

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

**FIRST TO SIXTY SIXTH REPORTS
(ENGLISH VERSION)**



सत्यमेव जयते

FIFTH LOK SABHA

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

(Fifth Lok Sabha)

SIXTIETH 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 Sixtieth Report.

2. The Committee met on the 15th March, 1976 for—

- (i) finalisation of their recommendations on the Constitution (Amendment) Bill, 1975 (Amendment of article 79 and omission of article 80, etc.) by Shri C. K. Chandrappan, and
- (ii) allocation of time to the Resolutions at item Nos. 2 to 4 set down in the List of Business for Friday, the 19th March, 1976.

The Constitution (Amendment) Bill, 1975 (Amendment of article 79 and omission of article 80, etc.) by Shri C. K. Chandrappan.

3. Shri C. K. Chandrappan gave notice of a Constitution (Amendment) Bill, 1975 (Amendment of article 79 and omission of article 80, etc.) seeking to abolish the Council of States (Rajya Sabha). The Committee under rule 294(1)(a) of the Rules of Procedure was to give permission to the Member to move for leave to introduce the Bill. The Committee examined the Bill at their sittings held on 22nd April, 5th, 8th May, 1975, 6th, 21st January and 9th March, 1976.

4. Earlier two Bills given notice of by Shri Bibhuti Mishra in 1971 and Shri C. K. Chandrappan in 1972, which had also sought to abolish the Council of States, were not permitted by the Committee to be introduced in the House on the ground that the Bills affected a fundamental principle set out in article 1 of the Constitution on which the structure of the Constitution itself rested. Shri C. K. Chandrappan came again with a similar Bill. On his insistence and because the Bill was of considerable constitutional importance, the Committee decided to go deeper into the question by obtaining the opinion of the Ministry of Law and hearing Shri Chandrappan again and other Members of Parliament.

5. The Ministry of Law sent its opinion on the provisions of the Bill and Shri P. G. Gokhale, Secretary, Legal Affairs, Ministry of Law appeared before them on the 6th May, 1975.

6. The Committee also heard the views of Sarvashri Somnath Chatterjee and Indrajit Gupta, M.Ps. Their views as well as those of Shri Chandrappan were sent to the Ministry of Law for their comments. These were duly received and together with the views of Shri Chandrappan and other M.Ps. were considered by the Committee.

7. The Committee felt that the Council of States formed part and parcel of the basic structure of the Constitution. They noted that Article 1 of the Constitution laid down that India was a Union of States and that the composition of the Council of States under article 80 was so crafted as to give the respective States representation in it. Further, the Council of States had special roles to discharge under article 249 and 312, which were not assigned even to the Lok Sabha, to reinforce the concept, enshrined in article 1, of India being a Union of States as different from the concept of the Union of the people reflected in the House of the People.

(P.T.O.)

8. The Committee also noted that the Supreme Court in their judgment in the case of Keshvananda Bharati had observed that "Article 366 does not enable Parliament to alter the basic structure or framework of the Constitution." One of the Justices elaborated the proposition saying "...nor would it be permissible to abolish the Lok Sabha and Rajya Sabha."

9. According to the Law Ministry an opinion given by one Justice in course of a judgment which was not dissented from by other Judges was taken as the opinion of the whole Bench and under Article 141 of the Constitution, it was the law that was binding on all courts in the country.

10. Having regard to all various aspects, the Committee decided that Shri C. K. Chandrappan might not be permitted to move for leave to introduce his Bill.

Allocation of time to Resolutions

11. The Members who had tabled the resolutions were invited to attend the sitting. Shri Chintamani Panigrahi attended.

12. The Committee recommend the allocation of time as follows:—

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| (1) Resolution regarding Multi-national Corporations. | 2 hours |
| (2) Resolution regarding Machinery for implementation of land reforms. | 2 hours |
| (3) Resolution regarding Lifting of emergency. | 2 hours |

Recommendations

13. The Committee recommend that—

- (i) Shri C. K. Chandrappan be not permitted to move for leave to introduce his Constitution (Amendment) Bill; and
- (ii) the allocation of time to resolutions, as shown in paragraph 12 above, be agreed to by the House.

NEW DELHI,

March 15, 1976

Phalguna 25, 1897 (Saka)

E. G. SWELL,

Chairman,
Committee on Private Members'
Bills and Resolutions.