

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

**FIRST TO Hundredth REPORTS
(ENGLISH VERSION)**



Third LOK SABHA

COMMITTEE ON PRIVATE MEMBERS' BILLS AND
RESOLUTIONS

THIRTY-SIXTH REPORT

(Third 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 Thirty-sixth Report.

2. The Committee met on the 6th March, 1964 for—

- (I) Classification and allocation of time for discussion of the Land Acquisition (Amendment) Bill, 1964 (*Amendment of sections 11 and 23 etc.*) by Shri S. C. Samanta.
- (II) Examination of the following Constitution (Amendment) Bills under Rule 294(1)(a) of the Rules of Procedure :—
 - *(1) The Constitution (Amendment) Bill, 1964 (*Amendment of article 217*) by Shri Purushottamdas R. Patel,
 - *(2) The Constitution (Amendment) Bill, 1964 (*Omission of article 37*) by Shri Abdul Ghani Goni.
 - (3) The Constitution (Amendment) Bill, 1964 by Shri Prakash Vir Shastri.

CLASSIFICATION AND ALLOCATION OF TIME TO BILL

3. Shri S. C. Samanta, the Member incharge of the Land Acquisition (Amendment) Bill, 1964 (*Amendment of sections 11 and 23 etc.*) had been invited to present before the Committee his views on the Bill but he did not attend the sitting.

4. After considering all aspects of the Bill, the Committee placed it in category 'B' and allotted 1½ hours for its discussion.

EXAMINATION OF THE CONSTITUTION (AMENDMENT) BILLS

5. The Members who had given notices of the Bills and representatives of the Ministries concerned with the Bills had been invited to be present at the sitting. Sarvashri Purushottamdas R. Patel, Abdul Ghani Goni and Prakash Vir Shastri attended the sitting. The representatives of the Ministries of Home Affairs and Law were present.

6. The Committee examined the Bills and arrived at the following findings:—

FINDINGS OF THE COMMITTEE

(1) The Constitution (Amendment) Bill, 1964 (*Amendment of article 217*) by Shri Purushottamdas R. Patel.

The object of the Bill was that under article 217(2)(b) of the Constitution, only an advocate who had practised actively in a High Court for at least 10 years might be appointed a Judge of a High Court.

After hearing the views of the member incharge and considering all aspects of the matter, the Committee recommended that the Bill be allowed to be introduced.

(2) The Constitution (Amendment) Bill, 1964 (*Omission of article 37*) by Shri Abdul Ghani Goni.

The Bill sought to omit article 37 of the Constitution.

After hearing the views of the member in charge and considering all aspects of the matter, the Committee recommended that the Bill be allowed to be introduced.

†Circulated to Members separately (Bills Nos. 21 and 22 of 1964).

(3) The Constitution (Amendment) Bill, 1964 by Shri Prakash Vir Shastri.

The Bill sought to change the federal character of the Constitution into unitary.

The Committee recalled that they had examined identical Bills given notice of by the same Member on two earlier occasions in 1962 and 1963. On both these occasions the Committee were of the opinion that the Bill be not allowed to be introduced.

The Committee also recalled that in August, 1962, at the time of the adoption of the Report of the Committee by the House, the Member urged that the House might agree to the introduction of his Bill. The House, however, negatived his amendment to that effect and the Report was adopted. In ~~July~~ 1963 also, the House adopted the Report of the Committee which said that the Bill be not allowed to be introduced.

After hearing the Member and considering the facts stated above and 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 adopted by the House, the Committee were of the opinion that this time also the Bill be not allowed to be introduced.

RECOMMENDATIONS

7. The Committee recommend—

- (i) that the categorisation and allocation of time to the Land Acquisition (Amendment) Bill, 1964 by Shri S. C. Samanta be agreed to by the House ; and
- (ii) that the following Bills seeking to amend the Constitution be allowed to be introduced:—
 - (a) The Constitution (Amendment) Bill, 1964 (*Amendment of article 217*) by Shri Purushottamdas R. Patel.
 - (b) The Constitution (Amendment) Bill, 1964 (*Omission of article 37*) by Shri Abdul Ghani Goni.

S. V. KRISHNAMOORTHY RAO,

Chairman,

NEW DELHI ;
March 7, 1964

*Committee on Private Members' Bills and
Resolutions.*

Phalgun 17, 1985 (Saka)