

[Mr. Naziruddin Ahmad]

meantime, would he be shut out? If it is desired to shut him out, that is a different matter; but I do not think there is a desire to shut him out. On the other hand there is a belief that as soon as a man loses his seat, he cannot possibly be a candidate because he is not a member but the very supposition which is the basis of the amendment is that meanwhile he may be re-elected. The question is whether you will allow him to contest. I submit that on re-consideration possibly the amendment may be accepted. It is not a verbal amendment but a substantial amendment. It gives a right to a member who has been meanwhile re-elected although he has lost his seat before.

Mr. President : Dr. Ambedkar.

The Honourable Dr. B. R. Ambedkar : I have nothing to say.

Mr. President : The question is:

“For the word ‘another’ the word ‘a’ be substituted.”

The amendment was negatived.

Mr. President : The question is:

“That article 160 stand part of the Constitution.”

The motion was adopted.

Article 160 was added to the Constitution.

Mr. President : Prof. Shah has given notice of a new Article.

Prof. K. T. Shah : This has already been covered.

Article 161

Mr. President : Article 161. Mr. Jaspat Roy Kapoor’s amendment No. 196 will come in as a separate article.

Shri T.T. Krishnamachari : Somebody may raise some procedural objection later on. So, better it is moved now.

Mr. President : Mr. Kapoor may move No. 2381.

Shri Jaspat Roy Kapoor : Sir, I beg to move:

“That after article 161, the following new clause be inserted :—

- ‘(2) When a resolution for the removal of the Speaker is under discussion the Deputy Speaker shall preside and when the resolution for removal of the Deputy Speaker is under consideration and the Speaker is absent such other person shall preside as under the rules of procedure of the Assembly is authorised to preside during the absence of the Deputy Speaker.’ ”

To this I move another amendment, No. 139 in the List of Amendments to Amendments, Third Week. I beg to move:

“That for amendment No. 2381 of the List of Amendments, the following be substituted :—

“That after article 161, the following new article be inserted :—

- 161-A. At any sitting of the Legislative Council of a State, while any resolution for the removal of the Chairman 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 next succeeding 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.’ ”

To this again. I beg to move another amendment No. 196 in the same List

of Amendments to Amendments. I beg to move:

“That with reference to amendment No. 2381 of the List of Amendments and No. 139 of List II (Third Week) after article 162 the following article be inserted :—

The Chairman or the Deputy Chairman not to preside at sittings of the Legislative Council while a resolution for his removal from office is under consideration.

‘162-A. At any sitting of the Legislative Council of State, while any resolution for the removal of the Chairman 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.’ ”

I need hardly say anything in support of this. It is just on the same lines as article 159-A which we have just adopted and we might readily adopt this amendment.

(Amendment Nos. 2376 to 2380 were not moved.)

Mr. President : I put article 161 to vote and put this last amendment 196 separately.

Mr. President : The question is:

“That article 161 stand part of the Constitution.”

The motion was adopted.

Article 161 was added to the Constitution.

Article 162

Mr. President : Then I take up article 162. New article 162-A will come later.

(Amendments Nos. 2383, and 2384 and 2385 were not moved.)

Then there is no amendment to article 162.

The question is:

“That article 162 stand part of the Constitution.”

The motion was adopted.

Article 162 was added to the Constitution.

New Article 162-A

Mr. President : Now I put article 162-A which has been moved as amendment No. 196, List VI, by Mr. Kapoor.

The question is:

“That with reference to amendment No. 2381 of the List of Amendments and No. 139 of List II (Third Week) after article 162 the following article be inserted :

The Chairman or the Deputy Chairman not to preside at sittings of the Legislative Council while a resolution for his removal from office is under consideration.

‘162-A. At any sitting of the Legislative Council of a State, while any resolution for the removal of the Chairman 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 from which the Chairman or, as the case may be, the Deputy Chairman, is absent.’ ”