

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

SECOND LOK SABHA

Sixty Eighth Report



**LOK SABHA SECRETARIAT
NEW DELHI**

1960

Price 0.20 nP.

COMMITTEE ON PRIVATE MEMBERS BILLS AND RESOLUTIONS

Sixty Eighth Report

On behalf of the Committee on Private Members Bills and Resolutions, I, having been authorised by the Committee, present on their behalf, this their Sixty-eighth Report.

2. The Committee met on the 22nd August, 1960 for -

- (1) Classification and allocation of time for discussion of the Bills (vide Appendix I).
- (2) Examination of the following Bills under Rule 294(1)(a) of the Rules of Procedure seeking to amend the Constitution -
 - (i) Constitution (Amendment) Bill (Amendment of Article 80) by Shri Shree Narayan Das (vide Appendix II).
 - (ii) Constitution (Amendment) Bill (Amendment of Article 171) by Sarvashri Shree Narayan Das and Radha Raman (vide Appendix III).
 - (iii) Constitution (Amendment) Bill (Amendment of Article 324 etc.) by Shri Shree Narayan Das (vide Appendix IV).

II. Classification and allocation of time to Bills

3. The Members concerned had been invited to present before the Committee their views on their Bills. Sarvashri C.R. Narasimhan, Prakash Vir Shastri and Jhulan Sinha (who is also a Member of the Committee) attended the sitting.

4. After considering all aspects of the Bills, the Committee placed all the six Bills in category 'B' and allotted time for each of the Bills as

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. Sarvashri Shree Narayan Das and Radha Raman attended the sitting. The representatives of the 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 Article 80) by Shri Shree Narayan Das.

7. This Bill sought to amend Article 80(3) of the Constitution so as to include for nomination to the Council of States, persons having special knowledge and experience etc. of cooperative movement and panchayat organisation.

The Committee recommend that the Bill be allowed to be introduced.

(b) Constitution (Amendment) Bill (Amendment of Article 171) by Sarvashri Shree Narayan Das and Radha Raman.

8. This Bill sought to amend the Constitution so as to provide for the representation of cooperative societies in the Legislative Council of a State.

As the Bill raises an important issue of public interest, the Committee recommend that it be allowed to be introduced.

(c) Constitution (Amendment) Bill
(Amendment of Article 324 etc.)
by Shri Shree Narayan Das.

9. The Bill sought to insert new Article 324A after Article 324 of the Constitution so as to provide for extension of functions of the Election Commission to the superintendence, direction and control of elections to various local authorities.

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

V. Recommendations

- (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 Constitution (Amendment) Bill (Amendment of Article 80) by Shri Shree Narayan Das be allowed to be introduced;
- (iii) that the Constitution (Amendment) Bill (Amendment of Article 171) by Sarvashri Shree Narayan Das and Radha Raman be allowed to be introduced.
- (iv) that the Constitution (Amendment) Bill (Amendment of Article 324 etc.) by Shri Shree Narayan Das be not allowed to be introduced.

NEW DELHI;

JHULAN SINHA

The 23rd August, 1960
Bhadra 1, 1882 (Saka).

APPENDIX I

Sl. No.	Name of the Bill and the Member incharge	Bill No.	Category allotted	Time allotted by the Committee	REMARKS
1	2	3	4	5	6
1.	National Monuments Commission Bill by Shri C.R.Narasimhan.	31 of 1960	B	1½ hours	
2.	Converts Marriage Dis-solution Bill by Shri Prakash Vir Shastri.	39 of 1960	B	1½ hours	
3.	Restrictions on Edible Oils (for Manufacture of Soap) Bill by Shri Jhulan Sinha.	33 of 1960	B	1 hour	
4.	Defence Forces Provi-sions Bill by Shri Jhulan Sinha.	36 of 1960	B	1½ hours	
5.	Restoration of Places of Religious worship Bill by Shri Prakash Vir Shastri.	40 of 1960	B	1½ hours	
6.	Indian Institute of Archaeology Bill by Shri C.R. Narasimhan.	41 of 1960	B	1½ hours	

THE CONSTITUTION AMENDMENT
BILL, 1960

By
SHRI SHREE NARAYAN DAS, M.P.

(TO BE INTRODUCED IN LOK SABHA)

THE CONSTITUTION (AMENDMENT) BILL, 1960

(TO BE INTRODUCED IN LOK SABHA)

A

BILL

further to amend the Constitution of India.

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

1. This Act may be called the Constitution (Amendment) Act, Short title. 1960.

5 2. In clause (3) of article 80 of the Constitution,—

Amendment
of article 80.

(1) for the words "special knowledge and practical experience" the words "special knowledge, achievements of a high standard or practical experience" shall be substituted; and

10 (2) for the words "and social service" the words "social service, co-operative movement and panchayat organisation" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

By clause (3) of article 80 of the Constitution, provision has been made to give representation to those who are engaged in activities in respect of literature, science, art and social service with a view to honour such people and to give national recognition to their achievements. Parliament, in this way, while recognising their services also gets the benefit of their experience in their respective fields. As co-operative movement and panchayat organisation have now assumed great importance in the field of national and State activities, the services of those who voluntarily engage themselves in such work and render valuable services to the community should also get recognition and encouragement at the hands of people and the State. The Bill seeks to make provision by inclusion of co-operative movement and panchayat organisation in clause (3) of article 80 of the Constitution.

New Delhi;
The 6th April, 1960.

SHREE NARAYAN DAS.

ANNEXURE

EXTRACT FROM THE CONSTITUTION OF INDIA

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80. (1) The Council of States shall consist of—

Composition
of the Council
of States.

(a) twelve members to be nominated by the President in accordance with the provisions of clause (3); and

(b) not more than two hundred and thirty-eight representatives of the States and of the Union territories.

(2) The allocation of seats in the Council of States to be filled by representatives of the States and of the Union Territories shall be in accordance with the provisions in that behalf contained in the Fourth Schedule.

(3) The members to be nominated by the President under sub-clause (a) of clause (1) shall consist of persons having special knowledge or practical experience in respect of such matters as the following namely:—

Literature, science, art and social service.

(4) The representatives of each State in the Council of States shall be elected by the elected members of the Legislative Assembly of the State in accordance with the system of proportional representation by means of the single transferable vote.

(5) The representatives of the Union territories in the Council of States shall be chosen in such manner as Parliament may by law prescribe.

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LOK SABHA

A
BILL
further to amend the Constitution of India.

(Shri Shree Narayan Das, M.P.)

**THE CONSTITUTION (AMENDMENT)
BILL, 1960**

By

**SHRI SHREE NARAYAN DAS, M.P.
SHRI RADHA RAMAN, M.P.**

(TO BE INTRODUCED IN LOK SABHA)

THE CONSTITUTION (AMENDMENT) BILL, 1960

(TO BE INTRODUCED IN LOK SABHA)

A

BILL

further to amend the Constitution of India.

BE it enacted by Parliament in the Eleventh year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1960. Short title and commencement.

5 (2) It shall come into force at once.

2. In clause (3) of article 171 of the Constitution,—

(1) In sub-clause (c), the words "not lower in standard than that of a secondary school" shall be omitted; Amendment of article 171.

10 (2) after sub-clause (c), the following sub-clause shall be inserted, namely:—

15 " (cc) as nearly as may be one-sixth shall be elected by members of an electoral college consisting of persons elected by members from among themselves of a co-operative society functioning in the State in the manner provided by law made by Parliament;" and

(3) in sub-clause (d), for the words "one-third" the words "one-sixth" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

According to the present provision in the Constitution, representation has been given to various organisations and interests in the Legislative Council of a State. As for example, municipalities, district boards and other local authorities have been given such representation. So the teachers and graduates also have been provided for.

Just like local authorities, co-operative societies are going to play a very important part in our body politic and social and economic life of the country. The importance of such co-operative societies has very much increased. The movement has to be encouraged in the national interest. Under the circumstances it has become necessary with a view to encourage co-operative movement to give representation to co-operative societies in the Legislative Council of a State.

The Bill seeks to provide such representation through an electoral college consisting of persons elected by members of a co-operative society functioning in the State.

While the teachers of secondary schools and above have been given representation in the Legislative Council, the teachers of Primary and other institutions below have been debarred. The Bill also seeks to give representation to such teachers.

New Delhi:
The 11th April, 1960.

SHREE NARAYAN DAS.
RADHA RAMAN.

ANNEXURE

EXTRACT FROM THE CONSTITUTION OF INDIA

171. (1) The total number of members in the Legislative Council of a State having such a Council shall not exceed one-third of the total number of members in the Legislative Assembly of that State: Composition
of the Legi-
slative
Council.

Provided that the total number of members in the Legislative Council of a State shall in no case be less than forty.

(2) Until Parliament by law otherwise provides, the composition of the Legislative Council of a State shall be as provided in clause (3).

(3) Of the total number of members of the Legislative Council of a State—

- (a) as nearly as may be, one-third shall be elected by electorates consisting of members of municipalities, district boards and such other local authorities in the State as Parliament may by law specify;
- (b) as nearly as may be, one-twelfth shall be elected by electorates consisting of persons residing in the State who have been for at least three years graduates of any university in the territory of India or have been for at least three years in possession of qualifications prescribed by or under any law made by Parliament as equivalent to that of a graduate of any such university;
- (c) as nearly as may be, one-twelfth shall be elected by electorates consisting of persons who have been for at least three years engaged in teaching in such educational institutions within the State, not lower in standard than that of a secondary school, as may be prescribed by or under any law made by Parliament;
- (d) as nearly as may be, one-third shall be elected by the members of the Legislative Assembly of the State from amongst persons who are not members of the Assembly;

(e) the remainder shall be nominated by the Governor in accordance with the provisions of clause (5).

(4) The members to be elected under sub-clauses (a), (b) and (c) of clause (3) shall be chosen in such territorial constituencies as may be prescribed by or under any law made by Parliament and the elections under the said sub-clauses and under clause (d) of the said clause shall be held in accordance with the system of proportional representation by means of the single transferable vote.

(5) The members to be nominated by the Governor under sub-clause (e) of clause (3) shall consist of persons having special knowledge or practical experience in respect of such matters as the following, namely:—

Literature, science, art, co-operative movement and social service.

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LOK SABHA

A
BILL
further to amend the Constitution of India.

(Shri Shree Narayan Das, M.P.
Shri Radha Raman, M.P.)

APP IN

**THE CONSTITUTION (AMENDMENT)
BILL, 1960**

By
SHRI SHREE NARAYAN, M.P.

(TO BE INTRODUCED IN LOK SABHA)

THE CONSTITUTION (AMENDMENT) BILL, 1960

(TO BE INTRODUCED IN LOK SABHA)

A

BILL

further to amend the Constitution of India.

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

1. The Act may be called the Constitution (Amendment) Act, 1960. Short title.

5 2. In clause (6) of article 324 of the Constitution, after the words, brackets and figure “conferred on the Election Commission by of article clause (1)”, the words, figures and letter “or by article 324A” shall ³²⁴ be inserted.

3. After article 324 of the Constitution, the following article shall
10 be inserted, namely:—

“324A. An Act made by Parliament or the Legislature of a State, as the case may be, may provide for the exercise of additional functions by the Election Commission as respects the preparation of the electoral rolls for, and the conduct of, elections
15 to any local authority constituted by law”.

Powers to extend functions of Election Commission.

STATEMENT OF OBJECTS AND REASONS

Provisions of part XV of the Constitution have led to the creation of an Election Commission in which has been vested the power of superintendence, direction and control of election to the Parliament and to the Legislature of every State. This body has come to specialise in every thing concerning election. All political parties of India have come to bear full faith in this body. In a democratic set-up impartial and fair election is necessary and without a free and fair election democracy becomes a farce. Now that the country has decided to accept the principle of democratic decentralisation and powers are now going to be transferred to various local authorities, specially to the Panchayats to enable them to function as units of Self Government, the elections to these bodies have assumed added importance. For healthy growth and proper functioning of such local authorities it has become necessary that elections to these bodies and preparation of electoral rolls should be carried out on the same principle as they apply to Parliament and other State Legislatures.

The Bill therefore seeks to make provisions in the Constitution as well as empower the Parliament or, as the case may be, the State Legislature to extend additional functions to be exercised by the Election Commission. As and when the Parliament or the Local Legislature think proper, it may by law extend the jurisdiction of the Election Commission to the superintendence, direction and control of elections to the various local authorities.

New DELHI;
The 8th July, 1960.

SHREE NARAYAN DAS.

ANNEXURE

EXTRACT FROM THE CONSTITUTION OF INDIA

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324.(1) The superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, all elections to Parliament and to the Legislature of every State and of elections to the offices of President and Vice-President held under this Constitution, including the appointment of election tribunals for the decision of doubts and disputes arising out of or in connection with elections to Parliament and to the Legislatures of States shall be vested in a Commission (referred to in this Constitution as the Election Commission).

Superintendence, direction and control of elections to be vested in an Election Commission.

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(6) The President, or the Governor of a State, shall, when so requested by the Election Commission, make available to the Election Commission or to a Regional Commissioner such staff as may be necessary for the discharge of the functions conferred on the Election Commission by clause (1).

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(Shri Shree Narayan Das, M.P.)