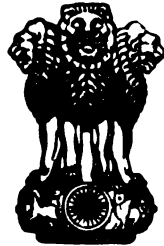


**REPORT OF THE COMMITTEE ON
PRIVATE MEMBERS' BILLS AND
RESOLUTIONS**

FIFTIETH REPORT



सत्यमेव जयते

**LOK SABHA SECRETARIAT
NEW DELHI
April, 1956**

0. 25

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

1. Sardar Hukam Singh—*Chairman.*
2. Shri Raghunath Singh
3. Shri Nageshwar Prasad Sinha
4. Shri Ganesh Sadashiv Altekar
5. Shri Goswamiraja Sahdeo Bharati
6. Shri Narendra P. Nathwani
7. Shri Radheshyam Ramkumar Morarka
8. Shrimati Ila Palchoudhuri
9. Shri N. Rachiah
10. Dr. Natabar Pandey
11. Shri Bhawani Singh
12. Shri T. B. Vittal Rao
13. Shri C. Madhao Reddi
14. Shri N. Sreekantan Nair

SECRETARIAT

Shri S. L. Shakhder—*Joint Secretary.*

Shri N. C. Nandi—*Deputy Secretary.*

CONTENTS

	PAGES
Report	1—3
Appendix I (Bills assigned category B)	4
Appendix II (Allocation of time for discussion of Bills)	5
Appendix III [The Constitution (Amendment) Bill by Shri Fulsinhji B. Dabhi.]	7—11
Appendix IV (Provisional List of Business for 20th April, 1956)	12—15
Appendix V (Proceedings of Lok Sabha <i>re</i> adoption of the Report) .	16

I, the Chairman of the Committee on Private Members' Bills and Resolutions, having been authorised by the Committee, present on their behalf, this their Fiftieth Report.

2. The Committee met on the 16th and 17th April, 1956 for categorisation and allocation of time for discussion of four Bills (*vide* Appendices I and II) under clauses (b) and (c) of Rule 44 (1) of the Rules of Procedure; examination under Rule 44(1) (a) *ibid* of the Constitution (Amendment) Bill (Appendix III) given notice of for introduction by Shri Fulsinhji B. Dabhi, and inclusion of an adequate number of Private Members' Bills in the List of Business for the 20th April, 1956.

II. Categorisation of Bills

3. The members-in-charge of the Bills due for categorisation and the representatives of the Ministries concerned had been invited to present their views on these Bills before the Committee. Shri Fulsinhji B. Dabhi and Shri Mukand Lal Agrawal attended the sitting.

4. After hearing the members-in-charge of three Bills and the representatives of the Ministries concerned with all the Bills and considering all aspects in regard to the Bills, the Committee placed all the four Bills under category B (*vide* Appendix I), in accordance with the principles for categorisation as laid down in their Eighth Report.

III. Allotment of time to Bills

5. The members-in-charge of the four Bills for which allocation of time was to be made had been invited to be present at the sitting. Two of them attended the sitting.

6. The Committee having considered all the aspects, allotted time for each Bill as shown in Appendix II.

IV. Constitution (Amendment) Bill

7. The member who had given notice of the Bill and the representative of the Ministry of Home Affairs, which is concerned with the Bill, were on invitation, present at the sitting.

8. The Committee considered the points of view of the sponsor of the Bill and reaction of the 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

9. The Bill seeks by amending Articles 19 and 47 of the Constitution of India to empower Parliament as well as State Legislatures to pass laws imposing not only "reasonable" but also "necessary" restrictions on the exercise of the right conferred under Article 19(1) (f) so as to enable the State Policy of Prohibition contained

in Article 47 being implemented effectively. The Bill has been brought forward on account of certain judgements of the Supreme Court wherein it has been held that clause (b) of Section 13 of the Bombay Prohibition Act, 1949 was void to the extent that possession of medicinal or toilet preparations could not be prohibited and that under Section 66(b) of that Act a person could not be convicted on account of the failure of the defence to prove that what he had consumed was not prohibited liquor.

10. It was pointed out that under the Spirituous Preparation (Inter-State Trade and Commerce) Control Act, 1956, full powers have been given to the State Governments to regulate the import of spirituous preparations into the prohibited areas and to restrict their consumption in those areas. So far as the question of throwing the burden of proof on the accused was concerned, the purpose could be achieved by making the necessary provision to shift the burden of proof on the accused in Prohibition Laws.

11. The Committee accordingly decided that the Bill should not be allowed to be introduced.

IV. Inclusion of Bills in the List of Business

12. The Committee decided that the following procedure should be adopted for the preparation of the List of Business regarding Private Members' Bills:—

- (i) The List of Business should not contain more than six Bills excluding Bills for introduction, Bills for withdrawal and part-discussed Bills.
- (ii) The members-in-charge of Bills should be asked to state in writing whether they would be present in the House on the day allotted to Private Members' Bills.
- (iii) Only those Bills should be included in the List of Business where members-in-charge are expected to be present.
- (iv) Bills of Members who intimate that they would be present but remain absent on the day allotted for Private Members' Bills except on account of unavoidable circumstances may be relegated to a lower position in the list of Bills which the Committee may determine.

V. List of Business for the 20th April, 1956

13. The members who had given notices of next motions in respect of the Bills balloted on the 12th April, 1956 (*vide* Appendix IV) had been invited to be present. Only four of them attended the sitting.

14. The Committee suggested that the List of Business for the 20th April, 1956 should consist of—

- (a) the one Bill for introduction;
- the part-discussed Bill by Pandit Thakur Das Bhargava;
- and

(c) the next six Bills (*vide* item Nos. 6 to 8, Appendix IV).

VI. Recommendations

15. The Committee recommend:—

- (i) that the categorisation by the Committee of four Bills shown in Appendix I be agreed to by the House.
- (ii) that the time allotted by the Committee for discussion of each of the four Bills shown in Appendix II be agreed to by the House.
- (iii) that the Constitution (Amendment) Bill by Shri Fulsinhji B. Dabhi be not allowed to be introduced.
- (iv) that the procedure for preparation of the List of Business decided by the Committee be agreed to by the House.

NEW DELHI;

HUKAM SINGH.

The 17th April, 1956.

APPENDIX I
Bills assigned category B

Serial No.	Name of the Bill	Bill No.	Remarks
1	The Child Marriage Restraint (Amendment) Bill. (<i>Amendment of section 2 and insertion of new sections 13 and 14</i>) by Shri Fulsinhji B. Dabhi.	17 of 1956.	
2	The Equal Remuneration Bill by Shrimati Renu Chakravartty.	26 of 1956.	
3	The Criminal Law Amendment Bill by Shri Mukund Lal Agrawal.	24 of 1956.	
4	The Child Sanyas Diksha Restraint Bill by Shri Fulsinhji B. Dabhi.	25 of 1956.	

APPENDIX II

Allocation of time for discussion of Bills

Serial No.	The name of the Bill and the Member-in-charge	Time allotted by the Committee
1	The Child Marriage Restraint (Amendment) Bill. (<i>Amendment of section 2 and insertion of new sections 13 and 14</i> by Shri Fulsinhji B. Dabhi.	2 hours
2	The Equal Remuneration Bill by Shrimati Renu Chakravartty	2½ hours
3	The Criminal Law Amendment Bill by Shri Mukand Lal Agrawal	3 hours
4	The Child Sanyas Diksha Restraint Bill by Shri Fulsinhji B. Dabhi	3 hours

APPENDIX III

Bill No. 13 of 1956.

**THE CONSTITUTION (AMEND-
MENT) BILL**

by

SHRI FULSINHI B. DABHI, M.P.

(TO BE INTRODUCED IN LOK SABHA)

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 Seventh Year of the Republic of India as follows:—

Short title. 1. This Act may be called the Constitution (Amendment) Act, 19.

Amendment of Article 19. 5 2. In Article 19 of the Constitution, after clause (5) the following new clause shall be inserted, namely:—

10 “(5A) Nothing in sub-clause (f) of clause (1) shall affect the operation of any existing law or prevent the State from making any law in so far as it imposes necessary restrictions on the exercise of the right conferred by the said sub-clause for the effective implementation of the Directive Principle of State Policy contained in Article 47.”

Amendment of Article 47. 15 3. In Article 47 of the Constitution, after the words “except for” the words “*bona fide*” shall be inserted.

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, Madras, Andhra, Saurashtra and Kutch. 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. It has, however, been held by the Supreme Court of India in *State of Bombay V. Balsara* [Supreme Court Journal (1951), (478)] that the above provisions of the Bombay Prohibition Act are void under Article 13(I) 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 right under Article 19(1) (f). It has further been held by the Supreme Court in the *Pesikaka's Case* (A.I.R. 1955 S.C. 123), that the onus of proving that the accused person has consumed prohibited liquor and not any medicinal preparation containing alcohol like a tincture, lies on the prosecution.

These rulings of the Supreme Court are jeopardising the success of prohibition in these States and are sure to defeat prohibition when introduced in other States. In the memorandum submitted to the Prohibition Enquiry Committee appointed by the Planning Commission, the Government of Bombay have suggested that the difficulty experienced on account of any provisions in the Constitution, such as fundamental rights under Article 19(1) (f) or Article 47 excluding the consumption for medicinal purposes from the scope of prohibition may be removed by suitably amending the said provisions. Hence, the necessity of amending Articles 19(5) and 47 of the Constitution which would allow Parliament as well as State Legislatures to pass legislations prohibiting the use and possession of preparations containing alcohol except under permits granted by the State Governments concerned.

NEW DELHI;

FULSINHJI B. DABHI.

The 13th February, 1956.

ANNEXURE

EXTRACTS FROM THE CONSTITUTION OF INDIA

* * * * *

“19. (1) All citizens shall have the right—

* * * * *

(f) to acquire, hold and dispose of property; and

* * * * *

47. The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and, in particular, the State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health.”

* * * * *

LOK SABHA

A
BILL
further to amend the Constitution of India.

(Shri Fulsinhji B. Dabhi, M. P.)

APPENDIX IV

LOK SABHA

***PROVISIONAL LIST OF BUSINESS**

April 20, 1956

PART I

GOVERNMENT BUSINESS

(From 10.30 A.M. to 3 P.M.)

A list showing Government Business is being issued separately.

PART II

PRIVATE MEMBERS' BUSINESS

(From 3 P.M. to 5.30 P.M.)

Private Members' Bills to be introduced

Factories
(Amendment) Bill
(Amendment
of sections
51, 54 and
59).

1. SHRI T. B. VITTAL RAO to move for leave to introduce a Bill further to amend the Factories Act, 1948. ALSO to introduce the Bill.

Private Members' Legislative Business

BILLS FOR CONSIDERATION

Indian
Penal Code
(Amendment) Bill
(Amendment of
Section 429).

- ** 2. FURTHER CONSIDERATION of the following motion moved by Pandit Thakur Das Bhargava on the 6th April, 1956:—

“That the Bill further to amend the Indian Penal Code, 1860, be taken into consideration.”

PANDIT THAKUR DAS BHARGAVA to move that the Bill be passed.

Electricity
(Supply)
Amendment Bill
(Amendment
of section
77 etc.).

3. SHRI SADHAN CHANDRA GUPTA to move that the Bill further to amend the Electricity (Supply) Act, 1948, be taken into consideration.

ALSO to move that the Bill be passed.

Mines
(Amendment) Bill
(Amendment
of sections 33
and 51).

4. SHRI T. B. VITTAL RAO to move that the Bill further to amend the Mines Act, 1952, be taken into consideration.

ALSO to move that the Bill be passed.

*Bills in respect of which notices of next motions have not been received have been excluded.

**Shri Raghubar Dayal Mishra to continue his speech.

5. SHRIMATI JAYASHRI RAIJI to move that the Bill to provide an adoption procedure to safeguard the interests of adopted children and the rights of their natural and adoptive parents, be taken into consideration.

Indian Adoption of Children Bill.

ALSO to move that the Bill be passed.

6. SHRI FULSINHJI B. DABHI to move that the Bill further to amend the Child Marriage Restraint Act, 1929, be taken into consideration.

Child Marriage Restraint (Amendment) Bill. (Amendment of section 12.).

ALSO to move that the Bill be passed.

7. PANDIT THAKUR DAS BHARGAVA to move that the Bill to enforce monogamy and to prohibit and penalise future bigamous marriages and to declare them illegal, be taken into consideration.

Monogamy Enforcement Bill.

ALSO to move that the Bill be passed.

8. SHRI DIWAN CHAND SHARMA to move that the Bill to provide for building up an up-to-date and a comprehensive Library for Parliament, be taken into consideration.

Parliament Library Bill.

ALSO to move that the Bill be passed.

9. SHRIMATI RENU CHAKRAVARTTY to move that the Bill further to amend the Electricity (Supply) Act, 1948, be taken into consideration.

Electricity (Supply) Amendment Bill (Amendment of section 77 etc.).

ALSO to move that the Bill be passed.

10. SHRI T. B. VITTAL RAO to move that the Bill further to amend the Industrial Disputes Act, 1947, be taken into consideration.

Industrial Disputes (Amendment) Bill.

ALSO to move that the Bill be passed.

(Insertion of new Clause VAA)

11. SHRI S. V. L. NARASIMHAM to move that the Bill further to amend to Child Marriage Restraint Act, 1929, be taken into consideration.

Child Marriage Restraint (Amendment) Bill (Insertion of new section 2A).

ALSO to move that the Bill be passed.

12. SHRI A. K. GOPALAN to move that the Bill to regulate the conditions of motor transport workers, be taken into consideration.

Motor Transport Labour Bill.

ALSO to move that the Bill be passed.

13. SHRIMATI JAYASHRI RAIJI to move that the Bill to provide for and consolidate the law relating to sup-

Suppression of Immoral Traffic and Brothels Bill.

pression of immoral traffic in women and brothels, be taken into consideration.

ALSO to move that the Bill be passed.

Training
and Em-
ployment
Bill.

14. SHRI DIWAN CHAND SHARMA to move that the Bill to make provision for employment and training for employment and to establish a comprehensive youth employment service, be taken into consideration.

ALSO to move that the Bill be passed.

Indian
Penal Code
(Amend-
ment) Bill
(Amend-
ment of
section 497).

15. SHRI FULSINHJI B. DABHI to move that the Bill further to amend the Indian Penal Code, 1860, be taken into consideration.

ALSO to move that the Bill be passed.

BILL FOR CIRCULATION

Arbitration
(Amend-
ment) Bill
(Amend-
ment of
sections 2 and
39 etc.).

16. SHRI SYED MOHAMMAD AHMAD KAZMI to move that the Bill further to amend the Arbitration Act, 1940, be circulated for the purpose of eliciting opinion thereon by the 24th June, 1956.

BILLS FOR CONSIDERATION

Hindu
Marriage
(Amend-
ment) Bill
(Amend-
ment of
section 28).

17. SHRI S. V. L. NARASIMHAM to move that the Bill further to amend the Hindu Marriage Act, 1955, be taken into consideration.

ALSO to move that the Bill be passed.

National
and Festi-
val Paid
Holidays
Bill.

18. SHRI K. ANANDA NAMBIAR to move that the Bill to introduce a uniform system of national and festival paid holidays for all industrial workers, be taken into consideration.

ALSO to move that the Bill be passed.

National
Development
(Peoples'
Participa-
tion) Bill.

19. SHRI M. L. DWIVEDI to move that the Bill to provide for peoples' participation in the national development programmes, be taken into consideration.

ALSO to move that the Bill be passed.

Indian Pe-
nal Code
(Amend-
ment) Bill
(Insertion of
new section
427A).

20. SHRI RAGHUNATH SINGH to move that the Bill further to amend the Indian Penal Code, 1860, be taken into consideration.

ALSO to move that the Bill be passed.

Insurance
(Amend-
ment) Bill
(Insertion of
new section
44A).

21. SHRI S. V. L. NARASIMHAM to move that the Bill further to amend the Insurance Act, 1938, be taken into consideration.

ALSO to move that the Bill be passed.

22. SHRIMATI JAYASHRI RAIJI to move that the Bill to provide for restraining the taking or giving of dowry in connection with marriages and for matters incidental thereto, be taken into consideration. Dowry Restraint Bill.

ALSO to move that the Bill be passed.

23. SHRI FULSINHJI B. DABHI to move that the Bill to restrain the custom of taking or giving of dowry in marriages, be taken into consideration. Dowry Restraint Bill.

ALSO to move that the Bill be passed.

24. SHRI U. M. TRIVEDI to move that the Bill to preserve the milch and draught cattle of the country be taken into consideration. Anti-Cattle Slaughter Bill.

ALSO to move that the Bill be passed.

25. SHRI NAND LAL SHARMA to move that the Bill to prevent the slaughtering of cows in India, be taken into consideration. Prevention of Cow Slaughter Bill.

ALSO to move that the Bill be passed.

26. SHRI VISHNU GHANSHYAM DESHPANDE to move that the Bill further to amend the Indian Penal Code, 1860, be taken into consideration. Indian Penal Code (Amendment) Bill (Insertion of new sections 295 B, 295 C and 295 D).

ALSO to move that the Bill be passed.

BILL FOR CIRCULATION

27. SHRI SYED MOHAMMAD AHMAD KAZMI to move that the Bill to provide for the appointment of persons to the office of Kazi and for performing and keeping a record of marriages and for the appointment of Tribunals for trying and deciding cases of divorce and dissolution of marriage amongst Muslims, be circulated for the purpose of eliciting opinion thereon by the 24th June, 1956. Muslim Kazis Bill.

BILLS FOR CONSIDERATION

28. SHRI MUKUND LAL AGRAWAL to move that the Bill further to amend the Indian Penal Code, 1860 and the Code of Criminal Procedure, 1898, to provide for the abolition of capital punishment, be taken into consideration. Criminal Law Amendment Bill.

ALSO to move that the Bill be passed.

29. SHRIMATI RENU CHAKRAVARTY to move that the Bill to introduce equal pay for equal work for women workers, be taken into consideration. Equal Remuneration Bill.

ALSO to move that the Bill be passed.

NEW DELHI;
The 16th April, 1956.

M. N. KAUL,
Secretary.

APPENDIX V

Motion re: Adoption of the Fiftieth Report of the 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 20th April, 1956:—

“That this House agrees with the Fiftieth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 18th April, 1956.”

[L.S. Deb., dated the 20th April, 1956.]