

LOK SABHA DEBATES

(Part II—Proceedings other than Questions and Answers)

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LOK SABHA

Friday, 5th August, 1955

The Lok Sabha met at Eleven of the Clock

(MR. SPEAKER in the Chair)

QUESTIONS AND ANSWERS

(See Part I)

12 NOON

BUSINESS ADVISORY COMMITTEE

TWENTY-SECOND REPORT

Shri M. A. Ayyangar (Tirupatt):
Sir I beg to present the Twenty-second Report of the Business Advisory Committee

LAW COMMISSION

The Minister of Law and Minority Affairs (Shri Biswas): Sir, with your leave I should like to make an announcement about the Law Commission.

Suggestions have been made from time to time, both in Parliament and outside, that a Law Commission should be appointed for revising our statute law and suggesting ways and means of improving the system of judicial administration in the country. A few months ago we had a discussion in this House on a resolution to that effect moved by Shri Thimmaiah. On that occasion, the Prime Minister accepted the resolution in principle and stated that Government were considering what exactly the terms of reference to the Law Commission

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should be, what should be its personnel, and various other details.

The Government of India have now decided to appoint a Law Commission consisting of the following members:

- (1) Shri M. C. Setalvad, Attorney-General of India (Chairman),
- (2) Shri M. C. Chagla, C.J. Justice of the Bombay High Court,
- (3) Shri K. N. Wanchoo, C.J. Justice of the Rajasthan High Court,
- (4) Shri G. N. Das, Retired Judge of the Calcutta High Court,
- (5) Shri P. Satyanarayana Rao, Retired Judge of the Madras High Court,
- (6) Dr. N. C. Sen Gupta, Advocate, Calcutta,
- (7) Shri V. K. T. Chari, Advocate-General, Madras,
- (8) Shri Narasa Raju, Advocate-General, Andhra,
- (9) Shri S. M. Sikri, Advocate-General, Punjab,
- (10) Shri G. S. Pathak, Advocate, Allahabad, and
- (11) Shri G. N. Joshi, Advocate, Bombay.

The terms of reference to the Commission will be—firstly, to review the system of judicial administration in all its aspects and suggest ways and means for improving it and making it speedy and less expensive; and secondly, to examine the Central Acts of general application and importance, and recommend the lines on which they should be amended, revised, consolidated or otherwise brought up-to-date.

[Shri Biswas]

With regard to the first term of reference, the Commission's inquiry into the system of judicial administration will be comprehensive and thorough, including in its scope—(a) the operation and effect of laws, substantive as well as procedural, with a view to eliminating unnecessary litigation, speeding up the disposal of cases and making justice less expensive; (b) the organisation of courts, both civil and criminal; (c) recruitment of the judiciary; and (d) level of the bar and of legal education.

With regard to the second term of reference, the Commission's principal objectives in the revision of existing legislation will be—(a) to simplify the laws in general, and the procedural laws in particular; (b) to ascertain if any provisions are inconsistent with the Constitution and suggest the necessary alterations or omissions; (c) to remove anomalies and ambiguities brought to light by conflicting decisions of High Courts or otherwise; (d) to consider local variations introduced by State legislation in the concurrent field, with a view to reintroducing and maintaining uniformity; (e) to consolidate Acts pertaining to the same subject with such technical revision as may be found necessary; and (f) to suggest modifications wherever necessary for implementing the directive principles of State policy laid down in the Constitution.

In order to perform its task expeditiously and efficiently, the Commission will function in two sections. The first section consisting of the Chairman and the first three members will deal mainly with the question of the reform of judicial administration, while the second section consisting of the other seven members will be mainly concerned with statute law revision on the lines indicated above. The two sections, however, will work in close co-operation with each other under the direction of the Chairman.

The Chairman of the Commission may at his discretion co-opt as members one or two practising lawyers of

a State in order to assist the Commission's inquiries in that State.

The Commission is appointed in the first instance up to the end of the year 1956. Its headquarters will be at New Delhi.

STATE BANK OF INDIA (AMENDMENT) BILL

Mr. Speaker: We will now proceed with the clause-by-clause consideration of the State Bank of India (Amendment) Bill. There is no amendment to clause 2 and I will put it to the Vote of the House.

The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3.—(Amendment of section 6, etc.)

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): I beg to move:

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after "may be enforced" insert "or acted upon".

This is just a verbal amendment to provide for certain contingencies. These words will cover cases when the Bank actually acts upon the basis of grant and does not seek to enforce it as against any other person. It makes no material difference in the purpose of the clause. It is only to provide for certain contingencies that this amendment is sought to be made.

Mr. Speaker: The question is:

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after "may be enforced" insert "or acted upon".

The motion was adopted.