

REPORTS OF THE COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

SECOND LOK SABHA

Eighty Sixth Report



LOK SABHA SECRETARIAT
NEW DELHI

1961

Price 0.20 nP.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

EIGHTY-SIXTH REPORT

(Second Lok Sabha)

1. The Chairman of the Committee on Private Members Bills and Resolutions having been authorised by the Committee, present on their behalf, this their Eighty-sixth Report.

2. The Committee met on the 14th August, 1961 for—

- (1) Classification and allocation of time for discussion of the Old Age Pension Bill by Shri Aurobindo Ghosal.
- (2) Examination of the following Bills under Rule 294(1) (b):—
 - (i) Constitution (Amendment) Bill (Amendment of Article 226) by Shri C. R. Narasimhan and others.
 - (ii) Constitution (Amendment) Bill (Insertion of new Article 8A) by Shri N. Keshava (vide Appendix I).
 - (iii) Constitution (Amendment) Bill (Amendment of Article 326) by Shri Surendra Mahanty (vide Appendix II).

Classification and allocation of time to Bill

3. The Member concerned had been invited to present before the Committee his views on his Bill but he did not attend the sitting.

4. After considering all aspects of the Bill, the Committee placed the Old Age Pension Bill by Shri Aurobindo Ghosal under Category 'B' and allotted 1½ hours for its discussion.

Examination of the Constitution (Amendment) Bill

5. The members who had given notice of the Bills and representatives of the Ministries concerned with the Bills had been invited to be present at the sitting. Sarvaashri C. R. Narasimhan and Surendra Mahanty (who is also a Member of the Committee) attended the sitting. The representatives of the Ministries of Law and Home Affairs were present.

6. The Committee considered the points urged by the sponsors of the Bills and the reactions of the Government thereto and examined the Bills in the light of the principles laid down in paragraph 6 of the First Report of the Committee on Private Members' Bills and Resolutions of the First Lok Sabha 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) Constitution (Amendment) Bill (Amendment of Article 226) by Shri C. R. Narasimhan and others.

7. The Committee noted that the Bill sought to add a proviso to Article 226(1) so as to enable the High Court of any State to issue any direction or writ in respect of any order passed by any authority inside the State, whether such order has been dealt with in appeal or revision by any authority outside the State or not.

After hearing the views of the member incharge and the representative of the Ministry of Law, the Committee recommended that the Bill be allowed to be introduced.

- (b) Constitution (Amendment) Bill (Insertion of new Article 8A) by Shri N. Keshava.

8. The Bill sought to insert a new Article 8A to the Constitution so that any person of Goan origin or having domicile in the territory now known as Goa, Diu and Daman may be deemed to be a citizen of India.

The Member concerned was not present. After hearing the views of the representative of the Ministry of Home Affairs and considering all aspects of the Bill, the Committee are of the opinion that the Bill be not allowed to be introduced.

- (c) Constitution (Amendment) Bill (Amendment of Article 326) by Shri Surendra Mahanty.

9. The Bill sought to add a proviso to Article 326 of the Constitution so as to exclude Rulers from the Electoral Rolls to either House of Parliament or to the House or either House of the Legislature of a State.

*Copies of the Bill are being circulated separately.

After hearing the views of the member incharge and those of the representative of the Ministry of Law and considering all aspects of the Bill, the Committee are of the opinion that the Bill be not allowed to be introduced.

Recommendations

10. The Committee recommend—

- (i) that the categorisation and allocation of time to the Old Age Pension Bill be agreed to by the House;
- (ii) that the Constitution (Amendment) Bill (Amendment of Article 226) by Shri C. R. Narasimhan and others be allowed to be introduced; and
- (iii) that the Constitution (Amendment) Bill (Insertion of new Article 8A) by Shri N. Keshava and the Constitution (Amendment) Bill (Amendment of Article 326) by Shri Surendra Mahanty be not allowed to be introduced.

NEW DELHI:

HUKAM SINGH.

August 16, 1961.

Sravana 25, 1883 (Saka).

APPENDIX I

Bill No. 23 of 1961

THE CONSTITUTION (AMENDMENT) BILL, 1961

(TO BE INTRODUCED IN LOK SABHA)

A

BILL

further to amend the Constitution of India

Enacted by Parliament in the Twelfth Year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Constitution (Amendment) Act, 1961.

(2) It extends to the whole of India including the State of Jammu and Kashmir. 5

(3) It shall come into force at once.

Insertion of
new Article
8A.

2. After Article 8 of the Constitution, the following Article shall be inserted, namely:—

Rights of
citizenship
of persons of
Goan origin.

"8A. Notwithstanding anything in Article 5, any person of Goan origin or having domicile in the territory now known as 10
Goa, Diu and Daman shall be deemed to be citizen of India".

STATEMENT OF OBJECTS AND REASONS

Article 11 of our Constitution provides that Parliament may regulate the right of citizenship by law. Even at the commencement of our Constitution, there were about 2 lakhs of Goans residing in India. Not being citizens of India, they cannot exercise their franchise and vote in our elections. It is not fair to treat this fairly large section of persons who are virtually our countrymen as foreigners and deny them their legitimate right and franchise. They have not opted out to any other country nor have they migrated to India from any other foreign country.

This Bill is intended to set right this anomaly and confer the legitimate right of Indian citizenship to all Goans residing in India.

NEW DELHI;
The 5th April, 1961.

N. KESHAU.

APPENDIX II

Bill No. 46 of 1961

THE CONSTITUTION (AMENDMENT) BILL, 1961

(TO BE INTRODUCED IN LOK SABHA)

A

BILL

further to amend the Constitution of India.

BE it enacted by Parliament in the Twelfth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, Short title, 1961

2. In Article 326 of the Constitution, the following proviso shall be added at the end, namely:—

Amendment
of Article
326.

“Provided that no Ruler shall be eligible to be included to the Electoral Rolls to either House of Parliament or to the House or either House of the Legislature of a State”.

STATEMENT OF OBJECTS AND REASONS

The Rulers of the Indian States, as defined in clause 22 of Article 366 of the Constitution, partake of the nature of a sovereign, inasmuch as the covenanted Privy Purses, that they are in enjoyment of under Article 291 of the Constitution is tax-free. These Rulers also enjoy a special privilege, in being immune from the due process of law in civil and criminal proceedings. The covenanted Privy Purse, which they enjoy, is in the nature of royal bounty as it is understood in U.K. Thus the hereditary dignities covenanted Privy Purses in the nature of Royal bounty and special privileges, which they enjoy, invest them with all the disability, which the Peers in U.K. attract, in being elected to the U.K. House of Commons. Notwithstanding the fact that the Rulers may remain as citizens, as defined in Article 5 of the Constitution, they will not be eligible for inclusion in the Electoral Roll being beneficiaries of State bounties not unlike the Royal Bounty enjoyed by the Peers, Lords and other members of the Royal family in U.K., who have no right either to vote or to be elected to the House of Commons. The present Bill seeks to achieve that pattern, and remove an anomaly which is repugnant to the underlying spirit and the republican ideals of our Constitution and socialistic aims of our society:

NEW DELHI;
The 17th April, 1961.

SURENDRA MAHANTY.

ANNEXURE

EXTRACT FROM THE CONSTITUTION OF INDIA

* * * * *

326. The elections to the House of the People and to the Legislative Assembly of every State shall be on the basis of adult suffrage; that is to say, every person who is a citizen of India and who is not less than twenty-one years of age on such date as may be fixed in that behalf by or under any law made by the appropriate Legislature on the ground of non-residence, unsoundness of mind, crime or corrupt or illegal practice, shall be entitled to be registered as a voter at any such election.

Elections to the House of the People and to the Legislative Assemblies of States to be on the basis of adult suffrage.

* * * * *