

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

Second Session—Second Lok Sabha

Fifth Report



सत्यमेव जयते

**LOK SABHA SECRETARIAT
NEW DELHI**

November, 1957.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

(FIFTH REPORT)

(SECOND LOK SABHA)

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

2. The Committee met on the 20th August, 1957 for,—

- (1) categorisation and allocation of time to Bills (*Vide Appendix I*) under Rule 294(1)(b) and 294(1)(c) of the Rules of Procedure respectively.
- (2) examination under Rule 294(1)(a) of the Rules of Procedure of the Constitution (Amendment) Bill (*Amendment of articles 100 and 189*) by Shri M. L. Dwivedi (*vide Appendix II*).

II. Categorisation of and allocation of time to Bills

3. The members in charge of the Bills due for categorisation and allocation of time and the representatives of the Ministries concerned had been invited to present their views on these Bills before the Committee. The representatives of the Ministries concerned with Bills were all present at the sitting. Amongst the members in charge of the Bills who were invited to attend the sitting, Shri Radha Raman, Shri P. K. Kodiyan, Shri Purushottamdas R. Patel, Shri M. L. Dwivedi and Shri Raghunath Singh attended the sitting.

4. After hearing the views of the representatives of the Ministries and members in charge and considering all aspects of the Bills, the Committee placed only two Bills under category A and the other 16 Bills under category B and allotted time for each Bill as shown in Appendix I.

III. Examination of the Constitution (Amendment) Bill

5. The member who had given notice of the Bill and the representative of the Department of Parliamentary Affairs which is concerned with the Bill were on invitation, present at the sitting.

6. The Committee considered the points of views of the sponsor of the Bill and reaction of the Government thereto, and examined the Bill 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.

Findings of the Committee

7. The Committee noted that it would be sufficient to provide in the Constitution that the quorum shall be one-tenth of the total strength of the House and the rest should be left to be regulated by Rules of Procedure of the House.

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

IV. Recommendations

9. The Committee recommend,—

- (i) that the categorisation of and allocation of time to the Bills by the Committee as shown in Appendix I be agreed to by the House, and
- (ii) that the Constitution (Amendment) Bill by Shri M. L. Dwivedi be allowed to be introduced.

HUKAM SINGH.

NEW DELHI;
The 21st August, 1957.

APPENDIX I

Sl. No.	Name of the Bill and the Member-in-Charge	Bill No.	Category assigned	Time allotted by the Committee	Remarks
1	2	3	4	5	6
1	The Sadhus and Sanyasis (Registration) Bill by Shri Radha Raman.	26 of 1957	B	2 hours.	
2	The Punishment for Molestation of Women Bill by Shri Radha Raman.	45 of 1957	B	2 hours	
3	The Factories (Amendment) Bill by Shri V. P. Nayar.	28 of 1957	B	1½ hours.	
4	The National and Festival Paid Holidays Bill by Shri P. K. Kodiyan.	29 of 1957	B	1½ hours	
5	The Code of Civil Procedure (Amendment) Bill (<i>Amendment of section 60</i>) by Shri Purushottamdas R. Patel	33 of 1957	B	2 hours.	
6	The Indian Arms (Amendment) Bill (<i>Amendment of section 4</i>) by Shri Purushottamdas R. Patel	42 of 1957	B	1½ hours.	
7	The Code of Civil Procedure (Amendment) Bill (<i>Omission of section 87B</i>) by Shri M.L. Dwivedi.	36 of 1957	A.	2½ hours.	
8	The Parliament Library Bill by Shri Diwan Chand Sharma.	41 of 1957	B	2 hours.	
9	The Child Marriage Restraint (Amendment) Bill (<i>Amendment of section 12</i>) by Shri Diwan Chand Sharma.	37 of 1957	B	1 hour.	
10	The Prevention of Corruption (Amendment) Bill (<i>Insertion of new section 8</i>) by Shri Jhulan Sinha.	38 of 1957	B	1½ hours.	
11	The Beedi and Cigar Labour Bill by Shri A. K. Gopalan.	31 of 1957	B	2½ hours.	
12	The Old and Infirm Persons' Homes Bill by Shri Raghunath Singh.	32 of 1957	B	2 hours.	
13	The Indian Penal Code (Amendment) Bill (<i>Omission of section 497</i>) by Shri Raghunath Singh.	30 of 1957	B	1½ hours.	

1	2	3	4	5	6
14	The Indian Penal Code (Amendment) Bill (<i>Insertion of new section 124B</i>) by Shri Raghunath Singh.	44 of 1957	B	2 hours.	
15	The Arbitration (Amendment) Bill (<i>Amendment of sections 2 and 39 and insertion of new Chapter IVA</i>) by Shri Raghunath Singh.	35 of 1957	B	1½ hours.	
16	The Constitution (Amendment) Bill (<i>Amendment of Article 58</i>) by Shri Raghunath Singh.	40 of 1957	A	2 hours.	
17	The Companies (Amendment) Bill (<i>Amendment of section 293</i>) by Shri Surendra Mahanty.	53 of 1957	B	3 hours.	
✓ 18	The Cantonments (Amendment) Bill (<i>Amendment of sections 13 and 60 and Omission of section 14</i>) by Shri Jhulan Sinha.	48 of 1957	B	2 hours.	

APPENDIX II

Bill No. 58 of 1957

THE CONSTITUTION (AMENDMENT) BILL, 1957

by

SHRI M. L. DWIVEDI, M.P.

(TO BE INTRODUCED IN LOK SABHA)

THE CONSTITUTION (AMENDMENT) BILL, 1957

(TO BE INTRODUCED IN LOK SABHA)

A

BILL

further to amend the Constitution of India.

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

1. This Act may be called the Constitution (Amendment) Act, 1957. (Amend- Short title.
ment) Act, 1957.

2. In article 100 of the Constitution,—

Amendment
of Article
100.

(i) In clause (3), for the words “Until Parliament by law otherwise provides”, the words “Save as otherwise provided by rules regulating the procedure of the House” shall be substituted; and

(ii) clause (4) shall be omitted.

3. In article 189 of the Constitution,—

Amendment
of Article
189.

(i) In clause (3), for the words “Until the Legislature of the State by law otherwise provides”, the words “Save as otherwise provided by rules regulating the procedure of the House” shall be substituted; and

(ii) clause (4) shall be omitted.

STATEMENT OF OBJECTS AND REASONS

Quorum of either House of Parliament and either House of a State Legislature is governed by provisions in Articles 100 and 189 of the Constitution of India. In actual practice, it has been found that great difficulties are experienced. The Speaker of the Lok Sabha or a State Legislature, or the Chairman of the Rajya Sabha or of a State Legislative Council or a person acting as such is burdened with a duty either to adjourn the House or to suspend the meeting whenever there is no quorum. This causes difficulties in conducting the proceedings of the House. Such rigid and detailed provision in the Constitution itself ought not to be there. It is sufficient if it is provided that the quorum shall be one-tenth of the total strength of the House. The rest should be left to be regulated by rules of procedure of the House.

In order to obviate these difficulties, clauses 2 and 3 of the Bill seek to amend Articles 100 and 189 of the Constitution of India.

M. L. DWIVEDI.

NEW DELHI;
The 30th July, 1957.

ANNEXURE

EXTRACTS FROM THE CONSTITUTION OF INDIA

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PART V

THE UNION

CHAPTER II—PARLIAMENT

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100.

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(3) Until Parliament by law otherwise provides, the quorum to constitute a meeting of either House of Parliament shall be one-tenth of the total number of members of the House.

Voting in Houses, power of Houses to act notwithstanding vacancies and quorum.

(4) If at any time during a meeting of a House there is no quorum, it shall be the duty of the Chairman or Speaker, or person acting as such, either to adjourn the House or to suspend the meeting until there is a quorum.

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PART VI

THE STATES

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189.

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(3) Until the Legislature of the State by law otherwise provides, the quorum to constitute a meeting of a House of the Legislature of a State shall be ten members or one-tenth of the total number of members of the House, whichever is greater.

Voting in Houses, power of Houses to act notwithstanding vacancies and quorum.

(4) If at any time during a meeting of the Legislative Assembly or the Legislative Council of a State there is no quorum, it shall be the duty of the Speaker or Chairman, or person acting as such, either to adjourn the House or to suspend the meeting until there is a quorum.

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BILL

further to amend the Constitution of India

(Shri M. L. Dwivedi, M. P.)