we will be able to predict and inform the people of this country when those cloudbursts take place because the Dopper has the capacity to actually find out the velocity of the raindrops, accumulation and the possible precipitation thereafter. So, all this will happen. But, Himachal and Uttaranchal are in that part of the country where we don't have existing stations. So, that will come in the second phase of the project.

MR. CHAIRMAN: Question No. 105.

SHRI GIREESH KUMAR SANGHI: Sir, Question No. 105.

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT (SHRI ARJUN SINGH): Sir, a Statement is laid on the Table of the House.

I have something to place before you. Sir, this question is based on the science streams that have been identified by the CBSE Board. I would like to inform the hon. House that the science stream of the three subjects that has normally taken so far no longer exist because the students are free to take any other subject in between. Therefore, this question and whatever has been answered do not seem to tally. I have a request to make. I want to place the entire position as it exists today before the House. So, if you could think of taking up this question on some other day, I would like to answer it comprehensively.

SHRI GIREESH KUMAR SANGHI: Okay, Sir.

SHRI SANTOSH BAGRODIA: Sir, I am also a signatory to this question.

श्री सभापति : सबका ही ले लेंगे।

श्री संतोष बागड़ोदिया : आप अदर डे फिक्स कर दीजिए।

श्री सभापति : मैं आज की कर दूंगा। जिस दिन ह्यूमेन रिसोर्सिज़ मिनिस्ट्री का क्वेश्चन आएगा, उस दिन करेंगे। प्रश्न संख्या 1061

*105. [Postponed]

Rules for appointment of Judges in High Court and Supreme Court

*106.SHRI AMAR SINGH:††

SHRI ABU ASIM AZMI:

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) the details of rules governing appointment of Judges of High Court tt The question was actually asked on the floor of the House by Shri Amar Singh.

and Supreme Court before 1993 and the existing rules in this regard; and

(b) whether Government propose to switch over to the earlier rules of 1993 and if so, the reasons therefor?

THE MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): (a) and (b) A Statement is laid on the Table of the House.

Statement

Appointment of Judges in the Supreme Court and the High Courts are made by President of India under the Constitutional provisionsXArticle 124, 217 and 224). There has been no amendment to the aforesaid constitutional provisions. However, prior to 1993, the Executive was responsible for initiating proposal for appointment of Judges in the Supreme Court and the High Courts. After processing the names collected by the Executive in consultation with the State Governments in the case of appointments to the High Courts, the proposal was referred to the Chief Justice of India for his advice. The advice was in the nature of 'consultation' and did not mean 'concurrence'.

After the Supreme Court Judgement of October 6, 1993 in the Supreme Court Advocates-on-Record & Anr. *Vs.* Union of India, read with the Advisory Opinion of October 28, 1998, the entire process of initiation of proposal for appointment of a Judge of Supreme Court lies with the Chief Justice of India and for the appointment of a Judge of a High Court, with the Chief Justice of that High Court.

Government do not propose to bring about any change in the present system of appointment of Judges in the Supreme court and High Courts.

श्री अमर सिंह : सभापति महोदय, मैं मंत्री जी से पूछना चाहता हूं कि सुप्रीम कोर्ट और हाई कोर्ट के जजों की रिक्तता की आपूर्ति के बारे में सुप्रीम कोर्ट का एक जजमेंट 1998 में आया है। क्या केन्द्रीय सरकार इस नियम को बदलना चाहती है ?

SHRI H.R. BHARDWAJL: Sir, all these changes in the appointment of judges in the SC and the HCs have been occurring as a result of various pronouncements of the courts; and without the Constitutional Amendment this is not possible. As you know, this method of amending the Constitution and changing the present system of consultation can be done after a consensus is arrived at. I don't think that this is the proper

time that we should hasten the process of consultation unless we have gone into all aspects of this matter. We are in consultation with the Chief Justice of India. I am very happy to inform this august House that we have achieved a lot of speed in the appointment of judges. I don't think that any delay is occurring now-a-days. We have appoined a record number of judges in the last two years.

श्री अमर सिंह : महोदय, संसद की कानून मंत्रालय की स्थायी समिति ने अपनी 22 मई, 2006 की रिपोर्ट में कुछ संस्तुतियां की है। इन संस्तुतियों का अनुपालन करने से सुप्रीम कोर्ट और हाई कोर्ट के जजिज़ के अप्वाइंटमेंट में जो स्वायत्तता है, आटोनॉमी है,उस आटोनॉमी के ऊपर क्या कोई फर्क पड़ेगा।

श्री हंसराज भारद्वाज : हमारे देश में न्याय प्रणाली में स्वायत्तता बहुत उच्चतम है, बहुत ज्यादा है और उसको हम कम नहीं करना चाहते हैं लेकिन हम यह जरूर चाहते हैं कि जो होई कोर्ट और सुप्रीम कोर्ट में रिक्त स्थान है, उनको जल्दी से भरा जाए और उसमें स्थान रिक्त न हों। इसके लिए चीफ जस्टिस ने और हमने, सबने मिलकर एक टाइम बांउड एक्शन प्लान बनाया है कि हर कॉस्टीट्यूशनल फंक्शनरी अपना-अपना काम उस सीमा के अंदर कर दे ताकि इसमें विलम्ब न हो। उसका परिणाम अच्छा हुआ है। इसके बाद जो अप्वांइटमेंट्स हो रही है, वे जल्दी हो रही है।

श्री अमर सिंह : हम आपसे स्पष्ट उत्तर चाहते हैं कि क्या आप यह सुनिश्चित कर रहे हैं कि judiciary की autonoumy judiciary और स्वतंत्रता पर कोई प्रभाव नहीं पड़ेगा ?

श्री हंसराज भारद्वाज : सभापति जी, यह चीज तो सभी लोग जानते हैं कि हमारे देश से ज्यादा independent और autonoumy judiciary पूरे विश्व मे कहीं नहीं है, इस पर हम गर्व हैं और हम चाहते हैं कि यह ऐसे ही चलती रहे।

श्री अमर सिंह : वह तो अच्छा है लेकिन सरकार का हस्तक्षेप तो नहीं होगा executive का interference नहीं होगा ?

श्री हंसराज भारद्वाज : नहीं, judiciary के appointment में, executive के पास तो आज कोई पावर ही नहीं है।

श्री अमर सिंह : बदलाव के बाद?

श्रीं हंसराज भारद्वाज : मैं तो कहता हूं कि बदलाव तो कोई होगा ही नहीं।

SHRI RAVI SHANKAR PRASAD: Sir, the hon. Law Minister has stated that now the power vests with the Judiciary. We all know that. But the hard fact remains that the parliamentary accountability of this process remains with the hon. Law Minister. As we have seen, in the working of this new scheme many problems are cropping up. I can share that with

you and I would like you to kindly enlighten the house about that. There have been cases where the Chief Justice doesn't initiate the proposals. We know it. I don't want to open that in this House. Then, it creates a logjam. How is that to be resolved? There are repeated instances of dichotomy in the collegiums all over the country. You know it very well. We all know it. I don't want to share it. Because of the dichotomy in the collegiums itself at the High Court level, names are not clear. Therefore, don't you think even if you don't propose to change the system, for reasons of your own, there has come a time to reflect upon objectively as to whether the system is working satisfactorily. If that is not be the case, do you propose to make some improvement so that process is not unnecessarily stalled.

SHRI H.R. BHARDWAJ: Sir, the hon. Member has raised several questions. He is very well aware, being himself for some time the Law Minister, that the job of a Law Minister is very difficult in judicial appointments. We are rather the interveners between the Judiciary and the highest in the Executive, the President of India. These very senior and eminent counsels, the hon. Member knows, of this country change and scenario in 1993 by arguing that Judiciary knows better about appointment of judges; therefore, the powers from the Executive should be snatched and given to the Judiciary. I was then also the Law Minister. I had argued vehemently that the power of the President should not be curtailed. But eminent lawyers have the quality to impress the Judiciary, and the Judiciary was very happy to take this power. But I am very happy, now, he also feels that they are not able to cope up and the Law Minister could do. I will be very happy if this House unanimously, at some point of time, considers this issue that the power of appointment should come back to its normal course and the Executive must also have a say because after all in this country it is the Parliament which is responsible to give the justice administration to its people. In appointment also, we want that there should be a proper respect for views of the Executive. But this is a matter, as earlier hon. Member has pointed out, in which we would not like to give an impression to the people of India that we want to dilute the autonomy of the Judiciary. This does not concern the autonomy; it concerns the administration of justice in the country. And, certainly, I am one of those Ministers who believe that this power should be vested in the Executive because we are resonsible to the people.

श्री शरद यादव : सभापति जी, मै आपके माध्यम से निवेदन करना चाहता हूं कि सारे देश में जितने लोग आते हैं, वे सब exams के माध्यम से आते हैं, लेकिन ये जो Judicary Services हैं, ये सविंधान मे निहित है। आजकल जो judicial system है, वह बिल्कुल गरीब विरोधी है, इतने फैसले गरीबों के खिलाफ आ रहे हैं। वर्ष 1993 से पहले ऐसी हालत नहीं थी। यह अजीब हालत है कि वे खुद ही बैठकर, खुद ही selection कर रहे हैं। देश में जो राजनीतिक लोग है उनका हर तरह के लोगों के साथ involvement होता है। आज एक वातावरण बना हुआ है कि राजनीतिक आदमी ताकतवर होता है, इसलिए उसके बारे में कई तरह की राय होती है,लेकिन मैं आपके माध्यम से निवेदन करना चाहता हूं कि जो न्याय प्रक्रिया है, उसमें गरीबी के हक को protect करने के बारे में यदि ये लोग सदन में answerable नहीं रहेंगे, तो यह ठीक नहीं होगा। जो सिस्टम इन्होने अभी लागू किया है, उसमें खुद बैठकर, फैसला करके खुद ही selection कर रहे हैं, सब लोग अपना selection कर रहें है। सबकी परीक्षा होती है, इनका कोई exam नहीं होता है और ये एक से एक फैसले दे रहे हैं। सबसे ज्यादा अफसोस मुझे इस बात का है कि मैं हर 8 दिनों मे गरीबों के खिलाफ कोई न कोई फैसला सुनता हू। यह जो ज्यूडिशियल सर्विस है, इसे आप introduce करेंगे कि नहीं ? पार्लियामेंट चुने हुए लोगों की चीज़ है। इसमें हम 5 साल बाद चले जाते हैं। हमारे हाथ से कम गलतियों होती है। जो लोग 30 साल के लिए बैठे हुए हैं, उनके हाथ तो कई तरह के vested interest हो सकते है। मान लीजिए कि कोई ईमानदार भी हो, लेकिन वे अपने नाते-रिश्तेदारों को भरने में बड़े उस्ताद होते हैं। इसलिए आप इस सिस्टम को पूरी तरह से बदलेंगे कि नहीं ? न्याय गरीब के करीब पहुंचे, आप इसके लिए उपाय करेंगे कि नहीं ? आपसे मेरा यह सवाल है।

श्री हंसराज भारद्वाज : श्रीमन् मै आपसे विनम्र निवेदन करना चाहता हूं कि पार्लियामेंट की स्टैंडिंग कमेटी की 15th रिपोर्ट में इस मुद्दे पर हमारा ध्यान आकर्षित किया गया है और हम इस पर विचार कर रहें हैं। हम चाहते हैं कि सदन के अंदर भी उस रिपोर्ट पर चर्चा हो। इस समय जो प्रणाली है,उससे कोई भी संतुष्ट नहीं है। अभी माननीय सदस्य ने, जो बड़े अनुभवी वकील हैं, उन्होनें कहा था कि हम सब लोग इस पर दोबारा पुनर्विचार करें। अगर हम सब मिल कर इस पर विचार करेंगे, तो यह सम्भव है कि हम जो चाहते हैं, वह हो सकता है। मैं चाहता हूं कि सदन में इस पर चर्चा हो
और जब आम सहमति बनेगी, तो सरकार की ताकत बढ़ेगी और हम इस पर कोई कार्रवाई कर सकते हैं। एक divided पार्लियामेंट के रहते हुए इस मुद्दे पर कोई भी हस्तक्षेप नहीं हो सकता। इस रिपोर्ट पर चर्चा हो और सदन का जो मन बनेगा, सदन की जो इच्छा बनेगी, उस पर हम आगे कार्रवाई करेंगे।

श्री शरद यादव : मैनें आपसे निवेदन किया कि यह न्याय की प्रक्रिया गरीबों के करीब कब होगी और कैसे होगी ? मै आपसे यह निवेदन कर रहा हूं कि लगातार फैसले आ रहे हैं। 100 सालों

से मजदूरों का कानून है । वे उसे तोड़-मरोड़ कर अपनी तरफ से hire and fire करके खुद ही लागू कर रहे हैं । यह गरीबों के हक में होगा कि नहीं ?

श्री सभापति : एक मिनट । माननीय मंत्री महोदय, यह चर्चा कब हो, यदि इसका निर्णय आप ही करके कोई कार्यक्रम रख दें, तो ज्यादा अच्छा हो ।

श्री शरद यादव : मैं पीआईएल की नहीं, चर्चा की बात कर रहा हूं ।

श्री शरद यादव : सारे केसेज़ पड़े हुए है । आप इस पर कुछ करेंगे कि नहीं ?

श्री सभापति : मेरे यहां कोई पीआईएल नहीं है ।मेरे यहां तो एक ही है ।

श्री हंसराज भारद्वाज : मै इसके लिए सदैव तैयार हूं । आप समय तय कर दीजिए । किसी भी समय, किसी भी तरीके से कमेटी की जो रिपोर्ट आई हैं, इसी पर चर्चा हो जाए । यह इसी से संबंधित हैं । जब चाहे, इस पर चर्चा कर लीजिए ।

SHRI SITARAM YECHURY: Mr. Chairman, Sir, I just want to put this question. The UPA Government's National Common Minimum Programme had assured that they would set up a Judicial Commission. All these problems are connected with the delivery of justice, with the question of appointments, and all these issues are issues where we do not want to cast any aspersions on the Judiciary; we hold it in the highest esteem. But there has to be some method that has to be evolved, at least, without questioning the integrity, but, questioning the infallibility of the judges. That must be incorporated in some way or the other. This is very important issue. Any time we raise the issue about Judiciary, it is always seen as though we are casting aspersions on their integrity. But the right to question the infallibility of the judgements and their justice delivery system should also be incorporated somewhere. And why is there a delay in setting up this National Judicial Commission? Why are you not bringing it? What is the proposal that you have about this?

SHRI H.R. BHARDWAJ: I would like to inform the hon. Member that setting up of a national judicial commission will require a Constitutional amendment. ...*(interruptions)*...

SHRI SITARAM YECHURY: Please bring it, Sir. ...*(Interruptions)*...

SHRI H.R. BHARDWAJ: See, you can say, "Please bring it." But we have to muster a 2/3rd majority in the House and for this we will have to take, as I said, the whole House-into confidence, if there will be a

consensus, then, definitely, we will implement the National Common Minimum Programme as early as possible. But I cannot state in the Question Hour, 'Yes', I am going to do it.' We will consider it, and if it is in the National Common Minimum Programme, definitely, we will discuss it and bring this issue to the House. But, as I said, Sir, this is not a question of raising emotions in the House. I am equally concerned because I, sometimes, see helpless Chief Ministers and others complaining, "what is happening; why proposals are not coming." We would like a participatory system of consultation which was invoked before 1993. If that is acceptable to all sections of this House, I think, this issue can be settled as early as possible. Then the question arises as to what kind of a National Commission it should be, should it be made by judges or outsiders or Parliamentarians. It requires a little work and after doing that, we will report that to the House.

SHRI SITARAM YECHURY: Mr. Chairman, Sir, I want to urge, through you, please have a discussion on this issue, and we want the Government to initiate the process of consensus which has not yet begun.

MR. CHAIRMAN: Yechuriji, I have already spoken to the hon. Minister for this sort of a discussion outside the House.

श्री विनय कटियार : सभापति जी, आप माननीय न्याय मंत्री है और होम डिपार्टमेंट की स्टैडिंग कमेटी में भी रहे हैं। सभापति जी, इस इश्यू पर बार-बार चर्चा हुई है। यह बात ठीक है कि आप ने आम-सहमति की बात कही है, लेकिन आप इस आम-सहमति के लिए अपना प्रयास कब शुरू करेंगे ? आप संसदों से वे अन्य राजनीतिक दलों से इस बारे में बातचीत कब प्रारंभ करेंगे ?

श्री सभापति : यह बात हो गयी है कि सभी एक साथ मिलकर बैठकर प्रयास करेंगे।

श्री विनय कटियार : शुरूआत कब करेंगे ?,

श्री सभापति : शुरूआत मै करवा दूंगा।

श्री विनय कटियार : सर, इसी से जुड़ी एक चीज और देखी जाती है, मै शायद यादव जी की बात से स्वंय को संबद्ध करते हुए कहना चाहुंगा कि कई बार अदालतों में इस प्रकार के केसेज जाते हैं, जिन्हें जज लोग बिना बारी के जल्दी सुनते हैं और जिन्हें सच में बारी के साथ नंबर पर आना चाहिए,उनका कई-कई साल तक नंबर नहीं आता है।

श्री सभापति : इन सारे इश्यूज पर चर्चा हो जाएगी । इन पर सारी पार्टियां मिलकर-बैठकर चर्चा करेंगे । यह हो जाएगा । क्वैश्चन नंबर 107.

Setting up of Food Research Institute at Konni in Kerala

*107. SHRI K.E. ISMAIL: Will the Minister of FOOD PROCESSING INDUSTRIES be pleased to state:

(a) whether Government of Kerala has approached the Centre for assistance and help for setting up an Indigenous Food Research Institute at Konni on a 114 acre campus;

(b) if so, the details of the proposal; and

(c) the decision of Government on this proposal?

THE MINISTER OF STATE OF THE MINISTRY OF FOOD PROCESSING INDUSTRIES (SHRI SUBODH KANT SAHAY): (a) to (c) A Statement is laid on the Table of the House.

Statement

(a) to (c) The Government of Kerala had initially forwarded a proposal on 4.11.2004 for setting up of Indigenous Food Research Institute on 100 acres campus at Konni in the State of Kerala at an estimated cost of Rs. 95.33 crores. Since the schemes of the Ministry of Food Processing Industries do not have any provision for setting up of an institute, the Government of Kerala was advised on 22.2.2005 to revise the proposal and avail assistance under the Research & Development and HRD schemes.

Government of Kerala has forwarded proposals for (i) Development of Indigenous Food Park at Konni, (ii) setting up of Food Processing & Training Centre, (iii) setting up of Food Quality Monitoring Lab and (iv) organizing courses and infrastructure in College of Food Technology. Certain clarifications/additional information have been sought in respect of proposals (i) to (iii) from Government of Kerala.

The proposals for starting 3 year B.Sc. (Food Technology & Quality Assurance) and 2 year M.Sc. (Food Technology & Quality Assurance) courses in the College of Food Technology, Konni at a project cost of Rs. 154 lakhs is under the consideration of the Government.