Mr. President : The question is:

"That in amendment No. 1 of List I (Eighth Week), after clause (4) of the proposed new article 15A, the following new clause be added:—

'(5) Notwithstanding anything contained in this article, the powers conferred on the Supreme Court and the High Courts under article 25 and article 202 of this Constitution as respects the detention of persons under this article shall not be suspended or abrogated or extinguished'."

The amendment was negatived.

I think these are all the amendments which we moved yesterday. Dr. Ambedkar has moved certain amendments today and I would put them to vote now.

Mr. President : The question is:

"That in clause (1) of article 15A, after the word 'consult' the words 'and be defended by' be inserted."

The amendment was adopted.

Mr. President : The question is :

"That in clause (3) of article 15A, for the words 'Nothing in this article' the words, brackets and figures 'Nothing in clauses (1) and (2) of the article' be substituted."

The amendment was adopted.

Mr. President : The question is:

"That after clause (3) of article 15A, the following clauses be inserted:—

'(3 a) Where an order is made in respect of any person under sub-clause (b) of clause (3) of this article the authority making an order shall as soon as may be communicate to him the grounds on which the order has been made and afford him the earliest opportunity of making a representation against the order.

(3 b) Nothing in clause (3a), of this article shall require the authority making any order under sub-clause (b) of clause (3) of this article to disclose the facts which such authority considers to be against the public interest to disclose'."

The amendment was adopted.

Mr. President : The question is:

"That at the end of clause (4) of article 15A, the following be added :—

'and Parliament may also prescribed by law the procedure to be followed by an Advisory Board in an enquiry under clause (a) of the proviso to clause (3) of this article'."

The amendment was adopted.

Mr. President : The question is:

"That proposed Article 15A, as amended, stand part of the Constitution."

The motion was adopted.

Article 15A, as amended, was added to the Constitution.

Mr. President : I am sorry I forgot to put Dr. Bakhshi Tek Chand's amendment to vote. Of course it was not necessary. It is covered by Dr. Ambedkar's amendments.

Article 209A

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

"That after article 209, between Chapters VII and IX of Part VI the following be inserted:—

"Chapter VIII

Subordinate Courts.

Appointment of District Judges.

209-A (1) Appointments of persons to be, and the posting and promotion of district judges in any State shall be made by the Governor of the State in consultation with the High Court exercising jurisdiction in relation to such State.

(2) A person not already in the service of the Union or of the State shall only be eligible to be appointed as district judge if he has been for not less than seven years an advocate or a pleader and is recommended by the High Court for appointment.

Recruitment of other than district judges to the Judicial service.

209 B. Appointments of persons other than district judges to the judicial service of a State shall be made by the Governor in accordance with rules made by him in this behalf after consultation with the State Public Service Commission and with the High Court.

Control over Subordinate Courts.

209 C. The control over district courts and courts subordinate thereto including the posting and promotion of, and the grant of leave to persons belonging to the judicial service of a State and holding any post inferior to the post of district judge shall be vested in the High Court but nothing in this article shall be construed as taking away from any such person the right of appeal which he may have under the law regulating the conditions of his service or as authorising the High Court to deal with him otherwise than in accordance with the conditions of his service prescribed under such law.

209 D. (1) In this Chapter—

Interpretation.

(a) the expression "district judge" includes judge of a city civil court, additional district judge, joint district judge, assistant district judge, chief judge of a small cause court, Chief Presidency magistrate, additional chief Presidency magistrate, sessions judge, additional sessions judge and assistant sessions judge;

(b) the expression "judicial service" means a service consisting exclusively of persons intended to fill the post of district judge and other civil judicial posts inferior to the post of district judge.

Application of the provisions of this Chapter to certain classes of Magistrates.

209 F. The Governor may by public notification direct that the foregoing provisions of this Chapter and any rules made thereunder shall with effect from such date as may be fixed by him in this behalf apply in relation to any class or classes of magistrates in the State as they apply in relation to persons appointed to the judicial service of the State subject to such exceptions and modifications as may be specified in the notification'."

Sir, the object of these provisions is two-fold : first of all, to make provision for the appointment of district judges and subordinate judges and their qualifications. The second object is to place the whole of the civil judiciary under the control of the High Court. The only thing which has been excepted from the general provisions contained in article 209-A, 209-B and 209-C is with regard to the magistracy, which is dealt with in article 209-E. The Drafting Committee would have been very happy if it was in a position to recommend to the House that immediately on the commencement of the Constitution, provisions with regard to the appointment and control of the Civil Judiciary by the High Court were also made applicable to the magistracy. But it has been realised, and it must be realised that the magistracy is intimately connected with the general system of administration. We hope that the proposals which are now being entertained by some of the provinces to separate the judiciary from the Executive will be accepted by the other provinces so that the provisions of article 209-E would be made applicable to the magistrates in the same way as we propose to make them applicable to the civil judiciary. But some time must be permitted to claps for the effectuation of the proposals for the separation of the judiciary and the executive. It has been felt that the best thing is to leave this matter to the Governor to do by public notification as soon as the appropriate changes for the separation of the judiciary and the executive are carried through in any of the province. This is all I think I need say. There is nothing revolutionary in this. Even in the Act of 1935, appointment and control of the civil judiciary was vested in the High Court. We are merely continuing the same in the present draft.

Prof. Shibban Lal Saksena : I have got an amendment which is an alternative to this. It is number 166 in the consolidated list of amendments.

Mr. President : I will take it up after these amendments. Amendment No. 21 : Mr. Kuldhar Chaliha.

Shri Kuldhar Chaliha : (Assam: General) : Mr. President Sir, I beg to move :

"That in amendment No. 20 above, in clause (2) of the proposed new article 209 A, after the words 'seven years' and 'pleader' the words 'enrolled as' and 'of the High Court of the State or States exercising jurisdiction' be inserted respectively."

Sir, the object of this amendments is that unless a lawyer has practised in the same province in which he is going to be appointed as a Judge, it will be very difficult for him to appreciate the customs, manners and the practices of the country. We have in our country strange results from the appointment of I.C.S. officers in the beginning of British administration. So also in cases when officers from outside the province were brought in. I am not limiting thereby the enrolment of advocates from any province. They may come an practise. Only I am saying that he should have resided in the province for a period of seven years. The results from the appointment of persons from outside the province were like this. In our part of the country, there is a custom for the New Year day for young men to go and dance and sing and go on a maying and sky-larking for some time, and then stagemanage on the bank of a river or a stream that she has been kidnapped or taken by force. The parents brought criminal complaints that their girls had been kidnapped and the persons were sentenced very heavily by the Judges who did not know the elementary condition of life there. Some time later, the Government had to issue circulars that in such cases, the matter should be allowed to be compromised. Probably, in other provinces also, this would be taken as a very serious offence and the persons would be given four to seven years rigorous imprisonment. In our country for such cases a preliminary enquiry has to be made and a chance has to be given for compromise. In 99 per cent. of the cases, compromises were effected after giving some solatium to the parents. In the same way, as regards marriages, we have a very simple custom of tying the nuptial knot and blessings by the people present in the village completes a marriage. The People who come from Bengal and other provinces or Europeans, who have read the Hindu Law and other things, put into force the strict laws of those countries and the result was the nullification of marriages. This may happen in Orissa or Bihar. People may not know the customs in Ranchi and other places and they may commit mistakes. I have not prevented any man from coming from any other province and practising in the High Court of the province. The only thing I insist is that they should live there for seven years so that they may be acquainted with the customs in the country, to become eligible for appointment as district judges.

The interpretation clause has complicated the matter as it includes not only district judges. but also additional district Judges and assistant sessions Judges. They will have to deal with matters which are absolutely local. Therefore, if an advocate or lawyer has not practised in the High Court of the province where they are going to be appointed as judges, there will be failure of justice. My amendment is a very simple one and there will be no harm done if the Drafting Committee sees its way to accept this amendment.

Pandit Thakur Das Bhargava : Sir, I beg to move:

"That in amendment No. 20 above, in the proposed new article 209 E. after the word 'may' where it occurs for the first time the words 'at any time' be inserted."

Mr. President : You are not moving No. 22.

Pandit Thakur Das Bhargava : I am not moving 22; I am moving 23 and 24.

Sir, I beg to move:

"That in amendment No. 20 above at the end of tile proposed new article 209-E, the following proviso be added:

'Provided that the Governor or the Ruler as the case may be shall.—

(i) in the case of States mentioned in Part I of the first Schedule after the lapse of three years from the commencement of this Constitution if the Legislature of the State passes a resolution recommending the making of such direction, or if no such resolution is passed after the lapse of ten years from the commencement of this Constitution; and

(ii) in the case of States mentioned in Part III of the First Schedule after the lapse of seven years from the commencement of this Constitution, if the Legislature of the State passes a solution recommending the making of such direction and if no such resolution is passed, after the lapse of ten years from the commencement of this Constitution, by public notification make such directions'."

While reading, I am very sorry, Sir, I have discovered a mistake in para. (i) of amendment No. 24, The word 'ten' should be 'five' years. So far as I remember, I gave 'five' in my original. It may be by a slip of the pen I may have given, the word 'ten'. What I intended was 'five'. I do not know if 'five' or 'ten' was given in the original. I would beg of you to amend it to 'Five'.

Mr. President : Very well.

Pandit Thakur Das Bhargava : Sir, in regard to this amendment, the result would be that so far as article 209E is concerned, it will remain with the sweet will of the Governor whether he makes the direction contemplated in article 209E. I should like to bind the Governor or Ruler of the State that if the legislatures of the States mentioned in Part I of the First Schedule make a recommendation within three years, the Governor shall be bound to-give effect to that recommendation and in case they do not do so, then, the Governor will be bound after the lapse of five years to make the direction contemplated in article 209E. Similarly, in the case of States mentioned in Part III of the First Schedule, after the lapse of seven years, if the legislature does not make a recommendation, then, the ruler will be bound to make the direction after the lapse of ten years. During the first seven years, it rests with the legislature to make a recommendation for this direction to be implemented.

Now Sir, this question of the separation of the judiciary from the executive is a very very old one. It has been the main plank of the resolutions of the Indian National Congress in the days of foreign domination. Now, when we have attained freedom, the people of the country expected that this reform which was over-due, shall be implemented as soon as possible. While we passed some directive principles, we also included a recommendation of this nature. Now when we read article 209E every person is bound to consider that at some time or other the Governor will make this directive. Now 209E is in the nature of a pious wish. Dr. Ambedkar when he introduced this said there is nothing revolutionary about this Chapter. I think he was quite right; but unfortunately there is nothing even evolutionary about it because we wanted that with the advent of Swaraj, the Judiciary will be independent of the Executive control and the people will get Justice; but if it is not to be as soon, as it is possible, I would rather like that the realities of the situation were appraised rightly and the period that I have prescribed was to be the ultimate period during which this reform should have been implemented.

What happens at present is known to all members of this House. At present the Magistrates are under the control of the District Magistrates who are also the Chief Officers of the Police, in the Districts. Therefore, the Magistrates do not work with that independence and impartiality which we should expect if we want even-handed justice to be meted out to the people. The District Magistrate in whom all powers are centered, if he wants to pull up the Magistrates, can call them to his own Court. The promotions of the Magistrates depend upon the recommendation of the People and if the police makes a report against him it will affect his promotion.

Mr. President : Is it necessary to go over those grounds? There is nobody here who says that there should be no separation. The question is only of convenience and time.

Pandit Thakur Das Bhargava : Confining myself to this aspect only, I will only submit that I know that there are certain parts of India in which, as the words imply, the rule of, the law is being established only now and in regard to those cases, I have fixed the limit of ten years. Otherwise in Bombay, Madras and U.P. and certain other parts of the provinces even now this reform can be implemented. Therefore I have given the period of three years in regard to parts mentioned in Part I and ultimately five years, and seven years and ten years to other States mentioned in Part II. My humble submission is if we do not accept even this amendment then it means 209-E will for ever remain a pious wish as it will be a Directive Principle. There is no point in having this prospect dangling before our eyes as will-o-the wisp which is never to be implemented. When we passed the Directive Principles I remember there was a row in the House some people wanted it to be immediately effective and others said that the time is not ripe. Therefore to have a golden mean between the two I am suggesting these stages and this period. I would be very happy if Dr. Ambedkar accepted this amendment of mine.

Mr. President : 117—Member not in the House Pandit Kunzru.

Pandit Hirday Nath Kunzru : Mr. President, I move:

"That in amendment No. 20 of List I (Eighth Week) in clause (1) of the proposed new article 209 A, the words 'and the posting and promotion of' be omitted."

I also move with your permission :

"That in amendment No. 20 of List I (Eighth Week) in the proposed new article 209 C, after the words 'grant of leave to' the words 'district judges in any State and' be inserted."

The object of my amendments is to allow High Courts to be responsible for the transfer and promotion of District judges in the same manner as they will be for the transfer and promotion of Subordinate Judges and other Subordinate Judicial officers. My amendments do not touch the question of appointment. The Governor will appoint District Judges in consultation with the High Court. All that I desire is that District Judges after their appointment by the Governor should be under the control of the High Court. I have for my amendment the authority of no less a person than the Chairman of the Drafting Committee-my honourable Friend Dr. Ambedkar. The language of articles 209 A and 209 C. ....

Shri T. T. Krishnamachari : They are all tentative. Do not throw your words on this here again.

Pandit Hirday Nath Kunzru : I am entitled to quote from or refer to the articles of which my honourable Friend Dr. Ambedkar gave notice in the last session and they are printed on the last but one page of Volume I of the Printed amendments. If I say anything that is incorrect, my honourable Friend Dr. Ambedkar will certainly be able to refute me but I do not see why I should not refer to an amendment given notice of by him that appears to me to be quite sound. Dr. Ambedkar has not told us why he has departed from the phraseology of his earlier amendments. They provided that while the appointment of District Judges should be under the control of the Governor, their promotion and transfer should be under the control of the High Court. Now, in my opinion it is necessary that the High Court should have control over all those officers who are concerned with the judicial administration. District Judges are judicial officers. There is no reason, therefore, why control in respect of their transfer

and promotion should not be made over to the High Court. I think that if High Courts are made responsible for this, the judicial administration will improve. We have found repeatedly in the past, that the absence of control by the High Courts over the posting and the promotion of District judges has weakened their authority and weakened also the judicial administration. The District Judges feeling that the High Court had no control over them, generally looked up to the executive. I do not mean to say that no District Judge paid any regard to the provisions of the law, or that the District Judges as a rule decided cases in accordance with the convenience of the executive. But any lawyer that we might consult would, I think, tell us that demands had been repeatedly made by associations representing various parties that District Judges should be placed under the control of the High Court. They had gone so far as to ask that their appointment too should rest with the High Court. I have not gone so far. My amendment is a conservative one. All that it seeks to achieve is that District judges should be transferred and promoted by the High Court in the same way as subordinate judge would be.

The question of promotion may seem to raise some difficulty. It may be thought that it means only promotion from District Judge to High Court Judge, but it does not mean this. We have already provided for the appointment of judges of the High Court in the section dealing with the power of appointment of the judges of the High Court. The word "promotion" here can only refer to the promotion of District Judges before they are made High Court Judges. Judges are promoted now from one grade to another, and if the grades continue to be as they are at present, the High Court will be able to promote the judges as the Executive Government does now. It does not seem to me, therefore, that the use of the word "promotion" will create any difficulty.

I have already said, Sir, that my amendments do not seek to make High Courts responsible for the appointment of District Judges. I could have done this; I could have put forward an amendment asking that the High Courts should have this power too. In Ceylon, Section 55 of the Constitution provides :

> ". . . that the appointment, transfer, dismissal and disciplinary control of all judicial officers should be vested in the Judicial Service Commission."

The Judicial Service Commission will consist of the Chief Justice, a judge of the High Court and one other person who is or has been a judge of the Supreme Court. But as I have said, my amendment does not seek to introduce in the Constitution the provision that exist in the Ceylon Constitution. It leaves the appointment of District Judges in the hands of the Government and their dismissal is to be regulated in accordance with such rules as may exist. My amendment, therefore, is a very moderate one and does not create any difficulty at all. On the contrary, it will strengthen the judicial administration by enabling the High Court to have control, to a large extent, over all those officers that will be engaged in the performance of judicial duties.

Shri R. K. Sidhwa (C. P. & Berar: General): Sir, could you kindly call me again? I had been out on some office business when my name was called; but I have to move an amendment which is important.

The Honourable Dr. B. R. Ambedkar : Absence cannot be an excuse.

Mr. President : I am afraid it is too late now.

Shri R. K. Sidhwa : It is rather an important amendment, as I want to show. In the event of difference of opinion between the High Court Judges and.....

Mr. President : And in showing that, you will have to speak of course. How will you show that, without speaking?

Shri R. K. Sidhwa : Sir, I will take only two minutes.

Mr. President : Very well. But please do not take more than two minutes.

Shri R. K. Sidhwa : Mr. President, Sir, I am very thankful to you for kindly permitting me to move my amendment. I had gone out on some office work, and not on private business. I beg to move :

"That in amendment No. 20 of List I (Eighth Week), at the end of clause (1) of the proposed new article 109 A, the following be added :—

' where there is a difference of opinion regarding an appointment between the Governor or Ruler of the State and the High Court, the opinion of the former shall prevail'."

My amendment is self-explanatory. It has been suggested that opinions are to be gathered from three agencies, government's opinion, comprising of the full Cabinet or the Home Minister, the Governor and the High Courts Judges. If the Governor and the Government agree, and if the High Court Judges do not agree, then my amendment says that the Government's and the Governor's opinion should prevail. Sir, this is only fair, because the High Court Judges should not be given all the power. The opinion of the Government and the Governor should prevail. With these words I commend my amendment for acceptance.

Mr. President : Prof. Shibban Lal Saksena had given notice of a number of amendments to the original article as it is printed in Printed List Vol. I, where Dr. Ambedkar had proposed some new articles as 209 A, 209 B and 209 C. And Prof. Saksena had given notice of amendments to these articles. But now that these articles have not been moved, the question of substitution anything" for them does not arise.

Prof. Shibban Lal Saksena : Sir, you had allowed such amendments in the past.

Mr. President : But you had notice of this substitution motion, as other Members had, and they have given notice to this new article now before the House. You could have given notice of your amendments also. Wherever there was a question which was germane, and where there was not sufficient notice of the amendment proposed, I allowed old amendments to be taken. But in this case the Member had sufficient notice of the amendment which was moved by Dr. Ambedkar.

Prof. Shibban Lal Saksena : So many amendments have been allowed to be moved to amendments which were not moved.

Mr. President : They could be fitted in and so they may have been allowed. But there has been sufficient time in this case and other Members have given notice of amendments to the amendment moved by Dr. Ambedkar. So I do not think I will allow it. But if you want to speak about it, you can.

Prof. Shibban Lal Saksena : Yes, I would like to speak, Sir. What I wanted to be substituted for this article has already been expressed in my amendment No. 106 contained in the old list. So far as the present draft is concerned, Dr. Ambedkar has himself confessed that the Magistracy will not be under the High Court. I am very glad for the frankness with which he admitted in regard to 15 A that he wanted "due process of law" but he has not been able to get what he wanted. Similarly, he has confessed that he wanted the judiciary to be entirely under the High Court, but he has not been able to have it. He is giving us some compromise against his wishes for satisfying the Home Ministry. I realize the difficulty, but as we are making the Constitution for the future generations, we should at least have it on record that we are not in agreement with the views of the Home Ministry, whether it be at the Centre or in the Provinces. Articles 15 and 15 A are a complete denial of liberty of person. They are the darkest Part of the Constitution. Under article 209 E which Dr. Ambedkar has proposed, we are negativing the principle which, has

already been accepted under the Directive Principles, namely, that the judiciary shall be separate from the executive. I feel that although we have put it there, we do not really mean to implement it. In the original article, three years time-limit was put and during the discussion, the Prime Minister said that it would be done earlier than three years. But even the ten years limit proposed by Mr. Bhargava is not being accepted.

I feel therefore that the Drafting Committee has not been able to get the Home Ministries to agree to a separation of the judiciary from the executive. The present provisions are a complete denial of the civil liberties of the person. I had in my amendment suggested that the Supreme Court and the Chief Justice should be the ultimate guardian of the liberties of the subjects and all the High Courts and subordinate judges should be ultimately amenable to their control. But the article as now framed is really a reproduction of all that was contained in the Government of India Act and there is in fact no separation of the judiciary from the executive. If this provision is put in, I fear that there will be no such separation unless there is an amendment of the whole Constitution, because after these provisions in the Constitution I am sure no province will care to go in for separation of the executive and the judiciary. The amendment moved by Mr. Bhargava says that this separation should be done at least in some provinces quickly and in the some after three, five or ten years. Even that has not been accepted. That shows that all provincial Home Ministries do not want such separation. If that is also the view of the independent Central Government of India, I am afraid that liberty of the person will not be guaranteed and we shall still continue to be under the old system of Government which has so far prevailed. We are probably still living in the past. I hope that Dr. Ambedkar will see the wisdom of accepting the amendment of Mr. Bhargava and at least let those provinces which are advanced to have this separation of judiciary from the executive effected much quicker.

Shri Brajeshwar Prasad : Sir, I risk to oppose the amendment moved by my Friend Mr. Sidhva. I am definitely of opinion that where there is a conflict between the High Court and the Government, the opinion of the High Court should prevail.

Secondly, I am opposed to the words "in consultation with the High Court" I definitely hold the view that appointments, postings and promotions must be removed from the purview of the provincial governments. I know of cases where High Court Judges have been removed and transferred because certain members of the Congress who hold high influence in the Governments did not pull on with some judges. The High Courts did enter into controversy with the provincial governments and the High Courts were frustrated. Therefore, I am definitely of the view that this measure is not in conformity with the needs of the situation. The need is that the provincial administration must be purified, must be free from corruption, must be free from nepotism. In article 209 D the words "in accordance with the rules made by him in this behalf after consultation with the State Public Service Commission and with the High Courts" are not clear. My knowledge of English is poor. I cannot see whether the words "after consultation with the State Public Service Commission" govern the word "rules" or the word "appointments", whether the Governor has to frame the rules in consultation with the High Court and the Public Service Commission or the appointments are to be made in consultation with the State Public, Service Commission and the High Court. I am of opinion that rules should be made in consultation with the Public Service Commission and the High Courts and appointments also made in consultation with the Public Service Commission and the High Courts.

Shri R. K. Sidhwa : May I know whether my Friend does not trust his own Government and his own Governor?

Shri Brajeshwar Prasad : I have no faith in provincial autonomy. This is my general proposition which I have clearly expressed on the floor of this House times without number. I need not go into the reasons once again.

Dr. P. S. Deshmukh : (C. P. & Berar: General) : I am glad you realize that.

Shri Brajeshwar Prasad : The realization will also come to you at a later stage. I want that all classes of Magistrates should be outside the purview of the Council of Ministers as regards appointment, posting and promotion. It ought to be laid down in clear and explicit terms that this reform should be implemented within two years from the date of the commencement of this Constitution. This article does not lay down in clear and explicit terms when these reforms will come into operation. I am referring to article 209 E.

There is another restriction attached to this article. The words used have been "subject to such exceptions and modifications as may be specified in the notification." Sir, the plea of administrative difficulties is merely designed to cover the lust for political power and patronage. I do not want that this restriction should find a place in the article. I hold these views because there is a necessity for purifying the provincial administration. It will secure also the liberty of the individual. It will strengthen the foundations of the State and it will generate a feeling of loyalty towards all Governments in-India if the reforms, as I have suggested, are incorporated.

Shri P. S. Nataraja Pillai (Travancore State) : It is only to clear a doubt I stand here, Sir. I would like to ask whether it is intended by this article to exclude Schedule 3 States from the provisions of article 209 A or is it that they are to be included ?

Shri R. K. Sidhwa : My amendment says so!

Shri P. S. Nataraja Pillai : In article 209 A, B and E, the wording used is 'Governor of the State" and the word 'Ruler' is omitted. But in one of the amendments moved by Pandit Thakur Das Bhargava, I think, he suggested that all these articles will apply also to Schedule 3 State. I would like to clear the doubt whether this is intended to apply to Schedule 3 States as well and if so, the necessary changes may be made.

I would like also to support the amendment moved by Mr. Chaliha, as far as the subordinate judiciary is concerned. If I may say so, for my State, the land tenure laws, the special customs prevalent there even in money transactions and the laws in force make it necessary that the recruitment should be limited to lawyers who practise in those High Courts that exercise jurisdiction in that area. If the words as used here are adopted, the lawyers practising in any High Court may be eligible for recruitment to any High Court. Unless you limit the recruiting of lawyers of High Courts of those areas to those District Courts, it will create difficulties. I want that suggestion to be considered.

The Honourable Dr. B. R. Ambedkar : With regard to the observations of the last speaker, I should like to say that this chapter will be part of the Provincial Constitution, and we will try to weave this language into that part relating to States in Part III by special adaptation at a later stage.

There are two amendments—one by Mr. Chaliha and the other by Pandit Kunzru—which call for some explanation.

With regard to the amendment moved by Mr. Chaliha, I am sorry to say I cannot accept it, for two reasons : one is that we do not want to introduce any kind of provincialism by law as he wishes to do by his amendment. Secondly, the adoption of his amendment might create difficulties for the province itself