

SHRI EDUARDO FALEIRO: Sir, as I have mentioned money is allocated from year to year depending on the needs of a particular unit, keeping more and more business requirements in mind. Business requirements will be like profitability. If a sick unit is there, it has to make up its losses and it must make profits. We have to see how much is the return on hundred rupees in Hyderabad and how is the return on hundred rupees somewhere else. All that has to be considered and on those lines the allocation of funds is made. Therefore, as I have said, Hyderabad unit is one of the best plants which has made a great contribution to the *drag industry*.

SHRI MOTURU HANUMANTHA RAO: I asked for the amount.

SHRI EDUARDO FALEIRO: That figure I do not have at the moment for the Hyderabad unit. I will send *that* details to the hon. Member.

Setting up of Bench of Karnataka High Court at Hubli Dharwad

*222. SHRI J. P. JAVALI: Will the PRIME MINISTER be pleased to state—

(a) whether it is a fact that Karnataka Government have recommended for setting up of a Bench of the Karnataka High Court at Hubli Dharwad; and

(b) if so what action has been taken in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. BHARDWAJ): (a) and (b) The Chief Minister of Karnataka intimated *vide* his letter dated 11th August, 1992 that the Chief Justice of the Karnataka High Court had been requested to apprise the Full Court of the State Government's strong views in the matter of setting up of a Bench of the High Court at Dharwad and to communicate its

concurrence early. The Chief Minister *inter alia* requested that the matter be processed further and approval of the Government of India communicated for the setting up of a permanent Bench of the Karnataka High Court at Dharwad. The Chief Minister was requested in September, 1992 to discuss the matter with the Chief Justice of the High Court, to obtain his views and to send them with the views of the State Government so as to enable the Central Government to proceed further in terms of Section 51(2) of the States Reorganisation Act, 1956. No further communication has been received from the State Government in *this regard*.

SHRI J. P. JAVALI: Sir, setting up of a Bench of the Karnataka High Court at Hubli Dharwad has been a longstanding demand of the public of North Karnataka. Both the Houses of Karnataka Legislature have passed a unanimous resolution for the establishment of the Bench and the Government of Karnataka has suggested Hubli Dharwad as the place for location. It is stated in the answer to the question also that the Central Government wrote to the Chief Minister of Karnataka to discuss the matter with the Chief Justice of the High Court and then write back to the Government of India. This was done in the month of September 1992. Now it is 1993 and by now some progress must have been made in this regard. I would like to request the hon. Minister to ascertain from the Chief Minister of Karnataka whether he has had discussions with the Chief Justice and whether a favourable response has come from the Chief Justice. Since this is a long-standing demand, I would urge upon the hon. Minister to see that this matter is settled once for all and a Bench in Hubli Dharwad is established at the earliest.

SHRI H. R. BHARDWAJ: Sir, I beg to inform you that so far as the Chief Ministers are concerned, they

have been recommending it. One after another, two, three Chief Ministers have taken up this issue. These issues have also been discussed with one or two Chief Justices also. One Chief Justice had earlier said, "Let the State develop first the infrastructure for the Bench/" and he had made certain suggestions which were given to the State Government. For example, they wanted acquisition of land for the new High Court building and several court rooms and then suitable houses for Judges and so on. Thereafter, other Chief Justices have not been favouring establishment of this Bench.

But now the latest position is that after the unanimous resolution of both the Houses of Karnataka, the Legislative Assembly and the Legislative Council, the matter was taken up again, and the Chief Minister was advised that he might discuss this matter with the Chief Justice of the Karnataka High Court. Once they discuss between themselves the several issues which are very important for establishing the High Court Bench, then, we will process the matter further.

Sir this arises out of section 51(2) of the States Reorganisation Act. Consultation with the Chief Justice of the High Court, as you will appreciate, is very important because he has to look after the administrative work of the High Court.

So, I would like to assure the hon. Member that we would get in touch with the High Court, the Chief Justice as well as the Chief Minister and try to expedite it-

SHRI J. P. JAVALI: May I bring to the kind notes of the hon. Minister—in his reply he said, "The Chief Justice has said that the infrastructure was not available - that Hubli - Dharwad is the second biggest city in Karnataka and that its location is also in the heart of Northern Karnataka? Hubli and Dharwad are twin

cities. Between Hubli and Dharwad many Government buildings have come up. The infrastructure is available. All the requirements for setting up of a Bench are available. Therefore, may I prevail upon the concerned to see that this Bench comes up early? I want you to take some initiative in this matter.

SHRI H. R. BHARDWAJ: I am not taking a plea that the infrastructure is the main obstacle in getting a Bench. I only submitted that the real thing was that unless we knew the views of the Chief Justice who was responsible for running the High Court, finally we could not decide about it. But, as I have already said, this is a very important issue, and it has been pending for a long time. We will try to expedite it.

SHRI SOMAPPA R. BOMMAI: Sir, this matter is pending for more than a decade. It was recommended by the Chief Ministers, Mr. Devraj Urs, Mr. Gundu Rao, Mr. Hegde, myself, Bangarappaji and now Mr. Moily also. Unanimously both the Houses have passed the resolution. Earlier, about six years back, the then Chief Justice of the High Court also agreed for a Bench there. I do not know the present position. The ex-Chief Minister, Mr. Bangarappa, made a statement about three months back, before he resigned, that he had consulted the High Court and that his Government had recommended it to the Government of India. I do not know about the veracity of that statement. Anyway, here I would urge upon the Prime Minister and the Minister of State for Law. This is a longstanding demand. In Maharashtra, the Aurangabad Bench was set up by the then Chief Minister. That Government recommended it, and the Government of India did it even without consultation with the Maharashtra High Court. There are a number of instances. I would only say this. Try to get the opinion of the Chief Justice as early as possible. I would like the

Prime Minister to assist this area : which has been making the demand for a Bench for a decade.

SHRI H. R. BHARDWAJ: Hon. Chairman, Sir, I have already submitted that after September, 1992 there has been no communication. I cannot really say what Mr. Bangra-ppa has stated before the Press. But, according to my records, we are still awaiting the views of the Chief Justice. As I have assured you, I have already started communication with the State Government as well as the High Court. We will come back very soon on the issue. But this issue is not to be seen in isolation. There is no problem with regard to the location, Hubli. That controversy is over. This is the most suitable place, and the Chief Ministers have agreed on it. We have the backing of your Legislative Assembly and all this, but the question is we cannot really do it and take a decision unless the High Court decides it. For that I have already requested you to give me some time and we will get in touch with them.

SHRI H. HANUMANTHAPPA: The Minister, in his reply, has said a number of successive Chief Ministers have recommended, a number of successive Chief Justices have recommended, both the Houses of the Legislature have passed a resolution. I do not know how many Chief Ministers are to be changed to recommend this. Some Chief Ministers we have brought to the Rajya Sabha also to plead this case here, is it that many more Chief Ministers are required to be brought to the Rajya Sabha? Actually the Government has no hesitation. It has an open mind. The State Legislature has passed a resolution: a number of Chief Ministers have recommended: a number of Chief Justices have recommended. What is the hitch then? Infrastructure is not a problem: Hubli has been decided. That is not a problem. Then why does not the Government say that it will open it? Why does it still say that it will process? There are big

fles built up for over a decade. Why do you want a final letter after September 1992? There are several letters, several recommendations. I think the Government should come out positively about setting up this Bench, instead of waiting for some more Chief Ministers, and some more Chief Justices to be changed.

MR. CHAIRMAN: The answer is the same.

SHRI H. R. BHARDWAJ: Sir, the answer is the same. I can assure the hon. Member that this is a matter relating to administration of justice. We would like to have the views of the Chief Justice as early as possible.

SHRI O. RAJAGOPAL: I would like to know from the hon. Minister whether the Government is aware of the fact that there is one State capital where they do not have even a High Court Bench. Previously they had a High Court in Trivandrum.

MR. CHAIRMAN: It is a different question.

SHRI O. RAJAGOPAL: Now, a neighbouring State has a similar problem, I would like to know whether there is any representation from the Government of Kerala or from the people of Kerala regarding the setting up of a Bench of the High Court in Trivandrum. If so, what steps have been taken in this regard?

SHRI H. R. BHARDWAJ: There are various proposals, in addition to Karnataka, from almost 17 or 18 States. I would not like to go into this, because from almost all States in the country there is now a demand for establishing a Bench of the High Court away from the principal place. But, Sir, again I may submit that to establish a Bench of a High Court, the competent authority to recommend and to give its views is the Chief Justice of the High Court, because they have taken a very rigid stand in some of the cases that

they would not like to have a separate Bench. But that is again a question, as I have submitted earlier, where there is a political demand, but there is opposition from the judiciary and the Bar, which are very important instruments in the administration of justice. For example, in several States one section of the Bar wants a Bench, the other section equally important, opposes this. So, We Would like to consult all sections of the Bar and take a uniform policy decision with regard to the whole country in relation to various States. Where there is no controversy, things can be expedited. That is my submission in this regard.

SHRI SATCHIDANANDA; Mr. Bommai and others have made a suggestion for constituting a Bench of the High Court at Hubli. I would like to make a request to the hon. Minister if he would consider Davangere!, which is between Dhanwad and Mangalore so that it will be more convenient for the people from Bijapur and also from Bellary and Other places to go and attend the courts. That is why I ask if the hon. Law Minister would consider Devangere instead of Hubli. (*Inter, ruptions*)

THE PRIME MINISTER (SHRI P. V. NARASIMHA RAO): This is precisely what I wanted to say. Mr. Bhardwaj has referred to it. The moment this question is raised, it becomes an object of controversy. It has happened in many States. That is why the delay. The point is if we could agree on certain criteria, the Bar should agree to those criteria. An attempt was made in the Sarkaria Commission and other reports but somehow this has not happened and continued controversies are there, particularly from the Bar. It has been my experience that it has not been possible to resolve these controversies. So either we have to go ahead, take a decision come what may, force it, enforce it and face the

consequences or we will have to go on considering and considering for decades. This seems to be the only choice.

SHRI SOMAPPA R. BOMMAI: Sir, in this case there is unanimity amongst the lawyers. Therefore, I would appeal to the Prime Minister to take a decision and go ahead in the matter.

SHRI SUBRAMANIAN SWAMY: The Chief Minister did not agree.

प्रो० आई० जी० उन्नी: सभापति जी, मैं आपके माध्यम से ला मिनिसटर सहित और प्रधान मंत्री जी से यह प्रार्थना करना चाहता हूँ कि हाई कोर्ट बेंच हुबली-धारवाड़ जो बनना है, वह म्यूचुअल बेयर हो गया है। कभी केंद्र की ओर हम भागेंगे, कभी राज्य सरकार की ओर भागेंगे,, कभी वह इशारा करेंगे चीफ जस्टिस की ओर चले जायें।

मैं प्रधान मंत्री जी से खास करके प्रार्थना करता हूँ कि यह मैटर तो सेटल हो गया है, जमाने से लोग इसकी मांग करते आ रहे हैं। हजारों मील अब तक बंगलौर जकर वहां पर न्याय दिलाना बड़ा दुश्वार हो गया है। मैं आपसे प्रार्थना करता हूँ कि इसमें जरा खास इंटरेस्ट लेकर आप अगर यह बेंच, जो हुबली-धारवाड़ में बनाने के लिए आप आशीर्वाद दे देंगे, तो आप दोनों का नाम सदियों तक हम याद रखेंगे।

श्री हंसराज भारद्वाज: श्रीमान्, मैंने पहले अर्ज किया कि कभी जगह से यह डिमांड्स आ रही है कि इसके लिये जैसे प्रधान मंत्री जी ने स्वयं कहा है कि इसमें संबंधित पक्षों को, सब को मिला कर जब तक एकमत नहीं हो जाता, जो कर्नाटक में चीफ जस्टिस के व्यूज हैं, वह भी महत्वपूर्ण हैं। तो उनको हम जल्दी लेकर फिर सारे का सारा पैकेज अपनी सरकार के सामने रखेंगे।

MR. CHAIRMAN; Q: No. 223.