

**Wednesday, 31st August, 1949**

**Volume IX**

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



# **CONSTITUENT ASSEMBLY DEBATES**

## **OFFICIAL REPORT**

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THE CONSTITUENT ASSEMBLY OF INDIA

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*Marshal:*

SUBEDAR MAJOR HARBANS LAL JAIDKA.

## CONTENTS

### Volume IX—30th July to 18th September 1949

	PAGES		PAGES
<b>Saturday, 30th July 1949—</b>		<b>Thursday, 11th August 1949—</b>	
Taking the Pledge & Signing the Register .....	1	Draft Constitution—( <i>contd.</i> ) .....	351—391
Draft Constitution—( <i>contd.</i> ) .....	2—42	[Articles 5 and 6 considered].	
[Articles 79-A, 104, 148-A, 150, 163-A and 175 considered].			
<b>Monday, 1st August 1949—</b>		<b>Friday, 12th August 1949—</b>	
Draft Constitution—( <i>contd.</i> ) .....	43—83	Draft Constitution—( <i>contd.</i> ) .....	393—431
[Articles 175, 172, 176, 83, 127, 210, 211, 197, 212, 214 and 213 considered].		[Articles 5 and 6 considered].	
<b>Tuesday, 2nd August 1949—</b>		<b>Thursday, 18th August 1949—</b>	
Taking the Pledge and Signing the Register .....	85	Government of India Act, 1935 (Amendment) Bill .....	433—472
Draft Constitution—( <i>contd.</i> ) .....	85—127		
[Articles 213, 213-A, 214 and 275 considered].			
<b>Wednesday, 3rd August 1949—</b>		<b>Friday, 19th August 1949—</b>	
Draft Constitution—( <i>contd.</i> ) .....	129—163	Draft Constitution—( <i>contd.</i> ) .....	473—511
[Articles 276, 188, 277-A, 278 and 278-A considered].		[Articles 150, 215-A, 189, 190, 250 and 277 considered].	
<b>Thursday, 4th August 1949—</b>		<b>Saturday, 20th August 1949—</b>	
Draft Constitution—( <i>contd.</i> ) .....	165—204	Draft Constitution—( <i>contd.</i> ) .....	513—554
[Articles 188, 277-A, 278, 279, 280, 247, 248, 248-B and 249 considered].		[Articles 277, 279-A and 280 considered].	
<b>Friday, 5th August 1949—</b>		<b>Monday, 22nd August 1949—</b>	
Draft Constitution—( <i>contd.</i> ) .....	205—240	Draft Constitution—( <i>contd.</i> ) .....	555—595
[Articles 249 to 253 considered].		[Articles 284, 285, 285-A, 285-B and 285-C considered].	
<b>Monday, 8th August 1949—</b>		<b>Tuesday, 23rd August 1949—</b>	
Draft Constitution—( <i>contd.</i> ) .....	241—274	Draft Constitution—( <i>contd.</i> ) .....	597—635
[Articles 253, 254, 254-A and 255 considered].		[Articles 286 to 288-A and 292 considered].	
<b>Tuesday, 9th August 1949—</b>		<b>Wednesday, 24th August 1949—</b>	
Draft Constitution—( <i>contd.</i> ) .....	275—311	Draft Constitution—( <i>contd.</i> ) .....	637—676
[Articles 255 to 260 considered].		[Articles 292 to 295 and 295-A considered].	
<b>Wednesday, 10th August 1949—</b>		<b>Thursday, 25th August 1949—</b>	
Draft Constitution—( <i>contd.</i> ) .....	313—349	Draft Constitution—( <i>contd.</i> ) .....	677—699
[Articles 260 to 263, 267 to 269 and 5 & 6 considered]		[New Article 295-A considered].	
		<b>Friday, 26th August 1949—</b>	
		Draft Constitution—( <i>contd.</i> ) .....	701—717
		[Articles 296, 299 and Third Schedule considered].	
		<b>Monday, 29th August 1949—</b>	
		Draft Constitution—( <i>contd.</i> ) .....	719—736
		[Seventh Schedule : List I : Entries 1 to 7 considered].	

PAGES	PAGES
<b>Tuesday, 30th August 1949—</b>	<b>Monday, 5th September 1949—</b>
Draft Constitution—( <i>contd.</i> ) ..... 737—782	Draft Constitution—( <i>contd.</i> ) ..... 967—1008 [Fifth Schedule : Paragraphs: to 6; Sixth Schedule: Paragraph 1 considered].
[Seventh Schedule—( <i>contd.</i> ): List I : Entries 7 to 12, 9-A, 13 to 15, 15-A, 16 to 26, 26-A, 27 to 40, 40-A and B and 41 to 52 considered.]	
<b>Wednesday, 31st August 1949—</b>	<b>Tuesday, 6th September 1949—</b>
Draft Constitution ( <i>contd.</i> ) ..... 783—828	Draft Constitution—( <i>contd.</i> ) ..... 1009—1054 [Sixth Schedule : Paragraph 2 to 15 considered].
[Seventh Schedule—( <i>contd.</i> ): List I : Entries 53 to 57, 57A, 58, 58-A, 59 to 61, 61-A, 62 to 64, New Entry 64-A, 65 to 70, 70-A, 71 to 73 and 73-A considered].	<b>Wednesday, 7th September 1949—</b>
<b>Thursday, 1st September 1949—</b>	Draft Constitution—( <i>contd.</i> ) ..... 1055—1099 [Sixth Schedule : Paragraphs 16 to 18, and 1 and 20; Articles 281 to 282- considered].
Statement <i>re</i> : Vindhya Pradesh Representation in the Assembly .... 829—830	<b>Thursday, 8th September 1949—</b>
Draft Constitution—( <i>contd.</i> ) ..... 830—875	Draft Constitution—( <i>contd.</i> ) ..... 1101—1147 [Articles 282-B, 282-C, 283 and 274-A to 274-E of Part X-A considered].
[Seventh Schedule—( <i>contd.</i> ): List I : Entries 74 to 91: List II : Entries 1—15 considered].	<b>Friday, 9th September 1949—</b>
<b>Friday, 2nd September 1949—</b>	Draft Constitution—( <i>contd.</i> ) ..... 1149—1192 [Articles 264 to 266, 296 and 299; Seventh Schedule and articles 250, 202, 234-A, New article 242-A, 248-A, 263 and 263-A considered].
Condolence on the death of Shri Gopinath Srivastava ..... 877	<b>Saturday, 10th September 1949—</b>
Draft Constitution—( <i>contd.</i> ) ..... 877—928	Draft Constitution—( <i>contd.</i> ) ..... 1193—1266 [Articles 24 considered].
[Seventh Schedule—( <i>contd.</i> ): List II : Entries 15 to 67; List III : Entries 1, 2 and 2-A considered].	<b>Monday, 12th September 1949—</b>
<b>Saturday, 3rd September 1949—</b>	Draft Constitution—( <i>contd.</i> ) ..... 1267—1348 [Article 24 and part XIV-A- Language considered].
Draft Constitution—( <i>contd.</i> ) ..... 929—965	<b>Tuesday, 13th September 1949—</b>
[Seventh Schedule—( <i>contd.</i> ): List III : Entries 2-A, 3 to 25, 25-A, 26, 26-A, 27, 28, 28-A, 29 to 31, 31-A, 32, 33, 33-A, and B, 34, 34-A, 35, 35-A, 36 and New Entry 88-A considered].	Draft Constitution—( <i>contd.</i> ) ..... 1349—1426 [New Part XIV-A (Language) considered].
	<b>Wednesday, 14th September 1949—</b>
	Abolition of Privy Council Jurisdiction Bill ..... 1427
	Draft Constitution—( <i>contd.</i> ) ..... 1427—1493 [New Part XIV-A (Language) considered].

PAGES	PAGES
<b>Thursday, 15th September 1949—</b>	
Draft Constitution—( <i>contd.</i> ) ..... 1495—1541 [New Articles 112-B and 15-A considered].	Draft Constitution—( <i>contd.</i> ) ..... 1621—1673 Motion <i>re</i> Translation of the Constitution. [Articles 303 and 300-A and B considered].
<b>Friday, 16th September 1949—</b>	[Eighth Schedule and Articles 303, 304, 99, 305 and 1 considered].
Draft Constitution—( <i>contd.</i> ) ..... 1543—1590 [Articles 15-A, 209-A to E, 315 and 303 considered].	<b>Sunday, 18th September 1949—</b> Motion <i>re</i> October meeting of ..... 1675 Assembly.
<b>Saturday, 17th September 1949—</b>	Draft Constitution—( <i>contd.</i> ) ..... 1676—1693 [Article 1 considered].
Abolition of Privy Council ..... 1591—1620 Jurisdiction Bill	

## CONSTITUENT ASSEMBLY OF INDIA

*Wednesday, the 31st August 1949*

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.

### DRAFT CONSTITUTION—(Contd.)

#### Seventh Schedule—(Contd.)

*List I : Entry 53*

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

“That in Entry 53 of List I, the words and the figure ‘except the States for the time being specified in Part III of the First Schedule’ be omitted.

This is because we propose to make no distinction between a State in Part I and Part III.

**Shri H. V. Kamath** (C.P. & Berar: General): There is a little amendment of mine, No. 198. Sir, I move:

That with reference to amendment No. 25 of List I (Sixth Week), in entry 53 of List I, for the words ‘and exclusion of the jurisdiction of any such High Court from’, the words ‘and exclusion from the jurisdiction of any such High Court of’ be substituted.”

This is only an interposition of words, I know but it changes the meaning slightly and brings out what is intended in the entry. I believe that this entry has reference to exclusion from the jurisdiction of any High Court of certain areas. It is therefore not correct to say “exclusion of the jurisdiction of any such High Court”. You exclude something from the jurisdiction: you cannot exclude jurisdiction from. You can say that you do not extent jurisdiction to some other area. But to say that you exclude the jurisdiction of a Court from something is not correct English. What is intended is that you exclude certain areas from the jurisdiction of a particular Court, and the entry as it stands does not bring out the meaning which it is intended to convey. I am sure Dr. Ambedkar will agree that the entry intends to exclude certain areas from the jurisdiction of the High Court. If that is so, the wording should be “exclude from the jurisdiction of a Court certain areas”. The Court has jurisdiction: not, in this context, a State or any other area. I dare say this will be quite proper, and I commend this little amendment of mine to the House for its consideration.

**The Honourable Dr. B. R. Ambedkar** : Sir, Mr. Kamath’s amendment is wholly unnecessary because the object of my amendment is to delete altogether hat portion of entry No. 53 beginning from “except” to the end. If I was retaining any part of the entry then of course the question might arise whether the phraseology used in the entry is better than the one suggested by Mr. Kamath or *vice versa*.

**Shri H.V. Kamath:** My amendment has reference to the entry itself not to the amendment.

**The Honourable Dr. B. R. Ambedkar:** I think that cannot arise because I am omitting the whole thing. The second point is that the language used in entry 53 has to be in keeping with the language employed in article 207.

**Shri H. V. Kamath:** If this is accepted the language in the other article which has already been passed will have to be amended at the third reading.

**Mr. President :** I find that Dr. Ambedkar's amendment refers only to a part of this entry.

**The Honourable Dr. B. R. Ambedkar:** I am taking out the last part "except the States for the time being specified in Part III of the First Schedule". The entry as amended would stand:

"Extension of the jurisdiction of a High Court having its principal seat in any State within the territory of India to, and exclusion of the jurisdiction of any such High Court from any area outside that State."

The entry merely provides for the extension or the exclusion of the jurisdiction.

**Shri H. V. Kamath:** My amendment refers to the second part, "exclusion of the jurisdiction of any such High Court from any area outside that State".

**The Honourable Dr. B. R. Ambedkar:** I am not accepting your quibbling.

**Shri H. V. Kamath :** It is no quibble. It is a question of correct English.

**The Honourable Dr. B. R. Ambedkar :** If it is a matter of mere English we can take it up at the next stage.

**Mr. President :** Then I shall put Mr. Kamath's amendment to vote.

The question is:

"That with reference to amendment No. 25 of List I (Sixth Week), in entry 53 of List I, for the words 'and exclusion of the jurisdiction of any such High Court from,' the words 'and exclusion from the jurisdiction of any such High Court of' be substituted."

The amendment was negated.

**Mr. President :** I shall now put Dr. Ambedkar's amendment to vote.

The question is:

"That in entry 53 of List 1, the words and figures 'except the States for the time being specified in Part III of the First Schedule' be omitted."

The amendment was adopted.

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

"That entry 53, as amended, be adopted."

The motion was adopted.

Entry 53, as amended, was added to the Union List.

*Entry 54*

Entry 54, was added to the Union List.

*Entry 55*

Entry 55, was added to the Union List.

*Entry 56*

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

"That for entry 56 of List I the following entry be substituted:—

'56. Inquiries, surveys and statistics for the purpose of any of the matters in this List'."

There is hardly any difference. We have merely made it "for the purpose of any of the matters in this List".

**Mr. Naziruddin Ahmad** (West Bengal: Muslim): Though my amendment No. 167 will improve the text, I do not want to move it.

(Amendment No. 254 was not moved.)

**Shri Phool Singh** (United Provinces: General): Mr. President, Sir, the amendment suggested by Dr. Ambedkar will limit the scope of this entry. Under the original entry the Government is free to collect statistics regarding any matter, but if the proposed amendment is accepted that scope would be limited only to the matters entered in this List. For example, there is the case of fixing the price of sugar. In order to fix the price of sugar the Government of India has to find out the cost of manufacture of sugar. That is not a thing entered in this List. Unless the Union Government is in a position to legislate on that point the factories may withhold the information. So, I suggest that the amendment may not be accepted and that the original entry, namely "Inquiries, surveys, and statistics for the purposes of the Union" may be kept intact. For that will enable the Government to make enquiries, bold surveys and collect statistics for purposes even other than those entered in this List. With these few words I request Dr. Ambedkar to reconsider the situation.

**The Honourable Dr. B. R. Ambedkar** : Sir, I think the fear expressed by my friend is somewhat groundless and arises from the fact that he has not adverted to the fact that all other inquiries and so on relating to the States, and other matters, are now put in the Concurrent List. So there is no absence of any such purpose that he wants.

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

"That for entry 56 of List I the following entry be substituted:

'56. Inquiries, surveys and statistics for the purpose of any of the matters in this List.' "

The amendment was adopted.

Entry 56, as amended, was added to the Union List.

#### *Entry 57*

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

"That for entry 57 of List I the following be substituted :

'57. Union agencies and Union institutes for the following purposes, that is to say, for research, for professional, vocational or technical training for scientific or technical assistance in the investigation or detection of crime, for the training of police officers, or for the promotion of special studies'."

The entry is somewhat enlarged by the introduction of the words "vocational training" and "investigation or detection of crime, for the training of police officers" and so on.

**Mr. President** : Now we will take up the amendments.

(Amendment No. 168, was not moved.)

**Shri H. V. Kamath** : Mr. President, I move, Sir, amendments Nos. 199 and 200 of List III of Week VI. Amendment No. 199 reads as follows:—

"That in amendment No. 27 of list I (Sixth Week).

that is to say, the amendment just now moved by Dr. Ambedkar,—

'.... in the proposed entry 57 of List I, for the word 'research' the words 'historical scientific and spiritual research' be substituted'."

Amendment No. 200 is to the effect .....

**Shri K. Santhanam** (Madras : General) : Mr. President, yesterday I think the honourable Member protested against Government interference in such matters.

**Mr. President** : He has a right to be inconsistent!

**Shri H. V. Kamath** : I am sorry, Sir, Mr. Santhanam has not cared to follow. I think he is very busy with his Railway and Transport portfolio and does not follow the proceedings—at least not what I said in the House yesterday. When I make my point clear here, I believe he too will change his view.

Amendment No. 200 is to the effect that—

“That in amendment No. 27 of List I (Sixth Week), in the proposed entry 57 of List I. for the word ‘police’ the words administrative and police’ be substituted.”

Taking the first amendment first, let me try in my own humble manner to dispose of the objection raised by my honourable Friend Mr. Santhanam. He chose to remark that yesterday I had pleaded against governmental interference.....

**An Honourable Member** : By the Centre.

**Shri H. V. Kamath** : Any way, interference by the Centre or governmental interference in *yogic* matters. I suppose he referred to the observations I made with regard to the *yogic* institutes in India. What I had pointed out yesterday—I am sorry my Friend Mr. Santhanam did not understand it—was that there are certain institutes today run by private agencies which are doing splendid work in yoga and *yogic* research. They should not be interfered with so long as they are running very efficiently and to the advantage of the people at large. But today the point I am making out is about Union institutes the word used in this entry has reference to Union agencies and institutes of the Union. These are different from private institutes run by private agencies, and I hope my Friend Mr. Santhanam will understand the distinction that has been made between this entry and my remarks made yesterday.

As regards the point of my amendment No. 199, I wish to state that we should make the word “research” very clear here. Yesterday Dr. Ambedkar, moving the amendment with regard to surveys in India, expanded the term “zoological” so as to bring in or to include the word “anthropological” as well. His intentions were excellent. It was to make the meaning quite clear and unambiguous. So also, here, following in his own estimable footsteps, I want to make the word “research” absolutely unambiguous and clear. There are various kinds of research. There is historical research, conducted in various institutes; one of the well-known institutes in Poona, the Bhandarkar Institute has been doing very good work for many years. Then scientific research institutes there are so many. But institutes of the third kind, those which are doing spiritual research have so far been few in number. There have been *yogic* ashram as but they are different from institutes which carry on research in the spiritual field. The only institute which has been doing this work, to my knowledge, in a scientific manner, in the spiritual field, is the Kaivalyadhamma Institute of Lonavla; and Government, during the last Budget session or soon after that, recognised this Institute and sanctioned a grant of Rs. 20,000 for advancing or promoting scientific research in *yoga*. I am speaking on very reliable authority. The head of the Institute applied for a grant to carry on scientific research in *yoga*, and Government granted to the Institute Rs. 20,000, for conducting and promoting scientific research in *yoga*.

With the advent of freedom and the dawn of Indian renaissance, I have no doubt in my own mind that our spiritual culture, our ancient culture, must be revived not in one direction only but in all possible directions. One objection that is levelled against spiritual culture—*yogic* culture especially—is that it is unscientific. Today the pioneer of scientific research in yoga, Swami Kuvalayananda, at Lonavla is doing splendid work in this field. I am sure that as we grow in stature, as India's freedom grows, there will be many more institutes of this kind which will promote research in the spiritual field. It is very necessary. As Mahayogi Aurobindo said recently, the West is turning to the East for some light and guidance, and if the East fails the West today then the world is doomed. He further exhorted us saying that India should not run after the materialistic baubles of the West. It is all right to increase the standard of living, but to become merely materialistic is not all in life. The world craves something else and the world is looking towards India. It is high time we did something in this direction and showed the light to an expectant world.

I hope the Union will promote agencies under its aegis to promote not merely historical, and scientific research but also research in *yoga* and the spiritual field on a really scientific basis, science understood in the largest and most comprehensive sense, not in the very narrow sense of having a little laboratory, test tubes, flasks, pipettes and burettes, but the real scientific outlook of experiment, the outlook of a man seeking knowledge *scio* “to know”.

As regards my second amendment, I think through an oversight the word “administrative has been omitted from this new proposed entry 57. The training of police officers has been referred to. As far as I am aware, in the olden days the members of the I.P.S. and also the I.C.S. had to undergo a period of probation first in England and then on their arrival here complete that training departmentally. During World War II, owing to unsettled conditions in England, the training of the members of the I.C.S. was conducted here at Dehra Dun. That training was an integral part of the general instruction given to members of the I.C.S. Till they passed this training course and the other departmental tests they were regarded as probationers not eligible for confirmation or to draw increments in their pay.

I understand that, after August 1947, a school for the training of administrative officers has been started in old Delhi at Metcalfe House which housed part of the old Secretariat or the Delhi University. The principal of the school is a member of the old I.C.S. Training is being imparted there to the members of the new I.A.S. which has replaced the I.C.S. If it is considered that the police officers should have this training it is all the more important that the members of the new I.A.S. should have this training too. They have replaced the old I.C.S. and hence they should have the same kind of training. I see no reason why the training of members of the I.A.S. should not be included along with the training of the police officers unless of course Dr. Ambedkar in his profound wisdom can give some reason to the contrary. I suggest that the item ‘training of police officers’ should be omitted. But if that cannot be done. I see no reason why the members, of the I.A.S. should not be included. I commend my amendments 199 and 200 for the consideration of the House.

**Mr. President :** There is an amendment to this entry 57, standing in the name of Mr. Karimuddin (No. 3544). As it is not being moved, Dr. Ambedkar may reply.

**The Honourable Dr. B.R. Ambedkar :** Mr. President, I have compared the amendments moved by my honourable Friend Mr. Kamath with the entry as

[The Honourable Dr. B. R. Ambedkar]

proposed by me. I think except for one matter, it will be quite open to Central Government to carry out the purpose which my honourable Friend Mr. Kamath has in mind. The only thing which the Central Government will not be able to effectuate under entry 57 is spiritual research. I do not think that this House, knowing full well the various problems with which the Central Government has to carry on these days, would like to burden it with any such agency as spiritual research. The rest of the objects of the amendment will be covered by entry 57.

**Shri H. V. Kamath :** How do you say that the administrative service officers are covered by the entry as proposed?

**The Honourable Dr. B. R. Ambedkar :** I think so, because the training is not only for officers. The language used is "research, for professional, vocational or technical training". Anything can be brought in under the above.

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

"That in amendment No. 27 of List I (Sixth Week), in the proposed entry 57 of List I, the word 'research' the words 'historical, scientific and spiritual research' be substituted."

The amendment was negated.

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

"That in amendment No. 27 of List I (Sixth Week), in the proposed entry 57 of List I, for the word 'police' the words 'administrative and police' be substituted."

The amendment was negated.

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

"That for entry 57 of List I, the following entry be substituted:—

'57. Union agencies and Union institutes for the following purposes, that is to say, for research, for professional, vocational or technical training for scientific or technical assistance in the investigation or detection of crime, for the training of police officers, or for the promotion of special studies'."

The amendment was adopted.

Entry 57, as amended, was added to the Union List.

#### *New Entry (57)A*

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

"That after entry 57 of List I, the following new entry be inserted :—

'57 A. Co-ordination and maintenance of standards in institutions for higher education, scientific and technical institutions and institutions for research'."

This entry is merely complementary to the earlier entry, No. 57. In dealing with institutions maintained by the provinces, entry 57 A proposes to give power to the Centre to the limited extent of coordinating the research institutions and of maintaining the standards in those institutions to prevent their being lowered.

Sir, I also move:

"That in amendment No. 28 of List I (Sixth Week) in the proposed new entry 57 A of List I for the word 'maintenance' the word 'determination' be substituted."

**Mr. President :** Amendment Nos. 201 and 255 are only for deletion. Dr. Deshmukh and Mr. Sarwate may speak on them if they want to do so, but the amendments need not be moved.

**Shri V. S. Sarwate** (Madhya Bharat): I have an alternative amendment also. I will move it with your permission.

Sir, my alternative amendment runs thus:

"That in amendment No. 28 of List I (Sixth Week), in the proposed new entry 57 A of List I, for the words 'Coordination and maintenance' the words 'Promotion by financial assistance or otherwise' be substituted."

The amended entry will read thus:

"Promotion by financial assistance or otherwise of standards in institutions for higher education, scientific and technical institutions and institutions for research."

My object in moving this amendment is that if the entry as proposed by Dr. Ambedkar is to stand it would be an unnecessary interference with the provincial sphere of education.

Yesterday, there were two propositions made casually or otherwise in the course of speeches. One was that education should be a Central subject. The reason given was that it was of national importance. Another was a remark casually made by an eminent educational scholar that education in universities should be entrusted to the Centre. The reason he assigned was that the provinces had not sufficient resources. To me both these reasons are neither proper nor sufficient. If the provinces have not got sufficient resources for advancing education, then the alternative should be not to transfer education to the Centre, but to make the provinces have sufficient resources available to them to carry on their function of imparting education.

Fortunately for us, in the new Constitution provisions have been made suitably. The Finance Commission is immediately to make recommendations for grants-in-aid to provinces. Further, in making these recommendations for grants-in-aid, the Finance Commission is expected to see what are the necessary items of expenditure which the provinces have to make for education and for social services.

The other point that was made was that because education is of national importance, therefore it should be transferred to the Centre. If this argument is to be taken to its logical sequence, then practically every sphere of activity at present entrusted to the provinces would have to be transferred to the Centre. Medicine is of national importance, hygiene is of national importance, and practically all social services which are at present in the domain of the provinces will have to be transferred to the Centre. Now I think this is not the test for fixing the functions of the Centre and the provinces. To me it appears that the best should be that the subject besides being a subject of national importance, it should satisfy either of the three things which I shall just mention. Firstly, it should have a direct and immediate bearing on defence. Secondly, it should be of such a nature that it can best be managed only by the Centre. For instance, geological survey of the whole country can be best undertaken only by the Centre. Thirdly, it should be of such a nature that uniformity is the desideratum and is necessary in the interests of the nation. For instance, standards of weights and measures should be laid down by the Centre because it is in the national interest to do so. If in any sphere uniformity is not necessary but on the other hand there should be diversity and variety, it is the sphere of education.

[Shri V. S. Sarwate]

The modern trend in education is that education should be adapted to each individual so that the personality of each individual might be developed to its fullest extent, of course consistently with the personalities of other individuals. If this is the desideratum in education, then there must be full scope for variety. There should not be any uniformity in education as uniformity would kill the growth of the individual. Nobody can say that there should be a standard of intellectual weights and measures for human beings. Therefore I think that education should be left entirely to the provinces.

I feel that the entry as it stands, "Co-ordination and maintenance of standards" in the educational sphere would come in the way of experiments in the educational field, in the research field. If education is to be adapted to the national needs of the country, if an individual's capacity is to be developed fully, there must be variety and there must be freedom for experiment. Therefore, my contention is that it should be entirely left to the provinces. Now, the Centre has already sufficient authority which it can exercise to bring the institutions in the provinces up to the standard as far as research is concerned. There is already a provision in item No. 57 for control by the Centre of Union agencies for research and through these Union agencies the Centre can lay down standards, which it should be the business of the provinces to follow and emulate. So there is no necessity for giving power to the Centre to fix standards so far as research is concerned.

As far as higher education is concerned, the policy which has been adopted in all federal countries is that the Centre does not take power to lay down standards. They give the fullest freedom to the provinces in this sphere. But what they do is that the Centre declares that if such and such an experiment is carried out, such and such grants would be made. The same thing was done by President Roosevelt and the other Presidents of the United States and is being done in Australia and Canada. The same method should be followed by the Centre here. If the Centre wants that any particular standard should be maintained, it should do it in the universities which they control or in their Union agencies for research, or they can provide for making grants to such universities as maintain the standard it wants. There is also another way of controlling this. The University graduates, as circumstances stand today, go mostly to the services, and the, Government can lay down rules so that only those who satisfy certain standards would be eligible to enter the services. In this indirect way they can make the universities adopt the standards which the Centre desires. There should be no direct laying down of standards by the Centre.

Already there is sufficiency of State control in education. Anybody who has the interests of education at heart would note with sorrow that there is not sufficient private effort in the field of education. The State should encourage private enterprise and promote, private schools which can make experiments and find out new methods, new system of education. That is the desideratum ,and not uniformity in this way. Diversity and variety being the aim of education, there should be no direct attempt by the Centre to lay down standards. I have in my amendment followed the way which the federal countries are following. Therefore I have said—"Promotion by financial assistance or otherwise of institutions for higher education, scientific and technical institutions and institutions for research".

*[At this stage, Mr. President vacated the Chair, which was then occupied by Mr. Vice-President, Shri T. T. Krishnamachari.]*

One word more, Sir. I think that it will be difficult for Parliament or the Central Government to fix standards of higher education, for example in higher medical education. Would it be possible for the Parliament to find out what are the standards for medical education ?

**Shri T. T. Krishnamachari** (Madras: General): They can have an Expert Committee to advise them.

**Shri V. S. Sarwate:** Why appoint a Committee when the Universities in their very nature and incorporation are expert Committee meant for this purpose ? Moreover, the more the administrative burden on the Centre, the less efficient will it grow. I find that the whole trend is to take more and more functions for the Centre and I am afraid, that the result of this will be that the Centre would be encumbered with so many functions that its own standards of efficiency would deteriorate. It is to avoid this that I have sought to move my amendment. Sir, I move.

**Dr. P. S. Deshmukh** (C.P. & Berar: General) : Mr. Vice-President, Sir, I think it is necessary to remind the honourable Dr. Ambedkar that we are discussing and deciding upon a list of items on which the Union will have exclusive power to legislate and if we look at this entry from that point of view, I would like to ask whether the Parliament is going to lay down by law the standards for the various institutions, of whatever status, of whatever nature so far as higher education, scientific and technical institutions etc., are concerned. I think many of the Members including some of the members, at any rate; of the Drafting Committee, are repeatedly falling into the error as if this Schedule is meant to determine and define the powers of the Union. This is not the purpose of this List and I think it would be well if the Drafting Committee Members would kindly look at this entry from that very important stand-point. I submit it was a learned speech which was just delivered by my honourable Friend Mr. Sarwate but it was probably not audible to many Member. Of course there are only a few Members who care to listen to any speeches other than their own and there are few Members who have not mortgaged their intelligence with the Drafting Committee and with that of Dr. Ambedkar. That is the reason, Sir, why in the country a feeling is growing that very few Members take this House seriously and the country is gradually learning to take the House much less seriously than it should. I do not think that this is a happy situation either for us or the country. I do not wish to take any credit for discovering this. It is a writing on the wall which anyone who runs can read and satisfy himself.

For the present I would like to say to Dr. Ambedkar that there is no necessity so far as this entry is concerned.

**Shri Raj Bahadur** (United States of Matsya): May I point out to the honourable Member that perhaps the remarks which he has chosen to make are not intended for the majority of the Members of this House. I suggest that he should not indulge in such generalizations.

**Dr. P. S. Deshmukh** : I am glad there is at least one honourable Member who is prepared to protest and probably his protest so far as he as an individual is concerned is correct. Many Members feel Sir, that University education may probably be taken over by the Centre. We have not decided to take it and University education as a whole is still left with the provinces.

**Shri H. V. Kamath** : Is Dr. Ambedkar listening, Sir, or is he engaged in private conversation ? There is no point in Dr. Deshmukh proceeding with his speech when he is not listening.

**Dr. P. S. Deshmukh :** I have reconciled myself to that behaviour. My honourable Friend has yet to cultivate that virtue and I hope in time to come he will cultivate it. We do our duty and lay before this House or such parts of it as are prepared to listen and the nation outside to the extent the newspapers are prepared to give us publicity whatever we feel irrespective of what view others take or what attention Dr. Ambedkar is prepared to pay. I have given lip from the beginning.....

**Mr. Vice-President** (Shri T. T. Krishnamachari): Will Dr. Deshmukh go along with his speech?

**Dr. P. S. Deshmukh :** Alright, Sir. As I said there were many Members who felt that higher education and especially University education should be the concern of the Union. We, have neither accepted nor acted on that principle. We have not taken that step. In view of that, how are we going to coordinate and determine the standards ? Are we going to alter the University Acts passed by the various provinces so as to interfere with their standards ? I do not think so. Even if we take this power here, it will not be possible by any means to interfere with the autonomous powers which have been given unless you are prepared to put down University education as a subject of and for Central legislation. There is another thing which is objectionable and that is that merely sitting in judgment on the University bodies and other learned organizations and dictating from here as to what should be the proper standard and what shall not be, is not at all desirable. That should be based on something which the Centre is prepared to give. If donations or financial assistance is not given to any of the universities or institutes, then the Centre has no right to interfere in their autonomy, and if the Centre is in a position, if the Parliament wishes to spend more and more on higher education, if it is in a position to give block grants, and regular grants-in-aid then it will not be necessary to legislate for this purpose. It will be sufficient if the advice is given from the Centre, by the Union experts to rest of the universities and, learned bodies and I am sure they will always be prepared to change their standards.

So it is not at all necessary to have the power of legislation which will mean compelling these several bodies by Parliamentary legislation to accept certain propositions or to accept certain standards. If you are not going to give any financial assistance, this power to legislate will be unjustifiable interference on the part of the Centre. If you give financial assistance. I am sure nobody nor any institution will be foolish enough or will be bold enough or would be careless enough in its own interests to defy the Centre's advice because of the financial assistance that it received from the Centre.

So from all these points of view, this item is hopelessly ill-conceived and I hope the honourable Dr. Ambedkar, even if he has not listened so far, will listen to my concluding remarks that this is an infructuous brain-wave resulting probably from the heavy work that the Drafting Committee members are required to do. I think this slip is due to their being over-burdened, being overwhelmed, and over-strained energies and I hope it will be corrected in time. There is no justification for this entry, and it is not going to help anybody; it is going to irritate the University bodies if we are going to have recourse to legislation to determine their standards. In view of these considerations and in view of what has been already urged by my friend Mr. Sarwate I hope that the entry will be withdrawn and not pressed.

**Mr. Naziruddin Ahmad :** Mr. Vice-President, Sir, I have a few short comments to make. I submit that the amendment of Mr. Sarwate will really make Central interference a bearable and an agreeable one. The amendment of Dr. Ambedkar seeks power in the Centre to meddle with educational affairs. But unless it takes the shape of monetary help, such meddling with educational

affairs would amount to advice *gratis* under the high sounding name of "coordination and maintenance of standards". The entry proposed is of the vaguest character. I submit that Mr. Sarwate's amendment discloses a considerable sense of humour. He says that the Centre should interfere by promotion of education only by financial assistance. Finance is the essence of the matter. In fact if the Centre should interfere in education, which is essentially provincial, it should be by financial assistance, not merely by advice *gratis* or by criticism or comments. I think Dr. Ambedkar should accept the humour of the situation and accept the amendment which would reduce interference to financial assistance to the Provinces which would really be a desirable interference.

**Shri Basanta Kumar Das** (West Bengal: General): I have an amendment No. 29.

**Mr. Vice-President** : I thought they were new articles. Dr. Ambedkar, would you prefer that to be moved before you speak?

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

**Mr. Vice-President** : Mr. Das, you may move No. 29.

**Shri Basanta Kumar Das** : Sir, I move:

"That with reference to amendments Nos. 3544 and 3545 of the List of Amendments, after entry 57 in List I, the following new entries be inserted :—

'57 A Promotion of scientific researches and of higher technical and technological education.

57 B. Co-ordination of educational activities of the States for the purpose of maintaining a uniform national educational policy.

57 C. Provision of adequate financial assistance to the States for proper development of education and maintenance of uniform standard of education throughout the Union.' "

The amendment of Dr. Ambedkar States that coordination is required only in a limited sphere viz., the sphere of higher education but the object of my amendment is that education should be taken as an integrated whole and it should not be viewed piece-meal. Therefore I want that there should be coordination in the activities of the States to maintain a uniform national educational policy. The State should have a uniform national policy. This House accepted article 36 which states—

"The State shall endeavour to provide within a period of ten years from the commencement of this Constitution for free and compulsory education for all children until they complete the age of fourteen years."

Again in 31 (vi) it is said—

"That childhood and youth are protected against exploitation and against moral and material abandonment."

In order to fulfil these provisions I think there should be a uniform national policy of education and that policy is to be implemented by co-ordination by the Centre. If there be no adequate financial provision the States will not be able to maintain a uniform standard of education throughout the Union. Education is a subject which must be given priority even after food. We should take care that all the States reach a certain standard within a limited time otherwise the provisions already accepted by the House cannot be implemented. There, is a tendency in every State, to go their own way. I do not deny that they have a right to do so. Education being a provincial subject there caught to be varieties according to the varying needs of provinces, but still there must be a national policy and that national policy must be implemented with the help of the Centre. My first point has been to a certain extent covered by

[Shri Basanta Kumar Das]

entry 57 just now accepted but in 57 (b) and (c) I want to make out that the Centre should have enough power to go with a uniform policy of education and to give financial assistance to the States so that a uniform standard maybe reached within a specified period.

**Shrimati Renuka Ray** (West Bengal: General): Mr. Vice-President, Sir, I should like to support the amendment that has been moved by Mr. Basanta Kumar Das. It is a very wholesome amendment. As he has pointed out the first part of his amendment has already been accepted but 57 (b) and (c) are also extremely important. The co-ordination of educational policy and, in particular, the maintaining of a uniform national minimum standard of education throughout the country is essential. Education is the very basis of our progress and advancement; and unless the Centre is able to co-ordinate education and to see that no part of the country falls behind a minimum standard of education, it is really impossible for us to advance. Any State or any area in this country which remains behind a minimum standard will be a drag on the rest of the country. Therefore, I feel that this is extremely essential. At the same time it is not possible to provinces or States to maintain a minimum standard of education unless they have sufficient finances to do so.

At the present moment perhaps due to the many transitional difficulties we have faced and may be for other reasons upto now we have not been able to focus sufficient attention on these very essential nation-building services. Those services that were neglected and treated in a step-motherly manner in the past, under the old regime, have yet to get that help that they need in order that the country may progress. I would say that at least 25 to 30 per cent. of our national income should be set aside immediately for the nation-building services. I do claim that in every province at least 15 if not 20 per cent. of our national income should be set aside immediately for the nation-building ser-a vicious circle in this country that unless we can produce more we cannot increase our national income. It has been pointed out that unless we increase our national income how is it possible to find the money for these essential services? We have to break that vicious circle somewhere. It is not possible for our country to progress or produce more unless the efficiency of the worker is increased. Unless the worker is given the basic opportunities, how can efficiency be increased. This implies that there must be minimum standards for education and health. Unless the men and women who are the builders of society have a minimum standard of education and of health, it is not possible for us really to have any increase in efficiency, and unless we have increase in efficiency it is no use talking about producing more. I think it is at this end that we must tackle this problem..

If we are to do so, this particular amendment of Mr. Das will help towards this end. Both the points that he raised that the Centre must have power to co-ordinate and be able to see that no State remains behind a minimum standard and the fact that the States must be given sufficient financial assistance to be able to develop education are most important. I do not say that the Centre should have any power to interfere with any State going ahead of the minimum standard. That is not a power that is implied in this resolution. The power that is implied in this is that no state should remain behind the minimum standard and I do hope that Dr. Ambedkar and the Drafting Committee will consider this and will accept this amendment.

**Shri Lakshminarayan Sahu** (Orissa: General): \*[Mr. Vice-President, I disagree with the new amendment that has been moved here because, education

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\*[ Translation of Hindustani speech begins.]

being a State or Provincial subject, it would not be proper to give such extensive powers to the Centre in regards to it. It should at least be kept in the Concurrent List. Moreover, another article lays down that: "Parliament has exclusive power to make laws with respect to any of the matter enumerated in List I of the Seventh Schedule". It would not be proper in view of this that we should take away the powers of Parliament. My contention is that, education having been accepted a State subject, Universities should have all powers in regard to this subject, and the Centre should have no power. Unless universities have full freedom in this respect education cannot be imparted to the people properly. I may point out that of all the Universities in India the Calcutta University enjoyed the highest autonomy. Even at present it functions more freely than other Universities and we find that because of the freedom it enjoys its products have been very useful to the Nation. I oppose the amendment because it seeks to curtail the powers of the Universities. I would like to point out one thing more in this connection and it is that we must be told as to what is meant by higher education. We do not know if the term "higher education" stands for university education or for Secondary education. The term "higher education" should be clearly defined. If this term refers to college education, the Centre should give all possible aid to the Universities. But if this term is meant for Secondary education, well it is extremely lamentable. I want that every province must have complete freedom in regard to Secondary education and the Central Government should have no power in this matter. We have seen that during the British regime, when the Central Government was all powerful, education was a centrally controlled subject and any one who wanted education to be imparted on a new line was not able to work on his lines. Even at present people hold different views about education and some want it to be imparted on one line and others on some other line. But unless this autonomy is provided to the provinces and so long as we continue to control educational activities from the Centre we shall be producing persons without any initiative. I, therefore, submit that Universities should have complete freedom in regard to education and Centre should provide all possible financial help to them. With these words I oppose the amendment.]

**Prof. Shibban Lal Saksena** (United Provinces: General): Sir, shall I move my amendment 256 ?

[At this stage Mr. President resumed the Chair:]

**Mr. President** : That is an addition of a new entry.

**Prof. Shibban Lal Saksena** : Sir, just now you allowed 259.

**Mr. President** : Do you want to move it as an amendment to this?

**Prof. Shibban Lal Saksena** : They are connected subjects.

**Mr. President** : That is a new entry you want. Mr. Phool Singh.

**Shri Phool Singh** : Mr. President, Sir, while I rise to support amendment 57 (b) I am afraid it is not possible for me to agree to amendment 57 (c). A uniform national educational policy is necessary because some of the Universities have made their degrees so cheap that those passing out of those Universities are looked down upon by the authorities entitled to make appointments. Some of the Universities have made their degrees so cheap that the boys who could not otherwise have passed have been able to pass through very easily in those Universities. This has created a lot of confusion and a uniform national policy therefore is necessary. But while I agree with this, I am afraid it may be putting too great a strain upon the Centre to ask the Centre to give adequate financial assistance to the States, because unless we increase the income of the Centre it may not be possible for the Centre to finance all these activities. Therefore I support 57(b) and oppose 57 (c).

**The Honourable Dr. B. R. Ambedkar :** Mr. President Sir, I think there is a certain amount of admixture made by my Friends who have spoken on this entry 57 A. So far as I have been able to gather, their contention is that this entry 57 A should be allowed only if there was some grant made by the Central Government to the Provinces. It seems to me quite unnecessary to mix up the two matters. The question of grants from the Centre to the Provinces has been dealt with in two separate articles—255 and 262. Article 255 provides for grants to be made by the Centre to the Provinces for assistance—

“Such sums, as Parliament may by law provide, shall be charged on the Consolidated Fund of India in each year as grants in-aid of the Consolidated Fund of such States as Parliament may determine to be in need of assistance.....”

Therefore, the provision for supporting the States by way of financial help is already there in article 255. I should also like to draw the attention of the Members of the House to another important article, which is article 262, which is much wider in scope. It says—

“The Union or a State may make any grants for any public purpose, notwithstanding that the purpose is not one with respect to which Parliament or the Legislature of the State, as the case may be, may make laws.”

As the House will see, it has a much wider scope. It says that although a subject may not be within List I, nonetheless, Parliament would be free to make a grant. Therefore, this question having been dealt with separately, I think there is no necessity to mix it up with entry 57 A.

Entry 57 A merely deals with the maintenance of certain standards in certain classes of institutions, namely, institutions imparting higher education, scientific and technical institutions, institutions for research, etc. You may ask, “Why this entry?” I shall show why it is necessary. Take for instance the B.A. Degree examination which is conducted by the different universities in India. Now, most Provinces and the Centre, when advertising for candidates, merely say that the candidate should be a graduate of a university. Now, suppose the Madras University says that a candidate at the B.A. Examination, if he obtained 15 per cent. of the total marks shall be deemed to have passed that examination; and suppose the Bihar University says that a candidate who has obtained 20 per cent. of marks shall be deemed to have passed the B.A. Degree examination; and some other university fixes some other standard, then it would be quite a chaotic condition, and the expression that is usually used, that the candidate should be a graduate, I think, would be meaningless. Similarly, there are certain research institutes, on the results of which so many activities of the Central and Provincial Governments depend. Obviously you cannot permit the results of these technical and scientific institutes to deteriorate from the normal standard and yet allow them to be recognised either for the Central purposes, for all-India purposes or the purposes of the State.

Consequently, apart from the question of financial aid, it is absolutely essential both in the interest of the Centre as well as in the interests of the Provinces that the standards ought to be maintained on an all-India basis. That is the purpose of this entry, and in my judgment it is a very important and salutary provision, in view of the fact that there are many provinces who are in a hurry to-establish research institutes or establish universities or lightly to lower their standards in order to give the impression to the world at large that they are producing much better results than they did before.

**Dr. P. S. Deshmukh :** Is it the Government intention to fix the percentages and marks for passes?

**The Honourable Dr. B. R. Ambedkar :** They may do so. It is up to Government to maintain the standard by any means which they think proper. I cannot say what a Government may do.

**Mr. President :** I will now put the amendments to the vote. The first set are the three new entries proposed by Shri Basanta Kumar Das, namely, 40 A, 57 B and 57 C.

**Shri Basanta Kumar Das :** I beg leave of the House to withdraw them.

The amendments were, by leave of the Assembly, withdrawn.

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

"That in amendment No. 23 of List I (Sixth Week), in the proposed new entry 40 A of List I, for the words 'Co-ordination and maintenance' the words 'Promotion by financial assistance or otherwise' be substituted."

The amendment was negated.

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

"That after entry 57 of List I, the following new entry be inserted:—

'57 A. Co-ordination and determination of standards in institutions for higher education scientific and technical institutions and institutions for research'."

The motion was adopted.

Entry 57 A was added to the Union List.

**Mr. President :** There is a new entry proposed by Prof. Shibban Lal Saksena is amendment No. 256. After all this discussion, which we have had about university education and the power of provinces with regard to education, does the honourable Member think it a worth while moving this amendment ?

**Prof. Shibban Lal Saksena :** If you suggest, I will not.

**Mr. President :** Very well. We will drop it.

#### *Entry 58*

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

"That for entry 58 of List I, the following entry be substituted:—

'58. Union Public Services, All-India Services : Union Public Service Commission.'

(Amendment No. 169 was not moved.)

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

"That in amendment No. 30 of List I (Sixth Week), in the proposed entry 58 of List I, the words 'All-India Services .' be deleted."

The wording of the entry now proposed will stand as :

"Union Public Services, All India Services, Union Public Commission."

I fail to understand why the wording "All India Services" is necessary. 'Union Public Service' in my opinion includes the All-India Services, because the Union covers the whole of India and is "All India", and I do not think the word "Public" is going to make any difference. I, therefore, think that the, addition of the words 'All India Services' is superfluous. But if there is any specific purpose to be served, I 'Would not press the amendment. If the wording "Union Public Services" is restricted to particular services and All India Services are not included in it, then the name of the Commission will also have to be altered so as to cover the All-India Services also because the services are called Union Public Services, if the All-India Services will not be referable to that Commission, at any rate ordinarily, since the Services Commission is called the Union Public Services Commission. So the All-India Services will have no place so far as this Commission is concerned. This is an unnecessary addition. But all that I seek is more information.

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

"That in amendment No. 30 of List I (Sixth Week), in the proposed entry 58 of List I, the words 'and Joint Commission' be added at the end."

The entry then would read as follows :

"Entry 58. Union Public Services, All-India Services, Union Public Services Commission and Joint Commission."

The House will recollect the, a few days ago we adopted articles 284, 285, 295 A, 57 (b) 57 (c). 286, 287, etc., etc., providing for the creation of Public Services Commissions which were in three different classes : firstly, the Union Commission: secondly, the State Commission : and thirdly, the Joint Commission for two or more States who have agreed to set up such a Commission for the purposes of those two or more States. Unfortunately this matter of the Joint Commission has been overlooked by the Drafting Committee because the House will see that article 284 invests Parliament with the power to provide by law for the appointment of a Joint Public Services Commission to serve the needs of two or more States who have agreed to set up a Joint Commission as among themselves. Article 285 also vests power in the President to appoint the Chairman and other Members of a Joint Commission, and this and succeeding articles also confer power on the President or the Parliament in regard to the Constitution and organization of the Joint Commission. In any case, I do not find that this matter of the Joint Commission has been provided for in other Lists—Lists 2 and 3—and even if they are provided for I do not think they fall within the purview of these two lists. The right place for the Joint Commission is in List 1, within the jurisdiction and purview of the Union authorities. Accordingly I suggest that this addition be made by accepting my amendment seeking to include the Joint Commission in this propose entry 58. I move amendment No. 204 and commend it to the House for its consideration and acceptance.

**The Honourable Dr. B. R. Ambedkar :** With regard to the amendment of my Friend Dr. Punjabrao Deshmukh requiring the deletion of All-India Services, it is not possible to accept that for the simple reason that heretofore the All—India Services and the regulation thereof did not figure in the Government of India Act because that was a matter which was kept exclusively in the hands of the Secretary of State. The Secretary of State having disappeared, it is necessary to provide for the regulation of the All-India Services, somewhere by some agency in the Constitution and the most appropriate agency therefor is the Centre. List I deals with matters which are within the purview of the Centre. The natural place for All-India Services is therefore in List I. That is one argument.

The second argument is this that there are already two sorts of All-India Services at present in existence. There are the remnants of the old I.C.S. still continuing to serve the Government of India. Secondly, there have been instituted during the course of the last two years what are called the All-India Administrative Service and the All-India Police Service. Whether the Centre continue to recruit civil servants on the basis of the All-India Administrative Service or the All-India Police Service is a matter which has, to be determined in the course of a subsequent article with which we will be concerned. But there is no doubt about it that these services have been brought into existence with the consent of the Provinces. Secondly, they being there it is necessary to make provision for their regulation. And I submit that the Union List is the proper list where this provision can be made.

With regard to my Friend Mr. Kamath's suggestion that the Joint Commission should be mentioned in this entry, my submission is that on a deeper consideration that would create complications. The Joint Commission, so far as

its constitution, the appointment of its members and their removal are concerned and only in these three respects—is an all-India subject, and provision for these three matters is already made in article 284. In all other respects it is really a State Public Service Commission : say, for instance, for the purpose of excluding certain services or consulting them in certain matters, it will still be a State Public Service Commission. And it is not desirable to oust the jurisdiction of the States in these matters as would be the consequence if the Joint Commission was also mentioned in entry 58. It is for that purpose that I object to Mr. Kamath's proposal.

**Shri H. V. Kamath :** May I know if this will go to the Concurrent List?

**The Honourable Dr. B. R. Ambedkar :** No.

**Shri H. V. Kamath :** Where will it go?

**The Honourable Dr. B. R. Ambedkar :** It can be the Centre only in certain respects: For instance, if the States jointly say that a Joint Public Service Commission should be constituted, then as a result of the resolution the Centre gets jurisdiction and not otherwise. In all fundamental matters, it is distributively, if I may say so, a State Public Service Commission.

**Dr. P. S. Deshmukh :** I beg leave to withdraw my amendment.

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

**Mr. President :** I shall put Mr. Kamath's amendment to vote. The question is:

"That in amendment No. 30 of List I (Sixth Week), in the proposed entry 58 of List I, the words 'and Joint Commission' be added at the end."

The amendment was negated.

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

"That for entry 58 of List 1, the following entry be substituted:—

'58. Union Public Services, All-India Services; Union Public Service Commission.' "

The amendment was adopted.

Entry 58, as amended, was added to the Union List.

#### *Entry 58A*

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

"That after entry 58 of List I, the following entry be inserted:—

'57 A. Union pensions, that is to say pensions payable by the Government of India or out of the Consolidated Fund of India'."

This entry did not exist in the draft. We felt it necessary to have such an entry as a measure of caution.

(Amendment No. 170 was not moved)

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

"That in amendment No. 31 of List I (Sixth Week), for the proposed new entry 58 A or List I, the following be substituted :—

'26- A. Pensions payable out of the Consolidated Fund of India or otherwise by the Government of India'."

My amendment seeks to omit the word "Union" and for this important reason namely, so long as the pensions are payable or made payable out of the Consolidated Fund of India, I am sure no other pension except those with which

[Dr. P. S. Deshmukh]

the Union is concerned would be included in that. I have, not been able to understand if there are any pensions which can be paid out of something which is not part of the Consolidated Fund of India. I thought the total revenues of India were going to be designated as the Consolidated Fund of India. Therefore, I am unable to understand where the other source of payment of these pensions can be sought out. But I have not altered even this, I have merely put it in a more appropriate form, according to me at any rate, and I think the wording that I have suggested should be acceptable, that is, without any reference to the Union. So long as they are payable out of the Consolidated Fund of India, they will be only Union pensions and the word is therefore superfluous.

**The Honourable Dr. B. R. Ambedkar :** I do not think that the amendment suggested by my Friend Dr. Deshmukh is any improvement or has any substantial difference from the amendment as I have moved. The difference that is sought to be made is this that there may be certain pensions which may be payable out of the Consolidated Fund of India, which means out of the proceeds of taxes. It may be perfectly possible for the Government of India to institute pensions which are of a contributory character in which case the burden may not be on the Consolidated Fund but on the person who has already contributed to a Fund. That is the distinction. And that is why the entry has been worded in the way I have worded it.

**Dr. P. S. Deshmukh :** I would like to withdraw my amendment.

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

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

“That after entry 58 of List I, the following entry be inserted:—

‘58 A. Union pensions, that is to say pensions payable by the Government of India or out of the Consolidated Fund of India.’ ”

The motion was adopted.

Entry 58A was added to the Union List.

#### *Entry 59*

Entry 59 was added to the Union List.

#### *Entry 60*

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

“That for entry 60 of List I, the following entry be substituted:—

‘60. Ancient and Historical Monuments and Records declared by Parliament by law to be of national importance.’ ”

The rest of the entry as it originally stood, namely, “archaeological sites and remains” is proposed to be transferred to the Concurrent List.

**Shri H. V. Kamath :** Mr. President, I move, Sir, amendment No. 206 of List III (Sixth Week). It runs as follows:—

“That in amendment No. 32 of List I (Sixth Week) in the proposed entry 60 of List I, for the words ‘Ancient and Historical Monuments and Records’ the words ‘Monuments places and objects of artistic or historic interest’ be substituted.”

Let me at the outset make it clear that I am not excessively fastidious about the wording or the phraseology of any entry or article so long as it brings out the meaning of the article completely. I am not also opposed to anybody changing

his view or the language he might have used on a previous occasion, nor am I opposed to any inconsistencies on anybody's part, so long as any valid, cogent reason, is shown for a change of view or a change of language and so long as it appears at least plausible. Even Mahatma Gandhi used to say that he was always prepared to change his view so long as he was convinced of the need for the change, so long as he had valid reasons for doing so.

I would invite the attention of the House to article 39, Part IV, Directive Principles of State Policy Article 39 which this House adopted many months ago reads as follows :—

“It shall be the obligation of the State to protect every monument or place or object of artistic or historic interest, declared by Parliament by law to be of national importance, from spoilation, destruction, removal etc. etc.”

Now, in the Union list, so far as I can understand, we have included the subject matter of article 39 and I see no reason why we should change the language in which we clothed article 39. Here the proposed entry is as regards ancient and historical monuments and records. *Records*—I do not know how that word has crept in. In addition to monuments if we mention places and objects of historic interests, it is enough; records are of course one of the objects which you can protect from spoilation, destruction, etc. Why not therefore say, the other “objects” of historic interests besides monuments ? Why not places, not merely of historic but of artistic interest, to which this House after mature deliberation provided for in article 39 in one of the Directive Principles of State Policy? I think Dr. Ambedkar has advanced no cogent reasons for changing the language of article 39 which is sought to be embodied now in this entry. I therefore move amendment No. 206 and commend it to the House for its acceptance.

(Amendments Nos. 207 and 208 were not moved.)

**Mr. President :** Would you like to say anything on amendment No. 206?

**The Honourable Dr. B. R. Ambedkar :** No. Sir, it is quite unnecessary to say anything on this subject.

**Mr. President :** Then I will put the amendment moved by Mr. Kamath to vote. The question is:

“That in amendment No. 32 of List I (Sixth Week), in the proposed entry 60 of List I for the words ‘Ancient and Historical Monuments and Records’ the words ‘Monuments, places and objects of artistic or historic interest’ be substituted.”

The amendment was negated.

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

“That proposed entry 60 stand part of List I.”

The motion was adopted.

Entry 60, as amended, was added to the Union List.

**Prof. Shibban Lal Saksena :** Sir, may I be permitted to move my amendments?

**Mr. President :** You were not here when I called them out. I am sorry it is too late now.

**Prof. Shibban Lal Saksena :** They are very important amendments, Sir, and I think they are independent also.

**The Honourable Dr. B. R. Ambedkar :** You have no equity in your favour.

*Entry 61*

**Mr. President :** Let me finish the List and then we shall see. Now, entry No. 61. There is an amendment in the Printed List, of which notice is given by Dr. Ambedkar. No. 3548.

**The Honourable Dr. B. R. Ambedkar :** Sir, I am not moving that.

**Mr. President :** Then there are two amendments in the name of Mr. Santhanam.

**Shri K. Santhanam :** I am not moving them.

**Mr. President :** Then I put entry No. 61 to vote.

Entry 61 was added to the Union List.

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*Entry 61-A*

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

"That after entry 61 of List I, the following entry be inserted:—

'61-A. Establishment of standards of quality for goods to be exported across customs, frontier or transported from one State to another'."

We have already got entry 61 which deals with standard of weights and measures and it is felt that there ought to be a provision for establishment of standards of quality for goods.

**Mr. President :** There are two amendments to this. Amendment No. 209, Dr. Deshmukh.

**Dr. P. S. Deshmukh :** Mr. President, I welcome the proposed addition of entry 40 A, but I think it is not comprehensive enough and I therefore move these two amendments of mine so as to make it fully comprehensive and cover all sides of the question. My amendment No. 209 reads as follows :—

"That in amendment No. 33 of List I (Sixth Week), for the proposed new entry 61-A of List I, the following be substituted:—

'61A. Grading and standardization of quality of agricultural produce or goods intended to be consumed in the country or exported outside India or transported from one State to another'."

The next amendment, No. 210, is:—

"That after the proposed new entry 61-A of List I, the following new entry be added:—

'61 B. Prevention of adulteration of articles of food, whether imported, proposed to be exported or otherwise, arrangements for analysis, control and regulation of all such articles'."

Sir, the amendment is in fact clear enough. I seek to add the grading of agricultural produce. Anybody who is familiar with the importance of our export trade as well as the fact that there is a very real absence of grading would find that it causes much loss to the agriculturist. This is one of the things with which the Ministry of Agriculture is also seriously concerned. I have, no doubt that all the Provinces will agree that some Central legislation is necessary as well as the determination of a definite policy so that the standards of production will rise, there would be proper grading of all articles that are produced and our export market will also improve. So, this is a highly important thing which was probably not pressed upon the attention of any of the Members of the Drafting Committee, and as none of them was probably so familiar with the Ministry of Agriculture or the difficulties of agriculturists or their needs, this omission has occurred. I therefore propose that this wording which covers all that is proposed by the learned Doctor to be included in 61-A adds to it certain

things which are also absolutely essential and it does not necessarily limit it only to the exported goods or to goods transported from one State to another only; it also refers to agricultural produce as well as goods intended to be consumed in the country. So far as the second suggestion, with regard to the addition of 61B is concerned, I shall particularly refer to the vicious habits of our merchants of adulterating food-stuffs and food-grains. This generally occurs not at the stage at which the agriculturists produce and sell the articles but at the stage at which they are offered for sale by the merchants and traders. This evil has been so rampant that I make bold to say that it is very difficult to get anything in a pure form from any shopkeeper. Their greed for lucre is so great that they are not content with their legitimate profit and they very freely adulterate sugar, flour, oil, etc., with all the unimaginable things. Sometimes they mix even cement with flour and this is consumed by our unfortunate brethren. I have also suggested a consequential provision for analysis, control and regulation of such articles. I think both these amendments are very necessary. I hope Dr. Ambedkar will agree that it is necessary that the Union should have this power.

Sir, it may be said that this matter may be left to the provinces. I think it will not be proper to do so, because it would really be funny that we should legislate and decide upon the quality of the articles for maintaining standards for the markets etc., and not take the other necessary step of maintaining the same standard throughout the Union. I trust that my amendments will be accepted.

**Mr. President :** Amendment No. 260 in terms refers to entry 61, but it is covered by the amendment moved by Dr. Deshmukh. So it is not necessary to move it.

**The Honourable Dr. B. R. Ambedkar :** Sir, the point raised by my Friend Dr. Deshmukh might well be raised when we discuss the entries in List II. They are matters, within the jurisdiction of the States. We are dealing here only with List I, which is intended to circumscribe the power of the Centre so as not to interfere with the internal affairs of the States. Consequently the entry has been worded in a very cautious manner. As my Friend will see, the entry speaks of standards of goods to be transported from one State to another. In regard to these it is not intended to give the Centre, power to interfere with the administration of the States. If he wants to raise this question he may do so when we discuss the State List.

**Dr. P. S. Deshmukh :** May I suggest that this entry might be held over and the Agricultural Ministry consulted before we finalise this List ?

**The Honourable Dr. B. R. Ambedkar :** When we come to List II, we can discuss the matter.

**Mr. President :** I will put the amendments to vote. The question is:

"That in amendment No. 33 of List I (Sixth Week), for the proposed new entry 61A of List I, the following be substituted :—

'61 A. Grading and standardisation of quality of agricultural produce or goods intended' to be consumed in the country or exported outside India or transported from one State to another'."

The amendment was negated.

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

"That after the proposed new entry 61 A of List I, the following new entry be added:—

'61 B. 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'."

The amendment was negated.

**Mr. President :** I shall now put the new entry. 61 A to vote. The question is:

“That after entry 61 of List I, the following new entry be inserted:—

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

**Shri V. S. Sarwate :** I would like to know from Dr. Ambedkar what the meaning of the term ‘exported across customs frontier’ is?

**Mr. President :** I am afraid the questions comes too late, after the voting has taken place.

**The Honourable Dr. B. R. Ambedkar :** I will explain it to the honourable Member if he will come to me afterwards.

**Mr. President :** The question has been put.

The motion was adopted.

Entry 61 A was added to the Union List.

*Entry 62*

**Mr. President :** Entry 62. Does Sardar Hukam Singh move his amendment to this entry?

**Sardar Hukum Singh** (East Punjab: Sikh) : I am not moving it.

Entry 62 was added to the Union List.

**Mr. President :** I may just point out to Members that the progress today is rather slow. I want to finish consideration of the three Lists tomorrow. So I suggest that we should proceed a little faster.

**Dr. P. S. Deshmukh :** We are going sufficiently fast, I think.

*Entry 63*

**Mr. President :** Not today. We may now take up entry 63.

**The Honourable Dr. B. R. Ambedkar :** Mr. President, I am not moving amendment No. 3551 to the original entry. In regard to amendment 34 which I am moving I shall in doing so incorporate in it amendment No. 212 also. Sir, I move:

“That for entry 63 of List I, the following entry be substituted :—

‘63. Regulation and development of oil fields and mineral oil resources; petroleum and petroleum products; other liquids and substances declared by Parliament by law to be dangerously inflammable’.”

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

“That in amendment No. 34 of List I (Sixth Week), in the proposed entry 63 of List I, the words ‘Prospecting for and’ be inserted in the beginning.”

Then, Sir, the entry would read thus :—

“Prospecting for and regulation and development of oil fields and, mineral oil resources petroleum and petroleum products; other liquids and substances declared by Parliament by law to be dangerously inflammable.”

The entry as it stands provides for regulation and development of oil fields and mineral oil resources. Prospecting for oil fields and oil resources is not provided for. My amendment therefore, says “Prospecting for and regulation and

development, etc.” It means that the amendment will give the Central Government power to prospect for oil. You know, Sir, that prospecting in rocks and mountains has to be done in order to find oil resources. Huge sums of money have to be spent on geological surveys of sites which are supposed to be rich in oil. The latest inventions of science are taken advantage of in the discovery of oil fields. I therefore think that general regulation and development of existing oil fields will not do. We must have power to prospect for the discovery of oil fields and oil resources. My amendment only completes the amendments which has been moved by the Drafting Committee. Surely they do not want to confine India to the resources of a few oil fields in Assam. They would certainly want that we must find out oil fields in other parts of India, and it will not be possible to do this under the entry as it is, since it does not give power for prospecting. The States cannot do it for want of the required funds, and therefore the prospecting for oil should be the function of the Central Government. I hope Dr. Ambedkar will accept this amendment.

**Shri Raj Bahadur :** Mr. President, Sir, I move:

“That in amendment No. 34 of List I (Sixth Week), in the proposed entry 63 of List I after the words ‘dangerously inflammable’ the words ‘corrosive or explosive’ be inserted.”

Sir, my purpose in moving this amendment is to include acids also within the purview and ambit of this entry. I hope, Sir, that I can say without fear of contradiction that it is positively necessary to legislate in respect of the possession, storage, transport and sale of acids. We have seen how acids have been misused in even ordinary petty disputes and quarrels. We have also seen of late the growth of the cult of the acid bulbs in the field and arena of political controversy. It is therefore necessary that we should control the storage, possession etc., of acids and see that no mischief is made or created with the help of such liquids. We should hence, include acids also within the purview of this entry. The entry as moved by the Drafting Committee deals firstly with oil fields and mineral oil resources. Secondly it deals with petroleum and petroleum products and lastly it deals with substances declared by Parliament by law to be dangerously inflammable. I would submit that in the last Category we should include acids also. It may be useful to point out that acids by themselves could be and are being used as weapons and acids are also used in the manufacture of explosives. So, it is necessary that the Union should control such articles as acids also. Sir, I move.

**The Honourable Dr. B. R. Ambedkar :** I do not think that either of these two amendments is necessary. The purpose which my Friend Professor Shibban Lal Saksena has in view, *viz.*, that entry 63 should also permit the Centre to regulate prospecting for oil, etc., would be served by the words we have used “Regulation and development”. With regard to the addition of the word “corrosive”, I think it is not necessary to have any such power at all.

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

“That in amendment No. 34 of List I (Sixth Week), in the proposed entry 63 of List I, the words ‘Prospecting for and’ be inserted in the beginning.”

The amendment was negated.

**Mr. President :** Then amendment No. 262.

**Shri Raj Bahadur :** I do not press my amendment.

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

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

“That for entry 63 of List I, the following entry be substituted :—

[Mr. President]

'63. Regulation and development of oil fields and mineral oil resources; petroleum and petroleum products; other liquids and substances declared by Parliament by law to be dangerously inflammable'."

The amendment was adopted.

Entry 63, as amended, was added to the Union List.

*Entry 64*

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

"That for entry 64 of List I, the following entry be substituted :—

'64. Industries, the control of which by the Union is declared by Parliament by law to be expedient in the public interest'."

**Kaka Bhagwant Roy :** \*[Mr. President, my amendment is as follows:—

"That in amendment No. 35 of List I (Sixth Week) in the proposed entry 64 of List I, for the word 'Industries' the words 'development of Industries' be substituted."

It appears from the amendment which the Honourable Doctor has introduced in the original entry that he wants to hand over all the powers regarding industries to the Centre. It is very good; the Centre ought to be strong, and during transition, the Centre should be vested with such powers as are essential for the Industrial development of the country. But in normal times, the Centre should not be vested with such authority. India is a very big country. She has many provinces. These Provinces have their own difficulties and can understand their problem much better than the Centre.

The problem of Industries is very complicated. Therefore so far this question is concerned every province should be given facilities to solve its own problems. If you make the Provinces responsible for industrial development and do not give them powers to deal with the situation, then the problem of Provinces cannot be solved and it will retard the industrial progress of the country. Although I am somewhat deviating from the point, yet I must say that the present Industrial policy of the Centre will prove a stumbling-block in the path of the Country's progress.]

**Mr. President :**\*[You are not only speaking on your amendment, but you are opposing it.]

**Kaka Bhagwant Roy :** \*[I bow down to your ruling. But I would like to, say that so far industries are concerned, the Provinces should be entrusted with necessary powers; for they can understand the problem of their industries better. With these words I would request the Honourable Doctor to accept the amendment.]

**Shri H. V. Kamath :** Mr. President, I move amendment No. 214 of Third List (Sixth Week) which reads as follows:—

"That in amendment No. 35 of List I (Sixth Week) in the proposed entry 64 of List I, for the words 'the control' the words 'the development and control' be substituted."

This amendment includes or embraces the amendment Just now moved by my honourable Friend, Kaka Bhagwant Roy. The original entry as it stood in the Draft Constitution referred to the development of industries. I wonder why the Drafting Committee has suddenly developed an antipathy to the word "development" in this entry. My amendment is on the lines of a legislative

\*[ ] Translation of Hindustani speech.

measure which was introduced in the Assembly during the last Budget Session and which has been referred to a Select Committee. That Bill provided for governmental action in industries, the development and control of which was to be regulated by the Centre and the title of the Bill was "Industries (Development and Control) Bill", that is to say, the subject-matter of this entry has been already taken cognizance by the Central Government in a Bill, the title of which includes not merely control but the development of industries which are deemed necessary or expedient in the public interest. I realize it is quite possible the Drafting Committee owing to the excessive strain under which it has laboured during the last two years and especially during the last few weeks or months, is liable to commit slips here and there, but I hope that the Drafting Committee has not developed a closed or a calcified mind, which is not receptive to any change whatsoever. I think that the meaning of this entry will be, more adequately and more fully conveyed by amending this word "control" on the lines I have suggested and seeking to incorporate in this entry not merely control but also the development of industries, which means, industries the development and control of which by the Union is declared by Parliament, by law, to be expedient in the public interests I move amendment No. 214 of List III (Sixth Week) and commend it to the House for its earnest Consideration.

**Mr. President :** There are two other amendments which are in the printed book of amendments, No. 3552 in the name of the Honourable Dr. Syama Prasad Mookerjee and No. 3553 in the name of Honourable Shri K. Santhanam. I take it that they are not moved.

**The Honourable Dr. B. R. Ambedkar :** Sir, the entry as it stands is perfectly all right and carries out the intention that the Drafting Committee has in mind. My submission is that once the Centre obtained jurisdiction over any particular industry as provided for in this entry that industry becomes subject to the jurisdiction of Parliament in all its aspects, not merely development but it may be in other aspects. Consequently, we have thought that the best thing is to put the industries first so as to give undoubted jurisdiction to Parliament to deal with it in any manner it likes, not necessarily development. Therefore, the entry is far wider than Mr. Kamath intends it to be.

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

"That in amendment No. 35 of List I (Sixth Week) in the proposed entry 64 of List I, for the word 'Industries' the words 'Development of Industries' be substituted."

The amendment was negated.

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

"That in amendment No. 35 of List I (Sixth Week) in the proposed entry 64 of List I, for the words 'the control' the words 'the development and control' be substituted."

The amendment was negated.

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

"That for entry 64 of List I, the following entry be substituted:—

'64. Industries the control of which by the Union is declared by Parliament by law to be expedient in the public interest.'"

The amendment was adopted.

Entry 64, as amended, was added to the Union List.

*New Entry 64-A.*

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

"That after entry 64 of List I, the following new entry be added :—

[Prof. Shibban Lal Saksena]

'65-A. Co-ordination of the development of agriculture including animal husbandry, forestry and fisheries and the supply and distribution of food.' "

Sir, I wish to point out to the Drafting Committee and its Chairman that this entry which I have suggested is in accordance with the recommendation made by the Ministry of Agriculture of the Government of India. In fact in the letter which the Honourable Shri Jairamdas Daulatram wrote to the Honourable Dr. Ambedkar in January 1948, he had used the same words. I would only quote the last two paragraphs of that letter. He says:

"The difficulties of feeding the ever-increasing population of India and the experience of the last war have made it abundantly clear that the national interest demands that the Centre should play a more active role in the sphere of Agricultural Development and in January 1946 a statement of Agriculture and Food Policy in India was issued by Government from which it will be seen that the Centre assumed to itself specific responsibilities for the development of agriculture and the supply and distribution of food and to co-ordinate an All-India policy of Agricultural development, food production and distribution....."

We have given the matter very careful consideration and we think that there will be no adequate answer to the challenge of the Ministry of Finance that the agricultural development is a provincial responsibility until there is some specific suitable provision in the Constitution Act itself. I am inclined to think that the time has come when the Centre ought to take up the entire responsibility in regard to food. But the minimum that is essential in national interest is that the Centre must have an active hand in coordinating and guiding agricultural development all over the country. I would, therefore, suggest for your consideration that, besides the existing item No. 12 in the Federal Legislative List, the following item should also be included in that List, namely, "Co-ordination of the development of agriculture including animal husbandry, forestry and fisheries and the supply and distribution of food."

What I have done is only to point out the omission of the Drafting Committee. In fact it is well-known today that the food problem is the most difficult problem which the country has to solve. The amount of imports which we have to make is really depriving us of all our resources and we cannot develop our industrial resources and other things.

So I think if we want that we should be self-sufficient in food within a few years—one or two years as has been proposed,—then it is necessary that there should be a drive from the Centre. I am glad for what the Government is doing today. I do not think that even this much power has been provided for the Union Government in this Constitution. The present controls and other regulations will not be possible unless some such entry is included in the Union List. I really wonder whether the recommendations of the Agriculture Ministry contained in the letter of Shri Jairamdas Daulatram, dated 5th July 1948 which they have published in this booklet known as '*Comments on the Provisions contained in the Draft Constitution of India*' have been altogether 'forgotten'. In fact I am personally in full agreement with his suggestions that it should be the responsibility of the Centre alone to see that India gets food in proper measure. Besides, what he suggests is not even that he only wants co-ordination of the development of agriculture including animal husbandry and fishery. He says the additional powers asked for relate to the inclusion of reclamation of waste lands on a large scale requiring the use of plant and machinery forest laws and inland fisheries and fishery laws. He thinks all these are necessary if India is to be made self-sufficient in food.

**Shri Mahavir Tyagi :** (United Provinces : General) : What do the Provincial Government say ?

**Prof. Shibban Lal Saksena :** Food problem can only be solved if we tackle it on an all-India basis. We have, seen Bengal famine and the province of Bengal could not help it. Unless the Centre has powers to export food from certain provinces to meet famine in other provinces it will be difficult to solve

the problem. It is not a question of taking away the powers of the provinces but of meeting emergencies. I therefore think this power is necessary after seeing the history of the last five or six years regarding famines and controls, Government have been compelled to take powers in their hands which were necessary for them and I only want that we must provide for these powers in the Constitution; otherwise it will handicap us in solving the food problem. I personally feel that the reclamation of lands etc. cannot be taken up by small provinces and States and that will require the help from the Centre. The Centre must be able to devote attention to this exclusively. This is most important.

**Shri Kishorimohan Tripathi** (C.P. & Berar States) : Mr. President, Sir, I beg to draw your attention to two amendments in the printed list—Nos. 74A and 74B to be introduced as two new entries—which I proposed to move, but I do not propose to move them, and have come to support the amendment moved by Shri Saksena. As has been pointed out by Shri Saksena, this amendment has been proposed also to be incorporated in the Constitution of India, by the Ministry of Agriculture. Shri Saksena has already made a reference to it. Food is the most important problem in India and it is a very serious problem, and the Government of India have committed themselves to solve this problem as early as possible. In fact, we have made up our minds, that after the year 1951, no food imports should be allowed, because food imports have been eating a vital part of our exchanges, and by selling imported food at rates available in the Indian markets, we have been incurring expenditure in giving subsidies to the provinces. During the last two years we have already spent in this way somewhere about Rs. 40 crores. The problem of food cannot be solved unless the problem of agricultural development is taken in hand on an all-India basis. And unless this entry finds a place in the Union List, it will not be possible for the Government of India to prepare and execute, all-India plans of agricultural development.

Apart from this aspect, the question, in relation to the food problem, has another bearing. India is primarily an agricultural country, and if we want to raise the standard of life of our people, we must see that the standard of life of the agriculturists—and by the agriculturists, I mean the agricultural labourer and the peasants—is improved. The structure, of Indian economy cannot be reformed if agricultural economy in India is not reformed, and agricultural economy can only be reformed by all-India plans which must be, planned by the Centre and executed by the Centre and the Provinces acting in co-ordination. We have seen that the Government of India, with, a view to increasing the production in the field of manufacture, have given incentives by way of exemption of various taxes. Similarly, in order to improve agricultural production also, it will be necessary for the Government of India to legislate and give incentive to the agriculturists. In America such legislation has been undertaken. There, the minimum fair price for the producer has been assured. Here also we must have the minimum fair price legislation so as to bring home to the agriculturists and the peasants that they will be able to sell whatever they produce at a minimum fair price and thus get an adequate return for their efforts.

On these grounds, Sir, I support the amendment moved by Shri Saksena and I commend it for the acceptance of the Drafting Committee.

**The Honourable Dr. B. R. Ambedkar** : Sir, with regard to the amendment to have a new entry 64 A, I may say that this matter was placed before the Premiers' Conference and the Premiers' Conference did not agree to the proposal.

[The Honourable Dr. B. R. Ambedkar]

With regard to the question of distribution of food, we have provided in article 306, that for a period of five years, the Centre may have control over the distribution of food.

With regard to the second amendment, namely, the introduction of the new entry 64B.....

**Mr. President :** That has not been moved.

**The Honourable Dr. B. R. Ambedkar :** Sir, I cannot accept the amendment moved.

**Mr. President :** I shall put the amendment to vote. The question is:

"That after entry 64 of List I, the following new entry be added :—

'64- A. Co-ordination of the development of agriculture including animal husbandry, forestry and fisheries and the supply and distribution of food.' "

The amendment was negatived.

**Mr. President :** Amendment No. 264, Mr. Saksena.

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

"That after entry 64-A of List I, the following new entry be added:—

'64- B. Regulation of trade and commerce in and of the production, supply, price and distribution—

- (a) of goods which are the products of industries whose regulation under the control of the Union is declared by Parliament by law to be necessary or expedient in the public interest;
- (b) of any other goods whose regulation similarly is declared by Parliament by law to be necessary or expedient in the public interest.' "

Here, I would like to draw the attention of the Drafting Committee to fact that a similar suggestion is contained in the recommendations of the Ministry of Industry and Supply, where they have suggested that in the Seventh Schedule in the Union List, such an entry as I have suggested should be provided for. In fact, I may refer the very page—page 14 of this booklet containing the comments of the various Ministries on the Draft Constitution. There the Ministry states—

"For effective implementation by the Union Government of the industrial announced by the Government of India on the 6th April, 1948, and." for other reason, it is necessary to invest the Union Government with certain powers over trade and commerce in respect of and the production, supply, price and distribution of the goods produced by the industries to be brought under Central regulation and certain other goods such as wholly imported articles or agricultural products. The following additional item is, therefore, suggested :

'Regulation of trade and commerce in and of the production, supply, price and distribution—

- (a) of goods which are the products of the industries whose regulation under the control of the Union is declared by Parliament by law to be necessary or expedient in the public interest;
- (b) of any other goods whose regulation similarly is declared by Parliament by law to be necessary or expedient in the public interest.' "

Sir, apart from the fact that this amendment has the support of the Ministry of Industry and Supply, it should also be obvious to anybody that within the last four or five years our experience has shown us that unless there is this power to regulate trade and, commerce and also production and distribution, there will be chaos in the country. Even the most important

questions of the supply of food and clothing and other necessities of life, cannot be tackled on a mere provincial basis, and they must be tackled on an all-India scale. So I say this power should be given to the Union by means of an adequate provision here in the Union List. Otherwise the Centre will not have the necessary power. I think it is a most important power which should be given to the Centre. Besides.....

**Mr. President :** Will it suffice if I point out that there is a proposal for a new entry—entry 35A in the Concurrent List? That covers this point, I think.

**Prof. Shibban Lal Saksena :** Is it an amendment, Sir?

**Mr. President :** Yes, amendment No. 142.

**Shri T. T. Krishnamachari** (Madras: General) : That amendment covers the first part of the honourable Member's amendment.

**Prof. Shibban Lal Saksena :** It is in the Concurrent List, of course, but it is not as wide as the one that I have suggested. I personally prefer this power to be taken by the Centre alone.

**Mr. President :** Very well.

**Prof. Shibban Lal Saksena :** Besides, the words, that I have suggested give much larger powers to the Centre than it is proposed by the.. amendment in the Concurrent List. I suggest the experience of the past four or five years is sufficient reason for taking this thing in the hands of the Centre. Sir, I do not think that we should be afraid of investing the Centre with power in regard to these vital things, like food and clothing. Otherwise, I do not think we will be able to meet the needs of the country in the manner we desire. At present also the Central Government has got the power to lay down uniform policies in regard to these matters. But 'the Centre should also have, the power to make all parts of the country to fall in line with the Central policy so as to meet all needs of the country.

**The Honourable Dr. B. R. Ambedkar :** With regard to the first part of the amendment, there is the proposal of the Drafting Committee to put this matter in the Concurrent List, and if my Friend Prof. Saksena were to examine the Concurrent List, he will find that there is an entry corresponding to entry 64 B, (a) in entry 35 A of the Concurrent List.

With regard to (b), it is a matter of controversy and the Drafting Committee has not yet come to any conclusion on the question. The Drafting Committee feels that (a) is a perfectly logical consequence of the power which we have already given to Parliament to declare certain industries of national importance. If Parliament has the power to declare certain industries to be of national importance, then Parliament should also have the power to regulate the goods and the products of such industries. But, (b) is about goods of industries, other than those declared by Parliament to be of national importance. As I said, that is a matter of some controversy and the Drafting Committee has not come to any conclusion. I suggest Prof. Saksena may allow the matter to stand over till we reach entry 35 in the Concurrent List.

**Prof. Shibban Lal Saksena :** I have no objection to waiting.

**Mr. President :** Then it is held over.

#### Entry 65

**Mr. President :** There is an amendments No. 265 of Prof. Saksena.

**Prof. Shibban Lal Saksena :** Entry 65 is in relation to regulations for labour and safety in mines and oil fields. Sir, I move :

[Prof. Shibban Lal Saksena]

"That in entry 65 of List I, after the word 'Regulation' the words 'and welfare' be inserted."

The entry will now read:

"Regulation and welfare of labour and safety in mines and oil fields....."

**Shri. T. T. Krishnamachari :** If it would help my Friend I would draw his attention to entry 26 in the Concurrent List which seems to meet his requirements. It reads: "Welfare of labour : conditions of labour : etc. etc.".

**Mr. President :** It is an amended form of 26 of which notice has been given by Dr. Ambedkar.

**Shri T. T. Krishnamachari :** It fits in with his requirements.

**Prof. Shibban Lal Saksena :** But mines and oil fields are Central subjects, and if you want that labour welfare should be in the List, I have one objection to it. I was not in the House at the time, but I wanted that labour legislation, labour laws, etc. should also be Central subjects. From my experience of labour work, I can say that Labour legislation is almost in a chaotic condition all over the country and in the various provinces. In some provinces we have some labour laws, in others there are very different laws. In the same industry, like the sugar industry in Bihar, the U.P. and Bombay there were different labour laws in different provinces. Even in the textile industry in Bombay there are certain laws but there are different laws for this industry in the U.P. and other places. Even the Industrial Dispute Act has been modified by laws made by the U.P. and other Provincial Governments.

This leads to chaotic conditions. Therefore labour Legislation should come into the Central List. I do, not want them in the Provincial List. Labour should be a Central subject and the Central Government should be able to deal with it; otherwise there will not be similar treatment of labour in the different provinces.

**Shri H. V. Kamath :** Sir, with regard to amendment No. 215, (List III—Sixth Week) it was intended to apply also to entry 65. It is likely that the copy I sent to the office mentioned entry 66 only. I had intended that it should apply to both entries 65 and 66.

**Mr. President :** You want to move it?

**Shri H.V. Kamath :** Yes—for 35 also.

**Mr. President :** Very well you may do so. But I do not know how it fits in.

**Shri H.V. Kamath :** Sir, I move (with reference to entry 65 as well with your kind permission):

"That with reference to amendment No. 37....."

**Mr. President :** It has nothing to do with 65. It applies only to 66. There is no amendment to entry 65.

**Shri H. V. Kamath :** It is with your kind permission that I am now moving this amendment to entry 65. Sir, I move :

"That with reference to amendment No. 37 of List I (Sixth Week), in entry 66 of List I and entry 65 of List I, for the words 'and oil fields' the words 'oil fields, and submarine regions' be substituted."

I do not know why "submarine, regions" have been excluded from the scope of this entry. Only the other day we adopted an article whereby all lands and all minerals underlying the ocean were vested in the Centre. I am

told on reliable authority that the Pearl Industry, to mention only one instance, could be very usefully developed in the Cutch region, and I am sure that in many other parts of our oceanic areas the pearl industry stands a good chance of development in the future. Japan has developed this industry very considerably, and some Japanese scientists or experts have observed that India also can produce pearls of a very high quality. This will be a submarine industry and it will be as hazardous an occupation as labour is in mines and oil fields. I therefore feel that when you are regulating for labour and for their safety in mines and oil fields, it is equally necessary and essential in the public interest to regulate for labour and its safety in those industries which we might develop in submarine regions. As I have already said, that is an equally dangerous occupation and the House might consider whether it is not desirable that an amendment to this effect should be incorporated in entry 65. I move, Sir, this amendment, seeking to incorporate submarine regions in entry 65 and commend it to the House for its consideration.

**The Honourable Dr. B. R. Ambedkar :** With regard to Mr. Kamath's amendment, it seems to me to be quite unnecessary because the word "oil fields" is used in general terms. Wherever it occurs, the Centre shall have jurisdiction. If an oilfield can occur below water.....

**Mr. President :** He says "and submarine regions".

**Shri H. V. Kamath :** I say "mines, oil fields and submarine regions".

**The Honourable Dr. B. R. Ambedkar :** What my friend has in mind is diving operations.

**Shri H. V. Kamath :** No, the Pearl industry.

**The Honourable Dr. B. R. Ambedkar :** All I can say is that I shall consider that matter.

**Mr. President :** Then I will first put the amendment moved by Prof. Saksena. The question is:

"That in entry 65 of List I, after the word 'Regulation' the words 'and welfare' be inserted."

The amendment was negated.

**Shri H. V. Kamath :** In view of Dr. Ambedkar's assurance, I do not press my amendment now. It may be considered by the Drafting Committee.

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

"That entry 65 stand part of List I."

The motion was adopted.

Entry 65 was added to the Union List.

#### *Entry 66*

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

"That in entry 66 of List I, the words 'and oil fields' be deleted."

It has already been transferred to entry 63.

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

"That with reference to amendment No. 37 of List I (Sixth Week), in entry 66 of List I for the words 'and oil fields' the words 'oil fields, and submarine regions' be substituted."

[Shri H. V. Kamath]

The effect of it will be not only to include submarine regions in this entry but also to oppose the amendment of Dr. Ambedkar seeking to delete the word "oil fields". The point of my amendment is this. Dr. Ambedkar rightly pointed out that this matter of oil fields has been comprised in entry 63. But as the House will see, entry 63 which we have adopted a few minutes ago is to regulate and develop oil fields and mineral oil resources. Entry 65 which we have already passed refers to regulation of labour and safety in mines and oil fields. This is a matter different from the matter included in 63. So also I feel that this 66 refers to a subject which is not comprised in 63, because the qualifying clause is to the effect "to the extent to which such regulation and development under the control of the Union is declared by Parliament by law to be expedient in the public interest". I do not know whether the retention of the words "mineral development" and omission of the word "oil fields" would be in consonance with entry 63 which the House has adopted. That entry refers to mineral oil resources. And here we have got mineral development. "Mineral development" refers to mineral resources in general. If there are adequate, valid and cogent reasons for retaining the words "mineral development" in entry 66, I see no reason why the word "oil fields" also should not be retained, because the particular term "oils" is only a part of the general term "minerals", scientifically speaking.

**Shri T. T. Krishnamachari :** It is there in 63.

**Shri H. V. Kamath :** I know that. My Friend would, I am sure, have made a different remark if he had closely followed what I was pointing out. I was pointing out that when we have mentioned oil resources in 63 and when we have also mentioned mineral development as a general matter there will be no harm in retaining the word "oil fields" also just to make it absolutely clear. I see no absolute necessity for it, but there will be no harm in retaining the word "oil fields".

**Shri Brajeshwar Prasad (Bihar: General):** Sir, I beg to move:

"That in amendment No. 3555 of the List of Amendments, for the proposed entry 66 of List I, the following be substituted :—

'66. Superintendence, direction, control, regulation, development and preservation of mines, oil fields and mineral resources including such questions as—

- (a) the regulation and safety of mining employees,
- (b) proprietary rights in or over lands where mines and mineral resource are found to exist,
- (c) power to frame rules regarding terms and conditions for grant of prospecting licenses and mining leases,
- (d) power to modify conditions and terms of existing leases,
- (e) power to make rules for proper working of mines with due regard to the health and welfare of workmen employed in mines,
- (f) power to establish Inspectorate of Mines to enforce these rulers,
- (g) power to enforce improved mining methods to ensure conservation of minerals and mineral products,
- (h) power to control production, supply and movement of minerals and mineral products, and
- (i) any other matter connected with mines, oil fields and mineral resources which may be declared by Parliament to be necessary or expedient in the public interest'".

My whole aim, in moving this amendment is to make redundant entry 28, of List II. I am clear in my own mind that Mines constitute a vital subject as important as Defence, Foreign Affairs and Communications. I am of

opinion that if the system of defence is going to be organised on sound line then Mines must remain a Central subject. I do not want to give the Provinces the power even to "regulate mines and oil fields and mineral development subject to the provisions of List I" as has been provided for in entry 28 of List II.

A question has been raised in another connection on the floor of the House to what will become of Provincial Autonomy. It is a matter of no concern to me. We have not come here to safeguard the interests of Provincial Governments. We have come here to include those subjects in List I which we consider to be necessary and vital—subjects which are in consonance with the needs of the modern age. I am of opinion that Mines should be nationalised, but at this stage I am only saying that the power of legislation should remain exclusively vested in the Central Government.

(Amendment No. 3555 was not moved.)

**Shri Lakshminarayan Sahu:** \*[Mr. President, I wish to move the amendment which reads:

"That for entry 66 in List I, the following be substituted :—

'66. Power to frame rules regarding terms and conditions for grant of prospecting licences and mining leases, power to modify conditions and terms of existing leases, power to make rules for proper working of mines with due regard to physical safety of workmen employed in mines, their health and welfare, power to establish 'inspectorate of mines to enforce these rules, power to enforce improved mining methods to ensure conservation of minerals and mineral products, power to control productions, supply and movement of minerals and mineral products.' "

I have included everything in this amendment. The amendment just moved by Shri Brajeshwar Prasad contains all my points. But he wants to give so much power to the Centre, which I do not want to give. I, therefore, come to the State List, where I have suggested:—

#### *Entry 28*

"That for entry 28 in List II the following be substituted :—

'28. Grant of prospecting licences and mining leases in accordance with the rules framed by the Union Government as provided in entry 66 of List I and collection and appropriation of all revenue therefrom.' "

I do not want to say much regarding this, I would only say that in India, 'mining' should be included in the central subjects. There is no doubt, that the Centre should be given power to unify the rules regarding the prospecting licences. I wish to say this emphatically, that the Centre should enact such rules as may be applicable to all the provinces uniformly. Till the Centre is empowered to do so, there will be a lot of difficulty in obtaining the prospecting licences, and there would be differences in the conditions in various provinces in this respect. Hence I wish that this amendment of mine and my other amendment on State List II, should both be read together and considered in this connection]\*

**Shri Kuladhar Chaliha** (Assam : General) : Mr. President, Sir, it is really very difficult to agree with Mr. Brajeshwar Prasad, but in this particular case I seem entirely to agree with him and I think his amendment is a great improvement on the provisions adumbrated by Dr. Ambedkar—it is rather allembracing and seems to cover all that is necessary for a provision on mines and oil fields.

We know in our part of the country some of the owners of coal mines have started producing less and less and we do not know the reason. The quality is also getting worse and worse. If you order any coal from them you get the

\*[ ]\* Translation of Hindustani speech.

[Shri Kuladhar Chaliha]

worst quality. Therefore it is necessary that they should have a standard of the quality of coal they should supply to the clients. Similarly, in the oil fields also they are producing less and less. It is said that in Digboi they are not working to full capacity and that they are doing it with a purpose. It is said that unless sooner or later we have a target that so much should be produced in a certain time we will get probably much less than what we used to. Even now we know that we are getting from Digboi much less than what we used to a few years ago; we do not get even 30 per cent. of our Indian supply from Digboi, whereas formerly we used to get more. It is said that the British owned wells are intentionally doing it and they are trying to transfer their plants to Pakistan and other places.

Therefore, this amendment of Mr. Brajeshwar Prasad will give us ample power to control them and see that they produce properly and they produce the quantity we want and not the quantity they allege that they can produce. As such, for the first time in the history of this Constituent Assembly I have been able to agree with Mr. Brajeshwar Prasad who, of course, generally holds views contrary to those of the majority. Sir, I support his amendment.

**Shri H. V. Kamath :** I, hope, Sir, that the Drafting Committee will bear in its subconscious mind that part of my amendment referring to submarine regions.

**Mr. President :** It is expected that the Members of the Drafting Committee have heard what the honourable Member has said.

**Shri Jagat Narain Lal** (Bihar: General) : Mr. President, I do not want to take much of the time of the House over this matter. I simply wanted to oppose the amendment—I am sorry—moved by Mr. Brajeshwar Prasad. The amendment that he has moved chooses on the one hand to give very Aide powers to the Centre, on the other hand his amendment is in the shape of rules or bye-laws which can be framed after an Act is passed. I do not see why such detailed clauses and sub-clauses should be added to the Constitution. I support what Dr. Ambedkar has moved for the reason that divides the powers between the Centre and the Provinces. The Centre has such powers as are necessary or as will appear necessary for the purpose of regulating the easy working of mines and mineral resources, and the Provinces will also have power which they ought to exercise for the purpose of regulating and developing mines and mineral resources in their territories. Therefore, I support the amendment moved by Dr. Ambedkar and oppose the amendments moved to them.

**Shri Brajeshwar Prasad :** Dr. Ambedkar's amendment deletes the word "oilfields".

**Shri Jagat Narain Lal :** The words "the oilfields" have to be deleted as those words have come earlier.

**Mr. President :** Would you like to say anything?

**The Honourable Dr. B. R. Ambedkar:** No, Sir, I would not like to accept any amendment.

**Mr. President :** We will take the amendment by Mr. Brajeshwar Prasad.

**Shri Brajeshwar Prasad :** Sir, I beg to withdraw it.

The amendment was by leave of the Assembly, withdrawn.

**Mr. President :** Then amendment No. 3556 on the Printed List, moved by Mr. Sahu.

The question is:

“That for entry 66 in List I, the following be substituted:—

‘66. Power to frame rules regarding term and conditions for grant of prospecting licences and mining leases, power to modify conditions and terms of existing leases, power to make rules for proper working of mines with due regard to physical safety of workmen employed in mines their health and welfare, power to establish inspectorate of mines to enforce these rules, power to enforce improved mining methods to ensure conservation of minerals and mineral products, power to control productions, supply and movement of minerals and mineral products.’ ”

The amendment was negatived.

**Mr. President :** Then amendment No. 215.

**Shri H. V. Kamath :** I leave it to the wisdom of the Drafting Committee.

**Mr. President :** Very well, then; that is not put to vote. He leaves it to the Drafting Committee.

Then the amendment moved by Dr. Ambedkar. The question is:

“That in entry 66 of List I the words ‘and oilfields’ be deleted.”

The amendment was adopted.

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

“That entry 66, as amended stand part of List I.”

The motion was adopted.

Entry 66, as amended, was added to the Union List.

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### *Entry 67*

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

That for entry 67 of List I, the following entry be substituted:—

‘67. Extension of the powers and jurisdiction of members of a police force belonging to any State to any area not within such State, but not so as to enable the police of one State exercise powers and jurisdiction in any area not within that State without the consent of the Government of the State in which such area is situated; extension of the powers and jurisdiction of members of a police force belonging to any State to railway areas outside that State.’ ”

**Mr. President :** There is an amendment by Sardar Hukum Singh for deletion. That need not be moved. Dr. Deshmukh has an amendment to this entry which I understand he is not moving. So I will put the motion to vote.

The question is :

“That for entry 67 of List I, the following entry be substituted:—

‘67. Extension of the powers and jurisdiction of members of a police force belonging to any State to any area not within such State, but not so as to enable the police of one State to exercise powers and jurisdiction in any area not within that State without the consent of the Government of the State in which such area is situated; extension of the powers and jurisdiction of members of a police force belonging to any State to railway areas outside that State.’ ”

The amendment was adopted.

Entry 67, as amended, was added to the Union List.

*Entry 68*

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

"That for entry 68 of List I, the following entry be substituted :—

'Elections to Parliament and to Legislatures of States and of the President and Vice-President; and Election Commission to superintendent, direct and control such elections.' "

**Shri H. V. Kamath :** Mr. President, I move:

"That in amendment No. 38 of List I (Sixth Week), in the proposed entry 68 of List I, for the words 'Election Commission' the words 'Election Commission and Regional Commissioners' be substituted."

This amendment becomes necessary in view of the change which has been made in entry 68. The entry as it originally stood in the Draft Constitution ran thus :

"Elections to Parliament and of the President and Deputy President; and Election Commission to superintend, direct and control such elections."

The new entry reads as follows :—

"Elections to Parliament and to Legislatures of States and of the President and Vice-President; and Election Commission to superintend....."

That is to say, we have incorporated the elections to Legislatures of States in the proposed new entry 68.

The House will recollect that a few weeks ago we adopted articles 289, 289A, 289B. etc. If my honourable colleagues will take the trouble of turning to article 289, they will find that it provides, firstly, for the appointment of an Election Commission without mentioning Regional Commissioners. Regional Commissioners came into the picture in clause (3) of article 289. That clause lays down that, before each general election to the House of the People and to the Legislative Assembly of each State and before the first general election, and thereafter before the biennial election to the State Council, the President shall also appoint, after consultation with the election commission, such Regional Commissioners as he may consider necessary to assist the Election Commission in the performance of the functions enjoined on it by clause (2) of that article. Clause (4) vests certain powers in Parliament as regards the condition of service and tenure of office not merely of the Election Commissioners but also of Regional Commissioners. The Regional Commissioners are not a part of the Election Commission. They come into the picture only when the elections to the State Assembly and Council are about to commence. I, therefore, feel that this point must be made absolutely clear in the new draft of entry 68 which replaces the old one. It includes elections to Parliament as well as to State Legislatures for which purpose we have got Regional Commissioners. There is, therefore, this lacuna in entry 68. I hope the House will see its way to accept my amendment.

**Mr. President :** There is an amendment to this standing in the name of Mr. Santhanam. I think it does not arise in view of the decision we have taken with regard to some other articles.

**The Honourable Dr. B.R. Ambedkar :** It is unnecessary to accept this amendment, because the Election Commission will include Regional Commissioners also.

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

"That in amendment No. 38 of List I (Sixth Week), in the proposed entry 68 of List I, for the words 'Election Commission' the words 'Election Commission and Regional Commissioners' be substituted."

The amendment was negatived.

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

"That for entry 68 of List I, the following entry be substituted:—

'Elections to Parliament and to Legislatures of States and of the President and Vice-President; and Election Commission to superintendent, direct and control such elections.' "

The amendment was adopted.

Entry 68, as amended, was added to the Union List.

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*Entry 69*

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

"That for entry 69 of List I the following entries be substituted:—

'69. The emoluments and allowances and rights in respect of leave of absence of the President and Governors; the salaries and allowances of the Ministers of the Union and of the Chairman and Deputy Chairman of the Council of States and of the Speaker and Deputy Speaker of the House of the People; the salaries and allowances of the members of Parliament; the salaries, allowances and the conditions of service of the Comptroller and Auditor-General of India.

69 A. The privileges, immunities and powers of each House of Parliament and of the members and the Committees of each House.' "

**Mr. President :** There is an amendment to this No. 219 standing in the name of Mr. Kamath.

**Shri H. V. Kamath :** I do not want to move my amendment, but I would ask how Dr. Ambedkar has forgotten or lost sight of the Supreme Court Judges.

**The Honourable Dr. B. R. Ambedkar :** Their salaries etc., are provided for in the Schedule. We have said that their salaries shall be such as are specified In the Schedule.

**Mr. President :** Then amendment No. 220 by Dr. Deshmukh. Does it not go more appropriately to the State List?

**Dr. P. S. Deshmukh :** No, Sir. I move:

"That in amendment No. 39 of List I (Sixth Week), after the proposed entry 69 of List I, the following new entry be added :—

'69 A. Privileges, immunities and powers of the members of the State Legislatures and their Committees.' "

Sir, this is consequential upon the amendment that I proposed when the article was being discussed. I had urged then that it would not be proper to leave the privileges, immunities and powers of the members of the State Legislatures to the individual State Legislatures. It would be better if Parliament decides on it, so that there could be common privileges, immunities and powers for the members of all the State Legislatures. That point of view was urged by me. I think that Dr. Ambedkar had not sufficient time to consider it and therefore he declined to accept it. I am now trying to urge this for his consideration and the consideration of the Drafting Committee. This is eminently reasonable and proper, and I hope they will accept this as an addition to this entry and also keep this in mind when they modify the provisions already accepted by the House also. I think it is very necessary that the privileges should be uniform and that they should not differ from State to State.

**Shri Brajeshwar Prasad :** Hear, Hear.

**The Honourable Dr. B. R. Ambedkar :** It is only proper that each Legislature should have the authority to define its own privileges, immunities and powers, and it is for that reason that we have provided that Parliament should

[The Honourable Dr. B. R. Ambedkar]

have power to specify the privileges, immunities and powers of its own members, and the State Legislatures should have similar power with regard to their own members. I do not think that the whole power should be concentrated in the Centre. I should have thought that if Parliament passes an Act defining the privileges, immunities and powers of its members, the State Legislatures will probably follow suit and copy the thing *verbatim* with such minor amendments as they think desirable.

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

"That in amendment No. 39 of List I (Sixth Week), after the proposed entry 69 of List I, the following new entry be added :—

'69 A. Privileges, immunities and powers of the members of the State Legislatures and their Committees'".

The amendment was negatived.

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

"That for entry 69 of List I, the following entries be substituted :—

'69. The emoluments and allowances and rights in respect of leave of absence of the President and Governors; the salaries and allowances of the Ministers for the Union and of the Chairman and Deputy Chairman of the Council of States and of the Speaker and Deputy Speaker of the House of the People; the salaries, allowances and the conditions of service of the Comptroller and Auditor-General of India'

69 A. The privileges, immunities and powers of each House of Parliament and of the members and the Committees of each House.'"

The amendment was adopted.

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

"That entry 69, as amended, stand and part of List I."

The motion was adopted.

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

"That entry 69 A stand part of List I."

The motion was adopted.

Entry 69 and 69 A, as amended, were added to the Union List.

#### Entry 70

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

"That at the end of entry 70 of List I, the words 'or Commissions appointed by Parliament' be added."

As it stands, the entry refers only to Committees.

**Mr. President :** I do not think that there is any other amendment to this.

The question is:

"That at the end of entry 70 of List I, the words 'or Commissions appointed by Parliament' be added."

The amendment was adopted.

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

"That entry 70, as amended, stand part of List I."

The motion was adopted.

Entry 70, as amended, was added to the Union List.

*Entry 70 A*

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

“That after entry 70 of List I, the following entry be inserted :—

‘70 A. The sanctioning of cinematograph films for exhibition.’ ”

This entry was originally placed in the Concurrent List. It is now proposed to put it in List I.

**Mr. President :** There are several amendments to this. Amendment No. 221 by Mr. Kamath wants the deletion of this entry. So it cannot be moved.

**Shri H. V. Kamath :** May I speak on that?

**Mr. President:** Later.

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

“That in amendment No. 41 of List I (Sixth Week), for the proposed new entry 70A of List I, the following be substituted :—

‘70 A. Regulation and control of the exhibition of cinema films.’ ”

All that I propose is to change the wording. I am unable to understand how the sanctioning of cinematograph films is a subject for legislation. If there is to be legislation, it would not be on sanctioning. Sanctioning of cinematograph films for exhibition is not a happy expression. We should also have power to control the exhibition and from that point of view I would recommend the wording I have suggested, *viz.* “Regulation and control of the exhibition of cinema films.” Sir, I move.

**Mr. President :** There is notice of an amendment which I received this morning, by Kaka Bhagwant Roy.

**Kaka Bhagwant Roy :** Sir, I do not want to move it.

**Shri Raj Bahadur :** Mr. President, Sir, I move:

“That in amendment No. 41 of List I (Sixth Week), in the proposed new entry 70 A of List I, the words ‘The sanctioning of’ and ‘for exhibition’ be deleted.”

I move this amendment in order to widen the scope of the entry. If my amendment is accepted, the words that would remain would be only “cinematograph films”. It is obvious that the power of merely sanctioning of cinematograph films is not enough for the Union Parliament. As a matter of fact, the functions of the Union Parliament in the case of cinema films must be widened considerably. We know that the cinema-films have proved to be a powerful medium of instruction and national education. We know that they also play an important part in the formation and molding of national character. It is therefore necessary, not only from the point of view of art and artists, but also from the point of view of national education that we should widen the power vested in the Union Parliament in this matter. In modern times, the cinema films have replaced the drama and the theatre. They have come to constitute the medium of expression of the genius of our people. Therefore it is high necessary that, in the interest of the art, the Union Parliament should be enabled to take an active interest in the improvement and progress of cinematograph films. As such in my humble opinion the entry should not be restricted simply and barely to the sanctioning of the films, it should cover a wider field. I submit, therefore, that my amendment should be accepted.

May I also express my doubt about the suitability of placing this entry after entry 70 which relates to the enforcement of attendance of person for giving evidence or producing documents before committees of Parliament. It

[Shri Raj Bahadur]

should have been better placed elsewhere. In my humble opinion it could very well come after entry 28 which relates to Telephones, Wireless, Broadcasting etc. It should have been better there instead of here. With these words I commend my amendment for acceptance.

**Shrimati G. Durgabai :** (Madras : General) : Mr. President, Sir, while supporting the new entry 70A moved by Dr. B.R. Ambedkar I wish to make a few observations.

This new entry 70 A seeks to give power to the Centre to administer on the exhibition of films and the object of the Centre taking over this power to itself is to lay down certain uniform standards in the films that are exhibited all over this country and also outside this country. Of course, we think whether such a power is necessarily to be given to the Centre to take over this administration. We feel that many films that are dumped on the public today have either very little or no educational value. Nauseating songs and very cheap themes are highly detrimental to our culture. Therefore, it is highly necessary to raise the standards of these films and thus help the producers to exhibit better films which reflect the civilization of this country. That is the primary object, and also they should promote international understanding between the citizens of this country and also of the outside world.

Sir, the position today as it stands is that the Provincial Governments have got their censorship boards, and to my knowledge and information the censorship starts only after the film is completed and some lakhs of rupees have been wasted on them and the Centre acts only in an advisory capacity and whatever the Centre does in that capacity will have only a post-mortem effect. Therefore, Sir, keeping this object in view, we have got to introduce uniformity in the standards of the films that are to be, exhibited in this country and also outside this country which would help promoting, good harmony and reflect our culture and the civilization of this country.

Sir, while supporting this amendment, I should like to say that the provincial interests or the provincial censorship boards that are today functioning in this matter should be consulted and their interests should be taken into consideration and in every matter their advice and co-operation ought to be sought in censoring these films. Sir, a point may be raised against this power being given to the Centre whether the Centre would be able to deal with this matter, because there are different languages and different types of dialects in which these films are exhibited, whether the Centre could cope up with this power and deal with this matter effectively. There is some justification in this argument but anyhow I would like to say that the Centre should act so carefully in administering on this subject that while the provinces could produce and contribute to the international or national unity they could also preserve the type of culture peculiar to themselves.

Sir, in this matter we have got to know that the first step has already been taken. We have amended the Government of India Act to give power to the Centre; also we have passed a Bill in the Legislative session by classifying the films by introducing the system of A and U class service. Therefore this entry in this list is only a corollary to what we have done. Some objections have been raised, I think my honourable Friend. Mr. Raj Bahadur raised a point, that the powers ought to be widened and be suggested the deletion of the words. "The sanctioning of" and "for exhibition" and thereby enlarging the power. I should like to say we have got already the licensing authority today under which this could be done. I understand that his object is to see that the Centre could insist on the provinces to produce such films and also exhibit such

films which have got an educative value along with the films that are exhibited today. This we could do under the power that we have got already and even the provinces are exercising it under their licensing power. The Centre has already passed a Bill to classify the films. Therefore, it is not quite necessary. So I feel that this entry might find favour with the House.

**Shri Raj Bahadur :** Do not these words essentially restrict and limit the meaning of the whole thing?

**Shrimati G. Durgabai :** No, Sir, because the other powers which you have asked are already being exercised under the powers of both the provinces and the Centre.

**Dr. P. S. Deshmukh :** What about the words I suggested “Regulation and control of the exhibition of cinema films ?”

**Shrimati G. Durgabai :** Even that would be exercised under the powers that we have got under our licensing authority; and the other matter about the protection of children and other things, that is a matter for the Labour Department to deal with and not a subject-matter in this connection.

**Shri H. V. Kamath :** Mr. President, Sir, in pursuance of the spirit of my amendment which of course I could not move because it is a negative amendment, I wish to say that there is no adequate ground for shifting this entry from the Concurrent List to the Union List.

**Shri T. T. Krishnamachari :** It has already been shifted in the Government of India Act.

**Shri H. V. Kamath :** It is unfortunate that Dr. Ambedkar made a bald statement moving his amendment and did not advance any cogent reasons for the transfer of this entry from the Concurrent to the Union List. I am whole heartedly in agreement with my honourable Friend Shrimati Durgabai that our films ought to reflect the I genius and the culture of our nation. There can be no two opinions about that. There are however, certain points which deserve some attention at the hands of this House while considering this matter of cinematograph films. These days the films produced are not mere silent films but they are, more often than not, talkies. Silent films have gone out of fashion, and talkies mean not merely moving pictures but also a lot of language and songs, conversations, monologues and dialogues and what not. Everyone is aware that when a particular film is exhibited in particular province the songs, monologue or dialogue or whatever else it may be, is translated into the language of the particular province in which it is sought to be exhibited. The question arises as regards the nuances and shades of meaning in every language. It is not possible for every person to be conversant with all the languages of the Union and every language has as I gave said, got its own nuances, peculiar idioms and expressions. At present every province has its Provincial Board of Film Censors and the provincial people are more conversant with the languages of that province than members of a Central Board can possibly be, unless of course the Central Board included a member of every province or members who are well versed in the various languages of the Indian Union. That means it will be a very big Board.

My Friend Shrimati Durgabai referred to a Bill we passed in the last Budget Session of the Legislature. That Bill sought to categorise films into two classes—one for Universal exhibition, and the other for exhibition to adults only and not suited for children and adolescents. But the point which she sought to make. out would be completely served if this matter of cinema films is included in the Concurrent List which seeks to give power to the States and the Centre and not merely exclusive power to the Union alone.

[Shri H. V. Kamath]

There is another aspect of the matter which might commend itself to the House. Customs, though our culture and civilisation are the same, vary from province to province and from State to State. My Friend Pandit Bhargava—I hope my memory serves me right—in the last Session of the Legislative Assembly speaking on the Hindu Code Bill referred to certain practices prevailing in different parts of the Union. In the South, marriages between the children of brother and sister are permissible. That is to say a man can marry his own uncle's daughter. But in the Punjab, Pandit Bhargava said, if such a thing happened the man will be cut to pieces. Suppose there is a film depicting or showing a marriage between a person and his uncle's daughter, it might be quite normal in a province like Madras or Bombay, but if it is exhibited in the Punjab people will be scandalised and shocked.

**Dr. P. S. Deshmukh :** Those instances seldom occur.

**Shri H. V. Kamath :** It is not beyond the bounds of probability. Films may show the important social ceremony of marriage, and therefore it is necessary in my judgment that powers should be given not merely to the Union but also to States in this regard so as to sit in judgment over cinema films. I, therefore, seek the deletion of this entry from this list and its transfer back to the Concurrent List; I feel that is the right place for this entry. On a suitable occasion, I will move an amendment in that connection when the Concurrent List comes up for consideration in the House.

**The Honourable Dr. B. R. Ambedkar :** Mr. President, Sir, the object of bringing this entry which was originally the Concurrent List to the Union List is two fold, firstly to prescribe as far as possible a uniform standard for sanction of films; and secondly, to prevent an injury being done to any producer of a film whose film may not be sanctioned by any particular province by reason of some idiosyncrasy or by reason of some standards which are of an extraordinary character and do not conform to general standards which ought to be prevalent in a matter of sanctioning of Cinematography. Therefore I think it is very necessary that this matter of sanctioning instead of being distributed between the Centre and provinces so that each province may go on prescribing its own standard and the Centre be required to persuade each province to examine its standard and point out whether the standards are good or bad, it is much better to bring it over to the Union List. So far as the rest of the matter is concerned it is proposed to leave the entry 43 in List II as it is so that the provinces will retain all the control they have over theaters, dramatic performances and cinemas *minus* the question of sanctioning. I do not think that any injury will be caused to any particular interest by the proposal I have made. On the other hand, as I have stated there would be distinct advantages in concentrating the power of sanctioning in a single body like the Centre.

**Shri Raj Bahadur :** Only sanctioning?

**The Honourable Dr. B. R. Ambedkar :** Once the Centre has sanctioned that the film is a good film and conforms to moral standards, I do not see any reason why there should be any further provision for the exhibition at all. The matter ends.

**Mr. President :** I put the amendment No. 222 to vote.

**Dr. P. S. Deshmukh :** I would like to withdraw it.

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

**Shri Raj Bahadur :** I would like to withdrawn my amendment No. 266.

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

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

“That entry No. 70 A stand part of List I.”

The motion was adopted.

Entry 70A was added to the Union List.

**Mr. President :** There are certain new entries which are sought to be brought in here by Dr. Deshmukh. We may take them up at the end.

**Dr. P. S. Deshmukh :** They are more or less independent. I have no objection to their being taken up at the end.

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*Entry 71*

**Mr. President :** There is no amendment to this. There is only notice of deletion by Sardar Hukum Singh.

Entry was added to the Union List

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*Entry 72*

**Mr. President :** Then we come to entry 72. There is no amendment to that either.

Entry 72 was added to the Union List.

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*Entry 73*

**Mr. President :** Then comes entry 73. Dr. Ambedkar.

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

“That for entry 73 of List I the following entry be substituted :—

‘73. Inter-State trade and Commerce.’ ”

The words that follow these words in entry 73 are unnecessary, because there is a proposal to drop entry 33 of List II.

**Mr. President :** There is an amendment to this amendment. No. 226 of Mr. Naziruddin Ahmad.

**Mr. Naziruddin Ahmad :** I am not moving it.

**Mr. President :** Then there is no amendment to this entry. I put the entry as moved by Dr. Ambedkar, to the House. The question is:

“That for entry 73 of List I, the following entry be substituted:

‘73. Inter-State Trade and Commerce.’ ”

The amendment was adopted.

Entry 73, as amended, was added to the Union List.

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*Entry 73A*

**Mr. President :** Then we come to entry 73A, and the amendment in the name of Dr. Diwakar. I take it that it is not moved. Then there is entry 73-A. of Mr. Kamath—Inter-planetary travel.

**Shri T. T. Krishnamachari :** Sir, may I point out that if we talk about a provision for inter-planetary travel, it would be reducing the proceedings of the House to absurdity.

**Shri H. V. Kamath :** Sir, I am sure if my Friend Mr. Krishnamachari had kept himself abreast of the advance of science, and not busied himself only with trade and commerce, he would not have made such a remark.

**Mr. President :** Have we reached a stage when the control of interplanetary travel is necessary?

**Shri H. V. Kamath :** Yes, Sir, as I will try to show, in a few minutes. Sir, I move that.....

**Shri T. T. Krishnamachari :** Sir, I rise to a point of order. It is an impracticable proposition that my Friend is suggesting, and therefore it should not be moved.

**Shri H. V. Kamath :** After you have heard me, Sir, you may decide.

**Mr. President :** I will hear him first.

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

"That with reference to amendment No. 42 of List I (Sixth Week), after entry 73 of List I the following now entry be added:—

'26-A. Inter-planetary travel.' "

(*Laughter*)

Sir, Members of the House are welcome to laugh. But fifty years ago, if anybody, had talked of radios and wireless sets, he would have been held up to derision and mocked at, and perhaps stoned. But today radios and wireless sets have become a matter of course, and of every day occurrence. I am sure Mr. Krishnamachari has got a wireless set of his own in his house. And it is even supposed to be a mark of culture today to have a radio set in every house. Take television. Twenty years ago perhaps television would have been looked upon as an impossibility. But today in America television has become so very common that important meetings and lectures are televised and shown all over the country. With the rapid advance of science for which this century is famous—I am sure within the last fifty years there has been more advance in the various fields of science than in the previous five hundred years—what with researches in X-rays, medicine, jet propelled planes of which we hear so much today, we can expect many big changes in the near future. The advance has been remarkable, phenomenal, if I may use such a word. It was only the other day I read in an American paper—it was I think the *New York Times*—there was a news-item that a Company had been established, or floated in the United States where applications for journeys to the moon had been invited. It was in dead earnest,—I am not referring to it as a jest. They hope to do the journey probably by rockets. Till a few years ago.....

**Shri R. K. Sidhwa :** (C.P. & Berar): Can you show me the paper?

**Shri H. V. Kamath :** Yes, if you will kindly come to my place.

**Mr. President :** I thought people go to the Chandralok after death.

**Shri H. V. Kamath :** Yes, Sir, I was having it in mind. The Gita itself does say.....

तत्र चांद्रमसं ज्योतिर्योगी प्राप्य निवर्तते।

*Tatra Chandramasam jyotiryogi prapya nivartate.*

I do not dispute the possibility of a Yogi going even bodily to the moon by the power to his *Siddhis* and coming back too. But apart from that, Sir, this has come within the range of possibility, and in a few years time, it is quite possible that there may be journeys to the moon, and the phrase "man in the moon" will lose all its significance. I dare say, when the earth becomes more and more populated and congested, and when science makes further advance, people may start colonising the moon or some of the other thinly populated planets of the solar system. If we keep our minds open to the possibilities of science, and if we do not shut our minds in the mists of prejudice and misapprehension to the phenomenal progress of science, I am sure the House will not take this matter as lightly as it is inclined to do today. I do not want to be a prophet, but I may venture to suggest that within the next twenty-five years, perhaps sooner, such things will not be derived at or mocked at, as some of the friends here are inclined to today.

**Shri B. L. Sondhi :** (East Punjab: General) : In the time of our successors, perhaps.

**Shri H. V. Kamath :** No, even in the life time of Mr. Sondhi and myself.

I therefore suggest that this matter should not be included in the Concurrent List or in the State List, but it should be the exclusive jurisdiction of the Union, so that when the time comes, the Union will have the power to exercise complete control. Of course, Dr. Ambedkar, may say that this is covered by the entry regarding passports and *visas*, but I do not think so. These passports and *visas* deal only with travel on this, our planet—the Earth. But inter-planetary travel will become more and more important in the near future, and therefore, it should find a place in the Union List, and I therefore commend my amendment for the earnest and dispassionate consideration of the House.

**Mr. President :** There is an amendment of Mr. Naziruddin Ahmad about travels to the planets and the satellites. He is not content merely with this amendment. Do you want to move it?

**Mr. Naziruddin Ahmad :** Yes, Sir, because if this amendment which was just now moved, is accepted, it will be incomplete without my amendment. I shall take only one minute. I beg to move:

"That in List III (Sixth Week), with reference to amendment No. 227 in the proposed new entry 73 A the following be added at the end:—

'travel between the planets and the satellites and between the satellites.' "

**Mr. President :** You have given notice of it only this morning.

**Mr. Naziruddin Ahmad :** Yes, Sir, the difficulty was that I brought the amendment yesterday afternoon ready in my pocket, but forgot to deliver it to the office.

**Mr. President :** I am not objecting. Go on.

**Mr. Naziruddin Ahmad :** I submit that, though a dream of the future, interplanetary travel is coming on very soon. We had a long time ago a very good novel by Jules Verne, "*From the Earth to the Moon and a Trip round it*," and his numerous novels on scientific subjects. His dream has come true in a large measure and modern scientists believe that inter-planetary travel is a practical proposition and will soon be a reality and could be undertaken on a commercial scale. Mr. Kamath's amendment has a loop-hole and a defect. His amendment provides for travel only from one planet to another and not from a planet

[Mr. Naziruddin Ahmad]

to its satellites and between the satellites. So if inter planetary travel is to be included in the list as it must, this amendment will also have to be accepted. A journey from the Earth to the Moon and back is likely to be the earliest achievement. But Mr. Kamath's amendment will not make it possible. My amendment should be accepted to make the original amendment complete. I hope, Sir, if the amendment is to be rejected, it is rejected in a more satisfactory way by vote.

**Mr. President :** I do not suppose any further speech is necessary.

**The Honourable Dr. B. R. Ambedkar :** I do not quite understand whether the proposals of my Friend relate to matters which are unknowable or which relate to matters which are unknown. If they are unknown, then we have wasted our time. But if they are unknown and not unknowable, then we have enough powers to deal with them. Why bother with any entry at all?

**Mr. President :** I will put Mr. Naziruddin Ahmad's amendment to the vote. The question is :

"That in List III (Sixth Week), with reference to amendment No. 227 in the proposed new entry 73-A. the following be added at the end :—

'travel between the planets and the satellites and between the satellites.' "

The amendment was negatived.

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

"That with reference to amendment No. 42 of List I (Sixth Week), after entry 73 of List I, the following new entry be added:—

'73A. inter-planetary travel.' "

The motion was negatived.

The Assembly then adjourned till Nine of the Clock on Thursday, the 1st September 1949.

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