

and Training, as on January 1, 1995, the representation of SCs in Group A and B services was only 10.15 and 12.67 per cent respectively, while the figures of the same date showed that the SC representation in the public sector, in both Group A and B jobs stood at 6.41 and 9.68 per cent respectively; this is against the officially mandated 10 per cent quota for SCs. In the case of STs., approx. 50 per cent of the quota is not utilised. Former Union Welfare Secretary, RS. Krishnan, believes that discrimination is most pernicious at the promotion stage. The moment an SC/ST member enters the bureaucracy, he is made to feel unwanted. The real test comes when he is about to become Joint Secretary. For many years, they are not empanelled at all or, at best, a few names are thrown in which are *never* considered. In 1990, only one SC member was empanelled for promotion to the Joint Secretary rank. It is worse when it comes to Secretary level posts. From the 1962 and 1963 batches, no SC/ST officer was made Secretary. From the 1964 batch, only one was empanelled and he also retired as Additional Secretary. Moreover, some departments recently sought the SC/ST Commission's permission to dereserve some posts. A Joint Secretary level ST bureaucrat says, "After empanelment, I was supposed to join.."

MR. CHAIRMAN: I am told what you are reading is not in the text.

SHRI SANTOSH BAGROOIA: Yes. It is an addition.

MR. CHAIRMAN: No. It is not allowed, please.

SHRI K. B. KRISHNA MURTHY (Karnataka): Sir, I associate myself with what he has said.

[THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA) in the Chair]

GOVERNMENT BILLS

THE JUDICIAL ADMINISTRATION LAWS (REPEAL) BILL, 2000

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

"That the Bill to repeal the Civil Codes Amins Act, 1856 and certain other enactments, be taken into consideration.*

The Government of India had appointed the P.C. Jain Committee which had gone into the question of obsolete laws. About 1,300 laws were found obsolete by the Committee and they still continue to be on the Statute Book. A process of removing each one of these laws from the

Statute Book has been undertaken. Both the Houses of Parliament have already repealed several of these laws. This particular Bill deals with the repeal of 17 such laws that have become completely obsolete. I will just give some illustrations.

The first one, the Civil Courts Amins Act, 1856 continues to be on the Statute Book, even though the whole system of Amins in Civil Codes has been abolished and is no longer in vogue. The Bombay High Court (Letters Patent) Act, 1666 corrected some two clerical errors in the original Act and is no longer required to be on the Statute Book. The two Unclaimed Deposits Acts, 1866 and 1870, referred to only the jurisdiction within the Presidency Towns which have since been abolished and the laws have ceased to exist. The Acting Judges Act, 1867 has outlived its utility because even the Acting Judges are now regulated by article 224 of the Constitution and not by the 1867 regulation. The legislation, the Procedure of the High Court for Uttar Pradesh, is redundant because there is no longer a High Court of Uttar Pradesh. We have the High Court of Allahabad. The Presidency Magistrates (Court-fees) Act, 1877 deals with Presidency Towns. The Punjab Courts (Supplementing) Act, 1919 deals with the jurisdiction of the High Court of Lahore. The Federal Court Act, 1937 and the Federal Court (Enlargement of Jurisdiction) Act, 1947 deal with the Federal Court which had ceased to exist since 1950, after the Supreme Court came into existence. The Abolition of Privy Council Jurisdiction Act, 1949 is no longer required because the Privy Council no longer has jurisdiction, as far as India is concerned. The Rajasthan High Court Ordinance, 1949 is no longer relevant because the Rajasthan High Court, after the States Reorganisation Act, is now regulated by the Constitutional provisions. The Bhopal and Vindhya Pradesh (Courts) Act, 1950 deals with the jurisdiction of the erstwhile courts of Bhopal and Vindhya Pradesh. Now, it has already been reorganised and merged with Madhya Pradesh. Then, we had laws relating to the Judicial Commissioners. There is not a single Judicial Commissioner left in the country. The law relating to the jurisdiction of Mysore High Court is no longer relevant because we now have the Karnataka High Court which has jurisdiction over the entire State. Similarly, the law relating to the Manipur Court-fees Act has become redundant. The Judicial Commissioner's Court law in relation to Goa, Daman and Diu has also become redundant since the Judicial Commissions

have been abolished. I, therefore, propose that these 17 laws that have become redundant be repealed, by passing this Bill. *The question was proposed.* THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI O. RAJAGOPAL): Sir, It was decided that this should be passed without much discussion because there is not much controversy regarding these matters. Therefore, if possible, let it be passed without much discussion.

श्री सुरेश पचौरी(मध्य प्रदेश): इस पर ज्यादा लोग नहीं हैं, लेकिन कुछ प्वाइंट रेज करेंगे।

THE VICE-CHAIRMAN {SHRI SANTOSH BAGRODIA): Some names have come. Let them speak quickly. Shri W. Angou Singh.

SHRI W. ANGOU SINGH (Manipur): Mr. Vice-Chairman, Sir, I rise here to participate in the discussion on the Judicial Administration Laws (Repeal) Bill, 2000. At the outset, I appreciate the efforts of the Minister of Law and Justice for repealing some of the Acts of the British regime and some of the outdated Acts which were framed after our Independence. Taking advantage of my participating in the discussion on the Judicial Administration Laws (Repeal) Bill, 2000, I would like to mention here about some- of the judicial activists who have cropped up nowadays. It is a fact that the judicial activists are becoming stronger day by day and it is that activism of the Judiciary which has caused so much interference in the working of the Legislature and the Executive.

They are now assuming themselves as cream of the society, but, actually, it is wrong.

SHRI SANGH PRIYA GAUTAM (Uttaranchal): Sir, the hon. Member is referring to the conduct of judges. We should not discuss the conduct of the judges on the floor of the House. ...*(Interruptions)*...

SHRIMATI JAYANTHI NATARAJAN: Sir, what he is saying is that the conduct of the judges cannot be discussed here. He is right. ... *(interruptions)*...

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA) : I think you should not discuss the conduct of the judges here. ...*(interruptions)*...

SHRIMATI JAYANTHI NATARAJAN : Sir, he is talking about the activism, which is a different issue; but we can't comment upon the judgments, the judges themselves and the quality of their judgment. We don't ever discuss it in the House.

*Expunged as ordered by the Chair.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): If there is anything objectionable, we will see to it and it will be removed.

SHRI W. ANGOU SINGH: My point is that in view of the interference by the judges in matters of State, we have to mention here something. If we cannot mention those instances in a discussion like this, then where should we mention the interference caused by judges? I am not blaming all the judges. I am mentioning here a specific case which has happened in my State. That is my only point.

Sir, recently in Manipur, an incident happened between the Judiciary and the Executive. The issue is that because of the financial position of the State, a Memorandum of Undertaking was signed between the Government of India and the Government of Manipur. In order to save the financial position of the State, it was mentioned in the Memorandum that no appointments would be made in the State. On the basis of that, the State Cabinet had taken a decision for banning appointments till the financial position of the State improved. But, some of the candidates went to court demanding that the result of the interview in which they had appeared, should be announced. One judge of the Guwahati High Court delivered a judgment that the result should be announced within 24 hours.

SHRIMATI JAYANTHI NATARAJAN: Sir, he cannot discuss about a judgment in the House. ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA) See, just now I have said that if he has made any objectionable statement; we will see the record and it will be removed. ...*(Interruptions)*...

SHRI W. ANGOU SINGH: Since there is a ban on appointment, the Executive Officers - Director of Education and Commissioner of Education, are unable to announce the result. Later the judge delivered a judgement that the officers would face action for contempt of court for delaying the announcement of the result. ...*(Interruptions)*...

SHRIMATI JAYANTHI NATARAJAN: It should be settled in the House.... *(Interruptions)*...

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): Mr. Singh, just a minute,

Expunged as ordered by the Chair.

SHRI R. MARGABANOU (Tamil Nadu): Sir, the judgment can be commented upon, but the conduct of the judge cannot be discussed.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): Mr. Singh, please don't discuss the conduct of the judge on the floor of the House. I have seen the rules just now. ...(*Interruptions*)...

SHRI W. ANGOU SINGH: I want to draw the attention of the hon. Minister to such incidents which are happening in our democratic country.

The Government should take up some measures so that regular interaction between the Legislature, the Judiciary and the Executive is done. With these words, I support the Bill.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): Prof. Bharati Ray is not here. Now, Shri Thirunavukkarasu.

SHRI C. P. THIRUNAVUKKARASU (Pondicherry): Sir, it is a good exercise by the Government that they are repealing 17 enactments through this Bill. As an advocate, I know that there are 50 volumes of AIR. By repealing about a thousand Acts, the number of volume would get reduced. So, I congratulate the Government for bring forward this repeal Bill.

In certain States like Himachal Pradesh, Tripura, etc., the Judicial Commissioners' Courts (Declaration as High Courts) Act, 1950 is in existence. But, in certain Union Territories like Goa, Daman & Diu, Pondicherry, etc., there is no Judicial Commissioners' (Declaration as High Courts) Act. I don't know how you are going to remove this Act in Pondicherry when it is not in existence. I request the Minister to kindly correct it.

I would like to submit to the Minister one more thing. Even though we have had a *de facto* transfer of powers in the year 1954, we are not having an independent High Court at Pondicherry. As per article 214, the Madras High Court would work as the High Court of Pondicherry also. I request the hon. Minister to have an independent High Court for Pondicherry also. Otherwise, at least, there should be a -circuit bench at Pondicherry.

We have a Consumer Protection Court, which is coming from Chennai to Pondicherry. The Central Administrative Tribunal is coming to

Pondicherry. Hence. I request that there should be a circuit bench at Pondicherry.

Thank you for giving me time to speak.

SHRIMATI JAYANTHI NATARAJAN: I want to add one sentence only. Though it is not within the ambit, since the hon. Member has referred to it, I would like to mention here that we have made a request to the Government, unanimously, to once again put forward to the hon. Supreme Court the proposal to have a bench of the Supreme Court in the south of India, at Chennai, specifically, *(interruptions)*

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): One sentence becomes 20-30 sentences. *(Interruptions)*...

SHRI R. MARGABANDU: It should be situated either at Chennai or at Bangalore. I have given notice of a Private Member's Bill on this subject. *(Interruptions)*

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): It is not your turn now. Why don't you give it in writing if you want to speak? *(interruptions)* Dr. Singhvi now.

DR. L. M. SINGHVI (Rajasthan): Sir, I rise to congratulate the hon. Minister for having brought a Bill to repeal what is essentially archival and otiose. I am glad that he has brought this Bill today and, I hope, he will bring a series of them, after examining a very large number of legislative enactments, which have no relevance any more, except that, historically, we might still refer them. They ought to be consigned to the archives.

There is, however, an issue with regard to the examination of this legislation and consistent with the desire of the Government to make our Statute Book less flabby and a little more easy to cope with, I hope the Government would begin to publish the statutes of India as they stand today because even lawyers find it difficult to have access to the law as it stands today. Now, I am sure, the hon. Minister, who has been a distinguished member of the Bar, must have encountered this difficulty. though the private sector is coming to the rescue of lawyers and litigants. I would like to press the point upon our hon. Minister that it is about time to prepare a list of many reports of the Law Commission which have over the years, ever since the First Law Commission was appointed, have been

gathering dust on the shelves of various Ministers or Secretaries and Departments. Many of them have become less irrelevant now because they were made long time ago. It is about time that we address this whole question of law reform in a more purposeful and business-like manner. Law reform is something which every democratic society needs from time to time and the law reform is something to which special attention is given by a constituted commission. Unfortunately, however, reports made by the Law Commission are not laid on the Table of the House with the promptitude which is required to be done. And on that if necessary legislation is required, then such legislation ought to be brought to the House because the Law Commission is something which is an expert body and which gives us recommendations which ought to be implemented while there is time for them to implement. Law lives after all in time and space and not beyond time and space. It is, therefore, important that the Law Minister while bringing this repeal legislation will bring many more such repeal legislation. This is a great contribution to the understanding of our legal system of its vibrations in the modern society and more importantly to see that the law reform recommendations which have been made from time to time are re-examined once again and promptly. We ought to implement the recommendations for law reform. I congratulate the Minister for bringing this piece of legislation. I think this is a legislation which ought to be passed without, a lot of discussion. But we take this opportunity not only to congratulate the Minister but to expect that a great deal more would be done in the matter of law reform. Thank you.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA):
Mr. Margabandu. ...*(Interruptions)*...

I believe that you have already spoken on this issue.
(Interruptions)... No. ...*(Interruptions)*...

SHRI R. MARGABANDU: Mr. Vice-Chairman, Sir. I thank you for this opportunity to speak. Sir, I congratulate the Minister because on the recommendation of the Law Commission the obsolete laws are sought to be repealed. The Minister is to be congratulated for this. At the same time, I would like to submit that for a single subject or for a single matter, there are several statutes. I would like to quote here a few instances. My submission is that the Law Commission can be requested to review the entire thing. As has been pointed out, there should be law reform and various law pertaining to a particular subject should be codified and simplified. Sir, in the case of disability there are three Acts, namely, the

Persons with Disability Act, the Rehabilitation Council of India Act and the National Welfare Trust for the Welfare of Mentally Retarded People Act. These three Acts also relate to mental retardation. With regard to mental health, there is the Insanity Act. There are several other such Acts on the very same subjects. They are a repetition of the one or the other. Consequently, it is creating problems for the lawyers and the people in understanding the law. In this way, the law on a particular subject can be codified and it can be simplified. For example, the Guardian and Wards Act; the Hindu Minority and the Guardianship Act, the Marriage and Divorce Acts for various sections of the people, the Special Marriages Act; laws of Civil Procedure and Criminal Procedure; all these laws are there. On one subject, several legislations are there in the statute. I request the hon. Minister, having taken the initiative to repeal the obsolete Acts, on one subject, let there be one codified and simplified Act, like the Hindu Law, which has been codified. Let there be some attention on the part of the Law Ministry to review the entire legal position. I would also like to point out here that, taking advantage of several Acts on the 'statute, a moneyed person or a person who is capable of manoeuvring the court, files case after case. After completion of one case, on a simple point he takes up another matter to the court. In this way the litigation goes on. As a result, the poor man is dragged to the court again and again. He never sees the end or gets justice in the court of law. As the Principle of *res judicata*, once it is decided by the court it cannot be also be raised again. The law is there. At the same time, there is no prohibition on the person to raise the point again. Once it is decided, then there is no prohibition on the particular person to raise the point again and to litigate again. On the question of *res judicata*, I would request the Law Ministry to think of this. If a person indulges in vexatious litigation, there should be a legislation to punish him severely; then alone vexatious litigation can be avoided.. So. I request the hon. Minister to see that innocent persons are not dragged again and again to the court which not only causes concern to the common people but it also results in piling up of the cases in the courts. This gives an alarming picture about the number of cases pending in the courts. It takes years. Even in High Courts when there is a second appeal even on a simple matter, it takes about 15 years for the High Court Judge to open the paper and find out whether it is a legal position or not. So, to simplify all these things, the law has to be codified and it has to be

simplified. Effort has to be taken by the Law Ministry. With these words ! conclude. Thank you.

SHRI N. K. PREMACHANDRAN (Kerala): Sir, thank you very much for giving me this opportunity. In this Bill, there is no controversy and it can be passed without any discussion. I take this opportunity to congratulate the Law Minister in bringing forward a piece of legislation to repeal 17 legislations which have become obsolete. Sir, for imparting justice to the poor, common people, an effective judicial administrative system is absolutely necessary. So, I take this opportunity to highlight certain points, as far as my State of Kerala is concerned. As far as an effective judicial administrative system is concerned, the Jaswant Singh Commission's Report is already there. One of the criteria for allowing or sanctioning a High Court Bench or a full Bench is that, preference should be given to the State capital for setting up a High Court Bench. That is the specific recommendation of Jaswant Singh's Commission Report. Sir, I would like to cite one thing for the attention of the hon. Law Minister that the Capital of Kerala, that is Trivandrum, still does not have a High Court Bench. I think, there is only one or two instances all over the country where a State capital does not have a High Court Bench. The States Re-organisation Act, 1956, very specifically stated that there will be a High Court in each State and it will be situated at the State capital. It is Trivandrum in the case of Kerala. During the time of Travancore-Cochin, it was established and it functioned at Trivandrum. But, unfortunately, after 1956, there is no High Court Bench. So many representations have been submitted. The hon. Minister for Parliamentary Affairs, Mr. Rajagopal, is also here. He has also assured the Bar Association and the agitating people in the State capital that it would be done. I would like to draw the attention of the Law Minister to this matter because there is already a demand for a Supreme Court Bench in South India -- either at Chennai or Bangalore. Like that, in the State capital, Trivandrum, a High Court Bench is highly essential and necessary. Sir, bureaucrats are going to Cochin because the High Court is situated in Cochin and there are so many difficulties. For an effective judicial administration and since the Secretariat and other establishments are located in the State capital, Trivandrum should have a High Court Bench. So, that should also be taken into consideration when you are repealing these 17 Acts in a single piece of legislation. I once again, with these words, congratulate the Minister for bringing this legislation.

SHRI N. THALAVAI SUNDARAM (Tamil Nadu): Thank you, Mr.

Vice- Chairman, Sir, for giving me an opportunity to speak on this Bill. We welcome this Bill. I would like to seek from the hon. Minister, since, basically, he is a lawyer and, of course, now, he is the Law Minister, one clarification. Three days ago he attended a meeting in the Supreme Court campus. My point is, now-a-days, there is no faith in the judicial system of our country because of the way it is functioning. Today we are in power and tomorrow we will be in opposition. Sometimes, according to the judicial system of our country, courts issue summons either to our Prime Minister or to the Ministers to appear before it. This system is going on like this. As far as impeachment is concerned, there is a long process because of our Parliamentary system and other things. I would like to know from the hon. Minister as to how he is going to control the judicial system in our country..*(Interruptions)*... For example, if a judge delivers a judgment, in some State, against some political party, he may, immediately, after his retirement, be accommodated as a Member of the Service Commission, etc. So, I would like to know from the hon. Minister whether he would like to inform this House as to how he is going to control the judicial system because, everyday, the judicial system is controlling the political system. I would like the Minister to tell us how to control the judicial system in our country. Thank you.

SHRIMATI JAYANTHI NATARAJAN (Tamil Nadu): I would join my colleagues in congratulating the Minister on taking the initiative to repeal these obsolete Acts. I have only one observation to make. There are also several provisions in the existing Acts which are not obsolete and which are not gender-just. I would like the hon. Minister to take the initiative to review all the existing legislations so that they become gender-sensitive. Sir, please correct me if I am wrong. But, if I am not mistaken, even in the first chapter of the existing law on Contracts, it lumps together as a disqualification the contracts that are entered into between minors, lunatics and women. This law exists since more than 100 years and, I think, it has not yet been corrected. Please correct me if I am wrong. This kind of classification in our existing Acts is something which is an insult to the dignity of women. So, I would request the hon. Minister to review all the existing laws which are there on our Statute book to make sure that they are gender-just and do not insult the dignity of the women of this country. Thank you.

SHRI ARUN JAITLEY: Sir, the Judicial Administration Laws (Repeal) Bill, 2000, deals with the repeal of 17 legislations which have become obsolete. Several views have been expressed by the hon. Members in this regard. I would like to respond to some of the views and the suggestions which have been given. One suggestion was that there should be good education for all. It relates to a variety of subjects. As far as obsolete legislations are concerned, 1323 Acts have been identified as obsolete. During the past few sessions, the process of repealing some of them has been going on. In the current session, this is the first such Bill which has been introduced. We also intend to introduce other BiHs. We are bunching the subjects together dealing with each of these obsolete laws and then, as we have done in the present case, we have been circulating a note, in advance, to the Members why each of them has become obsolete. We are gradually trying to remove all of them from the Statute Book. Out of these 1323, which occupy space, 166 are Central legislations and 315 are amending legislations. The amending legislations have been incorporated in the Principal Act. The amending law itself can subsequently be repealed. Under the General Clauses Act, we are planning to bring legislations to repeal those amending legislations which continue to occupy Statutory space. Out of all these, eleven legislations, which are in force, are British statutes which became redundant after 1947. Seventeen war-time ordinances, i.e. of the Second World War, which are still in force and are on the Statute Book, have also become redundant. These are some of the details. This is a continuous exercise. The hon. House, in the days to come, will see many of these legislations being repealed. Dr. Singhvi made a very valid suggestion with regard to a continuous exercise by which you not only repeal, but you also update the existing laws. This exercise is on. The reports of the Law Commission are being scrutinised on a regular basis. On that basis, legislative amendments are being made. Dr. Singhvi was right when he said that there was delay even in tabling them in the House. We are trying to see whether the procedure can be changed so that as soon as a report comes, it can immediately be made available to the hon. Members of the House and can also be made public and a discussion on the Report of the Law Commission proceeds. Otherwise, it takes several months to bring them to the House. It is only because of translation difficulties. We are trying to see whether we can devise an alternative system so that this can be done immediately. Sir, I would like to make one point about the two observations made by the hon. Member. The hon. Member, while referring to the manner in which some of the

judgments have been passed, used the word *. I would request the hon, Chairman to pursue that, because, under article 121, the conduct of judges really can't be discussed on the floor of the House. Therefore, it would not be an appropriate phrase to go into the proceedings of the House. Neither do we have any such intention. The hon, Member also said about how the courts should be controlled. I say, neither do the courts control the legislature, nor does the legislature control the courts. It is such a relationship where we function in different spheres. They have their own jurisdictions and, therefore, there is absolutely no move, nor do I support the suggestion that the Government ought to take certain steps in order to make sure that the courts are controlled in any way. There is absolutely no suggestion. In fact, we are strongly opposed to the idea. If a judgment is erroneous, under the judicial system, the person aggrieved has his or her right to seek a remedy. *(Interruptions)*

SHRI N. THALAVAI SUNDARAM: What happened ..*(Interruptions)*

SHRI ARUN JAITLEY: What happened in the Supreme Court under article 121 under a given case, cannot be discussed on the floor of the House. Sir, as far as the suggestion with regard to gender justice is concerned, I completely agree with the suggestion given by the hon. Member that laws which have obsolete provisions- in fact, even after the Constitution coming into force, there are some laws which still deny gender justice -- would really be against the very spirit and letter of the Constitution. We will review such legislations. In fact, in this current session also, we do intend to bring some legislation in this regard. A very important suggestion has been made; what you intend to do about the judicial system, as a whole. We do not wish to control it. but we support the system in order to make sure that whenever, in the system, some drawbacks are noticed, those could be corrected. And this is not an adversarial issue; it is an issue which concerns the judiciary, the Bar, the Government, every political party and the legislature, as to how do we expedite our processes.

SHRI N. THALAVAI SUNDARAM: *(interruptions)* After the President's order, there is no FIR, there is no case. Assuming us to be political people, immediately they file the FIR and the case goes on, That is the reason why I am asking this.

*Expunged as ordered by the Chair.

SHRI ARUN JAITLEY: Sir, I don't think this is really the forum to discuss any individual judgment or the conduct of a judge because there is a specific constitutional prohibition in this regard. I would again urge upon the hon. Chairman to see that that does not 50 into the proceedings of the House. We are certainly concerned about the question of delay. We are concerned about the question of delay because the arrears have been mounting. Our system is independent, the system is free, as it should be; but it is a little too slow. The procedural laws correction is one area which the Government has on a top priority basis. Another area which we are considering, and the Finance Commission this time has been fair enough to this process, only for the purposes of clearance of arrears, to sanction an amount of Rs. 502 crores. We have already written to the Chief Ministers, Chief Justices to give suggestions as to how it could be utilised, and some very valuable suggestions have been coming, including a suggestion that in every district of the country, we set up afresh not only additional courts, but also fast-track courts. All these suggestions are under the consideration of the Government, and hopefully very soon we would be taking some concrete steps in this direction after consulting the State Governments, the High Courts and also the judicial institutions as such. Sir, I am very grateful to all the hon. Members for having supported the entire suggestion to repeal these 17 obsolete laws. I, therefore, move, Sir, that this hon. House may please accept this Repeal Bill. ...*(interruptions)*...

SHRI N.K. PREMACHANDRAN: Sir, I have given a suggestion regarding Jaswant Singh's Commission report. I would like to know, whether it will be fulfilled or not.

SHRI ARUN JAITLEY: Sir, this issue arises frequently in several States. With regard to the recommendations made by Justice Jaswant Singh Commission Report, under Section 53 of the States' Reorganisation Act, a procedure has been laid down. And now, a few months ago, you also have a judicial pronouncement in the context of Karnataka with regard to the establishment of Benches of various High Courts. The procedure under the Act has to be followed, and the procedure is that the State Government and also the High Court have to recommend the constitution of a Bench in a particular city. If they do recommend the venue as also the need to create a Bench, the jurisdiction of the Central Government arises at that stage. Once that procedure is followed, even in relation to Kerala, it is only then the Central Government is in a position to take a view. Therefore, the State Government has to make a recommendation, the High court has to make a recommendation, and the Central

Government steps in only at that stage. That is the procedure, as has been interpreted now in the recent judgement of the Supreme Court under Section 53 of the States' Reorganisation Act.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): The question is:

'That the Bill to repeal the Civil Codes Amins Act, 1856 and certain other enactments, be taken into consideration.'

The motion was adopted.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): Now, we shall take up clause-by-clause consideration of the Bill.

Clause 2 and the Schedule were added to the Bill.

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

SHRI ARUN JAITLEY: Sir, I beg to move:

"That the Bill be passed."

The question was put and the motion was adopted.

THE PROTECTION OF HUMAN RIGHTS (AMENDMENT) BILL, 2000

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): Now, we will take up the rv item, i.e., the Protection of Human Rights (Amendment) Bill, 2000.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI CHENNAMANENI VIDYA SAGAR RAO) : Sir, I beg to move:

"That the Bill further to amend the Protection of Human Rights Act, 1993, as passed by Lok Sabha, be taken into consideration."