

Friday, 2nd September, 1949

**Volume IX**

**30-7-1949  
to  
18-9-1949**



# **CONSTITUENT ASSEMBLY DEBATES**

## **OFFICIAL REPORT**

REPRINTED BY LOK SABHA SECRETARIAT, NEW DELHI  
SIXTH REPRINT 2014

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Printed at JAINCO ART INDIA, NEW DELHI.

THE CONSTITUENT ASSEMBLY OF INDIA

*President:*

THE HONOURABLE DR. RAJENDRA PRASAD.

*Vice-President:*

DR. H.C. MOOKHERJEE.

*Constitutional Adviser:*

SIR B.N. RAU, C.I.E.

*Secretary:*

SHRI H.V.R. IENGAR, C.I.E., I.C.S.

*Joint Secretary:*

MR. S.N. MUKHERJEE.

*Deputy Secretary:*

SHRI JUGAL KISHORE KHANNA.

*Marshal:*

SUBEDAR MAJOR HARBANS LAL JAIDKA.

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## CONSTITUENT ASSEMBLY OF INDIA

*Friday, the 2nd September 1949*

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The Constituent Assembly of India met in the Constitution Hall New Delhi, at Nine of the Clock Mr. President (The Honourable Dr. Rajendra Prasad) in the Chair.

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### CONDOLENCE ON THE DEATH OF SHRI GOPINATH SRIVASTAVA

**Seth Govind Das** (C. P. & Berar: General) : Sir, before the commencement of today's business, I want to draw your attention to certain rumours about the adjournment of the House. We want to fix up our programmes and we want to know when this session is going to be terminated. At the same time, suppose a certain day is fixed for a certain article and it is not disposed of; I would like to know whether you will accept closure on that article—a sort of guillotine—so that the article might be finished by one o'clock that day.

**Mr. President** : I mentioned yesterday that I would be able to give some idea of the programme, of this Session today. I will do that at the end of the day.

I am very sorry to announce to the Members of the House the sudden death of Shri Gopinath Srivastava, who was a Member of this House in the beginning and later had to leave it on his appointment as a Member of the Public Services Commission of the United Provinces. He had a distinguished public career in his own province and had devoted all his time for many years to public activities. The province is especially poorer on account of his death and we shall all miss him in the public life of the country. I wish Members will show respect to his memory by standing in their places.

(The Members stood in their places for a minute)

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### DRAFT CONSTITUTION—(*Contd.*)

#### **Seventh Schedule—(*Contd.*)**

##### *List II. Entry 15—(*Contd.*)*

**Mr. President** : We were dealing with entry 15 yesterday when we rose.

**Shri Brajeshwar Prasad** (Bihar: General) : Sir, I did not follow the amendment moved by Dr. Ambedkar.

**Mr. President** : It is "That in entry 15 of the List the words 'registration of births and deaths' be deleted."

**Shri Brajeshwar Prasad** : He said something to the effect that it should be transferred to List III. He did not move the amendment as it finds place in the Paper.

**The Honourable Dr. B. R. Ambedkar** : (Bombay: General): But there will be an amendment when we deal with List III .

**Shri Brajeshwar Prasad :** I was then mistaken. Therefore I would like to move my amendment. I thought that he had moved that this whole entry should be transferred to List III. I now find that his amendment is of a very limited character. Therefore, Sir, I seek your permission to move my amendment.

**Mr. President :** Very well, after Mr. Kamath.

Before we proceed with the entries, I would remind the House about what has been mentioned by Seth Govind Das. We must expedite the discussion of these entries and I wish to finish them today. If we cannot, we may have to sit in the afternoon or tomorrow because we cannot go on with this List on Monday as I have fixed the programme for the days following in next week.

**Shri R. K. Sidhwa (C. P. & Berar : General) :** I think it was agreed that you would allow each speaker five minutes.

**Mr. President :** I said three minutes.

**Shri Brajeshwar Prasad :** I would rather have an evening session than a session tomorrow.

**Mr. President :** I hope it will not be necessary. We should be able to finish the entries today.

**Shri H. V. Kamath : (C.P. & Berar: General) Sir, I move:**

“That with reference to amendment No. 78 of List I (Sixth Week), the proposed entry 15 of List II be transferred to List III.”

The proposed entry will now be *minus* that clause relating to registration of births and deaths. That entry will stand thus :

“Public health and sanitation : hospitals and dispensaries.”

This entry, I suggest may be transferred to List III, that is the Concurrent List.

I find that Dr. Ambedkar has a separate amendment for the inclusion of the omitted item, that is to say the registration of births and deaths in List III under Vital Statistics. The purpose of my amendment is to transfer the entry 15 with or without the registration of births and deaths to List III, Concurrent List.

While commending my amendment seeking to transfer public health, sanitation, hospitals and dispensaries to the Concurrent List, I should like to state that public health has been the Cinderella of portfolios in the Cabinet of our country. During the British Regime it was specially so, very sadly neglected and not much provided for : as a result of which the health of the nation has fallen to C-3 standards, it is the object of our government today to raise the health of the nation from C-3 to A-I standard. If this were the aim of our Government we could not do better than make public health a Concurrent subject. It must be accorded top priority if the nation is to rise to its full stature. We have the old maxim :

शरीरमाद्यं खलु, धर्मसाधनम्।  
*Shareeramadyam khalu, dharmasadhanam.*

It means that health is the pre-requisite of higher life; and if the bedrock of health is not there nothing strong and durable can be erected on shifting sands. If the bedrock of health is there, the super structure will stand the test of time and will resist the storms and winds that blow.

I know, from my experience of certain provinces, that the health schemes that are launched by provincial Governments while commendable as regards their good intentions, fail to achieve the desired consummation, because of the lack of direction and co-ordination from the Centre. In the last Budget Session the Health Minister pleaded for more powers for the Centre to co-ordinate and initiate various health schemes in the provinces so that our aim to raise the standard of health of the nation could be realized with the least possible delay. In modern times.....

**Mr. President :** The honourable Member has exceeded his three minutes.

**Shri H. V. Kamath :** I thought that the time limit was five minutes. However, Sir, this is a matter on which there is very serious divergence of opinion. I learn that provincial governments or ministers have resisted the transfer of this entry to List III and they are reluctant to have any change in this entry. I do not know how far it is correct, but I have heard rumours to the effect that provincial health ministers are reluctant to the transfer of this entry to List III. That is why I, want the Drafting Committee and the House to bestow some more consideration on this subject.

The House is well aware that the Central Health Ministry has during recent times not merely advised the provinces about various health schemes and in the methods of disease-prevention, but also launched mass, vaccination schemes like BCG, and I believe they have also taken steps in the direction of Penicillin treatment on an All-India scale. Apart from that, the Central Government took the initiative in appointing what is known as the Chopra Committee, which has submitted its report dealing with various aspects of public health.

Bearing all these points in mind and viewing this important and vital matter from different points of view I feel very strongly that public health should not be relegated to the legislative powers only of the States but should be a rent subject at least. I am sure my Friend Mr. Brajeshwar Prasad would try to include it in List I, but I would be happy if this matter was transferred to List III. Sir, I move my amendment and commend it to the House for its acceptance.

**Shri Brajeshwar Prasad :** Sir, I move :

“That in amendment No. 3600 of the List of Amendments, for the word and figure ‘List III, the word and figure ‘List I’ be substituted.”

Sir, I do not understand the opposition of provincial ministers in this respect. If they feel that they are in a position to deal with all problems of public health and sanitation, if they are of opinion that hospitals and dispensaries can be run on efficient lines without the help and co-operation of the Government of India, they are welcome to hold their opinions. I also come from a province. I do not come from No man’s land. I know that the administration of these departments has deteriorated after power was transferred to our hands. If you go to a general hospital you will see that flies and bugs are multiplying, that the clothes of the nurses are dirty, that phenyle and medicines are not available and the patients are not treated well. There is utter neglect and deterioration in efficiency. Therefore I feel that public health, sanitation, hospitals and dispensaries should be included in List I. The powers which I want the Centre to possess are in for the purpose of aggrandisement of the Centre. They are intended for the performance of social service. I cannot understand why the co-operation of the Centre is not welcome. The provinces have enough powers in their hands but the resources at their disposal are of a very limited character. If the nation is to be saved from the scourge of disease and epidemics, all powers as far as this entry is concerned must be vested in the hands of the Centre. Of course I



[Shri Brajeshwar Prasad]

fully appreciate the point that by wresting those important powers Provincial autonomy will be modified to a very large extent, but provincial autonomy is not an end in itself. It is only a means to an end—the end being the economic, political and cultural advancement of the people of this country. Any movement of ideology that stands in the way of the economic, political and cultural advancement of the people of India must be liquidated and wiped out.

**Mr. President :** I do not think I should allow the honourable Member to repeat his arguments against provincial autonomy. This amendment is one which is in line with his other amendments which seek to transfer all powers to the Centre. Yet I have allowed him to move the amendment, but his arguments are the same which he has advanced many times previously.

**Prof Shibban Lal Saksena** (United Provinces : General) : I do not move amendment 297.

**The Honourable Dr. B. R. Ambedkar :** I do not accept any of the amendments moved.

**Mr. President :** I will put the amendment moved by Mr. Kamath (280).

The question is:

“That with reference to amendment No. 78 of List I (Sixth Week), the Proposed entry 15 of List II be transferred to List III.”

The amendment was negatived.

**Mr. President :** Now amendment No. 77 moved by Shri Brajeshwar Prasad is for the vote of the House. The question is :

“That in amendment No. 3600 of the List of Amendments, for the word and figure ‘List III’ the word and figure ‘List I’ be substituted.”

The amendment was negatived.

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

“That in entry 15 of List II, the words ‘registration of births and deaths’ be deleted.”

The amendment was adopted.

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

“That entry 15, as amended, stand part of List II.”

The motion was adopted.

Entry 15, as amended, was added to the State List.

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#### *Entry 16*

**Mr. President :** Entry 16 is now for consideration.

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

“That for entry 16 of List II, the following be substituted:—

‘15. Pilgrimages to places within the State.’ ”

Sir, the entry in List II simply says, ‘Pilgrimages, other than pilgrimages to places beyond India’. I therefore think that we should substitute for entry 16 in List II the words, ‘Pilgrimages to places within the State.’

**Shri T. T. Krishnamachari :** (Madras : General) : Sir, the purpose of Professor Shibban Lal's amendment is that pilgrimages to places within a province should vest in the State. That is precisely the idea contained in entry 16. Actually a State cannot interfere with what is happening with regard to pilgrimages in another State. The idea is clearly carried out in entry 16, as it is.

**Prof. Shibban Lal Saksena :** Is that carried out in the entry ?

**Shri T. T. Krishnamachari :** Yes, it is fully carried out. The wording is the same as in the Government of India Act. The only type of pilgrimage for the time being with which the Centre is concerned is the Haj pilgrimage. That is a matter which is entirely within the purview of the Centre. If it happens that they have to regulate pilgrimage or pilgrim traffic to Haj and give directions to the provincial Governments in regard to quarantine accommodation, etc. for the pilgrims, that will be done by the Centre. This is purely a State List intended to control pilgrimages within the State. The purpose will not be served by accepting Prof. Shibban Lal's amendment. I therefore suggest that the House should reject the amendment and pass the entry as it is.

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

"That for entry 16 of List II, the following be substituted :—

'16. Pilgrimages to places within the State.' "

The amendment was negatived.

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

"That entry 16 be added to List II."

The motion was adopted.

Entry 16 was added to the State List.

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#### Entry 17

**Mr. President :** I do not find any amendment to entry 17. I shall therefore put it to the vote of the House.

Entry 17 was added to the State List.

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#### Entry 18

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

"That for entry 18 of List II, the following entry be substituted:—

'18. Education including universities, subject to the provisions of entries 40, 40A, 57 and 57-A of List I and entry 17-A of List III.' "

**Shri Brajeshwar Prasad :** Sir, with your permission, out of the three amendments to this entry standing against my name, I will move the second one only. I move :

"That in amendment No. 3607 of the List of Amendments, in the proposed entry 18 of List II, the words 'subject to the supervision, direction and control of the Government of India' be added at the end,"

**Mr. Naziruddin Ahmad** (West Bengal: Muslim): Sir, I am not moving my amendment No. 242, for reasons of economy of time.

**Maulana Hasrat Mohani :** (United Provinces : Muslim) : \*[Sir, it would be astonishing to you all why I, a protagonist of provincial autonomy and am opponent of making a strong Centre, am trying to make this particular item a Central subject. Education should be included in the Concurrent List and not be made

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\*[ Translation of Hindustani speech begins.

[Maulana Hasrat Mohani]

a provincial subject. Even then, I do not say that it be included in the First List. As I do not want to make the Centre all-powerful, I am trying to get this included in the Concurrent List. I would not have said even this much but I am helpless. I find, and I quite agree in this with my Friend Mr. Naziruddin, that Dr. Ambedkar is ever trying to increase the powers of the Centre, and to make the provinces weaker. I would go a step further and say that what is happening here today would only result in altering the very basis of the Constitution. At first I thought that this Constitution was being framed in accordance with the Objectives Resolution and it would be on the pattern of a Federal Republic and a Socialist Republic, but they have already done away with 'Socialist', and now they seem to be attempting to create a Unitary Indian Empire after merging all the States into it, like the old British Unitary Indian Empire. Besides that, I do not see any other object. Further on you will realise that it is not only I who hold the opinion that it is no more Republican, Socialist or Federal in character. It would become a purely Indian Empire in which provinces will have no powers. This is my opinion. That is what I am totally opposed to it.

Now, I would tell you as to why I want the centre also to be vested with this power. It is because it is connected with the education in provinces. I want that provincial Governments should not be given full power as regards education in their provinces. I have proposed this because provinces have adopted autocratic and quite unreasonable attitude in regard to the question of the medium of instruction in education, regarding which Provinces have been given powers to take any decision they like,, irrespective of the wishes of the Centre or of the people. This has been possible because it is a provincial subject and provinces can take any decision they like and they can have any medium of instruction. Perhaps my Friend would retort that in the provinces primary education would be imparted in the regional languages *i.e.*, in Madras Province education in the primary and secondary stages would be imparted through the medium of regional language, the same would be the case with the Bombay Province. In Bengal, education would be given through Bengali, in Punjab through Punjabi, or Gurumukhi. But I would like to tell you what are my difficulties. The difficulties which confront U.P.'ites are these that U.P. Government has adopted a strange procedure. They say that Hindi is the Provincial language, and their regional language is Sanskritised Hindi, and that Urdu has no place in the province. I am not saying this to you at random. You will be simply surprised, if, I tell you what is happening there. Mr. Tandon, the Speaker of the Provincial Assembly, has ordered that all Bills to be moved in the Assembly should be in Hindi and Hindi alone. We do not get its copy in English. There, the agenda is also framed in Sanskritised Hindi and the list of questions is also prepared in Sanskritised Hindi. And if anybody happens to send his questions in Urdu, they are thrown away. This is not all. They have issued instructions in districts that anyone, who wants registration, must produce the document in Hindi. And if the document is brought in Urdu, registration is refused. Please tell us what to do in these circumstances. Urdu is not the language of Muslims only, it is the language of Hindus also.

Now, it is said that upto the primary and secondary stages the medium of instruction will be the regional language. But they do not follow even this instruction. They ought to impart education in these stages in the regional languages. And in regard to higher education they can do what they like. I do not want to take up this question for the present. I would like to say only this much that the system which they have adopted for the instruction in the primary and secondary stages is unjust. They ought to impart education in these two

stages in the mother-tongue. Boys, between the ages of six and eleven years, should be given instruction in their mother-tongue, so that they should be free from the burden of learning other languages. Formerly we used to oppose the British Government for this very reason and used to curse them for they had fixed English as the medium of instruction in High Schools. But you have surpassed them. They did so in high schools only. But apart from this, they started Vernacular Middle schools and gave the option of passing the middle class in Hindi or Urdu. Those who wanted to acquire further education in English used to join High Schools. So I want to say that the Provincial governments, now, are doing things which the British Government abstained from doing.

Besides this, I would like to say that compulsory education has been introduced in all primary schools in the village. And it is obligatory on everyone that he should get his children admitted in primary or basic schools, because people are bound to get their children admitted in these schools for their education. Now you see what is happening there. When these boys are admitted in the first Class, they are told they would not be taught "Alif", "Bay", as there was no arrangement for that. Now you can see for yourself what would these boys do whose mother-tongue is Urdu. They are told that they could not learn "Alif", "Bay", as there was no arrangement for that. So you should learn "Ka" "Kha" "Gha". What a cruelty it is, and what an injustice is this. Has any Government in the world ever done the injustice which has been perpetrated by the U.P. Government? And moreover they say that, as it is a provincial subject, they can do whatever they like. For this reason I have clearly said that in regard to this matter the Centre should issue instructions. Whatever mother-tongue is favoured in any region by the people should be adopted there.

In the University Commission report submitted by Mr. Radhakrishnan it is clearly written.

"Mother language according to the Commission should be the medium of instruction in all stages of school education."

This is the opinion of your University Commission. Moreover, Shri Raj Gopalacharya, in the Newspapers Conference at Bombay on 10th August, said the following about the medium of instruction:—

"The State language should be learnt by itself. I personally feel that teaching should be done in a mixture of regional language and State language."

And many people say that, if not so much, at least you keep the mother-tongue as the medium of instruction. In regard to this, I say that three provinces, namely, Delhi, U.P., Bihar and Mahakoshal or C.P. should be made bilingual provinces. And those whose mother-tongue is Urdu should be given instruction in the same language.

The assertion of U.P. Government that its State language is Hindi and its regional language is also Hindi and that Urdu has no place there and that Urdu should be wiped off the face of the earth, is high-handedness. You know very well that the birth place of Urdu is U.P.]\*

**Mr. President :** \*[Maulana Saheb, this is not the question before us at the moment. At present the question is that the education should be a provincial subject.]\*

**Maulana Hasrat Mohani :** \*[I am also saying the same thing. I do not say that the Centre should be given all the powers. I would like to say only this and I have ventured to say so with this object that at least in fixing the medium

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]\* Translation of Hindustani Speech ends.

\*[Translation of Hindustani speech begins.

[Maulana Hasrat Mohani]

of instruction, they should also have a hand. From what the U.P. Government is doing, it appears that it is bent upon wiping off Urdu from the face of the earth.

Sir, I shall finish my speech after citing a few examples. In the Education Ministers' conference which was held here, they unanimously passed the following :—

“The medium of instruction and examination in the junior basic stage must be the mother-tongue of the child, and where the mother-tongue is different from the regional or State languages, arrangements must be made for instruction in mother-tongue by appointing at least one teacher, provided there are not less than forty pupils speaking the language in the whole school or ten such pupils in a class.”

This is their opinion.

After this the memorandum submitted in the Education Ministers' Conference by the West Bengal people was very clear. They have displayed utmost sense of justice and they say, “The policy pursued in West Bengal regarding the medium of instruction in schools and the principle which should be adopted in this regard in all provinces were explained at the All-India Education Ministers' Conference.”

Further they say, “The Education Ministry of West Bengal is of opinion that if the principle be adopted in other provinces and the provincial and regional language, where it is different from the mother-tongue of a child, be introduced as a compulsory second language in the secondary stage, then the difficulties of the school-students belonging to the linguistic minorities in different provinces may easily be removed.”]\*

**Mr. President :** \*[Maulana Sahib, there can be no two opinions perhaps about the things you are talking.]

**Maulana Hasrat Mohani :** \*[Yes, Sir, but U.P. Government do not say so, on the other hand they stick to the plea that education is a provincial subject and so they do not care for the Centre. We are put in a great difficulty as my daughters who go to schools are asked to read “ka kha gha”, and they further say, that they do not have instructions for teaching Urdu. What is this! How can such things happen ? Therefore, my opinion is that whatever is suggested by Centre regarding the medium of instruction should be under the control of the Centre, and hence because of this control the subject of education should be added in List No. III, instead of List No. II. I do not want to give this right to the Centre but at the same time the Centre should have the power of setting them right in case they do anything unjust. But if this is not done then they should make it clear that they are not giving any right to the linguistic minorities and, that they propose to wipe away Urdu from the surface of the earth. Therefore, either Dr. Ambedkar should accept my proposition or he should give me an assurance that the provinces would not play havoc with the medium of instruction. I want that this should be made clear.]\*

**Mr. President :** I think amendment No. 299 is the same as that of Maulana Hasrat Mohani.

**Prof. Shibban Lal Saksena :** No, Sir, it is quite different.

**Mr. President :** It is the same—“that entry 18 of List II be transferred to, List III”. You can move amendment No. 300.

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]\* Translation of Hindustani speech ends.

\*[ Translation of Hindustani speech begins.

**Prof. Shibban Lal Saksena :** Mr. President, Sir, I beg to move:

“That in amendment No. 79 of List I (Sixth Week), for the proposed entry 18 of List II, the following be substituted :—

‘18. Education up to the Secondary standard’.”

I take it that my amendment No. 299 has already been moved. It is my firm belief that in order to have one single unified nation, it is necessary that at least higher education must be a Central subject. I am glad that in many of the amendments the Honourable Dr. Ambedkar has provided that some of the institutions which impart higher education shall be treated as Central subjects; but I wish that University education should be a responsibility of the Union Government alone. In this respect, Sir, I wish to read out a passage from a letter from the Honourable Maulana Abdul Kalam Azad, Minister for Education to the Drafting Committee, dated the 28th April 1948, in which he said :-

“The second point to which I would draw your attention is that in the present state of development of Education in India, it is imperative that there should be Central guidance if not Central control, on Provincial progress. You have yourself seen the dangerous symptoms of fissiparous tendencies in the recent months. If it can be secured that Education throughout India follows the same general pattern, we can be sure that the intelligentsia of the country will be thinking on similar lines. This would be a better check against the dangers of fragmentation than any centralisation of Government or concentration of power in the hands of the Central Authority.”

I therefore think with this main purpose in view, the whole nation must be given education on the same lines, so that it may be able to think on a particular pattern, and I think this is a very important object which we should strive to achieve. Besides, there are other difficulties which have also to be faced. We remember that Mahatma Gandhi spent a large part of his time in evolving his scheme of Basic National education and he wanted it—to be uniform throughout the whole of India. The scheme was evolved after very great research and very great thought by the educationists all over India. It is obvious that such plans and such schemes can only be evolved and carried out on an All-India basis.

Then there are other advantages from university education under Union control. Firstly, our country has not got such large resources as other advanced countries. Our Universities should therefore specialise in different subjects in different places, so that there may not be much duplication in teaching and waste of effort. I think, therefore, that the Central Government should control all the universities so that it can advise each university with regard to the subject in which it should specialize. Secondly, I feel that the State cannot afford adequate funds for University education. My feeling is that they are already spending large sums on primary education and secondary education and therefore University education is being starved. There must be provision for university education under the Central Government. That will enable those universities to develop properly and in the national interest. Sir, I therefore think that this List II must only contain education up to the Secondary standard and not up to the University standard. Besides, Sir, the Inter-University Board wherein all the Universities are represented is of the opinion that University education should be a Central subject. For all these reasons, I hope the Drafting Committee will consider the subject and that the entry will be amended suitably.

**Mr. President :** Amendment No. 311 by Pandit Lakshmi, Kanta Maitra: that is the same as the one moved by Maulana Hasrat Mohani. That need not be moved.

Dr. Ambedkar, do you want to say anything?

**Shri T. T. Krishnamachari :** Mr. President, Sir, there seems to be a ‘general tendency on the part of a number of Members of this House to transfer a

[Shri T. T. Krishnamachari]

number of items in List II to List III. May I say at once that we, members of the Drafting Committee, are faced with two opposing problems. Certain Members of the House want that a greater responsibility should be shouldered by the Centre. On the other hand, there are a number of Members in this House who 'feel that the Centre is taking on to itself far more than it ought to, thereby rendering provincial autonomy a mere farce. Actually, such complaints also appear in the papers and I found recently a lecture by Mr. C. R. Reddy, Vice-Chancellor of the Andhra University who has heavily underlined this tendency of power gravitating to the Centre. I would like to repudiate at once so far as the Drafting Committee is concerned, that there is any idea of either overloading the Centre or erring on the side of the provinces. All that we have done, to the extent that we are able to do, is only to see that the Centre takes only such powers as are needed for the purpose of co-ordinating the activities of the provinces. My Honourable Friends who have moved these amendments either to take over the entry "education" to the Concurrent List or to limit the scope of entry 18 to Education up to the Secondary standard, if they would please pursue the items relating to Education in List I, they will see that we have provided and the House has accepted those provisions, which confer enough power on the Centre to coordinate the educational activities of the States in the field of higher education, in the field of technical education, in the field of vocational education and also in the field of scientific research. That is about as far as it is safe for the Central Government to go it would not be wise for any Central Government to go beyond that limit.

In regard to the particular point raised by my honourable Friend Maulana Hasrat Mohani, I must say that I do sympathise with his fears, if I am able to understand the gist of his speech. But I am afraid, in a matter like this, the remedy does not lie in the Centre taking over the power on to itself, though I have no doubt that the minorities may probably feel safer with the Centre than with the provinces. I would like to point out that he is not without remedies if the, provinces should abuse their power to the extent of shutting out education facilities for any minorities. The fundamental rights, article 23 and article 74-A give him enough power to assert his own rights.

**Maulana Hasrat Mohani :** They are not sufficient; please read them closely.

**Shri T. T. Krishnamachari :** I am afraid I must differ with my honourable Friend. I think that is about the best that we can possibly do, consistent with the idea of having States with a large measure of autonomy for themselves and the Centre taking up the question of security, defence and general well-being of the country, leaving other things to the States. I think it is probably just a matter of the moment where enthusiasm outruns discretion and some provinces want to introduce new reforms at a fast pace. I may tell my honourable Friend that before long he will find things settling down and every provincial Government will respect the articles of fundamental rights 23 and 23-A and the minorities will have no cause for fear. In fact, he would find that there might be other articles coming up for discussion in the House later on which would give him additional safeguards in regard to the safeguarding the languages of particular groups of people. The question cannot be solved by the Centre taking over a responsibility which it cannot on the face of it adequately discharge.

In regard to the amendment of my honourable Friend Prof. Shibban Lal Saksena, I would like to tell him that the Centre has enough powers by means of entries 40, 40-A, 57, 57-A in List I to co-ordinate higher education. The cry that the provinces have not got enough money to spend in regard to University education is not quite real for the reason that what the provinces have really to spend on this type of education is only a microscopic portion of the entire

educational budget on University education. I think, the expenditure by provinces is, fairly liberal as things go. If the matter is really one where finances are retarding higher education, I have no doubt that the powers vested in the Centre under article 253(3) will be used wisely and generously so that the provinces will have adequate grants for the purpose of furthering higher education.

I, therefore, submit that the points raised by my honourable Friends to either respect the scope of entry 18 beyond what it has been restricted to or to move it to List III are without substance, and I suggest to the House that they should accept the amendment moved by my honourable Friend Dr. Ambedkar.

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

“That in amendment No. 3607 of the List of Amendments, in the proposed entry 18 of List II, the words ‘subject to the supervision, direction and control of the Government of India’ be added at the end.”

The amendment was negatived.

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

“That with reference to amendment No. 79 of List I (Sixth Week), the proposed entry 18 of List II be transferred to List III.”

The amendment was negatived.

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

“That in amendment No. 79 of List I (Sixth Week), for the proposed entry 18 of List II, the following be substituted :—

‘18. Education up to the Secondary standard’.”

The amendment was negatived.

**Mr. President :** I now put the entry as moved by Dr. Ambedkar. The question is :

“That for entry 18 of List II, the following entry be substituted:—

‘18. Education including universities, subject to the provisions of entries 40, 40-A, 57 and 57-A of List I and entry 74-A of list III.’ ”

The amendment was adopted.

Entry 18, as amended, was added to the State List.

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#### *Entry 19*

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

“That in entry 19 of List II—

- (a) the words and figures ‘minor railways subject to the provisions of List I with, respect to such railways,’ and
- (b) the words and figures ‘ports, subject to the provisions in List I with regard to major ports;’ be omitted.”

Sir, in regard to item (a) of this amendment, we have already passed the entry in regard to railways List I which is a comprehensive entry and legislative in regard to all railways whether major or minor now vests with the centre. In regard to item (b), the idea really is that this entry should be transferred to List III and an amendment has been tabled to that effect. Instead of having the classification major and minor ports or giving power to the Centre to declare certain ports to be major ports, the idea is that the Centre will be given powers to give certain directions or make regulations for the provinces to follow in regard



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to the administration of ports called minor ports. In order to give the Centre this, amendment is made transferring this particular portion of entry 19 to the Concurrent List. I hope the House will accept this amendment partly because they are already committed in regard to part (a), and partly because, so far as item (b) is concerned, the transfer is one that will conduce to the improvement of our minor ports generally. I move.

(Amendment No. 84 was not moved)

**Prof. Shibban Lal Saksena :** Sir, my amendment is of a drafting nature I beg to move :

“That in entry 19 of List II—for the words ‘Communications, that is to say, roads, bridges, ferries, and other means of communication not specified in List I’ the words ‘Roads, bridges, ferries, and communications with their help’ be substituted.”

I hope the drafting Committee will accept it. I am not moving the second part of the amendment.

**Shri T. T. Krishnamachari :** I do not think there is any particular merit in the amendment proposed.

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

“That in entry 19 of List-II for the words ‘Communications, that is to say, roads, bridges, ferries, and other means of communication not specified in List I’ the words ‘Roads bridges, ferries, and communications with their help’ be substituted.”

The amendment was negatived.

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

“That in entry 19 of List II—

- (a) the words and figures ‘minor railways subject to the provisions of List I with respect to such railways’, and
- (b) the words and figures ‘ports, subject to the provisions in List I with regard to major ports; be omitted.”

The amendment was adopted.

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

“That Entry 19, as amended, stand part of List II.”

The motion was adopted.

Entry 19, as amended, was added to the State List.

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#### Entry 20

(Amendment No. 86 was not moved.)

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

“That entry 20 of List II be transferred to List III.”

I might point out that there are a number of amendments in this Order Paper to entries 20, 21, 22, 24, 27, 29, 34 and 46. These amendments are really of the same nature. What I really want is that agriculture and land revenue systems all over India should be amendable to planning on an all India scale. Now we are making them State subjects in which the Centre will have practically no power. In fact the other day I read out a passage from Shri Jairamdas Daulatram’s letter in which he had said that the time had come when the Centre ought to take up

the entire responsibility in regard to food. I feel it should be realised that agriculture, irrigation, cattle, land, forests etc. shall have to be developed according to an All-India plan and under Central direction. In fact we have in List III one entry No. 34 for planning. If we take up any book on Planning we will find that no plan can be complete, unless it includes all-round long-term development of land and agriculture within its purview. Today we are thinking that if we put these items in List III, then we shall be depriving provinces of their autonomy. This is quite incorrect. By putting them in List III, we only mean that the Centre will have power to co-ordinate these activities, to finance them when necessary and to give expert advice. I do not want them to go to List I, but they should be put in List III so that the Centre will not interfere with the States and will only advice and co-ordinate their activities. It may be pointed out that even the 1933 Act had made such a complete division as is now proposed. In that Act there was the central responsibility of the Governor-General which was overriding and so that could keep the whole administration centralised but today we are dividing the functions of the Union Govt. and the State Govts. in water-tight compartments. Today we are fortunate in having one Party ruling the whole country but tomorrow it may not be so and then it will be difficult to carry out the same plan in all the States. If India is to be made self-sufficient in food it must have irrigation facilities on a very large scale for the entire country, but can we know that the provinces and States will not be in a position to carry out large irrigation schemes costing several hundred crores ? The total area irrigated at present is about 50 million acres of which Government canals account for nearly 28 million acres. The capital outlay on these projects is about Rs. 153 crores. During the next ten years according to the peoples' plan the irrigation projects should be extended by about 400 per cent. The total capital expenditure on this score would be about Rs. 600 crores and the maintenance charges will be about 15 crores. These will not be within the competence of any province. I would suggest that this subject should along with others be taken under Central direction so that plans according to entry 34 in List III could be implemented with the co-operation of the Centre and the States.

**Shri T. T. Krishnamachari :** Sir, I do not accept the amendment.

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

"That entry 20 of List I be transferred to List III."

The amendment was negatived.

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

"That entry 20 stand part of List II."

The motion was adopted.

Entry 20 was added to the State List.

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#### *Entry 21*

**Shri Brajeshwar Prasad :** Sir, I beg to move:

"That with reference to amendment No. 3586 of the List of amendments, entry 21 of List II be transferred to List I as new entry 92."

Sir, agriculture is a vital subject. We have been taking great interest in our legislative body and we subjected the Ministry to severe criticism. I would like to say that unless the Centre has got ample powers, unless agriculture becomes a central subject the problem of food supply and distribution will not be effectively tackled with and all programmes and schemes will unhappy come to naught. The real

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problem is how to prevent the subdivision and fragmentation of land. We have to change the laws of inheritance if our national economy is to be laid on sound scientific basis. Therefore I plead that agriculture must be nationalised, but here I am only saying that the power to legislate on this subject must remain exclusively in the hands of the Centre. All our defences and Foreign affairs will be of no avail if the system of agriculture is not improved. India is an agricultural country. The Centre must take up agriculture in its hands if the menace of subversive movements is to be effectively challenged and met with. There are other reasons why I am not in favour of agriculture being vested in the hands of the provincial Governments but having due regard to observations that were made, I do not like to dilate upon them.

**Mr. President :** Mr. Saksena, do you wish to repeat your arguments?

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

“That entry 21 of List II be transferred to List III.”

We are dealing with agriculture—I will only read out two or three important points in this connection. Development of agriculture can be done in two ways. Firstly, we can have intensive cultivation or we can extend the area under cultivation. The net area sown in British India is about 210 million acres. During the period of the next ten years according to the People's Plan this area should be extended by about 100 million acres of new land. This would amount to bringing under the plough new land to the extent of about 50 per cent. of the present net sown area.—The expenditure needed for this purpose has been calculated at the rate of 60 rupees per acre on average. That would demand a sum of Rs. 600 crores. I do not think the Provinces can undertake such an amount of expenditure nor can they co-ordinate the efforts of the various provinces. For intensive cultivation what is required is the provision of adequate manures, improved seeds, etc. to the cultivator. For this Rs. 720 crores is required for the entire period of the next ten years covered by the plan. It will be obvious that no single State can undertake this huge responsibility. Therefore, I feel that this entry should also go to List III, so that the efforts of the Provinces and the efforts of the Centre could also be coordinated to solve these huge problems.

**Chaudhri Ranbir Singh** (East Punjab: General) : \*[Mr. President, in this connection I would like to submit that there are many pests problems that are inter-provincial by nature. Take for instance the locust problem. It is not confined to any particular province or country, but it is an international problem. There are many other that are of inter provincial nature. A province may not have any information of its existence, until it is actually invaded by the pest from the neighbouring province. So when the province is actually faced with that pest, it is not in a position to combat the menace. I therefore, request that 'Pests' should particularly be included in the Concurrent List. Secondly, India is an agricultural land and there is shortage of food at present in this country. This subject is directly connected with agriculture and for this consideration too it ought to be placed in the Concurrent List.]\*

**Shri. T. T. Krishnamachari :** Mr. President, Sir, this subject of agriculture has been brought up before this House in a variety of ways and a number of Members of this House have emphasised the need for the Centre taking it on hand. Well, it may be that there a lot of force in many of the arguments adduced by them, in support of this stand. At the same time, agriculture happens to be the principal industry in this country, and practically one of the main functions of the State, and beyond taking certain powers for the purpose of co-ordination, I do,

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\*[ ]\* Translation of Hindustani speech.

not think the Centre is at all capable of handling this vast problem, I might also take the House into confidence and tell the Members that certain proposals per leaps somewhat on the lines of those now made, were put before the Provincial Ministers when they met here a couple of months back, and the Drafting Committee also was invited to discuss those proposals with them. But there was a fairly general resistance to any further inroads into the field of provincial autonomy, and the proposals had to be dropped. I do not believe that the Centre is without resources at, all, in this matter. There are many ways of the Centre directing the provinces to make improvements in agriculture or provide other amenities to the agriculturists by means of the grants they will be and have been making, lump-sum grants, specific grants and so on. The experience that tile Centre has in helping the improvement of agriculture for the last six or seven years, I' think, will make it possible for it to effectively help in the proper promotion of agriculture by grants. Beyond saying that, and beyond pointing out to the entries in List I and to the powers that the Centre has to give grants, lump-sum grants for specific purposes, I am afraid the Drafting Committee are unable to accept the suggestion to transfer practically one of the major items in the administration of State Governments, to the Centre, whether it be in List I or List III. Sir, I oppose the amendments.

**Mr. President :** I put the amendment of Shri Brajeshwar Prasad.

The question is :

“That with reference to amendment No. 3586 of the List of Amendments, entry 21 of List II be transferred to List I as new entry 92.”

The amendment was negatived.

**Mr. President :** Then I put Prof. Saksena's amendment.

The question is :

“That entry 21 of List II be transferred to List III.”

The amendment was negatived.

**Mr. President :** I then put entry 21.

The question is :

“That entry 21 stand part of List II”

The motion was adopted.

Entry 21 was added to the State List.

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#### *Entry 22*

**Mr. President :** Then we come to entry 22 and I find there is an amendment of Prof. Saksena, saying that entry 22 of List II be transferred to List III.

**Shri T. T. Krishnamachari :** There are also other amendments. There is an amendment of the Drafting Committee No. 282, and there is No. 283 by Pandit Thakur Das Bhargava.

**Mr. President :** Yes, No. 282.

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

“That in entry 22 of List II for the words ‘Improvement of stock’ the words ‘Preservation, protection and improvement of stock’ be substituted.”

Sir, I would like to tell the House that the provocation for this amendment was an amendment of which Pandit Thakur Das Bhargava had given notice, in respect of improvement of the wording and adding to the wording of entry 30 which is an entry designed to legislate for the protection of wild birds and

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animals. He had brought in the idea of "Preservation and improvement of stock and useful breeds of cattle, banning the slaughter of animals etc." especially the slaughter of milch cattle. The matter was discussed by the Drafting Committee with him, and we felt that there was some force in his arguments and that the proper place to put in his amendment under "Improvement of stock," in entry 22. At the same time we were unable to take in the entire wording of his amendment, *i.e.*, specifically mention the banning of cattle-slaughter and so on, for the reason that the entry in these lists only mentions the powers of the State or the Central Government, and does not go into the policy behind that power. In fact it would be inappropriate to determine policy by the wording of these entries. The idea really is that by means of preservation and protection and improvement of stock, the Government should have ample power to ban cattle slaughter and to protect stock, to protect milch cattle and so on. There is no need, we felt, to put in specifically the idea which has been put in the Directive Principles which really dictate the policy. Therefore, we feel that the purpose that Pandit Thakur Das Bhargava has in mind would be amply served by the amendment that I have now proposed, namely, preservation, protection and improvement of stock, and all possible steps that the Government may want to take in furtherance of the views of Pandit Thakur Das Bhargava can be taken by them, by means of the powers vested in them by this entry. I have no doubt that he will feel that this amplification of entry 22 is in the right direction and it also gives support to the expressed views of this House in passing an article relating to the protection of milch cattle and so on. I do hope that the House will accept this amendment and I also hope that my Friend, Pandit Thakur Das Bhargava, will feel satisfied that the object that he has in view will be attained by means of this entry, even though we have not put in, for reasons that I have mentioned before, the exact wording that he sought to include in this entry No. 13, as original amendment stands. Sir, I move :

**Pandit Thakur Das Bhargava** (East Punjab: General): I do not propose to move the amendment that stands in my name but with your permission I would wish to make some observations on the amendment proposed by Mr. T. T. Krishnamachari. I am very much satisfied to know from Mr. Krishnamachari that he has accepted the underlying idea of my amendment. It appears it was in their minds that the ban of slaughter of animals was the accepted policy of the Government. We also passed an article here in this House. It is article 38-A. Now a reference, to that article would establish that it is not only the improvement in the breeds of cattle that is contemplated by that section but it goes further and lays down the policy as follows :

"The State shall endeavour to organise agriculture and animal husbandry on modern and scientific lines and shall in particular take steps for preserving and improving the breeds of cattle and prohibit the slaughter of cows and other useful cattle specially milch and draught cattle and their young stock."

In response to public demand, you yourself Sir, were instrumental in getting a Committee appointed. We know the recommendations of that Committee. The recommendations of the Preservation and Development Committee appear on page 14 of the report. Their final recommendations are :

"This Committee is of opinion that slaughter of cattle is not desirable in India under any circumstances whatsoever, and that its prohibition shall be enforced by law. The prosperity of India to a very large extent depends on her cattle and the soul of the country can feel satisfied only if cattle slaughter is banned completely and simultaneous steps are taken to improve the cattle which are in a deplorable condition at present. In order to achieve these ends, the Committee suggests that the following recommendations should be given effect to:

- (i) The first stage which has to be given effect to immediately should cover the total prohibition of slaughter of all useful cattle other than as indicated below :

- (a) Animals over 14 years of age and unfit for work and breedings.
- (b) Animals of any age permanently unable to work or breed owing to age, injury or deformity.

I do not wish to read further from the recommendations because the Government of India through the Minister of Food and Agriculture on the 24th March accepted these recommendations of the Committee. Now the Government is committed to the prevention of useful cattle and they have brought in a Bill also, in the Legislative Assembly to ban the slaughter of useful cattle. This being so my humble submission is that the entry should have been amended in such a manner as to take it from the bounds of possibility that subsequently it could be said that the protection of cattle could be enforced by killing cattle. Two days back I received a pamphlet called : “*Anti-Slaughtering Campaign and its effect on Leather industry*” by Dhirendrodite, G. Puranesh which advocates that the protection of useful cattle can be achieved by slaughtering useless cattle. My humble submission is that when the Government of India appointed a Committee and accepted the policy of preservation and protection of these cattle banning slaughter of animals, then banning should be clearly proclaimed to be the policy and we should not be shy of saying so, because we have passed article 86- A, not with the help of this or that section of the community, but with the help of almost all communities in this House. This banning of slaughtering cattle is also an accepted principle all over the world and even Pakistan has prevented the slaughter of animals, Therefore, I do not see why we should not say openly that the Government of India has accepted this policy. It may be said that these words should not come into the Constitution but I would suggest further that if they wanted brevity only, they could have substituted the word “animals” only for the entire entry, because the disease of animals etc., are all included in the word “animals”. When they wanted to have an entry in respect of this important matter, they ought to have had such an entry as would have responded to public feeling in this matter. Only yesterday we heard Dr. Ambedkar expatiating, while he was discussing section 223 and section 91, and saying that though the entry 91 was redundant, as both entries said the same thing, still with a view to away public feeling and satisfy the Provincial Governments, he would have this redundant entry. So I do not understand why the Government is feeling shy of using the words “ban of the slaughter of animals” in this item. If this is their policy, I do not think this Secular State will fill down if we use the right words. I would have been glad if the Drafting Committee used this expression at least for the purpose of satisfying the sentiments of the people. However, I bow down to his wisdom of the Drafting Committee and I do not want to move my amendment. After all, public sentiment does matter and if you are doing the right thing it is but right that you not only respond to public feeling but satisfy it by saying that you have, responded to it. You have agreed to the principle but you we refraining from using the correct words. I am not satisfied with the wordings of the Drafting Committee, but as they have seen it fit to eliminate these words words of mine, I do not propose to move my amendment.

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

“That entry 22 in List II be transferred to List III.”

This entry has been amended by Dr. Ambedkar and he has used the words “Preservation protection and improvement of stock”. Sir, I object to this method of providing for ban on Cow Slaughter by the back door. Why is the Drafting Committee ashamed of providing for it frankly and boldly in so many plain words?

[Prof. Shibban Lal Saksena]

There is no sense in trying to camouflage such vital matters. The entry as it stands now has no meaning, so far as ban on Cow Slaughter is concerned. I want that this entry should go to List III, not only on account of cow protection but because of the other problems involved. The entry relates to the improvement of stock which is a national problem and the provinces alone cannot solve it. In my part of my own province the cattle are so inferior that we cannot improve them, unless we import cows and bulls from Hissar etc. The same is the situation in other parts of the country. If you want to improve the stock you must have an all-India plan which should be coordinated by the Centre. If you put this Entry in List III, *i.e.*, the Concurrent List, the provinces will have all the powers and at the same the Centre can co-ordinate their efforts. Therefore this Entry must go to List III so that the Centre with its funds and knowledge would be able to co-ordinate State plans for improving the cattle stock, which is essential for improving the agriculture of the country.

**Shri Lakshminarayan Sahu** (Orissa: General): \*[Mr. President, I do not want to take much of your time in regard to this matter, but I would like to make one point. Here we want to mention 'preservation, protection and improvement of stock', which, in my opinion, does not exclude all possibility of ambiguity. Hence I would say that we should use the expression 'improvement of indigenous kinds of live-stock' which would better express our intention. When we say 'improvement of stock', it is not clear what 'stock' we mean; then we further say 'prevention of animal diseases'. The expression 'live-stock' would make it quite clear.

The other point is, that this should not be included in the Concurrent List. if it is included in the State List, every province will know what steps it has to take. We see that the animals sent to our province from Hissar and Sind cannot easily live there. Their youngones have got a short life. Hence I wish that this should be better included in the State List rather than the Concurrent List. We will have much more knowledge about the condition of our province about the development of our livestock than the Centre can.]\*

**Shri T. T. Krishnamachari** : Sir, in regard to Mr. Saksena's amendment it seems to be like a saying current in my part of the country which says that if you throw as many stones as you can at a mango tree at least one of them is bound to hit a mango and bring it down. Likewise my friend seems to have a scheme to have a series of amendments to get as many subjects transferred from List II to List III, in the hope that at least one amendment of his would be accepted by the House. If that is the approach I have nothing to say about it except to state that responsibility for the administration of these subjects should rest with the States.

As regards my honourable Friend Mr. Thakur Das Bhargava I had anticipated his argument when I spoke moving my amendment. We fully sympathise with him. We recognise that the purpose he has in view has been conceded by this House by putting it in the Directive Principles. But so far as putting anything which is a statement of policy in the list which confers legislative power on the Centre and the provinces is concerned, I am afraid we must say that we cannot agree with him. There I feel that he might be satisfied that the purpose will be achieved without specifically putting the words in the entry. I hope the House will accept the amendment moved by me.

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

"That in entry 22 of List II, for the words 'Improvement of stock' the words 'Preservation, protection and improvement of stock' be substituted."

The amendment was adopted.

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\*[ ]\* Translation of Hindustani speech.

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

“That entry 22 of List II be transferred to List III.”

The amendment was negatived.

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

“That entry 22, as amended, stand part of List II.”

The motion was adopted.

Entry 22, as amended, was added to the State List.

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*Entry 23*

Entry 23, was added to the State List.

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*Entry 24*

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

“That in entry 24 of List II, after the word ‘loans’ the words ‘Consolidation of agricultural holdings; State, co-operative and collective agricultural farms, acquisition by the State of rights in agricultural land’ be inserted.”

Sir, I had also given an amendment that this entry should be transferred to List III which seems to have been omitted by mistake,

My Friend Mr. T. T. Krishnamachari objected to my amendments for transferring certain items of List III. I would draw his attention to para. 233 of the report of the Joint Committee on Indian Constitutional Reforms where they say :

“We turn now to the problems presented by the Concurrent List. We have already explained our reasons for accepting the principle of a Concurrent List., but the precise definition of the powers to be conferred upon the Centre in relation to the matters contained in it presents a difficult problem. In the first place, it appears to us that while it is necessary for the Centre to Possess in respect of the subjects included in the List a power of co-ordinating or unifying regulations, the subjects themselves are essentially provincial in character and will be administered by the Provinces and mainly in accordance with Provincial policy; that is to say, they have a closer affinity to those included in List II than to the exclusively federal subjects. At the same time, it is axiomatic, that, if the concurrent legislative power of the Centre is to be effective in such circumstances, the normal rule must be that, in case of conflict between a central and a provincial Act in the concurrent field, the former must prevail.”

It is obvious that the Concurrent List is intended to be a list of those subjects in which the centre should have the power of co-ordinating the activities of the States and of advising them and therefore when I suggested that these entries should be transferred to List III, I did not want to deprive; the provinces of their Power I only want that the Centre should have the power of advising the units the unitsand of co-ordinating their activities and the finances of the Centre will be helpful in the development of those activities.

I feel that this particular item is a most important one in the whole list and you cannot carry out any scheme of planning without having it under central control. I will quote some figures.

We are now engaged in the abolition of the zamindari and in my own province it will cost about 150 crores of rupees in compensation alone.

Similarly in Bihar a large amount will have to be spent in acquiring zamindari property. In regard to these big schemes of social engineering, the provinces have experienced great difficulty, and therefore if such schemes are taken up by the Centre, then the Government of India can have a uniform policy for the liquidation of the system all over the country. It is my opinion that India cannot prosper and her rural economy cannot improve, until the present antiquated system of land tenure is abolished. There is this difficulty in every province. Fortunately in my own province it will soon be solved. If we want that this zamindari system should be abolished all over the country quickly, then this subject



[Prof. Shibban Lal Saksena]

should be in the hands of the Centre. We should have for all-India a uniform system of land tenure. If this subject is therefore in the Concurrent List, the Centre will be able to regulate the policy to be followed by the provinces and may succeed in abolition of landlordism in the shortest possible time.

If you want to develop land, I suggest that consolidation of agricultural holdings shall have to be included in a comprehensive ten-year Plan. Collective farms, some 20,000 in number, shall have to be established costing Rs. 3 crores. This much sum cannot be found by one single State unit. Therefore I suggest that this entry might be transferred to List III.

**Shri Brajeshwar Prasad :** Sir, I move:

“That for amendment No. 3611 of the List of Amendments, the following be substituted :

‘That entry 24 of List II be transferred to List I.’ ”

With your permission I shall move also the next amendment, *viz.*,—

“That for amendment No. 3611 of the List of Amendments, the following be substituted :—

‘That for entry 24 of List II, the following be substituted:

‘24. Land, that is to say, rights in or over land, land tenures including the relation of landlord and tenant, and the collection of rents; transfer and alienation of agricultural land; land improvement and agricultural loans; colonization subject to the supervision, direction and control of the Union Government.’ ”

I heartily endorse the arguments advanced by my honourable Friend, Mr. Shibban Lal Saksena. His premises are sound, but the conclusion he has drawn does not follow therefrom. He has made out a case for the transfer of this entry to List I. I agree that there should be all-India planning and uniformity in regard to this matter. But that does not mean that this should be transferred to List III.

**The Honourable Dr. B. R. Ambedkar :** We do not accept the amendments.

**Mr. President :** I will now put amendment No. 88 of Shri Brajeshwar Prasad to vote.

The question is:

“That for amendment No. 3611 of the List of Amendments, the following be substituted :—

‘That for entry 24 of List II, the following be substituted:

‘24. Land, that is to say, rights in or over land, land tenures including the relation of landlord and tenant, and the collection of rents; transfer and alienation of agricultural land; land improvement and agricultural loans; colonization subject to the supervision, direction and control of the Union Government.’ ”

The amendment was negatived.

**Mr. President :** Now I will put Prof. Shibban Lal’s amendment No. 305.

The question is :

“That in entry 24 of List II, after the word ‘loans’, the words ‘Consolidation of agricultural holdings; State co-operative and collective agricultural farms; acquisition by the State of rights in agricultural land’ be inserted.”

The amendment was negatived.

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

“That for amendment No. 3611 of the List of Amendments, the following be substituted :—

“That entry 24 of List II be transferred to List I.’ ”

The amendment was negatived.

**Mr. President :** Then, we have the next amendment of Prof. Shibban Lal Saksena. The question is :

“That entry 24 of List II be transferred to List III.”

The amendment was negatived.

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

“That entry 24 stand part of List II.”

The motion was adopted.

Entry 24 was added to the State List.

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*Entries 25 and 26*

Entries 25 and 26 were added to the State List.

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*Entry 27*

**Mr. President :** If Mr. Brajeshwar Prasad is moving amendment No. 89, he should not repeat the old arguments.

**Shri Brajeshwar Prasad :** No, Sir. I move:

“That entry 27 of List II be transferred to List I.”

**Mr. President :** In the case of the next amendment also Prof. Saksena need not repeat his arguments.

**Prof. Shibban Lal Saksena :** I will take only two minutes, Sir, I moved:

“That entry 27 of List II be transferred to List III.”

In this connection I want to refer to the condition of the forests in our land. Out of 1,200,000 square miles of State forests nearly 54,000 sq. miles are inaccessible. They have remained unexploited. Therefore with a view to explore and exploit them and to conduct researches on all-India basis, and to co-ordinate the activities of the various States, I have moved this amendment.

**Shri Brajeshwar Prasad :** I endorse all the sentiments expressed by Prof. Shibban Lal Saksena.

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

“That entry 27 of list II be transferred to List I.”

The amendment was negatived.

**Mr. President :** Now I will put Prof. Shibban Lal Saksena’s amendment to vote. The question is :

“That entry 27 of List II be transferred to List III.”

The amendment was negatived.

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

“That entry 27 stand part of List II.”

The motion was adopted.

Entry 27 was added to the State List.

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*Entry 28*

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

That in entry 28 of List II, the words ‘and oil-fields’ be deleted.”

This is explained by the moving of a similar entry in List I. Sir, I move

**Shri Brajeshwar Prasad :** Sir, I move:

“That entry 28 of List II be transferred to List I.”

**Mr. President :** The next one.

**Shri Brajeshwar Prasad :** I am not moving any other amendment.

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

“That in entry 28 of List II, the words ‘and oil fields’ be deleted.”

The amendment was adopted.

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

“That entry 28 of List II be transferred to List I.”

The amendment was negatived.

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

“That entry 28, as amended, stand part of List II.”

The motion was adopted.

Entry 28, as amended, was added to the State List.

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*Entry 29*

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

“That entry 29 of List II be transferred to List III.”

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

That entry 29 of List II be transferred to List III.”

The amendment was negatived.

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

“That entry 29 stand part of List II.”

The motion was adopted.

Entry 29 was added to the State List.

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*Entry 30*

(Amendment No. 94 was not moved.)

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

“That for entry 30 of List II the following entry be substituted:—

‘30. Protection of wild animals and birds.’ ”

It was suggested that the wording of the entry as it stands in the Draft Constitution should be amended, and therefore it has been amended on the lines suggested by me. Sir, I move:

**Shri Brajeshwar Prasad :** I would like to speak on this.

**Mr. President :** Very well.

**Shri Brajeshwar Prasad :** Sir, I support the entry as moved by my Friend, Mr. T. T. Krishnamachari, but he seems to be partial towards wild animals and birds. I think he ought to have included all animals and birds in general. Why only wild animals and birds? After all, in this country there is a tradition of non-violence and to the extent to which it may be possible for provincial Governments to show consideration and mercy to animals and birds in general that consideration ought to be shown.

(Amendment No. 243 was not moved.)

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

“That for entry 30 of List II, the following entry be substituted:—

‘30. Protection of wild animals and birds.’ ”

The amendment was adopted.

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

“That entry 30, as amended, stand part of List II.”

The motion was adopted.

Entry 30, as amended, was added to the State List.

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*Entry 31*

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

“That entry 31 of List II be transferred to List III.”

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

“That entry 31 of List II be transferred to List III.”

That amendment was negatived.

**Mr. President :** The question is

“That entry 31 stand part of List II.”

The motion was adopted.

Entry 31, was added to the State List.

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*Entry 32*

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

“That for entry 32 of List II the following entry be substituted :

‘32. Trade and commerce within the State, subject to the provisions of entry 35- A of List III; markets and fairs.’ ”

Sir, the amendment has been found to be necessary because we have put in the Concurrent List an entry which empowers the Centre to give directions in regard to trade and commerce and the products of industries which it controls. Therefore this change has been made and for no other reason.

**Shri Brajeshwar Prasad :** Sir, I move:

“That in amendment No. 3616 of the List of Amendments, in the proposed entry 32 List II, for the words and figure ‘provisions of List I’ the words ‘superintendence, direction and control of the Union Government’ be substituted.”

**Mr. President :** There is no other amendment. The question is:

“That in amendment No. 3616 of the List of Amendments, in the proposed entry 32 of List II, for the words and figure ‘provisions of List I’ the words ‘superintendence, direction and control of the Union Government’ be substituted.”

The amendment was negatived.

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

“That for entry 32 of List II, the following entry be substituted:—

‘32. Trade and commerce within the State, subject to the provisions of entry 35-A of List III; markets and fair.’ ”

The amendment was adopted.

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

“That entry 32 as amended, stand part of List II.”

The motion was adopted.

Entry 32, as amended, was added to the State List.

*Entry 33*

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

“That entry 33 of List II be deleted.”

Sir, this entry is no longer necessary because provision has been made elsewhere for this purpose.

**Shri Brajeshwar Prasad :** Sir, I beg to move:

“That for amendment No. 3617 of the List of Amendments, the following be substituted:—

That for entry 33 of List II, the following be substituted:—

‘33. Regulation of trade commerce and intercourse with other States for the purposes of the provisions of article 244 of this Constitution subject to the supervision, direction and control of the Government of India.’”

**Mr. President :** Do you wish to move the next amendment No. 99 ?

**Shri Brajeshwar Prasad :** Sir, I move :—

“That in amendment No. 3617 of the List of Amendments, for the word ‘deleted’ the words and figure ‘included in List I’ be substituted.”

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

“That for amendment No. 3617 of the List of Amendments, the following be substituted :—

That for entry 33 of List II, the following be substituted:—

‘33. Regulation of trade, commerce and intercourse with other States for the purposes of the provisions of article 244 of this Constitution subject to the supervision, direction and control of the Government of India.’ ”

The amendment was negatived.

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

“That in amendment No. 3617 of the List of Amendments, for the word ‘deleted’ the words and figure ‘included in List I’ be substituted.”

The amendment was negatived.

**Mr. President :** The question is:—

“That entry 33 of List II be deleted.”

The motion was adopted.

Entry 33, was deleted from the State List.

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*Entry 34*

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

“That entry 34 of List II be transferred to List III.”

This is an important amendment. I would like the House to realise the magnitude of the problem. We all want to wipe out rural indebtedness. Sir, in this connection I would like to read an extract from the *People's Plan for Economic development of India*, which runs as follows:—

“The other problem that will have to be tackled, along with this problem of outmoded land tenure system, will be the problem of rural indebtedness. The total rural indebtedness was estimated by the Central Banking Inquiry Committee, in the year 1929, at about 900 crores of rupees. Subsequent estimates have however, put the figure at a much higher level. The estimate according to

the report of the Agricultural Credit Department of the Reserve Bank of India in the year 1937 is about 1800 crores of rupees. It is not possible that this might have reduced to any significant extent since the year 1937, nor can the so called agricultural boom at present be said to have produced very substantial reductions. The money-lender in the country dominates more in that strata of the agricultural population which is relatively worse off.

“The boom can hardly be said to have benefited that strata. On the other hand, the debt represents accumulations of decades. The debt legislation in the various provinces has not, admittedly, been able to touch even the fringe of the problem. We feel it necessary, therefore, that the debt should be compulsorily scaled down and then taken over by the State. Experiments made in this direction in the Province of Madras, for example, serve as a useful pointer. Under the working of the Madras Agriculturist’s Relief Act of 1938, debts were scaled down by about 47 per cent. and the provisions of the Act can, by no logic, be characterised as drastic. In the Punjab, under the operations of the Debt Conciliation Boards, debts amounting to 40 lakhs were settled for about 14 lakhs. It should, therefore, be possible and must be considered as necessary to scale down the present debts to about 25 per cent. before they are taken over by the State. Assuming the present indebtedness to amount to about Rs. 1,000 crores the debt to be taken over by the State will come to about Rs. 250 crores.

The compensation to be paid to the rent-receivers as well as to the usurers will thus amount to Rs. 1985 crores. This should be paid in the form of self-liquidating bonds issued by the State. These should be for a period of 40 years at the rate of interest of 3 per cent. and should be compulsorily retained by the State in its possession. The annual payments to be made by the State for these bonds will come to about Rs. 60 crores.

On the carrying out of these initial measures will depend the success of the planned economy for raising the productivity of agriculture in the interests of the cultivators. Unless the *status quo* is changed in this manner there can be no hope of improving the standard of living of the vast bulk of our peasantry, and therefore no hope of building up an industrial structure in the country on sound, stable and secure foundations. We are aware of the difficulties in the way of carrying out the above measures, but we are unable to see any alternative to them whatsoever.”

It is thus obvious that if we really want to remove agricultural indebtedness, the problem cannot be solved merely by action taken by individual States. Only a comprehensive plan and its bold execution with the fullest co-operation of the Union Government with the Government of the States can solve these problems. It is therefore that I have suggested that this entry should be transferred to List III.

Sir, I have tabled my amendment only with this purpose in view. I feel and I am quite convinced that we cannot change the face of our country and we cannot realise the ‘India’ of our dreams unless we adopt a comprehensive plan and have powers to co-ordinate the activities of the Centre and the Provinces. I therefore commend my amendment for the earnest consideration of the House.

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

“That entry 34 of List II be transferred to List III.”

The amendment was negatived.

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

“That entry No. 34 stand part of List II.”

The motion was adopted.

Entry 34, was added to the State List.

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#### Entry 35

**Mr. President :** I do not see any amendment to this entry.

**Shri H. V. Kamath :** On a point of clarification may I ask whether ‘inns’ include hotels and restaurants? There is no provision in the list for hotels and restaurants as such.

**Shri T. T. Krishnamachari :** That seems to be the idea. We have borrowed here an archaic expression and I quite agree that there is some force in the point raised by my honourable Friend, but I think it is comprehensive enough to cover the purpose that he has in mind.

**Shri R. K. Sidhwa :** 'Inns' in the dictionary mean 'Dharmasalas'.

**Shri T. T. Krishnamachari :** They are not.

**Mr. President :** There is no amendment to this entry.

The question is :

"That entry 35 stand part of the List II."

The motion was adopted.

Entry 35 was added to the State List.

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*Entry 36*

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

"That for entry 36 of List II, the following entry be substituted:—

'36. Production, supply and distribution of goods subject to the provisions of entry 35-A of List III.' "

The words that have been added are "Subject to the provisions of entry 35 A of List III." I have explained before that there is a specific entry in List III in regard to production, supply and distribution of goods of industries that are subjects under Central control and therefore this addition has become necessary. Sir, I move:

**Shri Brajeshwar Prasad :** Sir, I beg to move:

"That in amendment No. 3619 of the List of Amendments, in the proposed entry 36 of List II, for the words and figure 'provisions of List I' the words 'superintendence, direction and control of the Union Government' be substituted."

**Prof. Shibban Lal Saksena :** I only move, amendment No. 310.

"That entry 36 of List II be transferred to List III."

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

"That in amendment No. 3619 of the List of Amendments. in the proposed, entry 36 of List II, for the words and figure 'provisions of List I' the words 'superintendence, direction and control of the Union Government' be substituted."

The amendment was negatived.

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

"That entry 36 of List II be transferred to List III."

The amendment was negatived.

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

"That for entry 36 of List II, the following entry be substituted:—

'36. Production, supply and distribution of goods subject to the provisions of entry 35-A of List III.' "

The amendment was adopted.

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

“That entry 36, as amended, stand part of the List II.”

The motion was adopted.

Entry 36, as amended, was added to the State List.

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*Entry 37*

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

“That for entry 37 of List II, the following entry be substituted:—

‘37. Industries, subject to the provisions of entry 64 of List I.’ ”

**Shri Brajeshwar Prasad :** Mr. President, Sir, I beg to move:

“That in amendment No. 3620 of the List of Amendments, in the proposed entry 37 of List II, for the words and figure ‘provisions of List I’ the words ‘superintendence, direction and control of the Union Government’ be substituted.”

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

“That in amendment No. 3620 of the List of Amendments, in the proposed entry 37 of List II, for the words and figure ‘provisions of List I’ the words ‘superintendence, direction and control of the Union Government’ be substituted.”

The amendment was negatived.

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

“That for entry 37 of List II, the following entry be substituted:—

‘37. Industries, subject to the provisions of entry 64 of List I.’ ”

The amendment was adopted.

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

“That entry 37, as amended, stand part of List II.”

The motion was adopted.

Entry 37, as amended, was added to the State List.

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*Entry 38*

**Shri Brajeshwar Prasad :** Mr. President, Sir, I beg to move:

“That in amendment No. 3621 of the List of Amendments, for the word ‘deleted’ the words and figure ‘transferred to List III’ be substituted.”

**Shri H. V. Kamath :** Mr. President, Sir, on a point of order. Amendment No. 3621 has not been moved and therefore I do not see how this amendment will arise, when that has not been moved.

**Mr. President :** His amendment only seeks to substitute the words ‘transferred to List III’ instead of “deleted.” Deletion is not transfer. We do not want propositions for deleting an entry to be moved. We take them as moved, because they are of a negative character.

**Shri Brajeshwar Prasad :** Sir, adulteration of foodstuffs and other goods have assumed scandalous proportions in this country. It is not a problem that is confined only to one province. Therefore, it must be tackled on an All-India basis. There is not one single food commodity that we get which is, not adulterated. When we purchase milk there is more water than milk. In fact there is hardly any commodity that has not been adulterated. Now, Sir, the evil has assumed an All India proportion. It is therefore in the fitness of things that this Government of India which proclaim to be the servants of the people must serve the people in this vital affair.

**Pandit Lakshmi Kanta Maitra (West Bengal: General) :** Mr. President Sir, I beg to move :

“That entry 38 of List II be transferred to List III.”



[Pandit Lakshmi Kanta Maitra]

Entry 38 relates to adulteration of foodstuffs and other goods. It has been included in the State List. My suggestion is that it should be transferred to the Concurrent List so that not only the Provincial Governments, the State Governments but the Government at the Centre also may have power to legislate with regard to this.

Sir, I can assure you at the very beginning that I have not the least desire to take the time of the House when it is hard pressed for it unless I feel absolutely convinced of the importance of this subject. I will therefore beseech you to bear with me for a few minutes if I make a few hurried remarks with regard to the background against which I want this amendment to be considered.

The Government of India in 1937 brought into being a body called the Central Advisory Board of Health which had been functioning till the formation of the last Interim Cabinet before the final transfer of power. I happened to be an elected member of the Central Advisory Board of Health from its very inception. This Central Advisory Board of Health was composed not only of the provincial ministers and State Ministers of Health, but also of important persons concerned with the medical profession and public health. Year after year the Board were confronted with the problem of tackling this question of adulteration of foodstuffs. It was a very embarrassing situation for any Government to tackle. Each one of the provincial Governments had almost its own set of standards. The result was nothing short of confusion. What complied with the requirements of a particular province failed to comply with those of another. So, in this state of flux and uncertainty, the Government of India appointed a technical Committee, an expert Committee to go into the whole aspect of food adulteration in India. It was a purely Technical Committee. But, unfortunately or fortunately, I happened to be one of the members of that Technical Committee and I had to devote a considerable amount of study to the subject. We produced an unanimous report. This report indicated that certain types of foodstuffs which had inter-provincial, inter-state circulation could not be effectively dealt with by any State legislation alone. Take for instance ghee, or any of the milk products. I am particularly referring to ghee. Ghee used to constitute until before the war a most important item in the dietary of this country. Today, we do not get ghee; ghee has practically left the land, thanks to the advent of the hydrogenated edible oil, the *Dalda Banaspati*. What was felt at that time was that articles like ghee, mustard oil, coconut-oil—because coconut-oil and *til* oil are used for edible purposes in several places—milk and milk products—all these circulated freely throughout this country and therefore the places of their sale are not the only places where the mischief should be combated. The Expert Committee found that there were certain indispensable tests. With regard to ghee, there is, for instance, the Butyro-refracto-meter test, the Reicherst Wolny value test, the saponification value test, the iodine value test, the phytosterol Acetate test, the specific gravity test and others. These are technical matters; I do not want to weary the House with all these details. The rock-bottom fact is that the expert Committee, which was also composed of experts brought from outside, found that with regard to these tests, there should be one denominating factor which should govern all species of ghee. For instance, ghee is manufactured in Kathiawar. They have got one set of tests. Guntur is another manufacturing area; it has got to comply with another set of tests. Khurja in the U.P. has another set of tests. The consuming provinces like ours, Bihar, Bengal, Orissa, Assam who mainly consume these products imported from outside their own areas, are in a helpless condition. They cannot effectively tackle this problem with their individual provincial

measures. All that they can do is, if milk is sold in a particular town in a particular province, they have got the lactometer test under the Food Adulteration Act of the province which simply deals with the percentage of water. Today it has been found and amply demonstrated that this test is an absolute fraud and that we can by some artificial means, by some addition of sucrose content, we can get the prescribed standard with adulterated stuff.

Therefore, the Government of India felt the need to pass an all-India Food Adulteration Act. A model Act was drafted by us in consultation with all the provinces. Now, before that Act could be brought before the legislature, the transfer of power took place. The findings of the Expert Committee are there and the Government of India was absolutely convinced that without such a piece of legislation emanating from the Centre, it would be a hopeless task to tackle with this problem of food adulteration. My honourable Friend Mr. Brajeshwar Prasad rightly pointed out that it has assumed the proportions of a scandal.

Sir, the country appreciates with a deep sense of gratitude the stand that you have taken with regard to these hydrogenated edible oils. If other eminent persons also set their feet against this, I think this problem of food adulteration could be effectively checked. This cannot be done if it is left simply to the provincial legislature. Take for instance the scandal about mustard oil that we see in Bengal today. The Public Health Department of the Calcutta Corporation has announced that the city and the rural areas also have been passing through an epidemic of dropsy, call it beri-beri or whatever you like, in a very acute form. They say you may drop down dead at any moment without even a moment's notice because of your consumption of the poison of mustard oil. They say that the mustard oil which is largely used in Bengal, Bihar, Orissa for edible purposes, is mixed with a sort of thing called argemon seed, which is dangerous for human health. Now, the poor fellow who sells the mustard oil in Patna, Bhagalpur or Calcutta, has to import the whole stuff from another province. *e.g.*, the U.P. You can at best get hold of him, put the article to some tests and then you can straightaway punish him. That fellow will say, and with good reason "what have I done? I have purchased these fifty or sixty or two hundred tins from such and such place in U.P.; it is our main source of supply". The provincial Government of the place where it is retailed has not got the power to deal with the Supplies from a different province. All they can do is to get hold of these pedlars, retail dealers and deal with them.

This is a matter of serious import. You must go to the root of the matter. The evil must be tackled at the very source. It is rather unfortunate that this matter has come before the House when its attendance is thin and the members are also inattentive. But, let me tell the House, that as a member of that Committee, or perhaps the only surviving member in this House of the Central Advisory Board of Health, I can say with an amount of emphasis which is peculiarly mine, as it is born of my conviction that if this country is determined to stamp out this evil of food adulteration, it cannot be done in this kind of half-hearted manner by placing this matter in the provincial field. I know my honourable Friend Mr. T. T. Krishnamachari of the Drafting Committee will get up and say we have got provision for that in entry with 66-A in the Union List, "standardisation of goods". Let me tell him frankly that this will not meet the situation. You can put "standardisation of goods" in the Union List; but in the State List entry 38, you definitely say "adulteration of foodstuff" belongs to the provincial sphere. Whenever the Centre will seek to legislate on foodstuffs and prescribe standards therefore the provincial Governments will at once raise the hue and cry "you are entrenching on our field because food adulteration is specifically provided for in entry 38 in the State List".

[Pandit Lakshmi Kanta Maitra]

I have only referred to one or two matters. I can speak for hours. This matter took us full two years and I now find that with all the great amount of labour on the part of representatives of Health Ministers from the different provinces and experts from outside, and the tremendous expenditure of money, their findings could not be given effect to because of the sudden change in the political set-up. Now that we are going to enact a Constitution, I beseech the members of the Drafting Committee to consider this aspect. I want the provinces as well as the Centre to get seisin of the matter, so that even now we can give effect to the findings of the Central Advisory Board of Health, now defunct. I wish the Honourable the Minister for Health had been here. I am sure if the Director General of Medical Services were here, he would have supported me. It is my misfortune that I happen to be the only surviving member in this House of the Central Advisory Board and there is nobody else to support me. The Government representatives of the Public Health Department also are not here.

I therefore suggest in all seriousness that nothing would be lost if it is transferred to the Concurrent List. I am not the type of a member who moves amendments for nothing. Unless I am morally convinced, I do not move amendments or make speeches. Today food adulteration has assumed proportions which, unless you check it now, will kill the whole nation. Recently I have been interested in the movement which was very kindly inaugurated by you. Mr. President, with regard to Dalda Mahatma Gandhi with his characteristic insight rightly started this. In six different institutions researches are now being carried on with regard to the hydrogenated oils. I have seen reports of one or two important research institutes. I had a prolonged discussion with some of the eminent scientists about a month ago about the results they had achieved regarding this. The results are conflicting. There is perhaps no vice as such in the process of hydrogenation; but what matters most is the basic oil pressed out of diseased seeds and mixture with other varieties of injurious stuff with the result that the product of hydrogenation assumes deleterious properties which bring on disease. I am awaiting the results of the researches of the other five institutions. You, Mr. President, rightly sounded the note of warning. Unless these matters are tackled both from the Centre as well as from the provinces this great social vice cannot be stamped out or effectively checked. I commend this amendment to the consideration of the House, as I feel that it is essential in the interest of the national health of this country.

(Amendment No. 105 was not moved.)

**Dr. P. S. Deshmukh :** (C. P. & Berar: General): Mr. President, I strongly support the amendment that has been moved by Shri Brajeshwar Prasad. When I moved a similar amendment some time ago it fell on deaf ears so far as the members of the Drafting Committee and the learned Dr. Ambedkar were concerned; but probably I should have been prepared to bear this without complaint as they were not prepared to accept my amendment regarding the prevention of adulteration of articles of food whether imported, proposed to be exported or otherwise, arrangement for analysis, control and regulation of all such articles, as an entry in List I. It is very necessary that I should speak here because I have given notice of a similar amendment to List III; but if this amendment is put to vote and rejected I would be precluded from moving that amendment or even speaking on that occasion because you may give a ruling that the subject had been discussed and decided.

So I would beg your permission to support the amendment that has been moved by Mr. Brajeshwar Prasad and to urge that the amendment of which

I had given notice so far as the Union List was concerned and of which I have given fresh notice, which is amendment 295, by which I seek the entry so far as adulteration of foodstuffs to be altered as follows :—

“Prevention of adulteration of articles of food whether imported, proposed to be exported or intended for domestic use, arrangements for analysis, control and regulation of all such articles.”

The importance of this question has already been amply brought home to all the honourable Members of this House by my Friend Pandit Maitra who has just spoken and although he may be the last surviving member of that Commission which he referred to I hope the whole House is alive to the need of stopping adulteration of foodstuffs. It is a disgrace that should be put down at the earliest possible opportunity. It is really curious that for two years all sorts of adulteration of foodstuffs has gone on and the evil is showing no signs of diminishing yet and in spite of the fact that we are passing hundreds of laws and ordinances and rushing through dozens of Bills in a couple of minutes each, the Government has not come forward with a Bill dealing with this important matter and so as to stop this evil which is affecting the health as well as the prosperity of the whole nation. It is likely to affect the country much more seriously than any other single thing. We know that this adulteration is going on on such a scale that people have not left anything undone. In this respect, I may mention here a highly interesting case which came to light in my province. A certain merchant was, throughout the war, *i.e.* for nearly six years melting tons of gur in big pans. After melting it, he mixed it with near about twenty per cent of mud, earth taken from the old “gadhies” of which we have many in the C. P. and from which we get very fine earth. This earth was consistently mixed with gur to the extent of 20 per cent and the adulterated gur was sold to all sorts of people, for all those years. The case came to the court only because the potter who supplied the large quantity of earth on the backs of his donkeys was not paid the money due to him, by the avaricious merchant and he had to bring the matter to the court. That was how the Government came to know of this dastardly offence. There are even worse cases than this.

Hence I claim that there is absolute necessity for putting this matter at least in the Concurrent List, if it is not possible to leave it to the exclusive powers of the Union. It is essential that there should be legislation which will prevent this kind of cases. What I propose is done in any and every agricultural country. In Canada as early as 1920, there are provisions for the proper grading of all sorts of agricultural products, and for the punishment of offences of adulteration. Even the irresponsible British Government was alive to the issue and that is why it appointed a Commission to go into this question. But our independent national government has not realised the importance of this question, and this amendment among other things seeks to bring this important question to the attention of the Central as well as the Provincial Governments. It seeks more to focus the attention of the Centre on this question, as the Provincial Governments are liable to prove ineffective.

Moreover it is absolutely impossible for one State to check the evil because other States also are equally vitally concerned. There are also ports from which the adulterated stuffs are sent round the whole country. Therefore it is necessary to have all-India legislation. There should be not only the prevention of adulteration, but there should also be arrangements for government analysts who will be able to detect what sort and extent of adulteration there has been and thus bring home the offences to the people who have committed them. I therefore, think that the amendment moved by my Friend is quite proper and this subject should not be left only to the States. By placing it in the Concurrent List, we do not deprive the States of their power of legislation in respect of this subject, but so far as may be necessary, the Centre will have the power to interfere. I know the Drafting Committee has been criticised on various occasions. I do not wish to

[Dr. P. S. Deshmukh]

indulge in such criticism over again; but I do feel that some of the things said about the Committee are justified, that it need not be obstinate enough not to take into account the reasonable suggestions which have not occurred to them or appealed to them previously. I think this is one of them, and I do hope even at this late stage, that they will agree to the amendment proposed, and transfer this entry to List III.

**Mr. President :** I do not think it is necessary to have many speeches. We have had the point clearly put before us.

**Shri T. T. Krishnamachari :** Mr. President, Sir, I must confess that I have a great deal of sympathy with the objects which my honourable Friend Pandit Maitra wants to serve, by transferring this entry from List II to List III, and I do not for one moment even contemplate refuting the various arguments that have been put forward by previous speakers in regard to the necessity for prevention of adulteration of foodstuffs. These arguments, I admit, are sound. I do admit that adulteration exists and that it ought to be prevented. The dispute really is, which is the agency to prevent it ? Is it to be the Centre or is it to be the State ? I am afraid, Sir, that our technical advisers who happen to be the Ministry of Health in this particular instance, have not even suggested that we should transfer this entry from List II to List III.

**Pandit Lakshmi Kanta Maitra :** Did you refer this matter to them at all ? What is the use of saying that did not make such a suggestion ?

**Shri T. T. Krishnamachari :** My honourable Friend will please bear with me for a minute. The whole matter has been referred to the various ministries according as their interests lay, and actually, I might mention that in regard to public health legislation, the Health Ministry wanted to take it over, and make it a Concurrent subject. As has been explained on a previous occasion ...

**Dr. P. S. Deshmukh :** The Health Ministry, Sir, is not the last word here.

**Shri. T. T. Krishnamachari :** As was previously explained by Dr. Ambedkar, there was a lot of resistance from the Provinces and the Health Ministry did not suggest that this item should be transferred to the Concurrent List. I agree with my honourable Friend Dr. Deshmukh that the Health Ministry is not the last word on the subject; nor are we, the Drafting Committee, the last word on the subject. Ultimately the last word on the subject happens to be the wishes of this House. Well, this is a difficult question—the question of apportionment of the legislative powers between the Centre and the Provinces. It has to be considered carefully. The safest thing is to maintain the *status quo*. But if there is to be a change, the change should be made after full and careful scrutiny, after full investigation and after obtaining the full consent of the authorities who are in charge of the administration. That is the only safe way of determining where the legislative powers ought to be vested and the responsibilities of the Centre and the States determined in so far as the Schedule is concerned. And I would submit that the Drafting Committee has followed that line. It has not merely forwarded all these various entries to the Ministries concerned, at the Centre, but every opportunity was taken to get into correspondence with the Ministries in the Provinces, frequent conferences were held, opposing views were mentioned there and the lists and the amendments as we now propose them, are the result of those conferences and the result....

**Pandit Lakshmi Kanta Maitra :** Sir, can the honourable Member say whether in the case of these last minute, these fifty-ninth minute changes, he is in communication with the Ministers of the Provinces ? Then in that case, the honourable Member must be having the power of clairvoyance and also clair-audience.

**Shri T. T. Krishnamachari :** I would willingly admit to the honourable Member that every change that we make in the fifty-ninth minute and in the fifty-ninth second is a change that is based on a certain amount of consultation and some investigation. It is not an *ad hoc* change introduced by the Drafting Committee, because the Drafting Committee does not take the initiative in any of these matters.

**Dr. P. S. Deshmukh :** Does the honourable Member hold to this opinion even after what has been said in the House ?

**Shri T.T. Krishnamachari :** Will the honourable Member please allow me to finish my speech ?

As I was saying, this item was discussed with the various Premiers of the Provinces, and it was suggested that a small change should be made and the Drafting Committee, accordingly tabled an amendment in support of that change. But we then found that some of the entries in List III would conflict with this entry, if that change were made. That is why I did not move that amendment. Every item on this List has been gone through with the Provincial Prime Ministers.

**Pandit Lakshmi Kanta Maitra :** And the Provincial Prime Minister say that these were not considered and discussed with them.

**Shri T. T. Krishnamachari :** I leave it to the discretion of the, honourable Member to believe whomsoever he likes. But so far as I am concerned, I feel perfectly safe in mentioning that everyone of these items in the List were gone through and the decisions to make changes or not to make them are the results of such discussions.

Now, coming to the main point. I quite appreciate the force of the argument of Pandit Lakshmi Kanta Maitra. But as he himself has pointed out, I do not think the Centre is without any power whatsoever with regard to the control of movement of adulterated foodstuffs, from one State to another. He himself referred to entry in List I, entry 61-A which has been accepted by the House. It reads thus—

“Establishment of standards of quality for goods to be exported across customs frontier or transported from one State to another.”

Under this, I suggest there is ample power for the Centre to prevent adulterated foodstuff from going from one State to the other, and there will be enough power under this legislative entry for the Centre to impose penalties on those merchants who export adulterated foodstuffs from one State to another, and the purpose that my honourable Friend has in mind can be served. What, then, is the object of transferring it to the Concurrent List or to List I, I do not understand.

**Pandit Lakshmi Kanta Maitra :** May I explain? The object is to save the Government from the odium that the Centre does not want to face the responsibility and so wants to pass it on to the Provincial Governments. We want to help the Central Government and to restore public confidence in it.

**Shri T. T. Krishnamachari :** The honourable Member is an old friend and colleague of mine, and I know he feels strongly on any point that he exercises his mind on. But I think he will understand that in this fairly important matter, we cannot take *ad hoc* decisions here, because some people feel strongly on the subject. The interested parties are the Health Ministry here and the Provincial Ministries, and after full discussions we have come to the conclusion that such and such provisions should be there and punitive measures can be taken by the provinces. We have left it to the provincial governments to see that

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these provisions are observed. And I think if circumstances are such that we cannot.... (*Interruptions by Pandit Lakshmi Kanta Maitra and Dr. P. S. Deshmukh*). There is no use interrupting me. I must finish my arguments. If the Central Government feels, and if the Provincial Governments also feel that the powers vested in the provincial governments under entry 38 of List II and under entry 61 A. of List I are not adequate for the purpose, even then, we are not entirely without power.

**Dr. P. S. Deshmukh :** This finding has already been reached by a Commission.

**Shri T. T. Krishnamachari :** I say, even then we are not entirely without resources. Action can be taken under article 226 or 229. If it is found necessary, a Central Act can be passed under article 229. Such an Act was passed in the past in order to control the drug trade, which was entirely a provincial subject, and it was because of that Act that we have now put it in the Central List, because co-ordination is necessary. We are not, therefore, entirely without resources. The position is undoubtedly serious, but it need not be unduly magnified by reason of the fact that the powers are put in the State List and not in the Concurrent List. Some honourable Members seem to think that the great Central Government of the future will have so many arms with which it can clutch at any offender at any particular place. We must, on the other hand, place the responsibility squarely on the shoulders of the Provincial Governments. I think that is the only way in which the purpose of my honourable Friend can be served. The Provincial Governments are on the spot and they are the persons to take action. If the Provincial Governments do not take any action for carrying out the necessary punitive measures for the purpose of seeing that the coordinating measures are not infringed upon, then 61-A gives enough power in the hands of the Centre to act. I do feel that although there is a lot of sentiment in this matter, and there is a lot of truth that there is adulteration of foodstuffs, the remedy cannot be sought by merely putting the entry into the Concurrent list or List I. Provincial Governments must accept the responsibility and face it squarely and if there is need we have enough powers under 61- A of the Act. But I feel that, much as I sympathise with my friend, I am unable to accept the suggestion.

**Dr. P. S. Deshmukh :** Why not wait till Dr. Ambedkar is there and consult him.

**Pandit Lakshmi Kanta Maitra :** I think at least they can ask the Health Ministry. On several occasions statements have been made on the strength that Provincial Ministers have agreed. But I have often been told by Provincial Ministers that they have not been consulted. This is our experience. This being an important matter, the Health Minister can be contacted, the Director-General of Medical Services could be contacted, and the Director of Health, Delhi, could also be contacted before any decision is taken. It will be a great national calamity if the Centre does not tackle it.

**Mr. President :** It is not usual for me to take part or sides.

**Pandit Lakshmi Kanta Maitra :** Quite true. I am appealing to my friend to be considerate.

**Mr. President :** Suppose if the matter is held over ?

**Shri T. T. Krishnamachari :** It could be held over. The point is that I cannot see how the Provincial Governments can be consulted in the matter, and quick decision taken.

**Mr. President :** You can consult them.

**Shri T. T. Krishnamachari :** If it is a suggestion from the Chair I have no other option but to accept it.

**Mr. President :** It is not so much from the Chair. But I see that there is considerable feeling in the House and I must confess that I have my sympathies with that feeling. It is not really from the Chair but from the House.

**Shri T. T. Krishnamachari :** If you agree, it could be taken up a week hence.

**Mr. President :** Yes, we may do that.

**Shri T. T. Krishnamachari :** I would suggest that the Drafting Committee refer the matter to the Ministries concerned.

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*Entry 39*

**Mr. President :** Since there are no amendments to entry 39 I shall put it to the House :

Entry 39 was added to the State List.

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*Entry 40*

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

“That for entry 40 of State List II, the following entry be substituted:

‘40. Intoxicating liquors, that is to say, the production, manufacture, possession transport, purchase and sale of intoxicating liquors.’ ”

This amendment is necessary because we have shifted poisons and drugs to the Concurrent List and opium happens to be in the Central List. This entry, therefore, will suffice for the purposes of State Governments. Sir, I move.

**Shri H. V. Kamath :** What is the distinction between production and manufacture? Is there any fine distinction ?

**Mr. President :** Between production and manufacture?

**Dr. P. S. Deshmukh :** I suppose it is legal phraseology to cover all possibilities!

**Mr. President :** I think that is the explanation.

So I shall put the amendment to the House. The question is:

“That for entry 40 of State List II, the following entry be substituted:

‘40. Intoxicating liquors, that is to say, the production, manufacture, possession, transport, purchase and sale of intoxicating liquors.’ ”

The amendment was adopted.

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

“That entry 40, as amended be added to List II”

The motion was adopted.

Entry 40, as amended, was added to the State List.

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*Entry 41*

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

“That in amendment No. 107 of List I (Sixth Week) for the proposed entry 41 of List II, the following entry be substituted :—

‘41. Relief of the disabled and unemployable.’ ”

The original entry read : “Relief of the poor : unemployment.” We are taking “unemployment” to the Concurrent List Therefore what remains is



[Shri T. T. Krishnamachari]

only relief of the poor. It was felt by many Members of this House that it is offensive to sentiment for the word “poor” to be there. Actually the relief that is contemplated is not relief of the poor but only relief of those people who are needy, of the disabled and unemployable. That is why these words have been substituted. I hope the House will accept the amendment.

**Dr. P. S. Deshmukh :** I would like to move only a part of my amendment. Sir. I move :

“That in amendment No. 107 of List I (Sixth Week) for the proposed entry 41 of List II, the following entry be substituted :—

‘81-A. Relief of the poor, control of begging, poor houses, training and employment of young persons.’ ”

My only point in moving this amendment is to provide for the control of begging. There has been some discussion yesterday on this point and the question is whether it will not be necessary to put specifically the control of begging as one of the items for legislation in this List.

But so far as employment is concerned, I am glad to find that it has been relegated to the Third List, which is certainly an improvement, and I feel happy about it.

So far as the control of begging is concerned, I would like to know if that is also proposed to be placed in List III, or whether it is considered to be covered by some other items. I am not sure of this. If my Friend could throw some light on it I would be in a position to consider my amendment.

**Mr. President :** Which amendment are you moving?

**Dr. P. S. Deshmukh :** Amendment 41-A I am not moving the rest.

(Amendment 245 was not moved.)

**Shri H. V. Kamath :** Sir, I find from the Concurrent List that there is a new article, entry 27—employment and unemployment. They are very comprehensive terms. I want to know from my honourable Friend, Mr. T. T. Krishnamachari what exactly is connoted by the word “unemployable” here, apart from the word “disabled” already used. A man is unemployable—is something else meant than by saying that he is disabled and therefore unemployable : or does it mean that there is a category of persons for whom the State cannot provide work, though according to the Directive Principles of State Policy, we have laid down that the State must secure the right to work for every person. Does it mean people for whom Government cannot obtain employment, or those people who for some reason, other than being disabled, cannot secure employment? If that is so, what is that category ? I would like my friend to throw some light on this point.

**Shri T. T. Krishnamachari :** I would at once confess that I have not had the opportunity that my honourable Friend Mr. Kamath has had of education in England and therefore I am unable to appreciate the point raised by

**Shri H. V. Kamath :** I am sorry, Sir, to interrupt, but I was not educated in England.

**Shri T. T. Krishnamachari :** The suggestion came from persons for whom most of us have very great respect. Obviously the idea seems to be to indicate those that are disabled and for some reason or other cannot undertake any employment.

So far as the amendment moved by Dr. Deshmukh is concerned there was some discussion yesterday in regard to beggary when it was pointed out by Dr. Ambedkar that that might be covered by entry 24 in the Concurrent List—Vagrancy. In any case if proper relief is provided for the disabled and the unemployable I think beggary to a large extent by those who are really needy will cease.

**Dr. P. S. Deshmukh :** Though I am not satisfied with the explanation of Mr. T. T. Krishnamachari I beg to withdraw my amendment.

The motion was, by leave of the Assembly, withdrawn.

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

“That in amendment No. 107 of List I (Sixth Week), for the proposed entry 41 of List II, the following entry be substituted—

‘41. Relief of the disabled and unemployable.’ ”

The amendment was adopted.

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

“That entry 41, as amended, stand part of List II.”

The motion was adopted.

Entry 41, as amended, was added to the State List.

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*Entry 42*

Entry 42 was added to List II.

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*Entry 43*

**Pandit Thakur Das Bhargava :** Sir, I move :

“That with reference to amendment No. 3626 of the List of Amendments, entry 43 in List II be transferred to List III as entry 9-A.”

In regard to this entry it is clear that religious endowments, etc., etc., have provincial as well as inter-State importance. There are many institutions which may be said to be of more than Provincial importance. For instance there is the Gandhi National Memorial, the Kasturba Trust, the Kamala Nehru Hospital, the Begum Azad Hospital, etc. As regards religious institutions we have a very large number in this country, especially in big towns. There are the Somnath Temple, the Badrinath, Jagannath, Rameshwaram, Dwaraka, Vishwanath, Madura, Srirangam and many other temples which are held in veneration and people go for worship from all parts of India. Similarly we have very big Mutts and Akharas. For instance there are the Ramakrishna and Vivekananda Missions, the Gurudwaras, Dharamshalas, etc. The income from some of them are sufficient to run even universities. The beneficiaries consist of crores of people and therefore in regard to such charitable institutions it is very necessary that the Centre should also be invested with power to legislate in addition to the States. In regard to such institutions which are of provincial or local importance the State alone may have the right to legislate. I have, therefore, suggested that so far as these other institutions are concerned both the States and the Centre will have the power to legislate. The line of demarcation between them is not very distinct and therefore it may happen that it will be difficult to decide which is of local and which of more than local importance. But as it is a matter in which both the Centre and the provinces are equally interested and there is no chance of any clash of interest whatsoever.

When we come to fundamental rights in article 19 the right to religion has been to a certain extent hedged in by two sub-clauses which run as follows:

“Nothing in this article shall affect the operation of any existing law or preclude the State from making any law—

- (a) regulating or restricting any economic, financial, political or other secular activity which may be associated with religious practice;
- (b) for social welfare and reform or for throwing open Hindu religious institutions of a public character to any class or section of Hindus.”

[Pandit Thakur Das Bhargava]

When we consider this aspect of the question it becomes all the more necessary that the Centre should have the right to legislate. Therefore my submission is that this entry be transferred from the States List to the Concurrent List.

**Sardar Hukum Singh** (East Punjab: Sikh) : Sir, I have come to lend wholehearted support to the amendment moved by my Friend Pandit Bhargava. Ordinarily no support is necessary to an amendment like this nor is one permitted, but I felt myself bound because I had certain fears. In this connection I support the grounds as well, mentioned by Pandit Bhargava.

When I saw this entry in this List it certainly struck me that if such important institutions are allowed to remain in the States List they might not be maintained and looked after as they ought to be. Therefore I felt that I should move an amendment regarding Gurudwaras, particularly for the insertion of a new entry and I did that by amendment No. 253. I was particular about the maintenance and control of Gurudwaras such as those in States like Hyderabad and in Assam and which are of historical importance. There might not be, and probably there would not be, any Sikh representation in those local legislatures, to put the case of those Gurudwaras. I, therefore, felt that there should be a special entry in the Concurrent List and I sent a notice of that amendment. Now, that Pandit Bhargava has moved this amendment that this entry should be transferred to the Concurrent List there is no need for me to move my amendment and I wholeheartedly support Pandit Bhargava's amendment.

**The Honourable Dr. B. R. Ambedkar** : Sir, I am prepared to accept this amendment.

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

"That with reference to amendment No. 3626 of the List of Amendments, entry 43 in List II be transferred to List II as entry 9-A."

The motion was adopted.

Entry 43 of List II was transferred to the Concurrent List.

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#### *Entry 44*

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

"That for entry 44 of List II, the following entry be substituted:—

'44. Theatres, dramatic performances, cinemas, sports, entertainments and amusements, but not including the sanctioning of cinematograph films for exhibition.' "

With your permission, I move also amendment No. 287 standing in my name, *viz.*

"That in amendment No. 111 of List I (Sixth Week), in the proposed entry 4 of List II, for the words 'not including' the words 'subject to the provisions of List I with respect to' be substituted."

The amended amendment will read thus:

"44. Theatres, dramatic performances, cinemas, sports, entertainments and amusements, subject to the provisions of List I with respect to the sanctioning of cinematograph films for exhibition."

The idea that the sanctioning of cinematograph films for exhibition should be transferred to the Centre has been accepted. There is no further variation have been added here except that 'sports, amusements and entertainment have been added to the original entry in the Draft Constitution.

**Mr. President :** Dr. P. S. Deshmukh and Shri Raj Bahadur are not moving their amendments.

Amendment No. 286 stands in the name of Mr. Kamath.

**Shri. H. V. Kamath :** Sir, I move:

“That in amendment No. 111 of List I (Sixth Week), in the proposed entry 44 of List II, for the words ‘entertainments and amusements’ the words ‘playgrounds, gymnasia and stadia’ be substituted.”

I feel, Sir, that by including ‘entertainments and amusements’ in this entry—they were not there in the original draft—the Government are trying to arrogate to themselves far more powers to interfere with the lives of citizens than are necessary. The other day there was a report in the Bombay papers that that Government was trying to ban even a harmless game like rummy. I think that entertainments of this kind at least must be kept beyond the purview of Government.

**Shri T. T. Krishnamachari :** It comes in as entry 45 in the List.

**Shri H. V. Kamath :** It comes under the term ‘Entertainments and amusements’. I do not want that entertainments and amusements should be subject to any kind of governmental interference. Already in modern times Governments are taking so much power that it seems that the sky is the limit to their greed for power. With the sky as the limit the Government are trying to encroach upon each and every field. I do not see any reason why entertainments as such should be mentioned in any of the Lists here. I have mentioned specifically, ‘playgrounds, gymnasia and stadia,’ because in recent times, in Russia as well as in Germany and Italy, during the third decade of this century, it was governmental action which brought into existence amphitheatres, vast playgrounds and what are called parks of culture and rest. Government might move in these matters and organise these things for millions of citizens. But this is something different from legislating with regard to entertainments and amusements. We have the old Sanskrit saying:

*काव्य शास्त्र विनोदेन कालो गच्छति धीमताम्।*

*‘Kavya Shastra vinodena kalo gcchati dhimatam.’*

Any Government if it is so disposed might regard vinoda, innocent entertainment, as coming within the ambit of this provision.

Just as you cannot beat people into conformity, just as you cannot shoot people into loyalty or obedience, so too you cannot legislate people into moral beings. If crimes against humanity are committed, then the State should intervene and punish the offender. But it is one thing to punish crimes against humanity, and quite another to create conditions for the commission of offences. That is what you are doing here. Government are trying to legislate with regard to certain amusements and entertainments. One does not know which amusements will fall within this entry and which not. I am really unable to understand why this entry should have been modified in this regard—The old draft entry 44 might have been left as it was. I do not know why this change has been made. I would be happy if the words ‘entertainments and amusements’ are deleted, even if my amendment to insert “playgrounds. etc.” is not accepted. But the words ‘Entertainments and amusements’ must to.

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

“That in amendment No. 111 of List I (Sixth Week), the proposed entry 44 of List II be transferred to List II.”

My only reason for moving this amendment is that I consider theatres, cinemas and dramatic performances to be very important modern means of promoting adult education. In our country, if we want to bring literacy to everybody, this entry should go to List III so that there can be co-ordination and

[Prof. Shibban Lal Saksena]

regulation of the production and use of the films for educational purposes of the whole nation. By putting this in List III we would not be taking away anybody's powers.

**Shri Brajeshwar Prasad :** Sir, I rise, to support the new entry moved by Shri T. T. Krishnamachari. I am opposed to what all was said by Mr. Kamath on this occasion. I hold that entertainments and amusements if they are to be available to the poor, the provincial Governments must have power. The entertainments today are available only to the rich. The poor are deprived of these amenities of life. The record of the Soviet Union in this sphere is simply admirable. I support the amendment moved by Shri T. T. Krishnamachari.

**Shri T. T. Krishnamachari :** Sir, I appreciate what my honourable Friend Mr. Kamath has said in regard to undue interference by the State in the activities of private persons in Clubs and other places, but I do not think that this entry relates to that matter at all. What it really relates to is a certain amount of control which the States should have over places of public resort for purposes of health, morality and public order. These three matters of the State will have to safeguard in places of public resort. What my friend contemplates to do should be done under the powers conferred by the next item 45. The recent order of the Bombay Government is to stop the play of rummy because of the stakes involved. The people that play this game for such high stakes that it takes the form of gambling and it is for that reason that under the powers that the Bombay Government have under entry 45 they have sought to prohibit the playing of rummy for money. I do not think that this particular entry under discussion will be abused by any State Government to unduly restrict any pleasures or diversions that people have. The purpose of this entry is entirely different.

**Mr. President :** Then I will put Mr. T. T. Krishnamachari's amendment to the vote. No. 287.

**Shri T. T. Krishnamachari :** No. 287 and 111 form part of one whole.

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

"That in amendment No. 111 of List I (Sixth Week), in the proposed entry 44 of List II, for the words 'not including' the words 'subject to the provisions of List I with respect to be substituted.'"

The motion was adopted.

**Mr. President :** Then amendment No. 111 as amended by amendment No. 287. The question is :

"That for entry 44 of List II, the following entry be substituted:-

'44. Theatres, dramatic performances, cinemas, sports, entertainments and amusements, but subject to the provisions of List I with respect to the sanctioning of cinematograph films, for exhibition.' "

The amendment was adopted.

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

"That in amendment No. 111 of List I (Sixth Week), in the proposed entry 44 of List II, for the words 'entertainments and amusements' the words 'playgrounds, gymnasias and stadia' be substituted."

The amendment was negatived.

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

"That in amendment No. 111 of List I (Sixth Week) the proposed entry 44 of List II be transferred to List III."

The amendment was negatived.

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

“That entry 44, as amended, stand part of List II.”

The motion was adopted.

Entry 44, as amended, was added to the State List.

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*Entry 45*

**Mr. President :** Amendment No. 313 is for deletion of the entry. It is not an amendment but Prof. Shibban Lal Saksena can speak on it.

**Prof. Shibban Lal Saksena :** Sir, betting and gambling are being legalised by this entry in the Schedule. I thought that gambling was a crime and so I am surprised to see that gambling and betting are provided for as a legitimate field of activity under this Schedule. In fact, I was sorry that entry No. 78 in List I was passed without any opposition, “Lotteries organised by the Government of India or the Government of any State.” I think that this is against the principles to which we are committed. Gambling and betting should be banned. Sir, I strongly oppose this entry.

**Shri Lakshminarayan Sahu :** \*[Mr. President, I am opposing this for the reason that when we are going to build the entire structure of our State on the foundations of truth and non-violence, when we are guided by the lofty ideals of Mahatma Gandhi, there should be no mention at all of betting and gambling in the Constitution we are to frame. The very mention of these words would indicate that our National Government favours the idea of encouraging betting and gambling and seeks to have its own control on them. Have we forgotten the lessons of the Mahabharat ? Taxation on such items does not appear proper. The clause relating to lottery laid down in the Constitution, is also not proper.]

**Sardar Hukum Singh :** Does the honourable Member want that there should be no betting and gambling ?

**Shri Lakshminarayan Sahu :** \*[Yes, I want that.]\*

**Sardar Hukum Singh :** Who is to prohibit it?

**Shri Lakshminarayan Sahu :** The Constituent Assembly which is making the rules now, should prohibit it. \*[Therefore, Mr. President, I oppose it.]

**The Honourable Dr. B. R. Ambedkar :** Sir, I am very much afraid that both my friends, Mr. Shibban Lal and Mr. Sahu, have entirely misunderstood the purport of this entry 45 and they are further under a great misapprehension that if this entry was omitted, there would be no betting or gambling in the country at all. I should like to submit to them that if this entry was omitted, there would be absolutely no control of betting and gambling at all, because if entry 45 was there it may either be used for the purpose of permitting betting and gambling or it may be used for the purpose of prohibiting them. If this entry is not there, the provincial governments would be absolutely helpless in the matter.

I hope that they will realise what they are doing. If this entry was omitted, the other consequence would be that this subject will be automatically transferred to List I under entry 91. The result will be the same, *viz.* the Central Government may either permit gambling or prohibit gambling. The question therefore that arises is this whether this entry should remain here or should

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\*[ ]\* Translation of Hindustani speeches.

[The Honourable Dr. B. R. Ambedkar]

be omitted here and go specifically as a specified item in List I or be deemed to be included in entry 91. If my friends are keen that there should be no betting and gambling, then the proper thing would be to introduce an article in the Constitution itself making betting and gambling a crime, not to be tolerated by the State. As it is, it is a preventive thing and the State will have full power to prohibit gambling. I hope that with this explanation they will withdraw their objection to this entry.

**Mr. President :** The question is

“That entry 45 stand part of List II.”

The motion was adopted.

Entry 45 was added to the State List.

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*Entry 38—(contd.)*

**The Honourable Dr. B. R. Ambedkar :** May I request you to go back to entry 38 and to amendment No. 311 standing in the name of Pandti Lakshmi Kanta Maitra ? I heard, Sir, that you were pleased to direct Mr. T. T. Krishnamachari to have this entry held back, but I am prepared to accept the amendment suggested by my honourable Friend, Pandit Maitra.

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

“That entry 38 of List II be transferred to List III”

The amendment was adopted.

Entry 38 was transferred to the Concurrent List.

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*Entry 46*

**Shri Brajeshwar Prasad :** Sir, I beg to move

“That entry 46 of List II be transferred to List I.”

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

“That entry 46 of List II be transferred to List III.”

I wish to point out to the Drafting Committee that the present stage of land records varies from province to province so much that no reliable all statistics about land can be obtained. In fact in my province of U.P. it is the patwaris who keep all records and they are very able and from them we can get many statistics. But in Bihar there are no patwaris and so the Bihar Government have not got many important statistics. A question arose as to how much acreage was grown with sugarcane in Bihar, and the Bihar Government could not supply that information. So without proper land records, it is impossible to maintain uniform statistics for the whole country and it is a very important thing which must be provided for. In accordance with the amendments which I have already moved, that all entries about agriculture and land and allied subjects should be transferred to Part III, I suggest that this also should be transferred in the same manner and in this way we shall have uniform systems of keeping land records and uniform rates of land revenue and I consider this to be most important. If that is not done, you cannot have any statistics on a country-wide, basis on a uniform basis, and agricultural progress will be handicapped.

**Chaudhri Ranbir Singh :** \*[Mr. President, Sir, I am sorry for not being able to send my amendment in time. Mr. Brajeshwar Prasad wants that this subject should be included in the 1st List but I do not want that. I want that

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\*[ Translation of Hindustani speech begins.

this should be transferred to the Concurrent List. I shall just state my reasons for this suggestion. At present the land revenue is assessed in different provinces on different principles. I want that land revenue should be assessed on a uniform basis throughout the whole country. Land revenue should also be assessed on the principle on which other income-taxes are assessed. There should be one system for the assessment of land revenue throughout the whole country, and in my opinion the same principle on which other income-taxes are assessed should be followed in regard to land revenue also. An income of Rupees three thousand has been exempted from tax, and this exemption should also be applied in the case of agricultural income. Millions of agriculturists are, today, looking to this Assembly with the hope that it would pass some law which will free them from the injustice they have been constantly subjected to for thousands of years. This cannot be done only by including this item in the Concurrent List, for such inclusion will enable the future Central Legislature to pass a uniform Law in respect of income-taxes.]\*

**The Honourable Dr. B. R. Ambedkar :** I cannot accept this amendment. As our system of revenue assessment is at present regulated, it would upset the whole of the provincial administration. The matter may, at a subsequent stage be investigated either by Parliament or by the different provinces, and if they come to some kind of an arrangement as to the levy of land revenue and adopt the principles which are adopted in the levy of income-tax, the entry may be altered later on but today it is quite impossible. The matter was considered at great length in the Conference with the Provincial Premiers and they were wholly opposed to any change of the place which has been given to this entry.

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

“That entry 46 of List II be transferred to List I”

The amendment was negatived.

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

“That entry 46 of List II be transferred to List III.”

The amendment was negatived.

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

“That entry 46 stand part of List II.”

The motion was adopted.

Entry 46 was added to the State List.

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#### Entry 47

**Prof. Shibban Lal Saksena :** I do not propose to move my amendment No. 315.

**Mr. President :** There is no other amendment to this entry.

Entry 47 was added to the State List.

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#### 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.

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] \* Translation of Hindustani speech ends.



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

“That in amendment No. 3631 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 48 of List II be transferred to List III.”

The amendment was negatived.

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

“That entry 48 stand part of List II.”

The motion was adopted.

Entry 48 was added to the State List.

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*Entry 49*

**Shri Brajeshwar Prasad :** Sir, I move:

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

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

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

My object in moving both of my amendments to entries 46 and 49 is that these taxes should be uniform all over the country and for that reason I have moved that these entries should be removed to List III. My whole scheme postulates that everything about agriculture and land should go to List III for enabling both the Centre and provinces to work together in close co-operation.

**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.

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

“That entry No. 49 stand part of List III.”

The motion was adopted.

Entry 49 was added to the State List.

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*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.”

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

“That entry 50 of List II be transferred to List III.”

My only object is that you are taxing passengers and goods carried on inland waterways and roads. These roads and waterways pass through various States. In order that there may be uniformity and control and coordination, it is necessary that the Centre should have some power. I suggest that this should go to List III so that the Centre and the provinces may 'co-ordinate their work.

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

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

"That in entry 50 of List II, the Words 'or roads' be added at the end."

The amendment was adopted.

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

"That entry 50 of List II be transferred to List III."

The amendment was negatived.

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

"That entry 50, as amended, stand part of List II"

The motion was adopted.

Entry 50, as amended, was added to the State List.

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#### *Entry 51*

**Shri Brajeshwar Prasad :** Sir, I move:

"That in amendment No. 3633 of the List of Amendments, for the word 'deleted' the words and figure 'transferred to List I' be substituted."

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

"That entry 51 of List II be transferred to List III."

This is rather an important amendment that this entry should be transferred to List III. Agricultural Income-tax is a very important item of taxation. I am prepared to give all the proceeds of the tax to the provinces. But, there must be uniformity of scale in its imposition all over the country. Suppose Madras were to levy at one rate and Central Provinces at another rate. This would create great discontent. For purposes of uniformity and co-ordination, this entry should be transferred to List III so that if there are conflicting legislations, they may be coordinated in the best interests of the country.

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

"That in amendment No. 3633 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 51 of List II be transferred to List III."

The amendment was negatived.

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

"That entry 51 stand part of List II."

The motion was adopted.

Entry 51 was added to the State List.

*Entry 52*

**Shri Brajeshwar Prasad :** Sir, I move:

“That for amendment No. 3634 of the List of Amendments, the following be substituted:—

‘That entry 52 in List II be transferred to List I.’ ”

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

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

This is merely consequential.

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

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

The amendment was adopted.

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

“That for amendment No. 3634 of the List of Amendments, the following be substituted:—

‘That entry 52 in List II be transferred to List II.’ ”

The amendment was negatived.

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

“That entry 52 as amended, stand part of list II.”

The motion was adopted.

Entry 52, as amended was added to the State List.

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*Entry 53*

Entry 53, was added to the State List.

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*Entry 54*

**Shri Brajeshwar Prasad :** Sir, I move:

“That entry 54 of List II be transferred to List I.”

**Mr. President :** There is no other amendment. The question is:

“That entry 54 of List II be transferred to List I.”

The amendment was negatived.

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

“That entry 54 stand part of List II.”

The motion was adopted.

Entry 54 was added to the State List.

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*Entry 55*

Entry 55 was added to the State List.

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*Entry 56*

(Amendment No. 120 was not moved.)

**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 from or arising out of professions, trades, callings and employments.’ ”*

Sir, I may say this explanation is also contained in the amendment proposed by the Premier of the United Provinces, but he is not here to move the amendment I think that it is necessary that this Explanation should be there. Otherwise, the objection may be raised that any taxes on professions may be regarding as limiting the authority of the Union to levy Income-tax. Therefore, I think it is proper that this Explanation should be added.

**The Honourable Dr. B. R. Ambedkar :** Sir, I think this amendment is rather based upon a misconception. 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.

**President :** The question is:

“That entry 56 stand part of List II.”

The motion was adopted.

Entry 56 was added to the State List.

**Mr. President :** There is notice of an amendment for adding a new by Mr. Patil and Mr. Gupta.

(The amendment was not moved.)

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*Entry 57*

**Mr. President :** There is no amendment.

Entry, 57 was added to the State List.

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*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.

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

“That in amendment No. 121 of List I (Sixth Week), the proposed entries 58 and 74- A of List II be transferred to List I.”

Sir, this is a very important entry, about tax on sale and purchase of goods, and tax on advertisements. The imposition of sales tax by the various provinces has caused much confusion and there has been a great indignation in business quarters against the varying rates in this tax.

It varies from place to place and has a very bad effect on the trade and industry in the province. Therefore there has been a very great volume of opinion in the press that there should be uniform scales of taxation on sales and it is therefore necessary that these taxes should be imposed by the

[Prof. Shibban Lal Saksena]

Centre. I would not mind that the entire yield is given over to provinces but the principles on which these are based and the method in which they are levied should be decided by the Centre. I do not know how these have been included in this entry. Regarding advertisements, only yesterday we had a big debate that this amendment was *ultra vires* on article 13. Tax on advertisement really means tax on freedom of opinion. You are pleased to hold over your ruling on the point and so I do not know how this can be moved at all.

**Mr. President :** There is No. 122 of which notice is given by a large number of Members.

**Shri V. I. 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 hold it over for my ruling.

**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. Shibban 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.

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*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 provisions of entry 21 or List III.’ ”

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

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

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

‘Subject to the provisions of entry 21 of List III.’ ”

The amendment was adopted.

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

“That entry 59, as amended, stand part of list II.”

The motion was adopted.

Entry 59, as amended, was added to the State List.

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*Entries 60 to 63*

Entry 60 was added to the State list.

Entry 61 was added to the State List.

Entry 62 was added to the State List.

Entry 63 was added to the State List.

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*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.

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

“That entry 64 of List II be deleted.”

The motion was adopted.

Entry 64 of List II was deleted from the State List.

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*Entries 65 and 66*

Entry 65 was added to the State List.

Entry 66 was added to the State List.

**Mr. President :** There are certain new entries proposed. No. 322.

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*Entry 67*

**Kaka Bhagwant Roy** (Patiala & East Punjab States Union): Sir, I move:

“That in List II, the following new entry be added:—

‘67. Allowances to be paid to a ruler of a State in Part III of the First Schedule.’ ”

Sir, the allowances to the ruler of a State in Part III of First Schedule are to be paid out of the revenues of the State and it must be a charge and a burden on the State budget. Therefore it is meet and proper that the State legislature should have the power to consider over this. The people of the State have to pay the revenues out of which these allowances are to be paid. Therefore the State peoples, representative should have some say in the matter and my entry will give the State Legislatures the opportunity to consider the allowances that are given to the rulers. So I request that this subject be placed in List II.

**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 quite 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.

**Mr. President :** Then there are several amendments by way of new entries, in the Printed List, Vol II.

(Amendment Nos. 3642, 3643, 3644, 3645, 3646, 3647, 3648, 3649 and 3650 were not moved.)

These are all the amendments which we have relating to List II.

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*List III : Entry 1*

**Mr. President :** Then we go to List III. Entry No. 1 of List III. I do not see any amendment to that. So I put it to vote.

Entry 1 was added to the Concurrent List.

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*Entry 2*

**Mr. President :** Then we, come to entry 2. I do not see any amendment to that either. I put it to vote.

Entry 2 was added to the Concurrent List.

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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:”

‘2 A. 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.’ ”

**Prof. Shibban Lal Saksena :** I want to oppose it.

**Mr. President :** There is an amendment by Mr. Kamath—No. 289.

**Shri H. V. Kamath :** I move, Sir amendment No. 289 of List V, Sixth Week.

“That in amendment No. 124 of List I (Sixth Week), the proposed new entry 2-A of List III be deleted.”

**Mr. President :** It is really not an amendment, but asking for deletion. But I will allow you to speak.

**Shri H. V. Kamath :** Sir, I feel that after the adoption of entry 3 in List I, we should not provide any more scope of grounds for Preventive detention as such. I think we have restricted the freedom and liberties of the subject to a very considerable extent in the Constitution, and in item 3 of List I that we have passed a few days ago, it was provided that the legislative power of the Central Union, extended to preventive detention in the territory of India for reasons connected with defence, foreign affairs, or the security of India. I

cannot conceive of any other reasonable circumstances where preventive detention could be or ought to be exercised. The power for preventive detention should not be exercised by the State except for reasons connected with defence, foreign affairs or the security of India, and this power has already been vested in the Union Legislature. I do not think, it is safe or wise to include it among the concurrent powers, that is to say, with the Union as well as with the States. We should not confer powers with regard to 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. I am not aware of any Constitution in the world which provided in the body of the Constitution either as an article, or as a Schedule to the Constitution such sweeping powers for the units or the Centre. Of course, I am well aware of the powers vested in the Centre in times of emergency. For that we have already made provision in Chapter XI which this House has adopted. The Centre, under entry 3 of List I, has got the powers for preventive detention. Now, this is a very dangerous move on the part of the Drafting Committee, and I hope the House will not be a party to this move, to vest further powers in the Centre and in the States for detention, for reasons connected with the stability of the Government. That is a very vague wording, and very mischievous in its connotation and dangerous in its implications, and certainly not in conformity with the spirit of the democratic republic which we profess to build in this Constitution for our country. I feel that if, at all, powers are to be vested in the Centre or the States, for reasons connected with the stability of Government, say so—call it sedition or what you will, and provide for it as a crime punishable after fair trial. But I do not want such powers as these to be vested in the Centre or in the State to detain a person on the suspicion that he may jeopardise the stability of the Government established by law. You can provide for his arrest and proper trial and conviction; but to detain him merely because the men in power think that the stability of the government is in danger would be the worst tyranny that has been exercised in modern times. I feel, Sir, that this is a most serious matter. Such a provision would lead to very serious consequences in the hands of unscrupulous persons. I therefore feel that this entry should be deleted from this List.

**Mr. President :** I was asked to make some announcement with regard to the future programme. I propose to give the programme for the next week, that is to- say, from Monday next to the end of the week.

5th September : Monday: Fifth and Sixth Schedules and the Second Schedule.

6th September : Tuesday: Articles 263A, 264, 264A, 265, 265 A and 266.

7th September : Wednesday : Articles 281, 282, 282A and 283.

8th September : Thursday: Articles 296, 299, 302, 243, 244, 245 and 234A.

9th September : Friday : Articles 304 and 305 and the Eighth Schedule.

If I find that the work is not progressing as quickly as we wish, and we are unable to finish the whole thing within the week, then I shall have to consider whether we should not sit twice a day, because I do not want to go beyond the week for finishing this programme. I shall adjust the programme according to the progress that we make.

I thought we would have finished this List III today but we have not. So the only course is either to meet in the afternoon today or to meet tomorrow.

**Seth Govind Das :** You have not announced the date up to which this session will go. I wanted to know that so that we could fix up our programme.



**Mr. President :** I have no definite programme about that in my mind, because it is difficult to know what progress we shall make. But we do want to finish it as soon as possible.

So we shall meet tomorrow at 9 o'clock. We should be able to finish it by 11 o'clock.

The Assembly then adjourned till Nine of the Clock on Saturday, the 3rd September, 1949.

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