

10.08 hrs.

STATEMENT RE : REFERENCE OF CONSTITUTION (TWENTY-FIFTH AMENDMENT) BILL, AS PASSED BY PARLIAMENT, TO STATE LEGISLATURES 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 membership 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 amendments proposed by the Bill required ratification 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 jurisdiction and therefore this article required such ratification. The Government takes the view that such ratification is not necessary. However, with a view to avoiding difficulties that may possibly arise and out of abundant caution Government has decided 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 RECOMMENDATION 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 Mirzha, 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 procedure, 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 procedure, 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 territories.

*Published in Gazette of India Extraordinary, part II, section 2, dated 17. 12. 71.