

RAJYA SABHA

Monday, the 3rd August, 1992/12th
Shravana 1914 (Saka)

The House met at eleven of the
Clock. The Deputy Chairman in the
Chair.

MEMBERS SWORN

1. Shri Ramji Lal (Haryana)
2. Shri Shamsher Singh (Haryana)

Setting up of a High Court Bench at Dharwad

*361. SHRI J. P. JAVALI: Will the
Minister of LAW, JUSTICE AND
COMPANY AFFAIRS be pleased to
state:

(a) whether it is a fact that the
Karnataka Legislative Assembly and
the Council, have on the 31st March,
1992 passed unanimous resolutions,
urging upon the Central Government
to establish a Bench of the High
Court in Northern Karnataka;

(b) whether the State Govern-
ment has proposed Dharwad as the
location for the Bench; and

(c) if so, what steps are being
taken to establish the Bench at an
early date?

THE MINISTER OF STATE IN
THE MINISTRY OF LAW, JUSTICE
AND COMPANY AFFAIRS (SHRI
H. R. BHARDWAJ): (a) to (c) The
Chief Minister of Karnataka intima-
ted vide his letter dated 24th April,
1992 that the Karnataka Legislative
Assembly and the Council in their
Session in March, 1992 had unani-
mously passed resolutions urging the
Government of India for establish-
ment of a Bench of the Karnataka
High Court in the northern Karnata-
ka area. The Chief Minister was
requested in May, 1992 to send a
specific definite proposal indicating
the exact location of the proposed
High Court Bench, in consultation

with the Chief Justice of the High
Court, in terms of Section 51(2) of
the States Reorganisation Act, 1956.
Necessary action in the matter can
be taken only on receipt of such a
proposal.

SHRI J. P. JAVALI: Madam, both
Houses of the Legislature of Karnata-
ka have passed a unanimous res-
olution that a Bench of the Karnata-
ka High Court be established in
northern Karnataka and I have re-
ceived a communication from the
Chief Minister of Karnataka that a
Bench be established in Dharwad in
northern Karnataka. I would like to
know whether the Government has
received this communication and
what steps are being taken to
establish this Bench in Dharwad.

THE MINISTER OF LAW, JUSTICE
AND COMPANY AFFAIRS
(SHRI K. VIJAYA BHASKARA
REDDY): Madam, in the answer it
has been made clear that the Chief
Minister has already written to us
saying that it should be located in
northern Karnataka. He has not
named any specific place. We have
written to the Government of Kar-
nataka to come forward with a spe-
cific proposal in consultation with
the Chief Justice of Karnataka.

SHRI J. P. JAVALI: I have recei-
ved a communication from the Chief
Minister of Karnataka that the Cabi-
net Committee of Karnataka Govern-
ment has suggested Dharwad as
the place. The question had been
raised earlier also and everytime
when this question was asked we
were told that the Karnataka Gov-
ernment had been asked to consult
the Chief Justice of Karnataka. I
don't know about the Chief Justice
of Karnataka High Court. I want to
know why there is a delay in the
consultations between the Govern-
ment of Karnataka and the Chief
Justice. Another point is that unfortu-
nately the Karnataka High Court
does not have a Chief Justice for
the full term. I want to know why a

Chief Justice is not appointed to serve the full term in Karnataka.

SHRI K. VIJAYA BHASKARA REDDY: Sir, we have received a letter from the Chief Minister of Karnataka saying that ... (*Interruptions*)...

SHRI P. UPENDRA: Not 'Sir' but 'Madam' ... (*Interruptions*)...

THE DEPUTY CHAIRMAN: He is by passing me by going directly to Mr. Javali... (*Interruptions*)...

SHRI K. VIJAYA BHASKARA REDDY: Madam, I had received a letter from the Chief Minister in April saying that the Assembly and the Council had passed a resolution that the location of the High Court Bench should be in North Karnataka. I wrote back a letter in May asking him to come forward with a specific place, to recommend a place in consultation with the Chief Justice.... (*Interruptions*)...

SHRI J. P. JAVALI: He recommended... (*Interruptions*)...

THE DEPUTY CHAIRMAN: Please let him finish.

उनकी बात पूरी हो जाने दीजिए ! ...

SHRI K. VIJAYA BHASKARA REDDY: I have not received a letter from the Chief Minister again specifically saying that it should be Dharwad. I have not received any communication from him. I had also said there, that he might consult the Chief Justice and come forward with a proposal. I have not received any communication.

SHRI J. P. JAVALI: How about the Chief Justice being appointed for the full term?

SHRI K. VIJAYA BHASKARA REDDY: Only recently the post of Chief Justice fell vacant. Till about a month back there was a Chief Justice. There will be another Chief Justice appointed in a few days time.

SHRI SOMAPPA R. BOMMAI: Madam, this matter is pending for the last 15 years. When Hegdeji was the Chief Minister and when I was the Chief Minister we did write to the Government of India. We met the Law Minister. We represented to the Jaswant Singh Commission also that it was an absolute necessity to have a Bench in North Karnataka. We suggested Dharwad as the place some six years back and correspondence to that effect is there. Will the Government of India take expeditious steps to get replies from the Chief Minister and establish a Bench as early as possible?

SHRI K. VIJAYA BHASKARA REDDY: Sir, I know that the Chief Ministers from Mr. Gundu Rao's time have been particular in starting a Bench in Dharwad. From the beginning, first, it was Mr. Gundu Rao, then Mr. Hegde, then Mr. Bommai and now even the present Chief Minister, all have said that there should be a Bench in North Karnataka. Mr. Bommai, and now even the present Chief Minister have said that there should be a Bench in North Karnataka. But the present Chief Minister has not specifically mentioned Dharwad. Anyway, the Government of India has asked him and I hope the Chief Minister would consult the Chief Justice and come forward with proposal. If they both recommended, then the Government of India will not stand in the way. Only one thing, the High Court of Karnataka has been saying that the Court should not be divided and it should be located only in the Headquarters of the Capital. That is the opinion of the Karnataka High Court. Now I do not know if they have changed their opinion. The Chief Minister should consult the Chief Justice and if they come forward with their proposal for Dharwad, we have no objection.

SHRI SOMAPPA R. BOMMAI: Madam ... (*Interruptions*)...

सभापति : उन्होंने जवाब दे दिया, सनदी जी को पूछ लेने दीजिए । . . .

SHRI SOMAPPA R. BOMMAI : The Chief Justice, Mr. Chandrasekhar, and the Chief Justice Mr. Mallimath have recommended a Bench.

SHRI K. VIJAYA BHASKARA REDDY : I know only about the latest position. No Chief Justice has agreed so far. There is no letter from the present Chief Justice saying that they have agreed upon Dharwad. There was one Chief Justice who said, that we must first of all create the infrastructure and without that it would not be possible to establish a Bench. No Chief Justice of Karnataka has recently written to the Government of India saying that Dharwad is the best place.

प्रो० आइ०जी० सनदी : महोदया, मैं आपके माध्यम से दोनों मंत्रियों से पूछना चाहता हूँ कि अक्सर कहा करते हैं . . .

श्री संघ प्रिय गोतम : एक से तसल्ली नहीं होगी ? . . .

प्रो० आइ०जी० सनदी : एक से तो सफलता प्राप्त नहीं हो पा रही है। मेरी कोशिश है कि इन दोनों के पीछे लगा रहूँ। महोदया, यह कहा करते हैं कि जस्टिस डिलेड इज जस्टिस डिनाइड। पन्द्रह साल से हम इसके पीछे लगे हुए हैं। जब यह बात हमारे सामने आई तो इन्होंने जसवंत सिंह कमिशन की वहाँ पर नियुक्ति की। जसवंत सिंह कमिशन ने पूरे कर्नाट स्टेट का दौरा किया, वकीलों से परामर्श किया, ग्राम सीटीजंस से बातचीत की। सर्टेबल प्लेस हाई कोर्ट के लैंडपीठ के लिए धारवाड ही हो सकता है ऐसा उन्होंने सूचित किया है। इससे पहले जितने भी . . .

उपसभापति : जरा आप संक्षेप में पूछ लीजिए तो जवाब भी प्वाइंटेड आयेगा।

PROF. I. G. SANADI : Writ petition is an important legal weapon in the armoury of the legal reign to seek justice.

जब रिट पेटिशन के लिए हजारों मील दूर रहने वाले कर्नाटक के लोग बंगलौर जा नहीं सकते इसलिए खासकर मिनिस्टर साहब से यह विनती है, जैसा यह कहा करते हैं कि चीफ जस्टिस रहा करे लेकिन चीफ जस्टिस बंगलौर को छोड़ना पसन्द नहीं करते क्योंकि वच्चों की तानीम है और दूसरी सुख सुविधाएँ उनकी हैं। हमने कहा है, पूरा सदन कह रहा है, पूरे लोग कह रहे हैं, पूरे वकील कह रहे हैं, भूख हड़ताल करके बैठे हुए हैं तो ऐसी हालत में मैं कहूँगा यह अपनी तरफ से . . .

उपसभापति : Please don't attribute motives. आप अपना सवाल करिये।

Don't attribute motives.

प्रो० आइ०जी० सनदी : मेरी खासकर विनती है और लॉ मिनिस्टर साहब से पूछना भी चाहता हूँ कि अपनी तरफ से भी गरीब जनता को न्याय दिलाने के लिए वे भी क्या कोशिश करेंगे ?

उपसभापति : उन्होंने कहा
He has already said it.

SHRI K. VIJAYA BHASKARA REDDY : I have said it a number of times... (Interruptions)...

श्री अजीत जोगी : मध्य प्रदेश ने भी रिक्सेंड किया था। (व्यवधान)

उपसभापति : बीच में नहीं बोलिए, पहले बंगलौर का होने दीजिए। (व्यवधान)
आप बैठिये आपका सवाल हो गया।

SHRI K. VIJAYA BHASKARA REDDY : Though it was referred to the Jaswant Singh Committee, the Jaswant Singh Committee has not said anything about the Karnataka Bench. They only said it should be anywhere, but we should not start a Bench without creating the infrastructural facilities. They have not mentioned Dharwad. According to Section 51(2) of the States Reorganization Act, we have been consulting

the States, the Chief Minister and the Chief Justice; if they recommend a place, we have been accepting it. That is the principle that we have been following. Even in Karnataka, we are following the same. The present Karnataka Government has not come forward specifically saying that it should be Dharwad. It has only mentioned northern Karnataka area.

SHRI SHABBIR AHMAD SALARIA: Madam, not only about the High Court of Karnataka, but I would also like to know from the hon. Minister as to what would be the Government's policy with regard to establishment of the Circuit Benches of the Supreme Court of India in Bombay, Madras and Calcutta. Looking to the fact that India is a vast country, that the population of India is touching one "Arab", that the arrears of cases in the Supreme Court are piling up, and that poor people cannot travel thousands of miles....

THE DEPUTY CHAIRMAN: Please be brief.

SHRI SHABBIR AHMAD SALARIA: I will be very brief. What happens in actual practice is that it is only the rich who can come to the Supreme Court. So taking into consideration these compelling circumstances, would the Government state as to what its policy is with regard to setting up Benches of the Supreme Court of India in the other three metropolitan cities of India so that the people from Southern India, Northern India, Western India and Eastern India who are poor and who belong to the downtrodden strata of the society and also the middle-class can come to the Supreme Court and seek justice? This is a very reasonable request.

THE DEPUTY CHAIRMAN: I understood it and I am sure that he understood it better.

SHRI K. VIJAYA BHASKARA REDDY: Madam, that question does not arise out of this one. But still I

can say that this has been put forward to the Supreme Court a number of times and every time the Supreme Court had considered it and said that it was not desirable to have Benches anywhere else except in Delhi. As of today, the policy of the Government is to continue with the present thing. \

Promotion of Competitive Market-Economy

*362. **DR. SHRIKANT RAMCHANDRA JICHKAR:** Will the Minister of PLANNING AND PROGRAMME IMPLEMENTATION be pleased to state:

(a) in what matter the Planning Commission proposes to promote competitive market economy under economic reform envisioned by Government; and

(b) the manner in which the proposed competitive market economy will co-exist with multinational monopolies likely to enter the Indian economy?

THE MINISTER OF STATE OF THE MINISTRY OF PLANNING AND PROGRAMME IMPLEMENTATION AND THE MINISTER OF STATE IN THE MINISTRY OF NON-CONVENTIONAL ENERGY SOURCES (SHRI SUKH RAM): (a) and (b) A statement is laid on the Table of the House.

Statement

(a) and (b) The key elements of the economic policy proposed for the Eighth Plan period are: liberalisation of the foreign trade policy, gradual reduction in the customs duties, further delicensing and deregulation of industries, phased decontrol of administered prices of industrial products and interest rates in the financial sector so as to improve productivity of industry and build up competitive efficiency. These, along with a more efficient public sector, are expected to enhance the competitive efficiency of the economy. In this competitive economy environment, foreign investment in priority areas subject to national objectives, is expected not only to complement de-