

Mr. Deputy-Speaker: The Bell is rung—now there is quorum. I must again remind the House that this is the third time that the Bell is being rung in the last 40 minutes. The question is:

“That the Bill be passed.”

The motion was adopted.

श्री रामसेवक यादव (वाराणसी) : उपाध्यक्ष महोदय, इस कोरम के बारे में मैं कहना चाहता हूँ कि आज अब तक 6 बार कोरम की घंटी बज चुकी है। अब यह जिम्मेदारी सरकार की है कि वह कोरम को रक्खे। लेकिन जब इतनी गैर जिम्मेदारी से इस सदन का कार्य चल रहा है तो मैं आप से निवेदन करूँगा कि आज की बैठक को स्थगित कर दिया जाये।

उपाध्यक्ष महोदय : हर एक मँम्बर की जिम्मेदारी है कि वह कोरम रक्खे।

श्री रामसेवक यादव : यह आप की जिम्मेदारी नहीं है बल्कि यह तो सरकार जिसे कि अपना बिजनेस पास कराना होता है उसकी जिम्मेदारी है कि वह उसके लिए ज़रूरी कोरम बनाये रक्खे।

14.4 hrs.

REPEALING AND AMENDING BILL

The Deputy Minister in the Ministry of Law (Shri Jaganatha Rao): Mr. Deputy-Speaker, on behalf of Mr. A. K. Sen, 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 is a formal measure which is periodically brought before the House to bring the statute book up-to-date because some of the enactments have spent themselves out and are no longer required. The enactments which are proposed to be amended are enumerated in the

Second Schedule while the enactments sought to be repealed are in the first Schedule. The enactments sought to be repealed have ceased to be in force or have become obsolete or their retention has become unnecessary. The notes on the Schedules give the reasons why certain legislation is sought to be repealed or why certain laws are sought to be amended. The amendments that are sought to be made are merely of a formal nature and they do not go to the root of any matter. This a routine measure and I move.

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 Solanki (Kaira): Mr. Deputy Speaker, I only want some clarifications on this Bill. On page 9, line 9 on the Second Schedule they want the figure 225 to be substituted for the figure 226. I had correspondence with the Chartered Accountants Association and they wrote to me that figure 224 was to be put there. I would like to know whether it is a mistake on the part of the Government that for 224 they have put here 226. Because the item 224 is again missing from this Bill.

श्री शिवमूर्ति स्वामी (कपिल) : उपाध्यक्ष महोदय, इस रिपीलिंग एण्ड एमंडिंग बिल के बारे में मुझे केवल यह निवेदन करना है कि खास तौर पर स्वतन्त्रता प्राप्ति करने के पश्चात् बहुत से ऐसे क़वानीन और रूल्स जो कि हमारे मूलभूत हक़ और अधिकारों के खिलाफ़ जाते हैं उनको रिपील करने के लिए सरकार एक विशेष कमेटी नियुक्त करे या फिर इसी ला कमीशन के जिम्मे यह सब देखने का काम सुपुर्द करे ताकि ऐसे सारे इनएक्टमेंट्स रिपील किये जा सकें। मुझे मालूम है कि ऐसे बहुत से क़वानीन हमारी स्टैच्यूट बुक्स में हैं जो कि हमारे फंडामेंटल

[श्री शिवमूर्ति स्वामी]

राइट्स के खिलाफ जाते हैं और उनके बारे में इस समिति को खास तौर पर देखना चाहिए।

उदाहरण के लिए मैं सदन को बतलाना चाहता हूँ कि क्रिमिनल प्रोसीज्योर कोड में जो 107 धारा है उसमें फर्स्ट क्लास मजिस्ट्रेट को पावर्स देने के बारे में लिखा हुआ है। कुछ इलाकों में डिवीजनल कमिश्नर फर्स्ट क्लास मजिस्ट्रेट माना जाता है और उसके बाद में तहसील में एक तहसीलदार भी उस के काम को चलाता है। अब जाहिर है कि दफा 107 में जो पावर्स सिर्फ एक मजिस्ट्रेट फर्स्ट क्लास को दी गई है वही पावर्स जब एक तहसीलदार इस्तमाल करता है तो उसके बुरे असरात पैदा होते हैं और खुद हमारे यहां अभी हमने देखा कि इस तरह से तहसीलदार द्वारा 107 में ऐक्शन लिया गया और तक्ररीबन 5-6 आदमियों के फंडामेंटल राइट्स को पामाल करके 3 महीने तक जेल में रक्खा गया है। यह चीज बिल्कुल गैर कानूनी है और यह उन सिटीजन्स के फंडामेंटल राइट्स के खिलाफ जा रही है। इसलिए मैं मन्त्री महोदय से यह पुरजोर अपील करूंगा कि वे इसके लिए या तो एक विशेष कमेटी नियुक्त करें या ला कमीशन से इस के लिए रिक्वेस्ट की जाये कि वह इस चीज को देखे कि रिआर्गेनाइजेशन ऑफ स्टेट्स के बाद जो बहुत से लोकल ऐक्ट्स हैं और जिनका कि सेंट्रल ऐक्ट्स से क्लैश होता है उनका रिवीजन किया जाना बहुत जरूरी है। जहां पर इस तरह के इन-ऐक्टमेंट्स को रिपील किया गया है उनका मैं समर्थन करने हूँ, जैसा कि मैंने बतलाया और क्रिमिनल प्रोसीज्योर कोड की दफा 107 का हवाला भी दिया उसके और जो दूसरे लोकल ऐक्ट्स होते हैं और वे सिटीजन्स के फंडामेंटल राइट्स के खिलाफ जाते हैं या जो सेंट्रल ऐक्ट्स से क्लैश करते हैं उन सब के बारे में देखभाल कराई जाये। बस मुझे इतना ही कहना था।

Shri Jaganatha Rao: Mr. Deputy-Speaker, Sir as the House knows, the Law Commission has gone through various enactments and suggested amendments; it has published 26 reports it is now examining the Civil Procedure Code and the Criminal Procedure Code. We are always ready to introduce necessary amendments suggested by the Law Commission. The working of the Criminal Procedure Code is a matter for the State Governments because it relates to the law and order and the Government of India has nothing to do with it. Regarding the point raised by my hon. friend, may I refer him to the notes on clauses. He referred to section 226 of the Companies Act. The notes on clauses explain that this amendment seeks to rectify the mistake. By mistake section 226 had been mentioned and we are now trying to correct that mistake.

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: The question is:

"That Clause 2 to 5, Schedule I and Schedule II stand part of the Bill."

The motion was adopted.

Clauses 2 to 5, Schedule 1 and Schedule II were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

Shri Jaganatha Rao: Sir, I move:

"That the Bill be passed."

Mr. Deputy-Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

14.50 hrs.

GOLD (CONTROL) BILL

The Minister of Finance (Shri T. T. Krishnamachari): Mr. Deputy-Speaker, Sir, I beg to move:

"That the Bill to provide, in the economic and financial interests of the community, for the control of the production, supply, distribution, use and possession of, and business in, gold and ornaments and other articles of gold and for matters connected therewith, as reported by the Joint Committee, be taken into consideration."

I have on several occasions and also when I moved the Bill for reference to the Joint Committee, dealt with the circumstances under which Gold Control had been introduced and what its principal objectives were. I have also, for the information of the Members of the House, circulated a brief note on the subject and therefore it is not necessary to repeat what has already been said about the basic objectives of this measure.

On the 5th June, 1964, this Sabha adopted a motion referring the Gold (Control) Bill, 1963 to a Joint Committee. The Rajya Sabha concurred in that motion on the 6th June, 1964. The Joint Committee held thirteen sittings in all. Having regard to the importance of the subject and the interest taken by the public, the Committee decided to hear evidence of associations and others desirous of presenting their views or suggestions and for this purpose issued a Press Communique inviting memoranda. 1,99,678 memoranda and representa-

tions were received by the Committee from various associations and individuals. The Committee gave an opportunity to 47 associations as well as a Member of Parliament to give oral evidence before it. Certain officials were also examined.

The Joint Committee has presented its report to this Sabha. That report fully explains the reasons for the change made by it and I would not like to take the time of the Sabha by repeating them. However, it is necessary to comment on the main points raised in the various minutes of Dissent and to touch upon some of the more important changes made by the Committee.

In most of the minutes of dissent, the 14 carat rule has been singled out for strong criticism. Apart from its unpopularity, it has been argued that once people start taking to 14 carat ornaments, they will be buying more gold ornaments than before because their intention would be to possess a certain pre-determined quantity in terms of pure gold content. Consequently, the object of reducing the demand for gold will be defeated. On these grounds, some Honourable Members have urged that instead of quality control, there may be quantity control. While accepting the need for controlling the price and distribution of gold, some members have suggested that a statutory body like the State Trading Corporation or the Khadi Gramodyog Commission should be entrusted with the monopoly of buying and selling of gold in the country.

The object of the 14 carat rule is to make the existing supply of gold go round to a greater extent than before. Generally, when people go in for ornaments, they do not have the intention of acquiring a pre-determined quantity of gold. They are guided by the existing social customs and go in for, say, a set consisting of bangles, necklace and ear-rings. Obviously, for making this set, much less gold will be required if the ornaments are