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प्राधिकार से प्रकाशित

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

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

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 14th March, 1969:—

BILL No. IV OF 1969

A bill further to amend the Constitution of India.

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

1. This Act may be called the Constitution (Amendment) Act, 1969. Short title.
2. In article 174 of the Constitution, in clause (1), for the words "six months" the words "three months" shall be substituted. Amendment of article 174.

STATEMENT OF OBJECTS AND REASONS

After the Fourth General Elections in 1967, the political complexion of the country has undergone a complete transformation. We find that in several States, Ministries have been formed consisting of members belonging to various parties. We find also that the ruling parties in some States, despite their political affinity, invariably advise the Governors to summon the Legislature only after six months, the maximum period allowed by clause (1) of article 174 of the Constitution. Non-summoning of Legislature thus leads to autocratic rule of the Ministers and of the bureaucrats whose actions cannot be questioned and checked on the floor of the House which meets for one or two days and that too after a lapse of six months. We do not find regular sessions of the State Legislatures as we have of Parliament. The tendency not to summon the Legislature has also been growing and during the interval between two sessions attempts are made by the party in power for stabilising its majority in the Legislature, made precarious due to frequent defections for political offices. In order to have clean administration based on parliamentary principles and to minimise the scope for defections, the Legislatures in States must be summoned after every three months.

Hence this Bill.

SITARAM JAIPURIA.

BILL No. I OF 1969

A bill further to amend the Industrial Disputes Act, 1947.

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

1. This Act may be called the Industrial Disputes (Amendment) Act, 1969. Short title

2. In section 33 of the Industrial Disputes Act, 1947, for sub-
section (5), the following sub-section shall be substituted, namely:— Amend-
ment of
section 33.

“(5) where an employer makes an application to a conciliation officer, Board, Labour Court, Tribunal or National Tribunal under the proviso to sub-section (2) for approval of the action taken by him, the authority concerned shall, after hearing the parties and considering evidence, if any, adjudicate upon the application in accordance with the provisions of this Act, as if it were a dispute referred to or pending before it, and submit its award to the appropriate Government and the provisions of this Act shall apply accordingly.”

STATEMENT OF OBJECTS AND REASONS

Under section 33 of the Industrial Disputes Act, 1947, an employer is required to seek approval of the action taken by him against a workman if the action is proposed to be taken during the pendency of any proceedings in respect of an industrial dispute in which such workman is concerned. The scope of this section is very much limited. Under sub-section (5) of this section, the authority, to whom an application for approval of the action is made, is simply to hear such application and pass as expeditiously as possible an order giving its approval of the action taken by the employer if a *prima facie* case has been made out. The merits of the case and the quantum of punishment are not decided in these proceedings. The workman has to raise an industrial dispute in order to challenge the action taken against him by the employer. This results in delay, multiplicity of proceedings and heavy financial liabilities for the workman. Besides, the approval of the employer's action by the authority prejudices the case of the workman.

The Bill seeks to remedy these defects.

G. R. PATIL

BILL No. XLII OF 1968

A bill to provide for the registration of public trusts created for purposes of charitable or religious nature having trust property in more than one State, either in the State where the trust has its office of administration or in any State where a portion of the trust property is situate.

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

1. This Act may be called the Public Trusts (Place of Registration) Short title. Act, 1969.

2. In this Act,—

Definition.

(a) “public trust” means an express or constructive trust for a public, religious or charitable purpose and includes a temple, a *math*, a mosque, a church, wakf or any other religious or charitable endowment and a society formed for a religious or charitable purpose;

(b) terms and expressions used but not defined in this Act shall contain the same meaning assigned to them in the Indian Trusts Act, 1882.

Place of
registration
of trusts.

3. (1) Notwithstanding anything contained in any law for the time being in force, every public trust shall be registered either in the State where such trust has its office of administration or in the State within which a part of the trust property is situate.

(2) A public trust registered in accordance with sub-section (1) shall not be required to be registered again in any other State or States within which a portion of the trust property may be situate.

(3) A public trust which has already been registered under the provisions of any law for the time being in force in the territory of India shall be deemed to have been registered under this Act.

(4) The Trustees of a public trust, which has already been registered in more than one State in accordance with the laws for the time being in force, shall have the right to exercise the option to select one of those States for the registration of the trust in accordance with sub-section (1) and thereafter the registration of the trust in States other than the one so selected shall stand cancelled.

(5) Notwithstanding anything contained in any law for the time being in force, no proceedings shall be instituted for registration of a public trust in any State, other than the State elected by the trustees for registration of the trust in accordance with sub-section (4) and all proceedings in that connection already instituted against the trustees shall be deemed to have been withdrawn.

STATEMENT OF OBJECTS AND REASONS

In the case of Anant Prasad Laxminiwas Ganeriwal V. the State of Andhra Pradesh (AIR 1963 SC 853), the Supreme Court has held that a trust registered in Madhya Pradesh under the Madhya Pradesh Trust Act, 1951, was nevertheless subject to the relevant provisions of the Hyderabad Regulations if a portion of the trust property was situate in Hyderabad. In view of the benevolent purposes for which trusts are created, the authors of the trust should not be put to difficulties in the matter of registration by being required to register the trust in more than one State. They should be given the option to register the trust in the State which suits their convenience. The authors of the trust should have the option to register the trust either in the State where such trust has its office of administration or where a portion of the trust property is situate. Such option should also be given to the trustees of public trusts already registered in one or more States.

The Bill seeks to achieve these objects.

BABUBHAI M. CHINAL

B. N. BANERJEE,
Secretary.

