

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

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meantime, would he be shut out? If it is desired to shut him out, that is a different matter; but I do not think there is a desire to shut him out. On the other hand there is a belief that as soon as a man loses his seat, he cannot possibly be a candidate because he is not a member but the very supposition which is the basis of the amendment is that meanwhile he may be re-elected. The question is whether you will allow him to contest. I submit that on re-consideration possibly the amendment may be accepted. It is not a verbal amendment but a substantial amendment. It gives a right to a member who has been meanwhile re-elected although he has lost his seat before.

Mr. President : Dr. Ambedkar.

The Honourable Dr. B. R. Ambedkar : I have nothing to say.

Mr. President : The question is:

“For the word ‘another’ the word ‘a’ be substituted.”

The amendment was negatived.

Mr. President : The question is:

“That article 160 stand part of the Constitution.”

The motion was adopted.

Article 160 was added to the Constitution.

Mr. President : Prof. Shah has given notice of a new Article.

Prof. K. T. Shah : This has already been covered.

Article 161

Mr. President : Article 161. Mr. Jaspat Roy Kapoor’s amendment No. 196 will come in as a separate article.

Shri T.T. Krishnamachari : Somebody may raise some procedural objection later on. So, better it is moved now.

Mr. President : Mr. Kapoor may move No. 2381.

Shri Jaspat Roy Kapoor : Sir, I beg to move:

“That after article 161, the following new clause be inserted :—

- ‘(2) When a resolution for the removal of the Speaker is under discussion the Deputy Speaker shall preside and when the resolution for removal of the Deputy Speaker is under consideration and the Speaker is absent such other person shall preside as under the rules of procedure of the Assembly is authorised to preside during the absence of the Deputy Speaker.’ ”

To this I move another amendment, No. 139 in the List of Amendments to Amendments, Third Week. I beg to move:

“That for amendment No. 2381 of the List of Amendments, the following be substituted :—

“That after article 161, the following new article be inserted :—

- 161-A. At any sitting of the Legislative Council of a State, while any resolution for the removal of the Chairman 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 next succeeding 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.’ ”

To this again. I beg to move another amendment No. 196 in the same List