

13.37 hrs.

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

[English]

MR. SPEAKER : We shall now take up further consideration of the Bill further to amend the High Court Judges (Conditions of Service) Act, 1954 and the Supreme Court Judges (Conditions of Service) Act, 1958.

Shri Vijay Kumar Yadav may continue.

[Translation]

SHRI VIJAY KUMAR YADAV (Nalanda) : Mr. Speaker, Sir, I had expressed my views yesterday also on this subject and I would like to add only this much that so far as increasing the facilities for the judges is concerned, there are no two opinions about it and during the discussion which took place yesterday, almost all the Members had unanimously supported the measures being adopted to increase the facilities being given to them.

13.39 hrs.

[MR. DEPUTY SPEAKER *in the Chair*]

While speaking on the issue of judicial reforms, they said that with a view to improving the judicial system in our country, not only proper judges were required, but proper lawyers were also required. The condition of the junior advocates in our country is very pitiable. Without improving the condition of the advocats, you cannot expect better justice. It is, therefore, necessary that the Central Government should consider measures to being about an improvement in the present condition of the junior advocates. I had tabled a question also in this regard. In his reply, the hon. Minister had said that the Central Government were going to set up a committee in this regard and they wanted to examine the condition of the junior advocates on an all India basis. I would like to request the hon. Minister to expedite this work, because the junior advocates throughout the country are sending representations to the Central Government and the State Governments in this regard. They have also launched agitations at many places in this regard. We hope that Government would

expedite this work so that their condition is improved and they may work properly in the courts and make suitable contribution in the courts for providing justice to the people. With these works, I conclude my speech.

[English]

SHRI SHANTARAM NAIK (Panaji) : Mr. Deputy Speaker, Sir, it is very good that in a way, our Law Minister, at the instance of the Prime Minister has taken a sort of vow to solve the problems or rather service conditions of our judicial officers in this country. I have no doubt that our hon. Minister, Mr. Asoke Sen will look into the problems effectively and solve them as he has vast experience at the Bar.

I would like to make some observations here. There are some laid down compartments, namely, the judiciary, the executive and the legislature in this country. Each one is supposed to function within its own sphere or jurisdiction. Sometimes it is said that it is the executive which encroaches upon the field of judiciary. This sort of allegations are made time and again. But rether it is strange that these days—I say with due respect—the judiciary sometimes tries to encroach upon the functions of the legislature. I have got sound reasons for this. For instance, in the matter of reservations, what percentage of reservation should be given to a certain section is to be obviously decided by the legislature. But what we see today. Who decided the percentage ? It is the judiciary which decides it. I do not know whether I am correct. But the judiciary says, you should not cross so much percentage. I think, this is a little bit of encroachment upon the powers of the legislature and therefore we should specify the limit.

The second sort of encroachment on the legislature is this. Whereas the court of law is only to interpret the law as it exists, it may lay down small sort of precedents and judicial decisions. But they should not lay down a new realm of legislation. For instance, a thing like “basic structure” was not there when the Constitution was framed. Right from 1955, we are interpreting the Constitution but nobody found what was the “basic structure”. Only in 1972-73, some judges found the “basic structure”. If there is something in black and waite, it should

[Shri Shantaram Naik]

have been there in 1955, 1956 or 1957 when the Constitution was interpreted by the Supreme Court. How is it that a set of judges found this "basic structure" after 10 or 15 years of the first interpretation of the Constitution? Therefore, I am saying that the judiciary should interpret the law as it stands and should not lay down a new law.

Thirdly, as far as public interest litigation is concerned, I would like to say something. It is a good thing that there is a sort of public interest litigation. But even in the field of public interest litigation, there must be some sort of rules and regulations. Just because you get a letter, you are treating it as a writ petition. It does not sound good in the spirit of law. It is because, in the lower judiciary, we are observing all the laws strictly. In the lower judiciary level, the procedures are very strictly observed and at the highest level we are treating even a letter as a writ petition. If there are some rules and regulations in regard to this matter, it would be very nice.

As far as legal aid is concerned, it is very good and the legal aid system should be strengthened. Otherwise, rights have no meaning at all and poor people cannot get justice from the courts of law.

Another point which I would like to stress is this. The Government has ruled out any possibility of having a bench of the Supreme Court in the Southern part of the country. I feel this is not in consonance with the principles of taking law and justice to the door-step of the people. No doubt, justice and judiciary at the lower level should go to the door-step of the people. But when justice go to the door-step of the people, all sorts of courts—Supreme Court, High Court and lower courts—have to go to the door-step of the people. Therefore, in this field, there must be a bench of the Supreme Court somewhere in the South. If there is a controversy about the location whether it should be at Madras or Bangalore, I suggest that let it be established in Goa. Our land is there and Goa is a non-controversial place. A bench can be established in Goa.

As far as the rules and regulations are concerned, we have got different Acts, laws and legislations passed by State Legislatures and Parliament. In many fields, I find, there are lot of legislations passed by the State

legislature as well as Parliament on the same subject. As a result of this, each law or Act becomes a piece-meal legislation. If there is a legislation of a State legislature and Parliament, then the rules should be so embodied that in one set everything is found.

With these words, I hope the Law Minister will take these points into consideration. I support the Bill moved by the Law Minister.

SHRI K. R. NATARAJAN (Dindigul) : Mr. Deputy Speaker, Sir, on behalf of the AIADMK Party, I support the Bill. I expected a comprehensive Bill will be introduced by the Law Minister. Now, he has promised to introduce a comprehensive Bill so far as the salaries and allowances of the judges are concerned. The Law Minister has now come forward to say that the salaries and allowances will have to be increased. We suggest that the salaries of the judges may be increased to Rs. 5,000 per month so far as judges of High Court are concerned. So far as the Chief Justice of the High Court is concerned, it may be raised to Rs. 6,000 per month. So far as the judges of the Supreme Court are concerned, their salary may be increased to Rs. 6,000 per month. The salary of the Chief Justice of India may be increased to Rs. 7,000 per month. Apart from these, other allowance like ar allowance, house rent allowance etc., as given to the Secretaries to the Government, may be given to them.

At this juncture, it is not out of place to say that the salary of the District judges and the magistrates should also be increased. The salaries of the district judges should be at par with that of IAS officers in the State.

I would like to mention here that a bench or a circuit bench of the Supreme Court is to be established at Madras. Madras was the capital city for a long time for the composite Madras Presidency which will comprise most of the territories now in Andhra Pradesh, Karnataka, Tamilnadu and Kerala. So, that is the suitable place for establishing a Branch or a Circuit Bench of the Supreme Court in the South. One of the three Chartered High Courts has been established at Madras. A very good library is available in Madras. Madras is the central place in the South.

So a Circuit Bench of the Supreme Court may be established at Madras.

Apart from that, a Branch or a Circuit Bench of the Madras High Court may be established at Madurai. That is the suitable Place.

About 200 years ago, a District Court was established at Madurai by the Britishers. That Court had jurisdiction over the territories now comprising most of the Southern districts of Tiruchi, Madurai, Ramanathapuram, Tirunalveli and Kanya Kumari.

Madurai is the suitable place for the establishment of a Circuit Bench. Moreover, Madurai was an important city that was referred to in Ramayana also. That is an ancient city. Three Tamil Sangams were functioning there from 3,000 BC and there were a number of courts functioning. In the circumstances, it is a suitable place for establishment of a Circuit Bench for Madras High Court.

So far as the appointment of judges of Madras High Court is concerned, only Tamil-knowing judge alone has to be appointed. The reason is that original documents and also the deposition of witnesses are available only in Tamil. So Tamil-knowing judges alone are to be appointed for the High Court of Madras. Now there is a policy that the Chief Justice cannot be appointed for the same High Court. So far as the Madras High Court is concerned, there are frequent changes in appointments of Chief Justices. A number of vacancies have not been filled up in the High Court of Madras. The reason is the new Chief Justice is not able to assess the ability or the suitability of any Advocate or Subordinate Judges for the Judgeship of the High Court. He has to depend upon somebody else and who is that somebody else is not known. He is not able to come to a proper conclusion. So, it is better to give more weight for the views of the State Government. They have got a number of channels to assess the suitability of an Advocate or a District Judge for Judgeship. The vacancies available in the High Court of Madras have to be filled up with suitable candidates.

In these circumstances, I request that the Union Government should take effective steps to implement these suggestions as quickly as possible.

[Translation]

DR. CHANDRA SHEKHAR TRIPATHI (Khalilabad) : Mr. Deputy Speaker, Sir, hon. Members have spoken in detail about judicial reforms. I have seen that the judiciary is not constituted with judges alone. There are three main parts of it—this judges, the advocates and the litigants. I have no hesitation in saying that the most important component of the judiciary is the litigant. It is he who pays all the money in the form of fine, court fee and various other charges, but this main component of the judiciary has not been given due consideration so far. Sir, all this set up has been created to provide justice to the poor. But although more than 10 or 12 years have passed, yet the poor are not getting justice. Even after the lapse of so many years, cases remain pending, as the dates of hearings are extended again and again and judgements are not delivered.

Sir, on the protect of amending the petitions, filing of documents and other important papers, dates are extended frequently. I would request that documents or other particulars relating to a particular case should be filed before the case is instituted, so that delay in delivering the judgement could be minimised.

Summary trials are held in some of the States of India. There are certain states, where trial of even minor offences take 2 or 3 years. In examining the witnesses, framing the issues and in delivering the judgements, there is undue delay. There should be summary trials in minor cases like gambling and alcohol consumption, as is done by the Maharashtra Government. Cases should be disposed of after summary trials so that the pendency of lakhs of cases could be done away with.

I would like to draw the attention of the hon. Minister towards another important issue and that is the appointment of a commissioner to examine the factual position in cases. All the members are aware of this fact that a commissioner is appointed to prepare a sketch, map or to make an on the spot inspection of any plot or controversial house or any other controversial item and the litigant has to deposit Rs. 75 as fees for this purpose. When this map is filed in the court, the other party objects to it and says that the map is totally wrong and it does not depict the factual position. The litigant is

[Dr. Chandra Shekhar Tripathi]

then told that another commissioner would be appointed and he has to deposit Rs. 75 as fee once again. Then again the second map is also proved to be wrong and, in this way, scores of commissioners are appointed and the litigant has to deposit fee every time and there is undue delay in the disposal of the cases.

13.56 hrs.

[SHRI ZAINUL BASHER *in the Chair*]

I would like to say that we are discussing a very important issue of judicial reforms and these important points should not be ignored. Arrangements should be made to ensure that the poor get justice expeditiously and at lower cost.

The salary and other facilities join to the judges have been discussed in great detail here. I support them. My hon. friend Prof. Dandavate had said yesterday that senior persons had been superseded and junior persons promoted. I would like to say with great emphasis that in this House that seniority should not be the only criterion for appointment and promotions of judges, as the position of judge is one of great prestige and honour and hence their appointment or promotion should be made keeping in view their efficiency, skill and past performance.

There are many examples in this country where judges have bailed out many big criminals out of fear, whereas according to the Indian Penal Code, such criminals should not have been bailed out. It is the duty and the responsibility of Government to guarantee the safety and security of judges adequately so that they could deliver their judgements fearlessly.

The judiciary has an important role in running the affairs of the country. Taking this into consideration, our constitution makers had envisaged an independent judiciary and this was established also. But today, the common man is losing faith in the judiciary. If people do not get justice, their faith in the judiciary will decline. If justice is delayed and it is costly, then society will have to face the situation of lawlessness. If the people lose faith in the judiciary, then lawlessness and corruption will increase and there will be chaos in the society.

Mr. Speaker, Sir, you have allotted me very little time. I wanted to give valuable suggestions to the hon. Minister. These are points which should consider to that we may make improvements in our judicial system and justice available to the society.

So far as penalty is concerned, we all know that two parties indulge in litigation. If one party does not appear in the court along with his witnesses, the court imposes a fine which is called 'cost' in the technical language. This 'cost' should accrue to that person who suffers loss on that day. But, at present in our country, the advocate gets the 'cost', whereas it should be given to the client. A system should be evolved under which that person should get the 'cost' who has suffered loss and not the advocate.

So far as the disposal of cases is concerned, a quota has been prescribed for a judge that he will dispose of cases upto a certain number during a given period. But what happens is that serious and important cases are left out and the quota is filled up by disposing of not so important cases. So, some such arrangements should be made that where a quota is fixed for a judge, serious and important cases should also be included in it. In this way, the practice of fulfilling the quota by disposing of simple cases only may be put to an end to.

With these words, I conclude.

[*English*]

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI H. R. BHARADWAJ): Sir, after the great speech of the Minister about the judicial reforms a vast subject has been covered. So far as this Bill is concerned it mainly concerns the High Court and Supreme Court judges' condition of service and it is a small amendment in which we are increasing the conveyance allowance of the judges from Rs. 300 to Rs. 500.

After hearing hon. Members speaking from both sides we have noted certain observations which have been made and we have also assured through the Minister that the Government is far more anxious to go into this than what has been said in the House.

Sir, this amendment has been brought today pursuant to a resolution which was

passed in the conference of Chief Justices and they themselves recommended that the conveyance allowance may be increased from Rs. 300 to Rs. 500. These recommendations of the conference were pending and we deem it a privilege to introduce them before this august House.

There were three matters as a matter of fact which were pending when we took over. One was with regard to the conveyance allowance. The second was with regard to the water and electricity charges. Because they get free accommodation and they are also entitled to Rs. 200 p.m. as water and electricity charges, they had desired that this should also be raised to bring it at par with what is permissible to Cabinet Minister. We are also considering that matter. We are also seized of the matter regarding travelling facilities to the judges. So, whatever was recommended by the Chief Justices, the government has practically implemented all the suggestions. I am very happy to take the House into confidence that all the recommendations with regard to three service conditions which were suggested have been accepted without any reservation by the government. That reflects our desire to always voluntarily go into whatever the judges want us to do.

In that sphere I would also put the record straight for the information of this august House that in addition to their salaries provided under the Constitution since 1984 government has allowed dearness allowance to all the judges to the tune of Rs. 2250 p.m. So, Sir, that adds to their salary substantially keeping in view the inflations that take place in the day to day life. In addition, the Chief Justice of the Supreme Court is also paid a sumptuary allowance of Rs. 500 per month. The High Court Chief Justice is paid Rs. 300 Sumptuary allowance per month. The conveyance allowance which was paid earlier was Rs. 300; we are increasing it to Rs. 500. We can still go into all these things at a later stage when we can meet the Chief Justices and consider suitable amendments. Prof. Ranga was anxious and I share his concern. We are keen to go into all these things and we will get back to them very soon. We have increased their water and electricity charges. We will soon come with another Bill to amend their service conditions. So, so far as the concern of

the Government to keep the judges in a dignified way of life is concerned, we are for it and we shall do it. Various other suggestions were made about the question of arrears, how to go about minimising delays and expenses, etc. This is a serious problem. I agree with the views expressed by hon. Members that we have to grapple with this problem in a very speedy manner. How to do it? We have come up in the Presidential Address saying that we are going to set up a Judicial Reforms Commission. You will soon see that this Judicial Reforms Commission will start functioning within a very short time. The question is this. We have announced that a Supreme Court Judge will head the Commission. That recommendation has to come. We will give it a time bound programme to see how far judicial reforms and legal reforms can be brought about in a speedy manner. There is no going back on this issue. We are seized of this matter. Who is more concerned about the lot of the poor man than the Congress party? We have always stood for the poor man. As a matter of fact ours is the only party which is bothered about the poor people; no party can claim it better than us. I can assure you, Sir, that our concern for the underprivileged, for the weaker sections and for the poor sections of the society remains unshaken over the historical past.

SHRI BASUDEB ACHARIA : Only on paper.

SHRI H. R. BHARADWAJ : We would not like to get into any controversy with you. We shall show you the results which will speak for themselves. This is not the way that you exchange one word here; and I say something here. We shall show you the result. We mean business. We will do it.

The second aspect is this. I will try to distinguish between the Congress Party and the others. Who were the people who stopped legal aid in this country? You can remember if you know it properly. Please remind yourself that it was not the Congress but it was some other party which stopped the legal aid in this country. It is our privilege in 1980 to restore it. We are going in that direction very fast. We have a network of legal aid to the poor. If you want to enter into any controversy I will tell you the distinction between the Congress

[Shri H. R. Bharadwaj]

and the other parties. But I don't want to do it. You know it. You pretend as if you don't know it. Our commitment to the underprivileged is not something new. It is historical. Our forefathers gave protection to weaker sections and poorer sections and this is enshrined in our Constitution itself. It is our legacy from the past. We are bound to implement it. Today judges come from the same society. Judges who come abandoning their practice always come with the idea to serve the society. They do not come to earn more money because all of us know that a lawyer who had lucrative practice at some point of time feels that he should dedicate himself to the nation; he feels he should come up to the stature where the country should feel that he has a role to play. They do not want more money. They want dignified life. We are in constant contact with them. I wish to tell you about their service conditions. We have a very senior member of the Bar who is our Minister who has practically trained all the judges in the country. I am proud to say this. There is absolutely no gulf between the judges and the Government. Within 3 or 4 months, we are proud that we have brought three matters for the benefit of the judges. It is not something that it should not have been done. This is done because it was their due. We are calling another Conference—it was announced earlier—very shortly and you will see that this anomaly is removed.

PROF. SAIFUDDIN SOZ : We have not talked about more perks to the judges. We have voiced our most important demand about the judges.

SHRI H. R. BHARADWAJ : I am coming to every point. I am considering about the services. I may remind you again that we will not hesitate to transfer any judge if it falls within the policy of the Government and the Supreme Court laid down in the Seven Judges case and we have implemented each guideline which was given by the Supreme Court. The guidelines are :

- (1) The Chief Justice of High Courts shall be from the outside;
- (2) He will be senior to the sitting next puisne Judges;
- (3) One High Court should offer a Chief Justice to another High

Court and then the express concurrence of the Chief Justice of India has to be obtained before transferring him.

I am proud to say that yesterday also we have scrutinised each case. It is always with concurrence of the Chief Justice that the judges are transferred and will be transferred according to the guidelines. Where is drawback? I feel rather surprised and shocked that on half-truth and on certain imaginations people try to denigrate. It is not like that. We are proud of our judicial system and the judges today are very happy that they have in India an atmosphere of democratic thinking and they subscribe to this. But the question is that the poor man feels that the justice is not coming to him. We have recently got a report and we are going to lay it on the Table of the House. We are going to see that the High Court function for the benefit of the common man. Then, we have to request the members of the Bar also to change their thinking that they are not to serve the rich people only but they are also meant to serve the society as a whole and the fee should not be a consideration while rendering service. Then, we have also to see the procedure. Today, if I amend the procedure, you will be the first to criticise "look, this Government is doing something wrong, it is changing the procedure and there is something fishy". We are putting this responsibility on the shoulders of the judge who will examine as to what drastic changes in the process are bound to be there and are needed. These are the matters where you will accept only when the Supreme Court Judge and the High Court Judges' commission agrees that this procedural changes are within the framework of the Constitution. You give us the opportunity and we will show that the amendments are brought in the procedure. The procedure has to be bent in favour of the weak, the procedure has to be bent in favour of the weaker sections, scheduled Castes, Scheduled Tribes and minorities. It is our commitment. We will not go back on what Mahatmaji and what Panditji said. We will implement them and we will show the results very soon. So, these issues are absolutely non-controversial. We announced about the judicial reforms in the Presidential Address. I would respectfully submit that if some Judges sometime

say something which pinches us, it puts us on alert. We don't take it as criticism. We appreciate criticism. But certain prejudices should not be reflected outside. We are prepared to listen. We may commit mistake. Everyday we come to the House and we are before you. You can always point out to me, my officers are available, my Minister is available, the Prime Minister is available and we are here prepared to listen to you. But if there is absolutely nothing wrong anywhere and still you say that we have done something wrong, then you have to correct your feelings. Now, we are here face to face and you can talk. So, we assure you whether it is judicial reforms, legal reforms or concerning emoluments of judges or functioning of the courts, it would be the combined efforts of the whole House as to how we will make it more modern, more efficient, more prone to help the poor people because rich people can use judiciary and they can use that institutions to their advantage. But where do these poor people go? You are their representatives, elected representatives and you must see to it that when we talk of these things, we must avoid talking of High Court judges, because they are performing their duty and it is equally difficult. The judge sits in the court and he does not know what we are discussing here, except from what the newspapers say. Therefore, whenever there is some comment on some thing, we have to go with restraint because judiciary is equally an important pillar of the State. If something goes wrong with the judiciary, the State will suffer and people of this country will suffer.

Regarding the service conditions, I can assure you, we will give much more than what they want. But we expect that they should also serve the people with the same zeal and same spirit. If the judges do not work and if they do not decide cases speedily, that will frustrate the cause of institution itself.

Backlog is a serious problem. We are going to ask the Supreme Court and the High Courts to form categories of cases and to form particular branches to decide those categories. If one case of a particular category is decided, I think hundreds of cases of that category can be decided by one judgment. But this problem has to be given a thought to by the Chief Justice himself.

We cannot do it. All these things are going to be tankled. I can assure you that this small amendment which we have proposed is going to be the first one in the vast series of actions that we are going to take. I hope you will agree to pass it.

SHRI SATYENDRA NARAYAN SINHA (Aurangabad) : I would like to know from the hon. Minister whether he is proposing to bring a very comprehensive bill regarding the conditions of service of judges. If so, is he going to bring in the near future any amendment to amend the provisions relating to and the service conditions, so that Judges may get the same gratuity amount which an IAS officer is getting today?

SHRI H. R. BHARADWAJ : We have already recommended it to the Finance Minister. Whatever was announced in the Budget Speech by the Finance Minister here, it should be equally applicable to the judges also.

SHRI SATYENDRA NARAYAN SINHA : It cannot be done without amending the Act.

SHRI H. R. BHARADWAJ : We will do so. There is no problem if the Finance Minister agrees. We have already gone half the way in this direction.

PROF. SAIFUDDIN SOZ (Baramulla) : The hon. Minister has sincerely assured us and I believe him that the Government will but forward certain kind of reforms for the betterment of the lot of the common man and perhaps revamp the whole system. I have no doubt about his integrity. I would like to know whether there are any guidelines so far as this backlog is concerned. Yesterday in his reply to a question, he said that the Supreme Court did not clear many cases during the last 12 years and 110 cases are pending before the Supreme Court and so on. You say that you will tell them. But telling them will not have any effect. Will there be any guidelines for clearing the backlog? How many vacancies of judges are with you which you have not filled up? Will you take into considerations the recommendations and suggestions made by Shri Tarkunde for clearing the backlog, regarding appointment of tribunals and so on. These are definite and solid proposals before you. Will you respond?

SHRI H. R. BHARADWAJ : Sir, I am sorry he has not understood what I said. I said that the backlog has to be cleared by the courts and not by legislators. The backlog will be cleared by them and when they want more judges we will give them. We can give them suggestions also. We will have consultations with all the Chief Justices. The Minister said so. We can suggest ways and means as to how backlog could be cleared. You cannot really reduce the backlog by arguing here. You have to do some practical work. The courts have to decide. They will request the lawyers they will request the judges probably and if they want more judges we will give. We have said that from 18, we are prepared to make it 30. We have increased the strength of each High Court and we are prepared to increase more. But if those judges do not work, we can only request them. We cannot fight with the judges. You can fight with me but I cannot fight with the judges.

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.

Clauses 2 and 3

MR. CHAIRMAN : There is one amendment each to Clauses 2 and 3, from Prof. Ranga. Since the President's assent to move these amendments has not been received, there is no need to move these amendments.

We now take up Clauses 2 and 3 together. The question is :

“That Clauses 2 and 3 stand part of the Bill.”

The Motion was adopted.

Clauses 2 and 3 were added to the Bill.

MR. CHAIRMAN : The question is :

“That Clause 1, Enacting Formula and the Long Title stand part of the Bill.”

The Motion was adopted.

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

MR. CHAIRMAN : The Minister.

SHRI H. R. BHARADWAJ : I beg to move :

“That the Bill be passed.”

[*Translation*]

SHRI MOOL CHAND DAGA (Pali) : Mr. Speaker, Sir, how much work the judges do in a year? They work for 183 days in a year. You can yourself see that the judges of the Supreme Court and the High Courts do not work for more than 182 or 183 days in a year.

There are 1,40,000 cases lying pending in the Supreme Court even today and the number of such cases in the High Court is 10,00,000.

It is not a question of increasing the salaries judges. When you assess the work of the judges on the basis of their salaries then you may also see what a Member of Parliament gets, who works so hard. You may also see the condition of the Ministers who work for as long as 18 hours a day.

14.23 hrs.

[**MR. DEPUTY SPEAKER** *in the Chair*]

The judges get dearness allowance and supplementary allowance. They get well furnished bungalows. Travelling and medical facilities are provided to them. Still, you are talking about their salary. Do you know what the total emoluments of a judge are? A judge gets Rs. 2,250 per month as dearness allowance, Rs. 500 per month as supplementary allowance. Besides, his whole family gets medical facilities. Even after retirement he gets this facility.

You may see the condition of our freedom fighters who had sacrificed so much and had gone to jail. You may see the condition of M.Ps also. You may also see what salary our Ministers get.

The judges of the Supreme Court and the High Courts work for 6 months in a year. On the other hand, there is no holiday for a Member of Parliament. When he reaches home, he has to receive visitors there also. You can see Shri Janardhana Poojary sitting in the office upto 9 P.M. He never goes to see Cinema. Bharadwaj, it is a prestigious office. Just now Shri Ashok Sen delivered a very good philosophical speech.

Under the conditions prevailing in the country, if you want to do justice regarding Salaries, then I would like to say that the salaries of M.Ps are much less. What are they getting? The prices are rising. We do not get water and electricity free whereas they get reimbursement of water and electricity charges. They get free bungalows while we get them on rent. What are the salaries of M.Ps and Ministers? So, while supporting the Bill I would like to say that attention should be paid to this side also and the cases should also be disposed of expeditiously.

MR. DEPUTY SPEAKER : The question is :

"That the Bill be passed."

The motion was adopted.

COINAGE (AMENDMENT) BILL

[English]

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI JANARDHANA POOJARY) : On behalf of Shri Vishwanath Pratap Singh, I beg to move :

"That the Bill further to amend the Coinage Act, 1906, be taken into consideration."

There have been reports shortage of coins in the country for some time Past. Hon. Members of this House have also expressed concern on the situation. The Government have taken various steps to step up the total availability of coins. Production of coins in the three Mints located at Bombay, Calcutta and Hyderabad has been geared up with the purchase of new machinery and equipment, introduction of productivity-linked incentive scheme and two shifts, including extra working hours. As a result, the production has already increased from 525 million pieces in 1981-82 to 1063 million pieces in 1983-84 and 1356 million pieces in 1985-85. The target for production for 1985-86 is 2000 million pieces.

However, despite these measures, there still remains a gap between the demand and the supply of the coins. The Reserve Bank of India has estimated its requirement of coin in 1985-86 at 2600 million pieces, which would rise to 3200 million pieces in 1992-93.

Therefore, as a longterm measure, it is intended to modernise all the existing three Mints and to establish a new Mint of about 1500-2000 million pieces per annum capacity at NOIDA, Distt. Ghaziabad, Uttar Pradesh. The Government have also constituted a Technical Committee to recommend a long-term Coinage Policy for adoption in stages a new series of coins, with its size, weight and metal/alloy composition etc.

The Reserve Bank of India is responsible for the distribution of coins in the country. It is closely monitoring the supplies to the public at the Issue Offices, Counters and through Small Coin Depots. It also proposes to have a network of Small Coin Depots at local public sector bank branches so that issue of coins at the RBI counters are reduced. It has also made arrangements for releasing of coins of mixed denominations from the same counters.

Unfortunately, certain elements in society have taken advantage of this situation and there are reports of hoarding, thereby creating artificial scarcity.

Necessary instructions to the various State Governments have been issued to take action under the Small Coinage Offences Act, 1971, if complaints of melting of coins are reported. The problem however, can be effectively tackled only if the availability of coins is there, thereby minimising the possibility to create a psychology of shortage. The existing Act, namely the Coinage Act of 1906 restricts the manufacture of coins to the Mints in the country. It is proposed to amend the Coinage Act of 1906 so as to provide greater manoeuvrability to Government stepping up the supplies through minting of coins abroad. I would like to assure the House that this step is being taken to meet the shortage. It shall be the endeavour of the Counterment to meet the demand through production of coins at the mints in the country. As I stated earlier, all efforts to modernise the existing three mints are also being made so as to meet all foreseeable demand in the future. The recourse to the provisions of the proposed amendment in the Act would be to actually to the shortage.

Now, I would like to commend the Bill for the consideration of the House.