

LOK SABHA DEBATES (English Version)

Second Session
(Twelfth Lok Sabha)



(Vol. III contains Nos. 11 to 20)

LOK SABHA SECRETARIAT
NEW DELHI

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LOK SABHA DEBATES

LOK SABHA

Saturday, July 4, 1998/Asadha 13,
1920 (Saka)

The Lok Sabha met at
Eleven of the Clock

[MR. SPEAKER in the Chair]

[English]

SHRI A.C. JOS : Sir, I have to raise a very important issue.

MR. SPEAKER : I will allow you. There is an announcement.

SHRI SATYA PAL JAIN (Chandigarh) : After the Papers are laid on the Table, you can raise it.

11.00½ hrs.

ANNOUNCEMENT BY THE SPEAKER RE : SITTING OF THE HOUSE

MR. SPEAKER : Hon. Members, I have to inform the House that the Government have declared holiday on Wednesday, the 8th July, 1998 instead of Tuesday, the 7th July, 1998 on account of Eid-E-Milad-Un-Nabi.

Therefore, the House would now sit on Tuesday, the 7th July, 1998 and the Business (including Questions) scheduled for the 8th July, 1998 will be transacted on Tuesday, the 7th July, 1998. And the 8th July, 1998 will be observed as a holiday.

11.01 hrs.

PAPERS LAID ON THE TABLE

Annual Report, Audited Accounts and review of the working of Andaman and Nicobar Islands Integrated Development Corporation Limited, Port Blair for the year 1996-97

[English]

THE MINISTER OF INDUSTRY (SHRI SIKANDER BAKHT) : I beg to lay on the Table —

- (1) A copy each of the following papers (Hindi and English versions) under sub-section (1) of section 619A of the Companies Act, 1956 :—

- (i) Statement regarding Review by the Government of the working of the

Andaman and Nicobar Islands Integrated Development Corporation Limited, Port Blair, for the year 1996-97.

- (ii) Annual Report of the Andaman and Nicobar Islands Integrated Development Corporation Limited, Port Blair, for the year 1996-97 alongwith Audited Accounts and comments of the Comptroller and Auditor General thereon.

- (2) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (1) above.

[Placed in Library See No. LT 799/98]

Annual Report, Audited Accounts and review of the Working of National Centre for Trade Information and India Trade Promotion Organisation etc. for the year 1996-97

THE MINISTER OF COMMERCE (SHRI RAMAKRISHNA HEGDE) : I beg to lay on the Table —

- (1) A copy each of the following papers (Hindi and English versions) under sub-section (1) of section 619A of the Companies Act, 1956 :—

- (a) (i) Review by the Government of the working of the National Centre for Trade Information, New Delhi, for the year 1996-97.

- (ii) Annual Report of the National Centre for Trade Information, New Delhi, for the year 1996-97 alongwith Audited Accounts and comments of the Comptroller and Auditor General thereon.

[Placed in Library See No. LT 800/98]

- (b) (i) Review by the Government of the working of the India Trade Promotion Organisation, New Delhi, for the year 1996-97.

- (ii) Annual Report of the India Trade Promotion Organisation, New Delhi, for the year 1996-97 alongwith Audited Accounts and comments of the Comptroller and Auditor General thereon.

- (2) Two Statements (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (1) above.

[Placed in Library See No. LT 801/98]

- (3) (i) A copy of the Annual Report (Hindi and English versions) of the Indian Institute of Foreign Trade, New Delhi, for the year 1996-97 alongwith Audited Accounts.
- (ii) A copy of the Review (Hindi and English versions) by the Government of the working of the Indian Institute of Foreign Trade, New Delhi, for the year 1996-97.
- (4) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (3) above.
- [Placed in Library See No. LT 802/98]
- (5) (i) A copy of the Annual Report (Hindi and English versions) of the Indian Institute of Packaging, Mumbai, for the year 1996-97 alongwith Audited Accounts.
- (ii) A copy of the Review (Hindi and English versions) by the Government of the working of the Indian Institute of Packaging, Mumbai, for the year 1996-97.
- (6) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (5) above.
- [Placed in Library See No. LT 803/98]
- (7) A copy of the Memorandum of Understanding (Hindi and English versions) between the India Trade Promotion Organisation and the Ministry of Commerce, for the year 1997-98.
- (8) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (7) above.
- [Placed in Library See No. LT 804/98]
- (9) (i) A copy of the Annual Report (Hindi and English versions) of the Agricultural and Processed Food Products Export Development Authority, New Delhi, for the year 1996-97 alongwith Audited Accounts.
- (ii) A copy of the Review (Hindi and English versions) by the Government of the working of the Agricultural and Processed Food Products Export Development Authority, New Delhi, for the year, 1996-97.
- 10) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (9) above.

[Placed in Library See No. LT 805/98]

- (11) (i) A copy of the Annual Report (Hindi and English versions) of the Shellac Export Promotion Council, Calcutta, for the year 1996-97.
- (ii) A copy of the Review (Hindi and English versions) by the Government of the working of the Shellac Export Promotion Council, Calcutta, for the year 1996-97.
- (iii) A copy of the Annual Accounts (Hindi and English versions) of the Shellac Export Promotion Council, Calcutta, for the year 1996-97, together with Audit Report thereon.

- (12) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (11) above.

[Placed in Library See No. LT 806/98]

Annual Report, Audited Accounts and review of working of Jute Manufactures Development Council, Calcutta for the year 1996-97

THE MINISTER OF TEXTILES (SHRI KASHIRAM RANA) : I beg to lay on the Table :—

- (1) (i) A copy of the Annual Report (Hindi and English versions) of the Jute Manufactures Development Council, Calcutta, for the year 1996-97 alongwith Audited Accounts.
- (ii) A copy of the Review (Hindi and English versions) by the Government of the working of the Jute Manufactures Development Council, Calcutta, for the year 1996-97.
- (2) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (1) above.
- [Placed in Library See No. LT 807/98]
- (3) (i) A copy of the Annual Report (Hindi and English versions) of the National Centre for Jute Diversification, Calcutta, for the year 1996-97 alongwith Audited Accounts.
- (ii) A copy of the Review (Hindi and English versions) by the Government of the working of the National Centre for Jute Diversification, Calcutta, for the year 1996-97.
- (4) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (3) above.

[Placed in Library See No. LT 808/98]

(5) (i) A copy of the Annual Report (Hindi and English versions) of the Export Promotion Council for Handicrafts, New Delhi, for the year 1996-97 alongwith Audited Accounts.

(ii) A copy of the Review (Hindi and English versions) by the Government of the working of the Export Promotion Council for Handicrafts, New Delhi, for the year 1996-97.

(6) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (5) above.

[Placed in Library See No. LT 809/98]

(7) (i) A copy of the Annual Report (Hindi and English versions) of the Carpet Export Promotion Council, Noida, for the year 1996-97 alongwith Audited Accounts.

(ii) A copy of the Review (Hindi and English versions) by the Government of the working of the Carpet Export Promotion Council, Noida, for the year 1996-97.

(8) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (7) above.

[Placed in Library See No. LT 810/98]

(9) A copy each of the following papers (Hindi and English versions) under sub-section (1) of section 619A of the Companies Act, 1956 :—

(a) (i) Review by the Government of the working of the Central Cottage Industries Corporation of India Limited, New Delhi, for the year 1996-97.

(ii) Annual Report of the Central Cottage Industries Corporation of India Limited, New Delhi, for the year 1996-97 alongwith Audited Accounts and comments of the Comptroller and Auditor General thereon.

[Placed in Library See No. LT 811/98]

(b) (i) Review by the Government of the working of the North Eastern Handicrafts and Handlooms Development Corporation Limited, Shillong, for the year 1996-97.

(ii) Annual Report of the North Eastern Handicrafts and Handlooms Development Corporation Limited, Shillong, for the year 1996-97

alongwith Audited Accounts and comments of the Comptroller and Auditor General thereon.

[Placed in Library See No. LT 812/98]

(c) (i) Review by the Government of the working of the Handicrafts and Handlooms Exports Corporation of India Limited, New Delhi, for the year 1996-97.

(ii) Annual Report of the Handicrafts and Handlooms Exports Corporation of India Limited, New Delhi, for the year 1996-97 alongwith Audited Accounts and comments of the Comptroller and Auditor General thereon.

(10) Three Statements (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (9) above.

[Placed in Library See No. LT 813/98]

Explanatory Statement(s) regarding revised rates of exchanges for conversion of certain foreign currencies into Indian or vice-versa for Imports

THE MINISTER OF FINANCE (SHRI YASHWANT SINHA) : I beg to lay on the Table :—

(1) A copy each of the following Notifications (Hindi and English versions) under section 159 of the Customs Act, 1962 :—

(i) S.O. 530(E) published in Gazette of India dated the 28th July, 1997 together with an explanatory memorandum regarding revised rates of exchange for conversion of certain foreign currencies into Indian currency or vice-versa for purposes of assessment of Imports.

(ii) S.O. 531(E) published in Gazette of India dated the 28th July, 1997 together with an explanatory memorandum regarding revised rates of exchange for conversion of certain foreign currencies into Indian currency or vice-versa for purposes of assessment of Exports.

(iii) S.O. 600(E) published in Gazette of India dated the 26th August, 1997 together with an explanatory memorandum regarding revised rates of exchange for conversion of certain foreign currencies into Indian currency or vice-versa for purposes of assessment of Exports.

- (iv) S.O. 601(E) published in Gazette of India dated the 26th August, 1997 together with an explanatory memorandum regarding revised rates of exchange for conversion of certain foreign currencies into Indian currency or vice-versa for purposes of assessment of Imports.
- (v) S.O. 677(E) published in Gazette of India dated the 25th September, 1997 together with an explanatory memorandum regarding revised rates of exchange for conversion of certain foreign currencies into Indian currency or vice-versa for purposes of assessment of Imports.
- (vi) S.O. 678(E) published in Gazette of India dated the 25th September, 1997 together with an explanatory memorandum regarding revised rates of exchange for conversion of certain foreign currencies into Indian currency or vice-versa for purposes of assessment of Exports.
- (vii) S.O. 749(E) published in Gazette of India dated the 27th October, 1997 together with an explanatory memorandum regarding revised rates of exchange for conversion of certain foreign currencies into Indian currency or vice-versa for purposes of assessment of Imports.
- (viii) S.O. 750(E) published in Gazette of India dated the 27th October, 1997 together with an explanatory memorandum regarding revised rates of exchange for conversion of certain foreign currencies into Indian currency or vice-versa for purposes of assessment of Exports.
- (ix) S.O. 782(E) published in Gazette of India dated the 19th November, 1997 together with an explanatory memorandum regarding revised rates of exchange for conversion of certain foreign currencies into Indian currency or vice-versa for purposes of assessment of Imports.
- (x) S.O. 783(E) published in Gazette of India dated the 19th November, 1997 together with an explanatory memorandum regarding revised rates of exchange for conversion of certain foreign currencies into Indian currency or vice-versa for purposes of assessment of Exports.
- (xi) S.O. 794(E) published in Gazette of India dated the 24th November, 1997 together with an explanatory memorandum regarding revised rates of exchange for conversion of certain foreign currencies into Indian currency or vice-versa for purposes of assessment of Imports.
- (xii) S.O. 795(E) published in Gazette of India dated the 24th November, 1997 together with an explanatory memorandum regarding revised rates of exchange for conversion of certain foreign currencies into Indian currency or vice-versa for purposes of assessment of Exports.
- (xiii) S.O. 800(E) published in Gazette of India dated the 27th November, 1997 together with an explanatory memorandum regarding revised rates of exchange for conversion of certain foreign currencies into Indian currency or vice-versa for purposes of assessment of Exports, together with a corrigendum thereto published in Notification No. S.O. 807(E) in Gazette of India dated the 28th November, 1997.
- (xiv) S.O. 801(E) published in Gazette of India dated the 27th November, 1997 together with an explanatory memorandum regarding revised rates of exchange for conversion of certain foreign currencies into Indian currency or vice-versa for purposes of assessment of Imports.
- (xv) S.O. 809(E) published in Gazette of India dated the 1st December, 1997 together with an explanatory memorandum regarding revised rates of exchange for conversion of certain foreign currencies into Indian currency or vice-versa for purposes of assessment of Imports.
- (xvi) S.O. 814(E) published in Gazette of India dated the 2nd December, 1997 together with an explanatory memorandum regarding revised rates of exchange for conversion of certain foreign currencies into Indian currency or vice-versa for purposes of assessment of Imports.
- (xvii) S.O. 875(E) published in Gazette of India dated the 16th December, 1997 together with an explanatory memorandum regarding revised rates

- of exchange for conversion of certain foreign currencies into Indian currency or vice-versa for purposes of assessment of Imports.
- (xviii) S.O. 905(E) published in Gazette of India dated the 26th December, 1997 together with an explanatory memorandum regarding revised rates of exchange for conversion of certain foreign currencies into Indian currency or vice-versa for purposes of assessment of Imports.
- (xix) S.O. 906(E) published in Gazette of India dated the 26th December, 1997 together with an explanatory memorandum regarding revised rates of exchange for conversion of certain foreign currencies into Indian currency or vice-versa for purposes of assessment of Exports.
- (xx) S.O. 25(E) published in Gazette of India dated the 6th January, 1998 together with an explanatory memorandum regarding revised rates of exchange for conversion of certain foreign currencies into Indian currency or vice-versa for purposes of assessment of Imports.
- (xxi) S.O. 41(E) published in Gazette of India dated the 13th January, 1998 together with an explanatory memorandum regarding revised rates of exchange for conversion of certain foreign currencies into Indian currency or vice-versa for purposes of assessment of Imports.
- (xxii) S.O. 46(E) published in Gazette of India dated the 15th January, 1998 together with an explanatory memorandum regarding revised rates of exchange for conversion of certain foreign currencies into Indian currency or vice-versa for purposes of assessment of Imports.
- (xxiii) S.O. 84(E) published in Gazette of India dated the 27th January, 1998 together with an explanatory memorandum regarding revised rates of exchange for conversion of certain foreign currencies into Indian currency or vice-versa for purposes of assessment of Imports.
- (xxiv) S.O. 85(E) published in Gazette of India dated the 27th January, 1998 together with an explanatory memorandum regarding revised rates of exchange for
- conversion of certain foreign currencies into Indian currency or vice-versa for purposes of assessment of Imports.
- (xxv) S.O. 153(E) published in Gazette of India dated the 24th February, 1998 together with an explanatory memorandum regarding revised rates of exchange for conversion of certain foreign currencies into Indian currency or vice-versa for purposes of assessment of Imports.
- (xxvi) S.O. 154(E) published in Gazette of India dated the 24th February, 1998 together with an explanatory memorandum regarding revised rates of exchange for conversion of certain foreign currencies into Indian currency or vice-versa for purposes of assessment of Imports.
- (xxvii) S.O. 163(E) published in Gazette of India dated the 4th March, 1998 together with an explanatory memorandum regarding revised rates of exchange for conversion of certain foreign currencies into Indian currency or vice-versa for purposes of assessment of Imports.
- (xxviii) S.O. 248(E) published in Gazette of India dated the 26th March, 1998 together with an explanatory memorandum regarding revised rates of exchange for conversion of certain foreign currencies into Indian currency or vice-versa for purposes of assessment of Imports.
- (xxix) S.O. 249(E) published in Gazette of India dated the 26th March, 1998 together with an explanatory memorandum regarding revised rates of exchange for conversion of certain foreign currencies into Indian currency or vice-versa for purposes of assessment of Exports.
- (xxx) S.O. 349(E) published in Gazette of India dated the 27th April, 1998 together with an explanatory memorandum regarding revised rates of exchange for conversion of certain foreign currencies into Indian currency or vice-versa for purposes of assessment of Imports.
- (xxxi) S.O. 350(E) published in Gazette of India dated the 27th April, 1998 together with an explanatory

memorandum regarding revised rates of exchange for conversion of certain foreign currencies into Indian currency or vice-versa for purposes of assessment of Exports.

- (xxxii) S.O. 118(E) published in Gazette of India dated the 10th February, 1998 together with an explanatory memorandum regarding revised rates of exchange for conversion of certain foreign currencies into Indian currency or vice-versa for purposes of assessment of Imports.

[Placed in Library See No. LT 814/98]

- (2) (i) A copy of the Annual Report (Hindi and English versions) of the National Institute of Public Finance and Policy, New Delhi, for the year 1996-97 alongwith Audited Accounts.

- (ii) A copy of the Review (Hindi and English versions) by the Government of the working of the National Institute of Public Finance and Policy, New Delhi, for the year 1996-97.

- (3) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (2) above.

[Placed in Library See No. LT 815/98]

- (4) A copy of the Notification No. G.S.R. 181(E) (Hindi and English versions) published in Gazette of India dated the 7th April, 1998 establishing the Debts Recovery Tribunal at Jabalpur, issued under section 3 of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993.

[Placed in Library See No. LT 816/98]

- (5) A copy each of the following papers (Hindi and English versions) under sub-section (5) of section 30 of the Small Industries Development Bank of India Act, 1989 :—

- (i) Annual Report of the Small Industries Development Bank of India, Lucknow for the year 1996-97 alongwith Audited Accounts.

- (ii) Review by the Government of the working of the Small Industries Development Bank of India, Lucknow, for the year 1996-97.

- (6) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (5) above.

[Placed in Library See No. LT 817/98]

- (7) A copy each of the following Annual Report and Accounts (Hindi and English versions) of the Regional Rural Banks for the year ended on the 31st March, 1997, together with Auditor's Report thereon :—

- (i) Koraput Panchavati Gramya Bank, Koraput.

[Placed in Library See No. LT 818/98]

- (ii) Varada Grameena Bank, Uttar Kannada.

[Placed in Library See No. LT 819/98]

- (iii) Puri Gramya Bank, Pipli.

[Placed in Library See No. LT 820/98]

- (iv) Palamau Kshetriya Gramin Bank, Palamau.

[Placed in Library See No. LT 821/98]

- (v) Bardhaman Gramin Bank, Bardhaman.

[Placed in Library See No. LT 822/98]

- (vi) Uttarbanga Kshetriya Gramin Bank, Coochbehar.

[Placed in Library See No. LT 823/98]

- (vii) Srirama Grameena Bank, Nizamabad.

[Placed in Library See No. LT 824/98]

- (viii) Arunachal Pradesh Rural Bank, East Siang.

[Placed in Library See No. LT 825/98]

- (ix) Sri Visakha Grameena Bank, Visakhapatnam.

[Placed in Library See No. LT 826/98]

- (x) Chaitanya Grameena Bank, Guntur.

[Placed in Library See No. LT 827/98]

- (xi) Kutch Gramin Bank, Kutch.

[Placed in Library See No. LT 828/98]

- (xii) Patliputra Gramin Bank, Patna.

[Placed in Library See No. LT 829/98]

- (xiii) Shahjahanpur Kshetriya Gramin Bank, Shahjahanpur.

[Placed in Library See No. LT 830/98]

- (xiv) Sultanpur Kshetriya Gramin Bank, Sultanpur.

[Placed in Library See No. LT 831/98]

- (xv) Bareilly Kshetriya Gramin Bank, Bareilly.

[Placed in Library See No. LT 832/98]

- (xvi) Nainital Almora Kshetriya Gramin Bank, Nainital.
[Placed in Library See No. LT 833/98]
- (xvii) Raebareli Kshetriya Gramin Bank, Raebareli.
[Placed in Library See No. LT 834/98]
- (xviii) Sabarkantha Gandhinagar Gramin Bank, Sabarkantha.
[Placed in Library See No. LT 835/98]
- (xix) Ambala Kurukshetra Gramin Bank, Ambala.
[Placed in Library See No. LT 836/98]
- (xx) Pratapgarh Kshetriya Gramin Bank, Pratapgarh.
[Placed in Library See No. LT 837/98]
- (xxi) Nalanda Gramin Bank, Nalanda.
[Placed in Library See No. LT 838/98]
- (xxii) Yavatmal Gramin Bank, Yavatmal.
[Placed in Library See No. LT 839/98]
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- (xxvii) Malaprabha Grameena Bank, Dharwar.
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- (xxviii) Jamnagar Rajkot Gramin Bank, Jamnagar.
[Placed in Library See No. LT 845/98]
- (xxix) Pinakini Grameena Bank, Nellore.
[Placed in Library See No. LT 846/98]
- (xxx) Bastar Kshetriya Gramin Bank, Bastar.
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- (xxxi) Visveshvaraya Grameena Bank, Mandya.
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- (xxxiv) Akola Gramin Bank, Akola.
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- (xl) Sagar Gramin Bank, Amtala.
[Placed in Library See No. LT 857/98]
- (xli) Junagadh Amreli Gramin Bank, Junagarh.
[Placed in Library See No. LT 858/98]
- (xlii) Gwalior Datia Kshetriya Gramin Bank, Gwalior.
[Placed in Library See No. LT 859/98]
- (xliii) Rajgarh Sehore Kshetriya Gramin Bank, Rajgarh.
[Placed in Library See No. LT 860/98]
- (xliv) Howrah Gramin Bank, Howrah.
[Placed in Library See No. LT 861/98]
- (xlv) Saran Kshetriya Gramin Bank, Saran.
[Placed in Library See No. LT 862/98]
- (xlvi) Balasore Gramya Bank, Balasore.
[Placed in Library See No. LT 863/98]
- (xlvii) Farrukhabad Gramin Bank, Farrukhabad.
[Placed in Library See No. LT 864/98]
- (xlviii) Madhubani Kshetriya Gramin Bank, Madhubani.
[Placed in Library See No. LT 865/98]
- (xlix) Himachal Gramin Bank, Mandi.
[Placed in Library See No. LT 866/98]

(i) Hadoti Kshetriya Gramin Bank, Kota.

[Placed in Library See No. LT 867/98]

(ii) Ratnagiri Sindhudurg Gramin Bank, Ratnagiri.

[Placed in Library See No. LT 868/98]

(iii) Jaipur Nagaur Aanchalik Gramin Bank, Jaipur.

[Placed in Library See No. LT 869/98]

(iii) Krishna Grameena Bank, Gulbarga.

[Placed in Library See No. LT 870/98]

(iv) Jammu Rural Bank, Jammu.

[Placed in Library See No. LT 871/98]

(iv) Hisar-Sirsa Kshetriya Gramin Bank, Hisar.

[Placed in Library See No. LT 872/98]

(vi) Rushikulya Gramya Bank, Ganjam.

[Placed in Library See No. LT 873/98]

(vii) Monghyr Kshetriya Gramin Bank, Monghyr.

[Placed in Library See No. LT 874/98]

(8) A copy of the Statement (Hindi and English versions) showing reasons for delay in laying the Annual Report and Audited Accounts of the Indian Council for Research on International Economic Relations for the year 1996-97.

[Placed in Library See No. LT 875/98]

Notification under Coal Mines Pension Scheme, 1998

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF TOURISM (SHRI MADAN LAL KHURANA) : On behalf of Shri Dilip Ray, I beg to lay on the Table :—

(1) A copy each of the following Notifications (Hindi and English versions) under section 7A of the Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948 :—

(i) The Coal Mines Pension Scheme, 1998 published in Notification No. G.S.R. 123(E) in Gazette of India dated the 5th March, 1998 together with a corrigendum thereto published in Notification No. G.S.R. 269(E) dated the 25th May, 1998.

(ii) The Coal Mines Pension (Amendment) Scheme, 1998 published in Notification

No. G.S.R. 268(E) in Gazette of India dated the 25th May, 1998.

[Placed in Library See No. LT 876/98]

(2) A copy of the Notification No. S.O. 233(E) (Hindi and English versions) published in Gazette of India dated the 21st March, 1998 appointing the 31st March, 1998 as the date on which the Coal Mines Pension Scheme, 1998 shall come into force, issued under sub-para (2) of para 1 of the said Scheme.

[Placed in Library See No. LT 877/98]

(3) A copy of the Notification No. S.O. 232(E) (Hindi and English versions) published in Gazette of India dated the 21st March, 1998 appointing the 31st March, 1998 as the date on which the Coal Mines Provident Fund and Miscellaneous Provisions (Amendment) Act, 1996 shall come into force issued under subsection (2) of section 1 of the said Act.

[Placed in Library See No. LT 878/98]

Memorandum of Understanding between BHEL & Engineering Projects India Ltd. with Department of Heavy Industry for the year 1998-99

THE MINISTER OF INDUSTRY (SHRI SIKANDER BAKHT) : On behalf of Shri Sukhbir Singh Badal, I beg to lay on the Table :—

(1) A copy each of the following papers (Hindi and English versions) :—

(i) Memorandum of Understanding between the Bharat Heavy Electricals Limited and the Department of Heavy Industry, Ministry of Industry for the year 1998-99.

[Placed in Library See No. LT 879/98]

(ii) Memorandum of Understanding between the Engineering Projects (India) Limited and the Department of Heavy Industry, Ministry of Industry for the year 1998-99.

[Placed in Library See No. LT 880/98]

11.02 hrs.

ASSENT TO BILLS

[English]

SECRETARY-GENERAL : I beg to lay on the Table the following five Bills passed by the Houses of

Parliament during the current session and assented to since a report was last made to the House on the 28th May, 1998 :—

- (1) The Appropriation (Railways) No.2 Bill, 1998;
- (2) The Merchant Shipping (Amendment) Bill, 1998;
- (3) The Employees' Provident Funds and Miscellaneous Provisions (Amendment) Bill, 1998;
- (4) The Payment of Gratuity (Amendment) Bill, 1998; and
- (5) The Representation of the People (Amendment) Bill, 1998

11.03 hrs.

STANDING COMMITTEE ON ENERGY

First, Second, Third and Fourth Reports

[English]

SHRI K. KARUNAKARAN (Thiruvananthapuram): I beg to present the following Reports (Hindi and English versions) of the Standing Committee on Energy :

- (1) First Report on Demands for Grants (1998-99) relating to the Department of Atomic Energy.
- (2) Second Report on Demands for Grants (1998-99) relating to the Ministry of Coal.
- (3) Third Report on Demands for Grants (1998-99) relating to the Ministry of Non-Conventional Energy Sources.
- (4) Fourth Report on Demands for Grants (1998-99) relating to the Ministry of Power.

11.04 hrs.

STANDING COMMITTEE ON FINANCE

First Report and Minute

[English]

DR. T. SUBBARAMI REDDY (Visakhapatnam) : I beg to present the First Report and Minutes (Hindi and English versions) of the Standing Committee on Finance on the Finance (Amendment) Bill, 1998.

11.04½ hrs.

STANDING COMMITTEE ON LABOUR AND WELFARE

First, Second and Third Reports

[English]

SHRI HARIN PATHAK (Ahmedabad) : I beg to present a copy each of the following reports (Hindi and English versions) of the Standing Committee on Labour and Welfare :—

- (1) First Report on Action Taken by the Government on the recommendations/ observations contained in the Third Report of the Standing Committee on Labour and Welfare (Eleventh Lok Sabha) on "Special Central Assistance to Special Component Plan for Scheduled Castes."
- (2) Second Report on Action Taken by the Government on the recommendations contained in the Fifth Report of the Standing Committee on Labour and Welfare (Eleventh Lok Sabha) on Demands for Grants—Ministry of Labour 1997-98.
- (3) Third Report on Action Taken by the Government on the recommendations contained in the Seventh Report (Eleventh Lok Sabha) of the Committee on Labour and Welfare on "Demands for Grants—Ministry of Welfare 1997-98."

11.04¾ hrs.

STANDING COMMITTEE ON COMMERCE

Thirty-second Report

[English]

SHRI KALPNATH RAI (Ghosi) : I beg to lay on the Table a copy of the Thirty-second Report (Hindi and English versions) of the Standing Committee on Commerce, on Demands for Grants (1998-99) of Department of Supply (Ministry of Commerce).

11.05 hrs.

STANDING COMMITTEE ON HOME AFFAIRS

Forty-first Report

[English]

SHRI SATYA PAL JAIN (Chandigarh) : I beg to

lay on the Table the Forty-first Report (Hindi and English versions) of the Standing Committee on Home Affairs on the High Court and Supreme Court Judges (Conditions of Service) Amendment Bill, 1998.

11.05½ hrs.

STANDING COMMITTEE ON HOME AFFAIRS

Forty-second Report

[English]

SHRI SATYA PAL JAIN (Chandigarh) : I beg to lay on the Table the Forty-second Report (Hindi and English versions) of the Standing Committee on Home Affairs on the Lotteries (Regulation) Bill, 1998.

11.06 hrs.

STANDING COMMITTEE ON HOME AFFAIRS

Evidence

[English]

SHRI SATYA PAL JAIN (Chandigarh) : I beg to lay on the Table the evidence tendered before the Standing Committee on Home Affairs on the Lotteries (Regulation) Bill, 1998.

11.07 hrs.

STANDING COMMITTEE ON HUMAN RESOURCE DEVELOPMENT

Sixty fourth, Sixty-fifth, Sixty-sixth and Sixty-seventh Report

[Translation]

SHRIMATI SUMITRA MAHAJAN : Mr. Speaker, Sir, I beg to lay on the Table of House a copy each (Hindi and English versions) of the following reports of the Standing Committee on Human Resource Development :—

1. Sixty-fourth Report on Demands for Grants 1998-99 of the Department of Education (Ministry of Human Resource Development);
2. Sixty-fifth Report on Demands for Grants 1998-99 of the Department of Youth Affairs

and Sports (Ministry of Human Resource Development);

3. Sixty-sixth Report on Demands for Grants 1998-99 of the Department of Women and Child Development (Ministry of Human Resource Development);
4. Sixty-seventh Report on Demands for Grants 1998-99 of the Department of Culture (Ministry of Human Resource Development).

11.08 hrs.

BUSINESS OF THE HOUSE

[English]

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF TOURISM (SHRI MADAN LAL KHURANA) : With your permission, Sir, I rise to announce that Government Business during the week commencing Monday, 6th July, 1998 will consist of :—

1. Consideration of any item of Government Business carried over from today's Order Paper.
2. Discussion and voting on the Demands for Grants for 1998-99 under the control of the :-
 - (i) Ministry of External Affairs
 - (ii) Ministry of Home Affairs
 - (iii) Ministry of Agriculture.

SHRI A.C. JOS (Mukundapuram) : I also want to raise a very important matter.

MR. SPEAKER : Let submissions on the Business of the House be over, then I will allow you.

SHRI SURESH KURUP (Kottayam) : I would like to bring to the notice of this House a very important matter. This is regarding the decision of the Government of Delhi led by BJP not to consider Churches as places of worship, to denotify Churches as places of worship. The reason being mentioned is a strange thing : Wine is being served in Churches. Anyone who has got a semblance of knowledge about Christianity would know that wine is considered as a sacred symbol, it is considered as the blood of Jesus Christ.

I do not think that this is due to any ignorance on the part of the BJP leadership. It is a deliberate, conscious attempt by the BJP Government in Delhi to trample upon the religious sentiments of a minority community. This is a very serious matter. I would request the intervention of the Prime Minister to allay

the fears of the Christians as well as to respect the democratic sentiments of the people of this country.

SHRI A.C. JOS : I also want to raise the same matter...*(Interruptions)*

MR. SPEAKER : I will allow both of you later. I will allow you in the 'Zero Hour'.

(Interruptions)

MR. SPEAKER : Nothing will go on record.

*(Interruptions)**

MR. SPEAKER : Hon. Members, please hear me. You have all given notices and I have noted also. I will allow you in the 'Zero Hour'.

(Interruptions)

[Translation]

THE PRIME MINISTER (SHRI ATAL BIHARI VAJPAYEE) : Mr. Speaker, Sir, the issue raised by the hon. Members relates to sentiments. The information of the hon. Members is based on News reports. We are trying to get the facts from the Delhi Government and if there is any proposal to impose such a ban, it is wrong. The sentiments of the Christian Community would be respected fully...*(Interruptions)*

[English]

MR. SPEAKER : No discussion please. It is clear. Dr. Laxminarayan Pandey.

(Interruptions)

[Translation]

DR. LAXMINARAYAN PANDEY (Mandsaur) : Mr. Speaker, Sir, kindly include the following items in the next Week's List of Business :—

1. Formulation of an edible oil related Policy in view of the increasing demand of edible oils in the country and the proportionate decline in the production.
2. Need for providing adequate medical care to the workers engaged in slate pencil industry and suffering from 'Silicosis' disease.

SHRI PUNNU LAL MOHLE (Bilaspur) : Mr. Speaker sir, kindly include the following items in the Next Week's List of Business :—

1. The Government should immediately implement Crop Insurance scheme for the farmers of the entire country so that they could get justice.
2. The Government should give free medical aid and free education to handicapped

* Not Recorded.

children, homeless, old, women and girls and ensure at least five percent reservation for the unemployed in the Government jobs.

[English]

SHRI K. KARUNAKARAN (Thiruvananthapuram): Sir, the hon. Prime Minister should inform the House on Monday itself, with all the facts...*(Interruptions)*

MR. SPEAKER : Now, the House will take up item number 19.

11.13 hrs.

ELECTION TO COMMITTEE

Coir Board

[English]

THE MINISTER OF INDUSTRY (SHRI SIKANDER BAKHT) : Sir, I beg to move the following :

"That in pursuance of sub-rule(1)(e) of Rule 4 of the Coir Industry Rules, 1954, the Members of this House do proceed to elect, in such manner as the Speaker may direct, two members from among themselves to serve as members of the Coir Board, for a term to be specified by the Central Government.

MR. SPEAKER : The question is :

"That in pursuance of sub-rule(1)(e) of Rule 4 of the Coir Industry Rules, 1954, the Members of this House do proceed to elect, in such manner as the Speaker may direct, two members from among themselves to serve as members of the Coir Board, for a term to be specified by the Central Government.

The motion was adopted.

11.14 hrs.

SECURITIES CONTRACTS (REGULATION) AMENDMENT BILL*

[English]

THE MINISTER OF FINANCE (SHRI YASHWANT SINHA) : Sir, I beg to move for leave to introduce a

* Published in Gazette of India Extraordinary, Part-II Section 2, dated 4th July, 1998.

Bill further to amend the Securities Contracts (Regulation) Act, 1956.

MR. SPEAKER : The question is :

"That leave be granted to introduce a Bill further to amend the Securities Contracts (Regulation) Act, 1956."

The motion was adopted.

SHRI YASHWANT SINHA : I introduce the Bill.

MR. SPEAKER : The House will now take up 'Zero Hour'. Shri A.C. Jos.

SHRI A.C. JOS (Mukundapuram) : The matter has been raised here. The hon. Prime Minister has replied. We are thankful to him. But, at the same time, it is not only on the newspaper reports...*(Interruptions)*. The Transport and Excise Minister of Delhi Government has issued a statement saying that there is no sanctity in serving wine very near to the church. So, wine can be served and liquor shops can be established. It is a statement by the Transport and Excise Minister of the Delhi Government. So, this has to be viewed very seriously. The Prime Minister has said that we are depending on the report of the newspaper. It is not based on the report of the newspapers, it is a reported statement by Shri Rajendra Gupta, Minister in-charge of Transport and Excise Department of the Delhi Government issuing a statement saying that there is no sanctity in serving wine inside the church because the wine is being served in the church. So, this is a very serious matter which the Government has to take into consideration. I have the information that he has conducted a television interview also...*(Interruptions)*

[Translation]

SHRI MOTILAL VORA : Mr. Speaker, Sir, yesterday about ten thousand farmers of Madhya Pradesh came to Delhi and demonstrated. During 1997-98 because of anti-farmer policy of the Central Government, crop on 222 lakh hectares of land in Madhya Pradesh was damaged...*(Interruptions)*

[English]

MR. SPEAKER : I have called Shri Vora, not you. Please take your seats.

SHRI MOTILAL VORA : Sir, this Government is totally anti-farmers. They are not allowing me to speak. With your permission I am speaking. Am I to take their permission before I speak?...*(Interruptions)*

MR. SPEAKER : Nothing will go on record except what Shri Vora is speaking.

(Interruptions)

[Translation]

SHRI MOTILAL VORA : Mr. Speaker, Sir, the Central Government has done injustice to the farmers of Madhya Pradesh...*(Interruptions)*

[English]

MR. SPEAKER : I will allow you also. Please take your seats.

(Interruptions)

MR. SPEAKER : Hon. Members, please take your seats. It is not good. I will allow you also.

SHRI P. SHIV SHANKER (Tenali) : Mr. Speaker, Sir, our hon. Member, with your permission, got up to speak. They are going on making noise and the Chief Whip there keeps quiet. You must stop them, Sir. This is unfair on their part...*(Interruptions)*

[Translation]

SHRI MOTILAL VORA : Sir, I want to draw the attention of Central Government towards this fact...*(Interruptions)*

[English]

MR. SPEAKER : Please take your seats. I will allow you.

PROF. P.J. KURIEN (Mavelikara) : Mr. Speaker, Sir, it was decided in the Leaders' meeting that today we will have the House in order and all the Bills will be passed, and we promised to cooperate with the Government. Now it is for the Government to react. If they interfere and create problems when our Members are speaking, then what is the understanding with the Government? Then we will also back out. Let them get the Bills passed then. This is not the way. They cannot have the cake and eat it too.

SHRI INDRAJIT GUPTA (Midnapore) : Sir, I agree with Prof. Kurien but I would only request him to see that his own Members do not interfere. Their own party leader is speaking and he is going on interrupting him and interfering. Why is he doing that? They are not doing it; he himself is doing it. How can the House go on like this?

[Translation]

SHRI MOTILAL VORA : Mr. Speaker, Sir, This Government is anti-farmer. The biggest example of this is that during 1997-98, crop on 222 lakh hectares of land in Madhya Pradesh was damaged. The Chief Minister of Madhya Pradesh had given a memorandum in April last requesting financial assistance of Rs. 2120 crores to the State. The BJP had categorically promised during the election campaign in the State that if their party came to power in the Centre, they would provide Rs. 5000 per acre as compensation to the farmers. The farmers

even filled up forms which cost Rs. 5 each. Lakhs of such forms were filled up. We are proud and glad that our hon. Prime Minister, Shri Atal Bihari Vajpayee, who is also a poet, belongs to Madhya Pradesh but it is rather unfortunate that he was not moved by the polity of farmers. The poet is so sentimental that he gets moved by the sufferings of the farmers. If this continues...(*Interruptions*) Mr. Speaker, Sir, the farmers of Madhya Pradesh held demonstrations yesterday...(*Interruptions*)

[*English*]

MR. SPEAKER : No, please do not disturb him.

(*Interruptions*)

MR. SPEAKER : Dr. Pandey, please take your seat.

(*Interruptions*)

MR. SPEAKER : Shri Vora, please finish.

SHRI MOTILAL VORA : I will finish within a minute, Sir.

I would request the hon. Prime Minister to consider the request of all the farmers of Madhya Pradesh. We met the Prime Minister yesterday. He had assured us that he would be looking into the matter. I believe that the Prime Minister will definitely look into the matter. We believe only the Prime Minister of this country, Shri Atal Bihari Vajpayee. Only assurances do not work to minimise the problems...(*Interruptions*)

MR. SPEAKER : Dr. Madan Prasad Jaiswal.

SHRI MOTILAL VORA : We believe only him. That is why, I say that the grievances of the farmers of Madhya Pradesh be looked into...(*Interruptions*)

MR. SPEAKER : I have called Dr. Madan Prasad Jaiswal. Please allow him to speak.

(*Interruptions*)

MR. SPEAKER : Hon. Members, please cooperate. I have just called Dr. Madan Prasad Jaiswal.

[*Translation*]

SHRI KANTILAL BHURIA (Jhabua) : Mr. Speaker, Sir, the buses in which the farmers came have been stopped on the outskirts of Delhi. The farmers of Madhya Pradesh held a demonstration yesterday ...(*Interruptions*)

[*English*]

MR. SPEAKER : This is not good. Please take your seat. I will allow you.

(*Interruptions*)

MR. SPEAKER : Dr. Madan Prasad Jaiswal.

(*Interruptions*)

MR. SPEAKER : Nothing will go on record.

(*Interruptions*)*

MR. SPEAKER : What is this? Please protect the dignity of the House. Please take your seat.

(*Interruptions*)

MR. SPEAKER : This is not good. Please take your seat.

(*Interruptions*)

MR. SPEAKER : You are a senior Member. Please observe the rules.

(*Interruptions*)

MR. SPEAKER : Hon. Members, please take your seats.

[*Translation*]

DR. MADAN PRASAD JAISWAL (Betia) : Mr. Speaker, Sir, there is 'jungle raj' in Bihar. The former Minister of Energy of Bihar belonging to Rashtriya Janata Dal...(*Interruptions*)

SHRI RAJESH PILOT (Dausa) : Mr. Speaker, Sir, the Hon. Prime Minister is present here. The feeling expressed from this side and that side are the same on this issue.

[*English*]

He should say what he is going to do about it. He is sitting here.

MR. SPEAKER : I have to honour this list.

SHRI RAJESH PILOT : Otherwise, there is no use of waiting and sitting here. The hon. Prime Minister is here. We would like to know whether he has committed Rs. 5,000 per acre or not.

MR. SPEAKER : I will hear you later.

SHRI RAJESH PILOT : My point is that you are going to a different subject.

MR. SPEAKER : Since I have already called him, I will hear you later.

SHRI RAJESH PILOT : I agree. But the point is that the Member has raised the issue.

MR. SPEAKER : Shri Pilot, there are a number of Members who have given notices. If you are interested to speak I will call you later.

SHRI RAJESH PILOT : Sir, it is not a question of your calling me. The hon. Member has raised the issue. The hon. Prime Minister is sitting here. We would like to know whether he has done it or not...(*Interruptions*) It is their interest also. We want that farmers should be helped and they also want that farmers should be helped.

* Not Recorded.

MR. SPEAKER : If so many Members are interested on this subject, I will call you later. Please take your seat now.

SHRI RAJESH PILOT : Sir, it is not the question of calling again. It is their request also.

MR. SPEAKER : I will allow them also.

[Translation]

DR. MADAN PRASAD JAISWAL (Betia) : Mr. Speaker, Sir, the former Energy Minister and MLA of Rashtriya Janata Dal, Shri Brij Behari Prasad was the husband of Shrimati Rama Devi, Member of Parliament. He was killed in judicial custody in Bihar in a hospital. The very next day a C.P.I.(M) MLA Shri Ajit Sarkar was also killed. Before this, Shri Virendra Dubey, MLA of Samata Party was killed. Several political leaders in Bihar have been killed in the recent past. At present, there is no Government in Bihar. Terrorism has taken its root there. There are eight Ministers in Bihar Government against whom warrants have been issued. There are media reports that the Rabri Devi Government is giving protection and patronage to criminals. Criminal cases are registered against eight Ministers there. The Rabri Devi Government is protecting kidnapers. Shrimati Rama Devi has charged that two Ministers of Bihar are involved in the murders. These people were a party to these murders and the Government machinery was used to carry out the murders. Mr. Speaker, Sir, I demand that the Government should conduct an enquiry into the matter. This is a very serious matter concerning Bihar and President's Rule should be imposed there. The Prime Minister is present here, I want to tell him that Bihar Legislative Assembly is not functioning. I demand that the Government should conduct a CBI enquiry into these killings...(Interruptions) Today terrorism is spreading in Bihar. I demand an enquiry keeping in view the gravity of the matter.

SHRI MOHAMMAD ALI ASHRAF FATMI (Darbhanga) : Mr. Speaker, Sir, she is his wife.

[English]

MR. SPEAKER : Shri Fatmi, it is not necessary for you to speak on every matter. I have to call the names of Members who have given notices before 10 o'clock.

[Translation]

SHRI MOHAMMAD ALI ASHRAF FATMI : Mr. Speaker, Sir, she is the wife of the MLA who has been assassinated.

SHRIMATI RAMA DEVI (Motihari) : Mr. Speaker, Sir, I want to speak. If I am not allowed to speak, I won't allow anybody else to speak.

SHRI LALU PRASAD (Madhepura) : Mr. Speaker, Sir, the hon. Member has levelled a charge. I submit that hon. Rama Devi whose husband has been killed should be heard after which we should be allowed to speak.

SHRIMATI RAMA DEVI : Mr. Speaker, Sir, on the 8th instant I made an appeal to this august House that Shri R.K. Singh, a DSP of the CBI is after me and some persons are trying to murder my husband. They took him away when he had high fever. I made a fervent request in this regard and gave you in writing. I was asked to keep quiet. I was threatened that even though I am an M.P., I would also be handcuffed. This is a clear case of disrespect to all M.Ps. irrespective of their being in the ruling party or in the opposition. Even then my submission was not heard carefully. Here an assurance was given that the Privilege Committee would be constituted. I want to ask the hon. Prime Minister as to the time by which this Committee would be constituted. My husband has been killed. I made a fervent appeal in this august House that some persons are trying to kill my husband. Even after being an M.P. I could not protect myself. Then, how can an ordinary woman be able to protect herself? Due respect is not shown to women in this House. Here women are suppressed. On the other hand my husband was killed...(Interruptions) None of the MLAs or Ministers of the Rashtriya Janata Dal would like to kill their own Minister. Investigations should be conducted against the person who has committed this murder irrespective of his party affiliations whether it is Samata party or the BJP. He must be punished...(Interruptions) Please let me speak. My children have become orphans. Tomorrow someone else may also face such a situation. What would happen then. Do not stand up. I won't tolerate it. Whatever has happened upto now, I want to have its details right now. First of all please make the TV on and show it to the whole country and the world. People should know that justice was not done to me and my husband was killed. Bring my husband back to me. All women and other male members in this House had gone to the well of the House and cried for justice but no attention was paid to my request. Why? I want Government's reply now in the House itself...(Interruptions) I want a reply. There is no other point except that today every person is facing threat to his life...(Interruptions)

MR. SPEAKER : Rama Devi ji please sit down.

SHRIMATI RAMA DEVI : Unless my question is replied to, I would not sit down. I came with that much courage for this question only...(Interruptions)

SHRI P. SHIV SHANKER : We are raising your case only.

[English]

Sir, this is undoubtedly a very serious matter. You may kindly recall that the hon. Member had raised this issue in the House. She had come right up to the well and gave a written complaint to you. You were pleased to refer it to the Privileges Committee because even her privilege was affected. It is in those circumstances that she said that there was a danger to the life of her husband and herself both. She had also brought to your notice the manner in which that officer had misbehaved with her. She had given a written complaint. That complaint was looked into by you and you referred it to the Privileges Committee. I do not know what happened after that. But no Privileges Committee has so far been constituted and the matter has not gone there. In spite of all hullabaloo in this House and having brought it to your notice and to the notice of the Prime Minister as well as all the Ministers, if her husband is to be killed in that manner, then what is the protection do we have? No Member will have any protection. Nobody can claim that he has any protection if a Member of this august House cannot seek protection of her own husband then what is the purpose of our being here as Members? This is a serious matter.

Therefore, I call upon the Prime Minister to give a clear assurance. He must refer the matter to the C.B.I....(Interruptions). Action should immediately be taken against that officer. Sir, there is no reason why we should wait any longer. That day a request was made by her to immediately suspend that officer. But that request was not acceded to by you and neither anybody from that side ever responded to this. This is the time when her husband has been killed and I request that officer must immediately be suspended. Thereafter action should be taken against that officer. Proper investigation should be carried out and her grievance should be allayed. The Prime Minister should give a clear assurance to the Members of this House that their rights would be protected.

[Translation]

THE PRIME MINISTER (SHRI ATAL BIHARI VAJPAYEE) : Mr. Speaker, Sir...(Interruptions)

SHRI LALU PRASAD : Mr. Speaker, Sir, please listen to us.

SHRI ATAL BIHARI VAJPAYEE : They have to explain their position.

SHRI P. SHIV SHANKER : Mr. Prime Minister he wants to say something, please let him speak.

SHRI ATAL BIHARI VAJPAYEE : I have no objection, I am ready to totally keep quiet...(Interruptions)

SHRI P. SHIV SHANKER : You must put forth your view point, but let those persons also speak who want to express their views...(Interruptions)

SHRI LALU PRASAD : Mr. Speaker, Sir, there is no question of playing politics in this case. When hon. Member Shrimati Rama Devi's husband was having fever with a high temperature of 104 degree the CBI arrested him. She is well aware of the misconduct of CBI shown to her and her husband. The State Government had deployed security personnel alongwith commando. He was under custody in the hospital but he was brutally murdered. The State Government and the State police...(Interruptions)

SHRIMATI JAYABEN BHARATKUMAR THAKKAR (Vadodara) : Mr. Speaker, Sir, who is running the Government in Bihar and who is in power there? there are five such Ministers in Bihar who during a TV interview threw a challenge that let some one apprehend them. Then only they will say whether they are guilty or not.

SHRI LALU PRASAD : Mr. Speaker, Sir, you can call for the names of persons mentioned in the FIR for the consideration of the House. The State police did not give any name. They have not made any guess about it. The Samata Party and BJP have an alliance and it can be ascertained from the Baye Massacre as to the political parties which are getting protection. Mr. Prime Minister, in the recent bye election, Devendra Dubey the brother of present MLA of Govindganj was murdered. Some people had made a resolve to take revenge of this murder and thus as a sequel to that innocent Brij Behari was murdered. Inter-state gangs, criminals of U.P. are involved. This alliance is trying to see how to impose Article 356 in Bihar, how law and order position can be deteriorated. The newly elected legislator, I am not talking of any party, Samata Party's MLA and BJP's...(Interruptions) Please listen to me. The newly elected MLA, the brother of Devendra Dubey...(Interruptions)

SHRI VIJAY GOEL (Chandni Chowk) : Mr. Speaker, Sir, we are not ready to listen to him. It was their Government which deployed commandos, they deployed police...(Interruptions). Even then the State Government could not protect him. Laluji you cannot speak like this. We won't allow him to speak anything. This is the case of her husband's murder and he wants to encash the incident. Is it Parliament or a place of making speeches. They are talking about Article 356. It won't go like this, he cannot speak like this. He is about to go to jail...(Interruptions) Some cases have been filed against him. He need not teach us. Is it the way to conduct the proceedings of Parliament. It is wrong. Mr. Speaker, Sir, we are not ready to listen. I did not get up to make any speech.

You are asking them to speak even by making the hon. Prime Minister to yield...*(Interruptions)* The husband of a Member of Parliament has been killed. They want to cash on the issue politically. Mr. Speaker, Sir, now it is your responsibility to maintain order. You please make them sit. Is this the way? There is no law and order in Bihar. They should not teach us...*(Interruptions)*

[English]

MR. SPEAKER : I will allow you. I will allow you also. Please take your seat.

[Translation]

SHRI VIJAY GOEL : Mr. Speaker, Sir, there is no law and order in Bihar. Shri' Lalu Prasad Yadav is trying to teach us. He need not teach us. We know everything. If one reads the newspapers, one would find the reports of corruption there.

[English]

MR. SPEAKER : Hon. Members, please take your seats.

(Interruptions)

MR. SPEAKER : Shri Lalu Prasad, please complete. There are other hon. Members also to speak. I have to allow 20 hon. Members more.

[Translation]

SHRI LALU PRASAD : Mr. Speaker, Sir, I, through you, would like to tell the House that you please ask for the FIR and see the names mentioned in the FIR. This is an alliance of the Samta party and the BJP. Shrimati Rama Devi has herself written that she has no faith in the CBI. Please take her views into account also...*(Interruptions)* There are news in all newspapers of the country. You please call for a copy of the FIR from Bihar and see the names of the accused...*(Interruptions)*

[English]

MR. SPEAKER : I have allowed Shri Prabhunath Singh to speak now.

[Translation]

SHRI PRABHUNATH SINGH (Maharajganj) : Mr. Speaker, Sir, the murder of Shri Brij Bihari Prasad is a tragic incident. Nobody will support such an incident. Shri Brij Bihari Prasad was a Minister in the State Government. He was made an accused during the CBI inquiry into Medha scandal and accordingly, he was arrested. The State Government has raised a commando force in Bihar and the personnel of this force are provided for protecting those political leaders who in eyes of the State

Government, faced threats to their lives. Shri Brij Bihari Prasad was also provided commandos of this force. Shri Lalu Prasad has rightly said that the criminals from Uttar Pradesh and Bihar have been operating jointly and they have established their bases in both the States and they are doing political murders very swiftly. Who is giving protection to those criminals of UP and Bihar, who are based in Bihar?...*(Interruptions)*

Mr. Speaker, Sir, I do not know whether U.P. Government or Bihar Government reigns over Bihar. However, I would like to tell that I had a meeting with Shri Lalu Prasad and in that meeting, I had told him that some criminal elements from outside Bihar had unleashed a reign of terror in Bihar. I had also told him that the SP of that area was aware of the activities of such criminals, but no action was taken. The Hon. Prime Minister is well seized of the situation in Bihar. The Government of India is also aware of the happenings in Bihar. The hands of the Prime Minister are tied. I do not know about the compulsion of the Government. However, I would like to say that incidents like murder of Brij Bihari Prasad and Ajit Sarkar should not recur and a CBI inquiry should be ordered into these incidents...*(Interruptions)* All the accused who are involved in that incident will be exposed...*(Interruptions)* We should not view this murder with a political angle. It should not be raised in the name of the Samta Party and the BJP. A CBI inquiry should be ordered to arrest the culprits who are actually guilty in this murder case and to expose them...*(Interruptions)*

[English]

SHRI P. SHIV SHANKER (Tenali) : Mr. Speaker, Sir, I am only on a limited point...*(Interruptions)* I only want to know from the hon. Prime Minister whether the CBI Officer could be suspended or not. This is the first point. The second point is this. What assurance is he giving to the House about the safety of the Members? These are the two points to which I want the hon. Prime Minister to reply. Let him make the points clear...*(Interruptions)*

[Translation]

SHRI ATAL BIHARI VAJPAYEE : Mr. Speaker, Sir, this House is well seized of the incident. There is no need to repeat the facts. The Union Government is prepared to get this case inquired into by the CBI...*(Interruptions)*

SHRI P. SHIV SHANKER : I have said whether you are placing the officer of the CBI under suspension or not because he is one of the accused. Secondly, what we are being assured is that...*(Interruptions)*.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF TOURISM (SHRI MADAN LAL KHURANA) : You have demanded a CBI inquiry...*(Interruptions)* You can see the proceedings...*(Interruptions)*

[English]

MR. SPEAKER : Madam, please take your seat.

(Interruptions)

MR. SPEAKER : Nothing will go on record except the version of Shri V.M. Sudheeran.

*(Interruptions)**

MR. SPEAKER : He has already replied to that.

SHRI P. SHIV SHANKER : He has not replied to that. He was trying to say something. The point is that the allegation against the CBI officer is very serious. The matter was raised here. Mr. Prime Minister, are you, at this stage, going to take action against him?...*(Interruptions)*

MR. SPEAKER : Shri P. Shiv Shanker, he has already replied to that.

(Interruptions)

SHRI P. SHIV SHANKER : What assurance is he going to give to the Members about their safety? Let him explain...*(Interruptions)*

MR. SPEAKER : Now, Shri V.M. Sudheeran to speak.

(Interruptions)

MR. SPEAKER : Shri Prabhunath Singh, please take your seat.

(Interruptions)

MR. SPEAKER : Shri Mohammad Ali Ashraf Fatmi, the hon. Prime Minister has already given the reply. Please take your seat.

[Translation]

SHRIMATI RAMA DEVI : I have still to get a reply to my point...*(Interruptions)*

[English]

MR. SPEAKER : The hon. Prime Minister has already given the reply. Please take your seat. Shri V.M. Sudheeran, please continue.

(Interruptions)

SHRI V.M. SUDHEERAN (Alleppey) : Sir, my lung power is very bad. So, please protect me. I would like to point out one thing in two or three sentences...*(Interruptions)*

* Not Recorded.

11.49 hrs.

At this stage, Shrimati Rama Devi came and stood on the floor near the Table.

MR. SPEAKER : Madam, please go back to your seat. Already, the hon. Prime Minister has given the reply.

(Interruptions)

MR. SPEAKER : Shri Fatmi, please take your seat. We have to complete a lot of important business. The hon. Prime Minister has already replied that the matter has been entrusted to the CBI. Please understand this.

(Interruptions)

[Translation]

DR. BIZAY SONKAR SHASTRI (Saidpur) : Please get this incident enquired into by the CBI...*(Interruptions)*

[English]

MR. SPEAKER : Madam, please go to your seat.

(Interruptions)

[Translation]

SHRI MOHAMMAD ALI ASHRAF FATMI (Darbhanga) : Mr. Speaker, Sir, please hear him also.

[English]

MR. SPEAKER : Shri Fatmi, is it a good way? The hon. Prime Minister has already replied to it.

(Interruptions)

11.51 hrs.

At this stage Shri Mohammad Ali Ashraf Fatmi and some other hon. Members came and stood near the Table.

[Translation]

MR. SPEAKER : I have heard him and the Prime Minister has replied to it. Now, what you are speaking about?

11.51 hrs.

At this stage Shrimati Rama Devi, Shri Mohammad Ali Ashraf Fatmi and other hon. Members went back to this seats.

[Translation]

SHRI LALU PRASAD : Sir, a bench headed by a sitting judge of Patna High Court is already

constituted under the Commission of Inquiry Act to look into the lapses, security lapses and background circumstances...*(Interruptions)* Please listen. Sir, there is a sitting judge. So far as the CBI is concerned, Smt. Rama Devi and I oppose it because it works under the tutelage of the Government and moreover, the accused is an MLA of the Samta-BJP alliance. That is why, we do not talk of CBI inquiry. It is written...*(Interruptions)*

[English]

MR. SPEAKER : The hon. Prime Minister has already replied to it.

(Interruptions)

[Translation]

SHRI CHETAN CHAUHAN (Amroha) : According to Laluji, the CBI should be disbanded so that there is a reign of terror all around...*(Interruptions)*

SHRI UTTAMSINGH PAWAR (Jalna) : One should not lose faith in an institution like the CBI...*(Interruptions)*

SHRI PRABHUNATH SINGH : Mr. Speaker, Sir, I am not going to make a speech. I just want to give a suggestion...*(Interruptions)* Sir, I want to suggest that since Shri Lalji Yadav does not want an inquiry to be conducted by the CBI, and inquiry may be got conducted by any other agency except the Bihar Police...*(Interruptions)*

[English]

MR. SPEAKER : Nothing will go on record.

*(Interruptions)**

MR. SPEAKER : Shri Prabhunath Singh, I have already allowed you. I cannot allow you again. Please take your seat.

(Interruptions)

MR. SPEAKER : Nothing will go on record. Shri Sudheeran to speak.

*(Interruptions)**

[Translation]

SHRI RAJVEER SINGH (Aonla) : Please get the case investigated by Shri Lalji Yadav.

SHRI LALJI PRASAD : No, Sir, what happened to his point?

MR. SPEAKER : The Prime Minister has replied to it.

(Interruptions)

[English]

SHRI V.M. SUDHEERAN : Sir, earlier the hon. Prime Minister had assured the House that he would look into the reported move of the Delhi Government to remove the churches from the list of places of worship. Since this is a very serious matter, it is highly appropriate and necessary that the Prime Minister may come to the House with a statement today itself clearing the anxieties, apprehension and confusion generated in the minds of the people and see that the Delhi Government abandon the ill-conceived plan.

[Translation]

SHRI LALJI PRASAD : We do not accept it. Sir, please listen to me. The hon. Prime Minister replied that there were three points for inquiry under the Commission of Inquiry Act...*(Interruptions)* It is scheduled. It is a criminal case. They have made the CBI a party in the criminal case. Shrimati Rama Devi has given in writing that she has no faith in the CBI. Therefore, you can make out anything of what she has said or what you have said...*(Interruptions)*

SHRIMATI KAILASHO DEVI (Kurukshetra) : Mr. Speaker, Sir, I want to draw the attention of this House to the deteriorating law and order situation in Haryana...*(Interruptions)*

11.56 hrs.

At this stage Shri Lalji Prasad and some other hon. Members came and stood near the Table.

(Interruptions)

[English]

MR. SPEAKER : Nothing will go on record.

*(Interruptions)**

[Translation]

MR. SPEAKER : Fatmiji, you are a senior Member, Please go to your seat. The Prime Minister has already replied to it. I have called Smt. Kailasho Devi.

(Interruptions)

MR. SPEAKER : The Prime Minister has already replied. Now, please go to your seats.

11.58 hrs.

At this stage Shri Lalji Prasad and some other hon. Members went back to their seats.

[English]

PROF. P.J. KURIEN : Mr. Speaker, Sir, this is a question relating to the murder of the husband of an hon. Member of this House...(Interruptions)

MR. SPEAKER : Mr. Prime Minister, would you like to say something on this?

(Interruptions)

PROF. P.J. KURIEN : Mr. Speaker, Sir, I would only submit this...(Interruptions)

MR. SPEAKER : Prof. Kurien, please take your seat.

PROF. P.J. KURIEN : Sir, he is yielding...(Interruptions)...The hon. Prime Minister has yielded.

This is a question relating to the murder of the husband of an hon. Member of this House. The hon. Member herself had complained about it in the last sitting also. Now, her husband has been murdered. Let us not gloss over it. Let us take it seriously. I would request the hon. Prime Minister to please listen to her, come forward and say something which is satisfactory to the hon. Member. All of us are sharing the agony of that hon. Member. It should not happen with any Member whether he is from this side or that side.

So, please react and do something
...(Interruptions)

[Translation]

12.00 hrs.

SHRIMATI RAMA DEVI : Mr. Speaker, sir, I have no faith in the CBI. I had raised this matter on the 8th instant and sought justice. All of you know what happened. I am not at all convinced of what you are going to make me believe. I have...on CBI...(Interruptions). I have come with papers and I want justice in the matter that was raised that day...(Interruptions) I do not have any faith in the CBI...(Interruptions) Will you not allow me to speak?...(Interruptions)

[English]

MR. SPEAKER : Please take it seriously.

(Interruptions)

MR. SPEAKER : I have allowed her, please take your seat.

(Interruptions)

MR. SPEAKER : I have not allowed you. Please take your seat.

(Interruptions)

MR. SPEAKER : Nothing will go on record.

(Interruptions)*

MR. SPEAKER : I will allow you later. Please take your seat.

[Translation]

SHRIMATI RAMA DEVI : Sir, there is no discipline left in this House. One Member is interrupted by another Member and he is not allowed to speak...(Interruptions) I have no confidence in the CBI. Shri R.K. Singh misbehaved with me and I had raised this matter in this House. I want a reply in this matter. Keeping in view what happened to me, suspension is not enough. He should be hanged. He is a culprit. I have no faith in the CBI. The Government should do justice if it has a faith in it. Why the justice was not done that day. I want justice. I would not sit until justice is done to me...(Interruptions) Let the Prime Minister speak...(Interruptions) I urge the Prime Minister to give a reply in the matter...(Interruptions)

[English]

SHRI SUDIP BANDYOPADHYAY (Calcutta North-West) : We are accusing CBI here...(Interruptions)

MR. SPEAKER : Sit down, please.

SHRI SUDIP BANDYOPADHYAY (Calcutta North-West) : They have made certain allegations against CBI Officers.

The hon. lady Member has made an allegation against a CBI officer. But for that we cannot accuse the whole of the CBI which is a prestigious organisation of the country. How can we say that the CBI is totally wrong and that we cannot entrust the CBI's with any inquiry? Is it possible to announce that the whole House is against the CBI totally?...(Interruptions) The CBI is a prestigious organisation. We should not make any such comment by which the inquiry system of the total country would lose its prestige. If any hon. Member makes an accusation against any particular officer, it should certainly be looked into but the CBI's prestige should not face such a challenge because we cannot make any inquiry by bringing in intelligence agencies from outside...(Interruptions) We should give total protection to the CBI...(Interruptions)

MR. SPEAKER : Please, sit down now.

[Translation]

THE PRIME MINISTER (SHRI ATAL BIHARI VAJPAYEE) : Mr. Speaker, Sir, I can well understand

* Not Recorded.

the feelings of hon. Members on this issue. You had decided to refer the whole matter to the Privilege Committee the day it was raised. One more person has since been murdered in the judicial custody, in the presence of commandos. It was a brutal murder. I am deeply shocked at the murder of the husband of one of our hon. Members. Now we have a question before us as to what sort of enquiry be conducted into it. This can be decided by this House. One of the methods of enquiry is that this House can decide to broaden the scope of the Privilege Committee to which this matter has been referred to. I am prepared to give it up if the august House likes. The other way out is to get it enquired by the CBI. Now, the enquiry by CBI is being opposed alleging that CBI is a party in this case. I would like to assure the august House that if any officer has failed to discharge his duty or resorted to any action deliberately, action could be initiated by the Central Government by conducting an enquiry against such officer. There is one more option to conduct an enquiry. The Government of Bihar may hold a judicial enquiry in the matter...*(Interruptions)*

SHRI LALU PRASAD : That has been done.

SHRI ATAL BIHARI VAJPAYEE : All right, then we will have to wait for its outcome...*(Interruptions)* I want to assure that action would be taken in case of negligence shown by any CBI officer or his involvement in this crime...*(Interruptions)*

12.08 hrs.

STANDING COMMITTEE ON FOOD, CIVIL SUPPLIES AND PUBLIC DISTRIBUTION

First Report

SHRI RAGHUVANSH PRASAD SINGH (Vaishali): Sir, I beg to lay the first report (both Hindi and English versions) of Standing Committee on Food, Civil Supplies and Public Distribution on Essential Commodities (Amendment) Bill, 1998.

—————
(Interruptions)

SHRI LALU PRASAD : Sir, please listen to me.

(English)

MR. SPEAKER : Shri Lal Prasad, please take your seat. The hon. Prime Minister has already responded. We have to proceed to the next item of business, i.e., Statutory Resolution to be moved by Shri Arif Mohammad Khan.

(Interruptions)

(Translation)

SHRI LALU PRASAD : Sir, please listen to me for a minute.

(English)

MR. SPEAKER : Nothing will go on record.

*(Interruptions)**

MR. SPEAKER : Shri Lal Prasad, please sit down.

(Translation)

SHRI LALU PRASAD : I will not take my seat till you listen to me...*(Interruptions)*

MR. SPEAKER : It is not proper.

(Interruptions)

(English)

MR. SPEAKER : Shri Lal Prasad, please take your seat.

(Interruptions)

MR. SPEAKER : Please cooperate with the Chair.

(Interruptions)

MR. SPEAKER : Shri Lal Prasad, please take your seat.

(Interruptions)

(Translation)

SHRI LALU PRASAD : I am just making your point only. Please listen to me for a minute. Then I will take my seat...*(Interruptions)*

SHRI VIRENDRA SINGH (Mirzapur) : Mr. Speaker, Sir, the august House should not bow to anyone's pressure...*(Interruptions)*

(English)

MR. SPEAKER : Shri Lal Prasad, I have allowed one hour to discuss the same subject. Please understand this. Please cooperate with the Chair.

(Interruptions)

MR. SPEAKER : Hon. Prime Minister gave a categorical reply. So, please take your seats now.

(Interruptions)

(Translation)

SHRI LALU PRASAD : It is a matter of privilege. A meeting should be held to expedite this matter...*(Interruptions)* Mr. Speaker, Sir, since I am

* Not Recorded.

on my legs, please ask him to take his seat...*(Interruptions)*

[English]

MR. SPEAKER : Please take your seat.

[Translation]

SHRI LALU PRASAD : Please listen to me. We are cooperating with you.

SHRI VIRENDRA SINGH : Will you conduct this House?

SHRI LALU PRASAD : I want to say something in connection with what the Prime Minister has stated...*(Interruptions)*. Please listen to me...*(Interruptions)*

[English]

MR. SPEAKER : Please cooperate with the Chair.

(Interruptions)

[Translation]

SHRI VIRENDRA SINGH : It should be decided today as to how should we conduct this House...*(Interruptions)*

SHRI LALU PRASAD : All right, a meeting should be convened for this purpose.

SHRI VIRENDRA SINGH : It should be decided today as to how to conduct this House. He makes such points everyday. We have also got an equal right like him...*(Interruptions)*

SHRI LALU PRASAD : Mr. Speaker, Sir, is he speaking with your permission?

SHRI VIRENDRA SINGH : With whose permission you are speaking...*(Interruptions)*

SHRI LALU PRASAD : You may keep standing but I am not going to take my seat too...*(Interruptions)*

SHRI VIRENDRA SINGH : Mr. Speaker, Sir, he wants to take a political mileage by raising this issue. He insists everyday that the House should be run according to his wishes. This should be decided today as to how this House is to be run...*(Interruptions)*

[English]

MR. SPEAKER : Shri Lalu Prasad, please take your seat.

(Interruptions)

MR. SPEAKER : Madam, please take your seat.

[Translation]

SHRIMATI KAILASHO DEVI (Kurukshetra) : Mr. Speaker, Sir, through you, I want to draw the attention

of the hon. Prime Minister towards the deteriorating law and order situation in Haryana State and failure of the present State Government to tackle this situation. The innocent farmers were agitating peacefully at Satnali and Madioli in Haryana for their just demands. They were shot dead.

[English]

SHRI SURENDER SINGH (Bhiwani) : Law and order is a State subject.

MR. SPEAKER : I have allowed her to speak. Please take your seat.

(Interruptions)

[Translation]

SHRIMATI KAILASHO DEVI : Mr. Speaker, Sir, those agitating farmers were shot dead but no enquiry was done. They have been implicated in false cases. The farmers and their families are on the verge of starvation.

SHRI SURENDER SINGH : Mr. Speaker, Sir, what the hon. Member is saying is not correct.

[English]

MR. SPEAKER : Nothing will go on recored except what Shrimati Kailasho Devi is saying.

*(Interruptions)**

[Translation]

SHRIMATI KAILASHO DEVI : Mr. Speaker, Sir, the law and order situation in Haryana has worsened. In Bahadurgarh, girls aged between 6 to 11 years were raped and their dead bodies cut to pieces were thrown off.

Mr. Speaker, Sir, I want to remind through you that the incident of 'draupadi Cheer Haran' led to the battle of 'Mahabharta' and now the same sort of innumerable incidents of 'Cheer Haran' are taking place in Haryana. Why the hon. Member of this House are not agitated over such incidents? Hundreds of Draupadis (women) are being subjected to humiliation today.

Mr. Speaker, Sir, the nurse are on strike for the last one and half months. They are pressing for their just demands...*(Interruptions)*

[English]

MR. SPEAKER : Please take your seat. I have allowed her. Madam, please complete now.

(Interruptions)

* Not Recorded.

SHRIMATI KAILASHO DEVI : Mr. Speaker, Sir, nurses' strike has been going on for last one and a half months but the Central Government is not compelling the State Government to pay heed to the demands of the nurses. Nurses save the lives of the patients giving them the affectionate care of a mother and a sister. They can even dislodge a Government run by persons like Duryodhan and Ravana to get their legitimate demands accepted with the strength of 'Ranchandi'. So, the Central Government should compel the State Government to accept their legitimate demands...*(Interruptions)*

[English]

MR. SPEAKER : Shri N. Bhaskara Rao.

(Interruptions)

MR. SPEAKER : Nothing will go on record except what Shri N. Bhaskara Rao is saying.

*(Interruptions)**

[Translation]

SHRIMATI KAILASHO DEVI : Mr. Speaker, Sir, Kurukshetra is my Parliamentary Constituency where Police is acting with a retaliatory motive ...*(Interruptions)*

[English]

MR. SPEAKER : Nothing will go on record.

*(Interruptions)**

SHRI NADENDLA BHASKARA RAO (Khammam): Sir, with your permission, I would raise an important matter here.

A First Class Judicial Magistrate of Ernakulam has issued a non-bailable arrest warrant to a Union Minister named Shri Suresh Prabhu, the Prime Minister is here. I want to know whether he is continuing in the Cabinet or whether he has resigned...*(Interruptions)*... Or has he surrendered before that First Class Judicial Magistrate? These are the three points on which I would like the Prime Minister to respond. Sir, has he allowed him to continue in the Cabinet? This is a very serious matter. A non-bailable arrest warrant has been issued against a Central Minister. Has the Prime Minister dismissed him or is he continuing in the Cabinet?...*(Interruptions)*

MR. SPEAKER : Nothing will go on record except what Shri Chaman Lal Gupta is saying.

*(Interruptions)**

MR. SPEAKER : Shri Rao, you have already mentioned your point. Please take your seat.

(Interruptions)

* Not Recorded.

[Translation]

SHRI CHAMAN LAL GUPTA (Udampur) : Mr. Speaker, Sir, I want to make a submission about the situation prevailing in my constituency ...*(Interruptions)*

[English]

SHRI NADENDLA BHASKARA RAO : Is he continuing as a Minister? Or, has he surrendered before the First Class Magistrate?...*(Interruptions)*

MR. SPEAKER : I have allowed Shri Chaman Lal Gupta. Shri Jos, please take your seat.

(Interruptions)

MR. SPEAKER : No, no; please take your seat. Shri Nadendra Bhaskara Rao has already mentioned it.

(Interruptions)

MR. SPEAKER : Shri Chaman Lal Gupta, what is your submission?

[Translation]

SHRI CHAMAN LAL GUPTA : Mr. Speaker, Sir, I want to tell this House through you that massacre is taking place unabated in Doda district by the terrorists. In the last two months...*(Interruptions)*

[English]

MR. SPEAKER : Shri Bhaskara Rao, please take your seat. You have already mentioned your point.

SHRI A.C. JOS (Mukundapuram) : Is he continuing as a Minister?...*(Interruptions)*

[Translation]

SHRI CHAMAN LAL GUPTA : Mr. Speaker, Sir, during the last two months more than hundred persons have been killed in Doda district. At first, about 20 persons were killed in Rankot...*(Interruptions)*

[English]

SHRI A.C. JOS : He has been summoned two or three times...*(Interruptions)*

MR. SPEAKER : Shri Jos, please take your seat.

(Interruptions)

[English]

MR. SPEAKER : What is this? He has already mentioned it.

(Interruptions)

* Not Recorded.

MR. SPEAKER : Shri Radhakrishnan, please take your seat.

[Translation]

SHRI CHAMAN LAL GUPTA : Mr. Speaker, Sir, more than hundred persons have been killed by the terrorists in Doda district during the last two months. Twenty persons were killed in Runkot, 103 in Desa and 26 persons were killed in Chapnari, keeping in view all these...(Interruptions)

[English]

MR. SPEAKER : This is not the way. Prof. Kurien, there is a procedure.

(Interruptions)

MR. SPEAKER : What is this? An hon. Member is already making his submissions

(Interruptions)

MR. SPEAKER : Nothing will go on record except what Shri Chaman Lal Gupta says.

(Interruptions)*

[Translation]

SHRI CHAMAN LAL GUPTA : Mr. Speaker, Sir, 26 persons were killed by the terrorists in Chapnari village and I would like to draw your attention towards the manner in which persons of two marriage parties were killed. The leader of the terrorists told the marriage party that persons belonging to Muslim Community should stand on one side and persons belonging to Hindu Community on the other side. In this way, they are creating communal tension...(Interruptions)

[English]

MR. SPEAKER : Prof. Kurien, this is not good.

(Interruptions)

MR. SPEAKER : What is this? Please take your seat.

12.24 hrs.

At this stage, Prof. P.J. Kurien came and stood on the floor near the Table.

MR. SPEAKER : No, no; this is not good.

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS. MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF PLANNING AND PROGRAMME IMPLEMENTATION (SHRI RAM NAIK): Sir, Prof. Kurien is a senior Member...(Interruptions) What is this?

* Not Recorded.

SHRI MADHUKAR SIRPOTDAR (Mumbai North-West) : Sir, he should know the procedure...(Interruptions)

MR. SPEAKER : Prof. Kurien, an hon. Member has already raised this issue.

12.24½ hrs.

At this stage, Prof. P.J. Kurien went back to his seat.

MR. SPEAKER : Only the speech of Shri Chaman Lal Gupta will go on record.

(Interruptions)*

SHRI MADHUKAR SIRPOTDAR : He should give a notice...(Interruptions)

SHRI A.C. JOS Are you aware of it?... (Interruptions)

MR. SPEAKER : The hon. Member, belonging to your Party, has already raised this issue.

(Interruptions)

MR. SPEAKER : Nothing, other than the speech of Shri Chaman Lal Gupta, will go on record.

(Interruptions)*

MR. SPEAKER : Hon. Members, please take your seats.

Shri Kurien, please understand that the hon. Member, Shri N. Bhaskar Rao, belonging to your Party, gave notice to raise the issue and has raised it. You cannot compel them to give their reactions.

(Interruptions)

SHRI MADHUKAR SIRPOTDAR : Is this the way to behave in the House?... (Interruptions)

MR. SPEAKER : Nothing will go on record.

(Interruptions)*

MR. SPEAKER : Now, the House will take up the Statutory Resolution listed at item no. 21.

[Translation]

SHRI CHAMAN LAL GUPTA : Mr. Speaker, Sir, let me complete...(Interruptions) It is a question of killing of about hundred persons so, let me complete...(Interruptions)

[English]

MR. SPEAKER : I have called the names also. Please cooperate with the Chair.

(Interruptions)

* Not Recorded.

PROF. SAIFUDDIN SOZ (Baramulla) : Sir, I am on a point of order...(Interruptions) You kindly listen to Shri Gupta...(Interruptions)

[Translation]

SHRI CHAMAN LAL GUPTA : Mr. Speaker, Sir, there is a communication gap in Doda district, the way killings are taking place there, the matter should be brought to the notice of the Government...(Interruptions)

[English]

MR. SPEAKER : What is your point of order?

PROF. SAIFUDDIN SOZ : Sir, whenever a point of order is raised, you have to first allow us and then give your judgement.

Sir, my point of order is that you have allowed Shri Chaman Lal Gupta and unless he completes his submission, no other business should be taken up.

[Translation]

MR. SPEAKER : This is zero hour.

SHRI CHAMAN LAL GUPTA : The Central Government has withdrawn about 20 thousand men of the security forces from there during the last one and a half years. I request that these forces should be sent there immediately. The village defence committees which have been constituted there should be further strengthened. They should be provided modern weapons and also provided financial assistance. Unless the local people are prepared only the army will be able to combat the terrorists of Pakistan or Afghanistan and the State security force will not be able to face them. So, the people of the area should be prepared and village defence committees should be strengthened.

[English]

MR. SPEAKER : Dr. T. Subbarami Reddy.

DR. T. SUBBARAMI REDDY (Visakhapatnam) : Sir, I welcome this Bill...(Interruptions)

[Translation]

SHRI RAMANAND SINGH (Satna) : Mr. Speaker, Sir, I have given a notice of speak during the zero hour. My name is there in the list which is with you. I may be given one minute only...(Interruptions) I would like to bring a very important issue to the notice of the country through this august House.

Mr. Speaker, Sir, due to heavy rains in Madhya Pradesh the seeds of soyabeans have germinated in the godown itself and the farmers do not have soyabean seeds to sow. The seeds which are available are selling at an exorbitant price of

Rs. 2300/- per quintal. I request that a distribution centre should be set up there to make soyabean seeds available to the farmers of Madhya Pradesh at a cheaper rate.

[English]

MR. SPEAKER : Please take your seat. I have allowed Mr. Reddy only.

(Interruptions)

MR. SPEAKER : Mr. Reddy, you may please continue, otherwise I will call the next name.

(Interruptions)

MR. SPEAKER : Please address the Chair.

DR. T. SUBBARAMI REDDY : Sir, I have to give amendments and it is of no use, if people do not listen to me.

MR. SPEAKER : You are not supposed to address to the Members. You should address to the Chair.

(Interruptions)

MR. SPEAKER : If you do not start now, I will call the next name.

12.31 hrs.

STATUTORY RESOLUTION RE: DISAPPROVAL
OF HIGH COURT AND SUPREME COURT
JUDGES (CONDITIONS OF SERVICE)
AMENDMENT ORDINANCE

AND

HIGH COURT AND SUPREME COURT
JUDGES (CONDITIONS OF SERVICE)
AMENDMENT BILL

[English]

DR. T. SUBBARAMI REDDY (Visakhapatnam) : I beg to move :

"That this House disapproves of the High Court and Supreme Court Judges (Conditions of Service) Amendment Ordinance, 1998 (No. 11 of 1998) promulgated by the President on 24 April, 1998."

The Bill provides for the revision of salary and other benefits to the judges of the High Courts and the Supreme Court. It is a welcome measure. We do agree that we have to ensure a comfortable life for the judges after their retirement and that they should not be denied any benefit because of the financial crunch. After retirement they should have a much

more comfortable and sound life. I would like to give some very important suggestions in this regard.

SHRI A.C. JOS (Mukundapuram) : Who is in charge of this Bill?

MR. SPEAKER : Shri Jos, please take your seat. Shri Kumaramangalam is there.

THE MINISTER OF POWER (SHRI P.R. KUMARAMANGALAM) : I have been authorised, in writing, to deal with this Bill.

DR. T. SUBBARAMI REDDY : In the Amendment of the High Court Judges (Conditions of Service) Act, 1954, clause 13A(1) provides :

"There shall be paid to the Chief Justice of a High Court, by way of salary, thirty thousand rupees per mensem."

I propose an amendment to make the amount as forty thousand rupees per mensem.

Clause 13A (2) provides :

"There shall be paid to a Judge of a High Court, by way of salary, twenty-six thousand rupees per mensem."

I propose that this should be raised to thirty-six thousand rupees per mensem.

Similarly, in the Amendment of the Supreme Court Judges (Conditions of Service) Act, 1958, clause 12A (1) provides :

"There shall be paid to the Chief Justice of India, by way of salary, thirty-three thousand rupees per mensem."

I propose an amendment to make it as forty-three thousand rupees per mensem.

Clause 12A (2) provides :

"There shall be paid to a Judge of the Supreme Court, by way of salary, thirty thousand rupees per mensem."

The amount should be made as forty thousand rupees per mensem.

I feel, by raising Rs. 10,000 for a judicial authority, the Government would not lose much, rather it would give much more strength to the institution. At the same time, on this occasion I would like to mention that the judicial authority should also remember that the Constitution of India provides for three wings, the Executive, the Judiciary and the Legislature. Only if these three independent authorities function independently, without interfering in each other's affairs, the Government could protect the values of democracy.

But, what do we find today? Some time back the judicial authority used to act consciously, cautiously and judiciously, but nowadays we do find people

involving in favouritism and working with a prejudiced mind. It is a very dangerous trend which I would like to bring to the notice of all present here. Another important point is, previously, if there was any corruption charge against any bureaucrat or against a political leader, an independent Inquiry of Commission used to be constituted.

12.35 hrs.

[SHRI P.M. SAYEED *in the Chair*]

There should be a *prima facie* case. The executives must intimate the Government about it. A Commission of Inquiry must be appointed under the Chairmanship of a Judge of either the Supreme Court or the High Court, or some other judicial authority. If such an authority, after completion of such an inquiry, finds fault with a political leader or a bureaucrat, they must be proceeded against. What is happening now is that the courts are directly interfering in many cases and ordering inquiries into the affairs of political leaders or bureaucrats. It is a very dangerous trend for the democracy. This trend should immediately stop. All citizens should be given equal protection not only by judicial interference, but also by action and communication of every authority in the Government. The judiciary should deal with cases in which genuine interests of people are affected and injustice is done to them. There may be instances of bureaucrats or political leaders passing orders with dangerous consequences, which may result in injustice to the citizens of the country. The judiciary should interfere only in such cases.

Today, the practice is that the Chief Justice of a High Court, I do not want to take names, asks a Police Officer to inquire into the affairs of a bureaucrat or a political leader. Such things never happened before in the fifty years of India's Independence. This domination of judicial authorities should not continue. I do not say that all judicial authorities are bad. We have noble people in that field, people with commitment, people with conviction and people with great moral values. However, there may be some exceptions. They should be stopped from exercising their powers indiscriminately. In the name of Mahatma Gandhi, in the name of the God and divine power, the judicial authorities must protect the sovereignty of the country and safeguard the democratic principles of the country.

We expect the judicial authorities to function independently without the interference of the executive or the legislature. At the same time, there should be a role, in consultation with the Chief Justice, for the executive in the appointment of judges. If things are given totally to the judiciary, there are likely to be problems. The Government should bear in mind the interests of the people of India.

MR. CHAIRMAN : Dr. Reddy, you have the right of reply also. You reserve something for it.

DR. T. SUBBARAMI REDDY : Sir, I do not believe in giving lengthy speeches. I am putting forward the essence of this measure which is important for the entire nation.

I support the Bill with the amendments I propose. Shri Yashwant Sinha can afford to give some more money for judicial authorities. Paying Rs. 10,000 more for a judge is not much, perhaps, in the Budget of such a big country. We can encourage them. We respect them. We bow our heads in respect to the judicial authorities. They are the custodians of our law; they are the custodians of the Constitution of India; they are the custodians of the Republic of India. I fully agree with all this. But, at the same time, there should be a proper system of functioning. There is likely to be a human error in judgement. There could be a human misconduct also.

As on today, if a judge of the Supreme Court or the High Court is found to be guilty of a misconduct, the only way to remove him is by way of passing an impeachment motion in Parliament. I would like to take this opportunity to suggest that the Constitution should be amended to provide that if a judge is found guilty of a misconduct, he must resign immediately. There should be an independent and impartial inquiry into the allegation of misconduct by another judicial authority. If the judge is found to be guilty, action should be taken against him. Then only the judicial authorities will be cautious in their functioning and will not be acting according to their own likes and dislikes.

In conclusion, once again, I would like to say that we should encourage the judicial authority and we should respect them. At the same time, I would like them to remember that the Constitution provides for the independent working of the Legislature, the Executive and the Judiciary for the administration of this country and also for building up this nation. The Judiciary should not interfere in this.

I would request the hon. Minister, Shri P.R. Kumaramangalam - he is of course dynamic not only in the Ministry of Power but also in the judiciary - to encourage the judicial people, give them more salary by revising their salary.

SHRI NADENDLA BHASKARA RAO (Khammam): Certain points were not brought out regarding salary...(Interruptions)

MR. CHAIRMAN : He has moved his Statutory Resolution and I have asked the hon. Minister to move the Bill.

(Interruptions)

SHRI SURESH KURUP (Kottayam) : Shri Thambi Durai is in the city but he is absent here. Has he given any reason for his absence?...*(Interruptions)*

MR. CHAIRMAN : Your business is to speak here. Your name is here and I will call you. Shri Kumaramangalam.

(Interruptions)

SHRI SURESH KURUP : Is it a request?
...*(Interruptions)*

MR. CHAIRMAN : He has been permitted by the Chair, Shri Suresh Kurup.

PROF. P.J. KURIEN (Mavelikara) : He is only asking a clarification.

MR. CHAIRMAN : He has already asked it and I have also replied.

SHRI P.R. KUMARAMANGALAM : With your permission, Mr. Chairman, Sir...*(Interruptions)*

MR. CHAIRMAN : Shri Suresh Kurup, the Chair has already permitted him.

SHRI SURESH KURUP : We are rather not going into the legality or the technicality of it. This question is : Shri Thambi Durai is in city. Why is he absent to pilot the Bill? My question is not regarding laying of papers on the Table.

MR. CHAIRMAN : We are here not to find out the reasons for his absence. He has been duly authorized to deal with it.

[Translation]

SHRIMATI SUMITRA MAHAJAN (Indore) : Mr. Chairman sir, I would like to ask you something. For the past many days the Women of India are anxious to know about the fate of the Women Reservation Bill. The hon. Minister has given the details of all the agenda but there is no mention of the Women Reservation Bill. Has any date been fixed for its introduction? Let the Bill be introduced. Those who want to oppose it, let them oppose. But the hon. Minister should categorically say when the Bill going to be introduced. That is what I want to ask?

THE MINISTER OF PARLIAMENTARY AFFAIRS AND TOURISM (SHRI MADAN LAL KHURANA) : Mr. Speaker Sir, if the House agrees, we are ready to bring the Bill on Monday...*(Interruptions)*

MR. CHAIRMAN : What is this? You are continuing Zero hour. We have taken up Statutory Resolution. I have allowed her, but you are starting the Zero hour again.

SHRIMATI SUMITRA MAHAJAN : This is not Zero hour. But he did not mention anything about it.

MR. CHAIRMAN : You are senior Member, please sit down.

SHRI SUSHIL KUMAR SHINDE (Sholapur) : This is a Bill which seeks to get justice for women. You are demanding justice. We fully support you.

MR. CHAIRMAN : There is no objection to that.

[English]

SHRI P.R. KUMARAMANGALAM : Mr. Chairman, Sir, with your permission, on behalf of my colleague, the hon. Minister for Law, Shri Thambi Durai, I beg to move:*

"That the Bill further to amend the High Court Judges (Conditions of Service) Act, 1954 and the Supreme Court Judges (Conditions of Service) Act, 1958, be taken into consideration."

Sir, as you are aware, the salaries of the Judges of the High Court and the Supreme Court were last revised with effect from the 1st of April, 1986 when the pay scales of the Central Government employees were revised on the basis of the Fourth Central Pay Commission. The Fifth Central Pay Commission has recommended the revision in the salaries and other allowances of the Central Government employees including members of the All-India Services. The Government has accepted the majority of the recommendations. The Notification revising the pay rules in the Central Government employees has also been issued. The revised pay rules are deemed to have come into force on the first day of January, 1996. Having considered all aspects of the matter, it became necessary to increase salaries of the Judges with effect from the 1st January, 1996.

Since, the Parliament was not in session, the President was pleased to promulgate the High Court and Supreme Court Judges (Conditions of Service) (Amendment) Ordinance of 1998 on the 24th of April, 1998 to give effect to the increase in salaries of the judges.

I hope the bill would be accepted by the House. This is a Bill to replace the above Ordinance. I am sure it will receive the wholehearted support of this House.

MR. CHAIRMAN : Motions moved :

"That this House disapproves of the High Court and Supreme Court Judges (Conditions of Service) Amendment Ordinance, 1998 (No. 11 of 1998) promulgated by the President on 24 April, 1998."

"That the Bill further to amend the High Court Judges (Conditions of Service) Act, 1954 and the Supreme Court Judges (Conditions of Service) Act, 1958 be taken into consideration."

SHRI NADENDLA BHASKARA RAO : Sir, I would like to raise only one point before the discussion starts. The salary of a judge should be more than that of the salary of the Cabinet Secretary. The Cabinet Secretary used to get more salary than that of a High Court judge before the Constitution came into existence. Earlier the Cabinet Secretary was getting a salary of Rs. 3,500 per month and a judge of a High Court was getting Rs. 3,000 per month. Now, after the Fifth Pay Commission's Report the salary of the Cabinet Secretary is Rs. 30,000 and in this Bill the salary of a judge is put at Rs. 26,000. It is not fair. A High Court judge should be above the rank of the Cabinet Secretary and get a salary higher than that of the Cabinet Secretary. This anomaly may be kindly removed. That is my submission, sir.

MR. CHAIRMAN : The hon. Minister will clarify this point when he replies to this.

Now, hon. Members, we have allotted one hour for this Bill. So many Members have given their names to speak on this Bill. So, please be brief.

The first name on my list is of Prof. Kurien.

PROF. P.J. KURIEN (Mavelikara) : Sir, I will take only a few minutes. I am standing to support this Bill. I hope my friend on the other side would be happy to know this.

Of course, the judiciary should be independent and it is the responsibility of this House to ensure that we have an independent judiciary. Therefore, the judges should be given all facilities and they should not be under any constraint or any limitations.

Having said so, I would also like to say something about the judicial activism. I am not saying that judicial activism as such is not good. It has done some good things. But at the same time, there should be a balance between the Judiciary, the Executive and the Legislature. This delicate balance should be maintained. It is the responsibility of each of these important pillars of our system that one does not encroach upon the powers or authority of the other. Here also the Parliament has a responsibility. If any democracy has to function properly, this delicate balance should be maintained.

Thirdly, I would like to submit that today in our country, in spite of the fact that we are having one

* Moved with the recommendation of the President.

[Prof. P.J. Kurien]

of the best judicial systems in the world, that our judiciary is independent and acting independently, we are not getting justice. The reason is that there is a saying that 'Justice delayed is Justice denied.' What is the pendency of cases in our courts? I know lakhs of cases are pending for years in our courts. So, I would request the hon. Minister to please think about the agony of those people who have to go to the court everyday for their cases.

I am not an advocate but if we start from the lower courts, most of the cases will end up at the Supreme Court. Therefore, I am pleading with this Government to do something so that this long pendency of cases is being disposed of and this long delay in getting justice should be avoided. There should be some solution to this problem. I would request this Government to consider this point very seriously.

Sir, Delhi is our Capital. The Supreme Court is situated in Delhi. Please think about a person who is in Kerala or Tamil Nadu or North-East or West Bengal or Nagaland, and who wants to come and appeal to the Supreme Court. It is impossible for any ordinary person to do so. He has to spend a huge amount of money on travel I know, Sir, you are from that far away place of Lakshadweep and Andaman and Nicobar Islands. It is not possible for those people of far away places to come to Delhi and approach the Supreme Court to get the ultimate justice. It is not possible for any ordinary man. Therefore, I would request the Government to consider this aspect. This is not the first time this question has been raised in this House. This has been raised umpteen number of times in this House. My suggestion is to please consider allowing more Benches of the Supreme Court. One Bench is for the South. It may be set up either in Bangalore or in Chennai or in Trivandrum or in Hyderabad. I have no objection in regard to Hyderabad. I like Hyderabad very much. I have no problem. Another Bench is for the North-East. As our hon. Member is suggesting, it may be set up in Guwahati. And one Bench is for the West. So, I would request that the Government should consider, in consultation with the Supreme Court of India, setting up three Benches of the Supreme Court — one for the South, one for the North-Eastern part and one for the West. This will go a long way in rendering justice to the ordinary people.

In addition to that, I would also like to submit that we have smaller and bigger States. Now-a-days, there is a clamour for more States and you have already announced creation of more States. Goa is

also having a Bench of the High Court. Big States like Madhya Pradesh and Uttar Pradesh should have more Benches of the High Court also. Today, 35 per cent of the people in this country are living below the poverty line. None of them living below the poverty line gets justice. It is not because that the Judiciary is not rendering them justice. Judiciary is all right. But how can he approach the Courts? He has to approach the advocate. The advocate will charge an exorbitant fee. From the lower courts onwards, 35 or 40 per cent of these people who are living below the poverty line are denied justice because of our system.

My friend, Shri Kumaramangalam is only doing it for somebody else. I know why you are doing it for somebody else. Yes, there is a collective responsibility. But your friend, Shri Thambi Durai is in the city itself. He is not coming here. It is his baby. Anyhow, you do it. I have no objection. You can adopt somebody else's baby and do it. But the point is, please do consider my suggestion and impress upon the hon. Law Minister, Shri Thambi Durai to ensure that more Benches of High Courts are also opened in bigger States.

So, I would suggest that the judges in the country should get the highest salaries because even though we are the makers of laws, it is they who interpret the laws. Now-a-days, they are not only interpreting the laws, but they are also making laws. Of course, I do not agree with this aspect. But having said so much, I would say that I support the Bill to give better facilities and salaries to the judges and to keep up their honour and dignity.

With these words, I conclude my speech.

MR. CHAIRMAN : As the House has many urgent Bills to be taken, if the House agrees, we may dispense with the Lunch Hour. Is it the pleasure of the House?

SHRI SATYA PAL JAIN (Chandigarh) : Yes.

DR. T. SUBBARAMI REDDY : No.

PROF. P.J. KURIEN : We can pass this Bill and then go for lunch.

MR. CHAIRMAN : We will pass this Bill and then go for lunch. So, the House will sit till the disposal of this Bill. This itself will take care of it.

MR. CHAIRMAN : Shri Satya Pal Jain, please be brief.

12.55 hrs.

SHRI SATYA PAL JAIN : As an advocate, I will be only to the point. I will not go beyond that.

MR. CHAIRMAN : Advocates take a long time.

SHRI SATYA PAL JAIN : I rise to support the Ordinance. As a matter of fact, this Ordinance was referred to the Standing Committee on Home Affairs and today morning I have laid the Report of the Standing Committee on the Table of the House.

After 1950, for the first time in 1986, after a period of 35 years the salaries of Judges were revised.

SHRI SUSHIL KUMAR SHINDE (Solapur) : If you were a Member of the Standing Committee then you are not supposed to talk. That is the custom.

SHRI SATYA PAL JAIN : Why? I presented the Report today.

SHRI SUSHIL KUMAR SHINDE : That has been the custom of the House. Once one is a Member of a particular Standing Committee, he is not authorised to speak on it because he had already taken part in that Committee and thereby he is not allowed to speak.

SHRI SATYA PAL JAIN : Under what rule is it so?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS, MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF PLANNING AND PROGRAMME IMPLEMENTATION (SHRI RAM NAIK) : There is no such guideline.

SHRI MADHUKAR SIRPOTDAR (Mumbai North-West) : You quote those guidelines.

MR. CHAIRMAN : Let me deal with it.

SHRI RAM NAIK : I need not go into the details, at the moment. This particular matter did not go before the Standing Committee for consideration.

SHRI SUSHIL KUMAR SHINDE : He mentioned it. Otherwise I was not objecting.

MR. CHAIRMAN : Let me clarify. As a Member of this House, the convention is, as he was a Member of the Standing Committee, normally he may not participate. As a Member, he can participate.

SHRI SATYA PAL JAIN (Chandigarh) : After 1950, for the first time in 1986 the salaries of the Judges were revised. As my hon. friend has just now pointed out, in 1950 the salary of the Cabinet Secretary was less than that of the Judges. The Judges were getting more salary than the Cabinet Secretary. I am talking of Judges of the High Courts and the Supreme Court.

What was done in 1965 was that the salary of the Cabinet Secretary was increased without effecting a corresponding increase in the salaries

of Judges of High Courts and the Supreme Court. Thus an anomaly came up. The Judges used to represent but nobody bothered.

Then in 1980 again the salaries of the Judges were also revised but their salary was not above that of the Cabinet Secretary. The All India Judges' Association had represented to the Government and to the Committee also. In its Report the Committee also recommended to the Government of India that they may kindly examine the representations submitted by the All India Judges' Association.

They were asking for two things. One was, that the salaries of the Judges of the High Court as well as the Supreme Court should not be less than that of the Cabinet Secretary. The second thing which they mentioned — a valid point — was that normally they were not employees of the State. Of course, they hold a constitutional position like the legislators, the executive and MPs, who are not employees of the State Governments; similarly the Judges. They hold a constitutional position. They are not also employees of the State Governments. Therefore, the attempt of the then Government was to equate them with an Additional Secretary or Joint Secretary or Secretary to the Government of India which was not desirable and proper, if not illegal.

I only submit two things. Let the Government, examine them and the Standing Committee in its Report has also requested the State Governments and the Central Government to examine the representations and take a decision at the earliest.

Secondly, the Report of the Fifth Pay Commission was accepted in September 1997. The expectation from State Governments was that they would bring Ordinances immediately so that their salaries were also enhanced. But they have taken more than six months. In other cases the Report was accepted. But the Report in the case of the High Court Judges and Supreme Court Judges was made applicable only in April 1998 by the present Government. Had the earlier Government brought this Ordinance this wastage of six months could have been avoided. I think that the Government should be careful in future.

I will mention only two small points about the lower judiciary also. This Ordinance talks of the salaries of the Judges of the High Courts and the Supreme Court. What about the District Judges? What about the Judicial Magistrates? What about the lower judiciary?

13.00 hrs.

They are also requesting it for the last so many years. The Commission has been constituted and nobody is bothering about them. I will request the

[Shri Satya Pal Jain]

present Government and especially the Ministry of Law, Justice and Company Affairs to take up the matter with the concerned authorities and revise their salaries also...*(Interruptions)*.

MR. CHAIRMAN : Please come to the next point. You will have to confine within your time.

SHRI SATYA PAL JAIN : I come to the transfer policy and appointments. Now, as per the information available and as my hon. friend was pointing out, more than one crore cases are pending in different courts at the moment. In the Supreme Court alone about thirty thousand cases are pending and in the Allahabad High Court, perhaps, more than six lakh cases are pending. Out of a total sanctioned strength of about 450 judges, more than hundred vacancies are there. In the Supreme Court, there are three vacancies. In various High Courts, one-third vacancies are there; somewhere even forty per cent vacancies are there. My request is to make a system where the vacancy is filled up before the judge retires. The day a judge retires, the next judge should take over.

Secondly, the transfer policy has not been very successful. A number of Bar Associations have now started representing against this policy. So, please reexamine the transfer policy; frame a clear cut and definite transfer policy so that there is no question of any discrimination.

Therefore, I would request the Government to examine these issues. I also support the Bill.

MR. CHAIRMAN : The House has decided to sit till this Bill is disposed of.

SHRI SURESH KURUP (Kottayam) : Mr. Chairman, Sir, I welcome this Bill. There would not be two opinions that the salary of the judges of the Supreme Court and the High Court should be enhanced.

We want the best talents in the legal profession to come to the Bench. In many cases, those who have built up a successful practice are reluctant to come to the Bench due to the paltry amount which is given as salary to a judge of the Supreme Court or the High Court. Since the judiciary is vested with vast powers, it is most important that judges of the highest integrity and competence should be there. I genuinely hope that this Bill will help the people of the highest calibre to come to the Bench. How can it be ensured that people of eminence become judges of the High Court and the Supreme Court?

As we all know, it is the prerogative of the Chief Justice of the Supreme Court who should be

appointed as a judge, and which judge should be transferred from one court to the other court. Any person being vested with such vast powers is against the spirit of democracy. That is what I want to stress. When this sort of vast powers are vested in a person, then there is every possibility of misusing them. So, we should find a way out. There are already suggestions about a Judicial Commission which can suggest names for appointment of judges. For this, we can emulate the example of South Korea where there is already a Judicial Commission and the President, in consultation with this Commission, appoints the judges there. Here also, we should find a fool-proof mechanism comprising all the representatives of the Judiciary, representatives of the Executive and also people representing the Bar. Some sort of a Commission should be there to suggest the names for appointment to the judiciary.

I would also like to mention about the matter which has been pointed out by my learned friend, that we should think about the subordinate judiciary also. Since this is in the Concurrent List, the Union Government can very well make a law in this regard. They are not getting proper salary. Most of them do not have quarters. They do not have vehicles. So, a local magistrate who has got vast powers, should be given a proper salary. Most of the State Governments are not concerned with the service conditions of the lower judiciary. This discrepancy has to be removed. So, what I would like to submit is that the Union Government should take initiative for enhancing the salary of the lower judicial officers.

Also, I would like to say that no judicial officer should be appointed to any Government post after his retirement. The High Court and the Supreme Court judges should not be after any Government post after their retirement. There should be a proper law regarding that. The Government may enhance their salary, pension and everything, but should make it a point that none of these judicial officers are given Government appointments after their retirement.

These are the most important things which we should take into consideration when we discuss about the independence of the Judiciary.

So, these are the points I wanted to make and I welcome this Bill.

SHRI AJIT KUMAR PANJA (Calcutta North-East): Mr. Chairman, Sir, I support this Bill with some comments on it.

The whole system of Judiciary will succeed if we can deliver justice to the people at the village level and at the grass-root level. Unless that is done,

mere increase in salary of some judges will not do. We have our experience. If we visit a Munsif's court, it looks like a hell. Our *Munsifs* would be sitting there with all sorts of papers, full of dustard cobweb. There, the lawyers are not getting any accommodation even to argue. The *Munsif* has a lot of work to do. In my personal experience, I have found that a judge, a *Munsif* or a magistrate, while considering the bail application of the accused, has to travel in the same public bus alongwith accused or his relation. The accused is sitting by his side. The judge has no car to go to the court. So, this is a poor condition. The accused are sitting by the side of the judges and the judges are feeling absolutely helpless. When I go to the court, I find red cloth only in front of me; rest is totally black because of cobweb. At the grass-root level is the *Munsif*, then the sub-judge, then the district judge, then the High Court judge and then the Supreme Court judge. If we impart justice from the top, it percolates down very slowly to the lowest level. A *Munsif* will not be a good *Munsif* if he does not get good salary, if he has no place to sit, if he has to roam about here and there for getting a rented house, which he does not get, if he has no car, and so on. Therefore, if disposal of cases is done at the level what is called in law the court of first instance, than justice will be imparted very quickly, then the cases will be disposed of nicely, we will get clean well educated boys and girls to come and fill up those posts at the young age and then automatically there will be less trouble and less pressure on the higher courts. So, my point are: (a) provide accommodation to judges to be appointed; and (b) provide some sort of a pool car to those who are dealing at least with criminal cases and even with civil cases so that they may have some seclusion.

It is no use talking about the separation of the Judiciary and the Executive when the Judiciary is not getting any prestige at all at the court of first instance, that is, at the grassroot level.

Similarly, the Sub-Judges are also in very pitiable condition. If we go to the Courts of the Sub-Judges, we would find that they are absolutely dirty. They have no chamber to sit in and read. They have no library in their courts.

Sir, the condition of the District Judge is equally bad. The condition of the High Courts is also poor. Some High Courts have improved the condition. But some of the High Courts are in a very bad condition. e.g. Calcutta High Court.

Sir, the emoluments of the Judges are required to be increased. In this connection, I would request the Government to look into the salary and

emoluments of the Magistrate and *Munsif*. Otherwise, a wrong message will go. Then, there will be a total depression in their minds and there will be disparity within the Judges themselves.

Sir, the next point that I would like to make here is about the vacancies in various High Courts. There are hundreds of vacancies in the High Courts of our country. The Government must look into this matter. If the Minister wants more time, he may inform the House about the vacancies in the course of this Session. The vacancies are not being filled up. In the Calcutta High Court, 20 vacancies of Judges are there for the last three years, but nobody has been appointed so far. How are the Judges supposed to dispose of all the pending cases? If we enter any room of the Calcutta High Court, we will find the Judge sitting there with hundreds of briefs on one side and hundreds of papers on the other side. There are no sufficient clerks or peons and there is no facility for the Judges. The Judges will be sitting with hundreds of briefs in front of them full of dust. This is the situation in the Calcutta High Court. The appointment of 20 Judges is pending and nothing is done. It is pending for a long time. This is just one example. So, I would request that similarly in all the other High Courts also the matter of vacancies of all Judges a *Munsif* must be immediately looked into by the Government. I do not understand as to why the Government is not making the appointments. The appointment of Judges has been made very easy now, because the Chief Justice is given the powers. The Chief Justice sends the names and the Government has no business to interfere with the list sent by the Chief Justice. If it interferes, that will be against the Constitution because the separation of the Judiciary and the Executive is a mandate of our Constitution, must be implemented in India. So, the vacancies of the Judges must be filled up as quickly as possible.

Sir, now the salary of the Judges is being increased through this Bill and it is being increased now after 1986. So far as the Chief Justice of the High Court is concerned, can you imagine that he would be getting only Rs. 30,000/- per month? So far as the other puisue Judges are concerned, they would be getting only Rs. 26,000/- per month. At this stage in 1998, after delaying the increase for such a long time, is this the salary to be paid for them? What is the salary of the top executive now? If you want to give prestige, it is all right, but one of the considerations is economic prestige. So, I propose that the Government must concede, — because of the delay in the increase — and that the Chief Justices of the High Courts in our country must get Rs. 40,000/- per month and the puisue Judges must

[Shri Ajit Kumar Panja]

get Rs. 30,000/- per month and not Rs. 26,000/- per month as is proposed in the Bill. This salary must be paid to them. This increase be operative with retrospective effect, from the 1st January, 1996.

So far as the Judges of the Supreme Court are concerned, our Supreme Court Judges must be given the highest prestige. Can we imagine that we are giving them a salary of only Rs. 33,000/- per month after this increase? Can they not get Rs. 50,000/- per month? Is our country so poor? If the Supreme Court Judges get a salary Rs. 50,000/- per month, they get prestige. Of course, they get some emoluments, a car and a good accommodation because it is our Capital. These judges must be above all executives.

Sir, as far as the accommodation of the Judges in the States are concerned, it is very poor. In Calcutta, they roam about here and there, asking the land-lords for giving them accommodation, because the transfer policy is operating. The worst thing is that they have to approach the State Government for the purpose of giving them accommodation. So, what is the use of this separation of the Judiciary and the Executive? A Judge, after being transferred from one state to Calcutta had to ring up thousand times to the PWD Minister of the State for getting accommodation. Is this the way our country should run? This is not the way. My very respectful submission to you and, through you, to the Minister is that this issue must be attended to immediately. When the Judges of the High Courts are transferred from one place to the other, the secretary of Chief Justice or the Registrar of the High Court should immediately ring up the concerned authorities to see that the transferred Judges are given accommodation and the Judges should not be made to ring up the PWD Minister of the State or any Minister. They should not be asked to ring up the Chief Minister for this purpose. That is what is happening in West Bengal and I do not want to say in what manner the judiciary is being affected there. Therefore, they must be given independence and real freedom.

So far as the emoluments are concerned, I propose that instead of Rs. 33,000, the Supreme Court Judges must be given Rs. 50,000 and the other judges of the Supreme Court should be given Rs. 40,000 instead of Rs. 30,000.

Sir, please see the clause relating to the transitory provisions. Have we become so poor that the arrears of the salaries of the judges shall have to be paid in instalments? What has happened? If any other country looks at it what would they think? This must be stopped. I am sure the Minister, being

a very good practising lawyer himself, will understand where the shoe pinches. So, this instalment clause should be deleted. Whatever be the salaries, the judges should be paid straightaway. The salaries of the judges cannot be paid in instalments.

Now, I come to the pending cases. Now everywhere computers are being used. I am sure the Minister will look into it. I propose, let there be a central computer to find out the number of pending cases. It should not only find out the number of pending cases but also the reason for their pendency. We the lawyers are sometimes at fault. We give all sorts of excuses and plea before the judges for giving adjournments for months after months and sometimes year after year. Therefore, let the computer give us a feed back regarding not only the number of cases but also tell us why they are pending so that it could be sorted out by the Hon'ble Chief Justices as quickly as possible.

Now, I come to Circuit Benches of the Supreme Court. In fact, the High Court Circuit Benches to the Districts are also absolutely necessary. Suppose I am a citizen of Kavaratti in Lakshadweep and I want to file a case in Supreme Court. I have to come by a boat to Cochin and then if I am a poor man, get a Railway ticket and wait for a month and come to a lawyer here. But I do not know anybody in Supreme Court. I loiter around the Supreme Court. Then the case is fixed and it is posted after one month. But where do I stay in Delhi? Can we think of Andaman and Nicobar Islands? Somebody wants to get justice. But justice is not being delivered. Being a practising lawyer myself, I am very sorry to say that it is poor state of affairs. The farmers land is taken away by the powerful State illegally. But the farmer cannot afford to fight it. He goes to Munsif Court. The poor Munsif has not got any books or library. He does not know the latest decisions. Whatever the lawyer says, he had to go by that. Then he goes to the Sub-Judges. But the poor Sub-Judge also has no good assistance. He cannot even buy a copy of Civil Procedure Code and he delivers the judgement. After that the poor man appeals to the District Judge. But the District Judge is sitting with no assistance from Bar—no—books—no library. He delivers the judgement. With no fault of his, the circumstances have made his intelligence absolutely slow. Then the poor farmer comes to High Court and loiters there. Then he goes to the Supreme Court. But by that time the entire purpose is defeated. Justice delayed is justice denied. It has been suggested from some Members that the Circuit Benches should be three. But I suggest that it should be made rotational. It should go statewide. There are about six vacancies in the Supreme Court. Why could they

not be filled up? From our State, two judges retired one year ago. But these vacancies have not been filled up. They should be filled up because that is last place to get justice. We can make 226 applications for the poor peasants like Bargada who lost his land because of the atrocities of the State of West Bengal. Now, I can move to the Supreme Court circuit bench in Calcutta straightaway under Article 32 and get justice finally. I need not go from Court to Court and here to there. When a L & A about circuit bench came to us we replied it two years ago. But the Government is not moving at all. This must be done immediately. A lot of excuses are made by the State Government. But the Central Government must say that nothing doing. There are so many Central Government halls, circuit bench judges will go there for one month. They will stay there and dispose of the cases. That is the final judgement we get and move accordingly. Then there will be real justice.

There is no further appeal as the last thing will be to appeal Supreme Court. Similarly, the High Courts must have Circuit Benches. There is a need for a Circuit Bench in North Bengal. In Calcutta, the High Court decided to have a Circuit Bench for North Bengal because people from North Bengal have to perform one-a-half days journey and they do not get their train tickets also. Therefore, these Circuit Benches should be constituted in all the States so that they will deliver proper and real justice to all the people.

Last but not least, this Government has mentioned in their Party's Manifesto that justice would be distributive justice, that it would be for the poor people and that justice would be done at the grass-root level. For allowing this, I insist that you may kindly bring in an amendment immediately, increase the salaries of all from the Judges, Supreme Court to Munsif/Magistrate to make arrangements for their accommodation and for giving them cars. The Ministers, officers, the Superintendents of Police and the Circle Inspectors are all and O.C. of P.S. getting cars, whereas the Judges are not getting the cars. Can you imagine that a Sub-Judge had to ring up the S.P. to hire his car for the purpose of going to the court because a triple murders' case was going on in one of the districts of West Bengal. Therefore, please look into these things.

With these words, I support this Bill and, I am sure, the Minister will concede some of the points that I have made.

[Translation]

SHRI MOHAN SINGH (Deoria) : Mr. Chairman, Sir, we are constrained to support this Bill. We

welcome this Bill because unless the high officials and Judges get high salaries of Rs. 25,000 to Rs. 30,000, they would not be able to discharge their duties honestly. Only the MPs are the persons who discharge their duties honestly with a meagre Rs. 1500. Other categories of persons are not able to discharge their duties faithfully if they get less than Rs. 30,000. Therefore I support this Bill and also welcome it.

Mr. Chairman, Sir, I would like to give a few suggestions to the Government in this regard. In the name of Judicial Activism, new areas of intervention are being explored today and the provisions made by our Founding Fathers are being fiddled with. In 1964, there was a landmark case known as Keshav Singh cases in which the full Bench of the Supreme Court reviewed the powers of the Judiciary and the Executive. But today inspite of this, directions are being issued by Courts as to how the proceedings of the Assemblies should be conducted by the hon. Speaker of those Assemblies. Besides there are directions to the Speaker of Lok Sabha about the recruitment, appointment and promotion of the staff posted there. We have to seriously think about this tendency and also try to find ways of doing away with this type of intervention.

Mr. Chairman Sir, throughout the world there was a practice of giving allurements to Judges and making them corrupt. But this was not happening in India. We had the high tradition in our Judiciary and our Judges never fell to allurements. But with the passage of time a new trend started. We had fixed upper age limit of High Court and Supreme Court Judges more than the other government officials because we believed that their expertise could be best utilised. Their retirement age was kept 4-5 years more than others. But now they are being appointed Governors after retirement. They are being nominated to the Raja Sabha. An attempt is being made to give them allurements. Therefore, there is a need to check this practice by bringing forward a legislation in this regard.

Mr. Chairman, sir, from personal experience I can say that several retired Chief Justices and Judges of the Supreme Court are working in big companies as Consultants and they are being paid Rs. 1—1.25 Lakhs per month as salary. In this efforts are being made to imbibe corruption in the judiciary.

Mr. Chairman, Sir, there are checks and balances so far as lower judiciary is concerned, but the constitutional provisions to check corruption in the Higher Judiciary is very tedious. It has been our experience during the last 50 years that there has been only one case where after an Enquiry by a

[Shri Mohan Singh]

Court, Impeachment proceedings were initiated against a Judge but due to certain reasons he was let scot free. Therefore the need of the hour is that we should try to provide enough Constitutional safeguards against the existing trend of corrupt practices. There is need to think in this direction seriously. I would also like to say a few words about the appointment of Judges. I had given notice of a Resolution to this effect, but as there was no sitting of the House yesterday it could not be taken up. The Resolution sought the Judiciary to take on the responsibility of applying the provisions of Constitution, particularly those like the Reservation for Dalits, which is a landmark piece of legislation for bringing about social change. This law has not been applied to the Higher Judicial service. A person belonging to Dalit Community can at best reach the level of District Judge. For reasons best known to the powers that be, his name is never recommended for the High Court Judge, even though he fulfills all the requisite qualifications. Why is it so? There is a need to think over it seriously. Today we are proud that the hon. Speaker of Lok Sabha belongs to a Dalit family. Similarly, we are also proud that a person belonging to the Dalit Community occupies the highest office in our country, that of the President of India. We must be proud and hold our head high because of this. We are also proud that the person who drafted the Constitution of India and thus made valuable contribution to it also belonged to the Dalit family. But it is unfortunate that the persons belonging to Dalit community cannot become High Court or Supreme Court Judge even after 50 years of our Independence. Is not our social system primarily responsible for this? We should bring forward a legislation and make necessary provisions for this community in the appointment of Judges. With these words I support this Bill and thank you for giving me an opportunity to speak.

SHRI GIRDHARI LAL BHARGAVA (Jaipur) : Sir, I would try to be brief. This proposal was mooted by the All India Judges Association. I support the proposal moved by the Government to revise the salaries of Judges w.e.f. 1.4.1996. It is a welcome step that their salaries should be raised to Rs. 30,000 but at the same time they should be provided other facilities like the chamber facility, computer, furniture, library and similar other facilities.

Sir, in the past, the Judges were inaccessible. One could meet God but one could not meet a Judge. This was so because Judges had restricted themselves socially. They generally did not attend marriages and other social functions. But now there is no such restrictions. Now when they meet and go

to social functions people feel that they have good influence and they would be able to get the hearing date changed and help in other court matters. There is little tandem between the Executive, Legislature and Judiciary these days. It is very essential. The Judges in Jaipur gave a judgement that the 'verandah' all over the Jaipur City should be vacated but the 'verandah' in front of the 'verandah' cannot be vacated. This was an impractical judgement. The State Government and the Municipal Corporation are worried, how this can be done. Therefore, the judges should think seriously about the pros and cons of the judgement in totality before delivering the judgement.

Similarly in another case in Jaipur recently the Judges gave a judgement that a Hanuman Temple in the city should be demolished. The entire society and the people all over the city are agitated. Are the judges not aware of the religious sentiments of the people? The Ram Bagh in Jaipur has been closed for public because of a court order. This is not the work of the High Court and Supreme Court Judges. Therefore, it is essential that there should be tandem between the Executive, Judiciary and the Legislature.

I support the proposal to increase salaries and pension of the judges of High Court and Supreme Court but we should also consider this matter in regard to district judge and *munsif* magistrate also.

Similarly, circuit banks should be opened. Our Government has said that we would give justice to the poor. We should also consider how to give justice to the poor at a cheaper cost.

A large number of cases are pending with High Courts and Supreme Courts for many years. Even after passage of decades and death of son or grandson the pending case is not decided. So, while giving next date of hearing the judges should see that it is essential to decide a particular case within one or one and half year. You should consider this issue also.

The issue of raising salaries of judges is being discussed here but the hon. Members sitting here are probably getting salary of only Rs. Ten thousand and their P.A. gets Rs. four thousand...*(Interruptions)* Basic salary is Rs. one thousand and five hundred only but I am talking of total salary...*(Interruptions)* I submit that there is an urgent need of increasing salary of the hon. Members also. How Members get total of Rs. ten thousand and with this amount they cannot meet their expenses properly. This issue should also be considered.

Several vacancies of judges and others are lying vacant in High Courts and Supreme Court. Government should fill up these vacancies at the

earliest. I think that when there is requirement of fifteen judges, then only five judges cannot dispense with justice properly. So the required number of vacancies of judges in High Courts and Supreme Court must be filled up.

In the end, I submit that transfer of judges should be undertaken in consultation with the Chief Justice. If a judge of Jaipur is transferred to Allahabad or somewhere else, then it causes resentment among judges. If transfer are effected in an unbiased manner and under a policy, then it would be the right way. I once again support the proposal of increasing the salary of High Court judges to Rs. 30,000 and I also support the proposal of increasing their pension. But so far as giving one instalment and then second instalment is concerned, I request the Minister to think over this issue. I think they should get the salary and the procedure of instalments should be discontinued.

I thank you for giving me an opportunity to speak.

SHRI SUSHIL KUMAR SHINDE (Sholapur) : Mr. Chairman, Sir, I support this Bill. After many years a Bill has been introduced for judicial institutions with good intention. If we want that judges should be capable of giving justice in true sense and they should not be attracted by any inducement, then we can make them capable only through this method. Today, you have accepted an essential element. The report of Judicial Commission is also with you and some work on it has also been done. When would you consider doing something for district judges and magistrates also? So far as allurements is concerned, unless you improve the base, the elementary system, poor people cannot get better justice. They will definitely get cheap justice but this justice would be saleable, it can be sold.

You are practising in Supreme Court, so you are well aware and Bhabhiji is also practising. So you are well aware of it. Hon. Minister sometimes speaks for Labour Ministry, sometimes energy and today he is speaking for judicial institution. It is good, you are everywhere, you are omnipotent, all rounder.

Our colleague Shri Mohan Singh ji has raised a very important point, whether this Government would look into it that Supreme Court used to have two judges from Scheduled Caste, but now there is only one judge and he is also going to retire. In a country where Supreme Court has given directions regarding reservation saying that reservation should not be more than 50 per cent, in the same institution, today there is no judge from reserved category. What is the reason for this lacuna? We are happy with the proposal to strengthen judges of Supreme Court giving them more facilities. They should be given

more facilities. Here, hearings were conducted against a judge regarding contempt. Keeping these things in view, we should consider the reasons for which we do not get judges from Scheduled Caste. Hon. Minister please tell me the present number of judges in all High Courts who belong to Scheduled Castes and Scheduled Tribes...(*Interruptions*). No, we do not have. I know that there were one or two High Court Judges in Uttar Pradesh who belonged to Scheduled Castes and we had presented their case before the Government many times for making them Supreme Court's judge, but your hands are also not free due to the provision of separation between judiciary and executive. When justice is dispensed with, the judicial institution should keep in mind the directions given in the Constitution of India, Fundamental Rights, Directive Principles. Can you not interpret it keeping these things in mind? I think that when we are considering to increase their salaries and facilities we should also convey them that reservation is not being maintained properly in their institution, many times it is said :

[English]

"Suitable Judges are not available"

[Translation]

High Court's judges are appointed from bar and persons having good practice of ten years, 15 years are appointed. Government should collect a list of High Court Bar and Supreme Court Bar to ascertain the number of SC, ST lawyers practising there, indicating the number of years of their practice. This list should be prepared compiling such lawyers and then you should make selections. I won't say that Prime Minister or Law Minister should do this. This work should be done by High Court and Supreme Court. Compile a list of SC, ST advocates practising for more than five years and also those who are practising for 15-20 years. Prepare a list and let it come before us also. The judicial institution and our Law Department can collect this list from Bar Association. There is no difficulty in this work. So, I suggest that from the Bar Association and District Court of each State...(*Interruptions*)

SHRI LALU PRASAD : He means Advocates' Congress.

SHRI SUSHIL KUMAR SHINDE : Lalu ji is rightly saying, districts also have Congress of advocates. As I have spent my whole life in Congress, I utter Congress, not BJP or Shiv Sena. Congress is a party and we do not want to bring it in this matter. I would only say that when there is issue of judges' reservation before the Judiciary of India, the

[Shri Sushil Kumar Shinde]

Government also would have to pay more attention to this issue.

I won't speak much. I would attract the attention of the House to one point only which is also a major programme of our party. We want justice for untouchables also. Just now, Members from the other side were talking of elites. Talks of separating Christians in Delhi were going on, but I am happy that Prime Minister has given correct reply on this point. So, it is the responsibility of judicial constitution that if it is to dispense with justice, it should start from itself and dalits and untouchables suffering injustice should be given justice. They would be given superiority and our objective would be fulfilled.

With these words, I support the amendments proposed by the Government in section 4 and 7.

SHRI LALU PRASAD (Madhepura) : Sir, I support this Bill to which we are going to give legal recognition. I support it because it is the Bill mooted by previous Government. It is not BJP Government's Bill. It is continuous process and we are only doing carry over work. If we do not support, these people will get defeated.

Sir, I want to raise certain points. Father of the Nation, Mahatma Gandhi had said that justice should be made easily available to the poor and downtrodden people. But today, the views of Bapu are only views they have not been implemented. Poor people are not getting justice in reality. There are many reasons for it. On the one hand there are prosperous people in the country and on the other hand, there are backward class people, minorities and tribal brethren in large number. People maintaining status quo, do not allow new entrants. So, the need of the hour is that we should not only talk about increasing their salary but also talk about participation of these backward people. While increasing the salaries of judges of judiciary, if income tax is deducted from their income and other deductions are also effected, then the amount of their salary indicated to us in the House would be much less. So judges under judiciary should not face any difficulty and they should dispense justice without any hindrance. You know India is next to China in respect of population. Our disputes, litigations are increasing in proportion to our population. I agree with hon. Member Panja ji that there is mismanagement about it because he has experience of it and he is a renowned advocate. I have passed LLB and that also while remaining in jail. I have not undertaken law practice but I have

experience of it. Usually disrespect is expressed towards Bihar but as compared to Calcutta, I want to tell the House that some judges from our State have been transferred to Calcutta High Court. I asked these judges: What is their condition there and how they feel living there? They told: they are living in flats which are very congested, I do not want to criticise the Government there. Hon. Members must be aware of conditions in Calcutta and they should agree with this statement.

I did LLB because I had the apprehension that we the people of the backward community, would not get a job in independent India. So, I thought it proper to become a lawyer. After doing all this how far would it be proper to blame the lawyers. It seems that the hon. Member, Mr. Jain practises in a lower court and it is a fact that there is much load in lower courts. All the cases are tried in the lower courts and thereafter a selective number comes for trial in High Court and at last in the Supreme Court, if required. We discuss here that the Government has done nothing for the judiciary. In the Supreme Court judges' conference it was decided not to sit idle depending on the Government.

SHRI SATYA PAL JAIN : Lalujji, I practise in the High Court and not in the Supreme Court.

SHRI LALU PRASAD : I wish, you should also practise in the Supreme Court. I feel that the Supreme Court had to take a decision that facilities like conveyance, residence, telephone and computer should be provided. In fact, the condition of the judiciary is worst. The condition of the new comers who join this field should also be taken care of. Once I visited the chamber of a High Court in the area from where our Finance Minister Shri Yashwant Sinha hails, there is no chair for lawyers to sit in the varandah of the court and some chairs were tied with a chain as elephants are tied so that others may not take away the chairs. This is the situation there and one has also to sit very carefully so that a mishap does not take place. In such a situation there is every possibility of a mishap taking place. The judiciary has to function in such a condition. That is why I want that the salary of the Chief justice of the Supreme Court should be fixed at Rs. 60,000 instead of the present proposal Rs. 40,000 and the salary of the Judges of a High Court should be fixed at Rs. 50,000. The number of such judges is very less. So, it would not incur much expenditure. At the same time I would like to say that in the lower courts from district level to the lower level the staff strength should be increased. People think that their salary has been increased a lot. After income tax deduction how much salary do they get. Shri Yashwant ji can

give this information. I accept that about 40 lac cases are lying pending in my State. Keeping in view the number of pending cases, the number of judges should be increased. I would like to say that persons belonging to the Dalit community should be provided reservation in appointment in the Supreme Court and High Courts. The Government has to see how it could provide reservation to them in this regard. The Constitution makers and Baba Saheb Ambedkar had made a provision in this regard in the Constitution. According to the provision the appointments should be made by a Judicial Commission. Able person should be appointed. I am not saying this on caste line, but there should be a judicial commission in the country.

Sir, I would like to say one more thing. It is an irony that this Bill is going to be passed but the salary which we are going to fix for the judges is even less than the salary of the Cabinet Secretary. I hope that this Government would do justice to the judges. At the same time I would like to point out one more thing. I am not saying this to embarrass anyone. The lawyers are also responsible for the delay in dispensing justice. It so happens that the lawyers of both defence and prosecution sides connive each other and do not want that the cases is decided early so that the clients get out of their hands. In such a situation what the judges can do. There are a number of formalities like police diary and the public prosecutor, the S.P. and the judges will have to see a lot things. Now Shri Bhargava, the Chairman of the Housing Committee has said something about Lord Hanuman. Lord Hanuman is our most revered God and we must worship him but the way he is being insulted we do not pay attention to that. People grab land by installing a statue of Lord Hanuman. Whenever one wants to grab land a statue of Lord Hanuman is installed. People do not worship him there. The statue remains amid dust and garbage it. A Pundit comes in the evening worships and rings the bell. He makes some earning out of it. We must worship but at the same time efforts should be made to ensure that the pre-independence status of temples and mosques are maintained. If numbers are increasing day by day, I would like to say that the 40 lac cases pending in the courts should be disposed of quickly. Security and conveyance facility should be provided to the judges. I would like to tell the august House that there is no library for the judges so that they can consult reference books. When they do not get a proper place to sit naturally they will suffer some tension and it will also have its impact on their judgements. I would also like to suggest that the Prime Minister and Law Minister should discuss with

the Chief Justice about PIL-Public Interest Litigations. The Government will have to think about it. A lawyer who has very few cases in his pocket to make a good earning moves a Public Interest Litigation. In my view this writ is usually against the public interest and judges are involved in it. In the Public Interest Litigations the court gives directives. We think that the judiciary should not interfere in these things. There should not be any political interference but the Prime Minister should hold a meeting with the concerned people to avoid any tussle among the judiciary, the executive and the legislative. We the politicians fail to resolve a number of issues in the name of religion. We create problems and when we fail to solve the problems we hand it over to the Supreme Court to take a decision and solve the issue. For example, let us take the case of Babri Masjid, why did people go to demolish it? Now, when it has been demolished no one is ready to accept its responsibility. They say that they would accept the decision of the Supreme Court. Now at least no new problems should be created. We create these problems and they expect that the judiciary would solve them. Our judicial system is better as compared to other countries of the world. Everywhere there are good and bad people in the society. We the public servants are sitting here. All the MPs and MLAs are public servants. Our salary is Rs. 1500. Hundreds of people come to us. Some one says that he is going to his home but he has been pick pocketed so a railway ticket should be arranged for him. Where from we can provide them help. If we fail to provide them help, they say let election come, we will see then. This is the condition of a public servant. There should be a comparison between the salaries and pensions given to us and that are given to Cabinet Secretary, IAS and IPS officers. In every fresh election of Lok Sabha, half of the former MPs lose their elections and new MPs come. What is their condition. Many people come to flatter us but when we do not remain an MP one does not ask us even for a cup of tea. They do not even like to come before us thinking that it is better to keep distance lest we may ask for some donation. All such blames are put on the politicians and people think that the politicians are the root cause of all ills. We are the law making body, we can make amendments in the Constitution. There are many shortcomings. In a democracy the representatives of people are vested with the powers to bring legislation and make laws. The Parliament is Supreme and no institution is superior to it. So, we should be firm. We want a socialistic pattern of society based on equality and wish that the country should move ahead and for this we shall certainly

[Shri Lalu Prasad]

have to bring amendments in the laws and the constitution.

Telephone quota for MPs has been announced. It provides that an MP can recommend a telephone connection for a person who approaches him for this purpose so our role is restricted to that extent only. If someone sells a telephone connection, it is wrong. Now, we have gas connection quota. No MP would like to recommend for the same. If some one recommends and later on if it is proved to be wrong, the CBI will say - "you patronise", you have favoured the said person. Rajo Singh ji is sitting here. He said that the transfer of a particular officer be deferred. Then I told him that we have to run a coalition Government. Vajpayee ji knows this. The sword of damocles always hangs over a person who runs a Government. To run a coalition Government is not a child's play. I have seven year's experience of running such a Government I ordered to postpone the transfer and from the other side a circular came that no order can be issued in this regard. We are in a fix. We have been entrapped in between. While one side asks for postponement, the other side makes a recommendation for the same. So, I would like to say that we should not make any recommendation because if something goes wrong we will be treated in the same manner as Jaswant Babu and Advaniji were treated and tortured.

14.00 hrs.

Chaudhary Charan Singh ji had said that the total expenditure of election be given to MPs. The State should fund the election expenses but only Rs. 1500 is paid to us which is a very negligible amount. One has to consider that we also have a family to look after. The politicians are branded as corrupt. This P.C. act affects only we people. There should be uniformity in the country. I want that their salary should be fixed at Rs. 60,000. Our Government had also made a similar proposal. The salary of the Chief Justice should be fixed at Rs. 60,000 and no income tax should be levied on us. We should be given a free hand as the Parliament is the body to legislate laws. We make laws. I want to say that the persons engaged in legislation should also be given facility and no austerity measures should be made applicable in this regard. If it is not done in this session, we may give a blow to the Government in the next session and get the bill passed. With these suggestions I conclude.

[English]

SHRI SHIVRAJ V. PATIL (Latur) : I just want to make five points on this Bill.

I support the proposal given in the Bill. Many hon. Members have suggested that if the Government is willing to increase the salaries of the Supreme Court and the High Court judges, they are willing to support even that proposal. One very important issue which has been thrown up by some hon. Members in the course of the discussion relates to the salaries of the members of the Judiciary and the salaries of the members of the Legislature. I am of the view that the salaries of the members of the Judiciary, members of the Legislature and the members of the Executive — at least, the permanent Executive — should be commensurate with one another. If there is a lot of disparity between the salaries of the members of the Judiciary, the Executive and the Legislature, there would be a sort of asymmetry, which will not be conducive to the good governance of the country.

The second point that I would like to make — and which has been made by other hon. Members — is that there are so many vacancies lying in the Supreme Court and the High Courts. It would be in the interest of the Judiciary and in the interests of good governance that all these vacancies are filled. It is of utmost importance that this issue should be very carefully examined. Why should we not appoint the judges when they should be appointed? Why should there be vacancies?

There is no dearth of lawyers; there is no dearth of persons who can fill those posts. We shall have to take steps to see that those positions are filled up.

The third point is this. Is the number of judges that we have in the Supreme Court and the High Courts enough to cope up with the job which is to be done by the judiciary? The number of laws is increasing; the number of cases in the courts is increasing; the number of lawyers is increasing; and the decisions are becoming more complicated. Why should we not take a decision to increase the number of judges in the Supreme Court and the High Courts when we want to dispense justice expeditiously? What is it that is obstructing us from increasing the number of judges in the Supreme Court and the High Courts?

The fourth and the last point which I want to make is that the judiciary is not modernised. Modernisation is a must to cope up with the new problems that are being thrown up. If we consider the position in our country, the private industry is the most modernised section in the society. Then, the executive of the Government is modernised comparatively and to some extent, the legislature is modernised. But I am afraid, the judiciary is not modernised. They do want computers; they do want

duplicating machines; they do want communication systems. If these are not made available to them, how do we expect them to dispose of the cases quickly and without any loss of time? What is it which is coming in the way of helping them to modernise? It is necessary for us to have a comprehensive plan for modernisation of the judiciary at the highest level and at the level of High Courts. But even the judiciary at the district level and at the lower levels should be modernised.

But as far as the salaries, modernisation and other provisions of district-level judiciary and lower-level judiciary are concerned, they are the responsibility, I think, not of the Union Government, but of the State Governments. But a message should go even to the State Governments that modernisation of the lower-level judiciary is also necessary. By modernising the judiciary, by filling up the posts which are vacant and by increasing the number of judges in the Supreme Court and in the High Courts, we can expect quick justice. The number of judges at the lower level has gone up. There are many district judges, additional sessions judges, additional district judges, civil judges and magistrates. While their number has gone up, the number of judges in the High Court and the Supreme Court has not gone up.

This is an issue which has to be very carefully examined. We have expressed these views while discussing this Bill because the Demands for Grants of the Ministry of Law are not likely to come up for discussion here. So, the hon. Members have taken this opportunity to express their views on this point while discussing the enhancement of the salaries of the judges of the Supreme Court and of the High Courts.

We do hope that the Government will benefit from the view expressed by the hon. Members and take necessary action, in consultation with and with the consensus of the hon. Members, would be taken.

SHRI S. MALLIKARJUNIAH (Tumkur) : Sir, I rise to support the Bill which is before the House.

The question now is that the conditions of the lower-level judges are not very good; the salaries that they are paid are very low; the accommodation in the courts is very bad; and the facilities provided to them are absolutely meagre.

At Bangalore, except the Principle Judge, the rest of the judges have to travel by buses. What a pitiable condition is this! These shall have to be changed. There is a demand from people of Karnataka that a Bench of the High Court shall have to be established in Northern Karnataka, either at Gulbarga or at Dharwad.

14.10 hrs.

[DR. LAXMINARAYAN PANDEY *in the Chair*]

This is pending since very long time. Every Government assures and ultimately throws it into cold storage. Even in Andhra Pradesh, there was a demand to open a Bench at different places. They agitated for a fairly long time. It was also thrown into cold storage. The policy of the Government is to deliver justice at the doors. This is not commensurate with the saying of the Government. It is high time that the Government applies its mind in opening High Court Benches in different suitable places in States.

Secondly, a Supreme Court Bench shall have to be established in the South. Why should people go to Delhi from Kerala, Tamil Nadu and Karnataka? Why cannot a Supreme Court Bench be opened in the South which may be either at Tamil nadu or Karnataka or at any other State in the South so that the litigant public would be benefitted to a very great extent.

Cases in a huge number are pending in the Supreme Court. Adjournments are given for four or five or six months. If the father starts a litigation, it passes to the son and then to the grandson and ultimately the father who started the litigation dies. He does not find justice delivered to him. This is really obnoxious and intolerable.

Vacancies are found in the Supreme Court and the High Courts. It is not that brilliant people are not there. Brilliant people are there but unfortunately, they do not belong to the caste of the Chief Minister or the Supreme Court judge. If this is the value and attitude of the people occupying high offices and if they stoop to such a mentality, can we expect justice at the hands of these people?

There are lady advocates who are having ten to fifteen juniors and have a very big establishment. They are ready to offer their services as judges. But we have been saying that ladies are not coming forward and have poor vocabulary. This is absolute fantastic nonsense. I know lady judges who are far excellent than others. Why not such ladies be selected? The only point is that they do not enjoy the confidence of the Chief Minister or the High Court judge. This is really very unfortunate.

Lastly, I once again appeal to the Government not to postpone the establishment of High Court Benches in different parts of the State for which there is a lot of agitation. I think Shri Bhaskara Rao,

[Shri S. Mallikarjuniah]

the former Chief Minister, knows it very well that in two places of Andhra Pradesh, judges and lawyers agitated for a long time. They agitated for more than six months. What was the ultimate result? The Benches could not be opened. In the same way, our friend from Dharward South, Shri Mensinkai is a practising advocate. They agitated for months together. Ultimately, false promises were given and they started a Commission; the Commission went round collecting some statistics. By that time, the agitation had cooled down; ultimately, the report was submitted and was thrown to cold storage. Should this be the attitude of the Government in modern days? I strongly urge upon the Government to apply its mind in opening the Benches, recruiting lady advocates as judges and providing sufficient facilities to the lower court judges, munsif court, additional munsif court, civil court judges and additional civil court judges. The facilities there are hopeless. It is very obnoxious and the atmosphere there is stinking. The Bar Associations are not well-equipped and many new lawyers do not find sufficient library books. Therefore, a new thought shall have to be given to provide facilities to the new lawyers and judges of the lower courts also.

Now, I will come to the distribution of work and transfer of judges. Why should a judge be transferred from one State to another? Do you doubt his integrity? If you doubt his integrity, then how can he enjoy the confidence of the people? Why would he be transferred? Nowadays, when judges are transferred, they resign their job because they are not prepared to leave the place.

The assumption is that they favour their own juniors or caste people. This is also too much to think about a judge who loses his character in this fashion. Therefore, these are some important points on which the Government shall have to apply its mind and appoint a Committee to go very deep into all these facts and deliver full justice to the people.

SHRI T.R. BAALU (Madras South) : Sir, I rise to support the Bill. Almost all the quarters of this House are very much aware of this Bill and are ready to support it. The only thing is that the Bill should have been brought by the Law Minister, Mr. M. Thambi Durai. But he is not here. He has not gone on any official tour nor he is indisposed. My dear friend, Mr. Kumaramangalam, acting as proxy to the Law Minister, has brought this Bill. The discussion is being heard by him and he is going to reply for the same. Sir, the parliamentary democracy is belittled. The AIADMK Ministers in the BJP Government are

showing scant respect to this august House. I condemn this attitude of irresponsibility and at the same time, we do not know whether the Minister, Mr. Thambi Durai is boycotting the House or is not going to come at all, along with ADMK Members.

A batch of writ petitions filed by Ms. J. Jayalalitha and others in the Chennai High Court challenging the constitution of a special court to try the corruption charges have been heard. Exactly five months ago, on 4th February, the Bench had reserved the judgement. Suddenly a particular judge has been elevated and has gone on assignment to another court in Himachal Pradesh. I want to emphasise one point here. If there is any lapse on the part of the Government in a particular case, the High Court judge pulls up the Government and the bureaucrats. If there is any lapse on the part of the lower court judges who have not delivered a judgement or delayed a judgement, then the High Court judge pulls up the lower court judges for not delivering the judgement on time. At the same time, if there is any delay on the part of the judges of the High Court or the Supreme Court, nobody has got the authority to question that judge. Nobody can ask as to why he has not delivered the judgement on time.

Sir, the time has come to see as to what arrangement should be made, whether any bill should be brought before this august House, to ensure that a particular judgement, after hearing the cases, is not kept in abeyance and reservation endlessly; there should be a time-bound arrangement for pronouncing a judgement. The judges now can simply say that the judgement is reserved. The judgement regarding the constitution of a special court at Chennai, which was kept in reservation on February 4, has not been delivered till today as one of the judges in the Bench has been transferred. Is it fair to do so?

Sir, my demand is that the Law Minister — whether the actual Minister of Law or the proxy Law Minister, my friend, Mr. P.R. Kumaramangalam — should see that if the Government could bring a Bill before this august House to ensure that a particular judge or judges, who has reserved the judgement, delivers the judgement within a stipulated time and before they are relieved on any transfer, failing which, the particular judge would have to be made accountable. This is the point I wanted to make. I whole-heartedly support the Bill.

PROF. SAIFUDDIN SOZ (Baramulla) : Mr. Chairman, Sir, there is hardly any scope for disagreement on this Bill. There is also hardly any scope for bringing any amendment to this Bill. The Chief Justice of the Supreme Court, the judges of the Supreme Court and the High Courts must get

salary and perks that are necessary to maintain the dignity of their high offices.

Sir, I would like to raise a very important question before this august House. But before I do that, I would like to extend my support to what Shri Panja said about paying of the arrears in instalments. The arrears should not be paid in instalments. That is in bad taste. The arrears would not be of a very sizeable amount and so, why should it be paid in instalments? Through you, Mr. Chairman, Sir, I would like to invite the attention of Shri P.R. Kumaramangalam to this fact. He should withdraw this clause that the arrears would be paid in instalments. The Government proposes to pay Rs. 5,000/-, then Rs. 10,000/- like that. I would like to request him to withdraw it.

Sir, there was a discussion in this House on judicial reforms and Shri Shivraj Patilji, the former Speaker, Lok Sabha, was in the Chair then. I also spoke on the subject. Maybe, somebody from amongst us will raise the subject here and we shall discuss the issue again. The whole system is crying for reforms. But this time when we have the discussion on the subject, in a limited sense but taken it has to be a deep and incisive debate so that we come to some conclusions.

This is what Shri Lalooji also wanted to say that we are the law-givers and law-makers and they are the interpreters of law. He brought in the question of salary. While the House agreed with him and I too have no disagreement essentially, but I would like to submit, would you normally raise questions of salary of Members of Parliament here, especially when we have to discuss the salary of the judges? But Lalooji had a hidden humour in that. At the Matriculation standard, in mathematics, there was a unitary method, what in Hindi we call the *Ekai ka kaida*, I do not know whether it is there now or not, which said that if you pay Rs. 60,000 per mensem to a judge of a Supreme Court or a High Court, then what would you pay to a law-giver? That is the unitary method. Any way we are not discussing our perks here. We should give respect and honour that the Judiciary deserves.

Sir, my point is that there is tremendous corruption in the Judiciary. I have several cases of judicial despotism in my mind. We got the chance of a life time to impeach a judge but we suffered because of the political inclination of a particular Party. There were areas of agreement and disagreement. But there was sufficient proof of the Judge having gone wrong.

Sir, whatever I am saying here is going on record and here I am reflecting on the working of the Lok

Sabha. Sometimes, we discuss trivial issues here while the society, at large, discusses issues which are really relevant. We got a chance to impeach a judge and we last it in order to show dignity to the High Courts and the Supreme Court. We have never raised the question that we are the people who gives laws and we are the people who makes laws. They are only to interpret the law. That is the question of dignity of the judiciary.

Sir, the real question is, what is the punishment when a judge goes wrong? I would also quote what Justice Verma, the former Chief Justice of India, said when he retired from services. There is also an instance of a judge of the Calcutta High Court. He made three sets of spectacles worth Rs. 40,000 for himself and for his children. His argument was that he was equal, in status, to the Cabinet Minister of the Union of India. We all wondered as to the perks that a Cabinet Minister of the Union enjoys. In fact, the Members of Parliament have 32 free air travels. But when I became a Cabinet Minister, I had only six free air travels for the spouse. Nobody told that judge that a Cabinet Minister of the Union had no right to make a spectacle for his children in that way. He ordered three sets of spectacle - two sets for his children and one for himself. He got away with that and there was no system to punish that judge.

Sir, I would not like to mention the areas from where they hail. But again there was a judge who used to go to his office every morning and on every Monday he used to claim TA/DA as he had spent weekend at home. This fact was known to the Supreme Court. There was another judge who had taken bribe and the hon. Chief Justice of the Supreme Court wanted to punish him but he could not do it. Therefore, I say here with a sense of responsibility that there is corruption in the Judiciary but there is no system of punishment and thus it makes it a very shameful thing for the whole nation.

Sir, I have tremendous regards for Justice Verma, the former Chief Justice of India, because apart from being a good judge, he also was an environmentalist. The first lecture that Justice Verma delivered after his superannuation was on the question of accountability. Kindly consider what Justice Verma said on this issue. It is on record and is available in our library. He said that what worried him as the Chief Justice of India was that there was no instrument to punish a corrupt judge. It is a tragedy that there is no system of self-discipline. The Chief Justices of the Supreme court during their services used to give in writing to those judges who went wrong and used to appeal to them

[Prof. Saifuddin Soz]

to maintain self-discipline. But, those erring judges had never taken note of that. Therefore, the outgoing Chief Justice of Supreme Court has conveyed this to us, because we are the people who represent the masses. He said, since there is no system of self-discipline and since the instructions are not being honoured by the judges, there has to be an instrument to check it. So, we will have to enunciate a law to ensure judicial accountability. Through you, I would like to pose a question to this august House. What about the judicial accountability? How would these erring judges be punished? This is very important. We must eradicate corruption from the judicial system.

On the whole, I have no complaint. The hon. Supreme Court of India has maintained its dignity. One cannot raise a finger against all the judges. We cannot say that the Supreme Court has gone wrong. We cannot say that the Delhi High Court or for that matter any other High Court has gone wrong. But, the main question is that of the accountability of the judges and for that there has to be an instrument. We have to sit and give a serious thought to it so that we evolve that instrument. Thank you, Sir.

SHRI AJAY CHAKRABORTY (Basirhat) : Mr. Chairman, Sir, this Bill has been introduced in order to enhance the salary of the High Court and the Supreme Court Judges. We have no objection to that because of the fact that they are holding the highest post of the judicature of the concerned State as well as country. While participating in the discussion of this Bill, I would like to draw the attention of this august House to the serious problems that are there in the system.

One of the main problems is, the vacancy of the benches. There are so many vacancies in the benches of different High Courts of the country as well as in the Supreme Court also. The Government should come forward and take a suitable measure to fill up the vacancies in the different benches.

Another problem which has been agitated by several Members also is, the delay in disposal of the cases. We all know that delay defeats the purpose of law. Delay denies the justice. There are lakhs of cases pending in different High Courts and Supreme Court of our country. If any litigant public goes to the High Court to file a suit, appeal, writ petition or any other application for redressal, he does not know when will he get the judgement. It is the usual practice that he will have to wait for his next generation or even the second-generation to get any order from the court. The usual practice in our country

is that a person cannot obtain any order during his life time on a case filed by him in any of the court. This is another serious problem in the country. We must have a system to ensure quick disposal of the cases.

My hon. colleague, Shri Soz, has already mentioned about the corruption and nepotism going on in different High Courts. Sons, nephews or other close relatives of the judges practise in the same court where their father, uncle or maternal uncle is a judge.

Hobnobbing of the lawyers with the judges is well known to us. It can be witnessed in the corridors of different High Courts in the country. A particular judge hobnobs with a particular lawyer or a group of lawyers. The particular lawyer or a group of lawyers appear before his court and is able to obtain injunction or any other favourable order. This corrupt practice is going on in different High Courts. It is known to all.

It is difficult for the common people to afford high fees of the lawyers. It is just not possible for a common man to pay his fees. Though there are panels of Government lawyers in our different courts, being a lawyer I regret to say that maximum number of lawyers on those panels are not serious about the cases. They are not interested in the cases. They are not serious in conducting the cases. They are not interested in those cases; they are not serious in conducting those cases. Some cases of dishonest practices have been filed against some lawyers also. The Government should think of the ways which would enable the common man to afford an efficient lawyer to contest his case.

I would like to draw the attention of this august House to the pathetic condition of the lower courts — the munsif courts, the sessions courts — which are the backbone of the judicial system in the country. The Sessions Judges and the Additional Sessions Judges are adjudicating cases under Section 302, 304 and 376 of IPC which provide for death sentence and life imprisonment. The court rooms in which those judges sit are like cow sheds. Those judges travel in the same buses in which the accused travel. The condition of the munsif courts and magistrate courts is pathetic. They are conducting their trials in cow sheds. During power cuts they are compelled to conduct trials in deep darkness. There is no arrangement of a generator. No accommodation is provided to them, no vehicle is given to them. The condition of the judicial system in our country is very much pathetic, particularly in the lower courts, the magistrate courts and the munsif

courts. The Government should look into the matter and deal with the matter seriously so that people can get speedy justice from the different courts.

I am sorry to say that the hon. Law Minister is absent while the House is discussing this important Bill. I do not know the reasons for his absence. Maybe he is engaged in some other Government business or, for the sake of humour, maybe he is engaged in toppling the BJP-led Government.

Lastly, I conclude by saying that I support the Bill.

SHRI B.M. MENSINKAI (Dharwad South) : I rise to support the Bill for increasing the salary and pension for Supreme Court and High Court judges.

I would like to take this opportunity to speak about the huge number of cases pending in our courts. They run into lakhs not thousands. I am afraid this system of judiciary is not working in the country. It does not seem to be conditioned to the requirements of the people. We have to change it, if we do not change it, we cannot get any benefit from the judiciary.

The judiciary is very independent in India and it has created some good honour in the world judicial history. In spite of it, I am afraid, the system requires to be changed, if the common man has to get speedy justice.

As regards disposal of cases pending in lakhs, I would like to mention the case Dharwad in Karnataka. It has already been recommended by the Committee appointed earlier that a High Court Bench should be set up there. We have been trying our best to get a Bench set up in Dharwad, but the State Government with the support of the Central Government is postponing it saying that it should be set up at some other place like Belgaum or Gulbarga. By this suggestion of a change in the place, Dharwad is deprived of the benefit of having a High Court Bench.

There is already a recommendation of the earlier Committee. So, I suggest that on the basis of that recommendation, a High Court Bench of Karnataka should be opened at Dharwad only.

Secondly, as regards the point that hon. Member Shri Shivraj V. Patil made, I agree that the salaries of the judges and the legislators should be made commensurate with each other. After reading the hand-book, I come to know that we are getting Rs. 1500 per month as salary. The salary of an MP is Rs. 1500. I am ashamed to receive Rs. 1500 as salary. It is better if we change the name of the 'salary'. If the hon. House feels that Rs. 1500 is

sufficient, then I want that this name should be changed. Instead of stating it as 'salary', it should be stated as 'honorarium'. So, either it should be increased in an honourable way or its name should be changed.

As regards, the appointment of judges, I would like to state that both the State and the Central Governments are appointing judges in consultation with the Chief Justices of the High Court and the Supreme Court. This method of appointing judges should be changed. I think that in respect of State Judiciary, the Chief Justice of High Court and in respect of the Supreme Court judges, the Chief Justice of the Supreme Court should be the proper authorities to appoint judges. So, appointment should be done in this way. Otherwise, the power of operation of judiciary gets misused.

As regards vacancies, I would like to say that in most of the courts, a number of vacancies are there. So, to cope with the pending cases, the vacancies should be filled up in such a way that before a vacancy occurs, the man should be in position. Some judges should be posted on a temporary basis where there are vacancies.

MR. CHAIRMAN : Please conclude.

SHRI B.M. MENSINKAI : I appreciate the increase in salaries as suggested by hon. Member, Shri Panja. It should be increased to the extent of Rs. 50,000 to the Supreme Court and to other High Court judges. In place of the amount already mentioned, that is, Rs. 33,000 and Rs. 26,000, a higher wage should be prescribed.

With these words, I support the Bill.

[Translation]

SHRI PRABHUNATH SINGH (Maharajganj) : Mr. Chairman, Sir, the whole House is unanimous on the Bill which has been introduced here. I also rise to support this Bill. However, I would like to give few suggestions in this regard. The functioning of judiciary from lower courts to Supreme Court looks somewhat strange. I am using the word 'strange' because the judiciary has a right to give judgements judiciously. Nobody can question or make comments on any judgement given by the judiciary. If an appeal is filed in a High Court against the judgement of a lower court and if the judgement of the lower court is not upheld by the High Court, there is no provision of any action against the lower court. In case, the Executive or the Legislature takes a decision of its own, the Judiciary sets aside such a decision and even impose a fine upto Rs. 50 lakh. I want to know whether the judiciary applies different discretion than

[Shri Prabhunath Singh]

the Executive or the Legislature. I feel that the decisions which are taken judiciously should not be subjected to any penalty or fine. We would like that the process of justice should be cheap and simple for all. However, when we talk of cheap justice, it is becoming more and more costlier. The process of investigation by the Executive goes along with the judicial inquiry.

Mr. Chairman, Sir, through you, I want to submit that there are many loopholes in the Cr. P.C. and I.P.C. I would like to tell the House that the police are the investigating agency in the States and in addition, they also take care of the law and order problem. Therefore, the process of investigation is not smooth. The prosecutor names fictitious witnesses but there is no provision in the judicial process under which action could be taken against such fake and fictitious witnesses. It is on the basis of court orders that people languish in jails for 2, 4 and 5 years and when the trial is over, they are acquitted, but no legal action is taken against the person who files a false case. Unless a provision is made to punish such persons, I feel that people cannot get justice.

Mr. Chairman, Sir, the Judiciary is on a sticky wicket particularly in Bihar. There, the judiciary conducts the examinations. The Court orders the judges to conduct examinations and accordingly, the judges go to examination centres. The worst happens when the judiciary asks the Government to get a road constructed within 15 days or one month failing which the Engineer-in-Chief would be put behind bars. If there is filth scattered on the road, the judiciary orders the Government to get the filth removed.

MR. CHAIRMAN : Please be brief and confine to the subject only.

SHRI PRABHUNATH SINGH : Mr. Chairman, Sir, I would give very good suggestions because I have suffered a lot at the hands of judiciary.

MR. CHAIRMAN : It would be better if you stick to the subject only and do not go into detail.

SHRI PRABHUNATH SINGH : Mr. Chairman, Sir, Shri Lalu Prasad had just given a suggestion that appointments should be made in the judiciary on the basis of reservation. I would like to tell that during Lalu Government, a doctor had left the scissors and a towel in the stomach of the patient after conducting an operation. Thus, if appointments are made in the judiciary on the basis of reservation, then only God can save the judiciary. I am of the view that there should not be any reservation for certain

administrative and judicial posts in the judiciary. Corruption is at its peak in the judiciary and nobody can deny this fact. I do not want to mention any name, but I would like to submit that if a judge gives a judgement in favour of a political leader, he is made a Member of Rajya Sabha. After all, what is this? If it is not corruption, then what it is?

Mr. Chairman, Sir, today the situation in the judiciary is alarming to the extent that a judge of the Calcutta High Court writes to the Hon'ble President that since he is not getting justice, he has decided to resign and perhaps, he will be proceeding on leave from the 15th of this month. If a judge holding such a higher position in the judiciary does not get justice, then who will get justice. There is a need to think over this point seriously. I feel that there should be a separate agency to monitor the functioning of the judiciary. In this way, if some lapses are found on the part of the judiciary, these can be checked by the particular agency.

MR. CHAIRMAN : Please conclude.

SHRI PRABHUNATH SINGH : Mr. Chairman, Sir, before concluding, I would like to submit one more point. Shri Lalu Prasad has given a good suggestion that the salary of judges should be raised. I want to know about the status of a Member of Parliament. We are given a salary of Rs. 1500/- whereas a peon of a Government office gets more than Rs. 1500/- per month. Under which status we have been put? An MP gets a total amount of Rs. 8,900/- and from this, about Rs. 2500/- to Rs. 3000/- are deducted towards electricity, water, furniture, carpet, cooler etc. Thus, an M.P. gets about Rs. 5000/- or Rs. 5,500/- only. What do you propose to make an M.P.? I am an M.P. and I do not want to insult an M.P. However, there can be no exaggeration if the people say that Members of Parliament make a livelihood by indulging in thefts. Therefore, I would request that if you want to maintain a good image of the Members, they should be given the facilities of food, water and other amenities so that they could live their parliamentary life with unblemished image. Nobody would object to the hike in the salary of judges but this House must take steps to check corruption in the judiciary.

[English]

SHRI SURESH KURUP : Mr. Chairman, Sir, I want to say only one point.

Every High Court Judge is entitled to a free accommodation and those of Judges, who are not availing of this facility, are entitled to get Rs. 2,500/- per month. This is roughly 30 per cent of

the pre-revised salary, that is, Rs. 8,000/-. Now, with this salary revision, this should also be revised.

THE MINISTER OF POWER (SHRI P.R. KUMARAMANGALAM) : Mr. Chairman, Sir, I am extremely grateful to the hon. Members who have participated in this debate. While discussing the revision of salaries—though normally this would be almost automatically gone through—I am grateful that the attention has been paid to the whole subject, that is, the facilities, terms and conditions of the judiciary, etc. I would only like to point out that with regard to salary, there have been certain comments that the salary of the High Court judges was originally equivalent to that of the Cabinet Secretary, but now it has come down. With the present revision, the High Court Judge and the Cabinet Secretary are at the same level. In fact, the Supreme Court Judges and the Chief Justice are at the higher level. But the Chief Justice of the High Court, the Supreme Court Judges and the Cabinet Secretary are at the same level. The Chief Justice of the Supreme Court gets Rs. 33,000/- and the Judges of the High Courts are getting Rs. 26,000/-. This is as per the present revision. I am not trying to submit to this House that this is totally sufficient or it is something which is extremely attractive. But in today's scheme of things, to keep in line with the Fifth Pay Commission, these are the terms and conditions which have been set out.

As far as the perquisites are concerned, let me tell you that all the perquisites have been increased. The most important thing most of us need to pay attention to is that the perquisites at the level of the Supreme Court may be available in terms of free accommodation, transport, etc. In the High Courts, the situation has improved vastly. There was a time when judges of the High Court — I think the hon. Member Shri Shiv Shanker is aware — did not get cars allotted to them. There was no pool car or other such type of things. Now there is some improvement in that. But I can say that the Supreme Court itself has been taking some special interest in these matters to ensure that the wages, terms and conditions, salaries and other things dealing with the courts of record, that is, the High Court and the Supreme Court, are settled quickly but they have also taken steps with regard to subordinate judiciary. As most of the hon. Members must be aware, under article 309, it is the State Governments that finally frame the rules that deal with the subordinate judiciary and their terms and conditions. But the Supreme Court has passed orders in this regard. Many of the States have responded and, in fact, terms are improving now. More than terms and conditions, what some Members have pointed out

with regard to facilities, I think, is something that should be taken note of. Despite some of the orders that have been passed by the courts, advices that have been given by the Central Government and Law Ministers' Conferences, somehow when it comes to providing facilities for the Judiciary to function at what Shri Panja has referred to as the grass-root level of the judicial system, that is, the sub-judicial magistrate at the Sessions Court, the fact is that there is improvement and now, fortunately, plan allocation is being done, and because of the plan allocation being done, we are seeing courts come up at district level, which were not there earlier. Now new courts are being built and new facilities are coming in. The hon. Member, our former Speaker, quite justifiably pointed out about modernisation of the courts. I wish to inform him with pleasure that while he was the Speaker, in fact, most of the decisions with regard to modernisation of courts had started. In the year 1992, there was a Law Ministers' Conference where this was given preference and importance which it should have been given in the earlier past. But then over the years, in 1994, 1995, etc., every Conference has paid attention to the modernisation of facilities of the courts of record specially. At the moment, I am informed that computers have been provided in the Supreme Court and the High Courts and they are linked to the network in the NIC. In fact, you can now download, maybe today's list and take a print out of what are the cases coming even in any outpost in India as long as you can get to the network activity through a post office or a telecom printer. They are also being provided now all the facilities. In district courts it has started. Photocopiers and photocopy machines are being supplied and the NIC will be soon starting the process of computerisation of the district courts and putting them on to the network. For this modernisation, NIC has been provided sufficient funds and they are on the job.

The Central Government is providing financial assistance to the State Governments to provide infrastructural facilities on a 50:50 basis, that is, the State Government in its Plan funds produces certain amounts and we produce a certain amount. The Grant in the year 1997-98 was about Rs. 232 crore. This year if the grants which come up before the Parliament during this second part of the Budget Session, are approved, it would be around the same level. I personally believe that we have made a good beginning though we need to push it a little faster.

With regard to Benches, I think most of the hon. Members are aware that Benches is a matter which

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is decided in consultation with the courts and often falls in the jurisdiction of the courts.

I very much agree with my good friend Prof. Kurien who has left, as well as the Mover of the Statutory Resolution, Shri Reddy, that we would all from the South, love to have a Bench of the Supreme Court in any of the four places, namely, Bangalore, Hyderabad, Madras or even Trivandrum.

15.00 hrs.

But then, the fact is...*(Interruptions)* Now he wants a Bench of the Supreme Court in Meerut. Shri Sompal is spoiling the case. If I may submit, the truth is that this has been taken up more than once. The Registry of the Supreme Court has intimated that the Court had considered this. In fact, in their letter dated 26.4.97, it has been mentioned that the suggestion for establishment of Benches of Supreme Court outside Delhi has not been agreed to by the full court in a meeting presided over by the Chief Justice of India. Many demands have gone to them. I am informing you the latest negation of these demands. Under article 130, it is the Chief Justice and the Court which can decide this and not us or the Government.

SHRI AJIT KUMAR PANJA : This House may send its sentiments to the hon. Chief Justice of India. It was decided on 26.4.97 not to have a Circuit Bench. Please send our feelings that we here feel that the new Chief Justice should hold a meeting and make a Circuit Bench. We are suffering very much.

SHRI P.R. KUMARAMANGALAM : I assure the hon. Member that I shall definitely request the Law Minister to communicate the feelings of this House in this regard to the hon. Chief Justice of India.

With regard to establishment of Benches of other High Courts also, there were a lot of requests. Allahabad High Court is not in favour of establishing a Bench at Agra. I can go ahead because I have a long list of places where Benches were sought for, whether it is the High Court of Madras, Madhya Pradesh, Karnataka, Kerala or Calcutta. But the situation is that the State Governments have to send the proposals to set up Benches of the High Courts in consultation with the Chief Justices of the High Courts. In most cases, the Chief Justices of the High Courts are opposing setting up Benches away from the principal seat of the High Court. At present, we have no proposal pending at our level. It is the State Governments which should send the proposals in consultation with the Chief Justices. They do not

cross that level. It does not even come to us for consideration. But as soon as these matters come, I can assure the House that we will look at them with all urgency. We understand the situation and the feelings of the Members. Since one hon. Member asked that the State Government of Karnataka had sent a proposal to set up a Bench at Hubli, Dharwar, I am reasonably certain that the Chief Justice of the High Court was opposed to that proposal. He has sought clarification from the Chief Minister on certain facilities to be provided etc. I am informing the hon. Member Shri Malikarjuniah that his is the position with regard to this.

With regard to the subordinate judiciary, I have already informed the Members that the Supreme Court had given certain directions in the All India Judges Association case way back in 1989. These directions are pertaining to provision of residence, working place, library, transport facility and increase in the retirement age from 58 to 60 years. All the State Governments are required to implement these directions and submit compliance report before the Supreme Court. Many State Governments have since made improvement in the service conditions and facilities available and some of the State Governments are in the process of implementing the Supreme Court's directions. I think that I have been able to address most of the points which have generally been raised.

But I think that it is important for us to understand the position with regard to appointments and transfers. I think all the Members are aware that articles 124 and 217 cover this arena. After the nine-Judge Bench case, today we have a situation where the primacy is that of the view of the Chief Justice of India.

SHRI AJIT KUMAR PANJA : We are thankful to the Minister that he will convey the sentiments of the House to the Chief Justice of India.

I would request him kindly to consider two things. There are huge number of cases. It is not possible to appoint so many judges as suggested by one of the Members. Is it possible to appoint *ad hoc* judges in all the High Courts for a particular period of one year who will be entitled to practise in the same court? Then, all the arrears of the cases could be disposed of gradually and expeditiously.

Otherwise it is impossible to clear all the pending cases. The people are suffering because of the pendency of cases. So, *ad-hoc* appointment of 10 Judges should be made in each High Court. Let them dispose of the old cases and then let them be allowed to practise in the same Court. Otherwise, they will never be disposed of because hundreds of

new cases are being filed everyday in each High Court.

My second point is, the Advocate-General of West Bengal has been given the status of a Cabinet Minister, but the Judges of the Calcutta High Court have not been given that status. Why is this being done? Is it because that the State wants to dilute the position of our Judges? The hon. Minister should kindly consider this point. This is something which should be stopped immediately. Our Judges in the Calcutta High Court should be given the status of the Cabinet Minister, but only the Advocate-General of West Bengal has been given the status of the Cabinet Minister, but not the Judges. This cannot go on.

SHRI NADENDLA BHASKARA RAO : Mr. Chairman, Sir, with your permission, I would like to raise one point. Hitherto, the Judges of the High Courts were getting Rs. 500/- above the Cabinet Secretary till 1965. But now, the Judges of the High Courts are given Rs. 26,000/- per month and the Cabinet Secretary is getting Rs. 30,000/-, So, there is a huge difference now.

SHRI P.R. KUMARAMANGALAM : Sir, I would not like to go into a dispute with the hon. Member. But, I think, it is important for me to inform him, through you, Sir, that actually what was earlier equated was, what we today call, with the Chief Secretary and it was always equated with the Cabinet Secretary only for the federal courts. That is the real situation. But leaving that aside, I am willing to discuss this matter at any time outside this forum, because we have gone into it.

Sir, another very important issue which the hon. Members raised is about the instalment of arrears. I would like to inform them that it is in the Bill. But the payment of arrears has already been made, because it was in the Ordinance and this Bill is for replacing the Ordinance. The truth is, at the moment, the arrears for the Judges of the Supreme Court have been paid. With regard to the Judges of the High Courts, I think, the compliance will be coming to us soon from the States that they also should have paid up the arrears. I would get their compliance organised and I can assure the hon. Members that it is only an enabling provision for instalments. It does not mean that we have to pay the instalments. But we would get it done.

With regard to the issues of method of appointment of Judges and judicial accountability, I think, most of the hon. Members are aware that there is no official code of conduct for the Judges of the Supreme Court and the High Courts, the courts of record. A Committee was appointed in a Conference

of Judges to prepare a code of conduct. But we are not aware exactly as to how far that has proceeded. We understand that is proceeding quite fast. We understand that the matter has also been discussed in the Annual Conference of Chief Justices of the High Courts. With regard to the District Judges, let me say that the code of conduct and rules framed by the State Governments in consultation with the High Courts are in existence in many States and they are not in existence only in a very few States. That is the situation.

PROF. SAIFUDDIN SOZ : Who constituted this Committee? Was it constituted by the Chief Justice of India?

SHRI P.R. KUMARAMANGALAM : This Committee was constituted based on a Resolution in the Annual Conference of the Chief Justices of the High Courts where they authorised the Chief Justice of India to constitute it.

PROF. SAIFUDDIN SOZ : Could the Minister please announce the names of the Members of this Committee?

SHRI P.R. KUMARAMANGALAM : Sir, normally, the proceedings within the Conference of the Chief Justices of the High Courts are kept to themselves. We are not informed; we are not made aware of the proceedings.

PROF. SAIFUDDIN SOZ : Sir, I am asking about the Committee. I want to know about the constitution of the Committee.

SHRI SATYA PAL JAIN : As per my information, this Committee consists of five senior most Judges of the Supreme Court.

PROF. SAIFUDDIN SOZ : Thank you for this information.

SHRI P.R. KUMARAMANGALAM : Normally, this matter is understood to be within their jurisdiction and so if we have information we submit only that much.

Sir, in the light of this, I request the mover of the Statutory Resolution to withdraw his Resolution.

DR. T. SUBBARAMI REDDY (Visakhapatnam) : Sir, the Minister did not fully justify all the points. When I gave the proposal for Rs. 10,000 enhancement to the Supreme Court and the High Court Judges... (Interruptions). I am going to fully agree with this Bill. All the Members have taken this opportunity to communicate their views on the judicial system which is the most important thing and everybody has unanimously expressed the respect for the judicial authorities. The judiciary plays the

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most important role in this country. They have played a very crucial role in protecting the interest of the democracy of this country. Therefore, there is no problem in giving them more money. Now, We cannot change it because the Ordinance is already there. But I just want to say that in future, the Government, on a suitable day must revise the salaries of the Supreme Court and the High Court Judges.

Sir, all the Members have said that lakhs of cases are pending. There appears to be an urgency to have a streamlined system. If the Benches are there, it will be great service to the poor people and there is also every possibility of clearing the cases. But the Minister has very tactfully replied that the Chief Justice is not agreeing. In a democratic country, the Chief Justice is not the final authority. The people, the Parliamentarians and the Legislators also have to play an important role. I said this while moving my Resolution. Therefore, the Government have to bear in mind, in future, to solve the problem whether by convincing the Chief Justice or by amending the law in such a way that we empower the State Governments to have these Benches.

Sir, we have been dreaming for years to have a Bench in Visakhapatnam as Hyderabad is far away from Visakhapatnam. It is one fag end of Andhra Pradesh. Therefore, I take this opportunity to bring to the notice of the Ministry of Law and Justice as also to the Government that they must keep in mind the States like Andhra Pradesh and others in the country. The pleas that the Chief Justice is not agreeing or that the State Government has sent the proposal will not solve the problem. Of course, had Shri Kumaramangalam been fully in-charge he would have solved the problem. I know his capacity. But since he is replying today, he must make it a point to see that as per the wishes of the hon. Members, more Benches should be raised.

Lastly, the Minister has not at all said anything about the vacancies. It is the most important matter. Many hon. Members have spoken about it including Shri Ajit Kumar Panja and myself. So many posts of judges are vacant. When the Chief Justice sends the request to Delhi, the Ministry of Law and Justice objects to it. Sometimes, they say that the file has gone back to the Supreme Court. There is a confusion in Andhra Pradesh. Some names of judges were sent some time back to Delhi. But till today they have not been filled up. We regret it very much. I am taking this opportunity to request the Government to solve this problem and see that these vacancies are filled. Why should there be vacancies in Andhra Pradesh or in West Bengal or in various places?

Therefore, you must see that these vacancies are filled up as early as possible. Secondly, the Supreme Court must have Benches in important cities all over the country. At least one Bench should be raised in one big State. The Government should note all these problems and take suitable action. Now, I accept this Bill *in toto* and I withdraw all my amendments and the Resolution.

MR. CHAIRMAN : Has the hon. Member leave of the House to withdraw his Statutory Resolution?

SEVERAL HON. MEMBERS : Yes.

*The Statutory Resolution was, by leave,
withdrawn.*

MR. CHAIRMAN : The question is :

"That the Bill further to amend the High Court Judges (Conditions of Service) Act, 1954 and the Supreme Court Judges (Conditions of Service) Act, 1958 be taken into consideration."

The motion was adopted.

MR. CHAIRMAN : The House will now take up clause by clause consideration of the Bill.

Clauses 2 to 9

MR. CHAIRMAN : The question is :

"That clauses 2 to 9 stand part of the Bill."

The motion was adopted.

Clauses 2 to 9 were added to the Bill.

MR. CHAIRMAN : The question is :

"That clause 1, the Enacting Formula and the Long Title stand part of the Bill."

The motion was adopted.

Clause 1, the Enacting Formula and the Long Title were added to the Bill.

SHRI P.R. KUMARAMANGALAM : I beg to move:

"That the bill be passed."

MR. CHAIRMAN : The question is :

"That the Bill be passed."

The motion was adopted.

[English]

MR. CHAIRMAN : It is 3.15 p.m now. Mr. Parliamentary Affairs Minister, shall we go for lunch now?

SEVERAL HON. MEMBERS : No lunch, Sir.

[Translation]

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF TOURISM (SHRI MADAN LAL KHURANA) : Mr. Chairman, Sir, it is quarter past three and three Bills are yet to be taken up. If we take one and a half hour more, it will go upto 8 to 9 o' clock. It was agreed upon earlier that four Bills would be taken up. At that time, we had only one day i.e. today, as Tuesday was a holiday and we were to send them to Rajya Sabha. Now, I submit that one Bill can be deferred till Monday and we can take up three Bills today so that we could send them to Rajya Sabha on Tuesday after getting them passed in this House. Otherwise, we will have to sit upto 10 o'clock. However, we can go by the wish of the House.

SHRI MOTILAL VORA (Rajnandgaon) : Sir, the Government should get passed as many Bills as they can.

SHRI MADAN LAL KHURANA : If the Hon'ble Members wish to sit late night, I have no objection.

[English]

MR. CHAIRMAN : They are all cooperating.

15.16 hrs.

PRESENTATION OF PETITION

[English]

MR. CHAIRMAN : There is a petition to be moved by Shri Chandrashekhar Sahu. Shri Sahu, please present your petition.

[Translation]

SHRI CHANDRASHEKHAR SAHU (Mahasumand): Mr. Chairman, Sir, I present a petition jointly signed by Shri Sudip Srivastava, Shri Beri Khan and other people of Bilaspur requesting therein to create a new Railway Zone in Bilaspur Railway Division, Madhya Pradesh..

15.17 hrs.

STATUTORY RESOLUTION RE :
DISAPPROVAL OF THE FINANCE
(AMENDMENT) ORDINANCE
AND
FINANCE (AMENDMENT) BILL

[English]

DR. T. SUBBARAMI REDDY (Visakhapatnam) : I

beg to move :

"That this House disapproves of the Finance (Amendment) Ordinance, 1998 (No. 5 of 1998) promulgated by the President on 21 April, 1998."

Sir, the fact remains that the Bill had become absolutely necessary because after the Fifth Pay Commission's recommendations were finalised, the amount that was required had gone up from Rs. 11,000 crore to Rs. 18,000 crore. So, an amount of Rs. 7,000 crore was required by the Government and they felt that they had to increase the Special Customs Duty from two per cent to five per cent, and the foreign travel tax to Rs. 750. But at the same time, this august House feels that the issuance of an Ordinance is not at all a welcome thing and, as far as possible, we have to avoid it.

In fact, the Ordinance should be used as a very very sparing weapon like the *Pasupatastram*. But unfortunately it has become a very very easy thing, just to issue Ordinance and put again to the Parliament for passing the Bill. It should be avoided in future. A number of Members have been expressing their concern, but in future we must avoid issuing the Ordinances.

However, one thing I have to accept in this Bill. The fact remains that the people of India or the Government of India do not lose anything in this, but many crores of rupees are required by the Government to pay to the employees because of finalisation of negotiations with the Pay Commission. They have to pay the amount and perhaps they must have felt that they have to raise this money by raising this Customs duty and also the tax. Therefore, they have increased it to Rs. 7,000 crore.

But, at the same time, my suggestion is, even though at this stage the Amendment Bill on Finance becomes inevitable for Parliament to accept it, at least the travelling tax of Rs. 500/- which the new Government proposed should be further reduced because most of our students go to neighbouring countries and also because several people including tourists, the middle class people, keep travelling. This facility should be given to them. That amount must be increased in the Customs duty. Of course, at this stage we cannot change it because the Ordinance is already there.

The second point is, this 2 per cent to 5 per cent Customs duty is proposed to be only for special Customs duty. They do not propose it for items which they are importing without any Customs. That also is unfair. I do not find fault with Shri Yashwant Sinha, but this is a total mistake committed by whoever is

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concerned previously because when we are importing the products without any Customs, you do not charge them and when you are charging 2 per cent and 5 per cent, the increase appears to be unfair. This point should also be borne in mind.

I would request the hon. Minister to think over and give answer.

THE MINISTER OF FINANCE (SHRI YASHWANT SINHA) : I beg to move:*

"That the Bill further to amend the Finance Act, 1979 and the Finance (No. 2) Act, 1996 be taken into consideration."

Taking into account a number of commitments made after the Budget of 1997 and — since my hon. Friend Shri Lalu Prasad is sitting here — and as this is also something which was done by the previous Government as the previous Ordinance, so including the Pay Commission award, the previous Government had, in order to raise additional resources, increased the special duty of customs on all imports (excluding POL and project imports) from 2 per cent to 5 per cent *ad valorem* and also raised the foreign travel tax for journey undertaken to non-neighbouring countries from Rs. 300 to Rs. 750 per passenger. As Parliament was not in Session, the legislative amendments required in Section 35 of the Finance Act, 1979 and Section 68 of the Finance (No. 2) Act, 1996 for implementing the above changes were effected by issue of an Ordinance, namely the Finance Act (Amendment) Ordinance, 1997 (No. 16 of 1997) dated the 16th September, 1997.

The above mentioned Ordinance could not be replaced by a Bill during the Winter Session as the 11th Lok Sabha itself was dissolved. In order to enable the Government to continue to levy special customs duty and the foreign travel tax at the enhanced rates, another Ordinance was promulgated, namely the Finance (Second Amendment) Ordinance, 1997 (No. 24 of 1997) dated the 24th December, 1997 with the modification that the foreign travel tax was reduced from Rs. 750 with the modification that the foreign travel tax was reduced from Rs. 750 to Rs. 500 per passenger, for journeys undertaken to non-neighbouring countries with effect from the 1st January, 1998.

The Finance (Second Amendment) Ordinance, 1997 could also not be replaced by a Bill, as after the General Elections, Parliament met for a very short duration.

In order to ensure that Government could continue to levy the special customs duty on all

* Moved with recommendation of the President.

imports and the foreign travel tax at the enhanced rates, as envisaged under the Finance (Second Amendment) Ordinance, 1997, another Ordinance was promulgated, namely, the Finance (Amendment) Ordinance, 1998 (No. 5 of 1998) dated the 21st April, 1998.

I had introduced the Finance (Amendment) Bill, 1998 to replace the Finance (Amendment) Ordinance, 1998 in the House on 29th May, 1998. Hon. Speaker, Sir, you had referred this Bill to the Standing Committee on Finance. The Standing Committee on Finance has already examined the Finance (Amendment) Bill, 1998.

15.26 hrs.

[MR. SPEAKER *in the Chair*]

We will have an opportunity in this House to discuss the general issues when the Finance Bill comes up for discussion later. I will, therefore, seek the indulgence of this august House for replacing the Finance (Amendment) Ordinance, 1998 by the Finance (Amendment) Bill, 1998 and pass it, if possible, quickly so that the other Bills could be taken up.

MR. SPEAKER : Motion moved :

"That this House disapproves of the Finance (Amendment) Ordinance, 1998 (No. 5 of 1998) promulgated by the President on 21 April, 1998."

"That the Bill further to amend the Finance Act, 1979 and the Finance (No. 2) Act, 1996, be taken into consideration."

Shri N. Bhaskara Rao to speak now.

SHRI NADENDLA BHASKARA RAO (Khammam): Mr. Speaker, Sir, at the outset, I would like to say that there is not much to say about this Bill. But we are supporting this Bill. Even the Ordinance promulgated by the earlier Government was supported by the Congress Party. Here, I wish to make one or two observations.

The first point that has been mentioned is to meet the increased expenditure, the tax has been raised. Another point that has been mentioned is to meet the post-Budget commitments, it has been done. How long will this post-Budget commitment go on? When will the Minister put a full-stop or a comma to this? People are already suffering because of high cost of living. Prices are soaring up like anything. People are unable to purchase even vegetables. So, Mr. Minister, if you go on increasing the taxes like this, people will suffer. Of course, the special duty of

customs on all imports was increased from two per cent to five per cent and the foreign travel tax on non-neighbouring countries was increased from Rs. 300 to Rs. 750/-. The point is that because your expenditure has increased, you want to raise the tax. That is the sum and substance of it. I have seen the Statement of Objects and Reasons supplied to us. If that is the case, why do you not cut down the increase in the expenditure of the Government? Why do you want to put the burden on the people every time? Is it because that you are unable to meet the expenditure that you are raising the tax? This is not justified. Nowhere we found out this that because the Government has a lot of expenditure, it has to raise the taxes. That is not justifiable. That is my humble submission.

Secondly, new facilities also have not been given. To increase the tax, there must be a justification. What are the new facilities that you have provided? The same facility is available in respect of travel. In regard to customs also, nothing new is being introduced. So, I beg to make these two observations. Now, I take leave of you at this. Thank you very much.

SHRI VARKALA RADHAKRISHNAN (Chirayinkil):
Sir, I am constrained to oppose the Bill on certain principles. It is not primarily due to the contents of the Bill that I am opposing it but because of the way in which it has been brought before this House.

There is a tendency on the part of the Government to bring in taxation measures outside the House. The Executive is bringing in the taxation proposal and getting it implemented not through this House but through other means. It originates in the Executive, not in the Legislature. My firm view is that all the tax proposals should originate in the House itself. Otherwise, it will be an *ex parte* decision. Whenever a new tax is imposed, people should also be heard. The Executive must understand the difficulties involved in it in so far as the tax-payers are concerned. Here you are not giving that opportunity to a tax-payer. The view of the tax-payers is represented in the House through the elected representatives. We express not just our own views but also the views that we obtain from the day-to-day experience. So, we will have an opportunity to speak about that.

It has been admitted and it is abundantly clear that the Executive itself was compelled to reduce the tax from Rs. 750 to Rs. 500. Why? Subsequently, the Executive found that it was inexpedient and it would not be justified in imposing Rs. 750 per traveller

going to a country other than the neighbouring countries. But as the Government did not get the required revenue or the expected revenue even after imposing Rs. 750 per traveller, the Government was compelled to reduce the tax proposal to Rs. 500. Such a situation could have been avoided had the proposal been discussed in the House. That itself justifies my stand because that proposal should always be discussed in the House.

I am sorry, I must put it that this is a very bad precedent, a wrong principle opposed to all principles of parliamentary democracy. There is certainly a tendency to promulgate ordinances. This epidemic is prevalent in the States. It is more or less like a contagious disease. It is true that the Constitution provides a provision for issuing ordinances to meet an emergent situation or an extraordinary situation. But here, was there an extraordinary situation prevailing? The Fifth Pay Commission was appointed by the Executive. In the natural course, the Executive would expect an additional expenditure. So what was the necessity of issuing an ordinance to meet an expenditure which was quite expected? I can understand the Executive issuing an ordinance for meeting a natural calamity like floods or some earthquake because it is quite unprecedented or unexpected. The Executive may be compelled to issue an ordinance to meet that situation. Here is a case where the Executive could expect this expenditure at the time when the Pay Commission was appointed. The Pay Commission was taking evidence and they had submitted the report to the Government. When the exercise about the revenue expenditure was undertaken, the Government found that they had some committed expenditure together with the additional expenditure to be incurred with the implementation of the recommendations of the Pay Commission.

Now I must tell the Finance Minister that he is not primarily responsible for this. It is not the fault of the present Government. It may be the fault of the other Government. That is another matter. I do not want to speak in a political sense. I speak out of certain parliamentary principles. This is the Parliament of the nation. We should set an example to the States that issuing ordinance against the canons of our Constitution is wrong. But when we ourselves are issuing ordinances every now and then, it becomes more or less unfortunate and lamentable.

I may say that this matter has been considered by the Supreme Court. A professor by name Shri Wadhwa had taken up the matter to the Supreme Court...*(Interruptions)*

MR. SPEAKER : Shri Radhakrishnan, there are other speakers also.

SHRI VARKALA RADHAKRISHNAN : Mr. Speaker, Sir, you also will remember that this matter was taken to the Supreme Court. The Supreme Court discussed the issue and gave a final verdict on issuing ordinances.

The Supreme Court admitted that 'you can issue an Ordinance once to meet an emergent situation. But you cannot reissue the same Ordinance for the same purpose.' But here is a case, where they are issuing the Ordinance for the same purpose, not once but twice or thrice. This is really a violation of the principles laid down by the Supreme Court in Wadhwa Case.

I must point out to the hon. learned Finance Minister who is before me that this is quite unprecedented and lamentable. Moreover, it is we who should set certain examples to other States. But this issuance of the Ordinance one after another has become an order of the day to make the Legislature a rubber stamp of the Executive. In Ordinance, there is some commitment. We cannot retract. There cannot be fair and just discussion on a pointed issue because the Executive which is controlling the major portion of the House is committed. You cannot retract even this tax. So, there cannot be any free and fair discussion in the House about the tax proposal. Can we retract? Then the Executive will be put in a very embarrassing situation because the tax already paid will have to be refunded to the tax payers. We cannot create such a situation, and the Executive also will not be doing that.

So, in order to obviate all these difficulties, considering the balance of convenience, it is better that we originate the tax proposals in the House.

MR. SPEAKER : Shri Radhakrishnan, please conclude.

SHRI P. SHIV SHANKER : Sir, my friend while he was speaking, by slip of tongue perhaps, made some observations about the Speaker. I suppose, it is unintentional and most accidental. Therefore, I request that part of it may be expunged.

MR. SPEAKER : I will expunge it.

SHRI VARKALA RADHAKRISHNAN : Yes. Now, I come to my other point... (Interruptions)... I have not finished yet.

The Executive should bring it at the earliest opportunity available. My submission is that in the first Session of the 12th Lok Sabha itself, this matter could have been brought in the House and got approved giving its assent. But that was not done.

Repeatedly, it was lapsed. Even after the 12th Lok Sabha was constituted, the Government could have utilised the earliest opportunity to bring in the legislation. But they had not done so. After six weeks, it got lapsed. Again they have issued the very same Ordinance for the fourth time.

MR. SPEAKER : Shri Radhakrishnan, we are not discussing about how this Ordinance was brought. We are discussing about the Finance Bill.

SHRI VARKALA RADHAKRISHNAN : I oppose this Finance (Amendment) Bill on this principle. Again I want to submit about the tax proposals. After all, our cost of living is increasing day by day and prices of essential commodities have increased. Also, we send people to other countries. Most of our people go to Gulf countries for employment. Asking them to pay a high sum of Rs. 500 or Rs. 750, for going there, will be penalising them. So, it will be penalising those people who are going and taking employment elsewhere, i.e., in the United Arab Emirates or Saudi Arabia or any Gulf country. Sir, from my State, tens of thousands of people are going abroad, to these countries seeking employment and getting employment. Now, their travel facility is very much curtailed. They are adversely affected by this proposal. That is another reason for me to oppose the present Bill.

SHRI YASHWANT SINHA : Mr. Speaker, Sir, I am very grateful to the hon. Members who have taken part in the discussions. I entirely agree with the hon. Members, Shri Varkala Radhakrishnan, that Ordinance is a very undesirable way of rising taxes. Rising taxes through an Ordinance cannot be the policy of any Government; it certainly is not the policy of the present Government. The country has passed through very exceptional circumstances in the last few months. I am speaking here for my predecessor Shri P. Chidambaram who is not present in the House at present. Normally he should have defended this Ordinance.

The point is that the Fifth Pay Commission's award was known. What was not anticipated was the final decision which was taken by the then UF Government which raised the burden on the exchequer by a huge margin of around Rs. 7000 crore and that is what made it impossible by the then Finance Minister to make both ends meet and he came before that Government with the proposal that the 2 per cent extra Duty of Customs which had been imposed in the Budget of 1996 be raised to 5 per cent through this amendment. Then he would have normally brought it before the Winter Session of Parliament last year. But we know what happened politically in this country; there was no Winter

Session or the Winter Session had to be cut short and this could not be brought before the House. Then there were General Elections. This Government was formed and the House is aware of the fact that we had a very brief Session towards the end of March this year. The Vote of Confidence had to be obtained by the Government, the Interim Budget had to be passed. It was not that we were not trying to bring the Ordinance. I remember from my own Ministry there were two Ordinances — this one and the Income Tax (Amendment) Ordinance. I brought the Income Tax (Amendment) Ordinance and that Ordinance had been passed by this House in the March Session. So, we did try our best to see that we found time to discuss this. It was not our intention to avoid coming to this House. But we just could not find time. In the meantime this Ordinance was due to lapse in April. We had to repromulgate it. The revenues involved are substantial. Therefore it was delayed. It was put in the first part of the Budget Session of this year and you decided to refer it to the Standing Committee. The Standing Committee has considered this and the Standing Committee's report has been presented before the House and now the Ordinance is before the House for being passed as a Bill. Therefore, the increase in the Pay Commission's award could not have been anticipated.

A point had also been raised as to when this will end. I would like to take this House into confidence and say that when my predecessor had imposed the additional Duty of Customs by 2 per cent in the 1996 Finance Bill, he had mentioned there that this extra 2 per cent will automatically come to an end on 31st March, 1999. This is what he said in the Finance Bill of 1996 which was adopted by the Lok Sabha as the Finance Act of 1996. When this amendment was moved in 1997 that provision had not been changed. I would like to take this House into confidence and announce today that as far as this 5 per cent additional Customs Duty is concerned, I have no intention of interfering with that sunset provision that it should lapse on the 31st March 1999. It is only a question of a few months between now and 1999. We had absorbed the burden of the Pay Commission's award and the decision of the previous Government in the previous Budget. We are absorbing it in this year's Budget and I can assure the House that it is not our intention to carry on taxing imports into this country for this burden and extending this beyond 31st March 1999.

I will allow this extra duty to lapse on the 31st March, 1999 when I present the next year's Budget. The new Finance Bill will make other provisions and will not be dependent on this.

As far as cutting expenditure is concerned, I would like to assure hon. Member that we have taken all possible steps. I would also like to give credit to the previous Government that despite a whopping burden of somewhere around Rs. 14,000 crore to Rs. 18,000 crore which was imposed as a result of decisions taken by the previous Governments, the increase in expenditure over the budgeted figure was only around Rs. 3,000 crore. It is a creditable achievement. I would like to assure the House that we would keep the strictest possible watch on Government expenditure. We would not allow Government expenditure to cross the budgeted figure. I am quite confident that we will finish this year with a much better performance on the expenditure front also.

With this, I commend that the Bill be passed.

DR. T. SUBBARAMI REDDY : Before I agree with this Bill, I want a clarification from the hon. Minister of Finance. He has not touched upon the point made by me that instead of putting this two per cent to five per cent special duties of customs, why shall it not be distributed to all the items so that it would not be a burden only in respect of certain items.

SHRI YASHWANT SINHA : Sir, a point was raised here about increases in prices. I did not touch it because maybe we will have another opportunity of discussing it. I would like to clarify merely that fruits and vegetables are not being imported and therefore this customs duty is not responsible for any increase in their prices. There are certain items which are exempt. The feeling of the previous Government was — and it is also our feeling — that if we put this duty across the board on certain items like crude, for instance, then, it will have a cascading effect.

Generally, the items which carry a zero duty are items of great use where we have a shortage in this country. Therefore, I would plead with the hon. Member that if we were to spread this across the board, then, the effects will be deleterious in the long run as far as the economy is concerned. This is why, it has not been increased. I will request the hon. Member to withdraw his Resolution and let this Bill be passed.

DR. T. SUBBARAMI REDDY : Let me again clarify the position. I fully agree that it cannot be done in respect of crude oil and petroleum products. On items like sugar where there was zero tax, recently the Government has imposed some tax and other duties. I am just making a submission before withdrawing my Resolution that less tax is levied on these commodities and that the hon. Minister of Finance may consider those items which come in the way of indigenous production in future.

[Dr. T. Subbarami Reddy]

With this, I now withdraw my Resolution and support the Bill.

MR. SPEAKER : Is it the pleasure of the House that the Statutory Resolution moved by Dr. T. Subbarami Reddy be withdrawn?

The Resolution was, by leave, withdrawn.

MR. SPEAKER : The question is :

"That the Bill further to amend the Finance Act, 1979 and the Finance (No. 2) Act, 1996, be taken into consideration."

The motion was adopted.

MR. SPEAKER : The House will now take up clause-by-clause consideration of the Bill.

The question is :

"That clauses 2 to 4 stand part of the Bill."

The motion was adopted.

Clauses 2 to 4 were added to the Bill.

MR. SPEAKER : The question is :

"That clause 1 the Enacting Formula and the Long Title stand part of the Bill."

The motion was adopted.

Clause 1, the Enacting Formula and the Long Title were added to the Bill.

SHRI YASHWANT SINHA : Sir, I beg to move :

"That the Bill be passed."

MR. SPEAKER : The question is :

"That the Bill be passed."

The motion was adopted.

15.53 hrs.

STATUTORY RESOLUTION RE :
DISAPPROVAL OF ESSENTIAL
COMMODITIES (AMENDMENT)
ORDINANCE

AND

ESSENTIAL COMMODITIES
(AMENDMENT) BILL

[English]

MR. SPEAKER : The House shall now take up items no. 25 and 26.

DR. T. SUBBARAMI REDDY (Visakhapatnam) : Sir, may I know who is the Minister who is dealing with this subject?...*(Interruptions)*

THE MINISTER OF RAILWAYS (SHRI NITISH KUMAR) : Sir, let him start his speech first...*(Interruptions)*

[Translation]

SHRI RAJO SINGH (Begusarai) : Mr. Speaker, Sir, the Minister concerned is not present, then how can he present the Bill?

[English]

DR. T. SUBBARAMI REDDY : May I ask as to who is dealing with this?...*(Interruptions)*

MR. SPEAKER : The Minister may be called.

(Interruptions)

MR. SPEAKER : He is coming. In the meanwhile you can start your speech.

(Interruptions)

DR. T. SUBBARAMI REDDY : It will become a point of order. I cannot start unless the Minister is here...*(Interruptions)*

SHRI SURESH KURUP (Kottayam) : Sir, who is piloting this Bill? If some other Minister is in charge of this, then he can start. Without the Minister concerned being present here, what is the point in starting this?

[Translation]

SHRI P. SHIV SHANKER : Mr. Speaker, Sir, How can the hon'ble Member proceed and present the Bill in the absence of the Minister concerned?

[English]

DR. T. SUBBARAMI REDDY : The proceedings have become standstill because the Minister is not present here!...*(Interruptions)*

[Translation]

SHRI NITISH KUMAR : The Minister is coming. You please start.

[English]

MR. SPEAKER : He is coming.

(Interruptions)

DR. T. SUBBARAMI REDDY : The Minister must come here or Shri Nitish Kumar may take up this additional charge of this Ministry also! ...*(Interruptions)*

SHRI NITISH KUMAR : Sir, let him first move his Resolution. It is a matter of collective responsibility...(Interruptions)

DR. T. SUBBARAMI REDDY : Is he taking additional charge?... (Interruptions) It is an important Bill...(Interruptions)

MR. SPEAKER : Shri Reddy, you may start now. He is coming. Already a word has been sent to him.

(Interruptions)

DR. T. SUBBARAMI REDDY : Let him come, then we shall start...(Interruptions) We take serious objection to this. I will not move my Resolution, if the Minister is not here.

SHRI P. SHIV SHANKER : It is a disrespect to the House that the Minister could not be here. 'Collective responsibility' is a different issue. What we are saying is that the Minister in charge of this must be present here...(Interruptions)

SHRI YASHWANT SINHA : My colleague, the Minister of Food, Shri Barnala was here. Since the earlier Bill took a longer time to get passed, he told me that he was going away for a brief while. But we had been very efficient that we had passed the Finance Bill very quickly. Now we have sent a word; and he should be coming any moment. I would suggest that in the meanwhile we should proceed with this...(Interruptions)

SHRI P. SHIV SHANKER : Mr. Finance Minister, however valid your explanation may be, his absence cannot be excused...(Interruptions) He must apologise to the House for being late. There is no way out...(Interruptions)

[Translation]

SHRI RAJO SINGH : Mr. Speaker, Sir, the Hon'ble Minister may please be directed to come to the House in time.

[English]

THE MINISTER OF CHEMICALS AND FERTILIZERS AND MINISTER OF FOOD AND CONSUMER AFFAIRS (SARDAR SURJIT SINGH BARNALA) : Sir, I am sorry...(Interruptions)

DR. T. SUBBARAMI REDDY : Sir, I beg to move :

"That this House disapproves of the Essential Commodities (Amendment) Ordinance, 1998 (No. 13 of 1998) promulgated by the President on 25th April, 1998."

Of course, the philosophy, the motivation and the idea that Shri Barnala has taken to give a new life to this most crucial Act are welcome. In fact, the origin of this was from 1939 and it went on during 1946 and 1955; and the Act of 1981 had created a lot of trouble for the business community in the country. I must say that there are so many instances whereby a number of States all over the country, several Government officers and political leaders have misused this Act.

If a particular officer was prejudiced about a particular trader or if a political leader wanted to punish a trader, then they used to immediately raid the trader's place and put him behind the bars; and they used to give him a lot of trouble.

There is a defect in the Bill which is the most important one and the hon. Minister has to bear that in mind. I do not find any rectification of this defect here even though the Bill is being amended with modern ideas. The defect is that if the Government agencies and the executives find some essential commodities with any trader, straightway they will prosecute him, put him behind the bars and file a case; and they ask the trader to prove his innocence in the court. In other words, if 'X' does not like 'Y', then 'X' will simply write and prosecute 'Y' saying that 'Y' is having some essential commodities in his house, put him behind the bars and file a case against him. That 'Y' has to prove his innocence that he is not holding those commodities illegally. Because of these unbearable weaknesses and defects, there were a number of cases in the history of India which had given a big jolt to the democratic protection of the citizens of the country and has given a chance to various unscrupulous political leaders and Government Bureaucrats also to create serious problems for innocent people. Of course, I appreciate that this Bill provides that the pending cases must be disposed of immediately by the special courts and special orders and that they should not drag on with things.

The Bill also provides against misuse of power by people. It provides easy availability of essential commodities. It provides elimination of hardships of various traders. But the Bill does not find a real rectification which has been the biggest loophole of the Essential Commodities Act from 1981 when it collapsed. It is about 27 years now. A number of innocent people who were genuinely good people were made to suffer by various bureaucrats and political leaders in various States. This point has to be clarified later as it is not possible today because ordinance had been promulgated. The Minister and

[Dr. T. Subbarami Reddy]

the Government must note it down and make it a point that this amendment should come. It should be properly dealt with so that innocent men would not be prosecuted and then made to say that the property does not belong to them, that they are innocent, that those essential commodities are in their accounts, that they have bought them legally and so on. Our great judicial authority, Shri Shiv Shanker also knows these things. People have misused it many times.

I would again get a chance to make my observations after other Members have spoken. My view is that this Bill could be accepted provided Barnalaji cautiously, most practically and positively convinces all of us as to how he is going to modify these loopholes which are likely to give a chance for innocent people to be punished.

SARDAR SURJIT SINGH BARNALA : Sir, I seek your indulgence for moving this Bill on Monday.

MR. SPEAKER : What is the sense of the House about taking up the Bill on Monday? Can it be taken up on Monday?

SEVERAL HON. MEMBERS : Yes.

MR. SPEAKER : Then, it can be taken up on Monday.

15.59 hrs.

STATUTORY RESOLUTION RE :
DISAPPROVAL OF THE LOTTERIES
(REGULATION) ORDINANCE

AND

LOTTERIES (REGULATION) BILL

[English]

MR. SPEAKER : The House will now take up item Nos. 27 and 28, namely, Statutory Resolution regarding Disapproval of the Lotteries (Regulation) Ordinance, 1998 and Lotteries (Regulation) Bill, 1998.

DR. T. SUBBARAMI REDDY (Visakhapatnam) : I beg to move :

"That this House disapproves of the Lotteries (Regulation) Ordinance, 1998 (No. 6 of 1998) promulgated by the President on 23 April, 1998."

Sir, the conduct of certain types of lotteries in the country, the malpractices thereof and their impact on the poorer sections of the society have been under scrutiny of the Government for quite some time. The continued prevalence of the popularly known single digit and instant lotteries and temptation offered by them have resulted in undoing of many families especially those belonging to poor, daily wages and low income group. Of course, this point is arguable on the one side we may go in for allowing lotteries legitimately, legally without giving any opportunity for any private people to indulge in any malpractice.

16.00 hrs.

At the same time, if the Government takes an immense interest and acute caution and conduct it very systematically without giving an opportunity to private people, you are definitely bound to get more revenue to the exchequer of the respective Governments. It will definitely be used for good purposes like removal of poverty and also for doing a lot of social welfare activities. That is one side of the argument.

The second side of the argument is that several people feel that this is gambling. If this type of lotteries are encouraged, this might inspire several poor people to go into a wrong track and deprive them of their hard-earned money in a day. They are inspired just to put their money. They are betting on these lotteries. As a result, there are so many poor families who have been totally destroyed. So, the argument goes both ways.

But only after the judgment of the Supreme Court and after seeing various defects, the Government felt that they must have a system after a lapse of many years. When late Shri Gulzari Lal Nanda was the Minister of Home Affairs, he had introduced a legislation to abolish it. After various exercises, the Government has now come forward, after several years, to implement the judgment of the Supreme Court and various views, observations and suggestions put forward before the Supreme Court. Now, they have come forward to implement these ideas. In spite of the guidelines issued by the Central Government over a period of time as also the guidelines issued in the recent past by the hon. Supreme Court in the matter, the evil has not been totally eliminated. It is felt that a Central legislation to regulate the conduct of lotteries is necessary to protect the interests of the poor people.

As I have already told, the following argument is going both sides :

Considering the exigencies of the matter

and as the Parliament was not in session, an Ordinance, namely, the Lotteries (Regulation) Ordinance, 1997 (Ord. 20 of 1997) was promulgated by the President of India on the 1st day of October, 1997. In order to give continued effect to the provisions of the said Ordinance, the Lotteries...

But as my hon. friend, Shri Radhakrishnan had said, what was the necessity? As I have already told, like in *the Mahabharata*, Arjun only very sparingly used his *astra* you must also use an Ordinance very very cautiously. Where was the need for issuing the Ordinance in October, 1997? It is not welcome. In future, the Government should at least bear in mind that Ordinance should be utilised when it is a bare necessity.

Otherwise, they must not make an effort like this just by skipping lunch and sitting for 24 hours and passing all the Bills by taking everybody into confidence and having everybody's ideas. That is always possible. Previously, what have they done? Without making an effort now, it is not possible. First, you have the Ordinance and you come afterwards to this House for discussing and passing the Bill.

Now, I propose Amendment No. 4 to the proposed Bill. I have given an amendment with the sole purpose that the draw of lotteries should be reduced to once in a month instead of once in a week. It is once in a week. Already, there is an argument that if these lotteries are encouraged, there is bound to be more damage to the earnings of the families of the poor people. If you have it every day, it will be more dangerous. Therefore, I propose an Amendment to have it once in a month. Otherwise, it will create the same position as it was earlier. Since the poor people spend money four times in a month, the result will be that their families will continue to suffer as it used to be earlier.

Then, there is Amendment No. 5. The number of bumper draws should also be reduced from six to three in a year. As there are a number of bumper draws and as the lottery tickets are costlier and more attractive, the result is that a large number of people go and purchase lottery tickets for the bumper draws. At the same time, they do not realise that they are spending a lot of money at the cost of their families. It is a sort of a disease. In the Law of Nature, that is, in God's creation, there are so many vices of human lives in a man's inclination and fascination. And the result is frustration afterwards. He is always inclined towards sparing his hard-earned money for the lottery system.

Though I am arguing this point, yet keeping in view the motivation of raising more funds for spending on welfare activities, we have to agree on this but I would like to submit that it is not desirable to have bumper lottery so many times. Therefore, I propose an amendment to reduce it to three times.

I would also like to propose another amendment and that is regarding the punishment period of two years. It is not sufficient. It is not that we are not interested to punish the guilty, but a fear should be created in the minds of the people who does it illegally by adopting illegal means, by not following the statutory rules and by deceiving the poor and the innocent people. Therefore, this period of punishment should be increased from two years to five years.

The Ordinance has already been issued and the philosophy of the Government is to modify and streamline the system in order to avoid the various malpractices inflicting the present system and introduce it in all the States all over the country. With these three amendments to the proposed Bill, I would now like to request the hon. Minister to give his views on the Bill.

[Translation]

SHRI LALU PRASAD (Madhepura) : Mr. Speaker, Sir, I am on a point of order. You must remember that you had sought views of leaders of all political parties on this Bill in the meeting of 'Business Advisory Committee' and the consensus emerged therein was that all of us were against the lottery. But inspite of this, this Bill has been introduced. Are we there to make people indulge into gambling? When there was a consensus that there should be a total ban on lotteries, why this Bill has been introduced? There was a unanimity in this regard. However, it is very sad that the people of this country desire something, while the Parliament wants something else. The lottery system is being imposed against the wishes of the people. You should have convened a meeting of all Chief Ministers in this connection and the views of leaders of all political parties should also have been elicited.

SHRI VIJAY GOEL (Chandni Chowk) : The Standing Committee on Ministry of Home Affairs has put forward a unanimous proposal. That proposal reflects the wishes of Shri Lalu Prasad also.

SHRI MOHAN SINGH (Deoria) : It says that there should be a total ban on lotteries. However, people with vested interest want that three digit lotteries should be excluded from it.

SHRI VIJAY GOEL : He says that it was a unanimous view of the Committee that all sorts of lotteries should be banned. However, lest this ordinance should in the meantime lapse and sale of lotteries resume, this Bill has been introduced.

SHRI DIGVIJAY SINGH (Banka) : We cannot discuss what transpired in the meeting of that Standing Committee. We cannot hold discussion on what decision was taken in that meeting.

SHRI VIJAY GOEL : It has been brought forward to do away with the menace of single digit lottery. We too want that all sort of lotteries should be banned.

SHRI DIGVIJAY SINGH : It is a malady. All sorts of lotteries should be done away with. The House is unanimous on this view that there should be a total ban on any digit lottery.

[English]

THE MINISTER OF HOME AFFAIRS (SHRI L.K. ADVANI) : Mr. Speaker, Sir, though the reaction that was expressed jointly by all sections of the House was of anguish and anger, I appreciate and welcome it. In fact, I find that the Standing Committee which had considered this Ordinance and Bill following a decision taken at a meeting convened by you, the Government pointed out that unless an expeditious decision is taken, this Ordinance will lapse.

Therefore, all the Members present had agreed that they would try to see that before it lapses the Standing Committee considers the matter and comes to a conclusion. I would compliment the Standing Committee for having carried out this task very expeditiously. The last paragraph of the Report has been expressed just now by all of you. I would like to read it out. The Report was laid on the Table of the House this morning. It says :

"Having considered this matter in all its aspects, the Committee recommends that as a first step, the present Bill may be passed with some amendments as suggested in the succeeding paragraphs. At the same time, in the light of the overwhelming view in the Committee for across the board ban on all kinds of lotteries, it strongly recommends to the Government to come forward with a comprehensive Bill at the earliest, in consultation with all the State Governments and the Union Territory administrations, imposing a complete ban on the lottery trade in the country, having regard to the

feasibility of effective implementation of the recommended legislation.

I would say that this is a very worthy recommendation which the Government is willing to accept. And also, as a first step, it has been said to pass the Bill not in the present form but with the addition of certain amendments. With your permission, I have already included the amendments that have been suggested by the Standing Committee so that we have accepted the Standing Committee's unanimous recommendations in-toto. The Government has accepted them and on that basis I proceed to move what has been described by the Standing Committee as the first step towards eliminating this social evil.

SHRI DIGVIJAY SINGH (Banka) : Can you give us some time limit by which the comprehensive Bill is expected to come?

SHRI L.K. ADVANI : As the Committee has recommended, we will have to consult the State Governments and then proceed with it.

The Lotteries (Regulation) Bill, 1998 was introduced on the 27th May, 1998 by this Government in order to replace the Lotteries (Regulation) Ordinance, 1998. The Bill on introduction was referred to the Department related Parliamentary Standing Committee of Home Affairs for consideration and report. The Report of the Committee has now been placed on the Table of the House and I have just read out just one paragraph from that.

This Bill has a history and that history is also unique and remarkable. On the 17th May, 1997, that is last year, a memorandum was submitted to the then Prime Minister, Shri I.K. Gujral by 124 Members of Parliament cutting across Party lines, demanding that a ban be placed on the lottery trade by the Central Government, as lottery was nothing but another form of gambling. It was further demanded that as a first step, single digit lottery should be immediately banned by way of an Executive Order. Personally, I believe that at that stage itself if there had been a legislation, it would have been better. As Dr. Reddy has correctly said, one should enact laws by taking Bills to the legislature and not by Ordinance. I entirely agree with that. In this case, if we had not enacted the Ordinance what would have happened was that the trade which had been suspended for such a long time would have revived and during this brief period when the ban was not there, it would have done immense harm to the poorer sections of the society who are the worst sufferers. So, considering the exigencies of the matter and as Parliament was not in Session, the

Lotteries (Regulation) Ordinance, 1997 was promulgated on the first day of October, 1997 and later on re-promulgated on the 30th day of December, 1997.

As the Lotteries (Second) Ordinance, 1997 was going to lapse on the 5th May, 1998, the President promulgated on 23rd April, 1998, the Lotteries (Regulation) Ordinance, 1998 which we are about to replace with a regular Bill.

As most hon. Members would be aware, the salient feature of this Bill are :

- (i) it bans the conduct and sale of single-digit instant lotteries in the country;
- (ii) it regulates the conduct and sale of other types of lotteries by stipulating certain conditions;
- (iii) it enables the State Governments to ban the sale of lotteries of other States in their own jurisdiction.

Some States have gone to court on this issue. I would appeal to them to consider the public opinion in the country which regards lotteries as a kind of gambling, and cooperate with everyone to see that matters are sorted out.

- (iv) and it enables the Central Government to issue such directions as are considered necessary to conduct the lottery trade.

The amendments that I have proposed are :

- (i) an explicit provision in clause 4 of the Bill that the sale proceeds of the tickets, either sold in retail or wholesale, should be credited to the funds of the Government;
- (ii) the term bumper draw has been suitably defined to achieve the desirable objective;
- (iii) clause 5 of the Bill which relates to prohibition of sale of lottery tickets in a State is sought to be suitably modified with a view to ensure its uniform application by all the States; and
- (iv) clause 7 of the Bill which relates to penalty is being suitably modified so as to include State authorities.

In addition to these, the amendments suggested by the Departmentally-related Standing Committee have been accepted by the Government and have been moved separately.

With this, I request that the Bill regulating the lottery trade be considered and passed by the august

House along with the amendments suggested by the Parliamentary Standing Committee.

I beg to move :

"That the Bill to regulate the lotteries and to provide for matters connected therewith and incidental thereto, be taken into consideration."

MR. SPEAKER : Motions moved :

"That this House disapproves of the Lotteries (Regulation) Ordinance, 1998 (No. 6 of 1998) promulgated by the President on 23 April, 1998."

"That the Bill to regulate the lotteries and to provide for matters connected therewith and incidental thereto, be taken into consideration."

[Translation]

SHRI LALU PRASAD : Hon'ble Minister of Home Affairs, all parties and people consider it to be an evil to indulge into lottery gamble. Even school children are also falling prey to this evil. The poor are being robbed of their hard earned money. As hon. Home Minister says it is correct that all of us are unanimous on this issue...*(Interruptions)* when you treat it as an evil and since the ordinance is going to lapse then why do you want to revive it?...*(Interruptions)*

SHRI VIJAY GOEL : This Bill would not be introduced in the intervening period...*(Interruptions)*

SHRI LALU PRASAD : My point is that this can be deferred. You may seek opinion of all parties. However, this lottery sale purchase should not be encouraged. People are paying heavy price for it...*(Interruptions)* I have a suggestion that if at all the lotteries are to be retained, then a lottery ticket costing Rs. 50,000 should be introduced. If a person is in a position to afford a lottery ticket, he should be allowed to indulge into lottery gamble. Why the poor people are being robbed of? When we go to a poor man, he would ask us as to what we have done for him. Hence, we should also think of him.

SHRI BASWARAJ PATIL SEDAM (Gulbarga) : You could not get their point. Once this ordinance lapses, the lottery trade would revive...*(Interruptions)*

[English]

SHRI P. SHIV SHANKER (Tenali) : I compliment the hon. Home Minister for having made an observation that ultimately he wants to ban the lotteries.

[Shri P. Shiv Shanker]

But he is relying on the last paragraph of the Standing Committee's recommendations, which he has read out. It is unfortunate that the Standing Committee should make such a recommendation because they feel that for the present so far as the Ordinance is concerned, it should be converted into a law and later on, in consultation with the Chief Ministers, the matter should be entirely banned. That is how he has read out...*(Interruptions)*

I would not like to go into the controversial niceties which have been brought out. What I would like to just bring to the notice of the hon. Home Minister is that framing the law on lottery, either by the Government of India or by the State Government, is an exclusive domain of the Union. It is the Entry 40 of the Union List that enables the Parliament to frame the law. The State does not come into the picture at all. It is not in the Concurrent List so that the States may come into the picture.

Therefore, there is no necessity of consulting the Chief Ministers. It is you, as a Union Minister, who have to frame the law or you have not to frame the law. I agree that by way of courtesy, you might consult — it is only a courtesy — but there is no obligation. That is where I am differing with the recommendation of the Standing Committee that they should not have made this recommendation which is not in conformity with the law. Therefore, my request would be, you may kindly consider even at this stage — why not to straightway go ahead with the last portion — and drop the entire matter to which you are agreeing instead of going ahead with these matters...*(Interruptions)*

SHRI VIJAY GOEL : It is in the Union List...*(Interruptions)*

SHRI SATYA PAL JAIN (Chandigarh) : Kindly study article 302...*(Interruptions)*

SHRI P. SHIV SHANKER : I read Entry 40 ...*(Interruptions)*

SHRI SATYA PAL JAIN : Kindly read articles 302 and 303. Unless we consult all the States, we cannot do. That is a must. It is mandatory...*(Interruptions)*

SHRI P. SHIV SHANKER : Lotteries are authorised by the Government of India...*(Interruptions)* There is no entry in the Concurrent List...*(Interruptions)*

SHRI SATYA PAL JAIN : There is a Supreme Court judgement. We cannot do it. The States have to be consulted. It is mandatory. It is in the article 302. Read Entry 34 of the Constitution ...*(Interruptions)*

[Translation]

SHRI VIJAY GOEL : Mr. Speaker, Sir, I want to felicitate hon. Home Minister as well as the whole House. It is absolutely right that this Bill would not have been introduced had the whole House not been unanimous on it. I fully support the point made by Shri Lalu ji. There should be a total ban on all sorts of lotteries in the country. I do not know whether you are aware of the history of it or not. During the meeting of the Committee I had asked whether the Members knew as to why this lottery trade was going on. They told that the Government earn from it and people get employment. I asked them whether they knew how much Government earn from it. If you go through this fact how much the Government earn from it, you would definitely say that the whole exercise is futile. I want to cite some figures in this regard. The total turnover from lottery trade in Arunachal Pradesh is to the tune of Rs. 304 crore while the Government earn only one crore rupees from it. In Goa, the total turnover amounts to Rs. 312 crore and the earning is Rs. 2 crore only. In Himachal Pradesh, it is Rs. 240 crore and the earning is Rs. 2 crore only. In Kerala, they get Rs. 11 crore from its sale. The turnover from lottery trade in Maharashtra is to the tune of Rs. 3000 crore and the earning is Rs. 50 crore and in Delhi its turnover was Rs. 1354 crore. While the earning was Rs. 50 crore only. That is to say that the earning is so meagre while the destruction caused by it is so mammoth. I am not going into the details of 'churnhat lottery scam' or Bhutan lottery scam. I want to emphasize this fact that the lottery leaves a trail of destruction only. I asked people whether they knew the difference between single digit lottery and multi digit lottery. I as well as other Members do not know the difference between the two lotteries.

[English]

SHRI LALU PRASAD : We are not lottery dealers. We have no idea about this. We are poor people.

[Translation]

SHRI VIJAY GOEL : Now it has become necessary to do away with the lottery system going on for years together because earlier this trade was going on only at few places and it was termed as multi digit lottery. But the problem started with introduction of single digit lottery because every household has been affected by it. With its sale at every nook and corner, children and housewives and clerks playing truants from the offices have got addicted to it. I want to bring into your notice a startling fact that it was Delhi Government which first banned lottery and then the Government of Madhya Pradesh did it. Shri Vora ji is present here, he knows it. In Delhi, when

multi digit lottery system was in operation, there was a turn-over of Rs. 31 crore from its trade in 1988-89. Next year Rs. 45 crore were got from its sale. Thereafter, in 1990-91, the sale went to Rs. 60 crore; in 1991-92, Rs. 101 crore; in 1992-93, Rs. 222 crore i.e. it registered 100 per cent increase and the turnover reached Rs. 1393 crore in 1993-94. People came to see me and told that the people have become unemployed. I asked how many people have lost their jobs, they told 4 lakh people have lost their jobs. I said it did not matter much because if a single person sell 100 lottery tickets, in all 400 crore people are ruined due to this. Now, you are talking of single digit lottery. We managed signature from 124 Members who belonged to all parties. I once held discussion with Shri Devegowda ji. He banned single digit lottery in Karnataka when he was Chief Minister of the State. Because the lottery was playing havoc, I am in favour of banning all sorts of lotteries. The Standing Committee held that single digit lottery sells 95 per cent and rest of the lotteries account for 5 per cent sale.

Mr. Speaker, Sir, I want to felicitate hon. Home Minister as he wants to bring forward another Bill for banning all sorts of lotteries. People ask what was the haste to promulgate this ordinance. However, it should have been promulgated earlier because the lottery mafia is playing havoc and they are manipulating by offering bribery. They show that there is an earning of Rs. One crore from it. Seemingly it is Rs. one crore but they are earning Rs. four crore and it is the organisers who are minting money.

[English]

DR. T. SUBBARAMI REDDY (Visakhapatnam) : Are you opposing it or supporting it?

[Translation]

SHRI VIJAY GOEL : I am supporting this Bill.

[English]

MR. SPEAKER : Please address the Chair and not the Members. What is this?

[Translation]

SHRI VIJAY GOEL : I, therefore, want to emphasise that single digit lottery is playing havoc. Once I asked people indulged into lottery gambling and trade if they could show me even a single person who turned rich with its earning. You would not find even a single person who made fortunes from lotteries. Let me relate how lotteries have ruined the families. Once somebody came and asked me to cite any case in which the lotteries have ruined any

person, I told him to visit any house at Sangam Park and he would find how lotteries have ruined each and every house.

That is why, I say it should be decided once for all. It is indeed a matter of pleasure that rising above party line this House stands united on this issue that the lotteries should be banned. I support it.

Mr. Speaker, Sir, I had suggested an amendment to hon. Home Minister, Single digit lottery means a prize on the last digit. But the lottery trader have devised a trick and they have converted digit 1,2,3,4 into 'A', 'B', 'C' and 'D' respectively and now the prizes are offered as per the single digit lotteries. Such lotteries have not been introduced in Delhi and Haryana. I would like to urge hon. Home Minister that...

[English]

"Prizes shall not be offered on any pre-announced number or on the basis of a single digit;"

[Translation]

Further, I want to add this.

[English]

"Also ban that lottery which has the same effect as of a single digit."

[Translation]

Mr. Speaker, Sir, I am thankful to you for giving me an opportunity to speak on This Bill.

[English]

MR. SPEAKER : Shri Advani, would you like to say anything?

SHRI L.K. ADVANI : Does anyone else want to speak? I have already spoken.

MR. SPEAKER : Shri Mohan Singh, are you moving Amendment No. 8 or not?

SHRI MOHAN SINGH (Deoria) : I beg to move :

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 2nd September, 1998".

[Translation]

I would like to urge the hon. Minister of Home Affairs that it is a very easy job. The speech of Shri Vijay Goel implied that they wanted a ban on only single digit lotteries and continue other digit lotteries.

SHRI VIJAY GOEL : It is not so. I am the first person for a total ban all kinds of lotteries.

[Shri Vijay Goel]

I do not want the single digit system to be reintroduced.

SHRI MOHAN SINGH : If they want all kinds of lotteries to be banned, then it is very easy for the hon. Minister of Home Affairs. I have moved an amendment for banning three digit lotteries also and this amendment should be accepted. It is a question of one minute and one sentence only. If you do not accept the amendment, then I am afraid to say that there was no need to conduct this long exercise. In a nutshell, I only want to say that the Hon'ble Minister of Home Affairs should accept my amendment regarding ban on all types of lotteries.

SHRI MOTILAL VORA (Rajnandgaon) : Mr. Speaker, Sir, before the Hon'ble Minister of Home Affairs moves an amendment, I would like to say that a lot of discussion has already taken place regarding ban on lotteries. The Minister has himself admitted that about 124 Members had requested him to put a blanket ban on lotteries. Shri Goel has just said that the Standing Committee had considered the issue. One more point was mentioned that a Committee was constituted under the Chairmanship of Shri Sompal. This Committee could not get time to consider the issue. I would like to tell that the lottery sellers were so shrewd that they got letters sent from 3,24,000 people to the effect that since single digit lotteries were being banned, the three digit lotteries should be continued. On the other hand, there were only 11,000 letters which favoured ban on these lotteries also. It is the kind of conspiracy being hatched by lottery operators in India.

Sir, when I was the Chief Minister of Madhya Pradesh in 1985, I had completely banned lotteries in the State. Shri Lalu has also said that lotteries are banned in Bihar. The Supreme Court, in its ruling on the sale of lotteries of a state in another state, had observed :—

16.33 hrs.

[SHRI P.M. SAYEED *in the Chair*]

[English]

"The lotteries being held to be goods by the Supreme Court in H. Anraj case. The lotteries being held to be goods by the Supreme Court in H. Anraj case reported in AIR 1986 (SC) 53, the provision of Section 5 seeking to empower the State Government to prohibit lotteries of another State is discriminatory. No such restrictions are placed by the lottery-running States on the goods and commodities."

[Translation]

Mr. Chairman, Sir, I had imposed a sales tax of 26% in Madhya Pradesh so as to put a check on the lotteries of other States. I myself saw in Uttar Pradesh that lottery was a curse there. Lakhs of families, particularly in Uttarakhand, were ruined. There should be a complete ban on both types i.e. single digit or three digit lotteries. When we call it a social curse, then what is the need for moving an amendment. There was a talk of bringing a comprehensive Bill. After consulting the Chief Ministers in this regard, it was said that the Chief Ministers used to run lotteries in their State because they mobilised funds through the sale of lotteries. But all data are witness to the fact that the poor persons and their families got ruined in lottery business and even many people committed suicide. There are thousands of such incidents in Uttar Pradesh alone. The people of all districts of Uttarakhand, particularly the women resorted to agitations to impose a ban on lottery. Do we want to restore the same lottery through an amendment? This is all because of dispute between big industrial Houses. There are four big Industrial Houses in whose name Lotteries are being carried. I do not want to name anybody, because that is not required. It is unfortunate the common man and the poor man is adversely affected by these Lotteries of Re. 1. A Comprehensive Bill should be brought about for one digit and three digit Lotteries. This ordinance is going to lapse on the 6th. Meanwhile a comprehensive Bill can be brought about.

SHRI L.K.ADVANI : Had the Standing Committee submitted its report, we would have implemented it.

SHRI MOTILAL VORA : I was also in the Standing Committee and after lot of deliberations we had left the matter at your discretion. If this is a social curse, does the hon. Home Minister want to spread this curse through an amendment. I think it would be better if this Bill is deferred or the amendment moved by Shri Mohan Singh should be accepted. The Lottery system would be wiped out. I would appeal to all the hon. Members to come forward and make efforts to wipe it out. The people throughout the country would feel obliged for this. I have seen those families who have been ruined, because of Lottery. They have spent their hard earned money on it and even Advaniji must have seen their suffering. Therefore, I would urge the hon. Home Minister, not to insist on the amendment. You can get it passed in the amended form but then a message would go to the people across the country that this Government has

done the same thing as previous Government. The issuing of the Ordinance overnight, is an indicator that in the name of sons, daughters, sisters of big industrial groups, the Government is trying to promote Lottery business. I would urge the Government to ban this lottery business forthwith. I do not want to mention about the Standing Committee as it has already been mentioned by Shri Goel. I would simply say that all the Members of the Standing Committee had forcefully put forward this point, cutting across party affiliations that a comprehensive Bill in this regard should be brought forward. There were members from the Samajwadi party, Rashtriya Janata Dal, BJP and Congress. There was time for bringing a comprehensive Bill. The Standing Committee had submitted its report three days earlier. I had banned Lottery business in U.P. With one stroke of pen an order was passed and Lottery was banned. The Collectors were told that if any case was found in their jurisdiction, they would be punished. If the intentions of the Government are clear, there should be a complete ban on Lottery, whether it is one digit Lottery or three digit Lottery. We do not know anything about either of these Lotteries. We know the plight of people who are ruined because of Lotteries. I would once again urge the Government to seriously think over this issue and ban Lotteries.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF TOURISM (SHRI MADAN LAL KHURANA) : Mr. Chairman, Sir, just now Shri Vora was saying that he banned Lotteries in U.P. during this tenure as Governor. That was worth appreciating. Similarly, Laluji also banned lotteries in the State. That was a good step. It was possible because police was also under your control. I also banned Lotteries when I was the Chief Minister of Delhi, whereas police was not under my control. We imposed sections 144 of Cr. P.C. and found out a way...*(Interruptions)* Both of you had the State police under your control. The police gave all possible cooperation. Shri Nikhil Kumar was the then Police Commissioner. We did not allow lottery worth single paise to be sold in Delhi for nearly two years. The exchequer lost to the tune of Rs. 105 crores. But as Shri Goel rightly pointed out that it was the hard earned money of the poor, who were ruined and their plight was miserable. That is why we banned the Lotteries here. I have stood up because the name of one Iqbal Chand Khurana...*(Interruptions)* I have never seen the face of that man. I was pained to learn that an Ex-M.P. had raised this matter in the Standing Committee. They are the people who launched a vilification campaign against me during the elections and even gave money to some people for this.

SHRI MOHAN SINGH (Deoria) : There were some people within your party also who did this.

SHRI MADAN LAL KHURANA : Had it been so the Lotteries would not have been banned in Delhi. If anybody has banned Lotteries without the help of police, it is me who has done it in Delhi...*(Interruptions)* Therefore, I say that whether it is single digit or any digit lottery, it should be banned forthwith. The hon. Home Minister has rightly said that as the people would find some way or the other, therefore, we should bring a Bill for all the Lotteries to be banned...*(Interruptions)*

SHRI SHAILENDRA KUMAR : We congratulate you.

SHRI LALU PRASAD : We congratulate Khuranaji. But the Government should find out who that Khurana is, who is trying to tarnish the image of the hon. Minister Khuranasahib. His entire Lottery business should be stopped.

SHRI MADAN LAL KHURANA : The person who had met you, his identity should also be revealed...*(Interruptions)*

SHRI VIRENDRA SINGH (Mirzapur) : May be that Khurana had gone to meet Laluji.

SHRI MADAN LAL KHURANA : I have never seen the face of that man in my life...*(Interruptions)*

[English]

SHRI VARKALA RADHAKRISHNAN (Chirayinkil): Mr. Chairman, Sir, in the State of Kerala, we started the lotteries in the year 1967 when Shri E.M.S. Namboodripad was the Chief Minister. That is about 30 years back. If I remember correct, Kerala is the first state to have introduced the State lotteries in India. The private lotteries are completely banned. Every year the State Exchequer is getting about Rs. 11 crore or Rs. 12 crore as revenue from the lotteries. There has been no criminal evidence regarding the conduct of lotteries. There were no suicides committed by any member of any family in Kerala. It is conducted successfully for over three decades. So, our experience is entirely different from that of other States. It is still continued without any fault. If at all there were some exceptional or rare cases, those have been looked into, investigated and dealt with according to law. So, my view is that State lotteries with some safeguards can be continued but no private individual should be allowed. In Kerala, they have completely banned private lotteries. Only State lotteries are permissible in the State of Kerala for over three decades and it is still being continued.

[Shri Varkala Radhakrishnan]

There is a separate department in the State dealing with lotteries. There is a Directorate and there is a Director of Lotteries. He is conducting them. Then, there are Taluka officials also who are doing it well...*(Interruptions)*. You may stop them but we are not in favour of stopping them. I am giving my opinion.

MR. CHAIRMAN : Please conclude now.

SHRI VARKALA RADHAKRISHNAN : Our experience is the reverse. We stand for the conduct of lotteries honestly and with a social purpose, for development activities, for the development of hospitals, and we are doing it without any problem. So, my view is that the States should be allowed to continue with the lotteries...*(Interruptions)*.

[Translation]

SHRI RAJENDRA AGNIHOTRI : It is wrong to say that there are no frauds in Lotteries. There are cases where fake Lotteries were printed.

[English]

SHRI VARKALA RADHAKRISHNAN : That is my view and I do not agree with the hon. Member.

[Translation]

SHRI VIJAY GOEL : Mr. Chairman, Sir, I have already put forth my views in this Bill.

[English]

PROF. P.J. KURIEN (Mavelikara) : Mr. Chairman, Sir, I have one submission to make. What I want to say is that the hon. Member, Shri Radhakrishnan, has placed the facts before the House. What he has said is that in the State of Kerala, only the Government is allowed to run the lotteries and it has been there for the last three decades. He has also said that not a single case of fraud has been reported...*(Interruptions)*. Please try to understand me. I am not talking in favour of lotteries. That is not the point. Let me complete and then you may come to a judgement. What I am saying is that he has made certain statements which are in conformity with the facts because that is our experience in Kerala and the State exchequer is benefiting every year. It is for this august House to pass this Bill. That is a different thing. But to say that what he has said is not in conformity with the facts, or to repudiate that in this manner, is not, I would say, to the dignity of the House.

MAJGR GENERAL BHUVAN CHANDRA KHANDURI, AVSM (Garhwal) : Sir, nobody is

disputing it. We are not saying anything against him. We are only speaking against lotteries, not against him.

PROF. P.J. KURIEN : We are all wanting especially the single-digit lotteries to be banned as a first step...*(Interruptions)*

[Translation]

SHRI MADAN LAL KHURANA : Mr. Chairman, Sir, I have been the Chief Minister of Delhi and I know that the existing Laws are such that anybody can approach the Supreme Court on grounds of discrimination saying that he is not being allowed to sell Lotteries whereas the State is being allowed to do so. Therefore, my request is that all types of Lotteries should be banned.

[English]

PROF. P.J. KURIEN : Whatever is the consensus of the House, that is okay. There is no problem about that. But that does not mean that what he has said is wrong. That is what I am saying ...*(Interruptions)*

SHRI VARKALA RADHAKRISHNAN : That is another matter...*(Interruptions)* It is only our experience...*(Interruptions)*

MR. CHAIRMAN : Shri Radhakrishnan, what is this?

(Interruptions)

SHRI VARKALA RADHAKRISHNAN : That is your decision. That is left to you.

SHRI BHUBANESWAR KALITA (Guwahati) : Sir, the recommendations of the Standing Committee, as has been mentioned by the hon. Home Minister and some other Members of the Standing Committee, regarding this Bill is that this Bill is a temporary measure and the aim is to bring a comprehensive Bill for banning the lottery wholly. This House is supreme and if the House feels, if it is the consensus of the House that there should be a total ban on lotteries, then the House can ignore the first part of the recommendations of the Standing committee and can go for the second part, that is, to bring a comprehensive Bill to ban lotteries. I have seen that in the debate, some of the speakers are talking only about single-digit, double-digit or three-digit lotteries. Some people are speaking only about the evil of single-digit lotteries. I agree that the single-digit lottery is bad, but the three-digit lottery is also bad. As many speakers have agreed, it is totally bad for the people of this country, particularly the poor people of this country.

Sir, the Ordinance will lapse on 8th and we still have time and can bring a comprehensive Bill. So, instead of passing this Bill today, we can postpone it and the Government can bring a comprehensive Bill by 7th. That Bill can be passed simultaneously in both the Houses. There is no question of lapsing of the Ordinance. What we want is a total ban on lotteries. So, I would like to know specifically from the hon. Home Minister when he is bringing that comprehensive Bill for a total ban on lotteries. What is his time-frame? My suggestion is that this can be brought before 8th and passed by both the Houses simultaneously. We can have a consensus in the House to ban the lottery as a whole. That is my submission.

MR. CHAIRMAN : Lalu ji, please be very brief.

SHRI PRABHU DAYAL KATHERIA : Mr. Chairman, Sir, he has already spoken.

MR. CHAIRMAN : He had raised objections at the time of the introduction of the Bill.

SHRI LALU PRASAD : I am not going to deliver a speech here as there is no scope for it. One should neither gamble nor let others do it. It is a bad thing. Gambling should not be given a legal status. It is a grave crime to earn by extracting wealth of the poor. I would like to congratulate Khuranaji. It is a fact that a gossip is doing the round in the corridors that he has some vested interest in lottery business. But today, he has...*(Interruptions)* I am supporting you. You please listen to me. The country's interest must come first and the vested interests must not find place.

I would like to congratulate hon. Home Minister, Advaniji that a consensus has emerged in this House that all sorts of lotteries, gamblings and lottery shop will now be closed. Now, we have congratulated and there is no scope to make speeches. This black law should be deferred. This should be stopped, that is all.

SHRI MOHAN SINGH : Mr. Chairman, Sir, I do not want to repeat the same thing. I only want to say that lottery is a curse and a stigma on the society. When the Government accepts this, then what was the need to ban single digit through ordinance for six months and continue with three digit lotteries?...*(Interruptions)*

SHRI VIJAY GOEL : That ordinance was not issued by this Government.

SHRI RAJVEER SINGH : This ordinance was issued by the Government which was supported by you.

SHRI MOHAN SINGH : It has been brought only when the previous Government is no more in power. Had it not been brought by the previous Government, how could it have been introduced by this Government? Three months have passed since you came to power, the errors committed by the previous Government if you wish to bear that burden, it is very good, you may keep on doing so but if you think it to be a wrong deed, three months time was enough to put an end to it. It can even now be put to an end if the Government so wishes as this House is Supreme. So, my one word amendment is that three digit lotteries should also be banned. Hon. Home Minister should say in this House that he accepts it. I conclude with supporting the amendment, which I have moved, I conclude. I urge the Home Minister to accept it.

SHRI ADITYANATH (Gorakhpur) : Mr. Chairman, Sir, I would like to thank hon. Home Minister who has brought this Bill to put an end to a social evil.

In fact, when the lottery system began, it was started simply as a recreation but gradually it has spread its tentacles as a social evil and it is affecting that section of the society for which we make welfare schemes. Is it not ridiculous that we bring welfare schemes to give benefit to the down-trodden section of the society, who live below the poverty line and with a wish to be rich they easily fall prey to this trap.

Our Government had brought this Bill and hon. Home Minister has also given an assurance here that together with one digit lottery, three digit lotteries shall also be banned which is certainly a welcome step.

Together with this, I would like to say that such Bill should be supported by all. There may be some revenue loss on this account but when the question of national and social interest come, we have to overlook financial interest and we shall have to pass such a Bill keeping in view the social interest.

17.00 hrs.

I would again like to congratulate the hon. Home Minister that by introducing such a Bill he has started a campaign to put an end to a social evil.

[English]

PROF. SAIFUDDIN SOZ (Baramulla) : Mr. Chairman, Sir, when this amendment Bill was circulated, I had moved an amendment to that. That amendment may now become infructuous because I

[Prof. Saifuddin Soz]

see that the hon. Home Minister will respond to the urges of the House as he knows the sense of the House. My amendment was that there should be a total ban on the lotteries in the country. Let us give a message to the people of India that nobody shall indulge in gambling. Everybody must earn his or her livelihood through the sweat of his or her body.

The lotteries create a lot of tension in the family. It is the members of the weaker sections that came forward to try their luck and become richer. When the lotteries do not earn them anything, there was a lot of tension in the family. So, let this tension go and let us become clean and give a message to the country. I am so happy that on this question the Members have cut across the party lines and there is a total unanimity in the House. I do not see even a single Member opposing it.

SHRI T. GOVINDAN (Kasargod) : The people of Kerala are also against the lotteries. We are not for lotteries.

PROF. SAIFUDDIN SOZ : I thank you very much. So, we are urging the hon. Home Minister that he must ban this gambling which has got the name of lottery. Not only for this moment but for all times to come we should tell the society that never in future we shall accept this kind of menace.

SHRI SATYA PAL JAIN (Chandigarh) : Sir, I would only reply to the question which was raised by my learned colleague, Shri Shiv Shanker. Sir, all the Members are agreeing on this point that there should be a complete ban on the lottery. Fortunately for us, even in the Standing Committee all the Members agreed to that. But let us be clear about one technical problem which ultimately prevented the Standing Committee to make a blanket recommendation authorizing the Government of India to enact a law. There are three lists, namely, the Union List, the State List and the Concurrent List. Shri Shiv Shanker read entry 40 of the Union List. This List details the items on which Parliament can make laws. The entry 40 of this List says :

"Lotteries organised by the Government of India or the Government of a State."

So, we can only impose a ban or we permit lotteries to be run either by the Government of India or by the Government of a State. The State List entry 34 talks of betting and gambling. So, if we want to impose a ban today, we have to get the concurrence from the States because unless we get concurrence from the States, we cannot impose a complete ban

on the lotteries. At the moment, if we impose a ban without consulting the States, this will apply only to the lotteries organised by the States. It will make the position worse. The State lotteries will be banned but the lotteries being organised by the private persons will be sold. Therefore, only with a view that the private persons who are doing it are not able to get the benefit, the Standing Committee recommended to enact the law.

Sir, we called the Law Secretary and all the officials including the Home Secretary. They informed us that if we want to bring a comprehensive legislation, we have to seek the concurrence of the States also and it has to go to the Legislative Department and certain other Departments. We asked them whether they can bring a comprehensive Bill before 8th of July.

All the Members requested them, but they showed their total inability saying that it would not be possible. Therefore, in consonance with the sentiments of the House expressed by the Members of Parliament cutting across party lines, we made two recommendations. One is that this Ordinance should not lapse and, therefore, let it be converted into a law because whatever ban had been imposed should continue. At the same time, all the Members from different walks of life and political parties, recommended to the Government of India unanimously to bring a comprehensive legislation. I think, the one thing on which the House will agree is that we may request the Government to bring this legislation within a time-bound period, be it two months or three months or four months or whatever it is, so that it is not unnecessarily delayed. I think, that will be the best solution to this problem.

PROF. P.J. KURIEN : Sir, the point is that it will create a situation by which the Ordinance will lapse and then the States will start the single-digit lotteries again. So, the sense of the House is not to have lotteries, including the single-digit lotteries. We feel that this Bill has to be passed. That is a first step by which, at least, the single-digit lotteries should go. Afterwards, the Government should come forward with another Bill. This is the sense of the House... (Interruptions)

SHRI VARKALA RADHAKRISHNAN : Mr. Chairman, please hear me.

MR. CHAIRMAN : How many times do I have to hear you? Though your name was not there, I called you. You have already made your submission.

SHRI VARKALA RADHAKRISHNAN : The Bill is intended to ban the single-digit lotteries. But a total

ban can be affected only through another statute for which the Government should bring another Bill because the Constitution provides for the conduct of lotteries by the Central and State Governments. So, if a blanket ban is to be imposed, then the Government will have to bring a new legislation with sufficient powers.

SHRI P.S. GHATOWAR (Dibrugarh) : I am in agreement with the sentiments expressed in the House regarding the total ban of the lotteries. These lotteries are a curse on the civilised society, and it is especially affecting the daily wage workers, who are below the poverty line. When everybody in this House is convinced that the most exploited people are those living below the poverty line — we are going to ban the single-digit lotteries — who can guarantee that these people will not by the three-digit lotteries? What is the difficulty in banning three-digit lotteries and bringing a comprehensive Bill? Hon. Member, Shri Mohan Singh, suggested that in place on 'single-digit' you can insert the word 'three-digit' and then pass the Bill. What is the difficulty in that? You must bring a comprehensive Bill to impose a total ban on the lotteries. Hon. Member, Shri Vora, mentioned that many things come in the newspapers and he referred to a family managing many lotteries in the name of their relatives. I do not want to name, but the benefit should not be given to one particular family.

I fully support the views expressed by the hon. Member, Shri Mohan Singh, that we should ban three-digit lotteries. What is the difficulty? The Government can bring a comprehensive Bill after some time. We are not against this Ordinance. But the question is: Why should the single-digit lotteries alone go and who can give the guarantee that the poor people will not buy the three-digit lotteries? When we all agreed that it is a social evil and a curse on the poor people, then what is the difficulty in accepting the amendment moved by Shri Mohan Singh? So, I am for the total ban of the lotteries because it is a total exploitation of the poor people of our country, and no Government or civilised society can support the exploitation of these poor people.

SHRI BASWARAJ PATIL SEDAM (Gulbarga) : Mr. Chairman, Sir, this ordinance has been brought forward in the form of Bill after lot of hurdles.

SHRI MOHAN SINGH : It was lost in the Constitutional intricacies.

SHRI BASWARAJ PATIL SEDAM : It was lost, but for this, many persons are responsible. Hon. Goel ji has mentioned certain things here that new people operating three digit lotteries are also misusing it.

Like single digit lottery wherein ten times more gambling used to be played, in three digit also same wrong practice of gambling has started. Here, two view points have been expressed. Shri P. Shiv Shanker has said that as the matter falls under the jurisdiction of Union Government so a ban can be imposed against it from here itself and another Hon. Member has said that it comes under concurrent list... (Interruptions) There is unanimity over the issue that there should be total ban on all types of lotteries. If tomorrow, this ordinance lapses and single digit lotteries start operating once again the consequence would be bad... (Interruptions)

Therefore, I demand that the Minister should thoroughly ponder over this issue and introduce another new bill and get it passed at the earliest and impose a total ban on lotteries.

SHRI MITRASEN YADAV (Faizabad) : Mr. Chairman, Sir, the hon. Home Minister has introduced an important bill on this social evil and I welcome it. The way hon. Khurana ji has supported it, I welcome that also. Sir, lottery system has ruined the lives of women and children belonging to the poor class and it seems to be the worst social evil. Several technical points are being raised regarding this system. I cannot comment about them. But we have got a big opportunity to eliminate this practice and we cannot get a more opportune time than today. I would urge the Government to accept the amendment moved by Mohan Singh ji and impose ban on the whole lottery system. The whole House is unanimous about it and cutting across party affiliations it has arrived at this opinion. If we do not do so then I think, it would be against the views of the House as well as people. So, I request you to accept this amendment.

[English]

SHRI K. YERRANNAIDU (Srikakulam) : There are two issues here. One is the comprehensive legislation. The House is in a mood to put a total ban on lotteries. That is the wish of the people and of some of the hon. Members of this House. This ban is in force due to this Ordinance. We will pass this Ordinance, as it is, to make it an enactment within a short period. My request through you to the hon. Home Minister is that he should convene a Chief Ministers' meeting as early as possible during the next Session for passing legislation in the States to ban all the lotteries in the States. That is the wish of the people. We must put an end to this evil practice in future.

SHRIMATI BHAVNA DEVRAJBHAI CHIKHALIA (Junagarh) : Hon. Chairman, Sir, first of all I would like to thank Advani ji on behalf of the women in the

[Shrimati Bhavna Devrajbhai Chikhalia]

country who have been adversely affected by lotteries. Had this Bill not been introduced they would have been affected and I also want to thank him on behalf of the youths also.

If we want to achieve some objective then first of all we should take this step so as to get rid of this evil from the society. I thank the Home Minister and support this Bill. Bills regarding the issues affecting women and youths should be introduced and everyone should support them. I also thank all Members who participated in this debate.

[Translation]

*SHRIMATI MINATI SEN (Jalpaiguri) : Mr. Chairman Sir, I thank the Hon'ble Home Minister to bring this important Bill, the Lotteries (Regulations) Bill, 1998. This lottery trade has been mushrooming everywhere in India in different forms. It is flourishing in many parts of the country as daily, weekly, monthly and so on. It comes as single digit lottery and also as instant lottery without any rules or regulations. This gambling trade is going on because some unscrupulous traders and agents are helping it. Unfortunately the unemployed youth are also involved in this. It is really sad that they are spending the best part of their life, their youth in the unholy trade of lottery. When they are supposed to spend their prime time for some constructive work, they are wasting it on activities akin to immoral acts. The society is losing its manpower for this immoral activity of gambling. What a colossal waste of energy the society is facing! Moreover, the poor section, the people below the poverty line are the most exploited and worst affected lot. They are attracted to buy the lottery tickets because they want instant wealth. In this way the poor are ruining not only themselves, they are ruining their families also. Thus they are becoming prey of want, ill health and ignorance. The next generation of that cursed family also does not have any ray of hope for their future survival. Sometimes despair, poverty depression make them so desperate that they commit suicide. So this suicidal temptation to purchase the lottery tickets must be checked. We know this can be achieved only through total ban on lottery trade. We are not against it but we have to consider another aspect. The State Government must have a source of income. The land tax has been exempted by West Bengal Government. But they need their source of income. The Central Government must evolve some policy so that the State Government should have some source of income while banning the lottery ticket. This fact should be borne in mind.

* Translation of the speech originally delivered in Bengali.

Lastly I must explain that this legislation is not going to curb this evil practice. The Government must initiate some measures to develop public awareness. The Government should also evolve some alternative measures so as to build a healthy cultured enlightened mindset to bring about a change in the outlook. This move alone can help nation building. Thank you.

SHRI RAGHUVANSH PRASAD SINGH (Vaishali): Mr. Chairman, Sir, there is consensus in the House on this view that all types of lotteries should be totally banned. Shri S.P. Jain and others have raised a technical point that the time limit should be increased in respect of the ordinance to ban one digit lotteries. They have also said that consensus of State Governments and State Legislatures of the country should be sought to impose ban on other digits' lotteries. I do not know whether one digit lottery comes under Union List or three digit lottery is in the Concurrent List. This ordinance had been issued to impose ban on one digit lotteries. Now we want to change it into law. It should be amended so as to include one digit, two digit three digit and all digit lotteries under it. What difficulty does the Government have to put ban on all digits' lotteries in accordance with the feelings of the House. It would be better to accept the amendment moved by Mohan Singh ji. It is a historical fact that Mahabharat war was fought because of gambling and Draupadi was put on stake and lost and some persons lost their kingdom. Today, the poor man is wasting his money in it and committing suicide. Therefore, we should not cause any more delay. The Government is going to impose ban on one digit lottery throughout the country but regarding ban on two, three and four digit lotteries the Government says that States would have to be consulted. But this argument has no ground. So, there is no hitch in passing it immediately. This should also be passed.

SHRI MADAN LAL KHURANA : This ordinance was issued during your tenure.

SHRI RAGHUVANSH PRASAD SINGH : Whether it is ordinance or bill, it should be passed.

SHRI MADAN LAL KHURANA : This ordinance was issued when you were a Minister. This ordinance belongs to that period.

SHRI LALU PRASAD (Madhepura) : If all types of lotteries are banned under it, then it is all right but if you oppose it, I boycott.

17.21 hrs.

At this stage Shri Lalu Prasad left the House

SHRI SHAILENDRA KUMAR (Chail) : Mr. Chairman, Sir, you have given me an opportunity to speak on Lotteries Bill. Through you I want to submit to the House that one digit lottery was banned because of the allurements offered by persons operating 3 digit lottery and plea taken for this move was that crores of poor people of the country are suffering from starvation and even then they purchase lottery. I want to know from the hon. Home Minister whether elite class is getting ruined due to the operation of 3 digit lottery as crores of people are on the verge of financial crunch because of this lottery. Now the question is whether three digit lottery should be banned on the pattern of one digit lottery or one digit lottery should also be allowed. On this issue. Hon. Members say that all types of lotteries whether they are one digit, three digit or any other type should be banned. By developing atom bomb in the country, the day-today difficulties faced by country men are being ignored. Hon. Prime Minister has done this work. There is discrimination in this scheme to operate 3 digit lottery. Just now our Parliamentary Affairs Minister Shri Khurana has said that all lotteries in the country should be banned. Hon. Home Minister spoke about making some amendments. Shri S.P. Jain spoke about making amendment as per the Constitution. All these things are not clear. Mr. Chairman, Sir, through you I want to tell the House that there should be uniformity throughout the country in regard to the operation of one digit or three digit lottery. Just now one of our colleagues from Kerala has said that they are getting benefited by it in their State. I want to say that lotteries should be banned throughout the country. This is a curse and stigma for the country. It is a sort of gambling. Labourers and rickshaw pullers are getting ruined and are committing suicides. All rich people are being benefited by it. It is vitiating the whole society. The amendment moved by Shri Mohan Singh ji should be accepted and lotteries should be banned throughout the country.

SHRI SURENDER SINGH (Bhiwani) : Mr. Chairman, Sir, it is generally being demanded in the House that the lotteries should be banned. Members from Shri Lalu Prasad's party having mastery over lotteries have delivered good speeches on this issue. All members are demanding that there should be a ban on all sorts of lotteries. However, my suggestion is that the prizes in form of lotteries awarded to the politicians should not be discontinued. This should be given a special consideration.

SHRI VIRENDRA SINGH (Mirzapur) : Mr. Chairman, Sir, through you I want to draw attention of Union Home Minister towards this fact that our society has looked down upon gambling and

speculative tendencies as an abhorrent practice from primitive times. As Sh. Raghuvansh ji pointed out, this very approach led all sorts of historical events to take place. I personally feel that if the lotteries, gambling and speculations and all such business in the name of trade are stopped, India, once a paragon in the world and which nourished a glorious culture would regain its glory. It is my submission to hon. Home Minister that if the lotteries are banned in India it would help the country to march ahead towards a glorious future.

[English]

SHRI SANSUMA KHUNGGUR BWISWMUTHIARY (Kokrajhar) : Mr. Chairman, Sir and the learned Members of this august House, I do not like to prolong my speech. I will be very short in my deliberations. I would like to let you know that the lotteries should be banned or abolished in totality. I also do support the opinion made by each and every conscientious Member of this House in relation to banning of the lotteries in totality. The way the lottery is affecting the entire Indian society, it is in the best interest of the common masses that the lotteries are banned in totality.

I could not find any precise logic behind the banning of only 'single-digit' lottery and retaining other multi-digit lotteries. If the intention of the Government is to abolish the lotteries in totality, why not other multi-digit lotteries through this Bill be banned? Some doubts have arisen in the minds of the people about the approach of the Government. So, I would like to appeal the Government of India and the hon. Home Minister to bring a comprehensive Bill on the floor of this House in order to ban the lottery in totality.

In this regard I would like to draw the attention of this august House that apart from these lotteries, there is a similar type of illegal game being played in some parts of the North-Eastern region. In their local language that is known as *Teer Kala*. That is a social evil. So, that *Teer Kala* has also to be banned totally.

Therefore, from the side of the whole Bodo area, I would like to demand from the Government of India to kindly ban the lotteries in totality as well as the *Teer Kala* in the best interest of the common people.

[Translation]

THE MINISTER OF HOME AFFAIRS (SHRI L.K. ADVANI) : Mr. Speaker, Sir, there have been only a few issues on which the House has been as unanimous as it is today.

[Shri L.K. Advani]

I am very much pleased to have listened to today's debate on this issue. I indeed rejoiced it but I am surprised at the same time as to why all sorts of lotteries were not banned earlier when a ban was imposed on the single digit lotteries. I am at a fix and find it difficult to understand because all the questions being raised in this House were also raised at the meeting of the Standing Committee and it was very much stressed that single digit lotteries should be banned and three or five digit lotteries should be permitted to run which is, however, not right. There should be a total ban on lotteries. There was a consensus that all sorts of lotteries, whether it is Centre Government's lotteries or State lotteries or private lotteries, should be totally banned. In the committee meetings there are officers also. I believe all Members of the committee held a view that whatever limited ban has been imposed on lotteries last years should not be lifted. It would have been better if there had been total ban on lotteries. But it would be fatal for the poor, should we permit whatever limited ban is imposed on lotteries to be ineffective even for 15 or 20 days in the process of imposing a total ban on lotteries. The traders of lotteries in the meantime would make money. They did not want any ban, hence they asked the officers if the standing committee decides to bring forward Bill to this effect before 8th i.e. before the ordinance lapses, would the Government be in a position to introduce a Bill. They told that it was not possible. I do not blame them. I believe that though there may be consensus to have a total ban on lotteries, there is a powerful lobby which does not want a ban on lotteries to be effective. I do not say it without any ground because we know that this matter has been taken to a number of High Courts and Guwahati High Court has even stated that there can be no ban since certain sections of the ordinance promulgated by the Central Government are not valid, they are invalid and the High Court has struck them down. You were just pointing out several State Governments. You referred to Kerala Government that Kerala Government's lotteries cannot be sold in Delhi and a stay order has been passed to this effect. However, I am of this view that if we have a total ban, that would be better and we have accepted Sh. Mohan Singh's amendment but unless I examine it legally and I am not convinced of it that even if it is taken to Supreme Court, it should stand vindicated by Supreme Court as well. That is why I would suggest to this House that it should not be taken in haste.

[English]

After all, this is the highest legislative forum in this country. We cannot do anything in haste.

[Translation]

So, discussions were held in the standing committee and officers were consulted, who have told me even now that so far as seeking views of States, even if we do not take them into consideration on the ground, that is it in Union list or it relates to Central Government's lotteries or State Government's lotteries, as Sh. Shiv Shanker was standing, still it is not possible. Had he been here, he would have told Sh. Satya Pal Jain as to how his arguments are not right or in what way they are right. Both of them are legal experts. Though I have studied law, yet I have not practised it. I want to make only this point that while deciding this issue, this House should keep this thing in mind lest one should get a stay order. Such a thing should not happen. As regards taking precaution in this regard, I think as per the recommendations of the Standing Committee limited ban should continue in place of imposing total ban and for this purpose, this House should pass this Bill and then the Government can assure this House that we are in favour of total ban and before imposing total ban, States should again be consulted. A phrase has been used therein :-

[English]

It would be effective.

[Translation]

It has also been stated.

[English]

"...imposing complete ban on the lotteries trade in the country having regard to the feasibility of effective implementation of the recommended legislation."

[Translation]

There should be no lacunae in the comprehensive legislation otherwise any private Lottery owner could go to the Court for stay on the ground that it is discriminatory. Such thing should not happen. Therefore, I feel that the Bill which has been introduced should be passed with some amendments as suggested by the Standing Committee which I would move just now. It would continue to have limited ban and in pursuance of its assurance the Government would take steps to replace this limited ban by the total ban as desired by the House.

DR. T. SUBBARAMI REDDY : Sir, something historic is happening today. The entire House is almost unanimous. Hon. Members have given their personal view that there should be a total ban on the lottery trade. This means that a good day has started. On some issues, all of us are one. If this continues, the House will become much more stronger.

[Translation]

We should not oppose it everytime.

[English]

MR. CHAIRMAN : Having been given an assurance by the hon. Minister, do you wish to withdraw your Resolution?

DR. T. SUBBARAMI REDDY : Let me complete. Shri L.K. Advani has given his reply in such a way that there is not much change for anybody to argue with him. Evidently, he is not bothered about or interested in the lottery trade. Basically, he is fully convinced that no benefit could be derived by supporting the lottery trade.

Shri Lalu Prasad was very much worried that lotteries are being supported by some interested parties. It is not so and the House has unanimously agreed on this.

The Ordinance has already been issued by the President of India and it has come up before the House. The single digit lottery trade is already banned. We have to accept this in order to avoid confusion. The hon. Minister of Home Affairs has said that a comprehensive Bill will be brought up as early as possible.

Another controversy is, some hon. friends say, 'Do not consult the Chief Ministers' while others say, 'No, we must meet the Chief Ministers'. What is the necessity? There is no harm in having a discussion with the Chief Ministers. Will any Chief Minister dare to support the lottery trade when the entire House is opposing it? Everybody wants socialism; everybody wants the affection of the poor people; everybody wants the votes of the poor. No party or no Government will dare to support the lottery trade. Therefore, we need not bother about this controversy whether to take the advice of the Chief Ministers or not. There is nothing wrong in informing them as a matter of giving them due respect. Otherwise, they would feel ignored. They could always be informed. A formal communication could be sent from the Centre to the respective States. The hon. Minister has already given an assurance that he is going to discuss this with the Home Secretaries and also with all concerned.

[Translation]

We are liable to commit mistake if we do it in haste. It would not be desirable if an individual moves court and seek a stay.

[English]

Heavens will not fall. Therefore, my suggestion is let us do it so perfectly that nobody will be able to go to court and get a stay order.

At the same time, red tapism is part of our country. Setting aside red tapism. We should take it on priority basis. They should not drag on for a long time. So, my request is that we must give this top priority and instruct the officials that they must start the exercise immediately and look into the legalities, rules and procedures.

Some hon. Members do not want that we should depend on the Chief Ministers. They could be informed individually. The hon. Minister should use his good influence to see that there is no controversy and come up soon with a comprehensive Bill.

MR. CHAIRMAN : You have already spoken.

DR. T. SUBBARAMI REDDY : Other hon. Members spoke for a longer time; let me speak for two more minutes.

MR. CHAIRMAN : You have already spoken.

DR. T. SUBBARAMI REDDY : I seek leave of the House to withdraw my Resolution since the hon. Home Minister has assured that as early as possible he would bring forward a comprehensive Bill for a total ban on lotteries.

MR. CHAIRMAN : Has the hon. Member leave of the House to withdraw his Resolution?

SEVERAL HON. MEMBERS : Yes.

The Resolution was, by leave, withdrawn.

MR. CHAIRMAN : Now, the House shall take up the amendment moved by Shri Mohan Singh for the consideration of the Bill.

[Translation]

Mohan Singhji, are you pressing your amendment?

SHRI MOHAN SINGH : Yes, Sir. In this connection, I want to say that this Parliament is empowered to enact law on any subject placed in the Concurrent List if two States want so. After all, the Government of India is going to repeal Urban Land Ceiling Law and I want to press for my amendment keeping in view the feelings of this House because the Government has not made it time-bound.

[English]

MR. CHAIRMAN : I shall put amendment no. 8 moved by Shri Mohan Singh to the vote of the House.

The amendment was put and negatived.

MR. CHAIRMAN : Now, the House shall take up the consideration motion.

SHRI MOTILAL VORA : Before we take up the Bill for consideration, I have a suggestion to make. I would like to request the hon. Home Minister to kindly give a specific date for bringing a comprehensive Bill in this Session itself so that the lottery business is totally banned once and for all. In this Session itself, he should bring forward a comprehensive Bill. This is my suggestion.

MR. CHAIRMAN : Do you want to react to it, Mr. Minister?

SHRI L.K. ADVANI : I would like to say that a procedure has been laid down, after all; and that is, the State Chief Ministers are to be consulted.

SHRI MOTILAL VORA : Please consult them.

SHRI L.K. ADVANI : I would only like to say that I would bring forward a Bill at the earliest. I do not want to make any promises which will be difficult otherwise. Already there are issues on which I have to consult the Chief Ministers, So, I cannot give any promise.

SHRI MOTILAL VORA : It is not very difficult to call the State Chief Ministers for consultations.

MR. CHAIRMAN : The question is :

"That the Bill to regulate the lotteries and to provide for matters connected therewith and incidental thereto, be taken into consideration."

The motion was adopted

Clause 2

MR. CHAIRMAN : The House shall now take up clause by clause consideration of the Bill. Shri L.K. Advani.

Amendment made :

Page 1, —

for line 7, substitute —

(a) "bumper draw of a lottery" means a special draw of lottery conducted on or during any festival or other special occasion wherein the prize money offered is greater than the prize money offered in the case of other ordinary draw of lotteries;

(b) "lottery", means a scheme, in whatever form and by whatever name called, (12)

(Shri L.K. Advani)

MR. CHAIRMAN : The question is :

"That Clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

MR. CHAIRMAN : The question is :

"That Clause 3 — stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4

[Translation]

MR. CHAIRMAN : Are you going to move your amendment?

SHRI MOHAN SINGH (Deoria) : Yes, I beg to move :

Page 1, Line 16,

add "and three digit" after "single digit" (1)

Page 2, Line 4,

insert "authorised" after "through" (2)

Page 2, Line 10,

insert "capital of" before "the state concerned" (3)

[English]

DR. T. SUBBARAMI REDDY (Visakhapatnam) : I beg to move :

Page 2, line 11,—

for "week" substitute "month" (4)

Page 2, line 14,—

for "six" substitute "three" (5)

PROF. SAIFUDDIN SOZ (Baramulla) : I beg to move :

Page 2, line 4 and 5,—

omit "either itself or through distributors or selling agents;" (7)

MR. CHAIRMAN : I shall now put amendment Nos. 1, 2 and 3 moved by Shri Mohan Singh to Clause 4 to the vote of the House.

The amendments were put and negatived.

MR. CHAIRMAN : Dr. T. Subbarami Reddy.

DR. T. SUBBARAMI REDDY (Visakhapatnam) : I am withdrawing them.

MR. CHAIRMAN : Is it the pleasure of the House that the amendment Nos. 4 and 5 moved by Shri T. Subbarami Reddy be withdrawn?

The amendments were, by leave, withdrawn.

SHRI VIJAY GOEL (Chandni Chowk) : I beg to move :

Page 1, line 16,—

add at the end—

"or single alphabet number or in any other form which has the same repercussion as single digit". (9)

[English]

MR. CHAIRMAN : Prof. Saifuddin Soz.

PROF. SAIFUDDIN SOZ : I will decide it just now—whether to withdraw it or not.

[Translation]

Through you, I would like to request Advaniji that the unanimity in the House, which has been witnessed after a long time should be maintained. As he is quite satisfied I would say regarding this amendment that

[English]

Why do we say that "the State Government shall or through the distributors or the agents".

[Translation]

It is here that the trouble lies.

[English]

Why agents and why distributors? Let the State Government do it directly.

[Translation]

Advaniji has assured us but there is lacunae in it and I would request your goodness... (Interruptions)

[English]

I will not take more time.

MR. CHAIRMAN : Are you withdrawing your amendment or not?

[Translation]

PROF. SAIFUDDIN SOZ : He should once again rise and say it would be done in this Session so that

we are satisfied and the present atmosphere continues. He should say that he can do this during this Session... (Interruptions) One of the members has suggested convening of Chief Ministers' Conference. This is absolutely wrong idea. Advaniji should telephone them or write a letter. The Chief Ministers know that we are the representatives of the people in the Lok Sabha. The judge has to interpret but who would make the law. We would make the law and whatever we are speaking, we are saying on behalf of people so he should write to Chief Ministers in this regard. It is possible that he may bring the new law in current session itself. It would be good if you give a ruling asking him to assure us that he would do it in the current session itself.

[English]

MR. CHAIRMAN : I just cannot give any ruling.

[Translation]

PROF. SAIFUDDIN SOZ : He can say this. With these words, I withdraw it.

MR. CHAIRMAN : Is it the pleasure of the House that amendment No. 7 moved by Prof. Saifuddin Soz be withdrawn?

The amendment was, by leave, withdrawn.

MR. CHAIRMAN : Shri Vijay Goel.

[Translation]

SHRI VIJAY GOEL : When total ban on all types of lotteries is going to be imposed shortly then one clause would not have any effect. I withdraw it.

[English]

MR. CHAIRMAN : Is it the pleasure of the House that amendment No. 9 moved by Shri Vijay Goel be withdrawn?

The amendment was, by leave, withdrawn.

MR. CHAIRMAN : Shri Nepal Chandra Das. I think he is not there. Shri L.K. Advani.

Amendment made :

Page 2,—

after line 5, insert —'

"(ca) the proceeds of the sale of lottery tickets shall be credited into the public account of the State." (13)

(Shri L.K. Advani)

MR. CHAIRMAN : The question is :

"That clause 4, as amended, stand part of the Bill."

The motion was adopted.

Clause 4, as amended, was added to the Bill.

Clause 5

MR. CHAIRMAN : Shri L.K. Advani.

Amendment made :

Page 2, line 18,—

for "another State."

Substitute "every other State." (14)

(Shri L.K. Advani)

MR. CHAIRMAN : The question is :

"That clause 5, as amended, stand part of the Bill."

The motion was adopted.

Clause 5, as amended, was added to the Bill.

Clause 6 was added to the Bill.

Clause 7

MR. CHAIRMAN : Dr. T. Subbarami Reddy, are you moving your Amendment?

DR. T. SUBBARAMI REDDY : Since it has already been agreed that they are going to ban it, there is no point in bringing forward my amendment.

MR. CHAIRMAN : Shri L.K. Advani.

Amendment made :

Page 2,—

for line 22, substitute —

(1) Where a lottery is organised, conducted or promoted after the date on which this Act receives the assent of the President, in contravention of the provisions of this Act, by any Department of the State Government, the Head of the Department shall be punishable with rigorous imprisonment for a term which may extend to two years or with fine or with both: (7)

Provided that nothing contained in this section shall render such Head of the Department liable to any punishment if he proves that the contravention was committed without his knowledge or that he exercised all due diligence to prevent the commission of such contravention.

(2) Notwithstanding anything contained in sub-section (1), where a contravention under this Act has been committed by a Department of Government and it is proved that the contravention has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any officer, other than the Head of the Department, such officer shall also be deemed to be guilty of that contravention and shall be liable to be proceeded against and punished accordingly.

(3) If any person acts as an agent or promoter or trade in any lottery organised" (15)

(Shri L.K. Advani)

MR. CHAIRMAN : The question is :

"That clause 7, as amended, stand part of the Bill."

The motion was adopted.

Clause 7, as amended, was added to the Bill.

MR. CHAIRMAN : The question is :

"That Clause 8 to 13 stand part of the Bill."

The motion was adopted.

Clauses 8 to 13 were added to the Bill.

MR. CHAIRMAN : The question is :

"That clause 1, Enacting Formula and Long Title stand part of the Bill."

The motion was adopted

Clause 1, Enacting Formula and the Long Title were added to the Bill.

SHRI L.K. ADVANI : Sir, I beg to move :

"That the Bill, as amended be passed"

MR. CHAIRMAN : The question is :

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

The motion was adopted.

17.53 hrs.

ANNOUNCEMENT BY THE CHAIR

MR. CHAIRMAN : The next item is discussion and voting on the Demands for Grants (Railways) for 1998-99.

The Demands for Grants (Railways) for the year 1998-99 were referred to the Standing Committee

on Railways for reporting to the House before those are taken up by the House for discussion and voting. I have to inform the hon. Members that the Committee has, so far, not presented its Report to the House. Since very little time is available for passing of the Railway Budget, the House has to suspend Rule 331(g)(d) of the Rules of Procedure in its application to the Demands for Grants (Railways), 1998-99. I hope the House agrees to suspend the Rule.

SEVERAL HON. MEMBERS : Yes.

MR. CHAIRMAN : The House will now take up discussion and voting on Demands for Grants.

SHRI VARKALA RADHAKRISHNAN (Chirayinkil) : Sir, there is no convincing reason before the House. Why could the Committee not present the Report?

[Translation]

SHRI RAJO SINGH (Begusari) : The Committee has submitted its report. Things would go wrong if you try to avoid this procedure.

[English]

SHRI VARKALA RADHAKRISHNAN : It should not become a precedent.

MR. CHAIRMAN : Just a minute please. Fifteen minutes are given for giving Cut-motions. Now, it is five minutes to six o'clock. I think, the Cut-motions can be given on Monday only.

[Translation]

SHRI RAJO SINGH : Sir, the Committee has submitted the report. You cannot pass the Demands for Grants by avoiding the Committee Report. The whole thing will go haywire. It can be passed on Monday... (Interruptions)

THE MINISTER OF RAILWAYS (SHRI NITISH KUMAR) : Sir, I would submit that it should be taken up on Monday. He is a new Member that is why he may not be aware. It is possible that the Committee may have prepared the report but it has not been presented. It is possible that Committee has done its work.

SHRI RAJO SINGH : Mamata Banerjee is the Chairman of the Committee. She is not present so it might not have been presented.

SHRI NITISH KUMAR : We are not objecting to what you say. It is the job of the Committee to present the report before the House. The Government has no

connection with it as you are saying. The Chair has said that it may be taken up later on. It is your choice. But I request that it should be taken up on Monday.

MR. CHAIRMAN : It would be taken up on Monday. Even otherwise also, there is no time left now.

[English]

SHRI VARKALA RADHAKRISHNAN : Sir, when we have been asked to suspend the rule, there should be convincing reason from the Treasury Benches as to why the Committee did not meet.

MR. CHAIRMAN : I have taken the sense of the House that it should be suspended.

SHRI VARKALA RADHAKRISHNAN : It should not be a precedent.

MR. CHAIRMAN : It is not a precedent. It is always like that.

SHRI VARKALA RADHAKRISHNAN : Why did the Committee not meet?

MR. CHAIRMAN : That is not the Chair's business to ask.

SHRI VARKALA RADHAKRISHNAN : The House should know about it.

MR. CHAIRMAN : That is not my business.

SHRI VARKALA RADHAKRISHNAN : Sir, the House must know as to why the Committee did not meet.

MR. CHAIRMAN : Whatever might have been the reason, the Report of the Standing Committee has not been submitted to the House. Therefore, the House has no other option but to suspend the Rule in order to pass the Demands.

SHRI VARKALA RADHAKRISHNAN : But the House must know the reason.

MR. CHAIRMAN : Now, the House stands adjourned to meet again at 11 a.m. on Monday, the 6th July, 1998.

17.56 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Monday, July 6, 1998/Asadha 15, 1920 (Saka)

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