

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

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



Fourth Lok Sabha

Legislative Branch-II

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

SIXTY-FOURTH REPORT

(Fourth Lok Sabha)

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-fourth Report.

2. The Committee met on the 28th July, 1970, for—

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

- (1) The Constitution (Amendment) Bill, 1970 (*Insertion of new article 137A*) by Shri Om Prakash Tyagi.
- (2) The Constitution (Amendment) Bill, 1970 (*Amendment of article 366*) by Shri Mrityunjay Prasad.
- (3) The Constitution (Amendment) Bill, 1970 (*Amendment of Seventh Schedule*) by Shri Mrityunjay Prasad.
- (4) The Constitution (Amendment) Bill, 1970 (*Insertion of new article 24A*) by Shri Kanwar Lal Gupta.
- (5) The Constitution (Amendment) Bill, 1970 (*Amendment of First Schedule*) by Shri Kanwar Lal Gupta.
- (6) The Constitution (Amendment) Bill, 1970 (*Amendment of article 74 and insertion of new articles 74A, 74B, etc.*) by Shri Hardayal Devgun.
- (7) The Constitution (Amendment) Bill, 1970 (*Insertion of new articles 23A, 23B and 23C*) by Shri Hardayal Devgun.
- (8) The Constitution (Amendment) Bill, 1970 (*Substitution of article 370*) by Shri Hardayal Devgun.
- (9) The Constitution (Amendment) Bill, 1970 (*Amendment of article 16*) by Shri Shri Chand Goyal.
- (10) The Constitution (Amendment) Bill, 1970 (*Insertion of new article 16 A*) by Shri Nath Pai.

II. Reconsideration of the classification of the following Bills:—

- (1) The Constitution (Amendment) Bill, 1970 (*Amendment of articles 330 and 332*) by Shri Suraj Bhan.
- (2) The Conferment of Decorations on Persons (Abolition) Bill, 1969 by Shri J. B. Kripalani.

EXAMINATION OF THE CONSTITUTION (AMENDMENT) BILLS

3. The Members concerned had been invited to present before the Committee their views on their Bills. Sarvashri Om Prakash Tyagi, Mrityunjay Prasad, Hardayal Devgun, Shri Chand Goyal and Nath Pai attended the sitting.

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, 1970 (*Insertion of new article 137 A*) by Shri Om Prakash Tyagi.

The Bill sought to insert new article 137A with a view to confer on the Supreme Court the power to withdraw and transfer proceedings pending before a Judge or Judges of a High Court to any other Judge or Judges of the same High Court or to any other High Court.

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

(2) The Constitution (Amendment) Bill, 1970 (*Amendment of article 366*) by Shri Mrityunjay Prasad.

The Bill sought to amend clause (2) article 366 so as to include in the definition of "Anglo-Indian" the persons who are the progeny of Europeans through the female descent also.

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

(3) The Constitution (Amendment) Bill, 1970 (*Amendment of Seventh Schedule*) by Shri Mrityunjay Prasad.

The Bill sought to transfer the entry regarding "Public order" from the State List to Concurrent List of the Seventh Schedule to the Constitution, in order to make "Public order" a concurrent subject.

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

(4) The Constitution (Amendment) Bill, 1970 (*Insertion of new article 24A*) by Shri Kanwar Lal Gupta.

The Bill sought to insert new article 24A in Part III of the Constitution with a view to make it obligatory for the State to provide employment to every adult citizen, as also to pay suitable compensatory allowance to citizens where it is not possible to provide employment to them immediately.

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

(5) The Constitution (Amendment) Bill, 1970 (*Amendment of First Schedule*) by Shri Kanwar Lal Gupta.

The Bill sought to amend the First Schedule to the Constitution with the object of raising the status of the present Union territory of Delhi to that of a State.

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

(6) The Constitution (Amendment) Bill, 1970 (*Amendment of article 74 and insertion of new articles 74A, 74B, etc.*) by Shri Hardayal Devgun.

The Bill sought to amend article 74 in order to limit the strength of the Council of Ministers at the Centre to 25, as also to insert new articles 74A, 74B, etc., with a view to set up an Advisory Council to advise the President in exercise of his discretionary powers.

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

(7) The Constitution (Amendment) Bill, 1970 (*Insertion of new articles 23A, 23B and 23C*) by Shri Hardayal Devgun.

The Bill sought to insert new articles 23A, 23B and 23C in Part III of the Constitution with a view to make the right to employment and to monetary assistance in case of unemployment, right to education and right to public assistance in cases of old age, sickness and disablement fundamental rights.

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

(8) The Constitution (Amendment) Bill, 1970 (*Substitution of article 370*) by Shri Hardayal Devgun.

The Bill sought to substitute article 370 of the Constitution in order to do away with the special status conferred on the State of Jammu and Kashmir in the application of Central Laws to that State.

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

(9) The Constitution (Amendment) Bill, 1970 (*Amendment of article 16*) by Shri Shri Chand Goyal.

The Bill sought to amend article 16 of the Constitution with a view to make the right to work and to monetary assistance in case of unemployment a fundamental right.

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

(10) The Constitution (Amendment) Bill, 1970 (*Insertion of new article 16A*) by Shri Nath Pai.

The Bill sought to insert new article 16A in Part III of the Constitution with a view to provide that all citizens shall have the right to work and shall be entitled to an adequate means of livelihood, and every citizen who fails to procure such means shall be entitled to an unemployment allowance to be paid by the State.

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

Reconsideration of the Classification of Bills

5. The Committee then considered the requests of Sarvashri Suraj Bhan and J. B. Kripalani to reconsider their earlier decisions (*Vide* Fifty-eighth and Forty-ninth Reports) regarding the classification of the following Bills :—

(1) The Constitution (Amendment) Bill, 1970 (*Amendment of articles 330 and 332*) by Shri Suraj Bhan.
 (2) The Conferment of Decorations on Persons (Abolition) Bill, 1969 by Shri J. B. Kripalani.

Both the Members attended the sitting and pressed for their Bills being put in category 'A'. The Committee recommended that both the Bills might be placed in category 'A'.

Recommendations

6. The Committee recommended that—

(i) Sarvashri Om Prakash Tyagi, Mrityunjay Prasad, Kanwar Lal Gupta, Hardayal Devgun, Shri Chand Goyal and Nath Pai be permitted to move for leave to introduce their Constitution (Amendment) Bills; and
 (ii) the classification of the Constitution (Amendment) Bill, 1970 (*Amendment of articles 330 and 332*) by Shri Suraj Bhan and the Conferment of Decorations on Persons (Abolition) Bill, 1969 by Shri J. B. Kripalani be changed from category 'B' to 'A'.

NEW DELHI;

July 28, 1970

Sravana 6, 1892 (Saka)

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