

duty had been reduced from 85 per cent to 30 percent, later to 20 percent and now it has been reduced to 10 percent. The orders for lacs of tons of Coal are being signed. If the imported coal reaches India, it will cause unemployment because the coal based mills will close down. If there had been workers' participation for protection of their interest, this bid would have been opposed but you are not able to do it. I would like to know as to what the Govt. is doing to stop this import which is posing a serious danger to entire coal industry?

SHRIMATI KANTI SINGH: Mr. Chairman, Sir, so far as the question of effecting reduction in the import duty is concerned, it is a policy matter. I do admit that it will increase the competitiveness in PSUs and they will increase their production more and more so that the coal is not imported.

SHRI MADHUKAR SARPOTDAR: Mr. Chairman, Sir, I would like to know whether the concept of workers' participation in management is practised in reality? The Govt. has mentioned in the statement that while revising the wages, a discussion is held with the representatives of workers. You have cited an example of coal India, telling that a strike took place there and mandays were increased. I would like to know as to how many unions are there in the undertaking under the department of coal, the number of recognised unions out of them and the unions which have been given representations in the committee? You stated that they are consulted while revising the wages but the wage revision had been done long back. It has well there is a mention of increased production in your reply but where the issue of workers' participation in the management has been covered in it? What are the details of the efforts made by the management to increase the productivity?

SHRIMATI KANTI SINGH: Mr. Chairman, Sir, there are five recognised unions in Coal India Ltd, viz. INTUC, AITUC, CITU, HMS and B.M.S. They are consulted at the level of JBCCI of CIL. So far as the participation of other

trade unions is concerned, due to non emerging of any consensus among various trade unions, it has not been decided as to how many representatives of the workers will be there in the management and what will be mode of their representations. Therefore, their representatives are being consulted of various levels.

[English]

#### Pending Court Cases

\*482. SHRI HANNAN MOLLAH:

SHRI B.L. SHANKAR:

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

(a) the number of cases pending in different High Courts and Supreme Court since 2 years, 5 years, 10 years and above ten years:

(b) the details thereof High Court-wise and Supreme Court, separately; and

(c) the details of the steps the Government have taken for expeditious disposal of those cases?

THE MINISTER OF STATE OF THE MINISTRY OF LAW AND JUSTICE (SHRI RAMAKANT D. KHALAP): (a) and (b): A Statement is laid on the Table of the House.

(c) Apart from amending the procedural laws from time to time, Government has taken a series of steps to simplify procedures and speed up disposal of cases on the basis of the advice and recommendations of expert bodies like the Law Commission. Conferences of Law Ministers, Chief Ministers and Chief Justices and other concerned with the administration of Justice are held periodically and the recommendations and conclusions emerging from such exchanges and consultations are implemented and their progress closely monitored.

#### Statement

##### Pendency of cases in High Courts (As on 31.12.1996)

Sl. No	Name of the Court	Upto 2 year	Over 2 years and upto 5 years	Over 5 years and upto 10 years	Over 10 years	Total
1	2	3	4	5	6	7
1	Allahabad	195,029	232,921	283,106	174,399	865,455
2	Andhra Pradesh	71,190	47,169	16,953	309	135,821
3	Bombay	79,392	75,223	61,531	17,912	234,058
4	Calcutta	50,182	43,634	80,286	90,210	264,312
5	Delhi	43,391	34,895	42,808	32,443	153,537
6	Gauhati	21,687	8,590	2,871	70	33,018

1	2	3	4	5	6	7	
7	Gujarat*	39,357	19,461	22,251	10,884	91,953	*As on 31-3-95
8	Himachal Pradesh	10,050	4,467	2,627	22	17,166	
9	J & K	39,639	33,053	20,277	3,445	96,414	
10	Karnataka	65,586	59,232	25,156	991	150,965	
11	Kerala	142,446	64,773	10,478	126	217,823	
12	Madhya Pradesh**	40,243	25,877	17,226	2,796	86,142	**As on 31-12-95
13	Madras	173,499	78,131	47,374	11,636	310,640	
14	Orissa	39,099	20,486	5,394	1,841	66,820	
15	Patna	47,404	25,031	14,090	6,785	93,310	
16	Punjab & Haryana@	64,573	41,794	43,194	17,310	166,871	@As on 30.9.96
17	Rajasthan‡	42,130	34,115	16,624	5,409	98,278	‡As on 31-3-96
18	Sikkim	69	17	2	0	88	
<i>Pendency of Cases in Supreme Court (As on 31.12.1996)</i>							
Regular Matters		5,654	4,058	4,241	2,633	16,586	
Admission Matters		5,241	816	486	117	6,660	

SHRI HANNAN MOLLAH: Sir, the statement shows the serious condition through which our judicial system is passing through. About 30,80,000 cases are pending in various High Courts and Supreme Court. Over 10 years, 1,74,000 cases are pending in Allahabad High Court. Ninety thousand cases are pending in Calcutta.

Over 4,00,000 cases are pending for over 10 years. There are cases which are pending for the last two or three years and even for a longer period. If we add the total number of cases pending with the judicial system, it will come to crores. The Indian judicial system is not costly and time-consuming but it is also torturous to the people who are suffering and going through the drudgery of running from court to court.

We are talking of judicial reforms and all these things. But in spite of these things, this is the state of affairs. We know that justice delayed is justice denied. Most of the people who are going to the courts are being denied justice. In this context, the hon. Minister says that a series of steps have been taken to improve the situation. I want to know what are those steps.

He has also stated that these things are closely monitored. I would like to know the method of monitoring. What is the result of that? Can he show that because of such monitoring of a number of cases in three consecutive years, the pendency has decreased?

Is it a fact that the Judges are hearing cases and they keep the judgement pending for long? I want that these two things should be clarified by the hon. Minister.

SHRI RAMAKANT D. KHALAP: Sir, I fully agree with

the hon. Member, Shri Hannan Mollah, that the situation in our law courts is really alarming. The pendency has been increasing day by day. If I cite figures from 1991 onwards, the pendency in all the High Courts in December 1991, was 21,95,936. Next year, on 31st December, 1992, it became 24,17,197. In 1993, it was 26,50,516. In 1994, it was 28,75,850. The pendency in December, 1996 is 31,19,833. That is the pendency in the High Courts.

When we say that we are monitoring it, it does not mean that we direct the High Courts to do anything. We cannot direct them. But the Chief Justices have been meeting regularly. They hold conferences. They decide what exactly is to be done. We also ask for figures. We get the figures from various High Courts. We compile them. This shows that either there is something wrong procedurally or there is something else which does not come to our notice.

One good thing that has happened is that if you look at the Supreme Court, the pendency has drastically been reduced in the Supreme Court. The number of regular matters pending in the Supreme Court is just 16,586. The number of admission matter is 6,660. Now, these figures have come down from two lakh to 16,586.

What was the methodology adopted by the Supreme Court? They saw to it that the court was computerised. They saw to it that the various cases were categorised. They saw to it that the Benches functioning were strengthened and stabilised over a long period. As a result of this very conscious effort by the Supreme Court, the pendency has reduced. What was expected was that what the Supreme Court did would be followed by the High Courts.

Now, I can also mention a few figures in terms of percentage to show as to what is happening in different places. Among the 18 High Courts in the country, the disposal rate of the Gujarat High Court is 144 per cent; for Madras High Court it is 144.1 per cent; for Patna High Court is 102.2 per cent.

KUMARI MAMATA BANERJEE: What about Calcutta High Court?

SHRI RAMAKANT D. KHALAP: For Calcutta High Court, of course, the disposal rate is very low. It is 79.1 per cent. For Allahabad High Court it is 71.1 per cent. These figures are really distressing figures. Three High Courts could give such good output but some other Courts have not been able to come out with such good output. There may be reasons for this as well, like there might have been heavy piling up of cases and the number of judges might not have been commensurate to the number of cases and so on. But now what has happened is that just as it is for us to provide every facility to the courts, it is also for the courts to emulate the performance of the Supreme Court. The Supreme Court has shown the way as to how to go ahead. All the High Courts in the country have been computerised. The question is whether the computer facilities which have been provided is being properly utilised by the courts or not. These are the facts.

Sir, I am sure, as time goes on, these figures would not get worse and we would have better disposals from the High Courts.

SHRI HANNAN MOLLAH: Sir, it is known to everybody that there is deterioration in morality in our society and that section of the society cannot remain immune to corruption as well.

Sir, it is well-known that Justice Ramaswamy could not be impeached because of reasons known to everybody today. But allegations of corruption and indiscipline continue among the judges of the High Courts and the Supreme Court. I would like to know whether the Government has evolved any mechanism for eradication of corruption, including in appointment, if any, in the judicial system.

Secondly, the question of establishment of a Judicial Commission is pending for long. The aspect of appointment is also under cloud. There are various reasons for it. These questions have been raised many a time in various fora. I would like to know whether the Government would pass that law so that the Judicial Commission could be constituted and fairness in appointment could be ensured so that justice could also be above board.

SHRI RAMAKANT D. KHALAP: Sir, basically the question of Shri Hannan Mollah was about the pendency of cases in the Courts...*(Interruptions)* Now, his question has two parts.

The first part of his question deals with corruption. We do not have any mechanism in the Government to take care or look into the cases of corruption. If at all anything crops up, in case of the High Courts and the Supreme

Court, the matter goes to the Chief Justices of the concerned courts. The only procedure that we have is the procedure of impeachment. We do not have any other procedure in our Constitution.

Sir, on the question of appointment of a Judicial Commission I would like to submit that this issue was discussed in the Rajya Sabha. There was an half-an-hour discussion on this issue and a detailed discussion took place there. We had prepared a Constitution Amendment Bill and that Bill provided for appointment of judges according to the position that was existing prior to 6th October, 1993 when a Nine-Member Bench gave a judgement laying down certain procedure. According to the procedure, the proposal to appoint a judge is initiated by the Courts, then it goes to the Executive and then finally the appointment takes place. The recommendation of the Judiciary is taken into consideration.

Recommendation of the judiciary gets primacy. There are suggestions from various quarters that we should amend the Act and go for a judicial condition. Alternatively, the other suggestion is that we should go to pre-1993 situation.

In fact, I am trying to seek a consensus on this issue and very shortly I will be talking to the Leaders of various political Parties. If it is found that there is a consensus on the methodology to be adopted in the matter of appointment of judges...

SHRI RAJESH PILOT: Why do you not create benches? There has been a demand from every State. Once they are created the list of pending cases would get reduced...*(Interruptions)*

SHRI SONTOSH MOHAN DEV: Nothing will go on record.

MR. CHAIRMAN: Mr. Minister, you please reply to the question which has already been moved. You just cannot invite question from the Member.

SHRI RAMAKANT D. KHALAP: No, Sir, I am not inviting questions. I will reply it.

SHRI NIRMAL KANTI CHATTERJEE: Chairman, Sir, Shri Sontosh Mohan has assumed your charge and has given a ruling that 'nothing will go on record'...*(Interruptions)*

SHRI RAMAKANT D. KHALAP: I intend to discuss this issue with the Leaders of various political Parties and then take a decision...*(Interruptions)*

MR. CHAIRMAN: Shri Sayeed, I hope you know the difficulty, as you also sit in the Chair.

SHRI N.S.V. CHITTHAN: From the list submitted by the hon. Minister, it is alarming and shocking to note that nearly 30,82,582 cases are still pending throughout the country. I would like to know from the hon. Minister what active steps the Government is going to take to increase the number of judges. Has the Minister got any figure regarding the disposal of cases every year in the courts?

How long will it take to clear all these cases and whether we would get justice during the days of our grand children or great grand children?

SHRI RAMAKANT D. KHALAP: I have already replied this question saying that we are laying down the methodology to be adopted in the matter of appointment of judges.

SHRI P.M. SAYEED: Sir, the hon. Minister has replied that almost 31 lakh cases are now pending in various courts. One of the reasons for the large pendency of cases has been the repeated adjournments being sought by the advocates. As distinguished lawyer, he knows that certain things are being manipulated here and there. Another thing is, because of the large size of the country—almost three-fourth part—people have been demanding the creation of benches of the Supreme Court. In South India almost every Bar Association has passed a Resolution and has submitted memorandum to the Government to create a bench. I would categorically like to know why the Government is not taking a decision on this. I want a categoric answer from the progressive Minister of Law.

SHRI RAMAKANT D. KHALAP: How did the demand originate?

SHRI ANIL BASU: The hon. Minister should reply keeping in view the demand for creation of benches of the Supreme Court covering all the regions of the country.

SHRI RAMAKANT D. KHALAP: How did the demand for benches of the Supreme Court originate? This has to be seen. This demand originated because the pendency of cases in the Supreme Court was very large. People found that cases are pending for a very long time.

SHRI P.M. SAYEED: Not only that, if you have to come from Lakshadweep to Delhi, do you know what is the cost? Many people do not come here...(*Interruptions*)

MR. CHAIRMAN: Please allow him to answer.

SHRI P.R. DASMUNSI: If Additional Solicitor General's post can be created, why can you not have the Supreme Court bench? Why was the post of Additional Solicitor General created?

MR. CHAIRMAN: I think the hon. Minister is capable of answering. Please allow him to answer the question.

SHRI RAMAKANT D. KHALAP: The Supreme Court is the apex judicial organ of this country. It has own respect, its own dignity, its own prestige that has to be maintained by all of us. We cannot dilute that. If we accept the demand for Calcutta, we will have a separate demand for Goa also...(*Interruptions*)

KUMARI MAMATA BANERJEE: They said that that should be set up for all regions.

SHRI RAMAKANT D. KHALAP: Shri Sayeed is asking for Lakshadweep also...(*Interruptions*)... The pendency is reduced to 16000.

SHRI P.M. SAYEED: What about the cost of travelling from such a far off place as Lakshadweep?

SHRI RAMAKANT D. KHALAP: There is no end to this.

MR. CHAIRMAN: The Minister may please answer the question that has been put.

SHRI RAMAKANT D. KHALAP: Let me be very categorical on this issue. The Government has no proposal to have a bench of Supreme Court in any part of the country. Secondly, I want to congratulate the Supreme Court that the pendency has come down to 16,586. Therefore, in a year's time the cases which will be filed now will be disposed of, they will get a judgement. This is the case and I do not think we need any other bench anywhere else...(*Interruptions*)

KUMARI MAMATA BANERJEE: Everybody recommended that. I do not know why the Minister is not supporting it. All Members of Parliament have recommended that...(*Interruptions*)

MR. CHAIRMAN: This is a very important question. We should be brief in asking questions and the replies should also be brief.

SHRI JAG MOHAN: I would like to know whether the hon. Minister is aware of the concept of judicial audit and whether he would consider amendment of the Constitution to appoint an Auditor General (Judicial) who will conduct inspections of judicial work done in various High Courts, as the Comptroller and Auditor General (Finance) does, and then report annually to the Chief Justice with a copy to Parliament? If there is a judicial audit of this character, it will be clear as to what are the reasons for the pendency, what are the deficiencies, whether it is inefficiency, whether it is adjournment, whether it is corruption, etc. Why do we not evolve a concept of judicial audit. The auditor could pick up any file he likes, check up and, to maintain judicial independence at the same, reports only to the Chief Justice of the Supreme Court with a copy to Parliament. If this is done, it will be clear as to what is happening in the High Courts on adjournments, etc., through inspections. This is my suggestion. Would the Minister kindly consider this concept of appointing a judicial auditor general?

SHRI RAMAKANT D. KHALAP: This is a new suggestion, coming perhaps for the first time, of a judicial audit. It has its own pitfall. The pitfall is that the auditor is expected to pick up any file from the Supreme Court or the High Court. It may be taken by the Supreme Court, the Chief Justice and the High Courts as an interference in their day to day work. We have accepted the concept of independent judiciary. Even if the Government appoints, besides recommending a particular person to be a judge, as soon as he is appointed, he is independent and cannot be touched.

SHRI JAG MOHAN: I would request the hon. Minister to consider this proposal of amending the Constitution so that there will be Constitutional status for this.

SHRI RAMAKANT D. KHALAP: There could be a debate on this issue.

SHRI BALAI CNANDRA RAY: The reasons for arrears have not been given. It has been said that some High Courts are functioning properly and some High Courts are laggard. This is an under statement of the whole issue. Hon. Law Minister should have known that Calcutta High Court which is now disposing of cases at the rate of 79 per cent according to the Law Minister, has not for one single day during the last 12 years worked with full strength.

The average vacancy is eleven. Today, the number of vacancies is sixteen. You are expecting the High Courts to work in an efficient manner. In Allahabad High Court, the vacancy is identical. Even in Bombay High Court, the vacancies are not filled up. Only in a few High Courts, the vacancies had been filled up. I would request the hon. Minister for Law to give a detailed figure on a year to year basis regarding the number of vacancies accrued, and the number of vacancies not filled up. It is not the clerks who dispose of the cases, but it is the judges who dispose of the cases. In Calcutta High Court, so far as the rate of disposal of applications is concerned, it is 50. So far as final hearings of cases are concerned, the percentage is 5.3. This is the all-India average also. Therefore picking up some courts and blaming them is useless. Therefore, for helping this Parliament, I would request the Law Minister to answer one question. How is the Ministry of Law trying to fill up the vacancies whenever they occur? I want to know whether it will abide by Ex-Chief Justice R.S. Pathak's recommendations that the names should be forwarded six months before the vacancy occurs. Because the date on which a judge would vacate his office is known on the very day the Judge is born. Therefore, it is not difficult to recommend the names six months before the vacancies occur. Will the Ministry of Law adopt that? Will the Ministry of Law also adopt a new mode for appointments of judges. When the Government want to appoint efficient judges with the Government still adhere to the present policy of processing in secrecy? Why do not they adopt the method of open debate like USA? I want a specific answer whether the Government is going to give up the process of secrecy in appointment and adopt an open debate system and whether the Government is taking steps to complete the process of appointment six months before the appointments are actually made.

SHRI RAMAKANT D. KHALAP: This requires proper explanation of the procedure that is being followed for the purpose of appointments. As soon as I took over as the Minister for Law and Justice, I wrote to all the Chief Justices in the country requesting them to suggest the names of candidates for appointment as judges, preferably, six months in advance of the occurrence of the vacancy. Now, the procedure is that Government does not initiate any proposal. The Government do not suggest any names. The names come from Supreme Court and the High Courts. In case of the States, the names go to the Chief Ministers or the Governors. Their opinion is obtained..(Interruptions)

KUMARI MAMATA BANERJEE: Do not refer anything to the Chief Ministers.

MR. CHAIRMAN: I have not allowed you. The hon. Minister may please reply.

(Interruptions)

SHRI P.R. DASMUNSI: Kumari Mamata Banerjee is right. Do not refer anything to the Chief Minister.

SHRI RAMAKANT D. KHALAP: Sir, she wants me to take all the powers...(Interruptions)

JUSTICE GUMAN MAL LODHA: Sir, we do not want all the powers to be taken by the Minister. It would be highly unfortunate if he takes all the powers. That will be against the independence of judiciary.

MR. CHAIRMAN: I think, the hon. Minister has agreed to accept a debate on this subject.

SHRI RAMAKANT D. KHALAP: Let us have Half-an-Hour discussion.

MR. CHAIRMAN: Now, we will go to next question. Q.No. 483.

(Interruptions)

SHRIMATI GEETA MUKHERJEE: Sir, before going to the next question, I have a very important question about Family Courts. Please allow me. Sir, why are they not going ahead with setting up of Family Courts? There is a proposal to give up this proposal. Sir, you yourself wanted a discussion on this subject...(Interruptions)

MR. CHAIRMAN: It is not a dialogue. Now, I leave it to the House. There are also other important questions.

There is a Question on NTC Mills. But if you want to continue this Question, I have no objection. The hon. Minister has agreed to have the matter taken up in other form. He has also agreed for the discussion. I shall also ask them to take it up maybe under the Half-an-hour discussion on this very important subject.

(Interruptions)

MR. CHAIRMAN: Therefore, I feel the NTC Question is also very important. Therefore, I go to Question No. 483.

Dr. Bali Ram - not present.

Shri Sanat Mehta - not present.

All right, we go to Question No. 484.

#### Closure of Textile Mills

\*484 PROF. AJIT KUMAR MEHTA:

SHRI RAM BAHADUR SINGH:

Will the Minister of TEXTILES be pleased to state: