



**PRIVATE MEMBERS' CONSTITUTION AMENDMENT BILLS (1988).**

By Hans Raj. Surjeet Book Depot, Delhi. Pp. viii+430. Price Rs. 195.

THE BOOK under review is a valuable addition to the literature on the Constitution of India. It has handled a topic on which hardly any comprehensive work is undertaken so far. It involves a lot of labour, patience and real research aptitude. The material is collected from various sources available at different places. This includes the gazettes of India; debates of *Lok Sabha* (House of the People) and *Rajya Sabha* (Council of States), reports of the Committee on Private Members' Bills, digests of legislations and cases, and newspapers. The work is a critical study of private members' Constitution amendment bills from 1971 to 1980.

The book is divided into four parts. Part I opens with the procedure and general provisions relating to the amendment of the Constitution. It deals with the history of amending provision from the days of the Constituent Assembly down to the present times.

The basic information on private members' bills finds place in the subsequent part. This information is categorised articlewise and divided into six topics, starting with the preamble to the Constitution and ending with schedules. The topics which attracted larger private members' bills were fundamental rights, Parliament and judiciary.

The main contribution of the book can be seen in part III where one finds critical analysis of private members' bills. The first chapter stores valuable information about the participation of private members. There are nearly 25 tables giving useful statistical information on various aspects. For example, in *Lok Sabha*, Indian National Congress (I) MPs (members of Parliament) moved largest number of bills followed by MPs of the Communist Party of India (CPI), Dravida Munnetra Kazhagam, Jan Sangh, etc. The Jan Sangh MPs moved largest number of bills in *Rajya Sabha*; then came CPI MPs followed by Socialist Party MPs etc. Members belonging to the legal profession, educationists, social workers and agriculturists also moved a large number of private members' bills. In this category of educated MPs members possessing post-graduate degrees had to their credit maximum number of such bills both in *Lok Sabha* and *Rajya Sabha*. The table showing sexwise distribution of MPs showed a disturbing trend that not a single woman MP in either House of Parliament contributed to even a single Constitution amendment bill.<sup>2</sup> In view of the freedom of speech in Parliament and the right to equality, it is time that woman MPs must come out with what they think should be the future shape of our Constitution.

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1. Hans Raj, *Private Members' Constitution Amendment Bills* (1988).

2. See *id.* at 166.



The data, if further analysed, may give the following information. There were on an average 24 and seven private members' bills introduced in a year in *Lok Sabha* and *Rajya Sabha* respectively. The years 1971 and 1977 showed the highest curve and the lowest was of 1976. Similarly, in *Rajya Sabha*, the year 1972 had maximum and the year 1977 minimum such bills. The graphic curves of *Lok Sabha* and *Rajya Sabha* showed a parallel change. This change in the curves may be said to be directly related to the existing political climate in the country.

The study of the reports of the Committee on Private Members' Bills and resolutions of *Lok Sabha* tells us about the functioning of the committee and its decision making power. It scrutinises all private members' bills before a motion for leave to introduce a bill is included in the list of business. The author says that the member who moved the bill is given opportunity to put forward his viewpoint. After this the committee may or may not allow the bill. On certain occasions it did not allow bills because it thought that they would alter the basic structure of the Constitution.<sup>3</sup> In such cases the committee was riding on the judicial chariot of *Kesavananda Bharati v. State of Kerala*<sup>4</sup> and, in the name of scrutinising power, was performing the judicial function.

Chapters three to seven of part III make a critical appraisal of private members' bills relating to preamble and down to schedules. It may be mentioned that there are many repetitions in part II and chapters three to seven. In order to maintain continuity in the matter, it would have been better had both these parts been merged into one. Further, the discussion on the participation of private members in Parliament and the Committee on Private Members' Bills must follow the above part instead of giving this information in the beginning of part III.

The ninth chapter of part III gives valuable information about newspapers' coverage of private members' bills. This material is not available in any writing on the Constitution. There were not many occasions when such bills got some space in national dailies. It included those provisions which affected the people at large, e.g., political defection, right to work, qualifications for members of Parliament. These are important issues on which a national discussion is necessary and the dailies were performing an important function in eliciting public opinion "on what remains to be done by the Government." The reviewer feels that it is high time when the newspapers must give some space to private members' bills so that the electorate may know what are the directions of the Opposition and how well they fair in Parliament; and further, the dailies, instead of confining to a political party's viewpoint, may give to the public the picture of the other side of the coin. This is important for a successful democracy.

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3. *Id.* at 187.

4. A.I.R. 1973 S.C. 1461.



The book ends with conclusion. The right to work was one of the subject matters of private members' bills which had the support of Janata Party, Jan Sangh, CPI, Communist Party of India (Marxist) (CPI-M). Similar was the position of the bill for reducing the voting age from 21 to 18 years. CPI and Janata Party contributed to such bills with respect to abolition of the right to property. The right to recall elected representatives from legislatures had the support of Janata Party, CPI and Congress (I). The majority demand for independence of judiciary came from CPI.

Coming to the federal structure the demand for the transfer of more powers to states cut across political party affiliations, though this time the Congress (I) MPs were in the forefront in this regard. From the information given in the book, the reviewer may point out that in *Lok Sabha*, C.K. Chandrappan had to his credit maximum bills followed by Chitta Basu, Madhu Limaye and Bhogendra Jha. In the case of *Rajya Sabha*, Om Prakash Tyagi topped the list and then came Shiva Chandra Jha and Bhupesh Gupta. The author gives at the end the demands which had national character or had come from many parts of India. This included the inclusion of the right to work, reduction of the voting age, independence of judiciary and supremacy of Parliament.

The present work has not thrown any light on the voting pattern of private members' bills, the weight each member was carrying of the votes that he got at the time of election, summary of the party manifesto in brief so as to evaluate the direction of bills, how much time was allotted and the time taken in finishing discussion on bills, how many amendment bills had seen the light of the day and how many could catch the wavelength of the judiciary. These are some of the matters which require further research.

On the whole the work is an important contribution in the field of constitutional law of India. It is a valuable collection for all those who are interested in the study of this subject. It completes the picture of the emerging pattern of the Constitution. Thus the author deserves our appreciation for his hard work showing a new line of thinking. The reviewer also commends the Indian Council of Social Science Research for sanctioning a project on a subject on which no systematic and comprehensive work was done. The publishers have done a good job in its publication and, in particular, not following the line of other law publishers who keep the price beyond the reach of academics.

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