

COMMITTEE ON PRIVATE MEMBERS'
BILLS AND RESOLUTIONS

FIRST TO SIXTY SIXTH REPORTS
(ENGLISH VERSION)



FIFTH LOK SABHA

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

NINTH REPORT

(Fifth Lok Sabha)

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 Ninth Report.

2. The Committee met on the 14th March, 1972, for—

I. Classification and allocation of time for discussion of the following Bills under Rules 294(1)(b) and 294(1)(c) of the Rules of Procedure respectively:—

(1) The Union Territories Secondary Education Bill, 1971 by Shri Samar Guha.

(2) The Constitution (Amendment) Bill, 1971 (*Amendment of article 74 and insertion of new articles 74A, 74B, etc.*) by Shri Fatehsingh Rao Gawkwad.

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

(1) The Constitution (Amendment) Bill, 1972 (*Insertion of new article 63A and omission of article 64, etc.*) by Dr. Mahipatray Mehta.

(2) The Constitution (Amendment) Bill, 1972 (*Amendment of articles 59, 66, etc.*) by Shri S. C. Samanta.

(3) The Constitution (Amendment) Bill, 1972 (*Amendment of articles 74, 75, etc.*) by Sarvashri A. K. Gopalan and D. Deb.

Classification and allocation of time to Bills

3. The Members-in-charge of the Bills were invited to attend the sitting. None of them attended.

4. After considering all aspects of the Bills, the Committee recommend that both the Bills be placed in category 'B'. The Committee recommend allocation of time to them as indicated below:—

(1) The Union Territories Secondary Education Bill, 1971 by Shri Samar Guha. 2 hours

(2) The Constitution (Amendment) Bill, 1971 (*Amendment of article 74 and insertion of new articles 74A, 74B, etc.*) by Shri Fatehsingh Rao Gawkwad. 2 hours

Examination of Constitution (Amendment) Bills

5. The Members-in-charge of the Bills were invited to attend the sitting. Shri S. C. Samanta and Dr. Mahipatray Mehta attended.

6. After considering all aspects of the Bills, the Committee arrived at the following findings:—

Findings of the Committee

(1) The Constitution (Amendment) Bill, 1972 (*Insertion of new article 63A and omission of article 64, etc.*) by Dr. Mahipatray Mehta.

The Bill, *inter alia*, seeks to provide for separate offices of the Vice-President of India and the Chairman of the Council of States and for the Chairman of the Council of States to be elected by the Council from amongst its members.

The Committee recommend that the Member might be permitted to move for leave to introduce the Bill.

(2) The Constitution (Amendment) Bill, 1972 (*Amendment of articles 59, 66, etc.*) by Shri S. C. Samanta.

The Bill seeks to amend and insert various articles in the Constitution with a view to provide that the President, Vice-President, Governors and the Presiding Officers of the Union and State Legislatures shall not be members of any political party and shall not engage in any partisan political activities.

The Committee recommend that the Member might be permitted to move for leave to introduce the Bill.

(3) The Constitution (Amendment) Bill, 1972 (*Amendment of articles 74, 75, etc.*) by Sarvaswari A. K. Gopalan and D. Deb.

The Bill, *inter alia*, seeks to provide that—

- (i) the President and the Governors shall be bound to accept the advice of the Ministers;
- (ii) the President and Governors shall not withhold their assent to Bills;
- (iii) the appointment or removal of the Judges of Supreme Court and High Courts by the President shall be with the approval of the Parliament or State Legislature, as the case may be; and
- (iv) the Governors shall be elected or removed by the respective Legislative Assemblies of States.

The Committee recommend that the Members might be permitted to move for leave to introduce the Bill.

Recommendations

7. The Committee recommend that—

- (i) the classification and allocation of time to Bills by the Committee, as shown in paragraph 4 above, be agreed to by the House; and
- (ii) Dr. Mahipatray Mehta, Sarvaswari S. C. Samanta, A. K. Gopalan and D. Deb be permitted to move for leave to introduce their Constitution (Amendment) Bills.

NEW DELHI;
March 14, 1972.

Phalgun 24, 1893 (Saka).

G. G. SWELL,
Chairman,
Committee on Private Members' Bills
and Resolutions.