

1756 hours

Title : Discussion on the Judicial Administration Laws (Repeal) Bill, 2000. (Not concluded)

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS AND MINISTER OF SHIPPING (SHRI ARUN JAITLEY): I beg to move :

"That the Bill to repeal the Civil Courts Amins Act, 1856 and certain other enactments, as passed by Rajya Sabha, be taken into consideration."

The Central Government had appointed the P.C. Jain Committee to go into the question of obsolete pieces of legislation which are actually occupying the Statute Book and the P.C. Jain Committee had identified 1,323 such laws, which are actually on the statute Book but which have become irrelevant to the different areas to which they pertain. This is because of the subsequent pieces of legislation. Either they have become obsolete by subsequent pieces of legislation or parallel legislations.

Different departments have been examining each of these laws and with regard to administration of justice. These are 17 legislations which have actually become irrelevant to the administration of justice and have lost their utility in this regard. By a process which we call, scavenging of the Statute Book, that whatever is irrelevant in the Statute Book must be taken out, these 17 legislations which deal with the administration of justice are proposed to be repealed.

If I might just make a brief comment, as to, in fact, what area of subjects they were occupying, the first legislation is the Civil Courts Amins Act. This is an Act of 1856. The institution of Amins in the subordinate courts has already been abolished.

The Bombay High Court (Letters Patent) Act, 1866 corrected two clerical errors which have been subsequently amended by a subsequent amendment of the Bombay High Court Act. It is no longer required.

The Unclaimed Deposits Acts, 1866 and 1870, are two legislations which deal with interest payable in Presidency Towns. The concept of Presidency Towns has been dropped.

The Acting Judges Act, 1867 is irrelevant because after the coming into force of the Constitution, appointments are covered by article 224. We have got Additional Judges under article 224 and so Acting Judges are irrelevant.

18.00 hrs.

The fifth law deals with the High Court of Uttar Pradesh. There is no High Court of Uttar Pradesh left because it is the High Court of Allahabad.

The Presidency Magistrates (Court-fees) Act deals with Presidency towns.

The Punjab Courts (Supplementing) Act, 1919 deals with the jurisdiction of the Lahore High Court.

The Federal Court was abolished in 1950. Therefore, the Federal Court Act has to be repealed.

Similarly, the Enlargement of jurisdiction Act of the Federal Court has to be repealed.

The Abolition of Privy Council Jurisdiction is needed since it has no longer within our jurisdiction.

The Rajasthan High Court Ordinance is covered by the Constitution.

The Bhopal and Vindhya Pradesh are no longer States.

The Judicial Commissioners' Courts have been abolished. So, Acts are not required.

There is no Mysore High Court now. It is the Karnataka High Court. So, the Mysore High Court Act has to be abolished.

Similarly, the Manipur Court-Fees Act has become redundant.

As the Goa, Daman & Diu Judicial Commissioner's Court has since been abolished, the above Act may be repealed. ...(*Interruptions*)

SHRI SONTOSH MOHAN DEV (SILCHAR): Madam, he should honour the time and ask for extension of time. I am ready to give him time. Let him be polite. ...(*Interruptions*)

SHRI ARUN JAITLEY: Madam, I am grateful to Shri Sontosh Mohan Dev. I have asked for an extension of one

minute.

These are the 17 legislations, which have become irrelevant and, therefore, are required to be repealed by this one Act. ...(*Interruptions*)

(ends)

MR. CHAIRMAN : Motion moved:

"That the Bill to repeal the Civil Courts Amins Act, 1856 and certain other enactments, as passed by Rajya Sabha, be taken into consideration."

I think, we will pass it tomorrow since it is already 6 0' clock. Can we pass it without discussion?

SOME HON. MEMBERS: No.

MR. CHAIRMAN: All right, We will pass it tomorrow.

1801 hours

The Lok Sabha then adjourned till Eleven of the Clock

on Friday, February 23, 2001/Phalguna 4, 1922 (Saka).
