

BYE-ELECTIONS TO LEGISLATIVE ASSEMBLIES/PARLIAMENT

*684. SHRI THILLAI VILLALAN: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether any of the State Legislative Assembly or Parliament bye-elections had been conducted by the Election Commission direct without the consent of State Governments during the last five years; and

(b) if so, what are the details thereof?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. GOKHALE): (a) and (b) The provisions contained in the relevant sections namely, section 149 and 150 of the Representation of the People Act, 1951, do not provide for obtaining the consent of the State Government for the purpose of conducting any Assembly or Parliamentary bye-election. However, when the Election Commission calls for a time-table for the bye-election from the Chief Electoral Officer of a State, ordinarily, before sending his proposals to the Election Commission, the Chief Electoral Officer would consult the State Government with reference to the prevailing law and order situation and other relevant conditions. Of course the actual bye-election is conducted by the Election Commission with the assistance of the officers of the Government of the State concerned.

SHORTAGE OF WAGONS EXPERIENCED BY TRADERS OF KERALA

*685. SHRI B. V. ABDULLA KOYA: Will the Minister of RAILWAYS be pleased to state:

(a) whether Government are aware of the acute shortage of wagons experienced by the traders in Kerala, especially those who deal in traditional commodities like coir, handlooms, fish and tiles; and

(b) if so, what steps Government propose to take in this regard?

THE MINISTER OF RAILWAYS (SHRI L. N. MISHRA): (a) and (b) There has been no acute shortage of wagons in Kerala. While traffic in fish and handlooms has been cleared currently and satisfactorily, there has been some delay in the movement of coir and tiles in recent months for reasons other than shortage of wagons, such as Mulki Rules Agitation, etc.

COMPOSITION OF LAW COMMISSION

*686. SHRI R. RUTHNASWAMY: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) what is the character and the composition of the Law Commission and whether besides legal experts it includes economists and businessmen to study the economic aspect of the legislation;

(b) how far the reports and recommendations of the Law Commission have so far been accepted by Government; and

(c) whether any Bills, introduced by Government have, at any stage of consideration, been submitted to the Commission for their opinion; if so, the details in this regard?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. GOKHALE): (a) The Law Commission has been constituted under the orders of the Government of India in the former Ministry of Law since 1955. The Commission is normally reconstituted after every three years. The present Commission is composed of six members including the Chairman and a member-Secretary. The present Commission does not include economists or businessmen.

(b) The Commission has been submitting reports on various subjects from time to time, which are forwarded to the Ministry or Department concerned with the subject matter of the report, for implementation. The reports are mentioned in the statement given below. Out of 54 Reports submitted by the Commission, 38 Reports of the Commission have been implemented by necessary legislation or administrative action. 11 Reports of the Commission are at various stages of implementation. Bills to implement the recommendations contained in respect of 3 reports have lapsed. No action is

required in respect of 1 report. The last Report (54th Report) is under print.

(c) Yes, Sir. The 48th Report of the Commission on some points under the Criminal Procedure Code Bill, 1970 was made at the instance of the Government, when the Bill was under consideration of the Parliament. Similarly the Commission, *suo motu* submitted its 46th Report on the Constitution (Twenty Fifth Amendment) Bill, when the Bill was under consideration of the Parliament.

STATEMENT

List of Reports Submitted by the Law Commission

No. of Report	Subject
1. First	Liability of the State in Tort.
2. Second	Parliamentary legislation relating to Sales Tax.
3. Third	Limitation Act.
4. Fourth	On the proposal that High Courts should sit in Benches at different places in a State.
5. Fifth	British Statutes Applicable to India.
6. Sixth	Registration Act.
7. Seventh	Partnership Act.
8. Eighth	Sale of Goods Act.
9. Ninth	Specific Relief Act
10. Tenth	Law of Acquisition and Requisition of Land.
11. Eleventh	Negotiable Instruments Act.
12. Twelfth	Income-tax Act.
13. Thirteenth	Contract Act.
14. Fourteenth	Report on the Reform of Judicial Administration.
15. Fifteenth	Law relating to Marriage and Divorce amongst Christians in India.
16. Sixteenth	Official Trustees Act, 1913.
17. Seventeenth	Trusts Act, 1882.
18. Eighteenth	The Converts' Marriage Dissolution Act, 1866.
19. Nineteenth	The Administrator General's Act, 1913.

No. of Report	Subject
20. Twentieth	Law of Hire-Purchaser.
21. Twenty-first	Law of Marine Insurance.
22. Twenty-second	Christian Marriage and Matrimonial Causes Bill, 1961
23. Twenty-third	The Law of Foreign Marriages.
24. Twenty-fourth	The Commission of Inquiry Act, 1952.
25. Twenty-fifth	Report of Evidence of Officers about forged stamps currency notes etc. (Section 509-A, Cr. P. C. as proposed).
26. Twenty-sixth	Report on Insolvency Laws
27. Twenty-seventh	Report on the Code of Civil Procedure, 1908.
28. Twenty-eighth	Report on the Indian Oaths Act, 1873.
29. Twenty-ninth	Report on the proposal to include certain Social and Economic Offences in the Indian Penal Code.
30. Thirtieth	Report on Section 5 of the Central Sales Tax Act, 1956—Taxation by States in the Course of Import. (in view of the Supreme Court's decision in K. G. Khosla & Co. Vs. Deputy Commissioner of Commercial Taxes).
31. Thirty-first	On section 30(2) of the Indian Registration Act, 1908—Extension to Delhi.
32. Thirty-second	On section 9 of the Code of Criminal Procedure, 1898 appointment and transfer of Sessions Judges, Additional Sessions Judges and Assistant Sessions Judges.
33. Thirty-third	Report on section 44 of the Code of Criminal Procedure 1898—Suggestion to add provision relating to reporting of, and disclosure in evidence about offences relating to BRIBERY.
34. Thirty-fourth	Report on the Indian Registration Act, 1908.
35. Thirty-fifth	Report on Capital Punishment.
36. Thirty-sixth	Report on Sections 497, 498 and 499 of the Code of Criminal Procedure, 1898—Grant of bail with condition.
37. Thirty-seventh	Report on the Code of Criminal Procedure, 1898 (Section 1 to 176).
38. Thirty-eighth	Report on the Indian Post Office Act, 1898.
39. Thirty-ninth	Report on the punishment of imprisonment for life under the Indian Penal Code.
40. Fortieth	Law relating to Attendance of Prisoners in Courts.
41. Forty-first	The Code of Criminal Procedure, 1898.
42. Forty-second	The Indian Penal Code, 1860.

No. of Report	Subject
43. Forty-third	Report on the Offences against the National Security.
44. Forty-fourth	Appellate Jurisdiction of the Supreme Court in Civil Matters.
45. Forty-fifth	Civil Appeals to the Supreme Court on a Certificate of Fitness.
46. Forty-sixth	The Constitution (Twenty-fifth Amendment) Bill, 1971.
47. Forty-seventh	Trial and Punishment of Social and Economic Offences.
48. Forty-eighth	Some questions under the Code of Criminal Procedure Bill, 1970.
49. Forty-ninth	The proposal for inclusion of agricultural income in total income for purposes of determining the rate of income-tax under the Income-tax Act, 1961.
50. Fiftieth	The proposal to include persons connected with Public examinations within the definition of "Public servant" in the Indian Penal Code.
51. Fifty-first	Compensation for injury caused by automobiles in hit-and-run cases.
52. Fifty-second	Estate Duty on property acquired after death.
53. Fifty-third	Effect of Pensions Act, 1871, on the right to sue for pensions of retired members of the public services.
54. Fifty-fourth	Code of Civil Procedure, 1908.

REINTRODUCTION OF BHUSAVAL-NAGPUR PASSENGER TRAIN

*687. SHRI N. K. SHEJWALKAR: Will the Minister of RAILWAYS be pleased to state:

(a) whether there is any proposal under Government's consideration to reintroduce 381/382 Bhusaval-Nagpur Passenger train and also speed up Maharashtra Express; and

(b) if so, the details thereof and the time by when the proposal will be implemented?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) No, Sir.

(b) Does not arise.

LICENCES FOR MANUFACTURE OF POLYETHENE GRANULES

*688. SHRI SWAMINATHAN: Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) the names of the applicants who applied for licences for the manufacture of Polyethene granules, State-wise;

(b) whether licences have been issued only to the Imperial Chemical Industries and the Union Carbide Ltd; if so, the reason for rejecting the other applications; and

(c) the policy of Government for meeting the shortage of raw materials for the production of polyethene paper?