

REPORT OF THE COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

SIXTY-FIRST REPORT



**LOK SABHA SECRETARIAT
NEW DELHI**
September, 1956

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

1. Sardar Hukam Singh—*Chairman.*
2. Shri Raghunath Singh.
3. Shri Nageshwar Prasad Sinha.
4. Shri Ganesh Sadashiv Altekar.
5. Shri Goswamiraja Sahdeo Bharati.
6. Shri Narendra P. Nathwani.
7. Shri Radheshyam Ramkumar Morarka.
8. Shrimati Ila Palchoudhuri.
9. Shri N. Rachiah.
- 10. Dr. Natabar Pandey.
11. Shri Bhawani Singh.
12. Shri T. B. Vittal Rao.
13. Shri C. Madhao Reddi.
14. Shri N. Sreekantan Nair.
15. Shri Rayasam Seshagiri Rao.

SECRETARIAT

Shri N. C. Nandi—*Deputy Secretary.*

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REPORT

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

2. The Committee met on the 1st September, 1956, for—

- (1) consideration of the suggestion of the Rules Committee that the principles for examination of the Bills seeking to amend the Constitution given notice of by private members laid down in the First Report of the Committee on Private Members' Bills and Resolutions might be re-examined;
- (2) examination under Rule 44(1)(a) of the Rules of Procedure and Conduct of Business in Lok Sabha of—
 - (a) the Constitution (Amendment) Bill (*Amendment of article 107*) by Shri Raghunath Singh, (*vide Appendix I*)
 - (b) the Constitution (Amendment) Bill (*Amendment of articles 37, 291 and 314*) by Shri Kamal Kumar Basu (*vide Appendix II*)
- (3) allocation of time under Rule 44(1)(c) of the Rules of Procedure and Conduct of Business in Lok Sabha for discussion of the Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Amendment Bill, 1956, by Dr. Raghbir Singh, as passed by Rajya Sabha.

II. Re-examination of the principles for examination of Constitution (Amendment) Bills

3. The Committee postponed consideration of the item at (1) of paragraph 2 above to a later date pending examination of the matter by a Sub-Committee appointed for the purpose.

III. Examination of the Constitution (Amendment) Bills

4. The members who had given notice of the Bills and the representatives of the Department of Parliamentary Affairs and the Ministry of Home Affairs, which were concerned with the Bills, had been invited to be present at the sitting. Shri K. K. Basu and the representatives of the Department of Parliamentary Affairs and the Ministry of Home Affairs were present.

5. The Committee considered the points of view of the sponsors of the Bills and reactions of the Government thereto and examined the Bills in the light of the principles laid down in paragraph 6 of their First Report, which had been duly approved by the House. The Committee arrived at the following findings as a result of their examination of the Bills.

Findings of the Committee

(a) The Constitution (Amendment) Bill (*Amendment of article 107*) by Shri Raghunath Singh

6. The Committee noted that at present there were no provisions in the Constitution dealing with the effect of prorogation of a House of Parliament on the business which remained part-discussed before it or before the Committees appointed by it. The practice in regard to this matter, which was also embodied in the Rules of Procedure of Lok Sabha, was that a motion, resolution or an amendment which had been moved and was pending in the House, did not lapse by reason only of the prorogation of the House. The Bill seeks by amending article 107(3) to give Constitutional authority to the current practice laid down by the Rules of Procedure and conventions.

7. The Committee, therefore, decided that the Bill might be allowed to be introduced.

(b) The Constitution (Amendment) Bill (*Amendment of articles 37, 291 and 314*) by Shri Kamal Kumar Basu.

8. The Bill seeks—

- (a) by amending article 37 to provide that executive action taken or orders passed, or laws enacted by the States in contravention of the Directive Principles of State Policy shall be void;
- (b) by amending article 291 to do away with the Constitutional disability which prevents imposition of the income tax on the income received by the rulers of former Indian States by way of privy purses; and
- (c) by amending article 314 to take away the guarantee given by the Constitution to the I.C.S. officers in the matter of remuneration and thereby make such remuneration subject to modification.

9. The Committee were of the opinion that as the Bill raised important issues of public interest, it might be allowed to be introduced so that public opinion was ascertained to enable the House to consider the matter further.

IV. Allocation of time to Bill

10. Shri Balwant Sinha Mehta, who gave notice of his intention to pilot in Lok Sabha the Ancient and Histroical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Amendment Bill, 1956, by Dr. Raghbir Singh, as passed by Rajya Sabha, was, on invitation, present at the sitting.

11. The Committee having considered all the aspects, allotted 1½ hours for the consideration and passing of the Bill.

V. Recommendations

12. The Committee recommend:—

- (i) that the Constitution (Amendment) Bill by Shri Raghunath Singh be allowed to be introduced;
- (ii) that the Constitution (Amendment) Bill by Shri Kamal Kumar Basu be allowed to be introduced; and
- (iii) that the time allotted by the Committee for discussion of the Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Amendment Bill, 1956, as passed by Rajya Sabha be agreed to by the House.

NEW DELHI,
The 3rd September, 1956.

HUKAM SINGH.

APPENDIX I

Bill No. 50 of 1956

THE CONSTITUTION (AMENDMENT) BILL, 1956

(TO BE INTRODUCED IN LOK SABHA)

A BILL

further to amend the Constitution of India.

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

Short title.

1. This Act may be called the Constitution (Amendment) Act, 1956,

Amendment
of article
107.

2. In article 107 of the Constitution, for clause (3), the following clause shall be substituted, namely:—

“(3) (a) A Bill, or a motion, resolution or an amendment, which has been moved and is pending in either House of Parliament, shall not lapse by reason of prorogation of the House in which it is pending.

(b) Any business before a Committee appointed by either House shall not lapse on prorogation of the House concerned and the Committee shall continue to function after such prorogation.”.

STATEMENT OF OBJECTS AND REASONS

According to the practice in the British House of Commons all pending business lapses after the prorogation of the House. The position in India is, however, different. Article 107(3) of the Constitution provides that a Bill pending in Parliament shall not lapse by reason of prorogation. There is no mention in the Constitution regarding any other business e.g. a motion, resolution or an amendment which has been moved and remains undisposed of in either House of Parliament, or in a Committee or sub-Committee thereof before prorogation although in practice they do not lapse by reason only of the prorogation of the House. This Bill is intended to regulate the matter by including within the purview of article 107(3) of the Constitution all such business which has commenced and remains undisposed of on prorogation.

RAGHUNATH SINGH.

NEW DELHI;

The 26th July, 1956.

EXTRACT FROM THE CONSTITUTION OF INDIA

* * * * *

Legislative Procedure

Provisions as to introduction and passing of Bills. 107. (1) Subject to the provisions of articles 109 and 117 with respect to Money Bills and other financial Bills, a Bill may originate in either House of Parliament.

(2) Subject to the provisions of articles 108 and 109, a Bill shall not be deemed to have been passed by the Houses of Parliament unless it has been agreed to by both Houses, either without amendment or with such amendments only as are agreed to by both Houses.

(3) A Bill pending in Parliament shall not lapse by reason of the prorogation of the Houses.

(4) A Bill pending in the Council of States which has not been passed by the House of the People shall not lapse on a dissolution of the House of the People.

(5) A Bill which is pending in the House of the People, or which having been passed by the House of the People is pending in the Council of States, shall, subject to the provisions of article 108, lapse on a dissolution of the House of the People.

* * * * *

LOK SABHA

A
BILL

further to amend the Constitution of India

— — — — —

(Shri Raghunath Singh, M.P.)

APPENDIX II

Bill No. 51 of 1956

THE CONSTITUTION (AMENDMENT) BILL, 1956.

(AS INTRODUCED IN LOK SABHA)

▲ BILL

further to amend the Constitution of India.

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

Short title. 1. This Act may be called the Constitution (Amendment) Act, 1956.

Amendment of article 37. 2. Article 37 of the Constitution shall be re-numbered 5 as clause (1) of that article and after clause (1) as so re-numbered, the following clause shall be inserted, namely:—

“(2) Notwithstanding anything contained in clause (1), if in the opinion of any court any executive 10 action or order of the Government of any State or any laws made by the States violate the principles of this chapter, such orders or laws, as the case may be, shall be declared void by such court.”

Amendment of article 291. 3. In article 291 of the Constitution, in clause (1),— 15
(i) the words ‘free of tax’ shall be omitted; and
(ii) sub-clause (b) shall be omitted.

Amendment of article 314. 4. In article 314 of the Constitution, the word ‘remuneration’ shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The Constitution adopted the Directive Principles as guiding principles for the governance of the State and making the laws. For specific reason the makers of the Constitution did not make them enforceable by the court as fundamental laws. However, after six years of enacting of our Constitution, it is now time for the citizens of free India to expect that the States are governed and the laws made according to the principles embodied in Part IV of the Constitution apart from the fundamental rights.

The country has accepted the socialistic pattern of society as her economic and social goal. The special privileges of the ex-rulers by way of exemption from income-tax unlike any other citizen and the special position of the I.C.S. staff in the administration should be changed and modified to fit in with the social objectives.

Hence this Bill.

K. K. BASU.

NEW DELHI;

The 27th July, 1956.

EXTRACT FROM THE CONSTITUTION OF INDIA

* * * * *

37. The provisions contained in this Part shall not be enforceable by any court, but the principles therein laid down are nevertheless fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws.

Application
of the prin-
ciples contain-
ed in this
Part.

* * * * *

291. (1) Where under any covenant or agreement entered into by the Ruler of any Indian State before the commencement of this Constitution, the payment of any sums, free of tax, has been guaranteed or assured by the Government of the Dominion of India to any Ruler of such State as privy purse—

Privy purse
sums of Ru-
lers.

- (a) such sums shall be charged on, and paid out of, the Consolidated Fund of India; and
- (b) the sums so paid to any Ruler shall be exempt from all taxes on income.

(2) Where the territories of any such Indian State as aforesaid are comprised within a State specified in Part A or Part B of the First Schedule, there shall be charged on, and paid out of, the Consolidated Fund of that State such contribution, if any, in respect of the payments made by the Government of India under clause (1) and for such period as may, subject to any agreement entered into in that behalf under clause (1) of article 278, be determined by order of the President.

* * * * *

314. Except as otherwise expressly provided by this Constitution, every person who having been appointed by the Secretary of State or Secretary of State in Council to a civil service of the Crown in India continues on and after the commencement of this Constitution to serve under the Government of India or of a State shall be entitled to receive from the Government of India and the Government of the State, which he is from time to time serving, the same conditions of service as respects remuneration, leave and pension, and the same rights as respects disciplinary matters or rights as similar thereto as changed circumstances may permit as that person was entitled to immediately before such commencement.

Provision for
protection of
existing offi-
cers of cer-
tain services.

LOK SABHA

**A
BILL**

further to amend the Constitution of India

(Shri Kamal Kumar Basu, M.P.)

APPENDIX III

Motion re: Adoption of the Sixty-first Report of the Committee on Private Members' Bills and Resolutions

The following motion was moved by Shri Ganesh Sadashiv Altekar and was adopted by the House on the 7th Sept., 1956:—

“That this House agrees with the sixty-first Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 4th September, 1956.”

[L.S. Deb. Part II, dated the 7th September, 1956];