versions) promulgated by the Governor of Tamil Nadu on the 5th March, 1976, under provisions of article 213(2) (a) of the Constitution read with clause (c) (iv) of the Proclamation dated the 31st January, 1976, issued by the President in relation to the State of Tamil Nadu. [*Placed in Library. See* No. LT-10561/76].

(2) A copy of the Annual Accounts of the University of Delhi for the year 1973-74 together with Audit Report thereon (Hindi and English versions). [*Placed in Library. See* No. LT-10562/76].

NOTIFICATION UNDER CUSTOMS ACT, 1962

SHRIMATI SUSHILA ROHATGI: I beg to lay on the Table a copy of Notification No. 59/76-Customs (Hindi and English versions) published in Gazette of India dated the 29th March, 1976, under section 159 of the Customs Act, 1962, together with an explanatory memorandum. [*Placed in Library. See* No. LT-10563/76].

12.02 hrs.

CONTEMPT OF COURTS (AMENDMENT) BILL—*contd.*

MR SPEAKER: The House will now take up further consideration of the Contempt of Courts (Amendment) Bill. Shri Dinesh Joarder.

SHRI DINESH JOARDER (Malda): Mr. Speaker, Sir, this is a very small Bill and I admit there is some necessity for the proposed amendment because there is no Advocate-general within this Union Territory. The purpose of the amendment is to insert one sub-clause in section 15(1), saying that the Central Government may by notification in the official gazette specify on its behalf of any other person with their consent in writing such law officers.

In this connection I should like to mention that to initiate action for contempt of court prior permission of the advocate-general is necessary. It is therefore difficult to understand why this sort of provision has been made. When there is actually any contempt of court, then any person can draw the attention of the court or initiate a motion before the court concerned, the High Court or the Supreme Court and invite the court to take cognisance of the offence or contempt. Why is this precondition that the permission of the advocate-general should be sought? In the original Act also there was such a provision that any person who wants to initiate contempt of court proceedings should take the permission of the advocate-general.

12.04 hrs.

[SHRI VASANT SATHE *in the Chair*]

I think that taking permission or seeking permission from the Advocate General for this purpose is unnecessary and it will delay the main purpose of bringing in a motion for contempt of court. I think, to a very large extent, the purpose will be defeated by that provision In the original Act it was included in 1971 by this Parliament The original Act has already divided the nature of the contempt of court into two divisions—one is civil or general contempt and the other is criminal contempt of court. Sir, the contempt of court should not have been divided in this fashion. Anyway we are not going to discuss the main theme of the enactment that was passed in 1971, but I would say that this has complicated the issues. The procedure and the other methods relevant to the motion for a contempt of court also seemed to have been made before 1971. We had a very simple law for initiation of contempt of court. A very small act was there only with

[Shri Dinesh Joarder]

a few sections, but in 1971 enactment, the unnecessary law and the Act had been enlarged incorporating many such provisions in that which were not relevant. Anyway that part was over. But I do not know why we are discussing this amendment to the original Act. I would like to mention this only to draw the attention of the Minister so that he may consider various provisions of the Act and if it is found necessary, then he can also bring forward a comprehensive amendment for the smooth functioning of this enactment.

Sir, when in 1971 this Bill was passed, ther was the Union Territory of Delhi. The High Court was also there. But why was this overlooked then though this Bill was considered after a discussion? A Joint Committee consisting of Members from both the Houses had also considered this Bill before it was passed. We remember that though the original Bill was processed and recommended by the Joint Committee, there were a lot of amendments made in each and every clause of the Bill. At that time most of the amendments brought forward by the individual Members of both the Houses were not taken into consideration by the Ministry and some of the amendments were very important which should have been considered and should have been incorporated in the Bill. The Bill should have been amended at that time. But even now I would request the Hon'ble Minister to take into consideration all those amendments I would request that all the lacunae in the original Act should be removed I do not want to dilate much on this. I would simply request the Hon'ble Minister to take into consideration all those amendments again Since the purpose of the Bill is very much restricted, I also want to restrict my speech and I would only request that this specific provision of taking prior permission from the Advocate General should be deleted, that is the provision of taking prior permission for initiation of a motion for contempt of court from the Advocate General should be deleted.

The other members also mentioned in 1971, and the hon. minister Mr. Gokhale also admitted at that time, that sometimes the temper and behaviour of the judges also lead to contempt of court and the invoking of these provisions. When the Act is being amended, that also should have been taken into account so that the judges and the members of the Bar also realise that they are also responsible for maintaining the prestige and dignity of the court. This aspect has been overlooked in the Bill and should have been provided for.

With these words, I support the Bill.

THE DEPUTY MINISTER IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI BEDABRATA BARUA): Sir, I thank the hon. member for generally supporting the provisions of the Bill and making a few suggestions. The Act was passed in 1971. It was then provided that the Advocate General and with his permission any other person could move the High Courts and the Supreme Court in contempt proceedings. It was later found out that though Delhi is a Union Territory, it has its own High Court but no Advocate-General. For other Union Territories, the Central Government could appoint Law Officers, but not in the case of Delhi This amending Bill seeks to remove this lacuna in the original Act.

About the other matters raised by the hon. member, they were considered by the Government in 1971 itself as to why the Advocate General alone or persons authorised by him alone should clear these cases before they are filed The intention was only to limit the number of frivolous complaints being made to delay the procee-

dings and for other reasons. Every complaint has to be examined by the High Court if it is made by an individual and not through the Advocate General. This will take away a lot of time of the High Courts, which are already over-worked and there are lots of arrears. So this was done to regulate it.

I have nothing more to add and I once again thank the hon. member for supporting the Bill.

MR. CHAIRMAN: The question is.

"That the Bill to amend the Contempt of Courts Act, 1971, as passed by Rajya Sabha be taken into consideration."

The motion was adopted

MR. CHAIRMAN: Now, I shall take up clause by clause consideration Since there are no amendments, I will put to the vote all the clauses together The question is·

"That clause 2, clause 1, Enacting Formula and the Title stand part of the Bill"

The motion was adopted.

Clause 2, clause 1, Enacting formula and the Title were added to the Bill

SHRI BEDABRATA BARUA· I beg to move·

"That the Bill be passed"

MR CHAIRMAN The question is:

"That the Bill be passed"

The motion was adopted

12.16 hrs.

GUJARAT STATE LEGISLATURE (DELEGATION OF POWERS) BILL

THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI F. H. MOHSIN): Sir, I beg to move:

"That the Bill to confer on the President the power of the Legislature of the State of Gujarat to make laws, as passed by Rajya Sabha, be taken into consideration."

Sir, the House is aware that the Proclamation dated 12th March, 1976, made by the President under article 356 of the Constitution in relation to the State of Gujarat provides *inter-alia* that the powers of the State Legislature shall be exercised by or under the authority of Parliament However, in view of the otherwise busy schedule of business of the two Houses, it would be difficult for Parliament to deal with the various legislative measures that may be necessary in respect of the State It would be even more difficult in situations requiring emergent legislation The Bill, therefore, seeks to confer on the President the power of the State Legislature to make laws in respect of the State· It has been the normal practice to undertake such legislation in relation to the States which came under the President's Rule and the present Bill is on the usual lines Provision has been made in the Bill for the constitution of a Consultative Committee consisting of 51 Members of Parliament (34 from Lok Sabha and 17 from Rajya Sabha) in this regard Provision has also been made to empower Parliament to direct modifications in the law made by the President, if considered necessary

I request this hon House to accept the legislative proposal before it

*Moved with the recommendation of the resident