

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : The question is :

"That the Bill be passed".

The motion was adopted.

THE SUPREME COURT (ENHANCEMENT OF VALUATION FOR CIVIL APPELLATE JURISDICTION) BILL, 1969

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND IN THE DEPARTMENT OF SOCIAL WELFARE (SHRI JAGANNATH RAO) : Sir, I beg to move :

"That the Bill to enhance the amount or value of the subject-matter of dispute for purposes of civil appellate jurisdiction of the Supreme Court, and further to amend the Code of Civil Procedure, 1908, be taken into consideration."

Sir, under Article 133, Clause (1), sub-clauses (a) and (b), the pecuniary jurisdiction of the Supreme Court for civil appellate cases is Rs. 20,000. This Bill seeks to raise the pecuniary limit for civil appeals to the Supreme Court from Rs. 20,000/- to Rs. 1.00 lakh. The main reason for moving this Amendment is that the value of any subject-matter has further depreciated since the year 1947 and therefore, it is considered that Rs. 1.00 lakh should be the pecuniary value of any subject-matter for a suit.

Sir, originally it was Rs. 10,000/- under Sections 109 and 110 of the Civil Procedure Code. The same value was maintained when the Federal Court was constituted. At the commencement of the Constitution, the amount of Rs. 10,000/- was raised to Rs. 20,000. Now, it has been found that Rs. 1.00 lakh will be in substance equivalent to Rs. 20,000/-. We have consulted the Law Commission on this subject. The Law Commission felt that it should be increased to Rs. 1.00 lakh. The Supreme Court also holds this view. Sir, this

Bill seeks to enhance the pecuniary jurisdiction, the limit of civil appellate jurisdiction, to Rs. 1.00 lakh. Sir, I move.

The question was proposed.

[THE VICE-CHAIRMAN (SHRI BANKA BEHARY DAS) in the Chair.]

SHRI SASANKASEKHAR SANYAL (West Bengal) : Sir, in the Statement of Objects and Reasons it is stated that the Law Commission has pointed out that while in criminal matters the appellate jurisdiction of the Supreme Court under Article 134 of the Constitution is limited, etc., etc. Sir, the Law Commission has made various recommendations. The Law Commission has also dealt with the question of administration of criminal justice. Of all the matters, a small matter, rather a petty matter, has been picked up for amendment of the Civil Procedure Code without taking note of the exacting requirements of the amendments of the Criminal Procedure Code.

Sir, you must have noticed that the trend of public opinion is in favour of diluting the fundamental right with regard to property. Property is proposed to be diluted from all points of view and correspondingly, the value of the fundamental right in the shape of liberty that is going to be. So, I wonder why this government is not keeping pace with the times and is not considering the amendment, suitable amendment of the Criminal Procedure Code, which is medieval in concept and which is retrograde and reactionary from the present point of view.

Shri E. M. S. Namboodiripad recently characterised the courts for not having shed their class character. He was hauled up for contempt of court and the Supreme Court has upheld that. But why did he mention that? I have been a practitioner and I am nearly going to complete the golden jubilee and I am most emphatic that the more I have gained in experience the more I feel that the liberty of the subject is in greater peril in the hands of the police officers and courts than in the hands of the

hooligans. It is said that the law and order is in danger; people are killing people and political parties are killing political parties. But my poor experience tells me and impels me to take this House into confidence that the law is in danger in the hands of the police and the criminal courts. For example, if you consider the position of the parties, a party comes with a complaint before the criminal court. He is not arrested, but the accused is sent to prison. Bail is refused in many cases. The Constitution contemplates that the man shall not be convicted twice but if a man is taken into prison and then convicted, he is convicted twice. Even if he is acquitted in the long run, the fact remains that the innocent man has already suffered imprisonment. So I emphatically demand and request that instead of tinkering with this Civil Procedure Code the Government should go ahead with the Criminal Procedure Code and enlarge the scope of the bail.

For example, Sir, the Constitution says that all parties should have equal protection of the law. The complainant does not have to give bail for appearing in the court while the accused is arrested, he is also put in prison. How many accused have jumped bail and, how many accused have gone underground? Everybody wants to face the trial; the innocent people want to face the trial and get themselves acquitted. If they have done something wrong, they think that they should face the trial and get themselves acquitted even by benefit of doubt, if need be. Even if they are convicted, they will serve the imprisonment and come back to their relatives. Therefore why make this discrimination? Even under the British law the presumption is that the man is innocent unless he is proved to be guilty. Granting of bail was the rule and its refusal was the exception. But now when a man is brought as an accused in the court, he is sent to the *hajat*. The court at once thinks that the man is guilty; otherwise why should he have been complained against? So these are the things that have got to be considered. So far as the present Bill is concerned, I have nothing serious to offer because it might as well not have been brought forward.

What about the devaluation of the property? On account of the devaluation of the property, have you reduced the slab of the income-tax? So, what does it matter if there is some overcrowding and congestion in the courts? There will always be congestion because the litigations are multiplying because of the character of our society. The litigations will go on multiplying as in the past unless there is real socialism and, Sir, real democratic socialism. Therefore take your stand on this concept that everybody is equal, the complainant and the accused are on equal terms. The complainant has not to go to the *hajat* and the accused must not go to the *hajat*. The complainant must prove his case before the accused suffers imprisonment, either interim or otherwise, and he must be proved guilty. Sir, look at one horrible thing. You have been in public life for a pretty long time. Have you not seen that people are brought from *hajat*, 20, 25 or 30, tied with the ropes and handcuffed? It looks as if so many heads of goats are brought to the slaughter house.

SHRI MULKA GOVINDA REDDY (Mysore) : Mr. Minister, please listen to what he says.

SHRI SASANKASEKHAR SANYAL : I have characterised on many occasions and I characterise even now on the floor of this House to-day that the criminal courts have become veritable slaughter houses for the butchering of the Fundamental Rights of the people, namely, liberty. You could end all that and then come with the amendment. Then we shall be supporting it.

SHRI K. P. MALLIKARJUNUDU (Andhra Pradesh) : I rise to support this Bill. One of the reasons given in the Statement of Objects and Reasons of the Bill is that the value of the rupee has fallen considerably and hence there is the need for this enhancement. I would suggest another reason. You know that the Supreme Court is the real bastion of our democracy. If our democracy is to survive, the Supreme Court must be held in high esteem and we should create conditions in which the Supreme Court can function very effectively. You know that

[Shri K. P. Mallikarjunudu]

under the Constitution, the Supreme Court enjoys three kinds of jurisdictions. One is the original jurisdiction as envisaged in Articles 32 and 131 of the Constitution. The second is the appellate jurisdiction as contained in Articles 132 to 134. Then there is another which I might call advisory jurisdiction adumbrated under Article 143. So when the Supreme Court is invested by the Constitution with these three types of jurisdictions, it must have sufficient time to devote to matters of urgent importance. Now the value of the rupee having gone down, many cases which were not coming previously within the Supreme Court's jurisdiction are now coming because under the existing law the subject-matter is mentioned as Rs. 20,000. Unless it is Rs. 20,000 or above, the Supreme Court cannot apply its jurisdiction. Since the value of money has gone down by nearly 5 times, it is reasonable that the subject-matter should be enhanced to Rs. 1,00,000. I follow it but when the Supreme Court has so many kinds of jurisdictions to exercise, you must give it sufficient time to devote to other matters of importance. Now the Supreme Court has original jurisdiction regarding writs. Then there are civil and criminal appeals and there is the advisory jurisdiction under Article 143. In addition, to these, we have recently created by a law of the Parliament another jurisdiction in respect of election disputes. So many election disputes are coming up before them and they have to devote attention to them. When the Supreme Court is crowded with so many cases of various types, it is but reasonable that the value of the subject-matter in civil appeals should be enhanced so that we may provide more time for the Supreme Court. That is another justification for this Bill. Hence I support this Bill and the consequential amendments to the CPC under Article 110 called for in this behalf. Hence I support this Bill.

श्री जगदीश प्रसाद माथुर (राजस्थान) :

उपसभाध्यक्ष महोदय, सर्वोच्च न्यायालय में अपील करने के संबंध में, वैल्युएशन के संबंध में हम एक संशोधन विधेयक लेकर आए हैं। अगर पिछले दिनों से देश के अंदर

देश के नागरिकों का कहीं पर विश्वास जमा है तो वह सारे देश की संस्थाओं के अंदर एक सर्वोच्च न्यायालय है, जहां पर वह लोग जाते हैं जो प्रशासन से पीड़ित हैं या जो नीचे की छोटी-छोटी जो अदालतें हैं, उन अदालतों में जिस प्रकार से प्रशासन के हस्तक्षेप के कारण भ्रष्टाचार व्याप्त हुआ है, उस भ्रष्टाचार के कारण से जिन लोगों को न्याय नहीं मिल सता है, उस न्याय को प्राप्त करने के लिये जाते हैं। तो कहीं भी देश के अंदर यह विश्वास किया जा सकता है कि हमको निष्पक्ष न्याय मिलेगा। आज देश में शासन में बैठा अगर कोई सर्वोच्च व्यक्ति है, उसने भी कानून में बदल करने का प्रयत्न किया है, उसने अगर कानून को तोड़ा है, कानून की मंशा को कायम नहीं रखते हुए अगर उसने किसी प्रकार की बदल की है, तो सुप्रीम कोर्ट हमारे देश में इस प्रकार की संस्था है, जिसने सिद्ध कर दिया कि देश में चाहे कितना भी बड़ा व्यक्ति हो कानून की नज़र में समान है, कानून के ही अनुसार हम लोग काम करेंगे। दुर्भाग्य की बात है कि सर्वोच्च न्यायालय के प्रति सारे देश में जहां इस प्रकार की विश्वास की भावना जाग्रत है, वहां हमारे प्रशासन में बैठे कुछ लोग इस प्रकार के प्रचार में लगे हैं कि सर्वोच्च न्यायालय के अंदर उसका जो कैरेक्टर है उसको बदल दिया जाये। मैं इस प्रस्तुत संशोधन से यह तो नहीं मानता कि उसको बदलने की दृष्टि से कोई बहुत बड़ा कदम यह है, लेकिन कुछ लोगों को जो एक अधिकार था अपील में जाने का, उसको हमने उनसे छीनने का प्रयत्न किया है। मैं तो उपसभाध्यक्ष महोदय, कहता हूँ कि अगर मंत्री महोदय को वास्तव में संशोधन लाना है तो न्याय मंत्री कानून के संबंध में व्यवस्था करें। आज देश में इस बात की आवश्यकता है कि न्याय सस्ता हो, सबको सुलभ हो, लेकिन सुप्रीम कोर्ट के बारे में वैल्युएशन बढ़ाने की बजाय अगर इस बात का प्रयत्न करते कि सुप्रीम कोर्ट में कोई व्यक्ति अपील करने के लिये जाता है, उसमें जो खर्च किया जाता है वह कम हो तब तो बात समझ में आ सकती

थी। हम भी गए थे एक अपील के अंदर पेपर बुक कराने, तो उसमें 20 हजार रु० का खर्चा है। क्या कोई दे सकता है। आपने इलेक्शन के मामले में भी अपील सुप्रीम कोर्ट में कर दी। कितने आदमी हाई कोर्ट में फर्स्ट अपील में जाते हैं, फिर दूसरी अपील में सुप्रीम कोर्ट जाते हैं। सुप्रीम कोर्ट में पेपर बुक करने का का खर्चा दस-दस, पन्द्रह-पन्द्रह हजार रुपया होता है। तो क्या आपने न्याय प्राप्त करने का जो लोगों का हक है उसको छीना नहीं है। आप उसमें कोई डिवायल्युएशन करने की बात करते जिससे लोगों को न्याय सस्ता मिले, इस बात की मंत्री महोदय को चिन्ता नहीं है। सुप्रीम कोर्ट का कार्यक्षेत्र सीमित हो, उसके अधिकार छीने जायें, इस बात की ओर ध्यान करने का विधेयक लेकर मंत्री महोदय आए हैं। आज आवश्यकता इस बात की थी कि हम अपनी सारी न्याय व्यवस्था का देखते, हाई कोर्ट्स के बारे में, छोटी दीवानी अदालतों के बारे में किसका कितना कार्य क्षेत्र हो, न्याय सस्ता कैसे मिल सकता है, अगर कहीं भी किसी व्यक्ति का अधिकार छीना गया हो उसका कानून के अंदर कोई राहत मिल सकती है, इन सब बातों को देखा जाता। लेकिन यदि आज कोई आदमी सुप्रीम कोर्ट के दरवाजे पर आ नहीं सकता, इस सूरत में मंत्री महोदय कोई ऐसा रास्ता अपनाते कि जो गरीब आदमी है, उसको ऐसी राहत मिले कि वह न्याय पाने सर्वोच्च न्यायालय में जा सके। क्या शासन व्यवस्था के अंदर हमने ऐसी व्यवस्था की है कि हिन्दुस्तान का कोई गरीब आदमी भी सुप्रीम कोर्ट जा सकता है। लेकिन आज वह जा नहीं सकता है, आज इतनी महंगी न्याय व्यवस्था बर दी है। मंत्री महोदय इस प्रकार का एक छटा सा विधेयक यह कह कर लाये कि बहुत अच्छा विधेयक है, लेकिन क्या वह चाहते हैं कि मुकदमों की संख्या घट जाये। आज क्या आप मुकदमों को घटा कर लोगों को न्याय प्राप्त कराना चाहते हैं। सुप्रीम कोर्ट में अगर मुकदमों ज्यादा हैं तो जजेज ज्यादा

बनाइये। उसमें मुझे कोई आपत्ति नहीं होगी। लेकिन लोगों के अधिकार छीनने की जो बात आप करते हैं, उस चीज का उपसमाध्यक्ष महोदय, समर्थन नहीं किया जा सकता है। इसलिये इस विधेयक के बारे में मुझे आपत्ति है।

THE VICE-CHAIRMAN (SHRI BANKA BEHARY DAS): Mr. Mariswamy; I think you will stick to your time.

SHRI S. S. MARISWAMY (Tamil Nadu): Yes; I will take only two minutes.

SHRI MULKA GOVINDA REDDY: We have two hours for this Bill.

THE MINISTER OF STATE IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI OM MEHTA): No, no; only one hour.

SHRI S. S. MARISWAMY: Sir, I rise to record my appreciation of the fact that the Government has at long last realised that the value of money has gone down. This we have been telling for the last ten years and this is the first time that the Government has come forward to openly confess that by their own sins of omission and commission the value of money has gone down. I appreciate the fact that they have realised it at last. I also welcome this Bill because this would help the Supreme Court to perform its duties better but will also reduce the burden on the court.

I would also say that this same realisation that the value of money has gone down should also be brought to bear in the case of the pensioners—there are Central Government pensioners and also State Government pensioners—and also in the case of other employees who are in Government service as III class employees or IV class employees. They also suffer a good deal because of the devaluation of the money and they should also be helped. The Government should also in the light of this realisation change the income-tax structure.

SHRI G. A. APPAN (Tamil Nadu): Mr. Vice-Chairman, Sir, may I congratulate the Government and also thank

[Shri G. A. Appan]

them on this bold step? I am very happy that the Government has now realised that the value of money has gone down so low. From Rs. 10,000/- which was the limit of appeal to the Privy Council, the Constitution revised it to Rs. 20,000/- and after these twenty years this limit is now being raised to Rs. 1,00,000/- in the case of appeals to the Supreme Court; that means the value has gone down to 20 per cent of what it was but the Government has failed to realise that it is not 20 per cent but very much more. I am sure this good step, this bold step will reduce the heavy burden on the Supreme Court in the matter of civil cases. May I also request the Government to take this into consideration and also increase the limit of appeals to the High Courts and also to the District Courts? If that is done we can reduce the pendency at the High Court level and at the District level. With these words, may I again thank the Government and congratulate them on this bold step?

SHRI MULKA GOVINDA REDDY: Mr. Vice-Chairman. Sir, the Minister while moving this Bill for our approval has not made out a case at all except saying that the value of money has gone down, and therefore they would like to increase the pecuniary limit for appeals to the Supreme Court from Rs. 20,000/- to Rs. 1,00,000/-. This is not a very valid argument at all. According to the Statement of Objects and Reasons this raising of the pecuniary limit for civil appeals to the Supreme Court would go a long way in reducing the arrears and accumulations of civil appeals in the Supreme Court. It looks as though he is only interested in reducing the appeals and he does not care for proper justice to be given to the small man at all. It is true that the value of money has gone down because of devaluation and because of the wrong policies of the Government. For that the Government deserves to be blamed but why should a poor man with a Rs. 20,000/- dispute in a High Court be denied the opportunity of taking it to the Supreme Court if injustice had been done to him in the High Court? Should he not have the right to prefer an appeal to the Supreme

Court which is the highest court of justice in the land? To deny anybody justice is not proper at all and I do not agree with the contention of the Minister that because of devaluation we should increase the pecuniary limit for appeals to the Supreme Court. If this is done justice will not be done and therefore I do not agree with the contention made out by the Law Minister. I agree with what was stated by Mr. Sanyal. The time has come when we will have to revise the entire Criminal Procedure Code and the Indian Penal Code and we will have to revise them very radically. It is a shame that prisoners, who are alleged to have committed some offence, some murder or something of the sort, when they are taken from the jail to the Court are, handcuffed. It is a disgrace that such a thing should happen in the year 1970. I think the Government would bestow its thought to this and see that such exhibition of cruelty is not permitted any longer. Thank you.

श्री बी० एन० मंडल (बिहार) : उपसभाध्यक्ष महोदय, जो विधेयक अभी इस सदन में प्रस्तुत है, मैं उस का विरोध करता हूँ। मैं इसलिए विरोध करता हूँ कि जिस खयाल से यह विधेयक लाया गया है वह खयाल ही गलत है। आज हिन्दुस्तान की जो परिस्थिति है, समाज की जो परिस्थिति, सरकार की जो परिस्थिति है, उस परिस्थिति में दिन रात अन्याय होता ही रहता है। जब अन्याय होता है तो अन्याय का प्रतिकार करने के लिए जो करना चाहिये, उससे लोगों को आज यह सरकार वंचित करने जा रही है। हम समझते हैं कि यह कोई अच्छी बात नहीं है।

पहले जो अधिकार सुप्रीम कोर्ट में अपील करने के थे, उसको पैक्यूनरी ज्यूरिसडिक्शन बढ़ाने की व्यवस्था की बजह से वह आप खत्म कर रहे हैं, अब वैसा आदमी अपने ग्रीवान्सेज को लेकर सुप्रीम कोर्ट में नहीं जा सकेगा और उनका जो अधिकार न्याय पाने का था, उसमें आप उन्हें वंचित कर रहे हैं। यही इस बिल की मन्शा है। आज जब कि समाज में इतना अन्याय हो रहा है, तो जो हमारे देश में हाइस्ट

ट्राइब्यूनल है, वहाँ पहुँचने में आप रुकावट डाल रहे हैं। मैं समझता हूँ कि इस तरह की रुकावट डालना अच्छी बात नहीं है। मुसलमानों के जमाने के बारे में जब हम पढ़ा करते थे तो यह पाने थे कि उस जमाने में कोई एक राजा मलूम हुआ था जिसके महल में घंटी लगी हुई थी। जब किसी प्रजा को न्याय की जरूरत पड़नी थी तो वह घंटी बजाता था और राजा उसकी बात सुनने के लिए बाहर निकल आता था और फिर वह उसका न्याय करता था, लेकिन इसके उल्टा आज के जनतांत्रिक राज्य में इस ढंग का इंतजाम किया जाता है कि जो एवेन्युज पहले जनता को मुलभूत थे कि वह अपनी फरियाद सुप्रीम कोर्ट तक ले जा सकता था, उसको आप बंद कर रहे हैं और इस बिल के पीछे यही मनोवृत्ति काम कर रही है। इसलिए मैं इस बिल का विरोध करता हूँ।

आप रुपये की वास्तविक कीमत घटने के बहाने से इस चीज को बंद कर रहे हैं। पैक्यूनरी जुरिमडिक्शन जो दिया जाता है, वह भले ही प्रशासन के सहूलियत देने वाला हो, लेकिन पैक्यूनरी ज्युरिसडिक्शन की वजह से गरीब आदमी को अपने जायज केस का र्भ सुप्रीम कोर्ट में दायर करने में दिक्कत उठानी पड़ सकती है। अब इस कानून के द्वारा वह अपने जायज केस को सुप्रीम कोर्ट में दायर नहीं कर सकेगा, यह कोई अच्छी व्यवस्था नहीं कही जा सकती है। यह जो आपका होल कंसेप्शन कानून का है, वह पूंजीवादी समाज के लिए अच्छा है। इस बिल के संबंध में जितने भी सदस्य बोल चुके हैं उनकी बात से मुझे ऐसा मालूम पड़ता है वे सब अभी पूंजीवादी समाज को चाहते हैं और पूंजीवादी समाज में जो व्यवस्था होती है उसको वह अच्छा समझते हैं। लेकिन जो आदमी समाजवादी समाज में रहना चाहता उसको आज अपना दिमाग बदलना चाहिए और रुपये पैसे के ऊपर न्याय की अवस्था को खड़ा नहीं करना चाहिये। न्याय की व्यवस्था को समाजिक न्याय के 32RS/70-

आधान पर खड़ा करना चाहिये और अगर किसी का क्लेम जायज है तो उसकी बात को माना जाना चाहिए। इसलिए जो कानून का होल कंसेप्शन है उसको बदला जाना चाहिये। जो यह बिल लाया गया है उसके पीछे जो साइकोलोजी है वह पूंजीवादी साइकोलोजी है और पूंजीवादी व्यवस्था में जनता के प्रिवासेज को दबाने का यही तरीका होता है। गवर्नमेंट भी इस व्यवस्था को लाने में साथ दे रही है। अगर गवर्नमेंट इस देश में समाजवादी व्यवस्था कायम करना चाहती है तो उसको इस बिल को वापस ले लेना चाहिये। इस कानून को लाने का मतलब यह हुआ कि सरकार पूंजीवादी मनोवृत्ति को इस देश में बढ़ाना चाहती है और इसी लिए मैं चाहता हूँ कि सरकार इस बिल को वापस ले ले।

SHRI DWIJENDRALAL SEN GUPTA (West Bengal) : Mr. Vice-Chairman, I stand to oppose this Bill. I oppose it on a very very fundamental ground. The judiciary is an arm of democracy. When any attempt is made to abridge the people's right to enter a court of law, particularly the highest judiciary of the country, that should be resisted. So far as the limit of Rs. 20,000 is concerned, I would not have objected to its enhancement to Rs. 1 lakh provided the material considerations of other aspects had been taken note of. The standard of the judiciary in 1950, when the Constitution was framed, was not the standard of the judiciary today. We have to take into account the devaluation of the rupee, the property. You have not taken into account the devaluation of the standard of the judiciary, the depreciation in the quality of the judiciary. Had you taken note of that, then possibly you would not have this thing. Government has failed to take note of a very basic and serious aspect of the whole thing. You have counted without the host. That is my serious objection.

So far as the Government is concerned, this Government does not take any note when people say that the value of

[Shri Dwijendralal Sen Gupta]

the rupee has been very much devalued. Take the standard of 1947 or 1950 when up to Rs. 2,500 or Rs. 3,000 there was no tax. Making that five times as the minimum earning up to which no tax will be payable, in that event instead of the present minimum earning it should be exempted up to Rs. 10,000 to Rs. 15,000. That is only a consistent attitude. But that you do not take note of. Only when it suits the Government, they come forward with such a legislation. I know why they want this legislation. They now want to shut the door of the Supreme Court for the commoners. They want to reduce the number of cases in the Supreme Court. Why don't you close it at all when there is no case? If you want to shut it out to the commoners, then you declare it so. There shall be that declaration. There shall be no subterfuge. We know what is your purpose. Where you could very well appoint more people for expeditious disposal of pending matters, instead of doing that, you have taken the short-cut method of taking fewer cases for admission in the Supreme Court. There will be also another reaction in the judiciary as it is. I find there is a provision in Article 133(1)(c) : "that the case is a fit one for appeal to the Supreme Court". When the Supreme Court knows how the mind of Parliament is working, that Parliament does not desire many cases to go to the Supreme Court, this Article 133(1)(c) will also be interpreted by the Supreme Court in a limited manner. They will say, "We do not allow it because it is a small matter". When you make a small matter not a subject for appeal, the law also becomes very much circumscribed. The standard of legal yardstick also becomes very much shortened. I find that Article 133(2) says :

"Notwithstanding anything in Article 132, any party appealing to the Supreme Court under clause (1) may urge as one of the grounds in such appeal that a substantial question of law as to the interpretation of this Constitution has been wrongly decided."

It is an abstract thing. It only depends in the subjective attitude of the particu-

lar Bench. When Mr. Setalvad or Mr. Daphthary appears before a Bench, any question becomes sometimes a substantial question of law, while a junior lawyer, however important he might be, his point will not make a substantial question of law. This we see every day. Man counts. When things go bad like this, what do Rs. 20,000 mean? We do not know what substantial question of law means because that depends upon the subjective interpretation of the Bench. So, what was possible for a man to get with a smaller fee when Rs. 20,000 was the limit, he will be denied it now, and he will have to go to a big lawyer paying a higher fee to make a minor point a substantial question of law in appeal, to get justice. If a party has money, whatever might be the value, even if it is Rs. 20,000 and not Rs. 1 lakh, he will make it a question of law. Further, he will engage big lawyers. And particularly, the High Court's standard has become very high nowadays.

As regards the Supreme Court, I have one or two remarks to add. The Supreme Court is a costly affair. The poor people cannot afford to go there. I have some experience of labour cases. Labour comes to the Supreme Court in 20 per cent cases and the employers in 80 per cent cases. And this difference is there because of financial reasons. Delay is a factor. I know of several cases; just for printing paper books, it took three years because the Supreme Court gave the printing to be done at some limited number of printing presses and those presses have a monopoly. They do not hurry. Consequently, the litigants suffer. These deficiencies should be looked into. For special leave petition it is Rs. 250, for security it is Rs. 2,000, for printing paper books and other things, it is Rs. 7,000. How can we ensure justice to the common man. If this justice is available to a particular class, we understand it. And that certainly is not the policy of this Government. Government in a democratic institution must ensure justice at a cheap rate also for the common man, not only for a particular class. If this is the real intention, then all the causes of delay must be removed, all these costly things must be removed and matters

must be made cheap and also speedy. That is all my suggestion.

SHRI JAGANNATH RAO : I am grateful to the hon. Members that took part in the debate. About three hon. Members opposed the Bill and others supported it. Mr. Sanyal said that he would have welcomed the amendment to the Criminal Procedure Code, which is longstanding. I may inform the House that the Criminal Procedure Code (Amendment) Bill is being drafted in the light of the recommendation of the Law Commission and the Bill is likely to be introduced in this session or, certainly, in the next session. The Government is at it; that is coming.

Sir, one main reason that has been urged by the hon. Members who opposed the Bill is that the doors of the Supreme Court are being shut against the poor man. May I respectfully submit that the right of appeal is not taken away from the poor man? He has got the right of first appeal, he has got the right of second appeal to the High Court under the Civil Procedure Code. That is not taken away. Only the right to go to the Supreme Court in every case where the subject-matter is more than Rs. 20,000 is taken away; the right of appeal under Article 133(1)(c) still remains. The idea is to make people not waste their fortune in litigation to the Supreme Court. That is one view. You have got a first appeal, you have got a right of second appeal. You should stop somewhere. There should be a finality somewhere to save him from the clutches of—pardon me if I say—the lawyers who advise him that he has got a good case and can go to the highest court. The right is there, it is guaranteed. But the right to go to the Supreme Court in every case where the value of the subject-matter is more than Rs. 20,000 is sought to be taken away.

SHRI MULKA GOVINDA REDDY : Only if there is a substantial question of law, he will go there. Otherwise, he will not.

SHRI JAGANNATH RAO : Sub-clause (c) is there; it is not taken away. Only the right conferred under sub-clauses a) and (b) of clause (i) is

being taken away simply because now everybody can go in appeal to the Supreme Court if the value is more than Rs. 20,000. This is being done firstly to protect the poor people from wasting their finances, and secondly to reduce the pendency in the Supreme Court. The House may be interested to know that the pendency in the Supreme Court of civil appeal cases on 1-1-69 was 4,029. Therefore, these are the circumstances which have to be taken into consideration. It is not the intention of the Government to stop the poor people from going to the court. He has the right to the first appeal and the second appeal. The door is not desired to be shut against the poor man.

SHRI DWIJENDRALAL SEN GUPTA : It is unnecessary closing of the gate.

SHRI JAGANNATH RAO : The doors are open. No door is closed. The honourable Member, Shri Mariswamy, raised the question of raising the pension amount since the Government is raising the limit of civil appeal cases from Rs. 20,000 to Rs. one lakh in view of rising prices. Recently an announcement was made by the Prime Minister on the floor of the House that pensions have been raised and a Pay Commission has been appointed. The Government is taking care of all the aspects, not that the Government is blind to these things.

SHRI S. S. MARISWAMY : Do you not think that your good offices will help in this matter?

SHRI JAGANNATH RAO : My good office is not necessary. Your appeal is enough.

THE VICE-CHAIRMAN (SHRI BANKA BEHARY DAS) : Now I will put the question. The question is :

“That the bill to enhance the amount or value of the subject-matter of dispute for purposes of civil appellate jurisdiction of the Supreme Court and further to amend the Code of Civil Procedure, 1908, be taken into consideration.”

The motion was adopted.

THE VICE-CHAIRMAN (SHRI BANKA BEHARY DAS) : We shall now take up the clause by clause consideration of the Bill.

Clauses 2 to 4 were added to the Bill.

Clause 1.—Short title and commencement.

SHRI JAGANNATH RAO : Sir, I move :

1. "That at page 1, line 1, for the word 'Twentieth' the word 'twenty-first' be substituted."

2. "That at page 1, line 4, for the figure '1969' the figure '1970' be substituted."

The questions were put and the motions were adopted.

THE VICE-CHAIRMAN (SHRI BANKA BEHARY DAS) : The question is :

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

The motion was adopted.

The Clause 1, as amended, was added to the Bill.

The Enacting Formula and the Title were added to the Bill.

SHRI JAGANNATH RAO : Sir, I move :

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

The question was proposed.

SHRI MULKA GOVINDA REDDY : Sir, I want to say something. The Minister of State in the Ministry of Law stated that the pendency in the Supreme Court is increasing and he said that one way must be found to reduce it. One way is to strengthen the Supreme Court. And the other way is to recruit proper persons to the Supreme Court so that pendency is reduced. Sir, in the future of things, when the country is developing so many people would go to the Supreme Court and so many litigations would take place. But the litigations can be avoided and reduced pro-

vided the Government has the courage to amend the Constitution of India, particularly the part relating to fundamental rights. This Government for the last three years is still considering whether or not to support the Bill that was moved by Shri Nath Pai in the other House. They should have the courage to come forward to amend the Constitution. If only this is done the litigation would go. This right to property will go and so many cases will never come to the Supreme Court or even to the High Court.

THE VICE-CHAIRMAN (SHRI BANKA BEHARY DAS) : Have you anything to say ?

SHRI JAGANNATH RAO : I have already stated our position.

SHRI MULKA GOVINDA REDDY : Let him say whether he is going to support the Bill moved by Comrade Nath Pai or not. Mr. Nath Pai's Bill is pending in the Lok Sabha.

SHRI JAGANNATH RAO : We will see when the time comes. The Bill is pending in the Lok Sabha. It has not come to the Rajya Sabha yet.

THE VICE-CHAIRMAN (SHRI BANKA BEHARY DAS) : The question is :

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

The motion was added.

FURTHER CLARIFICATIONS RELATING TO STATEMENT BY MINISTER MADE ON THE 31ST JULY, 1970 RE ESTABLISHMENT OF THE COTTON CORPORATION OF INDIA

THE VICE-CHAIRMAN (SHRI BANKA BEHARY DAS) : Now at 5 o'clock we have to take up clarifications on the statement regarding the establishment of the Cotton Corporation of India.

SHRI AKBAR ALI KHAN (Andhra Pradesh) : We can take it up now with the approval of the House.