

[Shri T. T. Krishnamachari.] advice received from State Governments and as hon. Members will see for themselves there is surprising unanimity in regard to the catalogue of the articles which State Governments want to control under the Act. Of course, in the case of commodities where controls are no longer necessary, it is our intention to cancel the Notification. That, Sir, sums up in the main the reason why we have come before this hon. House to pass the Resolution in terms of Article 249 so that the Supply and Prices of Goods Act, 1950, can be kept in force.

Sir, I think I have, by way of preliminary remarks, said all that I could possibly say and perhaps hon. Members who had opportunities of studying the working of this measure at leisure might be able to throw some criticism on the working of the Act and, if it is possible, I shall try to meet those criticism when they are made.

Sir, I move.

MR. DEPUTY CHAIRMAN : Resolution moved :

WHEREAS the Provisional Parliament declared by Resolution passed on the 12th August 1950, in pursuance of clause (1) of Article 249 of the Constitution as then in force (which Resolution is hereinafter referred to as the said Resolution) that it was necessary in the national interest that the Provisional Parliament should for a period of one year from the 15th August 1950, make laws with respect to the following matters enumerated in the State List, namely :—

- (i) Trade and commerce within the State subject to the provisions of Entry 33 of List III, and
- (ii) Production, supply and distribution of goods subject to the provisions of Entry 33 of List III ;

AND WHEREAS by another Resolution passed by the Provisional Parliament on the 7th June 1951, the said Resolution was continued in force for a further period of one year from the 15th August 1951 :

AND WHEREAS it is necessary in the national interest that Parliament should for a further period of one year from the 15th August 1952, continue to have power to make laws with respect to the matters aforesaid ;

This Council do resolve, in pursuance of the proviso to clause (2) of the said Article, that it approves the continuance in force of the said Resolution for a further period of one year from the date on which it would, but for this Resolution, cease to be in force.

The debate will be continued on Tuesday, Monday being a non-official day.

THE MAINTENANCE ORDERS ENFORCEMENT (AMENDMENT) BILL, 1952

THE MINISTER FOR LAW AND
MINORITY AFFAIRS (SHRI C. C. BISWAS) :
Mr. Deputy Chairman, I beg to move :

That the Bill further to amend the Maintenance Orders Enforcement Act, 1921, as passed by the House of the People, be taken into consideration.

This is a very simple and non-controversial measure which was passed by the House of the People practically without any opposition. The main Act to facilitate the enforcement in India of Maintenance Orders made in His Majesty's Dominions and Protectorates and *vice versa* was passed at a time when India was under British rule, and therefore the only territories in respect of which this reciprocity was established were the U. K. and other parts of His Majesty's Dominions. Now, consequent upon the attainment of independence by India, it is necessary that the provisions of this Act should not be limited merely to the U. K. or any part of His Majesty's Dominions. The object of the amending Bill is to make this Act applicable to all foreign countries outside India with whom India may be willing to enter into reciprocal arrangements. The effect will be that Maintenance Orders passed in countries outside India will be allowed to be enforced here provided Maintenance Orders passed in India are allowed to be enforced in those other countries. So on the basis of reciprocity there will be this exchange of facilities in respect of execution and enforcement of Maintenance Orders. That is the object of the Bill. Sir, I move.

MR. D E P U T Y CHAIRMAN : Motion moved :

That the Bill further to amend the Maintenance Orders Enforcement Act, 1921, as passed by the House of the People, be taken into consideration.

The motion is open for discussion.

SHRI RAJAGOPAL NAIDU (Madras): Mr. Deputy Chairman, I am not getting up to oppose this Bill being passed and placed on the Statute Book, but I would like to make a few suggestions and before I make them I would request the hon. Minister to explain what he means by the words "or territory" in the definition of reciprocating territory. It says : "Reciprocating territory" means any country or territory outside India in respect of which this Act for the time being applies by virtue of a declaration under section 3. When the word "country" is there I feel that the words "or territory" are quite unnecessary.

Secondly, in the new section—Declaration of reciprocal arrangements—the words "Central Government" are used. I want to know why Union Government should not be used because our very Constitution says that our Government is Union Government, while the words "Central Government" have been used in the 1935 Act.

Thirdly, I find in the Code of Civil Procedure there is a section—Section 44A—which provides for the execution of foreign decrees—decrees passed by courts outside India—on a reciprocal basis. I therefore feel that the very Act is quite unnecessary and I think that it is high time that this Act is repealed and certain amendments made to the Code of Civil Procedure so as to bring the whole thing in conformity with the substantive law in the Code of Civil Procedure for execution of foreign decrees.

SHRI C. C. BISWAS : I shall try to answer the points which have been made by the hon. Member. First of all, the words "country or territory" have been used because in our own Constitution we used the word

"territory"—territories of the States, the territory of India and so on. Similarly, in other countries that expression may occur and therefore we have used the words "or territory",—not that any distinction is made, but because this Act will apply to other countries and there is the question of enforcement of orders made in this country in other countries, and it is always wise to err, if it is erring, on the side of caution.

As regards the second point, this was also raised by an amendment in the other House, suggesting that the words "Union Government" should be used instead of "Central Government". The short answer to this is, that if you refer to the General Clauses Act—not the old one, but as the Act stands now after it was amended in 1947—you will find the words used there are "Central Government". The words "Union Government" are not there. The words "Union Government" are in the Constitution—there is no doubt about it, but in all other enactments I believe we have been consistently using the words "Central Government", because that is in the General Clauses Act. There is no objection to the use of the words "Union Government", but "Central Government" is being used in all enactments and Bills that are being brought forward.

SHRI RAJAGOPAL NAIDU : No, the words "Union Government" are used in some of the Bills.

SHRI C. C. BISWAS : I do not know. At least not from my Ministry.

SHRI B. GUPTA (West Bengal) : Why should the Minister get excited ?

SHRI C. C. BISWAS : After all, it makes no difference. I am explaining why these words are used, because they appear in the General Clauses Act.

About the last point, Sir, I may inform the House that in the House of the People a Bill has already been

[Shri C. C. Biswas.] introduced for amending Section 44A of the Code of Civil Procedure much on the same lines as it is proposed to amend the Maintenance Orders Enforcement Act. For some reasons which it is not necessary to refer to, there will be some delay. There is to be some correspondence between U.K. and our country. Possibly that will take some time and the Bill will come up before this House next session. So a similar amendment is being made in the Code of Civil Procedure.

MR. DEPUTY CHAIRMAN : The question is :

That the Bill further to amend the Maintenance Orders Enforcement Act, 1921, as passed by the House of the People, be taken into consideration.

The motion was adopted.

MR. DEPUTY CHAIRMAN : Now, we shall take up the clause by clause consideration of the Bill.

Clauses 2, 3, 4 and 1, the Title and the Enacting Formula were added to the Bill.

SHRI C. C. BISWAS : Sir, I beg to move that the Bill be passed.

MR. DEPUTY CHAIRMAN : The question is :

That the Bill further to amend the Maintenance Orders Enforcement Act, 1921, as passed by the House of the People, be passed.

The motion was adopted.

THE REPEALING AND AMENDING BILL, 1952

THE MINISTER FOR LAW AND
MINORITY AFFAIRS (SHRI C. C. BISWAS) :
Sir, I beg to move :

That the Bill to repeal certain enactments and to amend certain other enactments, as passed by the House of the People, be taken into consideration.

This, again, is a formal measure. It is one of those measures which are brought before the House from time to time in order to effect some necessary changes in our Statute Book. I do not know if hon. Members have cared or have had time to read the Explanatory Statement on clauses which is appended to the Bill, and if you go through that note, Sir, you will see the objects for which these changes have been made. The changes are of two types—one relates to amendments of certain Acts and the other relates to repeal of certain Acts which are now obsolete or which have become superfluous. Many of these Acts should have been repealed long before, but somehow or other they escaped notice. I would only draw your attention, just as a matter of interest, to the first item in the Explanatory Note. That is about the repeal of the Bengal State Prisoners Regulation, 1818, the Madras State Prisoners Regulation, 1819 and the Bombay State Prisoners Regulation, 1827 and there is also the repeal of the State Prisoners Act, 1850. In view of the Preventive Detention Act, all these laws have become out of date. And so we can bid good-bye to these ancient friends of ours without any pangs of compunction.

AOM HON. MEMBER : They have appeared in new forms.

SHRI C. C. BISWAS : They may have appeared in new forms, but we know how to grapple with our new friends.

You will also find there are other Acts for the retention of which, as has been pointed out, there is no further justification. Some again related to English laws ; but the number of persons to whom such laws could be applicable now is so limited that it is not worth while retaining these Acts any further on our Statute Book. Then again, in India many new Acts have been passed which make it unnecessary to retain the provisions of old Acts.

Then we come to the Second Schedule, which refers to amendments.