

REPORTS OF THE COMMITTEE ON
PRIVATE MEMBERS' BILLS AND
RESOLUTIONS

Fourth Session—Second Lok Sabha

Twentieth Report



**LOK SABHA SECRETARIAT
NEW DELHI**

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

TWENTIETH REPORT

(SECOND LOK SABHA)

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

2. The Committee met on the 15th April, 1958 for,—

- (1) categorisation and allocation of time to Bills (*Vide Appendix I*) under Rule 294(1)(b) and 294(1)(c) of the Rules of Procedure respectively.
- (2) examination under Rule 294(1)(a) of the Rules of Procedure of the,—
 - (i) Constitution (Amendment) Bill (*Amendment of Articles 134 and 136*) by Shri Subiman Ghose.
 - (ii) Constitution (Amendment) Bill (*Amendment of Article 343*) by Shri Chapalakanta Bhattacharyya (*Appendix II*).
 - (iii) Constitution (Amendment) Bill (*Substitution of Article 334*) by Shri Balkrishna Wasnik (*Appendix III*).
 - (iv) Constitution (Amendment) Bill (*Amendment of Article 334*) by Shri N. Keshava. (*Appendix IV*).
 - (v) Constitution (Amendment) Bill (*Omission of Article 143*) by Shri Naushir Bharucha. (*Appendix V*).

II. Categorisation of and allocation of time to Bills

3. The members in charge of the Bills due for categorisation and allocation of time and the representatives of the Ministries concerned had been invited to present their views on these Bills before the Committee. The representatives of the Ministries concerned with Bills were present at the sitting. Amongst the members in charge of the Bills who were invited to attend the sitting, Sarvashri K. T. K. Tangamani, S. Easwara Iyer, Jhulan Sinha, Laisram Achaw Singh, Mohan Swarup, Satis Chandra Samanta and S. M. Siddiah attended the sitting.

4. After hearing the views of the representatives of the Ministries and members in charge and considering all aspects of the Bills, the Committee placed all Bills under category B and allotted time for each Bill as shown in Appendix I.

III. Examination of the Constitution (Amendment) Bills

5. The members who had given notice of the Bills and the representatives of the Ministries concerned with the Bills, had been invited to be present at the sitting. Shri Balkrishna Wasnik and Shri Naushir Bharucha and the representatives of Ministries of Home Affairs and Law were present.

6. The Committee considered the points urged by the sponsors of the Bills and the reactions of the Government thereto and examined the Bills in the light of the principles laid down in paragraph 6 of the First Report of the Committee on Private Members' Bills and Resolutions of the First Lok Sabha which had been duly approved by the House. The Committee arrived at the following findings as a result of their examination of the Bills.

IV. Findings of the Committee

(a) Constitution (Amendment) Bill (*Amendment of Articles 134 and 136*) by Shri Subiman Ghose.

7. Since the Member who had given notice of the Bill was absent, the Committee postponed the examination of the Bill to a later date.

(b) Constitution (Amendment) Bill (*Amendment of Article 343*) by Shri Chapalakanta Bhattacharyya. (*Appendix II*).

8. The Bill sought to amend article 343 of the Constitution so as to include Sanskrit as one of the official languages of the Union. The Committee felt that as the matter of official language was already under the consideration of a Committee of Members of Parliament on official language as required by Article 344 of the Constitution, it seemed inappropriate that the matter should be discussed by the House before the Committee made its report. They therefore recommend that the Bill might not be permitted to be introduced.

(c) Constitution (Amendment) Bill (*Substitution of Article 334*) by Shri Balkrishna Wasnik; (*Appendix III*) and

(d) Constitution (Amendment) Bill (*Amendment of Article 334*) by Shri N. Keshava (*Appendix IV*).

9. These two Bills sought to amend article 334 of the Constitution so as to extend the period for the reservation of seats for the Scheduled Castes and Scheduled Tribes in the House of the People.

and in the Legislative Assemblies of the States from ten years to twenty-five years and twenty years respectively. The Committee noted the fact that a Private Member's Resolution on a similar matter was discussed recently and negatived by the House. In the light of Government's reactions to the Resolution and the fact that there had been no new factor in the situation since, the Committee felt that the Bills were in point of time too soon for consideration by the House. They therefore, recommend that the Bills might not be allowed to be introduced.

(e) Constitution (Amendment) Bill (*Omission of Article 143*) by Shri Naushir Bharucha. (*Appendix V*).

10. The Bill sought to omit Article 143 of the Constitution, so as to prevent the President from consulting the Supreme Court in arriving at decisions on complicated questions of fact or law.

11. The Committee were of the opinion that as the Bill raised an important issue of public interest, it might be allowed to be introduced.

V. Recommendations.

12. The Committee recommend—

- (i) that the categorisation and allocation of time to Bills by the Committee as shown in Appendix I be agreed to by the House;
- (ii) that the Constitution (Amendment) Bill (*Amendment of Article 343*) by Shri Chapalakanta Bhattacharyya be not allowed to be introduced;
- (iii) that the Constitution (Amendment) Bill (*Substitution of Article 334*) by Shri Balkrishna Wasnik be not allowed to be introduced;
- (iv) that the Constitution (Amendment) Bill (*Amendment of Article 334*) by Shri N. Keshava be not allowed to be introduced; and
- (v) that the Constitution (Amendment) Bill (*Omission of Article 143*) by Shri Naushir Bharucha be allowed to be introduced.

NEW DELHI;
The 16th April, 1958.

HUKAM SINGH.

APPENDIX I

Sl. No.	Name of the Bill and the Member-incharge	Bill No.	Category assigned	Time allotted by the Committee	REMARKS
1.	Representation of the People (Amendment) Bill (<i>Amendment of Sections 55A, 82 and 116A</i>) by Shri K. T. K. Tangamani.	89 of 1957	B	2½ hours.	
✓ 2.	States Reorganisation (Amendment) Bill (<i>Amendment of Section 51</i>) by Shri S. Easwara Iyer.	10 of 1958	B	2 hours.	<i>Enrolled on 18th April 1958 P 397</i>
3.	Social Customs (Curtailement of Expenditure) Bill by Shri Jhulan Sinha.	26 of 1958	B	1½ hours.	
4.	Prevention of Food Adulteration (Amendment) Bill (<i>Amendment of section 20 and insertion of new section 21A</i>) by Shri Jhulan Sinha.	12 of 1958	B	2 hours.	
✓ 5.	Mirzapur Stone Mahal (Amendment) Bill (<i>Amendment of section 3</i>) by Shri Raghunath Singh.	14 of 1958	B	1 hour.	
6.	Union Territories (Laws) Amendment Bill (<i>Amendment of section 3</i>) by Shri Laisram Achaw Singh.	24 of 1958	B	1 hour.	
7.	Dowry Restraint Bill by Shri Mohan Swarup.	13 of 1958	B	1½ hours.	
8.	The Restraint of Dowry Bill by Shrimati Renu Chakravartty.	27 of 1958	B	1½ hours.	
9.	Indian Contract (Amendment) Bill (<i>Amendment of sections 69 and 129</i>) by Shri Satis Chandra Samanta.	15 of 1958	B	1 hour.	✓
10.	All India Maternity Benefit Bill by Shrimati Renu Chakravartty.	35 of 1958	B	1½ hours.	
✓ 11.	Untouchability (Offences) Amendment Bill (<i>Amendment of sections 3 and 4</i>) by Shri S. M. Siddiah.	32 of 1958	B	2 hours.	
12.	Indian Penal Code (Amendment) Bill (<i>Amendment of sections 497 and 498</i>) by Shri Subiman Ghose.	34 of 1958	B	1 hour.	

APPENDIX II

Bill No. 21 of 1958

THE CONSTITUTION (AMENDMENT) BILL, 1958

by

SHRI CHAPALAKANTA BHATTACHARYYA, M. P.

(TO BE INTRODUCED IN LOK SABHA)

THE CONSTITUTION (AMENDMENT) BILL, 1958
(TO BE INTRODUCED IN LOK SABHA)

A
BILL

further to amend the Constitution of India.

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

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

Amendment of Article 343. 2. In clause (1) of Article 343 of the Constitution,—

(1) for the word “language” the word “languages” shall be substituted; and

(2) after the word “Hindi” the word “and Sanskrit” shall be inserted.

STATEMENT OF OBJECTS AND REASONS

Sanskrit presents the greatest common measure of agreement in its vocabulary among most of the languages of modern India. This language is also vital to the development of most of the modern languages of India.

2. The Bill therefore proposes to amend Article 343 so as to include Sanskrit as one of the Official languages of the Union.

CHAPALAKANTA BHATTACHARYYA.

NEW DELHI;
The 13th February, 1958.

ANNEXURE

EXTRACTS FROM THE CONSTITUTION OF INDIA

* * * * *

PART XVII

OFFICIAL LANGUAGE

Chapter I.— Language of the Union

Official
language
of the
Union.

343. (1) The official language of the Union shall be Hindi in Devanagari script.

The form of numerals to be used for the official purposes of the Union shall be the international form of Indian numerals.

(2) Notwithstanding anything in clause (1), for a period of fifteen years from the commencement of this Constitution, the English language shall continue to be used for all the official purposes of the Union for which it was being used immediately before such commencement:

Provided that the President may, during the said period, by order authorise the use of the Hindi language in addition to the English language and of the Devanagari form of numerals in addition to the international form of Indian numerals for any of the official purposes of the Union.

(3) Notwithstanding anything in this Article, Parliament may by law provide for the use, after the said period of fifteen years, of—

- (a) the English language, or
- (b) the Devanagari form of numerals,

for such purposes as may be specified in the law.

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LOK SABHA

A

BILL

further to amend the Constitution of India.

(Shri Chapalakanta Bhattacharyya, M.P.)

APPENDIX III

Bill No. 23 of 1958

THE CONSTITUTION (AMENDMENT) BILL, 1958

by

SHRI BALKRISHNA WASNIK, M.P.

(TO BE INTRODUCED IN LOK SABHA)

THE CONSTITUTION (AMENDMENT) BILL, 1958

(TO BE INTRODUCED IN LOK SABHA)

A

BILL

further to amend the Constitution of India.

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1958. Short title.

2. For article 334 of the Constitution, the following article shall be substituted, namely:— Substitution of new article for article 334.

“334. Notwithstanding anything in the foregoing provisions of this Part, the provisions of this Constitution relating to the reservation of seats for the Scheduled Castes and Scheduled Tribes in the House of the People and in the Legislative Assemblies of the States shall cease to have effect on the expiration of a period of twenty-five years from the commencement of this Constitution. Reservation of seats to cease after twenty-five years.”

Provided that nothing in this Article shall affect any representation in the House of the People or in the Legislative Assembly of a State until the dissolution of the then existing House or Assembly, as the case may be.”

STATEMENT OF OBJECTS AND REASONS

Under Article 334 of the Constitution, the period for the reservation of seats for the Scheduled Castes and the Scheduled Tribes comes to an end subject to the proviso to that Article by 1960. Reservation of seats for these communities in the House of the People and the Legislative Assemblies of the States is provided in the Constitution to create confidence in these communities and also to further their progress and to protect their rights and privileges. As the interests of these communities require to be protected for a longer time, it has become necessary to extend this period of reservation for a further period of fifteen years. This Bill is intended to meet the purpose.

NEW DELHI;
The 25th February, 1958.

BALAKRISHNA WASNIK.

ANNEXURE

EXTRACTS FROM THE CONSTITUTION OF INDIA

* * * * *

334. Notwithstanding anything in the foregoing provisions of this Part, the provisions of this Constitution relating to—

Reservation of seats and special representation to cease after ten years.

(a) the reservation of seats for the Scheduled Castes and the Scheduled Tribes in the House of the People and in the Legislative Assemblies of the States, and

(b) the representation of the Anglo-Indian community in the House of the People and in the Legislative Assemblies of the States by nomination,

shall cease to have effect on the expiration of a period of ten years from the commencement of this Constitution:

Provided that nothing in this article shall affect any representation in the House of the People or in the Legislative Assembly of a State until the dissolution of the then existing House or Assembly, as the case may be.

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LOK SABHA

A

BILL

further to amend the Constitution of India.

(*Shri Balkrishna Wasnik, M.P.*)

APPENDIX IV

Bill No. 39 of 1958-

THE CONSTITUTION (AMENDMENT) BILL, 1958

by
SHRI N. KESHAVA, M.P.

(TO BE INTRODUCED IN LOK SABHA)

THE CONSTITUTION (AMENDMENT) BILL, 1958
(TO BE INTRODUCED IN LOK SABHA)

A
BILL

further to amend the Constitution of India.

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

Short title. 1. This Act may be called the Constitution (Amendment) Act 1958.

Amendment of Article 334. 2. In Article 334 of the Constitution, for the word "ten", the word "twenty" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The greatest achievement of our Constitution is the abolition of communal representation and separate electorates. This silent revolution in society is sought to be secured in the most smooth manner by providing in the Constitution for a reservation of seats in Legislatures in the case of Scheduled Castes and Scheduled Tribes for a period of ten years. Experience shows the time is not propitious and ripe to remove this reservation after the lapse of these ten years only. These classes have, no doubt, awakened but not to the required extent. The attention of Government also had to be inevitably diverted towards economic and political stability of the country. Hence no concentrated effort on the upliftment of these classes could be made so far. It is therefore, very necessary and imperative to enhance the period prescribed for the reservation from ten to twenty years at least by amending article 334 of the Constitution.

NEW DELHI;
The 11th April, 1958.

N. KESHAVA.

ANNEXURE

EXTRACTS FROM THE CONSTITUTION OF INDIA

* * * * *

Reservation of seats and special representation to cease after ten years.

334. Notwithstanding anything in the foregoing provisions of this Part, the provisions of this Constitution relating to:—

(a) the reservation of seats for the Scheduled Castes and the Scheduled Tribes in the House of the People and in the Legislative Assemblies of the States, and

(b) the representation of the Anglo-Indian community in the House of the People and in the Legislative Assemblies of the States by nomination,

shall cease to have effect on the expiration of a period of ten years from the commencement of this Constitution:

Provided that nothing in this article shall affect any representation in the House of the People or in the Legislative Assembly of a State until the dissolution of the then existing House or Assembly, as the case may be.

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LOK SABHA

A
BILL
further to amend the Constitution of **India**.

(Shri N. Keshava, M.P.)

Bill No. 38 of 1958

THE CONSTITUTION (AMENDMENT) BILL, 1958

by

SHRI NAUSHIR BHARUCHA, M.P.

(TO BE INTRODUCED IN LOK SABHA)

THE CONSTITUTION (AMENDMENT) BILL, 1958

(TO BE INTRODUCED IN LOK SABHA)

A

BILL

further to amend the Constitution of India.

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

- | | |
|---|---------------------------------------|
| 1. (1) This Act may be called the Constitution (Amendment) Act, 1958. | Short title, extent and commencement. |
| (2) It extends to the whole of India. | |
| (3) It shall come into force at once. | |
| 2. Article 143 of the Constitution shall be omitted. | Omission of article... |

STATEMENT OF OBJECTS AND REASONS

Article 143 of the Constitution of India has been inserted presumably to aid the President in arriving at decisions on complicated questions of fact or law. There is adequate machinery of law officers in the Administration to give opinion on all such issues, and it is not desirable to invite the Supreme Court to prejudge certain issues. It is desirable that this provision should be deleted. The Bill seeks to do this.

NEW DELHI;

NAUSHIR BHARUCHA.

The 19th March, 1958.

ANNEXURE

EXTRACTS FROM THE CONSTITUTION OF INDIA

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143. (1) If at any time it appears to the President that a question of law or fact has arisen, or is likely to arise, which is of such a nature and of such public importance that it is expedient to obtain the opinion of the Supreme Court upon it, he may refer the question to that Court for consideration and the Court may, after such hearing as it thinks fit, report to the President its opinion thereon.

Power of
President to
consult
Supreme
Court.

(2) The President may, notwithstanding anything in the proviso to article 131, refer a dispute of the kind mentioned in the said proviso to the Supreme Court for opinion and the Supreme Court shall, after such hearing as it thinks fit, report to the President its opinion thereon.

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LOK SABHA

A

BILL

further to amend the Constitution of India.

(Shri Naushir Bharucha, M.P.)