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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग 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 16th January, 1976:—

I

BILL No. IV OF 1976

A Bill further to amend the Industrial Employment (Standing Orders) Act, 1946.

BE it enacted by Parliament in the Twenty-sixth year of the Republic of India as follows:—

1. (1) This Act may be called the Industrial Employment (Standing Orders) Amendment Act, 1976.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

20 of 1946. 2. In sub-section (1) of Section 6 of the Industrial Employment (Standing Orders) Act, 1946, for the words "from the date on which copies are sent", the words "from the date of receipt of copies sent" shall be substituted.

Short
title
and
com-
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ment.

Amend-
ment of
Section 6.

STATEMENT OF OBJECTS AND REASONS

Under section 6 of the Industrial Employment (Standing Orders) Act, 1946, an aggrieved person can prefer an appeal to the appellate authority within thirty days from the date of notice as to certification of a standing order. As per long standing practice, such notices are ordinarily sent to parties by post. On account of postal delays such notices at times reach the parties concerned after the expiry of the thirty days period. As a consequence, an aggrieved person is deprived of the opportunity of preferring an appeal against the order of certification of the standing order for no fault of his own. Since the right of appeal is a statutory right, it should be ensured that an aggrieved person gets a clear thirty days' notice for preferring an appeal. The Bill seeks to achieve this object by providing for a suitable provision in the Industrial Employment (Standing Orders) Act, 1946.

D. L. SEN GUPTA.

II

BILL NO. II OF 1976

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Twenty-sixth year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1976. Short
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ment.
(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
2. Article 292 of the Constitution shall be re-numbered as clause (1) thereof, and after clause (1) as so re-numbered the following clause shall be inserted, namely:— Amend-
ment of
article
292.
“(2) A Bill fixing limits referred to in clause (1) shall be passed in each House of Parliament by a majority of not less than two-thirds of the members present and voting.”.
3. In article 293 of the Constitution, after clause (1), the following clause shall be inserted, namely:— Amend-
ment of
article
293.
“(1A) A Bill fixing limits referred to in clause (1) passed by the Legislative Assembly of a State or, in the case of a State having a Legislative Council, by both Houses of the Legislature of the State by a majority of not less than two-thirds of the members present and voting.”.

STATEMENT OF OBJECTS AND REASONS

Democracy essentially means a rule by the will of the people, Elected representatives of the people are called upon to run the Government and it is, therefore, necessary that there should be a check on reckless expenditure on the part of the Government of the day. Funds for incurring expenditure are mainly raised by the Government in two ways. One is by taxation which is levied, on year to year basis with the approval of the Parliament or a State Legislature and of which the Public is always aware. The second method resorted is to raise funds by loans which action need not necessarily come before Parliament or a State Legislature. The re-payment of loans is a charged expenditure on the Consolidated Fund of the Union or the State, as the case may be. An urgency has arisen to put a check on the Union and the State Governments to raise loans, which are a charged expenditure. This can only be done by tightening the borrowing persons of the Government of the day. This can effectively be done by bringing the particulars of the loans which are sought to be raised to the notice of the elected representatives of the people who should pass a law fixing such limits by a majority of not less than two thirds of the members present and voting in each House of Parliament or State Legislature, as the case may be.

Hence the Bill.

OMPRAKASH TYAGI

III

BILL NO. III OF 1976

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

BE it enacted by Parliament in the Twenty-sixth year of the Republic of India as follows:—

1. (1) This Act may be called the Industrial Disputes (Amendment) Act, 1976.

Short
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mence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

14 of 1947.

2. After section 21 of the Industrial Disputes Act, 1947, the following section shall be inserted namely:—

“21A. Nothing in this Act shall be deemed to limit or otherwise affect the inherent power of the Board, Court, Tribunal or National Tribunal to make such orders as may be necessary for the ends of justice or to prevent abuse of the process of such Board, Court, Labour Court, Tribunal or National Tribunal.”.

Saving
of in-
herent
powers of
Boards,
etc.

STATEMENT OF OBJECTS AND REASONS

Under Section 151 of the Code of Civil Procedure, 1908, the Civil Courts have been vested with certain inherent powers. In exercise of the said powers, the Civil Courts are always in a position to rectify any mistake or error apparent on the face of the record or to pass any order for dispensation of proper justice. But there exists no such provision in the Industrial Disputes Act, 1947, with the result that even in cases of gross error, mistake or the like, the Labour Courts, Industrial Tribunals and National Tribunals are not in a position to do anything. These courts also are not in a position to pass any appropriate order even in cases where the ends of justice demand the same. In the circumstances, the parties are obliged to move High Courts under Article 226 or Article 227 or seek special leave to appeal under Article 136 of the Constitution for redress in such cases which means unnecessary expense and delay. This Bill seeks to achieve the objective by making suitable provision in the Industrial Disputes Act.

D. L. SEN GUPTA.

IV

BILL NO. X OF 1975

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-sixth year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1976.

Short
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mence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. After article 84 of the Constitution, the following new article be inserted, namely:—

Insertion
of New
Article
84A.

“84A. Every person chosen to fill a seat in Parliament shall submit, within sixty days of his election or nomination as the case may be, to the President a declaration of property owned by him.”.

Member
to declare
property
owned
by him.

3. After sub-clause (e) of clause (1) of article 102 of the Constitution, the following sub-clause shall be inserted, namely:—

Amend-
ment of
Article
102.

“(f) if he fails to submit without justifiable cause a declaration of property as required under article 84A.”.

Insertion
of new
Article
173A.

4. After article 173 of the Constitution, the following new article be inserted, namely:—

Members
to declare
the
property
owned
by him.

“173A. Every person chosen to fill a seat in the Legislature of a State shall submit within sixty days of his election or nomination as the case may be, to the Governor a declaration of property owned by him.”.

Amend-
ment of
article.
191.

5. After sub-clause (e) of clause (1) of article 191 of the Constitution, the following shall be inserted, namely:—

“(f) if he fails to submit without justifiable cause a declaration of property as required under article 173A,”.

STATEMENT OF OBJECTS AND REASONS

Ours is a parliamentary democracy and the members of Parliament and State Legislatures are the duly elected representatives of the people. In order to keep the confidence of the public in its representatives, it is necessary that effective measures are taken to ensure a high standard of rectitude in public service. The need of the hour is to adopt effective measures to eradicate corruption and thus ensure a high standard of political integrity. This can only be done if the elected representatives of the people are called upon to submit a declaration of their property soon after their election. To achieve this object amendments to the Constitution are necessary.

Hence the Bill.

OM PRAKASH TYAGI

V

BILL NO. I OF 1976

A Bill further to amend the Representation of the People Act, 1951.

BE it enacted by Parliament in the Twenty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Representation of the People (Amendment) Act, 1976.

Short
title and
commen-
cement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

43 of 1951.

2. Section 11 of the Representation of the People Act, 1951, shall be omitted.

Omission
of Section
11.

STATEMENT OF OBJECTS AND REASONS

The Election Commission has been vested with powers to remove the disqualification of six years imposed on a person found guilty of a corrupt practice for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State. It implies that even in cases where the election of a member of Parliament or of a State Legislature is set aside by a High Court or the Supreme Court with the additional impediment of disqualification of a person from seeking election for six years, the Election Commission can interfere in the matter and remove the said disqualification. In other words even after the verdict of a High Court or of the highest Court of the land, the Election Commission can interfere in a matter which has been decided judicially. It tantamounts to the Election Commission sitting in judgement over the decisions of superior courts. The existence of such a provision is highly undemocratic and incongruous. This Bill therefore seeks to remove the impropriety by deleting section 11 of the Representation of the People Act, 1951 which gives such a power to the Election Commission.

D. L. SEN GUPTA.

B. N. BANERJEE,
Secretary-General.

