

for "Thirty-eighth" substitute "Thirty-ninth" (1)

[SHRI H.R. BHARDWAJ]

MR. DEPUTY-SPEAKER: The question is:

"That Enacting Formula, as amended, stand part of the Bill."

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Title was added to the Bill.

SHRI H.R. BHARDWAJ: I beg to move:

"That the Bill, as amended, be passed"

MR. DEPUTY-SPEAKER: The question is:

"That the Bill, as amended, be passed"

The motion was adopted.

17.10 hrs.

REPEALING AND AMENDING BILL

[English]

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): I beg to move:

"That the Bill to repeal certain enactments and to amend certain other enactments, as passed by Rajya Sabha, be taken into consideration."

Sir, this Bill is one of those periodical

measures by which enactments which have ceased to be in force or have become obsolete or the retention whereof as separate Acts is unnecessary are repealed or by which formal defects detected in any enactment are corrected. The enactments which are sought to be repealed are mentioned in the First Schedule, and the enactments which are sought to be amended are mentioned in the Second Schedule, to the Bill. The amendments proposed in the Second Schedule are purely formal in nature and are aimed at correcting technical errors or defects. The notes on the Second Schedule appended to the Bill indicate briefly the reasons for the amendments that are proposed to the various enactments contained in that Schedule.

The last repealing and amending Bill was passed in 1978 covering Acts upto and inclusive of the year 1975. In the present Bill, Acts from 1976 upto the year 1984 are being covered. It affects 261 enactments. This measure is of a very non-controversial and formal nature and is referred to as the "scavenging of the statute book".

I commend this motion for the acceptance of the House.

MR. DEPUTY-SPEAKER: Motion moved:

"That the Bill to repeal certain enactments and to amend certain other enactments as passed by Rajya Sabha, be taken into consideration".

SHRI AJIT KUMAR SAHA (Vishnupur): Mr. Deputy Speaker, Sir, there is a whole list of Bills which the Government says is one of those periodical measures by which the enactments which have ceased to be in force or have become obsolete are repealed or by which the formal defects in any enactment are corrected. Sir, now, we have to go by what the Minister has said. The Minister

[Sh. Ajit Kumar Saha]

has said that those enactments are of no consequence and are only of technical nature so as to rectify certain errors. But in any case, I want to suggest that 40 years have passed since we have attained independence and now time has come when all the laws should be thoroughly reviewed in the light of the past experience. There are some other laws which originate from British days. There are Taxation Laws, Factory Acts, Penal Code, etc. We have not given any thought to them. Government only periodically introduces some amendments. Therefore, if a break with the past is necessary, simply through amendments such breaks cannot be introduced. Sir, Bills like ESMA and NSA are of no consequence today. What is consequent today is how to stop the disintegration of the country. The Bills like ESMA and NSA restrict the working class who go in the forefront, in the battle to keep the country united and see that it retains its independence from the foreign intrusions. In such laws would the Minister kindly look into it and try to take new laws in place of bringing amendments. With these words, I conclude my speech.

SHRI V.S. KRISHNA IYER (Bangalore South): Sir, this is really very surprising that the Government wants to strike out with a stroke of pen nearly 200 laws. Sir, the Minister was saying that many of them have become obsolete or outdated. There is not doubt about it.

But to bring it at a later stage like this — nearly four or five years after the law became defunct — will certainly affect the society. We see the Minister taking shelter under Clause 4 "and this act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred, or any remedy or proceeding in respect thereof, or any release or discharge or or

from any debt penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing."

If a particular law so far has not been repealed, and certain action has been taken under that law. Now you are validating that. Suppose that particular action taken is against the public interest, then what would you do now. Because they became obsolete or you have amended the act and if that action has taken place according to the statute it would be correct. It is because so far, you have not repealed it, the law will be valid. So if any action has taken place, you are going to validate it. If anything which has been dealt in against the public interest, in such cases what you are going to do.

Upto 1984, the laws have been repealed. Are there no further Acts, which are worthy to be repealed after 1984-1985 to 1988?

Have you consulted all the other Ministries? Are you sure that there will be no further law to be repealed between the periods 1976-1984? Will the Minister kindly answer this? I want to know from the Government, why they want so much time to repeal an Act? If you say it is a routine matter, then it could have been done once in a year. Why do you wait for six years or seven years to repeal an Act which has become obsolete or defunct? This is not understandable. At the end of the Session you can bring in a law or a piece of legislation - a small amendment- repealing the Acts which are obsolete or which are not in force. It only shows the callousness of the Government so far as the repealing of the acts are concerned. You are treating the law lightly because you are repealing a law which is defunct or obsolete. But we want at the sametime to be on the statute for years and years. So I would like to have a categorical reply from the Minister as to how he is going to mend the two points? Why is such a delay?

Lastly I would like to say that in this Bill the Government has been callous so far as the repealing the law is concerned..

SHRI H.A.DORA:(Srikakulam): Mr. Deputy Speaker, Sir, as the hon. Minister is aware that there are plethora of legislations- both at the State level and also at the Central level - that it has become difficult even for the top lawyers to know what exactly is the law of the land of this country. Number of Bills are amended very constantly. Enactments were replaced by way of Amendments and also by way of Bills. In this Bill we can see the innumerable Amendments and also innumerable repeals that have been sought to be made by the hon. Minister. In this particular case, some of the Amendments have been wholly repealed, some of them partly and some of them have been amended. Is it really appreciated by the Government who is conducting all these things? I would like to bring to the notice of the hon. Minister that there is a controversial Bill - the Postal Bill - which has not yet received the Assent of the President. It is, therefore, imperative that Government must publish annually all the Bills that have been repealed and amended. It is necessary for the information and benefit of the general public to know as to what are the Bills that have been repealed, and what are the amendments carried out.

You are aware that a lot of confusion is created, not only in the minds of the lawyers, but also in the minds of the general public because of the amendments which have been constantly made in this regard. Why are these amendments being brought, and repeals are made? It is only for the reason that the Bills are not properly prepared, and are not properly presented, and the Statements of Objects and reasons are not properly given, and the legislation is rushed through, not only in this House but also in the legislatures of the State of this country. That is the reason why there is an enormous amount of law enacted. It is difficult even for

the computer to know what are the laws in this country. so, my submission is that if at any point of time any Bill is introduced, it should be well thought-out and will-planned, and it must be in the interests of the general public. amendments being brought in at every moment is not good, and it is very difficult for the general public to know what amendments are being carried out, and what is the actual law of this land.

With these suggestions, I conclude my remarks.

SHRI H.R. BHARDWAJ: As I submitted at the outset, we are not enacting a new law by any of these amendments to the laws. This is an exercise which is made to dismantle; after the facts are passed and some amendments are made, it becomes almost inconsequential to retain them in the Statute Book. As a matter of fact, this Bill covers upto the amendments made till 1984.

The question was raised: why do we take so much time to bring this? Earlier, this exercise was done by the first Repealing and Amending Act of 1952 then in 1957, by the Act 37 of 1957; then in 1960 by Act 58 of 1960; then in 1964 by Act 62 of 1964; and then 1974 by Act 56 of 1974 and thereafter, the repealing Act 1978 by Act 38 of 1978. After it, this is the 1984 Act. All this time we consumed by going to various Ministries, having consultations and telling them; After this Act, if there is anything to be amended or corrected, you have to come to us.' So we collected a number of provisions to bring before Parliament. It does not create any law, nor does it try to repeal any law. It is only a correction or scavenging operation that we do like when a building is fully constructed, we dismantle sometimes the other materials lying here and there, so that it becomes a neat and clean building. So, this is that operation; and the Supreme Court has explained this operation in one of the decisions where it has said...

PROF N.G.RANGA:(Guntur): Is it intended to confuse the lawyers, or to remove the confusion?

SHRI H.R.BHARDWAJ: It is intended to remove confusion, like the General Clauses Act. What the Supreme Court says is this.

"Where any Central Act or Regulation made after the commencement of this Act repeals any enactment by amended by which the text of any Central Act or Regulation was amended by the express omission, insertion or substitution of any matter, then, unless a different intention appears, the repeal shall not affect the continuance of any such amendment made by the enactment so repealed and in operation at the time of such repeal."

It is absolutely a safe measure by which we put in order various amendments brought in.

SHRI H.A. DORA: I know you are also an advocate. You remember all these amendments and repeals. If they are not properly published in the dailies and in the regional languages in the country, is it humanly possible for us to know all these things?

SHRI H.R. BHARDWAJ: Nobody remembers all these acts—even the biggest lawyer in the country. But we always maintain their book. I am again submitting that we always have an act which is earlier passed. When the Parliament passes an act and makes some amendments in the original act, those amendments are incorporated in the original act, and that act remains. So, the fact is all the repealing acts or amending acts are to be sometimes put into this list and then the matter is over. Therefore, that amendment is incorporated.

SHRI H.A. DORA: There are innumerable instances where advocates without knowing that a particular amendment has been carried out are harping on the old section itself.

SHRI H.R. BHARDWAJ: There are cases where the lawyers are ignorant. (*Interruptions*) There can be no argument on this. In all the countries in the world, the scavenging operation of statute is done like this only. When you amend a principal act, you have to repeal later on act and put that amendment in original act; and then later on these scavenging operations like this have to be carried out. The same practice is in England. You cannot introduce a different method because this is of no consequence. Therefore, this is not at all relevant to whether it will confuse or not confuse. Even as a lawyer, I tell you nobody knows how many act are there in India unless you look to the statute.

SHRI H.A. DORA: Even the computer cannot say this.

SHRI H.R. Bhardwaj: No, no. I know today that in 1984 we had done an exercise. How many remain after 1984? We will come to the Parliament after doing an exercise again. We have to go to the various Ministries to find out how many amendments have been made, how many have been incorporated and how many amending acts have been passed. We come to the Parliament for their sanction on this. Otherwise, it is inconsequential because the original act still stays and that is the operative act. So, there is absolutely no difficulty in having these operations. It puts in order at least all these lists. So, this is the operation which is done in almost all the countries where legislation is passed by the Parliament. So, all these measures are done after 5 years, 10 years model because we do not come to Parliament for one amending act. So, we collect the list of the statutes from all the Ministries. (*Interruptions*) Upto 1984, we have done the

exercise. Now in three years, we will be completing the next Bill and the exercise will be complete.

MR. DEPUTY SPEAKER: The question is:

"That the Bill to repeal certain enactments and to amend certain other enactments, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

MR. DEPUTY SPEAKER: Now, we will take up clause-by-clause consideration of the Bill.

MR. DEPUTY SPEAKER: 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

MR. DEPUTY SPEAKER: The question is:

"That the First Schedule and Second Schedule stand part of the Bill."

The motion was adopted.

First Schedule and Second Schedule were added to the Bill.

Clause 1

Amendment made:

Page 1, line 3, -

for "1986" substitute "1988" (2)

[SHRI H.R. BHARDWAJ]

MR. DEPUTY SPEAKER: The question is:

"That Clause 1, as amended, stand part of the Bill"

The motion was adopted.

Clauses 1, as amended, was added to the Bill

Enacting formula

Amendment made:

Page 1, line 1, —

for "Thirty-seventh" substitute "Thirty-ninth" (1)

[SHRI H.R. BHARDWAJ]

MR. DEPUTY-SPEAKER: The question is:

"That the Enacting Formula, as amended, stand part of the Bill"

The motion was adopted.

The Enacting Formula as amended was added to the Bill.

The Title was added to the Bill.

SHRI H.R. BHARDWAJ: Sir, I beg to move:

"That the Bill, as amended, be passed".

MR. DEPUTY-SPEAKER: The question is:

"That the Bill, as amended, be passed".

The motion was adopted.

17.32 hrs.

AUTHORISED TRANSLATIONS (CENTRAL LAWS) AMENDMENT BILL

[*Translation*]

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI CHINTAMANI PANIGRAHI): Mr. Deputy Speaker, Sir, I beg to move:

"That the Bill to amend authorised Translations (Central Laws) Amendment Act, 1983, as passed by Rajya Sabha, be taken into consideration."

Mr. Deputy Speaker, Sir, at present, in accordance with the provision made in the Official Languages Act, 1963, a translation in Hindi published under the authority of the President of any Central Act or of any Ordinance promulgated by the President, or of any order, rule, regulation or bye-law issued under the Constitution or under any Central Act is deemed to be the authoritative text thereof in Hindi. But there is no such provision at present with regard to the issuance of authoritative text of Central acts in other official languages of the country except in Hindi. In accordance with the provision made in section 2 of Authorised Translations (Central laws) Act, 1973, a translation of any Central Act etc. in a language, other than Hindi, mentioned in the eighth schedule of the Constitution; published under the authority of the President, is deemed to be authoritative.

Demand has been made from time-to-time that arrangements should be made to make available the authoritative text of Central Acts in the other languages mentioned in the eighth schedule of the Constitution also, in addition to Hindi. This

amending bill has been brought forward with a view to meet the above requirement. After passing this amending Bill authoritative texts of Central Acts in other languages mentioned in the Constitution in addition to Hindi, will be made available. Consequently, it would pave the way of quoting them in the courts situated in the States concerned. This will help in increasing the use of official languages of the States in their respective courts.

It would be a mile-stone in the direction of increasing the use of regional languages other than Hindi mentioned in the eighth schedule of the Constitution in the field of Law.

With these words, I would submit to the House to take this Bill into consideration and pass it unanimously.

SHRI G. BHOOPATHY (Peddapalli): Sir, I welcome the Authorised Translations (Central laws) Amendment Bill and felicitate the hon'ble Minister for this. Here in this House, we have been permitted to make speech in any of the 14 languages, but it is published only in Hindi. Why it can't be published in all the 14 languages?

A number of good and important Bills are brought forward in this House and they are passed. But the people living in every nook and corner in the country do not know that such Bills have been passed here. It is, therefore, imperative that the tribals and the people living in every nook and corner of the country be made aware of it.

A Parliamentary Publication in each of the regional languages should be brought out in each State and it should be made available at all the far off places of the country so that more and more poor people can read it and everybody could know as to what is going on in the Parliament and which Bills have been passed by the Parliament.