

**THE CONSTITUTION (AMENDMENT)
BILL, 1998 (TO AMEND ARTICLE 16)**

SHRIMATI VEENA VERMA (Madhya Pradesh): Sir, I beg to move for leave to introduce a Bill further to amend the Constitution of India.

The question was put and the motion was adopted.

SHRIMATI VEENA VERMA: Sir, I introduce the Bill.

THE PUBLIC LIBRARIES BILL, 1998

SHRI KARTAR SINGH DUGGAL (Nominated): Sir, I beg to move for leave to introduce a Bill to provide for the organisation and development of public libraries in the Union territories and for matters connected therewith and incidental thereto.

The question was put and the motion was adopted.

SHRI KARTAR SINGH DUGGAL: Sir, I introduce the Bill.

**THE CONSTITUTION (AMENDMENT)
BILL, 1998 (TO AMEND ARTICLE 74)**

DR. Y. LAKSHMI PRASAD (Andhra Pradesh): Sir, I beg to move for leave to introduce a Bill further to amend the Constitution of India.

The question was put and the motion was adopted.

DR. Y. LAKSHMI PRASAD: Sir, I introduce the Bill.

The Vice-Chairman (Miss Saroj Khapade) in the Chair

**THE PUBLIC INTEREST LITIGATION
(REGULATION) BILL, 1996 Contd.**

SHRI JOHN F. FERENANDES (Goa): Madam Vice-Chairman, I think this Bill was debated late time and it is only in continuation. I did not say I am rising either to support this Bill or to oppose this Bill because I am going to

give my arguments. Madam, if anything good has happened in this country for the past forty-five years, it is the evolution of the public interest litigation, that is, the inherent powers of the Judiciary to regulate and to codify as to what is permissible and what is within their jurisdiction to do. We have seen as to what the genesis of the public interest litigation is. A postcard was written by a prisoner who was condemned in a cell. Against the mismanagement by the jail authorities, against the jail manual, a post-card was written by a prisoner, and that was converted into a public interest litigation by the hon. Court. When the Parliament passes a law, we codify what should be the justice in the country, and when justice is not meted out to its citizens,

----- they may be free citizens or they may be condemned prisoners-----they are all governed by the law of the land, whether they are condemned prisoners or they are free citizens. If justice is not properly done to them, it amounts to our closing one eye, the proverbial Nelson's eye, and allowing the judiciary to step in and play its own role. In other words, it is called judicial activism. Of late, judicial activism has been debated in this country. We have seen for the last four or five years that politicians, corrupt politicians, were brought into the net of public interest litigation. We have seen so many Commissions are set up by the Government. Sir, whenever a criminal act is committed by any citizen of the country, it is for the State to file a prosecution. But we often see that politicians themselves are at the helm of affairs, it may be the Prime Minister, it may be a Home minister, it may be a Chief Minister; they are people who are in charge of the prosecuting authorities like the CBI. the CBI was under the Prime Minister. I don't know why it has now been taken over by the Home Ministry when the Minister himself is under a cloud. In the States we see that the police, the prosecuting authorities are under the Home Minister, who is often the Chief Minister. Can these subordinate authorities who are under the control of that superior