

REPORT OF THE COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

Sixth Lok Sabha

Twentieth Report



सत्यमेव जयते

**LOK SABHA SECRETARIAT
NEW DELHI**

1978

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

(Sixth Lok Sabha)

TWENTIETH REPORT

I, 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 Twentieth Report.

2. The Committee met on the 18th July, 1978 for—

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 preamble and article 1, etc.*) by Shri Chitta Basu, M.P.
- (2) The Constitution (Amendment) Bill, 1978 (*Amendment of Seventh Schedule*) by Shri K. Lakkappa, M.P.
- (3) The Constitution (Amendment) Bill, 1978 (*Substitution of article 40, etc.*) by Shri Tej Pratap Singh, M.P.

Examination of Constitution (Amendment) Bills.

3. The Members-in-charge of the Bills were invited to attend the sitting. Sarvashri Chitta Basu, K. Lakkappa and Tej Pratap Singh 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 preamble and article 1, etc.*) by Shri Chitta Basu, M.P.

The Bill seeks to amend or substitute certain provisions of the Constitution with the object of redefining the Centre-State relations so as to provide for real autonomy to States by redistribution of administrative and financial power, *inter alia*, by reformulating the Seventh Schedule to the Constitution. The Bill (clause 3) also seeks to make India a "Federation" of States in place of a "Union".

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

- (2) The Constitution (Amendment) Bill, 1978 (*Amendment of Seventh Schedule*) by Shri K. Lakkappa, M.P.

The Bill seeks to amend the Constitution with a view to insert a new subject in the Concurrent List of the Seventh Schedule, *viz.*, "Exploration and utilization of underground water resources".

The Committee noted the opinion of the Attorney General communicated to the Committee by the Ministry of Agriculture and Irrigation, (Department of Agriculture), that Entry 17 of List II (State List) relating to water, water supplies, etc., also included surface water as well as the underground water and hence the subject matter of the Bill was covered by that Entry.

The Committee are of the view that if a new Entry 17C, viz., "Exploration and utilization of underground water resources" is inserted in List III (Concurrent List), which is the object of the Bill, Entry 17 of List II (State List) would also require an amendment, namely, that the words "subject to the provisions of Entry 17C of List III" may be added at the end of that Entry.

The Committee recommend that the Member may be permitted to move for leave to introduce the Bill after he incorporates the amendment in the Bill as mentioned in the preceding paragraph.

(3) The Constitution (Amendment) Bill, 1978 (Substitution of article 40, etc.) by Shri Tej Pratap Singh, M.P.

The Bill seeks to substitute article 40 of the Constitution with a view to provide that the State shall take steps to secure decentralisation of financial and administrative powers, within the framework of the Constitution, at various levels, viz. the State, district, block and village levels.

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

Recommendations

5. The Committee recommend that—

- (i) Sarvashri Chitta Basu and Tej Pratap Singh be permitted to move for leave to introduce their Constitution (Amendment) Bills; and
- (ii) Shri K. Lakkappa be permitted to move for leave to introduce his Constitution (Amendment) Bill after he incorporates therein the amendment suggested in paragraph 4(2) above.

NEW DELHI;
July 18, 1978
Asadha 27, 1900 (Saka)

GODEY MURAHARI,
Chairman,
Committee on Private Members' Bills
and Resolutions.