

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

**FIRST TO FORTY-NINE REPORTS
(ENGLISH VERSION)**



Tenth Lok Sabha

Legislative Branch-II

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS
(Tenth Lok Sabha)

TWENTY-SEVENTH REPORT
(Presented on 22-2-1994)

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 Twenty-seventh Report.

2. The Committee met on 21 February, 1994 for—

- I. Further examination of the Constitution (Amendment) Bill, 1993 (*Amendment of article 172, etc.*) by Shri Mohan Singh, under rule 294(1)(a) of the Rules of Procedure.
- II. Examination of the following Constitution (Amendment) Bills under rule 294(1)(a) of the Rules of Procedure:—
 - (1) The Constitution (Amendment) Bill, 1993 (*Amendment of article 29, etc.*) by Shri Ankushrao Raosaheb Tope.
 - (2) The Constitution (Amendment) Bill, 1993 (*Amendment of articles 15 and 16*) by Shri Syed Shahabuddin.
 - (3) The Constitution (Amendment) Bill, 1993 (*Amendment of article 31C, etc.*) by Shri Chitta Basu.
 - (4) The Constitution (Amendment) Bill, 1993 (*Amendment of article 324*) by Shri Syed Shahabuddin.
 - (5) The Constitution (Amendment) Bill, 1993 (*Amendment of articles 15 and 16*) by Shri Mohan Singh.
 - (6) The Constitution (Amendment) Bill, 1993 (*Amendment of article 324*) by Shri Mohan Singh.

III. Reconsideration of classification of the Representation of the People (Amendment) Bill, 1992 (*Amendment of section 7*) by Shrimati Dil Kumari Bhandari.

Further examination of the Constitution (Amendment) Bill, 1993 (Amendment of article 172, etc.) by Shri Mohan Singh.

3. The Bill seeks to amend the Constitution with a view to providing that the Legislative Assembly of a State shall not be dissolved before the expiry of its full term of five years.

After considering all aspects of the Bill, the Committee recommend that the member may not be permitted to move for leave to introduce the Bill.

Examination of Constitution (Amendment) Bills

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, 1993 (*Amendment of article 29, etc.*) by Shri Ankushrao Raosaheb Tope.

The Bill seeks to amend the Constitution with a view to providing that all citizens shall have the Fundamental Right to take admission in any educational

institution which is maintained by the State or which is receiving aid out of the State funds and which is meant for public in general. It also provides that the State shall, within a period of five years make it compulsory for all children to attend schools till they complete their secondary school level education.

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

(2) The Constitution (Amendment) Bill, 1993 (*Amendment of articles 15 and 16*) by Shri Syed Shahabuddin.

The Bill seeks to amend articles 15 and 16 of the Constitution with a view to providing for making of any special provision for the advancement of any identifiable social group which is politically under-represented in the Legislatures or educationally and economically backward as compared to the national average or which is subject to social discrimination or social disability in any form. It also seeks to provide for reservation of posts for any identifiable social group.

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

(3) The Constitution (Amendment) Bill, 1993 (*Amendment of article 31C, etc.*) by Shri Chitta Basu.

The Bill seeks to amend the Constitution with a view to removing certain distortions like supremacy given to all the Directive Principles over articles 14 and 19 of the Fundamental Rights, etc. by the Constitution (Forty-second Amendment) Act.

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

(4) The Constitution (Amendment) Bill, 1993 (*Amendment of article 324*) by Shri Syed Shahabuddin.

The Bill seeks to amend article 324 of the Constitution with a view to providing for a multi-member Election Commission and for regulating the conditions of service of Election Commissioners. It also provides that such number of staff as is requested by the Election Commission, shall be made available to the Election Commission, etc. for the conduct of elections and the Election Commission may also advise the controlling authority of such staff to take disciplinary action against the staff for any acts of omission or commission in the discharge of their duties.

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

(5) The Constitution (Amendment) Bill, 1993 (*Amendment of articles 15 and 16*) by Shri Mohan Singh.

The Bill seeks to amend articles 15 and 16 of the Constitution with a view to providing for the reservation of ten per cent. of appointments or posts under the Government for economically weaker class of citizens from amongst socially and educationally advanced classes of citizens.

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

(6) The Constitution (Amendment) Bill, 1993 (*Amendment of article 324*) by Shri Mohan Singh.

The Bill seeks to amend article 324 of the Constitution with a view to providing that the Election Commission shall consist of the Chief Election Commissioner and two other Election Commissioners. It also provides that the

status of the Chief Election Commissioner and other Election Commissioners shall be equal and the decisions in the Election Commission shall be taken by the majority of its members.

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

Reconsideration of the classification of a Bill

5. The Committee then considered the request of Shrimati Dil Kumari Bhandari to reconsider their earlier recommendation giving category 'B' (vide Tenth Report) to her Bill, namely, the Representation of the People (Amendment) Bill, 1992 (*Amendment of section 7*) and place it in category 'A'.

6. On reconsideration, the Committee recommend that the Bill may be placed in category 'A'.

Recommendations

7. The Committee recommend that—

- (i) Shri Mohan Singh be not permitted to move for leave to introduce his Constitution (Amendment) Bill;
- (ii) Sarvashri Ankushrao Raosaheb Tope, Syed Shahabuddin, Chitta Basu and Mohan Singh be permitted to move for leave to introduce their Constitution (Amendment) Bills; and
- (iii) the reclassification of the Bill, as shown in paragraph 6 above, be agreed to by the House.

NEW DELHI;

February 21, 1994

Phalgun 2, 1915 (Saka).

S. MALLIKARJUNAIAH,

Chairman,
Committee on Private Members'
Bills and Resolutions.