

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

**FIRST TO SIXTY-EIGHTH REPORTS
(ENGLISH VERSION)**



सत्यमेव जयते

EIGHTH LOK SABHA

Legislative Branch-II

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

(Eighth Lok Sabha)

SIXTH REPORT

(Presented on 20-11-1985)

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 Sixth Report.

2. The Committee met on 19 November, 1985 for—

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

- (1) The Constitution (Amendment) Bill, 1985 (*Amendment of article 311, etc.*) by Shri Thampan Thomas.
- (2) The Constitution (Amendment) Bill, 1985 (*Amendment of article 311*) by Shri C. Janga Reddy.
- (3) The Constitution (Amendment) Bill, 1985 (*Substitution of new article for article 371*) by Shri Hussain Dalwai.
- (4) The Constitution (Amendment) Bill, 1985 (*Amendment of article 16*) by Shrimati Jayanti Patnaik.
- (5) The Constitution (Amendment) Bill, 1985 (*Amendment of articles 84, 102, etc.*) by Shri Hussain Dalwai.

II. 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.

III. Reconsideration of classification of the Public and Private Schools (Abolition) Bill, 1985 by Prof. Saif-ud-Din Soz.

Examination of Constitution (Amendment) Bills

3. 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, 1985 (*Amendment of article 311, etc.*) by Shri Thampan Thomas.

The Bill seeks to amend article 311 of the Constitution with a view to omit provisions relating to dismissal, removal or reduction in rank of persons employed in civil capacities under the Union or a State without holding an inquiry and also that no civil servant shall be dismissed or removed by any authority without giving him an opportunity to represent his case to the President of India.

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, 1985 (*Amendment of article 311*) by Shri C. Janga Reddy.

The Bill seeks to amend article 311 of the Constitution with a view to omit provision relating to dismissal, removal or reduction in rank of

persons employed in civil capacities under the Union or a State without holding an inquiry where the authority empowered to dismiss or remove a person or to reduce him in rank is satisfied that for some reason it is not reasonably practicable to hold such inquiry.

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, 1985 (*Substitution of new article for article 371*) by Shri Hussain Dalwai.

The Bill seeks to substitute a new article for article 371 of the Constitution with a view to provide for the setting up of separate Development Boards for the Vidarbha, Marathwada and Konkan regions of Maharashtra and Saurashtra and Kutch regions of Gujarat.

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, 1985 (*Amendment of article 16*) by Shrimati Jayanti Patnaik.

The Bill seeks to amend article 16 of the Constitution with a view to provide for reservation of posts for economically backward class of citizen whose family's total annual income does not exceed three thousand rupees and which in the opinion of the State is not adequately represented in the services under the 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.

- (5) The Constitution (Amendment) Bill, 1985 (*Amendment of articles 84, 102, etc.*) by Shri Hussain Dalwai.

The Bill seeks to amend the Constitution with a view to provide that candidates of political parties which are recognised by the Election Commission should only be allowed to contest elections to the Parliament and State Legislatures and also provides for recognition of political parties for elections to Parliament and State Legislatures.

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

4. The Committee then considered classification and allocation of time to eleven Bills specified in Appendix.

5. After considering all aspects of the Bills, the Committee recommend that (i) the Constitution (Amendment) Bill, 1985 (*Amendment of article 311*) by Prof. Madhu Dandavate, (ii) the Constitution (Amendment) Bill, 1985 (*Insertion of new article 15A*) by Shri Thampan Thomas and (iii) the Agricultural Workers (Payment of Pension, Fixation of Minimum Wages, Compulsory Insurance and Other Amenities) Bill, 1985 by Shri B. V. Desai, be placed in category 'A' and all the remaining eight 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.

Reconsideration of the classification of a Bill

6.. The Committee then considered the request of Prof. Saif-ud-Din Soz to reconsider their earlier recommendation giving category 'B' (*vide* Third Report) to his Bill, namely, the Public and Private Schools (Abolition) Bill, 1985 and place it in category 'A'.

7. On reconsideration, the Committee did not see any justification for altering the original categorisation of the Bill.

Recommendations

8. The Committee recommend that—

- (i) Sarvashri Thampan Thomas, C. Janga Reddy, Hussain Dalwai and Shrimati Jayanti Patnaik be permitted to move for leave to introduce their Constitution (Amendment) Bills; and
- (ii) the classification and allocation of time to Bills by the Committee, as shown in the Appendix, be agreed to by the House.

NEW DELHI;

November 19, 1985
Kartika 28, 1907 (*Saka*)

M. THAMBI DURAI,
Chairman,

*Committee on Private Members'
Bills and Resolutions.*

APPENDIX

1	2	3	4	5
Sl. No.	Name of the Bill and the member-in-charge	Bill No.	Category recommended	Time recommended
1	The Freedom of Information Bill, 1985 by Shri Thampin Thomas.	145 of 1985	B	2 hours
2	The Constitution (Amendment) Bill, 1985 (<i>Amendment of article 19, etc.</i>) by Shri G. M. Banatwalla	137 of 1985	B	2 hours
3	The Prasar Bharati (Broadcasting Corporation of India) Bill, 1985 by Prof. Madhu Dandavate.	156 of 1985	B	2 hours
4	The Constitution (Amendment) Bill, 1985 (<i>Amendment of article 311</i>) by Prof. Madhu Dandavate.	149 of 1985	A	2 hours
5	The Constitution (Amendment) Bill, 1985 (<i>insertion of new article 15A</i>) by Shri Thampin Thomas.	141 of 1985	A	2 hours
6	The Agricultural Workers (Payment of Pension, Fixation of Minimum Wages, Compulsory Insurance and Other Amenities) Bill, 1985 by Shri B. V. Desai.	143 of 1985	A	2 hours
7	The Indian Nationals Living Abroad (Representation in Parliament and State Legislatures) Bill, 1985 by Shri B. V. Desai.	144 of 1985	B	2 hours
8	The Ceiling on Marriage Expenses Bill, 1985 by Shri B. V. Desai.	150 of 1985	B	2 hours
9	The Compulsory Population Control (Small Family Promotion and Motivation) Bill, 1985 by Shri B. V. Desai.	152 of 1985	B	2 hours
10	The Regulation and Control of Technical Servicing Units Bill, 1985 by Shrimati Jayanti Patnaik.	146 of 1985	B	2 hours
11	The Family Restriction Incentives Bill, 1985 by Shrimati Jayanti Patnaik.	151 of 1985	B	2 hours