

**COMMITTEE ON PRIVATE
MEMBERS' BILLS AND
RESOLUTIONS
(1954-55)**

TWENTY-SEVENTH REPORT



**LOK SABHA SECRETARIAT
NEW DELHI**

April, 1955

0.22

**MEMBERS OF THE COMMITTEE ON PRIVATE MEMBERS' BILLS
AND RESOLUTIONS**

1. Shri M. Ananthasayanam Ayyangar (*Chairman*).
2. Shri Nemi Chandra Kasliwal
3. Shri P. Natesan
4. Shri Raghunath Singh
5. Shri Nageshwar Prasad Sinha
6. Shrimati Ammu Swaminadhan
7. Shri Choithram Partabrai Gidwani
8. Dr. Natabar Pandey.
9. Shri Tridib Kumar Chaudhuri
10. Shri Ganesh Sadashiv Altekar
11. Shri Goswamiraja Sahdeo Bharati
12. Shri Narendra P. Nathwani
13. Shri C. R. Basappa
14. Shri B. H. Khardekar
15. Shri T. B. Vittal Rao

SECRETARIAT

Shri N. C. Nandī—*Deputy Secretary.*

CONTENTS

	PAGES
Report	1—2
Appendix I [The Constitution (Amendment) Bill by Shri Fulsinhji B. Dabhi]	3—6
Appendix II (Proceedings of Lok Sabha <i>re</i> : adoption of the Report)	7

ON behalf of the Committee on Private Members' Bills and Resolutions, I, having been authorised by the Committee, present this their Twenty-seventh Report.

2. The Committee met on the 16th April, 1955 to examine, under Rule 44(1)(a) of the Rules of Procedure and Conduct of Business of the Lok Sabha, the Constitution (Amendment) Bill (*vide* Appendix I) given notice of for introduction by Shri Fulsinhji B. Dabhi and to consider a letter from Shri Diwan Chand Sharma to increase the time of 1 hour allotted by the Committee for the discussion of his Training and Employment Bill to 2½ hours.

II

Constitution (Amendment) Bill

3. The Member giving notice of the Bill and the representatives of the Ministry of Home Affairs which is concerned with the Bill were, on invitation, present at the meeting and stated their views on the Bill.

4. The Committee considered the points of view of the sponsor of the Bill and the reactions of Government thereto and examined the Bill in the light of the principles laid down by the Committee in paragraph 6 of their First Report, which had been duly approved by the House. The Committee arrived at the following findings as a result of their examination of the Bill.

Findings of the Committee

5. The Bill seeks to amend clause (5) of Article 19 of the Constitution of India which relates to certain restrictions imposed on the exercise of the fundamental rights conferred by sub-clauses (d), (e) and (f) of clause (1) of the said Article. The object of the amendment is to empower State Legislatures to pass laws imposing not only "reasonable" but also "necessary" restrictions on the exercise of any of the rights conferred under Article 19(1) (d) (e) and (f) so as to enable the State Policy of Prohibition contained in Article 47 being implemented effectively.

6. The attention of the Committee was drawn to the fact that a Prohibition Enquiry Committee had already been appointed by the Government of India on the 16th December, 1954, under the Chairmanship of Shri S. N. Agarwal. The functions of this Enquiry Committee were,—

- (1) to examine the experience gained regarding measures adopted by State Governments to promote prohibition with a view to assessing the extent to which these have been successful and analysing the practical difficulties administrative, economic, social and others—;
- (2) to make recommendations for a programme of prohibition on a national basis;

- (3) to indicate the manner and the stages in which and the machinery through which this programme should be carried out; and
- (4) to make such other recommendations on the subject as the Committee might consider necessary.

7. The Committee consider that as the object underlying the Bill is a matter already under investigation by the Prohibition Enquiry Committee, no purpose would be served by proceeding with the Bill at this stage and therefore recommend that the Bill be not allowed to be introduced.

III

Re-allotment of time to Bill

8. The Committee then considered a letter from Shri D. C. Sharma requesting that the time of 1 hour allotted by the Committee in their Twenty-fifth Report for the discussion of his Training and Employment Bill be increased to 2½ hours. In their Twenty-fifth Report the Committee had allotted only 1 hour for the discussion of the Bill in view of the fact that the recommendation of the President was required for the consideration of the Bill by the House.

9. As the necessary recommendation of the President has not so far been obtained by the member, the Committee recommend that the question of allotment of more time for the consideration of the Bill does not arise at this stage.

IV

Recommendations

10. The Committee recommend:—

- (i) that the Constitution (Amendment) Bill by Shri Fulsinhji B. Dabhi be not allowed to be introduced; and
- (ii) that the time of one hour allotted by the Committee in their Twenty-fifth Report (which has already been approved by the House on the 2nd April, 1955) for the discussion of the Training and Employment Bill by Shri Diwan Chand Shrama be not increased.

GANESH SADASHIV ALTEKAR.

NEW DELHI,
The 20th April, 1955.

APPENDIX I

Bill No. 16 of 1955.

THE CONSTITUTION (AMENDMENT) BILL

(To be introduced in Lok Sabha)

A

BILL

further to amend the Constitution of India.

Be it enacted by Parliament in the Sixth year of the Republic of India as follows:—

1. This Act may be called the Constitution (Fifth Amendment) Act, 19 .
2. In clause (5) of Article 19 of the Constitution Amendment
of Article 19
 - (a) *after* the word “reasonable”, the words “and necessary” shall be inserted; and
 - (b) *after* the words “Scheduled Tribe” the following words shall be added, namely:—
“or for the effective implementation of the State Policy of Prohibition contained in Article 47”.

STATEMENT OF OBJECTS AND REASONS

Article 47 of the Constitution enjoins upon the State to bring about prohibition of the consumption of intoxicating drinks and of drugs which are injurious to health. In pursuance of this provision total prohibition has been introduced by law in the States of Bombay and Madras. The provisions of the Bombay Prohibition Act, 1949, prohibit the use and possession of all liquids containing alcohol except under permits granted by the Bombay Government. But their Lordships of the Supreme Court of India have, in *State of Bombay V. Balsara* [Supreme Court Journal (1951) (478)], held that the above provisions of the Bombay Prohibition Act are void under Article 13(1) of the Constitution in so far as they affect the consumption or use of liquid medicinal or toilet preparations containing alcohol on the ground that these provisions impose unreasonable restrictions on the exercise of a citizen's fundamental rights under Article 19(1)(f). The result of this decision of the Supreme Court has been that the consumption and use of the medical preparations containing alcohol, like tinctures, are going on on a very large scale in the States of Bombay and Madras—especially in the State of Bombay—and are jeopardising the success of prohibition in these States and are sure to defeat prohibition when introduced in other States. Hence, the necessity of amending Article 19(5) of the Constitution which would allow State Legislatures to pass legislations prohibiting the use and possession of all liquids containing alcohol except under permits granted by the State Governments concerned.

FULSINHJI B. DABHI.

ANNEXURE

Clause (5) of the Article 19 of the Constitution.

"19(5) Nothing in sub-clauses (d), (e) and (f) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, reasonable restrictions on the exercise of any of the rights conferred by the said sub-clauses either in the interests of the general public or for the protection of the interests of any Scheduled Tribe."

LOK SABHA

A
BILL
further to amend the Constitution of India.

[*Shri Fulsinhji B. Dabhi*]

APPENDIX II

Motion re: adoption of the Twenty-seventh Report of Committee on Private Members' Bills and Resolutions.

The following motion was moved by Shri Ganesh Sadashiv Altekar and was adopted by the House on the 29th April, 1955:—

“That this House agrees with the Twenty-seventh Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 22nd April, 1955.

[L.S. Deb. dated 29th April, 1955.]