APPENDIX - F(I)

MEMORANDUM ON MODEL PROVINCIAL CONSTITUTION PREPARED BY THE CONSTITUTIONAL ADVISER, SHRI B. N. RAU, DATED 30 MAY 1947

Part II

Chief Commissioners' Provinces

1. Subject to the other provisions of this Part, a Chief Commissioner's Province shall be administered by the President of the Union acting, to such extent as he thinks fit, through a Chief Commissioner, or the Governor of a neighbouring Province, or the Ruler of a neighbouring Indian State.

2. (1) The President shall not act through the Governor of a neighbouring Province or the Ruler of a neighbouring Indian State save -

(a) with the consent of the Governor or the Ruler concerned; and

(b) in accordance with the wishes of the people of the Chief Commissioner's Province concerned, ascertained in such manner as he (the President) considers most appropriate.

(2) If the consent of the Governor or the Ruler or the people concerned is not forthcoming or is withdrawn, the President shall act through a Chief Commissioner.

[These provisions have been suggested because some people from Coorg have expressed a desire that Coorg should be...]

(2)
administered as if it were a part of the Province of Madras; others, as if it were a part of the State of Mysore.

3 The President may, by order, create or continue for any Province administered through a Chief Commissioner -

(a) a local Legislature; and/or

(b) a Council of Advisers with such constitution, powers and functions, in each case, as may be specified in the order.

4 Until other provision is made in this behalf by the President, the constitution, powers and functions of the Coorg Legislative Council and the arrangements with respect to revenues collected in Coorg and expenses in respect of Coorg shall remain unchanged.

Source: p. 639, Document No. 21(II), B. Shiva Rao (1967); The Framing of India’s Constitution, Select Documents II
APPENDIX - P(II)

MEMORANDUM ON THE PRINCIPLES OF THE UNION CONSTITUTION
PREPARED BY CHRI N. GOPALASWAMI AYYAR & ALIADI KRISHNASWAMI
AYYAR, JUNE 1947

Part VIII

"1. (1) Each of the areas referred to in para 2(1)(b),
Section I, will be administered, subject to the provisions of
the Constitution, by an officer who will be appointed by the
Federal Government.

(2) In each such area the officer so appointed will
have all such executive power and authority as may be
necessary for the administration of the area and in the
exercise of this power and authority, he will be directly
subordinate to the Federal Government.

(3) The federation may make by law special provision
for the establishment of local legislatures in such areas.
2. The Union Constitution will contain provision for the
administration of tribal areas.

(The Provision to be made will incorporate the scheme
for such administration approved by the constituent Assembly
on the Report of the Advisory Committee appointed under
paragraph 20 of the Cabinet Mission's Plan)."

Source: pp. 548-549, Document No. 15, B. Shiva Rao (1967); The Framing of India's Constitution, Select Documents II
APPENDIX - F(III)

REPORT OF THE UNION CONSTITUTION COMMITTEE ON THE PRINCIPLES OF THE UNION CONSTITUTION, DATED 4 JULY 1947

Part VIII

Directly Administered Areas

"1. The Chief Commissioners' Provinces should continue to be administered by the Centre as under the Government of India Act, 1935, as an interim measure, the question of any change in the system being considered subsequently; and all centrally administered areas including the Andamans and the Nicobar Islands should be specifically mentioned in the Constitution.

2. Appropriate provision should be made in the Constitution for the administration of tribal areas.

(Note - The Provision to be made regarding tribal areas should incorporate the scheme for the administration of such areas as approved by the Constituent Assembly on the Report of the Advisory Committee)."

Source: Reports of Committees of the Constituent Assembly of India, First Series, p. 97
REPORT OF THE COMMITTEE TO RECOMMEND SUITABLE CONSTITUTIONAL CHANGES IN THE ADMINISTRATIVE SYSTEMS OF THE CHIEF COMMISSIONERS' PROVINCES, DATED 21 OCTOBER 1947

"We, the members of the Committee appointed by you in accordance with the motion adopted by the Constituent Assembly on the 30th July, 1947, for the purpose of recommending constitutional changes in the five Centrally administered areas, viz., Fanth Fiploida, Andaman and Nicobar Islands, Coorg, Ajmer-Merwara and Delhi, submit this our report and the annexure thereto. We have adopted broadly the principles of responsible government as the basis of the constitution for the three last mentioned provinces. We have, however, made some modifications in the provisions adopted by the Assembly in respect of the Major Provinces. Before formulating our proposals we fully considered the position of these provinces with respect to their geography, financial condition and the working of the existing system of government in these areas.

2. Fanth Fiploida is a small tract of territory consisting of only 10½ villages situated in Malwa in the Central India Agency. In view of its small size and isolated position we have recommended that it should form part of the province of Ajmer-Merwara. This step was also suggested by some influential citizens of Fanth Fiploida. As regards the group of islands in the Bay of Bengal known as the Andaman and Nicobar Islands which have ceased to be penal settlements,
we recommend that they should continue to be administered by
the Government of India as at present with such adjustments
in their administrative machinery as may be deemed necessary.

3. Before recommending any constitutional changes for
the three Chief Commissioners' Provinces of Coorg, Ajmer-
Kerwara and Delhi which we propose to designate as
Lieutenant Governors' Provinces, we took into account the
following considerations:—

(a) that the Centre must have a special responsibility
for the good government and the financial
solvency of these provinces;

(b) that on account of the smallness of these areas
and the scantiness of their resources, the need
for Central assistance will continue for pulling
up the standard of their administration to the
level in the major provinces.

Among the important decisions taken by us are:—

(1) Each of these three provinces should henceforth
function under a Lieutenant Governor to be
appointed by the President of the Indian
Federation.

(2) Each of these provinces should normally be adminis-
tered by a Council of Ministers responsible to
the legislature as in other provinces, but any
difference on an important matter arising between
the Lieutenant Governor and the Ministry should be
referred to the President of the Federation for final decision.

(3) Each of these provinces should have an elected legislature which should function like other provincial legislatures except that -

(a) the Federal legislature will in the case of these provinces, have concurrent power of legislation even in respect of the subjects included in the Provincial Legislative List;

(b) all laws passed by the provincial legislature shall require the assent of the President of the Federation;

(c) the budget of the province after being voted by the provincial legislature shall require the approval of the President of the Federation before it becomes operative.

4. We are fully alive to the circumstances which led to the formation of the Delhi province in 1912. We also recognize the special importance of Delhi as the Capital of the Federation. We are, however, of the opinion that the people of the province which contains the Metropolis of India should not be deprived of the right of self-government enjoyed by the rest of their countrymen living in the smallest of villages. We have, accordingly, placed the Delhi Province on a par with Ajmer-Marwar and Coorg and have recommended responsible Government subject to the limitations already
indicated. Our detailed recommendations are given in the annexure.

Additional Note by Shri Mukat Bahari Lal Bhardwaj and Shri C. M. Poonacha, to the Chief Commissioners' Provinces Constitution Committee Report.

We, the members representing Ajmer-Merwara and Coorg having signed the report find it necessary to append this additional note regarding the future of these two provinces.

The special problems arising out of the smallness of area, geographical position, scantiness of resources attended with, what may be called administrative difficulties of many a complex nature may, at no distant future, necessitate the joining of each of these areas, with a contiguous unit. Therefore, we feel that a specific provision should be made in this chapter of the constitution to make possible such a union after ascertaining the wishes of the people of these areas. No doubt, our attention was drawn to clause 3 of the Union Constitution Committee Report, which is yet to be adopted by the Constituent Assembly, wherein certain provisions relating to the creation of a province, altering the boundaries of a province, etc., are embodied. But after careful examination we feel that the proposed clause 3 of the Union Constitution Committee Report is of a very restrictive nature and does not in specific terms contemplate the
inclusion of an Indian Province or areas with a State or
Group of States. Taking into account the situation of Ajmer-
Marwara which is surrounded on all sides by Rajputana States
such a clause would perpetually leave Ajmer-Marwara in
isolation even though the people of Ajmer-Marwara may at any
time decide against it. Accordingly we press upon the
Constituent Assembly the urgency of incorporating a suitable
provision in this chapter of the Constitution so as to make
it possible for each of these areas to join a contiguous unit

(The main Report and the Additional Note are reproduced.
The Annexure Part is omitted as they relate to details of
administration and administrative matters).

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Source: Reports of Committees of the Constituent Assembly
of India (1950), Government Printing Press, Delhi,
pp. 116-120.
APPENDIX - F(V)

DRAFT CONSTITUTION PREPARED BY THE CONSTITUTIONAL ADVISER, SIR B. N. RAU, DATED 27 OCTOBER 1947

-Part VI - The Chief Commissioners' Provinces-

Clauses 176 to 178

176(1) The following shall be the Chief Commissioners' Provinces, that is to say, the heretofore existing Chief Commissioners' Provinces of Delhi, Ajmer-Merwara, Coorg and the Andaman and Nicobar Islands, the area known as Panth Piploda, and such other Chief Commissioners' Provinces as may be created under this Constitution.

(2) A Chief Commissioner's Province shall be administered by the President acting, to such extent as he thinks fit through a Chief Commissioner to be appointed by him.

177 The President may make regulations for the peace and good government of the Andaman and Nicobar Islands and any regulations so made may repeal or amend any Act of the Federal Parliament or any existing law which is for the time being applicable to the Province and, when promulgated by the President, shall have the same force and effect as an Act of the Federal Parliament which applies to the Province.

*This part will require revision after the Committee on Chief Commissioners' Provinces have submitted their Report.
Until other provision is made by or under any Act of the Federal Parliament, the Constitution, powers and functions of the Coorg Legislative Council, and the arrangements with respect to revenues collected in Coorg and expenses in respect of Coorg shall remain unchanged.

Source: pp. 73-74, Document No. 1(1), R. Shivaprasad (1968); The Framing of India's Constitution, Select Documents III
APPENDIX - F(VI)

PROVISIONS PROPOSED BY THE DRAFTING COMMITTEE ON 26 JANUARY 1948 IN RESPECT OF THE ADMINISTRATION OF STATES IN PART II, THE TERRITORIES IN PART IV OF THE FIRST SCHEDULE AND OTHER TERRITORIES NOT SPECIFIED IN THAT SCHEDULE.

Clauses 176, 177, 177-A, 178 and 178-A

*Part VI - The States in Part II of the First Schedule*

"176 Subject to the other provisions of this part, a State for the time being specified in Part II of the First Schedule shall be administered by the President acting, to such extent as he thinks fit, through a Chief Commissioner or Lieutenant-Governor to be appointed by him or through the Governor or the Ruler of the neighbouring State.

177 The President shall not act through the Governor or Ruler of a neighbouring State save after -

(a) consultation with the Governor or Ruler concerned; and

*The Committee is of the opinion that it is not necessary to make any detailed provisions with regard to the Constitution of the States specified in Part II of the First Schedule which are at present Chief Commissioners' Provinces on the lines suggested by the ad hoc Committee on Chief Commissioners' Provinces in their recommendations. The revised provisions proposed in this part would enable the recommendations of the ad hoc Committee, if adopted by the Constituent Assembly, to be given effect to by the President by order.*
(b) consideration of the wishes of the people of
the State for the time being specified in Part II
of the First Schedule concerned, ascertained in
such manner as the President considers most
appropriate.

177-A The President may, by order, create or continue for
any State for the time being specified in Part II of the
First Schedule and administered through a Chief Commissioner
or Lieutenant-Governor -

(a) a local legislature, or
(b) a Council of Advisers or both with such
constitution, powers and functions, in each
case, as may be specified in the order.

178 Until other provision is made in this behalf by the
President, the constitution, powers and functions of the
Coorg Legislative Council and arrangements with respect to
revenues collected in Coorg and expenses in respect of Coorg
shall remain unchanged.

Part VI-A - The Territories in Part IV of the First
Schedule and other territories not specified
in that Schedule

178-A(1) Any territory specified in Part IV of the First
Schedule and any other territory comprised within the
territory of India but not specified in that Schedule shall
be administered by the President acting, to such extent as he thinks fit, through a Chief Commissioner or other authority to be appointed by him.

(2) The President may make regulations for the peace and good government of any such territory and any regulation so made may repeal or amend any law made by Parliament or any existing law which is for the time being applicable to such territory and, when promulgated by the President, shall have the same force and effect as an Act of Parliament which applies to such territory.

Source: p. 446, Document No. 5, E. Shiva Rao (1967); The Framing of India's Constitution, Select Documents
APPENDIX - F(VII)

DRAFT CONSTITUTION OF INDIA, DATED 21 FEBRUARY 1948

PART VII

*The States in Part II of the First Schedule

Articles 212 to 214

"212(1) Subject to the other provisions of this Part, a State for the time being specified in Part II of the First Schedule shall be administered by the President acting, to such extent as he thinks fit, through a Chief Commissioner or a Lieutenant-Governor to be appointed by him or through the Governor or Ruler of a neighbouring State:

provided that the President shall not act through the Governor or Ruler of a neighbouring State save after -

(a) consulting the Governor or Ruler concerned; and

(b) ascertaining in such manner as the President considers most appropriate the wishes of the people of the State to be so administered.

*The Committee is of opinion that it is not necessary to make any detailed provisions with regard to the Constitution of the States specified in Part II of the First Schedule which are at present Chief Commissioners' Provinces on the lines suggested by the ad hoc Committee on Chief Commissioners' Provinces in their recommendations. The revised provisions proposed in this Part would enable the recommendations of the ad hoc Committee, if adopted by the Constituent Assembly, to be given effect to by the President by order.
(2) Any State for the time being specified in Part III of the First Schedule whose Ruler has ceded full and exclusive authority, jurisdiction and powers for and in relation to the governance of the State to the Government of India shall be administered in all respects as if the State were for the time being specified in Part II of the First Schedule; and, accordingly, all the provisions of this Constitution relating to States specified in the said Part II shall apply to such State.

213 The President may, by order, create or continue for any State for the time being specified in Part II of the First Schedule and administered through a Chief Commissioner or Lieutenant-Governor -

(a) a local Legislature, or

(b) a Council of Advisers

or both, with such constitution, powers and functions, in each case, as may be specified in the order.

214 Until other provision is made in this behalf by the President, the constitution, powers and functions of the Coorg Legislative Council and the arrangements with respect to revenues collected in Coorg and expenses in respect of Coorg shall remain unchanged."

**This clause has been inserted by the Committee to provide for the administration of States in Part III of the First Schedule (e.g. the Orissa States) which have ceded full and exclusive authority, jurisdiction and powers to the Government of India.**
APPENDIX - F(VIII)

DRAFT CONSTITUTION OF INDIA, DATED 21 FEBRUARY 1948

PART VIII

The Territories in Part IV of the First Schedule and other Territories Not Specified in that Schedule

Article 215

(1) Any territory specified in Part IV of the First Schedule and any other territory comprised within the territory of India but not specified in that Schedule shall be administered by the President acting, to such extent as he thinks fit, through a Chief Commissioner or other authority to be appointed by him.

(2) The President may make regulations for the peace and good government of any such territory and any regulation so made may repeal or amend any law made by Parliament or any existing law which is for the time being applicable to such territory and, when promulgated by the President, shall have the same force and effect as an Act of Parliament which applies to such territory.
APPENDIX - F(IX)

DRAFT CONSTITUTION OF INDIA, DATED 21 FEBRUARY 1948

SIXTH SCHEDULE

Paragraph 17

Application of the provisions of this Schedule to areas specified in Part II of the table appended to paragraph 19

"(1) The Governor of Assam may -

(a) subject to the previous approval of the President, by public notification, apply all or any of the foregoing provisions of this Schedule to any tribal area specified in Part II of the table appended to paragraph 19 of this Schedule or any portion of such area and thereupon such area or portion shall be administered in accordance with such provisions, and

(b) may also with like approval exclude any tribal area specified in Part II of the said table or any portion thereof from the said table.

(2) Until a notification is issued under sub-paragraph (1) of this paragraph in respect of any tribal area specified in Part II of the said table or any portion of such area, the administration of such area or portion thereof, as the case
be, shall be carried on by the President through the Governor of Assam as his agent and the provisions of Part VIII of this Constitution shall apply thereto as if such area or portion thereof were a territory specified in Part IV of the First Schedule.