

REPORTS OF THE COMMITTEE ON
PRIVATE MEMBERS' BILLS AND
RESOLUTIONS

Third Session—Second Lok Sabha

Ninth Report



सत्यमेव जयते

LOK SABHA SECRETARIAT
NEW DELHI

December, 1957

COMMITTEE ON PRIVATE MEMBERS' BILLS

AND RESOLUTIONS

NINTH 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 Ninth Report.

2. The Committee met on the 18th November, 1957 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 Constitution (Amendment) Bill (*Substitution of Article 155 and amendment of Articles 156, 157 and 158*) by H. H. Maharaja Pratap Keshari Deo (*vide* Appendix II).

II. Categorisation 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 all 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, Shri Radha Raman and Shri V. P. Nayar 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) Bill

5. The member who had given notice of the Bill and the representative of the Ministry of Home Affairs which was concerned with the Bill had been invited to be present at the sitting. Only the representative of the Ministry of Home Affairs was present.

6. On the basis of the Statement of Objects and Reasons attached to the Bill and the points of view of the Government placed before them the Committee examined the Bill also 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 adopted by the House on the 26th February, 1954.

Findings of the Committee

7. The Committee felt that the Bill in its conception was contrary to the very basis and structure of the Constitution and decided not to recommend leave being given for its introduction.

IV. Recommendations

8. The Committee recommend,—

- (i) that the categorisation of and allocation of time to the Bills by the Committee as shown in Appendix I be agreed to by the House, and
- (ii) that the Constitution (Amendment) Bill by H.H. Maharaja Pratap Keshari Deo be not allowed to be introduced.

NEW DELHI ;
The 20th November, 1957.

HUKAM SINGH.

APPENDIX I

Sl. No.	Name of the Bill and Member in charge	Bill No.	Category assigned	Time allotted by the Committee	Remarks
1	The Code of Civil Procedure (Amendment) Bill (<i>Amendment of the First Schedule</i>) by Shri Subiman Ghose.	63 of 1957	B	1 hour	✓
2	The Indian Penal Code (Amendment) Bill (<i>Amendment of section 304A</i>) by Shri Subiman Ghose.	55 of 1957	B	1½ hours	
3	The Child Sanyas Diksha Restraint Bill by Shri Diwan Chand Sharma.	56 of 1957	B	1 hour	
4	The Delhi Union Territory Public Trusts Bill by Shri Radha Raman.	59 of 1957	B	1½ hours	
5	The Code of Criminal Procedure (Amendment) Bill (<i>Amendment of sections 516A and 517</i>) by Shri Subiman Ghose.	61 of 1957	B	1½ hours	
6	The Dramatic Performances (Amendment) Bill (<i>Amendment of sections 3 and 7 and substitution of sections 8 and 12</i>) by Shri V. P. Nayar.	64 of 1957	B	2½ hours	
7	The Constitution (Amendment) Bill (<i>Amendment of Articles 100 and 189</i>) by Shri M. L. Dwivedi.	58 of 1957	B	2 hours	✓
8	The Companies (Amendment) Bill (<i>Amendment of section 293 and insertion of new Section 624A</i>) by Shri Naushir Bharucha.	67 of 1957	B	2 hours	

THE CONSTITUTION (AMENDMENT) BILL, 1957

by

H. H. MAHARAJA PRATAP KESHARI DEO, M.P.

(TO BE INTRODUCED IN LOK SABHA)

THE CONSTITUTION (AMENDMENT) BILL, 1957
(TO BE INTRODUCED IN LOK SABHA)

A

BILL

further to amend the Constitution of India.

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

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

(b) It shall come into force at once.

Substitution of Article 155. 2. For Article 155 of the Constitution the following shall be substituted, namely:—

“155. The Governor of a State shall be elected directly by the voters of that State in such manner as may be prescribed by the Election Commission.”

Amendment of Article 156. 3. Clause (1) of Article 156 of the Constitution shall be omitted and clauses (2) and (3) of that Article shall be renumbered as clauses (1) and (2) respectively.

Amendment of Article 157. 4. In Article 157 of the Constitution, for the word “appointment” the word “election” shall be substituted.

Amendment of Article 158. 5. In Article 158 of the Constitution,—

(i) in clause (1) for the word “appointed” the word “elected” shall be substituted; and

(ii) clause (3A) shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The object of the Bill is to have elected Governors in the States, as it is more democratic than the existing arrangement. Hence this Bill.

NEW DELHI;
The 2nd September, 1957.

P. K. DEO.

ANNEXURE

[EXTRACTS FROM THE CONSTITUTION OF INDIA]

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PART VI

THE STATES

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Appoint- 155. The Governor of a State shall be appointed by the
ment of President by warrant under his hand and seal.
of Governor.

Term of 156. (1) The Governor shall hold office during the
office of pleasure of the President.
Governor.

(2) The Governor may, by writing under his hand addressed to the President, resign his office.

(3) Subject to the foregoing provisions of this article, a Governor shall hold office for a term of five years from the date on which he enters upon his office:

Provided that a Governor shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

Qualifications 157. No person shall be eligible for appointment as
for appoint- Governor unless he is a citizen of India and has completed
ment as the age of thirty-five years.
Governor.

Conditions 158. (1) The Governor shall not be a member of either
of Govern- House of Parliament or of a House of the Legislature of
nor's office. any State specified in the First Schedule, and if a member
of either House of Parliament or of a House of the Legis-
lature of any such State be appointed Governor, he shall
be deemed to have vacated his seat in that House on the
date on which he enters upon his office as Governor.

(2) * * * * *

(3A) Where the same person is appointed as Governor of two or more States, the emoluments and allowances payable to the Governor shall be allocated among the States in such proportion as the President may by order determine.

* * * * *

LOK SABHA

A

BILL

to amend the Constitution of India.

(H. H. Maharaja Pratap Keshari Deo, M.P.)