

नकदी फसल उत्पादन करने वाले किसानों की स्थिति का मंथन है, मैं मंत्री जी से निवेदन करना चाहता हूँ कि क्या प्रणव बाबू ने कभी उस इलाके में जाकर अपनी आँखों से देखा है। जब किसान की खेती पूरी की पूरी मर जाती है, कीड़ों के प्रकोप से सारी गेहूँ मार दी जाती है तथा उनकी पूँजी समाप्त हो जाती है और फिर उनको उस आई हुई पूँजी के ऊपर ही खेती करनी पड़ती है। मंत्री जी तो यहाँ आंकड़े निकाल कर हिसाब-किताब कर देंगे, मेरा कहना यह है कि यह ऐसे चलने वाला नहीं है। इसलिए मैं माँग यह करूँगा कि यदि किसानों के हित की आप रक्षा करना चाहते हैं तो आप यह भी याद कर लें कि इन्तों-दिन कपास की खेती कम होती जाएगी और एक दिन ऐसा होगा जब काड़ा मिलों का दूसरे देशों से मंगाए गए कृत्रिम धागे पर निर्भर करना होगा। इस तरह से आप हिन्दुस्तान के लगे शरीरो हो नहीं ढक पाएँगे। मैं एक बार फिर आपसे निवेदन करूँगा कि आप कृत्रिम धागे को विदेशों से मंगाना बन्द करें और हिन्दुस्तान के किसानों को ज्यादा पैसा दें जिससे वे कपास की खेती याद कर सकें।

SHRI PRANAB KUMAR MUKHERJEE: I do agree with Mr. Kulkarni that we must have a balanced policy in which the interests of various sectors are protected and serious distortions in the economy do not take place. And, in fact, this is our effort, and we try to do so. That is why I mentioned that the scheme was extended and the performance of the scheme will be reviewed and over the period of years distortions which have taken place will have to be rectified. The job of the public sector agencies or cooperative agencies is not just to earn commission but to ensure that growers do not have to sell their products at throw-away

prices and at the same time the consuming units get raw materials supply steadily. At the proper time we will review and take stock of the situation.

In regard to the other points which he has mentioned, they only strengthen my argument and I am not going to make any comment on it.

Sir, in regard to the points which Mr. Yadav has mentioned, there is a consumer preference for the man-made fibres. But still in our textile policy we want to see that cotton plays a most dominant role. That is why you are finding that we are, by and large, consuming about 76 to 78 lakh bales of cotton every year in that sector and we are restricting the import of man-made fibre. But the point made by him about the man-made fibre in this country will also be taken care of. But, at the same time, we shall have to keep in mind that if a consumer finds that man-made fabric becomes cheaper and durable, naturally he will have an option for it. So we have to keep the argument on this side also in mind.

In regard to the representations of growers in the Agricultural Prices Commission, this subject has been discussed a number of times, and if the hon. Member wants, he can give his suggestion to the Agricultural Ministry.

STATEMENT BY MINISTER

Recognition of Law Commission

MR. DEPUTY CHAIRMAN: Special Mentions will be taken up after lunch. Now there are two statements, Statement by Minister.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI P. SHIV SHANKAR): Sir, honourable Members have from time to time made enquiries about the working of the

[Shri P. Shiv Shankar]

Law Commission and its reconstitution. Government shares their anxiety that the Law Commission should be an effective instrument of law reform and improvement in judicial administration.

2. With this end in view, the Government have reconstituted the Law Commission consisting of the following Members.

2.1 Shri K. K. Mathew, retired Judge of the Supreme Court has consented to be the Chairman of the Commission.

2.2. The following have agreed to serve as Members:

(1) Shhri Nasirullah Beg, retired Chief Justice, Allahabad High Court; and

(2) Shri J. P. Chaturvedi, retired Judge, Allahabad High Court.

2.3. Shri V. V. Vaze has been appointed as Member-Secretary of the Law Commission.

3. In order to enable the Commission to deal effectively with specialised problems, whenever necessary, one or more part-time Members would also be appointed to the Commission depending upon the nature of the topic which has been taken up by the Commission for its consideration.

4. The Commission would start functioning with effect from 14th December, 1981.

5. The terms of reference of the Commission have also been amplified by making it one of the functions of the Commission to recommend to the Government measures for bringing the statute book up-to-date by repealing obsolete laws and enactments or parts thereof which have outlived their utility.

6. I am separately placing on the Table of the House a copy of the terms of reference of the re-constituted Law Commission.

Terms of Reference of Law Commission to be re-constituted from 14.12.1981 to 13.12.1984.

(1) To keep under review the system of judicial administration to ensure that it is responsive to the reasonable demands of the times and in particular to secure—

(a) elimination of delays, speedy clearance of arrears and reduction in costs so as to secure quick and economical disposal of cases without affecting the cardinal principle that decisions should be just and fair.

(b) Simplification of procedure to reduce and eliminate technicalities and devices for delay so that it operates not as end in itself but as a means of achieving justice.

(c) improvement of standards of all concerned with the administration of justice.

(2) To examine the existing laws in the light of Directive Principles of State Policy and to suggest ways of improvement and reform and also to suggest such legislation as might be necessary to implement the Directive Principles and to attain the objectives set out in the preamble to the Constitution.

(3) To revise the Central Acts of general importance so as to simplify them and to remove anomalies, ambiguities and inequities.

(4) To recommend to the Government measure for bringing the statute book up-to-date by repealing obsolete laws and enactments or parts thereof which have outlived their utility.

(5) To consider and to convey to the Government its views on any other subject relating to law and judicial administration that may be referred to it.

श्री शिव चन्द्र झा (बिहार) : उपसभापति महोदय, मंत्री महोदयों जो कहा है कि रीकांस्टीट्यूट कर रहे हैं ला कमीशन को ... (व्यवधान)

श्री हुक्मदेव नारायण यादव (बिहार) : मंत्री जी जा रहे हैं।

श्री शिव चन्द्र झा : मैं क्लैरीफिकेशन पूछ रहा हूँ, आप कहां जा रहे हैं।

श्री उपसभापति : जल्दी पूछिये।

श्री शिव चन्द्र झा उपसभापति जी, मैं मंत्री महोदय से जानना चाहता हूँ कि ये जो रीकांस्टीट्यूट कर रहे हैं ला कमीशन से समय बढ़ा करके और जज वगैरह सबको ले रहे हैं इसमें आपने बताया कि टर्म्स आफ रिफरेंस भी एम्प्लीफाईड किये गये हैं कि आबोलोटी लाज को हटाया जाय इसके लिए वे रिकमेंडेशन आपको दें। ये सब बातें हैं। मैं जानना चाहता हूँ कि आबोलोटी ला तो ब्रिटिश टाईम से आ रहे हैं, आप हटावेंगे लेकिन आज के संदर्भ में जो हमारा आदर्श है सोशलिज्म का जिसमें कि सब बातें आ जाती हैं, ला वा बातें उसमें सोशलिज्म के संदर्भ में आपके लॉगल कोर्स हों, इसके मुताबिक भी कमिशन सुझाव देगा, क्या इसके लिए आपने टर्म्स आफ रिफरेंस बनाया है कि नहीं, इसमें जोड़ा है या नहीं। हमारा जो आदर्श है सोशलिज्म का।

श्री हुक्मदेव नारायण यादव : उपसभापति महोदय, मैं केवल तो स्पष्टीकरण सरकार से पूछना चाहूंगा।

पहना कि यह जो विधि आयोग का गठन हुआ है, उस विधि आयोग में जो सदस्य रखे गये हैं क्या उन सदस्यों में कोई हर्गिजन पिछड़े वर्ग का था ...

श्री उपसभापति : नाम पड़े गये हैं आपके सामने।

श्री हुक्मदेव नारायण यादव : नाम जो आये हैं उन में मैं जानना चाहता हूँ कि हर्गिजन, आदिवासी या पिछड़े वर्ग के हैं या नहीं हैं।

श्री उपसभापति : नाम तीनों पढ़ दिये हैं, यह क्यों पूछते हैं। उनको रखिये यह डिमांड करिये।

श्री हुक्मदेव नारायण यादव : मैं इसी लिए प्रश्न कर रहा हूँ कि उसमें उनका भी प्रतिनिधित्व सरकार की ओर से होना चाहिए और बैसे सदस्य रखे जाय।

दूसरा सरकार में मैं यह भी जानना चाहूंगा कि न्यायपालिका के पुनर्गठन के सवाल पर इस विधि आयोग में सिकारिश सरकार मांगेगी कि नहीं कि न्यायपालिका की वहाली भी जैसे आल इंडिया से आल सर्विस कमिटीशन होते हैं उसी तरह से आल जजिशियल सर्विस कमिटीशन भी हो। मैं एक मिनट आपका समय लेकर खत्म कर दूंगा। मैंने अपने दर्द की बात आपको सुनाई है कि जो जजों की वहाली होती है उच्च न्यायालयों में, उनमें जो प्रक्रिया है, उस प्रक्रिया के तहत अगर पटना हाईकोर्ट में 13 जजों की वहाली होती है तो एक भी पिछड़ा आदिवासी, हर्गिजन, जज जा ही नहीं सकता, हो ही नहीं सकता। तो विधि आयोग में टर्म्स आफ रिफरेंस में दिया जाय ... (व्यवधान)

13 में से एक को दिया जायेगा? बहुत दे रहे हैं? दुनिया यही चलेगी? तो मैं आपसे प्रार्थना करूंगा कि विधि आयोग में ला मिनिस्टर साहब इसको भी भेजें और इसमें भी किस तरह से प्रक्रिया में परिवर्तन किया जाय ताकि पिछड़े हर्गिजन, आदिवासी वगैरह को भी न्यायाधीशों की नियुक्ति में पुरा पुरा स्थान मिल सके।

SHRI HAREKRUSHNA MALLICK (Orissa): Sir, I would like the hon. Law Minister to place in the House itself for a very detailed discussion the real Terms of Reference so that it may be easy for the Law Commission to respond to the needs of the time.

SHRI P. SHIV SHANKAR: Sir, in answer to certain clarifications which have been sought, I can only explain that so far as the terms of reference are concerned, one of the terms of reference which has been inserted is to examine the existing laws in the light of Directive Principles of State Policy and to suggest ways of improvement and reform and also to suggest such legislation as might be necessary to implement the Directive Principles and to attain the objectives set out in the preamble to the Constitution. When I say with reference to the Preamble to the Constitution and the Directive Principles and the laws to conform thereto, it takes care to a great extent the socialistic policies also. This is so far as my friend, Mr. Jha's clarification is concerned.

On the clarifications sought by Mr. Yadav, the first question which he asked me is the caste composition.

(Interruptions)

SHRI NARASINGHA PRASAD NANDA (Orissa): There is no need to mention about the castes.

(Interruptions)

MR. DEPUTY CHAIRMAN: Scheduled Castes and the Backward Classes should be included. That is the demand of the Member.

SHRI P. SHIV SHANKAR: When I said composition, I wanted to explain with reference to the question that was asked; Mr. Nanda should have objected at the time when Mr. Yadav put the question.

Sir, he was particularly concerned about some Harijan Members or the Tribals. I would very much love if some good names are passed on to me for consideration.

(Interruptions)

श्री लाडली मोहन निगम (मध्य प्रदेश) :
हम इनफार्म कर देगे ।

SHRI P. SHIV SHANKAR: I may assure the hon. Members that if need arises we would expand the Law Commission. In fact, he has also put me the question with reference to the Judges appointed in his High Court. I say, in his High Court, Sir, I have written letters and I have said in this House and outside. Though, of course, there had been some criticism about that, I have written that it should not be difficult for the Chief Justices and State authorities, namely the Chief Ministers and the Governors to pick out in every High Court persons belonging to minority communities and backward classes, particularly belonging to the Scheduled Castes and the Scheduled Tribes. (Interruptions). Some reaction from certain Chief Justices had been a little unhappy but notwithstanding that I assure this House that on my part I would not leave any stone unturned to see that these classes are represented and I would very much welcome if the hon. Members—this may be a title out of the way, but I would certainly make this request—may be pleased to bring certain proper persons to the notice of the State authorities from whom I am asking the recommendations, and they can in fit cases pass on to me also those names, I will consider those cases.

ANNOUNCEMENT RE. GOVERNMENT BUSINESS FOR THE WEEK COMMENCING 7TH DEC. 1981

THE MINISTER OF STATE IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI SITA RAM KESRI): With your permission, Sir, I rise to announce that Government Business in this House during the week commencing 7th December, 1981, will consist of:—

- (1) Further consideration and passing of the Anti-Apartheid (United Nations Convention).