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

HON. DEPUTY SPEAKER: The House shall now take up item No. 28, namely, the Repealing and Amending Bill, 2014.

THE MINISTER OF LAW AND JUSTICE (SHRI D.V. SADANANDA GOWDA): I beg to move:

"That the Bill to repeal certain enactments and to amend certain other enactments be taken into consideration."

Sir, the Repealing and Amending Bill, 2014 which was introduced in Lok Sabha on 11th August, 2014 proposes for repeal of 36 Acts out of which four Acts were suggested by other Ministries/Departments. It also proposes to amend two Acts to correct formal defects and patent errors detected therein. The said Bill was referred to the Departmentally-related Parliamentary Standing Committee which has submitted its Report on 19th December, 2014. The Committee has recommended that the Bill may be passed after omitting the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 from the Bill.

The Committee has observed three or four things that need to be taken into consideration. The recommendations of the Standing Committee, *inter alia*, are (1) for a sun-set clause for their automatic repeal clause so that they do not remain on Statute Book after their purpose is achieved. That is one point which need to be looked into; (2) to have easy and understandable codification of the law; and (3) to make the law simple while reviewing the existing enactments on the Statute Book; and there is one Bill which need to be left out. These are the four observations made by the Standing Committee.

With these words, I present the Bill before the House.

HON. DEPUTY SPEAKER: Motion moved:

"That the Bill to repeal certain enactments and to amend certain other enactments be taken into consideration"

SHRI NINONG ERING (ARUNACHAL EAST): Mr. Deputy-Speaker Sir, I thank you for allow me to participate in the discussion on the Repealing and Amending Bill, 2014. I am also grateful to our beloved President, Shrimati Sonia Gandhi for allowing me to participate on behalf of the Party.

At the very outset, I would like to wish the hon. Minister many happy returns of the day. We are very old friends and colleagues. I know that he is becoming younger today.

Repealing laws and amendment Acts which have lost their meaning is important for modernization and reform of laws because it clears Statute Books and spares citizens from inconvenience of taking notice of unnecessary laws which have ceased to bear any relevance to the current conditions. In 1998, the Jain Commission had examined around 2500 central laws in the Statute Book and recommended that more than 1300 laws be repealed.

The Repealing and Amendment Bill, 2014 has initiated the process of clearing these laws from the Statute Book by proposing to repeal four principal laws and 32 amendment Acts. The Bill also further amends two laws, namely, the Prohibition of Manual Scavengers Act, 2013 and the Whistle Blowers Protection Act, 2011.

The four principal laws which are being repealed by this Bill are:

1. The Indian Fisheries Act, 1987.
2. The Foreign Jurisdiction Act, 1974
3. The Sugar Undertakings (Takeover of Management) Act, 1978, and
4. The employment of Manual Scavenging and Construction of Dry Latrines (Prohibition) Act, 1978.

The Indian Fisheries Act, 1987 was enacted by the British. It has lost its relevance after we adopted our Constitution, which placed 'fishing' in the State list. This law thus has never been involved because of its lack of applicability. So, this law needs to be repealed.

Here, I would like to have a clarification from the hon. Minister regarding the cases of foreign sea fishing or deep sea fishing where our fishermen are also involved in certain cases. I would like the Government to take some corrective measures because there are some old cases. Will they be affected or not? That the hon. Minister should clarify.

In the case of Foreign Jurisdiction Act, 19947, I would like to say that this law applies to Indian territories under the foreign control. It is not relevant anymore because all our territories with native States have been fully integrated into the Union of India.

In the Standing Committee a point was raised whether the repeal of the Foreign Jurisdiction Act, 1947 would have any adverse effect on the Instrument of Accession signed between the Government of India and the Tribal Kings of the North-Eastern States, like the States of Nagaland, Meghalaya, Tripura, Assam, and the tribes of Arunachal Pradesh.

I would like to say that the hon. Prime Minister during his visit to the North-East and the hon. Finance Minister in his Budget speech, and in the President's Address also it is mentioned that the North-Eastern States are given special preference. But I would like to draw your attention to the fact that the North-East Industrial and Investment Policy, NEIIP, 2007 has been suspended. It really affects the people of the North-East when you people in the mainland say that you are thinking of the interests of the North-East, in fact suspend the Industrial Policy. It really hurts the people of the North-East. Taking this opportunity, I would like to appeal to the House that this should be again brought back and this should be taken into consideration.

The Sugar Undertaking (Takeover of Management) Act, 1978 was invoked as a short-term measure to empower the Union Government to assume temporary management of defaulting sugar undertakings. The provision of the law has not been utilised since the last three decades and is further useless because the State Governments have enacted their own respective legislation to protect sugar crop growers. Thus, this law has become obsolete.

Though the management of the mills was handed over to the respective sugar mill owner, an amount of Rs. 19.58 crore still needs to be recovered. Though the savings clause in the Bill has been included so as to protect the interests of the Union Government in recovering the loan, I would like to ask the Government whether it is possible to recover the amount which has not been recovered for all these years. The principal amount along with the interest needs to be recovered. Hence, I would request the Government to respond to this and explain as to how and when the Government is planning to recover the amount.

The fourth principal law which is being repealed by this Bill is, the Employment of Manual Scavenging and Construction of Dry Latrines (Prohibition) Act, 1993, which has also lost its relevance after UPA II Government's comprehensive legislation. The UPA Government has done a great job, by passing the Prohibition of Manual Scavengers Act in 2013. That law has a wider scope and higher penalties to the offenders. It prohibits manual scavenging and provides for rehabilitation to manual scavengers by providing them alternative employment. So, the law of 1993 is no longer necessary and needs to be repealed.

However, the Manual Scavenging Act of 1993 has been enacted by the Parliament upon the receipt of Resolution of six State legislatures, namely Andhra Pradesh, Goa, Karnataka, Maharashtra, Tripura and West Bengal. Now, when the Government is repealing that law, first of all the Government needs to take the Resolution of those respective State Assemblies into consideration. The Standing Committee Report has also observed this violation. This is in para 9.2. It says, "The Committee is, however, surprised to note that the repeal of such an Act has been initiated without receiving Resolutions from the concerned State which appear to be a violation article 152 of the Constitution."

Article 252 of the Constitutions says and I quote:

"Any Act so passed by Parliament may be amended or repealed by an Act of Parliament passed or adopted in like manner but shall not, as respects any State to which it applies, be amended or repealed by an Act of the Legislature of that State. "

The Government should thus follow up for passage of Resolutions in the said States. Because, bypassing State Legislatures and constitutional provisions and procedures sets a bad precedence in our country and it is a violation of the Constitution. Also, the Government must amend Section 5 of the Prohibition of Manual Scavengers Act, 2013 which 5 reads:

"Notwithstanding anything inconsistent therewith contained in the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993, no person, local authority or any agency shall, after the date of commencement of this Act, construct an insanitary latrine."

So, Sir, the Government needs to bring a subsequent amendment to Section 5 of the Prohibition of Manual Scavengers Act, 2013 to bring clarity to the statute. The other 32 amendment Acts which are being repealed by this Bill do not have any impact on the existing law of the land and their repeal only removes what is already dead. Because, the contents of these amendments are included in the respective principal laws.

After the introduction of this Bill, the Law Commission of India had submitted four interim reports till November, 2014 which further identified laws that have become obsolete and thus recommend for immediate repeal

The Commission has recognized 252 laws which are obsolete and have ceased to be relevant in tune with the changing needs of the time. Also, the PMO Committee has identified 1741 of the 2781 existing Central Acts to be repealed. I request the Government to take note of this and further bring forward more repealing and amending Bills to clear the statute book.

I also recommend to the Government to include a sunset clause - which the hon. Minister always stated - in every amending Bill and appropriate Bill so that laws will be repealed automatically after their intended purpose has been fulfilled. Thank you.

SHRI P.P. CHAUDHARY (PALI): Hon. Deputy-Speaker, Sir, I thank you very much for affording me an opportunity to participate in the debate with respect to the Repealing and Amending Bill, 2014.

I stand here to support the Bill. Basically, if we trace the origin of the repealing and amending provision, it started in the year 1856 in the United Kingdom and in our country also from 1866. This is a periodical exercise even during the pre-Independence era. Up to 1998, we have repealed

almost 1291 Acts by ten Repealing and Amending Acts. But, after 1998, so far, no exercise has been done. Only one exercise was done during the last Session. In 2014, 90 amending Acts were repealed by a Repealing and Amending Bill, 2014. Now, by this Repealing and Amending Bill, 36 Acts have been taken into consideration. Out of the 36, four relate to principal Act and the remaining 32 relate to Amending Act.

Basically, the effect of Repealing and Amending Bill is that. Once the amendment is notified, then the amendment in the principal Act is automatically carried out.

Now, what is the effect of this Act? Basically the question arises - will it repeal the amendments made in the principal Act? For this purpose, already clause 4 of this Bill is there. But Section 6(a) of the General Clauses Act takes care of the situation. Therefore, the amendment made in the parent Act, by amending Act, will be incorporated in the parent Act. Repeal of such amendment Act will not affect the continuance in force of the amendment which has already become part and parcel of the principal Act.

So far as clause 4 of this Bill is concerned, basically it is analogous with Section 6 (a) of the General Clauses Act. Clause 4 provides the saving provision to the effect that anything done under that Act will not affect if the provision of amendment Act is repealed. I would also like to suggest to the hon. Minister that instead of doing this exercise every time, we can also carry out a suitable amendment in Section 6(a) of the General Clauses Act, so that all the exercises that are carried out every time, bringing the Repealing and Amending Bill before this august House may be taken care of.

So far as the functioning of the amending Act is concerned, basically it only incorporates the amendment in the principal Act, and once the function of incorporation is accomplished, then it dies a natural death. But that is not sufficient. For the Act to die a legal death, the Repealing and Amending Bill is being brought before this august House. It is not the case like a human being. Once the natural death is there; no legal death is required to be carried out. But in the Bill like this, once the amendment is carried out, it is nothing more to understand as to what is the purpose of the amending Act. Basically, the amending Act is a launch vehicle. Once the satellite is launched in the orbit, then, there is no use of launch vehicle. But formally we have to bring it before this august House, to give it a legal shape. Once it is passed by this august House, then only we can remove that deadwood from the legal library. Therefore, in other terms, we can say that basically the Repealing and Amending Act pertains to those Acts which cease to be in force and become obsolete and no purpose is served for keeping these Acts in the law library. Moreover, it also creates confusion.

For this we have to adopt the pragmatic jurisprudence instead of bringing every time before this august House we can provide a deeming provision or sunset clause in the Act itself. Once the Bill is notified, it will perform two functions. One is – amendment is carried out in the principal Act; at the same time, it will also work as the deeming provision in the Act itself, which suggest that as soon as the Act is notified, then the amending Act is deemed to have been repealed. So, by amendment Act itself, we can determine the life of the Act itself, then, it would cease to be in force automatically.

Through the Repealing and Amending Bill, three principal Acts have also been brought for repealing. One is the Indian Fisheries Act, 1897; that is of British era. The object of the Act was to prevent killing of the fish or poisoning of water etc. and the punishment was also provided. For that purpose, after coming into force of the Constitution of India, now fishing is a State Subject and fishing and fisheries beyond territorial water is under the Union List. Therefore it is rightly being repealed by this Repealing and Amending Bill.

So far as the Foreign Jurisdiction Act, 1947 is concerned, as per Article 372, only those Acts enacted prior to the commencement of the Constitution, except those repealed by the Constitution, shall continue. So, it is no longer required as no territory of India is under the control of any colonial power. Therefore, this is also a right step for repealing such type of obsolete law.

The third is the Sugar Undertakings (Taking Over of Management) Act. Since 2013, sugar sector has been decontrolled; levy obligation on sugar mills have been removed, and regulated release mechanism of open market sale of sugar has been dispensed with. The Act is not relevant in the present scenario. The Act was a temporary measure taken way back in 1978.

With this suggestion, I extend my thanks to the hon. Minister and I fully support the Repealing and Amending Bill, 2014. Thank you very much, Sir.

SHRI B. SENGUTTUVAN (VELLORE): Thank you, Sir, for allowing me to participate in the debate on the Repealing and Amending Bill, 2014 which is enumerated as Bill No. 95 of 2014. Already, Bill No. 155 of 2014 was passed in the last Session by this august House.

In this Bill, as many as 36 Acts are sought to be repealed which are enumerated in the First Schedule. In the First Schedule, the first four Acts are obsolete laws which are no longer required because they have become redundant. The remaining 32 are Amendment Acts. The provisions of these Amendment Acts have already been incorporated into the Principal Acts. Therefore, these Amendment Acts need no longer be on the Statute Book. Therefore, the items mentioned in the First Schedule are to be repealed. The two items in the Second Schedule, namely, the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013, and the provision in the Whistle Blowers Protection Act need to be amended because by some inadvertence, some errors have crept into the Principal Act. Therefore the Government has moved this Bill.

Up to 2001, as many as 1367 Acts were repealed. But the job is not over yet. The Law Commission has identified as many as 253 laws as obsolete and has suggested their repeal. The Law Commission in its interim report of September, 2014 has suggested the repeal of as many as 700 Appropriation Acts which have been in the Statute Book for well over a decade. We are in agreement with the recommendations of the Law Commission of India. Obsolete laws like deadwood are a wasteful burden occupying the pages of the law books without any purpose and they confound us like a will-o'-the-wisp.

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Therefore, these obsolete as well as amending laws, whose provisions have become part and parcel of the Principal Acts which are either

substantive or procedural, need no longer be in existence and these amendments should be indicated by way of foot notes in the Principal Acts. Therefore, the retention of this amending Acts as statute is redundant and superfluous. They serve no useful purpose and they are to be repealed.

I am in agreement with the Law Minister and I welcome the step. I also urge the Law Ministry to go ahead with the repeal of other redundant and obsolete laws.

SHRI PINAKI MISRA (PURI): Thank you Mr. Deputy Speaker, Sir, for allowing me to speak on this very important Repealing and Amendment Bill. It may appear innocuous at the threshold but not to put too fine a point on it I must emphasise on how important this piece of legislation is. My only lament is that the piece of legislation does not go far enough.

I think, the task at hand, as the Law Minister will readily concede, is a humongous and gargantuan one. In 1998, the Jain Commission had prepared two reports on the review of administrative laws. It had recommended that out of 2,500 Central laws in force at that time (in 1998), more than 1,300 laws needed repealing. It means, more than 60 per cent of the laws were found to be otiose. Thereafter, the present Prime Minister set up a Committee to examine the issue of obsolete laws. This Committee identified 1,741 out of 2,781 existing Central Acts for repeal. So, what are we looking at? We are looking at repealing 36 Acts in this particular piece of legislation out of which 32 are amending Acts, only four substantive Acts have been set up for repeal. As I said earlier, this does not go far enough. The job at hand is a huge job and must be proceeded with great alacrity.

I am reminded of William Shakespeare's immortal lines – 'We must look into the glass darkly and come face to face.' The time has come in India for us to come face to face with the reality which we must confront. I know that the Prime Minister means well when he says: "Make-in India should become a national campaign." I understand that the Finance Minister means well as well when he says that "ease of doing business" in India is a very important facet of his Government. But we have also to realize that a major deterrent to investment is India's inability to enforce contracts thanks to this myriad maze of laws and also an ill-equipped judiciary. There is a World Bank Report "Doing Business-2014", which points out that it can take up to 1,400 days in India to obtain a legal remedy for non-enforcement, which is not just higher than the OECD countries' average of 529 days but also way above the South Asian average of 1,075 days. The cost of such legal remedy can run up to 40 per cent of the claim in India. This is how difficult it is in India to do business. Therefore, if you say "Make-In India", if you say "ease of doing business" in India, these cannot be mere slogans, these are hard facts that we in India must come face to face with.

We have also to realize as to how prolific we have been in our legislation. Before the Constitution –115 years leading up to the Constitution – only 2,911 Central Acts were enacted. In the last 70 odd years after the Constitution, we have come up with almost 3,800 Central Acts. Our Parliament has been extremely prolific in legislating. I say with a great deal of regret that the proliferation of Parliament in legislation has been met with an equal disdain by our people in their regard for the laws. As much as Parliament legislates, the people disregard laws in this country and that again is a hard fact we must come face to face with.

Mr. Deputy Speaker, Sir, Parliament, as I said, has legislated with great alacrity. It is lamentable that while the legislation has been done with great alacrity, the enforcement of laws and the lack of adherence to it, has also been with a great deal of alacrity. There has been such poor enforcement, that in any case, any meaningful legislation almost always comes to naught.

Hon. Deputy Speaker, Sir, I only want to draw the attention of the hon. Law Minister to some of these absolutely ridiculous laws which still continue to obtain on our law books, and I cannot understand why in one fell swoop you cannot get rid of them. There are eight, ten which really count for humour and nothing else.

There is the Criminal Law (Amendment) Act, 1938 which says that there is a punishment stipulated for those who dissuade people from taking part in a war in which the British Empire is involved in. It is one of the most ridiculous pieces of legislation which is still on the books.

The Bengal Indigo Contracts Act, 1836 deals with regulation of indigo cultivation. I do not know if there is any indigo cultivation left in this country. The Shore Nuisances (Bombay and Kolaba) Act, 1853 aims at removal of nuisances and encroachments below high watermark in the Bombay Kolaba Islands. The Madras Compulsory Labour Act, 1858 – Mr. Deputy Speaker, Sir, this is your territory – allows forced labour, which is now banned under the Constitution. The Stage Carriage Act, 1861 is aimed at creating a system to licence and regulate horse drawn carriages. I think, only the President's carriage can now be governed by this. There is no other carriages in India we know of .

The Lepers Act of 1898 allows Police to arrest without warrant any person who appears to be a pauper leper. This is again banned in law in our country.

There is the Exchange of Prisoners Act, 1848 to facilitate exchange of prisoners between India and Pakistan post partition. There is a Telegraph Wires Act of 1950 despite the fact that telegraph has now been wound up. There is a Hackney Carriage Act of 1879 for licence of hackney carriages. I do not even know what Hackney carriages mean. I do not think that anybody in this House knows what Hackney carriages mean.

Therefore, there are these ridiculous pieces of legislation still obtaining on our law books, and these ridiculous pieces of legislation must be quickly brought to an end so that we do not make a laughing stock of ourselves in the international fora. I can see Mr. Moily nodding his head. But all I can say ...*(Interruptions)*

HON. DEPUTY SPEAKER: Please conclude now.

SHRI PINAKI MISRA : Hon. Deputy Speaker, Sir, please give me just a minute more.

It is lamentable also that the first Repealing and Amending Bill came into being only in 2001. So, the Congress Party in the 60 odd years that it ruled us was extremely lazy in getting rid of many of these otiose pieces of legislation.

I am grateful to the NDA Government, both in 2001 and 2014 that they have made some headway but please make much more rapid headway. That is what the requirement of the day is. I support this Bill and wind up my speech.

Thank you very much.

DR. RAVINDRA BABU (AMALAPURAM): Hon. Deputy Speaker, Sir, we definitely welcome this Bill.

In my previous speech also, on the same subject, we talked about weeding out the files from the Office which are redundant and which are not relevant for the execution of the Acts. So, they need to be immediately repealed and amended. It was already passed.

Today, after two, three months of passing of that Bill, we are again coming with repeal and amendments.

When you go through the list of Repealing and Amending Bill given in the First Schedule and the Second Schedule, Sir, one Act attracts me in a very negative way, and that is, the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, and the amendment, the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act. What I would like to ask is whether the Acts are made for the sake of enactments of law. Is there any meaning for it? How do you implement it? Is there any way to discuss as to how they are implemented?

Sir, this Act is such a blemish on our free country. You are having still manual scavenging and providing punishment for the manual scavenging practices. We are talking about going to the Moon; we are talking about India joining the Atomic Club of the world; we are talking about aircraft, dream liners, flyovers, etc. In such a situation, we do not even talk about manual scavenging, and we are talking about those Acts still and again keep on amending that Act. To what effect? How long these Acts were to alleviate the problems of the scavengers? These scavengers are manual scavengers. Take, for example, Railways. When anybody goes to railway station, we see how human excreta are cleaned and how human excreta are attended to by the people. What is the fate of those people?

Instead of spending lakhs of crores of rupees on Defence or the Moon Mission or the Atomic Club of the World, let us spend some amount of money on these scavengers, which is a blot on the Indian democracy. In the international fora if we say that these are the lists of business today, these are the Acts to be amended and these are the Acts to be repealed, would we not feel ashamed? I feel very ashamed to talk about the scavenging Act. In India, we simultaneously have the Customs Act, the Excise Act and so many other Acts, which are very elite to the Indian conditions. But we also have these types of Acts, which are not being implemented sincerely. These all Acts starting from 1993 have become Acts in 2013. Now, again we come with the amendments.

Sir, any Act does not exist for the sake of Act. There has to be some human approach also. Let us abolish the scavenging by spending some amount of money instead of spending money meaninglessly on so many other schemes, just to have a prestige of the country in the international fora. Our prestige does not depend on spending huge amount of money on the atomic and other moon missions. It all depends on how far we are eliminating poverty and the type of unsociability being practised in a daylight. Anybody, any foreigner visiting a railway station in India, can understand what is human excreta and who are the people attending on them. It is a pertinent question, which strikes everybody.

I would urge upon the hon. Law Minister – of course, I appreciate his steps – to please increase the scope of this amendment. Thank you.

ADV. JOICE GEORGE (IDUKKI): Hon. Deputy-Speaker, Sir, I rise to support the Repealing and Amendment Bill, 2014.

By this enactment, 36 Acts are sought to be repealed out of which four are Principal Acts and the rest 32 are Amendment Acts. All these enactments cease to be in existence. They have become obsolete or redundant due to many reasons. Thirty-two Acts are Amendment Acts.

As has already been pointed out here, once the amendment is carried out, these provisions become part of the Principal Acts and all these Acts are redundant in principle. But due to the Fiction of Law, all these Acts are being alive throughout. So, all these ` enactments are to be repealed; and I support this attempt on the part of the Government to repeal all these enactments.

Sir, in many cases, it appears that the Government is in a hurry to see that the Bills are passed without much discussions or deliberations in the House as well as in the Standing Committees. We have got 24 Standing Committees. I am very happy to see that this Bill is presented with a Standing Committee Report also. The Standing Committee has also suggested for a comprehensive enactment either by amending the General Clause Act especially Section 6A. The other remedy is to see that all these Amendment Acts, once the amendment is made part of the enactment, become repealed by way of provision included in the Amendment Act itself.

Sir, I would make a suggestion to the hon. Law Minister. If it is possible to have deliberations by the Standing Committee, we can bring in many ideas, more clarity and transparency in the enactment. By this, we can avoid a lot of inconvenience at the implementation level. Being a lawyer, I find a lot of provisions in the enactment, which cannot be implemented or which can be interpreted to the interest of the persons concerned. So, by having deliberations in the Standing Committee, we can have more clarity and transparency in the enactments. By this process, we can strengthen the legislative process in the Parliament.

Sir, coming to the Bill again, there are three Principal Acts of which one is of the British era, namely, 'The Indian Fisheries Act, 1897'. It has become redundant due to passage of time and subsequent enactments. Another example is 'The Foreign Jurisdiction Act, 1947' and 'The Sugar Undertakings (Taking Over of Management) Act, 1978.' Similarly, 'The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993' has also become obsolete and redundant due to enactments made by the Legislative Assemblies concerned. There are also 32 amendment Acts. Once that amendment act is notified, all the provisions are to be amended in the principal act as they have already been made part of the amendment Act and there is no point in keeping all these amendment Acts. It has to be repealed.

I am concluding with a request to the Government. I request the Government not to be in a hurry to make the laws. We can have deliberations in the Standing Committees also. Thank you Sir.

SHRI S.P. MUDDAHANUME GOWDA (TUMKUR): I do agree that some of the laws which we have enacted do require repealing because they are either outdated or they do not suit the present situation. So, my request is that while repealing the Acts or the laws which we have enacted, the exact reasons for repealing should be made known to the general public. People should know what are the laws which the Parliament has enacted? The Parliament is repealing. We repeal many existing laws and people may not be knowing the laws which were enacted.

Sir, inordinate delay in disposal cases is the main problem which we are facing in the legal field. For that, in my opinion, the procedural aspect - the Civil and Criminal Procedure Codes - which were enacted long back, the same procedure is now being adopted. The mindset of the people, the mindset of the advocates, the mindset of the litigants and the mindset of the judiciary have now changed. That is why, this is right time and we should try to conduct surgery over these laws which were enacted long back and which are not suiting now and which are now coming in the way of speedy disposal of the cases.

There are some ambiguities which we are enacting thereby leading to many litigations in the courts, they will come in the way of implementation of many laws in the country. For example, special status was given to Hyderabad-Karnataka under Article 371(J). In this, what has happened Sir? Our Law Minister is also fully aware. In Hyderabad-Karnataka region, if any problem arises in that area or if there is a case in Bellary, that case has to be decided by the Bench at Dharwad. Dharwad does not have any jurisdiction under Article 371(J) over Hyderabad-Karnataka. Bellary comes under Hyderabad-Karnataka region. There is a court in Hyderabad-Karnataka region that is in Gulbarga. Instead of fixing the jurisdiction to Gulbarga, the cases of Bellary are being disposed of by Hubli-Dharwad Bench. Keeping that thing as an instance while legislating laws, there should not be any ambiguity. If any ambiguity is there, definitely it leads to many litigations. For example, there are nearly 36 laws which we have enacted and now, we are repealing. Of course, there are two amendments which you are seeking for two Acts. Except for this 1 and 2 that is Indian Fisheries Act and Foreign Jurisdiction Act, all other Acts which we are now repealing were enacted recently. You are repealing some marriage laws also. While making laws now, we should also keep in mind the mindset of young people. The mindset of young people differs from the marriage laws which were enacted long back. That is why, while enacting laws now, we should also study the present scenario, the mindset of the people and the way in which our society is moving and what are the problems that are being faced by the people now and what are the problems which are coming in the way of these young couples and why a lot of cases are being filed in the matrimonial courts? These are all the requirements by the legal system to study them effectively and while enacting, we should give an end to all such problems.

In spite of that, we do agree that a lot of cases are being filed under the marriage laws. That is why, you should take extra care in bringing new legislation. Many times, the laws, which we enact now in Parliament, will be subjected to scrutiny by the courts. That is why, in many cases the hon. Supreme Court or the respective High Courts have struck down those laws.

The hon. Law Minister is from Karnataka. He is from the southern part of the country. He is also an advocate by profession. The concept of judiciary is to see that better and effective justice should be rendered to the doorsteps of the people. Keeping that point in mind, I insist and urge upon the hon. Law Minister to take up this matter to see that justice is delivered at the doorsteps of the people of South India. I request him to kindly see that a Supreme Court Bench is established at Bangalore to enable people of the southern part to get justice easier, cheaper and effectively. Thank you.

THE MINISTER OF LAW AND JUSTICE (SHRI D.V. SADANANDA GOWDA): Mr. Deputy Speaker Sir, I thank all the hon. Members who have supported this Bill. They have made certain observations. I would like to draw the attention of the Members who have made a few observations in this regard.

First of all, I will take through the Bill which I have presented. Out of 36 Acts, four Acts are principal Acts. The Standing Committee also went into them in detail as far as the four principal Acts are concerned. My friend, hon. P.P. Chaudhary has addressed those issues. Regarding the point on the laws which are prevailing earlier to the day of Independence and how those Acts have been taken away by the Act of Constitution, has already been addressed by my friend. As far as these 32 Amendment Acts, which are in Schedule I are concerned, they are not a matter of concern and everybody has felt that they should be repealed.

Regarding the four principal Acts, which were referred to the Standing Committee, the Standing Committee elaborately dealt with those matters. They have observed about the main Act about which my hon. friend Mr. Ninong Ering was telling that the Foreign Jurisdiction Act may hurt the North-Eastern States where there was an earlier instrument in relation to the accession signed between the Union of India and the Tribal Kings. But after due discussions and deliberations in the Standing Committee, they made it clear that the provisions of the Act, which was there earlier to the

day of Independence and as per the Constitution, have been clearly looked into and there are certain provisions which were made under the Constitution practically made the Foreign Jurisdiction Act redundant and it is no more in force. The Committee even observed:

"The enactments prior to the commencement of the Constitution of India, except those repealed by the Constitution itself, continued to remain in force unless and until they were repealed by the Indian legislature, in view of the provisions of Article 372(1) of the Constitution of India. The Foreign Jurisdiction Act, 1947 was last used in 1962. It is no longer required as no territory of India is under the control of any colonial power. The said Act is, therefore, recommended for repeal."

Very clear versions have been given by the Standing Committee. I hope my friend will agree with the views given by the Standing Committee while deliberating on this issue.

As far as Sugar Undertakings Act, 1978 is concerned, it has been clearly said as follows: "It was also submitted to the Committee that there has been no occasion in the last three decades to exercise the provisions of the said Act." The interests of sugarcane farmers by sugar mills have been statutorily supported and enforced by respective State Governments.

Moreover, since 2013 sugar sector has been decontrolled. Levy obligations on sugar mills have been removed and regulated lease mechanism of open market sale of sugar has been dispensed with. Then, various States themselves have made certain rules to control all these issues. So, this Act is not in use for the last three decades. Therefore, the Act is not relevant in the present scenario. Even otherwise the Act was a temporary measure taken back in the year 1978. It is clearly observed that at present it is of no use. We are well aware of the fact that sometimes the dead laws create some sort of confusion if it remains in the statute book. So, the Act has to be repealed.

One of the important issues that has been raised is why this Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 was deleted from the list of this Act. Practically, we consult with the Department concerned whether the law is in use or in force at present. In an earlier occasion in 1976, the Urban Land (Ceiling & Regulation) Act, 1976 was enacted under Article 252 (1) of the Constitution and it was applied in eleven States. In 1999, the said Act was repealed after getting particulars from various States. At that time, it was found that it was not in use. So, it was repealed. But only two States had passed resolution to repeal the Act and a provision was made for continued application of the repealed Act in the other States till they adopt the repealed Act by a resolution under Article 252 (2).

Here also, we thought that several States have passed resolutions and only two or three States have not passed the resolutions. Just like the precedent in 1976 in Urban Land (Ceiling & Regulation) Act when the law was not used by any of the States, we proposed it. Even in the case between West Bengal v/s P.K. Sur, it was held by the Supreme Court that if a law is operative in the State of West Bengal, a resolution is to be passed to make the repeal effective in that State subsequent to the repeal. So, in the instant case, three States have passed the resolution for repeal of the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993. So, there was nothing wrong in inclusion of this Act in the Repealing and Amending Bill. However, the Standing Committee has recommended that the Government has to drop it from the proposed Bill. So, I am going to drop that Bill from this list.

As far as Schedule II is concerned, it is only a patent error that has been committed on the earlier occasion when the Prohibition of Employment as Manual Scavengers and Their Rehabilitation Bill 2013 was discussed and accepted. In the proviso to sub-section (3) of Section 1, the word 'notification' shall be substituted by the words 'the said notification'. A small error had occurred. For that reason I have got it. It is a very formal defect and it is a very formal inclusion.

In the Whistle Blowers Protection Act, 2011 in enacting formula, the words 'Sixty-second Year' have to be changed with 'Sixty-fifth Year'. So, it would be Sixty-fifth Year of the Republic of India. In sub-section (1) of Section 1, the figure '2011' has to be substituted with the figure '2014'. These are the patent errors that need to be rectified.

Then, there are some other observations made by my learned friend with regard to the ease of doing business and delay in disposal of disputes. I do concede that it is true that delay in disposal of disputes has created much confusion among the people across the country. Not only here, even in the arbitration cases, people prefer to file arbitration cases outside India rather than having arbitrations here. Now, this Government has taken an initiation to bring some stringent amendments to the Arbitration Act. Already amendment to Arbitration Act is ready. The Bill is ready and we are going to bring that Bill in the next Session so that the ease of doing business will be certainly geared up and people, investors and even the private players will be happy if some stringent amendments are brought to the Arbitration Act. We are working on it. This will be placed before Parliament in the next Session.

HON. DEPUTY SPEAKER: What do you mean by next Session - April or Monsoon Session?

SHRI D.V. SADANANDA GOWDA: Sir, it will be brought in April because I have already taken this matter to the Cabinet and the Cabinet has given its approval. Now, I have to only bring it to Parliament. Apart from that ...(*Interruptions*)

श्री मल्लिकार्जुन खड़गे (गुलबर्गा) : डी.वी.सदानन्द गौड़ा जी कॉरपोरेट के रूप में नहीं थे लेकिन आप आदिस्ता-आदिस्ता उधर लेकर जा रहे हैं ...(*व्यवधान*) ख़ाया न पिया ग्लास फोड़ा बाइह आने का, ऐसा किया जा रहा है।

SHRI D.V. SADANANDA GOWDA: Hon. Khargeji, I do not want to have a postmortem of all those things that happened in the past because doing postmortem will not serve the purpose. We should inject some new tonics for this and then only can we go ahead.

One more apprehension that was just addressed is with regard to the disposal of disputes at the earliest. We are also working on it.

Already Law Commission has given a report for establishment of Commercial Benches in the High Courts. We are working on that also. That Bill will also be brought before the Parliament in the next Session so that all these things will help in ease of doing business in India.

I will not traverse other issues which were raised about various Acts and laws. You were just telling, but I do not want to traverse all those things. ...(*Interruptions*) I will do that.

It is true that nearly 1,741 redundant laws, which are almost dead laws, are in existence. We have already prepared a draft Bill for repealing nearly 741 appropriate Acts. That is already ready with me. I will take it to the Cabinet for its approval. Another Bill is already there for 79 repealing and amending Acts before the Rajya Sabha. That is also being taken up immediately. It will be coming to this House as early as possible, when it is passed by that House. So, as far as repealing and amendments are concerned, we are working on it. We will see that within a short span of one or two years, we hope so, all these redundant laws which are not in use, the so-called dead laws, are taken care of. Certainly, the Statute Book will be cleared so that there should not be any confusion in the process of disposing of cases.

Sir, I would like to place before this august House one more thing. Why are we giving so much importance to repealing and amendment Bills? Unlike human beings, the statutes do not die natural death, with the possible exception of statutes whose life is predetermined by the Legislature at the time of their enactment. One of my friends observed with regard to the sunset clause. I do concede and I do not dispute that there should be a sunset clause, but the life of the law is determined in the sunset clause. The removal of the redundant law from the statute has to come only after repealing the said Act from the book.

Sir, I think that I have cleared all the observations made by my friends. This is the initial step as far as the Repealing and Amendment Bill is concerned from this new Government. This new Government is working on it, and all the redundant laws will be removed from the statute book at the earliest. So, this Bill may kindly be passed.

HON. DEPUTY SPEAKER: Now, Shrimati Meenakashi Lekhi.

...(Interruptions)

SHRI SURESH C. ANGADI (BELAGAVI): Sir, please allow me to ask one small question. ...(Interruptions)

HON. DEPUTY SPEAKER: No, I cannot allow it.

...(Interruptions)

HON. DEPUTY SPEAKER: I can allow only one person. We are going to take up an important discussion under Rule 193 and other things are also to be taken up, which are also very important. Therefore, please sit down.

...(Interruptions)

HON. DEPUTY SPEAKER: Hon. Member, kindly stick to the clarification only.

...(Interruptions)

SHRIMATI MEENAKASHI LEKHI (NEW DELHI): Hon. Deputy-Speaker, Sir, I will stick to the clarification. The clarification is in view of the Standing Committee Report on the Manual Scavenging Act. There is another Act of 2013, and this one is of 1993, and the Standing Committee had reservations that since the States have not sent the Resolution, this cannot be brought about.

I have two points to make on this. One is that since this august House has passed the 2013 enactment after due consideration, and various aspects of it have been considered. So, it is pertinent that this very Act be implemented all across the country. The second part is that it is not just Article 252 of the Constitution, but it is also the Fundamental Rights, which get affected. Especially, in case of manual scavenging, it is the right to live with dignity, and when we bring it under that enactment, then this House can always resolve and the Government can resolve to do away with the Resolution part and let the 2013 enactment be the Act across the country.

By way of *swatchatha*, let us bring *swatchatha* in every day activity and even house-keeping activity of the Government, so that repealing and amendment that have been long-pending can be taken care of. ...(Interruptions)

HON. DEPUTY SPEAKER: It is all right whatever you have said on it.

...(Interruptions)

SHRIMATI MEENAKASHI LEKHI: Okay, Sir.

HON. DEPUTY SPEAKER: Now, Shri Vincent H. Pala to ask only a question.

SHRI VINCENT H. PALA (SHILLONG): Sir, I want a clarification regarding the Foreign Jurisdiction Act, 1947. Especially, in the North East, this Act is mainly to give power to the Government of India to annexe many small States to the Government of India in 1947. But the problem in Nagaland and Meghalaya is that there are some States, which have an agreement with the Government of India in those days. So, if you are repealing this Act, then what about those agreements, which India and those States had like the Instrument of Accession, etc.? How the Government will deal with those things? This is one of the areas where we have a lot of extremism in the North East because the Government of India annexed them without a proper agreement in those days. So, I would need a clarification on this. How will you deal with those Acts?

SHRI D.V. SADANANDA GOWDA : As far as the Constitution requirements of the Resolution under Article 252 being a Constitutional requirement is concerned, it cannot be waived off by the Parliament without seeking proper redressal for that. So, at this stage, that could not be done.

As far as my friend's observation with regard to the North Eastern Foreign Jurisdiction Act is concerned, it is very clear that the territories, which are under the control of the colonial powers while the territories, which were integrated to the Union of India in North Eastern States, where of the Assam Province and the repeal is not related to the Instrument of Accession signed between the Union of India and the Tribal Kings in the North Eastern States. It has got nothing to do with that.

HON. DEPUTY SPEAKER: The question is:

"That the Bill to repeal certain enactments and to amend certain other enactments be taken into 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.

First Schedule

HON. DEPUTY SPEAKER: Hon. Minister to move Amendment No.3 to First Schedule.

Amendment made:

Page 2, *omit* lines 22 and 23. (3)

(Shri D.V. Sadananda Gowda)

HON. DEPUTY SPEAKER: The question is:

"That the First Schedule, as amended, stand part of the Bill."

The motion was adopted.

First Schedule, as amended, was added to the Bill.

Second Schedule was added to the Bill.

Clause 1

HON. DEPUTY SPEAKER: Hon. Minister to move Amendment No.2 to Clause 1.

Amendment made:

Page1, line 2, *for* "2014", *substitute* "2015". (2) (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.

Enacting Formula

HON. DEPUTY SPEAKER: Hon. Minister to move Amendment No.1 to the Enacting Formula.

Amendment made:

Page1, line 1, *for* "Sixty-fifth", *substitute* "Sixty-sixth.". (1) (Shri D.V. Sadananda Gowda)

HON. DEPUTY SPEAKER: The question is:

"That the Enacting Formula, as amended, stand part of the Bill."

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Long Title was added to the Bill.

HON. DEPUTY SPEAKER: The Minister may now move that the Bill, as amended, be passed.

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

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

HON. DEPUTY SPEAKER: The question is:

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

The motion was adopted.

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