

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

EIGHTH SESSION—SECOND LOK SABHA

Forty Eighth Report



LOK SABHA SECRETARIAT

NEW DELHI

September, 1959

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

***FORTY-EIGHTH 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 Forty-eighth Report.

2. The Committee met on the 24th August, 1959 for—

(1) Classification and Allocation of time for discussion of the Bills (*vide* Appendix I) under Rule 294(1) (b) and 294(1) (c) of the Rules of Procedure respectively.

(2) Re-classification of the following Bills:—

(1) Minimum Wages (Amendment) Bill (*Amendment of section 14*) by Shri Kanhaiya Lal Balmiki.

✓ (2) Code of Criminal Procedure (Amendment) Bill (*Amendment of section 198*) by Shrimati Subhadra Joshi.

(3) Examination of the following Bills, under Rule 294(1) (a) of the Rules of Procedure seeking to amend the Constitution—

(1) Constitution (Amendment) Bill (*Insertion of new articles 42A and 42B*) by Shri Ram Krishan Gupta. (Appendix II).

(2) Constitution (Amendment) Bill (*Substitution of article 334*) by Shri Balkrishna Wasnik (Appendix III).

3. The Members concerned had been invited to present before the Committee their views on their Bills. Sarvashri Prakash Vir Shastri, T. B. Vittal Rao, Kanhaiya Lal Balmiki, Balkrishna Wasnik and Shrimati Subhadra Joshi attended the sitting.

II. Classification and allocation of time to Bills

4. After considering all aspects of the Bill, the Committee placed one Bill in category 'A' and the remaining 9 Bills in category 'B' and allotted time for each of the Bills as shown in Appendix I.

*The following motion was moved by Sardar Amar Singh Saigal and was adopted by the House on the 28th August, 1959 :—

“That this House agrees with the Forty-eighth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 25th August, 1959.”

[L.S. Deb., dated the 28th August, 1959.]

III. Re-classification of Bills

5. The Committee then considered Shri Kanhaiya Lal Balmiki's request that the classification of his Bill, namely, Minimum Wages (Amendment) Bill (*Amendment of section 14*) be changed from category 'B' to category 'A'. The Bill had been placed in category 'B' by the Committee in their Twenty-fourth Report (Second Lok Sabha).

After hearing the grounds of public importance and the need for the Bill urged by the member incharge and considering the comments of the Ministry of Home Affairs, the Committee agreed that the Bill might be placed in category 'A'.

6. The Committee also considered a letter from Shrimati Subhadra Joshi requesting that the classification of her Bill, namely, Code of Criminal Procedure (Amendment) Bill (*Amendment of section 198*) might be changed from category 'B' to category 'A'. The Bill had been placed in category 'B' by the Committee *vide* their Fourteenth Report (Second Lok Sabha).

After hearing the grounds of public importance and need for the Bill urged by the member incharge, the Committee agreed that the Bill might be placed in category 'A'.

IV. Examination of the Constitution (Amendment) Bills

7. The Committee 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 approved by the First Lok Sabha. The Committee arrived at the following findings as a result of their examination of the Bill:—

Findings of the Committee

(a) Constitution (Amendment) Bill (*Insertion of new articles 42A and 42B*) by Shri Ram Krishan Gupta.

8. The Bill sought to add two new articles in Part IV of the Constitution (Directive Principles of State Policy) providing that the State should endeavour to secure reduction in inequality in income and wealth and to secure the association of labour with management.

After hearing the views of the member incharge and those of the representative of the Ministry of Home Affairs and considering all aspects of the Bill, the Committee are of the opinion that the Bill be not allowed to be introduced.

(b) Constitution (Amendment) Bill (*Substitution of article 334*) by Shri Balkrishna Wasnik.

9. The Bill sought to amend Article 334 of the Constitution so as to extend the period of reservation of seats for the Scheduled Castes and Scheduled Tribes in the Lok Sabha and in the Legislative Assemblies of the States from 10 years to 20 years.

After hearing the views of the member incharge and those of the Ministry of Home Affairs and considering all aspects of the Bill, the Committee are of the opinion that the Bill be not allowed to be introduced.

V. Recommendations

10. The Committee recommends—

- (i) that the classification and allocation of time to Bills by the Committee as shown in Appendix I be agreed to by the House;
- (ii) that the original classification of the Minimum Wages (Amendment) Bill (*Amendment of section 14*) by Shri Kanhaiya Lal Balmiki and Code of Criminal Procedure (Amendment) Bill (*Amendment of section 198*) by Shrimati Subhadra Joshi be changed from category 'B' to category 'A';
- (iii) the Constitution (Amendment) Bill (*insertion of new articles 42A and 42B*) by Shri Ram Krishan Gupta be not allowed to be introduced; and
- (iv) that the Constitution (Amendment) Bill (*Substitution of Article 334*) by Shri Balkrishna Wasnik be not allowed to be introduced.

NEW DELHI;

The 24th August, 1959.
Bhadra 2, 1881 (Saka)

HUKAM SINGH.

APPENDIX I

Sl. No.	Name of the Bill and the Member-in-charge	Bill No.	Category allotted	Time allowed by the Committee	Remarks
1	Indian Penal Code (Amendment) Bill (<i>Insertion of new section 383A</i>) by Shri Kashi Nath Pandey	25 of 1959	B	1½ hours	
2	Indian Penal Code (Amendment) Bill (<i>Amendment of section 309</i>) by Shri Ram Krishan Gupta	29 of 1959	B	1½ hours	
3	Foreign Exchange Regulation (Amendment) Bill (<i>Amendment of sections 2 and 23 etc.</i>) by Shri Ram Krishan Gupta	34 of 1959	B	1½ hours	
4	Backward Communities (Religious Protection) Bill by Shri Prakash Vir Shastri	40 of 1959	A	2½ hours	
5	Displaced Persons (Compensation and Rehabilitation) Amendment Bill (<i>Amendment of section 24</i>) by Shri Ajit Singh Sarhadi	43 of 1959	B	1 hour	
6	Representation of the People (Amendment) Bill (<i>Amendment of sections 81, 82, 86, 116A and omission of sections 88 and 89</i>) by Shri Ajit Singh Sarhadi.	42 of 1959	B	1½ hours	
7	Code of Criminal Procedure (Amendment) Bill (<i>Amendment of section 488</i>) by Shri Ajit Singh Sarhadi.	41 of 1959	B	1½ hours	
8	Undue Delay and Presumption of Corruption Bill by Shri Jhulan Sinha	45 of 1959	B	2 hours	
9	Catholic Church Premises and Ecclesiastic Order (Restriction of Political Activity) Bill by Shri T. B. Vittal Rao	54 of 1959	B	2 hours	
10	Representation of the People (Amendment) Bill (<i>Insertion of new section 7A</i>) by Shri T. B. Vittal Rao.	47 of 1959	B	2 hours	

APPENDIX II

Bill No. 48 of 1959

THE CONSTITUTION (AMENDMENT)
BILL, 1959

By
SHRI RAM KRISHAN GUPTA, M.P.

(TO BE INTRODUCED IN LOK SABHA)

THE CONSTITUTION (AMENDMENT) BILL, 1959

(TO BE INTRODUCED IN LOK SABHA)

A

BILL

further to amend the Constitution of India.

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

1. This Act may be called the Constitution (Amendment) Act, 1959. Short title.

2. After article 42 of the Constitution, the following new articles shall be inserted, namely:—

Insertion of
new Articles
42A and 42B.

“42A. The State shall endeavour to secure by suitable legislation, or economic organisation or in any other way, reduction of inequality in income and wealth and a more even distribution of economic power.

42B. The State shall endeavour to secure by suitable legislation or economic organisation or in any other way, the association of labour with management for promoting measures for securing and preserving amity and good relations between the employers and workers.”

STATEMENT OF OBJECTS AND REASONS

The purpose of the present Bill is to provide new articles in the Constitution to enable suitable steps being taken such as (i) to impose ceilings on land, wealth and incomes, so that inequalities in incomes and wealth may be reduced and they may be distributed evenly, and (ii) to associate labour with management without which amity and good relations cannot be preserved between employers and workers upon which depends the development of the country.

NEW DELHI;

RAM KRISHAN GUPTA.

The 14th July, 1959.

LOK SABHA

A
BILL
further to amend the Constitution of India.

(Shri Ram Krishan Gupta, M.P.)

THE CONSTITUTION (AMENDMENT)
BILL, 1959

By
SHRI BALKRISHNA WASNIK, M.P.

(TO BE INTRODUCED IN LOK SABHA)

THE CONSTITUTION (AMENDMENT) BILL, 1959

(TO BE INTRODUCED IN LOK SABHA)

▲

BILL

further to amend the Constitution of India.

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

1. This Act may be called the Constitution (Amendment) Act, 1959. Short title.

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

“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 years from the commencement of this Constitution: Substitution of new article for article 334. Reservation of seats to cease after twenty 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.”

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.

* * * * *

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 ten years.

2. Recently, the President of India has dismissed the Government of Kerala and dissolved the Legislative Assembly. It has been declared now that in Kerala there will be fresh elections to the Legislative Assembly. In case the elections are not held before 26th January, 1960, there will be no reservation for Scheduled Castes and Scheduled Tribes in the Legislative Assembly of Kerala. It is, therefore, very necessary to amend the Constitution before the 26th January, 1960.

This Bill is intended to meet the purpose.

NEW DELHI;

BALKRISHNA WASNIK.

The 11th August, 1959.

A
BILL
further to amend the Constitution of India.

(Shri Balkrishna Wasnik, M.P.)