

Article 305

Mr. President : There was one article 305. I have omitted it by mistake. There is a proposition that we should omit it.

Shri T. T. Krishnamachari : Sir, I move:

“That article 305 be deleted.”

Mr. President : This article has become unnecessary now. The question is: “That article 305 be deleted.”

The motion was adopted.

Article 305 was deleted from the Constitution.

Article 1

Mr. President : There is one more article, article 1.

The Honourable Dr. B. R. Ambedkar : Sir, I propose to move amendment No. 130 and incorporate in it my amendment No. 197 which makes a little verbal change in sub-clause (2).

Sir, I move :

“That for clauses (1) and (2) of article 1, the following clauses be substituted:—

(1) India, that is, Bharat shall be a Union of States.

(2) The States and the territories thereof shall be the States and their territories for the time being specified in Parts I, II and III of the First Schedule.”

Maulana Hasrat Mohani (United Provinces: Muslim): Sir, I want to submit that this is a very important article. It does not want only the name, but it also says that it will be a Union of States. This is very objectionable. I have given notice of an amendment on which I will take at least half an hour to explain. I am opposed to this Union of States. I do not want a Union of that kind. Because, originally we had republics. We have given up that idea of republics and we have brought in the States. This is a very serious matter. It cannot be disposed of in a simple manner. I spoke to Dr. Ambedkar; he says he will finish in five minutes. He cannot do that. This is a very serious matter and in this connection I have tabled amendments from the very beginning. I have tabled an amendment even now which is printed and circulated.

Mr. President : You move an adjournment of the discussion.

Maulana Hasrat Mohani : Sir, I want an adjournment of the discussion tomorrow morning.

Honourable Members : No.

Mr. President : I will take the sense of the House. I have taken it once. I will take it again. The motion is :

“That the discussion be adjourned till tomorrow morning.”

The motion was negatived.

Mr. President : Discussion will proceed. 131.

Maulana Hasrat Mohani : What about my amendment ?

Mr. President : It will come in time.

Maulana Hasrat Mohani : On a point of Order. I understand there is no quorum. Therefore this House should be adjourned till tomorrow morning.

Mr. President : I do not know. I think under the procedure the bell has to be rung and then counting shall have to take place. Have the bell rung?

(The bells were rung.)

I think there should be counting now. Members will take their seats so that counting may proceed.

Maulana Hasrat Mohani : If you at least adjourn for half an hour, it will enable me to take my meals. I have not so far taken meals.

Mr. President : If I adjourn at all, it will be for the next session. It will be best to adjourn till the next session.

The Honourable Dr. B. R. Ambedkar : Sir, this can be finished in a short time.

Mr. President : What can we do? It is open to any Member to obstruct. Eighty-six Members are present, and under our rules one-third of the total number of Members should constitute the quorum, and that is about 97. So now, there is no quorum. I have to adjourn the House, there is no help.

An Honourable Member : Let this article go to the next session.

Another Honourable Member : We can meet tomorrow.

Another Honourable Member : There is no guarantee of quorum even tomorrow.

The Honourable Dr. B. R. Ambedkar : We can bring some Members who may be outside. The bell may be rung.

Mr. President : The position is this. Either we have to adjourn till tomorrow.....

Pandit Lakshmi Kanta Maitra : There will be no quorum tomorrow either.

An Honourable Member : We can adjourn for half an hour.

Mr. President : The suggestion is made that we adjourn for half an hour to enable Members to come.

May I make an enquiry? Adjournment is necessary now and we cannot avoid it. The question is only the time we meet next.

The first question is whether we should meet to-night, or tomorrow or leave it for the next session of the Assembly.

Sardar Huuam Singh : Sir, you cannot adjourn the House beyond three days without permission of the House, and the House now cannot give any such permission as it has no quorum.

Mr. President : Then we shall meet later to-night.

The Honourable Shri Binodanand Jha (Bihar : General) : A properly constituted House can give permission to adjourn beyond three days, but this Assembly now is not properly constituted as there is no quorum. In the absence of quorum, it cannot function. Clause (2) of rule 22 of the Rules of Procedure deals with quorum and the situation arising from want of quorum. You cannot, Sir, straightaway adjourn without the consent of this House.

Mr. President : Under rule 22 "If the Chairman on account being demanded by a Member at any time during a meeting, ascertains that one-third of the whole number of Members are not present, he shall adjourn the Assembly

or the Committee, as the case may be, for fifteen minutes, and if on a fresh count being taken after that period it is found that there is still no quorum, he shall adjourn the Assembly or the Committee as the case may be, till the next day on which it ordinarily sits.”

So we have to wait. We shall wait till eight o'clock.

(The time was ten minutes to Eight of the Clock.)

Mr. Naziruddin Ahmad : Sir, I think that fifteen minutes have passed already.

Shri Mahavir Tyagi : You cannot raise any point of order as there is no quorum in the House.

(On a count at Eight of the Clock it was found that there was still no quorum.)

Mr. President : There is no quorum, as there are only ninety-four Members present. The House stands adjourned till 9 o'clock tomorrow.

The assembly then adjourned till Nine of the Clock on Sunday, the 18th September 1949.
