

[Shri Kalika Singh]

and now they are doing away with radio. They just sit round the hearth and hearing the television programmes, and they see sports and everything else on the television screen. I am not concerned with that aspect here in our country. I do not want that Indians should have recreation at the cost of the country. I want television in our country in order that our democracy may grow. Television and radio being very important from this point of view, any amount of money should be provided for this purpose I am conscious of the fact that the Ministry of Transport and Communications is not concerned with all that. That is the business of the Information and Broadcasting Ministry, and this Ministry has only come forward with an amendment of the Indian Telegraph Act and the Wireless Telegraphy Act to enable the people to have licence for television sets. So, the limitations of this Ministry apart, I would, however, submit that the point should be carried through that we must have television in India for the carrying on of democracy.

**Dr. P. Subbarayan:** I do not think I could add much to the debate, because the person really concerned with this is the Minister of Information and Broadcasting. I shall naturally convey to him all that has been said about programmes etc.

I think our All India Radio programmes are as good as could be had anywhere, and, therefore, I do not think people need complain that the Information and Broadcasting Ministry are not doing what they should do.

Of course, the television programme is only at its beginning. I am sure hon. Members understand that it will cost a good deal of money before there is a network of television programmes all over India. It is being tried now in a small fashion, and of course, it will increase, if more and more people get interested in television and want to see television propagated in the proper manner.

Therefore, I would content myself with saying that hon. Members have dealt with this matter in a very comprehensive fashion, no doubt, with which I am not really concerned, but I am sure my hon. colleague the Minister of Information and Broadcasting will go through the debate that has taken place and see what they can do with regard to this.

**Mr Chairman:** The question is:

"That the Bill further to amend the Indian Telegraph Act, 1885 and the Indian Wireless Telegraphy Act, 1933, be taken into consideration."

*The motion was adopted.*

**Mr. Chairman:** There are no amendments to the clauses.

The question is:

"That clauses 2 to 5, clause 1, the Enacting Formula and the long Title stand part of the Bill".

*The motion was adopted.*

*Clauses 2 to 5, clause 1, the Enacting Formula and the long Title were added to the Bill.*

**Dr. P. Subbarayan:** I beg to move:

"That the Bill be passed".

**Mr. Chairman:** The question is:

"That the Bill be passed".

*The motion was adopted.*

14:20 hrs.

BRITISH STATUTES (APPLICATION  
TO INDIA) REPEAL BILL

**The Minister of Law (Shri A. K. Sen):** I beg to move :

"That the Bill to repeal certain statutes in their application to India, as passed by Rajya Sabha, be taken into consideration".

This is a very formal matter pursuant to the recommendations made by the Law Commission in respect of certain British statutes which are still applicable in India. The Law Commission has recommended the repeal of these statutes. So we have formally

introduced this Bill to repeal those statutes which are very large in number, as will be found from the Schedule to the Bill itself.

14.22 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

**Mr. Deputy-Speaker:** Motion moved:

"That the Bill to repeal certain statutes in their application to India, as passed by Rajya Sabha, be taken into consideration."

**Shri Supakar** (Sambalpur): The hon. Minister has stated that this is only a formal Bill. But if you look at the Fifth Report of the Law Commission of India, you will find that the Report was submitted as long ago as on 9-11-1957; and after the submission of that Report, Government took a considerable time, about three years, to bring forward such an apparently simple Bill. The Bill was introduced on the 14th July 1960.

I would submit that even the Bill as it was introduced in the Rajya Sabha and as now placed before us does not fully take into consideration all the statutes that were considered by the Law Commission. I had a curiosity to compare the list of the Acts scheduled to the Report of the Law Commission with the Schedule to the present Bill and I found some variation, for which some explanation at least should be forthcoming. We expected that during the last three years the Government would have taken into consideration not only appendices I and II which were recommended for repeal by the Law Commission but also appendix III in respect of which the Commission has said that the Government might consider appropriate legislation to fill up the vacuum when the statutes listed in appendix III are repealed.

You will find from the Statement of Objects and Reasons that there are certain statutes included in the Schedule to the present Bill which are from

British statutes listed in appendix III of the Law Commission's Report, but where the opinion of Government is of a dubious character. I will take only one illustration. On page 17, in regard to the Domicile Act, 1862, it is stated:

"The Law Commission while stating that this statute is not necessary, has added that the point whether similar legislation is required with respect to the relations of India with foreign States may be considered. It is felt that this statute may be repealed for the present and that the point raised by the Commission may be pursued separately later on, if necessary".

I submit that this is a most unsatisfactory state of affairs. The first point is that apparently the Government have not taken into account all the statutes under appendix III regarding which the recommendation was that Government might consider appropriate legislation before the statutes were repealed. Secondly, even when they have chosen to repeal only a few out of the whole list, the Government are not sure whether it is necessary to have appropriate legislation in place of the statutes repealed.

**Mr. Deputy-Speaker:** His first point is that all the Acts have not been included for repeal. The second point is that proper legislation has not been taken up to replace them.

**Shri Supakar:** The Law Commission gave so much importance to the subject. Along with their recommendations regarding the laws of limitation, registration, Civil Procedure Code and other important pieces of legislation, they took so much pains on this particular aspect of British statutes applicable to India to decide how far and to what extent they should be repealed. Government have taken so much time to take a decision on that and even then in the Bill they have brought forward, they are not sure as to whether appropriate legislation to replace them is necessary.

**Mr. Deputy-Speaker:** Let us hear the Law Minister.

**Shri Aurobindo Ghosal (Uluberia):** We know that previously the British used to divide the legislation into two series, one for Presidency towns and another for provincial towns. For example, in Bengal there is the Small Causes Court Act. One is for the Presidency of Calcutta and another for the mofussil towns. There is also an Insolvency Act, one for the Presidency towns and another for the mofussil towns. At present, there is no distinction between Presidency towns and other towns. Why should this division be maintained? Why should we not have one law for both Calcutta and the outside towns? That is one point for consideration.

**Shri Kalika Singh (Azamgarh):**  
rose—

**Mr. Deputy-Speaker:** We are hard up for time. I do not have any objection, but if the business is not finished, we will have to leave it like that.

**Shri Tangamani (Madurai):** I am only going to refer the hon. Member to a certain note of dissent appended by Dr. N. C. Sen Gupta to the Report on the basis of which this Bill has been drafted. He has made three pertinent points. One is on the question of application of certain Acts, the Indian Extradition Acts and other Acts. For want of time, I do not want to discuss in detail. There the point was raised about the right of citizenship, which was the subject-matter of a question here in regard to Shri Phizo. Phizo is an Indian citizen. He is entitled to British citizenship and a passport issued by the British Government by virtue of being a Commonwealth citizen. That point has been raised here. I would like to know what reply the Government have to the dissenting note of Dr. N. C. Gupta on these Extradition Acts, and also on the Church Act of 1927 and the Foreign Tribunal Evidence Act of 1857.

**Shri Kalika Singh:** After the passing of the India Independence Act 1947,

it was said in Britain that they were not going to pass any Act thereafter applying to India. But in 1948, the UK Parliament passed the Republic of India Act. It was asked why this Republic of India Act was necessary and they said it was to regulate citizenship. Now another Act has been quoted by the British people—the British Nationality Act of 1948. It is said that Phizo who is an Indian citizen automatically, because of his Indian citizenship, becomes a British subject. After 1947 the British Parliament has got no jurisdiction over India, except that the Queen is the symbol of association and is the head of the Commonwealth. How is it that Britain has got two Acts at least which regulate citizenship in India and has got application to all the citizens here?

**Shri A. K. Sen:** Mr. Deputy-Speaker, Sir, we have already answered one of the objections taken that Appendix III cannot be done away with until the vacuum is filled up by legislation by Parliament. In fact, some of them have already been covered by legislation passed by Parliament like the Merchant Shipping Act. Therefore, as and when Ministries bring in legislation to cover the field the Appendix will be filled up.

**Mr. Deputy-Speaker:** Let the vacuum be created first and then it will be filled up.

**Shri A. K. Sen:** With regard to the point raised by Shri Kalika Singh, I have not been able to follow him. There is no such Citizenship Act applying to this country. They are regulating their own citizenship laws. If under their law, they admit Phizo as one of the citizens, we cannot quarrel, as they cannot if we admit any other person in India as an Indian citizen.

**Shri Kalika Singh:** Every Indian citizen automatically becomes a British subject.

**Shri A. K. Sen:** That is their law; it is not a law applicable to India.

**Mr. Deputy-Speaker:** In their own country they can pass any law they like.

**Shri Tangamani:** Can I transfer a property not belonging to me?

**Mr. Deputy-Speaker:** If we pass a piece of legislation that we would acknowledge every British subject to be an Indian citizen, how can they prevent it.

**Shri A. K. Sen:** The point is not the propriety of their law; the point is whether it applies here. It does not apply here. Our law is quite different. Our law is a parliamentary law called the Indian Citizenship Act. That law applies to their own country by which they can admit any other person as a citizen. It has nothing to do with the application of British statutes in India.

**Mr. Deputy-Speaker:** The question is:

"That the Bill to repeal certain statutes in their application to India, as passed by Rajya Sabha, be taken into consideration."

*The motion was adopted.*

**Mr. Deputy-Speaker:** There are no amendments. I shall put all the clauses together. The question is:

"That clauses 2 and 3, the Schedule, Clause 1, the Enacting Formula and the Long Title stand part of the Bill."

*The motion was adopted.*

*Clauses 2 and 3, the Schedule, Clause 1, the Enacting Formula and the Long Title were added to the Bill.*

**Shri A. K. Sen:** Sir, I beg to move:

"That the Bill be passed."

**Mr. Deputy-Speaker:** The question is:

"That the Bill be passed."

*The motion was adopted.*

14:35 hrs.

#### REPEALING AND AMENDING BILL

**The Minister of Law (Shri A. K. Sen):** Sir, 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 Bill which seeks to repeal statutes which have become obsolete. It also amends those Acts mentioned in the Second Schedule to the extent they need amendment as a result of the subsequent legislation affecting their operation. This is a formal matter, because it gives effect to the law as it is now.

**Mr. Deputy-Speaker:** The question is:

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

*The motion was adopted.*

**Mr. Deputy-Speaker:** There are no amendments to this Bill as well. I shall, therefore, put all the clauses together.

The question is:

"That clauses 2 to 5, the First Schedule, the Second Schedule, Clause 1, the Enacting Formula and the Long Title stand part of the Bill."

*The motion was adopted.*

*Clauses 2 to 5, the First Schedule, the Second Schedule, Clause 1, the Enacting Formula and the Long Title were added to the Bill.*

**Shri A. K. Sen:** Sir, I beg to move:

"That the Bill be passed."

**Mr. Deputy-Speaker:** The question is:

"That the Bill be passed."

*The motion was adopted.*