

**COMMITTEE ON PRIVATE MEMBERS'
BILLS AND RESOLUTIONS**

**FIRST TO THIRTEENTH REPORTS
(ENGLISH VERSION)**



Ninth Lok Sabha

Legislative Branch-II

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

(Ninth Lok Sabha)

TWELFTH REPORT

(Presented on 27-2-1991)

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 Twelfth Report.

2. The Committee met on 25 February, 1991 for—

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

(1) The Constitution (Amendment) Bill, 1990 (*Amendment of article 171*) by Shri H.C. Srikantaiah.

(2) The Constitution (Amendment) Bill, 1990 (*Amendment of article 15*) by Shri Mullappally Ramachandran.

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

(1) The Constitution (Amendment) Bill, 1991 (*Amendment of articles 74 and 163*) by Shri George Fernandes.

(2) The Constitution (Amendment) Bill, 1991 (*Insertion of new article 16A*) by Shri Bansilal.

(3) The Constitution (Amendment) Bill, 1991 (*Amendment of article 16*) by Shri Vamanrao Mahadik.

(4) The Constitution (Amendment) Bill, 1991 (*Insertion of new Part IX*) by Shri Vamanrao Mahadik.

(5) The Constitution (Amendment) Bill, 1991 (*Insertion of new article 26A*) by Shri Bhogendra Jha.

(6) The Constitution (Amendment) Bill, 1991 (*Insertion of new article 26A*) by Shri G.M. Banatwalla.

(7) The Constitution (Amendment) Bill, 1991 (*Insertion of new Part XVIA*) by Shri Kusuma Krishnamurthy.

III. Classification and allocation of time for discussion of Bills (*vide Appendix*) under clauses (b) and (c) of Rule 294(1) of the Rules of Procedure.

IV. Allocation of time under rule 294(1)(c) of the Rules of Procedure to the Resolutions at items Nos. 2, 3 and 4 set down in the List of Business for Thursday, 28 February, 1991.

Further Examination of Constitution (Amendment) Bills

3. The Members-in-charge of the Bills were invited to attend the sitting to present before the Committee their views on their Bills. They did not attend the sitting.

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, 1990 (*Amendment of article 171*) by Shri H.C. Srikantaiah.

The Bill seeks to amend article 171 of the Constitution with a view to enabling teachers of primary and middle level schools recognised by the State Government to vote in elections for electing representatives to the Legislative Council of a State.

After considering all aspects of the Bill, the Committee recommend that the Member may not be permitted to move for leave to introduce the Bill.

(2) The Constitution (Amendment) Bill, 1990 (*Amendment of article 15*) by Shri Mullappally Ramachandran.

The Bill seeks to amend article 15 of the Constitution with a view to providing that no citizen shall be discriminated against or be subjected to any liability or restriction in regard to access to shops, hotels, etc. or to the use of wells, roads, etc. on the ground of his language.

After considering all aspects of the Bill, the Committee recommend that the Member may not be permitted to move for leave to introduce the Bill.

Examination of Constitution (Amendment) Bills

5. 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, 1991 (*Amendment of articles 74 and 163*) by Shri George Fernandes.

The Bill seeks to amend articles 74 and 163 of the Constitution with a view to fixing a ceiling on the strength of the Council of Ministers, i.e. 10 per cent. of the membership of Parliament in case of Union Council of Ministers and 10 per cent. where there are two Houses of Legislature and 15 per cent. where there is one House, in case of Council of Ministers of a State.

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, 1991 (*Insertion of new article 16A*) by Shri Bansi Lal.

The Bill seeks to insert a new article 16A in the Constitution with a view to reserving thirty per cent. of all appointments and posts under the Union and States for persons belonging to economically weaker section of society, in addition to the posts reserved for Scheduled Castes, Scheduled Tribes and backward class of citizens under any rule, etc.

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

(3) The Constitution (Amendment) Bill, 1991 (*Amendment of article 16*) by Shri Vamanrao Mahadik.

The Bill seeks to amend the article 16 of the Constitution with a view to reserving not more than twenty per cent. of appointments or posts under the Union and the States for economically weaker section of the society instead of reservation of appointments or posts for any backward class of citizens as at present.

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

(4) The Constitution (Amendment) Bill, 1991 (*Insertion of new Part IX*) by Shri Vamanrao Mahadik.

The Bill seeks to insert a new Part IX in the Constitution with a view to providing special provisions as to the maintenance and improvement of the standard of living of the people and public health in the Metropolitan cities of Delhi, Bombay, Calcutta and Madras and also to check the influx of people to these cities.

After considering all aspects of the Bill, the Committee recommend that the member may *not* be permitted to move for leave to introduce the Bill.

(5) The Constitution (Amendment) Bill, 1991 (*Insertion of new article 26A*) by Shri Bhogendra Jha.

The Bill seeks to insert a new article 26A in the Constitution with a view to providing for the maintenance of *status quo* in respect of the site and shape of all religious places in the country as they existed on 26 January, 1950.

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

(6) The Constitution (Amendment) Bill, 1991 (*Insertion of new article 26A*) by Shri G.M. Banatwalla.

The Bill seeks to insert a new article 26A in the Constitution with a view to protecting the status of and title to any place of religious significance as it existed on 15 August, 1947.

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

(7) The Constitution (Amendment) Bill, 1991 (*Insertion of new Part XVII*) by Shri Kusuma Krishnamurthy.

The Bill seeks to insert a new Part XVII in the Constitution with a view to providing for compulsory education and other welfare measures for the physically handicapped and mentally retarded persons and for reservation of jobs in Government Services and of seats in the House of People/State Legislative Assemblies for the physically handicapped persons.

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

Classification and allocation of time to Bills

6. The Committee then considered classification and allocation of time to thirteen Bills specified in Appendix.

7. After considering all aspects of the Bills, the Committee recommend that the following Bills be placed in category 'A':—

- (1) The Railway Protection Force (Amendment) Bill, 1990 (*Substitution of new long title for long title, etc.*) by Shri Basudeb Acharia.
- (2) The Protection of Civil Rights (Amendment) Bill, 1990 (*Amendment of section 3, etc.*) by Shri Kusum Krishnamurthy.
- (3) The Railway Protection Force (Amendment) Bill, 1990 (*Substitution of new long title for long title etc.*) by Shri P.R. Kumaramangalam.
- (4) The Agricultural Transplantation Workers Welfare Bill, 1990 by Shri Kusuma Krishnamurthy.
- (5) The One-Family One-Post (In Government Service) Bill, 1990 by Shri K. Ramamurthy.
- (6) The Medical Termination of Pregnancy (Amendment) Bill, 1990 (*Amendment of sections 3 and 4*) by Shrimati Jayawanti N. Mehta.

(7) The Abolition of Begging Bill, 1990 by Shri Kusuma Krishnamurthy.

(8) The Borrowing (Fixation of Limit) Bill, 1990 by Shri Chitta Basu.

The Committee further recommend that all the remaining five Bills be placed in category 'B'. The Committee recommend allocation of time for each of the Bills as shown in column 5 of the Appendix.

Allocation of time to Resolutions

8. The Committee recommend allocation of time to resolutions as follows:—

- (1) Resolution by Shri Pyarelal Khandelwal regarding setting up of gas based power station at Bisora (MP). 2 hours
- (2) Resolution by Shri Kusuma Krishnamurthy regarding atrocities on SC/ST, etc. 2 hours
- (3) Resolution by Prof. Saif-ud-Din Soz regarding abolition of public and private schools. 2 hours

Recommendations

9. The Committee recommend that—

- (i) Sarvashri H.C. Srikantiah, Mullappally Ramachandran and Vamanrao Mahadik be *not* permitted to move for leave to introduce their Constitution (Amendment) Bills specified in sub-para (1) and (2) of paragraph 4 and sub-para (4) of paragraph 5 above;
- (ii) Sarvashri George Fernandes, Bansi Lal, Vamanrao Mahadik, Bhogendra Jha, G.M. Banatwalla and Kusuma Krishnamurthy be permitted to move for leave to introduce their Constitution (Amendment) Bills;
- (iii) the classification and allocation of time to Bills by the Committee, as shown in the Appendix, be agreed to by the House; and
- (iv) the allocation of time to resolutions, as shown in paragraph 8 above, be agreed to by the House.

NEW DELHI;

February 26, 1991

Phalgun 7, 1912 (Saka)

SHIVRAJ V. PATEL

Chairman,

*Committee on Private Members'
Bills and Resolutions.*

APPENDIX

Sl. No.	Name of the Bill and the Member-in-charge	Bill No.	Category recommended	Time recommended
1	2	3	4	5
1.	The Railway Protection Force (Amendment) Bill, 1990 (<i>Substitution of new long title for long title, etc.</i>) by Shri Basudeb Acharia.	153 of 1990	A	2 hours
2.	The Protection of Civil Rights (Amendment) Bill, 1990 (<i>Amendment of section 3, etc.</i>) by Shri Kusuma Krishnamurthy.	166 of 1990	A	2 hours
3.	The Railway Protection Force (Amendment) Bil 1990 (<i>Substitution of new long title for long title, etc.</i>) by Shri P.R. Kumaramangalam.	174 of 1990	A	2 hours
4.	The Agricultural Transplantation Workers Welfare Bill, 1990 by Shri Kusuma Krishnamurthy.	178 of 1990	A	2 hours
5.	The One-Family One-Post (In Government Service) Bill, 1990 by Shri K. Ramamurthy.	165 of 1990	A	2 hours
6.	The Import and Export Trade Bill, 1990 by Shri K. Ramamurthy.	170 of 1990	B	1½ hours
7.	The Public Offices (Fixation of Public Holidays and Working Hours) Bill, 1990 by Shri K. Ramamurthy.	163 of 1990	B	1½ hours
8.	The National Highways (Amendment) Bill, 1990 (<i>Amendment of section 5</i>) by Shri K. Ramamurthy.	164 oi 1990	B	1½ hours
9.	The Medical Termination of Pregnancy (Amendment) Bill, 1990 (<i>Amendment of sections 3 and 4</i>) by Shrimati Jayawanti N, Mehta.	168 of 1990	A	2 hours
10.	The High Court at Madras (Establishment of a Permanent Bench at Madurai) Bill, 1990 by Shri A.G.S. Rambabu.	171 of 1990	B	1½ hours
11.	The Abolition of Begging Bill, 1990 by Shri Kusuma Krishnamurthy.	180 of 1990	A	2 hours
12.	The Borrowing (Fixation of Limit) Bill, 1990 by Shri Chitta Basu.	179 of 1990	A	2 hours
13.	The Constitution (Scheduled Tribes (Uttar Pradesh) Order (Amendment) Bill, 1990 (<i>Amendment of the Schedule</i>) by Shri Harish Rawat.	161 of 1990	B	1½ hours