

[Shri Xavier Arakal]

before appointment as judges should be removed. Now, these are the three points involved in this amendment. But, Sir, the first Speaker on this Bill has taken us quite far off. I was really surprised to hear a Marxist member speaking for and on behalf of the High Court and Supreme Court judges and demanding higher and higher pay and more facilities. This is the ideology of my hon. Friend. I was really surprised to hear this..... (Interruptions). That was really a surprising event in this discussion, but I am not going to take on that point further.

16.56 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

As I said, this is a Bill which has got three objects. Now, in our country, in our system two types of people always get more benefit than others. One is the organised militant unions, or labour force and the other class which always gets the benefit is the rich and the affluent. How many of us honestly think about poor and those who are below poverty line? How many of us honestly say that the Supreme Court and High Courts cater to the needs of the masses? That is why, we say that judiciary should not be static; it should always be changing according to the times.

The proviso to clause 3, chapter II says:

“Provided that where leave on full allowances is granted to a Judge on medical certificate the monthly rate of leave allowances shall, for the first one hundred and twenty days of such leave, be a rate equal to the monthly rate of his salary.”

Now, what happens if he falls sick for a continuous period? Section 9 of the 1954 Act, as mentioned in the Annexure to the Bill says:

“The monthly rate of leave allowance payable to a Judge while on leave on full allowances shall be

for the first forty-five days of such leave a rate equal to the monthly rate of his salary, and thereafter two thousand two hundred and twenty rupees.”

Will he now be able to get that benefit? My submission is....

MR. DEPUTY-SPEAKER: You may continue after the Assam budget is presented.

17.00 hrs.

ASSAM BUDGET, 1980-81

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI SĀWĀI SINGH SISODIA): I beg to present a statement of estimated receipts and expenditure of the State of Assam for the year, 1980-81.

Statement

BUDGET OF THE GOVERNMENT OF ASSAM FOR 1980-81

Sir, I lay on the Table of the House the regular Budget of the State of Assam for the financial year 1980-81.

2. The interim Budget of the State of Assam for the current year was presented to Parliament on the 14th March, 1980 and on that basis the House had granted supply for the first 4 months of the year (April to July, 1980). Later, a second Vote on Account for a further period of 4 months (August to November, 1980) was obtained to June, 1980. Though the term of the President's Rule in the State is expiring after about 3 weeks, the regular Budget for the current year is being presented in Parliament to keep the State Government in funds beyond November, 1980

3. The revenue receipts are estimated at Rs. 298.73 crores as against Rs. 303.73 crores in the interim Budget. The estimates now presented show a deterioration of Rs. 27.87 crores in State's tax revenues and Rs. 17.19 crores in non-tax revenues but these are substantially offset by

larger grants and contributions from the Centre. The expenditure on revenue account, has risen from Rs. 313.55 crores in the Interim Budget to Rs. 368.95 crores, because of larger Plan outlay and the higher level of expenditure on the maintenance of law and order.

4. The provision for State Plan has been increased from Rs. 160 crores in the interim Budget to Rs. 198 crores; the Central assistance has been stepped up from Rs. 115.38 crores to Rs. 135.20 crores. Owing to the difficult financial position of the State Government in the context of the agitation on the foreigners issue, the Government of India will also provide a special loan of Rs. 40 crores during the year.

5. Despite larger transfers from the Centre, the overall deficit for the current year will increase from Rs. 17.89 crores in the interim Budget to Rs. 34.64 crores. It is hoped that with the improvement of the situation in Assam, the State will be able to improve its revenue collections to bring down the level of deficit.

PLAN OUTLAY

6. The State Plan for the current year includes Rs. 74.80 crores for power, Rs. 37.97 crores for agriculture and allied services, Rs. 21.32 crores for education, Rs. 21.62 crores for health and social and community services, Rs. 17.79 crores for transport and communications and Rs. 13.36 crores for irrigation and flood control. The State Plan also includes Rs. 12.04 crores for the development of Hill Areas. To relieve increasing unemployment among the educated youth, a provision of Rs. 1 crore has been made for the special programme launched for the educated unemployed.

7. In addition to Rs. 12.04 crores for Hill Areas development provided in the State Plan, a sum of Rs. 8.80 crores has been provided for the Special Hill Plan mainly for agricul-

ture, roads and social and community services. Another Rs. 3.19 crores have been provided for Tribal Sub-Plan. The estimates also include a supplementary provision of Rs. 1.55 crores for Scheduled Castes. Provision for Central and Centrally Sponsored Plan Schemes aggregates Rs. 48 crores; these include Rs. 16.16 crores for Brahmaputra flood control, Rs. 5.18 crores for rural water supply, Rs. 3.36 crores for N.E.C. projects, Rs. 5.72 crores for public health and family welfare, Rs. 7.05 crores for national rural employment programme, Rs. 2.86 crores for schemes for small and marginal farmers and agricultural labour.

8. A substantial step up has been made in power outlay; Rs. 74.80 crores have been provided in the current year's Plan. During the year, 3 mobile gas turbines of 3MW each, 3 sets of 15 MW each of Lakhwa Thermal Power station and one unit of 60 MW of the coal based Bongai-gaon Thermal Power Station are due to be commissioned, adding 114 MW to the existing installed capacity of 151 MW. Work on the lower Barapani Hydel Project and the expansion of the Chandrapur Thermal Station has started. However, on account of the agitation, there has been slippage in the commissioning of the Namrup Unit. About 1400 villages are expected to be covered under Rural Electrification Programme during the year.

9. Following the recommendations of a Central Task Force appointed early in the year, the State Government have initiated several measures to raise farm productivity from the current year's kharif season. The area under high yielding varieties has increased from 6 lakh hectares in 1979-80 to about 8 lakh hectares during the current year. There has been a three-fold increase over the last year in the supply of high yielding varieties of seeds. Similarly, supply of fertilisers has doubled over the last year. An expanded rabi programme has also been taken up for

[Shri Sawai Singh Sisodia]

the rabi season. With the support given by the Government of India, adequate rabi seeds and fertilisers have been procured and distributed. The total foodgrain production is expected to be around 26.20 lakh MT during the year; which will be the highest ever production so far.

10. In order to mitigate the increasing unemployment amongst educated unemployed, a special provision of Rs. 1 crore has been made in the current year's annual Plan. The programmes drawn up to relieve unemployment include training for youngmen for employment as P.W.D. Contractors, artisans, farm managers, telephone operators, stenographers and modernisation of machinery for training in I.T.I.s etc.

11. To deal effectively with the socio-economic problems of the hill areas in Assam, an integrated development approach had been adopted in the State since 1967-68. The District Councils in the two autonomous Districts have been entrusted with the implementation of the Plans. A separate Planning Board for hill areas makes the policy frame and reviews the Plan activities. Emphasis has been placed in the current year's Plan on soil conservation, jhum control and development of plantation crops like coffee, rubber etc. In addition, substantial provisions have been made for development of transport and communications. Adequate funds have been provided for social service facilities like education, health and water supply.

12. Assam is largely dependent on outside supply for its requirements of wheat, pulses, salt, sugar, edible oils and other essential consumer goods. Despite the transport bottlenecks and the agitation, the State Government could maintain adequate supply of these essential commodities through the public distribution system. Owing to the special efforts made by the State Government, there was a mark-

ed improvement in the availability of key construction materials like steel, cement, etc. during the current year in comparison with the past few years. Despite enormous constraints as well as the agitational atmosphere in the State, the prices of essential commodities in the State continued to compare favourably with prices prevailing elsewhere in the country. The market prices of foodgrains particularly rice and wheat could be kept steady during the lean months of the year when prices have a tendency to rise high.

13. Assam has been visited by floods almost every year. The State had two waves of floods, this year; one in July and again in August causing widespread damage to life and property. Besides, widespread damage was caused to roads, bridges and buildings. The Government of India have approved expenditure of Rs. 12.72 crores for providing relief and rehabilitation measures.

14. The Government of India have stepped up significantly investments in the region during the current year. The construction of the broad-gauge railway line from New Bongaigaon to Gauhati has been speeded up. The refinery-cum-petro-chemical complex at Bongaigaon is making steady progress despite frequent stoppage of work on account of the present agitation. The Rs. 300 crores complex, one of the largest in the country will produce 30,000 tonnes of polyester fibre annually. Recently, Government of India have appointed a High Powered Committee to examine the possibility of setting up further down-stream industries in this complex. Work on the second Brahmaputra bridge to cost Rs. 65 crores is progressing on schedule and is expected to be completed by 1985. A comprehensive programme for improvement of telecommunication facilities in Assam has been planned. This includes additional telephone lines for Gauhati, improvement of STD facilities, large scale expansion of the

microwave system and additional ultra high frequency radio links.

15. As the Hon'ble Members are aware, Government have been making earnest efforts to resolve the foreigners problem in Assam. Many rounds of discussions have been held with the agitators. Many of their demands have been accepted in principle and Government have also initiated several measures. I do not wish to go into the details as the House has already discussed the situation in Assam on the 17th November, 1980, and the Home Minister has explained the various steps taken by Government and also the results of discussions with the agitators.

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

MR. DEPUTY-SPEAKER: Now, Mr. Xavier Arakkal.

SHRI XAVIER ARAKKAL (Ernal-cuiam): Therefore, a statement with regard to the benefits accruing on this precise date should be given.

Sir, I am surprised to see that as far as the conditions of the lower cadre of judiciary is concerned, we have not done justice. For example, the living conditions of Magistrates, anyone of us can go and see, have been astonishing. How they are, what is their condition, under what circumstances they are functioning there, you can see. It is a matter which is detrimental to the essence of our judiciary and justice in our country.

Sir, as I said earlier, we always look at the top and not to the bottom. The priority is given to the top and not to the bottom. The process should be reversed if the aim is to dispense justice to the poor at the lower level.

Sir, as far as the judiciary is concerned, this should have an All India

pattern. The system should be formulated and amalgamated into one system, one pattern. Then only a proper dispensation of justice can be obtained in our country. I wanted to refer to Court fees and advocates provident Fund also. These are matters which we have already mentioned also. I hope in the present Session, a Bill may be brought in, to have a uniform Court fee in our country. As it stands now, the present system is helpful, not to the poor. It is beyond the reach of the poor. If you take any State and the system therein, you will see that only the rich can afford to go to the courts. This should be eradicated and drastically changed.

Sir, I want to raise another point. I like to make a reference to Section 22-D. I would like to know how much amount is payable to the judges under the Income-tax Act of 1961, if this is amended. This is a relevant point which deserves the consideration of this House. Now, we are dealing with house rent allowances to these judges. What about the income and the assessment on that? That point is not mentioned anywhere. These are the remarks which I have to make. I hope a statement will be made by the Minister on these points.

SHRI BAPUSAHEB PARULEKAR (Ratnagiri): Mr. Deputy Speaker, Sir, I stand to support this Bill. In fact, the benefits which are being given under this Bill are very small benefits. But I only feel that we are discriminating. Why these benefits only to the High Court Judges? What about the Government employees? So, I would request the Government to give all these benefits from 1975 to all the employees. When the High Court Judges themselves speak of discrimination and decide the matter, they feel that they themselves are getting discriminated under this particular Bill. I, therefore, feel that the High Court Judges may not like this Bill. I would request that this particular advantage of the benefit which is being extended to the High