

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

Sixth Lok Sabha

Eleventh Report



सत्यमेव जयते

**LOK SABHA SECRETARIAT
NEW DELHI**

1978

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

(Sixth Lok Sabha)

ELEVENTH REPORT

1. The Chairman of the Committee on Private Members' Bills and Resolutions, having been authorised by the Committee to present the Report on their behalf, present this Eleventh Report.

2. The Committee met on the 21st February, 1978 for—

I. Examination of the following Constitution (Amendment) Bills under rule 294(1) (a) of the Rules of Procedure:—

- (1) The Constitution (Amendment) Bill, 1978 (*Amendment of Eighth Schedule*) by Shri C. K. Chandrapan.
- (2) The Constitution (Amendment) Bill, 1978 (*Amendment of articles 330 and 332*) by Shri Hukam Chand Kachwai.
- (3) The Constitution (Amendment) Bill, 1978 (*Amendment of Seventh Schedule*) by Shri Hukam Chand Kachwai.
- (4) The Constitution (Amendment) Bill, 1978 (*Amendment of article 348*) by Shri Hukam Chand Kachwai.
- (5) The Constitution (Amendment) Bill, 1978 (*Omission of article 44*) by Shri G. M. Banatwalla.
- (6) The Constitution (Amendment) Bill, 1978 (*Amendment of article 217*) by Shri O. P. Tyagi.
- (7) The Constitution (Amendment) Bill, 1978 (*Amendment of article 19*) by Shri Ugrasen.
- (8) The Constitution (Amendment) Bill, 1978 (*Insertion of new articles 23A, 23B, etc.*) by Sarvashri Sharad Yadav and Madan Tiwary.
- (9) The Constitution (Amendment) Bill, 1978 (*Amendment of articles 124 and 217*) by Shri O. P. Tyagi.

II. Reconsideration of the classification of the following Bills:—

- (1) The Constitution (Amendment) Bill, 1977 (*Insertion of new articles 23A, 23B and 23C*) by Shri Y. P. Shastri.
- (2) The Registration of Political Parties and Publication of their Annual Accounts Bill, 1977 by Shri P. K. Deo.

Examination of Constitution (Amendment) Bills

3. The Members-in-charge of the Bills were invited to attend the sitting. None of them attended.

4. The Committee considered the Bills and arrived at the following findings as a result of their examination of the Bills:—

Findings of the Committee

- (1) The Constitution (Amendment) Bill, 1978 (*Amendment of Eighth Schedule*) by Shri C. K. Chandrapan.

The Bill seeks to include Konkani and Manipuri languages in the Eighth Schedule to the Constitution.

After considering all aspects of the Bill, the Committee recommend that the Member might be permitted to move for leave to introduce the Bill.

- (2) The Constitution (Amendment) Bill, 1978 (Amendment of articles 330 and 332) by Shri Hukam Chand Kachwai.

The Bill seeks to amend articles 330 and 332 of the Constitution with a view to provide for reservation of seats for Scheduled Castes and Scheduled Tribes in Lok Sabha and Legislative Assemblies in a proportion not less than their population.

After considering all aspects of the Bill, the Committee recommend that the Member might be permitted to move for leave to introduce the Bill.

- (3) The Constitution (Amendment) Bill, 1978 (Amendment of Seventh Schedule) by Shri Hukam Chand Kachwai.

The Bill seeks to amend the Seventh Schedule to the Constitution with a view to empower Parliament to legislate on matters relating to preservation and improvement of breeds, and prohibiting the slaughter of cows, oxen and other milch and draught cattle by including it under the Union List.

After considering all aspects of the Bill, the Committee recommend that the Member might be permitted to move for leave to introduce the Bill.

- (4) The Constitution (Amendment) Bill, 1978 (Amendment of article 348) by Shri Hukam Chand Kachwai.

The Bill seeks to amend article 348 of the Constitution with a view to provide for use of Hindi language, the official language, along with English in all proceedings in the Supreme Court and in High Courts.

After considering all aspects of the Bill, the Committee recommend that the Member might be permitted to move for leave to introduce the Bill.

- (5) The Constitution (Amendment) Bill, 1978 (Omission of article 44) by Shri G. M. Banatwalla.

The Bill seeks to omit article 44 of the Constitution which in the view of Shri Banatwalla is a negation of the personal laws of the communities and is a cause of resentment especially among the Muslims.

After considering all aspects of the Bill, the Committee recommend that the Member might be permitted to move for leave to introduce the Bill.

- (6) The Constitution (Amendment) Bill, 1978 (Amendment of article 217) by Shri O. P. Tyagi.

The Bill seeks to amend article 217 of the Constitution with a view to provide for consultation with all the permanent Judges of the High Court in the matter of appointment of a Judge of the High Court, while at present only the Chief Justice of the High Court is to be consulted in this regard.

After considering all aspects of the Bill, the Committee recommend that the Member might be permitted to move for leave to introduce the Bill.

- (7) The Constitution (Amendment) Bill, 1978 (Amendment of article 19) by Shri Ugrasen.

The Bill seeks to amend the Constitution with a view to confer on the citizens the Fundamental Rights to employment, strike and recall the elected members of the House of the People and the Legislative Assemblies of the States.

After considering all aspects of the Bill, the Committee recommend that the Member might be permitted to move for leave to introduce the Bill.

- (8) The Constitution (Amendment) Bill, 1978 (Insertion of new articles 23A, 23B, etc.) by Sarvashri Sharad Yadav and Madan Tiwary.

The Bill seeks to insert new articles 23A, 23B, etc. in Chapter III of the Constitution with a view to confer on the people the Fundamental Rights to work and unemployment allowance in lieu thereof, free and compulsory education, financial assistance to sick, old and widows, and free medical treatment and medicines to all the citizens.

After considering all aspects of the Bill, the Committee recommend that the Member might be permitted to move for leave to introduce the Bill.

- (9) The Constitution (Amendment) Bill, 1978 (Amendment of articles 124 and 217) by Shri O. P. Tyagi.

The Bill seeks to amend the Constitution with a view to provide for a minimum tenure of five years for the office of a Judge of the Supreme Court and the High Courts.

After considering all aspects of the Bill, the Committee recommend that the Member might be permitted to move for leave to introduce the Bill.

Reconsideration of the Classification of Bills

5. The Committee then considered the requests of Sarvashri Y. P. Shastri and P. K. Deo to reconsider their earlier decisions (*vide* Ninth and Seventh Reports respectively) regarding the classification of the following Bills:—

- (1) The Constitution (Amendment) Bill, 1977 (Insertion of new articles 23A, 23B and 23C) by Shri Y. P. Shastri.
- (2) The Registration of Political Parties and Publication of their Annual Accounts Bill, 1977 by Shri P. K. Deo.

Both the Members attended the sitting and pressed for their Bills being put in category 'A'. The Committee recommend that both the Bills might be placed in category 'A'.

Recommendations

6. The Committee recommend that—

- (i) Sarvashri C. K. Chandrappan, Hukam Chand Kachwai, G. M. Banatwalla, O. P. Tyagi, Ugrasen, Sharad Yadav and Madan Tiwary be permitted to move for leave to introduce their Constitution (Amendment) Bills; and
- (ii) the re-classification of Bills as shown in paragraph 5 above, be agreed to by the House.

GODEY MURAHARI,
Chairman,

NEW DELHI;

February 21, 1978

Phalguna 2, 1899 (Saka)

Committee on Private Members'
Bills and Resolutions.