

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

(Sixteenth Lok Sabha)

THIRTY-SEVENTH REPORT

(Presented on 20.12.2017)

On behalf of the Committee on Private Members' Bills and Resolutions, I having been authorised by the Committee to present the Report, present this Thirty-seventh Report.

2. The Committee met on 18 December, 2017 for-

- I. Examination of seventeen Constitution (Amendment) Bills under rule 294(1)(a) of the Rules of Procedure.
- II. Allocation of time under rule 294(1)(e) of the Rules of Procedure to three Resolutions given notices of by Sarvashri Raghav Lakhanpal, Vijay Kumar Hansdak and Harishchandra Chavan, M.Ps.

Examination of the Constitution (Amendment) Bills

3. The Committee examined the following seventeen Constitution (Amendment) Bills:-

- (1) The Constitution (Amendment) Bill, 2017 (Amendment of article 39) by Shrimati Meenakashi Lekhi, M.P.

The Bill seeks to amend the Constitution with a view to make it a duty of the State to provide adequate quantity of safe drinking water and access to facilities of sanitation to all 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.

- (2) The Constitution (Amendment) Bill, 2017 (Amendment of article 102) by Shrimati Meenakashi Lekhi, M.P.

The Bill seeks to amend article 102 of the Constitution with a view to define the term 'office of profit' for the purpose of disqualification of membership of either House of Parliament.

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, 2017 (Amendment of article 366) by Shrimati Meenakashi Lekhi, M.P.

The Bill seeks to amend article 366 of the Constitution with a view to define the expression 'consultation' as the action or process of formally consulting or discussing with another in a merely consultative, advisory and non-binding manner.

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, 2017 (Amendment of article 124) by Shrimati Meenakashi Lekhi, M.P.

The Bill seeks to amend article 124 of the Constitution with a view to provide that the Chief Justice of India and the Judges of the Supreme Court shall not be eligible for further office either under the Government of India or under the Government of any State or in any Public Sector Undertaking after they have ceased to hold office.

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, 2017 (Insertion of new article 324A) by Shrimati Meenakashi Lekhi, M.P.

The Bill seeks to insert new article 324A in the Constitution with a view to provide that Election Commission shall, as far as possible, endeavour to conduct elections to the House of the People and Legislative Assemblies of all the States simultaneously.

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, 2017 (Amendment of article 124) by Shrimati Meenakashi Lekhi, M.P.

The Bill seeks to amend article 124 of the Constitution with a view to increase the age of retirement of Judges of the Supreme Court from sixty-five years to seventy years.

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

- (7) The Constitution (Amendment) Bill, 2017 (Amendment of article 10) by Shri Gopal Chinayya Shetty, M.P.

The Bill seeks to amend the Constitution with a view to provide that a person found guilty by a court of law for indulging in activities posing threat to security and integrity of the country shall cease to be a citizen of India.

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

- (8) The Constitution (Amendment) Bill, 2017 (Insertion of new article 21B) by Shri Nishikant Dubey, M.P.

The Bill seeks to amend the Constitution with a view to make affordable housing to all citizens a fundamental right.

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

- (9) The Constitution (Amendment) Bill, 2017 (Amendment of article 324) by Shri Jagdambika Pal, M.P.

The Bill seeks to amend article 324 of the Constitution with a view to provide that the Election Commissioners shall not be removed from their office except in a like manner and on the like grounds as a Judge of the Supreme Court.

At present, the Election Commissioners may be removed on the recommendation of Chief Election Commissioner.

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

- (10) The Constitution (Amendment) Bill, 2017 (Amendment of article 172, etc.) by Shri Rajiv Pratap Rudy, M.P.

The Bill seeks to amend the Constitution with a view to curtail or extend the duration of Legislative Assemblies of States so as to ensure that the elections to the State Legislative Assemblies are held simultaneously with the General Elections to the House of the People by the year 2024.

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

- (11) The Constitution (Amendment) Bill, 2017 (Insertion of new article 47A, etc.) by Shri Rajiv Pratap Rudy, M.P.

The Bill seeks to insert a new article 47A in the Constitution with a view to provide access to safe potable water to every household.

It further seeks to amend the Seventh Schedule of the Constitution with a view to transfer entry 17 of List II- State List pertaining to 'water' to List III- Concurrent List.

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

- (12) The Constitution (Amendment) Bill, 2017 (Substitution of new article for article 48A, etc.) by Shri Rajiv Pratap Rudy, M.P.

The Bill seeks to amend article 48A of the Constitution with a view to -

(i) protect and improve the environment so as to ensure pollution-free environment for its citizens and to safeguard the forests and wild life of the country; and

(ii) ensure that forty per cent. of the total geographical area of the country shall be covered under forest tree.

It also seeks to make protection and improvement of the natural environment including forests, lakes, rivers and wild life as fundamental duty 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.

- (13) The Constitution (Amendment) Bill, 2017 (Amendment of article 19) by Shri Konda Vishweshwar Reddy, M.P.

The Bill seeks to amend the Constitution with a view to enable the State to impose reasonable restrictions on exercise of fundamental right to freedom of speech and expression guaranteed under article 19(1)(a) by prohibiting any systematic, soft or outright discrimination and derogation against another faith or religion through addressing of mass gatherings, print media, social media, academic debates and open-door discussions in interest of sovereignty and integrity of India and security of the State.

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

- (14) The Constitution (Amendment) Bill, 2017 (Amendment of article 32, etc.) by Ms. Sushmita Dev, M.P.

The Bill seeks to amend the Constitution with a view to establish Cassation Benches of Supreme Court in Kolkata, Mumbai and Chennai to exercise appellate jurisdiction in appeals from High Courts in regard to civil and criminal matters.

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

- (15) The Constitution (Amendment) Bill, 2017 (Amendment of the Seventh Schedule) by Shri Bhairon Prasad Mishra, M.P.

The Bill seeks to amend the Seventh Schedule to the Constitution with a view to transfer entry 56 of List-I Union List and entry 17 of List-II State List pertaining to 'Regulation and Development of Inter-State Rivers and River Valleys' and 'Water', respectively, to List-III Concurrent List so that the Central Government and the State Governments concerned can also play their due role for regulation and development of inter-State rivers and conservation and sustainable use of water to meet the growing needs of the society.

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

- (16) The Constitution (Amendment) Bill, 2017 (Amendment of article 123, etc.) by Shri Rabindra Kumar Jena, M.P.

The Bill seeks to amend articles 123, 213 and 239B of the Constitution with a view to provide that every Ordinance promulgated by the President under article 123 or the Governor under article 213 or the Administrator of the Union territory under article 239B, as the case may be, shall be laid before both Houses of Parliament or Legislature of the State or the Legislative Council of the State or Legislature of the Union territory, as the case may be, as the first order of business in the session held immediately succeeding its promulgation.

It further provides that an Ordinance promulgated shall cease to operate unless the resolutions disapproving or approving the Ordinance are passed by both Houses, in that session, or in the subsequent session of both Houses, summoned not more than six months later.

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

- (17) The Constitution (Amendment) Bill, 2017 (Insertion of new article 24A) by Shri Raghav Lakhanpal, M.P.

The Bill seeks to amend the Constitution with a view to make contamination free potable water, *swachhata* and sanitation as a fundamental right 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.

Allocation of time to Resolutions

4. The Committee recommend allocation of time to three resolutions as follows :-
- (i) Resolution by Shri Raghav Lakhanpal regarding - 2 hours
implementation of a stringent population control policy
 - (ii) Resolution by Shri Vijay Kumar Hansdak regarding - 2 hours
formulation of a separate Religious Code for data analysis and socio and economic development of tribals in the country
 - (iii) Resolution by Shri Harishchandra Chavan regarding - 2 hours
steps to ensure all-round development and welfare of indigenous tribes.

Recommendations

5. The Committee recommend that-

- (i) Shrimati Meenakashi Lekhi, Sarvashri Gopal Chinayya Shetty, Nishikant Dubey, Jagdambika Pal, Rajiv Pratap Rudy, Konda Vishweshwar Reddy, Ms. Sushmita Dev and Sarvashri Bhairon Prasad Mishra, Rabindra Kumar Jena and Raghav Lakhanpal, M.Ps. may be permitted to move for leave to introduce their Constitution (Amendment) Bills specified in sub-paras (1) to (17) of paragraph 3 above; and
- (ii) the allocation of time to three resolutions, as shown in paragraph 4 above, be agreed to by the House.

NEW DELHI;

18 December, 2017

27 Agrahayana, 1939 (Saka)

RATTAN LAL KATARIA

Acting Chairperson,
Committee on Private Members' Bills and Resolutions.