

10.08 hrs.

**STATEMENT RE : REFERENCE OF  
CONSTITUTION (TWENTY-FIFTH  
AMENDMENT) BILL, AS PASSED BY  
PARLIAMENT, TO STATE LEGISLA-  
TURES FOR RATIFICATION**

**THE MINISTER OF LAW AND  
JUSTICE (SHRI H. R. GOKHALE) :** The  
Constitution (Twenty-fifth Amendment)  
Bill, 1971 was passed by both Houses of  
Parliament by majority of the total member-  
ship of each House and by majority of not  
less than two thirds of the members of each  
House present and voting. A question has  
arisen whether before the Bill is presented  
to the President for his assent, the amend-  
ments proposed by the Bill required ratifi-  
cation by State Legislatures under the  
proviso to Article 368 of the Constitution.  
The contention may be put forward that  
the terms in which Article 31C is framed  
deprive the Courts of part of their jurisdic-  
tion and therefore this article required  
such ratification. The Government takes  
the view that such ratification is not neces-  
sary. However, with a view to avoiding  
difficulties that may possibly arise and out  
of abundant caution Government has decid-  
ed to refer the Bill for ratification to State  
Legislatures under the proviso of Article  
368 of the Constitution.

In view of the importance of the matter,  
the State Government are being advised to  
convene their Legislatures as early as  
possible in order to bring the amendments  
into effect within the shortest possible time.

10.10 hrs.

**CODE OF CRIMINAL PROCEDURE  
BILL**

**CONCURRENCE IN RAJYA SABHA RECOM-  
MENDATION TO APPOINT A MEMBER TO JOINT  
COMMITTEE**

**THE MINISTER OF STATE IN THE  
MINISTRY OF HOME AFFAIRS (SHRI**

**K. C. PANT) :** On behalf of Shri Ram  
Niwas Mirdha, I beg to move :

"That this House do concur in the  
recommendation of Rajya Sabha that  
Lok Sabha do appoint a member of  
Lok Sabha to the Joint Committee of the  
Houses on the Bill to consolidate and  
amend the law relating to criminal pro-  
cedure, in the vacancy caused by the  
resignation of Shri Kedar Nath Singh  
and do resolve that Shri B. R. Shukla be  
nominated to the said Joint Committee  
to fill the vacancy."

**MR. SPEAKER :** The question is :

"That this House do concur in the  
recommendation of Rajya Sabha that  
Lok Sabha do appoint a member of  
Lok Sabha to the Joint Committee of  
the Houses on the Bill to consolidate and  
amend the law relating to criminal pro-  
cedure, in the vacancy caused by the  
resignation of Shri Kedar Nath Singh  
and do resolve that Shri B. R. Shukla  
be nominated to the said Joint Committee  
to fill the vacancy."

*The motion was adopted*

10.11 hrs.

**UNION TERRITORIES TAXATION  
LAWS (AMENDMENT) BILL\***

**THE MINISTER OF STATE IN THE  
MINISTRY OF HOME AFFAIRS  
(SHRI K. C. PANT) :** I beg to move for  
leave to introduce a Bill further to amend  
certain taxation laws in the Union terri-  
tories.

\*Published in Gazette of India Extraordinary, part II, section 2, dated 17.12.71.