

COMMITTEE ON PRIVATE MEMBERS'
BILLS AND RESOLUTIONS

FIRST TO SIXTY-EIGHTH REPORTS
(ENGLISH VERSION)



EIGHTH LOK SABHA

Legislative Branch-II

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

(Eighth Lok Sabha)

SIXTY-SEVENTH REPORT

(Presented on 26-7-1989)

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 sixty-seventh Report.

2. The Committee met on 24 July, 1989 for —

- I. Examination of the Constitution (Amendment) Bill, 1989 (*Amendment of articles 171 and 191*) by Shri V.S. Krishna Iyer under rule 294(1)(a) of the Rules of Procedure.
- II. Classification and allocation of time for discussion of Bills (*Vide Appendix*) under clauses (b) and (c) of rule 294(1) of the Rules of Procedure.
- III. Allocation of time under rule 294(1)(e) of the Rules of Procedure to the Resolutions at item Nos. 2, 3 and 4 set down in the List of Business for Friday, 28 July, 1989.

Examination of Constitution (Amendment) Bill

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

Findings of the Committee

The Constitution (Amendment) Bill, 1989
(*Amendment of articles 171 and 191*) by
Shri V.S. Krishna Iyer.

The Bill seeks to amend articles 171 and 191 of the Constitution with a view to provide that one-twelfth of the members of the Legislative Council of a State shall be elected by electorates consisting of persons engaged in teaching for at least three years in any educational institution recognised by the State Government and also that one-twentieth of the members shall be elected by electorates consisting of persons serving for a period of at least three years in connection with the affairs of a State.

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

Classification and allocation of time to Bills

4. The Committee then considered classification and allocation of time to five Bills specified in Appendix.

5. After considering all aspects of the Bills, the Committee recommend that all the bills referred to in the Appendix be placed in category 'B'. The Committee recommend allocation of time for each of the Bills as shown in column 5 of the Appendix.

Allocation of time to Resolutions

6. The Committee recommend allocation of time to resolutions as follows:—

(1) Resolution by Shri V.S. Krishna Iyer regarding autonomy for Doordarshan and Akashvani.	2 hours
(2) Resolution by Shri Ananda Pathak regarding measures for development of North Bengal region.	2 hours
(3) Resolution by Dr. G.S. Rajhans regarding employment to one member in each family.	2 hours

Recommendations

7. The Committee recommend that—

- (i) Shri V.S. Krishna Iyer be permitted to move for leave to introduce his Constitution (Amendment) Bill;
- (ii) the classification and allocation of time to Bills by the Committee, as shown in the Appendix, be agreed to by the House; and
- (iii) the allocation of time to resolutions, as shown in paragraph 6 above, be agreed to by the House.

NEW DELHI;

July 24, 1989

Sravana 2, 1911 (Saka)

M. THAMBI DURAI,
Chairman,
Committee on Private Members'
Bills and Resolutions.

APPENDIX

Sl. No.	Name of the Bill and the member-in- charge	Bill No.	Category recom- mended	Time recom- mended
1	2	3	4	5
1.	The Old Age Pension Bill, 1989 by Shri S.M. Guraddi.	31 of 1989	B	2 hours
2.	The Constitution (Amendment) Bill, 1989 (<i>Amendment of article 340</i>) by Shri Syed Shahabuddin.	35 of 1989	B	2 hours
3.	The Constitution (Amendment) Bill, 1989 (<i>Amendment of article 51A</i>) by Shri Shantaram Naik.	34 of 1989	B	2 hours
4.	The Constitution (Amendment) Bill, 1989 (<i>Insertion of new article 347A</i>) by Prof. Narain Chand Parashar.	38 of 1989	B	2 hours
5.	The Indian Penal Code (Amendment) Bill, 1989 (<i>Amendment of section 323</i>) by Shri Shantaram Naik.	40 of 1989	B	2 hours

LOK SABHA

BULLETIN—PART I [Brief Record of Proceedings]

Friday, July 28, 1989/Sravana 6, 1911 (Saka)

No. 469

11.01 A.M.

1. Starred Questions

Starred Question Nos. 165, 166, 169, 171, 172 and 181 were orally answered. Replies to the remaining questions were laid on the Table.

2. Unstarred Questions

Replies to Unstarred Question Nos. 1628, 1630, 1633-1637, 1639, 1640, 1643-1645, 1648, 1649, 1652, 1654-1659, 1661, 1663, 1664, 1666-1670, 1672-1675, 1677-1680, 1682-1687, 1689-1694, 1696-1715, 1723, 1728-1742, 1745, 1750-1752, 1755-1763, 1767-1770, 1773-1777, 1779-1781, 1783-1792, 1795-1800, 1804-1808, 1810, 1811, 1816-1819, 1822, 1823, 1827, 1831, 1832, 1834-1841, 1845, 1847 and 1851.

3. Resignations from the Membership of Lok Sabha

(i) The Speaker informed the House that he had received a letter on 25th July, 1989 from Shri Satyendra Narayan Sinha, an elected member from Aurangabad constituency of Bihar and another letter that day from Shri Sode Ramaiah, an elected member from Bhadrachalam constituency of Andhra Pradesh, resigning their seats in Lok Sabha and that he had accepted their resignations with effect from 28th July, 1989.

(ii) The Chairperson informed the House that the Speaker had received one more letter that day from Shri C. Janga Reddy an elected member from Hanamkonda constituency of Andhra Pradesh.

* At 6.00 P.M.

resigning his seat in Lok Sabha. The Speaker had accepted his resignation with immediate effect i.e. from 28th July, 1989.

4. Papers laid on the Table

The following papers were laid on the Table:—

- (1) A copy of the Report (Hindi and English versions) on the General Elections to the Legislative Assemblies of Meghalaya and Tripura and on the Bye-Elections to the House of the People and Legislative Assemblies held in 1988—Statistical.
- (2) A copy of the Report (Hindi and English versions) on the General Elections to the Legislative Assemblies of Haryana, Jammu and Kashmir, Kerala, Mizoram, Nagaland and West Bengal held in 1987 and Detailed Results of Bye-Elections held in 1986 and 1987—Statistical.
- (3) A copy of the Railways' Red Tariff Rules, 1988 (Hindi and English versions) published in Notification No. G.S.R. 142 in Gazette of India dated the 4th March, 1989 together with a corrigendum thereto published in Notification No. G.S.R. 337 in Gazette of India dated the 6th May, 1989 issued under section 47 of the Indian Railways Act, 1890.
- (4) A copy of the Betwa River Board (Amendment) Rules, 1989 (Hindi and English versions) published in Notification No. G.S.R. 95 in Gazette of India dated the 25th February, 1989, under section 24 of the Betwa River Board Act, 1976.
- (5) A statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (4) above.
- (6) A copy each of the following Notifications (Hindi and English versions) under section 159 of the Customs Act, 1962:—
 - (i) G.S.R. 456(E) published in Gazette of India dated the 21st April, 1989 together with an explanatory memorandum making certain amendments to Notifi-

cation No. 71 / 87-Cus., dated the 1st March, 1987 so as to delete auto coners from the list of machinery eligible for the exemption under the notification.

- (ii) G.S.R. 459(E) published in Gazette of India dated the 21st April, 1989 together with an explanatory memorandum making certain amendments to Notification No. 116 / 88-Cus., dated the 30th March, 1988 so that the facility of Intermediate Advance Licensing Scheme can be availed of even when the final product exporters is an Import Export Pass Book holder.
- (iii) G.S.R. 486(E) published in Gazette of India dated the 27th April, 1989 together with an explanatory memorandum making certain amendments to Notification No. 221 / 88-Cus., dated the 18th July, 1988 seeking to increase additional duties of customs from 10 per cent to 15 per cent *ad valorem* on spare parts of computer systems.
- (iv) G.S.R. 490(E) published in Gazette of India dated the 27th April, 1989 together with an explanatory memorandum making certain amendments to Notification No. 60 / 89-Cus., dated the 1st March, 1989 so as to delete modern automatic circular and flat bed looms for jute industry.
- (v) G.S.R. 491(E) published in Gazette of India dated the 27th April, 1989 together with an explanatory memorandum making certain amendments to Notification No. 489/86-Cus., dated the 18th December, 1986 so as to restore the duty-free concession on modern automatic flat bed looms for jute industry.
- (vi) G.S.R. 492(E) published in Gazette of India dated the 27th April, 1989 together with an explanatory memorandum prescribing a concessional basic customs duty of 35 per cent *ad valorem* on circular looms for jute industry.
- (vii) G.S.R. 493(E) published in Gazette of India dated the 27th April, 1989 together with an explanatory memorandum prescribing concessional basic customs duty of 35

per cent *ad valorem* on four specified machinery for the manufacture of jute felt.

- (viii) G.S.R. 494(E) published in Gazette of India dated the 27th April, 1989 together with an explanatory memorandum making certain amendments to Notification No. 108/89-Cus., dated the 1st March, 1989 so as to prescribe auxiliary duty of 5 per cent *ad valorem* on circular loom and four specified machinery for manufacture of jute felt.
- (ix) G.S.R. 498(E) published in Gazette of India dated the 1st May, 1989 together with an explanatory memorandum making certain amendments to Notification No. 317/87-Cus., dated the 17th September, 1987 so as to specify the list of machinery/equipment required to be imported by the textile machinery industry and to add certain items of machinery to the list of specified machinery allowed to be imported by the cutting tools industry.
- (x) G.S.R. 507(E) published in Gazette of India dated the 5th May, 1989 together with an explanatory memorandum making certain amendments to Notification No. 63/88-Cus., dated the 1st March, 1988 so as to permit the facility of duty-free clearance for use in any hospital.
- (xi) G.S.R. 548(E) published in Gazette of India dated the 16th May, 1989 together with an explanatory memorandum making certain amendments to Notification No. 208/81-Cus., dated the 22nd September, 1981 so as to include Interferon alpha 2 b' injection which is a life saving drug in the exempted category of drugs and medicines.
- (xii) G.S.R. 574(E) published in Gazette of India dated the 29th May, 1989 together with an explanatory memorandum seeking to delete the heading 98.06 of the First Schedule to the Customs Tariff Act, 1975 with effect from 1st June, 1989.
- (xiii) G.S.R. 575(E) published in Gazette of India dated the 29th May, 1989 together with an explanatory memorandum seeking to prescribe basic customs duty of 35 per cent *ad valorem* on specified goods falling under Chapter 84 or 85 or 86 or 90 of the first schedule to the Customs Tariff Act.

- (xiv) G.S.R. 576(E) published in Gazette of India dated the 29th May, 1989 together with an explanatory memorandum seeking to prescribe basic customs duty of 40 per cent *ad valorem* on parts of specified instruments and apparatus.
- (xv) G.S.R. 577(E) published in Gazette of India dated the 29th May, 1989 together with an explanatory memorandum making certain amendments to Notification Nos. 280/76 Cus., 341/76-Cus. 342/76-Cus., dated 2nd August, 1976, 156/86-Cus., dated the 1st March, 1986, 345/86 Cus., 346/86-Cus., 347/86-Cus., dated the 16th June, 1986, 60/87-Cus., dated the 1st March, 1987, and 181/87-Cus., dated the 29th April, 1987 so as to delete heading No.98-06 from the First Schedule to the Customs Tariff Act.
- (xvi) G.S.R. 578(E) published in Gazette of India dated the 29th May, 1989 together with an explanatory memorandum rescinding Notification Nos. 68/87 - Cus., 69/87 - Cus. and 124/87 - Cus., dated the 1st March, 1987 and 257/88 - Cus., dated the 21st September, 1988.
- (xvii) G.S.R. 579(E) published in Gazette of India dated the 29th May, 1989 together with an explanatory memorandum extending the validity of the Notification No. 356/86 - Customs, dated the 17th June, 1986 upto 31st May, 1990.
- (xviii) G.S.R. 595(E) and G.S.R. 596(E) published in Gazette of India dated the 6th June, 1989 together with an explanatory memorandum seeking to prescribe basic Customs duty and auxiliary duty of 30 per cent on membrances imported for replacement by a caustic soda plant subject to certain conditions.

(7) A copy each of the following Notifications (Hindi and English versions) under sub-section (2) of section 38 of the Central Excise and Salt Act, 1944 :—

- (i) G.S.R. 1217(E) published in Gazette of India dated the 28th December, 1988 together with an explanatory memorandum seeking to waive payment of Central Excise duty leviable on video cassette tapes recorded with advertisement for promotion of sales of articles other than the

recorded articles itself, on which no duty had been recovered during the period 1st March, 1982 to 19th May, 1987.

- (ii) G.S.R. 554(E) published in Gazette of India dated the 17th May, 1989 together with an explanatory Memorandum making certain amendments to Notification No. 84/87 - CE dated the 1st March, 1987.
- (iii) G.S.R. 612(E) published in Gazette of India dated the 12th June, 1989 together with an explanatory memorandum seeking to waive payment of Central Excise duty leviable on certain specified stationery items falling under chapter 48 of the Schedule to the Central Excise Tariff Act, 1985 during the period commencing on the 28th February, 1986 and ending with the 28th February, 1987.
- (iv) G.S.R. 613(E) published in Gazette of India dated the 12th June, 1989 together with an explanatory memorandum.
- (v) G.S.R. 660(E) published in Gazette of India dated the 30th June, 1989 together with an explanatory memorandum.
- (8) A copy of the Annual Report (Hindi and English versions) of the Deposit Insurance and Credit Guarantee Corporation, Bombay, for the period from 1st January, 1988 to 31st March, 1989 along with Audited Accounts under sub-section (2) of section 32 of the Deposit Insurance and Guarantee Corporation Act, 1961.
- (9) A copy of the Agreement (Hindi and English versions) dated the 28th February, 1989, entered into between the State Government of Sikkim and Reserve Bank of India under sub-section (2) of section 21A of the Reserve Bank of India Act, 1934.

5. Report of the Committee on Petitions

Shri Balasaheb Vikhe Patil presented the Thirteenth Report (Hindi and English versions) of the Committee on Petitions.

6. Report of the Joint Committee on the Indian Medical Council (Amendment) Bill, 1987

Dr. Krupasindhu Bhoi laid on the Table a copy of the Report (Hindi and English versions) of the Joint Committee on the Indian Medical Council (Amendment) Bill, 1987.

7. Evidence before Joint Committee on the Indian Medical Council (Amendment) Bill, 1987

Dr. Krupasindhu Bhoi laid on the Table a copy of the evidence tendered before the Joint Committee on the Indian Medical Council (Amendment) Bill, 1987.

8. Statement by Minister

The Minister of State for Parliamentary Affairs made a statement regarding Government Business for the week commencing the 31st July, 1989.

9. Motion regarding Seventy-third report of Business Advisory Committee

Shri P. Namgyal moved the following motion:—

“That this House do agree with the Seventy-third Report of the Business Advisory Committee presented to the House on the 27th July, 1989.”

The motion was adopted.

10. Government Bill—Passed

The Small Industries Development Bank of India Bill, 1989.

Discussion on the motion for consideration of the Bill moved by Shri Eduardo Faleiro on the 26th July, 1989, continued.

The following members took part in the debate:—

- (1) Smt. Prabhawati Gupta
- (2) Shri Ashok Shankarrao Chavan
- (3) Shri Dal Chander Jain
- (4) Smt. Basavarajeswari
- (5) Shri Chiranjit Lal Sharma
- (6) Shri Asutosh Law
- (7) Shri Yogeshwar Prasad Yogesh
- (8) Dr. G. S. Rajhans
- (9) Shri N. Tombi Singh
- (10) Shri Braja Mohan Mohanty

- (11) Shri A. Charles
- (12) Shri Nandlal Choudhary
- (13) Shri Shankarlal
- (14) Shri Manikrao Hodlya Gavit
- (15) Shri Shanti Dhariwal
- (16) Shri Virdhi Chander Jain
- (17) Shri Keyur Bhushan

Shri Eduardo Faleiro replied to the debate.

The motion for consideration was adopted and clause-by-clause consideration of the Bill was taken up.

Clauses 2 to 9 were adopted.

Clause 10 was adopted, as amended.

Clauses 11 to 54 were adopted.

The First Schedule and Second Schedule were adopted.

Clause 1, the Enacting Formula and the Long Title were also adopted.

The motion that the Bill, as amended, be passed was moved by Shri Eduardo Faleiro.

The motion was adopted and the Bill, as amended, was passed.

11. Government Bill—Under Consideration

The High Court and Supreme Court Judges (Conditions of Service) Amendment Bill, 1989.

The motion for consideration of the Bill was moved by Shri B. Shankaranand.

Shri Aziz Qureshi took part in the debate. His speech was not concluded.

12. Motion regarding Sixty-seventh Report of Committee on Private Members' Bills and Resolutions

Shri Chandra Kishore Pathak moved the following motion:—

“That this House do agree with the Sixty-seventh Report of Committee on Private Members' Bills and Resolutions presented to the House on the 26th July, 1989 subject to the

modification that—

- (i) para 3 and part (i) of para 7 relating to examination of Constitution (Amendment) Bill; and
- (ii) sub-paras (1) and (2) of para 6 relating to allocation of time to resolutions;

be omitted.”

The motion was adopted.

15. Private Member's Resolution—Withdrawn

Further discussion on the following Resolution moved by Dr. Krupasindhu Bhoi and amendments thereto moved on the 31st March, 1989, continued:—

“This House notes with grave concern the population explosion in the country which has thwarted all development efforts and urges upon the Government to take *inter alia* the following measures for improving the quality of life of the people:—

- (i) recognise the family welfare programme as a national imperative;
- (ii) evolve a national consensus for acceptance of one child per couple norm by the people;
- (iii) raise the level of education of women;
- (iv) provide adequate health care to women and children;
- (v) lay down a uniform civil code for all citizens especially with regard to marriage and family welfare; and
- (vi) set up a National Population Commission to suggest measures to achieve the target of zero per cent population growth rate by the turn of the century.”

The following members took part in the debate:—

- (1) Shri Shantaram Naik
- (2) Shri Rafique Alam

Dr. Krupasindhu Bhoi replied to the debate.

Both the amendments moved by Sarvashri Shankarlal and Syed Shahabuddin were negatived.

The Resolution was withdrawn by leave of the House.

14. Private Member's Resolution—Under Consideration

Dr. G.S. Rajhans moved the following Resolution:—

“This House urges upon the Government to provide suitable employment to at least one member in each family.”

The following members took part in the debate:—

- (1) Shri Shantaram Naik
- (2) Shri Sriballav Panigrahi
- (3) Shri Mahabir Prasad Yadav *(Speech unfinished)*

The discussion was not concluded.

6 P.M.

(Lok Sabha adjourned till 11 A.M. on Monday, the 31st July, 1989.)

SUBHASH C. KASHYAP
Secretary-General

Draft

Not Moved

As Sh. S.M. Guraddi
not resigned up to 28.7.85

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

FORMULA FOR 28-7-1989

SHRI CHANDRA KISHORE PATHAK)

SHRI RAM AWADH PRASAD)

) Sir, I beg to move that this House do agree with the Sixty-seventh Report of Committee on Private Members' Bills and Resolutions presented to the House on the 26th July, 1989 subject to the modification that -

(i) para 3 and part (i) of para 7 relating to examination of Constitution (Amendment) Bill;

(ii) recommendation relating to classification and allocation of time to the Old Age Pension Bill, 1989 by Shri S.M.

Guraddi; and

(iii) sub-paras (1) and (2) of para 6 relating to allocation of time to resolutions;

be omitted.