

प्रोफॉर्मा राज्यों को पच्चीस वर्ष पहले भेजा था, यह उस प्रोफॉर्मा का दोष था, लेकिन आज इस सरकार ने उस विसंगति को दूर कर दिया है। ...**(व्यवधान)**...

MR. DEPUTY CHAIRMAN: Over, over. ...*(Interruptions)*...

SHRI GHULAM NABI AZAD: Sir, we are not satisfied with the reply of the hon. Minister. It is the most unsatisfactory reply that we have got. ...*(Interruptions)*... So, we are walking out. ...*(Interruptions)*...

(At this stage, some hon. Members left the Chamber.)

GOVERNMENT BILLS

The Appropriation Acts (Repeal) Bill, 2015

and

The Repealing and Amending (Third) Bill, 2015 — *Contd.**

MR. DEPUTY CHAIRMAN: Okay. Now, let us take up The Appropriation Bills. ...*(Interruptions)*... I think, the Minister has moved both the Bills. So, those who want to speak may speak. Shri Ananda Bhaskar Rapolu; not there. Shri Veer Singh. ...*(Interruptions)*... Shri Veer Singh, are you speaking on the Appropriation Bills? ...*(Interruptions)*... I have taken up The Appropriation Acts (Repeal) Bill, 2015 and The Repealing and Amending (Third) Bill, 2015 for further consideration. These have already been moved yesterday. So, I am taking up further consideration of the Bills. I called Mr. Ananda Bhaskar Rapolu; he is not available. The next is, Shri Veer Singh. Are you speaking? ...*(Interruptions)*...

SHRI VEER SINGH (Uttar Pradesh): No, Sir.

MR. DEPUTY CHAIRMAN: Okay. Now, Shri Bhupinder Singh. Are you speaking on this Bill?

SHRI BHUPINDER SINGH (Odisha): No, Sir. Members are not there. ...*(Interruptions)*... Let us take it up tomorrow, Sir. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: That is not my point. ...*(Interruptions)*... That is not my point. Members are free to be here. I never asked anybody to go out.

श्री वीर सिंह (उत्तर प्रदेश): उपसभापति जी, इसको कल रखिए। ...**(व्यवधान)**...

SHRI BHUPINDER SINGH: Please, Sir. Let us take it up tomorrow.

* Further discussion continued from 26th April, 2016.

MR. DEPUTY CHAIRMAN: We have decided to pass this Bill today in the meeting in the morning. I have to go by this. ...(*Interruptions*)... Mr. Bhupinder Singh, this morning we decided that after the Short Duration Discussion we would take up this Bill. This is an innocuous Bill. What is the harm?

SHRI BHUPINDER SINGH: I understand that, Sir.

MR. DEPUTY CHAIRMAN: Do you want to speak or not? Otherwise, I will put it to vote.

SHRI BHUPINDER SINGH: No, Sir. I would speak.

MR. DEPUTY CHAIRMAN: If you want, you may speak. Otherwise, I will put it to vote.

SHRI BHUPINDER SINGH: No, Sir. The other Members...

MR. DEPUTY CHAIRMAN: Why do you worry about the other Members? If you want, you speak.

SHRI BHUPINDER SINGH: Sir, I stand here to support this Bill on behalf of my Party. The only thing that I find here is that in 2008, when the Law Commission... ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: Are you speaking? Please speak.

THE MINISTER OF STATE IN THE MINISTRY OF MINORITY AFFAIRS AND THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI MUKHTAR ABBAS NAQVI): Sir, it is a very formal Bill. ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: Why do you worry? You speak. ...(*Interruptions*)... Why do you worry about others? You speak if you want. Otherwise, I will put it to vote.

SHRI MUKHTAR ABBAS NAQVI : Mr. Bhupinder Singh, just a minute. Sir, it is a very formal Bill. ...(*Interruptions*)... इस पर सबकी सहमति हो जाए। ...(*व्यवधान*)... इस पर बहस बहुत जरूरी है। ...(*व्यवधान*)...

MR. DEPUTY CHAIRMAN: You are not prepared. Why do you waste my time?

श्री मुख्तार अब्बास नकवी: ये ऑलरेडी मूव कर चुके हैं। ...(*व्यवधान*)...

SHRI BHUPINDER SINGH: Sir, I am participating.

THE LEADER OF THE OPPOSITION (SHRI GHULAM NABI AZAD): Sir, we have just one speaker from our side. I don't think he would take more than five-six minutes.

SHRI MUKHTAR ABBAS NAQVI: That is all right.

श्री शरद यादव (बिहार): बाकी और कोई नहीं बोलेगा। ...*(व्यवधान)*...

MR. DEPUTY CHAIRMAN: Okay. All right. ...*(Interruptions)*... Now, please. ...*(Interruptions)*...

SHRI BHUPINDER SINGH: Sir, I stand here to support The Appropriation Acts (Repeal) Bill, 2015 and The Repealing and Amending (Third) Bill, 2015. As I understand, this should have been done much earlier. The Law Commission of India, in its 248th Report, had recommended immediate repeal of the obsolete laws. Law Commission of India in its 248th Report stressed on 'Obsolete laws, warranting immediate repeal.' There was a warning by the Law Commission in 2008 itself. Why did it take so long to come to the House?

Sir, coming to the Bill itself, we had mentioned last time also, that whichever be the Department, whether it is the Railways or the Finance Ministry or any other Department, they should be consulted in respect of what Acts should be repealed. They should be taken into confidence and they should be given chance to explain their stand. This is what we had mentioned last time also when the Repealing and Amending Bill came up. Sir, there have also been some recommendations of the Select Committee. I would like to know whether the Government would take into account the recommendations of the Select Committee. I was a Member of that Select Committee and we had given certain recommendations. I hope that the Government will clarify as to whether those recommendations would be considered or not and also give their response to the latest Report of the Law Commission about the Acts which are to be repealed as early as possible. Also, how many Acts are pending before the Government which are to be repealed? I hope that the Minister, during his reply, would give the details.

SHRI ANANDA BHASKAR RAPOLU (Telangana): Mr. Deputy Chairman, Sir, this is an effort to clean and sweep. Though this particular Bill is not going to have much impact, but this occasion has to be utilised to take it as a precaution and to learn how to set the Sunset Provision and how to repeal whenever it is required. The soft-natured Sadananda Gowdaji, who is the Minister for Law and Justice, looks to become the Repeal Minister. I wish him well since he comes from the South and our neighbouring State, Karnataka.

Sir, normally, in the mornings and evenings, in villages, in particular, we begin with cleaning and sweeping and we end up, by sunset, again by cleaning and sweeping. Now, when we look at the usage of computers, once we start the computer, after

[Shri Ananda Bhaskar Rapolu]

it is switched on, we refresh it. We go on refreshing it for thirty seconds or one minute. With that, a lot of unrequired, outdated obsolete materials will, automatically, get repealed. And this is a sort of defragmentation. This is not only set on computers but also in the law-making process, this has been set up right since the times of Roman Empire. But the present-day Government is thinking as if they have newly found the measures for automatic repeal and the Sunset Clause. Even in the Roman law, there was a very specific provision for removing the outdated Sunset provision, the Sunset Clauses. What is admitted for a period will be refused after that period is the pretext for exact repealing. The Law Minister is focussing on the Appropriation Acts (Repeal) Bill to repeal Bills, right from 1950 till date, in particular, that to 2012. Now, whenever it is called Appropriation Act, the Appropriation is for a specific period. It is meant for the expenditure part.

With that, after the usage of that particular period the use of that Appropriation Act will come to a close. We appreciate you. As soon as you came to power you were so eager to announce that you are also going to prune all the Governments by cleaning, by wiping and burning out the files and all. Kindly recollect what sort of controversy has occurred. You also look towards how Australia was functioning in an automatic repeal clause utilisation. You have taken the United Kingdom model of repeal; we welcome it. That is the right model. Even America has adopted that and almost all the advanced nations are adopting. With your repeal, you are going to defragment. You will be cleaning up your house. You will be automatically making this statute book up-to-date and appropriate, and, at the same time, we must be very cautious. Yet the sunset clauses are much more useful for the legislative instruments. ...(*Time-bell rings*)... Legislative instruments are meant for this specific period. With this, you are only trying to focus and trying to gain a good name. We also welcome it, but there is nothing much good. You are only going to become the repeal Minister. Thank you very much.

श्री वीर सिंह: माननीय उपसभापति महोदय, आपने मुझे विनियोजन अधिनियम (निरसन) विधेयक, 2015 एवं निरसन और संशोधन (तीसरा) विधेयक, 2015 पर बोलने का अवसर दिया, इसके लिए आपका धन्यवाद।

महोदय, केंद्र सरकार ने अप्रासंगिक कानूनों को समाप्त करने की प्रक्रिया शुरू करते हुए विगत वर्ष भी दो विधेयक पारित किए थे, जिससे 125 पुराने कानूनों को निरस्त किया गया था। अतः इन दोनों विधेयकों के द्वारा क्रमशः 745 विनियोग अधिनियमों [विनियोग (रेल) अधिनियमों सहित] तथा 295 कतिपय अधिनियमितियों का निरसन करने का प्रस्ताव है। प्रतिवर्ष कम से कम 12 विनियोग विधेयक संसद द्वारा पारित किए जाते हैं। सरकारी खजाने से राशि निकालने के लिए यह विधेयक लाना पड़ता है।

महोदय, विनियोग कानून केवल एक बार उपयोग के लिए बनाए जाते हैं तथा बाद में अपनी प्रासंगिकता खो देते हैं। विभिन्न सरकारों द्वारा यह प्रयास पहले भी किया गया कि विदेशी निवेश भारत में आए, यहां उद्योग-व्यापार शुरू हो और लोगों को रोजगार मिले, लेकिन कई बार निवेशक कानूनी पेचीदगियों से परेशान होकर निवेश करने से हाथ खींच लेते हैं। अतः निवेशकों को विश्वास दिलाने, जनता को कानूनों के जाल से मुक्त करने तथा अदालतों का बोझ हलका करने के लिए ऐसे कानूनों की समीक्षा जरूरी है। हमारी पार्टी इन विधेयकों का समर्थन करती है, लेकिन सुव्यवस्था और सुशासन के लिए जिन कानूनों की आवश्यकता है, उन्हें तो बनाए रखना चाहिए। जरूरत पड़ने पर ऐसे कानूनों के छिद्रों का सहारा लेकर बच निकलने वालों पर लगाम लगाने के लिए सरकार को उन्हें अधिक कड़ा बनाने पर भी विचार करना होगा। यह भी आवश्यक है कि कानूनों के संबंध में सरकार कोई भी निर्णय पूरी तरह सोच-विचार कर ले।

महोदय, मेरा माननीय मंत्री जी से एक सुझाव है कि वे रेल विनियोग और वित्त विनियोग अधिनियमों में 'स्वतः निरसन खंड' को सम्मिलित करने पर विचार करें, जिससे काफी संख्या में पारित विनियोग कानून, जो अपना अर्थ खो चुके हैं, लेकिन कानूनी पुस्तकों का अंश बने हुए हैं, स्वतः निरसित हो सकें। इससे विधायिका का बहुत समय बचाया जा सकता है और उस समय को विधायिका के पास लंबित लोकहित के अत्यावश्यक मुद्दों पर लगाया जा सकता है।

माननीय मंत्री जी को मेरा दूसरा सुझाव यह है कि किशतों में प्रचलन से बाहर हो चुके कानूनों को रद्द करने के बजाए, वह एक बार ऐसे विधेयकों का आकलन करवाएं तथा अप्रचलित व अप्रासंगिक कानूनों को रद्द घोषित करने हेतु विधेयक संसद से पारित कराएं तथा जो कानून राज्यों को निरसन करने हैं, उनके लिए संबंधित राज्य सरकारों को आवश्यक कार्यवाही हेतु कदम उठाने को कहना चाहिए। तभी कानून प्रणाली को अवांछित भार से मुक्ति दिलाई जा सकेगी। इन्हीं शब्दों के साथ मैं अपनी बात समाप्त करता हूं। धन्यवाद।

THE MINISTER OF LAW AND JUSTICE (SHRI D. V. SADANANDA GOWDA):
Sir, I want to reply...

MR. DEPUTY CHAIRMAN: What is there to reply? Nobody has put a question.
Okay, you can give a brief reply.

SHRI D. V. SADANANDA GOWDA: There are two questions which have been raised.

SHRI SHARAD YADAV (Bihar): You must respect the Chair.

SHRI D. V. SADANANDA GOWDA: Sir, I wish to make only two points.

Sir, these Appropriation Bills are repealed for the first time. Right from 1950 till 2012 we are repealing 758 Appropriation Acts [Including Appropriation (Railways) Acts].

After this Government assumed office, we have identified 1,741 obsolete laws which need to be repealed. Now, this is the fourth Bill. As per the direction of

[Shri D. V. Sadananda Gowda]

the Chair, both the Bills have taken together for consideration. The first one is, the Appropriation Acts (Repeal) Bill, 2015, including the Appropriation (Railways) Acts, containing 758 Acts. Another one is the Repealing and Amending (Third) Bill, 2015, which has 295 Acts. We had brought two Bills earlier and those were passed by this august House.

Sir, out of 1,741 Acts, 1,159 Acts have been repealed. It is a record in the history of legislative process of Parliament.

I, now, touch upon two small issues raised by my friend. The first one is with regard to the sunset clause *i.e.*, automatic repeal clause. Of course, the Select Committee of the Rajya Sabha, while considering another Bill referred to it, observed that there should be a sunset clause. We examined models of two countries — Australia and the UK. Usually, we follow the UK in formulating our legislation. So, it was decided that it is the right model that needs to be followed. So, we have decided to follow the UK model. And, from 2016 onwards — two years gap should be there — we will see that a clause is inserted in the Railway Appropriation and the Financial Appropriation Bills, so that, automatically, the 2013 Appropriation Acts will be repealed. Then, continuously, it goes on repealing Acts so that there would not be any problem in future.

We have also included a saving clause, because the Appropriation Acts come to an end after money is drawn. But, on certain occasions, some money will remain. So, automatically, it will carry over in the next Appropriation Bill. So, two years gap should be given. Hence, we have included a sunset clause. Sir, all these have been incorporated. Even in the Lok Sabha all hon. Members have appreciated this initiative taken by this Government.

I thank all the hon. Members, especially Shri Natchiappan, who gave us moral boost as far as these issues are concerned. So, I thank the hon. Members of this House who have supported the Bill and also the Chair. I request the House to pass these Bills.

Thank you.

MR. DEPUTY CHAIRMAN: I am also supporting you. We shall, first, take up the Appropriation Acts (Repeal) Bill, 2015.

Now, the question is:

That the Bill to repeal Appropriation Acts [including Appropriation (Railways) Acts], as passed by Lok Sabha, be taken into consideration.

The motion was adopted.

MR. DEPUTY CHAIRMAN: We shall, now, take up clause-by-clause consideration of the Bill.

Clauses 2 and 3 were added to the Bill.

MR. DEPUTY CHAIRMAN: We shall, now, take up the Schedule to the Bill. There are two amendments (Nos. 3 and 4) by the Minister, Shri D. V. Sadananda Gowda.

THE SCHEDULE

SHRI D. V. SADANANDA GOWDA: Sir, I move:

(3) That at page 2, line 34 be *deleted*.

(4) That at page 11, line 53 be *deleted*.

The questions were put and the motions were adopted.

The Schedule, as amended, was added to the Bill.

MR. DEPUTY CHAIRMAN: We shall, now, take up clause 1 of the Bill. There is one amendment (No. 2) by Mr. Gowda.

CLAUSE-1

SHRI D. V. SADANANDA GOWDA: Sir, I move:

(2) That at page 1, line 2, *for* the figure "2015", the figure "2016" be *substituted*.

The question was put and the motion was adopted.

Clause 1, as amended, was added to the Bill.

MR. DEPUTY CHAIRMAN: We shall, now, take up the Enacting Formula. There is one amendment (No. 1) by Shri D. V. Sadananda Gowda.

ENACTING FORMULA

SHRI D. V. SADANANDA GOWDA: Sir, I move:

(1) That at page 1, line 1, *for* the word "Sixty-sixth", the word "Sixty-seventh" be *substituted*.

The question was put and the motion was adopted.

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

The Title was added to the Bill.

SHRI D. V. SADANANDA GOWDA: Sir, I beg to move:

That the Bill, as amended, be passed.

The question was put and the motion was adopted.

MR. DEPUTY CHAIRMAN: We shall, now, take up consideration of the second Bill *i.e.*, the Repealing and Amending (Third) Bill, 2015.

The question is:

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

The motion was adopted.

MR. DEPUTY CHAIRMAN: We shall, now, take up clause-by-clause consideration of the Bill.

Clauses 2 to 4 were added to the Bill.

MR. DEPUTY CHAIRMAN: We shall, now, take up the First Schedule to the Bill. There is one amendment (No. 3) by the Minister, Shri D. V. Sadananda Gowda.

THE FIRST SCHEDULE

SHRI D. V. SADANANDA GOWDA: Sir, I beg to move:

(3) That at page 2, lines 21 and 22 be *deleted*.

The question was put and the motion was adopted.

The First Schedule, as amended, was added to the Bill.

The Second Schedule was added to the Bill.

MR. DEPUTY CHAIRMAN: We shall, now, take up clause 1. There is one amendment (No. 2) by Shri Sadananda Gowda.

CLAUSE - 1

SHRI D. V. SADANANDA GOWDA: Sir, I beg to move:

(2) That at page 1, line 3, *for* the bracket, words and figure "(Third) Act, 2015", the word and figure "Act, 2016" be *substituted*.

The question was put and the motion was adopted.

Clause 1, as amended, was added to the Bill.

MR. DEPUTY CHAIRMAN: We shall, now, take up the Enacting Formula. There is one amendment (No. 1) by Shri D. V. Sadananda Gowda.

ENACTING FORMULA

SHRI D. V. SADANANDA GOWDA: Sir, I beg to move:

(1) That at page 1, lines 1, *for* the word "Sixty-sixth", the word "Sixty-seventh" be *substituted*.

The question was put and the motion was adopted.

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

The Title was added to the Bill.

SHRI D. V. SADANANDA GOWDA: Sir, I beg to move:

That the Bill, as amended, be passed.

The question was put and the motion was adopted.

RE. REQUEST TO TAKE UP THE BILL RELATED TO SCs

अल्पसंख्यक कार्य मंत्रालय में राज्य मंत्री तथा संसदीय कार्य मंत्रालय में राज्य मंत्री (श्री मुख्तार अब्बास नकवी): सर, एससी से संबंधित जो बिल है, वह बहुत महत्वपूर्ण बिल है और यह कई दिनों से बिजनेस में लग रहा है। ...*(व्यवधान)*...

MR. DEPUTY CHAIRMAN: If there is a consensus, I can do.

श्री मुख्तार अब्बास नकवी: सर, दूसरी बात यह है कि हम डी. वी. सदानन्द गौड़ा जी को बधाई देना चाहते हैं कि ये सिर्फ जरूरी कानून ही नहीं बना रहे हैं, बल्कि जो गैर-जरूरी कानून हैं, उनको खत्म भी कर रहे हैं, इसलिए एससी से संबंधित जो बिल है, उसको भी आज ले लिया जाए।

विपक्ष के नेता (श्री गुलाम नबी आज़ाद): सर, हमने पार्लियामेंटरी अफेयर्स मिनिस्टर को दो दिन से वादा किया है कि यह बिल जरूरी है, हम इसका समर्थन करेंगे और इसको पास करेंगे। इस संबंध में मेरा यह निवेदन है कि चूंकि अभी साढ़े सात बज चुके हैं, इसलिए कल के एजेंडा में आप इसका पहला नंबर रखिए और हम इसको पास करेंगे।

†قائد حزب اختلاف (جناب غلام نبی آزاد): سر، ہم نے پارلیمنٹری افیئرس منسٹر کو دو دن سے وعدہ کیا ہے کہ یہ بل ضروری ہے، ہم اس کا سمرٹھن کریں گے اور اس کو پاس کریں گے۔ اس سمبندھ میں میرا یہ نویدن ہے کہ چونکہ ابھی ساڑھے سات بج چکے ہیں، اس لئے کل کے ایجنڈا میں آپ اس کا پہلا نمبر رکھئے اور ہم اس کو پاس کریں گے۔

† Transliteration in Urdu script.