

14.12 hrs.

*The Lok Sabha re-assembled after Lunch
at Twelve Minutes past Fourteen of the
Clock.*

(MR. DEPUTY-SPEAKER *in the Chair*)

LEGAL SERVICES AUTHORITIES
(AMENDMENT) BILL

As passed by Rajya Sabha - contd.

MR. DEPUTY-SPEAKER : Mr. Vijay Naval Patil, you may please continue your speech

SHRI VIJAY NAVAL PATIL (ERANDOL) : Mr. Deputy-Speaker, Sir, I was mentioning about the Lok Adalat. The concept of Lok Adalat propagated by Justice Bhagwati and encouraged by Justice Chandrachud and their successors has gained a good momentum. But efforts will be required to be made to see that these Lok Adalats are held very regularly at regular intervals and at almost all places wherever they are required to be held.

As we understand, in the Lok Adalats, there is more of a compromise between the parties. Hence, the litigant brothers can come together and husband and wife can come together. Their enmity is reduced. Especially in the case of motor accident claims, these Lok Adalats have proved very successful. It is estimated that claims worth Rs. 500 crore have been given to the victims of the motor accidents. Therefore, I am emphasising that the Lok Adalats should be made more popular. For this purpose, the State Governments and the Central Government and Law Departments should make combined and coordinated efforts.

It is good that the income limit for

providing legal aid has been enhanced. But looking at the present price level, it is still less. Now, it has been proposed as under :

"(h) in receipt of annual income less than rupees nine thousand or such other higher amount as may be prescribed by the State Government, if the case is before a court other than the Supreme Court, and less than rupees twelve thousand or such other higher amount as may be prescribed by the Central Government, if the case is before the Supreme Court."

Mr. Deputy-Speaker Sir, I will like to add one thing here. Even in such cases, where there is a concurrent judgment of the Lower Court and the High Court in favour of the poor person, the opponent who may be rich, tries to drag him to the Supreme Court. The poor man feels the pinch of it because he has to go to Delhi all the way from his native place, sometimes to file the counter-affidavit and sometimes to file the petition itself in the Supreme Court. Here I would like to suggest that if the case is judged by the Lower and High Courts concurrently in his favour, and if he is only a respondent in the Supreme Court case, to and fro second class railway fare should also be given to him in addition to the legal aid. This will reduce his financial burden to some extent.

Mr. Deputy Speaker Sir, we find that the financial allocation itself is very meagre. The Budget Estimate of 1987, as given in the Financial Memorandum was just Rs. 73 lakh. The sanctioned budget for 1991-92 was Rs. 59 lakh. Considering the escalation in the cost of living, it is very very meagre. I request that something should be done at this juncture to give adequate financial allocation for legal aid. It is also mentioned in para 5 of the Financial Memorandum that this Bill does not contemplate any additional financial outlays excepting those resulting

[Shri Vijay Naval Patil]

from payment of enhanced dearness allowance to the officers and employees of the Central Authority and the Supreme Court Legal Aid Committee. Here, we are thinking of providing free legal aid by arranging a good advocate so that poor people can get justice by overcoming the hurdles of poverty. But that very purpose will be defeated if the allocation is so less. Very often, we also find that the senior and well known advocates do not take up the cases of legal aid. Here also, the Government can do something directly or indirectly because a lot of things are in the hands of the Government. In order to see that good advocates should take up the cases of legal aid for poor persons in the High Courts and Supreme Court, the Government while appointing the panel of advocates, may see the number of legal aid cases taken up successfully by them. If this sort of a criterion is introduced, many advocates will try to take part voluntarily in the legal aid cases and appear for the poor clientele both in High Courts and Supreme Court. This can easily be done because it is entirely in the hands of the Government. This is an indirect way of asking or encouraging good lawyers to appear on behalf of the poor persons through this legal aid system.

Mr. Deputy-Speaker Sir, we are constituting and regulating this Authority under Article 39A of the Constitution which says :

"The State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.

We see a very peculiar phenomenon here. On the one hand, we are trying to give help to the poor people so that they can get proper justice. On the other hand, what do we see in the courts? Rich people such as business tycoons and financial wizards not only engage very good lawyers by paying them huge fees, but also retain others so that they will not appear for the opposite party. Here also I would like to take this opportunity to suggest to the hon. Minister that something has to be done to prevent such attempts to purchase justice. I am not saying that justice can be purchased but this system of retention of good lawyers by paying them advances, etc. so that they do not appear for their opponents in that particular case, should be discouraged. This measure, in my opinion, will enable proper implementation of Article 39.

MR. DEPUTY-SPEAKER : To how many lawyers can they pay advance fees?

SHRI VIJAY NAVAL PATIL : They may engage four or five such lawyers.

MR. DEPUTY-SPEAKER : Still, there are a large number of good and senior lawyers.

SHRI VIJAY NAVAL PATIL : That is right. Even then, this sort of a practice, in my opinion, should be discouraged because it is not proper. It is rather misuse of money. We want to prevent undue concentration of money in one's hands with the help of Article 39. Because of this undue concentration of money only, rich people are in a position to purchase good advocates and through them, they try to get justice in their favour. Article 39 and Article 39A, in my opinion, are not two different things.

Mr. Deputy-Speaker Sir, I want to highlight one more aspect here. This is the

only Central Authority which does not have a proper office. Take any other Central Authority, such as the Delhi Development Authority, Gas Authority of India, National Airports Authority and so on. All these have very luxurious offices. As the budget allocation is very low, the Legal Aid Authority does not even have a proper office accommodation. They also do not have the necessary amenities and facilities. I once again urge upon the hon. Minister that sufficient allocation should be given by the Central Government so that the legal aid system is in a position to function properly right from the level of Supreme Court and High Courts to the level of Lower Courts.

SHRI SHARAD DIGHE (BOMBAY NORTH CENTRAL) : Mr. Deputy-Speaker, Sir, I rise to support wholeheartedly. The Legal Services Authorities (Amendment) Bill, 1991 moved by the Law Minister.

Sir, it has already been stated before the House that the idea of providing free legal aid to the poor was first incorporated in the Directive Principles of our Constitution in the year 1977. In 1976, through the Forty-Second Amendment to the Constitution, Article 39(A) was incorporated. It came into effect from 1st January, 1977. Article 39(A) which was incorporated at that time provided, among other things, states the following:

"The State shall secure to provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities."

So, in order that every citizen should be entitled to legal remedy, even though economically he may be weaker, this idea of legal aid was introduced in the Directive Principles by the then Prime Minister Shrimati

Indira Gandhi. Shrimati Indira Gandhi had, at that time, called this scheme "Judicare Policy". She described it "as a social imperative". She had also termed this as "an integral part of our legal system and described this as" a part of our war on poverty "or a" harbinger of a due message of dynamic progressivism."

(gg/1425/ks)

So, a very great importance was attached at that time to the Directive Principles. So, it was later on incorporated in article 39A.

However, legal status could not be given for some time and therefore, this Committee for Implementation of Legal Aid Schemes (CILAS) was constituted which worked for several years. Ultimately, in the year 1987, we passed this "Legal Services Authorities Act". It is very surprising that even though the Act was passed in 1987 yet it could not be brought into effect or implemented because of the resistance from the legal luminaries and also the judiciary.

In this regard what is stated in the Statement of Objects and Reasons is the following:

"The Legal Services Authorities Act, 1987 was passed by the Parliament so as to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities as per the mandate under article 39A of the Constitution. However, certain provisions of the Act have not been appreciated by the lawyers and the judges. Hence, though the Act was passed in 1987, it could not be brought into effect so far."

So, nearly for a period of seven years, we could not bring this into effect due to

[Sh. Sharad Dighe]

resistance from the legal profession as well as the judiciary. It was a very laudable piece of legislation. It was passed in 1987.

However, as the Law Minister has made it clear that for some time, this Committee which was constituted on 26th September, 1980 for fulfillment of this Constitutional mandate was working and its term was extended from time to time and now its term stands extended up to 13th November, 1994 or till this new Act comes into force, whichever is earlier.

So, in the month of August, at least, we are trying to bring this into effect as has been promised in the Statement of Objects and Reasons and also in the order by which we had extended the terms of that Committee.

In the Conference -a One-day Meet- of the Chief Ministers and Chief Justices which was held on the 4th December, 1993 at New Delhi, our Prime Minister had announced that the highest priority should be given to resolving disputes at the grass-root level by a system "that is simple inexpensive and solve the needs of the country by giving timely justice to the poor people". At that time it was also revealed that more than 2.6 million cases were reported to be pending in the Supreme Court and in different High Courts. The position in District and Subordinate courts was still worse. Therefore, in order to clear the arrears, this scheme of rendering legal aid to the poor and holding Lok Adalats wherever compromises are possible are being done.

In the same Conference, our Prime Minister had assured that the Government was in the process of giving statutory status

to Lok Adalats soon since they had helped in ensuring speedy, efficient and economic remedies all over the country. It is in compliance with that assurance that this amendment is being brought; and it seeks primarily to satisfy the legal provision and the judiciary regarding the reservations which they had, as far as the 1987 Act was concerned.

Perhaps it was felt by then that there should be least intervention and control of the Government and, therefore, by this provision at different places we have put the phrase "in consultation with the Chief Justice." This is perhaps to satisfy their reservation as far as implementation of the legal aid is concerned.

Now, as I have welcomed this amending Bill, because it will remove the reservations of the legal profession, judiciary and also remove some of the deficiencies in the Act not only by removing certain control of the Government in these schemes and giving more powers to the judiciary, Chief Justice of the Supreme Court, Chief Justices of the State High Courts, but it will definitely serve to work up with this scheme of Lok Adalats and give legal aid to our poor citizens.

The experience, however, shows that merely creating this hierarchy may not be able to solve this problem completely; and from fair justice to legal free service, if we want to travel, then mere creation of the pyramid of authority constituted mostly by officialdom from Delhi or from State Capitals, may not make much progress, as far as these schemes are concerned. They will no doubt help, but, what I submit is that non-Governmental societies of dedicated activists with an excellent record of legal aid and commitment to this particular directive principle may have to be motivated in making these schemes a success. Merely, the legal

profession or the control of the Chief Justices either from Delhi or from State Capitals - unless they are committed to this idea of attacking poverty - may not help us.

Therefore, I will urge upon the Government to also create such an atmosphere and monitor the schemes in such a manner that activists who are dedicated to this laudable object may come forward and take lead in holding adalats at different places and give legal aid to poor in a real manner.

Many times the experience is that when Adalats are to be held, for a few months, the judges who get this information, just try to sort out some cases for the purpose of sending them to these Adalats, saying that 'there is a compromise and that these should be kept for these Adalats.' They say that they would not decide these cases.

Even ordinarily they keep some work for these Adalats for demonstration or for getting some credit that these Adalats are working in that particular district. That is not the real spirit of the Act. The real spirit is to provide free legal aid to poor people who cannot afford to spend for engaging lawyers and such other legal expenses. This is also to encourage compromises or conciliation between the parties and dispose of all the cases which can be decided without legal difficulties and can be solved by good people who can intervene.

No doubt, in every case a judge is always there, so that legal expertise is also there. But along with those people those activists, who would be there, should be dedicated and the judges involved should also be selected in such a manner that they have got not only their duty to do all these

things but full dedication as far as this laudable object is concerned.

As I read from the newspaper reports, free legal aid funds are going waste in some States and Union Territories. I have got some figures here, but I do not know whether they are correct. The Law Minister may check them.

Out of 25 States only three States, namely, Karnataka, Haryana and Gujarat and four Union Territories, namely, Delhi, Goa, Pondicherry and Andaman and Nicobar have reported utilisation of aid, which was received from the Central Government in 1991-92 and 1992-93. I do not know what is the position of 1993-94. That may also be checked up.

The State Governments of different States may also be motivated to spend the money which is earmarked for this good object and they should be motivated to implement the schemes in such a manner that the real spirit is maintained as far as these things are concerned.

Now with these suggestions, I would again welcome this amendment which would really put into force the Act which has been passed as far back as 1987. I am sure the Law Minister will take great care in seeing that these schemes are implemented in every State and whatever funds are made available to them would be utilised by them fully for the purpose for which they have been earmarked.

I congratulate the Law Minister for having brought this legislation, though late, but in the fittest manner so that the implementation of the scheme would be immediately undertaken.

(Translation)

SHRI RAJNATH SONKAR SHASTRI (SAIDPUR) : Hon. Mr. Deputy Speaker, Sir, I support this important Bill. Hon. Mr. Minister has presented this Legal Services (Authorities) Amendment Bill, 1991. It is really a historical step. It is the demand of democratic system that everyone should be given impartial, expeditious and inexpensive justice. I am very sorry to point out, though it is known to all but would like to draw the attention of the hon. Minister and the House towards the issue that now a days justice is not only bought in Courts, it is influenced by nepotism and caste considerations also. Justice has been infected by such obnoxious elements that it is stigmatising our society and democracy. It will really be a favour by the Government the country, weaker sections, backward classes, the women and SCs/STs if this Bill helps in removing the evils prevailing in the present judicial system. Therefore, under these circumstances I support the Bill.

It is the need of the hour that the poor get inexpensive justice. Today, 'Might is Right' is the motto of the people and society believes in 'Survival of the Fittest'. It will really be good if this Bill helps in removing such evils in the existing system. The hon. Minister of Law is sitting here. I would like to cite an example of injustice, though I do not know whether it will bring any change or not? It is recent happening. There is a place named Moth in Jhansi district. A woman from Scheduled Caste was appointed principal there. She was given Rs. 90 thousand under the Jawahar Rozgar Yojana for construction of school building. It is a rule that Pradhan of the village and the principal can jointly withdraw this money for construction of the building. Considering the principal as a weak and scheduled caste woman, the Pradhan regularly used to go

her asking her for withdrawal of money. He withdrew Rs. 84 thousand out of the total Rs. 90 thousand. The woman principal asked for the accounts as it was a question of her service. Then the Pradhan gave account of that money in this manner. Rs. 100 spent on wine, Rs. 150 given to B.D.O., Rs. 50 given bribe for withdrawing more money, the principal asked him to give proper account of the money withdrawn earlier. The Pradhan felt humiliated and beat the principal in the school. When the principal went in Moth police station to lodge FIR, her complaint was not registered for nine days. FIR was registered only when this issue was raised in this House. Later on, the woman was called for is police station and told not to appear to the Court on the day of hearing. A case of untouchability was also registered. She was also threatened to life. She went to the Court and told all this. The Magistrate was an honest person, he understood the things and issued instructions to provide bodyguard to the woman and asked her to make statement. She made her statement regarding the case but later on, that magistrate died and a new magistrate took over the case. The opposition party influenced the magistrate and as a consequence, the bodyguard provided to the woman was withdrawn. Now the woman is being threatened and is being pressurised to change her statement. The case now will start *de novo*. The warrants are being issued against the woman. This case is from Jhansi. Next hearing is on 20th August and you can imagine the condition of the woman.

Sir, we will have to see as to in which direction our country and people are moving. Lakhs of such incidents take place in Bihar, Uttar Pradesh and Orissa. If the hon. Minister comes to know of such cases, he will simply send a letter but what effect it will have is known to this House. Today the

judicial system is in a wretched condition. This matter was raised before the late Prime Minister Shrimati Indira Gandhi. She had expressed her concern over it. Even today, Allahabad High Court has 40 years' old cases pending with it. One generation is fighting these cases. I would like to say that a large number of people belonging to SCs/STs are involved in it. I would like to draw the attention of the Government that this Bill has not made any provision for them. Hon. Minister is a learned man and I hope that he will pay attention towards it. My own case is going on in the Court for the last 38 years. My father died and it may happen that my children have to fight this case. I would like to say that this Bill will remain incomplete if no such provision is included into it.

Mr. Deputy Speaker, Sir, 57398 cases regarding admission were pending with Supreme Court as on 3.2.94. 6,95,880 cases were pending with Allahabad High Court and 3,01,091 cases were pending with Madras High Court as on 30.6.93. In respect of Allahabad, Bombay, Calcutta, Delhi, Gujarat, Patna, Rajasthan and Sikkim High Courts, I would like to say that 26,82,605 cases are lying pending with them. I request the hon. Minister to make provision in this Bill and instructions should be issued that large number of cases should not be kept pending in High Courts.

Sir, has A mention of Lok Adalats has been made in this Bill. I welcome this and respect the intention behind it. Lok Adalats are very important and the system has really played an important role in villages of eastern India and Government is being praised for it. My several friends have mentioned that the poor are not getting much help from it. You are talking about constituting an authority in this regard. But it should also be investigated that figures being given regarding Lok

Adalats are real or fictitious. I think that most of the figures are fictitious. A Lok Adalat was held in Chandauli Tehsil of Varanasi. 20-25 cases were disposed off there. But the next morning, I read in the newspaper that about 70 cases were disposed off in one hour there. I could not understand this puzzle. I request the hon. Minister that a high level inquiry should be conducted into such fictitious figures given through the Lok Adalats and provision should be made for regular investigation in this regard. Mr. Dighe was saying that voluntary organisations should be taken into confidence for this purpose because they work in villages and cities. Their role will really be important. I would like to say that for efficient and smooth working of Lok Adalats help should be sought from 'Gram Sabha' and 'Nyay Panchayats' functioning in villages. I would also like to say that lawyers are creating problems in functioning of the Lok Adalats in small places, districts and tehsils Headquarters, small time lawyers take it as a blow on their profession. Attention should be paid towards this aspect and some suitable procedure should be adopted so that no one will feel hurt by it.

Sir, I think that legal advisers will also have to be involved with the system. They should not take part in Lok Adalats in a Customary way or under any compulsion from the Government or the judges but should involve themselves considering as their duty and should try to dispose off cases quickly pending with Courts.

With these words I welcome this Bill and congratulate the hon. Law Minister for bringing this important Bill. This Bill should have been brought 10-20 years earlier. Work on this Bills going on since 1987. I welcome this Bill whole heartedly. It is really an important Bill and should be passed.

[English]

PROF. K.V. THOMAS (ERNAKULAM)
: Sir, at the outset, I wholeheartedly support this legislation brought by the hon. Law Minister, Bhardwaj Ji. The spirit behind this legislation is the wish of our late Prime Minister, Shrimati Indira Gandhi. In 1980, when Indiraji became the Prime Minister, she constituted a committee to find out ways and means so that the poor and the socially backward people could get adequate legal assistance. She called this policy as 'Judicare Policy'.

This committee made a number of recommendations and when Rajivji became the Prime Minister, he moved a Bill in this House - and it was passed - but there were some apprehensions. So, discussions took place both within this House, outside the House and in the judicial system. In November, 1991 the then Law Minister, Shri Vijaya Bhaskar Reddy moved this Bill in the Rajya Sabha. But it took one more year, that is in March, 1992 this Bill was passed in the Rajya Sabha and now it has come to our House. After a lot of discussion in the judicial system itself, I can say the structure of the Bill is very strong. Nobody can dispute the structure. There is legal services authority in the national level as well as in the State level. Similarly there are legal services committees in the Supreme Court, in the High Courts, in the District Courts and even in the taluk courts. The legal services authority with the Chief Justice of India or the Chief Justices of the High Courts in the States. So, I have no doubt that these systems will be able to help our poor people who are socially and educationally backward.

There are certain points which we have to bear in mind. In this country, litigation has become very expensive. It has become time-consuming. As a result of this

people are slowly losing their faith in the legal system. Sir, justice delayed is justice denied. One attempt of the Government, as well as by our legal system and structure should be to see that decisions are taken as far as possible, at the earliest.

The other day the hon. Minister of Parliamentary Affairs told in this House that it took four years to punish the culprit who killed the Father of the Nation. It shows how our legal system is lethargic. So, my request to the Government is that Government should take initiative so that a large number of cases which are pending and which are accumulating - starting from lower level to the Supreme Court - should be dispensed at the earliest.

The second point is regarding the expensive legal system.

15.00 hrs.

The common man cannot afford to go to the courts and there is no limitations. We know the salary of an I.A.S. officer, we know as to what is the income of a doctor. But in the legal system there are advocates who have no case and no money. There are advocates who have got case and money. There are advocates who have got a lot of money. So, we would find out in consultation with the legal luminaries as to what can be the fee of the advocates at different levels from the Supreme Court to local courts. The advocates should be bound to give receipts to their clients for the fees they get.

The third point is, now-a-days there are lightning strikes in the courts. Recently in the Allahabad High Court in one of the famous verdicts, it has been said that the advocates cannot go on strikes because they are the middlemen between the judiciary and the people in this country. If they go on

strike what will happen if the clients? So, some kind of an understanding has to be reached in this case.

Sir, there is corruption everywhere, but corruption in judiciary will kill our democratic system. In the appointment of judges I think more care has to be taken and adequate representation should be given to the Backward Communities, Minorities and the Scheduled Castes and the Scheduled Tribes. Even in the formation of the Rapid Action Force which the Government of India has formed, adequate representation is given to different communities. It is not that they are communal, but it done to see that the people have faith in the force. So, people should have faith in our legal system. If the people should have faith in our legal system, then adequate representation should be given to Backward Communities, the Scheduled Castes and the Scheduled Tribes and the Minorities.

Sir, another point which I would bring to the notice of the hon. Minister in the motor accident claims. After a motor accident, it takes years and years to settle the claim and now-a-days a new tendency has come into the system. If there is a motor accident, immediately a representative of an advocate comes, pays something to the person who met with the accident and he takes the case. After 10 or 15 years, when the verdict is there, a percentage is taken by the advocate and the remaining amount goes to the person concerned. So, the motor accident claims should be settled within a prescribed period. This cannot be sent to the Lok Adalats because the insurance companies do not accept that. Another point which I wish to bring before the House is about the modernisation of the libraries and provision of other facilities in the Supreme Court as well as the High Courts, The cases coming before our judicial

system are different in nature. As the science is advancing, our legal system should be strengthened with adequate modern knowledge. So, some data processing units have to be started in the Highcourts as well as the Supreme Court.

Sir, I also wish to bring to the notice of the Government the assistance given to the new advocates. The new entrants take a long period of 10 to 15 years to get something for his livelihood. During that initial period, some assistance should be given to the advocates.

Public interest litigations on social problems should be given due importance. Now there are factories which cause pollution. There are cases against the Government officials. There are social problem. The litigants in these matters should be helped by the Government.

With these words, I support this piece of legislation which is bound to help the economically, socially and educationally backward people in this country.

DR. VASANT NIWRUTTI PAWAR (NASIK) : I am very much thankful to you for giving me an opportunity to take part in the debate on Legal Services (Authorities) Amendment Bill.

In our country, justice has become very costly. At the same time, the number of cases which are *sub judice* is also going higher and higher. But there is a constitutional mandate for legal aid as per article 39A which enjoins that opportunities for securing justice are not denied to any citizen by reason of economic or any other disability. To fulfil that constitutional obligation, the Government of India has constituted a committee for implementing legal aid schemes in 1980 under the

[Dr. Vasant Niwruutti Pawar]

charmanship of hon. Mr. Justice P.N. Bhagwati. It is now headed by Mr. Justice Ahmadi.

15.07 hrs.

(SHRIMATI SANTOSH CHOWDHARY *in the Chair*)

This committee has evolved a model scheme which lays down the infrastructure of legal aid programme so that the litigants could get justice in expenditure and inexpensive manner. About, 40,000 divorce cases are pending in the This Hazari Courts in Delhi. We have to create a law abiding society. For that purpose, the Government of India has constituted the Supreme Court Legal Aid Committee headed by hon. Justice P.B. Sawnt. According to the model scheme, free legal aid services would be given to those who are having annual income less than Rs. 6,000 in the lower court cases and Rs. 9,000 in the Supreme Court cases. I welcome the step taken by the Government that they are giving free legal aid to all women and children and all Scheduled Castes and Scheduled Tribes persons irrespective of the income.

In this Bill, the ceiling has been raised to Rs.9,000 in the lower court cases and Rs. 12,000 in the Supreme Court cases. That is most welcome step taken by the Government. I congratulate the hon. Law Minister, Mr. H.R. Bhardwaj.

As per the free Legal Aid scheme, up to 10th may, 1994, about 18,01,289 people were given free legal aid and advice. Out of that, the number of personss belonging to Scheduled Castes is 3,10,462; Scheduled Tribes 1,70,118 ; backward classes 64,259 ;women 1,73,879 and children 7,491.

All these persons could get free legal aid because of the policy of the Government, but these figures must go up. An effort must be made to increase the number of persons getting this free legal aid. We should offer maximum free legal aid to all kinds of people. The legal aid programme consists of promotion of Legal Literacy; setting up Legal Aid Clinics in Universities and Law Colleges and wherever it is possible; Training of the Para- legals; Promotions of public interst Litigations; setting up of Rural Entitlement and Legal Support Center ; holding of Legal Aid Camps and Lok Adalats. To popularise this Legal Aid Newsletter and it is also making use of T.V., and All-India Radio. Documentary films, video films on the various aspects of legal aid are also being produced. It is also rendering financial assistance to various organizations for publication of booklets, pamphlets. This is one of the most important steps that they have taken through this Bill.

Those voluntary organizations who are organizing these Lok Adalats or Legal Literacy Programmes will be gettin financial aid and this is a very importat provision of this Bill. I welcome this provision.

Lok Adalats is an innovative form of Legal Aid Camp which has proved to be a very effective and a very successful forum for resolving the disputes at the grass-root level. As per the statistics available, till 10th of May, 1994 9,331 Lok Adalats were organized in the country, in which 44,61,505 cases were settled. It includes 2,30,276 cases relating to Motor Accidents Claims Tribunal. And as per the records an amount of Rs. 503,18,24,862 has been paid towards compensation. Such a marvellous job has been done by these Lok Adalats and this has to be popularised in all the States. That is the reason why, I think, this Bill has been introduced.

This Bill had been passed by both Lok Sabha and Rajya Sabha in 1987, but it was not implemented because it needed some modifications in the provisions. Afterwards, it has been said that a Conference was organized under the Chairmanship of Mr. Justice Pathak and they have proposed many more ememdments. After considering those amendments, this Bill had been introduced end it was passed on 11th January, 1991. It could not be introduced in the Lok Sabha as the Ninth Lok Sabha was by then dissolved. I hope this story will not repeat and before the end of the term of this Tenth Lok Sabha, we would be implementing this measure so that it would benefit the poor man.

Sir, this Bill seeks to provide uniformity in setting up of Legal Aid Committees and State Legal Aid and Advice Boards. The income ceiling for the free legal aid has been raised. The involvement of the judiciary in the implement of free legal aid Programmes is very important. Until and unless the legal authorities take interest, no Lok Adalats can be conducted and no Legal Literacy Programme can be organized.

To make this Lok Adalats popular, we have to institutionalise the Lok Adatalts so that it will be more effective and more functional.

So far as the Financial Memorandum of this Bill is concerned, there are many things which can be done in this Financial Memorandum. In 1987, it was estimated that the Budgetary provisions would be about Rs. 73.25 lakhs including the Grand-in-Aid to State Authority and voluntary social organisations.

In 1991-92, Rs. 59.90 lakhs were sanctioned and out of that, Rs. 40 lakhs weere towards Grants-in-Aid for Legal Aid

Programmes.

If this programme has to be successful, we have to increase these Budgetary provisions when the voluntary organisations like the Rotary Club, the Lions Club and all others can organise the Lok Adalats properly and can give free legal aid to many poor and needy people.

This bill has also proclaimed that they will be creating a national Legal Aid Fund and State Legal Aid Fund and a District Legal Aid Fund. This Fund has to be enhanced sufficiently if the Fund has to have maximum amount so that it can be utilised properly. As it has been mentioned just now, a few States are not utilising this Fund and, that is why, the motivation is more importat for implementation of this Bill. No doubt, the people of our country are utilising these Lok Adalats for settling their disputes but there is no interest on the part of the States. Therefore, this Fund will lapse. So, we have to motivate all the State Governments, all the District Courts and all the Taluk level courts, to organise these Lok Adalats in such a way that they will be beneficial to all people.

I must say that my State, Maharashtra and, that too, particularly my Constituency, Nasik, is doing a very good job in the sense that they had organised many Lok Adalats and in that they have given the benefit to many disputed cases which were settled.

I hope this Lok Adalat system will be more popular because of this Bill and free legal aid will be available to all the people and mainly women and children and Sched-uled Castes and Scheduled Tribes.

My only suggestion is while furning these Committees, the Government should always recommend the people who are

[Shrimati Santosh Chowdhary]

working in the society as social workers and who command respect in the society so that their involvement in the Lok Adalats will be more beneficial. The people will rely more on the Lok Adalats Awards and Lok Adalat will be more popular.

Once again, I congratulate our Government, specially our Law Minister, Shri H.R. Bhardwaj, for making sincere efforts to bring this Bill to this august House.

I support the Bill.

SHRI SRIBALLAV PANIGRAHI (DEOGARH) : Madam Chariperson, I rise to support this Bill. The Legal Services Authorities (Amendment) Bill, 1991 which is before us today is to amend the Legal Services Authorities Act, 1987.

The 1987 Act is sought to be amended by this Bill. I think this Act is yet to be given effect to. If I am wrong, I may be corrected by the hon. Minister. This is a very peculiar situation.

An Act, which is now seven-year old, has not been enforced because certain provisions of that Act did not find favour with the Judiciary. There was a lot of controversy among the members of the Judiciary, members of the legal profession, Judges, etc. There was an impression that it makes the position of the Judiciary subservient to that of the Executive. The Judiciary becomes subordinate to the Executive - though wrongly, any way. Thereafter, in different fora, in the Conferences of Chief Justices, Ministers, and fora of that nature, this has been discussed, debated and on the basis of the recommendations of such Conferences, the then Chief Justice Justice R.S. Pathak came out with certain proposals

and suggestions before the Government. Accordingly, this Act is going to be amended.

It is always better to have a congenial climate in the country for the implementation of different provisions of this legislation. Therefore, it is a welcome feature that whatever differences were there, whatever contradictory views were there in certain quarters of Judiciary etc., they are going to be set at rest by this amendment.

Our Constitution is like the *Bible*, like the *Geeta* to us. The Government is run according to the different provisions of the Constitution. We have to follow strictly our Constitution in letter and spirit. The Directive Principles of State Policy are contained in Part IV of the Constitution. There is a small paragraph in that Chapter. We have got our Directive Principles of State Policy. In this Chapter, Article 39A deals with equal justice and free legal aid. It says:

'The State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or scheme or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.'

The intention is very clear. But the important aspect is that Chapter IV of our Constitution is not enforceable like Chapter III, Fundamental Rights. That is why we choose our own time to draft, to bring forward legislations in pursuance of different provisions of Directive Principles.

After three decades since 1947, there was a positive development in our country in 1977 about this particular provision, that is, Article 39A. On August 31, 1977, a committee

headed by Justice P.N. Bhagwati- as you know, he later became the Chief Justice of India; he had his own ideas about social litigations and also aid etc.; a friend of the poor also- had drafted a National Legal Service Bill which envisaged setting up of a National Legal Service with a national authority as a constituent of State powers. And our late lamented Prime Minister Shrimati Indiraji also, all the time, was feeling very much, concerned about this aspect of harassment of poor citizens while fitting different cases in the court as also because of their inability to appoint lawyers. Many of them used to tolerate injustice meted out to them silently. Even today, a large number of poor people, whatever might be the amount of injustice done to them, pocket it, tolerate it silently. The society is like that ; social conditions are like that. As you know, our national objective or national aim is social and economic justice. I cannot talk of economic equality now particularly when we are not thinking of strictly enforcing socialism. That is different thing. That is far from reality. We cannot conceive of economic equality in a system like that of ours. But certainly, we are striving for social for economic justice our objective is achieve social and economic justice.

There are poor people, there are people living below the poverty line; there are a large number of people who cannot have two meals a day unless necessary support is given to them, unless necessary assistance is rendered to them, how can they fight our injustice done to them? Therefore, in this background, this provision is a very welcome thing. I welcome this Bill. It is a right step, a positive step in this direction. I would say, this is a modest beginning. This is not an end in itself. This will not suffice also. Whatever we are providing for here will not meet the entire requirement. It will not meet the requirement adequately in full

measures. But it is modest beginning. We have to give it trial and also gain experience. Govt. came forward before the House from experience by bringing in further amendemts.

So, this Bill, as I said , is an improvement on the 1987 Act, inasmuch as the officers and employees of the Central and State authorities will be appointed by the authorities themselves and not by the Government. Some more autonomy will be enjoyed by these authorities. This Bill envisages setting up of authorities at three levels, namely, National level, State level and District level and also committees at different levels, namely Supreme Court level, Hight Court level and Taluk level. At taluk level might be for one one taluk or for a group of taluks a Committee will be set up, I think, by the State Committee in consultation with the District authority. So, we are now providing a structure, a hirearchy. There has to be a structure and a machinery. Otherwise, who will implement these things. But, just providing a structure or a hierarchy will not be enough. Economic support has to be given to them. Funds will have to be made available and support has to be given. Necessary funds will have to be provided. Awareness has got to be created. All those things, of course, are there to look into.

I would say that right type of people should be chosen for different committees. For different committees unless piople who have feeling for the poor, who have commitment and integrity, I underline integrity and commitment, unless those qualities are not there, those virtues are not there in the persons, who will serve these committees or authorities, the purpose, I am afraid, may not be achieved. In this connection, we should have involvement of voluntary organizations, because it is a question of creating awareness, creating confidence in

[Shri Sriballav Panigrahi]

those sections of the people who are illiterates.

My learned friend was talking about legal illiteracy, what to speak of legal illiteracy? About two-thirds of our people are illiterate. Therefore, this is a very Herculean task, a stupendous task. But there is nothing impossible. We have, of course, a good sign that we also have dedicated social workers who are prepared to work in these lines.

I would like to give another suggestion to the hon. Minister. As we all know he is very sincere to put to implementation, to put these provisions to effect and to see that these provisions are implemented in right spirit. In our society of imbalances, there are also different types of lawyers. Good lawyers, who are capable and talented charge very high fees. Rich parties engage them. There cannot be a competition. There cannot be a comparison. But, unless a lawyer that way is also committed, there are chances also of lawyers, in some cases, being won over. These instances are now on the increase.

Even Government lawyers are won over, I have seen this when I was in charge of the Law Department in Orissa for some time. Even the bail petitions of black marketeers are not opposed to by the lawyers on the Government panel. That is why some lawyers were replaced. Even some instructions are issued. Silver tonic has its own attraction and it has its own impact in different spheres, in different circles. The legal profession is not free from that. When the committees will be engaging lawyers for them I think the poor clients who are given this assistance by this provision also should have a choice about the lawyer who is going

to be appointed. If within the parameter of his remuneration a lawyer of his choice could be engaged, there is nothing like that. It is a question of confidence and faith in lawyers and doctors that works. That way this is a suggestion.

I would like to say that it is time to think about it, to apply our mind and mould our approach to the present judiciary, our approach to this jurisprudence that we have today. The way crimes are on the increase is alarming. What is happening today right in the capital city of Delhi? In today's papers we find that about ten thousand missing cases are there annually. Ten thousand persons run away; one-third of them are traceable, but nobody knows the whereabouts of two-thirds of them. Kidnapping, murder, rape of children are on the increase. Parents are worried now. The Minister of State for Home Shri Sayeed also is present here. I would like to tell him that parents are worried today, about the kidnapping of school children that is taking place rapidly. Now the security has been tightened in different schools and children's parks. That has got to be continued. This is a good thing that the Home Ministry has done. But the rackets which are engaged in this crime should be taught a proper lesson. Can we do that under the present system? It is not foolproof. I am conscious of that while speaking on the system. No system is foolproof. But the criminals are going to the courts and engaging good lawyers, they go scot free. This includes even criminals who commit murders in the broad daylight. This way how far our present jurisprudence, the Anglo-Saxon system which we have inherited from the Britishers into our society fits in? We have to apply our mind; we have to review this judiciary, judicial system, this jurisprudence, all these things. It is time to make this exercise, to think over this quietly and to have a national debate, if necessary.

How far our national objective could be served by the present judicial system? Whatever might be the outcome, we have to go for progressive reforms, revolutionary reforms in our system of judiciary.

I have a good word also. I praise the efforts of the Government of India, particularly the Law Minister. Although late, it is a step in the right direction. I would request that let it be given a fair trial, let it be monitored and also from our experience we can see how better it could be made in the days to come.

SHRI RAMESH CHENNITHALA (KOTTAYAM) : Madam, Chairperson, I rise to support the Bill introduced by our honourable Law Minister Shri Bhardwaj.

For the last fourteen years, the Government of India are trying to implement this programme in a systematic way. A lot of discussion took place inside and outside our judicial system about giving legal aid to the poor. Right from the time of our late Prime Minister Shrimati Indira Gandhi, this discussion started and all these fourteen years, our Law Ministry was trying to implement this programme to help the poor and downtrodden in our society. Madam, this Legal Services Authorities (Amendment) Bill is meant to carry out the mandate of Article 39(a) of the Constitution of India which speaks about equal justice and free legal aid to the poor. The object of the Bill is to create a proper statutory authority to take care of legal aid to the poor people of our society. Of course, the Rajya Sabha has passed the Bill but we could not pass this Bill because of all other important subjects. But, today, I think that we are discussing this Bill and we are giving more teeth to this Act so that the idea behind Article 39 (a) of the Constitution can be implemented properly. This Committee for Implementation of Legal

Aid Scheme has been working for quite some time. I think that a lot of our legal luminaries had given their opinion regarding this and out of this continuous discussion, now, one thing is very clear that this system and this arrangement is giving more relief to the poor people in our society, who have no other way, who are deprived of getting justice and who are not able to go to the Court regularly because of their financial constraints. Madam, this Committee for Implementation of Legal Aid Scheme had worked a lot and I wanted to congratulate them for their exemplary work in this regard, Madam, the present Bill will be providing a statutory backing to its efforts, madam, even though it is a little late now, we are providing a statutory backing to the efforts of the Committee for Implementation of Legal Aid Schemes. This people's courts of Lok Adalats that we see is constitutionally sound and is practical. It is feasible and the people are accepting this and by this, now people are getting a lot of relief and they are able to redress their grievances. After introduction of Lok Adalats, a large number of cases relating to accidents and cases of other nature are dealt with by these courts at a very less cost of litigation. The system of Lok Adalats can be further strengthened. I think that a lot of discussion is further needed. So, we have to strengthen the system further so that the poor people in the society will get more relief. Madam, our present legal system is, as our honourable colleagues mentioned here, highly expensive and time consuming. The poor people are not in a position to approach the courts for getting legal assistance. Madam, in every court we can see that arrears are mounting up and unless we have an ordinary system of disposing the cases, the poor people will not get justice in time.

The first problem is the high cost of litigation and the second problem is the

[Shri ramesh Chennithala]

delay in the disposal of cases, resulting in injustice. It is rightly said that 'justice delayed is justice denied'. So, these are the two important aspects. High cost of litigation and the inordinate delay in disposing the cases are the two main problems which the common man is facing in the country.

The Indian Advocates Act or the Bar Council Rules do not mention anything about the fees that an advocate can charge. It is not mentioned there. We can see that there are some lawyers who are monopolising this field. Many of them even charge more than rupees one lakh for each case. Even for one appearance, they are charging more than rupees one lakh. In our life, every day we are experiencing this. This creates a very unhealthy trend in the judicial system and thus, getting justice becomes highly expensive. In fact, the time has come when we should introduce transparency in the system. If there is no transparency in the system, then this will continue, the poor people cannot go to the court and they cannot engage good and experienced lawyers to get justice. The Government should think of introducing an amendment to the Advocates Act. Otherwise, this will prevail and no common man in this country can go to the court to get justice. So, I urge upon the Government to come forward with an amendment to the present Advocates Act so that there will be more transparency, the people can engage good lawyers more easily and they can get justice.

Regarding the inordinate delay in disposing of the cases, there are two or three important aspects. One is the vacancies of Judges in the Supreme Court, High Courts and other lower Courts. I am very happy that recently our hon. Law Minister has taken initiatives to fill up certain

vacancies of Judges in the Supreme Court and in the High Courts. But still, there are more vacancies of Judges in the Supreme Court and in the High Courts. I feel that they should also be filled up, since every day more and more cases are filed and they are piling up. The inordinate delay in disposing of the cases is causing a great damage to our judicial system. I think that more caution should be taken and the Government should take necessary steps to fill up the vacancies of Judges in different courts.

Regarding the appointment of Judges, I would say that more preference should be given to their brilliance, their ability to dispose of the cases and their experience. Of course all the sections of the society should be represented and I do not have any difference of opinion in that. But, we should give more importance to their experience, their ability and their past record so that the judiciary can function more independently and the decisions taken by them would be very accurate.

Cases are dragged on for years because of constant adjournments sought by the lawyers which are granted by the Judges, That is the most important thing, In the courts, lawyers are asking for adjournment of cases and any number of adjournments is granted by the Judges. I think that there must be some restriction in this and there has to be a ceiling on the number of adjournments which one lawyer can ask for in a particular case; and suitable amendment should be brought forward to the Court Rules. So, I urge upon the Government to take necessary steps for amending the Court Rules so that in a particular case, there will not be any number of adjournments. Nowadays, what is happening is that in every case, Lawyers are asking for adjournments and the judges are granting the adjournments frequently.

Because of this also, the cases are getting delayed.

The track record of the State Governments in implementing the 'legal aid to the poor' is very dismal. According to a study, out of 25 States, only Karnataka, Haryana and Gujarat have properly utilised the funds allotted to them by the Centre. More attention has to be paid in this regard. There are many complaints that these funds are misutilised. These funds are not utilised for this purpose. The State Governments are utilising these funds for giving salaries to their employees and for other purposes. The former Chief Justice of India, Shri Ranganath Mishra, has rightly pointed out in one of his speeches that in West Bengal, the funds are misused by the party cadre. They have conceded it and promised to correct it. How can we give legal aid to the poor people? In the State of West Bengal, the amount allotted was misutilised by the party cadre. It was brought to the notice of the Chief Minister of West Bengal, Shri Jyoti Basu, by the former Chief Justice of India, Shri Ranganath Mishra. He said, he would correct it. This is an example of how we are misutilising the money given to the State Governments by the Centre for strengthening the system. With the constitution of the State authorities, I hope that the problem should be taken up by the Minister. It should be properly monitored so that the funds are utilised for this purpose and our system could be strengthened.

For the salaried class, the administrative tribunals have been set up. These are functioning everywhere. These have to be strengthened further by appointing competent persons for the tribunals. There are certain complaints regarding these tribunals. I think, the salaried people can go there and get their grievances redressed.

The Government should take proper measures to further strengthen these tribunals.

Similarly, the departmental institutions which have been kept out of the purview of the tribunals should be brought within its purview. The tribunals provide less costly and effective remedy. The salaried class people have got fixed income. These tribunals are very much helpful to them. Instead of going to a court, they can get their grievances redressed by going to the tribunal. So, my request to the Hon. Minister is that these tribunals should be strengthened.

Similarly, the departmentally-run institutions, which have been kept out of its purview, should be brought within the purview of these tribunals so that the fixed income employees in the Government Services can get their grievances redressed.

With these words, I once again congratulate Shri Bhardwaj for bringing forward this Bill to give more justice and more help to the poor people and to give mandate as per Article 39A of the Constitution of India.

SHRI YAIMA SINGH YUMNAM (INNER MANIPUR) : Madam, I rise to support the Bill. However, I am sorry to express that it is very late to come forward with such a Bill. Even though there is a mandatory provision in the Constitution that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities - as per the mandate under Article 39A of the Constitution - the past rulers of this country more than forty five years after independence could not materialise it. As a result of that, so many poor people have been victimised. They could not get facilities provided under this provision.

[Shri Yaima Singh Yumnam]

So, I am sorry on this, I consider this that the future generation will one day fix the responsibility on them. Madam, I am not interested in narrating those stories as to how the Act was passed, how the Bill was brought because it is very late. Even after forty years of independence, after the Constitution was adopted long ago, it could not be materialised. The history of our country is the history of the down-trodden and the victims of the rich. So, it is unfortunate that it is very late to pass the Acts and again to implement them.

However, I do appreciate the hon. law Minister for his endeavour to bring up this Legal Services Authorities (Amendment) Bill even though it is too late.

Now, I would like to come immediately to certain provisions of the Bill. I do appreciate the spirit of the Bill. But under the provisions of the Bill, there is a proposal for the setting up of the National Authority, the State Authority and then the District Authority. For the setting up of the State Authority, it is mentioned, that it should be constituted High Court-wise. For example, under the jurisdiction of the Guwahati High Court, there are certain small States like Manipur, Nagaland, Meghalaya and Assam which means under one Authority, the different States will function. The State Authority meant for the Guwahati High Court will have the jurisdiction over other small States. In that case, it may not be effective. So, I propose for the constitution of the State Authority Statewise and not High Court-wise. If there is a permanent bench of the High Court in a State, let there be a State Authority. This is my proposal. I hope the hon. Law Minister will consider this proposal.

As regards the criteria for receiving

this facility, the income ceiling is fixed. According to the proposal, the annual income should be less than Rs. 9,000/- for the case before a Court other than the Supreme Court. It is not acceptable. Also, in regard to cases before the Supreme Court, the income ceiling is less than Rs. 12,000/-. If the Government can put a stricture as regards the fees of the advocates, then somehow it should be done. But in the present situation, it may not cover the large needy population. It will cover only a small population.

16.00 hrs.

So, I would like to propose that the limit should be enhanced to Rs. 12,000 instead of Rs. 9,000 in respect of Lower and High Courts. In the case of Supreme Court, the limit may please be enhanced to Rs. 15,000 from Rs. 12,000.

I would also like to suggest here that for those poor persons who are required to go to the Supreme Court from very far off places like Manipur, Nagaland, etc. We have to provide the facility of second class railway fare. Otherwise, the very purpose of free legal aid will become meaningless because these poor people cannot afford to travel long distances at a high cost. So, I request that this suggestion may please be considered by the hon. Minister. Sir, I shall not take much time. Lastly, I would like to mention about the role to be played by the non-governmental voluntary organisations. If we do not involve them, this legal aid programme will not be effective at all and it will simply be exploited by some vested interests. So, let us involve the active participation of the voluntary organisations to spread awareness among our people about the free legal aid. For this purpose, the Government should provide the necessary funds also. With the help of

these voluntary organisations, we must see that the message of free legal aid is spread among the people living in remote and tribal areas of our country. Though there are many welfare measures embodied in our Constitution, most of our people, especially those who most need such measures, are not aware of them. Though there are facilities for them, they are simply not aware of such things. It is the duty of the Government to spread awareness among our people. We have to actively involve the participation of the non-governmental bodies and voluntary organisations to effectively implement this programme of creating or spreading awareness among our people living in very far off and remote areas. Proper awareness programmes should also be prepared.

With these few words, I once again support the Bill.

SHRI UMRAO SINGH (JALANDHAR) : Thank you Madam. I broadly support the spirit of the Bill, but I cannot agree with the approach which we have adopted in this amendment Bill under discussion. The basic point put forward by the hon. Law Minister is enshrined in Article 39A of our Constitution. But these Directive Principles are in the form of mere directions to the State Governments or to the Centre. By enacting this Bill, we will be absolving ourselves of the responsibility of implementing the basic tenets of the Directive Principles in letter and spirit and delegating the responsibility to the judiciary. I think we will be implementing Article 39A on the basis of exigency or on the basis of a state policy.

If you see the whole approach of this amending Bill, you will find that the judiciary, according to the recommendations which was made by our former Chief Justice, Justice Pathak, has tried to assume the whole responsibility. Now, while discussing

the approach to legal aid for the poor, we must see different aspects. Now the aspect which we do not see in this legislation, or maybe in the earlier legislations also, is that the disposal of litigations should be cheap and speedy. That should be the essence of a good Government; and for a socialist society, the litigation should be very cheap. Now as has been referred to by my friend, that litigation has become so costly that is not easy for a poor person or even a middle class person to go for it, especially where the litigation is delayed. Justice delayed is justice denied. All these new factors which we are including will make our judicial system more complicated.

Now we see that thousands and thousands of cases are piling up in the different courts. Right from the subordinate courts to the Apex court, there are thousands of cases which are pending. In many cases, litigants are waiting for years together to get their hearing. That is the position which we are facing now. In view of that, can we over-burden our judicial system further?

According to this legislation, there are going to be two Committees. One Authority and one Committee at the Supreme Court level by having two Judges of may be, in one case, a former Judge. But still, there will be one Judge who will be definitely heading the Committee at the Supreme Court level and the Authority also at the Central level. Similar is the case at the State and district levels also. Now, when we know that our judiciary and our courts are already over-burdened, can we give them more and more work? I do not think we are going in for a speedy justice. Though we can absolve our responsibility by transferring the whole work of legal aid to the Supreme Court and to the lower courts, yet we have not provided them with enough money. Whatever money has been provided, it will go to the salaries of both the

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Committees. We have one Committee each at the Central and the State level. Now we are going to have one Committee at the Supreme Court level and another Committee at the High Court level. Similarly there will be two Committees at the district level. Then only, this House would be able to discuss it because their salaries and other expenses are charged on the Consolidated Fund of India. We will not be able to even evaluate properly the amount of work being done. We will not be able even to know whether the poor people get proper aid which our Constitution provides for under the Directive Principles. I do not think that this is a workable procedure.

I agree that there was some difficulty with regard to the procedure mentioned under 1987 Act. You may say that now there is no difficulty because a provision of Lok Adalat is there. We know how many Lok Adalats are there. I do not know about other States but in Punjab there are a very few Lok Adalats because the judges do not have time to go to the district headquarters. In one district you may have one Lok Adalat in a year. That is not the way by which we can speedily give justice to the poor people. If we take the services of the present judges more and more, they may say that the Law Minister is adding more burden to the already burdened judiciary. We do not know when we are going to finalise the whole procedure but I am sure the poor people will not get justice. I entirely agree that we are a socialist country. We should bring in a legislation fixing the remunerations of the lawyers. We can consult the Supreme Court or the High Court and bring a legislation fixing the fees for the lawyers. Why should the lawyers charge exorbitant fees for their work? That is one aspect which the Government should look into and see that the poor people can

take the services of lawyers at an affordable price.

On the whole we can say that it is a very noble exercise and our friends have already congratulated the Law Minister for it. Who is going to get advantage out of it? A person who is getting Rs. 9,000 per year, that is who is getting Rs. 750 per month, will be able to derive advantage of this. I would say that even a domestic servant will not come under that category. A daily wage labourer get Rs. 40 to Rs. 50 per day. So how is it possible that at the district or State level a person who is earning more than Rs. 750 per month will get advantage of it? Similarly, at the Supreme Court level a person getting less than Rs. 1000 per month will be eligible for it. I do not think we can get appreciation of the whole country as it will not help the poor people. The Minister may say that he is not having enough fund so he cannot increase the amount. Mr. Dighe has given some figures about the utilisation of the total allocation made for these legal aids. I do not know if that is correct or not but that shows that in the past the performance had been very poor. A very few people had been getting advantage of it and I doubt whether in future also they will get any benefit out of it.

I have an apprehension. Suppose under this new legislation, out of the two parties, if one party in a particular litigation goes and asks that his case be transferred to the Lok Adalat, then what will happen? And suppose the other party at the second stage decides that let us delay the case then what will happen? So, it will be a sort of delaying tactics by one party towards the other. This may also prove more injurious that helpful in the future set up because any party who may be having a better and advantageous position or may be having the property in their possession, will initially

request the court that they would like their case to be adjudicated by a Lok Adalat.

The cases may be pending for months together in the courts and when they come before the Lok Adalats, the other parties will object because they have a right to object. Similarly, this new procedure will also delay the matters. Therefore, Madam, norms should be laid down for the Supreme Court, for the High Courts and also for the local judiciary to see that justice is not delayed. Justice should be made expedient and cheap.

I agree with the spirit of the Bill which is in accordance with our Constitution, but I would like to say that to give proper help to the poor it is necessary for not only the judiciary but also executive to have more helpful attitude. I would like to emphasise one thing here. Now the whole responsibility has been transferred to the High Courts, and the Supreme Court, but I cannot understand how the Judge can look after the interests of the poor better than the elected representatives or the representatives of the State Government. I think, a Collector in a District or any other officer at the District level can look after their interests better than a District Judge. The Judges, as I have already said, are very busy. The Courts are already overburdened. If we give them more responsibilities and absolve our responsibilities, what will happen to the responsibilities devolved on us by the Constitution? I think, this delegation will not help us. Ultimately it is we who are responsible to the people, we have to go and face them. I, therefore, think that we must keep the prime responsibilities in our own hand to see that speedy justice is given to the poor.

With these remarks I conclude.

SHRI PALA K.M. MATHEW (IDUKKI)
: Madam, I rise to support this Bill and I also congratulate Shri Bhardwaj for reviving this Bill which has lapsed in 1987. Since most of the points have been covered by the preceding speakers, I would like concentrate on one or two general points which, I think, should have some emphasis.

Madam, there is plethora of legislation in our country. It is not the lack of legislations that is the problem, but it is the will to implement the legislations that is most paramount. We must have the political will, moral courage and the intellectual honesty to implement the legislations which we have made thus far. This is another which will find its place in our Statute Book, but I would request that this should be implemented in a proper and comprehensive way.

Sir, this Bill is in tune with the Directive Principles of Constitution, the fundamental principles of the Constitution and also in line with the declared policies of the Indian National Congress as has been stated on so many occasions, in the Manifesto and otherwise also.

It is stated in the Statement of the Objects and Reasons and I quote that :

"The Bill has been brought forward to ensure that opportunities for securing justice are not denied to any citizen by reason of economics or other disabilities....."

So, this Bill has been brought forward to help the poor, the ignorant and downtrodden. It has already been said that our legal system as such is exorbitantly expensive. There is inordinate delay. I do not want to dilate more on this because the speakers preceding me have already dealt with this aspect. The only thing which I would like to

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point out is that a vast majority of our people are unorganised. A few years back, a study was conducted by one of the leading periodicals in our country and they found out that only ten percent of the people in the country are organised. Out of this ten percent, one percent belonged to big industrialists or business magnates, four percent belonged to some associations and five percent belonged to the working class. The total comes to ten percent. So, the rest of population viz., 90 percent of the people, are unorganised. They have no voice. They are called by a great writer as the "silent majority". So, they should also be looked after and cared for. This Bill is mainly meant for that purpose only.

Every day, we are hearing about dowry deaths, children being abused women being raped or harassed or molested and so on. So, there are a various sections of the society which deserve special assistance in the form of legal aid.

My appeal, therefore, is that this Bill which is meant for the 90 percent of the poor and ignorant people or unorganised people should be implemented properly. This should not be mere academic legislation for the purpose of Statute Book.

With these few words, Madam I conclude.

SHRI P.C. THOMAS
(MUVATTUPUZHA) : I thank you, Madam, for giving me permission to speak on this very important Bill. I stand only to speak on two or three points.

Sir, it is sad that we were not able to implement a legislation which was made for the poor, though it was passed in 1987. It is

really unfortunate that we are sitting upon an Amendment without implementation. Anyway, it is a very good sign that we are implementing it by giving it longer arms, stronger and better muscles. I am very happy that with its implementation, the poor people of our country, who constitute a large majority, will be really helped.

As far as legal aid is concerned, Kerala is one place where the legal aid system started first way back in 1976. I think now, several other States have passed similar legislations. In spite of this, we have not been able to do anything.

Now the first aspect before giving legal aid, the first and foremost aspect is to see that some kind of legal education is given to poor. Now the poor people do not know the rights and it is a fact that they are even now exploited by the better halves in the society. I would say that the better ones, less than one-tenth of the society are looting 90 per cent of the population. So, the first and foremost thing will be to give legal education regarding the rights of the poor people and tell them about the fora where they should go for proper relief. Now, I will be happy if such a forum comes in a statutory manner with Chief Justice at the helm of affairs. I am sure the things can improve to a great extent if implementation aspect is sought to be checked. I am sure that there are cases where though the aids of lawyers are given, the lawyers given to the poor people are not the best lawyers in any case. I think one thing which we have to stress is that poor people are also entitled to get the services of the best in the legal services. To give lawyers for namesake will not serve the purpose. Therefore, I think that the proper method will be to see that the lawyers are also conscientious to see that they come forward to cooperate with the poor.

SHRI MANI SHANKAR AIYAR (MAYILADUTURAI): The top lawyers should be put on roster duty to help the poor. As Ministers are put on roster duty top lawyers should also be put on roster. Otherwise you do not become a top lawyer if you have got a conscience.

SHRI P.C. THOMAS : That is a very good suggestion. But if that becomes practical many from the Parliament should be put on roster, including our Minister because they are the gem of our lawyers here. So, I would just put in this way that we would like to see that the topmost lawyers are also associated with this. Therefore, I think a programme should come in connection with the making of laws or making of further consultations as envisaged in this Act. We should see that the services of best lawyers, as stated by Shri Mani Shankar Iyer, in that way or in any other way could be obtained. I am sure if the Government or if the Legislature sees that there are some way to bring the services of such lawyers, they will cooperate.

I think that is one way which has to be taken care of. Now, I am not going into other aspects as the time given by Madam Chairperson is very limited. So, I am finishing with this. I congratulate the Minister for bringing this Bill and I congratulate the Government in anticipation that this Bill will be implemented without delay.

SHRI H.R. BHARDWAJ : Madam, I may allowed to thank all the hon. Members who have put very valuable suggestions. Their views and concern about the provisions of legal aid to be given to our weaker sections have been exhibited practically in all speeches. So, I am grateful for that. I would not go in detail but I would like certainly to apprise the hon. House that this humble beginning with which we are starting today,

and I started in 1987 also, is in a direction which is a Constitutional Amendment under Article 39A.

Some of the hon. senior Members who are present here today particularly Shri Umrao Singh would remember those days when this Article was inserted in the Constitution.

Then the late beloved Prime Minister Mrs. Indira Gandhi launched the programme of *garibi hatao*, help the poor, help the down-trodden, help the weaker sections, women and children and other neglected sections of the society. I need not mention here what an opposition was there to this programme. Articles after Articles were amended. There was a strong Committee under Sardar Swaran Singh. We amended the Constitution only to put this programme. But what about the opposition? The judiciary revolted; the elites from the Bar revolted because the vested interests whom we call "the Syndicate" was working, but we broke that; and the Congress is proud of that tradition.

Shri Sharad Dighe knows it very well that it started from Kalayan, it started from Thane, it started from Bhiwandi. We were all there in those movements; and our journey is continued.

Then our late beloved leader Shri Rajiv Gandhi came. He immediately instructed in 1985 that this programme of legal aid, which is now functioning and the Central Committee of legal aid looked after by Justice Bhagwati should be given the statutory backing. We were persuading judges to come out of their chambers and go to the masses and see under what conditions of poverty and pestilence they are living. How could we conceive of equality before law and equal protection of law without

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giving them this immediate possible facility of legal aid and awareness? We could persuade the judges to come out. Some of the hon. Judges, very enlightened Judges, respected Judges like Justice Bhagwati, Justice Ranganatha Mishra, Justice Sawant and several other Judges came out and travelled to the farthest corner of Adivasi area. I had taken them with me. I had accompanied them. We want that this should continue. Therefore, I require this statutory backing to this Committee.

If this Committee functions, the Central Government would be able to provide a little fund and it remains confined only to limited area. You will find that this Bill covers the ground right from *taluka* to the Supreme Court level. The Supreme Court today has a legal aid Committee and we give them about Rs. 8-10 lakh every year for the aid. But how many Harijans and Adivasi women are benefited by this? They do not know in the villages that there is a Committee meant for them. I can remind you there is no limit. If a Harijan need legal aid, there is no limit on his income; he may be even a millionaire; he will still be entitled to a legal aid. But the poor man does not know in the *taluka* or in a village that there is a Committee in the Supreme Court itself headed by a sitting Judge of the Supreme Court where he can get the legal aid from the most outstanding lawyer; and the legal aid Committee will pay the bill. We have got very senior lawyers whom very high fees are paid for getting legal aid in the Supreme Court. We never deny any funds to them. But there is no awareness among our poor people.

Therefore, this legal literacy programme and awareness was started through this legal aid Committee in 1980 by the orders of the late Mrs. Indira Gandhi.

Then we brought this Bill in 1987. I got it passed from both the House of Parliament. Shri Umrao Singh is right. I got it passed from here and from the other House. Then it received the President's assent also. But then there was an opposition from the judiciary that there were some clauses which said that the Central Government would issue directive to the central authority. They argued like that. It meant that the executive could give direction to the judiciary. I said, "Certainly not. We do not want to erode the independence of judiciary. We would like the judiciary to be respected." If there are any clauses which you feel - though they are not correct to say that - where the Central Government can give direction to the central authority, that is not a directive to the judiciary. The judiciary is totally independent under the Constitution. We respect the independence of the judiciary. But, still, in deference to the sitting Chief Justice of India, we said, "You give a suggestion. Several Judges came out openly in the press and said that this should not be like this. We said, "Okay. We can delay it by another month."

But I did not delay my programme of legal aid. It continued under the Central Committee of Legal Aid. It continued and today, I can say that compensation through these Lok-Adalats, which was given to poor people is about Rs. 503 crore. It is not a small amount. Perhaps the court may not have that amount for small cases. So it is a colossal work which was done by the Lok Adalats and these very Judges. How can we ignore the Judiciary in the matter of management of courts or adalats? I do appreciate Sardar Umrao Singh's Suggestion that primarily it should be for the Executive to promote social education programmes, social justice programmes. But this one programme of dealing with the courts and the judiciary is one where we

have to carry the judges and the lawyers also with us. How can you appoint the lawyers to undertake the work of legal aid unless they volunteer for it. So you have to motivate them. I can say that over the years, we have been able to motivate lawyers to come forward.

What is public interest litigation? We never heard of it before 1980. It has come out of this motivation of legal aid which we started and in which we firmly believe. There can possibly be no issue of equality before the law if there are two unequal persons. One is a poor man pitted against a very rich man. You may give a plot to a Harijan, the other one will dispossess him. But if he has the backing of the court, then he will stay on that plot of land. It occurred in those days. That is why we said that we should give legal aid in a programme called 'Judicare,' as Shri Sharad Dighe said.

This word has brought in for caring on the judicial side. So this philosophy that not only the Executive of a State, but the judiciary is also a part of our country and if judiciary also contributes to it, we should welcome it. We cannot keep judiciary in isolation from the Executive or the lawyers in isolation from the poor people.

What are the judges, courts and lawyers meant for? They are meant to serve the poor people. They cannot live in isolation and if they do so, then they will not be part of the system. They are all meant to serve the poor litigants and that is why I said, it is only a humble beginning.

I want it to expand to such an extent that every village should know that they are entitled to legal aid. This is their entitlement under the law, enforceable by courts. If that comes up then I will be happy, the dream of Shrimati Indira Gandhi, Shri Rajiv Gandhi

and our present Prime Minister Shri P.V. narasimha Rao may come true.

It is a continuous programme. I need not remind the hon. Members that it is not a programme of one or two days. It is a historic programme of the Congress from Gandhiji's time till today. You know how many impediments we have to cross firstly to motivate those vested interests. Some of them still have not come to light. They still ask: What is this legal aid? There is no legal aid. What is this down-trodden section, what is this under-privileged class and what are weaker sections and all that?

The time now has come that we have succeeded to some extent to tell them, 'yes, you will have to care for these poor people. Otherwise, your richness will be affected by the presence of these poor people.' They have started offering their services. This is only a beginning. We have provided a full network of the Committees.

Earlier you could hold a Lok Adalat in a Taluka or a District. Now the Supreme Court will hold a Lok Adalat, the apex court. If I do not invite the hon. Chief Justice of India in this system, can you envisage a Lok Adalat in a Supreme Court without the Chief Justice of India? Why should we stand on false prestige on this issue? We have, therefore, volunteered to say that let directions be given by the Chief Justice of India and this work should not suffer.

Several States are doing it without any difficulty. For example, Tamil Nadu have a track record of good legal aid. Maharashtra has the highest ceiling of legal aid. They are giving legal aid upto Rs. 20,000. Haryana is giving upto Rs. 18,000.

I am accepting the suggestion of the hon. Member from Manipur that we must

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raise this ceiling. I am recommending that it should be raised to Rs. 15,000 to Rs. 18,000. I do accept that this provision has to be upgraded.

All your suggestions are very valuable. We must involve NGOs also because they can go to the villages. If some women, Harijans, Adivasis and some minority people are suffering, these NGOs can tell them that there is a system, which helps them and also take them to the Committee to get this legal aid. We are giving a lot of aid to these NGOs. We still want to continue this aid to these NGOs from the Central Government. I will give you a list of NGOs throughout the country. And specially in Gujarat and in Maharashtra, there are a lot of NGOs. We will give a lot of preference to North East. I have volunteered to do so to all the North Eastern States. My leader, Shri Rajiv Gandhi, had told me at that time that North East should be treated in a special manner. And that mandate continues under the present Prime Minister also. With great responsibility, I have told the Chief Ministers of the North Eastern States to have a full-fledged High Court and to have a full-fledged Advocate-General. And in my own time, I brought at least one judge from the North East. Your tribals find a place today on the Benches of the High Court. It is the commitment of Congress, which travels further from that day to this date.

When I joined as a Minister, there was no tribal Minister at all in the country. But now we have. Our friend Shri Sangma knows it. We went to Mizoram, Nagaland, Arunachal and everywhere to find out and to locate. And even there was some controversy on Shri Phizo at that time. But I saw that his son-in-law was made as a Judge of the High Court at that time. That

is the tradition of the Congress. We would accommodate tribals, minorities, Scheduled Tribes and Scheduled Castes out of the way. But the point is that we have to fight against the vested interests. There we need your support. This programme must continue. This programme is very difficult programme. That is why we changed the Constitution at that time. Our Prime Minister was finding it difficult to take his programme further. There are false excuses, which misguide the people. We have to resist and carry this programme to help the poor because that was the message of Mahatma Gandhi.

Our legal system suffers. I concede that. Nobody can deny the fact that the targets are so large. But you will appreciate what we have done. In Rajivji's time, I saw that all the High Courts are computerised. Their registries were scattered and one could not trace a file. I am very happy that the present Prime Minister has given a sum of Rs. 500 crore in the Eighth Plan to modernise judicial infrastructure. We want to make every High Court Registry computerised, where the cases will be identified, which are to be given priority. And on the national book, you can locate them today. The Supreme Court Registry is totally computerised subject-wise. In one day, they are able to dispose of 100 cases by one decision. That is how, you can expedite hearing of these cases. And then, we are trying to motivate the lawyers to cut down their arguments. But what is the situation? They go on strikes. You cannot fight with the lawyers. You have only to persuade them. You can only make a request to them to look at the scenario, what will happen to the legal profession if the strike continues. There is a lightning strike. There is an intimidation of judiciary. That was never the ethics of legal profession. We are trying to bring them round and

without their participation and cooperation, I do not think in the present system, because we are a highly democratic society, we will succeed. We believe in the rule of law. We will have to persuade them. Let there be no briefless lawyer in this country. If this legal aid programme and Gram Nyayalayas come into being, I will see that every rural lawyer gets the brief through the programme of legal aid. That is my future programme. And that is the solution in this country. A case in a Taluk should be settled in that Taluk itself. A case in a District should be settled in that District itself. A case from a Taluk should never come to the High Court because the man does not have the money to give to these big lawyers. These big lawyers do not accept small fees and they want to be motivated to pack with their money. If a man is used to a beautiful English breakfast, you cannot make him to have a Chapati breakfast. That is the difficulty. Therefore, our concern for the poor is exhibited and this Bill will lay the foundation stone. The States will be compelled to give more money to the legal aid programme.

We have provided every State a Legal Aid Board and every District will have a Legal Board. The Chief Justice will monitor because the Judges also participate. Otherwise, their non-cooperation, lawyers and judges boycott, how can you hold a Lok Adalat. You cannot hold a Lok Adalat, because our authority runs in the Executive. So we have combined it and it will be a very successful thing. So this delay and expense, admittedly, is there and it is a very serious disease. I would just take one or two minutes more to apprise the House with what we have done for this. I invited the Law Minister of all the States two or three times in two years and we have put before them the programme to reduce the delay, because the Courts are located in the States. So we

had to take their views. Now we have a charter of 20 Point Programmes, to see that arrears are wiped out, to appoint more judges, to see that Government does not go in litigation time and again, if it is not necessary. We have taken several steps and hon. Prime Minister himself has presided over that meeting of Chief Ministers and Chief Justices. For the first time, we had a Conference of the judiciary and the executive presided by the Chief Justice and the Prime Minister, and told them, "Please sort it out. People are losing faith in them". This is a very positive achievement that we could make the judiciary and the executive sit together and discuss this programme. That is the only way. Otherwise, we are a society, where we cannot drastically amend anything. What happened to your tax proposal? When we introduce some legal system, they will say, "We are deprived of; we are not going to the Court also". Worst propaganda will be there. We have to apprise every State, every Chief Minister, every Law Minister, every Law Secretary and inform them that this is what we want to do and once they are convinced, then they cannot say that it is done, something like and all that.

We are providing more money for constructing more Courts. This year, we have appointed 108 Judges, transferred 28 Chief Justices to see that corruption is tackled. Wherever there was a complaint, the Chief Justice of India was kind to take into account these complaints and we have almost overhauled and reshuffled the Chief Justices of High Courts. The effort is on, but it is a Herculean task as was submitted by the hon. Members. I have noted down all your suggestions and I am committed to the judicial reforms. We are not happy with the Anglo-saxon system. But that is the foundation here. The Unified Laws of India were there because of this first Law Commission of India; and now we want to

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give our suggestion that how we can create a legal system which suits to the genius of this country. Our Lok Adalat is one such thing. It is totally akin to our Panchayat system. I cannot introduce Panchayat system because of the politics in Panchayat. So, therefore, we are tagging it with the system of Mani Shankarji and Rajivji and the present Prime Minister's programme of Panchayat system. We will link the judiciary also with that programme so that the judiciary system is also tagged at the Panchayat level.

SHRI MANI SHANKAR AIYAR : When it comes, will it be a part and parcel of our system of judiciary?

SHRI H.R. BHARDWAJ : I am trying to bring it in line with that and then persuade the judiciary to accept this. They have more or less agreed that they want to discuss separately the rural litigation. To this extent, they have been persuaded. They are preparing a format and then, if I succeed, then if it comes, then your legal disputes also will be sorted out.

SHRI A. CHARLES (TRIVANDRUM) : Family courts are doing a commendable work. How can you coordinate this family court also?

SHRI H.R. BHARDWAJ : If that programme comes, I can tell you, we are giving multifarious powers to one Court, even family courts will go there. It is because why do you want that poor people from a village to travel hundred miles to another place. They do not have a place to stay or know anything there. He has to ask the Riskshawala or Buswala, where is the lawyer. We want to send the lawyer and the judge to

his house. That is the mandate that we have received from our leaders and I promise that our efforts will continue.

We have a lot of things to say. But this is not an occasion. I think, we will have a fuller debate on our judicial reforms. Sometimes that will be arrived out of Resolution by hon. Members. Today we have paucity of time, but I can assure you that this Government headed by Shri Narasimha Rao is taking all programmes which Mrs. Gandhiji started or Rajiv Gandhiji started and we assure you that we will see that they get priority and they are implemented to the fullest.

I am again tend to express my gratitude to you for your kind support extended to me.

MR. CHAIRMAN : The question is :

"That the Legal Services Authorities (Amendment) Bill, 1992 be taken into consideration."

The Motion was adopted.

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

MR. CHAIRMAN : The question is :

"That Clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

MR. CHAIRMAN : There is no amendment to Clause 3.

The question is :

"That Clause 3 stand part of the Bill."

The motion was adopted.

Clause 8 was added to the Bill.

Clause 3 was added to the Bill.

MR. CHAIRMAN : There is no amendment to Clause 9.

MR. CHARIMAN : The question is :

The question is :

"That Clause 4 stand part of the Bill."

"That Clause 9 stand part of the Bill."

The motion was adopted.

The motion was adopted.

Clause 4 was added to the Bill.

Clause 9 was added to the Bill.

MR. CHAIRMAN : There is no amendment to Clause 5.

MR. CHAIRMAN : The question is :

The question is :

"The Clauses 10 to 18 stand part of the Bill."

"That Clause 5 stand part of the Bill."

The motion was adopted.

The motion was adopted.

Clauses 10 to 18 were added to the Bill.

Clause 5 was added to the Bill.

MR. CHAIRMAN : The question is :

Short Title.

"That clause 6 stand part of the Bill."

Amendment made

The motion was adopted.

Page 1, line 4,-

Clause 6 was added to the Bill.

for "1992" substitute "1994"

MR. CHAIRMAN : Threr is no amendment to Clause 7.

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The question is :

MR. CHAIRMAN : The question is :

"That Clause 7 stand part of the Bill."

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

The motion was adopted.

The motion was adopted.

Clause 7 was added to the Bill.

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

MR. CHAIRMAN : The question is :

"That Clause 8 stand part of the Bill."

The Enacting Formula

The motion was adopted.

Amendment made

1. Page 1, line 1,-

for "Forty-third" substitute "Forty-fifth"

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MR. CHAIRMAN : The question is :
"That the Enacting Formula, as amended, stand part of the Bill."

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

MR. CHAIRMAN : The question is :

"The Long Title stand part of the Bill."

The motion was adopted.

The Long Title was added to the Bill.

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

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

MR. CHAIRMAN (SHRIMATI SANTOSH CHOWDHARY) : The question is :

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

The motion was adopted.

[English]

SHRI RAMESH CHENNITHALA (KOTTAYAM) : Madam, the discussion under Rule 193 on flood situation is to be taken up. (Interruptions)

MR. CHAIRMAN : We will take it up later. According to the schedule, Manipur Budget is to be taken up. I think there are only two speakers to speak on it.

SHRI UMRAO SINGH (JALANDHAR) : Madam, even if the time of the House is to be extended, we should complete the discussion on floods today.

MR. CHAIRMAN : I request the speakers to be very brief.

SHRI SRIBALLAV PANIGRAHI (DEOGARH) : Madam, at 5 p.m. the discussion on floods is to be taken up.

16.57 hrs.

[English]

MANIPUR BUDGET, 1994-95-
DEMANDS FOR GRANTS.

Now we take up Manipur Budget for the year 1994-95.

MR. CHAIRMAN : Motion moved :

"That the respective sums not exceeding the amount on Revenue Account and Capital Account shown in the Fourth column of the Order Paper, be granted to the President out of the Consolidated Fund of the State of Manipur to complete the sums necessary to defray the charges that will come in course of payment during the year ending the 31st day of March, 1995, in respect of the heads of Demands entered in the second column thereof against Demand Nos. 1 to 46. "