

Article 3: How Andhra Politicians ‘Helped’ in Its Transformation

By Gautam Pingle - HYDERABAD

Published: 09th December 2013 01:34 PM

http://newindianexpress.com/states/andhra_pradesh/Article-3-How-Andhra-Politicians-%E2%80%98Helped%E2%80%99-in-Its-Transformation/2013/12/09/article1936243.ece

Some Seemandhra leaders have been going round the country advocating an amendment to Article 3 which empowers Parliament and the Union of India to change the borders and names of its constituent states. The Supreme Court in Keshavananda Bharthi case held that not even a Constitutional amendment could stand if it were to affect the basic structure of the Constitution of which Article 3 is a part. Be that as it may, Article 3, so convincingly argued and drafted by Dr Ambedkar, did not quite consider or anticipate the ingenuity of Andhra leaders.

Originally, the relevant part of the Proviso to Article 3, drafted by Ambedkar and enacted by the Constituent Assembly, read thus:

“The views of the Legislature of the State or, as the case may be, of each of the States, both with respect to the proposal to introduce the Bill and with respect to the provisions thereof, have been ascertained by the President.”

So, according to this Proviso to Article 3, the Assembly could express its views on the very idea of the Bill as well as on its provisions. When the Andhra State Bill was referred by the President to the Madras Assembly, things did not quite work out as they were expected to.

On July 14, 1953, the Chief Minister of Madras State, Rajagopalachari, moved a motion:

“That this House recommends that the Andhra State Bill, 1953, be introduced in Parliament.”

On this motion, the general principles of the Bill were discussed for three days, in which 57 members took part. On July 16, 1953, the motion was carried without any dissenting voice. On July 17, 1953, the Chief Minister moved: “That the proposed Andhra State Bill, 1953, be taken into consideration.”

As many as 280 amendments to the various clauses of the Bill were tabled by the members! The amendments in respect of each clause were moved formally and there was a discussion on the clause as well as the amendments to the clause. The amendments were then put to vote one by one!

The clause-by-clause consideration of the Bill lasted for 10 days.

On the last day of the consideration, on July 27, 1953, one Andhra member moved an amendment that the amount to be paid by the new state be reduced by `230.40 lakh in order to compensate the Andhra State for its relatively smaller share of buildings. After some discussion, the Speaker allowed the amendment to be discussed and thereupon all the Andhra members, a large number of the United Democratic Front members and Praja Socialists walked out. Afterwards, this amendment as well as the other amendments and resolutions left over were discussed and voted upon.

The Chief Minister then moved: “That the proposed Andhra State Bill, 1953, having been considered fully and approved, this House is of the view that the Bill should be amended on the lines indicated in the opinions and resolutions approved by the House.” This motion was carried after 13 days of discussion!

Given all this type of useless, time consuming and playing-to-the electoral gallery by the Andhra members who should have gracefully accepted the State they so long agitated for, the Government of India decided to remedy the issue and avoid future such issues.

On December 24, 1955, Parliament passed the Fifth Amendment to the Constitution which changed the part of the Proviso to Article 3 which now read instead thus:

“The Bill has been referred by the President to the Legislature of that State for expressing its views thereon within such period as may be specified in the reference or within such further period as the President may allow and the period so specified or allowed has expired.”

Thus, what was changed radically is the phrase “the views of the legislature” to “expressing the views of the legislature”. While this may not seem too different to a layman, it means basically that a resolution (the only way the views of the legislature can be ascertained) is substituted by expression of a number of views (obviously views of those legislators who want to express to them).

Secondly, and more importantly, the phrase “with respect to the proposal to introduce the Bill” was deleted altogether and now it would not give the Legislature scope to oppose the very idea motivating the Bill.

Thirdly, and crucially, it added the phrase “within such period as may be specified in the reference or within such further period as the President may allow and the period so specified or allowed has expired”. By doing this, it set a time limit and disallowed the possibility of the legislature ignoring the Bill by not considering it altogether or taking endless time to discuss it. When the States Reorganization Bill, 1956, came to the Madras Legislative Assembly for expressing its views, the discussion on the Bill commenced on March 28, 1956, and ended four days later. One wonders how much time the Andhra Assembly took to discuss merger with Telangana in 1956!

Anyway, the Andhra legislators of the Madras Assembly were responsible for showing up (by exploiting) the weakness in the original Article 3, so carefully crafted by Ambedkar after considerable debate in the Constituent Assembly. Is it possible that the Seemandhra politicians are looking for more innovative methods of stalling the Telangana Bill when it comes to the Assembly “expressing their views”? Time will tell.

DR GAUTAM PINGLE
13, PINGLE VENKATRAM BAGH
BEGUMPET
HYDERABAD 500016
INDIA

Telephones: +91-40-6456 0304; +91-40-4017 3050
Mob: +91-98496 39689
E-MAIL: gautam.pingle@gmail.com
