

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

(Sixteenth Lok Sabha)

THIRTY-NINTH REPORT

(Presented on 7.2.2018)

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-ninth Report.

2. The Committee met on 6 February, 2018 for-

- I. Examination of eleven 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 Shrirang Appa Barne, Kunwar Pushpendra Singh Chandel and Bhairon Prasad Mishra, M.Ps.

Examination of the Constitution (Amendment) Bills

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

- (1) The Constitution (Amendment) Bill, 2018
(Insertion of new article 21B) by Shri Deepender Singh Hooda, M.P.

The Bill seeks to -

- (i) insert new article 21B in the Constitution with a view to make right to clean air as fundamental right of the citizens;
- (ii) insert new article 47A in the Constitution with a view to make it duty of the State to take all endeavours to provide clean air to its people; and
- (iii) amend article 51A of the Constitution to make it a fundamental duty of every citizen to protect and improve the natural environment including the air around us.

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, 2018
(Amendment of the Tenth Schedule) by Shri Deepender Singh Hooda,
M.P.

The Bill seeks to amend the Constitution with a view to provide that a member of a House shall be disqualified for being a member of the House if he votes or abstains from voting in such House contrary to any direction issued by the political party to which he belongs or by any person or authority authorized by it in this behalf in respect of a-

- (i) Money Bill;
- (ii) motion with regard to any financial matters; and
- (iii) motion of vote of confidence or motion amounting to no-confidence.

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, 2018
(Amendment of article 324) by Shri Rajeev Satav, M.P.

The Bill seeks to amend article 324 of the Constitution with a view to provide that the appointment of the Chief Election Commissioner and other Election Commissioners shall be made by the President on the recommendation of the Selection Committee, which shall consist of-

- (i) the Prime Minister- Chairperson;
- (ii) the Union Law Minister – Member;
- (iii) the Leader of the Opposition in the House of the People- Member;
- (iv) the Leader of Opposition in the Council of States- Member; and
- (v) the Chief Justice of India or Judge of the Supreme Court nominated by him – Member.

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, 2018
(Amendment of article 30) by Shri C.P. Joshi, M.P.

The Bill seeks to amend article 30 to the Constitution with a view to provide that every community be it minority or majority, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.

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, 2018
(Amendment of article 85) by Shri Gaurav Gogoi, M.P.

The Bill seeks to amend article 85 to the Constitution with a view to provide that the number of sittings of each House of Parliament in all sessions in a calendar year shall not be less than one hundred and twenty days.

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, 2018
(Insertion of new article 371K) by Shri Asaduddin Owaisi, M.P.

The Bill seeks to amend the Constitution with a view to provide, *inter alia*, for establishment of Seemanchal Regional Development Council for the districts of Araria, Purnea, Kishanganj, Supaul and Katihar in the State of Bihar.

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, 2018
(Insertion of new article 30A) by Adv. Narendra Sawaikar, M.P.

The Bill seeks to insert a new article 30A in the Constitution with a view to make right to sanitation facilities a fundamental right of every citizen.

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, 2018
(Amendment of article 148) by Shri Rajeev Satav, M.P.

The Bill seeks to amend the Constitution with a view to provide that the appointment of the Comptroller and Auditor-General of India shall be made by the President on the recommendation of the Selection Committee consisting of-

- (i) the Prime Minister- Chairperson;
- (ii) the Union Minister of Finance – Member;
- (iii) the Leader of the Opposition in the House of the people-Member;
- (iv) the Leader of Opposition in the Council of States- Member; and
- (v) one eminent person, having experience of at least twenty years in the field of anti-corruption policy, public administration, vigilance, policy making, finance including insurance and banking, law and management to be nominated by the President– Member.

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, 2018
(Amendment of article 124) by Shri Gopal Chinayya Shetty, M.P.

The Bill seeks to amend the Constitution with a view to provide that the Chief Justice of India or a Judge 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 he has ceased to hold his 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.

- (10) The Constitution (Amendment) Bill, 2018
(Amendment of article 84, etc.) by Shri Asaduddin Owaisi, M.P.

The Bill seeks to amend the Constitution with a view to provide that-

- (a) qualifying age to fill a seat in the Council of States shall not be less than twenty-five years and for the seat in the House of the People shall be not less than twenty years of age; and

(b) qualifying age to fill a seat in the Legislative Assembly shall not be less than twenty years and for the seat in the Legislative Council shall not be less than twenty-two years of age.

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, 2018
(Amendment of article 15, etc.) by Shri Bhairon Prasad Mishra, M.P.

The Bill seeks to amend the Constitution with a view to enable the State to protect the educational, socio and economic interests and promote the welfare of persons with disabilities as has been done provided to persons belonging to the Scheduled Castes, Scheduled Tribes and women by enacting laws or framing policies to that effect.

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 Shrirang Appa Barne regarding - 2 hours
Suitable legislation for substituting the nomenclature of tribe 'Dhangad' by 'Dhangar' in the list of Scheduled Tribes in respect of the State of Maharashtra
- (ii) Resolution by Shri Kunwar Pushpendra Singh - 2 hours
Chandel regarding construction of canals through Ken-Betwa river linking project to overcome the problem of water scarcity and stray cows in the ... Bundelkhand region
- (iii) Resolution by Shri Bhairon Prasad Mishra regarding - 2 hours
formulation of effective schemes for the welfare of small and marginal farmers of Bundelkhand region of the State of Uttar Pradesh

Recommendations

5. The Committee recommend that –

- (i) Sarvashri Deepender Singh Hooda, Rajeev Satav, C.P. Joshi, Gaurav Gogoi, Asaduddin Owaisi and Adv. Narendra Sawaikar and Sarvashri Gopal Chinayya Shetty and Bhairon Prasad Mishra, M.Ps. may be permitted to move for leave to introduce their Constitution (Amendment) Bills specified in sub-paras (1) to (11) of paragraph 3 above; and
- (iii) the allocation of time to three resolutions, as shown in paragraph 4 above, be agreed to by the House

NEW DELHI;

6 February, 2018

17 Magha, 1939 (Saka)

RATTAN LAL KATARIA

*Acting Chairperson,
Committee on Private Members’
Bills and Resolutions.*