Sir, as you know, thi$_s$ company should have come under the purview of the Prize Chits and Money Circulating Scheme (Banning) Act, 1978. But it chose to go to the Court and got an injunction of the Court which has finally gfvie its verdict on March 14, 1986 stating that this company does come under th$_e$ purview of the Act. But the Company has now gone in for appeal. Meanwhile, the affairs of the company are being mismanaged and the interest of 2.5 cror$_e$ certificate holders, most of them middle-class and lower middle-class people and wage earners, i$_s$ involved in this. There are four Iakh field workers and 4000 employees. The total assets ar$_e$ as much as 660 crores of rupees. It is public money. Therefore, it is a very serious matter.

Dem inds have been made that this Company should b$_e$ nationalised as quickly as possible and made a part of the Life Insurance Corporation of India. Sir, I am very much perturbed about a letter written by this company to the Finance Minister. According t$_0$ a press report which appeared yesterday, "the Peerless General Insurance and Investment Company has informed th$_e$ Union Finance Minister, Mr. V. P. Singh, that according to the opinion of the Union Law Minister, Mr. Asoke Sen, not even Parliament has any right to prohibit th$_e$ genuine business of the company as that will suppress its rights guaranteed under the Constitution." Sir, we have seen much bigger companies being nationalised. Th$_e$ Maharajas hav$_e$ gone. This Company is challenging th$_e$ right of the Parliament to interfere i$_n$ its affairs. It has the temerity to quote the Union Law Minister's opinion as its lawyer, most probably in 1980 or so. Today, Sir, this Company i» quoting his opinion to buttress its claim. This is a very serious mat:e$_r$ nnd il ig a challenge to Parliament. Therefore. T would ask *[he* Government not only to come forward with $_a$ statement, but als$_0$. t$_0$ lake immediate steps to nationalise this Company in public interest. Thank you. Sir.

SHRI LAL K. ADVANI (Madhya Pradesh): Sir I join Mr. Upendra in expressing incr concern for these field workers, the field staff and other employees. T happened tc s»e ^{a} statement by the law Minister in which he is reporter to have favoured its merger with the LIC. So, having: heard Sari Upendra and seen this particular report, I think it would b$_e$;$_n$ the fitness ol things if the Union Law Minister who is present here now clarifies the po-sition and say what exactly j$_s$ the thinking *ol* the Government on this. Thank you, Sir.

MR. DEPUTY CHAIRMAN: No. $_n$o. Not now.

SHRI V. GOPALSAMY (Tamil Nadu): He is silent. Silenc$_c$ means what?

MR. DEPUTY CHAIRMAN: Now. we go to the next item, that is, th$_e$ Supreme Court (Number of Judges) Amendment Bill, 1985. Yes, Mr. Madan Bhatia

THE SUPREME COURT (NUMBER OF JUDGES) AMENDMENT BILL, 1985 CONTD.

SHRI MADAN BHATIA (Nominated); Sir, I have no intention tc dwell upo$_n$ the subject of judicial reforms concerning the jurisdiction of the Supreme Court or the ways and means which may b$_e$ adopted for reducing the arrears. The subject by itself is so vast that it is impossible to deal with it i$_n$ a matter of a few minutes, in a speech of a few minutes on thi; Bill, which is confined only to increasing the number of the Judges of the Supreme Court. The sole reaso$_n$ for m$_y$ standing up and speaking today is the unfortumate statement which was made by one honourable. Member on the other side th$_e$ da$_y$ hebore yesterday by making a reference to recent decisio$_n$ of th$_c$ Supreme Court to suggset that th$_e$ Supreme Court is prone to intervening on behalf of the big people and big concerns. I would respectfull$_y$ submit, Sir. that that wa$_s$ a very unfortunate allegation against tb? Supreme Court. Tt was an unfortunat. statement. The Supreme Court is not her$_c$ to defend itself. Morn than tw$_0$ years ago. Mr. Justice Bhagwati delivered a lecture i$_n$ Bombay on the development of law i$_n$ this country and he said that the exhilarating proces* of the development of law in this country started with Mrs Maneka Gandhi's c=ise. If this process of the development of law has been accelerated i$_n$ this country i$_n$ the last few years, I would respectfully submit, Sir, it

[Shri Madan Bhatia]

is because of the intervention of the Supreme Court on behalf OL ,he rights o'f the poor people. While I am making this statement, I can do no better than make a reference to some of the judgments of the Supreme Court. One of the cases Which came up before the Supreme Court concerned the poor Harijans who were living in a remote village in the district of Shimla as far as back as 1972. The State of Himachal Pradesh had riven funds for the construction of a link road to give access to those poor people to the rest of the world. But, because of the tradiness on ihe part of the Department concerned, the road was not constructed. Tt is on behalf of those Harijans that the Supreme Court stood up and gave a new dimension to article 21 0f the Constitution. The Supreme Court held 'hat it is the right of the poor people, particularly the hill people to have an access *to* the rest of their own countary because this right is a part of their right to life and personal liberty. It is also a part of their Fundamental Right to havc free movement throughout their own country and this is what the Supreme Court said in that case and I would like to quote it. The Supreme Court has said:

I quote:

"Every person is entitled to life as enjoined in Article 21 of the Constitution, and in the facts of this case read in conjunction with article 19(1)(d) of the Constitution and in th., background of Article 38(2) cf the Constitution every person has right under Article 19(])(d) to move freely throughout the territory of India and he has also the right under Article 21 of his life and that right under Article 21 embraces not only physical existence of life but the quality of life and for residents of hilly areas, access to road is access to life itself...."

?.sm it be said that the Supreme Court was ntervening on behalf 0f the rich people?

I give another example. The hon. Mem. ers know the famous case of the pavetent dwellers of Bombay. In that case te Supreme Court held that so far as pavement dwellers are concerned, they have no right under the Constitution to occupy the portions of pavements on the streets. But the Supreme Court alsc went a step further The Supreme Court held that so far as those pavement dwellers are concerned, who had been censused in 1976 and who had been issued the cards and had been given the assurances tliat those who had been occupying the pavements in 1976 would not be evicted these people shall not be evicted by thg Government of Maharashtra without providing them alternative accommodation. This >s the direction which the Supreme Court gave on behalf of tlie pavement dwellers of the city of Bombay. On what basis was this direction given? Once again the Supreme Court gave a new dimension to Article 21 of the Constitution. The Supreme Court held that the right fo livelihood is a part of the right to life as enshrined in Article 21 of the Constitution. If you take away the right t0 livelihood from the poor people of this country, you are in fact denying them the fundamental right to their own life. And I again quote these particular lines. The Supreme Court said.

• "The sweep of the right to lif3 conferred by Article 21 is wide and far reaching. It does not mean merely that. life cannot be extinguished or taken away as. for example by the imposition and execution of tlie death sentence, except according to procedur,, established by law. That is but one aspect of the right to life. An equally important facet of that right is the right to livelihood because no person can live without the means of living, that is, the means of livelihood. If the right to livelihood is not treated as a part of the constitutional right to life, the easiest way of depriving a person of his right to life would be to deprive him of his means of livelihood to the, point of abrogation. Such deprivation would not only denude the life of its effective content and metningfulness but it would make life impossible f0 live... ."

This principle, Sir, was once again invoked by the Supreme Court on behalf of the poor unemployed engineers of the State of Bihar. The State of Bihar formu.

lated a scheme to povide employment to the unemployed engineers of the State by giving them loans to establish agro-centres. The loans were advanced by the banks. But, unfortunately, those loans were not supported by the subsidies which had been promised to them. The loans were not supported with the sanctions which were required to be given by the State Government departments on time. The loans were also advanced to these unemployed people in a very tardy fashion. The result was that the whole scheme flopped. These poor engineers were burdened with heavy debts from the banks from which they had taken loans. And they came to the Supreme Court. They came *l0* the Supreme Cour: with th;.- complaint thnt this was a scheme on the basis of which they had taken the loans. If these schemes fell through, it is not through our fault, but we have heen burdened on the oiher hand, instead of getting any employment, with heavy debts from the banks and the banks ar© now on our necks to get back the loans. The Supreme Court intervened on their behalf ni *A* this is whal the Supreme Court said:

> "We believe it would be tragic not only for the agro-engineers and technocrats in distress today but also for a scheme of great promise put into effect with much hope, if despair was allowed tn defeat it. Accordingly, while we keep these cases pending, w,8 request the Government in the Ministry of Agriculture to reformulate the scheme after consultation with all the parties concerned, including an appropriate opportunity to the petitioners and other agro-ensineers and technical personnel covered by the original schem1? to represent their case befor eThe scheme wiH take into account two broad divisions, one for revival of the Agro Service Centres where that can be reasonably envisaged, nnd the 0ther providing 'for equitable reduction in appropriate cases of the financial obligations of the entrepreneurs concerned to the extent reasonably possible."

These, I respectfully submit, are the dimensions which have been given to the fundamental rights of the citizens enshrined in the Constitution of India, and these dimensions have been given on the intervention of the Supreme Court on behalf of the poor people of this country. I give just one more example. This Supreme Court has also held that right to speedy justice is again a part of fundamental rights under Article 21 of the Constitution. We all know that hundreds, if not thousands, of prisoners were languishing in various jails without trial for years. It is those people who approached the Supreme Court. It is these dimensions given to the fundamental rights of the people by the Supreme Court which led the Supreme Court to intervene on their behalf, and the Supreme Court said,—

> "It is not possible for the Supreme Court now to redress the wrong which has been done to these poor people. Their green Years of life have been wasted in jails. They cannot be returned to them."

But the Supreme Court directed payment of compensation to those poor undertrials. The State had to pay the compensation. These are the dimensions which have been given to the fundamental rights of the citizens.

And lastly, it has been said that there has been a spurt in 1 ligation in this country. I would only refer to some observations made by the honourable Mr. Justice Bhagwati in a very well-known case—the Airports Authority case—in which His Lordshp has held that because of the tremendous increase in the social, economic and welfare activities of the modern State in this country and their impact on the rights of the citizens in this country, it is but legitimate that the citizens should be treated equally and not arbitrarily. This -was a development of Administrative Law. And if a citizen, because of the impact of any action of the State on account of economic, social or welfare activities of the State, become* a victim of arbitrary action on the part of the State, the Supreme Court shall intervene, and the Supreme Court has been intervening since then. Thank you.

I support the Bill.

SHRI SANKAR PRASAD MITRA (West Beugal): Mr. Deputy Chairman, Mr. Bhatia has been replying to a point raised by an honourable Member who is not present in the House at the moment. I do not dispute Mr. Bhatia's proposition. But there are umpteen cases on the other side of the line also.

SHRI B. SATYANARAYAN REDDY (Andhra Pradesh); Mr. Deputy Chairman, Sir, I rise to support and welcome the present Amendment Bill to increase the number ot Judges in the Supreme Court. The Supreme Court is the highest court of the land. And we look to the Supreme Court for the protection and the interpretation of the Constitution. We also look to the Supreme Court for the protection of the Fundamental Rights of the peope against the arbitrary acts and actions of the Executive. We also go to the Supreme Court f safeguarding the liberty of the people. So, it is essential that not only the strength but also the qualty of the Supreme. Court should be improved.

1.00 P.M.

Sir. while welcoming this provision, I would like to make certain observations and suggestions for the speedy disposal of the cases in the Supreme Court. It is a wel-known dictum that justice delayed is justice denied. A large number of cases are still pending not only in the Supreme Court but also in various High Courts. ,een from the Statement of Objects and Reasons, about 49,000 cases are instituted yearly and more than 70,000 cases are pending in the Supreme Court. As such it is felt necessary by the Supreme Court itself that the Ii of the Judges should be increased. J would like to draw the attention of the hon. Law Minister to ane point. T welcome this increasing the strength of the Supreme Court. But the point is whether by merely increasing the number of Judges can we dispose of the ;normous increase in the number of ases in the Supreme Court and the arious High Courts? Sir, while taking into consideration this aspect, we have io to take into consideration the other >ects of how to dispose of these cases. The number of the Judges has been raised from 7 to 10, from 10 to 14, from 14 to 17, and now from 17 to 25. According to a report, the pendency in the Supreme Court in 1981 was 48,653 cases whereas in 1984, the pendency has gone up to 86,730 cases. At the end of 1985, the number of fresh filings has reached a figure of 87,000, and the pendency has increased to about 1,20,000. As a result, the Supreme Court necessarily felt that the strength 0f the Judges should be increased. The arrears are accumulating yearly though the number of Judges has increased. The disposal is not keeping with the increase in the nunfhers. So, I suggest that -not only the number should be increased but also the quality should be maintained. Apart from increasing the strength, some ofher measures have o be take for the speedy disposal of the cases. I would suggest that the co-operation from the Bar, co-operation from the staff of the Supreme Court and the various High Courts should be sought for speedy disposal of the cases because until and unless you seek the co-operation of the Bar and the co-operation of the staff and the other members of the courts, we are not expected to have a speedy disposal of cases. So, this is very important and this must be taken into consideration by the Law Minister. Another important aspect is the service conditions of the Judges and also the staff. This has to be taken into consideration. Then I would like to deal briefly with article 39(A) of the Constitution which says tliat the legal system shou'd promote justice on the basis of equal opportunities. Sir, it ia our duty to provide cheap, expeditious and free justice to 1.00 n M. all and ensure tbat opportunities for speedy justice be not denied to any citizen by reason of economic or other disability. Sir, in the connection, I would like to tell you how cases are pending from 30 and 40 and even 50 years in the Supreme Court. Tt has been said that a suit was filed in 1949 and it was disposed of in the Supreme Court in 1981. When the suit was filed the person wa<; unmarried and when the >"'t was disposed of the person wa* married and had, half a

dozen children and the result wag that he could not provide proper education to his children. Such is the justice we are giving to the common man in this country. So, we have to take speedy measures to dispose of these cases.

Then, Sir, I would like to come to another important issue. I would like that Honourable Law Minister should pay attention to this issue especially when he is here. I would like to bring to his notice the issue of vacancies in the Supreme Court and the High Courts. These vacancies are not filled up immediately and they are going on from year to year. Even in the matter of appointment of judges and filling up of vacancies in the Supreme Court and the High Court, hed norms and procedures are not properly followed. Tn this connection I would like to draw the attention of the Law Minister to ihe tact that there ;were some vacancies in the High Court of Andhra Pradesh. The Chief Justice of Andhra Pradesh had recommended nine out of 11 and this of nine names, included the names of Mr. Subbaiah and Mr. Subba Reddy and the Chief Minister of Andhra Pradesh and the Governor of Andhra Pradesh had approved this list and I think the Union Law Minister also had approved this list. But, unfortunately, the Chief Justice of India has deleted *these* two names, including the name of Mr. Subbaiah and it has been rumoured that on the intervention of or misrepresentation of a Union Minister hailing from Andhra Pfade?h these two names have been removed or deleted from the list. T would like to know from the hon. Minister whether tbe Chief Justice of India has consulted Law Minister before dropping these two names from the list. I would also like to know from the Law Minister, as he is duty bound to explain to this Hou e and also to the nation, whether these things have happened in this country in the Supreme Court and in the High Court. Sir, I would like to know whether it is a fact that the Union Minister has intervened and misrepresented to the Chief Justice of India in dropping these two names and whether the Union Law Minister has been consulted before dropping the e two names. Sir, this is a very serious matter. You are bound to give the explanation.

Then, Sir, before I conclude 1 would like to give a few suggestions so far as this issue is concerned. Firstly, the idea of keeping Judges under the executive control should be given up and the -ndependence of judiciary should be ensured. Secondly, a number of frivolous cases are being filed. There is th; need to have a law or legislation or an enactment to discourage such frivolous cases and if any such cases are filed there should be provision of punishment for them. Thirdly, Sir, the time during which a case can remain pending should be limited, *i e.,* there should be a time-limit. Within that time limit ihe cases should be disposed of. Fourthly, the appointmeTit of judges should be made on the cTay the vacancy arose. We are taking a number of years in filling up a vacancy. We are not taking steps to fill up a vacancy as sPon as it arise. Tt is neeessary that a vacancy should be filled up as soon as it arises and steps in that direction should be taken in advance. fifthy, the recommendations of the 14th report of th*' Law Commission, that the disposal of cases should be speedy and less expensive, should be implemented. Then, we must not only have to stress oh the quantity but also as the quality oF judges. We must also provide necessary amenities and facilities tn judges for proper disposal of cases. Then the interest of the litigant public should be safeguarded. Lastly, due to enormous increase in the number . of pending cases, it \< necessary that a bench of the Supreme Court should be set up at Hyderabad, in Andhra Pradesh...

SHRT R. MOHANARAGAM (Tamil Nadu). Or at Madra*.

SHRT B. SATYANARAYAN REDDY: Yes, or at Madras, so that litigants should be saved from the trouble of coming to Delhi.

SHUT BIR BHADRA PRATAP SINGH (Uttar Pradesh); Mr. Deputy Chairman, the Supreme Court started, barring the Chief Justice, with a strength of seven judges and now, according to the present

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of 11 judges, then to 13 judges, then to 17 judges and now(accoding to the present amendmeut, we seek to have 25 judges. This is a welcome measure. Therefore, I •upport tlie Bill. But many suggestions have- been made about which 1 want to make my comments. First point that was considered was about the pendency of the cases and the mounting arrears. One of the suggestions was to create benches of the Supreme Court in different regions of the country and benches of the High Courts in different regions of a State. i think this is a very dangerous suggestion. Those who make such suggestions, I submit with all humility and respect, have not followed the history of our country correctly. After ali, when the founding fathers of Indian Constitution gathered together and were trying to give a Constitution to this country they had the history of this country in their mind. Perhaps, we have a tendency to disintegrate. We have before us a situation where regionalism always poses a problem leading to disintegration and they wanted to prevent this situation. That is why. they contemplated a strong Centre. Therefore, on the basis of checks and balances, they created three wings, judiciary, executive and legislature. When they contemplated about judiciary, they very well laid down that there shall he a Supreme Court. When they contemplated about State?, they laid down that there shall be a High •Court in each State. Now, after all these years, linguistic problems and such questions have arisen to show as if the whole country will be torn to pieces and they want to divide and disintegrate the country. But under the able stewardship of Pandit Jawaharlal Nehru, they foresaw such a situation and tried to arrest such tendencies. Again, that problem is raising its head and somebody wispers on the of their own arguments and they want to reduce the Supreme Court. But do you think that by reducing it or by dividing tha Supreme Court into benches and reducing it to State level, will you be able to decrease the arrears? You create more benches and I can assure yon there will be more litigation. You create more High Courts and I can assure you there will be more litigation.

श्री वीरेन्द्र वर्मा (उत्तर प्रदेश) : सारा देश में एक ही रहने दो ।

SHRI BIR BHADRA PRATAP SINGH: Since my learned friend has raised this question, t will take up this question first. Where should the Bench be located? Should it be Meerut or Muzaffarnagar, Moradabad, Agra, Jhansi, Badaun, Ruhelkhand, Gorakhpur? Do you want that our High Courts should be reduced to dignified District Courts? This seems to be your suggestion. By this, you will only be laying the foundation for the bifurcation of U.P., by encouraging such regional feelings which will not serve the cause of justice or the cause of India's history. This is what our founding fathers of the Constitution wanted to prevent.

SHRI M. A. BABY (Kerala): Nobody is demanding more than one Supreme Court. We are only demanding Benches.

SHRl BIR BHADRA PRATAP SINGH: I am referring to the dangerous suggestion which has been made. Please do not try to reduce our Supreme Court into dignified High Courts. It may be Kerala, it may be Karnataka, it may be Tamil Nadu, it may be Maharashtra, it may be Andhra Pradesh, it may be West Bengal, it may be Bihar. What is the principle?

SHRI NIRMAL CHATTERJEE (West Bengal): Are you referring to the quality of the Supreme Court, or, are you referring to the question as to where it should be located?

SHRI BIR BHADRA PRATAP SINGH: I ami referring to the demand being made that there should be regional Benches of the Supreme Court.

SHRI NIRMAL CHATTERJEE: Just a minute. If the Supreme Court were not located in Delhi and it is located, say, in your place, would the quality be affected? If this will not affect the quality, then, how the Bencehs located at that level of Supreme Court would affect the quality of justice?

SiiRI VIRENDRA VERMA: If the Supreme Court is located at AJahabad) he has no objection.

SHRI BIR BHADRA PRATAP SINGH: It requires three answers. *(Interruptions)*

MR. DEPUTY CHAIRMAN: Please do not interrupt the Member. Let him conclude.

SHRI BIR BHADRA PRATAP SINGH: I think, Mr. Nirmal Chatterjee is supporting one of our Members who put forward the argument yesterday.

MR. DEPUTY CHAIRMAN: Your time is getting reduced.

SHRI BIR BHADRA PRATAP SlNGH; I will raise only two questions. I will not raise the third question although I have so many questions to raise. The President of the Supreme Court Bar Association is now presiding over the liquidation ol the Supreme Court of India by making the suggestion yesterday in the House, when he said that for appellate jurisdiction purposes, let there be Benches of the Supreme Court. Of course, I quite realise the sentiments of the regional forces. But I am appealing to them. *(Interruptions)* Please resist this temptation. When I elaborate on my second question, you will be fully convinced why I say this. I do not want to mix the two issues. My second question relates to the suggestion made by Mr. Bhandare yesterday. The President of the Supreme Court Bar Association himself, as I said, is suggesting that there should be Benches of the Supreme Court for appellate jurisdiction purposes. When he says this, he is going contrary to what Pandit Jawaharlal Nehru said, what Gobind Ballabh Pant said in this House and what the Fourth Law Com-mission under the 'leadership of the doyen of the Bar, Shri Setalvad*—which also comprised of prominent and eminent jurists—said. He is reversing the whole process. The concept of taking justice to the door-steps of the poor litigants is the only argument which has been advanced because poor people cannot go to thes$_e$ courts because of the distance, because it involves a lot of expenditure. It is said that because of the distance, people are not able to get justice. Now, what is this concept of taking justice to the door-steps of the poor people? The hon. Minister of State for Law is here. I am advancing an argument. Please listen to me. Please listen to my arguments only. When we say, taking justice to the door-steps of the poor people, we have two concepts only. One is, people's courts. Secondly, legal aid to the poor. But apart from that, there are five stages in the hierarchy of judicial history, namely, Munsif Court, Civil Judge Court, District Judge Court, High Court and Supreme Court. Do you want aH the five stages must be brought to the doors of poor litigants?

SHRIMATI RENUKA CHOWDHURY (Andhra Pradesh): Yes, it is the fundamental right of every democratic Indian.

SHRI BIR BHADRA PRATAP SlNGH: That is not the argument.

SHRI NIRMAL CHATTERJEE: Does it mean that '2' is the magic number and no more than two stages may be taken in this regard?

SHRI BIR BHADRA PRATAP SINGH: Kindly try to appreciate what I am saying *(Interruptions).* I want ^{e}d to quote Mr. Setalwad who was annoyed for some reason. I do not know the spirit of his annoyance but he was annoyed. *(Interruptions)* I do not believe in criticising either the Supreme Court or the Supreme Court judgements. I have never approved' of that even though some of our Ministers have criticised Supreme Court judgement;? for some reasons. Mr. Setalwad had put up a different argument. He was lamenting that Supreme Court, there was a controversy

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standards of Privy Council and we were creating judges who could be called corridor judges. He was a great man, he has the right to say anything. He was the Attorney-General and he was the chairman of the Law Commission, but the feeling was that the role and purpose of the Supreme Court was to decide on limited scope of jurisdiction. The disputes between single individual and the Centre, the dispute between the State and the State and certain fundamental rights, the rights of *habeas corpus* and so and so forth, came within its jurisdiction. But you cannot extend the scope of the Supreme Court as it was done because of the present article 136 and what the previous two speakers have said, or what Mr. Mitra, our ex-Judge of Supreme Court has suggested. It is a very delicate matter. I do not express my opinion on that but we have to define the scope of article 136. Otherwise, you cannot take each and every dispute to the Supreme Court and expect that only with 25 number you will be able to solve the problem. The malady is somewhere else than having benches or taking every case to the Supreme Court. *{Interruptions).* I do not agree even with Mr. Madan Bhatia on what he expressed today. Sometimes Supreme Court has expressed views on property rights which has resulted in amending the Constitution on many occasions. Take the case of Shri A. K. Gopalan. It has gone far beyond the scope. *[Interruptions).* I am concluding. So, I do not know by creating regional benches, by disintegrating Supreme Court and making it a dignified High Court how you will be able to make poor people reach. So, logically, economically and from all other angles you are doing a great harm by making such proposals in the name of poor people. I agree with Mr. Madan Bhatia to the extent that in many cases the Supreme Court has given pro-poor decisions. They have tried to implement part Fourth of the Constitution. Shri Nirmal Chatterjee is conscious of tbe Part Third. *(Interruptions')* .

MR. DEPUTY CHAIRMAN: That is all iight. Please sit down. (Interruptions). Shri Virendra Verma.

SHRI BIR BHADRA PRATAP SINGH: With these words I support the Bill.

श्री वीरेन्द्र वर्मा: डिप्टी चेयरमैन साहब, लोक सभा की इस्टिमेट कमेटी के अनुसार सुप्रीम कोर्ट में इस समय 1 लाख 66 हजार 319 केसेज पैंडिंग हैं । हाई कोर्ट और सुप्रीम कोर्ट में सभी जगह 17 लाख से अधिक केसेज आज हिन्दुस्तान में पैंडिंग हैं । तीन साल से ऊपर के केसेज हाई कोर्टस में 5 लाख से अधिक केसेज पैंडिंग हैं । दस साल से ऊपर के 30 हजार केसेज हाई कोर्टस में पैंडिंग हैं । सुप्रीम कोर्ट में दस साल से अधिक के केसेज 203 हैं । जो कांस्टिट्यूशनल केसेज सुप्रीम कोर्ट में हैं वे भी 14 सालों से पैंडिंग हैं । मान्यवर, नई संख्या बढ़ाने का यह बिल लाया गया है लेकिन सुप्रीम कोर्ट में तीन जजों के स्थान अभी भी रिक्त हैं ।

विधि और न्याय मंत्रालय में राज्य मंत्री (श्री हंसराज भारद्वाज) : दो स्थान रिक्त हैं ।

श्री वीरेन्द्र वर्मा : दो होंगे, मैं स्वीकार कर लूंगा । आपने कहा कि दो हैं तो मैं इसको स्वीकार कर लेता हूं । लेकिन डिफरेण्ट हाई कोर्टस में 67 स्थान अभी भी रिक्त हैं । आंध्र प्रदेश में साढ़े तीन साल से और दो दो साल से इस तरह के मामले पैंडिंग हैं । उत्तर प्रदेश के इलाहाबाद हाई कोर्ट में डेढ़ साल से कितने ही स्थान रिक्त हैं । इलाहाबाद हाई कोर्ट में जो 13 स्थान रिक्त हैं वे डेढ़ और एक साल से अधिक के हैं । मान्यवर, मैं आज तक यह नहीं समझ सका कि इतने लम्बे समय तक केसेज पैंडिंग होते चले जायें, नई वैकेंसी बढ़ती चली जाय और केसेज का निस्तारण न होता हो तो मान्यवर, आज्ञा आप अगर मुझे दें तो मैं इसको माननीय मंत्री महोदय की नेग्लीजेंसी समझे, वे बहुत योग्य हैं, मैं उनको इनएफिसियेंट तो कह नहीं सकता, उनका डिसइन्टरेस्ट समझूं इस काम में । मान्यवर, संविधान की 39 (ए) की जो धारा है उसमें कहा गया है कि शीघ्र, सस्ता

और सुलभ न्याय जनता को दिया जायेगा । यह कौन सा तरीका है ? क्या इससे सस्ता और सुलभ न्याय मिल रहा है । चौदहवें ला कमीशन ने भी यह कहा था कि डिस्पोजल बहुत शीघ्र होने चाहिए, न्याय जनता को मिलना चाहिए लेकिन वह नहीं हो रहा है । न वह हो रहा है जो भारत के संविधान के अनुसार होना चाहिए और न उसका पालन हो रहा है जो ला कमीशन ने अपनी रिपोर्ट में कहा है । जो इस मंत्रालय की लोकसभा की कन्सलटेटिव कमेटी है, परामर्शदात्री समिति है उसने भी ला मिनिस्टर से यह कहा है कि क्रिमिनल केसेज एक साल में तय होने चाहिए और सिविल केसेज अधिक से अधिक दो साल में तय होने चाहिए । लेकिन मान्यवर, मैंने आपको बताया कि दस साल से अधिक के 30 हजार केसेस हिन्दुस्तान में पैंडिंग हैं और तीन साल से ऊपर के 5 लाख केसेज पैंडिंग हैं । मान्यवर, यह एक साल और दो साल का निर्णय आपने खुद लिया था । इसलिये मान्यवर, मैं यह निवेदन करना चाहता हूं कि जिस तरह से सेनाध्यक्षों की नियुक्ति की जाती है, जिस समय वह रिटायर होते हैं, उससे दो-चार महीने पहले नई नियुक्ति की जाती है तो उसी तरह से जजों की नियुक्ति होनी चाहिए । जब इस चीज की जानकारी है कि हाई कोर्ट और सुप्रीम कोर्ट का जज फलां तारीख को रिटायर होने वाला है, तो उसके तीन महीने पेश्तर इस मामले को तय करें । लेकिन जब प्रदेशों के हाई कोर्ट अपनी रेकमन्डेशंस भेजते हैं तो वह यहां पड़ रहता है बहुत लम्बे समय तक, तो वह क्यों पड़ा रहता है, जैसा कि अभी अंध्रप्रदेश के बारे में बताया तो मान्यवर, यह इस देश का दुर्भाग्य है, डेमोक्रेसी और प्रजातंत्र का दुर्भाग्य है । मैं निवेदन करना चाहता हूं मंत्री महोदय से कि देश के प्रजातंत्र के खातिर, न्याय के खातिर और ईश्वर के खातिर यह कोशिश करें जिससे जुडीशियरी कमिटेड न हो और जहां तक मुमकिन हो आप क्या करते हैं कि वहीं के आदमी को उस प्रदेश में न्यायाधीश बना देते हैं और वहीं उनके लड़के वकालत करते हैं, बकील होते हैं, वहां के मुकदमे होते हैं वहां उनकी एसोसियेशन और रिलेशनशिप होती है इसलिये ऐसा न हो इसके लिये दूसरे प्रदेशों के व्यक्तियों को वहां न्यायाधिश बनाया जाय । मान्यवर, एक निवेदन करना चाहता हूं कि स्टे के मामले में खासतौर से मुझे शिकायत है कि जो बड़ा आदमी, अमीर आदमी, उद्योगपति होता है वह स्टे आर्डर प्राप्त कर लेता है । वह हाई कोर्ट और सुप्रीम कोर्ट से स्टे ले लेते हैं । मुझे मालूम है सन् 1985 में मोदी शुगर फैक्टरी, जिला गाजियाबाद की बारे में और मान्यवर, खतौली जिला मुजफरनगर का जहां से मैं आता हूं नयी शुगर फैक्टरी के इस्टेब्लिशमेंट पर कुछ कनसेशन दिया था वह पुरानी शुगर फैक्टरीज थी उन्होंने एक्सटेंशन किया और नयी शुगर फैक्टरीज न होने पर भारत सरकार ने रोक दिया तो हाई कोर्ट से स्टे ले लिया और 5-5 साल से स्टे लिये हुए हैं और पूरा पूरा फायदा उठा रहे हैं । न आपकी तरफ से कोशिश है उनका कोई डिस्पोजल हो न किसी तरफ से । सुप्रीम कोर्ट ने 1956-57, 1978-79 में शुगर फैक्टरीज वालों को उत्पादकों को गन्ने की कीमतों के मामले में स्टे दिया था लेकिन आज तक उनका डिसपोजल नहीं हुआ है । ये ऐसी बातें हैं कि लोग स्टे ले लेते हैं धनपति स्टे ले लेते हैं और गरीब आदमी न्याय से वंचित हो जाता है । यह कोशिश होनी चाहिए कि एक तरफा स्टे बिल्कुल नहीं दिया जाना चाहिए और दोनों पार्टियों को सुन कर के स्टे देना चाहिए वह भी टेम्पोरेरी होना चाहिए और तीन महीने के अन्दर फाइनल डिसीजन हो जाना चाहिए और कोई स्टे पांच-पांच, दस-दस और बीस-बीस साल तक न पड़ा रहे । इससे न्याय नहीं मिलता है और खास तौर से गरीब आदमी उससे वंचित हो जाता है । लोगबाग फरजी हल्फिया बयान दे देते हैं लेकिन आप उन पर कोई मुकदमा नहीं चलाते हैं और वह खारिज हो जाता है लेकिन उनका अपना उल्लू सीधा हो जाता है । यहां मैं आप से यह उम्मीद करता हूं कि आप इस तरफ अवश्य ध्यान दें । शुगर फैक्टरीज के मुकदमे चल रहे हैं अलग अलग शुगर फैक्टरीज के मालिक सुप्रीम कोर्ट के बड़े से बड़े टाप के लायर्ज इनगेज करते हैं । 10-15 जितने भी बड़े टाप के वकील हैं इन्होंने बड़े बड़े वकील को इनगेज कर लिया है । केन ग्रोवर्ज और

केन कोआपरेटिव सोसाइटीज भी सुप्रीम कोर्ट में पहुंचि है, देवबन्द जिला सहारनपुर का पैरवी करने के लिए कोई अच्छा वकील भी नहीं मिला है और जो 15 टाप के बड़े लायर्ज हैं जो पहले अटानी जनरल या सोलि-सिटर जनरल रहे हैं वह प्रैक्टिस करने लगे हैं और हर आदमी एक-एक, दो-दो दिन ले जाता है, इससे देरी भी होती है, स्टे के कारण देरी होती है इससे गरीब आदमी को न्याय नहीं मिलता है । क्या यह सम्भव नहीं है कि अगर एक प्रकार के केसेज हों सब मिल मालिकों को सुप्रीम कोर्ट यह कहे कि आप सबके लिए दो वकील रख लें बीस वकील नहीं रख सकते हैं । सारे अच्छे वकील पैसे वाले लोग इनगेज कर लेते हैं तो गरीब आदमी को कैसे न्याय मिलेगा ? जो देरी होती है वह किस कारण से होती है । भारद्वाज साहब जानते होंगे । इलाहाबाद हाई कोर्ट को मुझे जानकारी है । हमारे यहां से एक हजार किलोमीटर की दूरी पर इलाहाबाद हाई कोर्ट है । अभी एक माननीय सदस्य कह रहे थे कि जितनी ज्यादा हाई कोर्ट बढ़ेंगी जितनी ज्यादा बेंचेज बढ़ेंगी उतने ही ज्यादा केसेज होंगे । उनके आर्गूमेंट का मतलब यह हुआ कि जितने हाई कोर्ट कम होंगे जितने बेंचेज कम होंगे उतने ही केसेज कम होंगे । इसके ऊपर खर्च करने की जरूरत क्या है । राष्ट्रपति कहते हैं कि जनता को सस्ता, सुलभ और शीघ्र न्याय मिलना चाहिये । एक तरफ तो सस्ता और सुलभ और डोर स्टेप पर न्याय मिलना चाहिए । तो न तो डोर स्टेप पर न्याय मिलेगा जब आप एक हजार किलोमीटर पर न्याय लेने के लिए जाते हैं और न सस्ता और सुलभ न्याय मिलेगा । जब पांच पांच लाख केसिज तीन साल से ऊपर के पड़े हैं और जब स्टे लेकर केसेज पड़े रहते हैं तो इससे गरीब आदमी को कैसे न्याय मिलेगा । कहते हैं कि जस्टिस डिलेड इज जस्टिस डिनाइड । इससे गरीब आदमी न्याय प्राप्त करने से वंचित हो जाता है क्योंकि न्याय प्राप्त करने में बहुत विलम्ब हो जाता है । आप भी मुझ से सहमत होंगे और माननीय मंत्री जी भी सहमत होंगे कि जितनी क्रिमिनल केसेज में डिले होती है उतने ही क्राइम बढ़ते चले जाते हैं और लम्बे समय तक संगीन किस्म के क्राइम करने वालों की जमानत नहीं होती जब उनकी बहुत देर के बाद जमानत हो जाती है तो जमानत होते ही, छूटते ही वे क्या करते हैं । वे जो उस केस में गवाह होते हैं उनका कत्ल कर देते हैं और फिर जेल में आ जाते हैं । फिर इस तरह से क्राइम बढ़ जाते हैं । इसलिए डिले नहीं होनी चाहिए और जल्दी से जल्दी आपका निर्णय होना चाहिए और केस को खत्म करना चाहिए ।

माननवर, हाई कोर्ट के जजेज का आदर करते हुए, सुप्रीम कोर्ट के जजेज का आदर करते हुए मैंने देखा कि 365 दिन में वह कितने दिन बैठते हैं, सुप्रीम कोर्ट के जजेज कितने दिन कार्यवाही करते हैं।

पता चला 365 दिन में से 182 दिन सुप्रीम कोर्ट के जजेज कार्य करते हैं, 183 दिन छुट्टी । दस बजे से काम होता है और पौने चार, चार बजे उनकी छुट्टी होती है ।

तो मेरा सुझाव है कि दस बजे से एक बजे तक और दो बजे से पांच बजे तक जजेज बैठें और कम से कम इस गरीब देश के लिए उन्हें इतनी कुर्बानी करनी चाहिए, जिस तरह कि आपके यह दोनों संसद के सदन रात में आठ-नौ बजे तक भी बैठते हैं । इसलिए इस गरीब देश के लिए केसेज निस्तारण के लिए वह भी कोशिश करें कि उनके वर्किंग डेज 250 दिन से कम नहीं होने चाहिएं । यह कोई मालदार देश नहीं है ।

श्री उपसभापति : आपने बहुत समय ले लिया ।

श्री वीरेन्द्र वर्मा : मैं खत्म कर रहा हूं ।

माननवर, एक बात और, जहां तक ट्रिब्यूनल्ज द्वारा शीघ्र तय करने के लिए—सुप्रीम कोर्ट ने भी कहा, पुराने चीफ जस्टिस ने भी कहा कि वह जल्दी से जल्दी होना चाहिए । तो मुख्तलिफ किस्म के ट्रिब्यूनल्ज की नियुक्ति करें और इस बात को ध्यान में रखें कि मामलात जितने भी हैं, जल्दी उनका निस्तारण हो । **(समय की घंटी)**

मैं एक बात कह कर समाप्त करता हूं । पहले हम जानते थे कि हाई कोर्ट के, सुप्रीम कोर्ट के जजेज अपने घर पर काम करके आते थे, केसेज को तैयार करके आते

थे और आज ब्लैंक, जैसी मेरी जानकारी है, ब्लैंक बैठ जाते हैं, लम्बी-लम्बी बहसें चलती हैं ।

मुनासिब यह है कि हमारे जजेज तैयार होकर घर से आएं, क्वाश्चंस खुद भी करें इर्रलेवेंट क्वश्चंस न होने दें, जिससे कि जल्दी से जल्दी देश में केसेज का निस्तारण हो और जल्दी केसेज पर डिसीजन हो ।

इन बातों के साथ मैं अपने सुझाव देकर बैठता हूं ।

MR. DEPUTY CHAIRMAN: The House stands adjourned for lunch to .resume at 2-30.

The House then adjourned tor lunch at third-two minutes past one of the clock.

The House reassembled alter lunch .at thirty-three minutes past two ot the clock, Mr. Deputy Chairman in t'ne Chair.

SHRl THINDIVANAM K. RAMA-MURTHY (Nominated): Mr. Deputy Chairman, Sir, I am thankful to you lor giving me this opportunity to make some comments on the Bill before the House. It is a welcome measure that the Government seeks to increase the number of Supreme Court Judges. The purpose behind it is speedy disposal of the pending cases. But, while we increase the number of judges, it is all the more necessary that the existing vacancies are filled up. When we think of the Supreme Court, we also must give thought to the way in which the High Courts are functioning. In many of 'the States, the vacancies are a permanent feature. It is high time that the Government takes into consideration the question of filling up existing vacancies. This step is necessary in addition to the necessity for increasing the strength of the number of Judges.

As for the location of the Supreme Court and the functioning of the Supreme Court, there wns a controversy •abou* the Supreme Court benches being extended to amireut Slates and different regions, i must, insist that the Supreme court Bench snould be extenued to tne regions and, il necessary, to whe various States. A strange argument was advanced that the estabhsnment of Supreme Court Benches in different parts of .he country would generate regional feelings in contrast to the national feelings. In lact, it is :he otner way. sir, tnere has been a demand right from the day we got our freedom for decentralising certain places and having functions of the Government at different places. Even '.here was a thinking by our national leaders that the Parliament should itself have one of its sessions in the South—Hyderabad or Bangalore. Ultimately '.hat plan was given up because of the expected huge expenditure. Now, people are supplementing the national feelings and are taking of regionalism. So also Benches of the Supreme Court. By functioning in different States will help the common man in getting justice from the judicial system. As far as 'the functioning of the judicial system, there is a comment by Members who spoke before me. I must be thankful to Mr. Babul Reddy who commented on the Supreme Court Judges and the various judgments. Some had different views. But I appreciate the instance that he quoted in the case of 'the "Indian Express". It is not that the court deserves appreciation for having acted in support of the poor man or r>oorer sections of the society. That is the duty of the courts. But at 'the same time if they do not do that they subject themselves to the public criticism. Sir, that public criticism should not be made and that the Supreme Court should not be criticised because there was a judgment which was in favour of the depressed class or lower sections of the society can not be accented. As far as the "Tndian Express" case is concerned, one thing has to be borne in view Tn this rase the Supreme Court acted quickly and vehe-

[Shri Thindivanam K. Rama •murthy]

men-iy. The Supreme Court categorically said, tnat the action was in "haste". They have not said that ihe action was illegal or contrary to the law. Sir, what is ihe outcome of it? How does it affect the society? Now some more buildings are coming up. Tne owners of these buildings are hopeful -hat they can also get stay orders in a similar way. Moneyed people are emboldened. This is how our Supreme Court is functioning.

1 can also cite two or three examples, mere is a case regarding abolition oi nurse racing m Taminadu which is penuing before tne supreme Court lor me pa»$_t$ ten years. what for is it pending nobody knows. But still it is Pending. People Know tnat tne Supreme Court is seized of the mat^r. We do nol know whetner they are interested in getting on with the case or not. But people have started doubting about the functioning of the Supreme Court. In this particular case so many bigger elements, bigger people and moneyed people are involved. What does it mean? How does a common man get an impression about the func-'tioning of our judiciary? Is it not the duty of the Supreme Court to see that the common man does not doubt about its *bonandiesl* There is another case. This is with regard to the local administration elections n Tamil Nadu. The case had been pending for more than seven years in the court. Ultimately, the Government of Tamil Nadu had to withdraw the legislation which they introduced and had to revert back to the prior Act which they passed to give a go by. They said that they had to conduct the elections under the old Act. The Government of Tamil Nadu made a statement to the effect that they are conducting the elections on the basis of the old Act because they find that the case pending before the Supreme Court wiH not be decided for the nex£ few years. This is the statement made *by* the Government on the floor of the Assembly. This is '-he way the Supreme Court is functioning, is it not tne duty of the Parliament t_0 se_e to it and set right all these things when 'these are brought to the notice of the Parliament? There is no use jumping upon other members saying that they should not tarnish the image of the Supreme Court or doubt, the bo?ia-*fides* of the Supreme Court. So also, Sir, there are strictures passed by High Court and Supreme Court Judges against the Government functioning and the functioning of the elected Government Heads. I do not want to go personally into any of these things but one danger must be visualised. The Court should not try to go beyond their limits to make themselves politicised or they should not be instrumental in giving room for political developments. After all, the Courts are governed by the law and evidence before them. The court has a duty to go strictly by the law but when they pass stricturesagainst public personalities,, they must think of the outcome of it. We have seen some of the strictures which were expunged developed very many political crises in some of the States but these strictures were expunged by the Supreme Court when an appeal was made *(Interup-*fio-n). Judiciary cannot treat the Legislature in this way. I have said what is the outcome of such strictures. When there are positive evidence they can do it but they cannot do *it* in each and every ease without direct evidence.

MR. DEPUTY CHAIRMAN: Please don't make the running commentary Mr. Gopalsamy. (Time bell rings).

SHRI THINDIVANAM K. RAMAMURTHY: I am concluding, Sir. In the method of administration of justice, it is my duty to bring out one exising factor in our State wherein a new problem has come in. Recruitments

were made for the pos.s of magistrates and other judicial officers from among the government servants. It was not from among the Advocates, the members of the Bar. About 500 people were recruited straightaway out of the Government servants. Some of them with law degrees, some of there without law degrees and some managed to get law degrees after they were posted to the judicial positions. Now the si-.uation has come to a stage where no member of the Bar will be a District Magistrate in Tamil Nadu after three or four years. This is the position which has come about now. Now the Governmen, thought of seuding them back from the judicial service to the Government service and recruiting members from the Bar. This has created a new controversy. Now the Government servants have started *tn* agitation on a war-footing against the proposal of the Governmen^ and there is war going on between the Government, the Government servants who were recrruitment to the j -diciary and the members of the Bar. The net Jesuit is that, members of the Bar will l ot be district magistrates after three or four years in Tamil Nadu. Is it not the duty of the High Court and the Supreme Court to see that justice is done even at the lowed stages? Is it rot a question of their supervision? Should not they take action on that? How is it that the High Court allowed all these things to happen? How is it that it did not intervene in this matter? (Time bell *rings.)* I will take two minutes, Sir. This is one thing.

Then a strange thing has figured in lamii Nadu that is, in the Tamil Nadu Assembly a judgment of tne High Court was set side by a ruling of the Speaker. I am not going into the merits of the case. That is a diffrent thing. The Speaker quoted the Preamble of the Constitution and said that equality of justice must \>*i* ensured and the representatives of the people should...

SHRI R. MOHANARANGAM: Sir, on a point of order. I do not have any animosity towards Mr. Rana. arthy, who is a very good friend of mine. Lut is it right on our part t.[1] discuss about the proceedings which .vent n ir. a State Assembly, when our hon. Chairman has already said that we should not even speak about the proceedings in the State Assemblies? *(Interruptions),* I want to know whether it is right on the part of the hon. Member to discuss something about the proceedings which went on in a State Legislature? *(Interruptions).*

MR. DEPUTY CHAIRMAN- It LS better not to drag it into the subject now because you are not going into the merits of the case any may. Come to your point.

SHRI THINDIVANAM K. RAMAMURTHY: I am not going into it. I am saying about the way the judiciary is functioning because a ju1?rment is set aside one day and after 24 hours, once again that order is reversed. The judgment was first set aside, and after ?4 hours, the order setting it aside was withdrawn. Just imagine th? position if something critical has taken »)lace within those 24 hours. Who would set right all those things?

MR. DEPUTY CHAIRMAN: Your time is up.

SHRI THINDIVANAM K. RAMAMURTHY: When we are discussing about justice, it is all the morn necessary to see how justice is being misinterpreted or misused or mistakenly administered. This also must be taken into consideration because it has a continuing effect. Because of that incident, the district court building was not declared open in the Tirunelveli district- This is a building complex which was to be handed over to the judiciary.

SHRI V. GOPALSAMY (Tamil Nadu): My own district.

SHRI THINDIVANAM K. RAMAMURTHY: That building complex was to be declared open by the Chief Justice of the High Court of Tamil Nadu and the Speaker participating together in that function. But the Chief Justice oid not attend the function. The function itself had to be cancelled. The building has not been declared open. The courts are still to be occupied. 1 do not think it is going to be opened in another few months or even few years because it has become a controversy between the local Government and the judiciary. My point is that this pertains to the judgment tbat was set aside by the Speaker. So it is a continuing affair. It is not just a question oi one action or another. *(Interruptions).*

SHRI R. MOHANARANGAM: Sir, the Member is speaking about the action ol! the Speaker on the floor of the Assembly, about what he said on the floor of the House.

SHRI THINDIVANAM K. RAMAMURTHY; I have not said anything about the merits of the case.

MR. DEPUTY CHAIRMAN: I have told you specifically to confine yourself to the Biil.

SHRI THINDIVANAM K. RAMAMURTHY: I have not gone into the merits of the case.

SHRI R. MOHANARANGAM: You are just entering, Mr. Ramamurthy.

SHRI THINDIVANAM K. RAMAMURTHY: I am just saying that the Chief Justice of Tamil Nadu refused to associate himself in function with the Speaker of Tamil Nadu because these things took place ...

SHRI R. MOHANARANGAM: Is that the merit of the case?

SHRI THINDIVANAM K. RAMAMURTHY: Ultimately who suffers if the judiciary functions without buildings as in Tirunelveli District? It is the public at large which is torn between the Speaker and the Chief Justice. So when we take measures to streamline and administer better justice at the top level, it is all the more necessary that we look at the lower level also and set things right. Thank you.

SHRI V. GOPALSAMY : Mr. Deputy Chairman, I extend my thanks for tbe opportunity given. This Bill should have been passed in Rajya Sabha even before the Winter Session last year. I do not know why it was delayed. Anyhow, I commend the Law Minister for bringing the Biil increasing the strength of the judges in the Supreme Court. Accumulation of arrears of cases has become a Himalayan problem in our country. Cases are pending for decades. When a litigation is started by someone, that litigation has to be continued by the succeeding generations. According to the Estimates Committee report the pendency of cases in the Supreme Court as on 31st December 1985 was 1,66,390. According to the reply given in the month of March this year by the Law Minister, the cases pending in the Supreme Court as on 1st February, 1986 were 1,38,190. As far as the pendency of cases in High Courts is concerned, I quote the report again—"From the available statistics the Committee finds that in almost ail the High Courts there is heavy accumulation of pending cases that have piled up over the years. At least in five cases the pendency has crossed the one lakh mark. It is not only alarming but distressing. The position in Allahabad High Court particularly is a record with more than 2,42,000 cases pending as on 30th June, 1985. The Committee are distressed to note that very little has been done by the Government of India to tackle this problem: which by now has assumed serious proportions. What is worse is that each year there is increase in the pendency. The pendency has increased by more than 13,000 in Allahabad nearly. 7,000 in Andhra Pradesh, 5,000 in Calcutta, 6000 in Delhi,

14,000 in Kerala and a little less than _26,000 in Madras High Court." Unless the accumulation ol arrears is arrested, the situation will go completely out of control The very rule of law of this country depends upon speedy administration of justice. As far as pendency of cases in High Courts is concerned, the de^ay in filling up the -vacancies also is a major contributing factor for the accumulation of arrears. For example, 60 vacancies exist in the High Courts as per the statement of the Minister. What are the reasons for tne delay in filling up the vacancies? Mr. Bhandare raised one point the other day. As far as Madras High Court is concerned, four years have passed and yet the vacancies have not been filled up. Who is responsible for this?, In this report it ir mentioned that many reminders were sent to the Chief Minister, four wireless messages were sent to him, but there is no response to them. It is a-eported here.. .

SHRI R. MOHANARANGAM: It is wrong.

SHRI V. GOPALSAMY: No. That is the callous attitude of the Tamil Nadu Government which is ruled by my friend, Mr. Mohanarangam...

SHRI R. MOHANARANGAM: It was »once ruled ty them also.

SHRI V. GOPALSAMY: Sir, you should exclude this time from the time allotted to me.

Sir, as far as the appointment of Judges is concerned, this Government is looking forward to having committed Judges. For extraneous reasons the Ji ilges of the Supreme Court are appointed, Supersession is not some-">ing new a^: far as this Goverment is concerned. Mr. Shelat was superseded; Mr. Hegde was superseded; anj Mr. Grover was superseded. So, all these peopIe were superseded. Their eyes are fixed on committed Judges. During thi. dark days of the Emergency, Sir, the role of the judiciary was very depressing. Recently appointments have been made in the Supreme Court. I would like to know whether strictly seniority and merit were considered for these appointments. Not at all. They start thinking that if somebody is appointed as the Judge of the Supreme Court, in how many days he will become the Chief Justice of the Suprem Court, whether in one year or two years or three years, and they also think that in that case he will not be amenable. So, they try to find another Judge. On this point, Sir, even the Law Commission has, in its Report, observed tnat appointments were made on political grounds. So, the fittest men were not selected. That is the observation of the Law Commission in its Report,

There has been a demand to have a Bench of the Supreme Court in the South, a justifiable demand, because people have to come all along, have to come here covering thousands of miles, travelling about a thousand and five hundred miles from tne South, to come to the Supreme Court and you can imagine the expenses and tne time involved. Therefore, it is a justifiable demand. I request the Law Minister to give a favourable reply to this. We want 'a Bench of the Supreme Court in the South and I will be very glad if it is in Madras. As far as having a Bench of the Madras High Court in Madurai is concerned even the Bar of the Madras High Court is not objecting to it, but is welcoming it- Therefore, I expect that the honourable Law Minister, Mr. A. K. Sen, will give a favourable reply as far as opening a Bench of the High Court of Madras in Madurai in Tamil Nadu is concerned.

Sir, judiciary is the guardian of the people, is the custodian of the law of the land. But dangerous signals appear in some places and there are attempts to denigrate the role of the judiciary, to destroy the independence of the judiciary, and that is why. Sir, on the 7th of April, a moral blow was struck at the independence of the judiciary of this country.

[Shri V. Gopalsamy]

Never before has it happened in any democratic country in the world where a Legislature set side the judgment of a High Court which Was sustained by the Supreme Court. The other day, Mr. Babul Reddy asked a question. He asked whether it is possible for a Legislature or Parliament to pass a decree in a small cause case or in a small cause suit, Everybody understood the point. But, sir, a judgment of the Madras High Court has been set aside. Article 211 of the Constitution is very clear. It says that no discussion shall take place in a legislature of a State with respect to fne conduct of any Judge of the Supreme Court or High Court in the discharge of his duties. But, Sir, the Speaker of the Tamil Nadu Assembly gave ruling.

SHRI R. MOHANARANGAM: Sir, on a point of order, I am just asking a question specifically. So many things are going on the floor of this Parliament. Suppose the Speaker of the Tamil Nadu Assembly starts speaking on the proceedings of this Parliament and about t'ne action taken by the Speaker or the Chairman here. What will be the reaction? You are permitting him to talk about the action *ot* the Speaker of the Tamil Nadu Assembly, Mr. Pandiyan, with regard to certain matters.

3 p.m.

It is necessary or right on your part to discuss about this matter here on the floor of this House. Just give your ruling.

MR. DEPUTY CHAIRMAN: The member need not question the decision taken by the Speaker in 'a Legislature. But he can refer to the general nature of the case without touching individuals.

SHRI R. MOHANARANGAM: Also, for the information of the Members I can say that when t'ne State was ruled by his party, one*

SHRI V. GOPALSAMY; This was discussed on the floor of this House. This thing which has been referred to hy Mr. Mohanarangam was discussed by this House on the floor of this Parliament.

Sir, a grave wrong has been done to the bask structure of the Constitution by this tuling. it was reversed. But a wrong which was done by that ruling cannot be undone by the reversal. Sir, it is very serious.*

MR. DEPUTY CHAIRMAN: Your time is over.

SHRI V. GOPALSAMY: I have taken only 8 or 9 minutes. I wiH take only two or three minutes.***

That is why Mr. A. G. Noorani has made it clear. He says that Dr. Ambedkar on October 14, 1949, said that the Judiciary, the Executive and the Legislature, these three departments these three wings, honour each other. They do not usurp the powers, propriety and rights of other wings. But what has happened? Mr. Noorani says—I quote:

"What Dr. Ambedkar had considered almost unthinkable js now coming to pass. The wrong done on April 7 by the Tamil Nadu Speaker is not cured by the reversal of the decision the next day. It will be set right only by the resignation of the Speaker and by an emphatic acceptance of the judiciary's independence fr°m outside interference. It is not only the ruling of April 7 but t'ne false doctrine propounded that day which deserves a speedy burial."

Therefore, through you, Sir, I appeal to all sections of the freedom loving people who have got respect for democracy to...

SHRi R. MOHANARANGAM: You are allowing him. You have created a precedent. Don't create precedent by referring to the Speaker. Kindly do not create any precedents, Sir,

MR. DEPUTY CHAIRMAN: Please sit down.

SHRI V. GOPALSAMY: Never before has this happened. Never before. It is a flagrant violation of propriety.

MR. DEPUTY CHAIRMAN: Your time is over. Any reference to the Speaker of t'ne Legislature has to be deleted from the records of the House. Please conclude within one minute's lime.

SHRI V. GOPALSAMY: I did not make anything. Sir, a grave wrong has been done by the.* Is it net parliamentary. A grave wrong has been done by a single act of the* That is not unparliamentary? A thousand dips in the Ganga could not expiate the sin committed by a single act.

SHRI S. W. DHABE (Maharashrta): Mr. Deputy Chairman, Sir, I wiH restrict myself to a few points which have not been raised. Firstly, ;n Article 39(a) the provision is that there will be equality of opportunity to get justice in this country. I will like to know from the hon. Minister whether there is any equality of opportunity Jn getting justice in this country. The basic principle that we have incorporated in Article 39(a) is equal justice and free legal aid. How can there be equal justice? The Court is sitting at one place. How can you administer justice in the entire country by sitting at Delhi?

Secondly, there is a provision to provide for free legal aid by a suitable legislation or a scheme or in any other way in order to ensure that the opportunities for securing justice are not denied to any citizen for economic reasons Or other disabilities. Even though ten years have passed and many assurances have been given in this House, the Government has failed to bring a legislation for free legal aid. I would like to know from the Law Minister what is the difficulty about it. They are so much lauding the praising the scheme of Lok Adalats. Every citizen has a fundamental right in the Directive Principles that free legal aid must be given to him. Then why should a citizen not have it available to him in all parts of die country? There are Lok Adalats in all places.

♦Expunged as ordered by the Chair.

The next point is about the Benches in different places. You will appreciate that our legal system has failed to provide justice for the common man and poor people. The fees charged by the Supreme Court lawyers are fabulous. For even administrative matters, the fee is Rs. 5500 per day. The Supreme Court is a place where the common man cannot even enter. Article 130 has been embodied in the Constitution. Entry 77 gives power to the Parliament to organise the structure of the Supreme Court. It includes the setting up of Benches at different places. Entry No. 77 is very clear. Powers have been given to the Parliament. Constitution, organisation and powers of the Supreme Court are so wide that it does not depend upon the will of the Chief Justice to constitute Benches in different parts of the country. The Bench at Aurangabad was formed by the Maharashtra Government and not by the Chief Justice and it was upheld by the judgment of the Supreme Court that they have powers. Similar is the position so far as the Supreme Court is concerned. So many proposals are pending with the Chief Justice for the last four or five years. The one is about the Supreme Court Bench at Calcutta. The other one is from Nagpur. The third is from Hyderabad and the fourth is from Bangalore. Four or five proposals are pending. We initiated the Nagpur proposal because it is a central place. The Bangalore proposal came in first. Since Bangalore and Hyderabad are in the hands of the opposition political parties, both the proposals about Bangalore and Hyderabad have been kept in cold storage. The Chief Justice has g°t veto to decide about the administration of justice. I do not think Article 130 or Entry 77 mean it. It is a question of decentralisation of judiciary. It is a principle and the Government must take a stand on it. The Benches could be formed at Nagpur, Aurangabad and Goa.

SHRI P. BABUL REDDY (Andhra Pradesh): Unless the Constitution is amended, the Chief Justice alone has got the power. So, you have to amend the Constitution.

SHRI S. W. DHABE: I do not agree with the view of Mr. Babul Reddy. But if this is the position, then the Constitution should be amended.

THE MINISTER OF LAW AND JUSTICE (SHRI ASOKE KUMAR SEN): Mr. Babul Reddy is right.

SHRl S. W. DHABE: Then the Constitution should be amended. Why should the Government take such a long time to ament the Constitution or give justice to the poor people? Lok Adalats have been much admired. One lakh cases have been disposed of- I h'ad the occasion to see °ne Lok Adalat where only cases relating to Motor Vehicles Act were put in, the insurance Companies had to pay and the cheques were ready. For complicated matters arid land disputes between landlords 'and tenants and landlords and landlords, the cases cannot be disposed of by the Lok Adalats because they do not have the machinery. Nor can they gave any decision or judgement in such matters? 'Only in cases where one party is the Government, the Lok Adalats have succeeded to a large extent. The Estimates Committee of tbe Lok Sabha, in its 31st Report, has recommended that if it is not possible to have Benches at present, "why not have Circuit Courts? There were circuit benches in Kashmir and Hyderabad in the earlier days. Why should not the Supreme Court Circuit Benches be allowed to sit in different parts of the country? There was a proposal at *one time* that they may sit in the seats of High Courts or High Court Benches and •one of the Judges of the High Court might also be recruited for that purpose.

Sir, my friend has Taised a very im-.portant question. That is about the criminal cases, civil cases and the labour tribunals. The law is more or less settled in this. In the criminal law or the labour tribunals, what is required is a machinary for quick disposal. Therefore, I appeal ' to the hon. Law Minister who is very keen to have reforms in the judiciary not to have again a committee appointed. I was surprised to find that you have appointed the Law Reforms Commission. It will take another five years to giv© its. recommendation*. Recommendations arc wellknown. What we are lacking is action and what action should be taken is important.

Lastly, Sir, the Estimates Committee in its Thirty-First Report has recommended that there must be a machinery, a proper monitoring cell. One of the recommendat'ons of the Estimates Committee is to have a proper monitoring cell with; adequate manpower headed by a senior officer in the Ministry to pursue with the State Governments and High Courts the progress of implementation of the recommendations contained in the various reports on arrears in Superior Appellate courts, analyse the feedback, and identify the problems and bottlenecks and take effective steps promptly to correct the deficiencies if any. And if fhe present trend of accumulation of arrears is not arrested, the situation will go out of control and shates the very root of the rule of law and the surviva depends on the speedy dispensation of Justice. May I know from the hon. Minister the basis on which he has increased the strength to 25? Has any study been made? How many years will it take to dispose of the 1,20,000 cases in the Supreme Court and 13 lakh cases to various High Courts? Apart from the High Court. I would like to know from the hon. Minister whether any study has been made in his Minstry or any Cell has been set up which will fell us that so many years wiH be required to dispose of these cases so that the institution of cases and disposal of cases have some rationale. It is said that the criminal matters should be disposed of in one year and the civil matters should be deposed of in two years. May I know from tie hon. Minister whether any yardstick has been applied in increasing the number of Judges from-17 to 25? Thank you, Sir.

MR. DEPUTY CHAIRMAN; Now the Minister reply to the debate.

SHRI ASOKE KUMAR SEN: Mr. Deputy Chairman, Sir, T am very obliged

for the light thrown on this matter from different sections of the House. One thing is very clear that we are all agreed that this House and the Parliament would not be unwilling to grant the necessary number of Judges for every court in order to achieve the objective of Article 39A of the Constitution. I think, the giving! of justice is the minimum duty of any civilised State like the giving of the means to live, to survive, to exist in freedom and dignity. These are the minimum services which a civilized State must render and much more so far a democratic State like ours where we pride in a system of law which is dispensed by independent courts freely, independently and fearlessly so that Governments may change but the laws will never change and the administration of law will remain for ever to be guided by the same standards of independence and fearlessness and equality.

Now, so far as the Supreme Court is concerned, all the hon. Members have expressed their faith in the Supreme Court. The Constitution-makers set up a Supreme Court with vast powers—appellate, original and advisory—in all matters of criminal and civil disputes as also appeals from all tribunals, and the tribunals include ordinary administrative tribunals like the Mining Tribunal. Therefore, unlike other countries where the jurisdiction of the Supreme Court is of a very limited character, our Constitution-makers gave a very large field for the Supreme Court. Of course, over the years, the Supreme Court brought self-restraint on itself so that it does not accept any cases where it thinks it is necessary to do so in the interests of justice. The jurisdiction which was originally conferred, for instance article 136 , that gives power to the Supreme Court, to admit any appeal civil or criminal from any court, civil or criminal or from any tribunal, if it thinks it fit for the purpose of deciding an important point of law of public importance. But, nevertheless, the Supreme Court has been very very strict in admitting petitions under article 136 and unless they think that the interests of justice require interference they normally do not admit a civil appeal or a criminal appeal, much less a criminal appeal particularly when there have been congruent findings of fact and also where the legal principles are fairly well-settled by the Supreme Court itself. Therefore the Supreme Court itself has worked under self-resraint and it has exercised its wide jurisdiction in a rather restricted sense, it is true that in ome eases the Supreme Court has overdone it.

SHRl SANKAR PRASAD MITRA (West Bengal); Do you think that by allowing a special leave petition from an interlocutory order made by a single Judge in a High Court, where the petitioner has by passed the division bench of the appellate court, the Supreme Court is exercising self restraint.

SHRI ASOKE KUMAR SEN; No, it is not. As far as I know, the Supreme Court is very very chary in allowing appeals against interlocutory orders even if it is from a single bench. They do not do so. And where they have done so, I do not think it is proper unless I can see the facts where possibly the Judges must have thought that the interests of justice have been very badly affected.

SHRI SANKAR PRASAD MITRA; As one of the most distinguished lawyers in this country, you must be aware of the judgments in the House of Lords cases reported in 85(2) All Eng. Law Reports, p. 97 at page IOO by Lord Ruskin, the principles laid down for the admission of appeals. Do you think that the Supreme Court is following those principles?

SHRI ASOKE KUMAR SEN; In England the House of Lords never allows an appeal on interlocutory orders, never. Even the Court of Appeal very rarely allows an appeal on interlocutory orders in England. But it is true that in many cases the Supreme Court has allowed appeals against interlocutory orders and has reversed such orders. I have known it. *(Interruptions).*

SHRI P. BABUL REDDY; Where justice is hijacked, the Supreme Court must be allowed to interfere.

SHRl ASOKE KUMAR SEN: I do not want to pre-empt the authority of the Supreme Court to correct a travesty of justice where even in an interlocutory order the cry for justice is so loud that it cannot but be heeded. I think the Supreme Court should n°t normally allow an appeal against the interlocutory order.

SHRI P. BABUL REDDY; What about staying sections in Bengal in interlocutory orders?

SHRI ASOKE KUMAR SEN; They do not stay. Now the High Court had. The Supreme Court bypassed the Division Bench. Let us not go into that. The High Court had good reasons to do it. Let us not go into it. And it is not always that the Supreme Court does the right thing. I have seen in many cases v.here the right thing has not been done. And that is true in the human institutions. Failings are common and unavoidable in human institutions, particularly when the judges work under the supreme necessity of expedition. I have seen where the Supreme Court had admitted appeals against a full-bench judgement of the Punjab High Court on a question of law arising from the Punjab Rent Control Act and a later decision following the same full bench decision, came to a particular conclusion and an appeal against it was not admitted though it was pointer out specifically. And I happened to be the Counsel myself. I said to a bench of three judges that another bench has admitted an appeal on this very point and the full bench judgment on which the later judgement has been rendered and which was appealed against, decided on the ground that the full bench bad decided the point.

SHRI SANKAR PRASAD MITRA: You are contradicting your eloquent sup- , port to Swprem$_e$ Court's self-restraint.

SHRI ASOKE KUMAR SEN; Self-restraint still remains. This is a case of self-restraint, but on the wrong side possibly. I remember I told the judges that this is not correct that one bench should decide in one way and the other bench should not. This leads to uncertainty in the field of law, and I said, one feels that he is in the wrong court. But that is a different matter. As I said> failings are common in all human institutions.

SHRI P. BABUL REDDY; He went on giving stay for six years.

SHRI ASOKE KUMAR SEN: I hope he followed the law. 1 hope the subsequent benches will correct hirn, and this is the duty of subsequent judges to correct thg erring judge, as one Lord Chancellor said. 1 must remined the House that when an English judge—a white judge—while convicting two black youths aged 18 and 20 for raping a white girl—and in a case where it was not merely a rape but the two erring youths had, after the rape, urinated on the body of the two victims—released them on parole, it roused such a great passion in England and such a fury that about 86 members of Parliament wrote to the Lord Chancellor saying[1] 'You must dismiss this judge. What a judge is this. He is not fit to occupy the chair of a judge' and invoked an old doubtful jurisdiction of Lord Chancellor to dismiss an unwanted judge. Lord Elwin Johns had been the Lord Chancellor then. He kept quiet for some time. There were hundreds of letters apparing in the papers and demand of 86 members of Parliament including six members of Labour Party which was then in power. And in Lord Mayor's luncheon in honour of Lord Chancellor given the same year, replying to the toast of Lord Mayor, the Lord Chancellor, Elwin Johns said. Mr. Lord Mayor, I shall be failing in my duty if I do not refer to a matter which has roused in recent times public passion, to fever heat I mean. Tlie white judge while convicting the two youths released them on parole saying as follows; After all youth is youth and they can still be corrected. Therefore, they were released on parole with a direction to Social Service department to correct them. Whether they have

been corrected or not, I am not quite sure. But this is what he did. This arose out of passion. Unfortunately, radial prejudice got mixed up. It was a very bad case where two young men not only raped two white girls, aged about sixteen and seventeen, young girls, but urinated on the body, after the awfui sexual act. Now, Lord Jones said 'I shall be failing in my duty if 1 do not refer to this incident; I have been asked by eminent as well as ordinary persons, no doubt motivated by the best of motives, including a large number of Members of Parliament, to dismiss this white judge; sO long as I remain the Lord Chancellor, no judge shall be dismissed who is doing a thing according to his conscience'. He said, the on y way to correct an erring judge in this country, according to all laws, is to test hi, judgement in the court of appeal or by a writ of error. This is the only way to correct an erring judge or by changing the law. If he has decided the law incorrectly,—as has been done by the Supreme Court many times, where it has struck down many laws, tax laws, acquisition law—ihe law in regard to bank nationalisation was struck down by the Supreme Court but we passed a different law later—and various other laws,—we can test his judgement in a higher court. This is the tradition of democracy. We do not correct them by debate* in Parliament or outside, but we correct them by testing their judgement in a higher court or by a writ of error, which is available in English, not very much tested in this country. Writ of error has never been tested here. Therefore, let us remember this point that while we talk about judges, as many have done, we should not refer to them in such a manner that in the process, dignity of our courts suffers. We know that many judges fail in their duty to reach a correct conclusion, as all human beings are liable to commit errors. The only way is the democratic way. The path of justice is not dictation to judges, but the path of justice is correcting them by known methods of law.

Sir, by and large, the Supreme Court has established a tradition which is worth i democratic country and which certainly, has evoked admiration not merely from this country, but also from outside; particularly, the Supreme Court's decisions, in recent times, on public interest litigations, on the stretching of the arms of the Court in alleviating injustice, where the known methods and instruments of law were found to be insufficient. But I must say that it is always not possible for everybody to *go* to the Supreme Court. Many of the things which the Supreme Court has laid down may possibly, in the future, find place in the Civil Procedure Code, so that the ordinary courts may also stretch their arms in a similar way, which the , Supreme Court is now doing, today. Nevertheless, things may also tend to ge(t overdone. For instance, many of the very beneficient programmes of public benefit have been held up by unnecessary interference from the courts. The other day, the Prime Minister, while opening the conference of Chief Justices, Chief Ministers and Law Ministers, referred to a case where a dam, a project for building a dam, was held up for years and, after sometime, the dam burst or the bund burst resulting in tremendous loss to the people. Therefore, while a spirit of passion is understandable for the poor, the needy and the oppressed, we must not allow our pas/ion to overrun reason or public interest. For instance, let us take the case of many of the railway projects which have been held up because there are trespassers living on the land which is to be acquired and even after acquisition the railway authorities cannot get it. The result is that so much of daily inconvenience is caused to millions of people. Therefore, there must be striking of balance. You have to try law as an instrument of mercy, compassion and redress for justice and at the same time making it compatible with the demands of public interest. It is the public interest particularly in a democracy which must over-weigh every other interest in the last analysis.

I am. saying all these things because naturally when the Supreme Court comes into the picture, people's ideas about justice, the deficiencies and various other matter* come into the forefront and we are right in giving expression to those

[Shri Asoke Kumar Sen]

grievances. Now, let us deal with some of the points which have been raised. The first is that increasing the number of Judges alone will not solve the problem, we cannot agree more On that point. It is absolutely correct that we cannot solve the problem of speedy justice by merely increasing the number of Judges. It is very clear, we can increase the number by thousands by paying one rupee a day, putting the people who never know what is justice, who never know what law is and thousands of cases we will be able to dispose of within no time, but that is no justice. That is what was called in olden days the 'kazi justice' where a man's guilt was decided by putting his hands into a boiling pan so that if his hands were not burnt then he would not be guilty and if his hands were burnt he would be guilty. Well these are the methods which were tried in medieval ages. Therefore, it is absolutely agreed that we cannot solve this problem by merely increasing the number of Judges. We must get the right Judges, because the need for justice is not mere expedition but justice as it is in all its qualities. Therefore, to get qualitative justice we must appoint good Judges and again the problem of appointing good Judges brings in the question of their remuneration, their emoluments, the inducement to allow people to leave their ordinary vocations and to come to the pench to take up this very important duty of judicial work. Now, very soon we will be having Bills before you which will provide for increasing the salaries of Judges and their emoluments in many ways and the amendment or the Constitution for that purpose. T hope to introduce these Bills during tots session of Parliament. It is expected that these emoluments will attract better talents. It is not an excessive statement to make when we see that today the salaries of Judges are such that even the fourth grade or fifth grade of lawyers would not accept judgeship and those *ho accept judgeship, having left good lucrative practice at the bar, would regret continuance on the bench It *U* true that the rupee has suffered in value tremendously from 1950. This is 36 years back when Second Schedule fixed the salary of Rs. 3,500 per month. It was then thought that it would be a safeguard for the Judges, that it would ensure continuance of a salary and an erring parliament would not normally be entitled to reduce that salary. But what was considered to be a guarantee has now become a halter in the neck of the Judges and many of them are chafiing under it. Therefore, we must make it consistent with the rising prices. Make it realistic, and make it competitive with other vocations. As I said the other day, under thaindustrial awards in Bombay and Calcutta, a liftman of the LIC starts at Rs. 1,400- a month, a driver in a multi-national corporation in Bombay gets over Rs. 2000 a month. Now who will be there to become a magistrate at Rs. 800 a month.

SHRI S. W. DHABE: A clerk gets Rs 2.700.

SHRI ASOKE KUMAR SEN: Yes, some time a class III employee of the LIC was getting more than his officer. DR. R. K. PODDAR (West Bengal); A university teacher starts at Rs. 700.

SHRI ASOKE KUMAR SEN: Now it is more with dearness allowance that they get.

SHRI NIRMAL CHATTERJEE: He starts at Rs. 700.

SHRI ASOKE KUMAR SEN; But what about the dearness allowance? Dearness allowance must be there.

SHRI SATYA PRAKASH MALAVIYA (Uttar Pradesh): It comes to Rs. 1,500 as starting pay.

SHRI ASOKE KUMAR SEN: May be. I am not here to equalise, I am not here there is a rush, he gets left out and the accused or the *chaprasi* who is also waitother sectors of employment. But to make ing along with him in the queue gets a Ministry. Our Ministry is to look after in a queue and when the bus comes and the judicial part of our Government and there we must make the salaries and emolument- more respectable, more competitive and more realistic. Take this very grim picture. In Delho alone, some masistrates and judges have told me that they have to wait. We have, not given thems

quarters near their courts. They lave to travel long distances. Ind olden days, the Britishers used *to* give quarters for their magistrates, for their judges very near their courts. Now a man who has to travel from Hauz Khas io Tis Hazari courts has to wait near the bus stand sometimes for nearly half and hour or 40 minutes in a queue and when the bus comes and there is a r[usn], *be* gets left out and the accused or the *chaprasi* who is also waiting along with him in the queue gets a berth earlier than him in the bus and goes ahead °*i* him. Sometimes they get into tbe bus along with him and he will have to stand in the bus with them, jostling with them. I am not saying to stand in the same queue. But if we hav$_e$ to have a dignified judiciary, we cannot have that. We must see that their convenience is looked after, thci$_r$ requirement about residential accommodation is looked after, their houses are very near their courts and various other things have to b$_e$ looked after. A' least for the Supreme Court, I must say that they are giving good houses. And under the new Bill that we shall be introducing, their furniture will be the same as that of Cabinet Ministers. But as I said, the concern expressed by Members in this House that the number alone wiH not solve the problem is correct. And we are trying to improve the quality of Judges and also *to* improve the training of law in the universities. Let us be very clear that compared to other countries in the West—England and Americn with which | our system is more akin—the training in the universities and the standard of education of law leave much to be desired. Note books are stil] the best installment for passing an examination. There is no original thinking and most of the teachers are such as would not keep in touch with the modern trends in law or with the latest position either in the Supreme Court or the other courts, or would be responsible for any original work jn the field of law. Take the Harvard Law Journal, ihe Yearly Law Journal. The Cambridge Law Review, tlie Modern Law Review and various other law journals of the West, You will see how even students are engaged in original thinking and research, and how much of it wiH be found in our universities. if our teachers are paid wel), as they must be, and they must be of quality, then they must also produce good work and not stay away when they pass their examinations. Like many of our doctors and scientists who come from the West, they don't read anything mors than what they have read already at the time they have left either England or America, and after engaging in heavy practice they forget that there are more things to learn every day. And the world is progressing so fast in the field of science and technology, medicine and various other branches of learning. Therefore, it is not merely improving the quality of the Judges when they are appointed but also improving the very standard of education of law ind introducing the spirit of thinking, analysis and original work into our universities. There I think a good deal has yet to be done and I hope Parliament in the years to come would give its guidance a[n]^ emphasize this problem very very strongly. T feel it very much because I was a teacher myself at one time and I remember how much we used to take pride in building up students and making our teaching more effective and more instructive. But I must say that that spirit, possibly, is waning every day and the colleges have b?com? hotbeds of politics and factions and various other vices.

SHRI NIRMAL CHATTERJEE: What about. . . *(Interruption)* •

SHRT ASOKE KUMAR SEN; Coming from West Bengal you have to ask somebody else. A University which gave to Indin some of the be<t scholars an<j Nobel prize winners like Sir C. V. Raman, today cannot hold examinations.

AN HON. MEMBER: Thanks af them!

SHRI ASOKE KUMAR SEN: I am ni I blaming anyone.

SHRl NIRMAL CHATTERJEE: In 1978-79 nothing could be done.

SHRI ASOKE KUMAR SEN; My heart bleeds because I am a student of that University. J remember the old teachers—what dedicated teachers they were—people who lived, some of them, almost like 6anyasis. like Sir P. C. Ray

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who built up generations of scienti.. Jagdish Dose, F.R.S. How many FRSs have the science colleges produced? New there are no examinations there. When 1 go there I find nothing but posters of different political parties and organizations and students learn only slogans. The teaching of Swamiji, teachings of Gandhiji, teachings of our great servants are nol I io any more.

SHRI SANKAR PRASAD MITRA: That has happened in spite of increase in sit.uies.

SHRl ASOKE KUMAR SEN: That has happened in spile of increase of neration j.'^J everything. Therefore, il is has to be attended to because, after ali, i future generations have to be taken care of and by just slogan-shouting no on can reach that standard of excelleio: which we expeet India to reach and whit Ii India had reached in all the centuries of ,1 civilization.

SHRl NIRMAL CHATTERJEE: Nor deluding slogans completely.

SHRI ASOKE KUMAR SEN: Not in the universities. I have seen the uni in the West. Even in PM 1 find there are very few posters in the Sorbonne. Pairs has thg. most vociferous student organization and f 11 ed to study there for some time. But von wiH nol find it there. I think we should all be concerned about it irrespective of parties. Our young minds must be trained to produce, another Gandhiji, another irlal Nehru, another Tiiak, another Aurobindo, another Subhash Bose, Netaji.

SHRI NIRMAL CHATTERJEE- I am you mentioned j;.

SHRI ASOKE KUMAR SEN: r am very gI id that you appreciate us. When Swamiji took his dip at the tip of India at Kanyakumari I take my dip there. The first time I went there I was a much younger man. his revelation; he got his inspiration there. That Ls why, whenever I go to Kanvakumari I take my dip there. The first lime I went there. I was a much y .linger man.

SHRl M. S. GURUPADASWAMY (Karnataka): Did you gel in spite?

SHRT ASOKE KUMAR SEN: Yes of Everybody does if he is an Tndian. He will see the end of India, three oceans, meeting and the majesty of India in its. full glory as the sun sets ot the sun rises. Therefore, he got the revelation that the whole world lay at his feet for the treasures of India to be unburdened and to be preached. You will remember tliat he took the vow then and he went to America first, then to Europe and everywhere else and preached what the treasures of India had been over the centuries. And the whole world was astounded because after all India, to them, was a land of snakes, snake charmers and fakirs. They never knew that this is the land where such profound thought had been forged in the past and which had very little parallel in history Therefore, let us not forget because after ail this land is not a jungle. This land is a land with five thousand years of ancient civilisation, with great treasures of tlie past, ket us, therefore, nol forget our past moori I .1 ns build something which is equal to the past, if not better. That cannot be> done, as I again say, by merely shouting slogans. i am not saying that slogans have not to be shouted. Slogans have to be . shouting against injustice. We haa ourselves done so during the British days slogans were shouted but for a cause, for something which is eternal. Therefore, Sir, I support the demand tliat we must explore all the other avenues hy which we can improve our judiciary along with the rest of the country's base which supports a good judicial system.

Now the next demand is about location of the Supreme Court. It is a very old demand. For a country like ours, it is certainly an understandable demand. But let us not forget that we are only about one-third of the United States in size.

SHRI S. W. DHABE; Population?

SHRI ASOKE KUMAR SEN: Iff population very much more. In popula- i Ihe Chinese and we beat the world. But the Chinese are behind us now, t think, But it is not merely the size which. dictates i particular position. This been gone inlo by difftrent expert bodies. The Supreme Coun itself has gone into it. After taking into account everythinc their verdict ha.^ been against disintegration of the Supreme Court. There are

several political factors to be taken into account. Where will you locate it? We ara having this difficulty with regard to Uttar Pradesh. You have seen all the fastings, you have seen all the strikes going on in Allahabad, Allahabad once noticed integration. Now the western districts of U. P. want a Bench there. Again where should we locate it?

SHRI D. B. CHANDRA GOWDA (Karnataka): South's is a genuine demand.

SHRI ASOKE KUMAR SEN: I am not castigating any demand as being noti genuine.

SHRI V. GOPALSAMY: This is hecause you mentioned about Kanyakumari.

SHRI ASOKE KUMAR SEN: Rameshwaram will remain there for ever. Thousands of pilgrims go to Rameshwaram Irom the North more than those from the South. Let us not forget about it because that is the story of India. If you go to Rameshwaram, you will find thousands tread every year from the North, much more from the North than from the S:>iith. I remember this. Notwithstanding the fact that there are those who think tliat the South and the North are culturally different, I will give you a very wonderful example of what inspired me as an Indian. Years ago, when Religious Endowments was under the charge of the Law Ministry, I had the occasion to go to th© South, as I always do, because all the great temples are still there intact. In one place—I forgot it now, it was either at ihe border of Andhra Pradesh or somewhere else I should have put: it in my diary, but T remember there is a templa possibly built in the Vijayanagar Kingdom—that temple was built by a small Zamradar. called Rajaji in those days, a small chieftain. There is a copper-graph, which unfortunately happened to be in Sanskrit. In those days Sanskrit was notanathemised in the South. It is still the language of prayers. I happened to understand the Sanskrit. I read the copper graph. It is very great. that Raja says in Samakrit while dedicating all the land for the maintenance of the temple: "Every year 1 found thousands of my brothers coming from the North trecking to Rameshwaram and Kanyakumari on foot with their wives, children and relations. Thousands died ot the way, many fell sick; and thousands cannot be tended. There is no aid fof them. So. I owe this duty to my creator and to my forefathers to give this land so that the income arising therefrom wiH be utilised for looking after these poor pilrgims from the North." Is; there a better proof of unity between the South and th© North?

SHRI V. GOPALSAMY: That shows the hospitality of the South.

SHRI ASOKE KUMAR SEN: I am very obliged.

SHRI GHULAM RASOOL MATTO ('lammu and Kashmir): That shows the integrity of the country.

SHRI ASOKE KUMAR SEN: There is something more, which the hon. Member has missed. It is essentially the unity of the Indian civilisation and culture which can never be destroyed. And the deaths of Indira Gandhi has proved it once more. India has been knit to the same golden thread from Kanyakumari to Kashmir. That is not merely an accident that the Great Shankracharya built his temples more in the North than in the South.

SHRI V. GOPALSAMY: Has it not been provided by the British rule in India?

SHRI ASOKE KUMAR SEN: V/e dont agree. The history of India is a proof. British claimed it. We do not concede that claim. I am saying as an Indian. We are talking as Indians and not as anybody else. The great Shankaracharya did nol go by accident during the British days to build his temples in Rishikesh and in Amamath. Namboodri Brahmin is still the high priest in Rishikesh and in Amamath.

SHRI GHULAM RASOOL MATTO: And the Buddist era integrated India 2000 years before Christ.

SHRI ASOKE KUMAR SEN: Yes. And it was not a mere accident that even after the Muslims came, the Muslim Chooltry and Muslim Charity looked after the Hindus and the Muslims equally. This is what India is. We have never been sectarian in that sense. Now, those who come from Kerala know it is a country of diverse religions. How many Muslim

mosques have been buiu .ands given by the Hindu Rajas free? Many. If you go to the Synagogue in Cochin, which I have done, you will find *that* it is beside the Shiva Mandir of the Maharaja of Cochin. The great Raja during whose time the unfortunate jews came from Spain being driven by Inquisition. You remember ihe Inquisition days i_n Spain. They were all driven out and many were killed. They came and landed on the hospitable shores of Kerala. Tn Cochin the Maharaja gave them land free and jt is still rent-free.

SHRI D. B. CHANDRA GOWDA: Let its extend thi_s hospitality of Supreme Court now. *(Interruptions).*

SHRI ASOKE KUMAR SEN: I don't grudge tlie South becoming more hospitable than ourselves. After all, South is a part of India.

SHRl V. GOPALSAMY: Very often they complain about our hospitality.

MR. DEPUTY CHAIRMAN: Mr. Gopalsamy, please don't interrupt the Minister when he is replying.

SHRI ASOKE KUMAR SEN; I never grudge the greater hospitality of the South and that $sbow_s$ why I don't grudge...

SHRI D. B. CHANDRA GOWDA: Now he wants Supreme Court hospitality. That is the point *(Interruptions)*

SHRI ASOKE KUMAR SEN: that is not the hospitality.

Now, Sir, coming back to the Supreme Court *(Interruptions)* where it is to be located? Is it to be located at Hy or Bangalore or Cochin or Madras?

SHRI P. BABUL REDDY: We will sit together and agree. Are you prepared *to* give it to us?

SHRI NIRMAL CHATTERJEE: First let us agree it can be more than one. Then we can decide what is the number and where these can be located.

SHRl ASOKE KUMAR SEN: Then locate the Parliament at all the places. Let Us start with the Parliament. Will it be possible?

MR. DEPUTY CHAIRMAN: I request the hon. Members not to interrupt the Minister while he ig replying.

SHRI ASOKE KUMAR SEN: Sir, only the other day I was reading a very interesting article on 'Mohanjodaro and Harappa". The author of this article was an American. H_e writes that 90 per cent cf the Hinduism that exists today was derived from the Dravidians and not from the Aryans.

SHRI R. MOHANARANGAM: It is a fact.

SHRI V. GOPALSAMY: You explain it.

SHRI ASOKE KUMAR SEN: Why are you shouting about the Dravidians? (In*temtptions).* Why are you shouting? The Aryans came later, *(interruptions)* If the Aryans had accepted 90 per cent of the Dravidian culture, why do you grudge? I should be very proud of it. *(interruptions')*

MR. DEPUTY CHAIRMAN: Mr. Gopalsamy, please don't interrupt.

SHRI ASOKE KUMAR SEN; I wiH tell you, Sir, today we had a civil water between Mr. Mohanrangam and Mr. Gopalsamy about the Tamil Nadir lapses, Tamil Nadu legisalfion and Tamil N:«(lu Speaker. *(Interruptions)*

SHRI R MOHANARANGAM: It is a civil war of common past.

SHRI ASOKE KUMAR SEN: Now, Sir, when I was listening to these two great stalwarts from the South banking at each other, I knew that this is not a malice only in the North alone, hut it is also in the South.

Now, Sir, let us come te> tbe Supreme Court. *(Interruptions).* The Supreme Court consisting of Judges from the South and at a time when the Chief lustice happened to be a Maharashtrian, decided as

a full court meeting that it would not be *in the* interest of the Supreme Court or for Ihe judicial integrity of India to disintegrate the seat of the Supreme Court in different parts.

Only ihe other day, a demand was made from the North-Eastern region for locating a branch of the Supreme Court in the North-Eastern India, because that is considered to be a less advanced area, people are backward and various other things also. I can see that for them to travel all over to the Supreme Court may not be possible. As I have said earlier, why is the distance put against tlie Supreme Court being loacted in Delhi, supposing it was in Hyderabad or in Nagpur, how much less time would be taken for a roan coming from Cochin or Kanyakumari or a man coming from Nagaland? Not much, Now the reason is that it is not appreciated that in the Supreme Court if they file an appeal and the litigant has not come there, has only tn engage a lawyer and all the documents are printed in paper book.

SHRI P. BABUL REDDY: He has to come to pay lawyer's fee.

SHRI ASOKE KUMAR SEN; He can pay even by money order.

SHRI V. GOPALSAMY: He has to bargain himself.

SHRI ASOKE KUMAR SEN: If a man i to come from Scotland to fight * case in the House of Lords in England he does not come himself. It is not an original trial 'hat you are thinking of and that the litigant must be personally present. He must give instructions because the arguments wil] be on paper book and what is not mentioned in the paper book wffl not be heard at all. It w«U not be allowed to be heard.

4.00 P.M.

SHRI P. BABUL REDDY: But clients have to come to the Supreme Court.

SHRI ASOKE KUMAR SEN: I have seen hundreds of cases where clients do not come to the Supreme Court. Instead, they ask some Advocate to look after their cases.

MR. DEPUTY CHAIRMAN: Please do not have interruptions.

SHRI V. GOPALSAMY: It is a very lively speech. We are enjoying it.

SHRI ASOKE KUMAR SEN: Now, Sir, this is the point that the Supreme Court and the Law Commission both have said that it will not be in the interest of the Supreme Court to disintegrate it. I do not think it will be possible for the Government to over-rule that advice. Now, so far as increase in the age of Supreme Court judges is concerned, the matter is under consideration alongwith the judges of the High Court. Now, the hon'ble Members have referred to the extravagant fees being charged by the Supreme Court Counsel but here those who pay the extravagant fees are equally to be blamed. But we have now a Legal Aid Cell of the Supreme Court. It is functioning very wel!—and our Ministry has been liberally subsidising this Legal Aid Cell. If there is any deficiency, I shall be very glad if that is pointed out because I am personally very concerned in the Legal Aid Cell everywhere and we are sanctioning over the country—from Nagaland right upto Kashmir. But somebody has said, wc have not yet passed a law. That ts true. We have left the scheme of the law to be devised by the Chief Justice Shri Bhagwati who is incharae of the entire legal cell ^nd he has been promising in give me a draft, and if we are thinking of the poor neople then w£ must think of the Legal Aid Cell ;>, coming fo the aid of the poor neople. I am all nt one with those* hon able Members who l)at this is n verv bud thins. Such a fee should never be charged There must *he* some standard of fee for the top layer, then second laver. then third laver and then fourth laver. Once you fix un a fee, it is almost against the ethics of Bar. Mr. Babul Reddy will bear me out that iff a client comes and say: I cannot pay the fee that you are charging, I will sav.

[Shri Asoke Kumar Sen] there is no question of reducing the fee. Do not ask me to reduce the fee in the appropriate cases because then it makes it an uncertain fee and tbat is the proper ethics also in England you will find.

SHRl NIRMAL CHATTERJEE: Sir, 1 am missing your speech since I have 1o go to attend a Committee Meeting.

SHRI ASOKE KUMAR SEN: Tbe Joss will be ours. Now, 1 remember Mr. Murlidhar Bhandare gave this example cf our having pouch $_{0}$n the back of our gown and I think, he was talking of the 16tM century because in tlie 17th century, barristers are charging good fee. Whatever clients threw was considered acceptable only in the 16th century. T hope, Mr. Bhandare himself together with others would present to his advice and follow that noble example. Mr. Baharul Tslam) gave the number of cases wliich are in arrears, the large number increasing every year. Hi$_{s}$ point was that by ino ihe number of judges alone, you will not solve the problem. Well, he was himself sitting on the Bench and I had the good fortune of arguing before hirn. Afincgentleman h$_{e}$ wa$_{s}$ on the Bench, but he was one of those who would not ride roughshod ever anyone. He was very gentle unlike Justice J. *C.* Shah who used to cut short every argument. He would allow advocates to have their long run. and that always contributed to arrears.

SHRI R. MOHANARANGAM: Just like our Deputy Chairman.

SHRI ASOKE KUMAR SEN: He is very firm occasionally. Now it is true that there are judges and judges. T remember Justice J. C. Shah used to dispose of eight income-tax appeals in a day. And even important appeals involving facts, very big appeals, he would dispose cf *in* less than a day. Now there are judges who take possibly ten times the time that Justice Shah used to take. Who is better, one does not know. But a *via media* is better. Cutting the arguments short without listening fully is not always the best method. Nor is *it* good to allow .iff sorts of nonsensical arguments to be carried on for hours and hours. So there must be a proper balance. We roost find out a procedure which will cut short the arguments. I think the time is coming when we shall insist upon written arguments being put $_{m}$ every court of $_{a}$ppea1. In England this is done. In our Supreme Ccurt il is almost done, though not officially. Almost all of u« i$_{n}$ recent time$_{3}$ have been putting written arguments, so that it wiH really facilitate quick disposal of cases.

There was a demand for accommodation for the judges of the High Courts and subordinate courts. The Supreme Court judges at least do not suffer from lack of accommodation. In fact, their houses ;ire sometimes much better than the houses of Cabinet Ministers.

Mr. Mitra rightiy said that number alone would not count and thai we must improve the quality of ihe judges, their emoluments and go on. Now somebody said that 50 judges should be there. Well, you could have 500 judges. But you must get judges of quality. At least some people think (hat increase in Ihe number of jadges would possibly depreciate the quality of the Supreme Court. Many have told me...

SHRI SANKAR PRASAD MlTRA: Quality includes integrity.

SHRI ASOKE KUMAR SEN: Yes, both. Somebody said: how i$_{s}$ it that we have fixed the increase $_{m}$ the number of judges as eight? Well, that is the numbe- ,>/bich the Supreme Court itself gave us, and we are accepting thai. Left fo myself. Government will be willing to accept even 30 judges because possibly that would have increased the efficiency and the speed of the disposal. And if after a number of years, we found that that was too many. we might have reduced it. But increasing the number to 30 does not mean necessarily that We must appoint ?0 *(Internp-Tions)*

SHRI JAGESH DESAI *(MaharashtaQ* Let us stop these interruptions. Otherwise what is the point?

SHRI ASOKE KUMAR SEN: I said, .he Government might have been prepared to accept 30. But the Supreme Couu itself. ..

SHRl V. GOPALSAMY: The Minister is yielding. Why do you bother Mr. Desai?

SHRI ASOKE KUMAR SEN; Not being an he does noi know that we are used to interruptions.

We have accepted the figure of 26. 1 hope that with 26. we shall be able to grapple with the problem. If w need more, we shall have to think about it later.

Once more 1] thank all the hon. Members who have contributed to the debate

SHRI S. W. DHABE: What about legal aid legislation?

SHRl ASOKE KUMAR SEN: I have lid that we arc liberally subsidising...

SHRI S. W. DHABE: I asked about legislation.

SHRr ASOKE KUMAR SEN: 1 think you have not heard me. I said, .we have left it to the Chief Justice of India who> is also the head of the Legal Air Cell, to us ihe scheme of the Act. He has promised to give it to me. The moment he gives it to me, we shall bring ;t, because our legal aid scheme will be different from the English legal aid scheme. We shall introduce various things like legal education, pre-emptive measures, to prevent cases coming to court, various other things. Therefore, *we* shall await. Without going into the matter, very quickly let me say, it is better Io lei it to Justice Bhagwati *to* devise (he law and then we shall see.

With these words I thank onse more tbe honourable Members for their contribution. . .

SHRl B. SATYANARAYAN REDDY: 1 raised one question regarding appointment of judges to tbe Andhra Pradesh High Court. A panel of nine names…

SHRI ASOKE KUMAR SEN: I should have answered that although tha' was nil strictly relevant, with great respeei to the honourable Member. Appointment Io the Andhra Pralesh High Court does not come into Ihe picture whale we are discussing ihe Supreme Court. However. since il was raised I shall say. factually the honourable Member, I think, was not correct. May 1 give (he facts without disclosing the secret-. *(Interruptions)* When the question oi nataka comes *up.* we shall sec. I shall require notice for such questions. Now, so far as Hyderabad is concerned, we had two names, alternative names. given by the Chief Justice—one was Mr. Kadri. tbe other wp.s Mr. Sikhamani the Chief Minister accepted Mr. Kadri's name and sen*, it to Delhi. The I ice of India accepted Mr. Kadri's nomination but also pointed out that Mr. Sikhamani should also be considered as he belongs to a mino-irrtmumty. As a result, ihe matter has cone hack fo the Chief Minister to consider whelher Mr. Sikhamani sh(also be appointed or not. Now ihe matter rests with ihe Chief Minister of Andhra Pradesh.

SHRI B. SATYANARAYAN REDDY: , nol ihe point. Out of the panel of 9. two names were deleted...

SHRI ASOKE KUMAR SIN: I think Mr. Sikhamani's name was mentioned. Il any further details are to be asked, the honourable Member should put a separate question. ..*(interruptions)* Thai is outside the scope of this debate. 1 shad be pi ed to answer you if you put a separate question, T cannot venture an hand.

MR. DEPUTY CHAIRMAN: The question is;

"That the Bill further to amend the Supreme Court (Number of Judges) *Act. 1 956 j* by (he Lot, S: be taken into consideration."

Tht rfo io« was ado]

MR. DEPUTY CHAIRMAN: We shall now take *up the* clause-by-clatise consideration of the Bill.

[Mr. Deputy Chairman]

Clause 2: *Amendment of section* 2.

SHRI SATYA PRAKASH MALAVIYA. Sir, I move;

"That at page 1, line 6, *for* the word 'twenty-five', the word 'thirty-five' be *substituted."*

मान्यवर, 1950 में जब संविधान लागू किया गया था तब से पांचवीं बार सर्वोच्च न्यायालय के जजों की संख्या में वृद्धि की गयी है और अब यह संशोधन लाया गया है ।

The question was put and tne motion wns negatived.

MR. DEPUTY CHAIRMAN: The question is;

'That Clause 2 stand part of the Bill."

The question was pm and the motion was adopted.

Clause 2 *was added to the Bill.*

Clause 1: *Short Title*

SHRI ASOKE KUMAR SEN: Sir, I move:

"That at page 1, line 4, *for* the figure '1985'. the figure '1986" he *mbstitued."*

Tht questim was put and the motion was adopted.

MR. DEPUTY CHAIRMAN-. The question is—

"That Clause 1, as amended, stand part of the Bill."

The question was put and the motion was adopted.

Chaise 1. o.s *amended, was added to the Bill.*

Enacting Formula

move:

"That at page page I, line 1, *for* the word Thirtysixth*, the word Thirty-seventh* be *substituted."*

The question was put and the motion was adopted.

MR. DEPUTY CHAIRMAN; The question is:

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

The question was put and the motion was adopted.

The question was put and the motion was adopted.

The Enacting Formula .a,i amended, was added to the Bill.

The Title was elded to ihe Bill.

SHRI ASOKE KUMAR SEN: Sir, I beg to move:

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

The questiton was put and the motion was adopted.

ALLOCATION OF TIME FOR DISPOSAL OF GOVERNMENT LEGISLATIVE AND OTHER BUSINESS

MR. DEPUTY CHAIRMAN- I have to inform Members that the Business Advisory Committee, at its meeting held on the 21st APR"1 1986, allotted time for Government legislative and other business as follows:

KBusiness	Time allotted
1. Consideration and passing of the Khadi and Village Industries Commission Amendment) Bill, 1985	2 hrs.
2. Discussion on the working of the following Ministries:	
(i) Ministry of Water Resources	1 day.
(ii) Ministry of Labour	1 day
(iii) Ministry of Transport (excluding Railways)	1 day.