

RAJYA SABHA

Monday, the 1st March, 1982/the 10th
Phalgun, 1903 (Saka)

The House met at eleven of the
clock, Mr. Chairman in the Chair.

ORAL ANSWERS TO QUESTIONS**Abolition of Court fee**

*101. SHRI NARSINGH NARAIN PANDEY: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to refer to the answer to Unstarred Question No. 748 given in the Rajya Sabha on the 30th November, 1981 and state;

(a) whether Government have since sent the recommendations regarding the abolition of court fees to various State Governments; if so, what is the response received in this regard from each State Government; and

(b) what is the amount of court fees realised during the last three years in the various High Courts and the Supreme Court separately?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI JAGANNATH KAUSHAL): (a) The Central Government have since sent the recommendation of the Consultative Committee regarding abolition of court fees to all the State Governments for their consideration. No State Government has so far communicated its reaction to the recommendation.

(b) Figures of receipts on account of court fees during 1978-79, 1979-80 and 1980-81 as furnished by the Registries of Supreme Court and eight High Courts, namely Delhi, Gujarat, Orissa, Kerala, Madhya Pradesh, Rajasthan, Gauhati and Karnataka are given in a statement which is laid on the Table of the House. Information in respect of the remaining High Courts is being collected and will be laid on the Table of the House as soon as possible.

Statement

Figures of receipts on account of court fees in Supreme Court and eight High Courts during the years 1978-79, 1979-80 and 1980-81.

Supreme Court High Court	1978-79
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	Rs.
1. Supreme Court	32,39,253.10
2. Delhi High Court	49,90,898.57
3. Gujarat High Court	22,35,603.73
4. Orissa High Court	3,93,180.20
5. Kerala High Court	21,22,278.00
6. Madhya Pradesh High Court	9,95,486.85
7. Rajasthan High Court	2,66,254.00
8. Gauhati High Court	2,55,330.05
9. Karnataka High Court	30,97,804.25

Supreme Court High Court	1979-80
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	Rs.
1. Supreme Court	37,84,974.05
2. Delhi High Court	54,22,851.36
3. Gujarat High Court	20,86,920.26
4. Orissa High Court	5,50,854.70
5. Kerala High Court	20,21,092.36
6. Madhya Pradesh High Court	9,68,036.50
7. Rajasthan High Court	3,48,539.00
8. Gauhati High Court	2,93,162.63
9. Karnataka High Court	35,28,477.80

Supreme Court/ High Court	1980-81
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	Rs.
1. Supreme Court	42,23,788.50
2. Delhi High Court	64,70,505.18
3. Gujarat High Court	22,86,940.02
4. Orissa High Court	9,10,052.47
5. Kerala High Court	36,42,931.44
6. Madhya Pradesh High Court	11,61,779.36
7. Rajasthan High Court	4,95,847.00
8. Gauhati High Court	2,31,098.68
9. Karnataka High Court	41,51,197.60

SHRI NARSINGH NARAIN PANDEY: Mr. Chairman, this question was tabled in this House as Unstarred Question No. 47, dated 17-8-1981 and thereafter as Unstarred Question No. 748, dated 30-11-1981. And if you see the replies, both times it was said that the Government of India had sent its recommendations to the State Governments, that the State Governments

»n their wisdom were thinking over the matter atad therefore the reply wa_s not received by the Central Government. Meanwhile a sub-Committee was constituted and that sub-Committee also recommended that the suitor should not be levied this court fee. I wanted to know what are the specific recommendations of that sub-Committee which was manned by no less a person than the Law Minister himself. What are the main recommendations and how many State Governments have so far responded?

SHRI JAGANNATH KAUSHAL: Sir, the recommendation of the sub-Committee was that court fees should no be charged at all. And ag I have stated in the main answer, no State Government has so far communicated its reaction to the recommendation.

SHRI NARSINGH NARAIN PANDEY: That is a very peculiar position. ...

MR. CHAIRMAN: Part (a) is also here.

SHRI NARSINGH NARAIN PANDEY: Sir, the present Law Minister, when he took over as Law Minister, at a press conference at Chandigarh said, "I am in favour of abolishing the court fee_s and I am soon coming with a legislation in Parliament." I wanted to know categorically now what is the attitude of the Government in this regard and whether the Law Minister is going to call a conference of State Law Minister_s, so that some unanimity over this matter could be there and afterwards a legislation can come because, Sir, court fee has become a problem. And every State Government comes and says that they want to abolish it. But so far no' concrete proposals, have come before Parliament.

SHRI JAGANNATH KAUSHAL: I may bring to the notice of the House that I have decided to call a conference of the Law Ministers after the Budget Session, and I will tr_v to persuade the Law Ministers because it is essentially a State subject. And so far as I am concerned, I have put

my view_s categorically and I will try my level best to persuade the State Governments to fall in line with my way of thinking.

SHRI MURLIDHAR CHANDRAKANT BHANDARE: Sir, I am not in favour of total abolition of court fees, though, certainly_f there should b_e no revenue made, no profit made, out of the administration of justice. Matters concerning personal wrongs like torts should certainly be exempt from court fees. The Law Minister ha_s said that he has not yet received any recommendation from an_v State Government. What needs to be done today is to amplify and widen the scope of what ar_e derogatorily known as * 'pauper matters'. I think the word 'pauper' should be removed. Instead there should be Court Fee Exempt Matters. Coupled with that, there should be strengthening of the legal aid. The specific question I would like to ask the hon. Minister is whether he is considering a proposal t_o amplify the scope of Court Fee Exempt Matters.

SHRI JAGANNATH KAUSHAL: As the House knows, this matter was examined by two Law Commissions and ultimately by the sub-Committee, of which I was the convenor. If I may bring to the notice of the House the earliest recommendation, it was this;

"It is one of the primary purposes of the State to provide the machinery for the administration of justice and, on principle, it is no proper for the State to charge fee? from suitors..."

This fe the view which has been reiterated by another Law Commission, and the sub-Committee went into all the aspects of the matter. The question about which, my learned friend say_s that he i_s not in favour of abolition...

MR CHAIRMAN; Not total abolition.

SHRI MURLIDHAR CHANDRAKANT BHANDARE: Commercial transactions may not be exempt.

MR. CHAIRMAN: He wants certain kinds of suits to bear court fees.

SHRI JAGANNATH KAUSHAL: All these matters will be considered after I know the views of the States.

MR. CHAIRMAN: Court fees in England were originally paid to the Judges and they were doing the work quickly. (*Interruptions*)

SHRI N. K. P. SALVE: It is a dangerous idea. (*Interruptions*)

MR. CHAIRMAN: Judges were not asked to do the work quickly, but only those who did more work got more of the court fee.

SHRI JAGANNATH KAUSHAL: All these matters as I have already said, may be examined after I get the views of the States.

SHRI NARASINGHA PRASAD NANDA: Sir,...

MR. CHAIRMAN: Mr. Nanda and then Mr. Banerjee, and then we pass on to the next question.

SHRI NARASINGHA PRASAD NANDA: Sir, is it a fact that the sub-Committee particularly examined the question of revenue from court fees, and on authentic material supplied by the Government, came to the conclusion that the proportion of income from court fees which bears to the total revenue is negligible—almost 0.1 per cent? Is it correct?

SHRI JAGANNATH KAUSHAL: This is correct.

MR. CHAIRMAN: But it is a paying concern. You do not know that. I have dealt with this as the Chief Justice. Mr. Banerjee.

SHRI B. N. BANERJEE: As the Law Minister explained, and I also know it, court fee is a State subject, and therefore any legislation on the subject will involve the States agreeing to this particular point of view about the abolition of the court fee. I would like to understand the position. The Law Minister can choose any State he likes—any State. What

is the total amount of court fee which is recovered in a year in respect of that State—he can choose any State—and what is the total expenditure on administration of justice in that State? And what is the total revenue earned by the Government in a year in that State, to enable us to understand the problem?

MR. CHAIRMAN: It is plug for minus? Have you got the figures?

SHRI JAGANNATH KAUSHAL: I say it is not possible to give an answer unless you ask me about any particular State...

SHRI B. N. BANERJEE: He can choose.

SHRI JAGANNATH KAUSHAL: The sub-Committee had gone into the matter, examined the revenues and the income from the court fees from various States, and the conclusion which was arrived at by the sub-Committee was that it was less than 1 per cent of the total revenue.

Electoral reforms

*102. SHRI ASHWANI KUMAR:
SHRI LAKHAN SINGH: y

Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) the details of suggestions for electoral reforms as received from the Election Commission of India from time to time; and

(b) what is Government's reaction to each one of them, and by when the electoral reforms are expected to be made?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI JAGANNATH KAUSHAL): (a) and (b) Details of the proposals for electoral reforms received on various occasions from the Election Commission which affect almost all

^tThe question was actually asked on the floor of the House by Shri Lakan Singh.