment to an amendment, it cannot be moved unless the main amendment is moved.

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*CAD, Vol. VIII, 13th June 1949, p. 793.

† *Ibid.,* p. 794.

Mr. President: It is an amendment to amendment No. 2743 which has been moved by Mr. Naziruddin Ahmad. The Honourable Member in his notice says that his amendment is an amendment to Nos. 2741, 2742, 2743, 2744 or 2745.

The Honourable Dr. B. R. Ambedkar : If it is to be taken as an amendment to No. 2743, then obviously, as this goes far beyond the scope of 2743, it cannot be moved unless the Member satisfies you that he is not substantially changing the original amendment. As it is, it is a pure reproduction of the amendment which stands in the names of Messrs. Santhanam, Ananthasayanam Ayyangar and others.

Following amendments moved by Mr. T. T. Krishnamachari were adopted.

"That in clause (2) of article 217, after the word and figure 'Part I' the words and figures 'or Part III' be inserted."

"That in clause (3)ofarticle217,after the word and figure 'Part ' the words and figures "or Part III' be inserted."

The amendments were adopted

Article 217, as amended, was added to the Constitution.

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ARTICLE 224

***The Honourable Dr. B. R. Ambedkar :** I wish that article 224 and 225 be held over.

Mr. President: Article 224 and 225 are held over.

ARTICLE 226

The Honourable Dr. B. R. Ambedkar : I formally move amendment No. 2775.

Then I move an amendment to this.

Sir I move:

"That for amendment No. 2775 of the List of Amendments, the following be substituted :—

"That article 226 be renumbered as clause (1) of article 226, and

(a) at the end of the said clause as so renumbered the words 'while the resolution remains in force 'be added : and

(b) after clause (1) of article 226, as so renumbered, the following clauses be added :—

(2) A resolution passed under clause (1) of this article shall remain in force for such period not exceeding one year as may be specified therein :

Provided that if and so often as a resolution approving the continuance in force of any such resolution is passed in the manner provided in clause (1) of this article, such resolution shall continue in force for a further period of one year from the date on which under this clause it would otherwise have ceased to be in force.

(3) A law made by Parliament which Parliament would not but for the passing of a resolution under clause (1) of this article have been competent to make shall to the extent of the incompetency cease to have effect on the expiration of a period of six months after the resolution has ceased to be in force, except as respects things done or omitted to be done before the expiration of the said period'."

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†Mr. President: Before I put the amendment to the vote, do you wish to say anything, Dr. Ambedkar ?

*CAD, Vol. VIII, 13th June 1949, pp. 799-800.

† *Ibid.,* p. 809.

The Honourable Dr. B. R. Ambedkar : Much has already been said. Unless you desire me to speak, 1 would rather not say anything.

Mr. President : That is your choice.

[Article 226, as amended by Dr. Ambedkar's amendment was adopted and added to the Constitution.]

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ARTICLE 229

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

"That with reference to amendments Nos. 2781 and 2783 of the List of Amendments, for clause (1) of article 229, the following clause be substituted :—

'(1) If it appears to the Legislatures of two or more States to be desirable that any of the matters with respect to which Parliament has no power to make laws for the States except as provided in article 226 and 227 of this Constitution should he regulated in such States by Parliament bylaw, and resolutions to that effect are passed by the House or. where there are two Houses, by both the Houses of the Legislature of each of the States, it shall be lawful for Parliament, to pass an Act for regulating that matter accordingly and any Act so passed shall apply to such States and to any other State by which it is adopted afterwards by resolution passed in that behalf by the House or. where there are two Houses, by each of the Houses of the Legislature of that State.'"

I would like to explain this amendment in a few brief sentences. The original article as it stood said : "If it appears to the Legislature or Legislatures of one or more States to be desirable, etc." The new amendment said "if it appears to the Legislatures of two or more States to be desirable etc." Under the new amendment it would be open to invoke the aid of Parliament to make a law only if two or more States join, and sent a resolution. The other changes in sub-clause (1) of article 229 are merely consequential to this principal amendment, namely, that the power can be invoked only if two or more States desire, but not by a single State.

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†**The Honourable Dr. B. R. Ambedkar :** Sir, I quite appreciate the point raised by my Honourable Friend Mr. Santhanam; but 1 think he has not carefully read sub-clause (2). The important words are : 'in like manner', so that if the State legislatures in whose interest this legislation is passed in like manner, that is to say by resolution, agree that such legislation be amended or repealed. Parliament would be bound to do so.

The Honourable Shri K. Santhanam : "May be amended".

The Honourable Dr. B. R. Ambedkar : 'May' means shall. There is no difficulty at all.

[Dr. Ambedkar's amendment was adopted. Article 229 as amended, was added to the Constitution.]

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*CAD, Vol. VIII, 13th June 1949, p. 811.

†*Ibid.,* p. 512.

ARTICLE 230

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

"That in article 230, for the words 'for any Slate or part thereof', the words 'for the whole or any part of the territory of India' be substituted."

[The amendment was adopted without further discussion. Article 230, as amended, was added to the Constitution.]

ARTICLE 231

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

"That with reference to amendment No. 2788 of the List of amendments, in clause (2) of article 231, after the word and figure 'Part I' the words and figures 'or Pari III' be inserted."

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‡**The Honourable Dr. B. R. Ambedkar :** Sir, I agree that Mr. Thanu Pillai's point requires explanation. Now the explanation is this. I am sure he will agree that the rule regarding repugnancy which is mentioned in article 231 must be observed so far as future laws made by Parliament are concerned. He will see that the wording in article 231 is 'whether passed before or alter'. Surely with regard to laws made by Parliament after the commencement of this Constitution, the rule of repugnancy must have universal application with regard to laws made both by the States in Part I and by the States mentioned in Part III. With regard to the question of repugnancy as to the laws made before the passing of this Constitution, the position is this. As I have said so often in this House, it is our desire and I am sure the desire of the House that all articles in the Constitution should be made generally applicable to all States without making any specific differentiation between States in Part I and Part III. It is no good that whenever you pass an article you should have added to that article a proviso making some kind of saving in favour of States in Part III, although there is no doubt about it that some savings will have to be made with regard to laws made by States in Part III. That is proposed to be done, as I said, in a new Part or a new Schedule where the reservation in respect of States in Part III will be enacted, so that so far as laws made before the Constitution comes into existence are concerned, they would be saved by some provision enacted in that special form or special Schedule. I should like to add to that one more point *viz.,* that while it is proposed to make reservations in that special part in favour of Part III States, nonetheless that reservation could not be absolute because the reservations made therein, at any rate some provisions in that special part, will be governed by article 307 which gives the President the power to make adaptations. Now that adaptation will apply both to States in Part I as well as to States

*CAD, Vol. VIII, 13th June 1949, p. 813.

† *Ibid*., p. 813.

‡ *Ibid.,* pp. 814-15.

in Part III. Therefore so far as regards laws made by Parliament or the Legislatures of States in Part III before the commencement, they will in the first instance be saved from the operation of article 231 but they will also be subject to the provisions of article 307 dealing with adaptation.

[Dr. Ambedkar's amendment, as mentioned earlier was accepted. Article 231, as amended, was added to the Constitution.]

ARTICLE 232

***Mr. President:** We take up article 232.

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

"That the heading to article 232 'Restriction on Legislative Powers' be omitted."

With your permission I move my new amendment:

"(i) That after the word and figure 'Part I' the words and figures 'or Part III' be inserted ; and

(ii) after clause (a) of article 232, the following clause be inserted :—

'(aa) where the recommendation required was that of the Ruler, either by the Ruler or by the President'."

Now Sir, I have come to understand that there is some sentimental objection to the use of the word 'ruler'. I am prepared to yield to that sentiment and what I therefore propose is that the House should accept this amendment for the moment and leave the matter to the Drafting Committee to find a better word to replace the word 'ruler'. Otherwise the whole of the article would have to be unnecessarily held over for no other reason except that we cannot find at the moment a better word to substitute for the word 'ruler'.

[All the above amendments of Dr. Ambedkar were adopted. Article 232, as amended, was added to the Constitution.]

ARTICLE 234

Mr. President: We take up No. 234.

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

That the following new clause be added to article 234 :—

(3) Where by virtue of any direction given to a State as to the construction or maintenance of any means of communication under the last precending clause of this article costs have been incurred in excess of those which would have been incurred in the discharge of the normal duties of the State if such direction had not been given, there shall be paid by the Government of India to the State such sum as may be agreed or, in default of agreement, as may be determined by an arbitrator appointed by the Chief Justice of India in respect of the extra costs so incurred by the State.

[The amendment was adopted. Article 234, as amended was added to the Constitution.]

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*CAD, Vol. VIII, 13th June 1949, p. 815.

†*Ibid.,* p. 816.

ARTICLE 238

***The Honourable Dr. B. R. Ambedkar :** Sir, I formally move No. 2807 :

"That in the proviso to article 238, for the words 'under the terms of any agreement entered into in that behalf by such State with the Union' the words 'under the terms of any instrument or agreement entered into in that behalf by such State with the Government of the Dominion of India or the Government of India or of any law made by Parliament under article 2 of this Constitution' be substituted."

I move further:

"(1) That with reference to amendment No. 2807 of the List of Amendments, in clause (2) of article 238, after the words 'bylaw 'the words 'made by Parliament' be added.

(2) That with reference to amendment No. 2807 of the List of Amendments, the proviso to article 238 be deleted."

The amendment was adopted.

Article 238, as amended, was added to the Constitution.

ARTICLE 239

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

"That in article 239, before the word 'State 'where it occurs for the second tune in line 29, the word 'other' be inserted."

The amendment was adopted.

Article 239, as amended, was added to the Constitution.

ARTICLE 240

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

"That for clause (1) of article 240, the following new clauses be substituted :—

'(I) If the President receives such a complaint as aforesaid, he shall, unless he is of opinion that the isues involved are not sufficient importance to warrant such action, appoint a Commission to investigate in accordance with such instructions as he may give to them, and to report to him on the matters to which the complaint relates, or that of those matters as he may refer to them.

(1a) The Commission shall consist of such persons having special knowledge and experience in irrigation, engineering, administration, finance or law as the President may deem necessary for the purposes of such investigation'."

[The amendment was adopted Article 240 as amended, was added to the Constitution.]

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*CAD, Vol. VIII, 13th June 1949, p. 817.
† *Ibid.,* p. 817.
‡ *Ibid.,* p. 818.

ARTICLE 112-B

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

"That for amendment No.23, the following amendment he substituted :—

"That after the new article 112-A, the following article he inserted :—

Conference on the Supreme Count of Appellate jurisdiction with regard to criminal matters.

112-13 Parliament may by law confer on the Supreme Court power to entertain and hear appeals hum any judgment, final order or sentence of a High Court in the territory of India in the exercise of its criminal jurisdiction subject to such conditions and limitations as may be speed led in such law.

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ARTICLE 111-A

†**Mr. President:** Dr. Ambedkar will now move his amendment.

The Honourable Dr. B. R. Ambedkar (Bombay : General) **:** Sir, I move :

"That with reference to amendments Nos. 23 and 24 of List I (Fifth Week) for the new article 111-A, the following be substituted :—

Appellate jurisdiction of Supreme Court with regard to criminal matters.

111-A (1) The Supreme Court shall have power to entertain and hear anneals from any judgment, final order or sentence in a criminal proceeding of a High Court in the territory of India—

(a) if the High Court has on appeal reversed the order of acquital of an accused person and sentenced him to death; or

(b) if the High Court has withdrawn for trial before itself any case from any court subordinate to its authority and has in such trial convicted the accused person and sentenced him to death; or

(c) if the High Court certifies that the case is a fit one for appeal to the Supreme Court:

Provided that an appeal under sub-clause (c) of this clause shall lie subject to such rules as may from time to time he made by the Supreme Court and to such conditions as the High Court may establish or require.

(2) Parliament may by law confer on the Supreme Court any further powers to entertain and hear appeals from any judgment, final order or sentence in a criminal proceeding of a High Court in the territory of India subject to such conditions and limitations as may be specified in such law."

I do not wish to say anything at this stage but I shall reserve my remarks towards the end after hearing the course of debate on my new amendment.

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‡**The Honourable Dr. B. R. Ambedkar :** Mr. President, Sir, I rise to make just a few observations in order to give the House the correct idea of what is proposed to be done by the introduction of this new article 111-A. The first tiling which I should make clear is that it is not the intention of article 111-A to confer general criminal appellate jurisdiction upon the Supreme Court. The jurisdiction sought to be conferred is of a very limited character.

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*CAD, Vol. VIII, 13th June 1949, p. 824.

† *Ibid.,* 14th June 1949, p. 840.

‡ *Ibid.,* 14th .Tune 1949, pp. 853-57.