

turpitude should be allowed to continue as a Member of either House of Parliament. It is derogatory not merely to the dignity of the Houses of Parliament but also derogatory to the good sense and wisdom of the people who elected them as members of Parliament. I therefore feel that the amendment of Prof. Shah 72-B is unnecessary at this stage and out of place here. As regards 72-C I think it is a mere matter of procedure which can be regulated later on when the procedure for the elections to Parliament and bye-elections comes up before Parliament. I therefore feel that both the amendments are out of place and need not be considered at this stage. I appeal to the House to reject both the amendments.

**Mr. Tajamul Husain** (Bihar : Muslim) : My honourable Friend Prof. Shah has moved two amendments 72-B and 72-C. I find that I am not prepared to agree with my honourable Friend and I therefore oppose both the amendments. Under 72-B my honourable Friend wants that if any member of Parliament is guilty of moral turpitude he should cease to be a member. As has been pointed out by Mr. Kamath, this is already mentioned in article 83. So this is absolutely redundant here. Apart from that, if he wishes to move this amendment he should move it at the proper place when we are discussing article 83, and so at this stage it should be thrown out.

As regards 72-C the point of my honourable Friend Prof. Shah is that Government and the public treasury should meet the expenses of all the candidates who stand for Parliament. I oppose this also because this is not the practice in any civilised country in the world where there is a parliamentary system on democratic lines. We may have to spend crores of rupees. Also look at the number of people who will stand when they know that they will not have to spend out of their pockets for their elections. If Prof. Shah thinks that individual candidates should not spend money from their pockets let the party which sponsors their candidature spend the money and not the government. I oppose this amendment because at present our country is not rich enough to meet the individual expenses of a candidate.

**Prof. K. T. Shah** : I should like to withdraw my amendment 72-B, if I may.

The amendment was, by leave of the Assembly, withdrawn.

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

“That after article 72 the following new article be inserted :—

‘All expenses in connection with Election, to Parliament of all candidates whether at the time of a General-election or a Bye-Election shall be defrayed out of the Public Treasury, in accordance with a scale prescribed by Parliament; provided that any candidate securing less than 10 per cent of the votes cast at the election shall not be entitled to claim such expense.’ ”

The amendment was negatived.

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### Article 73

**Mr. Tajamul Husain** : Sir, before we proceed I would like to know whether you could now take up article 73 as we were given to understand that only those articles will be taken up for discussion which relate to election matters, so that the electoral rolls may be prepared as soon as possible. I submit that article 73 does not deal with election matters : it deals with the offices of the President, Vice-President and so on.

**Mr. President** : We wanted to take up the articles dealing with election matters but I was told that honourable Members were not yet quite ready

[Mr. President]

and wanted a day or two before those articles could be taken up. That is why I have accommodated them and we shall go on with those articles from Monday next.

The motion is :

“The article 73 form part of the Constitution.”

(Amendments Nos. 1499, 1500 and 1501 were not moved.)

**Mr. Naziruddin Ahmad** (West Bengal : Muslim) : Sir, I would like to move Amendment No. 1502. It is not a formal amendment.

Sir, I beg to move :

“That in clause (2) of article 73, for the words ‘another member’ the words ‘a member’ be substituted.”

The text as it stands rather favours the election of ‘another member’ and not the member who has ceased to be the Deputy Chairman. According to article 74, a Deputy Chairman shall vacate his office if he ceases to be a member or he may resign. When an election of a Deputy Chairman takes place he would be debarred from contesting for no fault of his. I submit that for the words ‘another member’ the words ‘a member’ be substituted, leaving it open to the outgoing Deputy Chairman to contest the seat if he has meanwhile been re-elected.

There is however one contingency in sub-clause (c) of article 74 where the Deputy Chairman may be removed for want of confidence. I do not know whether it is desired to allow him also to contest. At any rate, this is a matter which requires consideration and I shall be content if it is considered by the Drafting Committee, because there is a complication in sub-clause (c). It may be desired that he may not be allowed to contest, but in the other case there is no reason why he should not be allowed to be a candidate.

There is one other thing which I would suggest here, if I am permitted. Clause (1) of article 73 is a repetition of what we have already accepted and it is a mere duplication. Clause (1) says : “The Vice-President shall be the *ex-officio* Chairman of the Council of State,” I beg to draw the attention of the House to article 53. This is identical with clause (1) of article 73.

Article 53 also runs to the same effect. It says : “The Vice-President shall be *ex-officio* Chairman of the Council of States”. There are certain conditions and there is a proviso. I submit that the same provision, word for word, has already been accepted in article 53 which is fuller and more complete. At any rate we have made the same provision in identical terms in article 53. Therefore sub-clause (1) is a mere duplication. We certainly do not desire to have two Chairmen of the Council of States. Therefore clause (1) should be deleted or the two clauses may be put separately and clause (1) ruled out. I hope that the Honourable Dr. Ambedkar will consider this and see whether we should provide for the same thing twice.

**Mr. Tajamul Husain** : Sir, Mr. Naziruddin Ahmad wants that instead of the words ‘another Member’ there should be the words ‘a Member’. I oppose it. My reason is this: clause (2) of article 73 runs thus :

“The Council of States shall, as soon as may be, choose a member of the Council to be Deputy Chairman thereof, and so often as the office of Deputy Chairman becomes vacant the Council shall choose another member to be Deputy Chairman thereof.”

The point is this. Supposing a Deputy Chairman has been removed from office for certain reasons, if the word ‘another’ is there the Council cannot choose him, but some other member. That is why the word ‘another’ is put in. When a

Deputy Chairman resigns or if he is not wanted again—if he is removed we cannot have him again—another member will have to be chosen. If you have the words ‘a member’ there, the Council may choose the same member again. Therefore the words ‘another member’ are more appropriate and more correct and better than the words ‘a member’. I oppose the amendment.

**The Honourable Dr. B. R. Ambedkar** (Bombay : General) : Mr. President, Sir, I cannot help saying that the amendment moved by Mr. Naziruddin Ahmad is a thoroughly absurd one and is based upon an utter misconception of what the clause deals with. He does not seem to understand that there is a distinction between re-election of a person to the same office and a new election. What we are dealing with in article 73 is not re-election, but a new election. A new election is the result of a vacancy in the office by reason of the circumstances mentioned in article 74. By reason of article 74 the same person has ceased to be a member of the House, and obviously, that person having ceased to be a member of the House, you cannot say that they may elect ‘a member’ which may mean the same person who previously held office. Consequently in order to meet this contingency, the proper wording is ‘another member’, because that member has become disqualified under article 74. Therefore the wording of article 73 is perfectly in order. I may state here that if a member ceases to be a member by efflux of time, he can be re-elected, because he is ‘another member’.

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

“That in clause (2) of article 73, for the words ‘another member’ the words ‘a member’ be substituted.”

The amendment was negatived.

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

“That article 73 stand part of the Constitution.”

The motion was adopted.

Article 73 was added to the Constitution.

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#### Article 74

**Mr. President** : Article 74 is for consideration. Amendment No. 1503 is covered by another already passed.

(Amendments Nos. 1504 to 1508 were not moved.)

**Mr. President** : As there are no amendments to article 74 I will put it to the House.

The question is :

“That article 74 stand part of the Constitution.”

The motion was adopted.

Article 74 was added to the Constitution.

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#### Article 75

**Mr. President** : Article 75 is for consideration.

(Amendments Nos. 1509, 1510 and 1511 were not moved.)