

REPORT OF THE COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

Sixth Lok Sabha

Fourth Report



**LOK SABHA SECRETARIAT
NEW DELHI**

1977

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

(Sixth Lok Sabha)

FOURTH REPORT

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

2. The Committee met on the 26th July, 1977 for the examination of the following Constitution (Amendment) Bills under Rule 294(1) (a) of the Rules of Procedure:—

- (1) The Constitution (Amendment) Bill, 1977 (Amendment of article 324) by Shri C. K. Chandrappan.
- (2) The Constitution (Amendment) Bill, 1977 (Amendment of article 16) by Shri C. K. Chandrappan.
- (3) The Constitution (Amendment) Bill, 1977 (Amendment of article 326) by Shri C. K. Chandrappan.
- (4) The Constitution (Amendment) Bill, 1977 (Amendment of articles 81 and 82) by Shri C. K. Chandrappan.
- (5) The Constitution (Amendment) Bill, 1977 (Amendment of article 124) by Shri P. K. Deo.
- (6) The Constitution (Amendment) Bill, 1977 (Amendment of article 371) by Shri P. K. Deo.
- (7) The Constitution (Amendment) Bill, 1977 (Insertion of new article 140A) by Shri Om Prakash Tyagi.
- (8) The Constitution (Amendment) Bill, 1977 (Amendment of article 335) by Shri Om Prakash Tyagi.
- (9) The Constitution (Amendment) Bill, 1977 (Amendment of article 222) by Shri Om Prakash Tyagi.
- (10) The Constitution (Amendment) Bill, 1977 (Amendment of Seventh Schedule) by Shri Om Prakash Tyagi.
- ✓ (11) The Constitution (Amendment) Bill, 1977 (Amendment of articles 74 and 163) by Shri Hukam Chand Kachwai.

Examination of Constitution (Amendment) Bills

3. The Members-in-charge of the Bills were invited to attend the sitting. Shri Hukam Chand Kachwai attended.

4. The Committee considered the Bills and arrived at the following findings as a result of their examination of the Bills:—

Findings of the Committee

- (1) The Constitution (Amendment) Bill, 1977 (Amendment of article 324) by Shri C. K. Chandrappan.

The Bill seeks to amend article 324 of the Constitution with a view to provide for a three-Member Election Commission to be appointed by the President on the recommendation of both Houses of Parliament, as also for constitution of Advisory Councils at the Centre and the States which would be associated with the working of the Commission.

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After considering all aspects of the Bill, the Committee recommend that the Member might be permitted to move for leave to introduce the Bill.

(2) The Constitution (Amendment) Bill, 1977 (Amendment of article 16) by Shri C. K. Chandrappan.

The Bill seeks to amend the Constitution with a view to provide that both men and women shall get equal pay for equal work in all spheres of work.

After considering all aspects of the Bill, the Committee recommend that the Member might be permitted to move for leave to introduce the Bill.

(3) The Constitution (Amendment) Bill, 1977 (Amendment of article 326) by Shri C. K. Chandrappan.

The Bill seeks to amend article 326 of the Constitution with a view to reduce the voting age from 21 to 18 years.

After considering all aspects of the Bill, the Committee recommend that the Member might be permitted to move for leave to introduce the Bill.

(4) The Constitution (Amendment) Bill, 1977 (Amendment of articles 81 and 82) by Shri C. K. Chandrappan.

The Bill seeks to amend article 81 of the Constitution with a view to provide for a large House of the People by way of having one Member from each territorial constituency consisting of five lakhs of voters in the States and increasing the upper limit for Union Territories from 21 to 40.

After considering all aspects of the Bill, the Committee recommend that the Member might be permitted to move for leave to introduce the Bill.

(5) The Constitution (Amendment) Bill, 1977 (Amendment of article 124) by Shri P. K. Deo.

The Bill seeks to amend the Constitution with a view to provide that the senior most Judge of the Supreme Court shall be appointed as the Chief Justice of India provided that he should have served at least two years as a Judge of the Supreme Court.

After considering all aspects of the Bill, the Committee recommend that the Member might be permitted to move for leave to introduce the Bill.

(6) The Constitution (Amendment) Bill, 1977 (Amendment of article 371) by Shri P. K. Deo.

The Bill seeks to insert clause (3) in article 371 of the Constitution with a view to empower the President, in respect of the State of Orissa, to provide for any special responsibility of the Governor for the establishment of separate Development Boards for the 3 Revenue Divisions of Orissa, for the equitable allocation of developmental fund for the 3 Divisions and equitable arrangement for employment opportunities under the control of the State Government.

After considering all aspects of the Bill, the Committee recommend that the Member might be permitted to move for leave to introduce the Bill.

(7) The Constitution (Amendment) Bill, 1977 (Insertion of new article 140A) by Shri Om Prakash Tyagi.

The Bill seeks to amend the Constitution with a view to insert new article 140A so as to provide that the Supreme Court shall have power of superintendence over all the High Courts, Judicial Commissioners' Courts and Tribunals throughout the territory of India.

After considering all aspects of the Bill, the Committee recommend that the Member might be permitted to move for leave to introduce the Bill.

(8) The Constitution (Amendment) Bill, 1977 (Amendment of article 335) by Shri Om Prakash Tyagi.

The Bill seeks to amend article 335 with a view to protect the claims of the Members of the Scheduled Castes and the Scheduled Tribes for appointment to services and posts in the Government by omitting the words "consistently with the maintenance of efficiency of administration" from article 335.

After considering all aspects of the Bill, the Committee recommend that the Member might be permitted to move for leave to introduce the Bill.

(9) The Constitution (Amendment) Bill, 1977 (Amendment of article 222) by Shri Om Prakash Tyagi.

The Bill seeks to amend article 222 of the Constitution with a view to provide for compulsory transfer of High Court Judges after every term of five years or earlier, if necessary.

After considering all aspects of the Bill, the Committee recommend that the Member might be permitted to move for leave to introduce the Bill.

(10) The Constitution (Amendment) Bill, 1977 (Amendment of Seventh Schedule) by Shri Om Prakash Tyagi.

The Bill seeks to amend the Seventh Schedule to the Constitution with a view to make the subject of prisons, reformatories and other like institutions and persons detained therein a Concurrent subject by omitting entry 4 of the State List and inserting a new entry 4A in the Concurrent List.

After considering all aspects of the Bill, the Committee recommend that the Member might be permitted to move for leave to introduce the Bill.

(11) The Constitution (Amendment) Bill, 1977 (Amendment of articles 74 and 163) by Shri Hukam Chand Kachwai.

The Bill seeks to amend articles 74 and 163 of the Constitution with a view to provide that the Council of Ministers shall cease to exist at the Centre and/or the State during the period of general elections to Lok Sabha and/or State Assemblies respectively, as the case may be. During this period, the President/Governors shall exercise their functions in their discretion without the aid of the Council of Ministers.

After considering all aspects of the Bill, the Committee recommend that the Member might be permitted to move for leave to introduce the Bill.

Recommendation

5. The Committee recommend that Sarvashri C. R. Chandrappan, P. K. Deo, Om Prakash Tyagi and Hukam Chand Kachwai be permitted to move for leave to introduce their Constitution (Amendment) Bills.

NEW DELHI;

July 26, 1977.

Sarvana 4, 1899 (Saka).

GODEY MURAHARI,
Chairman,

Committee on Private Members'
Bills and Resolutions.