

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.)

[Mr. President]

There is an amendment to amendment No. 1511. As amendment No. 1511 is not moved, it does not arise.

The question is :

“That article 75 stand part of the Constitution.”

The motion was adopted.

Article 75 was added to the Constitution.

**Mr. President** : There is notice of a new article 75-A—amendment No. 28 of List II.

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#### **New Article 75-A**

**Shri T. T. Krishnamachari** (Madras : General) : Sir, I beg to move :

“That after article 75, the following new article be inserted :—

‘75-A. At any sitting of the Council of States, while any resolution for the removal of the Vice-President from his office is under consideration, the Chairman, or while any resolution for the removal of the Deputy Chairman from his office is under consideration, the Deputy Chairman, shall not, though he is present, preside, and the provisions of 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 Chairman or, as the case may be, the Deputy Chairman, is absent.’ ”

Sir, the reason for this new article is that in the event of proceedings being taken against the Chairman or the Deputy Chairman for their removal, the Chairman or the Deputy Chairman might be present in the House to answer the charges against him; and if he is present, unless it is expressly stated that he will not preside, the Chairman or, when he is absent, the Deputy Chairman, will have to preside. In order to obviate this particular difficulty, this new article is being moved.

**Dr. P. S. Deshmukh** (C.P. & Berar : General) : I cannot hear anything.

**Shri T. T. Krishnamachari** : This amendment is being moved to overcome the technical difficulty that will arise in the case of proceedings against the Chairman, or the Deputy Chairman, as the case may be, of the Council of States. The article is self-explanatory and the difficulty that it seeks to overcome will be clear to any member who reads the article.

**Shri H. V. Kamath** : Mr. President, Sir, I feel that the article as has been moved before the House suffers from a slight lacuna. The lacuna has arisen because the article merely says that the Chairman or the Deputy Chairman shall not preside on any occasion when the question of his removal from office is under consideration. So long as the article does not provide specifically, does not lay down explicitly in so many words that somebody else from the House or outside the House shall preside on such occasions, the article as it stands, cannot to my mind be clear in its significance or its import. The article must at the same time state that the House shall elect somebody from within the House or appoint somebody else to preside on such occasions. Otherwise, it will mean that when the question of removal of the Chairman is under consideration, the Chairman shall not preside; but who will preside?