

Enacting Formula

SHRI JAGDISH TYTLER: Sir, I move;

"That at page 1, line 1, for the word

'Forty-first' the word 'Forty-second' be substituted."

The question was put and the motion was adopted.

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): Now, the question is:

"That the Enacting Formula, as amended, stand part of the Bill."

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Title was added to the Bill.

SHRI JAGDISH TYTLER: Sir, I beg to move;

"That the Bill, as amended, be passed."

The question was put and the motion was adopted.

THE DELHI HIGH COURT (AMENDMENT) BILL, 1991

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): Hon. Law Minister to move the Delhi High Court (Amendment) Bill, 1991.

SHRI SATYA PRAKASH MALAVIYA (Uttar Pradesh): Mr. Vice-Chairman, Sir, I have an objection to the moving of this Bill. I have an objection, under the rules of the House.

This Bill is dated 20th February, 1991. This Bill was introduced in this House on 5th March, 1991, by Dr. Subramanian Swamy, the then Minister of Law, Justice and Company Affairs. Now, I would like to draw your attention to rule 69. It says:

When a Bill is introduced, or on some subsequent occasion, the member in charge may make one of the following motions in regard to his Bill, namely:—

My submission is, this relates to Dr. Subramanian Swamy and not to the present Minister, Shri K. Vijaya Bhaskara Reddy. Therefore, he is not competent to move this Bill for consideration.

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): A ruling had already been given by the earlier Vice-Chairman. This Bill is the property of the House.

SHRI SATYA PRAKASH MALAVIYA: My submission is, this rule was not brought to the notice of the Chair. This rule was not brought to the notice of the Chair at that time. I am contending that the word 'his' used in the rule relates to Dr. Subramanian Swamy and not to the present Law Minister. Therefore, he is not competent to move the Bill for the consideration of the House.

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): I have told you that a ruling had already been given. Of course, whatever you have said is recorded. But we shall have to go ahead with the consideration of the Bill.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI K. VIJAYA BHASKARA REDDY): Perhaps, the hon. Member was not present when the earlier Bill was moved in the House. Similar situation arose.

SHRI SATYA PRAKASH MALAVIYA: I want a ruling on this Bill also.

SHRI K. VIJAYA BHASKARA REDDY: Ruling has been given by the Vice-Chairman now.

Sir, I beg to move:

"That the Bill further to amend the Delhi High Court Act, 1996, be taken into consideration."

It gives me considerable pleasure to move the Honourable House to take up for consideration the Delhi High Court (Amendment) Bill, 1991 which was introduced in this House on 5th March, 1991. The Bill seeks to increase the original pecuniary jurisdiction of the District Court in the Union Territory of Delhi from the existing limit of Rs. 1 lakh to Rs. 5 lakhs so that original suits of a value of more than Rs. 5 lakhs only would need to go to the Delhi High Court. This increase in the limit of pecuniary jurisdiction is necessary because of the decline in the value of rupee over the years and for reducing the pressure on the Delhi High Court. The proposed amendment will speed up disposal of cases around and will reduce the pressure on the Delhi High Court. The existing original suits involving a value less than Rs. 5 lakhs will be transferred to the District Court excluding these cases where hearing has commenced. The Bill will also provide for appeal to the District Judge against decree or order made by a Subordinate Court after the commencement of the proposed amendment and where the value of the original suit respect of which the decree or order has been made does not exceed Rs. 1 lakh. Thus the Bill which aims at granting more powers to the District Court will benefit around the litigant public in the Union Territory of Delhi.

The Government is separately pursuing a proposal to decentralise the District Court in the Union Territory of Delhi for the convenience of the litigant public so that they need not travel long distances. The modalities of decentralisation are being discussed with the Delhi Administration and Delhi High Court. The matter is in advanced stage. It is the intention that the increase in the pecuniary jurisdiction of the District Court and its decentralisation should be carried out simultaneously.

With these remarks, I move that the Delhi High Court (Amendment) Bill, 1991 may please be taken up for consideration and be passed.

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): There is one amendment by Shri Satya Prakash Malaviya for reference of the Bill to Select Committee. You can move the amendment without any speech, Mr. Malaviya.

MOTION FOR REFERENCE OF THE BILL TO SELECT COMMITTEE

SHRI SATYA PRAKASH MALAVIYA (Uttar Pradesh): Sir, I move.

That the Bill further to amend the Delhi High Court Act, 1966, be referred to a Select Committee of the Rajya Sabha consisting of the following Members, namely:

1. Shri Jagdish Prasad Mathur
2. Shri Kamal Morarka
3. Shri Ish. Dutt Yadav
4. Dr. G. Vijaya Mohan Reddy
5. Shri M. A. Baby
6. Shri Chaturanan Mishra
7. Chaudhary Harmohan Singh
8. Dr. Nagen Saikia
9. Shrimati Bijaya Chakravarty
10. Shri Satya Prakash Malaviya

with instructions to report by the first day of the next Session.

The questions were proposed

SHRI RAJ MOHAN GANDHI (Uttar Pradesh): Mr. Vice-Chairman, Sir, I rise to welcome this Bill and to compliment the Minister for bringing it to the House, or rather for adopting the Bill that was brought earlier to the House.

SHRI K. VIJAYA BHASKARA REDDY: Anyway the result is the same.

SHRI RAJ MOHAN GANDHI: And this was the Bill that our Government had thought of and then the Chandra Shekhar Government had introduced and your Government is now sponsoring. The Objects and Reasons are two, that is, having regard to the value of money these days and in the interest of speedy disposal of work in the High Court. These are the two considerations that are behind this