

Article 159

Mr. President : We take up article 159.

(Amendment Nos. 2370 and 2371 were not moved.)

Mr. President : The question is:

“That article 159 stand part of the Constitution.”

The motion was adopted.

Article 159 was added to the Constitution.

New Article 159-A (contd.)

Mr. President : I now take vote on the amendment moved by Mr. Kapoor.

“That with reference to amendment No. 2369 of the List of Amendments and No. 138 of List II (Third Week), after article 159 the following new article be inserted:—

The Speaker and the Deputy Speaker not to preside at sittings of the Assembly while a resolution for his removal from office is under consideration.

‘159-A. At any sitting of the Legislative Assembly of a State, while any resolution for the removal of the Speaker from his office is under consideration, the Speaker, or while any resolution for the removal of the Deputy Speaker from his office is under consideration, the Deputy Speaker, shall not, though he is present, preside, and the provisions of the clause (2) of the last preceding article shall apply in relation to every such sitting as they apply in relation to a sitting from which the Speaker or, as the case may be, the Deputy Speaker, is absent.’ ”

The amendment was adopted.

New Article 159-A was added to the Constitution.

Article 160

Mr. President : We take up article 160.

There is no amendment to this either.

Mr. Naziruddin Ahmed : No. 2373, Sir. Sir, I beg to move:

“That in article 160 for the word ‘another’ the word ‘a’ be substituted.”

I move the second part only. This amendment has been twice last in another connection, but I still venture to submit it for the reconsideration of the House so that the other context may be reconsidered by the Drafting Committee. The article provides that if the Deputy Chairman or the Chairman of the Council loses his seat or so often as the office as the office of the Chairman or Deputy Chairman becomes vacant ‘another’ member shall be elected. The question is about another member. I submit that when the Chairman or the Deputy Chairman loses his seat then of course for that election that Chairman or Deputy Chairman is not eligible for election because he is not a member, but there is a provision that as many times as the office of the Chairman or Deputy Chairman becomes vacant, another member should be elected. Supposing that a Deputy Chairman loses his seat, there is a first vacancy. For that election the late Deputy Chairman will not be eligible because he would not be member but then if there is a second vacancy and, meanwhile, let us suppose that the Deputy Chairman is re-elected a member of the Council, the question is, would you allow him to contest or not? At the time of the second or subsequent vacancy he may have been re-elected and for all that I know he would be quite eligible; but the effect of the wording would be, if you say ‘another member,’ I beg to ask whether that member if he is otherwise qualified in the