

Article 80

Mr. President : I remember that; it is not necessary to repeat that. We take it that that amendment is not moved. We may go to article 80.

The motion is :

“That article 80 form part of the Constitution.”

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

“That in clause (1) of article 80, for the words ‘Save as provided in this Constitution’ the words ‘Save as otherwise provided in this Constitution’ be substituted.”

Sir, this is just a slip and it has to be corrected.

Mr. President : Amendment No. 1537. I take it this amendment is of a drafting nature. Amendment No. 1538. Mr. Kamath, this is covered by the amendment which has just been moved.

Shri H.V. Kamath : The second part is new, Sir.

Mr. President : You may move the second part.

Shri H.V. Kamath : Sir, may I at the very outset bring to your notice that I had sent five amendments separately, but they have been brought together, three in one amendment No. 1538 and two as amendment 1541. I do not wish to blame the office in any way; the office is working very hard and it is quite possible that on account of pressure of work this has happened. I would only crave your indulgence to move these amendments separately.

Mr. President : Yes.

Shri H.V. Kamath : I shall move only the last two portions in 1538, and, also by your leave, 1541 because that relates to the same clause.

Mr. President : Yes.

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

“That in clause (1) of article 80, after the words ‘at any sitting’ the words ‘of either House’ be inserted and the words ‘other than the Chairman or Speaker or person acting as such’ be deleted.”

and further

“That in the second paragraph of clause (1) of article 80 before the words ‘The Chairman’ the words ‘Provided that’ be inserted.”

I am not moving the second half of the amendment 1541.

Shri T.T. Krishnamachari : May I point out that House has already adopted 68-A which is exactly the same as the amendment now sought to be moved by Mr. Kamath?

The Honourable Dr. B.R. Ambedkar : Yesterday we adopted 68-A which covers the same point.

Mr. President : He is dealing with 1538 and first part of 1541.

Shri T.T. Krishnamachari : I am sorry.

The Honourable Shri K. Santhanam : I suggest Mr. Kamath may move them separately. We may want to support one and oppose the other.

Shri H. V. Kamath : 1538 and 1541 go together; otherwise the picture will not be complete. If my amendments are accepted, the article would read thus—

“Save as otherwise provided in this Constitution, all questions at any sitting of either House or joint sitting of the Houses shall be determined by a majority of votes of the members present and voting.

Provided that the Chairman or Speaker, etc.”

I do not wish to expatiate upon this amendment. I think these amendments are fairly obvious because the first amendment seeks to insert the words 'of either House'. It stands to reason that we must make everything clear. There is the other clause subsequent to that which refers to joint sitting of the Houses.

As regards the other two amendments which in my view must be taken together or rejected together, I would only say that at times I feel that this Draft Constitution has been encumbered with needless verbiage, words which might have been reduced in number, words which might have been omitted. I am aware that the elephant is one of our emblems but I am sure the House does not agree we should make the Constitution an elephantine one. Our sages and wise men have written sciences and philosophy in brief Sutras and one of our greatest men—I think it was Vyasa himself who took pride in his sloka when he said—

“श्लोकार्धेन प्रवक्ष्यामि यदुक्तं ग्रंथकोटिभिः”
(*Shlokardhena pravakshyami yaduktam granthakotibhih.*)

[What crores of Granthas have said I will say in half a verse.]

But have we are repeating words which are absolutely unnecessary and which might have been easily, without any detraction of meaning or derogation to the propriety of the article, omitted. I wish we had a Constitution much less bulky. The other day some friends of mine who were students in a college wrote to me after they had persued the Draft Constitution—they are students of politics—they said half in jest and half in earnest that the future generation of students will curse many of us who have presented the country with such a bulky document.

Mr. President : Is all this necessary for this amendment?

Shri H. V. Kamath : I only wanted to make my point clear. I will come straight to the point, as you have been pleased to remark that it is not necessary for the amendment. I only wish to say that here in clause (1) of article 80 we find that these words 'Chairman or Speaker or person acting as such' has been repeated in the first para as well as the second para. In the first para the meaning is quite clear without the incorporation of these words 'other than the Chairman or Speaker etc.' If they just add a proviso like 'Provided that' the meaning that the draftsmen have in mind will be clearly brought out and we will be saved the burden of at least 8 or 9 words in this one article. If we proceed in this fashion with many articles, I am sure that at least a thousand words might be omitted from this Constitution.

I therefore move the latter two-third portions of No. 1538 and the first half of No. 1541 and commend these for the acceptance of the House.

(Amendments Nos. 1542, 1543, 1544, 1545, 1546, 1547 and 1548 were not moved.)

Mr. President : No. 87 of Amendment to Amendments.

Acharya Jugal Kishore (United Provinces : General) : Sir, I move :

“That with reference to amendment No. 1536 of the List of Amendments, in clause (1) of article 80, after the word 'sitting' where it occurs for the first time, the words 'of either House' be inserted.”

This is only a verbal change and I hope the House will accept the amendment.

Mr. President : The amendments and the article are open to discussion now.

Mr. Naziruddin Ahmad : Mr. President, Sir, with regard to article 80, I have to point out one drafting lacuna for the consideration of the Drafting Committee. After clause (1) there is a complete paragraph which should bear a clause number. I think this is an isolated instance where a paragraph has not been numbered. This paragraph should be numbered 1(a) and the subsequent clauses re-numbered.

With regard to another aspect of drafting, I would suggest for the consideration of the Drafting Committee this : In certain places in articles 78, 79, 80, 81 and 82, the word "the" has been treated with considerable amount of affection. It has been used rather very freely. But in other places there is considerable amount of antipathy to the word "the"; as for instance in article 79, there is the expression "the Chairman", "the Deputy Chairman", "the Speaker", "the Deputy Speaker" etc. But in articles 78, 80 and 81, the word "the" in similar context does not appear. But the word again appears in article 82.

Shri M. Ananthasayanam Ayyangar (Madras : General) : On a point of order Sir, you have ruled out verbal amendments. Is it open to my Friend to speak on these verbal amendments? It is for the purpose of enabling us to get along with the substantial portion of the work and to confine ourselves to the substance and in order not to spend away time that you have ruled out verbal amendments. Then what is the use of taking up our time in another form by speaking on them?

Mr. President : I only wanted to know on which side the Member's sympathies lay, whether in favour of or against the word "the". That apart, I would request the honourable Member to discuss it with the Members of the Drafting Committee.

Mr. Naziruddin Ahmad : Sir, I have already finished. But let me point out that my honourable friend in taking up this point of order has taken up more time than I would have done. I have simply pointed out these two points for the kind consideration of the Drafting Committee and I have finished.

Prof. Shibban Lal Saksena : Mr. President, Sir, my objection to this article is with regard to the words "joint sitting of the Houses". In this Draft Constitution, it is article 88 that deals with joint sittings of both Houses. That is a question of principle, and I am one of those who think that there should be no joint sittings of the two Houses. Therefore, I hope that even if this article is passed just now as it is, and if article 88 is amended or dropped, I hope this portion of article 80 also will be dropped.

The Honourable Dr. B.R. Ambedkar : Sir, I am sorry I cannot accept the amendment of Mr. Kamath.

Shri H.V. Kamath : Which of my amendments? I moved three amendments, separately.

The Honourable Dr. B.R. Ambedkar : The one which he moved just now. I find in the book, one consolidated amendment. He might have spoken on different parts of it. But the amendments as it stands is a single one.

Shri H. V. Kamath : Sir, I sent them separately, and I spoke on them separately. With your leave, Sir, I may point them out. Firstly, adding “of either House” after the words “at any sitting”. Secondly deletion of the words “other than the Chairman or Speaker or person acting as such”. Thirdly inserting the words “provided that” at the commencement of the second para. I would like to know which of these three the honourable Member is accepting, whether he is rejecting all the three or two or one.

The Honourable Dr. B. R. Ambedkar : I am referring to the honourable Member’s amendment No. 1538, which so far as the official document is concerned, appears to be a single amendment.

Shri H. V. Kamath : Sir, I asked your leave, to move them separately.

Mr. President : Mr. Kamath has moved these three things. But they can be separately taken also. As amended, the article would read like this :

“Save as otherwise provided in this Constitution, all questions at any sitting of either House or joint sitting of the Houses shall be...”

The Honourable Dr. B. R. Ambedkar : I find I can accept No. 87 in the consolidated list of amendments. It serves my purpose, and therefore I accept it.

Mr. President : That covers the first part of your amendment. Then there is the second part of the amendment. I would rather begin with amendment No. 1536.

The question is :

“That in clause (1) of article 80, for the words ‘Save as provided in this Constitution’ the words ‘Save as otherwise provided in this Constitution’ be substituted.”

The amendment was adopted.

Mr. President : Then we come to No. 87 on the List of Amendments to amendments, moved by Acharya Jugal Kishore.

The question is :

“That with reference to amendment No. 1536 of the List of Amendments, in clause (1) of article 80, after the word ‘sitting’, where it occurs for the first time, the words ‘of either House’ be inserted.”

The amendment was adopted.

Mr. President : Then we come to the third amendment which is Mr. Kamath’s amendment. It is to this effect.

“That the words in the first paragraph of clause (1) ‘otherwise than the Chairman or Speaker or person acting as such’ be deleted, and at the beginning of the second paragraph ‘provided that’ be added, with of course, necessary changes in the punctuation.”

The amendment was negatived.

Mr. President : Then I put the article, as amended to vote.

The question is :

“That article 80, as amended, stand part of the Constitution.”

The article, as amended, was adopted.

Article 80, as amended, was added to the Constitution.