

**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)

## ELEVENTH REPORT

(Presented on 26-2-1986)

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 Eleventh Report.

2. The Committee met on 25 February, 1986 for—

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

- (1) The Constitution (Amendment) Bill, 1986 (*Amendment of article 16*) by Shri Uttam Rathod.
- (2) The Constitution (Amendment) Bill, 1986 (*Amendment of article 368*) by Prof. Madhu Dandavate.
- (3) The Constitution (Amendment) Bill, 1986 (*Insertion of new article 174A*) by Prof. Madhu Dandavate.
- (4) The Constitution (Amendment) Bill, 1986 (*Amendment of articles 75 and 164*) by Prof. Madhu Dandavate.

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 following Bills:—

- (1) The Public and Private Schools (Abolition) Bill, 1985 by Prof. Saif-ud-Din Soz.
- (2) The Fixation and Regulation of Wages of Hard Coke Oven and Ceramic Industries Employees Bill, 1985 by Shri Yogeshwar Prasad Yogesh.
- (3) The Setting up of a Super Thermal Power Station at Balumath Bill, 1985 by Shri Yogeshwar Prasad Yogesh.

IV. Allocation of time under rule 294(1) (e) of the Rules of Procedure to the Resolutions at item Nos. 2, 3 and 4 set down in the List of Business for Friday, 28 February 1986.

### *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, 1986 (*Amendment of article 16*) by Shri Uttam Rathod.

The Bill seeks to amend the Constitution to provide that nothing in article 16 shall prevent the State from making any provision for the reservation of appointments or posts in favour of physically handicapped persons, outstanding sportsmen or ex-servicemen.

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, 1986 (*Amendment of article 368*) by Prof. Madhu Dandavate.

The Bill seeks to amend article 368 of the Constitution by substituting clause (5) thereof with a view to define basic structure of the Constitution and to provide that the power of Parliament to amend the Constitution does not include any power to amend the basic structure of the Constitution.

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, 1986 (*Insertion of new article 174A*) by Prof. Madhu Dandavate.

The Bill seeks to amend the Constitution with a view to provide that a session of the Legislative Assembly of a State can be summoned if more than one-half of the total number of members of the Assembly send a signed requisition to the Speaker of the Assembly.

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, 1986 (*Amendment of articles 75 and 164*) by Prof. Madhu Dandavate.

The Bill seeks to amend the Constitution with a view to provide that the Prime Minister or the Chief Minister of a State shall command the support of the majority of the members of the House of the People or of the Legislative Assembly of the State and in case of doubt it shall be determined on the floor of the House concerned.

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 all the Bills referred to in the Appendix 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 Bills*

6. The Committee then considered the requests of Prof. Saif-ud-Din Soz and Shri Yogeshwar Prasad Yogesh to reconsider their earlier decisions (*vide* Third and Eighth Reports respectively) regarding the classification of the following Bills from category 'B' to category 'A':—

- (1) The Public and Private Schools (Abolition) Bill, 1985 by Prof. Saif-ud-Din Soz.
- (2) The Fixation and Regulation of Wages of Hard Coke Oven and Ceramic Industries Employees Bill, 1985 by Shri Yogeshwar Prasad Yogesh.
- (3) The Setting up of a Super Thermal Power Station at Balumath Bill, 1985 by Shri Yogeshwar Prasad Yogesh.

7. On reconsideration, the Committee recommend that the Fixation and Regulation of Wages of Hard Coke Oven and Ceramic Industries Employees Bill, 1985 by Shri Yogeshwar Prasad Yogesh may be placed in category 'A'.

The Committee did not see any justification for altering the original categorisation of the remaining two Bills.

#### Allocation of time to Resolutions

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

- |  |         |
|--|---------|
| (1) Resolution by Shri D. N. Reddy regarding electoral reforms                                 | 2 hours |
| (2) Resolution by Shri Anand Singh regarding sugar-cane policy.                                | 2 hours |
| (3) Resolution by Dr. Chinta Mohan regarding setting up of Ordnance factory in Andhra Pradesh. | 2 hours |

#### Recommendations

9. The Committee recommend that—

- (i) Shri Uttam Rathod and Prof. Madhu Dandavate be permitted to move for leave to introduce their Constitution (Amendment) Bills;
- (ii) the classification and allocation of time to Bills by the Committee, as shown in the Appendix, be agreed to by the House;
- (iii) the reclassification of the Bill, as shown in paragraph 7 above, 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 25, 1986  

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Phalgun 6, 1907 (Saka)

M. THAMBI DURAI,  
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 National Highways (Amendment) Bill, 1985 ( <i>Amendment of section 5</i> ) by Shri K. Ramamurthy.	94 of 1985	B	2 hours
2	The Declaration of Assets by Civil Servants Bill, 1985 by Shri K. Ramamurthy.	171 of 1985	B	2 hours
3	The Medical Security Force Bill, 1985 by Shri Priya Ranjan Das Munsi.	192 of 1985	B	2 hours
4	The Code of Civil Procedure (Amendment) Bill, 1985 ( <i>Amendment of section 100</i> ) by Shri P.M. Sayeed.	173 of 1985	B	2 hours
5	The Constitution (Amendment) Bill, 1985 ( <i>Amendment of article 16</i> ) by Shri Priya Ranjan Das Munsi.	186 of 1985	B	2 hours
6	The University Grants Commission (Amendment) Bill, 1985 ( <i>Amendment of section 12</i> ) by Shri Priya Ranjan Das Munsi.	191 of 1985	B	2 hours
7	The Boundary Commission Bill, 1985 by Prof. Madhu Dandavate.	196 of 1985	B	2 hours
8	The Uniform System of School Education Bill, 1985 by Shri Balasahab Vitke Patil.	193 of 1985	B	2 hours
9	The Income-tax (Amendment) Bill, 1985 ( <i>Amendment of section 10</i> ) by Shri Priya Ranjan Das Munsi.	195 of 1985	B	2 hours
10	The Prohibition of Use of Religious, Communal, Regional and Sectoral Nomenclatures for Political Parties Bill, 1985 by Shri Anand Singh.	198 of 1985	B	2 hours
11	The Income-tax (Amendment) Bill, 1985 ( <i>Amendment of section 2, etc.</i> ) by Shri Mool Chand Daga.	197 of 1985	B	2 hours