

**REPORT OF THE COMMITTEE
ON
PRIVATE MEMBERS' BILLS**

FIRST REPORT



सत्यमेव जयते

**PARLIAMENT SECRETARIAT
NEW DELHI
December, 1953
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MEMBERS OF THE COMMITTEE ON PRIVATE MEMBERS' BILLS

1. Shri M. Ananthasayanam Ayyangar—*Chairman*
2. Shri Nemi Chandra Kasliwal
3. Shri P. Natesan
4. Shri Raghunath Singh
5. Shri Nageshwar Prasad Sinha
6. Shrimati Ammu Swaminadhan
7. Shri Choithram Partabrai Gidwani
8. Kumari Annie Mascarene
9. Shri Tridib Kumar Chaudhuri
10. Shri Ganesh Sadashiv Altekar

. SECRETARIAT

Shri M. N. Kaul—*Secretary.*

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I

INTRODUCTION

I, the Chairman of the Committee on Private Members' Bills, having been authorised by the Committee to present the report on their behalf, present this First Report of the Committee.

2. The Committee was nominated by the Speaker on the 1st December, 1953. The Committee has so far held two sittings. At their first sitting on the 4th December, 1953, the Committee considered generally the procedure that should be adopted for the consideration of matters falling within the purview of the Committee and also the question of allotment of time to the Indian Cattle Preservation Bill by Seth Govind Das which was under consideration in the House.

3. At their second sitting on the 8th December, 1953, the Committee examined the four Private Members' Bills seeking to amend the Constitution in regard to which notices had been received asking for leave to introduce them in the House.

4. The Committee invited to both the sittings the members in charge of the Bills which were examined and considered by the Committee and also took into consideration the reactions of Government which were communicated to them in writing.

II

BILLS AMENDING CONSTITUTION

5. One of the functions of the Committee is to examine every Bill seeking to amend the Constitution notice of which has been given by a private member, before a motion for leave to introduce the Bill is included in the list of business of the House. So far notices in regard to the following four Bills, *vide* appendices I to IV, have been received in the Parliament Secretariat:—

- (1) The Constitution (Amendment) Bill by Shri M. S. Guruswamy. (Bill No. 104 of 1952).—The Bill seeks to provide that the Governors of States should be elected by the State Assemblies instead of being appointed by the President as at present.
- (2) The Constitution (Amendment) Bill by Shri S. V. Ramaswamy. (Bill No. 124 of 1952).—The Bill seeks to provide recognition by the State of voluntary services to society by awarding titles and medals.
- (3) The Constitution (Amendment) Bill by Shri S. V. Ramaswamy. (Bill No. 127 of 1952).—The Bill seeks to abolish the legislative Councils in the various States in which such Councils exist.
- (4) The Constitution (Amendment) Bill by Shri Khub Chand Sodhia. (Bill No. 51 of 1953).—The Bill seeks to raise

the age-limits for membership to Parliament and State Legislative Assemblies.

6. Before recording their opinions in respect of each of the four Bills referred to in the preceding paragraph, the Committee have laid down the following principles:—

- (1) The Constitution should be considered as a sacred document—a document which should not be lightly interfered with and it should be amended only when it is found absolutely necessary to do so. Such amendments may generally be brought forward when it is found that the interpretation of the various articles and provisions of the Constitution has not been in accordance with the intention behind such provisions and cases of lacunae or glaring inconsistencies have come to light. Such amendments should however normally be brought by Government after considering the matter in all its aspects and consulting experts, and taking such other advice as they may deem fit.
- (2) Some time should elapse before a proper assessment of the working of the Constitution and its general effect is made so that any amendments that may be necessary are suggested as a result of sufficient experience.
- (3) Generally speaking, notices of Bills from Private members should be examined in the background of the proposals or measures which Government may be considering at the time so that consolidated proposals are brought forward before the House by Government after collecting sufficient material and taking expert advice.
- (4) Whenever a private member's Bill raises issues of far-reaching importance and public interest, the Bill might be allowed to be introduced so that public opinion is ascertained and gauged to enable the House to consider the matter further. In determining whether a matter is of sufficient public importance it should be examined whether the particular provisions in the Constitution are adequate to satisfy the current ideas and public demand at the time. In other words, the Constitution should be adapted to the current needs and demands of the progressive society and any rigidity which may impede progress should be avoided.

In the light of the various principles enunciated in the preceding paragraph and in view of the following considerations the Committee came to the conclusion that none of the four Bills should be allowed to be introduced:—

(1) *Bill No. 104 of 1952 by Shri M. S. Gurupadaswamy.*—The Committee considered that the question whether the office of the head of a State should be elective had been thoroughly discussed by the Constituent Assembly when it was drafting the Constitution. It had then been decided after taking all aspects of the matter into consideration that Governors of States should be appointed by the President. No new situation had arisen so soon after coming into force of the Constitution which necessitated reconsideration of this matter.

A Governor should as far as possible be above party and local politics. An election will mean that he will be in the hands of any one party. Further an outsider of eminence will infuse confidence among all sections of the people.

(2) *Bill No. 124 of 1952 by Shri S. V. Ramaswamy.*—The member agreed that the Bill need not be introduced.

(3) *Bill No. 127 of 1952 by Shri S. V. Ramaswamy.*—The Committee thought that a relevant provision had already been made in article 169 of the Constitution by which the Legislative Assemblies of the States, which have a bi-cameral legislature, would, if they so wish, pass a Resolution for the abolition of the Legislative Council of that State and Parliament would then consider the question of giving effect to such a Resolution by law passed in the ordinary course. If the States felt any need to do away with the Legislative Councils it was simpler for them to invoke the provisions of article 169 of the Constitution and it was premature at this stage to bring forward a Bill under article 368 to amend the Constitution.

(4) *Bill No. 51 of 1953 by Shri Khub Chand Sodhia.*—The Committee thought that there was no ground for holding that the present age-limits for membership to Parliament or Legislative Assemblies had in any way created any difficulties and the measure was more an academic issue than a practical necessity.

III

ALLOTMENT OF TIME TO BILLS

8. The Committee also consider that in regard to Bills which had been introduced and taken up for consideration in the House the maximum allotment of time for consideration and subsequent stages of such a Bill should be four hours.

9. The Committee recommend that four hours should be allotted for all the stages of the Indian Cattle Preservation Bill by Seth Govind Das which was under discussion in the House.

M. ANANTHASAYANAM AYYANGAR.

NEW DELHI;

The 9th December, 1953.

APPENDICES

Appendix I

Bill No. 104 of 1952

THE CONSTITUTION (AMENDMENT) BILL, 1952

[TO BE INTRODUCED IN THE HOUSE OF THE PEOPLE]

A
BILL

further to amend the Constitution of India.

BE it enacted by Parliament as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Constitution (Amendment) Act, 19

(2) It extends to all the States mentioned in Part A of the First Schedule to the Constitution. 5

(3) It shall come into force at once.

2. Amendment of Article 154.—In Article 154, sub-clause (b) of clause (2) shall be omitted.

3. Amendment of Article 155.—In Article 155, for the words “appointed by the President by warrant under his hand and seal”, the words “elected by the members of an electoral college consisting of all elected members of the Legislative Assemblies and Legislative Councils of the States and members of Parliament belonging to the States” shall be substituted. 10

4. Amendment of Article 156.—In Article 156—

(i) clause (1) shall be omitted; 15

(ii) in clause (2), for the words “the President” the words “Speaker of the Legislative Assembly” shall be substituted; and

(iii) in clause (3), for the word “Provisions” the word “Provision” shall be substituted. 20

5. Amendment of Article 157.—In Article 157, for the word “appointment”, the word “election” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The object of the Bill is to make the office of the head of the state elective. The present method of nomination of the Governor by the President of the Union is contrary to the spirit of democracy. The Bill therefore seeks to do away with this defect in the Constitution by making the office of the Governor elective and popular.

M. S. GURUPADASWAMY.

THE CONSTITUTION (AMENDMENT) BILL, 1952

[TO BE INTRODUCED IN THE HOUSE OF THE PEOPLE]

▲

BILL*further to amend the Constitution of India.*

WHEREAS it is expedient further to amend the Constitution of India for the purpose hereinafter appearing:

BE it enacted by Parliament as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Constitution (Amendment) Act, 19 .

(2) It shall come into force at once.

2. **Amendment of article 18 of the Constitution.**— In clause (1) of article 18 of the Constitution after the word "academic" the words "or social service" shall be added.

STATEMENT OF OBJECTS AND REASONS

A recognition by the State of voluntary services to society, will be a source of encouragement to those who spend their lives in this line. For instance, a Buddha Chakra may be awarded to one who has made distinct contribution to internationalism and pacifism; an Asoka Chakra to notable philanthropists; a Gandhi Chakra for distinguished social service; a Chakra of the Indian Republic may be awarded to those who distinguished themselves in art, science, literature etc. or heroism in civil life.

The present Bill is designed to meet this object.

S. V. RAMASWAMY.

THE CONSTITUTION (AMENDMENT) BILL, 1952

[TO BE INTRODUCED IN THE HOUSE OF THE PEOPLE]

A

BILL.*further to amend the Constitution of India.*

WHEREAS it is expedient to amend the Constitution of India for the purposes hereinafter appearing:

Be it enacted by Parliament as follows:—

1. **Short title.**—This Act may be called the Constitution (Amendment) Act, 19 .

2. **Amendment of article 168.**—In article 168 of the Constitution.—

(i) in clause (1),—

(a) after the word “and” the words “one House” shall be inserted; and

(b) sub-clauses (a) and (b) shall be omitted; and

(ii) clause (2) shall be omitted.

3. **Omission of article 169.**—Article 169 of the Constitution shall be omitted.

4. **Omission of article 171.**—Article 171 of the Constitution shall be omitted.

5. **Amendment of article 172.**—Clause (2) of article 172 shall be omitted.

6. **Amendment of article 173.**—In clause (b) of article 173 of the Constitution the following shall be omitted, namely:—

“and in the case of a seat in the Legislative Council, not less than thirty years of age”.

7. **Amendment of article 174.**—In article 174 of the Constitution,—

(i) in clause (1) the words “or Houses of the Legislature of the State” shall be omitted; and

(ii) in clause (2),—

(a) in sub-clause (a) the words “or either House” shall be omitted; and

(b) in sub-clause (b) the words “or Houses” shall be omitted.

8. **Amendment of article 175.**—In article 175 of the Constitution,—

(i) in clause (1) the words “or, in the case of a State having a Legislative Council, either House of the Legislature of the State, or both Houses assembled together” shall be omitted; and

(ii) in clause (2) the words "or Houses of the Legislature of the State" shall be omitted.

9. Amendment of article 176.—In article 176 of the Constitution,—

(i) in clause (1) the words "or in the case of a State having a Legislative Council, both Houses assembled together" shall be omitted; and

(ii) in clause (2) the words "or either House" shall be omitted.

10. Amendment of article 177.—In article 177 of the Constitution the words "or in the case of a State having a Legislative Council, both Houses" shall be omitted.

11. Omission of articles 182, 183, 184 and 185.—Articles 182, 183, 184 and 185 of the Constitution shall be omitted.

12. Amendment of article 186.—In article 186 of the Constitution, the words "and to the Chairman and the Deputy Chairman of the Legislative Council" shall be omitted.

13. Amendment of article 187.—In article 187 of the Constitution,—

(i) in clause (1) the words "or each House" shall be omitted;

(ii) in clause (2) the words "or Houses"; and

(iii) in clause (3) the words "or the Chairman of the Legislative Council as the case may be" and the words "or the Council" shall be omitted.

14. Amendment of article 188.—In article 188 of the Constitution the words "or the Legislative Council" shall be omitted.

15. Amendment of article 189.—In article 189 of the Constitution,—

(i) in clause (1) the words "or Chairman" shall be omitted; and

(ii) in clause (4) the words "or the Legislative Council" and the words "or Chairman" shall be omitted.

16. Amendment of article 190.—In article 190 of the Constitution,—

(i) clause (1) shall be omitted; and

(ii) in sub-clause (b) of clause (3) the words "or the Chairman as the case may be" shall be omitted.

17. Amendment of article 191.—In clause (1) of article 191 of the Constitution the words "or Legislative Council of a State" shall be omitted.

18. Amendment of article 195.—In article 195 of the Constitution the words "and the Legislative Council" shall be omitted.

19. Substitution of new article for article 196.—For article 196 of the Constitution the following article shall be substituted, namely:—

"196. *Provisions as to the lapsing of Bills.*—(1) A Bill pending in the Legislature of a State shall not lapse by reason of the prorogation of the House.

(2) A Bill which is pending in the Legislative Assembly of a State shall lapse on the dissolution of the Assembly".

20. Omission of articles 197 and 198.—The articles 197 and 198 of the Constitution shall be omitted.

21. **Amendment of article 199.**—In article 199 of the Constitution clauses (3) and (4) shall be omitted.

22. **Amendment of article 200.**—In article 200 of the Constitution the words “or, in the case of a State having a Legislative Council, has been passed by both Houses of the Legislature of the State” and the words “or Houses” shall be omitted.

23. **Amendment of article 201.**—In article 201 of the Constitution the words “or as the case may be, the Houses” and the words “or Houses” shall be omitted.

24. **Amendment of article 202.**—In article 202 of the Constitution,—

(i) in clause (1) the words “or Houses of the Legislature,” shall be omitted; and

(ii) in sub-clause (b) of clause (3) the words “and, in the case of a State having a Legislative Council, also of the Chairman and the Deputy Chairman of the Legislative Council” shall be omitted.

25. **Amendment of article 204.**—In article 204 of the Constitution,—

(i) in sub-clause (b) of clause (1) the words “or Houses” shall be omitted; and

(ii) in clause (2) the words “or either House” shall be omitted.

26. **Amendment of article 205.**—In clause (1) of article 205 of the Constitution the words “or the Houses” shall be omitted.

27. **Amendment of article 207.**—In clause (1) of article 207 of the Constitution the words “and a Bill making such Provision shall not be introduced in the Legislative Council” shall be omitted.

28. **Amendment of article 208.**—In article 208 of the Constitution,—

(i) in clause (2) the words “or the Chairman of the Legislative Council as the case may be” shall be omitted; and

(ii) clause (3) shall be omitted.

29. **Amendment of article 209.**—In article 209 of the Constitution the words,—

(i) “or Houses” shall be omitted; and

(ii) “or either House” shall be omitted.

30. **Amendment of article 10.**—In the Proviso to clause (1) of article 210 the words “or Chairman of the Legislative Council” shall be omitted.

31. **Amendment of article 213.**—In article 213 of the Constitution,—

(i) in clause (1) the words “or where there is a Legislative Council in a State, except when both Houses of the Legislature are in session” shall be omitted; and

(ii) in sub-clause (a) of clause (2),—

(a) the words “or where there is a Legislative Council in the State, before both the Houses” shall be omitted; and

(b) the words "and agreed to by the Legislative Council if any upon the passing of the resolution or as the case may be, on the resolution being agreed to by the Council" shall be omitted; and

(iii) the *Explanation* shall be omitted.

32. Amendment of article 320.—In clause (5) of article 320 of the Constitution, the words "or each House" and the words "or both Houses" shall be omitted

33. Amendment of article 324.—In clause (4) of article 324 the following shall be omitted, namely:—

"and before the first general election and thereafter before each biennial election to the Legislative Council of each State having such Council".

34. Amendment of article 325.—In article 325 of the Constitution the words "or either House" shall be omitted.

35. Amendment of article 327.—In article 327 of the Constitution,—

- (i) the words "or either House" shall be omitted; and
- (ii) the words "or Houses" shall be omitted.

36. Amendment of article 328.—In article 328 of the Constitution,—

- (i) the words "or either House" shall be omitted; and
- (ii) the words "or Houses" shall be omitted.

37. Amendment of article 329.—In article 329 of the Constitution, the words "or either House" shall be omitted.

38. Amendment of article 382.—In article 382 of the Constitution,—

- (i) in clause (1) the words "or Houses" shall be omitted; and
- (ii) in clause (3) the words "or the Chairman or Deputy Chairman of the Legislative Council, as the case may be" and the words "or Council" shall be omitted.

39. Amendment of article 386.—In article 386 of the Constitution the words "or Houses" shall be omitted.

40. Amendment of the Second Schedule.—In Part C of the Second Schedule to the Constitution for paragraph 8, the following paragraph shall be substituted, namely:—

"8. There shall be paid to the Speaker and Deputy Speaker of the Legislative Assembly of a State specified in Part A of the First Schedule such salaries and allowances as the Governor of the State may determine."

41. Amendment of List II in the Seventh Schedule.—In List II of the Seventh Schedule to the Constitution,—

- (i) in entry 38 the words "and if there is a Legislative Council, of the Chairman and Deputy Chairman thereof" shall be omitted; and
- (ii) in entry 39 the words "and if there is a Legislative Council, of that Council and of the members and the Committees thereof." shall be omitted.

STATEMENT OF OBJECTS AND REASONS

Under the present Constitution, there has been an enormous increase in the number of members of the Legislative Assemblies, and it cannot be reasonably urged that any interest now goes unrepresented. Nor is the fear of hasty legislation justified, as there are ample checks and safeguards. Art. 200 and 201 do provide very satisfactory safeguards, as we have seen in actual working. There is an unnecessary duplication of debates, and avoidable expenditure, involving salary, T.A., D.A., printing, stationery, staff etc. When more and more money is urgently needed for more and more nation-building activities, the continuance of such an institution of doubtful value is open to question. Government, like business, should be as economical as possible, consistent with efficiency and optimum results.

Hence this Bill.

S. V. RAMASWAMY.

Appendix IVBill No. 51 of 1953:

THE CONSTITUTION (AMENDMENT) BILL, 1953

(TO BE INTRODUCED IN THE HOUSE OF THE PEOPLE)

A

BILL

further to amend the Constitution of India.

Be it enacted by Parliament as follows:—

1. **Short title.**—This Act may be called the Constitution (Amendment) Act, 1953.

2. **Amendment of article 84.**—In clause (b) of article 84 of the Constitution,—

(a) for the words “thirty years” the words “forty years” shall be substituted; and

(b) for the words “twenty-five years” the words “thirty-five years” shall be substituted.

3. **Amendment of article 173.**—In clause (b) of article 173 of the Constitution,—

(a) for the words “twenty-five years” the words “thirty years” shall be substituted; and

(b) for the words “thirty years” the words “thirty-five years” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

A Legislator requires mature judgment which can be had only after extensive experience of life and society. At a young age of twenty-five or thirty this is not usually possible. Hence this amending Bill.

KHUB CHAND SODHIA.