

**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)

FIFTY-SEVENTH REPORT

1. 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 Fifty-seventh Report.

2. The Committee met on the 6th January, 1976 for—

I. Examination of the following Constitution (Amendment) Bills under Rule 294(1) (a) of the Rules of Procedure:—

- (1) The Constitution (Amendment) Bill, 1975 (*Amendment of article 324*) by Shri Madhu Limaye.
- (2) The Constitution (Amendment) Bill, 1975 (*Amendment of articles 74 and 163*) by Shri C. K. Chandrappan.
- (3) The Constitution (Amendment) Bill, 1975 (*Amendment of article 324*) by Shri C. K. Chandrappan.
- (4) The Constitution (Amendment) Bill, 1975 (*Amendment of articles 81 and 82*) by Shri C. K. Chandrappan.
- (5) The Constitution (Amendment) Bill, 1975 (*Insertion of new article 342A*) by Shri C. K. Chandrappan.

II. Further examination of the Constitution (Amendment) Bill, 1975 (*Amendment of article 79 and omission of article 80, etc.*) by Shri C. K. Chandrappan under rule 294(1) (a) of the Rules of Procedure, consideration of which was postponed at the sitting of the Committee held on the 8th May, 1975.

Examination of Constitution (Amendment) Bills

3. The Members-in-charge of the Bills were invited to attend the sitting. Shri C. K. Chandrappan 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, 1975 (*Amendment of article 324*) by Shri Madhu Limaye.

The Bill seeks to amend article 324 of the Constitution with a view to provide that the Election Commission shall consist of the Chief Election Commissioner and two other Election Commissioners to be appointed by the President on the advice of a Selection Board consisting of the leader of the Government Party in Lok Sabha and the leader of opposition and the Chief Justice of India.

The Committee vide their 52nd Report recommended that Shri Madhu Limaye might not be permitted to introduce the Bill during the Thirteenth Session as it attracted rule 338 since the question raised in it was substantially identical to the question raised in the Constitution (Amendment) Bill, 1972 (*Amendment of article 324*) by Shri R. P. Ulaganambi, M.P., the motion for consideration of which was negatived by the House during the same session on the 7th March, 1975.

[P.T.O.]

As Shri Madhu Limaye's Bill does not attract rule 338 now, the Committee, after considering all aspects of the Bill, recommend that the Member might be permitted to move for leave to introduce the Bill.

- (2) The Constitution (Amendment) Bill, 1975 (Amendment of articles 74 and 163) by Shri C. K. Chandrappan.

The Bill seeks to restrict the size of the Council of Ministers at the Centre and in the States to 10 per cent of the strength of the House of the People and the Legislative Assemblies of the States respectively.

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, 1975 (Amendment of article 324) by Shri C. K. Chandrappan.

The Bill seeks to amend article 324 of the Constitution with a view to provide that the Election Commission shall consist of the Chief Election Commissioner and two Election Commissioners, whose appointment shall be made by the President on the recommendation of both Houses of Parliament, and that persons who are Government officials or retired Government officials shall be ineligible for such appointment. It also provides for the constitution of Advisory Councils at the Centre and in the States to be associated with the work of the Election Commission and also for reviewing the functioning of the electoral system.

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, 1975 (Amendment of articles 81 and 82) by Shri C. K. Chandrappan.

The Bill seeks to amend articles 81 and 82 of the Constitution with a view to provide for a larger House of the People by providing one seat for every five lakhs of voters and more representation to Union territories.

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, 1975 (Insertion of new article 342A) by Shri C. K. Chandrappan

The Bill seeks to amend the Constitution with a view to provide for the appointment by the President of a Special Officer for women who shall investigate all matters relating to the safeguards provided for women under the Constitution and shall report to the President, who shall cause the report to be laid before Parliament.

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

Further Examination of the Constitution (Amendment) Bill

5. The Committee took up further examination of the Constitution (Amendment) Bill, 1975 (Amendment of article 79 and omission of article 80, etc.) by Shri C. K. Chandrappan. The Bill seeks to amend the Constitution with a view to abolish the Council of States. The consideration of the Bill was postponed on the 8th May, 1975 when the Committee took evidence of Shri P. G. Gokhale, Secretary, Legal Affairs, Ministry of Law.

6. Sarvashri Somnath Chatterjee and Indrajit Gupta were invited to give their views on the provisions of the Bill. They attended the sitting.

7. After hearing Sarvashri Somnath Chatterjee and Indrajit Gupta, the Committee postponed further consideration of the Bill to their next sitting.

Recommendations

8. The Committee recommend that Sarvashri Madhu Limaye and C. K. Chandrappan be permitted to move for leave to introduce their Constitution (Amendment) Bills.

New Delhi;
January 6, 1976.
Pous 16, 1897 (Saka).

G. G. SWELL,
Chairman,
Committee on Private Members' Bills
and Resolutions.