

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 Kama! 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
5. 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 the

[Shri Raj Mohan Gandhi]

amending Bill. Of course, these are very important considerations. We should not forget, Mi. Vice-Chairman, that while we discuss this Bill the strike of the lawyers of the Tees Hazari Courts, Delhi, is still on. It was started towards the end of August and a large number of lawyers, not in hundreds but in thousands, who work in Tees Hazari, have been demanding the transfer of the original jurisdiction in civil matters from the High Court to the lower courts. This Bill does not meet the demand but it goes some distance towards meeting the anxiety of the lawyers who work in courts junior to the High Court in Delhi.

As far as the question of speedy disposal is concerned, some facts and figures may be of interest to the Minister and to the House. The facts are that in Delhi, whereas a case tried by a District Judge or a Sub-Judge takes only two or three years, a case tried by the High Court takes 18 or 19 years. These are the averages in recent years. Whereas one District Judge or a Sub-Judge decides on an average 264 cases per year, a High Court Judge decides only three or four cases per year. If we are interested in the litigants, in the citizens, in the ordinary people of our land, we must take note of these extra-ordinary facts and figures and act accordingly, encourage more work to go to the District Court in Delhi.

It is also noteworthy that in Delhi a High Court Judge discharges the judicial functions which in other States are discharged by Sub-Judges. The Minister, I am sure, is aware that in Maharashtra they have changed the laws and the rules and in May next year the entire original Jurisdiction in these matters will be transferred from the High Court to the lower Courts. And the important question is, why in Delhi we should not follow this salutary example set in Bombay?

One other matter which I am bringing to the attention of the House is, when the Delhi High Court was established in 1996 it was stated that the Original Pecuniary Jurisdiction was being assigned

to the High Court purely on a temporary basis—it was not supposed to be a permanent arrangement—but it has, in practice, become a permanent arrangement.

While requesting the Minister to go even a little beyond what he has done in this Bill, I would, through you, Mr. Vice-Chairman, also appeal to the striking lawyers in Delhi to reconsider their strike and to resume their work and to engage in discussion with the other lawyers of the High Court in Delhi and arrive, if possible, at a mutually acceptable arrangement. Last night, Mr. Vice-Chairman, a group of young lawyers came to meet me on this question and I said to them, "What are the prospects of a Settlement between you and the other lawyers who think differently?" and they said with one voice, "Absolutely no chance of an agreement." And I said to them I was a little sad that the lawyers were competing with politicians in their failure to reach a settlement. Mr. Vice-Chairman surely the time has come in our country where, in public life, we develop our instruments of agreement, our instruments of conciliations, our instruments of honourable compromise and leave confrontation to as few issues and as few occasions as is possible.

The nobility of the legal profession, its usefulness to the common man are well-known and do not need to be stressed. Equally, the sad experience of citizens and litigants of lawyers is something that is well known. It is also well known, and I am sure I am not committing an impropriety if I mention that there is a great question mark in the minds of the public even about the integrity of some Judges, just as there is about the integrity of politicians and civil servants. While this improvement in the state of affairs in Delhi is being considered it is a good time for the legal fraternity in Delhi—the Bar and the Bench—to see what can be done to reduce the hardships of citizens and litigants.

One point I may mention, Mr. Vice-Chairman, to the Minister here is about the extreme congestion and overcrowding of the Tees Hazari Courts. That com-

plex was built for a much smaller volume of work than is now undertaken in that complex, and I am afraid there is no alternative but to have another facility also if we are to reduce the hardship of the litigants and if we are to serve and assist the Bar and the Bench.

I would, finally, just make one appeal to the Minister and I hope he will really concede my request. I feel that the Rs. 5 lakh limit that you are now giving is, in the circumstances, too small for the lawyers of the Tees Hazari Courts. In 1966 it was Rs. 1 lakh, in 1991 or 1992 you want to make it Rs. 5 lakhs. For a Rs. 5 lakh cause of action what a lawyer may earn today is not really very substantial. If we want to assist the lawyers in the Tees Hazari Court and the litigants who go there. I would request the hon. Minister to increase this limit from Rs. 5 lakhs to Rs. 10 lakhs. I am sorry I have not offered a written amendment in this regard. But I hope very much that the Minister will consider this suggestion.

I once again thank him for bringing forward this necessary measure.

Thank you, Mr. Vice-Chairman.

SHRI SATYA PRAKASH MALAVIYA: There is an amendment moved by Mr. Ish Dutt Yadav to raise it from five lakhs to fifty lakhs.

SHRI V. NARAYANASAMY (Pondicherry): Mr. Vice-Chairman, Sir, thank you for giving me this opportunity to participate in the Delhi High Court (Amendment) Bill, 1991.

Sir, I support the Amendment. Though it is a small amendment, it was long overdue. The lawyers have been demanding that the pecuniary jurisdictions of the High Court and the District Courts have to be increased, and the Government ultimately considered it necessary to bring this Bill in this House.

Sir, as the hon. Member who spoke before me, Shri Raj Mohan Gandhi, has suggested, before I proceed to other points which I would like to raise on the general judicial system, I would like to appeal

to the striking lawyers to withdraw their Strike because ultimately the sufferer is the litigant people. The Judges also have to use their good offices for settling this dispute.

Sir, last year the National Judicial Commission (Sixty-seventh Amendment) Bill was passed in this House. There was a demand, and the Law Commission also had recommended for this. But nothing has been heard about it for the last one year. The reasons are that in various High Courts and various other courts we find different set-ups and different systems for the purpose of functioning of the High Courts and the District Courts. Therefore, it is absolutely necessary that when the National Judicial Commission is constituted there should be uniform systems in various High Courts and other courts throughout the country.

Sir, the hon. Minister who takes a very keen interest in the Ministry of Law and Justice, I hope, will do the needful in this regard. In the recent past I find that various posts of High Court Judges have been filled. But, still, Sir, according to the data available, more than 200 odd posts of High Court Judges are vacant.

SHRI K. VIJAYA BHASKARA REDDY: It is not correct. The number is very small.

SHRI V. NARAYANASAMY: It is subject to correction because in January, 1991 there were 400 vacancies.

SHRI K. VIJAYA BHASKARA REDDY: Even that was not correct. But most of them, 80 per cent have been filled up.

SHRI V. NARAYANASAMY: Therefore, Sir, the credit goes to the hon. Minister who has taken keen interest in filling up the vacant posts in the various High Courts. Therefore, as I said, the Minister has taken keen interest in this regard. Even in respect of the remaining posts, I hope, he will do so because the problem is that in various High Courts we find that the writ petitions which were filed in 1980 are being taken up today for disposal. In the Madras High Court,

[Shri V. Narayanasamy]

I know that the writ appeals and writ petitions filed in 1980 are being taken up now for being disposed of. The Second appeals filed in 1980, 1981, 1982 are now being taken up for disposal. Then, the litigant public has to wait for ten years for the matters to go to the High Court. That is because of the matters which are pending before the various High Courts. Moreover, vacant posts are not being filled up in time. The Minister has taken prompt steps. I request the Minister to fill up remaining vacant posts. Day in and day out even in this House and also out-Side various State Governments have been requesting the Central Government and the Law Ministry for setting up of a bench of the High Courts in various district headquarters. You know we wanted setting up of an Allahabad High Court bench in Western UP. There was a demand for it by the hon. Member, Shri Virendra Verma, who is at present Governor in Himachal Pradesh. He had moved a Bill for it. There was a demand in Tamil Nadu also for setting up of a separate bench at Madurai. We want this because our policy is to give speedy justice to the litigant public. Moreover, they cannot travel so much. Dispensation of justice should be at their door-steps. When that is the policy and when the State Governments have been recommending these benches can be set up in district headquarters. The Central Government should agree to it so that the matters which are pending in the High Courts can be taken up at other headquarters and settled as early as possible.

There has also been a demand for setting up of a bench of the Supreme Court in the South. It is also a matter which is pending for a long time. The litigant public which files a case either in Andhra Pradesh, Kerala, Karnataka or in Tamil Nadu or in any other part of South India need not come to Delhi. Under the present conditions they have to come to Delhi and spend a lot of money and time in travel. They have to waste a lot of time in order to hand-over the matter to their advocates. For that alone they have to spend 15 to 20 days. Therefore, setting up of & Bench

( of the Supreme Court in any part of Southern India has to be considered sympathetically and early. It will be a revolutionary step.

I went to the Supreme Court, High Court and the Tis Hazari Courts. I found the lawyers there have no room for counselling. When the clients come, they talk ] to them in the corridors. Another pathetic situation is that the entire court pre-mises is jam-packed. The clients who go for the purpose of litigations, have to stand under the shadow of a tree. They ! are not in a position to enter the court. i At least in Delhi a system may be evolved so that the congestion in courts is removed and the advocates are provided with necessary facilities. As the hon. Member has mentioned the situation in the Tis Hazari courts is very alarming. One ! cannot understand whether one is a client I or an advocate. That aspect may also be ! considered by the hon. Minister. I

Another important aspect which I would like to mention is that the entire judicial system has to be reviewed. Main litigations are pending for a long time in various High Courts. Norms for the cases had been fixed five or six years ago, but when we go through the system we find cases which are filed are more and the number of disposals is less. As a result the number of cases is mounting. Therefore the system of disposal of cases has to be reviewed. I submit that the hon. Minister will take up this issue with various High Courts and the Supreme Court Chief Justices and see that litigant public must get justices within two years at least. Two years is a tolerable period. Going beyond that period means that you have not dispensed justice. Justice delayed is justice denied. Therefore, I would request the Hon. Minister to take up the issues which I have mentioned favourably and bring about a revolutionary change in the judicial system. I may also point out that I had moved a Bill in this House to have a permanent High Court bench at Pondicherry. I hope the Minister will consider this also favourably.

With these words I commend the Bill.

Therefoie, j would like to request the iion\_ Minister to consider these points. With these words, I cvonclude and support the Bill.

श्री संव प्रिय शीतम (उत्तर प्रदेश) : माननीय उरसभाध्यक्ष महोदय, दिल्ली उच्च न्यायालय से संबंधित संशोधन विधेयक को प्रस्तुत करके माननीय मंत्री महोदय ने अपरिहार्य रूप से एक ऐसा कार्य किया है जिसकी बहुत आवश्यकता थी मगर इसके दूरगामी उद्देश्यों को अपने वक्तव्य में बड़ा सीमित कर दिया है और उन्हें केवल उच्च न्यायालय की ही चिंता हुई और उन्होंने कहा है कि उच्च न्यायालय संबंधितवादों के बोझ से पीड़ित है वादों का बोझ कम हो जाए, इसलिए उसके कार्यक्षेत्र को बढ़ाया है और उसमें 5 लाख रुपये से अधिक मूल्य वाले वादों का दापर करना शामिल किया है ।

महोदय, मंत्री महोदय की शायद याद होगा कि देश के न्यायालयों और न्यायाधिकरणों ने एक नारा दिया है कि वादकारी का हित सर्वोच्च है और वादकारी का हित क्या है—उसे सस्ता न्याय मिले, उसे शीघ्र न्याय मिले । चूंकि उच्च न्यायालय में वकीलों और अधिवक्ताओं की फीस भी ज्यादा होती है इसलिए वादकारी को सस्ता न्याय नहीं मिल पाता । इसलिए वादकारी का हित सुरक्षित नहीं है । इसलिए आपके विधेयक की यह भी संशा होनी चाहिये कि उसे न्याय सस्ता और शीघ्र मिले ।

महोदय, तीसरी बात जो मैं इस विषय में कहना चाहता हूं वह यह है कि ग्राम तौर से जो नए अधिवक्ता हैं वे शुरू में लोअर कोर्ट से अपनी प्रैक्टिस प्रारंभ करते हैं । वहां पर अगर मामले नहीं जायेंगे तो वे भूखे मरेंगे । हमारे देश में बेरोजगारी के कारण बहुत से ला-प्रैजुएट्स बड़े अधिवक्ताओं के पास जाकर काम प्रारंभ करते हैं । मुझे 30 साल का तजुर्बा है । स्वयं मेरे साथ बहुत से जूनियर एडवोकेट रहे हैं और बाद में सब नौकरियों में चले गये । मान्यवर, अगर जनपद न्यायालयों के

कार्यक्षेत्र में आप 5 लाख रुपये तक के मूल्य वाले वादों का लादेगे तो बहुत से मामले वहीं पर प्रारंभ होंगे और इस तरह से नए अधिवक्ताओं को भी काम मिलेगा । लेकिन अगर आपको केवल उच्च न्यायालय की चिंता है, तो मैं आपसे सहमत नहीं हूँ । मुझे चिंता इस बात की है कि वादकारी का हित सुरक्षित रहे और इस विधेयक से, जैसा पूर्व वक्ताओं ने भी कहा है, वादकारी का हित सुरक्षित नहीं है । हैं । जैसे-जैसे समय बीतता जा रहा है, वाद बढ़ते जा रहे हैं, उनकी संख्या बढ़ रही है । इसलिए केवल इस संशोधन से वादकारी का हित रक्षित नहीं रहेगा, जब तक कि न्यायाधीशों एवं न्यायिक अधिकारियों की संख्या नहीं बढ़ाई जाएगी । इसलिए आप जनपद न्यायालयों में और उच्च न्यायालयों में भी नए न्यायिक अधिकारियों और जजों की नियुक्ति कीजिए, उनकी संख्या बढ़ाइए । तब आपके इस बिल की संशा पूरी होगी । इन शब्दों के साथ मैं इस विधेयक का समर्थन करता हूँ ।

SHRI a. L. PANWAR (Rajasthan): Mr Vice-Chairman^ Sir, thank you for civnig me this opportunity to speak on this Bill, I stand to support this Bill.

The intention of this Bill is very limited, simply to raise the pecuniary limit of the jurisdiction of the District Judges. In this connection, the hon. Minister may kindly note that up to the 30th September, 1980 the jurisdiction was only up to Rs. 50,000. It was extended by and Act, No. 37 of 1980, and the pecuniary limit was raised to Rs 1 lakh for the Delhi High Court. Sir, where the High Courts have got no original pecuniary civil jurisdiction, the District Judges try the cases of unlimited jurisdiction. In India this type of differentiation and pattern of litigation is now to 5.00 P.M. be considered very seriously, looking at the number of cases pending before the High Court of ihis valuation. The hon. Minister has given the reason that the burden of the High Court will be reduced by this amending Bill. In this also the hon. Minister has put a rider in the Bill that the caw

[Shri B. L. Panwahi]

in which evidence has been recorded will not be transferred to the District Judges although the jurisdiction is beyond Rs. 1 lakh and up to Rs. 5 lakhs. In criminal jurisprudence, we have seen that in trials of murder cases, if a case is transferred or a Judge is not there, a *de novo* trial takes place although evidence is recorded. But this is not the procedure in civil cases. So I would like the hon. Minister to consider the point why it is introduced in clause 4 of the Amending Bill that 'and in which no witnesses have been examined'. I humbly request the hon. Minister to again look into it and just omit these words so that all the cases within the pecuniary jurisdiction of Rs. 5 lakhs can be transferred to District Judges. And, as some other Members have said, this limit of Rs. 5 lakhs, in the present circumstances, is too low. While other District Judges in the States are trying cases with unlimited jurisdiction and Mr. Gandhi has said that in Bombay also from next year this procedure is being adopted—why should it not be so here in Delhi? This should also be incorporated in the Bill. The striking lawyers will also get rest from their agitation. I would humbly request the hon. Minister to see that this is also incorporated by amending in this way.

Now, in the matter of disposal of cases, as I have said earlier also, to prevent the piling up of cases in the High Courts, posting of cases, should be done in such a way that before a Judge of a particular subject, knowing a particular law, cases of such type will be listed because that will help quick disposal of cases. There is another system by which the cases before the High Courts and the Supreme Court can be disposed of at a great speed. If a writ petition on a particular subject is filed and admitted, thereafter scores of stereotyped writ petitions are filed and numbered and they pile up swelling the number of cases pending disposal. Therefore, my suggestion in this respect would be, on the filing of a writ petition on a particular matter, it should be taken up immediately within 15 days

reply should be got and within 15 days thereafter, it should be disposed of and the law should be settled by the High Court concerned or the Supreme Court, stopping continuous filing of cases on the same subject. This suggestion should be adopted and guidance should be given to courts in this connection. This matter should be discussed in the meeting of Chief Justice and the Judges of the High Courts and the Supreme Court. The Chief Justice of the Supreme Court himself should act in such a manner that a decision on a particular subject is given immediately so that cases may not pile up on that very subject.

Then, as has been stated by some of the hon. Members, in Delhi, new building premises are required for the judges, the litigants and the lawyers as the present one is a very congested place. Tis Hazari is not able to cope with that.

Another difficulty has cropped up for the advocates and the litigants in Delhi by the shifting of the Kashmere Gate, registry office. No place has been given to the advocates or the litigants to sit in the new building where the registry office has been shifted. There is no provision for their sitting. The Delhi Administration has not looked into this matter before shifting it. When the previous order was made, I resisted the same. I suggested to them that before shifting the registry office, they should make some suitable arrangement for their sitting. The litigants come from different places for the purpose of registration and all that. In fact, Kashmere Gate is a proper place for this purpose. It should be renovated for that purpose because of its location. The railway station is there; the ISBT is there and all the people can come and go back easily. Now, it has been shifted at least 30 kms. away from Kashmere Gate causing a lot of inconvenience to the people.

I come from Rajasthan. In Rajasthan, previously there was a Bench at Jaipur and a main High Court at Jodhpur. In 1956, a unified High Court was established at Jodhpur because there was a

convenient at the time of merger of the Jodhpur State that one High Court will remain at Jodhpur. And therefore, it was shifted in the year 1966 to Jodhpur and a unified High Court took over. But unfortunately, in the year 1975-76, a Bench had been established at Jaipur and an agitation of advocates and litigants is going on till today. Now keeping in view the situation prevailing throughout India, when the Benches are being established at two or three places in the State^ if it is considered proper that the Bench should remain at Jaipur, then the important Tribunals which are located at Jaipur, should be shifted to Jodhpur so as to meet the demand of the lawyers of the western parts of Rajasthan. I have sent a number of representations to the hon. Minister of Law in this regard. The agitation has taken a formidable shape. Geographically, Rajasthan is a bigger State as compared to other States. The difficulties of the western parts are different from the difficulties faced by the eastern parts. So I would humbly urge upon the hon. Minister that since a lot of representations have been submitted by the Advocates' association through me and through other sources, the Income-tax Tribunal, the CAT all these major Tribunals should be established at Jodhpur so as to meet the demand of a unified High Court there.

This is a good Bill and since India is developing, such amendment Bills speak of the development of the nation also. There is increase in prices, there is devaluation of rupee and therefore the pecuniary limit is required to be enhanced. I would request the hon. Minister to raise the pecuniary limit to the extent he wants to raise it for the present. As a matter of fact, my demand is, it should be for an unlimited amount for the district courts.

SHRI MOHINDER SINGH LATHER (Haryana): Sir, it is a right step in the right direction. As my colleague, Mr. Narayanasamy, has stated, justice delayed is justice denied. Sir, in the High Courts thousands of cases are lying undecided for the last so many years and

many of the litigants go to the other world expecting justice and their legal heirs are then to be brought on the files resulting in more delay. Of course, the objective is to lessen the burden of the High Court so that the lower courts can do the bulk of this work. It is very unfortunate that a conflict has developed between the advocates of the district courts and the advocates of the High Court. I think that it should be the endeavour of the Minister to bring them together. They can discuss the matter. The work in the Delhi courts and the High Court has increased manifold. There is no dearth of work either in the High Court or in the lower courts. There are 8,000 advocates in the lower courts. There are fewer in the High Court. This conflict between two branches of the judiciary, the advocates of district courts and the advocates of the High Court, I hope, will be finished. I join my colleagues in appealing to the practising advocates, striking lawyers, to withdraw the strike and go to work. The workload is already so much there that it will take years to get cleared. Simply transferring this jurisdiction of the High Court to the lower courts is not going to solve the problem. My submission is we will have to think of many other ways to give speedier justice to the litigants. Here I would like to make one or two suggestions. One is judges can be appointed on an ad hoc basis from among practising lawyers, say for five years, and their duties and functions will be only to clear the backlog of cases so that it can give opportunities to vacant advocates to work as judges and the backlog cases can be cleared. Earlier also ad hoc judges were appointed. Again I would like to support Mr. Gautam's plea that the number of judges in the High Court as well as in the lower courts will have to be increased. There is no way out. If you want to give early justice, redress to the litigants, the number of judges will have to go up. I know the infrastructure is not there, the space is not there, the buildings are not there, but it is the duty of the Government to provide

[Shri Mohinder Singh Lather]

good space, buildings and other infrastructure so that the number of judges can increase the High Court as well as in the district courts. I was told that at least 20 additional judges could easily be appointed to clear the backlog of cases in the lower courts. Sir, I would like to make a suggestion here. I understand that Lok Adalats are not being fully utilised. As I understand, they are meeting only once in four or five months. Lok Adalats should meet more frequently. They can make it a monthly feature so that cases can be reconciled. Conciliation courts can also be formed. Earlier when I was a student, there used to be Honorary judges and voluntary organisations used to propose the names of respectable persons. They used to sit as conciliation judges and they used to get the disputes compromised. We have to work from all sides if we want to see that the purpose of this Bill is achieved. Of course, an amendment has also been moved by my colleague, Shri Ish Dutt Yadav, saying that the jurisdiction limit, which is being raised to Rs. 5 lakhs, is less. It will not serve the purpose. Mr. Gandhi has suggested that it should be raised, at least, to Rs. 10 lakhs. It should be raised to Rs. 10 lakhs. Then only it will have some material effect; otherwise Rs. 5 lakhs, in the present circumstances of the devaluation of rupee, means the same thing as Rs. 1 lakh.

Sir, I would like to say a few words about the conditions under which the practising advocates sit in the courts. It is a pathetic scene that double graduates—the law graduates—have to pass their lives under a Jhuggi sitting in the open without any roof over them. There is no respectable place to sit, work and hear the litigants. This is the miserable state of affairs. Chambers must be built for the advocates. After all, it is a very respectable profession and keeping in view the dignity of the lawyers it is the duty of the Government to provide them good chambers so that they can do their job

in a better way. I have also noted—I also belong to the same profession—that lawyers earning, say, about Rs. 20,000 to Rs. 50,000 a month are sitting just on a bench in the Tis Hazari Court which is so much congested and you cannot even breathe there. Therefore, I would request that the courts should be shifted and the court can be situated in different parts of the city so that it will doubly help the litigants—they will have to pay less and they will get justice nearer. With these words, I support this Bill.

SHRI B. K. HARIPRASAD (Karnataka): Mr. Vice-Chairman, Sir, I rise to support this Delhi High Court (Amendment) Bill, 1991. The purpose of this Bill is to raise the original civil jurisdiction of the Delhi High Court from Rs. 1 lakh to Rs. 5 lakhs. Now, the Court will try those civil suits involving the value of Rs. 5 lakhs which is the long-standing demand of the advocates of the lower courts. The question is whether the proposed revision of the jurisdiction of the High Court is part of a comprehensive exercise which would result in a rapid reduction of backlog of pending cases in all the courts down the line in the interest of prompt disposal of justice or an ad-hoc measure for the benefit of the practising advocates in the lower courts to increase their business. The process litigation, particularly in Delhi, is delayed largely irrationally *inter alia* due to frequent strikes by the lawyers causing immense hardship to the litigant public. The question is whether the Government should not amend the Advocates Act to discourage such disruptions by the advocates. Both the litigant-public and the advocates belonging to the largest cities in several States have been demanding for Benches of their respective High Courts in their cities which are far off from the State capitals. There are the long-standing demands of Hubli-Dharwar Bench of the High Court of Karnataka, the Meerut Bench of the Allahabad High Court, Pune Bench of the Bombay High Court, Pondicherry Bench of the Madras High Court, Bolangir Bench of the Orissa



High Court, etc. On the floor of this House, the hon. Minister had made a statement that in Karnataka alone there are about one lakh cases pending in the High Court. Sir, you can imagine, even if the High Court decides one thousand cases every year, it would take nearly 100 years to settle these cases. So, I associate myself with my colleagues who have rightly said that justice delayed is justice denied. For no fault of the litigants, they are suffering. Some of the cases, I have my own doubts, could be as old as 200 years. Moreover, delay in justice is causing in some of the cities serious law and order problem for the authorities. For example in major cities like Bombay, Bangalore, Madras and Calcutta, when the cases are not settled in courts, the ignorant people have tried to approach the outlaws of the city and this has created law and order problem in the city. It is my earnest request to the Minister to consider starting High Court Benches in district headquarters. He had said in this House that he would consider establishing Benches in district headquarters. If the proposal of the Government is approved, he should have no problem in the opening of these Benches. Most of the State Governments have forwarded their proposal but we do not know, at least I do not know, the reason why these requests have been turned down by the Chief Justice. It is not the Government or the Chief Justice that are demanding, it is the public who are demanding it. At least for the sake of the people the Government should give extensive thought to this proposal. It should evolve a comprehensive policy for opening of High Court Benches. Sir, there is another point which has been raised and it is about the shortage of judges both in the High Courts and in the Lower Courts which has resulted in delays in the disposal of pending cases including writ petitions. This also has some effect on the quality of the judgement which has been affected adversely. Sometimes petitions are dismissed without giving any reasons. There are corrupt

practices in registering cases, particularly writ cases. Some legislation is necessary to fix a maximum time limit for disposing of civil suits and disallowing adjournments beyond a limit. I would request the hon. Minister to consider all these suggestions. With these words I support the Delhi High Court Amendment Bill, 1991.

THE VICE-CHAIRMAN : DR. NAGEN SAIKIA: Dr. Narreddy Thulasi Reddy.

DR. NARREDDY THULASI REDDY (Andhra Pradesh): Sir, if you ask the snake to bite, the frog will be angry and if you ask the snake to leave, the snake will be angry. The present Bill is also like that. If I support the Bill then the lawyers of the Delhi High Court will get angry and if I do not support the Bill the lawyers of the Tis Hazari courts will be angry. But if we use our wisdom then we have to support the Bill. If we take into consideration the devaluation of the rupees that has taken place during these 25 years that is, from 1966 to 1991 and if we take into consideration the delay which takes place in the High Courts and the number of cases that are pending, it is quite reasonable and proper to enhance the jurisdiction from rupees one lakh to rupees five lakhs. Sir, in fact the demand is far behind the demand made by the Delhi Bar Association and Tis Hazari court. They have been asking for the transfer of all regional pecuniary jurisdiction from the High Court to the District Courts. There are so many points in their favour. Throughout India, superior trial courts have unlimited jurisdiction. Only in Delhi there is some limit. A case tried by a District Judge or a Sub-Judge takes only about one to three years whereas a case tried by a High Court Judge takes nearly 15 to 20 years at least. One District Judge or Sub-Judge decides 264 cases per year while a High Court Judge decides only three to four cases per year. Sir, the High Court is only meant for

[Dr. Narreddy Thulasi Reddy]

hearing of appeals and writs. The transfer of original pecuniary jurisdiction will result in the speedy disposal of cases as well as the speedy return of the public money to the Government. After the transfer of original side cases, the High Court will also be able to dispose of writ and appellate matters expeditiously which are pending in large numbers since last fifteen years. After the transfer of civil trial cases, the litigants have a right to two appeals instead of one. So, my point is that it is better to transfer all original pecuniary jurisdiction from the High Court to District Court instead of enhancing it from one lakh to five lakhs.

Coming to the second point, it is about bifurcation of city civil courts. This proposal has been there since 1984. With regard to the Tis Hazari Courts, there is overcrowding there. Nearly six thousand lawyers are there and there is space constraint. There are no chambers for lawyers. So, the lawyers and the clients are spending most of their time under the trees. So, there is an imminent need to bifurcate the city civil courts into five districts.

My third point is regarding the frequent strikes in the Tis Hazari Courts. In a year, Sir, almost for six to eight months the lawyers of these courts are on strike. So, the Government should take note of this point.

The next point that I would like to touch upon is the ceiling on the legal fees. Every client wants to win his case. So, he wants to engage an efficient and famous lawyer. Nowadays, a Supreme Court lawyer or a High Court lawyer, if he is famous, if he is efficient and if he has reputation, is charging fifty thousand rupees to one lakh or two lakh as his legal fees. Therefore, an ordinary man is not in a position to engage an efficient or a famous lawyer. Only a litigant who is earning money by illegal methods is able to engage a famous and efficient lawyer and justice is going in his favour. So, my point is that there should be a ceiling on the legal fees. Fur-

ther, the advocates should take their fees in the form of cheques or demand drafts so that the money is accountable. Nowadays the fees are paid in cash and so, it is not going into the accounts at all. The Government should take this point into consideration.

I support the proposal made by the honourable Member, Shri Narayanasamy, regarding setting up of a Supreme Court Bench anywhere in the South.

With these few suggestions, Sir, I support the Bill. Thank you.

SHRI SHABBIR AHMAD SALARIA (Jammu and Kashmir); Mr. Vice-Chairman, Sir, in fact, the entire judicial system in India is under a very great strain. Right from the court of first instance up to the High Court there is corruption. The registry of the courts, wherever it may be, does not move a file unless you pay them; they do not give you a copy of an order unless you pay them; and they do not let you know the date unless you pay them! So, this system itself requires a thorough overhauling. Anyway I come to the present Bill.

Whereas in the rest of the country pecuniary jurisdiction of the District Court, according to law, is unlimited, this is a departure from that in that the pecuniary jurisdiction in Delhi, which was limited to one lakh rupees, is now sought to be enhanced to five lakhs of rupees. Now it is said that...

AN HON. MEMBER: It is there in UP also.

SHRI SHABBIR AHMAD SALARIA; It may be true. It is said that thereby the cases would be speedily disposed of. But at the same time it is said that one right of appeal will also accrue in such cases. That right, when exercised, will again take some time, and minus and plus, we shall be there from where we had started. However, it is my experience that a District court decides a matter much more quickly than the High Court, the reasons being that the High Court is invested with extra-ordinary writ jurisdiction, and arbitration matters of the value exceeding the pecuniary jurisdiction of the District Court also go there. And there are matters in which

the High Court has the jurisdiction. The letters patent appeals with writ jurisdiction side are also to be decided by the High Court. The High Courts are overburdened. And the arrears in the High Courts are very much. But, unfortunately, most of the appointments in the past in the High Courts have been made of mediocres, who are unaware either of the civil law or the criminal law. The result is that a particular span of their tenure on the High Court Bench is lost in teaching them. And by the time they learn, the commit so many mistakes and so many cases are wrongly decided and so many right causes are lost. So, the litigation multiplies and disposal becomes slow. The same is true of the District judges. When you have a District Judge who is intelligent and honest, you have a speedy disposal. But when we have a lethargic judge and a Judge who is dishonest, the cases get delayed. Many a time, the case is heard. The judgement is not announced. He waits for the client to come and pay. And that way, years are passed until a new judge takes over and he re-hears the matter. Is fortunately he is an honest man he will decide. Otherwise he will also wait for the prey to come. Till he comes and pays him, he will not decide. This is the position in India. And judiciary is an institution in which the people are losing faith. And a man who cannot pay the clerks, who cannot pay ultimately the judges, he loses the case, however good his case may be.

So, my submission is that so far as the conferment of higher jurisdiction on the District Judges is concerned, it is nothing new. It needs to be done in Delhi. And it is a prevalent practice in the rest of the country. And the High Courts are themselves fixing the limitation. They say, by an order that they make on the administrative side, "up to this limitation, the District Judges will hear and beyond that, we will hear." For instance, in Jammu and Kashmir, the High Court says that "up to RS. 1,50,000 the District Judges will hear, and the rest we shall hear." Tomorrow they may change it. So, under the circumstances, it is good that this Bill has

been made, and Rs. 5 lakhs jurisdiction has been given. But one thing has been said with regard to the transfer of cases. It pains me that it has been made subject to the condition that no evidence be recorded. Since you have very good experience on the side of law, you will kindly realise that it is unnecessary to say that 'no evidence has been recorded.' It is a civil matter. The evidence has to be read. A person taking over the case on transfer can read that evidence. Therefore, all such cases in which evidence has been recorded should go to the District Judges for disposal.

Sir, I want to make one more submission. In fact, we need that the Supreme Court should have circuit courts in the east, in the west, and to the south. This to the need of the time. Some of the States are so unwieldy that we must have Benches of the High Court there for the convenience of the people. As regards the litigant public, it is the most forgotten thing in the courts of law. There are no lavatories in the premises, there are no resting rooms. And this profession is abhorring lots of educated youth.

But their condition is so bad that they don't have proper accommodation. On that side also some thought should be given, though that is not within the scope of the Bill. These are the matters which submit, the hon. Minister, with his capability and foresight may kindly take into consideration and help the people.

SHRI SARADA MOHANTY (Orissa):

Sir, the Courts have Summer vacations and other vacations for two months. But other departments have got less vacation. My suggestion is that summer vacations may be abolished and other vacations may be reduced. By that the judges will get more time to dispose of the cases which are pending. With that, I support the Bill.

SHRI K. VIJAYA BHASKARA REDDY:

Sir I am thankful to all the hon. Members who have taken part in this debate. This Bill was long pending, and we thought that we should clear it at earliest time. I have brought it at tie

[Shri K. Vijaya Bhaskara Reddy]

earliest. As far as this Bill is concerned, there is no dispute. But there are a number of other issues which have come up.

I would like to go into a little detail about the strike that is going on now. Sir, before we introduced this Bill, the Government decided about this long back.

, Advocates' associations of both the High Court and the Tis Hazari Court met me a number of times. I allowed them to come to me a number of times. I also tried to impress upon them that there is no dispute on this. In the entire country there is unlimited jurisdiction for the District Courts. There should not be any dispute for raising it from Rs. 1 lakh to Rs. 5 lakhs. Hon. Member, Shri l'aj' Mohan Gandhi, has mentioned that the differences between the suggestions of these Courts is the reason for the strike that is going on. I hope the advocates of the Tis Hazari Court, after the Bill is passed by this House and after it is passed in the other House, will realise and they will withdraw, the strike.

Sir, in a number of States, jurisdiction varies from State to State. But in certain States there is unlimited jurisdiction for the District Courts. In Delhi, as on today, we cannot go beyond that. Shri Raj Mohan Gandhi has suggested that it should be raised to Rs. 10 lakhs. Some hon. Members have said that there should be unlimited jurisdiction. For raising it from Rs. 1 lakh to Rs. 5 lakhs, he was saying advocates are going on strike. If we get into any other aspect of this, we will get into a lot of problems. For the present, Sir, let us give a trial to this. If necessary, the Government can come before the House for raising jurisdiction. In Maharashtra and in so many other States there is unlimited jurisdiction. Maharashtra passed this Bill in 1987. But they have not been able to implement it. They have some difficulties. In other States they have implemented it. Suggestions made are broadly about the

delay in the High Courts, the filling up of the posts of High Court Judges and the congestion in the Courts. These are the points that are commonly raised. As far as the filling up of the posts of Judges of the High Courts is concerned—after I took over five months back, I have done a very good job in filling up almost all vacancies, I don't think there will be more than 40 or 45 now. Even those things I am processing to see that they are filled, as early as possible. Delay is a big problem which we are facing in every High Court and reasons are so many. Most of the advocates, senior advocates, do know the reasons. Litigation is increasing and for that, a number of committees are appointed. Some of the reports are there. The latest is the Malimath report. The Supreme Court also has taken some steps. Recently, the Chief Justices of various High Courts also, met in Delhi. They have also given their suggestions. We are seriously considering all these things. One of the suggestions is that we should appoint ad hoc judges. This is also being considered and certain types of litigation can be prevented at an initial level itself. That is a very important thing which is engaging the attention of the Government. Not only the suggestions that have come here but various other suggestions are also with the Government. We are seriously thinking of taking steps to see that it is reduced to the minimum possible. Regarding congestion as far as the Tis Hazari is concerned, many speakers have talked about congestion. Delhi is not what it was 30 to 40 years back. Prior to Independence, there were hardly 3 to 4 lakhs of population. But now it is as big as Bombay or Calcutta. Tis Hazari cannot accommodate the entire courts. It has to expand. It has to serve the litigant public. We have to separate it. The Delhi Administration is also taking steps to construct some courts in different places. I appeal to the Tis Hazari lawyers that we are not particular just to disperse it. The city has grown big and it is beyond our control. Naturally, the courts must

also be dispersed. The Delhi Administration has already taken steps in three or four places and they have spent crores of rupees. In another four to five months, 40 court rooms would be ready in *OM* place. Another 20 would be ready in another place. As soon as the buildings get ready, they will be moving in immediately. Even that they are not able to appreciate. Whether they like it or not, the Government has to be firm and in the interest of the litigant public, we have to move in. We have spent crores of rupees. We can't keep it idle. As and when the building gets ready, Tiz Hazari Courts will be moved. Every hon. Member who has taken part in the debate has said that we must appoint more number of judges to reduce the pendency. Naturally, the Government must take the responsibility and try to disperse this also. We are not doing this arbitrarily. We have referred this to the High Court of Delhi and also the Delhi Administration. We are waiting for their reply. If they say that particular methods will have to be adopted in dispersing it, we will definitely take that into consideration. The other point which has been raised by so many Members was that benches in different High Courts should be sorted out. One of the hon. Members raised this recently in this House. We consider the opinion of the State Government and also the High Court very much. The State Government in consultation with the various High Courts would come up with the proposal. The Central Government will not consider this without involving the State Government or the State High Court. It is not good for the Central Government to take a decision that is against the principle, which the Central Government has been observing from the beginning. We will also follow the same method. As far as the Bench of the Supreme Court is concerned, this has been considered so many times. But they are very particular that it should be located in one place. We have been agreeing with the Supreme

Court, I mean, the suggestion Mr. Ahmed has asked about the rotation. This has not been considered till now. Even now, the Supreme Court is so firm and adamant that it should be in one place. I don't know whether we can take a decision going against it. So it will not be immediately and not in the near future. As far as the Benches in various States are concerned, we are prepared to consider provided the Governments come forward in consultation with the High Courts.

DR. YELAMANCHILI SIVAJI  
(Andhra Pradesh): Is there any proposal from the Government of Andhra Pradesh for the creation of a separate Bench in the High Court of Andhra Pradesh?

SHRI K. VIJAYA BHASKARA REDDY:  
There is no specific proposal. But there are some proposals from Hubli and Dharwar. But the Supreme Court is not agreeing. There is a proposal from Tamil Nadu also. But again it is the same thing that only one wing is asking. The High Court should also agree to the proposal. That would be better. We cannot ignore the High Courts.

Sir, I thank the hon. Members for supporting this Bill. Now, in regard to the dispute between the two courts in Delhi, I need not say anything. Mr. Raj Mohan Gandhi has said very clearly. They are not able to sit together and solve the problem. I appeal to the Tiz Hazari lawyers. The Government is very clear. We are raising the pecuniary jurisdiction. The Tiz Hazari lawyers should be satisfied with it.

As far as the shifting of the courts is concerned, it will take time. We are awaiting the report of the Delhi High Court and the Delhi Administration. As and when we hear from them, we will take steps. I once again appeal to the Tiz Hazari lawyers to give up their strike.

[Shri K. Vijaya Bhaskara Reddy]

I appeal to them to give up their strike, come to the courts and help in the administration of justice.

Thank you.

THE VICE-CHAIRMAN (PR. NAGEN SAIKIA): Now, I shall first put the Motion moved by Shri Satya Prakash Malaviya, for reference of the Bill to a. Select Committee of the House, to vote.

SHRI SATYA PRAKASH MALAVIYA: Sir, I want to say something.

मैंने इसको प्रवर समिति के समक्ष पेश करने के लिए संशोधन प्रस्तुत किया है और उसके लिए मूल कारण यह है कि इनका जो पिक्चर ज्यूरिडिक्शन है, इसको मैं चाहता हूँ कि असामित रहे, इसका लिमिटेड ज्यूरिडिक्शन न हो। इस अमेंडमेंट में इस बात का प्रावधान किया गया है कि जहाँ एक लाख रुपया था, उसको परिवर्तित करके पांच लाख रुपए का अधिकार उनको दिया जाए। श्री राजमोहन गांधी जी ने भी इस बात की चर्चा की थी और जो मांग आई है सरकार के पास, उसमें भी इस बात की चर्चा है। श्री ईश दत्त यादव जी का संशोधन भी आने वाला है जिन्होंने इस बात का प्रस्ताव किया है कि पांच लाख नहीं, बल्कि पच्चीस लाख किया जाए। लेकिन मेरा सुझाव यह है कि चूंकि हाई कोर्ट्स में दिन-प्रतिदिन मुकदमों बढ़ते रहते हैं, और वहाँ पर जो पेडिंग केसिज हैं उनकी तादाद बहुत ज्यादा है, इसलिए जो डिस्ट्रिक्ट कोर्ट्स हैं उनके पास इसका अधिकार रहना चाहिए। हाई कोर्ट के पास फर्स्ट अपील हो, सेकंड अपील हो, सभी उनके पास मामला जाना चाहिए। इसी को ध्यान में रखते हुए महाराष्ट्र सरकार ने अपने वहाँ पर संशोधन कर दिया है और उसको अनलिमिटेड पिक्चर ज्यूरिडिक्शन दिया है। जैसा कि इसके उद्देश्य और कारणों में लिखा है, "आरंभिक सिविल अधिकारिता" यानी मोरिजिनल सिविल ज्यूरिडिक्शन जो है, वह

डिस्ट्रिक्ट कोर्ट की होनी चाहिए। इसलिए मेरा सुझाव यह है कि जो संशोधन आया है, इसका तो मैं समर्थन करता हूँ लेकिन चूंकि सिद्धान्ततः मैं इस मत का हूँ कि अनलिमिटेड पिक्चर ज्यूरिडिक्शन होना चाहिए, इसलिए मैंने अपना जो संशोधन रखा है, उस में मैं यह अपने विचार व्यक्त करता हूँ, उसको प्रस्तुत करता हूँ।

दूसरे मिनिस्टर साहब ने जवाब दिया कि नई बिल्डिंग बन रही है, कुछ अदालतें वहाँ पर जाएंगी। लेकिन जो मैमोरेण्डम सरकार को दिया गया था, उसमें इस बात की चर्चा थी, करीब-करीब एक दर्जन सरकारी आफिस दिल्ली एडमिनिस्ट्रेशन के उसमें स्थित हैं। बार एसोसिएशन की मांग यह है कि जो सरकारी कार्यालय हैं, उनको ही वहाँ पर शिफ्ट कर दिया जाए बजाए इसके कि अलग-अलग अदालतें हों और आम तौर से सिविल अदालतें सब न्यायालयों में एक जगह ही स्थित होती हैं। इसमें लिटिगेट पब्लिक को भी आसानी रहती है। उसमें करीब-करीब एक दर्जन सरकारी आफिस हैं, यह कहा गया है कि वाइल्ड लाइफ का दफ्तर है, पेंशनर्स का आफिस है, डी०सी० (पी) एटी करप्शन का आफिस है, पब्लिक वर्क्स डिपार्टमेंट है, फ्लड कंट्रोल का आफिस है, माइग्रेट्स का आफिस है, डिप्टी कमिश्नर का आफिस है, इसके अतिरिक्त करीब-करीब वहाँ पर 6-7 और दिल्ली एडमिनिस्ट्रेशन के कार्यालय सरकारी काम कर रहे हैं। इस संबंध में मंत्री जी ने जवाब नहीं दिया, अभी जो उत्तर दिया था उसमें कि बजाए इसके कि सिविल कोर्ट्स अलग-अलग जगह पर लोकेटिड हों, अलग-अलग अदालतें वहाँ जाएं, इन दफ्तरों को शिफ्ट कर दें और बाकी सारी अदालतें एक जगह पर स्थित हो जाएं।

श्री बी० नारायणसामी : यह आप ही का बिल है। आप सपोर्ट कर रहे हैं या अपील कर रहे हैं ?

SHRI SATYA PRAKASH MALAVIYA: I have said that I support the provisions of the Bill.

SHRI V. NARAYANASAMY; If you are supprtiag the Bill, withdraw your amendment

THE VICE-CHAIRMAN (OR NAGEN SAIKIA); Does the hon. Minister want to say something on this?

SHRI K. VIJAYA BHASKARA REDDY; I would request the hon. Member to reconsider his stand, not just because I am asking. The condition and circurristance, in Delhi are different from that obtaining in other States. I know that there are a number of places where unlimited jurisdiction is there for the district courts. In the case of Delhi, it had been raised from Rs. 50,000 to Rs. 1 lakh and now from Rs. 1 lakh to Rs. 5 lakhs. When we have raised it, even then, we are seeing the strike. It is going on in both the courts. One court want, something. Another court does not want it. I am not against raising the pecuniary jurisdiction. I am for it. But in view of the situation that obtains in Delhi and because of the differences between the two Bar Associations this i, the limit to which I can go at this stage We can consider it after some time. I hope better sense will prevail and they will come together and suggest to the Government. I am prepared to agree, I am for a higher limit. Otherwise, you have seen the confrontation between the Tees Hazari Court and the High Court. This will put the Government into various complications.

As far as Tees Hazari Court is concerned, I have \*aid very clearly that we have referred to Delhi High Court and Delhi Administration. We are awaiting their reply. Already the Delhi Administration has spent crores of rupees in different place\*. Moat of you are from Delhi, you know the whole thing. Even if you •hift the offices, it is not enough. A number of advocates who have talked now have said that there is no place for them even to sit. Even the senior advocates who earn Rs. 25000 to Rs. 50,000 are sitting on benches under the trees. That is the condition. I am not particular about shifting Just for the sake of shifting or just to oppose a particular •pinion. It is not that way. It is for the

litigating public that we want to disperse it. Today the population of Delhi is about 80 to 90 lakhs. It is not three or four lakhs a, it was when we got independence. Naturally, it has gone to various distances and it has got to disperse This is the fact which everybody has to understand.

As far as pecuniary jurisdiction is son- cerned, going beyond five lakh at this stage will lead us to some othe, problems. The leading advocates are sitting behind you, Mr. Malaviya. I hope they will agree and I am prepared to consider it any time in future provided all of us sit together, talk and come to some agreement. So, I request the hon. Member to withdraw this.

SHRI SATYA PRAKASH MALAVIYA; I stand for unlimited pecuniary jurisdicthoa for the District Judges. It is not covered by this amending Bill. Therefore, I press my amendment.

SHRI V. NARAYANASAMY; Please withdraw you, amendment. This was in- trduced when you were the Cabinet Minister.

SHRI SATYA PRAKASH MALAVIYA; I have not opposed the Bill.

SHRI K. VIJAYA BHASKARA REDDY; I have said that we have referred to the Delhi High Court and Delhi Administration- I am not interested in shifting immediately. We are awaiting their reply.

SHRI SATYA PRAKASH MALAVIYA: Maharashtra has already amended it.

SHRI SANGH PRIYA GAUTAM: At least you agree to his second suggestion.

SHRI K. VIJAYA BHASKARA REDDY; If they suggest certain measure\*, I am prepared to consider whatever is said. Let the hon. advocate Member sitting behind you say that he is satisfied that it will be convenient to others. I am prepared to agree, but it is not so. The litigation has grown, the litigating public has grown. Even if we shift the offices, the

[Shri K. Vijaya Bhaskara Reddy],

" court has to disperse to different places. That is the fact which everyone of us has to accept if hot today, tomorrow you have to do it. So let us begin it today. (Interruptions)

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): So, you are not withdrawing.

" I am putting the amendment of Shri Satya Prakash Malaviya for reference of the BUI to Select Committee to vote.

*The motion was negatived-*

- THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): Now I will put the motion. The question is;

"That the Bill further to amend the , Delhi High Court Act 1966, be taken into consideration."

*The motion was negatived-*

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): -We' shall now take up clause-by-clause consideration of the Bill.

Clause 2 — Amendment of Section- 5

श्री ईश दत्त यादव (उत्तर प्रदेश) :  
मैं प्रस्ताव करता हूँ कि :

पृष्ठ 1 पर, पंक्ति 8 में "पांच लाख रुपए" शब्दों के स्थान पर "पचास लाख रुपए" प्रतिस्थापित किए जाएं

*The question was proposed.*

श्री ईश दत्त यादव : महोदय, यह जो बिल प्रस्तुत किया गया है मैं उसके पक्ष में हूँ लेकिन मैं एक बहुत साधारण सा संशोधन चाहता हूँ। मंत्री महोदय शायद मुझ से सहमत होंगे कि डिस्ट्रिक्ट जज का ज्युरिस्ट्रिक्शन अनलिमिटेड होना चाहिए जैसा सी०पी०सी० में है। तो दिल्ली को अलग न किया जाए बल्कि अनलिमिटेड पिक्यूनरी ज्युरिस्ट्रिक्शन रखा जाए इसके लिए बहुत संशोधन करने पड़ेंगे और मैं चाहूँगा कि मंत्री जी इस

बारे में एक कांफ्रिहेंसिव बिल लेकर आएँ। इस कठिनाई को दृष्टिगत रखते हुए मैंने एक छोटा सा संशोधन दिया है कि जहाँ ये पांच लाख की बात कर रहे हैं, उसे बढ़ाकर 50 लाख कर दें। इससे बहुत राहत मिल जाएगी क्योंकि मैं समझता हूँ कि हाईकोर्ट के जज का भी वही ज्युरिस्ट्रिक्शन है जो डिस्ट्रिक्ट जज का है। मेरी राय में यह अनकांस्टीट्यूशनल है। अगर 50 लाख तक का ज्युरिस्ट्रिक्शन डिस्ट्रिक्ट जज का हो जाएगा तो ज्यादा मुकदमे उसके पास आएंगे।

माननीय मंत्री जी ने बिल प्रस्तुत करते हुए अपने भाषण में कहा है कि रुपए का डिवायल्युएशन हो गया है। रुपए का डिवायल्युएशन होने के कारण एक लाख को पांच लाख करना पड़ रहा है। यह बात तो सही है। अगर पांच लाख की जगह पचास लाख कर दिया जाए तो डिस्ट्रिक्ट कोर्ट का अधिकार क्षेत्र बढ़ जाएगा और वहाँ जल्दी डिस्पोजल होगा। यह पूरे सदन की भावना है कि न्याय सस्ता और सुलभ होना चाहिए। हाईकोर्ट का ज्युरिस्ट्रिक्शन रहने से आज 18-20 बरस में फैसले हो रहे हैं और आप जानते हैं कि

justice delayed is justice denied.

इसलिए सस्ता और सुलभ न्याय उपलब्ध कराने के लिए मैं आपके माध्यम से प्रार्थना करूँगा कि इसको पांच लाख की जगह पचास लाख कर दिया जाए और इसी संबंध में मेरा दूसरा निवेदन यह है कि मैं माननीय मालवीय जी के विचारों से सहमत हूँ और अपने को उनसे सम्बद्ध करता हूँ कि दिल्ली हाईकोर्ट का डिस्ट्रीब्यूशन न किया जाए क्योंकि बंटवारा वह अच्छा होता है जहाँ दोनों पार्टियाँ एक ही एरिया में रहने वाली होती हैं। यहाँ तो दिल्ली के अंदर अलग-अलग पार्टियाँ अलग-अलग एरियाज में रहती हैं। इसमें किसी को कोई सुविधा भी नहीं है। इन शब्दों के साथ मैं इस संशोधन को प्रैस कर रहा हूँ और प्रार्थना करता हूँ कि मंत्री जी इसको स्वीकार करें।



SHRI K. VIJAYA BHASKARA REDDY: Sir, I have already answered this question. There is unlimited jurisdiction in certain States and there are, still, some restrictions in some States. That is a fact which everybody knows. But, as far as Delhi is concerned, it is definite. Even to raise it to Rs. 5 lakhs, we are facing so many difficulties. I am for raising it a little further, but if I raise it further we will get into further troubles. Already the litigant public has been suffering for the last so many years and so let us, at this stage, not do anything. We will think of it later. I hope both the Advocates' Associations of the High Court and the Tees Hazari Courts would come together and suggest some good methods which we can consider. As far as the present state is concerned, I am not prepared to accept the amendment and so I request the honourable Member to withdraw the amendment.

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): So, Mr. Yadav, are you withdrawing your amendment?

श्री ईश दत्त यादव: मेरा निवेदन है कि इसमें कोई कठिनाई नहीं है। इसलिए मैं अपने अमेंडमेंट को प्रैस कर रहा हूँ।

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): So you are pressing your amendment. Now I will put the amendment to vote. The question is;

That at page 1, line 8, for the words "five lakhs" the words "fifty lakhs" be substituted. ....

*The motion was negatived.*

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): I shall now put clause 2 to vote. The question is:

That, clause 2 stand part of the Bill.

*The motion was adopted. Clause 2 was added to the Bill-*

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): We shall now take up clause 3,

There is an amendment (No. 2) by. Shri Ish Dutt Yadav

*Clause 3 — Amendment of Act VI of 1918, as in force in the Union territory of Delhi*

श्री ईश दत्त यादव: मैं प्रस्ताव करता हूँ कि:

पृष्ठ 1 पर पंक्ति 11-12 में "पांच लाख रुपए" शब्दों के स्थान पर "पचास लाख रुपए" शब्द प्रतिस्थापित किए जाएं।

महोदय, इसके बारे में भी मेरा वही निवेदन है जो पहले अमेंडमेंट के बारे में था।

*The question was put and the motion was negatived.*

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): I shall now put clause 2 to vote. The question is;

That clause 3 stand part of the Bill.

*The motion was adopted.*

*Clause 3 was added to the Bill.*

*... Clause 4 was added to the Bill. ..*

*Clause 1, the Enacting Formula and the Title were added to the Bill.*

SHRI K. VIJAYA BHASKARA REDDY: Sir, I move;

"That the Bill be passed"

The question was proposed

श्री अनन्तराय देवशंकर दवे (गुजरात): वाइस चेयरमैन साहब, मैं बिल के खिलाफ तो नहीं हूँ लेकिन जिस तरह से इस हाउस में जब डाक्टरों की स्ट्राइक चल रही थी और जो सारा एक माहौल बना, उसी तरह ही यहां से जो मिनिस्टर है उनसे मैं अपील करता हूँ कि जो स्ट्राइकिंग ऐडवोकेट्स हैं उनसे अपील करें, सब को बुलाएं और साथ ही जितनी भी उनकी ऐसीशियंस हैं उनको बुलाएं।

[श्री अनन्तराय दशरथकर दवे]

इस मामले को अपना प्रेस्टिज इश्यु मत बनाइए। यह मत कहें कि यहां से सब आफिस जाएगा, नहीं जाएगा क्योंकि प्रेस्टिज इश्यु बनाकर यह मामला हल नहीं होगा। इस मामले को आप जल्दी से हल करें, यही मेरी आपसे रिक्वेस्ट है।

दूसरी बात मैं यह कहना चाहता हूँ कि यहां से जो बातें कही जा रही हैं कि लोक अदालतों का प्रयोग नहीं हो रहा है, वह भी मैं चाहता हूँ कि लोक अदालतों का ज्यादा से ज्यादा प्रयोग हो जिसकी वजह से हमारे जो दिन प्रति दिन के केसेज जो फाइल होते जा रहे हैं, बढ़ते जा रहे हैं वह कम होंगे और लोगों को, लिटिगेंट्स को भी फायदा होगा। इन दोनों बातों पर ध्यान दें और ऐडवोकेट्स को अपील करें और उनकी यूनियनों को साथ में बैठकर कोई न कोई रास्ता निकालकर लोगों को जो तकलीफ हो रही है उसको दूर करने के लिए सरकार को आगे आना चाहिए। यही मेरा आपसे कहना है।

SHRI K. VIJAYA BHASKARA REDDY:  
Sir, I join the hon. Member on the two points raised. We do not stand on prestige. The Lawyers' Associations of both the High Court and the District Court, Tis Hazari, met me a number of times. Without asking for appointments they came, and I patiently heard them. I told them. "There is no difference broadly. So, they should not go on strike."

I appeal to them to give up the strike and to go back to court. I am prepared to speak to them even today, tomorrow, at any other time, and I am prepared to solve it. Actually, there are not many differences. It is only the prestige of both the Associations that is responsible for this. I am open, my house is open, my gates are open. Any time they can come and talk to me.

On the other point which he raised, I entirely agree with him. The Lok Adalats are functioning very well in this country, and they have to be strengthened and expanded. Some of the States have taken advantage of them. Litigations involving crores of rupees have been resolved there. I appeal to all the other States also to use this facility, to use the Lok Adalats. As far as the Government is concerned, we are prepared to co-operate with them.

I hope the hon. Member will be satisfied with this.

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

"That the Bill be passed." The motion was adopted.

#### THE PUNJAB APPROPRIATION<sup>1</sup> (NO. 2) BILL 1991

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): Now we take up the Punjab Appropriation (So. 2) Bill, 1991. Let the Minister move it. The speaker\* will participate tomorrow.

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI SHANTARAM POTDUKHE): Mr. Vice-Chairman, I beg to move:

"That the Bill to authorise payment and 'appropriation of certain sums' from and out of the Consolidated Fund of the State of Punjab for the services of the financial year 1991-92, as passed by Lok Sabha, be taken into consideration.\*"

As the hon. Members are aware, the Budget of the State of Punjab for 1991-92 was presented to Parliament on the 26th of August, 1991 and a 'Vote-on-Account' to meet the requirements of the State Government for the first nine months ending December, 1991 was obtained, and the Appropriation (Vote-on-Account) No. 2 Act, 1991 was passed in September, 1991. The Lok Sabha