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THE CONSTITUTION (NINTH AMENDMENT) BILL, 1956

Composition of the Joint Committee

Shri Govind Ballabh Pant—*Chairman*.

MEMBERS

Lok Sabha

2. Shri U. Srinivasa Malliah
3. Shri H. V. Pataskar
4. Shri A. M. Thomas
5. Shri R. Venkataraman
6. Shri S. R. Rane
7. Shri B. G. Mehta
8. Shri Basanta Kumar Das
9. Dr. Ram Subhag Singh
10. Pandit Algu Rai Shastri
11. Shri Dev Kanta Borooah
12. Shri S. Nijalingappa
13. Shri S. K. Patil
14. Shri Shriman Narayan
15. Shri G. S. Altekar
16. Shri G. B. Khedkar
17. Shri Radha Charan Sharma
18. Shri Gurmukh Singh Musafir
19. Shri Ram Pratap Garg
20. Shri Bhawanji A. Khimji
21. Shri P. Ramaswamy
22. Shri B. N. Datar
23. Shri Anandchand
24. Shri Frank Anthony
25. Shri P. T. Punnoose
26. Shri K. K. Basu
27. Shri J. B. Kripalani
28. Shri Asoka Mehta
29. Shri Sarangadhar Das
30. Shri N. C. Chatterjee

31. Shri Jaipal Singh
32. Dr. Lanka Sundaram
33. Shri Tek Chand
34. Dr. N. M. Jaisoorya
35. Shrimati Tarkeshwari Sinha

Rajya Sabha

36. Shri Chandulal P. Parikh
37. Shri Biswanath Das
38. Shri K. Madhava Menon
39. Capt. Awadhesh Pratap Singh
40. Dr. Anup Singh
41. Shri A. Satyanarayana Raju
42. Shri M. D. Tumpalliwar
43. Shri K. S. Hegde
44. Shri Tarkeshwar Pande
45. Shri T. R. Deogirikar
46. Dr. P. Subbarayan
47. Shri J. V. K. Vallabharao
48. Shri V. K. Dhage
49. Shri Kishen Chand
50. Shri Surendra Mahanty
51. Kakasaheb Kalelkar.

DRAFTSMAN

Shri K. V. K. Sundaram, *Special Secretary, Ministry of Law.*
Shri R. S. Sarkar, *Joint Secretary and Draftsman, Ministry of Law.*

SECRETARIAT

Shri P. K. Patnaik, *Under Secretary.*

Report of the Joint Committee

1. the Chairman of the Joint Committee to which the *Bill further to amend the Constitution of India was referred, having been authorised to submit the report on their behalf, present their Report; with the Bill as amended by the Committee annexed thereto.

2. The Bill was introduced in the Lok Sabha on the 18th April, 1956. The motion for reference of the Bill to a Joint Committee of the Houses (*Vide* Appendix I) was moved by Shri Govind Ballabh Pant on the 26th April, 1956 and was discussed in the Lok Sabha on the 26th and 27th April, 1956 and was adopted on the 27th April, 1956.

3. The Rajya Sabha discussed and concurred in the said motion on the 2nd May, 1956 (*Vide* Appendix II).

4. The message from the Rajya Sabha was read out to the Lok Sabha on the 3rd May, 1956.

5. The Report of the Committee was to be presented by the 14th May, 1956. The Committee were, however, granted extension of time on the 14th May, 1956 upto the first day of the next session of the Lok Sabha.

6. The Committee held four sittings in all.

7. The Committee considered the Bill clause by clause at the sittings held on the 10th, 11th and 12th July, 1956.

8. The Committee considered and adopted the Report on the 14th July, 1956.

9. The observations of the Committee with regard to the principal changes proposed in the Bill are detailed in the succeeding paragraphs.

10. *Clause 3.*—The Committee consider that in view of the change in the constitutional structure of Bombay, Delhi and Himachal Pradesh, as also in view of the fact that Parliament will be the legislature for these States, these three Union territories may justifiably be given somewhat larger representation in Parliament. The Table in the Fourth Schedule has accordingly been amended giving five seats to Bombay, three to Delhi and two to Himachal Pradesh.

11. *Clause 4.*—For the same reason, the Committee have increased the maximum limit of 20 members to represent the Union territories, proposed in the revised article 81(1)(b), to 25 members.

*Published in Part II—Section 2 of the Gazette of India, Extraordinary, dated the 18th, April, 1956.

12. *New clause 7.*—When the same person is appointed Governor for two or more States as envisaged in clause 6 of this Bill, an express provision for allocating the emoluments and allowances payable to the Governor among those States will be required. This new clause makes the requisite provision in article 158.

13. *Clause 8 (original clause 7).*—The Committee consider that since the State of Bombay has at present a Legislative Council and the State of Maharashtra will be the principal successor State to the State of Bombay, provision should be made in this Bill, as well as in the States Reorganisation Bill, for establishing a Legislative Council for Maharashtra. As regards the new State of Madhya Pradesh, the Committee consider that since there is no Legislative Council in any part of the territories of that State, it would be preferable to leave that State to take the necessary steps under the Constitution after it comes into existence. The clause has been modified accordingly.

14. *Clause 15 (original clause 14).*—A new clause (3) has been added to the revised article 224 in order to make it clear that no person appointed as an additional or acting Judge of a High Court under this article can hold office after attaining the age of 60 years.

15. *Clause 17 (original clause 16).*—The two new articles, 239 and 240, proposed in this clause in regard to Union territories have been revised by the Committee. As regards article 239, the Committee consider that the general provision for central administration of Union territories must be expressly made subject to whatever legislation Parliament may enact in that behalf. They consider that provision should be made in the article enabling the appointment of the Governor of a neighbouring State to be in charge of the administration of a Union territory as agent of the President. The designation "Chief Commissioner" has also been changed to "Administrator".

As regards the proposed article 240, the Committee consider that the regulation making power of the President should be restricted to the Andaman and Nicobar Islands and the Laccadive, Minicoy and Amindivi Islands, and that in regard to the other Union territories Parliament should be the law making body.

16. *Clause 19 (original clause 18).*—The proposed new article 290A has been amplified providing for a charge of Rs. 13·5 lakhs on the Consolidated Fund of Madras for payment every year to a Devaswom Fund to be established in that State for the maintenance of Hindu temples and shrines in the five taluks which will be transferred to it from Travancore-Cochin.

✓ 17. *Clause 22 (original clause 21).*—It was urged before the Committee by its members from Vidarbha that the agreement entered

into in September, 1953, known as the Nagpur Agreement, should, to the extent practicable, be given constitutional recognition. The members from the other Maharashtra areas gave their full support to this proposal. A new clause has accordingly been added to the proposed article 371 with the consent of the members from Maharashtra.

18. *New clause 23.*—In this clause a new article 372A, corresponding to article 372, has been proposed empowering the President to make an Adaptation of Laws Order. Such an order will be necessary in view of the various constitutional changes proposed in the Bill.

19. *New clause 24.*—In this clause, the Committee have proposed a special provision regarding the duration of the Legislative Assembly of Andhra Pradesh. According to the provision made in the States Reorganisation Bill, about one-third of the Legislative Assembly of the enlarged State will be newly elected at the forthcoming general election. The Committee consider that, in the peculiar circumstances, it would be appropriate to extend the life of the Assembly as so reconstituted until the expiry of five years after the re-election of the Telangana members. This would make it possible for future general elections in Andhra Pradesh to be held simultaneously for the Lok Sabha and the Legislative Assembly.

20. *Clause 25 (original clause 22).*—The Committee have carefully considered the proposal in the Bill to give to the Judges of the High Courts of Kerala, Mysore and Rajasthan salaries at a lower rate than that provided for the Judges of the other High Courts. The Committee consider that it would not be desirable to introduce this distinction, particularly when all the States are being placed on the same constitutional level. It will also be difficult to justify any disparity in pay-scales when the area and population of these States are compared with those of some of the other States. The Committee have, therefore, amended the clause providing for the same salary to the Judges of all High Courts.

The Committee have proposed a minor amendment in the proposed proviso to sub-paragraph (1) of paragraph 10, and also in the proviso to sub-paragraph (1) of paragraph 9 relating to Judges of the Supreme Court. These amendments provide for the cases where the Judge in receipt of a pension for previous service has, before appointment, either commuted a portion of his pension or received a retirement gratuity in addition to pension. The Committee consider that in either case, his salary should be further reduced by the amount of the commuted portion of the pension or the pension equivalent of the gratuity, as the case may be.

21. *The Schedule.*—(i) The Committee have deleted the amendments of articles 208 and 209 proposed in the Bill, since they understand that one or two State Legislatures have not made fresh rules of procedure under article 208(1) and are acting under the pre-Constitution rules as continued under article 208(2).

(ii) Since regular Acts have been passed by Parliament, as well as by all the State Legislatures, determining the salaries and allowances payable to Ministers, the Committee propose that Part B of the Second Schedule to the Constitution may be omitted, instead of being amended.

22. The Joint Committee recommend that the Bill as amended be passed.

NEW DELHI;
The 15th July, 1956.

GOVIND BALLABH PANT,
Chairman,
Joint Committee.

Minutes of Dissent

I

Clause 9 of the Bill.—I am definitely against increasing the strength of the Legislative Councils of States. Under Article 171 of the Constitution the total number of members in the Legislative Council of a State shall not exceed one-fourth of the total number of members of the Legislative Assembly of that State. The Bill has raised the maximum strength from one-fourth to one-third. The time has come when the Parliament should seriously consider whether the Legislative Councils should be continued any further. Some State Assemblies have rightly resolved to do away with the costly paraphernalia of a bicameral Legislature.

In practice these Legislative Councils, which are supposed to play the role of revising chambers, have become the dumping grounds of defeated candidates or disgruntled party men. The increase of the maximum strength of the Legislative Council would give increased opportunity for distributing patronage.

Clause 17 (Original clause 16).—I do not agree with the provision made with regard to the administration of Union Territories, specially having regard to the fact that advanced and progressive cities like Bombay and Delhi which had democratic set-up and which have played an important role in India's struggle for freedom are being reduced to the position of States or areas without any legislature. This clause has been improved by the Joint Committee. Yet in my opinion some definite provision for a democratic set-up should be made for the Union Territories other than Andaman and Nicobar Islands.

Clause 22 (Original clause 21).—I have strong objection to this clause. I maintain it is wrong on principle that the President by an executive order should provide for the constitution of Regional Committee or specify their functions. In any event the Parliament should have power to frame laws in that behalf, if such Regional Committees are deemed necessary. There are important innovations made by the Scheme of Regional Committees which will make serious inroads, on the working of the Parliamentary form of Government. In effect this clause is making the President a Super-Parliament and is conferring upon him constituent powers to make vital changes in the set-up of a democratic Government as envisaged in the Constitution of India.

With regard to the Punjab Regional Formula the State is going to be divided into two regions, namely, the Punjabi-speaking Region and the Hindi-speaking Region and for each region there will be a Regional Committee of the State Assembly. The S.R.C. has clearly found that there is no real language problem in the State of Punjab. It has further pointed out that the line of demarcation between the Punjabi and the Hindi spoken in the State is more theoretical than real. Moreover, the Commission has observed that with the large scale influx of Punjabi-speaking people from Western Punjab into all the districts of the State, this line has been further blurred. The Commission's definite finding is that there are no distinctive cultural zones in the State.

✓ Therefore basically the demand for constituting two regions is a communal one and cultural or linguistic arguments are pressed in service as a cloak for camouflaging the real object which is the division of Punjab on a communal lines.

The most serious objection is to clause 5 of the Regional Formula. Under that clause in case of difference of opinion between the Regional Committee and the State Legislature reference would be made to Governor whose decision would be final and binding. This will mean that the Governor can veto the Legislature on certain vital matters. In actual practice the Governor will have to act on the advice of the Ministers. This will virtually mean that the executive will have a veto over the elected Legislature. Moreover, the Governor will have to take part in party politics and will have to take sides in controversial issues and this will detract from his position.

The official language of each Region at the District level and below will be the Regional language. This means that in the so-called Punjabi-speaking region only Punjabi in Gurmukhi script shall be the official language. Hindus and sikhs of Punjab are bound together by indissoluble ties of close relationship and common culture. The Sikh Gurus are the spiritual leaders of both Hindus and Sikhs. Guru Govind Singh created the Khalsa panth for the protection and revival of Hindu Dharma. His invocation was inspired by the well-known couplet which rendered in English means:—

"May Khalsa Panth flourish in the whole world;

May Hindu Dharma flourish and chase away all falsehood".

We are not opposed to the Gurmukhi script or the Punjabi language but there should be no imposition of a script or language on any

community. Option must be given to write Punjabi in Devnagri or Gurmukhi or Urdu script as was the practice in pre-partition Punjab.

I would welcome any formula which leads to communal harmony and understanding in Punjab. But unfortunately this Regional Formula has not been accepted by a large section of the community. Instead of bridging the gulf this formula has created further rift and has stimulated separatist tendencies. The Commission has observed that the communities are so interspersed in the Punjab that no form of re-organisation can be a real substitute for communal harmony. Every well-wisher of Punjab will appreciate the cogency of the observation of the Commission that the formation of United Punjab will facilitate planning and economic development.

With regard to Andhra-Telangana Regional Formula the controversial features are:—

1. Prohibition is left to the option of the members of Telangana. This is against the Directive Principles of the Constitution.
2. The sale of land in Telangana will be controlled by the Regional Committee. This will be creating another Kashmir in Telangana.
3. Urdu will be the language of administration for five years.
4. Domicile or residence for a number of years will be the condition precedent to employment in Telangana. This would be against the fundamental rights and against the spirit of the Constitution.
5. The Governor will have the power of veto in case of difference of opinion between the Regional Committee and the Legislature. This is also objectionable as I have indicated above.

Safeguards for minorities

A good deal of difficulties and misunderstandings would be obviated if constitutional safeguards can be devised for linguistic groups. The Bill has in clause 21 incorporated a new article, namely Article 350(A) in order to implement one recommendation of the S.R.C. The Commission recommended that constitutional recognition should be given to the right of linguistic minorities to have instructions in their mother-tongue at the primary school stage subject to a sufficient number of students being available. The only difficulty is that these constitutional safeguards mean very little unless effective power is given to the Central Government or the

Governor to enforce the rights of linguistic groups or minorities. It was pointed out with cogency that all linguistic minorities should have the right to affiliate educational institutions, established or administered by them to a recognised examination being conducted through the medium of their mother-tongue in any part of India. In my opinion, this is implicit in Article 30 of the Constitution which gives the fundamental right to a linguistic minority to establish and administer educational institutions of its choice. But in actual practice difficulties have been experienced and linguistic minorities have been denied the right to an examination through a medium of its own language. Some power should be given to the President or to the Central Government to issue directives so that the right to have its own educational institutions may not be illusory. The formation of linguistic States will not solve the problem of linguistic minorities. But in some areas their position may be more difficult.

High Courts and Judicial Salary.—In my opinion, the joint Committee has taken the very right course in recommending that there shall be no disparity in the salaries of High Court Judges throughout India. Now that we are abolishing the artificial distinctions between Parts A, B and C States and have put all the States on the same footing, it will be incongruous to have a lower scale of salaries for the Chief Justice and Judges of the three High Courts, viz., Kerala, Mysore and Rajasthan.

There is a good deal of feeling in the legal profession that the restriction on practice after being a permanent Judge should not be removed. The restriction can be retained without detriment to the quality and independence of judges who would be recruited from the Bar, only if the age of retirement of Judges throughout India be raised to the age of 65 as has been provided in the case of Supreme Court Judges.

With regard to the appointment of additional and acting Judges it seems that power has got to be taken in order to clear up arrears which, in some High Courts, have assumed very serious proportions. The power to transfer a Judge from one High Court to another High Court also demands that all Judges should be placed on the same footing throughout India and the salutary provision may weed out many undesirable or unhealthy practices.

N. C. CHATTERJEE

NEW DELHI;
The 14th July, 1956.

II

This amendment to the provisions of the Constitution is due mainly to the reorganisation of States. Many of its provisions are consequential to the provisions of the States Reorganisation Bill. Therefore our objections to some of the clauses of the S.R. Bill also hold good and apply to the similar clauses of this bill. We however do not propose to repeat those arguments here as they are unnecessary in view of the one following the other.

For various reasons enumerated in that note we are strongly opposed to the formation of the Union territory of Bombay city which should have logically formed part of Maharashtra. It is a pity that the most developed Bombay will rank equally with a backward territory like Andaman and Nicobar Islands.

The Laccadive, Minicoy and Amindive Islands which was so long managed as a part of the State of Madras will also be converted into a Union territory. Instead of extending the scope of democratic Government here provision is made for the withdrawing of democratic rights which we cannot agree. We desire that these Islands however small should have some kind of representative Government. Even no provision is made for their sending elected representatives to the Parliament which we regret very much and we hope that Parliament in its wisdom will make necessary provisions.

We are of opinion that the name of the new State of Mysore should be changed to Karnataka.

In clause 4 sub-clause (b) the method by which representatives to the House of People is to be chosen has been left to be decided by the Parliament. We have a Constitution which has adopted adult franchise and direct election to the House of the People. We are therefore strongly of opinion that representatives of the Union territories should also be chosen by direct election on adult franchise.

The amendment of the Constitution to extend the life of the present legislature of Andhra so as to synchronise with elections from the added part of Telangana is wrong and should not be done. Elections within two years may be somewhat harsh to a section of the people. But the sanctity of the democratic principle is more important. The Constitution should not be amended for political expediency.

We are of opinion that taking advantage of the Constitution amendment we should have reduced the strength of nominated element in the Second Chambers of the States which we consider to be a superfluous institution and should have been abolished. In the Rajya Sabha only 12 out of 250 are nominated whereas in the State Legislative Council, 1/6 of the total membership, i.e., 12 out of 72 are nominated. This we suggest should be reduced to 1/9th.

Under the scheme of our Constitution, the Judiciary occupies a very important place. On the independence of the Judiciary largely depends the preservation of democratic rights as embodied in our Constitution. The Judges of the High Court who are to protect the citizen from the encroachment of the fundamental rights by the Executive, should be above all suspicion and the people must have similar feelings. The Judges should be kept free from all executive influences, and should have a position of honour and respect in our society. We are, therefore, opposed to the Judges being allowed to practise after retirement or to be eligible for any appointment by the executive as it would undermine the prestige and good name of the Judiciary. Instead of appointing Judges to many *ad hoc* posts after retiring we would prefer that retirement age of the Judges to be extended to 62 years.

We oppose the deletion of clause (2) of Article 222. We do not appreciate the idea of bringing judges from other High Courts, who may not know the language of the region. Such transfers of Judges from one High Court to another should not take place against their wishes and without any compensatory allowances. We feel that such a provision for transfer from one High Court to another might lead to abuse and an independent Judge not liked by the executive may be transferred outside. This is likely to undermine independence and prestige of the Judges.

We are strongly of the opinion that the safeguards for the use of language as provided in the new Article 350A should be extended to secondary stage of education.

We are generally opposed to the scheme of Regional Councils as embodied in the proposed new article 371 applicable to the States of Punjab and Andhra Pradesh. We feel that this is the result of a political expedience and compromise and not based on any sound principle. We are willing to concede that in the interest of good Government it is necessary to give or guarantee some safeguard to the people of backward regions, the linguistic minorities and tribal people for their well-being when they might form a substantial number in a particular area of the State and not in the whole of it. In such cases regional Council and some such things as statutory

guarantees may be justifiable. Here it seems that the scheme have been planned out by top leaders of different groups and parties to settle their disputes without any sound democratic principle being involved in it. However, the formation of such regional Councils should be on the advice of the Parliament and not left to the President-alone. The Parliament shall lay down certain forms on which such councils may be formed.

We have read the report.

NEW DELHI;

The 14th July, 1956.

KAMAL KUMAR BASU

J. V. K. VALLABHA RAO

III

I consider that the Bill as it has emerged from the Joint Committee is a great improvement on the original, and I agree to the Report of the Committee subject to the following observations:

(1) *Regional Committee for Andhra:*

I am glad that the mischief which has arisen from paragraph 6 of the Home Ministry's Note on safeguards for linguistic minorities (which quoted an agreement between some leaders of Andhra and Telangana) has been avoided as a result of the discussions in the Joint Committee. I still hold that something specific should be done to improve the new clause 22 of the Bill as it has emerged from the Select Committee.

I had occasion to raise this question at considerable length in the Joint Committee, and I am glad that the so-called agreement between some Andhra and Telangana leaders of February 20, 1956, as quoted by the Home Ministry's Note, will *not* be the basis for the functioning of the Standing Regional Committee for Andhra Pradesh. I am also glad that the note of the Home Ministry indicating the action proposed to be taken on this agreement is subject to revision, and that steps are being taken to have further consultations in this matter.

I do sincerely trust that a document will be made available to Parliament before it discusses and disposes of this Bill, clearly indicating the manner in which the Regional Committee for Andhra Pradesh would work, of course as a result of the proposed consultations. I am also anxious that this document should be widely publicised through an appropriate device, so that the people of Andhra and Telangana portions of the new State of Andhra Pradesh will no longer be subject to the apprehensions which have arisen as a result of scrappy and garbled versions of the agreement of February 20, 1956 appearing in certain sections of the press.

I am for every reasonable and legitimate safeguard for the people of Telangana, but this should be only made possible without destroying the procedure and practice of democratic government, and without converting one region of the new State of Andhra Pradesh into a sort of *imperium in imperio*, with a minor legislature inside a major legislature, and with a minor Cabinet inside a major Cabinet. I am certain that every representative of these two areas would attempt to work in terms of understanding co-operation, and

not permit one region to hold the other to ransom. For this, an authoritative and equitable statement of the manner in which this Committee is to function must be made available to Parliament.

I wish that the original idea of a Regional Standing Committee (I emphasise the word *Standing*) has been kept in the new clause 22 of the Bill. I shall be glad if Parliament, in its wisdom, would restore the word Standing Committee as the only appropriate description of it.

(2) Legislative Modalities for Union Territories:

The new clause 17 of the Bill is a definite improvement on the original provisions, and I welcome it.

But, the manner in which the administration of Bombay, Delhi, Himachal Pradesh, Manipur, Tripura, the Andaman and Nicobar Islands and the Laccadive, Minicoy and Amindive Islands is to be carried on has been clearly and precisely set forth. I believe discussions are proceeding on this question, and I trust Parliament would have a proper statement made available to it before the Bill is passed into law.

It is clear that these widely disparate territories clubbed together under the entry "Union Territories", in part II of the First Schedule of the Constitution, cannot have the same type of administrative set-up. It is true that increased representation is given in respect of territories in both Houses of Parliament, but something must be done to associate representatives of the people with the Administrator, and obviously this should be on the elective principle. I am most anxious that Parliament before it approves this new clause 17 of the Bill, as it has emerged from the Joint Committee, will have sufficient details of the proposed administrative set-up made available to it by Government.

NEW DELHI;
The 15th July, 1956.

LANKA SUNDARAM

Bill No. 29B of 1956

THE CONSTITUTION (NINTH AMENDMENT)
BILL, 1956

(AS AMENDED BY THE JOINT COMMITTEE)

(Words side-lined or under-lined indicate the amendments made by
the Joint Committee asterisks indicate omissions)

A

BILL

further to amend the Constitution of India.

BE it enacted by Parliament in the Seventh Year of the Republic
of India as follows:—

1. (1) This Act may be called the Constitution (Ninth Amend-
ment) Act, 1956.

Short title
and com-
mencement.

5 (2) It shall come into force on the 1st day of October, 1956.

2. (1) In article 1 of the Constitution,—

Amendment
of article 1
and First
Schedule.

(a) for clause (2), the following clause shall be substituted,
namely:—

10 “(2) The States and the territories thereof shall be as
specified in the First Schedule”; and

(b) in clause (3), for sub-clause (b), the following sub-clause
shall be substituted, namely:—

“(b) the Union territories specified in the First
Schedule; and”.

(2) For the First Schedule to the Constitution, the following Schedule shall be substituted, namely:—

“FIRST SCHEDULE

[Articles 1 and 4]

I. THE STATES

5

| <i>Name</i> | <i>Territories</i> |
|--------------------------|--|
| 1. <u>Andhra Pradesh</u> | The territories specified in sub-section (1) of section 3 of the Andhra State Act, 1953 and the territories specified in sub-section (1) of section 3 of the States Reorganisation Act, 1956. 10 |
| 2. Assam | The territories which immediately before the commencement of this Constitution were comprised in the Province of Assam, the Khasi States and the Assam Tribal Areas, but excluding the territories specified in the Schedule to the Assam (Alteration of Boundaries) Act, 1951. 15 |
| 3. Bihar | The territories which immediately before the commencement of this Constitution were either comprised in the Province of Bihar or were being administered as if they formed part of that Province. 20 |
| 4. Gujarat | The territories specified in sub-section (1) of section 10 of the States Reorganisation Act, 1956. 25 |
| 5. Kerala | The territories specified in sub-section (1) of section 5 of the States Reorganisation Act, 1956. |
| 6. Madhya Pradesh | The territories specified in sub-section (1) of section 11 of the States Reorganisation Act, 1956. 30 |
| 7. Madras | The territories which immediately before the commencement of this Constitution were either comprised in the Province of Madras or were being administered as if they formed part of that Province and the territories specified in section 4 of the States Reorganisation Act, 1956, but excluding the territories specified in sub-section (1) of section 3 and sub-section (1) of section 4 of the Andhra State Act, 1953 and the territories specified in clause (b) of sub-section (1) of section 5, section 6 and clause (d) of sub-section (1) of section 7 of the States Reorganisation Act, 1956. 35 40 45 |
| 8. Maharashtra | The territories specified in sub-section (1) of section 9 of the States Reorganisation Act, 1956. |

| <i>Name</i> | <i>Territories</i> |
|---------------------------------------|--|
| 9. Mysore | The territories specified in sub-section (r) of section 7 of the States Reorganisation Act, 1956. |
| 5 10. Orissa | The territories which immediately before the commencement of this Constitution were either comprised in the Province of Orissa or were being administered as if they formed part of that Province. |
| 10 11. Punjab | The territories specified in section 13 of the States Reorganisation Act, 1956. |
| 12. Rajasthan | The territories specified in section 12 of the States Reorganisation Act, 1956. |
| 13. Uttar Pradesh 15 | The territories which immediately before the commencement of this Constitution were either comprised in the Province known as the United Provinces or were being administered as if they formed part of that Province. |
| 20 14. West Bengal 25 | The territories which immediately before the commencement of this Constitution were either comprised in the Province of West Bengal or were being administered as if they formed part of that Province and the territory of Chandernagore as defined in clause (c) of section 2 of the Chandernagore (Merger) Act, 1954. |
| 15. Jammu and Kashmir 30 | The territory which immediately before the commencement of this Constitution was comprised in the Indian State of Jammu and Kashmir. |

II. THE UNION TERRITORIES

| <i>Name</i> | <i>Extent</i> |
|--|---|
| 1. Bombay 35 | The territory specified in section 8 of the States Reorganisation Act, 1956. |
| 2. Delhi | The territory which immediately before the commencement of this Constitution was comprised in the Chief Commissioner's Province of Delhi. |
| 40 3. Himachal Pradesh 45 | The territories which immediately before the commencement of this Constitution were being administered as if they were Chief Commissioners' Provinces under the names of Himachal Pradesh and Bilaspur. |

| <i>Name</i> | <i>Extent</i> |
|---|---|
| 4. Manipur | The territory which immediately before the commencement of this Constitution was being administered as if it were a Chief Commissioner's Province under the name of Manipur. 5 |
| 5. Tripura | The territory which immediately before the commencement of this Constitution was being administered as if it were a Chief Commissioner's Province under the name of Tripura. 10 |
| 6. The Andaman and Nicobar Islands. | The territory which immediately before the commencement of this Constitution was comprised in the Chief Commissioner's Province of the Andaman and Nicobar Islands. 15 |
| 7. The Laccadive, Minicoy and Amindivi Islands. | The territory specified in section 6 of the States Reorganisation Act, 1956." 15 |

Amendment
of article 80
and Fourth
Schedule.

3. (1) In article 80 of the Constitution,—

(a) in sub-clause (b) of clause (1), after the word "States", 20
the words "and of the Union territories" shall be added;

(b) in clause (2), after the words "of the States", the words
"and of the Union territories" shall be inserted;

(c) in clause (4), the words and letters "specified in Part
A or Part B of the First Schedule" shall be omitted; and 25

(d) in clause (5), for the words and letter "States specified
in Part C of the First Schedule", the words "Union territories"
shall be substituted.

(2) For the Fourth Schedule to the Constitution, the following
Schedule shall be substituted, namely:— 30

"FOURTH SCHEDULE

[Articles 4(1) and 80(2)]

Allocation of seats in the Council of States

To each State or Union territory specified in the first column of
the following table, there shall be allotted the number of seats 35
specified in the second column thereof opposite to that State or that
Union territory, as the case may be.

TABLE

| | |
|-------------------|-------|
| 1. Andhra Pradesh | .. 18 |
| 2. Assam | .. 7 |

| | | | |
|----|-----------------------|-------|-------|
| | 3. Bihar | .. | 23 |
| | 4. Gujarat | .. | 11 |
| | 5. Kerala | .. | 9 |
| | 6. Madhya Pradesh | .. | 16 |
| 5 | 7. Madras | .. | 17 |
| | 8. Maharashtra | .. | 17 |
| | 9. Mysore | .. | 12 |
| | 10. Orissa | .. | 10 |
| | 11. Punjab | .. | 11 |
| 10 | 12. Rajasthan | .. | 10 |
| | 13. Uttar Pradesh | .. | 34 |
| | 14. West Bengal | .. | 15 |
| | 15. Jammu and Kashmir | .. | 4 |
| | 16. Bombay | .. | 5 |
| 15 | 17. Delhi | .. | 3 |
| | 18. Himachal Pradesh | .. | 2 |
| | 19. Manipur | .. | 1 |
| | 20. Tripura | .. | 1 |
| | | | <hr/> |
| | | TOTAL | 226" |

20 4. For articles 81 and 82 of the Constitution, the following articles shall be substituted, namely:—

Substitution
of new arti-
cles for
articles 81
and 82.

"81. (1) Subject to the provisions of article 331, the House of the People shall consist of—

Composition
of the House
of the
People.

25 (a) not more than five hundred members chosen by direct election from territorial constituencies in the States, and

(b) not more than twenty-five members to represent the Union territories, chosen in such manner as Parliament may by law provide,

30 (2) For the purposes of sub-clause (a) of clause (1),—

(a) there shall be allotted to each State a number of seats in the House of the People in such manner that the ratio between that number and the population of the State is, so far as practicable, the same for all States; and

(b) each State shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it is, so far as practicable, the same throughout the State.

(3) In this article, the expression "population" means the population as ascertained at the last preceding census of which the relevant figures have been published. 5

Readjustment after each census.

82. Upon the completion of each census, the allocation of seats in the House of the People to the States and the division of each State into territorial constituencies shall be readjusted 10 by such authority and in such manner as Parliament may by law determine:

Provided that such readjustment shall not affect representation in the House of the People until the dissolution of the then existing House." 15

Amendment of article 131.

5. In article 131 of the Constitution, for the proviso, the following proviso shall be substituted, namely:—

"Provided that the said jurisdiction shall not extend to a dispute arising out of any treaty, agreement, covenant, engagement, sanad or other similar instrument which, having been 20 entered into or executed before the commencement of this Constitution, continues in operation after such commencement or which provides that the said jurisdiction shall not extend to such a dispute."

Amendment of article 153.

6. To article 153 of the Constitution, the following proviso shall 25 be added, namely:—

"Provided that nothing in this article shall prevent the appointment of the same person as Governor for two or more States."

Amendment of article 158.

7. In article 158 of the Constitution, after clause (3), the following 30 clause shall be inserted, namely:—

"(3A) Where the same person is appointed as Governor of two or more States, the emoluments and allowances payable to the Governor shall be allocated among the States in such proportion as the President may by order determine." 35

Amendment of article 168.

8. (1) In clause (1) of article 168 of the Constitution, in sub-clause (a), the word "Bombay" shall be omitted and after the word "Madras", the word "Mysore" shall be inserted.

(2) In the said sub-clause, as from such date as the President may, by public notification appoint, after the word "Bihar", the word 40 "Maharashtra" shall be inserted.

9. For article 170 of the Constitution, the following article shall be substituted, namely:—

Substitution
of new article
for article
170.

“170. (1) Subject to the provisions of article 333, the Legislative Assembly of each State shall consist of not more than five hundred, and not less than sixty, members chosen by direct election from territorial constituencies in the State.

Composition
of the Legis-
lative
Assemblies.

(2) For the purposes of clause (1), each State shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it shall, so far as practicable, be the same throughout the State.

Explanation.—In this clause, the expression “population” means the population as ascertained at the last preceding census of which the relevant figures have been published.

(3) Upon the completion of each census, the total number of seats in the Legislative Assembly of each State and the division of each State into territorial constituencies shall be readjusted by such authority and in such manner as Parliament may by law determine:

Provided that such readjustment shall not affect representation in the Legislative Assembly until the dissolution of the then existing Assembly.”.

10. In clause (1) of article 171 of the Constitution, for the word “one-fourth”, the word “one-third” shall be substituted.

Amendment
of article
171.

11. In article 216 of the Constitution, the proviso shall be omitted.

Amendment
of article
216.

12. In article 217 of the Constitution, in clause (1), for the words “shall hold office until he attains the age of sixty years”, the following words and figures shall be substituted, namely:—

Amendment
of article
217.

“shall hold office, in the case of an additional or acting Judge, as provided in article 224, and in any other case, until he attains the age of sixty years”.

13. For article 220 of the Constitution, the following article shall be substituted, namely:—

Substitution
of new article
for article
220.

“220. No person who, after the commencement of this Constitution, has held office as a permanent Judge of a High Court shall plead or act in any court or before any authority in India except the Supreme Court and the other High Courts.”.

Restriction
on practice
after being
a permanent
Judge.

Amendment
of article
222.

14. In article 222 of the Constitution,—

(a) in clause (1), the words "within the territory of India" shall be omitted; and

(b) clause (2) shall be omitted.

Substitution
of new article
for article
224.

15. For article 224 of the Constitution, the following article shall be substituted, namely:—

Appointment
of additional
and acting
Judges.

"224. (1) If by reason of any temporary increase in the business of a High Court or by reason of arrears of work therein, it appears to the President that the number of the Judges of that Court should be for the time being increased, the President may appoint duly qualified persons to be additional Judges of the Court for such period not exceeding two years as he may specify.

(2) When any Judge of a High Court other than the Chief Justice is by reason of absence or for any other reason unable to perform the duties of his office or is appointed to act temporarily as Chief Justice, the President may appoint a duly qualified person to act as a Judge of that Court until the permanent Judge has resumed his duties."

(3) No person appointed as an additional or acting Judge of a High Court shall hold office after attaining the age of sixty years."

Substitution
of new arti-
cles for arti-
cles 230, 231
and 232.

Extension of
jurisdiction
of High
Courts to
Union terri-
tories.

16. For articles 230, 231 and 232 of the Constitution, the following articles shall be substituted, namely:—

"230. (1) Parliament may by law extend the jurisdiction of a High Court to, or exclude the jurisdiction of a High Court from, any Union territory.

(2) Where the High Court of a State exercises jurisdiction in relation to a Union territory,—

(a) nothing in this Constitution shall be construed as empowering the Legislature of the State to increase, restrict or abolish that jurisdiction; and

(b) the reference in article 227 to the Governor shall, in relation to any rules, forms or tables for subordinate courts in that territory, be construed as a reference to the President.

Establish-
ment of a
common
High Court
for two more
States.

231. (1) Notwithstanding anything contained in the preceding provisions of this Chapter, Parliament may by law establish a common High Court for two or more States or for two or more States and a Union territory.

(2) In relation to any such High Court,—

(a) the reference in article 217 to the Governor of the State shall be construed as a reference to the Governors of all the States in relation to which the High Court exercises jurisdiction;

(b) the reference in article 227 to the Governor shall, in relation to any rules, forms or tables for subordinate courts be construed as a reference to the Governor of the State in which the subordinate courts are situate; and

(c) the references in articles 219 and 229 to the State shall be construed as a reference to the State in which the High Court has its principal seat:

Provided that if such principal seat is in a Union territory, the references in articles 219 and 229 to the Governor, Public Service Commission, Legislature and Consolidated Fund of the State shall be construed respectively as references to the President, Union Public Service Commission, Parliament and Consolidated Fund of India.”.

17. In Part VIII of the Constitution,—

(a) for the heading “THE STATES IN PART C OF THE FIRST SCHEDULE”, the heading “THE UNION TERRITORIES” shall be substituted; and

(b) for articles 239 and 240, the following articles shall be substituted, namely:—

“239. (1) Save as otherwise provided by Parliament by law, every Union territory shall be administered by the President acting, to such extent as he thinks fit, through an Administrator or other authority to be appointed by him.

(2) Notwithstanding anything contained in Part VI, the President may appoint the Governor of a State as the Administrator of an adjoining Union territory, and where a Governor is so appointed, he shall exercise his functions as such Administrator independently of his Council of Ministers.

240. (1) The President may make regulations for the peace and good government of the Union territory of—

(a) the Andaman and Nicobar Islands;

(b) the Laccadive, Minicoy and Amindivi Islands.

(2) Any regulation so made may repeal or amend any Act made by Parliament or any existing law which is for the time being applicable to the Union territory and, when promulgated by the President, shall have the same force and effect as an Act of Parliament which applies to that territory.”.

Amendment
of Part VIII.

Administra-
tion of
Union
territories.

Power of
President to
make regula-
tions for cer-
tain Union
territories.

Insertion of
new article
258A.

18. After article 258 of the Constitution, the following article shall be inserted, namely:—

Power of
the States
to entrust
functions to
the Union.

“258A. Notwithstanding anything in this Constitution, the Governor of a State may, with the consent of the Government of India, entrust either conditionally or unconditionally to that Government or to its officers functions in relation to any matter to which the executive power of the State extends.”.

Insertion of
new article
290A.

19. After article 290 of the Constitution, the following article shall be inserted, namely:—

Annual pay-
ment to
certain
Devaswom
Funds.

“290A. A sum of forty-six lakhs and fifty thousand rupees shall be charged on, and paid out of, the Consolidated Fund of the State of Kerala every year to the Travancore Devaswom Fund; and a sum of thirteen lakhs and fifty thousand rupees shall be charged on, and paid out of, the Consolidated Fund of the State of Madras every year to the Devaswom Fund established in that State for the maintenance of Hindu temples and shrines in the territories transferred to that State on the 1st day of October, 1956, from the State of Travancore-Cochin.”.

Substitution
of new arti-
cle for article
298.

20. For article 298 of the Constitution, the following article shall be substituted, namely:—

Power to
carry on
trade etc.

“298. The executive power of the Union and of each State shall extend to the carrying on of any trade or business and to the acquisition, holding and disposal of property and the making of contracts for any purpose:

Provided that—

(a) the said executive power of the Union shall, in so far as such trade or business or such purpose is not one with respect to which Parliament may make laws, be subject in each State to legislation by the State; and

(b) the said executive power of each State shall, in so far as such trade or business or such purpose is not one with respect to which the State Legislature may make laws, be subject to legislation by Parliament.”.

Insertion of
new article
350A.

21. After article 350 of the Constitution, the following article shall be inserted, namely:—

Facilities for
instruction
in mother-
tongue at
primary
stage.

“350A. It shall be the endeavour of every State and of every local authority within the State to provide adequate facilities for instruction in the mother-tongue at the primary stage of education to children belonging to linguistic minority

groups; and the President may issue such directions to any State as he considers necessary or proper for securing the provision of such facilities.”.

22. For article 371 of the Constitution, the following article shall be substituted, namely:—

Substitution of new article for article 371.

“371 (1) Notwithstanding anything in this Constitution, the President may, by order made with respect to the State of Andhra Pradesh or Punjab, provide for the constitution and functions of regional committees of the Legislative Assembly of the State, for the modifications to be made in the rules of business of the Government and in the rules of procedure of the Legislative Assembly of the State and for any special responsibility of the Governor in order to secure the proper functioning of the regional committees.

Special provision with respect to the States of Andhra-Pradesh, Punjab and Maharashtra

(2) Notwithstanding anything in this Constitution, the President may by order made with respect to the State of Maharashtra, provide for any special responsibility of the Governor for—

(a) the establishment of three separate development boards for Vidarbha, Marathwada and the rest of the State with the provision that a report on the working of each of these boards will be placed each year before the State Legislative Assembly;

(b) the equitable allocation of funds for developmental expenditure over these three divisions, subject to the requirements of the State as a whole; and

(c) an equitable arrangement providing adequate facilities for technical education and vocational training, and adequate opportunities for employment in services under the control of the State Government, in respect of all the three divisions, subject to the requirements of the State as a whole.

23. After article 372 of the Constitution, the following article shall be inserted, namely:—

Insertion of new article 372A.

“372A. (1) For the purposes of bringing the provisions of any law in force in India or in any part thereof, immediately before the commencement of the Constitution (Ninth Amendment) Act, 1956, into accord with the provisions of this Constitution as amended by that Act, the President may by order made before the 1st day of October, 1957, make such adaptations and

Power of the President to adapt laws.

modifications of the law, whether by way of repeal or amendment, as may be necessary or expedient, and provide that the law shall, as from such date, as may be specified in the order have effect, subject to the adaptations and modifications so made, and any such adaptation or modification shall not be questioned in any court of law. 5

(2) Nothing in clause (1) shall be deemed to prevent a competent legislature or other competent authority from repealing or amending any law adapted or modified by the President under the said clause." 10

Insertion of new article 378A.

24. After article 378 of the Constitution, the following article shall be inserted, namely:—

Special provision as to duration of Andhra Legislative Assembly.

"378A. Notwithstanding anything contained in article 172, the Legislative Assembly of the State of Andhra Pradesh existing at the date of commencement of the Constitution (Ninth Amendment) Act, 1956, shall, unless sooner dissolved, continue for a period of five years and six months from that date and no longer and the expiration of the said period shall operate as a dissolution of that Legislative Assembly." 15

Amendment of the Second Schedule.

25. In the Second Schedule to the Constitution,— 20

(a) in the heading of Part D, the words and letter "in States in Part A of the First Schedule" shall be omitted; and

(b) in sub-paragraph (1) of paragraph 9, for the words "shall be reduced by the amount of that pension", the following shall be substituted, namely:— 25

"shall be reduced—

(a) by the amount of that pension, and

(b) if he has, before such appointment, received in lieu of a portion of the pension due to him in respect of such previous service the commuted value thereof, by the amount of that portion of the pension, and 30

(c) if he has, before such appointment, received a retirement gratuity in respect of such previous service, by the pension equivalent of that gratuity."; and 35

(c) in paragraph 10.— 35

(i) for sub-paragraph (1), the following sub-paragraph

shall be substituted, namely:—

(1) There shall be paid to the Judges of High Courts, in respect of time spent on actual service, salary at the following rates per mensem, that is to say,—

| | | | |
|-------------------|---|---|---------------|
| * | * | * | * |
| The Chief Justice | . | . | 4,000 rupees. |
| Any other Judge | . | . | 3,500 rupees. |
| * | * | * | * |

Provided that if a Judge of a High Court at the time of his appointment is in receipt of a pension (other than a disability or wound pension) in respect of any previous service under the Government of India or any of its predecessor Governments or under the Government of a State or any of its predecessor Governments, his salary in respect of service in the High Court shall be reduced—

(a) by the amount of that pension, and

(b) if he has, before such appointment, received in lieu of a portion of the pension due to him in respect of such previous service the commuted value thereof, by the amount of that portion of the pension, and

(c) if he has, before such appointment, received a retirement gratuity in respect of such previous service, by the pension equivalent of that gratuity.”; and

(ii) sub-paragraphs (3) and (4) shall be omitted.

26. In the Seventh Schedule to the Constitution, entry 33 of the Union List and entry 36 of the State List shall be omitted and for entry 42 of the Concurrent List, the following entry shall be substituted, namely:—

“42. Acquisition and requisitioning of property.”

27. In each of the following provisions of the Constitution, namely:—

- 35
- (i) entry 67 of the Union List,
 - (ii) entry 12 of the State List,
 - (iii) entry 40 of the Concurrent List, and
 - (iv) article 49,

for the words “declared by Parliament by law”, the words “declared by or under law made by Parliament” shall be substituted.

Modification of entries in the Lists relating to acquisition and requisitioning of property.

Amendment of certain provisions relating to ancient and historical monuments, etc.

Amendment of entry 24 of State List. 28. In the Seventh Schedule to the Constitution, in entry 24 of the State List, for the word and figures "entry 52", the words and figures "entries 7 and 52" shall be substituted.

Consequential and minor amendments and repeals and savings. 29. (1) The consequential and minor amendments and repeals directed in the Schedule shall be made in the Constitution and in the Constitution (Removal of Difficulties) Order, No. VIII, made under article 392 of the Constitution. 5

(2) Notwithstanding the repeal of article 243 of the Constitution by the said Schedule, all regulations made by the President under that article and in force immediately before the commencement of this Act shall continue in force until altered or repealed or amended by a competent Legislature or other competent authority. 10

THE SCHEDULE

(See section 29)

15

CONSEQUENTIAL AND MINOR AMENDMENTS AND REPEALS IN THE CONSTITUTION

Article 3.—In the proviso, omit "specified in Part A or Part B of the First Schedule".

Article 31A.—In sub-clause (a) of clause (2), for "Travancore-Cochin" substitute "Kerala". 20

Article 58.—In the Explanation, omit "or Rajpramukh or Uparajpramukh".

Article 66.—In the Explanation, omit "or Rajpramukh or Uparajpramukh". 25

Article 72.—In clause (3), omit "or Rajpramukh".

Article 73.—In the proviso to clause (1), omit "specified in Part A or Part B of the First Schedule".

Article 101.—In clause (2), omit "specified in Part A or Part B of the First Schedule", and for "such a State" substitute "a State". 30

Article 112.—In sub-clause (d) (iii) of clause (3), for "a Province corresponding to a State specified in Part A of the First Schedule", substitute "a Governor's Province of the Dominion of India".

Article 151.—In clause (2), omit "or Rajpramukh".

Part VI.—In the heading, omit "IN PART A OF THE FIRST SCHEDULE". 35

Article 152.—For "means a State specified in Part A of the First Schedule" substitute "does not include the State of Jammu and Kashmir".

Article 214.—Omit “(1)” and clauses (2) and (3).

Article 219.—Omit “in a State”.

Article 229.—In the proviso to clause (1) and in the proviso to clause (2), omit “in which the High Court has its principal seat”.

5 *Omit Part VII.*

Article 241.—(a) In clause (1), for “State specified in Part C of the First Schedule”, substitute “Union territory”, and for “such State”, substitute “such territory”.

(b) For clauses (3) and (4), substitute—

10 “(3) Subject to the provisions of this Constitution and to the provisions of any law of the appropriate Legislature made by virtue of powers conferred on that Legislature by or under this Constitution, every High Court exercising jurisdiction immediately before the commencement of the Constitution (Ninth
15 Amendment) Act, 1956, in relation to any Union territory shall continue to exercise such jurisdiction in relation to that territory after such commencement.

(4) Nothing in this article derogates from the power of Parliament to extend or exclude the jurisdiction of a High Court
20 for a State to, or from, any Union territory or part thereof.”.

Omit article 242.

Omit Part IX.

Article 244.—Omit “specified in Part A or Part B of the First Schedule”.

25 *Article 246.*—In clauses (2) and (3), omit “specified in Part A or Part B of the First Schedule” and in clause (4), for “in Part A or Part B of the First Schedule” substitute “in a State”.

Article 254.—In clause (2), omit “specified in Part A or Part B of the First Schedule”.

30 *Article 255.*—Omit “specified in Part A or Part B of the First Schedule”.

Omit article 259.

Article 264.—For article 264, substitute—

35 “264. In this Part, ‘Finance Commission’ means a Finance ^{Interpre-} Commission constituted under article 280.” _{tion.}

Article 267.—In clause (2), omit “or Rajpramukh”.

Article 268.—In clause (1), for “State specified in Part C of the First Schedule” substitute “Union territory”.

Article 269.—In clause (2), for “States specified in Part C of the First Schedule” substitute “Union territories”.

Article 270.—In clauses (2) and (3), for “States specified in Part C of the First Schedule” substitute “Union territories”.

Omit article 278. 5

Article 280.—In clause (3), omit sub-clause (c) and re-letter sub-clause (d) as sub-clause (c).

Article 283.—In clause (2), omit “or Rajpramukh”.

Article 291.—Omit “(1)” and clause (2).

Article 299.—In clause (1), omit “or the Rajpramukh”, and in 10 clause (2), omit “nor the Rajpramukh”.

Omit article 306.

Article 308.—For “means a State specified in Part A or Part B of the First Schedule”, substitute “does not include the State of Jammu and Kashmir”. 15

Article 309.—Omit “or Rajpramukh”.

Article 310.—In clause (1), omit “or, as the case may be, the Rajpramukh”, and in clause (2), omit “or Rajapramukh” and “or the Rajpramukh”.

Article 311.—In clause (2), omit “or Rajpramukh”. 20

Article 315.—In clause (4), omit “or Rajapramukh”.

Article 316.—In clauses (1) and (2), omit “or Rajpramukh”.

Article 317.—In clause (2), omit “or Rajpramukh”.

Article 318.—Omit “or Rajpramukh”.

Article 320.—In clause (3), omit “or Rajpramukh” and “or Raj 25 pramukh, as the case may be”, and in clause (5), omit “or Rajpramukh”.

Article 323.—In clause (2), omit “or Rajpramukh” and “or Rajpramukh, as the case may be”.

Article 324.—In clause (6), omit “or Rajpramukh”. 30

Article 332.—In clause (1), omit “specified in Part A or Part B of the First Schedule”.

Article 333.—Omit “or Rajpramukh”.

Article 337.—Omit “specified in Part A or Part B of the First Schedule”. 35

Article 339.—In clause (1), omit “specified in Part A and Part B of the First Schedule” and in clause (2), for “any such State” substitute “a State”.

Article 341.—In clause (1), after “any State” insert “or Union territory”, omit “specified in Part A or Part B of the First Schedule”, omit “or Rajpramukh” and after “that State” insert “or Union territory, as the case may be”.

5 *Article 342.*—In clause (1), after “any State” insert “or Union territory”, omit “specified in Part A or Part B of the First Schedule”. omit “or Rajpramukh” and after “that State” insert “or Union territory, as the case may be”.

Article 348.—Omit “or Rajpramukh”.

10 *Article 356.*—In clause (1), omit “or Rajpramukh” and “or Rajpramukh, as the case may be”.

Article 361.—In clauses (2), (3) and (4), omit “or Rajpramukh” and in clause (4), omit “or the Rajpramukh”.

Article 366.—Omit clause (21), and for clause (30), substitute—

15 “(30) ‘Union territory’ means any Union territory specified in the First Schedule and includes any other territory comprised within the territory of India but not specified in that Schedule”.

Article 367.—In clause (2), omit “specified in Part A or Part B of the First Schedule” and “or Rajpramukh”.

20 *Article 368.*—Omit “specified in Parts A and B of the First Schedule”

Omit articles 379 to 391, both inclusive.

Second Schedule.—(a) In the heading of Part A and in paragraph 1, omit “specified in Part A of the First Schedule”;

25 (b) in paragraph 2, omit “so specified”;

(c) in paragraph 3, for “such States” substitute “the States”;

(d) omit Part B;

(e) in the heading of Part C, omit “of a State in Part A of the First Schedule”, and for “any such State” substitute “a State”; and

30 (f) in paragraph 8, omit “of a State specified in Part A of the First Schedule”, and for “such State” substitute “a State”.

Fifth Schedule.—(a) In paragraph 1, omit “means a State specified in Part A or Part B of the First Schedule but”;

(b) in paragraph 3, omit “or Rajpramukh”;

35 (c) in paragraph 4, in sub-paragraph (2), omit “or Rajpramukh, as the case may be” and in sub-paragraph (3), omit “or Rajpramukh”.

(d) in paragraph 5, in sub-paragraphs (1) and (2), omit “or Rajpramukh, as the case may be”, in sub-paragraph (3), omit “or Rajpramukh” and in sub-paragraph (5), omit “or the Rajpramukh”.

Sixth Schedule.—In paragraph 18, in sub-paragraph (2), for “Part IX” substitute “Part VIII”, and for “territory specified in Part D of the First Schedule” substitute “Union territory”.

Seventh Schedule.—In List I,—

(a) in entry 32, omit “specified in Part A or Part B of the First Schedule”; and 5

(b) for entry 79, substitute,—

“79. Extension of the jurisdiction of a High Court to, and exclusion of the jurisdiction of a High Court from, any Union territory.” 10

CONSEQUENTIAL AMENDMENTS IN THE CONSTITUTION (REMOVAL OF DIFFICULTIES) ORDER No. VIII

In the Constitution (Removal of Difficulties) Order No. VIII, for sub-paragraphs (1), (2) and (3) of paragraph 2, substitute—

“(1) In article 81,— 15

(a) in sub-clause (b) of clause (1), after the words “Union territories”, the words, letter and figures “and the tribal areas specified in Part B of the Table appended to paragraph 20 of the Sixth Schedule” shall be inserted; and

(b) to clause (2), the following proviso shall be added, 20 namely:—

“Provided that the constituencies into which the State of Assam is divided shall not comprise the tribal areas specified in Part B of the Table appended to paragraph 20 of the Sixth Schedule.”. 25

(2) In clause (2) of article 170, after the words “throughout the State” the following proviso shall be inserted, namely:—

“Provided that the constituencies into which the State of Assam is divided shall not comprise the tribal areas specified in Part B of the table appended to paragraph 20 30 of the Sixth Schedule.”.

APPENDIX I

(Vide para 2 of the Report)

Motion in the Lok Sabha for reference of the Bill to Joint Committee

"That the Bill further to amend the Constitution of India be referred to a Joint Committee of the Houses consisting of 51 members; 34 from this House, namely:—

1. Shri U. Srinivasa Malliah.
2. Shri H. V. Pataskar.
3. Shri A. M. Thomas.
4. Shri R. Venkataraman.
5. Shri S. R. Rane.
6. Shri B. G. Mehta.
7. Shri Basanta Kumar Das.
8. Dr. Ram Subhag Singh.
9. Pandit Algu Rai Shastri.
10. Shri Dev Kanta Borooah.
11. Shri S. Nijalingappa.
12. Shri S. K. Patil.
13. Shri Shriman Narayan.
14. Shri G. S. Altekar.
15. Shri G. B. Khedkar.
16. Shri Radha Charan Sharma.
17. Shri Gurmukh Singh Musafir.
18. Shri Ram Pratap Garg.
19. Shri Bhawanji A. Khimji.
20. Shri P. Ramaswamy.
21. Shri B. N. Datar.
22. Shri Anandchand.
23. Shri Frank Anthony.
24. Shri P. T. Punnoose.
25. Shri K. K. Basu.
26. Shri J. B. Kripalani.
27. Shri Asoka Mehta.

28. Shri Sarangadhar Das.
29. Shri N. C. Chatterjee.
30. Shri Jaipal Singh.
31. Dr. Lanka Sundaram.
32. Shri Tek Chand.
33. Dr. N. M. Jaisoorya.
34. Shrimati Tarkeshwari Sinha.

and 17 members from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the 14th May, 1956;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make; and

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of members to be appointed by the Rajya Sabha to the Joint Committee."

APPENDIX II

(Vide para 3 of the Report)

Motion in the Rajya Sabha

"That this House concurs in the recommendation of the Lok Sabha that the Rajya Sabha do join in the Joint Committee of the Houses on the Bill further to amend the Constitution of India, and resolves that the following members of the Rajya Sabha be nominated to serve on the said Joint Committee:—

1. Shri Chandulal P. Parikh.
2. Shri Biswanath Das.
3. Shri K. Madhava Menon.
4. Capt. Awadhesh Pratap Singh.
5. Dr. Anup Singh.
6. Shri A. Satyanarayana Raju.
7. Shri M. D. Tumpalliwar.
8. Shri K. S. Hegde.
9. Shri Tarkeshwar Pande.
10. Shri T. R. Deogirikar.
11. Dr. P. Subbarayan.
12. Shri J. V. K. Vallabharao.
13. Shri V. K. Dhage.
14. Shri Kishen Chand.
15. Shri Surendra Mahanty.
16. Kakasaheb Kalelkar.
17. Shri Govind Ballabh Pant."

APPENDIX III
MINUTES OF THE SITTINGS OF THE JOINT COMMITTEE ON
THE CONSTITUTION (NINTH AMENDMENT) BILL, 1956.

संघीय संसद

First Sitting

The Committee met from 3 P.M. to 6-50 P.M. on Tuesday, the 10th July, 1956.

PRESENT

Shri Govind Ballabh Pant—Chairman.

MEMBERS

Lok Sabha

2. Shri H. V. Pataskar.
3. Shri A. M. Thomas.
4. Shri R. Venkataraman.
5. Shri S. R. Rane.
6. Shri B. G. Mehta.
7. Dr. Ram Subhag Singh.
8. Pandit Algu Rai Shastri.
9. Shri Dev Kanta Borooah.
10. Shri S. Nijalingappa.
11. Shri G. S. Altekar.
12. Shri G. B. Khedkar.
13. Shri Radha Charan Sharma.
14. Shri Gurmukh Singh Musafir.
15. Shri Ram Pratap Garg.
16. Shri Bhawanji A. Khimji.
17. Shri P. Ramaswamy.
18. Shri B. N. Datar.
19. Shri Anandchand.
20. Shri Frank Anthony.
21. Shri K. K. Basu.
22. Shri Sarangadhar Das.
23. Shri N. C. Chatterjee.
24. Shri Jaipal Singh.

25. Dr. Lanka Sundaram.
26. Shri Tek Chand.
27. Dr. N. M. Jaisoorya.
28. Shrimati Tarkeshwari Sinha.

Rajya Sabha

29. Shri Chandulal P. Parikh.
30. Shri K. Madhava Menon.
31. Capt. Awadhesh Pratap Singh.
32. Dr. Anup Singh.
33. Shri A. Satyanarayana Raju.
34. Shri M. D. Tumpalliwar.
35. Shri K. S. Hegde.
36. Shri Tarkeshwar Pande.
37. Shri T. R. Deogirikar.
38. Dr. P. Subbarayan.
39. Shri J. V. K. Vallabharao.
40. Shri V. K. Dhage.
41. Shri Kishen Chand.
42. Kakasaheb Kalelkar.

DRAFTSMAN

Shri K. V. K. Sundaram, *Special Secretary, Ministry of Law.*

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

Shri A. V. Pai, *Secretary, Ministry of Home Affairs.*

Shri Hari Sharma, *Joint Secretary, Ministry of Home Affairs.*

SECRETARIAT

Shri P. K. Patnaik, *Under Secretary.*

2. At the outset a point of privilege was raised by Shri Venkataraman who brought it to the notice of the Committee that the full text of the note on linguistic minorities by the Ministry of Home Affairs had since found place in the daily issue of the *Indian Express*, dated the 10th July, 1956.

The Chairman stated that there was no breach of privilege technically although the publication of the note could not be considered as having been appropriate.

The Committee then took up clause by clause consideration of the Bill.

3. *Clause 2.*—The Committee considered a suggestion that, instead of replacing the whole of the First Schedule by a revised schedule as proposed in Sub-clause (2), it might be better to make only the necessary amendments in that schedule as already amended in the States Reorganisation Bill. It was decided that the method adopted in sub-clause (2) was preferable. The following amendment was accepted:—

In page 2, line 7,

for "Andhra-Telangana", substitute "Andhra Pradesh".

The clause as amended was adopted.

4. *Safeguards for linguistic minorities.*—The Committee considered an amendment proposed to be made in Article 30 of the Constitution to the effect that all minorities whether based on language or religion shall have right to affiliate educational institutions established or administered by them to an examination of their choice in any part of India.

The Chairman stated that the matter would be examined further and if necessary provision will be made on the subject in the memorandum proposed to be issued to the State Governments.

5. *Clause 3.*—The following amendments were accepted:—

(i) In page 5, for lines 14 to 16, substitute—

"16. Bombay 5

17. Delhi 3

18. Himachal Pradesh 2"

(ii) In page 5, line 19,

for "222" substitute "226".

The clause as amended was adopted.

6. *Clause 4.*—The following amendment was accepted:—

In page 5, line 27,

for "twenty", substitute "twenty-five".

The clause as amended was adopted.

7. *Clauses 5 & 6.*—These clauses were adopted without any amendment.

8. *New clause 6A.*—A new clause 6A as follows was adopted:—

"Amendment
of article
158.

6A. In article 158 of the Constitution, after clause (3), the following clause shall be inserted, namely:—

'(3A) Where the same person is appointed as Governor of two or more States, the emoluments and allowances

payable to the Governor shall be allocated among the States in such proportion as the President may by order determine."

9. *Clause 7.*—The following amendment was accepted:—

In page 6, line 35, for "Madhya Pradesh", substitute "Maharashtra".

The clause as amended was adopted.

10. *Clauses 8 and 9.*—These clauses were adopted without any amendment.

11. *Amendment of Article 172.*—The Committee considered a proposal to amend article 172 enabling Parliament to make a law appointing the date of the first meeting of the Andhra Pradesh Legislative Assembly.

It was agreed that there should be an amendment of the Constitution to implement the decision already taken regarding the life of the Andhra Pradesh Legislative Assembly, but it would be more appropriate to provide for it in Part XXI of the Constitution.

The Draftsman was directed to prepare a suitable draft article.

12. *Clauses 10 to 13.*—These clauses were adopted without any amendment.

13. *Clause 14.*—The following amendment was accepted:—

In page 8, after line 15, insert:—

"(3) No person appointed as an additional or acting Judge of a High Court shall hold office after attaining the age of sixty years."

The clause as amended was adopted.

14. *Clause 15.*—This clause was adopted without any amendment.

15. *Clause 16.*—The following amendments were moved:—

In page 9,—

"(i) in line 20, for "Every Union territory", substitute "Save as otherwise provided by Parliament by law, every Union territory"; and

(ii) omit lines 24 to 27.

Discussion on this clause was not concluded.

16. The Committee then adjourned to meet again at 3 P.M. on Wednesday, the 11th July, 1956.

ii

Second Sitting

The Committee met from 3-30 P.M. to 7-30 P.M. on Wednesday, the 11th July, 1958.

PRESENT

Shri Govind Ballabh Pant—*Chairman.*

MEMBERS

Lok Sabha

2. Shri U. Srinivasa Malliah
3. Shri H. V. Pataskar
4. Shri A. M. Thomas
5. Shri R. Venkataraman
6. Shri S. R. Rane
7. Shri B. G. Mehta
8. Pandit Algu Rai Shastri
9. Shri Dev Kanta Borooah
10. Shri S. Nijalingappa
11. Shri S. K. Patil
12. Shri G. S. Altekar
13. Shri G. B. Khedkar
14. Shri Radha Charan Sharma
15. Shri Gurmukh Singh Musafir
16. Shri Ram Pratap Garg
17. Shri Bhawanji A. Khimji
18. Shri P. Ramaswamy
19. Shri B. N. Datar
20. Shri Anandchand
21. Shri Frank Anthony
22. Shri K. K. Basu
23. Shri J. B. Kripalani
24. Shri N. C. Chatterjee
25. Shri Jaipal Singh
26. Dr. Lanka Sundaram
27. Shri Tek Chand
28. Dr. N. M. Jaisoorya
29. Shrimati Tarkeshwari Sinha.

Rajya Sabha

30. Shri Chandulal P. Parikh
31. Shri K. Madhava Menon
32. Dr. Anup Singh
33. Shri A. Satyanarayana Raju
34. Shri M. D. Tumpalliwar
35. Shri K. S. Hegde
36. Shri Tarkeshwar Pande
37. Shri T. R. Deogirikar
38. Dr. P. Subbarayan
39. Shri J. V. K. Vallabharao
40. Shri Y. K. Dhage
41. Shri Kishen Chand
42. Shri Surendra Mahanty
43. Kakasaheb Kalelkar.

DRAFTSMEN

Shri K. V. K. Sundaram, *Special Secretary, Ministry of Law.*
 Shri R. S. Sarkar, *Joint Secretary and Draftsman, Ministry of Law.*

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

Shri A. V. Pai, *Secretary, Ministry of Home Affairs.*
 Shri Hari Sharma, *Joint Secretary, Ministry of Home Affairs.*

SECRETARIAT

Shri P. K. Patnaik, *Under Secretary.*

2. The Committee resumed clause-by-clause consideration of the Bill.

3. *Clause 16 (contd.)*—As regards the proposed article 239, the Committee decided that the words "Save as otherwise provided by Parliament by law" should be added in the beginning and the proviso should be omitted. Further, provision should be made in the article enabling the appointment of the Governor of a neighbouring State to be in charge of the administration of a Union territory as agent of the President. The designation "Chief Commissioner" should also be changed to "Administrator".

As regards the proposed Article 240, it was decided that its application should be restricted to:—

- (a) the Andaman and Nicobar islands; and
- (b) the Laccadive, Minicoy and Amindivi islands.

The Draftsman was directed to recast the clause accordingly. Subject to the above, the clause was adopted.

4. *Clause 17.*—The clause was adopted without any amendment.

5. *Clause 18.*—The following amendment was accepted:—

In page 10, for lines 3 to 6, substitute—

290A.—A sum of forty-six lakhs and fifty thousand rupees shall be charged on, and paid out of, the Consolidated Fund of the State of Kerala every year to the Travancore Devaswom Fund; and a sum of thirteen lakhs and fifty thousand rupees shall be charged on, and paid out of, the Consolidated Fund of the State of Madras every year to the Devaswom Fund established in that State for the maintenance of Hindu temples and shrines in the territories transferred to that State on the first day of October, 1956, from the State of Travancore-Cochin."

"Annual payments to certain Devaswom Funds.

The clause as amended was adopted.

6. *Clause 19.*—The clause was adopted without any amendment.

7. *Linguistic Minorities.*—The Committee considered an amendment seeking to insert a new Article in the Constitution to the effect that the President may have power to give directions to any State on matters relating to linguistic minorities and such directions may be binding on the State.

The Chairman pointed out that such a provision would affect the autonomy of the States. He, however, stated that Government of India would consider the question of appointing a Commissioner to deal with matters relating to Linguistic minorities.

8. *Clause 20.*—The clause was adopted without any amendment.

9. *Clause 21.*—The following amendment was accepted:—

In page 10, line 35,—

for "Andhra Telangana", substitute "Andhra Pradesh".

The safeguards for the Telangana area agreed upon between the leaders of Andhra and Telangana were discussed.

The outline of the scheme for regional committees in the Punjab State (Appendix A) was also discussed.

The Chairman explained the provision contained in the clause.

The discussion was not concluded.

10. The Committee then adjourned to meet again at 3 P.M. on Thursday, the 12th July, 1956.

III

Third Sitting

The Committee met from 3 P.M. to 5-30 P.M. on Thursday, the 12th July, 1956.

PRESENT

Shri Govind Ballabh Pant—*Chairman*

MEMBERS

Lok Sabha

2. Shri U. Srinivasa Malliah
3. Shri H. V. Pataskar
4. Shri A. M. Thomas
5. Shri R. Venkataraman
6. Shri S. R. Rane
7. Shri B. G. Mehta
8. Pandit Algu Rai Shastri
9. Shri Dev Kanta Borooah
10. Shri S. Nijalingappa
11. Shri S. K. Patil
12. Shri G. S. Altekar
13. Shri G. B. Khedkar
14. Shri Ram Pratap Garg
15. Shri Bhawanji A. Khimji
16. Shri P. Ramaswamy
17. Shri B. N. Datar
18. Shri Anandchand
19. Shri Frank Anthony
20. Shri J. B. Kripalani
21. Shri N. C. Chatterjee
22. Shri Jaipal Singh
23. Shri Tek Chand
24. Dr. Lanka Sundaram
25. Dr. N. M. Jaisoorya
26. Shrimati Tarkeshwari Sinha

Rajya Sabha

27. Shri Chandulal P. Parikh
28. Shri K. Madhava Menon
29. Capt. Awadhesh Pratap Singh

30. Shri A. Satyanarayana Raju
31. Shri M. D. Tumpalliwar
32. Shri K. S. Hedge
33. Shri Tarkeshwar Pande
34. Shri T. R. Deogirikar
35. Dr. P. Subbarayan
36. Shri J. V. K. Vallabharao
37. Shri Kishen Chand
38. Kakasaheb Kalelkar

DRAFTSMEN

Shri K. V. K. Sundaram, *Special Secretary, Ministry of Law.*

Shri R. S. Sarkar, *Joint Secretary and Draftsman, Ministry of Law.*

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICES

Shri A. V. Pai, *Secretary, Ministry of Home Affairs.*

Shri Hari Sharma, *Joint Secretary, Ministry of Home Affairs.*

SECRETARIAT

Shri P. K. Patnaik—*Under Secretary.*

2. The Committee resumed clause by clause consideration of the Bill.

3. *Clause 21 (Contd.)*.—Regarding the Regional Committee proposed to be set up for Telengana under the provisions of this clause, the Chairman stated that the note on the action to be taken in regard to the agreement reached between the Andhra and Telengana leaders would be finalised in consultation with the representatives of Andhra and Telengana.

4. With regard to the State of Maharashtra the Committee felt that it might be desirable to include in some form in the Bill the substance of amendment No. 46 (Appendix B) which was based on the Nagpur agreement. The Draftsman was directed to examine this matter further.

Subject to the above the clause as amended was adopted.

5. *New Clause 21A*.—A new clause 21A as follows was adopted:—

21. For article 372 of the Constitution, the following article shall be inserted, namely:—

“372A. *Power of the President to adapt laws*.—(1) For the purposes of bringing the provisions of any law in force in India or in any part thereof, immediately before the

Insertion
of new arti-
cle 372A.

commencement of the Constitution (Ninth Amendment) Act, 1956, into accord with the provisions of this Constitution as amended by that Act, the President may by order made before the first day of October, 1957, make such adaptations and modifications of the law, whether by way of repeal or amendment, as may be necessary or expedient, and provide that the law shall, as from such date, as may be specified in the order have effect subject to the adaptations and modifications so made, and any such adaptation or modification shall not be questioned in any court of law.

- (2) Nothing in clause (1) shall be deemed to prevent a competent legislature or other competent authority from repealing or amending any law adapted or modified by the President under the said clause."

6. *New clause 21B.*—A new clause 21B as follows was adopted:—

21B. After article 378 of the Constitution, the following article shall be inserted, namely:—

'378A. *Special provision as to duration of Andhra Pradesh Legislative Assembly.*—Notwithstanding anything contained in article 172, the Legislative Assembly of the State of Andhra Pradesh existing at the date of commencement of the Constitution (Ninth Amendment) Act, 1956, shall, unless sooner dissolved, continue for a period of five years and six months from that date and no longer and the expiration of the said period shall operate as a dissolution of that Legislative Assembly."

7. *Clause 22.*—The following amendments were accepted:—

(i) In page 11, after line 6, insert,—

"(aa) in sub-paragraph (1) of paragraph 9, for the words "shall be reduced by the amount of that pension", the following shall be substituted, namely:—

'shall be reduced—

- (a) by the amount of that pension, and
- (b) if he has, before such appointment received in lieu of a portion of the pension due to him in respect of such previous service, by the amount of that portion of the pension, and
- (c) if he has, before such appointment, received a retirement gratuity in respect of such previous service, by the pension equivalent of that gratuity'; and "

(ii) In page 11,—

for lines 14 to 21 substitute—

“The Chief Justice Rs. 4,000

Any other Judge Rs. 3,500”

(iii) In page 11,—

for lines 29 and 30, substitute,—

“High Court shall be reduced—

(a) by the amount of that pension, and

(b) if he has, before such appointment, received in lieu of a portion of the pension due to him in respect of such previous service, by the amount of that portion of the pension, and

(c) if he has, before such appointment, received a retirement gratuity in respect of such previous service, by the pension equivalent of that gratuity.”

The clause as amended was adopted.

8. *Clauses 23 to 26.*—These clauses were adopted without any amendment.

9. *Schedule.*—The following amendments were accepted:—

(1) In page 13,—

omit lines 10 to 14.

(2) In page 16,—

for lines 10 to 13 substitute,—

“(d) omit Part B”.

(3) In page 16, after line 25, insert—

“Sixth Schedule.—In paragraph 18, in sub-paragraph (2), for ‘Part IX’ substitute ‘Part VIII’ and for ‘Territory specified in Part D of the First Schedule’ substitute ‘Union territory’.

The Schedule was amended.

10. *Clause 16.*—The following re-draft of this clause was adopted:—

In page 9,—

for lines 20 to 34, substitute,—

“239. (1) Save as otherwise provided by Parliament by law, every Union territory shall be administered by the President acting, to such extent as he thinks fit, through an Administrator or other authority to be appointed by him. Administration of Union territories.”

(2) Notwithstanding anything contained in Part VI, the President may appoint the Governor of a State as the Administrator of an adjoining Union territory, and where a Governor is so appointed, he shall exercise his functions as such Administrator independently of his Council of Ministers.

Power of
President
to make re-
gulations for
certain Uni-
on territories.

240. (1) The President may make regulations for the peace and good government of the Union territory of—

(a) the Andaman and Nicobar Islands;

(b) the Laccadive, Minicoy and Amindivi Islands.

(2) Any regulation so made may repeal or amend any Act made by Parliament or any existing law which is for the time being applicable to the Union territory and, when promulgated by the President, shall have the same force and effect as an Act of Parliament which applies to that territory."

11. The Committee decided to consider the draft Report at their next sitting.

12. The Committee then adjourned at 5-30 P.M. to meet again at 2-30 P.M. on Saturday, the 14th July, 1956.

IV

Fourth Sitting

The Committee met from 3-30 P.M. to 3-45 P.M. on Saturday, the 14th July, 1956.

PRESENT

Shri Govind Ballabh Pant—*Chairman*,

MEMBERS

Lok Sabha

2. Shri U. Srinivasa Malliah
3. Shri H. V. Pataskar
4. Shri A. M. Thomas
5. Shri R. Venkataraman
6. Shri S. R. Rane
7. Shri B. G. Mehta
8. Pandit Algu Rai Shastri
9. Shri Dev Kanta Borooah
10. Shri S. Nijalingappa
11. Shri G. S. Altekar
12. Shri G. B. Khedkar
13. Shri Ram Partap Garg
14. Shri Bhawanji A. Khimji
15. Shri P. Ramaswamy
16. Shri B. N. Datar
17. Shri Anandchand
18. Shri Frank Anthony
19. Shri K. K. Basu
20. Shri J. B. Kripalani
21. Shri Sarangadhar Das
22. Shri N. C. Chatterjee
23. Dr. Lanka Sundaram
24. Shri Tek Chand
25. Shrimati Tarkeshwari Sinha.

Rajya Sabha

26. Shri Chandulal P. Parikh
27. Shri K. Madhava Menon
28. Dr. Anup Singh
29. Shri A. Satyanarayana Raju
30. Shri M. D. Tumpalliwar
31. Shri T. R. Deogirikar
32. Dr. P. Subbarayan
33. Shri J. V. K. Vallabharao
34. Shri Kishen Chand
35. Kakasaheb Kalelkar.

DRAFTSMEN

Shri K. V. K. Sundaram, *Special Secretary, Ministry of Law.*

Shri R. S. Sarkar, *Joint Secretary and Draftsman, Ministry of Law.*

REPRESENTATIVES OF MINISTRIES

Shri A. V. Pai, *Secretary, Ministry of Home Affairs.*

Shri Hari Sharma, *Joint Secretary, Ministry of Home Affairs.*

OTHER OFFICERS

Shri M. V. Rangachari.

SECRETARIAT

Shri P. K. Patnaik, *Under Secretary.*

2. The Committee accepted the following further amendment:—

“In clause 22, add a new sub-clause (2) as follows:—

“(2) Notwithstanding anything in this Constitution, the President may by order made with respect to the State of Maharashtra, provide for any special responsibility of the Governor for—

- (a) the establishment of three separate development boards for Vidarbha, Maharthwada and the rest of the State with the provision that a report on the working of each of these boards will be placed each year before the State Legislative Assembly;

- (b) the equitable allocation of funds for developmental expenditure over these three divisions, subject to the requirements of the State as a whole; and
- (c) an equitable arrangement providing adequate facilities for technical education and vocational training and adequate opportunities for employment in services under the control of the State Government in respect of all the three divisions, subject to the requirements of the State as a whole."

3. The Committee then adopted the Bill as amended.

4. The Committee thereafter considered the draft Report and adopted the same with certain amendments.

5. The Committee authorised the Chairman to present the Report on their behalf.

6. The Committee also authorised the Chairman to lay the Report on the Table of the Rajya Sabha.

7. The Committee decided that Minutes of Dissent, if any, should be sent to the Lok Sabha Secretariat so as to reach them by 4 P.M. on Sunday, the 15th July, 1956.

8. The Chairman announced that the Report would be presented to the Lok Sabha on the 16th July and laid on the Table of Rajya Sabha when the Rajya Sabha meets next on the 30th July, 1956.

9. The Committee then adjourned at 3-45 P.M.

APPENDIX A

(Vide para 9 of the minutes of the Second Sitting).

An outline of the Scheme for Regional Committees in the Punjab State

(Laid on the Table of the House, Lok Sabha, on 3rd April, 1956)

1. There will be one legislature for the whole of the reorganised State of the Punjab, which will be the sole law-making body for the entire State, and there will be one Governor for the State, aided and advised by a Council of Ministers responsible to the State Assembly for the entire field of administration.

2. For the more convenient transaction of the business of Government with regard to some specified matters, the State will be divided into two regions, namely, the Punjabi-speaking and the Hindi-speaking regions.

3. For each region there will be a regional committee of the State Assembly consisting of the members of the State Assembly belonging to each region including the Ministers from that region but not including the Chief Minister.

4. Legislation relating to specified matters will be referred to the Regional Committees. In respect of specified matters proposals may also be made by the Regional Committees to the State Governments for legislation or with regard to questions of general policy not involving any financial commitments other than expenditure of a routine and incidental character.

5. The advice tendered by the Regional Committees will normally be accepted by the Government and the State Legislature. In case of difference of opinion, reference will be made to the Governor whose decision will be final and binding.

6. The regional committees will deal with the following matters:

(i) Development and economic planning, within the framework of the general development plans and policies formulated by the State Legislature;

(ii) Local Self-government, that is to say, the constitutional powers of municipal corporations, improvement trusts, district boards and other local authorities for the purpose of local self-government or village administration including Panchayats;

- (iii) Public Health and sanitation, Local hospitals and dispensaries;
- (iv) Primary and secondary education;
- (v) Agriculture;
- (vi) Cottage and small-scale industries;
- (vii) Preservation, protection and improvement of stock and prevention of animal diseases; veterinary training and practice;
- (viii) Pounds and prevention of cattle trespass;
- (ix) Protection of wild animals and birds;
- (x) Fisheries;
- (xi) Inns and Inn-keepers;
- (xii) Markets and fairs;
- (xiii) Cooperative societies; and
- (xiv) Charities and charitable institutions, charitable and religious endowments and religious institutions.

7. Provision will be made under the appropriate Central statute to empower the President to constitute regional committees and to make provision in the rules of business of Government and the rules of procedure of the Legislative Assembly in order to give effect to the arrangements outlined in the preceding paragraphs. The provisions made in the rules of business and procedure for the proper functioning of regional committees will not be altered without the approval of the President.

8. The demarcation of the Hindi and Punjabi regions in the proposed Punjab State will be done in consultation with the State Government and the other interests concerned.

9. The Sachar formula will continue to operate in the area comprised in the existing Punjab State, and in the area now comprised in the PEPSU State, the existing arrangements will continue until they are replaced or altered by agreement later.

10. The official language of each region will, at the district level and below, be the respective regional language.

11. The State will be bi-lingual recognising both Punjabi (in Gur-mukhi script) and Hindi (in Devnagri script) as the official languages of the State.

12. The Punjab Government will establish two separate departments for developing Punjabi and Hindi languages.

13. The general safeguards proposed for linguistic minorities will be applicable to the Punjab like other States.

14. In accordance with and in furtherance of its policy to promote the growth of all regional languages, the Central Government will encourage the development of the Punjabi language.

APPENDIX B

(Vide Para. 3 of the Minutes of the Third Sitting)

Amendment No. 46

In page 11,—

after line 3, insert,—

"21A. The following new Article, 371A shall be inserted in the Constitution:—

371A. Notwithstanding anything in this Constitution, the President may, by order made with respect to the State of Maharashtra, provide for any special responsibility of the Governor for—

- (1) the creation of three separate divisions of Vidarbha, Marathwada and the rest of Maharashtra for the purpose of administrative convenience;
- (2) the establishment of three separate Development Boards for the above three divisions, with the provision that a report on the working of each of these Boards shall be placed each year before the State Legislative Assembly;
- (3) equitable allocation of funds for developmental expenditure over these three divisions, subject to the requirements of the State of Maharashtra as a whole;
- (4) an equitable arrangement providing adequate facilities of vocational training, technical training, and employment opportunities in services under the control of State Government in respect of all the three divisions, subject to the requirements and efficiency of the single Government of Maharashtra."