

Publishing of advertisement vis-a-vis news in Newspaper

393. SHRI HANNAN MOLLAH: Will the Minister of INFORMATION AND BROADCASTING be pleased to state:

(a) whether Government are aware of the fact that some big newspapers publish maximum advertisement and minimum news; and

(b) if so, what is the reaction of Government?

THE DEPUTY MINISTER IN THE MINISTRY OF INFORMATION AND BROADCASTING (KUMARI KUMUDBEN M. JOSHI): (a) Yes, Sir. It has come to the notice of the Government that advertisement content in some big newspapers is more than the news content.

(b) The second Press Commission, which has been set up to inquire into the growth and status of the Press, is expected to study several aspects of the development affecting the Press including advertisement contents in newspapers. Government would be able to formulate its views after receipt of the Report of the second Press Commission.

Plan of action to reduce Laws Delays

394. SHRI R. Y. GHORPADE: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether Government have studied the plan of action suggested by the Chief Justice of India to reduce Law's delays;

(b) if so, what are the suggestions;

(c) what action has so far been taken, is Government contemplating mendations; and

(d) if no action has so far been taken is Government contemplating any action in the matter?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI P. SHIV SHANKAR): (a) and (b). No 'plan of action' as such has been sent by the Chief Justice of India. The reactions of the then Chief Justice of India were invited in 1977 by the then Minister of Law, Justice and Company Affairs on certain suggestions for the clearance of arrears in Courts. The Chief Justice of India consulted the Chief Justices of the various High Courts and, after obtaining the views of the High Courts, forwarded the reactions of the Supreme Court to the Government in June, 1978. The gist of what the Chief Justice of India has said is given in the attached Statement I in respect of arrears in the High Courts and in attached Statement II in respect of arrears in Trial Courts. The matter is under examination.

(c) and (d). The suggestions include items on which action is required to be taken by the Supreme Court and the High Courts themselves without further legislative measures and those which require fresh legislation. The entire matter is being examined by an Inter-Departmental Committee of officers, who are also examining the recommendations contained in the 79th Report of the Law Commission. The report of the Committee is expected to be received shortly.

Statement—I

Gist of main recommendations made by the Chief Justice of India and Judges of the Supreme Court, relating to clearance of arrears in High Courts

1. All criminal matters excepting (1) appeals involving sentence for a term of 10 years or more and (2) appeals against acquittal in respect of offences punishable with death or imprisonment for life or sentence of 10 years or more, should be heard by a Single Judge.

2. Appeals valued up to Rs. 50,000; Second Appeals, Civil Revision Applications, all interlocutory matters irrespective of the question of valuation and jurisdiction and all writ petitions except habeas corpus and petitions involving interpretation of the Constitution or the Constitutional validity of any legislation, rule etc. should be exclusively assigned to Single Judge provided that the Judge may refer a case to a larger Bench if it involves any important question of law.

3. No appeal shall lie against any judgment, decree or order passed by a High Court in the exercise of its appellate jurisdiction or in the exercise of its jurisdiction under Article 227 of the Constitution to a Bench of the same Court.

4. Rule contained in the Supreme Court Rules requiring an applicant to move the High Court for leave to appeal before approaching the Supreme Court for Special Leave to Appeal should be deleted.

5. Judgments should not ordinarily be dictated in open Court if they are likely to take more than two hours.

6. Not more than four including the Chief Justice or one-third of the total number of Judges, whichever is less, shall go on inspection of the subordinate courts. No inspecting Judge except the Chief Justice shall ordinarily go on inspection during court working days except for an aggregate of three working days of the High Court in a year.

7. Printing should be dispensed with in all matters and the record should be cyclostyled.

8. For making certified copies, zerox or photostat machine should be used, and until such machines are purchased, carbon copies of the judgments duly certified should be given. Charges may be levied for zerox or photostat copies but for carbon copies there will be nominal charges.

9. In all matters in which the State or any Government Department or any public sector undertaking or a Local Authority is a party service should be effected on persons or agencies to be nominated by the parties concerned and intimated to the Registry. Such service should be treated as sufficient service on the party itself.

10. (a) Sitting List or roster should not be changed at least for a period of two months as far as possible.

(b) Judges concerned while admitting any matter, may make some note or put some identification mark to show that the matter is capable of being disposed of at an early date after service of notice on the respondent, as a short matter.

(c) The Judge who admits the matter may be properly empowered to restrict admission to a specified point or points, but the judge hearing the matter may in his discretion allow any other point also to be urged.

(d) It is desirable that the Chief Justice should, as far as possible, ensure that the Judges who are familiar with the particular type of work should be assigned that work.

11. In tax matters, reference procedure should be abolished and instead an appeal should be provided from the decision of the Tribunals to the High Court on question of law with leave of the High Court.

12. In view of the large arrears and for clearing the same, it is desirable that every High Court should have at least two *ad hoc* Judges, known for their quick disposal, immediately after their retirement as High Court Judges, until the arrears are wiped out.

13. In Second Appeals, all interlocutory matters, Civil Revision Applications, Criminal Appeals except those where the sentence exceeds six months, Oral arguments should not

ordinarily exceed three hours on the whole.

14. In all cases in which the High Court confirms a judgment under appeal it would be enough for it to give a short statement of reasons on the points argued before it, instead of a full judgment as at present.

15. Reading of judgments in court should be eliminated; only the operative order need be pronounced. In cases in which Judgment is reserved, it should be delivered ordinarily within one month after the conclusion of arguments.

16. The Court rate of interest should be raised to 12 per cent per annum on the decretal amount with a discretion to the court to award interest at a lower rate.

17. The Government should appoint special officers to deal with the litigation pending in the High Courts and explore avenues for pre-trial settlement.

18. Section 80 of the Code of Civil Procedure and corresponding provisions in the Municipal and/or Railways Act should be deleted.

19. Ad interim orders for injunction, receivership, etc. should not be issued without proof of service of usual notice of the application on the Advocate General or the Government Counsel on behalf of the Government.

20. The number of working days of the High Courts, i.e., 210 days, should not be increased. The daily working hours should also not be increased beyond five hours.

Statement—II

Gist of main recommendations made by the Chief Justice of India and Judges of the Supreme Court relating to clearance of arrears in the Trial Courts.

1. In civil cases the Presiding Judge should be given discretion to

have an affidavit of witness in place of his Examination-in-Chief subject to the right of the adversary to cross-examine the witness.

2. A sufficient number of Commissioners duly empowered for recording evidence should be attached to the trial courts (civil) and given the power to entertain and decide objections as to the admissibility of the evidence.

3. In Civil cases, party may not normally be allowed to examine more than two witnesses for proving the same fact.

4. In the event of a civil case being withdrawn or compromised,

(a) a refund of half of the court fees should be granted, if the case is compromised or withdrawn before the hearing of arguments;

(b) a refund of 3/4th of the court fee should be granted, if the case is compromised or withdrawn before the framing of issues.

5. Once the recording of evidence commences, the case should, as far as possible, not be adjourned and must be heard from day to day.

6. There shall be one right of appeal or revision and no more in certain matters. This is subject to the restoration of the power of the High Courts under Article 227 of the Constitution.

7. Section 80 of the Code of Civil Procedure and analogous provisions for notice to Government and public authorities to be deleted for avoiding needless technical defences.

8. The Limitation Act, the Evidence Act and the Procedural Codes be simplified so as to avoid technical arguments relating to non-compliance with their provisions.

9. Retired District Judges should be re-employed as District Judges to

clear the arrears in the District Courts subject to the qualification that they shall not be re-employed, after the expiration of a period of three years from the date of their retirement.

De-Recognition of D.V.C. Staff Association

395. SHRIMATI GEETA MUKHERJEE: Will the Minister of ENERGY be pleased to state:

(a) whether it is a fact that the Damodar Valley Corporation Staff Association has been de-recognised by the Chairman of the Corporation;

(b) if so, the details and reasons therefor;

(c) whether the West Bengal State Government has taken up the matter with the Union Government; and

(d) if so, the details thereof and Union Government's reaction thereto?

THE MINISTER OF STATE IN THE MINISTRY OF ENERGY (SHRI VIKRAM MAHAJAN): (a) and (b). Yes, Sir.

(c) and (d). One of the major maladies affecting the DVC till recently was the erosion of discipline in the organisation leading to de-moralisation of the officers and staff. Malpractices like irregular attendance false O.T.A. and LTC claims were quite common. All these things had an adverse impact on power generation which has been consistently unsatisfactory for the two year period preceding October, 1980. The plant load factor in the DVC had gone down to 34 per cent which is one of the lowest in the country. In spite of wages in the DVC being sufficiently high, there has always been some agitation or trouble over some monetary demand or other. The present Chairman tried to restore a degree of discipline in the organisation. He stopped irregular practices such as

false O.T.A. and LTC un-punctual attendance and introduced a system of no work no pay. He tried to enforce discipline not just by punitive methods but also by inspiring the staff to work better. Intensive tours in the field areas, group meetings with the officers and the staff were organised to boost their morale and to reorient their attitude towards work. High powered grievances redressal teams were sent to field formations to offer relief where relief was due. Senior personnel officers were sent out from the headquarters to the fields to look into problems and seek solutions. As a result of the steps taken power generation in the DVC has improved considerably and in October 1980 generation in the Corporation was 15th per cent more than during the previous month.

One of the local unions without appreciating the steps taken for welfare and staff betterment took umbrage to the disciplinary steps taken by Management. They also went on 2 day token strike in September, 1980 to press their demands. Their agitation and demonstration climaxed in the assault on the Chairman, DVC, which necessitated his hospitalisation for a few days. It may be mentioned that there is a Code of Discipline laid down both for management and also for unions which confers certain rights on the one hand and duties and obligations on the other hand, on both sides. An integral part of this Code is an obligation on the part of the unions not to resort to coercion intimidation and go slow. As the DVC Staff Association did not bother to observe these obligations, the rights given to this union, as a result of recognition were withdrawn by de-recognising it.

A communication has been received from Chief Minister West Bengal on the matter and the same is under examination. The management, however is keeping an open mind and if the union cooperates and do not indulge in acts of indiscipline and