

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.

**Mr. President :** That has already been disposed of. As regards article 76 there is no amendment.

(Amendments Nos. 1517 and 1518 were not moved.)

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

“That article 77 form part of the Constitution.”

The motion was adopted.

Article 76 was added to the Constitution.

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### Article 77

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

“That article 77 form part of the Constitution.”

(Amendments Nos. 1519, 1520 and 1521 were not moved.)

**Shri H.V. Kamath :** Sir, I move :

“That in clause (b) of article 77, for the words ‘to the Deputy Speaker’ the words ‘to the President’ be substituted.”

This amendment of mine relates merely to a matter of procedure. I feel that when the Speaker of the House of the People resigns his office, it will be far better if he addresses his resignation to the President and not to the Deputy Speaker, because the Deputy Speaker holds an office subordinate to him.

I am not suffering from any false sense of dignity, but procedure in these matters, as in others, must be regulated by what I may call decorum and the proprieties of the particular occasion and, therefore, it seems to me that when you have provided that when the Deputy Speaker resigns, he addresses the Speaker and sends his resignation to him, I feel that it is proper that the Speaker should address it, not to the Deputy Speaker, but to the President of the Union of India. I hope and trust that Dr. Ambedkar will see the propriety of a procedure like this and will accept this amendment of mine which provides that in the event of resignation by the Speaker, his resignation will be addressed to the President and not to the Deputy Speaker Sir, I therefore, move my amendment No. 1522 standing in my name and commend it to the acceptance of the House.

(Amendments Nos. 1523 and 1524 were not moved.)

**Mr. Naziruddin Ahmad :** Amendment No. 1525 is verbal.

**Mr. President :** I also thought so.

(Amendments Nos. 1526, 1527 and 1528 were not moved.)

I think these are all the amendments to article 77. There is only one amendment moved to this article.

**Prof. Shibban Lal Saksena** (United Provinces : General) : Sir, I wish to oppose the amendment moved by Mr. Kamath. I feel that he has forgotten that the President is the Executive head and we want that the Speaker and the Deputy Speaker should be completely independent of the Executive and when, therefore, it is provided that the Speaker should send in his resignation to the Deputy Speaker, it only means that the independence of the Speaker