

Shri T. T. Krishnamachari : The next article has only one small amendment.

Article 46

Mr. Vice-President : We shall now take up the next article. Article 46 is now before the House for its consideration.

As amendment No. 1097 is for the deletion of the article I disallow it.

The amendment of Professor Shibban Lal Saksena to this amendment falls as the main amendment has been ruled out.

Shri Krishna Chandra Sharma (United Province : General) : Sir, I move:

That in article 46 the words 'once', but 'only once' be deleted.

My amendment is a very simple one. It is to the effect that if a capable and efficient man is available, why should he not be allowed to serve a second term by seeking re-election and giving the benefit of his service to the nation as long as he is efficient and capable of service.

(Amendment No. 1099 was not moved).

Shri H.V. Kamath : Mr. Vice-President, I move:

"That in article 46, after the words 'only once' a comma and the words 'but he shall not be so eligible if he has been removed from office by impeachment in the manner provided in article 50' be added."

Even considering as the article as it stands, I think this amendment is to a certain extent necessary, purely for the purpose of clarifying the content of the article. But now, in view of the amendment moved by Shri Krishna Chandra Sharma, it is necessary for us to make this absolutely clear. It is likely that, in case Mr. Sharma's amendment is accepted, a person may contest the election again for the presidentship some years after his first or second term. It may be said against this amendment that the party nominating a candidate will certainly not nominate a person who has been removed from office by impeachment. But, considering that public memory is so short and even party memory is short, and there have been instances in various countries of the world where men who have been accused and impeached for corruption and other nefarious practices have been able to fill some office or other at a later date when people had forgotten the past such a provision becomes necessary. Such things have happened in many countries and it is not unlikely that such a thing may happen here also—God forbid—when party memory being short one cannot completely exclude the possibility of some person who has been guilty of corruption or other misdemeanour being put up to contest the election many years later. Therefore it is only to clarify the whole content of this article that a person who has been impeached cannot stand for election at any time say, 5, 10 or 20 years later that I have moved this amendment. It is necessary to lay down that even though people may forget or overlook the fact that a person had been impeached and removed from office, he should not have the right to contest the election for the Presidentship of the Indian Union.

Shri Mahavir Tyagi : Sir, the amendment that I am moving is a very simple one. I move—

"That the following proviso be added to article 46:—

'Provided that it will not apply in the case of a Vice-President who holds or who has held such office only temporarily in an acting capacity.'

The article deals with the admissibility of the President holding office a second time. My point is that a Vice-President who holds or who has held such office only temporarily in an acting capacity should not be debarred from standing for election to Presidentship twice. Of course, if "officiating" by the Vice-President is not considered as holding office or some such meaning is given, then my amendment will not be necessary. Either Dr. Ambedkar may accept my amendment or he may please clarify this point in his speech.

Mr. Vice-President : Even though this article is a very small and simple one, many honourable Members want to speak. I do not want to prevent

[Mr. Vice-President]

them from speaking but I would request them to withdraw their slips. If they insist on making their speeches before an already tired House, I am quite certain that what they may urge will not be taken into consideration. This is my view but I may be wrong.

Honourable Members : We will draw our request to speak.

The Honourable Dr. B. R. Ambedkar : Mr. Vice-President, Sir, I am prepared to accept the amendment of Mr. Sharma, *i.e.*, No. 1098, for the deletion of the words “once, but only once”.

With regard to Mr. Kamath’s amendment, I think the proper time when this matter could be discussed will be when the issue as to the qualifications of the person standing for Presidentship is raised.

To Mr. Tyagi I may say that in view of the deletion of the words “once, but only once”, his fears about the Vice-President are groundless.

Mr. Vice-President : I shall now put the amendments one by one to the vote. Amendment No. 1098. The question is:

“That in article 46 the words ‘once, but only once’ be deleted.”

The amendment was adopted.

Mr. Vice-President : Then amendment No. 1100.

Shri H. V. Kamath : In view of Dr. Ambedkar’s statement, I do not want to press it. The amendment was, by leave of the Assembly, withdrawn.

Mr. Vice-President : Then Mr. Tyagi’s amendment. It does not arise after Dr. Ambedkar’s speech, but some pandit of technicalities might say that I did not put it to the vote. So I want to know if Mr. Tyagi withdraws it or not.

Shri Mahavir Tyagi: Sir, I withdraw it.

The amendment was, by leave of the Assembly, withdrawn.

Mr. Vice-President : The question is:

That article 46, as amended, form part of the Constitution.

The motion was adopted.

Article 46, as amended, was added to the Constitution.

Mr. Vice-President : There has been a suggestion that the House should be adjourned for a few days for reasons which must be known to you all. Under the rules as they stand at present, the presiding officer does not have the power to adjourn the House for more than three days. Now I ask the House to permit me to adjourn the House for fourteen days, *i.e.*, till 10 A.M. on Monday the 27th December.

Shri T. T. Krishnamachari : Sir, a proper motion may be moved that the House may be adjourned for fourteen days.

Mr. Vice-President : I do not care how you bring it about. If what you suggest is the procedure, I am quite willing and a resolution may be brought forward in that form.

Shri Satyanarayan Sinha (Bihar: General): You can ask the House whether it is agreeable.

Mr. Vice-President : Is the House in favour of adjourning for fourteen days?

Honourable Members : Yes.

Mr. Vice-President : The House stands adjourned till 10 A.M. on Monday the 27th December.

The Assembly then adjourned till Ten of the Clock on Monday the 27th December 1948.
