

Mr. President : That has already been disposed of. As regards article 76 there is no amendment.

(Amendments Nos. 1517 and 1518 were not moved.)

Mr. President : The question is :

“That article 77 form part of the Constitution.”

The motion was adopted.

Article 76 was added to the Constitution.

Article 77

Mr. President : The motion is :

“That article 77 form part of the Constitution.”

(Amendments Nos. 1519, 1520 and 1521 were not moved.)

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

“That in clause (b) of article 77, for the words ‘to the Deputy Speaker’ the words ‘to the President’ be substituted.”

This amendment of mine relates merely to a matter of procedure. I feel that when the Speaker of the House of the People resigns his office, it will be far better if he addresses his resignation to the President and not to the Deputy Speaker, because the Deputy Speaker holds an office subordinate to him.

I am not suffering from any false sense of dignity, but procedure in these matters, as in others, must be regulated by what I may call decorum and the proprieties of the particular occasion and, therefore, it seems to me that when you have provided that when the Deputy Speaker resigns, he addresses the Speaker and sends his resignation to him, I feel that it is proper that the Speaker should address it, not to the Deputy Speaker, but to the President of the Union of India. I hope and trust that Dr. Ambedkar will see the propriety of a procedure like this and will accept this amendment of mine which provides that in the event of resignation by the Speaker, his resignation will be addressed to the President and not to the Deputy Speaker Sir, I therefore, move my amendment No. 1522 standing in my name and commend it to the acceptance of the House.

(Amendments Nos. 1523 and 1524 were not moved.)

Mr. Naziruddin Ahmad : Amendment No. 1525 is verbal.

Mr. President : I also thought so.

(Amendments Nos. 1526, 1527 and 1528 were not moved.)

I think these are all the amendments to article 77. There is only one amendment moved to this article.

Prof. Shibban Lal Saksena (United Provinces : General) : Sir, I wish to oppose the amendment moved by Mr. Kamath. I feel that he has forgotten that the President is the Executive head and we want that the Speaker and the Deputy Speaker should be completely independent of the Executive and when, therefore, it is provided that the Speaker should send in his resignation to the Deputy Speaker, it only means that the independence of the Speaker

and the House over which he presides should be maintained. If we send it to the President, it means we send it to the Executive. It is a very healthy principle that the Speaker and the Deputy Speaker should be completely independent of the Executive. I therefore hope that Mr. Kamath will not press his amendment.

Mr. Tajamul Husain : Mr. President, Sir, I support the amendment moved by my honourable Friend Mr. Kamath and I think that when the Speaker wishes to resign, he should send his letter of resignation not to an officer who has been working under him, but to someone higher in authority, *i.e.*, the President of the Republic. This would be better, Sir, I think, for the dignity of the House. My honourable Friend Prof. Saksena said that he wants to keep the dignity of the House. The House of the People is intermingled with the President in many ways and you cannot separate one from the other; it is impossible; and the President of the Republic, after all, Sir *de jure* is the head of the House of the People. These are the two heads and it is really right and proper that when he wishes to resign, the letter should go to the highest tribunal that is the President, than to his subordinate. With these words, I support the amendment moved by my honourable Friend Mr. Kamath.

The Honourable Dr. B. R. Ambedkar : Sir, I am sorry I cannot accept the amendment moved by my honourable Friend, Mr. Kamath. The existing article is based upon a very simple principle and it is this, that a person normally tenders his resignation to another person who has appointed him. Now the Speaker and the Deputy Speaker are persons who are appointed or chosen or elected by the House. Consequently, these two people, if they want to resign, must tender their resignations to the House which is the appointing authority. Of course, the House being a collective body of people a resignation could not be addressed to each member of the House separately. Consequently, the provision is made that the resignation should be addressed either to the Speaker or to the Deputy Speaker, because it is they who represent the House. Really speaking, in theory, the resignation is to the House because it is the House which has appointed them. The President is not the person who has appointed them. Consequently, it would be very incongruous to require the Deputy Speaker or the Speaker to tender their resignations to the President who has nothing to do with the House and who should have nothing to do with the House in order that the House may be independent of the executive authority exercised either through the President or through the Government of the day.

Shri H.V. Kamath : On a point of information may I know from Dr. Ambedkar what is the procedure prevailing in the case of the Speaker of the Central Legislative Assembly today?

The Honourable Dr. B.R. Ambedkar : The position today is so different. Does he ask about the present position or the position that he wants to create? Under the Government of India Act the Assembly and the Speaker are the creatures of the Governor-General. Consequently, the Speaker is required to address his resignation to the Governor-General. We do not want that situation to be perpetuated. We want to give the President as complete and as independent position of the executive as we possibly can.

Shri H.V. Kamath : Even under the Government of India Act, is not the Speaker elected by the Assembly?

The Honourable Dr. B.R. Ambedkar : That is wrong. He is no doubt elected; but his election is required to be approved by the Governor-General.

Shri H.V. Kamath : I beg leave to withdraw the amendment, Sir.

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

Mr. President : The question is :

“That article 77 stand part of the Constitution.”

The motion was adopted.

Article 77 was added to the Constitution.

Article 78

Mr. President : The motion is :

“That article 78 form part of the Constitution.”

(Amendments Nos. 1529 and 1530 were not moved.)

The amendment to amendment No. 1530 does not arise because the amendment itself is not moved.

(Amendment No. 1531 was not moved.)

There is no amendment that has been moved to article 78.

The question is :

“That article 78 stand part of the Constitution.”

The motion was adopted.

Article 78 was added to the Constitution.

New Article 78-A

Mr. President : There is notice of an amendment by Mr. T. T. Krishnamachari to add a new article 78-A.

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

“That after article 78, the following new article be inserted :—

‘78-A. At any sitting of the House of the people, while any resolution for the removal of the Speaker from his office is under consideration, the Speaker or while any resolution for the removal of the Deputy Speaker from his office is under consideration, the Deputy Speaker, 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 Speaker or, as the case may be, the Deputy Speaker, is absent.’ ”

Sir, this new article is exactly the same in content as article 75-A which the House was good enough to accept. The need for this article has been explained fully by the Honourable Dr. Ambedkar. I hope the House will have no difficulty in accepting this new article as it relates to the House of the People in the same way as the previous article 75-A relates to the Council of States. Sir, I move.

Mr. President : I desire to put this amendment straightaway as this is the same as a previous article adopted, with this difference that this relates to the House of the People whereas the previous article relates to the Council of States. I take it that no further discussion is necessary.

The question is :

“That after article 78, the following new article be inserted :—

‘78-A. At any sitting of the House of the People, while any resolution for the removal of the Speaker from his office is under consideration, the Speaker, or while any resolution for the removal of