

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

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



सत्यमेव जयते

Fourth Lok Sabha

Legislative Branch-II

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS
SIXTY-SEVENTH REPORT

(Fourth Lok Sabha)

On behalf of the Committee on Private Members' Bills and Resolutions, I, having been authorised by the Committee to present the Report on their behalf, present this Sixty-seventh Report.

2. The Committee met on the 9th November, 1970, for—

I. Classification and allocation of time for discussion of Bills (*vide Appendix*).

II. Reconsideration of the classification of the following Bills:—

- (1) The State Bank of India (Amendment) Bill, 1969 (*Amendment of sections 19, 21, etc.*) by Shri Tenneti Viswanatham.
- (2) The Bihar Legislative Council (Abolition) Bill, 1970 by Shri Bhogendra Jha.

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

- (1) The Constitution (Amendment) Bill, 1970 (*Amendment of article 16*) by Sarvashri Prakash Vir Shastri, Ram Charan and Shiv Kumar Shastri.
- (2) The Constitution (Amendment) Bill, 1970 (*Amendment of the Seventh Schedule*) by Shri Om Prakash Tyagi.
- (3) The Constitution (Amendment) Bill, 1970 (*Amendment of article 74*) by Sarvashri Prakash Vir Shastri, Shiv Kumar Shastri and Raghuvir Singh Shastri.
- (4) The Constitution (Amendment) Bill, 1970 [*Amendment of article 335 (Bill No. 101 of 1970)*] by Shri Benoy Krishna Daschowdhury.
- (5) The Constitution (Amendment) Bill, 1970 [*Amendment of article 335 (Bill No. 100 of 1970)*] by Sarvashri S. M. Siddayya and Suraj Bhan.
- (6) The Constitution (Amendment) Bill, 1970 (*Amendment of article 338*) by Shri S. M. Siddayya.
- (7) The Constitution (Amendment) Bill, 1970 (*Insertion of new articles 330A, 332A and amendment of articles 332 and 334*) by Shri S. M. Siddayya.
- (8) The Constitution (Amendment) Bill, 1970 (*Substitution of article 155 and amendment of article 156, etc.*) by Shri S. S. Kothari.
- (9) The Constitution (Amendment) Bill, 1970 (*substitution of article 155*) by Dr. Ram Subhag Singh, Sarvashri Sheo Narain and Kamabayan Bajaj.
- (10) The Constitution (Amendment) Bill, 1970 (*Amendment of article 124*) by Shri P. K. Deo.

Classification and allocation of time to Bills.

3. The Members concerned had been invited to present before the Committee their views on their Bills. None of them attended the sitting.

4. After considering all aspects of the Bills, the Committee placed all the Bills in Category 'B' and recommended allocation of time for each of these Bills as shown in column 5 of the Appendix.

Reconsideration of the Classification of Bills

5. The Committee then considered the requests of Sarvashri Tenneti Viswanatham and Bhogendra Jha to reconsider their earlier decisions (vide Fifty-fifth and Sixtyfifth Reports) regarding the classification of the following Bills:—

- (1) The State Bank of India (Amendment) Bill, 1969 (Amendment of sections 19, 21, etc.) by Shri Tenneti Viswanatham.
- (2) The Bihar Legislative Council (Abolition) Bill, 1970 by Shri Bhogendra Jha.

Shri Bhogendra Jha attended the sitting and pressed for his Bill being put in category 'A'. The Committee did not see any justification in altering the original categorisation of the Bills.

Examination of Constitution (Amendment) Bills

6. The Members concerned had been invited to present before the Committee their views on their Bills. Sarvashri Benoy Krishna Daschowdhury, S. M. Siddayya and Suraj Bhan attended the sitting.

7. 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, 1970 (Amendment of article 16) by Sarvashri Prakash Vir Shastri, Ram Charan and Shiv Kumar Shastri.

The Bill sought to insert a new clause (6) in article 16 of the Constitution with a view to provide that all the citizens shall have the right to employment and in the event of their failure to procure any employment they shall be paid sustenance allowance by the State.

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

- (2) The Constitution (Amendment) Bill, 1970 (Amendment of the Seventh Schedule) by Shri Om Prakash Tyagi.

The Bill sought to insert a new entry 54A in the Union List of the Seventh Schedule of the Constitution in order to empower Parliament to legislate on matters relating to animal husbandry.

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

- (3) The Constitution (Amendment) Bill, 1970 (Amendment of article 74) by Sarvashri Prakash Vir Shastri, Shiv Kumar Shastri and Raghuvir Singh Shastri.

The Bill sought to amend article 74 of the Constitution with a view to limit the strength of the Council of Ministers at the Centre to 40 and to vest certain discretionary powers in the President.

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

- (4) The Constitution (Amendment) Bill, 1970 [Amendment of article 335 (Bill No. 101 of 1970)] by Shri Benoy Krishna Daschowdhury.

The Bill sought to amend article 335 of the Constitution with a view to safeguard the claims of the Scheduled Castes and Scheduled Tribes in making of appointments and promotions to services and posts under the Union and States.

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

- (5) The Constitution (Amendment) Bill, 1970 (Amendment of article 335 (Bill No. 100 of 1970) by Sarvashri S. M. Siddayya and Suraj Bhan.

The Bill sought to amend article 335 of the Constitution with a view to safeguard the claims of the Scheduled Castes and Scheduled Tribes in making of appointments to services and posts under the Union and States.

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

- (6) The Constitution (Amendment) Bill, 1970 (Amendment of article 338) by Shri S. M. Siddayya.

The Bill sought to amend article 338 of the Constitution so as to provide that along with the Report of the Special Officer for Scheduled Castes and Scheduled Tribes, memoranda explaining the action taken thereon shall also be laid before each House of Parliament.

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

- (7) The Constitution (Amendment) Bill, 1970 (Insertion of new articles 330A, 332A and amendment of articles 332 and 334) by Shri S. M. Siddayya.

The Bill sought to make provisions for reservation of seats for the Scheduled Castes and the Scheduled Tribes in Rajya Sabha and the various Legislative Councils and also in the Legislative Assemblies of the Union territories.

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

- (8) The Constitution (Amendment) Bill, 1970 (Substitution of article 155 and amendment of article 156, etc.) by Shri S. S. Kothari.

The Bill sought to amend the Constitution with a view to provide *inter alia* that (i) a Governor of a State shall be appointed on the advice of the Chief Justice of India by the President (ii) a Governor might be removed on the ground of misbehaviour and (iii) a Governor might be impeached for violation of the Constitution.

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

- (9) The Constitution (Amendment) Bill, 1970 (Substitution of article 155) by Dr. Ram Subhag Singh, Sarvashri Sheo Narain and Kamalnayan Bajaj.

The Bill sought to substitute article 155 of the Constitution with a view to provide that the Governor of a State shall be appointed by Parliament under warrant issued under the hand and seal of the President.

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

- (10) The Constitution (Amendment) Bill, 1970 (Amendment of article 124) by Shri P. K. Deo.

The Bill sought to amend article 124 with a view to lay down the procedure regarding appointment of the Chief Justice of the Supreme Court.

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

Recommendations

8. The Committee recommended that—

- (i) the classification and allocation of time to Bills by the Committee as shown in the Appendix be agreed to by the House; and

- (ii) **Sarvashri Prakash Vir Shastri, Ram Charan, Shiv Kumar Shastri, Om Prakash Tyagi, Raghuvir Singh Shastri, Benoy Krishna Daschowdhury, S. M. Siddayya, Suraj Bhan, S. S. Kothari, Dr. Ram Subhag Singh, Sarvashri Sheo Narain, Kamalnayan Bajaj and P. K. Deo** be permitted to move for leave to introduce their **Constitution (Amendment) Bills**.

New Delhi;
November 9, 1970.
Kartika 18, 1892 (Saka).

D. K. Kunte,
Acting Chairman,
Committee on Private Members'
Bills and Resolutions.

APPENDIX

S. No.	Name of the Bill and the Member-in-charge	Bill No.	Category allotted	Time allotted by the Committee
1	The Constitution (Amendment) Bill, 1970 (<i>Amendment of article 163</i>) by Shri Om Prakash Tyagi.	78 of 1970	B	1½ hours
2	The Utilization of Land Adjoining Railway Track Bill, 1970 by Shri Raghuvir Singh Shastri.	85 of 1970	B	1½ hours
3	The Code of Criminal Procedure (Amendment) Bill, 1970 (<i>Amendment of section 438</i>) by Shri Raghuvir Singh Shastri.	83 of 1970	B	1½ hours
4	The Constitution (Amendment) Bill, 1970 (<i>Amendment of Third Schedule</i>) by Shri Shiva Chandra Jha.	82 of 1970	B	1½ hours
5	The Constitution (Amendment) Bill, 1970 (<i>Amendment of article 74</i>) by Shri Om Prakash Tyagi.	79 of 1970	B	1½ hours
6	The Members of Parliament Legislative Proposals Bill, 1970 by Shri Raghuvir Singh Shastri.	86 of 1970	B	1½ hours
7	The Constitution (Amendment) Bill, 1970 (<i>Insertion of new article 16A</i>) by Shri Nath Pai.	73 of 1970	D	2 hours
8	The Constitution (Amendment) Bill, 1970 (<i>Substitution of article 370</i>) by Shri Yashwant Singh Kushwah.	80 of 1970	B	2 hours

LOK SABHA

BULLETIN—PART I

[Brief Record of Proceedings]

Thursday, November 12, 1970/Kartika 21, 1892 (Saka)

No. 445

1. Starred Questions

Starred Questions Nos. 91, 93, 100, 112 and 119 were orally answered. Replies to remaining questions were laid on the Table.

2. Unstarred Questions

Replies to Unstarred Questions Nos. 601—617, 619—621, 623—651, 653—673, 675—682, 684—709, 711—723, 725—752, 754—766, 768, 769 and 771—800 were laid on the Table.

A statement by the Minister of Food and Agriculture correcting the reply given on the 20th August, 1970, to Starred Question No. 521 regarding Failure of Community Development due to Administrative Inefficiency was laid on the Table.

3. Calling Attention

Shri E. K. Nayanar called the attention of the Minister of Foreign Trade to the reported uncertainty prevailing over the next round of Indo-Nepal talks on trade and transit.

The Minister of Foreign Trade made a statement in regard thereto.

4. Question of Privilege

The Speaker gave his consent to the raising of a question of privilege given notice of by Shri Madhu Limaye and others against Shri Mohinder Singh, City Magistrate, Banaras, for illegal custody of Shri Madhu Limaye from the 9th to 26th August, 1970.

Shri Madhu Limaye then asked for leave of the House to raise the question of privilege. The leave was granted.

Shri Madhu Limaye thereafter moved the following motion:—

“That the question of privilege regarding the illegal custody of Shri Madhu Limaye from the 9th to 26th August, 1970, by Shri Mohinder Singh, City Magistrate, Varanasi, be referred to the Committee of Privileges for investigation and report by the end of the first week of the next Session.”

The motion was adopted.

[P.T.O]

5. Papers Laid on the Table

The following papers were laid on the Table:—

- (1) A copy of the Fifth statement showing decisions taken on one more recommendation of the Committee on Broadcasting and Information Media on Documentary Films and Newsreels.
- (2) A copy of the Displaced Persons (Compensation and Rehabilitation) Rules, 1970 (Hindi and English versions) published in Notification No. G.S.R. 1805 in Gazette of India dated the 24th October, 1970, under sub-section (3) of section 40 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954.
- (3) A copy of the Annual Report (Hindi and English versions) of the Development Council for Sugar Industry for the year 1969-70, under sub-section (4) of section 7 of the Industries (Development and Regulation) Act, 1951.
- (4) A copy of the Report (Hindi version) of the Coordinating Committee for intensifying researches for finding a colour for Vanaspati.
- (5) A copy of the Central Warehousing Corporation (Second Amendment) Rules, 1970 (Hindi and English versions) published in Notification No. G.S.R. 1252 in Gazette of India dated the 29th August, 1970, under sub-section (3) of section 41 of the Warehousing Corporations Act, 1962.
- (6) A copy of the Annual Accounts of the Animal Welfare Board, Madras for the year 1968-69 along with the Audit Report thereon.
- (7) A copy of the Audit Report (Commercial) 1970—Parts III, IV and V, under article 151(1) of the Constitution.
- (8) A copy of the Audit Report (Commercial), 1969 (Hindi version) under article 151(1) of the Constitution read with sub-section 3(ii) of section 3 of the Official Languages Act, 1963.
- (9) A copy of the Apprenticeship (Amendment) Rules, 1970 (Hindi and English versions) published in Notification No. G.S.R. 1294 in Gazette of India dated the 5th September, 1970 under sub-section (3) of section 37 of the Apprentices Act, 1961.
- (10) A copy of the Mines (Amendment) Rules, 1970 (Hindi and English versions) published in Notification No. G.S.R. 1786 in Gazette of India dated the 17th October, 1970 under sub-section (7) of section 59 of the Mines Act, 1952.

6. Report of Estimates Committee

Shri S. Sunakar presented the Hundred and thirtieth Report of the Estimates Committee regarding action taken by Government on the recommendations contained in their Ninetieth Report on the Ministry of Tourism and Civil Aviation—Department of Tourism.

7. Statement Re: Government Business

The Minister of Parliamentary Affairs made a statement regarding Government business for the week commencing the 16th November, 1970.

(Lok Sabha adjourned at 1-25 P.M. and re-assembled at 2-35 P.M.)

8. Government Bill—Under Consideration

The Taxation Laws (Amendment) Bill, 1969, as reported by Select Committee

Discussion on the motion for consideration of the Bill, as reported by the Select Committee, moved on the 10th November, 1970, continued.

The following members took part in the debate:—

- (1) Shri Shiva Chandra Jha
- (2) Shri Kanwar Lal Gupta
- (3) Shri Chintamani Panigrahi
- (4) Shri N. K. Somani
- (5) Shri Bedabrata Barua
- (6) Shri S. S. Kothari (*Speech unfinished*).

The discussion on the Bill was not concluded.

9. Motion Re: Sixty-seventh Report of Committee on Private Members' Bills and Resolutions

Shri P. G. Sen moved the following motion:—

"That this House do agree with the Sixty-seventh Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 10th November, 1970."

An amendment for referring the question of re-classification of the Bihar Legislative Council (Abolition) Bill, 1970, by Shri Bhogendra Jha, back to the Committee, moved by Shri Madhu Limaya, was adopted.

The motion was adopted in the following amended form:—

"That this House do agree with the Sixty-seventh Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 10th November, 1970, subject to the modification that the question of re-classification of the Bihar Legislative Council (Abolition) Bill, 1970, by Shri Bhogendra Jha be referred back to the Committee."

10. Private Members' Bills—Introduced

- (1) The Constitution (Amendment) Bill, 1970 (*Amendment of article 16*) by Shri Prakash Vir Shastri.
- (2) The Constitution (Amendment) Bill, 1970 (*Amendment of the Seventh Schedule*) by Shri Om Prakash Tyagi
- (3) The Constitution (Amendment) Bill, 1970 (*Amendment of article 74*) by Shri Prakash Vir Shastri.
- (4) The Indian Penal Code (Amendment) Bill, 1970 (*Amendment of section 53*) by Shri Anand Narain Mulla.
- (5) The Constitution (Amendment) Bill, 1970 (*Amendment of article 335 (Bill No 101 of 1970)*) by Shri Benoy Krishna Daschowdhury

[P.T.O.]

(6) The Constitution (Amendment) Bill, 1970 (Amendment of article 335 (Bill No. 100 of 1970)) by Shri S. M. Siddayya.

(7) The Appropriation of the Appropriators Bill, 1970 by Shri Shiva Chandra Jha.

The motion for leave to introduce the Bill was moved by Shri Shiva Chandra Jha. On the motion the House divided, Ayes 62; Noes 11. The motion was accordingly adopted and the Bill was introduced.

(8) The Constitution (Amendment) Bill, 1970 (Amendment of article 336) by Shri S. M. Siddayya.

(9) The Constitution (Amendment) Bill, 1970 (Insertion of new articles 330A and amendment of articles 332 and 334) by Shri S. M. Siddayya.

(10) The Pension and other Amenities for the ex-Members of Parliament Bill, 1970 by Shri Yamuna Prasad Mandal.

The motion for leave to introduce the Bill was moved by Shri Yamuna Prasad Mandal. On the motion the House divided, Ayes 54; Noes 32. The motion was accordingly adopted and the Bill was introduced.

(11) The Restoration of Religious Places Bill, 1970 by Shri Jaganath Rao Joshi.

(12) The Constitution (Amendment) Bill, 1970 (Substitution of article 155 and amendment of article 156 etc.) by Shri S. S. Kothari.

(13) The Code of Criminal Procedure (Amendment) Bill, 1970 (Substitution of Chapter XI and section 144) by Shri Madhu Limaye.

(14) The Constitution (Amendment) Bill, 1970 (Amendment of article 124) by Shri P. K. Deo.

(15) The Employment Guarantee Bill, 1970 by Dr. Ram Subhag Singh.

(16) The Constitution (Amendment) Bill, 1970 (Substitution of article 155) by Dr. Ram Subhag Singh.

11. Private Member's Bill—Negatived

The Constitution (Amendment) Bill, 1970 (Amendment of article 330 and 332) by Shri Suraj Bhan

Discussion on the motion for consideration of the Bill moved by Shri Suraj Bhan on the 31st July, 1970, continued.

The following members took part in the debate:—

- (1) Shri Ramavatar Shastri
- (2) Shri Kanwar Lal Gupta
- (3) Shri M. G. Uikey
- (4) Shri C. K. Chakrapani
- (5) Shri Kartik Oraon
- (6) Shri Jaganath Rao

[P.T.O.]

Shri Suraj Bhan replied to the debate.

On the motion for consideration of the Bill, the House divided, Ayes 91; Noes Nil.

The motion was declared as not carried in accordance with Rule 157 of the Rules of Procedure and in accordance with the Constitution.

12. Private Member's Bill—Under Consideration

*The Conferment of Decorations on Persons (Abolition) Bill, 1969, by
Shri J. B. Kripalani*

The motion for consideration of the Bill was moved by Shri J. B. Kripalani.

Shri Bedabrata Barua took part in the debate. His speech was not concluded.

The discussion on the Bill was not concluded.

(Lok Sabha adjourned till 11 A.M. on Monday, the 16th November, 1970)

S. L. SHAKDHER,
Secretary.

1970

GMGIPND—LSI—3000 (D) L.S.—12-11-70—810.