

THE DEPUTY CHAIRMAN: I have to put it to the House that permission be granted to him.

(The Resolution was, by leave, withdrawn)

THE DEPUTY CHAIRMAN: Permission is granted to him to withdraw the Resolution and also to withdraw from the House.

SHRI S. JAIPAL REDDY: He should not be allowed to leave.

THE DEPUTY CHAIRMAN: Now, Mr. Madan Bhatia, please

भाटिया जी, सिर्फ़ एक घंटा है पूरे बिल के लिये एक घंटा आपका और दूसरे सब लोगों को मिलाकर है।
(Interruptions) Mr. Bhatia, before you speak there are two Messages from the Lok Sabha.

MESSAGES FROM THE LOK SABHA

(1) The Appropriation (Vote on Account) Bill, 1994.

(2) The Appropriation Bill, 1994.

SECRETARY-GENERAL: Madam, I have to report to the House the following messages received from the Lok Sabha, signed by the Secretary-General of the Lok Sabha:

(1)

"In accordance with the provisions of rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose the Appropriation (Vote on Account) Bill, 1994, as passed by the Lok Sabha at its sitting held on 17th March, 1994.

The Speaker has certified that this Bill is a Money Bill within the meaning of article 110 of the Constitution of India.

THE SPECIAL COURT (TRIAL OF OFFENCES RELATING TO TRANSACTIONS IN SECURITIES) AMENDMENT BILL, 1994.

SHRI MADAN BHATIA (Nominated): Madam Deputy Chairman, I rise to support the Special Court (Trial of Offences Relating to Transactions in Securities) Amendment Bill, 1994.

There is one point which was made by Mr Viren Shah and the Member who initiated the discussion. They said that in this Bill, it is provided that the Special Court shall not be bound by the Code of Civil Procedure and shall be at liberty to regulate its own procedure. According to them, this is a new precedent and it is not clarified as to what procedure the Special Court would follow. I would like to say this to the hon. Members that there is a difference between the procedure relating to criminal matters and procedure relating to civil matters. So far as the criminal matters are concerned, procedure is very vital, it was Justice Frankfurter of the United States who observed and whose observation was quoted with approval by the Supreme Court that his story of liberty is the history of strict observance of procedural safeguards. This applies to trial of criminal offences. But so far as civil matters are concerned, the position is quite opposite. The Supreme Court has held that the rules of procedure prescribed in the Code of Civil Procedure are merely a handmaid of justice, they cannot be allowed to override the ultimate administration of justice. They are subordinate to the ultimate aim in civil matters, that is, to administer justice according to the facts of the particular case.

SHRI VIREN J. SHAH: Then, why is it necessary to bring in this amendment?

SHRI MADAN BHATIA: This particular provision, the hon. Member is very right, may herald a new concept in relation to decision in civil matters. I for myself am strongly of the opinion that so far as the trial of civil cases is concerned, it should not be sine qua non to something called the rules prescribed