

LOK SABHA

**THE CONSTITUTION (SIXTEENTH
AMENDMENT) BILL, 1963**

Report of the Joint Committee

(Presented on the 18th March, 1963)



**LOK SABHA SECRETARIAT
NEW DELHI**

March , 1963

Phalgun , 1884 (Saka)

Price: 35 nP.

JOINT/SELECT COMMITTEE REPORTS
PRESENTED TO THE SARVA DHARMA THE
YEAR 1963.

Sl.No.	Name of the Report	Date of Presentation.
1.	The Administrators-General Bill, 1962 (Report of the Select Committee)	25-1-1963
2.	The Constitution (Fifteenth Amendment) Bill, 1962 (Report of Joint Committee)	8-3-1963
3.	Joint Committee on the Constitution (Fifteenth Amendment) Bill, 1962 - <u>EVIDENCE</u> .	-de-
4.	The Constitution (Sixteenth Amendment) Bill, 1963 (Report of the Joint Committee)	16-3-1963
5.	The Government of Union Territories Bill, 1963 (Report of the Joint Committee)	15-4-1963
6.	The Major Port Trusts Bill, 1962 (Report of the Select Committee)	13-8-1963
7.	Select Committee on the Major Port Trusts Bill, 1962 - <u>EVIDENCE</u>	-de-
8.	The Christian Marriage and Matrimonial Causes Bill, 1962 (Report of the Joint Committee)	26-11-1963
9.	Joint Committee on the Christian Marriage and Matrimonial Causes Bill, 1962 - <u>EVIDENCE</u> .	-de-
10.	The Companies (Amendment) Bill, 1963 (Report of the Select Committee)	9-12-1963
11.	Select Committee on the Companies (Amendment) Bill, 1963 - <u>EVIDENCE</u> .	-de-
12.	The Slum Areas (Improvement and Clearance) Amendment Bill, 1963 (Report of the Joint Committee)	18-12-1963

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THE CONSTITUTION (SIXTEENTH AMENDMENT) BILL, 1963

Composition of the Joint Committee

Lok Sabha

Shri S. V. Krishnamoorthy Rao—Chairman

MEMBERS

2. Shri Brij Raj Singh-Kotah
3. Shri S. N. Chaturvedi
4. Shri Homi F. Daji
5. Shri Ram Dhani Das
6. Shri R. Dharmalingam
7. Shri Kashi Ram Gupta
8. Sardar Iqbal Singh
9. Shri Madhavrao Laxmanrao Jadhav
10. Shri Madeppa Bandappa Kadadi
11. Shri Hari Vishnu Kamath
12. Shri Paresh Nath Kayal
13. Shri Nihar Ranjan Laskar
14. Shri Harekrushna Mahatab
15. Shri M. Malaichami
16. Shri Mathew Maniyangadan
17. Shri Bibudhendra Misra
18. Shri F. H. Mohsin
19. Shri H. N. Mukerjee
20. Shri D. J. Naik
21. Shri V. C. Parashar
22. Shri Ram Swarup
23. Shri C. L. Narasimha Reddy
24. Shrimati Yashoda Reddy
25. Syed Nazir Hussain Samnani
26. Shri Ramshekhar Prasad Singh
27. Dr. L. M. Singhvi
28. Shri U. M. Trivedi

29. Shri Balgovind Verma
30. Shri Asoke K. Sen.

Rajya Sabha

31. Syed Nausher Ali
32. Shri Santosh Kumar Basu
33. Shri K. S. Chavda
34. Shri D. B. Desai
35. Shri Jagan Nath Kaushal
36. Shri Akbar Ali Khan
37. Shri R. S. Khandekar
38. Shri Lokenath Misra
39. Shri M. A. Manickavelu
40. Shri P. N. Sapru
41. Kumari Shanta Vasisht
42. Shri Vijay Singh
43. Shri Hira Vallabha Tripathi
44. Shri Bipin Behary Varma
45. Shri Gopikrishna Vijaivargiya.

DRAFTSMEN

1. Shri R. C. S. Sarkar, *Secretary, Legislative Department, Ministry of Law.*
2. Shri S. K. Maitra, *Deputy Draftsman, Ministry of Law.*

SECRETARIAT

Shri A. L. Rai—Deputy Secretary.

Report of the Joint Committee

I, the Chairman of the Joint Committee to which the Bill* further to amend the Constitution of India was referred, having been authorised to submit the report on their behalf, present this their Report, with the Bill as amended by the Committee annexed thereto.

2. The Bill was introduced in Lok Sabha on the 21st January, 1963. The motion for reference of the Bill to a Joint Committee of the Houses was moved in Lok Sabha by Shri Asoke K. Sen, the Minister of Law, on the 22nd January, 1963 and was discussed and adopted on the same day (Appendix I).

3. Rajya Sabha discussed and concurred in the said motion on the 25th January, 1963 (Appendix II).

4. The message from Rajya Sabha was published in the Lok Sabha Bulletin Part II, dated the 28th January, 1963.

5. The Committee held four sittings in all.

6. The first sitting of the Committee was held on the 16th February, 1963 to draw up their programme of work.

7. The Committee at their second sitting held on the 2nd March, 1963 decided to hear the views of Members of Parliament, on the Bill, if they so desired. Members of Parliament were, accordingly, informed by a paragraph in the Lok Sabha and Rajya Sabha Bulletins Part II, dated the 4th March, 1963 that Members who desired to place their views on the Bill before the Joint Committee might intimate their names to the Lok Sabha Secretariat.

8. At their third sitting held on the 12th March, 1963, the Committee heard the views of Shri Bibhuti Mishra, M.P. who had desired to place his views on the Bill before the Committee.

9. The Committee considered the Bill clause-by-clause on the 12th March, 1963.

10. The Report of the Committee was to be presented by the first day of the fourth session. As this could not be done, the Com-

*Published in the Gazette of India, Extraordinary, Part II, Section 2, dated the 21st January, 1963.

(vi)

mittee requested for extension of time upto the 29th March, 1963 which was granted by the House on the 18th February, 1963.

11. The Committee considered and adopted the Report on the 14th March, 1963.

12. The Committee have made only a formal change in the Enacting Formula. Except for this amendment, the Committee do not consider any other amendment in the Bill to be necessary.

13. The Joint Committee recommend that the Bill as amended be passed.

S. V. KRISHNAMOORTHY RAO,

NEW DELHI;

The 14th March, 1963.

Chairman,

Joint Committee.

MINUTES OF DISSENT

I

I regret I could not attend meetings of the Joint Committee owing to my illness.

I am against the Bill itself. It is a unique piece of intended legislation. I am not aware of any such provision in any Constitution of the world.

Though yielding to none in my desire to see India thoroughly integrated and consolidated I am of opinion that the provisions of the Bill will not be helpful in the least. You cannot make a people broad-minded in patriotic outlook by legislation. In my opinion every substantial homogenous group of people should be allowed to develop according to their own genius unhampered in any way by anything that they consider an imposition from outside. It simply evokes opposition directly, indirectly or surreptitiously.

People get together from a sense of self interest and are alienated if they feel a grievance, which may be real or even imaginary. In every case you have to sympathetically consider their grievance and redress it in suitable ways. The best way, in my opinion, to integration and consolidation is removal of economic disparity and spread of scientific education free from superstition and myths. In the case of backward people a time-limit should be fixed for bringing them on par with the advanced section of the people. I believe the masses will respond quickly if we could give up our social, economic and political vested interests. We have to win their confidence by fairness.

I am in favour of dropping the Bill altogether.

NEW DELHI;

SYED NAUSHERALI.

The 15th March, 1963.

II

We have read the report of the Joint Committee on the Constitution (Sixteenth Amendment) Bill, 1963 very carefully and are broadly in agreement with the proposed amendments to the Constitution. We, however, feel that it is not necessary to prescribe oath or affirmation for candidates at elections to Parliament and State Legislatures. It would be more appropriate to amend the Representation of the Peo-

ple Act so as to make such speech or action a corrupt practice. In other cases, the proposed amendments to the Constitution can be effective and will serve their intended purpose only if this enactment is followed by suitable legislation to penalise violations or breaches of the prescribed oath or affirmation.

NEW DELHI;
The 16th March, 1963.

HARI VISHNU KAMATH
R. S. KHANDEKAR

III

This Bill which seeks to put an end to the cry of secession in India is quite a laudable one though it seriously interferes with the right of free speech guaranteed by the Constitution.

The temptation to amend the Constitution to meet the exigencies of every passing situation is a sacrilege on the Constitution drafted by our elders after great thought and deliberation.

Means other than amending the Constitution should be sought to counteract the forces of disintegration as are envisaged today.

The Bill in the main seems to be directed against the secessionist activities in Madras which pose a serious threat to the hegemony of the Congress in that Province.

The proper way to meet this menace is the electoral forum, where the hollowness of its reasoning should be convincingly exposed before the masses.

The D. M. K. is a peaceful organisation sworn to democratic methods. It has announced that it would not raise the cry of Dravidanad during the period of emergency. The Prime Minister has announced that the emergency may last even for 50 years. So for fifty years, this cry of Dravidanad would not be pressed.

The D. M. K. is co-operating with the war efforts. The present Bill is not a proper gesture. It might drive the D. M. K. organisation underground and the remedy proposed may be worse than the evil.

This is my opinion, that the introduction of this Bill is inopportune and may therefore be put off.

Let it be clearly understood that I am against all forces of disintegration, whether of secession or of the ex-territorial variety or of Hindi Imperialism—all of which if unrestricted would spell disaster on our country.

NEW DELHI;
The 16th March, 1963.

C. L. NARASIMHA REDDY.

**THE CONSTITUTION (SIXTEENTH AMENDMENT)
BILL, 1963**

(As REPORTED BY THE JOINT COMMITTEE)

(Word underlined indicates the amendment suggested by the Committee.)

A

BILL

further to amend the Constitution of India.

Be it enacted by Parliament in the Fourteenth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Sixteenth Amendment) Short title Act, 1963.

5 2. In article 19 of the Constitution,—

(a) in clause (2), after the words "in the interests of", the words "the sovereignty and integrity of India,", shall be inserted;

10 (b) in clauses (3) and (4), after the words "in the interests of", the words "the sovereignty and integrity of India or" shall be inserted.

3. In article 84 of the Constitution, for clause (a), the following clause shall be substituted, namely:

**Amend-
ment of
article 19.**

**Amend-
ment of
article 84.**

15 " (a) is a citizen of India, and makes and subscribes before some person authorized in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the Third Schedule;".

Amend-
ment of
article 173. 4. In article 173 of the Constitution, for clause (a), the following clause shall be substituted, namely:—

“(a) is a citizen of India, and makes and subscribes before some person authorized in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the Third Schedule;”.

Amend-
ment of
Third
Schedule.

5. In the Third Schedule to the Constitution,—

(a) in Form I, after the words “Constitution of India as by law established”, the words “that I will uphold the sovereignty and integrity of India,” shall be inserted; 10

(b) for Form III, the following shall be substituted, namely:—

“III

A

Form of oath or affirmation to be made by a candidate 15
for election to Parliament:—

“I, A.B., having been nominated as a candidate to fill a seat in the Council of States (or the House of the People) do swear in the name of God that I will bear true solemnly affirm faith and allegiance to the Constitution of India as by law established and that I will uphold the sovereignty and integrity of India.”.

B

Form of oath or affirmation to be made by a member of 25
Parliament:—

“I, A.B., having been elected (or nominated) a member of the Council of States (or the House of the People) do swear in the name of God that I will bear true solemnly affirm faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity 30 of India and that I will faithfully discharge the duty upon which I am about to enter.”;

(c) in Forms IV, V and VIII, after the words “the Constitution of India as by law established”, the words “that I will uphold the sovereignty and integrity of India,” shall be inserted; 35

(d) for Form VII, the following shall be substituted, namely:—

“VII

A

5 Form of oath or affirmation to be made by a candidate for election to the Legislature of a State:—

“I, A.B., having been nominated as a candidate to fill a seat in the Legislative Assembly (or Legislative Council), do swear in the name of God that I will bear true faith and allegiance to the Constitution of India as by law established and that I will uphold the sovereignty and integrity of India.”.

B

15 Form of oath or affirmation to be made by a member of the Legislature of a State:—

“I, A.B., having been elected (or nominated) a member of the Legislative Assembly (or Legislative Council), do swear in the name of God that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India and that I will faithfully discharge the duty upon which I am about to enter.”.

APPENDIX I

(Vide para 2 of the Report)

Motion in Lok Sabha for reference of the Bill to Joint Committee

"That the Bill further to amend the Constitution of India be referred to a Joint Committee of the Houses consisting of 45 members; 30 from this House, namely:—

1. Shri Braj Raj Singh—Kotah
2. Shri S. N. Chaturvedi
3. Shri Homi F. Daji
4. Shri Ram Dhani Das
5. Shri R. Dharmalingam
6. Shri Kashi Ram Gupta
7. Sardar Iqbal Singh
8. Shri Madhavrao Laxmanrao Jadhav
9. Shri Madeppa Bandappa Kadadi
10. Shri Hari Vishnu Kamath
11. Shri Paresh Nath Kayal
12. Shri Nihar Ranjan Laskar
13. Shri Harekrushna Mahatab
14. Shri M. Malaichami
15. Shri Mathew Maniyangadan
16. Shri Bibudhendra Misra
17. Shri F. H. Mohsin
18. Shri H. N. Mukerjee
19. Shri D. J. Naik
20. Shri V. C. Parashar
21. Shri Ram Swarup
22. Shri S. V. Krishnamoorthy Rao
23. Shri C. L. Narasimha Reddy
24. Shrimati Yashoda Reddy
25. Syed Nazir Hussain Samnani
26. Shri Ramshekhar Prasad Singh

- 27. Dr. L. M. Singhvi
- 28. Shri U. M. Trivedi
- 29. Shri Balgovind Verma
- 30. Shri Asoke K. Sen.

and 15 from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the first day of the next session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make; and

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of 15 members to be appointed by Rajya Sabha to the Joint Committee."

APPENDIX II
(Vide para 3 of the Report)

Motion in Rajya Sabha

"That this House concurs in the recommendation of the Lok Sabha that the Rajya Sabha do join in the Joint Committee of the Houses on the Bill further to amend the Constitution of India, and resolves that the following members of the Rajya Sabha be nominated to serve on the said Joint Committee, namely:—

- 1. Syed Nausher Ali**
- 2. Shri Santosh Kumar Basu**
- 3. Shri K. S. Chavda**
- 4. Shri D. B. Desai**
- 5. Shri Jagan Nath Kaushal**
- 6. Shri Akbar Ali Khan**
- 7. Shri R. S. Khandekar**
- 8. Shri Lokanath Misra**
- 9. Shri M. A. Manickavelu**
- 10. Shri P. N. Sapru**
- 11. Kumari Shanta Vasishtha**
- 12. Shri Vijay Singh**
- 13. Shri Hira Vallabha Tripathi**
- 14. Shri Bipin Behary Varma**
- 15. Shri Gopikrishna Vijaivargiya."**

APPENDIX III

MINUTES OF THE Sittings OF THE JOINT COMMITTEE ON THE CONSTITUTION (SIXTEENTH AMENDMENT) BILL, 1963

I

First Sitting

The Committee met on Saturday, the 16th February, 1963 from 14.25 to 14.30 hours.

PRESENT

Shri S. V. Krishnamoorthy Rao—Chairman.

MEMBERS

Lok Sabha

2. Shri Brij Raj Singh—Kotah
3. Shri S. N. Chaturvedi
4. Shri Homi F. Daji
5. Shri Kashi Ram Gupta
6. Shri Madhavrao Laxmanrao Jadhav
7. Shri Hari Vishnu Kamath
8. Shri Harekrushna Mahatab
9. Shri M. Malaichami
10. Shri Mathew Maniyangadan
11. Shri Bibudhendra Misra
12. Shri F. H. Mohsin
13. Shri H. N. Mukerjee
14. Shri V. C. Parashar
15. Shri Ram Swarup
16. Shri C. L. Narasimha Reddy
17. Shrimati Yashoda Reddy
18. Shri Ramshekhar Prasad Singh
19. Dr. L. M. Singhvi
20. Shri Balgovind Verma

Rajya Sabha

21. Shri Santosh Kumar Basu
22. Shri K. S. Chavda
23. Shri D. B. Desai
24. Shri J. N. Kaushal
25. Shri Akbar Ali Khan
26. Shri M. A. Manickavelu
27. Shri P. N. Sapru
28. Kumari Shanta Vasisht
29. Shri Vijay Singh
30. Shri Hira Vallabha Tripathi
31. Shri Bipin Behary Varma
32. Shri Gopikrishna Vijaivargiya.

DRAFTSMEN

1. Shri R. C. S. Sarkar, *Secretary, Legislative Department, Ministry of Law.*
2. Shri S. K. Maitra, *Deputy Draftsman, Ministry of Law.*

SECRETARIAT

Shri A. L. Rai—*Deputy Secretary.*

2. The Committee decided to ask for extension of time for the presentation of their Report upto the 29th March, 1963 and authorised the Chairman and, in his absence, Shri S. N. Chaturvedi to move the necessary motion in the House.
3. The Committee decided to take up consideration of the Bill after the conclusion of their consideration of the Constitution (Fifteenth Amendment) Bill, 1962.

The Committee then adjourned.

II

Second Sitting

The Committee met on Saturday, the 2nd March, 1963 from 17.25 to 17.35 hours.

PRESENT

Shri S. V. Krishnamoorthy Rao—*Chairman*

MEMBERS

Lok Sabha

2. Shri S. N. Chaturvedi
3. Shri Ram Dhani Das
4. Shri Kashi Ram Gupta
5. Shri Nihar Ranjan Laskar
6. Shri Harekrushna Mahatab
7. Shri M. Malaichami
8. Shri Mathew Maniyangadan
9. Shri Bibudhendra Misra
10. Shri H. N. Mukerjee
11. Shri V. C. Parashar
12. Shri C. L. Narasimha Reddy
13. Shri Ramshekhar Prasad Singh
14. Shri U. M. Trivedi.

Rajya Sabha

15. Shri Santosh Kumar Basu
16. Shri R. S. Khandekar
17. Shri Lokenath Misra
18. Shri P. N. Sapru.

DRAFTSMEN

1. Shri R. C. S. Sarkar, *Secretary, Legislative Department, Ministry of Law.*
2. Shri S. K. Maitra, *Deputy Draftsman, Ministry of Law.*

REPRESENTATIVE OF MINISTRY

Shri B. S. Raghavan, *Deputy Secretary, Ministry of Home Affairs.*

SECRETARIAT

Shri A. L. Rai—*Deputy Secretary*

2. The Committee decided that Members of Parliament might be informed by a paragraph in the Rajya Sabha and Lok Sabha Bulletins that they could, if they so desired, place their views on the Bill, before the Committee at their next sitting.
3. The Committee then adjourned to meet again on Tuesday, the 12th March, 1963 at 16.00 hours.

III

Third Sitting

The Committee met on Tuesday, the 12th March, 1963 from 16.07 to 17.20 hours.

PRESENT

Shri S. V. Krishnamoorthy Rao—*Chairman*

MEMBERS

Lok Sabha

2. Shri Homi F. Daji
3. Shri Ram Dhani Das
4. Shri Madhavrao Laxmanrao Jadhav
5. Shri Madappa Bandappa Kadadi
6. Shri Hari Vishnu Kamath
7. Shri Bibudhendra Misra
8. Shri F. H. Mohsin
9. Shri V. C. Parashar
10. Shri C. L. Narasimha Reddy
11. Shri Asoke K. Sen

Rajya Sabha

12. Shri Santosh Kumar Basu
13. Shri R. S. Khandekar
14. Shri Lokanath Misra
15. Shri M. A. Manickavelu
16. Shri P. N. Sapru
17. Kumari Shanta Vasishtha
18. Shri Vijay Singh
19. Shri Hira Vallabha Tripathi.

DRAFTSMEN

1. Shri R. C. S. Sarkar, *Secretary, Legislative Department, Ministry of Law.*
2. Shri S. K. Maitra, *Deputy Draftsman, Ministry of Law.*

REPRESENTATIVE OF MINISTRY

Shri B. S. Raghavan, *Deputy Secretary, Ministry of Home Affairs.*

SECRETARIAT

Shri A. L. Rai—*Deputy Secretary.*

WITNESS

Shri Bibhuti Mishra, M.P.

2. The Committee heard the evidence given by Shri Bibhuti Mishra, M.P. He said that he was in favour of the Bill but would like the provisions to be made more rigorous. He, however, felt that the problem of preservation and maintenance of the integrity and sovereignty of the country would not be solved by legislation alone. He stated that the root of the problem should be tackled and there should be equitable representation of persons of different regions in the services and equilibrium should be maintained in the economic development of all the parts of the country. Scholarships to students should be given not on the basis of caste but on the basis of their economic conditions.

3. The Committee decided that it was not necessary to lay the verbatim record of the evidence given before them on the Table of the House.

4. The Chairman informed the Committee that he had received a letter dated the 12th March, 1963, from Shri R. Dharmalingam, a member of the Joint Committee, stating that he might be allowed to refrain from taking further part in the proceedings of the Joint Committee as he was opposed to the Bill. The Chairman also read out the letter to the Committee.

5. The Committee then took up clause by clause consideration of the Bill.

6. *Clauses 1 to 5 and Title.*—The clauses and the Title were adopted without amendment.

7. *Enacting Formula.*—The following amendment was accepted:—

Page 1, line 1,

for "Thirteenth" substitute "Fourteenth".

The Enacting Formula, as amended, was adopted.

8. The Committee decided to consider the draft Report at their next sitting.

9. The Committee then adjourned to meet again on Thursday, the 14th March, 1963 at 17.00 hours.

IV

Fourth Sitting

The Committee met on Thursday, the 14th March, 1963 from 17.04 to 17.10 hours.

PRESENT

Shri S. V. Krishnamoorthy Rao—Chairman

MEMBERS

Lok Sabha

2. Shri Ram Dhani Das
3. Sardar Iqbal Singh
4. Shri Madhavrao Laxmanrao Jadhav
5. Shri Madeppa Bandappa Kadadi
6. Shri Hari Vishnu Kamath
7. Shri Bibudhendra Misra
8. Shri F. H. Mohsin
9. Syed Nazir Hussain Samnani
10. Shri U. M. Trivedi
11. Shri Asoke K. Sen.

Rajya Sabha

12. Shri K. S. Chavda
13. Shri R. S. Khandekar
14. P. N. Sapru
15. Shri Hira Vallabha Tripathi
16. Shri Gopikrishna Vijaivargiya.

DRAFTSMEN

1. Shri R. C. S. Sarkar, *Secretary, Legislative Department, Ministry of Law.*
2. Shri S. K. Maitra, *Deputy Draftsman, Ministry of Law.*

SECRETARIAT

Shri A. L. Rai—*Deputy Secretary.*

2. The Committee adopted the Bill, as amended.
3. The Committee then considered and adopted the draft Report.
4. The Chairman announced that the minutes of Dissent, if any, might be sent to the Lok Sabha Secretariat so as to reach them by 17.00 hours on Saturday, the 16th March, 1963.

5. The Committee authorised the Chairman and, in his absence, Shri Madhavrao Laxmanrao Jadhav to present the Report on their behalf.

6. The Committee also authorised Shri P. N. Sapru and, in his absence, Shri Gopikrishna Vijaivargiya to lay the Report on the Table of Rajya Sabha.

7. The Chairman announced that the Report would be presented to Lok Sabha on the 18th March, 1963 and laid on the Table of Rajya Sabha on the same day.

The Committee then adjourned.
