

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

Sixth Lok Sabha

Sixth Report



सत्यमेव जयते

**LOK SABHA SECRETARIAT
NEW DELHI**

1977

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

(Sixth Lok Sabha)

SIXTH 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 Sixth Report.

2. The Committee met on the 15th November, 1977 for the examination of the following Constitution (Amendment) Bills under Rule 294(1)(a) of the Rules of Procedure:—

- (1) The Constitution (Amendment) Bill, 1977 (*Insertion of new article 342A*) by Shri C. K. Chandrappan.
- (2) The Constitution (Amendment) Bill, 1977 (*Insertion of new article 326A*) by Shri C. K. Chandrappan.
- (3) The Constitution (Amendment) Bill, 1977 (*Amendment of Eighth Schedule*) by Sarvashri Chitta Basu, Samar Mukherjee and Somnath Chatterjee.
- (4) The Constitution (Amendment) Bill, 1977 (*Substitution of article 335*) by Shri K. Ramamurthy.
- (5) The Constitution (Amendment) Bill, 1977 (*Amendment of Seventh Schedule*) by Shri K. T. Kosalram.
- (6) The Constitution (Amendment) Bill, 1977 (*Amendment of articles 341 and 342*) by Shri Purna Sinha.
- (7) The Constitution (Amendment) Bill, 1977 (*Substitution of Chapter I of Part XVII, etc.*) by Shri K. Ramamurthy.
- (8) The Constitution (Amendment) Bill, 1977 (*Amendment of article 18, omission of article 32A, etc.*) by Shri Mrityunjay Prasad.
- (9) The Constitution (Amendment) Bill, 1977 (*Amendment of article 311*) by Shri Chitta Basu.

Examination of Constitution (Amendment) Bills

3. The Members-in-charge of the Bills were invited to attend the sitting. Sarvashri K. Ramamurthy and Mrityunjay Prasad 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, 1977 (*Insertion of new article 342A*) by Shri C. K. Chandrappan.

The Bill seeks to insert new article 342A in the Constitution with a view to provide for appointment by the President of a Special Officer for women who shall investigate all matters relating to the safeguards provided for women under the Constitution and shall report to the President who shall cause the reports to be laid before Parliament.

[P.T.O.]

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, 1977 (*Insertion of new article 326A*) by Shri C. K. Chandrasen.

The Bill seeks to insert a new article 326A in the Constitution with a view to provide for elections to the House of the People and the Legislative Assemblies of the States on the basis of proportional representation, that is to say, the political parties which are contesting the elections shall be given seats in the respective bodies on the basis of the proportion of votes polled by them.

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, 1977 (*Amendment of Eighth Schedule*) by Sarvaahri Chitta Basu, Samar Mukherjee and Somnath Chatterjee.

The Bill seeks to include Nepali language 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.

- (4) The Constitution (Amendment) Bill, 1977 (*Substitution of article 335*) by Shri K. Ramamurthy.

The Bill seeks to substitute article 335 of the Constitution with a view to provide that 25 per cent. of the vacancies and posts in connection with the affairs of the State shall be reserved for Scheduled Castes and Scheduled Tribes. Services under Parliament and the Legislatures of the States have also been covered by this provision.

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, 1977 (*Amendment of Seventh Schedule*) by Shri K. T. Komaram.

The Bill seeks to amend the Seventh Schedule to the Constitution with a view to transfer the Entry relating to water supplies, irrigation and canals, water power, etc. from the State List to the Concurrent List so as to enable the Union Government to formulate schemes for development of water resources and speedy solution of inter-State river disputes.

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, 1977 (*Amendment of articles 341 and 342*) by Shri Purna Sinha.

The Bill seeks to amend articles 341 and 342 of the Constitution with a view to remove disqualification arising to members of Scheduled Castes and Scheduled Tribes on migration from a State where they are recognised as Scheduled Castes or Tribes to another State where their caste or tribe is not so recognised.

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, 1977 (*Substitution of Chapter I of Part XVII, etc.*) by Shri K. Ramamurthy.

The Bill seeks to amend the Constitution with a view to provide for appointment of a Commission on official languages which would make recommendations

to the President as to the progressive use of languages specified in the Eighth Schedule for the official purposes of the Union and of any particular region, and as to the language or languages to be used for all or any of the purposes specified in article 348, etc.

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, 1977 (*Amendment of article 18, omission of article 32A, etc.*) by Shri Mrityunjay Prasad.

The Bill seeks to amend the Constitution with a view to provide for restoration of power of Supreme Court and High Courts for judicial review of various executive and legislative acts, strengthening the position of President to exercise his own discretion, over and above the advice of Council of Ministers, in important matters such as Proclamation of Emergency, discharging his functions under article 103 of the Constitution, etc.

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, 1977 (*Amendment of article 311*) by Shri Chitta Basu.

The Bill seeks to amend article 311 of the Constitution by omitting part (c) of the second proviso to clause (2) thereof which provides that clause (2), providing for an inquiry in case of dismissal, removal or reduction of rank of a civil servant of the Union or a State, shall not apply where the President or the Governor, as the case may be, is satisfied that in the interest of the security of the State it is not expedient to hold such inquiry.

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

Recommendations

5. The Committee recommend that Sarvaahri C. K. Chandrappan, Chitta Basu, Samar Mukherjee, Somnath Chatterjee, K. Ramamurthy, K. T. Kosalram, Purna Sinha and Mrityunjay Prasad be permitted to move for leave to introduce their Constitution (Amendment) Bills.

NEW DELHI;
November 15, 1977.

Kartika 24, 1899 (Saka).

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