

**Pandit Hirday Nath Kunzru** (United Provinces: General): A closure motion was moved and you accepted it. I should have thought therefore that Dr. Ambedkar's reply to the debate would put an end to the discussion on the subject.

**Mr. President** : I am sorry I missed the point.

**Shri M. Ananthasayanam Ayyangar** : May I make one submission to you. I am not going to speak. I bow to your ruling. Dr. Ambedkar has tried to move an amendment in his final reply. Otherwise if the motion moved by Mr. T.T. Krishnamachari is put to the vote, I have no objection. I have come here to suggest that Dr. Ambedkar should withdraw his amendment which he tried to move in his reply.

**Mr. President** : You have now done that. I am sorry I had forgotten that closure has been adopted.

**Shri R. K. Sidhva** : What about Dr. Ambedkar's amendment? We cannot accept it as an amendment at this stage.

**Mr. President** : If it had been accepted by the mover, it could have been a different matter. The question is:

"That in amendment No. 65 of List I in the proposed new article 167-A

- (i) in clause (1), for the words 'Governor and his' the words 'Election Commission and its' be substituted; and
- (ii) clause (2) and the brackets and figure '(1)' occurring at the beginning of the article be deleted."

The amendment was negatived.

**Mr. President** : Then Mr. T.T. Krishnamachari's amendment.

**Some Honourable Members**: With or without Dr. Ambedkar's amendment?

**Mr. President** : Without. The question is:

"That for amendment No. 2441 of the List of Amendments, the following be substituted:—

"That after article 167, the following new article be inserted:—

167-A. (1) If any question arises as to whether a member of a house of the Legislature of a State has become subject to any of the disqualifications mentioned in clause (1) of last preceding article, the question shall be referred for the decision of the Governor and his decision shall be final.

(2) Before giving any decision on any such question, the Governor shall obtain the opinion of the Election Commission and shall act according to such opinion.' "

The amendment was adopted.

**Mr. President** : Since this amendment is passed, Mr. Mandloi's amendment falls through. The question is:

"That new article 167-A stand part of the Constitution."

The motion was adopted.

New article 167-A was added to the Constitution.

### Article 171

**Mr. President** : There is only one amendment to this article, No. 67.

**Shri Satish Chandra** (United Provinces: General): I do not wish to move the amendment, but I would like to have clarification that the ruling you have given just now in respect of article 164 will also apply to this article, and if the principle of joint sittings of the two Houses of the state legislature is not accepted later on, all the consequential amendments to this article will be made by the Drafting Committee.

**Mr. President :** Yes, I think it will apply to this also.

The question is:

“That article 171 stand part of the Constitution.”

The motion was adopted.

Article 171 was added to the Constitution.

#### Article 175

**Mr. President :** There are certain amendments to this.

There is one by Sardar Bhopinder Singh Man.

**Shri T.T. Krishnamachari :** Articles 175 and 176 may be held over.

**Shri M. Ananthasayanam Ayyangar :** What about 172?

**Mr. President :** It is being held over. It is not being taken up today.

#### Article 187

(Amendment Nos. 2524 to 2529 were not moved)

**Pandit Hirday Nath Kunzru :** Mr. President, Sir, I beg to move:

“That in sub-clause (a) of clause (2) of article 187, for the words ‘six weeks from the reassembly of the Legislature’ the words ‘two weeks from the promulgation of any Ordinance’ be substituted.”

With your permission, Sir, I should like to move another amendment which is consequential to the amendment that I have moved. I moved:

“That the Explanation to clause (2) of article 187 be deleted.”

Sir, a similar question came up for discussion the other day with regard to the duration of the Ordinances issued by the Governor-General. My position today on this question is generally what it was the other day, but I feel that where the members of the Legislature live in a compact area, an area which is much smaller than that from which the members of the Central Legislature are drawn, it should be comparatively speaking much easier for them to meet. The period of fourteen days during which I should like an ordinance issued by the Governor to be placed before the Legislature should therefore be employed for the purpose.

The article as it is, Sir, provides an Ordinance issued by the Governor shall remain in force as long as the Legislature of his province does not meet. Even when the legislature meets it will remain in force for six weeks from the re-assembly of the Legislature “unless before the expiration of that period a resolution disapproving it is passed by the Legislative Assembly and agreed to by the Legislative Council, if any, upon the passing of the resolution or as the case may be on the resolution being agreed to by the Council.” This means that as there may be an interval of more than five months between two sessions of the legislatures, it is obvious that an Ordinance issued by a Governor may remain in force for as long as five months or any period less than six month and six weeks more.

The explanation to clause (2) says that when there are two Houses of the Legislature to a State and they re-assemble on different dates the period of six weeks shall be reckoned from the later of those dates for the purposes of this clause. Suppose that the Second House meets a month later than the Assembly. This will mean that the Ordinance will remain in force for some period less than six months *plus* the period of one month during which the Second House does not meet *plus* six weeks, unless before the expiry of six weeks a resolution disapproving of it is passed by the Legislative Assembly and is agreed