

[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?

I feel that this lacuna must be removed before the article is passed by the House. The article as it stands cannot be accepted by the House.

**The Honourable Dr. B. R. Ambedkar :** Mr. President, Sir, no such difficulty as has been pointed out by Mr. Kamath is likely to arise, and there is, I submit, no lacuna whatsoever. The position will be this : If the Chairman is being tried, so to say—I am using the popular phrase—then, although he is present, the Deputy Chairman shall preside. If the Deputy Chairman is being tried, the Chairman will preside; and when the Deputy Chairman is being tried, if the Chairman is not present to preside, then what the new clause says is that clause (2) of article 75 will apply. Clause (2) of article 75 says that “During the absence of the Chairman or the Deputy Chairman from any sitting of the Council of States, such person as may be determined by the rules of procedure of the Council, or if no such person is present, such other person as may be determined by the Council shall act as Chairman.” Therefore that difficulty is met by the application of clause (2) of article 75 to the case dealt with by this new article 75-A.

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

“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.’ ”

The motion was adopted.

Article 75-A was added to the Constitution.

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## Article 76

**Mr. President :** The motion is :

“That article 76 stand part of the Constitution.”

(Amendment No. 1512 was not moved.)

**Mr. President :** Amendment Nos. 1513, 1514, 1515 are all verbal and therefore disallowed.

Amendment No. 1516 by Mr. Naziruddin Ahmad.

**Mr. Naziruddin Ahmad :** I do not wish to formally move this amendment, but I want to make a few remarks. A similar amendment of mine was very kindly characterised by Dr. Ambedkar as absurd. I submit, Sir, my amendment was not absurd. There is yet time to reconsider the matter in the Drafting Committee. What I wanted to submit to the House was that if the Deputy Chairman loses his seat by resignation or by losing his membership, and if he is re-elected as a member, he should not be debarred from contesting. The only difficulty was in clause (c) of article 74. I think it is a very substantial matter that if a Deputy Chairman loses his seat but is re-elected, then he should not be debarred from contesting. That was the point I wanted to bring to the notice of the House. The House has already declared itself against the amendment, and so I do not wish to move it. I only submit that the amendment is not at all absurd but rather very reasonable.

**The Honourable Dr. B. R. Ambedkar :** We have already dealt with that amendment, and a similar amendment was moved by my honourable Friend to article 73.