

The amendment was adopted.

New Article 162-A was added to the Constitution.

Article 163

Mr. President : We go to article 163.

(Amendment Nos. 2386, 2387 and 2388 were not moved.)

There is then no amendment to article 163.

The question is:

“That article 163 stand part of the Constitution.”

The motion was adopted.

Article 163 was added to the Constitution.

New Article 163-A

Mr. President : There is the new article 163-A which has to be moved. That is amendment No. 39 List I.

The Honourable Dr. B.R. Ambedkar : Sir, it has to be held over.

Shri T.T. Krishnamachari : Sir, quite a similar article—article 79-A has been tabled and it is being held over, and conditions relating to this new article 163-A are more or less the same as those of article 79-A.

Mr. President : Then it is passed over. Article 164.

Shri T. T. Krishnamachari : I suggest that this particular article might be held over for this reason. We have difficulties in regard to making up our minds about joint sittings which also occur in subsequent articles. We have not yet made up our mind really how to fit it in with some of the new ideas that have come into being by the acceptance by the House of certain amendments. I suggest, therefore, that this article may be held over.

Mr. President : Is it the wish of the House this should be held over? Honourable Members: Yes.

Article 165

Mr. President : Article 165; to this there is the amendment No. 2397 by Mr. Tahir.

(Amendment Nos. 2397, 2398 and 2399 were not moved.)

There is then No. 2400, but that is a verbal amendment.

Shri T.T. Krishnamachari : The Chair has on previous occasions permitted Dr. Ambedkar to move such amendments, and I think the same practice may be continued and it may be moved formally.

The Honourable Dr. B.R. Ambedkar : Sir, I move:

“That in article 165 for the words ‘a declaration’ the words ‘an affirmation or oath’ be substituted.”

Mr. President : The question is:

“That in article 165 for the words ‘a declaration’ the words ‘an affirmation or oath’ be substituted.”

The motion was adopted.

Mr. President : Now article 165, as amended, is before the House.

The question is:

“That article 165, as amended, stand part of the Constitution.”

The motion was adopted.

Article 165, as amended, was added to the Constitution.

Shri H. V. Kamath : Sir, how does this article find a place under this Chapter which is headed “ Disqualifications of Members”? Article 165 deals not with disqualification but with a declaration.

Mr. President : That is a matter which may be looked into by Dr. Ambedkar.

Article 166

(Amendment No. 2401 was not moved.)

The Honourable Dr. B. R. Ambedkar : Sir, I move:

“That after clause (1) of article 166, the following new clause be inserted:—

‘(1a) No person shall be a member of the Legislature of two or more States and if a person is chosen a member of the Legislatures of two or more States, then at the expiration of such period as may be specified in rules made by the President that person’s seat in the Legislature of all the States shall become vacant, unless he has previously resigned his seat in the Legislatures of all but one of the States’.”

This is a clause which provides for a case where a person is a member of the Legislatures of two States; the former clause dealt with a person who is a member of the Legislature of a State and of Parliament.

Mr. President : There is the amendment of Mr. Naziruddin Ahmed, No. 2403, but that is covered by the one now moved. No. 2404.

The Honourable Dr. B. R. Ambedkar : I move:

“That clause (2) of article 166 be deleted.”

Mr. President : No. 2405 is covered by the previous one, I think.

(Amendment Nos. 2405 and 2406 were not moved.)

Mr. Mohd. Tahir : Sir, I move:

“That sub-clause (a) of clause (3) of article 166 be deleted.”

Sub-clause (a) says that if a member of a House becomes subject to any of the disqualifications mentioned in clause (1) of the next article, that is, article 167, his seat shall become vacant. But if a man is subject to the disqualifications mentioned under clause (1) of article 167, how can he become a member of the Legislature? It is not necessary to retain this clause because a Member cannot be a Member if he is disqualified under clause (1) of article 167.

(Amendment No. 2408 was not moved.)

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

“That in clause (3) of article 166, the following new sub-clause be inserted:

‘(c) or is recalled by the electors in his constituency for failure to properly discharge his duties;
(d) or dies.’ ”

May I just mention one or two points about the second part of the amendment relating to the death of a Member? When I moved a similar amendment on an earlier occasion, my query remained unanswered. The point that