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Title: Discussion on the motion for consideration of the Repealing and Amending (Second) Bill, 2014 (Discussion concluded and Bill Passed).

HON. DEPUTY SPEAKER: Now, we will take Item No. 12.

SHRI M. VEERAPPA MOILY (CHIKKABALLAPUR): Mr. Deputy Chairman, thank you very much for providing an opportunity for me to speak on this important Bill with regard to the repeal of certain enactments and to amend certain other enactments.

In fact, this exercise has been undertaken from time to time. I have a little problem on this. You may kindly recall that in the Monsoon Session, we passed a similar Bill covering about 35 enactments with amendments. It has been referred to the Standing Committee. It is being examined with reference to certain decisions given on the same subject by the Supreme Court. Instead of rushing through in passing the Bill here, which may be sometimes an unnecessary exercise and taking away the precious time of this House, maybe this can also be referred to the Standing Committee. This could be taken up together with the report of the Standing Committee on those 35 enactments passed in the Monsoon Session. This is the more appropriate way of taking up a matter like this.

I made an enquiry with the status of that Report also. I think, it is still under consideration and they have not yet finalised the Bill. I do not know whether this has been recommended by the Law Commission or by a Review Committee. If any one of these bodies has recommended this, perhaps, the entire text of the Report could have been made available to this House. Just bringing a skeleton of a list and presenting it, will be quite an elaborate exercise for all the hon. Members to go through the merit of each case. Sometimes, we may have to blindly approve this Bill and send it. It is very risky. Sometimes, the law may be blind, but Members cannot be blind. I think, we need to make a serious exercise on a matter like this so that we do not regret for any mistake tomorrow.

There are very important matters on a matter of principle. For example, long back, when our Government was there, we had referred to the Law Commission to enact a Law of Torts, which is a necessary enactment. The Supreme Court or the Courts pass judgment on the basis of certain verdict from the Supreme Court of the US or the British law. That is how our case, particularly relating to the victims of the Bhopal Gas Tragedy suffered. They proceeded for two years. They failed there for want of jurisdiction. They came here because the headquarters of that corporate entity is in US. Ultimately, they had to arrive at some compromise which worked to the detriment of the victims of the Bhopal Gas tragedy. That is why, even now it is unresolved. I think, the Government should be very careful. We should ask the Law Commission to apply their mind on an urgent basis, come out with a draft law on torts which is a must for any civilised society. It is just now available. I would request the Law Ministry and also the Government to ensure that they ask the Law Commission to come out with a report on an important enactment like the Law of Torts.

Another point which I started examining as Law Minister earlier was at various stages of consideration and I would like to know the status of that today. That is about sensitising of our laws on the principle of gender equality. Many of our laws are not sensitive to gender. There is a law for one gender and there is a different law for another gender. Ultimately it results in abuse of law as a result of which people suffer. I think it should be on the top of the agenda of the Government and this Parliament to ensure that all our laws are made gender sensitive.

Section 377 of the Indian Penal Code was considered by the Supreme Court and again the hon. High Court of Delhi considered and it unfortunately restored it to the statute book. Laws are ideally made or unmade by the Government, not the judiciary. The burden of deciding the validity of Section 377 of IPC had to be entertained only because legislatures have not reviewed it since it was passed in 1861. This is again a matter which requires the urgent attention of the Government and Parliament.

We have a lot of flab, no doubt, in our legal tomes. For instance 43 years after the abolition of Privy Purses, there is a law which still requires a police official to appear bareheaded before royalty. The Indian Treasure Trove Act makes it criminal to fail to inform the District Collector in writing of the discovery of the treasure of value exceeding Rs.10. Many such laws continue to operate even now. The law regulating dead industries like the Bengal Indigo Contracts Act still exists. And the Concurrent List duplicates legislation at the Central and State levels.

I am told that the Government has identified as many as 1,300 laws for repeal. I think they have been very slow on this. When a law becomes trivial and defunct it will have to go out of the statute book. In fact, we need to have a total status report on what has happened on this front and at what stage some of these things are pending.

A March 2002 Government statement on the progress in abolition of dated legislation reveals that out of the 1,382 laws recommended for repeal, 700 pertain to Appropriation Acts. We are yet to take a decision on them. Once the Appropriation Act is passed, we simply maintain them, they become outdated but they are still in the statute book. Of these, 114 Central Acts relate to State Subjects, 166 Central Acts include 11 prenationalisation Acts and 20 validation Acts, 11 relate to British statute still in force, 17 relate to wartime permanent Ordinances, 35 reorganisation Acts, 12 laws applicable to High Courts, and 12 personal laws. I do not think some of these things should continue to exist. They should be repealed in one go. We also have even Macaulay's Law on Indian Penal Code and many such things. They require total review, total restructure. We need to go in for a change. Otherwise, people will suffer because of this. We need to work on this and the Government should give a comprehensive reply on what is happening. The World Bank has gone into many of the aspects with regard to law enforcement and the existing laws. In World Bank's report of 2004 and even earlier report of 1997, they conducted a survey and after assessing the views of 3,600 firms in 69 countries they found that more than 70 per cent respondents felt that judicial credibility is a big factor for investment in any country and for quarter of the variations in per capita income growth among developing countries. So, the time has now come when the judiciary or the laws should not become obstructive, rather they should become facilitators.

I would like to say a few things about commercial cost. The previous Government passed the Bill. When we say doing business in this country is difficult and there are a number of obstructions, we need to definitely restructure many of our laws. Also, the judiciary should be proactive and ensure that it should not be an obstacle in ensuring investment in this country. No doubt, laws should be retired precisely as they are made, routinely and continuously. They should make automatic route for exit whenever they become irrelevant. We need to work on this system in a thorough way. You should not bring piecemeal bills as we have done in monsoon session, as we are doing in winter session and many other Bills,

Acts and amendments are still hanging fire. I think this is a very serious issue. The Government should have a very comprehensive approach to avoid crapping up hundreds of outdated laws. We should wait for the Standing Committee to come out with a report so that they may lay down certain standards, formulas and ultimately we can get into that kind of an automatic route. We do not know what suggestions or recommendations will be given by the Standing Committee so that ultimately we can have clarity on this and comprehensively come out with a solution to the problem which is just hanging even today.

SHRI KALYAN BANERJEE (SREERAMPUR): Hon. Deputy Speaker, with regard to Repealing and Amending Bill 2014, let me first place what is the object and reasons of the enactment. The basic necessity of the object was that the Acts mentioned in this schedule have become obsolete and exercise of different steps. Now the question arises as to why they have become obsolete. In our country, there is no dearth of law. Various laws are there, but unfortunately, the agencies which have been assigned by the Act to discharge their duties, are not discharging their duties. A vibrant law has been turned into an obsolete law just because of non-implementation of the legal provisions by the agencies which have been assigned. That is not done within a day or two. It is because decades after decades, the authorities have not discharged their duties and the laws have become obsolete. So, while we are taking steps for repealing the Bills, simultaneously, it is the responsibility of the Central Government to look into whether the provisions of all the existing Acts are being implemented within appropriate time and executed properly or not. That would be the benevolent object, if we really go by the Statutes which have been enacted by Parliament.

In Parliament, we only legislate laws and send them. But it is the duties and responsibilities assigned to the Government agencies and the officers to implement the same. I will request the hon. Law Minister, when he has come up with this, to please put up a mechanism through which he can ensure that the legal provisions are implemented.

I will give only one example. Prior to Independence and after Independence, the Code of Criminal Procedure is there. Section 154 is there and simultaneous provision was also there before the 1973 Act. After long years, the Supreme Court said that when there is a cognizable offence made on a complaint in a quasi-Constitutional Bench, arising out of the Lalitha Kumari's Uttar Pradesh case, then the FIR is mandatory. Why? It is the responsibility of the executive agencies to see that the law is being implemented.

Another reason to bring in this law is the defect in drafting. It is very unpleasant for the legislature to hear, outside Parliament, criticism by the court of law that the drafting is very bad. Why should it be done like this? Why should the Supreme Court repeatedly criticize the law-makers because of poor and bad drafting of laws? Why should the Supreme Court repeatedly interpret the doctrine of *Casus omissus* for the fault of drafting of the law? I will request the hon. Law Minister that henceforth, he may personally look into the drafting of the law because he has brought the amendment – some of the amendments by this Bill itself – because of defect in drafting of the law.

That law does not remain in an island. The law has to be enacted on the basis of the requirement of the country. Please do not enact any law only because of the desire of an individual. Individual may come and go. Otherwise, when an individual goes, the law again becomes obsolete. So, feel the need of the enactment of the law on the basis of the necessities of society. Then only there should be an enactment of law.

I will say that we have the Law Commission, which examines different provisions of enactment of law. Is the Law Commission very effective to deliver the goods? I have no disrespect for the Law Commission. It consists of very senior judges.

THE MINISTER OF STATE OF THE MINISTRY OF SKILL DEVELOPMENT AND ENTREPRENEURSHIP AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI RAJIV PRATAP RUDY): Please address the Chair.

SHRI KALYAN BANERJEE : I am not addressing you. Why are you disturbing me now? You have become the Minister now. What I have to do, I know. Please listen.

Sir, please see how the Minister is behaving! ...(*Interruptions*)

HON. DEPUTY SPEAKER: You may please address the Chair.

...(*Interruptions*)

SHRI KALYAN BANERJEE : This is the way the Minister is behaving.

Unfortunately, he has gone beyond. ...(*Interruptions*)

SHRI RAJIV PRATAP RUDY: He should address the Chair. ...(*Interruptions*)

SHRI KALYAN BANERJEE : He should teach his own Members. ...(*Interruptions*) This is what the Minister is doing. ...(*Interruptions*)

HON. DEPUTY SPEAKER: Okay, please address the Chair.

...(*Interruptions*)

SHRI KALYAN BANERJEE : Since the Cabinet Minister for Parliamentary Affairs is not remaining here, these things happen and because of Ministers

like him, the Parliament does not function! ...(*Interruptions*) I do not have disrespect for the Members of the Law Commission but the Law Commission has to be more effective....(*Interruptions*)

SHRI S.S. AHLUWALIA (DARJEELING): What he said, Sir, you may go through the record....(*Interruptions*)

HON. DEPUTY-SPEAKER: Any aspersion will not go on record.

(*Interruptions*) â€¦\*

HON. DEPUTY-SPEAKER: Please address the Chair.

...(*Interruptions*)

HON. DEPUTY-SPEAKER: Nothing will go on record.

...(*Interruptions*)

HON. DEPUTY-SPEAKER: Ahluwalia ji, please take your seat. There should be no arguments.

...(*Interruptions*)

SHRI KALYAN BANERJEE : I have respect for the Law Commission....(*Interruptions*)

HON. DEPUTY SPEAKER: You address the Chair.

...(*Interruptions*)

HON. DEPUTY SPEAKER: Nothing will go on record.

(*Interruptions*) â€¦\*

HON. DEPUTY SPEAKER: Except the relevant matter, nothing will go on record.

...(*Interruptions*)

SHRI KALYAN BANERJEE : I have all respect for the Law Commission....(*Interruptions*)

HON. DEPUTY SPEAKER: Have you finished?

SHRI KALYAN BANERJEE : No, Sir, I have just started. You please bring the House to order. The Minister is roaming from here to there. \*

HON. DEPUTY SPEAKER: Nothing will go on record.

(*Interruptions*) â€¦\*

SHRI RAJIV PRATAP RUDY: Sir, he has taken my name....(*Interruptions*)

SHRI KALYAN BANERJEE : Sir, I do not mind if they create obstruction. I can create obstruction any moment in every speech. What is this? \*

HON. DEPUTY SPEAKER: I am not allowing all this to go on record. Please take your seat.

...(*Interruptions*)

HON. DEPUTY SPEAKER: Nothing will go on record.

(*Interruptions*) â€¦\*

HON. DEPUTY SPEAKER: I do not want this kind of an argument.

**श्री कल्याण बनर्जी :** आपको लगाना होगा, ...(*व्यवधान*) \*

HON. DEPUTY SPEAKER: I am on my legs. Please sit down. We are seriously discussing the Amendment Bill. You may have grievance but arguing like this is not good on the part of both the Members. I will control the House. I am here but if you go on fighting like this how can I conduct the House? I cannot allow both of you argue like this. I am very sorry for what is going on in the House. It is not correct. I will not accept this kind of arguments going on in the House. Whatever arguments have been made will not go on record. Only relevant part spoken with regard to the Bill will go on record. Please continue now.

SHRI KALYAN BANERJEE : I was saying that I have no disrespect for the Members of the Law Commission but the Law Commission has to be made more efficient, more effective. The Reports of the Law Commission...(*Interruptions*)

HON. DEPUTY SPEAKER: I have given the ruling. All those arguments made will not go on record.

(Interruptions) अर्थात् \*

HON. DEPUTY SPEAKER: This is the Parliament. This is not West Bengal Assembly. All of you please take your seats. I have already expunged those things. Please take your seat

SHRI KIRTI AZAD (DARBHANGA): He should say sorry for what he has said....(Interruptions) My request is that the Parliament should not be used as a medium for using language which should not be used here. That is all. What he is speaking is very good but my only request is that he should not use that kind of language which he has used.

HON. DEPUTY SPEAKER: I have already told that this will not go on record.

**15.00 hrs.**

PROF. SAUGATA ROY (DUM DUM): If he has said anything un-parliamentary the Deputy-Speaker will take note of it....(Interruptions)

HON. DEPUTY SPEAKER: You may complete your speech.

SHRI KALYAN BANERJEE : Sir, I have all respect for the Members of the Law Commission but the Commission has to be made more effective. It has become ineffective. The Reports of the Law Commission should be made available, at least to the Parliament, to understand the things.

There should be a mechanism for review with regard to the implementation of law. Very recently an amendment has been made in the month of August with regard to SEBI but I would like to know why those provisions have not been implemented. The broad object of bringing an amendment is to implement the new provisions otherwise the law will become obsolete. The service-oriented laws should be publicized. If the service-oriented law is not publicized it is of no significance. The results of the Consumer Protection Act have been very good as it was publicized a lot. The public has become more cautious of this Act. All the pre-independence law, like the Indian Penal Code or the Police Act, need to be reviewed as they were drafted long back. The time has come to think about it. The Ministry should undertake this exercise as I do not think such Acts are required any more now.

Sir, I expect the Ministers, like Shri Rudy, to listen to us.

SHRI RAJIV PRATAP RUDY: Sir, this is the first time he has the taste of his own pill because this is exactly what he has been doing in the House all through these days.

Secondly, my only submission was that he should address the Chair and not the Members. This is what I was trying to correct. He should learn through times how to perform in the House ...(Interruptions)

HON. DEPUTY SPEAKER: It is all right. It is over now.

Shri Dushyant Chautala.

...(Interruptions)

**श्री दुष्यंत चौटाला (हिसार) :** उपाध्यक्ष महोदय, आपने मुझे इस गंभीर विषय पर बोलने का मौका दिया है, इसके लिए मैं आपको धन्यवाद देता हूँ। ...(व्यवधान)

HON. DEPUTY SPEAKER: Nothing is going on record.

(Interruptions) अर्थात् \*

**श्री दुष्यंत चौटाला :** मैं यहां रीपिलिंग और अमेंडमेंट की बात करने के लिए खड़ा हुआ हूँ। ...(व्यवधान) मैं आपके माध्यम से मंत्री जी से यही अपील करना चाहता हूँ कि इंटरस्टेट वाटर डिसप्यूट्स के लिए सरकार द्वारा ट्रिब्यूनल्स बनाए गए हैं। ट्रिब्यूनल्स के तहत हरियाणा, पंजाब और राजस्थान के लिए रावी-व्यास वाटर ट्रिब्यूनल वर्ष 1986 में बनाया गया और वर्ष 1987 में दोबारा प्रेसिडेंशियल रेफरेंस के तहत उसका गठन हुआ। आज तक उसके तहत हरियाणा प्रदेश को उसके हिस्से का पानी नहीं मिला है। पिछले दस सालों में हरियाणा ने दिल्ली को 1000 क्यूसेक से ज्यादा पानी दिया है, फिर भी हमारे किसान सूखाग्रस्त क्षेत्रों में बैठे हैं। मैं मंत्री जी से अपील करूंगा कि वाटर ट्रिब्यूनल को इतनी अथॉरिटी दें ताकि लंबे समय से पड़े हुए कावेरी वाटर डिसप्यूट, कृष्णा वाटर डिसप्यूट और कावेरी-व्यास वाटर डिसप्यूट का जल्द से जल्द समाधान हो सके। ... (व्यवधान) जल्द से जल्द इनका समाधान कर, भारत के कोने-कोने तक पानी पहुंचाने का काम करें। ...(व्यवधान)

HON. DEPUTY SPEAKER: I am here. I will take care of it. Please wind up now.

**श्री दुष्यंत चौटाला :** पानी एक बहुत अहम चीज है और आज अधिकतम क्षेत्रों में पानी की किल्लत है।...(व्यवधान) जहां हम शुगर डैवलपमेंट फंड की बात करते हैं, हरियाणा का अधिकतम हिस्सा शुगरकेन की क्राप उगाता है। हम दूसरे देशों से शुगर इम्पोर्ट करते हैं जिसके कारण हरियाणा के किसानों की समय पर न गन्ने की बिक्री होती है और न ही उन्हें चीनी के सही दाम मिलते हैं। मैं अपील करूंगा कि शुगर डैवलपमेंट फंड के तहत एक ऐसा कानून बनाने का काम किया जाए जिससे हमारे किसानों के लिए समय पर पैसों का प्रावधान हो।

**श्री राजेश रंजन (मधेपुरा) :** उपाध्यक्ष महोदय, यहां अंग्रेजों के जमाने के और उनके बाद से कई कानून विद्यमान हैं। कई बार कानून बनाने के बारे में संशोधन लाया गया। समय, पात्र और काल के अनुसार कानून हमेशा चेंज होता है। समाज में हर बात को समय, पात्र और काल के अनुसार देखा जाता है, समाज में कोई न कोई अमेंडमेंट आते हैं, तो कानून को भी उस दृष्टि से देखा जाना चाहिए। जब नेहरू जी आए थे, उस बीच सरदार पटेल द्वारा हस्तक्षेप करके आईएफएस से आईएएस नई पद्धति लागू की गई। कलैक्टर राज, पुलिसिया राज आदि जो अंग्रेजों द्वारा बनाया गया, उस पर नेहरू जी की व्यापक समाजवादी सोच थी। सरदार पटेल ने उस बीच हस्तक्षेप किया तो बहुत सारी चीजें तब से आज तक बनी हुई हैं।

मैं दो मिनट में कुछ बातें कहना चाहता हूँ। कई कानून आए जो प्रभावकारी, प्रभावशाली हैं। लेकिन जब कानून प्रभावशाली व्यक्ति के हाथ में चला जाएगा तो क्या वह आम गरीब व्यक्ति, समाज के कमजोर लोगों का कानून रहा या मुद्दीभर और पूंजीपतियों लोगों के हाथ में रह गया। क्या वह नौकरशाह के हाथ में रह गया? आज अंग्रेजों का राज चला गया, लेकिन नेहरू जी के जमाने से कलैक्टर राज, पुलिसिया राज, सीओ राज, बीडीओ राज है। नरेन्द्र मोदी जी की सरकार बार-बार पुलिस के सिस्टम को चेंज करने, उसमें व्यापक बदलाव लाने के बारे में कहती है।...(व्यवधान) मेरा इस कानून के माध्यम से आपसे दो-तीन बिन्दुओं पर आग्रह है। एक, हिन्दुस्तान में अंग्रेजों के जमाने से जो कलैक्टर राज की स्थापना है, क्या आप ऐसा कोई कानून लाएंगे जिससे आम राज कायम हो, कलैक्टर राज, पुलिसिया राज समाप्त हो?...(व्यवधान) दूसरा, आप जो कानून बनाते हैं और न्यायालय द्वारा उसका इंटरप्रिटेशन होता है, आज तक देखा गया है कि हिन्दुस्तान के इतिहास में आम आदमी को पूरा न्याय नहीं मिलता। क्या ऐसा कोई कानून होगा जिसमें गरीब लोगों, आम व्यक्ति, दलित लोगों के लिए न्याय की संभावना होगी?...(व्यवधान)

मैं दो मिनट में कुछ नहीं कह सकता लेकिन सिर्फ इतना कहना चाहूंगा कि बाबा साहेब अम्बेडकर ने समाज की संरचना देश की डेमोक्रेसी को मजबूत करने के लिए की थी, आम आदमी के लिए कानून लाने का काम किया जाए।

DR. A. SAMPATH (ATTINGAL): Sir, while this House is discussing the Repealing and Amending (Second) Bill, the Departmentally-Related Standing Committee on Personnel, Public Grievances, Law and Justice is having its meeting tomorrow for the discussion and consideration of a report to be submitted before this august House.

So, I would like to submit before the hon. Minister that while a Standing Committee has been entrusted with the job of going through the issues, the Government is insisting that this House should consider and pass this Bill. My humble submission is that this Bill may not be discussed *in toto* and should not be passed in the House today itself. It is because in our Parliamentary system, there are 24 Departmentally-Related Standing Committees and they have a function to discharge. We have to trust the wisdom of the Standing Committees. While taking part in this discussion on the repealing of all these old amending Bills which have become redundant, I agree with our learned Minister in this. Shri Veerappa Moily ji had initiated the discussion on this Bill, he also was a former Minister. Our law making process should cater to the needs of the day. But what happens is that something is being done today but the effect of it is felt after eight or ten years.

I was a practising lawyer and I never wanted to go to court either as an accused or as a witness but I went to court because it was my daily bread and since I was a lawyer. Now, the criticism is that our judiciary has become a casino judiciary. At the same time, the people have a feeling that the law-makers have become the law breakers. If the people lose faith in this House, if they lose faith in the Judiciary, then the whole system will crumble down. I will cite an example. We are carrying on with all the imperialist and colonial baggage with us. In CrPC a thorough re-vamping has to be done. I would like to ask the hon. Minister, what is the position of the Government in respect of Euthanasia? What is the stand of the Government in case of right to suicide? There have been conflicting views by the Judiciary itself. If we have a right to life, then there is a right to commit suicide also. If nobody wants my life, I may like to end my own life. But the Government is taking criminal action against a person who tries to commit suicide. There are many countries which have legalised Euthanasia also. We are not even in a position to give protection to the witnesses also in many cases, recently, even after Shri Sadanand Gowda ji had taken over as the Law Minister. It might have come to the notice of the hon. Minister also after he had taken charge. Some of the victims, including the rape victims, are coming before the court and say that they did not want to proceed with criminal action. They did not want to continue with the legal action and they say that whatever has happened has happened and that their lives have been spoiled and that they are now a victim of the whole society. They also say that once they were victims of one man or a group of men, now they are a victim of the whole society. Such a ridiculous thing happens here. My humble submission is that we should have a thorough and a definite introspection regarding the validity of these laws and the male chauvinistic approach in almost all these laws, including the criminal laws and the civil laws should be done away with.

We should have a thorough discussion with the Bar Council of India and the Bar Associations. Even the Constitution of Canada was drafted only after having discussions and deliberations with the Bar Council of Canada. Here we are not taking our lawyers into confidence.

I hope, our beloved hon. Minister will take the issues raised by the hon. Ministers in this House and my humble submission before him is that it is true that we need such a legislation, but today if the Standing Committee is going to meet and they are going to take evidence, in accordance with the instructions given by you or by the Chairman of the other House, this is not proper to pass such a Bill here.

\*m07

THE MINISTER OF LAW AND JUSTICE (SHRI D.V. SADANANDA GOWDA): Hon. Deputy-Speaker, Sir, the former hon. Law Minister, Shri Veerappa Moily ji mentioned that this Bill should be referred to the Standing Committee. I think, my learned friend will make a difference between the earlier Bill which was presented and the present Bill. In the earlier Bill, out of 36 Acts, there were four principal Acts. As far as this Bill is concerned, there

are no principal Bills, only the amending Bills are taken into consideration. Hence, if there were any principal Acts, then what was suggested by him about referring this Bill to the Standing Committee, it would have had some value. But here, there is no principal Act. Altogether, these are all Amendment Acts. It is said by the Law Commission that these are obsolete and redundant and so, they should be taken away.

I would like to place on record a small observation made by the Law Commission. On the need for formal repeal, the Law Commission has observed that the statutes, unlike human beings, do not die a natural death, with the possible exception of statute whose life is pre-determined by the Legislature at the time of their enactment. A statute, unless it is expressly enacted for a temporary period, survives until it is killed by repeal. To this extent, statutes enjoy immortality. Taking out obsolete laws from the Statute Book can be achieved only by a formal repealing Act.

All hon. Members said that all these Acts, which are dead Acts, need to be taken away from the Statute Book and thereby the confusion in the whole system can be avoided.

I want to make a small reference to the observation made by the hon. Members. Every Member has appreciated and has welcomed it that this needs to be done. One of the hon. Members said that updation of the website needs to be done. We are having a small group constituted for updating and monitoring the website on a regular basis and it will be taken care of.

One hon. Member asked as to when will the Bill come into force. The provisions of this Bill will come into force after the Bill is passed by both the Houses and gets the assent of the President under article 111 of the Constitution. So, it will come into force as soon as it is approved by both the Houses and assent is given by the President.

Some hon. Members including Shri Veerappa Moily observed that many Appropriation Bills are pending. The Law Commission has recommended to repeal nearly 2000 obsolete Acts. Of course, we are working on it. I am also making an effort to bring another comprehensive Repealing Bill which will consist more than 700 Appropriation Acts including the Railway Appropriation Bill. It is ready and I am going to bring it.

Another hon. Member expressed concern over the increasing number of the pending cases and their resolutions. Of course, the Government is working on it. We are going to bring certain amendments to the Arbitration Act, Motor Vehicles Act and Negotiable Instruments Act so that the pendency will get reduced as more than 30 per cent of the cases comes under these three Acts.

One of the hon. Members on the other day expressed his view that regional languages also should be used in the High Courts and Supreme Courts. Everybody knows that under the provisions of Article 348, English language has to be used in the Supreme Court and High Courts. However, in the District Courts, regional languages are being used.

I agree with my learned friend that there are several laws which have been enacted since 1935. They are in force and are creating some administrative problems thus hindering the development of the process. Of course, we are also working on it. In the coming days, it is the vision of the hon. Prime Minister to see that all obsolete laws which are almost dead laws should be taken away from the Statute Book. So, this is one exercise in that direction.

So, I pray the House that this Bill may be passed.

HON. DEPUTY SPEAKER: The question is:

"That the Bill to repeal certain enactments and to amend certain other enactments, be taken up for consideration."

*The motion was adopted.*

HON. DEPUTY SPEAKER: The House will now take up clause by clause consideration of the Bill.

The question is:

"That clauses 2 to 4 stand part of the Bill."

*The motion was adopted.*

*Clauses 2 to 4 were added to the Bill.*

*The First Schedule was added to the Bill.*

*The Second Schedule was added to the Bill.*

### **Clause 1**

*Amendment made:*

Page 1, line 2, *omit*--

"(Second)". (1)

(Shri D.V. Sadananda Gowda)

HON. DEPUTY-SPEAKER: The question is:

"That clause 1, as amended, stand part of the Bill".

*The motion was adopted.*

*Clause 1, as amended, was added to the Bill.*

*The Enacting Formula and the Long Title were added to the Bill.*

HON. DEPUTY-SPEAKER: The Minister may now move that the Bill be passed.

SHRI D.V. SADANANDA GOWDA: I beg to move:

"That the Bill, as amended, be passed."

HON. DEPUTY-SPEAKER: Motion moved:

"That the Bill, as amended, be passed."

SHRI M. VEERAPPA MOILY: Hon. Deputy-Speaker, I heard our hon. Minister saying that the earlier Bills pertain to repeal of the principal Acts and that this is not the repeal of principal Acts. He said many of these are Amendment Acts.

As you know, the word 'socialist' was introduced in the Constitution through an amendment. So, if such crucial words like 'socialist' are removed, then what happens? I think this is quite dangerous. I think they are relying on the Supreme Court decision and they are misinterpreting the Supreme Court decision. The Supreme Court has only asked for removal of 'deadwoods'.

If you do this indiscriminately, then even the live ones will be repealed. So, I think it is totally mistaken. This amounts to totally sabotaging the Standing Committee. When other Bills have been referred to the Standing Committee where they are under serious consideration, what is the hurry in pushing through this Bill?

SHRI D.V. SADANANDA GOWDA: Hon. Deputy-Speaker, the last Bill which was moved, includes four principal Acts. But as far as this Bill is concerned, no principal Act is there. Only Amendment Acts are there. It has been clearly observed by the Law Commission that these are absolutely obsolete and redundant.

DR. A. SAMPATH : I agree with what the hon. Minister has stated. But there is a point of disagreement because while adopting the Constitution, it did not have the words 'sovereign socialist secular democratic Republic'. It was brought in through an amendment during the regime of Shrimati Indira Gandhi. At the time of Constituent Assembly, these words were not there. There may be certain lacunae and discrepancies if we are going to pass this Bill in a haste. Through this even the Constitution of India can be changed.

The Minister and the Government of India say that they are only repealing the amendments and that they are not touching the parent Acts. So, by this Constitution of India can be changed. Such things can happen here also. The Standing Committee is holding its meetings and painstakingly collecting the evidence also. The Standing Committee has already fixed a meeting and issued notices for the meeting tomorrow for collecting evidence from various Secretaries to the Government of India. At the same time, just 24 hours before, this House is discussing this Bill and it is going to pass this Bill by voice vote. I may be permitted to express my disagreement because as a Member of that Standing Committee from this House, I cannot agree with this because I have to uphold the dignity of the House and the rights of the Members sitting that side and this side also. This is the privilege, this is the right and this is the power of the Members of Parliament. So, my humble submission is that, please do not infringe upon the powers of Members of Parliament.

SHRI D.V. SADANANDA GOWDA: There is a difference between the principal Act and the Amendment Act. Here only Amendment Acts have been brought in. Earlier, the Bill which was referred to the Standing Committee, included four principal Acts. There were some discussions regarding those four principal Acts. On that basis, it was referred to the Standing Committee. This Bill does not contain any principal Act. It need not be referred to the Standing Committee.

HON. DEPUTY-SPEAKER: The question is:

"That the Bill, as amended, be passed".

*The motion was adopted.*