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C.C. Desai, ICS (Retd.)

Answer - C
6, Akbar Road,
New Delhi 11.

April 22, 1968.

Here is a Draft for the Constitution Amendment Bill to provide for Presidential nomination to Rajya Sabha and Governor's nomination to Vidhan Parishads in the sole personal discretion of the President or the Governor, as the case may be.

2. I have suggested two alternatives, and it is for the Parliamentary Board to choose whichever it likes. Personally I would prefer the first alternative in the case of both Articles 80 and 171.

3. Personally I would have preferred total abolition of Presidential or Gubernatorial nominations. There is really no need for such nominations. I would like a ruling on this point also from the Central Parliamentary Board.

4. Meanwhile, I am sending a copy of this letter to the Swatantra Parliamentary Party for consideration as decided at a recent meeting of the Executive Committee.

Sd/-
C.C. Desai.

Encl: 2

Mr. N. Dandekar, ICS (Retd.) M.P.
General Secretary,
Swatantra Party,
18 Ferozshah Road,
New Delhi 1.

cc: Mr. A.P. Jain for putting up before the next meeting
of the Committee.

The Constitution (Amendment) Bill, 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:-

Short Title

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

Amendment of Article 80

2. In Article 80 of the Constitution,
 - (a) in sub-clause (a) of clause (i) for the words "to be nominated by the President", the words "to be nominated by the President in his discretion" shall be substituted;
 - (b) in clause (3), for the words "persons having special knowledge", the words "persons who, in his own opinion, have special knowledge" shall be substituted.

(Alternatively)

In Article 80 of the Constitution, after clause (3), the following clause shall be inserted, namely,

"(3A) In nominating members under sub-clause (a) of clause (1), the President shall act in his discretion."

Amendment of Article 171

3. In Article 171 of the Constitution,
 - (a) in sub-clause (e) of clause (3), for the words "nominated by the Governor", the words "nominated by the Governor in his discretion" shall be substituted.
 - (b) in clause (5), for the words "persons having special knowledge", the words "persons who, in his own opinion, have special knowledge" shall be substituted.

(Alternatively)

3. In Article 171 of the Constitution, after Clause (5), the following clause shall be inserted, namely,-

"(6) In nominating members under sub-clause (e) of clause (3), the Governor shall act in his discretion".

STATEMENT OF OBJECTS AND REASONS

Article 80 of the Constitution authorises the President to nominate to the Rajya Sabha twelve members from among persons who have special knowledge in respect of such matters as literature, science, art and social service. A like power is vested in the Governor of a State in regard to the Legislative Council of the State under Article 171. Experience in the working of the Constitution has revealed that this power, instead of being utilised for the purpose for which it is intended, has been, and is likely to be, used to further party or political considerations. The object of this Bill is to secure that in making such nominations, the President or the Governor, as the case may be, acts in his own discretion independently and in the best interests of the country, and not on the advice by his Council of Ministers.

New Delhi,

Dated 1968.

Subject: Sponsoring or Supporting Bills (Official and/or Non-Official)
in Parliament and State Legislatures -
Procedure to be adopted by Swatantra Party's M.Ps, MLAs and
MLCs.

DRAFT - For consideration by the Central Parliamentary
Board at its meeting in Madras on May 31, 1968.

I. PARLIAMENT:

(1) Sponsoring of non-official Bills:

When a member of the Party's Group in either House of
Parliament desires to sponsor a Bill, the following procedure
should be adopted before tabling the Bill:-

- (a) The member concerned should submit a Draft of the
proposed Bill, together with a brief statement of
its objects and reasons and accompanied by an
explanatory memorandum, to the Secretary of the
Parliamentary Group for expeditious consideration
by the Group's Executive Committee.
- (b) After consideration of the Bill by the Parliamentary
Group's Executive Committee, the Secretary of the
Group should forward it with the Committee's comments,
to the General Secretary of the Party at the Central
Office, who will take necessary action for early
consideration of the Bill by the Central Parliamentary
Board.
- (c) The Central Parliamentary Board may, after consider-
ing the Bill, either approve it (with or without any
amendments) or it may call upon the proposer to drop
the measure altogether for reasons stated. The
Board's decision will be communicated to the Secretary
of the Parliamentary Group expeditiously.
- (d) The Secretary of the Parliamentary Group will then
take appropriate action in the light of the Central
Parliamentary Board's decision.
- (e) If the Bill is approved, the member concerned can
then go ahead with tabling the Bill after amending
it suitably if necessary in the light of the comments
of the Central Parliamentary Board and of the
Parliamentary Group's Executive Committee.
- (f) In all cases, the decision of the Central Parliamentary
Board shall be final.

(ii) Supporting Official/non-Official Bills:

In the matter of supporting Government Bills or Private Members Bills introduced by Members of other Parties or by Independent Members of Parliament, the decision shall ordinarily be taken by the Executive Committee of the Parliamentary Group of the Party in consonance with the Party's principles and policies. If necessary, a reference may be made as above to the Central Office of the Party to ascertain the views of the Central Parliamentary Board expeditiously.

II. STATE LEGISLATURES:

(i) Sponsoring of non-Official Bills:

The procedure outlined in this regard in para I (i) above for Members of the Party's Parliamentary Group will be applicable also to members of the Party's Group in the various State Legislative Assemblies and Councils, except that the State Parliamentary Board will be the deciding authority instead of the Central Parliamentary Board, - Provided that all Bills involving major questions of policy having all-India repercussions should be referred to the Central Parliamentary Board for consideration.

(ii) Supporting official or non-official Bills:

In regard to supporting Government Bills or Private Members Bills introduced by Members of other Parties or by Independent Members in the State Assembly or Council, the decision should ordinarily be taken by the Executive Committee of the Party in the State Legislature.

If, however, the measure involves a major question of policy having all-India repercussions, the expeditious approval of the Central Parliamentary Board should be sought through the State Parliamentary Board.

III. GENERAL

Notwithstanding what is stated in paras I & II above, the Central Parliamentary Board will always have the right suo motu to inquire into, modify or deny permission for moving or supporting any measure, as may be appropriate in the view of the Board, having due regard to the best interests of the Country and the Party.

State Parliamentary Boards will have a similar right at the State level.
