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Title: Discussion of the Repealing and Amending (Fourth) Bill, 2015.(motion adopted)

THE REPEALING AND AMENDING (FOURTH) BILL, 2015

HON. DEPUTY SPEAKER: The House shall take up Item No. 10. Shri D.V. Sadananda Gowda.

THE MINISTER OF LAW AND JUSTICE (SHRI D.V. SADANANDA GOWDA): Hon. Deputy Speaker, Sir, I beg to move:

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

This Repealing and Amending Bill is one of the periodical measures by which enactments which have ceased to be enforced or have become obsolete or the retention whereof in the Statute Book has become unnecessary are repealed and removed from the Statute Book.

The second object is to correct the formal defects or patent errors detected in the enactment. The Union Government under the able leadership of hon. Prime Minister Shri Narendra Modi is committed to bring reforms in the legal system of the country to make it more accessible to the common man. For the fulfilment of this objective, the Government has undertaken a comprehensive review of the present legal system, to simplify complex registration, to convert the overlapping legislation and to repeal redundant laws.

In this direction, the Prime Minister's Office has set up a two-member Committee on 1st October, 2014 for repeal of obsolete laws. Various reports of the Law Commission and the report of the two-member Committee were taken into consideration and we identified as many as 1,863 Acts for repeal. We have already moved two Bills consisting of 35 Acts and 90 Acts which have already been enacted by the Parliament. Another Appropriation Bill of 2015, which was introduced and passed by the Lok Sabha and is now pending before the Rajya Sabha, proposes to repeal about 758 Appropriation Acts. 289 Acts have been identified for repeal by respective States. These Acts were passed by the Parliament when the States were under the President's Rule. As per the Constitutional provisions, these have to be repealed by the States. I have already written letters to the Chief Ministers of various States and requested them to repeal those also.

The present Bill is for repeal of 295 Acts. Taking this all together, action has been initiated and completed in respect of about 1,467 Acts out of 1,863 Acts. This being a periodical measure to clean the statute book, it is necessary that the repealing be done. I, therefore, pray that the Bill be taken up for consideration and passing.

HON. DEPUTY SPEAKER: Motion moved:

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

श्री गणेश सिंह (सतना) : उपाध्यक्ष महोदय, माननीय विधि मंत्री जी ने निरसन और संशोधन (चौथा) अधिनियम, 2015 यहाँ प्रस्तुत किया है, मैं उसके समर्थन में अपनी बात रख रहा हूँ। मैं सबसे पहले माननीय मंत्री जी और माननीय प्रधान मंत्री जी को धन्यवाद देना चाहता हूँ। एक बहुत अच्छी पहल की जिसकी वजह से ज़रूरत थी। ऐसे बहुत बड़ी संख्या में अंग्रेज़ों के जमाने के बने हुए डेढ़ सौ, पौने दो सौ साल पुराने कानून हैं जिनकी आज कोई उपयोगिता नहीं है, लेकिन वे कितानों में दर्ज हैं। उनका निश्चित तौर पर निरसन किया जाना ज़रूरी है। जब अटल बिहारी वाजपेयी जी प्रधान मंत्री थे, उस समय 1998 में यह पहल शुरू हुई थी। उसके बाद जब नरेन्द्र मोदी जी प्रधान मंत्री बने तो उन्होंने अपने चुनावी घोषणा पत्रों और चुनावी सभाओं में भी इस बात का उल्लेख किया था कि जो पुराने कानून हैं, जिनकी उपयोगिता नहीं है, उन्हें हम खत्म करेंगे। वे जब अमरीका में न्यूयॉर्क गए थे तो वहाँ उन्होंने जब इस बात को दोहराया तो उपस्थित लोगों ने तालियाँ बजाकर उनके इस फैसले का स्वागत किया था। सचमुच ऐसे-ऐसे कानून हैं जैसे हावड़ा ऑफिस एक्ट जिसकी आज कोई ज़रूरत नहीं है, गंगा टैक्स कानून 1880 का है, ड्रॉमेटिक परफार्मेंस एक्ट 1872 का है, वेस्टलैंड वलेम एक्ट 1867 का है। 1878 में एक कानून बना था कि यदि सड़क पर एक रुपया पड़ा हो, आपने देखा और सरकार को सूचना नहीं दी तो आपको सजा हो जाएगी। इसी तरह 1934 में एक कानून बना पातंग उड़ाने और पातंग बनाने के लिए भी आपको परमिट लेना पड़ेगा। एक कानून 1887 का था कि यदि किसी होटल में पानी पीना हो, शौचालय जाना हो, यह आपका अधिकार है। ऐसे अनेक उदाहरण बता सकता हूँ जिनकी कोई ज़रूरत नहीं थी। मुझे खुशी है कि माननीय प्रधान मंत्री जी के मार्गदर्शन पर विधि मंत्रालय का लगातार ऐसा चौथा संशोधन विधेयक है।

इस बिल के दो पहलू हैं, एक संशोधन और दूसरा निरसन, सबसे पहले मैं निरसन पर चर्चा करूँगा। इस बिल में 295 अधिनियमों को कानून की कितानों से हटाने का प्रावधान है, जिसका विस्तृत उल्लेख मंत्री जी ने अभी किया है। डेढ़ दशक पहले विधि आयोग ने 250 कानूनों को रद्द करने की सिफारिश की थी लेकिन वह आज तक नहीं हो पाया। पी.सी.जैन कमेटी ने भी 250 अप्रारंभिक कानूनों को खत्म करने की सिफारिश की थी, लेकिन वह भी नहीं हो पाया। जैन कमेटी ने 1998 में 700 विनियोग के वित्त विधेयकों को खत्म करने की सिफारिश की थी, ऐसी बहुत सारी सिफारिशें पड़ी रहीं, लेकिन उस पर कोई अमल नहीं हुआ। मंत्री जी ने यह पहल करके निश्चित तौर पर अपना किया हुआ वादा पूरा करने का प्रयास किया है। इसके लिए दो सदस्यीय कमेटी गठित की गई थी जिसमें कहा गया था कि 15 अक्टूबर, 2014 तक 2781 केन्द्रीय अधिनियम विद्यमान थे, उनमें से 1741 केन्द्रीय अधिनियमों की पहचान की गई जिनकी अब उपयोगिता नहीं है। उनमें 777 ऐसे अधिनियम हैं जिन्हें पूर्णतः या अंशतः निरसन किया जा सकता है, 83 केन्द्रीय अधिनियम जो राज्यों से संबंधित हैं जिन्हें राज्य के विधान मंडलों को निरसन करना है। वहाँ 2010 तक अधिनियमित 624 केन्द्रीय विनियोग विधेयक को भी निरसित करना है। केन्द्र शासित प्रदेशों में 257 विनियोग अधिनियम ऐसे बने हुए हैं जो केन्द्र शासित प्रदेश को करना है। पहला निरसन विधेयक में 35 कानून निरस्त हुए थे, दूसरे निरसन विधेयक में 90 कानून निरस्त हुए थे, तीसरे निरसन विधेयक में 11 मई, 2015 को पास हुआ था जिसमें 758 विनियोग विधेयक पास हुए थे। तोक सभा में सारे काम हो रहे हैं। ...[□] यह देश की ज़रूरत के विधेयक हैं, लोगों की ज़रूरत के विधेयक हैं। अभी कुछ दिनों से हम देखा रहे हैं कि विपक्षी दल के लोग सदन का बहिष्कार कर रहे हैं। पिछले 50 वहाँ तक देश में राज करने वाली पार्टी की बेसिक जिम्मेदारी थी कि देश हित में सत्ता पक्ष का साथ देते।

HON. DEPUTY SPEAKER: Whatever Shri Ganesh Singh has said about Rajya Sabha is not to be recorded.

श्री गणेश सिंह : इतने लंबे समय तक राज करने वाली पार्टी जिनकी बेसिक जिम्मेदारी इस देश को सही दिशा देने की थी, जनतंत्र में जनता सरकार से काम चाहती है। सरकार आए और काम नहीं करें और जनता की ज़रूरत को पूरा नहीं करे तो मेरे हिसाब से यह न्याय नहीं है। आज सबसे बड़ा खतरा देश में विश्वास का पैदा हो गया था, वहाँ 2014 के चुनाव के पहले यही स्थिति थी, लोगों का विश्वास सरकार के ऊपर से उठ गया था, राजनीतिक दलों के नेताओं के ऊपर से उठ गया था, ऐसी विचार परिस्थिति में जब देश फंसा था तब नरेन्द्र मोदी जी ने देश को नई दिशा देने का प्रयास किया, जनता ने उन पर विश्वास किया, भरोसा किया। उस भरोसे को लेकर पहले दिन से लेकर आज तक बढ़ती जा रही है। जो वायदे किए गए, चाहे वह वित्त क्षेत्र में सुधार लाने का हो, सामाजिक क्षेत्र में नई नई योजनाएँ बना कर लोगों की गरीबी दूर करना हो, लोगों को रहने के मकान देने की बात हो, पीने के पानी का विचार हो, कृषि क्षेत्र को बढ़ावा देने के लिए सिंचाई की बात हो, जन-धन योजना के माध्यम से लोगों को बैंक से जोड़ने का काम किया, ये तमाम सारे काम उन्होंने किया। उसी कड़ी में हमारा कानून का क्षेत्र है जिसमें बहुत सारी सुधार किए जाने की ज़रूरतें हैं, पुराने कानून का निरसन होना चाहिए, इन सारे विचारों के बारे में जो कुछ भी उन्होंने कहा वे सारे एक-एक करके पूरा जा रहा है।

बेरोजगारों के मामलों में भी उन्होंने कहा था, तो आज कौशल विकास, मेक इन इंडिया, मेड इन इंडिया आदि तमाम कार्यक्रम शुरू हुए हैं। इसे सचमुच लगता है कि एक ऐसी जनप्रिय सरकार, जिसने देशवासियों को सही दिशा में ले जाने का वायदा किया था। आज सरकार के कदम आगे बढ़ रहे हैं। आज हमारे देश के विकास का जो मॉडल है, नींव है, वह साल भर में मजबूती से दिखाई पड़ने लगी है। आने वाले वर्षों में निश्चित तौर पर वह एक अच्छा भवन तैयार कर नये स्थान बनाने में कामयाब होगी। वह नींव एक अच्छे भवन का निर्माण करेगी और देश को ठीक दिशा में ले जाने में काम करेगी।

उपाध्यक्ष महोदय, मैं इसका दूसरा पहलू बताना चाहता हूँ। इसमें एक संशोधन भी है कि जहां पर महिलाएं काम करती हैं, वहां अगर उनका उत्पीड़न हुआ तो उस पर कारगर कार्रवाई कैसे हो? इस पर एक समिति के निर्माण का प्रस्ताव है, जो इसमें संशोधन के रूप में आया है। उसकी धारा 5, 7 और 24 में संशोधन किया जायेगा। एक समिति बनेगी, जिसका कार्यकाल तीन साल का होगा। उस समिति के पास सभी इकाइयां, चाहे ग्राम पंचायत में इस तरह से अपराध हुआ हो, नगर पंचायत में हुआ हो, विकास खंड में हुआ हो, जिले में हुआ हो, तो वह उस समिति के पास केस जायेगा। समिति सात दिवस के अंदर उसका निराकरण करेगी, तत्पश्चात् उसमें कानूनी कार्रवाई होगी। इसी तरह से राज्यपाल से संबंधित एक विशेषाधिकार संशोधन नियम, 2014 था, उसकी भी धारा दो में संशोधन का प्रस्ताव है। मैं इनका पुरजोर समर्थन करता हूँ।

मैं मंत्री जी को धन्यवाद करते हुए यह निवेदन करना चाहता हूँ कि जो शुरूआत हमारी सरकार ने की है, वह शुरूआत निरंतर तेज गति से बढ़ती जाये। देश में जो राजनीतिक दल, राजनीतिक नेता, और आम लोग हैं, वे इसके समर्थन में पूरी तरह से साथ चलें, ऐसी अपील करते हुए मैं इस बिल का समर्थन करता हूँ।

SHRI M. UDHAYAKUMAR (DINDIGUL): Hon. Deputy-Speaker, Sir, Vanakkam!

I am very glad that our hon. Puratchi Thalaivi Amma who is the General Secretary of AIADMK Party has sworn in as the Chief Minister of Tamil Nadu for the fifth time with a historic margin of over 1,50,000 votes in Dr. Radhakrishnan Nagar Assembly constituency.

I rise to participate in the discussion on the Repealing and Amending (Fourth) Bill, 2015. This is an effort on the part of the Government to review and remove the enactments which are obsolete and redundant and unnecessary.

All of us understand that the archaic laws are to be scrapped as they are creating hindrance in judicial and administrative proceedings. It is pertinent to mention a report which said that these laws are a burden on India's political legacy as now they are outdated, fulfilled or surpassed.

Since the 1950s, ten repealing and amending laws have been enacted through which as many as 1,291 enactments have been repealed. There have been so many laws in the statute book which were framed nearly 150 years ago to meet the requirements of those days; but in course of time, they lost their relevance and their presence and are creating a lot of administrative problems.

As on 1st February, 2001, the Supreme Court had 21,936 cases pending. However, the major problem is with the High Courts where in the year 1990 there were 19 lakh cases pending. A large pendency of cases was attributed directly to the archaic laws. All of us will be happy if the obsolete laws which create administrative and judicial hindrance are weeded out. It should be a continuous process.

Our statute is full of obsolete laws, some dating back to the 19th century and early 20th century. Having outlived their utility, these laws need to be repealed, for which recommendations have been made from time to time by various government appointed bodies.

In September, 2014, the 248th Report of the Law Commission gave us a database of 1086 Union Government laws. This database excludes 253 statutes that have been recommended for repeal earlier but still continue on statute books. The database also excludes Appropriation Acts. The 248th Report recommended repeal of 72 statutes and chose another 261 for more scrutiny.

In October, 2014, there was the 249th Report of the Law Commission which identified 77 more statutes for repeal. There were separate recommendations on partial repeal and on 11 World War II ordinances. We also had the 250th Report of the Law Commission which identified 73 more statutes for repeal. Without getting into details of how the numbers added up, with these three Reports, 258 old statutes were identified for repeal.

In November, 2014, there was the 251st Report of the Law Commission with 30 more statutes added and the number of old statutes identified for repeal then went up to 388.

The Ramanujam Committee was set up by PMO in September, 2014 and it submitted a mammoth four-volume report, more comprehensive than the Law Commission exercise. Thus, we know that since 1834, 6612 Central statutes have been enacted. At some point or the other, 3831 have been repealed.

As on 15th October, 2014 we are left with 2781 Central statutes including amending legislation and Appropriation Acts. Of these, the Ramanujam Committee identified 1741 Central Acts for repeal. Of the 1741 statutes, 777 need to be repealed by the Union Government; 83 by the State legislatures since these are Central Acts on State subjects; 624 are Central Appropriation Acts and 257 are Central Appropriation Acts on State subjects, which, therefore, have to be repealed by State legislatures. If one ignores those that have to be repealed by the State legislatures, the already repealed 125 must be benchmarked against the identified 1401. Hence, it appears that we have not repealed even 10 per cent yet. Let us get the Appropriation Acts out of the way first because those are easier to handle. There are 902 of those, including Railway and State Appropriation Acts.

With the Law Commission and Ramanujam Committee taken together, the picture is something like this – 637 Acts can be repealed by Parliament; 84 Acts have to be repealed by the State legislatures; 58 Acts can be repealed by Parliament but only in consultation with the State Governments

and 28 Acts that have something or the other to do with the State reorganisation, so, the views of the Union Home Ministry become essential.

The Law Commission in its 248th, 249th, 250th and 251st Reports on "Obsolete Laws: Warranting Immediate Repeal", *inter alia* recommended for repeal of 289 Acts.

The Repealing and Amending Act, 2015 is to repeal 35 Acts and the Repealing and Amending (Second) Act, 2015, which is to repeal 90 Acts, have been enacted.

Moreover, it is true that the Appropriation Acts (Repeal) Bill, 2015, to repeal 758 Appropriation Acts, as passed by the House of the People on 11th May, 2015 is pending in the Council of States. On remaining Acts, action to repeal is at different stages.

The Repealing and Amending (Fourth) Bill proposes to repeal 295 obsolete and redundant laws lying unnecessarily on the statute book. A few of the laws deemed outmoded will remain on the statute book for now are: Lepers Act of 1898; Elephants' Preservation Act of 1879; Foreign Recruiting Act, Act 4 of 1874; Children (Pledging of Labour) Act, Act 2 of 1933. I must say that this weeding out exercise should have been undertaken way back in 1950, when the Constitution came into being, and we should not have waited till 2015. There goes another saying, 'better late than never'. Having said this, it is important to appreciate another aspect. It is not always the case that a statute can be repealed in its entirety. There are instances where a statute needs retention, but some sections needed to be scrapped. There are instances where a consolidation and harmonization exercise is required. There are also instances where repeal has to be matched with new legislation, plugging the gaps. These take more time than outright repeal.

The Department-Related Parliamentary Standing Committee on Personnel, Public grievances, Law and Justice in their 73rd report observed that 32 amending Acts though dead have continued to remain on the statute book in the absence of their formal repeal and thus, have unnecessarily been congesting the statute book. The repeal of such amending Acts does not reduce the plethora of applicable law in any way and therefore their repeal is not on the same footing as the repeal of a law though obsolete has been a cause of unnecessary hardship to the people.

The Standing Committee of Parliament also suggested that Government should lay more emphasis on identifying such laws and take early steps for identification and repeal of such laws to provide real relief to people from obsolete and archaic laws.

Another important clause suggested by the Committee is the sunset clause. As regards amending Acts, Government should examine feasibility of providing in such amending Acts, a sunset clause for their automatic repeal so that these do not remain on statute book after their purpose is achieved. Such a provision will do away with the need of bringing a repealing Bill every now and then to repeal amending Acts.

The Committee was apprised that legislative scavenging is a periodic exercise to cleanse the statute book. The Committee wanted that simple periodic scavenging of statute book will not suffice the need of the globalised economy. It is the need of the hour to have easy and understandable codification of the law. Hence, in view of the above, I make an appeal that the Government should take efforts to make the laws simple while reviewing the existing enactments on the statute book.

I fully endorse the views of the Standing Committee of Parliament in this regard. *Bhogi* is celebrated on the first day of Pongal festival in honour of Lord Indra. Another ritual observed on this festival day is that useless household articles are thrown into a fire, made of wood and cow-dung cakes. Girls dance around the bonfire, singing songs in praise of the Gods, the spring and the harvest. Agricultural wastes are burnt to make bonfire and it is to keep us warm during the last lap of winter. Our tradition and festivals teach us on every aspect of life. In a similar way, let us weed out unwanted and unutilized archaic laws regularly and legislate simple and effective laws for the welfare of the people.

With these words, I thank you hon. Deputy Speaker, Sir, for having given me this opportunity and I congratulate the hon. Law Minister.

SHRI TATHAGATA SATPATHY (DHENKANAL): Sir, while commencing discussion on the Repealing and Amending (Fourth) Bill, 2015, I am reminded of a Chinese proverb which goes like this: Consider the past and you shall know the future.

The Central Government has taken a comprehensive review of laws and the legal system with a view to removing the incoherent and redundant laws. It is a good effort to unburden our statute books. But sadly we as a country are known not to have a good precedence of recording unbiased history. If you see our history we have documents like the Babarnama and the Akbarnama. In other words, what that kind of documents does is it records the history of the society, of the nation, of the system only from the perspective of the rulers or the cohorts of the rulers, but not from the point of view of the people as to how the common man, the toiling masses survive.

Therefore, I would like to bring to the notice of the hon. Minister and the Government that this year this is the fourth time that such a repealing and an amending Bill has come to Parliament. Earlier, we had three such Bills and this is the fourth one. Are we archiving these laws? It is because these laws are going to be part of our national history one day or the other. Let us imagine a situation where 100 years or 150 years hence when our great grand children or some people, may not be of our families, or children of the nation would be sitting here and they would like to look back and see what has been the history of promulgation of ordinances, making of the laws, what were the discussions. Do we have a proper historical documentation of these laws? The way we are going about it seems like to unburden our statute books to make them slimmer we are getting rid of part of our history.

So, this may create confusion when somebody would like to study the evolution of our legislation process. This staccato manner of bringing such repealing laws, bringing it piecemeal creates a suspicion in the minds of many that probably the Government is interested to create a stop gap arrangement that before this law is repealed do what you want to do. So, that benefits probably a very unknown, small number of people who are unknown to us but who know what is happening, which laws are going to be repealed and so they probably are taking benefits.

Sir, when the Law Commission has given 1741 laws need to be changed, why are we dealing piecemeal is a suspicion that would strike, I guess, any

right thinking citizen of India. These laws were passed during the President's Rule in various States. I suggest that a Committee comprising lawyers and historians should look at these repealed laws or the laws to be repealed and ensure that this does not become a habit. Let us do this once and for all. But let us keep a record of the laws that we are repealing. While we are repealing or we are in the motion of repealing these laws, we are also aware that socially relevant laws which are becoming archaic also need a re-look and probably they need repealing also. I would give an example of something like Section 377, the law relating to small section of society. But it has a relevance to a particular kind of people who are human beings, who have feelings like us, but their sexual needs are different from a lot of people we know. We are not looking down on them. They are neither superior nor inferior. They are equal to us. So, having a second look at the law that relates to homosexuality would be a step forward towards creating a modern society in India which this Government has been professing that it has been trying to do.

These old and draconian laws have harmed many people in this country. For example, in my State, *bhang* is a derivative of a plant called *indica sativa*. It is something that is taken in religious festivals. But we have the law, that is the NDPS Act, which makes it illegal. In the villages of Odisha also, people take marijuana, people take *bhang* not as an intoxicant. It is not like alcohol. We have legalised alcohol, and we keep opening shops after shops even along the highways and we encourage people to drink

In my State the women folks are very bothered with alcohol. There are many tiny revolutions in every village. I noticed it even in my constituency where the women folks are objecting to alcohol being sold openly, and legally through the Government shops. There is no law that stops the selling of alcohol. But we come down heavily on the intoxications of these poorer people, the field workers, and the rickshaw pullers through the NDPS Act. So, that is also an Act that needs to be re-looked at.

I would also draw the attention of the hon. Minister to the current Information Technology Act. There has been a lot of discussion about the net neutrality. A lot of people are very upset with the way we have been dealing with this subject of net neutrality. We recently saw how the Government banned certain sites and then again rescinded its orders, for reasons unknown. Today, it could be a bad site, it could be a pornographic site which we all support should not be watched by people. But when you start doing something like that, then there is no end to the attitude that I will only ban this much and no more. Once you allow the bureaucracy, once you allow the system to go ahead and start banning and they start moral policing the whole nation, then there is no end to moral policing and who will be the next victim is the question that probably none of us here can answer.

Similarly, I would suggest that there be a debate and the hon. Minister can initiate it on the Uniform Civil Code. That is a matter that also disturbs a lot of people in this country. We have very many political thoughts on it. We have based our laws on old religious scriptures whereas the world is moving way beyond religious scriptures, way beyond thoughts which are akin may be in some ways to the thoughts that are being propagated by organisations like the ISIS. If you want to combat those evil organisations like the ISIS, then you have to become a more alert and a more modern society which encompasses with affection every citizen of the nation. The moment you start differentiating, the moment you start dividing society, then you fall prey to the evil organisations like the ISIS.

So, while supporting this Repealing and Amending (Fourth) Bill, 2015, I would urge upon the Government to have a rethink on some of the socially evil laws, socially bad laws and socially outdated laws that are still there in our statute books that do not deserve to be there and that those laws are behaving like chains in our path to democracy and to true freedom. Thank you, Sir.

DR. SATYA PAL SINGH (BAGHPAT): Hon. Deputy-Speaker, Sir, I thank you very much for calling me to speak.

I stand here to welcome and support the Repealing and Amending (Fourth) Bill, 2015. I congratulate the hon. Prime Minister and the hon. Law Minister for bringing forward this Bill. Law is to ensure easy access to 'justice to all,' especially the poor and the common man and to ensure the rule of law so that welfare of the people is ensured in this country. Laws like that should spare no one. That should be the spirit of the law. Whatever are the problems in India, especially there have been a plethora of laws on the same subject which have very complicated and complex things. Sometimes, they are very much contradictory laws. We know in law parlance that ignorance of law is no excuse. There are hundreds of thousands of laws which are there. When lawyers are not even aware of the laws, how can we expect that a common man would know the law?

In the same House, about a few years back, the then hon. Home Minister mentioned: "We can enact the law in this country but we cannot implement it." If we are not able to implement the law, what is the point in enacting the laws? So, we have to keep the laws to the minimum extent of what is required for the country.

Secondly, I come to obsolete, redundant, contradictory and unnecessary laws. Many of the laws are of British era. If we talk about police, we know that we are still having the 1861 law. We are still having the IPC, the Indian Evidence Act of the British era. So many laws are there which are not relevant today. So many laws have become obsolete. That is why, in this country, we are not having the kind of law that is required. That is why, police and the other machinery are suffering. In fact, ultimately, the public is suffering. In practice, I found out one thing. I do not want to go into the details. When laws become the instrument or tool of harassment of the common man, people suffer. We have laws of that kind. These laws are of British era which also show that we are still mentally slaves and we have no change in this country, we have not become truly Independent.

There was a World Bank Report in 2014 on doing business. It mentions that it can take up to 1400 days in India to get legal remedy for non-enforcement of the law. It is about four years of time! It also says that the cost of it can run up to 40 per cent of the claim. If further says that to start a business in India, it takes up to 90 days. Now, because of our Government, it has been reduced to 27 days where the world average is only 7 days or less than that. Because of the plethora of laws, millions of cases are pending in our courts. Because of that, small issues can be taken by the advocates. There are so many obsolete laws on the same subject. Therefore, there is a need how to integrate the similar laws, how to eliminate the laws which are useless laws, how to make a concerted effort for the judicial reforms in this country. That is why, consistently, so many Law Commissions in India in their Reports and in all the Chief Justices Conferences, they have always mentioned that we have to reduce the number of laws in this country.

In 1998 when the NDA Government was there under the leadership of Shri Atal Bihari Vajpayee, a panel was constituted and they have recommended that 1382 laws had to be repealed in this country. More than 400 laws were repealed. When this Government came into office, our hon. Prime Minister stated that this country requires that almost every day, we have to repeal some Act. Then, I think, there was this two-member Committee which was constituted. On the basis of the Law Commission's Report and the PC Jain Commission Report, they recommended that 1741 laws are to be repealed. Today, 295 Acts have to be repealed. I would also request the hon. Law Minister that there should be an automatic repeal clause. Section 6A of the General Clauses Act should also be amended. As we are enacting the law, there should be an automatic repealing of the Acts. There should be a time bound action to repeal obsolete, redundant and unnecessary laws. In the minimum Government and maximum governance scenario, to ensure that we have maximum governance, we require less and less laws. As we know simple food is good for the health, similarly simple and small law is good for the country.

I would also request the hon. Law Minister that we should learn from Compendium Law. The first law book in the world was the *Manusmriti*; similarly, the Kautilya's *Arthashastra*. We have to learn from them so that we can ensure the health of the society. With these words, I end here.

SHRI B. VINOD KUMAR (KARIMNAGAR): Sir, the Central Government had taken initiatives to reform the legal system in our country. I congratulate the hon. Law Minister who took the initiative to enact this repealing Act. In this year, already we have passed three repealing Acts, repealing about 883 Acts. Now, through this Bill, we are going to repeal 295 Acts. All these Acts were passed in this House by our predecessors, who enacted these laws, keeping in view, the situation at that time. However, after fulfilling its intention, now, as these laws are obsolete, redundant and are not necessary in the given circumstances, the Government had taken the initiative. All of us should support this Bill.

On behalf of my Party, we are supporting it. I expect and request the hon. Minister to see that further Acts, which are redundant as expressed by the two-member Committee, are repealed by bringing in a legislation as early as possible.

THE MINISTER OF LAW AND JUSTICE (SHRI D.V. SADANANDA GOWDA): I thank all the hon. Members who have participated in the debate. Everybody has supported the Bill with certain observations. Specially two hon. Members have raised an issue as to why is this piecemeal legislation. Practically, we are also trying to see that all the obsolete laws, which have been identified, should be repealed as early as possible. But as far as these matters are concerned, each and every Act which we are going to repeal, there is a need to have consultations with the Ministry concerned; the administrative Ministry has to be consulted; we have to take their opinions. Then only, we can go ahead for repeal.

Similarly, certain subjects which are in the Concurrent List, we have to write to the State Government to get their opinion. Then only, we can go ahead for the repeal. I can assure the hon. Members that certainly all the 1,863 Acts which have been identified as obsolete and redundant, we would take care of such laws as soon as we get the concurrence from the State Government and ministries concerned.

Hon. Members have mentioned about the automatic repeal clause. We are already working on it. As far as Appropriation Acts are concerned, we have already taken note of it. This year onwards, there will be a sunset clause in all the Appropriation Bills which come before the House so that from next year, after the completion of the purpose of the Act, then, it will be kept automatically for one year to know whether any money drawn from the Consolidated Fund is left out. From the next year onwards, automatically, that Appropriation Act will be repealed. So, we have already introduced a sunset clause in almost all the Appropriation Acts.

As far as automatic repeal clause is concerned, it is the need of the hour. But we need to study further as to how it can be done because it should not have any impact in subsequent days. For that reason, we are carefully studying this aspect and in future Acts we would like to have this automatic repeal clause also.

Sir, unlike human beings, these statutes do not die a natural death. This is the observation made by the Law Commission. So we have to kill them by repealing. Otherwise they will not die, with the possible exception of State statutes whose life is pre-determined by legislation at the time of enacting. We are doing this through sunset clause like the automatic repeal clause so that in future the dual work need not be done. At the time of bringing the Bill itself, we will see that this is done.

The hon. Member Shri Tathagata Satpathy has raised an issue regarding the evolution of our legislative process for the future generations. Of course, the present step, which we are taking through this Repealing and Amending Act, will cleanse the Statute Book. It makes the law simple and easy to understand for the common man. This is the intention behind this Bill. We have observed that these dead laws certainly create confusion with the living laws. This is the observation made by the Supreme Court. So, we have taken this initiative to clean the Statute Book by which obsolete laws which create confusion would be removed. I have already written to State Governments that after the 42nd Amendment, the Acts which have been passed by the Parliament, when the State Government is under President's Rule, now they need to be taken care of by the State itself as the Parliament has no power even though the Parliament has enacted the Act. Under such circumstances, this Repealing and Amending Bill was brought here.

Sir, this is the fourth Repealing and Amending Bill that I have placed before this House in a short span of six months. I will see that all 1,863 obsolete laws would be repealed. So, I hope all the Members are fully satisfied. I thank them once again and request this august House to pass this Bill. Thank you.

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.

The First and the Second Schedules were added to the Bill.

Clause 1 Short title

Amendment made:

Page 1, line 3, *for*"(Fourth)", *substitute*"(Third)". (1)

(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.

The Enacting Formula and the Long Title were added to the Bill.

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

SHRI D.V. SADANANDA GOWDA: Sir, 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.

17.00 hrs