

Conference with the Provincial Premiers and they were wholly opposed to any change of the place which has been given to this entry.

[Two amendments were negatived. The motion was adopted Entry 46 was added to the State List.]

ENTRY 48

Shri Brajeshwar Prasad : Sir, I beg to move:

“That in amendment No. 3631 of the List of Amendments, for the word ‘deleted’ the words and figure ‘transferred to List I’ be substituted.”

Prof. Shibban Lal Saksena : I also move my amendment No. 316 :

“That entry 48 of List II be transferred to List III.”

The Honourable Dr. B. R. Ambedkar : I do not accept that.

[Both amendments were rejected. Entry 48 was added to the State Listed.]

ENTRY 49

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***The Honourable Dr. B. R. Ambedkar :** For the reasons which I have given while dealing with entry 46, I do not accept the amendment.

Mr. President : The question is :

“That in amendment No. 3632 of the List of Amendments, for the word ‘deleted’ the words and figure ‘transferred to List I’ be substituted.”

The amendment was negatived.

Mr. President : The question is :

“That entry 49 of List II be transferred to List III.”

[The amendment was negatived. Entry 49 was added to the State List.]

ENTRY 50

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

“That in entry 50 of List II, the words ‘or roads’ be added at the end.”

The Honourable Dr. B. R. Ambedkar : I do not accept the amendment.

“That in entry 50 of List II, the words ‘or roads’ be added at the end.”

[The amendment of Dr. Ambedkar was adopted. The motion was adopted. Entry 50, as amended, was added to the State List.]

ENTRY 52

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

“That in entry 52 of List II, the words ‘non-narcotic drugs’ be omitted.”

*CAD, Vol. IX, 2nd September 1949, p. 920.

†*Ibid.*, p. 920.

‡*Ibid.*, p. 922.

This is merely consequential.

[The amendment was adopted. The motion was adopted. Entry 52, as amended was added to the State List.]

ENTRY 56

***Prof. Shibban Lal Saksena :** Sir, I move :

“That entry 56 of List II be transferred to List III and the following explanation be added at the end :—

‘Explanation.—Nothing in this entry will be construed as limiting in any way the authority of the Union to make laws with respect to taxes on income accruing from or arising out of professions, trades, callings and employments.’ ”

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‡**The Honourable Dr. B. R. Ambedkar :** Sir, I think this amendment is rather based upon a mis-conception. This entry is a purely provincial entry. It cannot limit the power of the Centre to levy Income-tax. On the other hand, this entry 56 may be so worked as to become an encroachment upon Income-tax that is leviable only by the Centre. You may recall, Sir, that I introduced an amendment in article 256 to say that any taxes levied by the local authorities shall not be deemed to be Income-tax. This amendment is not necessary.

Prof. Shibban Lal Saksena : I do not press the amendment, Sir.

(The amendment was, by leave of the Assembly, withdrawn.)

[Entry 56 was added to the State List.]

ENTRY 58

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

“That for entry 58 of List II, the following entries be substituted :—

‘58. Taxes on the sale or purchase of goods.

58-A. Taxes on advertisements.’ ”

We are trying to cut out the word ‘turnover’.

* * * * *

#**Shri V. L. Muniswamy Pillay (Madras : General):** I move :

“That with reference to amendment No. 3638 of the List of Amendments, in entry 58 of List II, after the words ‘purchase of goods’ the words ‘other than Newspapers’ and after the words ‘taxes on advertisements’ the words; ‘other than those appearing in Newspapers’ be inserted respectively.”

Shri Deshbandhu Gupta (Delhi): I suggest this may be also held over.

Mr. President : This was a question which was raised yesterday. I held it over for my ruling.

*CAD, Vol. IX, 2nd September 1949, p. 923.

†*Ibid.*, p. 923.

‡*Ibid.*, p. 923.

#*Ibid.*, p. 924.

The Honourable Dr. B. R. Ambedkar : I suggest that amendment No. 122 might be treated as an independent thing which may be brought in by an additional entry. Then subsequently the Drafting Committee may work the two things together if accepted. Subject to that, this entry may go. Those interested in 122 may be permitted to bring in this in the form of an additional entry.

Mr. President : Your point is not touched so far as newspaper and advertisement is concerned.

Shri Deshbandhu Gupta : If it is felt that the Drafting Committee should provide this somewhere else then it would become difficult to revise the past, once a decision is taken by the House on this entry.

The Honourable Dr. B. R. Ambedkar : Before we conclude discussion of the three Lists this matter may be brought up.

Mr. President : I am prepared to allow this to be taken up separately when we take up 88-A which we held over yesterday. So the position is that the question relating to advertisement is held over, but apart from that, this entry is to be put to vote, as amended by Dr. Ambedkar.

Prof. Sibban Lal Saksena : When a ruling is pending how can it be passed?

Shri Deshbandhu Gupta : It will be simpler if it is held over.

Mr. President : Well, let it be held over. We will take it up along with 88-A which we held over yesterday.

Entry 58 of List II was held over.

ENTRY 59

***Mr. President :** Entry 59.

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

“That in entry 59 of List II, the following be added at the end :—

‘Subject to the provinces of entry 21 of List III’ ”

In List III we are going to say that the Centre should have the power to lay down the principle of taxation.

[The motion of Dr. Ambedkar was adopted. Entry 59, as amended, was added to the State List.]

ENTRY 64

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

“That entry 64 of List II be deleted.”

That is taken in the Concurrent List.

[The motion was adopted. Entry 64 of List II was deleted from the State List.]

*CAD, Vol. IX, 2nd September 1949, p. 924.

†*Ibid.*, p. 925.

ENTRY 67

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***The Honourable Dr. B. R. Ambedkar :** Sir, this matter will be covered by the Part of the Constitution which we propose to add to the existing Draft, the part where all the payments that are to be made to the rulers will be dealt with, and for the present I do not see any necessity for any such amendment. I think my Friend, after seeing that part which we propose to introduce by way of an amendment, may see whether his object is carried out by our proposal. If not, he may be quitre in order in moving an amendment to that part when that part comes before the House.

Kaka Bhagwant Roy : Sir, I wish to withdraw my amendment. (The amendment was, by leave of the Assembly, withdrawn.)

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ENTRY 2-A

‡**Mr. President :** Then we come to entry 2-A. Dr. Ambedkar.

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

“That after entry 2 of List III, the following entry be inserted :—

‘2A. Preventive detention for reasons connected with stability of the Government established by law and the maintenance of public order and services or supplies essential to the life of the community; persons subjected to such detention.’ ”

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SEVENTH SCHEDULE—(*contd.*)

LIST III

(*Concurrent List*)

ENTRY 2-A

‡**Mr. Vice-President: (Shri V. T. Krishnamachari):** We are now doing entry 2-A of the Concurrent List.

Mr. Naziruddin Ahmad : (West Bengal: Muslim): Mr. Vice-President, Sir I would seek your permission to make a verbal change in my amendment No. 290. No. 289 has been moved by Mr. Kamath. I wish to move the next entry and I seek your permission to make a slight verbal alteration I know that the amendment will never be accepted—that it will not even be considered. So there is no harm in making the amendment look better. May I have your permission to substitute for the words “overthrow of the Government by force” in my amendment, the words

*CAD, Vol. IX, 2nd September 1949, p. 926.

†*Ibid.*, p. 926.

‡*Ibid.*, 3rd September 1949, pp. 929-930.

“security of the State” ? The wording “security of the State” seems to be more proper and the change is only verbal.

Mr. Vice-President: Yes.

Mr. Naziruddin Ahmad : Sir, I beg to move ...

The Honourable Dr. B. R. Ambedkar: (Bombay : General): Sir, may I suggest to my Friend that if he is prepared to accept the wording as I suggest now, namely, “connected with the security of the State” instead of the words “connected with stability of the Government established by law” I shall be prepared to accept it, because I find that that is exactly the language we have used in amended entry 3 in List I—We have used the word “security of India” there. If my Friend is satisfied with the wording I have now suggested I shall be prepared to accept it.

Mr. Naziruddin Ahmad : I am grateful to Dr. Ambedkar, but this is exactly the change which I was asking to the Vice-President to permit me to make.

The Honourable Dr. B. R. Ambedkar : Your words were different.

Mr. Naziruddin Ahmad : I was going to move an amended amendment and that is exactly on the lines, word for word, as the one that Dr. Ambedkar now suggests.

The Honourable Dr. B. R. Ambedkar : Then there is nothing to speak about it. If my honourable Friend will move the amendment as I have suggested then I am prepared to accept it.

Mr. Naziruddin Ahmad : I must move my amendment.

Mr. Vice-President: As Dr. Ambedkar is accepting it, is it necessary for the honourable Member to move the amendment and speak on it?

Mr. Naziruddin Ahmad : If my honourable Friend fails to recognize that I was going to move an amendment which is correct and exactly corresponds to his ideas, I cannot help it. But let me move my amendment.

Sir, I beg to move:

“That in amendment No. 124 of List I (Sixth Week), in the proposed new entry 2-A of List III, for the words “stability of the Government” the words “security of the State” be substituted.”

The expression “stability of the Government” is not proper...

The Honourable Dr. B. R. Ambedkar : I do not think any argument is needed as I am accepting the amendment.

Mr. Naziruddin Ahmad : I know. But there is the House. I will say only one or two words. The expression “stability of the Government” is rather vague in the context of the new entry proposed by Dr. B. R. Ambedkar, namely, “preventive detention for reasons connected with the

stability of the Government". "Government" and "State" are different things.

The Honourable Dr. B. R. Ambedkar : That is the reason why I have accepted it.

Mr. Naziruddin Ahmad : But, Sir, he has not made it clear as to why he has accepted it

The Honourable Dr. B. R. Ambedkar : I have said that "security of the State" is the proper expression. So there is no necessity of an argument.

Mr. Vice-President : The amendment proposed by the honourable Member having been accepted, there is no need for elaborate arguments.

Mr. Naziruddin Ahmad : But the House should know. Why should there be so much nervousness about the exposure of bad drafting? That is the point.

The Honourable Dr. B. R. Ambedkar : If my honourable Friend is satisfied with an admission on my part that I have made a mistake I am prepared to make it.

Mr. Naziruddin Ahmad : It should be appreciated not merely by the House but by the world at large. Drafted as it is, "stability of the Government" may mean insecurity of the Ministry for which they might imprison the opposition.

The Honourable Dr. B. R. Ambedkar : Very well, we have bungled. Is that enough?

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***The Honourable Dr. B. R. Ambedkar :** Sir, the amendment as amended has to be put and not as in the Notice Paper.

Mr. Vice-President: I will now put amendment No. 124 as revised by Dr. Ambedkar. The question is :

"That after entry 2 of List III, the following entry be inserted :—

'2-A. Preventive-detention for reasons connected with the security of the State and the maintenance of public order and services or supplies essential to the life of the community; persons subjected to such detention.'

(The motion was adopted.)

Entry 2-A, as amended, was added to the Concurrent List.

ENTRY 3

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

"That for entry 3 of List III, the following entry be substituted :—

*CAD, Vol. IX, 3rd September 1949, p. 831.

†*Ibid.*, p. 931.

‘3. Removal from one State to another State of prisoners, accused persons and persons subjected to preventive detention for reasons specified in entry 2A of this List.’ ”

Mr. Naziruddin Ahmad : I am not moving amendment No. 291.

Mr. Vice-President : Amendment No. 292. The Member is not present and the amendment is not therefore moved.

I will put Dr. Ambedkar’s amendment to vote.

[The amendment was adopted. Entry 3, as amended, was added to the Concurrent List.]

ENTRY 4

***The Honourable Dr. B. R. Ambedkar :** I Move :

“That in entry 4 of List III, the words and figures ‘for the time being specified in Part I or Part II of the First Schedule’ be deleted.”

[Entry 4 as amended, by Dr. Ambedkar’s amendment was added to the Concurrent List.]

ENTRY 6

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†**The Honourable Dr. B. R. Ambedkar :** Sir, there can be no doubt that the amendment of my honourable Friend, Dr. Deshmukh, in so far as it seeks to interpolate certain words dealing with the protection of children in entry 6 are out of place because entry 6 no doubt refers to infants and minors, but it has to be borne in mind that taking the entry as a whole, that entry deals with status. In so far as the status of infants and minors are concerned, these categories are included in entry 6, but “care and protection of destitute and abandoned children and youth” are not germane to their status.

Dr. P. S. Deshmukh : That was exactly why I had wanted to introduce an independent entry. There is an amendment already in my name which seeks to have an additional entry separately.

The Honourable Dr. B. R. Ambedkar : I was just going to deal with the amendment moved by him. These words could not be interpolated in this entry 6, without seriously damaging the structure of that entry No. 6. Therefore at this stage I certainly cannot accept the proposition of interpolating these words.

Now, Sir, I will deal with the general question of the protection of children. There can be no doubt about it that every Member in the House including myself and the members of the Drafting Committee could ever take any exception to the protection of children being provided for by the

*CAD, Vol. IX, 3rd September 1949, p. 931.

†*Ibid.*, pp. 935-936.

State, and there can be no difference of opinion; but the only question is whether in the list as framed by the Drafting Committee that matter is not already covered. In framing these entries, what we have done is to mention and categorize subjects of legislation and not the objects or purposes of legislation.

Protection of children is a purpose which a legislature is entitled to achieve if in certain circumstances it thinks that it must do so. The question is whether under any of these entries, it would not be possible for the State to achieve that purpose, namely, the protection of children.

It seems to me that any one of these entries which are included in List II could be employed by the State for the purpose of framing laws to protect children. For instance, under entry 2 of List II, administration of justice, it would be open for the State to establish juvenile courts for children.

Dr. P. S. Deshmukh : That is not what I meant. I never referred to juvenile Courts.

The Honourable Dr. B. R. Ambedkar : For instance, take prisons and reformatory and Borstal institutions, they may be empowered to establish special kinds of prisons where there would be, not the principle of punishment, but the principle of reformation. Take the case of education.

Shrimati G. Durgabai : May I submit, Sir, the case of delinquent children stands absolutely on different footing and from destitute and abandoned children?

The Honourable Dr. B. R. Ambedkar : As I was saying entry 18, which deals with education in List II, could be used by the State for the purpose of establishing special kinds of schools for children including even abandoned children. Under entry 42, dealing with the incorporation of societies and so on, it would be open to the State to register societies for the purpose of looking after children or they may themselves start some kind of corporation to do this.

Therefore, if my friends contend that the statement, which I am making in all sincerity, that there is every kind of provision which the State may make for the purpose of protecting children under the entries which are included in List II, I think there is no purpose, in having a separate entry dealing with the protection of children. As I stated, protection of children cannot be a subject of legislation; it can be the object, purpose or purpose of legislation.

Dr. P. S. Deshmukh : You have made provision for the protection of wild birds, even!

The Honourable Dr. B. R. Ambedkar : I can quite see both of my Friends are very persistent in this matter. I would therefore request them

to withdraw their amendment on the assurance that the Drafting Committee in the revising stage will go into the matter and if any such entry can be usefully put in any of the Lists, they will consider that matter and bring a proposal before the House. At this stage, I find it rather difficult to accept it because I have not had sufficient time to devote myself to a full consideration of the subject which is necessary before such an entry is introduced.

Mr. Vice-President : Does Dr. Deshmukh wish to press his amendment?

Dr. P. S. Deshmukh : I would like to request Dr. Ambedkar at least to say that by the time my next amendment for independent entry is reached, he will be able to say something more favourable than he has been able to say now.

The Honourable Dr. B. R. Ambedkar : I will consider the whole matter.

[The amendment was withdrawn. Entry 6 was added to the Concurrent List.]

ENTRY 15

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

“that for entry 15 of List III, the following entry be substituted :—

‘15. Actionable wrongs’.”

The words which I seek to omit are really unnecessary.

(The motion was adopted. Entry 15 as amended was added to the Concurrent List.)

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NEW ENTRY 17-A

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

“That after entry 17 of List III, the following entry be inserted :—

‘17-A. Vocational and technical training of labour’.”

[Entry 17-A as amended was added to the Concurrent List.]

ENTRY 20

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

“That for entry 20, the following entry be submitted:

‘20. Drugs and poisons, subject to the provisions in entry 62 of List I with respect to opium’.”

(Mr. Kamath did not move his amendment.)

(The amendment was adopted.)

(Entry 20, as amended, was added to the Concurrent List.)

*CAD, Vol. IX, 3rd September 1949, p. 937.

†*Ibid.*, p. 939.

‡*Ibid.*, p. 939.

ENTRY 21

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

“That for entry 21 of List III, the following entry be substituted:—

‘21. Mechanically propelled vehicles including the principles on which taxes on such vehicles are to be levied’.”

(The amendment was adopted.)

Entry 21, as amended, was added to the Concurrent List.

NEW ENTRY 25-A

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

“That after entry 25 of List III, the following new entry be inserted :—

‘25-A. Vital statistics including registration of births and deaths’.”

[The motion was adopted. Entry 25A was added to the Concurrent List.]

ENTRY 26

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

“That for entry 26 of List III the following entry be substituted :—

‘26. Welfare of labour including conditions of work, provident funds, employers liability, workmen’s compensation, invalidity and old age pensions and maternity benefits’.”

[The amendment was adopted. Entry 26, as amended, was added to the Concurrent List.]

NEW ENTRY 26-A

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

“That after entry 26 of List III, the following entry be inserted :—

‘26-A. Social insurance and social security’.”

(Entry 26-A was added to the Concurrent List.)

NEW ENTRY 26-B

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#The Honourable Dr. B. R. Ambedkar : Sir, may I explain? There seems to be a certain amount of confusion and misunderstanding about the entries in the List. With regard to my Friend Dr. Deshmukh’s amendment, he wants welfare of peasants, farmers and agriculturists of all sorts. Well, I would like to have some kind of a clear conception of what these omnibus words, “agriculturists of all sorts” mean. Does he want that the State should also undertake the Welfare of zamindars who pay Rs. 5 lakhs as land revenue?

*CAD, Vol. IX, 3rd September 1949, p. 940.

†*Ibid.*, p. 940.

‡*Ibid.*, p. 940.

#*Ibid.*, p. 944.

Shri R. K. Sidhva : You can drop those words.

***The Honourable Dr. B. R. Ambedkar :** It will also include malguzars. Before I accept any entry, I must have in my mind a clear and consistent idea as to what the words mean. The word “agriculturists” has no precise meaning. It may mean a rack-renter. It may mean a person who is actually a cultivator. It may mean a person who has got two acres. It may also mean a person who has five thousand acres, or five lakhs acres.

Dr. P. S. Deshmukh : I am prepared to omit that particular expression.

The Honourable Dr. B. R. Ambedkar : That is one difficulty I find. The second point is my Friend Dr. Deshmukh does not seem to pay much attention to the different entries and what they mean. So far as agriculture is concerned, we have got two specific entries in List II—No. 21 which is Agriculture and No. 24 which is Land. If he were to refer to these two entries he will find...†

Dr. P. S. Deshmukh : What fallacious arguments are being advanced ! For that matter, Labour welfare is a specific entry and yet you wanted separate provision for their vocational training? Do not advance fallacious arguments.

The Honourable Dr. B. R. Ambedkar : It is not my business to answer questions relating to the faults of administrations. I am only explaining what the entries mean. As I said, we have already got two entries in List II. Entry 21 is there for Agriculture “including agricultural education and research, protection against pests and prevention of plant diseases”.

Dr. P. S. Deshmukh : Then why do you want “welfare of labour”?

The Honourable Dr. B. R. Ambedkar : Why can't you have some patience? I know my job. Do you mean to say I do not know my job? I certainly know my job.

Dr. P. S. Deshmukh : I know your attitude also. Do not try to fool everybody!

The Honourable Dr. B. R. Ambedkar : There is already an entry which will empower any State to do any kind of welfare work not merely with regard to agriculture but with regard to agriculturists as well. In addition to that we have entry 24 where it is provided that laws may be made with regard to “rights in or over land, land tenures including the relation of land-lord and tenant”. All the economic interests

*CAD, Vol. IX, 3rd September 1949, pp. 944-946.

†Dots indicate interruption in original.

of the peasants can be dealt with under this entry. Therefore, so far as entries are concerned there is nothing that is wanting to enable the Provincial Governments to act in the matter of welfare of agricultural classes.

Then I come to the question raised by my Friend Mr. Sidhva which, I think, is a very legitimate question. His question was what was the connotation of the word "labour" and he asked me a very definite question whether 'labour' meant both industrial as well as agricultural labour. I think that was his question. My answer is emphatically that it includes both kinds of labour. The entry is not intended to limit itself to industrial labour. Any kind of welfare work relating to labour, whether the labour is industrial labour or agricultural labour, will be open to be undertaken either by the Centre or by the Province under entry 26.

Similarly, conditions of work, provident funds, employers' liability workmen's compensation, health insurance, including invalidity pensions—all these matters—would be open to all sorts of labour, whether it is industrial labour or agricultural labour. Therefore, so far as this entry, No. 26, is concerned, it is in no sense limited to industrial labour and therefore the kind of amendment which has been proposed by my Friend Dr. Deshmukh is absolutely unnecessary, besides; its being—what I might call—vague and indefinite, to which no legal connotation can be given.

Dr. P. S. Deshmukh : Is there no class of persons except agricultural labour in this country? Has Dr. Ambedkar ever heard of a class called "farmers" and "peasants" ?

The Honourable Dr. B. R. Ambedkar: Their welfare will be attended to under entries 21 and 24 of the Provincial List, as I have already explained.

[Dr. P. S. Deshmukh's amendment was negatived. Dr. Ambedkar's amendment was adopted. Entry 27, as amended was added to the Concurrent List.]

ENTRY 27

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

"That for entry 27 of List III, the following entry be substituted :—

'27. Employment and unemployment' "

The amendment was adopted.

Entry 27, as amended, was added to the Concurrent List.

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ENTRY 28

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***Mr. Vice-President :** I will now put the question.

The Honourable Dr. B. R. Ambedkar : I want to say a word. The words “trade union” with regard to welfare of labour have a very wide connotation and may include trade unions not only of industrial organisations but may also include trade unions of agricultural labour. That being so, I am rather doubtful whether by introducing the word ‘industrial’ here, we are not trying to limit the scope and meaning of the term ‘trade union’. But I am not moving any amendment. I would like to reserve an opportunity to the Drafting Committee to examine the term and to consider this. I want the entry to stand as it is now. I have expressed my doubt that in view of the wide connotation of ‘trade union’, a part of the entry may require amendment.

Mr. Vice-President: Subject to what Dr. Ambedkar says, I put entry 28 to vote. The question is :

“That entry 28 stand part of List III.

(The motion was adopted.)

Entry 28 was added to the Concurrent List.

NEW ENTRY 28-A

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

“That after entry 28 of List III, the following new entry be inserted :—

‘28-A. Commercial and industrial monopolies, combines and trusts’.”

The motion was adopted. Entry 28-A was added to the Concurrent List.

ENTRY 29

‡**Mr. Vice-President:** As there is no amendment to entry 29, I will put it to vote.

Entry 29 was added to the Concurrent List.

Dr. P. S. Deshmukh : Sir, a part of this amendment of mine was very kindly accepted yesterday. But, so far as the wording is concerned, we have yet to decide it. When we were discussing the State List, it was decided that we should transfer ‘adulteration food’ to List III and therefore it would probably be relevant if we take up the wording of this entry at this stage. At the same time I would like that the first amendment of mine should also be accepted.

*CAD, Vol. IX, 3rd September 1949, p. 947.

†*Ibid.*, p. 947.

‡*Ibid.*, p. 948.

The Honourable Dr. B. R. Ambedkar : May I draw attention to the fact that the introduction of entry 29A has already been covered by entry 61A in List I which has been passed by the House in much wider terms? The words used are “goods” which will include agricultural products, etc. Similarly 29B was accepted yesterday on the motion of Mr. Maitra and it is now entry 20A in List III.

Dr. P. S. Deshmukh : I accept the first part of my friend’s suggestion. I do not move for adding 29A. But I am not clear whether it is the mere transposition of the entry as it stood in List II that is proposed?

The Honourable Dr. B. R. Ambedkar : It is transferred to Concurrent List as 20A. That was the motion passed by the House.

Dr. P. S. Deshmukh : Would it not be better to enlarge its scope?

The Honourable Dr. B. R. Ambedkar : ‘Adulteration of food’ includes everything, I think.

Dr. P. S. Deshmukh : If that is so, I do not move this amendment.

Mr. Vice-President : Then I will put entries 30 and 31 to vote. Entries 30 and 31 were added to the Concurrent List.

NEW ENTRY 31-A

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

“That after entry 31, the following new entry be inserted :—

‘31-A. Ports, subject to the provisions of List I with respect to major ports’.”

[Motion was adopted. Entry 31-A was added to the Concurrent List]

ENTRY 32

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

“That entry 32 of List III be deleted.”

This has been transferred to List I.

Entry 32 was deleted from the Concurrent List.

ENTRY 33

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

“That entry 33 of List III be deleted.”

As I said, this also has been transferred to List I.

Entry 33 was deleted from the Concurrent List.

*CAD, Vol. IX, 3rd September 1949, p. 948.

†*Ibid.*, p. 949.

‡ *Ibid.*, p. 949.

ENTRIES 33A AND 33B

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

“That after entry 33 of List III, the following new entries be inserted :—

‘33A. Custody, management and disposal of property (including agricultural land) declared by law to be evacuee property.

33B. Relief and rehabilitation of persons displaced from their original place of residence by reason of the setting up of the Dominions of India and Pakistan.’ ”

(Amendment No. 296 was not moved.)

[Entries 33A and 33B were added to the Concurrent List.]

ENTRY 34

‡**Shri Brajeshwar Prasad :** ...Sir, there is another aspect of the question to which I would like to draw the attention of the House. Entry 34 reads thus:

“Economic and social planning.”

What about political planning?

Some Honourable Member : It will be too disastrous.

The Honourable dr. B. R. Ambedkar : It can be done by way of amendment of the Constitution.

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‡**The Honourable Dr. B. R. Ambedkar :** Sir, I am very sorry but I cannot accept this amendment moved by Shrimati Purnima Banerji. The introduction of the word “education” seems to me to be quite unnecessary. The word “social” is quite big enough to include anything that relates to society as a whole except, of course, religious planning, and a contradiction would be only between ‘social’ and ‘religious’. What the State would not be entitled to plan would be ‘religions’; everything else would be open to the State.

With regard to the observations of my honourable Friend Shri Rohini Kumar Chaudhuri, I think he will realize that this entry finds a place in the Concurrent List and the State also would have the freedom to do its own planning in its own way. It is only when the Centre begins to have a plan and if that plan conflicts with the plan prepared by the State that the plan prepared by the State will have to give way and this is in no sense an encroachment upon the planning power of the State and therefore, this entry, I submit, should stand in the language in which it stands now.

*CAD, Vol. IX, 3rd September 1949, p. 949.

‡*Ibid.*, p. 950.

‡*Ibid.*, p. 952.

Mr. Vice-President: The question is :

“That for entry 34 of List III, the following be substituted :—

‘34. Economic, educational and social planning’.”

The amendment was negatived.

[Entry 34 was added to the Concurrent List.]

ENTRY 34-A

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

“That after entry 34 of List III, the following new entry be inserted :—

‘34A. Archaeological sites and remains’.”

This would be Concurrent.

[Entry 34A was added to the Concurrent List.]

ENTRY 35

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

“That for entry 35 of List III, the following entry be substituted :—

‘35. The principles on which compensation for property acquired or requisitioned for the purposes of the Union or of a State or for any other public purpose is to be determined and the form and the manner in which such compensation is to be given.’”

(The amendment was adopted)

Entry 35, as amended was, added to the concurrent List.

ENTRY 35-A

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

“That after entry 35 of List III, the following new entry be inserted :—

‘35A. Trade and commerce in and the production, supply and distribution of the products of industries where the control of such industries by the Union is declared by Parliament by law to be expedient in the public interest.’”

(The motion was adopted.)

Entry 35A was added to the Concurrent List.

ENTRY 36

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

“That for entry 36 of List III, the following entry be substituted :—

‘36. Industries and statistics for the purposes of any of the matters specified in list II or List III.’”

Mr. President : There is no amendment.

[Entry 36 was added to the Concurrent List.]

*CAD, Vol. IX, 3rd September 1949, p. 952.

†*Ibid.*, p. 953.

‡*Ibid.*, p. 953.

#*Ibid.*, p. 953

NEW ENTRY

***Mr. President:** There is new entry proposed by Pandit Govind Ballabh Pant.

(Amendment No. 144 was not moved)

†**Dr. P. S. Deshmukh :** Sir, I move :

‘That the following new entry be added in List III:—

‘Protection of children and youth from exploitation and abandonment, *vide* article of (vi).’ ”

Sir, I had moved similar amendments on two occasions...

The Honourable Dr. B. R. Ambedkar: This amendment was considered along with other amendments and I gave a reply telling my friend that this matter will be considered by the Drafting Committee. He was then agreeable.

Dr. P. S. Deshmukh : My only submission is that the wording may be altered as the Drafting Committee may decide but provisionally the entry may be accepted as proposed by me. It should not merely be left to be considered by the Drafting Committee. Any wording that may be suitable may be put in; but there should be an entry which refers to the protection of children and youth from exploitation and abandonment. I hope Dr. Ambedkar will kindly accept this.

The Honourable Dr. B. R. Ambedkar : I have told my friend that if I find that the purpose which he has in mind is not covered by any of the other entries, I will do my best to introduce some such entry. I have given him that assurance.

Dr. P. S. Deshmukh : This is a question to which I and at least some Members of the House attach very considerable importance. ... I hope, Sir, no damage will be done if we have an entry like the one I have proposed in the case of children.

The Honourable dr. B. R. Ambedkar : I will give my best consideration to the matter. I am in entire sympathy with its object. What more can I say?

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‡**Mr. Naziruddin Ahmad :** One speaker has just now given out that prostitution should be entirely prohibited...

The Honourable Dr. B. R. Ambedkar : Is this a question which we need debate? The only question is whether there is power with the State or with the Centre or should it be Concurrent. How the power is to be

*CAD, Vol. IX, 3rd September 1949, p.954.

†*Ibid.*, p. 954.

‡*Ibid.*, pp. 957-958.

exercised whether to permit partially or prohibit completely is a matter for each legislature, which we must leave to the legislature.

Mr. Naziruddin Ahmad : My submission is that it is relevant. The amendment provides for “regulation and control of prostitution.”...

Shri V.I. Muniswamy Pillay (Madras : General): I wish to speak, Sir.

Mr. President: Closure has been moved. The question is :

“That the question be now put”.

The motion was adopted.

The Honourable Dr. B. R. Ambedkar : Sir, there is enough power given to the State under these entries to regulate these matters, namely, either for dealing with public houses or having some large-scale farming. If my Friend, Dr. Deshmukh were to refer to List II, entry 1, which deals with public order, and entry 4 which deals with police and the Concurrent entry which deals with criminal law, he will find that there is more than enough power given to regulate these matters. If he were to refer to entry 24 dealing with land, entry 21 dealing with agriculture in the State List, he will find that there is more than enough power in the States to have state farms or whatever they like.

Therefore, the only question that remains, is this, whether this subject relating to the creation of farms and the regulation of public houses should be in the Concurrent List. In my judgement, the criterion to decide whether this matter should be in the Concurrent List or in the State List is whether these matters are of all-India concern or of purely local concern. In my judgement prostitution, the regulation of public houses, and creation of farms are matters of local concern and it is therefore better to leave them to be dealt with by the States. They have got more than enough power for that. I do not know how the Centre can do the job. The Centre has not got any agricultural land. If the Centre wants to establish a farm, the Centre has to acquire the property from the farmers. The same thing could be done by the State. I do not see what purpose would be served by having these entries in the Concurrent List; and it must also be remembered that our States which we call States are far bigger than many States in Europe.

Shrimati G. Durgabai: Will Dr. Ambedkar make one point clear? The entry speaks of regulation or prohibition of prostitution. I do not understand the meaning of “regulation” here, and I think it should be complete prohibition.

The Honourable Dr. B. R. Ambedkar : The States can regulate them and also prohibit them. The States can do it.

(All amendments were negatived)

NEW ENTRY 88-A

***The Honourable Dr. B. R. Ambedkar :** I am prepared to accept the amendment moved by the 58 gentlemen.

Shri Mahavir Tyagi : May I inform you, Sir, that a large section of the House would like the deletion of the entry and so you might kindly agree to hold over the item for further consideration of the Drafting Committee?

The Honourable Dr. B. R. Ambedkar : Sir, if the mover of this amendment cares to move it, I am prepared to accept it.

Shri Ramnath Goenka (Madras : general): Sir, the other day, you requested Dr. Ambedkar to be ready with his alternative proposal.

The Honourable dr. B. R. Ambedkar : He did not say anything of that kind.

Shri Ramnath Goenka : This item will take some time, Sir.

The Honourable Dr. B. R. Ambedkar : Sir, the amendment is here.

Shri Ramnath Goenka: What I suggest is that we could get in touch with the Drafting Committee and come to a formula acceptable to all.

The Honourable dr. B. R. Ambedkar : This is a formula which you have proposed.

Shri Ramnath Goenka: We will have the benefit of consultation with you.

The Honourable dr. B. R. Ambedkar : Sir, I am prepared to accept entry 88A if they move it.

Shri S. Nagappa : It has been moved.

The Honourable Dr. B. R. Ambedkar : It has not been moved yet. That was entry 88A in List I—not in the State List. Objection was taken that it was not in order and it was not moved. Therefore, if Mr. Goenka wishes to move it...†

Shri Deshbandhu Gupta: Sir, I formally move that the matter be held over.

The Honourable Dr. B. R. Ambedkar : Why? We tried to finish the whole list. That is why we hurried up, not allowing many Members

*CAD, Vol. IX, 3rd September 1949, p. 960-963.

†Dots indicate interruption.

to speak to the extent they used to. Now that we have got a clear-cut amendment signed by many people I do not see why it should be held over.

Shri Deshbandhu Gupta : It is not in a clear-cut form as Dr. Ambedkar himself saw something objectionable in the draft and was prepared to help us with a better draft.

Mr. President : As I understood Dr. Ambedkar the other day, the only question was whether it should be in List I or List II. He said the question of policy had to be decided.

The Honourable Dr. B. R. Ambedkar : If you want to put it in List I, I am prepared to accept it.

The President : So far as the particular place where this entry will go, that is to be left to the Drafting Committee.

The Honourable Dr. B. R. Ambedkar : The whole trouble is this. This entry was originally in List II. There objection was that it would not be in List II but it should be in this form in List I. I am prepared to accept that if they want it.

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Shri Deshbandhu Gupta : Sir, on a point of information, may I inquire as to what will happen to entry No. 58 in the second List which was held over yesterday?

Mr. President : It would go.

Shri Deshbandhu Gupta : It was held over yesterday because these two go together.

Mr. President : It was held over because there was an amendment which wanted to transfer this to List II. If it is passed in List I then that amendment will be out of order.

Shri Deshbandhu Gupta : There are two amendments. There is one that this may be transferred to List I and there is another defining the scope of entry 58. The amendment was held over yesterday because this matter was not before the House at that time. They must go together.

The Honourable dr. B. R. Ambedkar : I am not bound to accept it. They do not go together. I refuse to accept that.

Mr. President: There was an amendment, No. 122, consideration of which was held over because of this amendment. If the amendment which has been just moved is accepted then in that case amendment No. 122 becomes out of order, and the only proposition before the

*Dots indicate interruption.