

भारत का राजपत्र
The Gazette of India

असाधारण

EXTRAORDINARY

भाग—II खण्ड 2

PART II—Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 9] नई दिल्ली, शुक्रवार, मार्च 1, 1968/फाल्गुन 11, 1889

No. 9] NEW DELHI, FRIDAY, MARCH 1, 1968/PHALGUNA 11, 1889

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकल्प के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on the 1st March, 1968:—

BILL No. 156 OF 1967

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1967. Short title.
2. Article 368 of the Constitution shall be numbered as clause (1), and after clause (1) so numbered, the following clause shall be added, namely:— Amendment of article 368.

“(2) In the case of a Bill seeking to amend any of the provisions relating to fundamental rights contained in Part III of the Constitution:

(a) after the Bill has been passed by the Houses of Parliament in the manner specified in clause (1) and presented to the President for his assent, the President shall, before giving assent to the Bill, ascertain the views of the electorate on the proposed amendment through a referendum which shall take place during a period when the Houses of Parliament are adjourned other than the period in which the elections to the House of the People take place;

(b) If the electorate, through the said referendum, approves the proposed amendment, the President shall give assent to the Bill;

(c) Parliament shall, by law, make provision with respect to all matters relating to, or in connection with the referendum and such a law shall also be amended in the manner specified in clause (1)”.

STATEMENT OF OBJECTS AND REASONS

The Supreme Court of India is the ultimate tribunal, by law established, for interpreting the Constitution of India. In its latest judgment (in I.C. Golak Nath & others *versus* the State of Punjab etc.) it has ruled that Parliament is not competent in law to amend a Fundamental Right affirmed in and assured by the Constitution.

Since it is not desirable that a special body, like a Constituent Assembly, be elected and summoned for the sole purpose of an amendment touching fundamental rights in the Constitution, the issue must of necessity be put to the people themselves who have given to themselves the Constitution.

The constitutional device of a referendum prevails and works satisfactorily in certain other democratic countries and it is a device worthy of creation in this country.

Hence this Bill.

NEW DELHI;
The 26th October, 1967.

SRIRAJ MEGHRAJJI DHRANGADHRA

FINANCIAL MEMORANDUM

The provisions of clause 2 of the Bill, if enacted, would involve expenditure. No exact idea is possible as to the amount of non-recurring expenditure that may have to be incurred. Recurring expenditure of Rs. 2 crores once in five years would appear to be necessary.

BILL No. 3 OF 1968

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Nineteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1968.

Short title
and
commen-
cement.

(2) It shall come into force at once.

2. In article 54 of the Constitution,—

Amend-
ment of
article 54.

(i) in clause (a), the word “and” shall be omitted;

(ii) in clause (b), the word “and” shall be added at the end;

(iii) after clause (b), the following clause shall be added, namely:—

“(c) the elected members of the Legislative Assemblies of the Union territories.”

STATEMENT OF OBJECTS AND REASONS

At present, the President of India is elected by an electoral college consisting of the elected members of Parliament and of the Legislative Assemblies of the States. The members of the Legislative Assemblies of the Union territories, who are also elected by the people through adult franchise, are not entitled to participate in the election of the President. The elected members of the Assemblies of the Union territories should have an inalienable right to vote in the election of the President.

The Bill proposes to amend the Constitution so as to achieve the above object.

NEW DELHI;

RABI RAY.

The 13th January, 1968.

BILL No. 10 OF 1968

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Nineteenth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1968. Short
title.
2. In article 3 of the Constitution, in clause (a), the following Amend-
ment of
article 3.
shall be added at the end, namely:—
“or by raising the status of any Union territory.”

STATEMENT OF OBJECTS AND REASONS

Clause (a) of article 3 provides for the formation of a new State by separation of territory from any State or by uniting two or more States or parts of States or by uniting any territory to a part of any State but it does not provide for raising any Union territory to a State.

Union of India consists of States and Union territories. Some Union territories have grown in size as well as resources but they are not being given the status of States. At present, there is no provision in the Constitution which empowers Parliament to raise such territories which have the potential and size to be raised to Statehood.

The Bill seeks to remove this difficulty.

NEW DELHI;
The 25th January, 1968.

HEM RAJ.

BILL No. 12 OF 1968.

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Nineteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1968. Short title and commencement.

(2) It shall come into force at once.

2. In article 105 of the Constitution, in clause (3), the words “and, until so defined, shall be those of the House of Commons of the Parliament of the United Kingdom, and of its members and Committees, at the commencement of this Constitution” shall be omitted. Amendment of article 105.

STATEMENT OF OBJECTS AND REASONS

The Bill proposes to amend clause (3) of article 105 of the Constitution. This clause circumscribes the sovereignty of the Indian Parliament in so far as it clearly provides that privileges and immunities of each House of Parliament and of the Members and Committees of each House shall be such as may from time to time be defined by Parliament by law and until so defined, shall be those of the House of Commons of the Parliament of the United Kingdom. This sort of subservience of Indian Parliament to the British Parliament in matters of privileges is not in keeping with the spirit of the Constitution.

Hence, this Bill.

NEW DELHI;
The 30th January, 1968.

RABI RAY.

S. L. SHAKDHER,
Secretary.

CORRIGENDA

In the Gazette of India Extraordinary, Part II—Section 2—

1. No. 47, dated the 20th November, 1967:—

Page 1151, line 8, *for* 'used or are intended to be used for the purpose of the unlawful' *read* 'such person, touching the origin of any dealings in any moneys, secu-

2. No. 49, dated the 27th November, 1967:—

Page 1164, line 7, *for* 'Provided also' *read* 'Provided further'.

3. No. 62, dated the 23rd December, 1967:—

Page 1365, line 39, *after* 'provided' *insert* 'for'.