

[Shri Chitta Basu]

The Government of India should make a statement giving full details of the situation. The Government further should also take suitable steps to ensure the safety and security of Tamil speaking people in Sri Lanka.

(vi) Need to take stringent measures to stop piracy of cassettes

SHRI R.P. GAEKWAD (Baroda) : Sir, music on Casette has become a big business in our country today. Even so, pioneering companies like HMV and others are virtually loosing the market to cheap pirated pre-recorded cassettes sold all over the country. The genuine firms like HMV and Music India incur the expenses of recordings, paying the artists if the recordings are non-filmy and on top, not all their recordings do well in the market while the pirates only duplicate those works of music which have proved popular thus ensuring a ready market. The biggest handicap comes when the cheap pirated tapes cost only Rs 12 against the original cassettes which are better in quality and cost Rs. 18 and even the withdrawal of excise duty has not helped these companies and they are facing very serious financial crisis today.

During the last couple of years these pirates have captured the market where quality and work does not count—only the price counts—thus depriving the companies and artists their dues. The biggest market today is flourishing in Delhi at the market named after Lala Lajpat Rai ji who fought against such corrupt and illegitimate practices. Unless stringent and strong action is taken, recording companies who have for decades provided excellent music to our music-loving people will have to face bankruptcy and ultimate closure.

(vii) Need for early implementation of recommendations of Mandal Commission.

SHRI CHANDRAJIT YADAV (Azamgarh) : Sir, the president of India had

appointed B.P. Mandal Backward Classes Commission under Article 340 on the 1st January, 1979. The Commission submitted its Report on 31st December, 1980. Thrice there was discussion on the report in Lok Sabha. Members from all sides participated and strongly expressed their desire for immediate implementation of the recommendations of the Commission. But it is regrettable that Government has deferred the implementation of the recommendations of the Commission. It has caused widespread resentment not only among the people belonging to backward classes but also among all sections of the people who want that administrative structure of the country should be such where different segments of the society should be duly represented to make democracy in real sense a participatory democracy and also a purposeful instrument for socio-economic transformation. I am expressing the feelings of millions of people in this country that the Government must fulfil its constitutional obligations by taking immediate steps to faithfully implement the recommendations of B.P. Mandal Backward Classes Commission.

13.42 hrs.

DEMANDS FOR GRANTS (GENERAL), 1984-85—Contd.

Ministry of Law, Justice and Company
Affairs Contd.

MR. CHAIRMAN : Now the House will take up the next item : Discussion on the Demands for Grants under the control of the Ministry of Law, Justice and Company Affairs.

Shri Ram Singh Yadav.

SHRI RAM SINGH YADAV (Alwar) : Mr. Chairman, Sir, I was submitting yesterday regarding the transfer of judges and the policy in this regard which has been framed and the guidelines and the modalities which have been circulated by the concerned authorities.

I congratulate the Minister that he has very successfully implemented this policy in all fairness and fitness. The argument which was advanced since the beginning of this policy, that the policy would not be successful because of the variety of linguistic areas of the country, has proved wrong. It has been shown by the success of the policy of transfer of judges that this argument of variety of linguistic areas of the nation has been set at naught. IAS and IPS officers serve in different States; there are different languages there; whatever language is spoken they adjust themselves to it, and they have proved successful officers. Various Bar Associations of various High Courts have expressed their appreciation and satisfaction about the implementation of this policy.

There is one point to which the attention of the people of the whole country is focussed at this moment and that is regarding appropriate amendments to the Election Laws.

Sir, I am happy to go on record to say that the hon. Minister has taken it very seriously and he is seized of the whole matter. Experience shows that in various States in which election has taken place there are multiple complaints from the political parties from the candidates and from the general public how malpractices have been adopted, how rigging of elections have taken place in Jammu & Kashmir, in West Bengal and in Tamil Nadu. Sir, when there is a challenge to the erosion of authority of the Law Commission, it is a matter of great concern not only to the Law Minister but to the whole Parliament and the Parliament should see to it that the Election Commission which is expected to conduct the elections in the country in all fairness, with all the resources which are available at its disposal and with the help of the State Governments performs its duties free from any political or partisan attitude. The State Government itself is a party in the rigging of the elections and in adopting malpractices, It is also a matter of great concern to all of us. We have seen in Jammu & Kashmir that

the State Government has flouted the standing directions the established principle and norms of elections. Rigging of elections and adopting malpractices during elections had been very much rampant in Jammu & Kashmir last year. There were complaints not only from the candidates of different political parties but from the Election Commission itself. Therefore, I would submit to the House that it is a matter of great concern for all of us and prompt attention should be given and the hon. Law Minister should see that appropriate amendments and modifications are introduced in the relevant laws.

In this connection, I would also like to point out that it has been the experience in various High Courts that there should be an independent Budget for the Judiciary and that Budget should not be subject to the various cuts and the sanctions of the Government from time to time. We all have to ensure that it should be independent judiciary. I hope the hon. Law Minister will give a serious thought to it that there should be a provision for a permanent budget, regular budget, which may not be subject to the cut and approvals of the Executive. Sir, this is a very important aspect. A concern has been expressed regarding this in the Chief Justices Conference which took place in the month of March, in New Delhi, of the Commonwealth countries and they have also desired that there should be a positive action of the Government in this regard.

Sir, I will be failing in my duty if I do not mention here about the salaries and emoluments received by the Supreme Court's Chief Justice and the High Courts Chief Justices. For the last one hundred years or so they have been receiving the same salary. There has been no change at all in so far as their salaries are concerned. Before the Partition, when there was the Federal Court of the Union, then then Chief Justice of the Federal Court was getting a salary of Rs. 7000 per month. Today the Chief Justice of the Supreme Court is getting Rs. 5000 per month and the Chief Justice of the

[Shri Ram Singh Yadav]

High Court is getting Rs. 4000 per month as his salary. They are getting these salaries according to the Second Schedule of Part (D) of the Constitution. So, there is a cut of Rs 2000 compared to the salary of the Chief Justice of Federal Court. This cut was made on the principle, on the basis that because the President of the Union and the Governors of the States were getting less emolument, therefore, the emoluments of the Chief Justice of the Supreme Court and the High Courts should not be more than those of the President or the Governors. But I think that this rationality is not fair in deciding the salaries of the Chief Justice.

SHRI N. K. SHEJWALKAR
(Gwalior) : The salary of the President is Rs. 10,000.

SHRI RAM SINGH YADAV : At the time of framing the Constitution this was the logic for fixing the salary of the Chief Justice of the Supreme Court at Rs. 5,000 per month and that of the Chief Justices of the High Courts at Rs 4,000 per month. It was the argument put forward at the time of the Constituent Assembly. But today the effect of this salary fixed at the time of framing of our Constitution is lost. Today the bright and brilliant lawyers at the Bar do not like to join the Bench. That is also one of the important aspects, although the hon. Law Minister and the Union Government have given in writing their reply before the Supreme Court when there was a writ petition saying that because this is a contract, and the contract once accepted should be acted upon by the parties and the person who is accepting the judgeship is a contractual party, and therefore he cannot take the plea that the salary is not sufficient or adequate. However, I would submit that there is one scope and the scope is that the salary of the judges of the High Courts and Supreme Court should be exempted from the incometax. The hon. Minister should give a serious consideration to this suggestion.

In the end, I would urge upon the hon. Law Minister that he should take measures to set up the family courts in the country at the earliest. there should be appropriate amendments and modifications in the laws relating to electoral reforms, and there should be amendments and modifications in the laws dealing with the juvenile offenders, dowry deaths and the atrocities on the down-trodden, scheduled castes and scheduled tribes etc. He should also take steps and have laws or introduce measures to implement the Directive Policies of the State Policy. The laws should be devised to protect those benefits which are to be given to the poorer section of the society, so that the Directive Principles of the State Policy actually become beneficial to those people.

With these words, I once again congratulate the hon. Minister and support the Demands of his Ministry which he has put forward in the House.

SHRI BAPUSAHEB PARULEKAR
(Ratnagiri) : Mr Chairman, Sir, we are discussing the Demands of this Ministry after about eight years. I am told that only in 1976 we debated the Demands of this Ministry. It is really unfortunate that only four hours have been allotted for the discussions when many things could have been told to the hon. Minister.

I would like to highlight two or three points taking advantage of this debate : one is about the judicial system; the reforms; two, about the electoral reforms and three, about the present situation that has arisen in Andhra Pradesh, which could have been avoided if the Government would have been a little careful. Because, this is not the first time when this issue has arisen. The issue first arose in 1954 and thereafter at least six times, when the Supreme Court was called upon to give advice on this issue and the advice has been given.

I am very unhappy about the Report which has been furnished by the Ministry

of Law. It is a stereotype report. Some statistics have been given, some problems have been posed, but no answer has been suggested. For example, if we take the question of arrears no reasons for the same nor suggestions to reduce the arrears have been mentioned in the report. Since independence our judicial system has suffered heavy stresses and strains and has developed cracks and alarming increase in arrears is one of the most important causes of the impending breakdowns and the judges of the High Courts and Supreme Courts are no exceptions, they are all victims of this disease of mounting arrears. I tried to go through the Report to find out whether I could get the information from the Law Ministry, as to what are the reasons.

Sir, you will be surprised if you see the figures which are given in the Report about the arrears. If I may say so, the figures are also not correct, because they are contradictory to the answers given on the floor of this House. I will give the questions and answers.

It is stated that in Supreme Court, there are 1,36,313 cases in arrears, in all; and in the High Courts it was said in answer to Unstarred Question No. 584 in Lok Sabha on 28-2-1984, that the total of arrears came to 10,46,169.

You will be surprised to know about the enormous increase in the arrears in Supreme Court. The reply to this very Unstarred Question says that in 1968 the arrears were 10; in 1978, 2,093. In 1982, 7363; and in 1983, 13,062, i.e. non-Constitutional and Constitutional. This enormous increase from 10 in 1968 to 13,062 in 1983—why is it there? If you take into consideration the number of judges—if not a single matter is filed in the Supreme Court, how many years or decades will be required to clear off these arrears which are now pending in the High Courts and Supreme Court?

As far as High Courts are concerned, in the Allahabad High Court there are

1,85,842 cases of arrears, with 19 vacancies, of Judges. What steps are you taking? When arrears have mounted to this proportion, if you are not in a position to fill any vacancies, how can the question of arrears be solved? Are you really serious about it? That is probably the reason why you have not given a solution.

Coming to the Calcutta High Court, the arrears are 1,01,000. In Madras High Court, 1,01,000, and in Karnataka High Court, 1,24,000. What is this? What are the Judges doing? Is there something radically wrong with our system, or judicial system?

If we make more analyses, we will find more strange results. But I have no time to go into this. So, I would like to know what steps Government propose to take, especially when I have got the statistics from the Library, wherein I found that these arrears are there when our law courts are catering only to 10% of India's population. If 25% or 50% is required to be catered to, because of the legislations, social legislations which we are making, what would be the position? We will not be in a position to clear off the arrears which are now in existence; and if these mounting arrears come, our judicial system will completely break down. So, I would request the hon. Minister to give a serious thought to this particular matter.

When I thought over it myself, and tried to hunt out the reasons for this particular kind of arrears, the first question which came to my mind was: is it because of the manifold legislation which brings in a plethora of subordinate legislation? Has any thought been given to it? When I throw a glance towards litigation, I feel that the answer to be given, will have to be 'Yes'.

The second question to which a reference was made was: are these arrears there because the quality of the Judges has deteriorated? Or is it because there is delay in making appointments of Judges, to which I have already alluded?

[Shri Bapusaheb Parulekar]

Or, is it because of the unwanted adjournments which are usually taken by the advocates in the court—and there is no check in law for that? Or, is it because of frivolous matters which have been filed under Article 136, only for the purpose of taking a stay in the matter?

No poor person goes to the Supreme Court under Article 136. So, I would request the hon. Minister to consider as to whether any changes in Article 136 are absolutely necessary. The writ petitions are pending for years together. No poor person can afford to go and that article is being utilized by rich against the poor and especially the stays are taken and the real victim is the poor person. Therefore, that is one of the reasons. In the Supreme Court, for four years, the writ petitions are pending and the stays are granted. The person who suffers is the poorest of the poor in this country.

As far as the Supreme Court is concerned, a very interesting report has come. It says that if all the Supreme Court judges put together, they only work for 28 hours a week. Is that true? There is no denial though it was published in March 1983. It says:

“More than 500 admission cases are listed every week before the apex court. It has a week of five days. All Mondays and Fridays are devoted to them. During the remaining three days—Tuesdays, Wednesdays and Thursdays—which are earmarked for regular of final hearing, about 2 to 2 1/2 hours are consumed by very urgent admissions or miscellaneous cases. Now the court works for 4 1/2 hours a day. Hardly 2 to 2 1/2 hours a day are left for final hearing of pending cases during these three days.”

Four benches are there and it comes to 28 hours. If that be true, one lakh 43,000 divided by 28 hours a week just calculate and find out as to what type of justice we are giving to the people of this country. If that be so, I am not sure, because I have never practised in the Supreme Court. But some change has to be made, and I will request the hon. Minister to speak to the hon. Chief Justice of this country to find a solution. Otherwise, our entire judicial system would collapse and the people will not get justice who have come to the Supreme Court by spending thousands of rupees; it is not a justice which a poor man can afford to have.

I have already referred to the consideration of Article 136. I will also request the hon. Minister to consider Article 226 but not so seriously as Article 136 because Article 226 is utilized by poor people also. But I plead that if Article 136 is to be considered seriously, it would be useful for us to solve the problem to some extent. I am fully aware I am inviting the wrath of my friends at the Bar when I am making this request to the hon. Minister, but in the interest of the people of this country, I feel, it is absolutely necessary.

Who really gets justice from our courts and at what cost? This would be considered in relation to the petition under Article 136; and then Article 14 about which we speak often in this House and outside, when it operates in securing equal justice under law to the impoverished majority of Indian citizens, infact, I feel that this system favours the rich against the poor and the powerful against the weak; and this is the observation of no less a person than the Supreme Court Judge.

What is the quality of justice we turn out of the system and how does it compare with Indian ethos and constitutional values; that aspect has to be seriously considered. Now, in this connection, I would like to quote the Chief Justice of

India. He says as follows :

“Courts do not exist for lawyers and judges, and if the system cannot provide cheap, expeditious and fair justice to rich and poor alike, it can lose its legitimacy and may end in disastrous results.

So, these observations have been made by the Chief Justice of India from his experience and probably he feels that under the present judicial system, under the present law, the poor is not getting justice; he is not in a position to go the highest court of this country and, therefore, we have seriously to consider this opinion expressed by the Chief Justice.

In view of these matters, the question that would arise for consideration is whether some replacement is necessary in our system, or whether any reforms are necessary in this system and I know that this Government promised on the floor of this House to set up a Judicial Reforms Commission. But I am sorry to mention that the Government prevaricated on it, for reasons best known to them. May I know, Mr Law Minister, what happened to this assurance? Is it not high time you give some thought to this, and see as to how this judicial system should be reformed?

While considering reforms I would submit that we have to take into consideration certain realities and we cannot ignore these realities if we really want to re-structure this judicial system. Now, as I have already said, the present system caters only to ten per cent of people. We have to plan for catering to 25 per cent of the people who will go to courts of law in view of the social legislation and we have to plan for ourselves. It is said by one of the Judges that the poorest of the poor who constitute more than 20 per cent of India's population are totally out of the system and the reasons are not that injustice is not being done to them but because they do not know the law they do not know the procedure, they have no means to approach the courts, they cannot purchase, and cannot go for the legal

advice. If you go and see what happens in the Supreme Court, you will find the poor people, the litigants on the lawns of the Supreme Court. They do not know what to do, they are not in a position to pay for it, Rs. 5000 or Rs. 1,500 to the lawyers, towards fees. There is no cell. There is a legal aid cell but they do not know about it. They sit on the lawns, some tout comes there, takes money from them and goes. Are we not going to see that all these people, the poorest of the poor get justice? Are we doing justice to the poorest of the poor?

The Government has certain schemes. But the thing is they are not being implemented. Schemes are good. I would congratulate the Law Minister for having good schemes. But if you cannot take the schemes to the poor people, what is the use of your having good schemes? What is the use of our making speeches in this august House?

Then, as regards the reforms, the present unequal battle between the poor and the rich has to be stopped. The present adversary system of fighting between the people with the judge acting as the umpire has to be changed. He looks at the admissibility, the relevancy, and two persons are fighting, he acts as an umpire. That is the type of justice which we are having. It is not time that we change this system where there should be people's participation? It is absolutely necessary to change the system on that particular point.

Then comes the question of language. Laws are not known to many people, not only people coming from rural areas, but even people, of urban areas. Unfortunately, the laws translated from English have no sanction in courts of law. Even the Hindi translation of the Constitution is not yet accepted as authorised in law. On the other day, Mr. Law Minister when I asked you specifically whether Hindi copy of the Constitution is recognised in a court of law you did not give any reply.

SHRI CHITTA BASU (Barasat) : Is it not accepted ?

SHRI BAPUSAHEB PARULEKAR : No. It is not accepted. Only the English version is accepted.

Therefore we have laws which the people do not know, which the people do not understand, which the people cannot read, and therefore, we have to go to the advocates paying a fee of Rs. 5,000/- or so. I am speaking about the Supreme Court practice. If we go to an advocate Rs. 3,000/- have to be paid to him.

Then, I would like to make certain suggestions in this background. The first suggestion which I would like to make is about the changes which are most needed in the trial judiciary; because 80 per cent of the people have to go to this judiciary system. There is no time for me to suggest changes but you kindly consider whether this is necessary or not. Repeated requests have been made for setting up of family courts for settling of matrimonial matters, where women are mostly the victims. No answer is being given to us.

Then about the procedure, more informal procedure is absolutely necessary.

You have repeatedly said that in order to clear up the arrears and to give justice, bifurcation of the constitutional functions of the apex court will be done. I do not know whether a decision has been taken. It is absolutely necessary because the constitutional matters consume the the entire time of the Supreme Court and The poor litigants having their litigation about small land holdings, never get justice for years together. The great grandson gets the fruits of the decree in a suit filed by the great grandfather. If you are to continue that system, I have nothing to say. But I believe that it is high time to have this particular procedure amended.

I would request the Hon. Minister to

see whether any reforms are necessary and if so, in what way we can do it.

These days the dignity of the supreme courts including the Supreme Court is being lowered down and is lowered down by persons who are barristers-at-law, who are very close to legislative systems, who have practice in courts and who know the law. Under Article 142, the law laid down by the Supreme Court is applicable to all and every citizen is bound by it. When in a court of law such a person—the barrister, a person associated with legislation—says that a particular decision given by the Supreme Court is a fraud on the constitution of India and he says that he will take the judiciary to the streets. Unfortunately we have no law to punish this. These are the recent incidents which have happened in our country. There should be stringent laws in order to see that the dignity of the courts is protected.

Coming to the question of happening in Andhra Pradesh, in the year 1954 there was a case of Bli's Editor of Bombay in 1964 there was Keshav Singh's case, then there was the Kerala case of Desabhimani and many other cases wherein the Supreme Court has ruled that the issue of whatever happens on the floor of the House regarding the breach of privilege is not completely non-justiciable. It is justiciable in three cases viz. the principles of natural justice are violated, if no hearing has been given to him and that the action was mala fide. There are judgments, I would request the Hon. Law Minister to go through them. The Supreme Court in all these cases had held that under Article 21 where they have to protect the freedom of expression and freedom of speech, if any action on the floor of the House is in contravention of the three criteria which I have mentioned, comes in conflict with Article 21, then the Supreme Court gets a right. You have kept quiet from 1954 upto this day. That means, you accept that. Are you going to accept this when we say that parliament is supreme and the Constitution is supreme in this case? I request that codification of the privi-

leges has to be done. Now what is the effect? The legislature are not effected. The judges are not effected. The persons effected are the subordinate people like the Commisioners, the DSPs. They do not know what to do. It is a principle of double administration. If he does not obey the Supreme Court order, he violates one Article and if he does not obey the directive of the Chirman of the House, he violates other Article, It is like a case of a soldier who is told to fire and kill a particular person, if he does not fire, he commits an act which amounts to an offence under the court martial and if he does it, he is guilty under 302. What should he do? That is in fact, the fate of the poor Commisioner, who is facing this particular problem

I would request the Hon. Law Minister to consider the electoral reforms about which you have said many times in the House, in the Consultative Committee meeings and outside, but till today no reform has taken place. The only answer which you are giving is that you are seriously considering this matter. I do not know when this seriousness is going to end. Once you have told us that these reforms will be made before the coming electtions. I can quote you. I do not know whether you are prepared for it but subsequent to this statement of yours, you have said that you have to do many more things and, therefore, it is not possible. Now, which statement should I accept, kindly tell me? I would, therefore request you to kindly tell us something about the electoral refoms. I wanted to make many submissions but Mr. Chairman, you are fight you have rung the bell, so I will not take any more time. With this request I close but with all this mess in your Ministry, I am sorry I am unable to support your Demands.

SHRI N.K. SHEJWALKAR (Gwalior): I thank you very much for accomodating me. Really my friend Mr. Parulekar has said a lot and I am one with him regarding his sentiments. I do not understand why the Law Ministry is being considered as such a minor Ministry that it is being allotted only four hours' time and that

too after eight years I do not know whether they realise actually what the Law Ministry is.

MR. CHAIRMAN : Are you not in the Business Advisory Committee?

SHRI N.K. SHEJWALKAR : No, Sir, I am not now. So, Sir, after eight years we are discussing. I just wanted to tall the House what I conceive regarding this Ministry. In our democracy what we call rule of law, there are three pillars which we say—judiciary, legislative and executive. Out of these three pillars, two are under him—the Legislative Department as well as the Judicial Department.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI JAGAN NATH KAUSHAL) : But not the legislature.

SHRI N.K. SHEJWALKAR : I do not say legislature but legislature also in the sense that after all you advise all the laws to be made. I need not tell you that you are so senior and respected and revered to me but ultimately the theory is that law has to be in conformity with the society, in conformity with what the needs are of the day. If they are not taken into account, what the consequences would be, my friend has given just an idea about that. It may be formulati on of judiciary, the judicial system or the election reforms or the other matters regarding disputes between the judiciary and the legislature which have arisen now, it is high time that your Department comes the help of the people. I think this Department is just like Lord Brahma. It has to create. It creates cretain norms under the law and then it also creates an authority to execute it and thereafter the authority executes it. So, this is the fundamental function of the Law Ministry which has to be exercised and that is why it is so important. I do not know why it is not so considered. So I need not say. But I also feel like saying that not only the time allotted is very little but the other Hon. Members of the House also do not seem to be giving much importance to it. You are having a very thin

[Shri N.K. Shejwalkar]

attendance here which shows how serious we are. I am reminded of Mark Twain. When he was speaking, there was only one person hearing him. So he said, "Why are you sitting here? Thank you very much for that". That man said "No, Sir, I am here to take away the table and all that". So, probably here also it seems, with a little modification, that these who have to speak and the Hon. Minister who has to hear them are sitting here otherwise (Interruption).

SHRI CHITTA BASU : I am here.

SHRI N.K. SHEJWALKAR : He is for the next item for the 3.30 item.

MR. CHAIRMAN : At least the Chair hears.

SHRI N.K. SHEJWALKAR : Without you the House is not constituted. My Hon. friend referred to the judicial system first and electoral reform last. I propose to take up the electoral reform first.

SHRI BAPUSAHEB PARULEKAR : If the Law Ministry is Brahma, what is the status of the law Minister ?

SHRI N.K. SHEJWALKAR : If you go by the promises and assurances given in the House on electoral reforms, they will be brought in pretty soon. When I put this question, the reply given was that the matter is referred to the Cabinet Committee and, after the Cabinet Committee decides, the matter will be considered by the leaders of parties. But what is the position? The last meeting of the Cabinet Committee was held on the 18th February 1983; nothing was done. Thereafter, it was adjourned to 7th June 1983, then to 6th December 1983 and 6th January 1984. According to my information, nothing has come out.

As early as 1972 there was a Committee constituted for electoral reforms and that Committee had reported that processes should be initiated whereby the burden of

the legitimate election expenses at present borne by the candidates or the political parties should be progressively shifted to the State. Apart from this, many other suggestions have been given. There was a seminar recently held by the Institute of Constitutional and Parliamentary Studies, where the Election Commissioner was present. He had given certain suggestions regarding money power.

After all, there are so many things which had to be considered regarding the election. Are you satisfied with what is happening regarding the election? The other day there was a judgment of the Supreme Court that the introduction of the electronic system has no legal sanction. Are you going ahead with the electronic system or not? You may consider that it is not necessary. But if you think that it is necessary, then, even if the court has held like that, why not give statutory sanction for what is required? It is expected that this will eliminate many malpractices. There is saving in the cost of ballot papers, the difficulties of counting and false voting are prevented and there is no risk of the ballot boxes not reaching their proper places after the election. A voter has only to press one button and there are so many advantages. So, I do not know why the Government is silent on it. If not now, at least for the future this system can be tried. Though this Government has completed four years in office, from 1980 to 1984, nothing has been done by it regarding electoral reforms.

Regarding money power, a lot of things have been said. Mr Justice V.R. Krishna Iyer, a former Judge of the Supreme Court, observed :

"Money power casts a sinister shadow on our elections and the political pay-off of undue expenditure in the various constituencies is too alluring for parties to resist temptation. If campaigns run berserk and unlimited expenses become the rule, general elections become national nightmares and the fabric of our freedom shakes.

...The manumission of the electoral process is (therefore) the dharma of our Republic.”.

What steps have we taken to minimise the power of money, of which one reads in the papers? It is not the first incident. What happened in the Rajya Sabha Elections? In Rajasthan, the official nominee of the Congress could not get the major votes. The maximum vote was secured by Shri K.K. Birla.

SHRI MOOL CHAND DAGA (Pali): But the Congress Candidates have also won.

SHRI N.K. SHEJWALKAR: That is all right. That is their good luck. But what happened at the time when Bhabubhai Chinai was elected and that he defeated the Official nominee, Shri Waishampayyan at Bombay? And one of our Chief Minister openly says all right, anybody may be elected. but I will form the Government. What is that? Is it not the money power which is counting? What checks are you going to put on this?

SHRI MOOL CHAND DAGA: It is the super power which is working.

SHRI N.K. SHEJWALKAR: Sir, people talk of corruption. That is why I initially stated that the Ministry is actually the Lord Brahma. If you create such circumstances that there is no chance to the happenings of such corruptions and such corrupt methods, these thing will not follow. Today what is happening. Lakhs of rupees are spent for elections. There are suggestions to curb these and you rule out these suggestions. A suggestion was made why not have elections to the Lok Sabha and the Vidhan Sabha together? For this there was Private Member's Bill in the other House, but the Government refused to accept that.

Sir, I don't know how you call it a democracy when you take out a chit from

your pocket and say tomorrow the Notification will be issued and on 15th May there will be an election? Is it democracy? Are we to be taken by surprise? The Constitutional provision is there that any time this House can be dissolved. But I ask is it all in fairness ultimately? What is decided in law is that the election should be held in a specific time. Unless and until there is some emergent circumstance that law must not be changed. But that does not happen. Therefore, it is highly needed that all these electoral reforms are brought in. Laws which require necessary social legislations they are to be taken into account. All laws which have become obsolete, just as the Post Office Act and the police Act, they have to be repealed, modified or brought up-to-date. All these things are very very necessary.

Sir, it is necessary for the Government now to make a contribution in the elections. I don't want to go into the details because I know the time is very short. Sir, there is an article published in the Illustrated Weekly of 4th December. On page 20 it gives the comparison of several countries as to how mass media is being abused. Everybody says that it is being abused. They may say it so happened in 1977 and we may say it happened in 1980 also. But why not eliminate it? Form certain principles. At that time that Government brought in a Bill to make it a Corporation, but then the Government did not accept that proposition. Nor are they prepared to do it now. Sir, television and radio facility should be made available to all the parties. Similarly, the State should bear expenses under certain circumstances. The Article says if at all this facility is provided to eligible candidates, then it will be hardly Rs. 24.14 crores in five years. And this will be just the half if the elections of the Assemblies are also held together. These are the points which, I must submit, the Ministry might consider as early as possible.

Similarly, the matter of defections has also to be considered seriously. But they

[Shri N K. Shejwalkar]

are not considering the matter of defection at all. What is defection, nobody wants to decide. If somebody goes from this side to that side, that is bad; Similarly if somebody goes from that side to this side that is also bad. Why not make a legislation that after having been elected, if one wants to leave the party he should resign and then fight on a fresh ticket. That is something understandable. But if this is not checked, then Mooly tape and other sort of controversies are going to arise again and again. Everytime when there is an effort to topple certain Government, it is natural that defections will follow. Therefore, it is very necessary at this time that something is done to stop such happenings.

In this connection one more thing I want to submit and that is that there is another method to win over the M.L As. and that is to make them Chairmen of various Committees and Corporations. In Madhya Pradesh not only they are made Chairmen, but they are given the status of a Minister and they are not answerable to the Legislature because they head the autonomous bodies and they are Rajas of their own organisations. I am a Member of the Joint Committee on Offices of Profit and we are thinking of making a suggestion to make an amendment in the Constitution. Today what happens is, ours is a federal structure, but it is neither unitary nor federal. True there are so many things in common between the Centre and the States. But why not take the power from the States and make an amendment to the effect that they will not be able to remove disqualifications of the Members because they are having offices of profit. Let there be some uniform law all over the country. Let the Central Government as well as the State Governments have a common law Today what is happening? A Member of Parliament will be disqualified to become a member of any Corporation there, But M.L As. will not be disqualified because by blanket legislation, they have removed their disqualification. Anybody who is appointed a Member of any Corporation will not be disqualified. This is the law

which they have made. I am talking of Madhya Pradesh and so many other States. Is it not high time.....
(Interruptions). Rajasthan is also there. I am not challenging.

श्री गिरवारी लाल व्यास (भीलवाड़ा) :
एक तरफ तो सेन्टर और स्टेट रिलेशंस के बारे में बात करते हो और दूसरी तरफ इस तरह की बातें करते हो ।

SHRI N. K. SHEJWALKAR: Any way thank you. What I am saying is that there are certain matters about which we have to have a uniform law. I do not say it is interference, but we have to have a uniform law. Now there are some suggestions which I make regarding the elections and then I will close this subject.

The first thing, as I have submitted, is that for the defections there should be some law. For money power also there should be some check and the amount spent by the Party today is not included in the election expenses. It should be included and political parties should be asked to have registration. All political parties must have registration, their accounts should be auditable and every time the expense which the party incurs for the candidate should also be accounted as an election expense.

There should be a linkage of the Assembly elections with the Parliament elections.

One more point is that the abuse of the governmental machinery should not be allowed to be done. For example, advertisements. There are certain norms which the Election Commission laid down. Why not give them the status of law? They have issued a code of conduct, but that code of conduct is not followed by anybody, whoever is in power. Why not make it statutory so that these are all followed?

I have already said about mass media. There should be a sort of division of time for everybody. The electronic device should be introduced in all places. Similarly, about the appointment of the electoral authorities, many a time the electoral officers of the States are IAS officers who are local officers. But I would suggest that there should be an independent cadre of electoral officers who are not subordinate to any state authorities, but they should be directly subordinate to the Election Commission. That is very necessary.

Regarding the use of vehicles also, I would suggest that only some limited vehicles of the Government should be allowed to be operated during the elections. There is such a wasteful expenditure that is incurred on vehicles and the law is there that voters should not be carried in any vehicle. But my experience is that every party takes the voters to the polling stations and if one has more vehicles, he succeeds. I request you to kindly take all these things into consideration and make the necessary law.

Now, I come to the judicial system. My hon. friend, Mr. Parulekar, has already said a lot regarding the judicial system. There are 10 or three things which are very important for the judicial system. Firstly, it should be cheap. Sir, before you occupied the august office, I had a proud privilege of being with you in the Committee. You yourself had given a report that the court fee should be abolished. According to our culture, law cannot be purchased. Why not therefore abolish the court fee? Why not make it cheap?

SHRI MOOL CHAND DAGA : The States do not agree.

SHRI N. K. SHEJWALKAR : If you consider it that important, if you can make them agree to execute the 20 point programme, why not make this as a 21st point and have the 21 point programme. If you have the will, you can find a way out. If you do not have the will, that is a different thing. You are thinking of

abolishing the sales tax. For that also, you are trying to find out some way. You can find a way out. It is hardly 1 percent of the revenue, not even that. So, you may please consider that.

Secondly, justice should not be delayed. Regarding delay, there are a lot of things responsible for that. On page 27 of the Report, you have given the figures from which it appears that still 62 posts of Judges are vacant. Out of 110 Judges, only 42 Judges you have been able to appoint. There is a delay in the appointment of judges. Apart from the Judges who are going to retire, today 62 posts of Judges are vacant, I do not know how you are going to manage.

Regarding arrears, they are increasing every time. In the Supreme Court, the disposal of cases in the year 1980 is 16,904 while the institution of cases is 26,365. During the last three years, the gap between the institution of cases and the disposal of cases is increasing. How are you going to fill up the gap which is increasing in a geometrical progression? What is the way out. Can you make any changes in the procedure of appointment of Judges? Is it sufficient to have only 18 Supreme Court Judges. You are not already filling up the posts of Judges. That is a different thing. Unless and until you increased the number of posts of Supreme Court Judges and all judges, how can you reduce the pendency of cases? How can you improve the disposal of cases? It is not that there is a fixed number of pendency of cases. It is increasing every year. Every time, the pendency of cases is increasing by 10 percent or 20 percent or 25 percent. So, you have to do something concrete about it.

So is the case in the matter of subordinate courts also. Whatever procedure you want to follow regarding the Evidence Act and other Criminal and Civil Procedure Codes, in regard to the number of appeals and all that, unless and until you have sufficient number of Judges, I am afraid, this problem cannot be solved. Sir, you are a senior lawyer, You know

[Shri N.K. Shejwalkar]

that sometimes a decree is obtained by the grandson. Mr. Sonawala has written a book on the execution of decrees. He has dedicated the book to those who have survived to reap the fruits of decrees. That is the dedication—it is given on the first page of the book.

This is the position of law. If the people have no faith in judiciary, if everybody loses faith in judiciary, what is going to happen? Even Parliament becomes some sort of an irrelevant thing. If you are not serious about this matter and the courts are not able to do justice, where we have to go? That is a very serious thing. Regarding judiciary, I do not take much of the time. Regarding appointment of judges also, a healthy convention should be adopted. This thing happened in 1973 superseding three judges and making another judge as the Chief Justice of India, on the basis of so-called theory of committed judges. Now, it is not in existence. But for having a permanent solution of that problem, you must specifically say that this judiciary will always be independent.

Regarding transfer, we are in favour of the transfer of judges. It is not that they should not be transferred. But it should not be for bullying them or some sort of so-called punishment for certain acts which might have been done against the Government at that time. It is the Supreme Court or the Chief Justice of India who must be the agency for making administration of such things. A healthy convention should be adopted that in the matter of appointment of Chief Justice, a senior judge would not be overlooked by appointing a junior judge. The convention was evolved during the time of the Janata Government. Of course, forget about that. At any time, the convention that no appointment should be made contrary to the recommendations of the head of the judiciary, namely, the Chief Justice of India and involving 4 senior-most judges of the Supreme Court along with the Chief Justice of India, be restored. The same practice may be extended to the High Court also. In the matter of transfer of High Court judges, the Chief

Justice of India must be given the final voice.

PROF. N. G. RANGA (Guntur) : There may be more delay.

SHRI N. K. SHEJWALKAR : If there is any delay, because of the specific case, the Chief Justice should do it. I never said there should not be transfer but who should do it. That is the point.

PROF. N. G. RANGA ; The Government. Then, you can find fault with the Government in Parliament, Who is there to find fault with somebody else, tell me? There is no control over them? (Interruptions)

SHRI N. K. SHEJWALKAR : Unfortunately, past experience makes us to believe. Otherwise, we never asked that thing. Before 1973, there was no interference. In 1973, the Government announced that on the basis of committed theory, they will do that. You started on the basis of that theory.

Judges should be barred from any appointment excepting the appointment from any State or the Central Government for ensuring their independence. I think, you would agree that. As my hon. friend, Mr. Yadav has pointed that, you must give them again the remuneration of judges after retirement. Otherwise, they will look for you as to what job you are going to provide to them. Of course, it cannot be made always. But at the some time, there must be some sort of atmosphere that they will not be able to get that thing again. Emoluments of the members of the judiciary including lower judiciary should be substantially improved and their pension should be made equivalent to their salary.

The age for retirement of High Court judges should be increased to 65 as in the case of Supreme Court judges. The retiring age of the members of the lower judiciary should be raised to 60. I cannot understand why there should be a distinction between the retirement age in the cas-

of Supreme Court judges and of High Court judges. Their age for retirement should be increased so that they get an opportunity to become Supreme Court judges. That should be considered. These are a few suggestions which I am trying to make.

I must congratulate the hon. Law Minister, Uptil now, regarding the introduction of Hindi, it was very slow pace. But for the last one year, I am seeing that the hon. Minister is taking pains and they have been trying to bring all these things to the mark. Unfortunately, still there are some lapses. Regarding the publications of journals which the Government is doing, they are not being published in time. It reduces its utility. You should look to that also.

Lastly, I would mention only one thing about the company Law matter. I do not know how much control you directly have on such matters. Regarding the matter of Escorts and DCM, Mr. Nanda and Mr. Bharat Ram—I am nobody to defend anybody—they must have been helpful to the ruling party.....

PROF. N. G. RANGA : They are helpful to everybody.

SHRI N. K. SHEJWALKAR : In the Escorts, the LIC has got 30 percent of shares. Therefore, they have got the right to move a resolution for the removal of directors.....

SHRI MOOL CHAND DAGA : The matter is *sub judice*.

SHRI BAPUSAHEB PARULEKAR : For your information, the matter is decided. The High Court has decided about that petition. It is not *sub judice*.

SHRI N. K. SHEJWALKAR : I am under an impression that it is not decided as yet.

SHRI JAGAN NATH KAUSHAL ; The writ after being heard for 10 days has been admitted.

SHRI N. K. SHEJWALKAR : Will you please check up one thing ? I do not know how much you can do. Only in the month of June, certain directors were appointed for which the LIC gave their consent. They want to remove them now. Who are they ? They are very senior officers of the Government, Mr. Baliga and others. I just want to say that all the four senior Government officials were proposed by the LIC and now they want to remove them Why ? Only because apparently, it seems, that they are interested to oblige somebody. What I want to submit is that the Department of Company Affairs should try to check that.

Now there is a statement given on page 86 of the Annual Report of the Company Affairs Department. These are investigation cases in progress. There is item No. 1—Jiyajee Rao Cotton Mills Limited; date of order of investigation—7-12-67; it is under Section 237(b) and the remark given is—"court case". Will you please enlighten what it means ? What is the stage at which the case is pending ? From 1967 to 1984, 17 years have elapsed. There are other cases also. There is a case of Hindustan Development Corporation Limited. Date of order of investigation is 4-9-75; it is under Section 237(b) and the remark given is "court cases". But the case of Jiyajee Rao Cotton Mills Limited is the oldest one. It is dated 7-12-67.

PROF. N. G. RANGA : Courts are supreme; It may be pending in court for 17 years.

SHRI N. K. SHEJWALKAR : I feel that it is the responsibility of the Ministry of Law to steer clear of all the laws whether it is election law or a social law or whether it is regarding change of judicial system in the country. If all these problems are solved by the Ministry of Law, most of the consequent problems which we see today would not be there.

श्री जमीलूरहमान (किशनगंज) : सभा पति महोदय, मैं आप का शुक्रगुजार हूँ कि आप ने मुझे मिनिस्ट्री आफ ला, जस्टिस एंड कंपनी अफेयर्स पर बोलने का मौका दिया। यह मिनिस्ट्री जो इस समय काम कर रही है उस के लिए काबिले मुबारकबाद है और मंत्री महोदय भी काबिले मुबारकबाद हैं कि उन्होंने थोड़े से अरसे में बहुत अच्छा काम किया है। लेकिन जैसा कि दूसरे साथियों ने कहा है इस वजह से बहुत कम वक्त दिया गया है। ज्यादा वक्त होना चाहिए था क्यों कि इस ऐधान की जिन्दगी भी कानून की बुनियाद पर है और लोगों के जो हक हकूक हैं वह भी कानून की बुनियाद पर है। सारा मुल्क कानून की बुनियाद पर चल रहा है। इसलिए इसके लिए ज्यादा वक्त होना चाहिए। जहाँ तब मुझे याद पड़ता है 74-75 के बाद पहली बार यह मिनिस्ट्री डिस्कशन के लिए ली गई है। इसलिए इस पर ज्यादा वक्त और मौका मिलना चाहिए था।

यह मिनिस्ट्री चार बड़े डिपार्टमेंट्स को देखती है—लीगल अफेयर्स, लजिस्ट्रिव अफेयर्स, डिपार्टमेंट आफ जस्टिस और कंपनी अफेयर्स। मैं आप का इजाजत से चन्द आस्पेक्ट्स पर ही बोलूंगा। मुझे उम्मीद है मंत्री महोदय उस पर गौर फरमाएंगे और कोई ऐसा तरीका अस्तयार करेंगे कि एक अच्छा हल इसका निकल सक।

मैं लजिस्ट्रिव डिपार्टमेंट की बात ही करता हूँ बहुत से डिपार्टमेंट्स इस के तहत हैं। उस मस में सिर्फ दो ही के मुताल्लिक अर्ज करूंगा। एक तो एलेक्शन कमीशन जिस पर कि इस मिनिस्ट्री का एडमिनिस्ट्रिटिव कंट्रोल है और दूसरा एडमिनिस्ट्रेशन आफ ला एंड जस्टिस। हमारे मंत्री महोदय

काबिले मुबारकबाद हैं, वह हमारे साथ कंसल्टेटिव कमेटी के मेम्बर थे और उनके सेक्रेटरी साहब भी काबिले मुबारकबाद हैं क्योंकि उन्होंने काफी मेहनत से ऐसी रिपोर्ट तैयार की जिस की पढ़ने से पता चलता है कि कुछ अच्छा नतीजा शायद इसी सेशन में आने ही वाला है। मैं बहुत ही आफगोई से इस बात को कहना चाहता हूँ कि काफी अच्छा काम वक्त वक्त के मुताबिक हुआ है जिसकी मैं दूसरे वक्त रेफर करूंगा।

फिलहाल एलेक्शन कमीशन की बात मैं करूंगा। इस में टोटल स्टाफ 38 है। 38 में से 23 सेक्शन आफिसर, हिन्दी आफिसर और पी० ए० वगैरह हैं, कुल मिलाकर बच गए 15 अफसर। आप मुलाहिजा फरमाइए कि 70 करोड़ की आबादी और 15 अफसर उस के लिए तो वही मिसाल हों गई कि ऊट के मुंह में जीरा। इतनी आबादी के लिए यह एलेक्शन कमीशन इतजाम करे यह मुझे नामुमकिन मालूम होता है। यह कहा जाता है कि स्टेट के आफिसर्स इस की मदद करते हैं, लेकिन उस के बावजूद इस में बहुत सी इल्लिगलिटी और इर्रगुलरिटीज हाती हैं और होती आ रही हैं। मुझे को खास प्री-वान्स है कि एलेक्शन कमीशन के इस्ट्रक्शंस के बावजूद मेरे जिले पूर्णिया और उससे मिले हुए जिले कटिहार में 15 हजार ऐसे लोगों के नाम खारिज कर दिए गए जिन्होंने 1971 में वोट दिया, फिर 1972 में असेम्बली एलेक्शन में वोट दिया, 1975 में जब एलेक्टोरल रोल्स का रिवीजन हुआ तो उस में भी उनका नाम था, फिर 1977 में वोट दिया और फिर 1980 में भी वोट दिया लेकिन 1983 में उनके नाम कट गए। इस बात का काफी रिपरक्शन हुआ है उन दानों में जिलों में, और हमने इस बात को तरफ

एलेक्शन कमीशन का ध्यान खींचा है लेकिन उसने अनसुनी कर दी है जिसका कि हमें बहुत ही रंज व अफसोस है। आखिर इसकी क्या वजह है? या तो एलेक्शन कमीशन के पास इनएडिक्वैसी आफ स्टाफ की वजह से पूरा स्टाफ नहीं है कि वे जेन्युइन ग्रीवांसेज को भी देख सकें या फिर कुछ लोगों के दबाव में आकर उनको सेटिस्फाई करने के लिए वह नाम काट दिए गए हैं। उन लोगों के पास जवानी और डाकूमेटरी दोनों ही प्रूफ मौजूद हैं। उनमें रिटायर्ड गवर्नमेंट आफिसर्स हैं, टीचर्स हैं और हेल्थ डिपार्टमेंट में काम करके रिटायर हुए लोग भी शामिल हैं। ऐसे लोगों के नाम काट दिए गए हैं। इस घात की तरफ मैंने लीडर आफ दि कंट्री का भी ध्यान खींचा है और उन्होंने उसके जवाब में लेटर नं० 304-पी० एम० ओ० 84, 19 मार्च, 1984 में कहा है कि लेजिस्लेटिव डिपार्टमेंट के पास ग्रावजर्वेशन देने के लिए भेज दिया गया है क्योंकि मेरे लेटर में कहा गया था कि लोकल आफिसर्स गलत तरीके से किसी पार्टी के दबाव में आकर जायज आदमियों के नाम नाजायज तरीके से खारिज कर रहे हैं। इसलिए मेरी गुजारिश है कि आप एलेक्शन कमीशन को एडीक्वैटली स्टाफ करें। साथ ही साथ प्राविसेज में भी जो एलेक्शन आफिसेज हैं उनको भी एडीक्वैटली स्टाफ करें और उन पर अपना पूरा कंट्रोल

14.57 hrs.

[MR. DEPUTY SPEAKER in the Chair]

रखें ताकि किसी तरह की नाजायज बातें न हो सकें और किसी भी हिन्दुस्तानी शहरी को नाजायज तरीके से परेशान न किया जाए।

मैं एक सजेशन और देना चाहता हूँ। इन मसलों को देखने की जिम्मेदारी अगर पंचा-

यत कमेटी की लेवल पर सौंप दी जाए तो तो बेहतर होगा क्योंकि वहां पर सरकारी अफसरान भी मौजूद हैं। उनके जिम्मे यह काम किया जाए तो सही बात सही ढंग से सामने आ सकती है। मिसाल के तौर पर मैं बताना चाहता हूँ कि ग्राम पंचायत लेवल पर बी०एल०डब्लू रहता है, ग्राम-सेवक होता है, चौकीदार होता है और बी० डी० ओ०, सी० ओ० इस किस्म के लोग वहां पर होते हैं जोकि सही बात बता सकेंगे कि कोई आदमी उस पंचायत का रहने वाला है या नहीं।

जहां तक गरीब आदमियों को लीगल एड देने की बात है, मैं अर्ज करूंगा कि जस्टिस भगवती साहब ने यह बहुत अच्छा काम किया है जिसकी मैं बहुत कद्र करता हूँ। उन्होंने रेकमेंड किया है कि 6 हजार सालाना तक जिनकी ग्रामदानी होगी उनको लीगल एड जरूर दी जाए। मेरी गुजारिश है कि सोशल जस्टिस देने की बात हो तो उसका क्राइटीरिया एकोनामिक होना चाहिए। हम जरूर चाहते हैं कि शेड्यूल्ड कास्ट्स और शेड्यूल्ड ट्राइब्स के लोगों को मदद मिले, वीमेन को भी मदद मिले लेकिन उसके साथ साथ हमारा नजरिया यही होना चाहिए कि एकोनामिकली जो लोग पूवर हैं, चाहे वे किसी भी कास्ट के क्यों न हों, उनको लीगल एड दी जाएगी। चूंकि वे भी भारत के सीटिजन्स हैं। लीगल एड कमेटी का इम्प्ली-मेंटेशन होना चाहिए। इसके लिए एडीक्वेट फण्ड की व्यवस्था होनी चाहिए। यह कोई पार्टी का प्रश्न नहीं है, सभी इस बात से सहमत हैं कि गरीबों की भरपूर मदद की जानी चाहिए। यदि कोई आज मुकद्दमा दायर करेगा तो उसकी जिन्दगी के 8-10-12-9 साल तो गुजर ही जायेंगे।... (व्यवधान) ... आप मेरी बात को नहीं समझ रहे हैं। इस

[श्री जमीलुर्रहमान]

लिए इसको इफैक्टिव बनाइए। इस बात से सारे सदन के लोग सहमत हैं। यदि आप इसको और मजबूत बनाना चाहते हैं तो ग्राम पंचायत एक्ट जो बना है, वह अभी तक इनइफैक्टिव है, उसको इफैक्टिव बनाइए। ताकि गरीब जो गांव में रहता है, उनको जल्दी इंसाफ मिल सके। बजाय इस के कि वह कोर्ट के चक्कर लगाता रहे।

अब मैं जिस क्षेत्र से आता हूं, वहां के बारे में चन्द बातें कहना चाहता हूं। पब्लिक प्रोसीक्यूटर, एसिस्टेंट पब्लिक प्रोसीक्यूटर, गवर्नमेंट प्लीडर और ए० सी० स्टेट गवर्नमेंट प्लीडर या दूसरे लायर, जो सरकारी काम से संबंधित हैं, उनको एडीक्वेट पेमेंट होना चाहिए। इस प्रकार की एविडेंस भी आई है कि एक तरफ मान लीजिए पालकी-वाला हो और दूसरी तरफ जमीलुर्रहमान, तो मैं क्या करूंगा। पालकीवाले जैसा ही आदमी होना चाहिए, उसको वैसा ही पेमेंट करना चाहिए। ताकि वह मजबूती के साथ केस को लड़ सके। मुझे इसका तजुर्बा है, जब मैं पब्लिक प्रोसीक्यूटर था, तो सरकारी आदमी वेदिल से केस को लड़ता था यदि उसको एडीक्वेट पेमेंट किया जाए तो वह दिल से केस को लड़ेगा। वह सही मायनों में देश की सेवा कर सकेगा। यदि इसके बारे ला में अमेंडमेंट करने की आवश्यकता है, तो वह भी किया जाना चाहिए। उनकी सोशियो-सिक्योरिटी होनी चाहिए।

यह बड़े दुःख की बात है, जैसा कि अखबारों में आ रहा है, कि बार और बेंच में भगड़ा है। इससे मुल्क पर बड़ा बुरा असर पड़ता है। ऐसा मालूम होता है कि जैसे बहुत बड़ा तूफान आ गया है। मैं चाहता हूं कि इन दोनों में रिलेशनशिप मजबूत होनी

चाहिए। ताकि लोगों की सेवा हो सके। यदि आपस में कोई भगड़ा है, तो उसको बैठ कर निपटाया जाना चाहिए। बजाय इसके कि प्रैस में आये चाहे वह जजेज का मामला हो या लायर्स का मामला हो। इस किस्म की बातें होती हैं, तो बहुत सी बातें इन बातों से जन्म लेती हैं। करप्शन और फेवरेटिज्म को जन्म देती हैं। स्मूथ-फंगश-निंग के लिए बार और बेंच में एक अच्छा रिश्ता कायक होना चाहिए।

एक बात मैं अब मैं ला-कमीशन के बारे में कहना चाहता हूं। इसने अच्छा काम किया है। काबिले तारीफ है.. (व्यवधान)... काबिले तारीफ है। यही बात है, कि उस दिन भी चक्रवर्ती जी को उर्दू समझ में नहीं आई थी और भगड़ा हो गया था। उनकी रिकमेंडेशन है—एलीमिनेशन आफ डिले, स्पीडी वलीयर्स, सिम्लीफिकेशन आफ प्रो-सीजर, एलीमिनेशन आफ टेक्नीकैलेटिज—बहुत मही रिकमेंडेशंस उन्होंने की हैं। आप सब जानते हैं—टेक्नीकैलिटीज में मद्रास से कागज दिल्ली आयेंगे और दिल्ली से मद्रास जायेंगे, तब तक बात खत्म हो जाएगी। इस लिए टेक्नीकैलिटीज में भ्रंश में मत पड़िये इस में सुधार लाइये ताकि इस जम्हूरियत में अवाम का फायदा हो। जो प्रिसिपल्ज ला-कमीशन ने ले-डाउन किये हैं, वे निहायत माकूल हैं, बहुत अच्छे हैं, उन को इम्प्लीमेंट कीजिए। आप की मिनिस्ट्री के लिए यह क्वेश्चन मार्क है कि आप इसे कहां तक इम्प्लीमेंट करते हैं।

बहुत ज्यादा तादाद में लिटिगेशंज पेन्डिंग हैं, 10-10 और 12-12 साल से पेन्डिंग हैं। लोगों की मेहनत, खर्चा, बार-बार आना जाना, जब ये सब चीजें होती हैं तो फेवरेटिज्म

को हल आउट नहीं किया जा सकता है। इस तरफ भी आप को ध्यान देना होगा। इस सिलसिले में भी लां कमीशन की रिकमेंडेशनज एक्सीक्यूट हों, इम्प्लीमेंट हो, फुल-फिल हों—यह जिम्मेदारी हमारी मिनिस्ट्री पर है।

चन्द बातें मैं नेजिस्लेटिव डिपार्टमेंट के बारे में अर्ज करना चाहता हूं। इस डिपार्टमेंट ने बहुत अच्छा काम किया है और हम उर्दूदां तबका मोहतरिम वजीर साहब, श्रीमती इन्दिरा गांधी, आप के डिपार्टमेंट के अफसरान के बहुत शुक्रगुजार हैं। आप ने कानूनों का बहुत सी रीजनल लैंग्वेजेज वार दो जबान में तरजुमा कराया है। लेकिन एक बात सुनकर बड़ा दुख हुआ—जैसा मेरे भाई शेजवाल्कर साहब फरमा रहे थे—कांस्टीच्यूशन का जो हिन्दी तर्जुमा हुआ है, उसको कोर्ट महत्व नहीं देती हैं। इसको साल्व (solve) करने का क्या रास्ता हो सकता है, इसके बारे में आपको गौर करना चाहिए। सेन्ट्रल एक्ट्स के जो उर्दू तर्जुमें आपने कराये हैं उनके लिए हम आपको बहुत मशकूर हैं और आप बधाई के पात्र हैं। जितने इम्पार्टेंट एक्ट्स हैं उनके तर्जुमे रीजनल लैंग्वेजेज वार दो में होना चाहिये ताकि वे गांवों के लोगों तक पहुंच सकें और वे उनको संजीदगी से समझ सकें। इनको रीजगल लैंग्वेजेज में छपाने के लिए अगर आपके पास फंड्स की कमी हो तो मैं आपसे गुजारिश करूंगा कि आप ज्यादा फंड्स हासिल करने की कोशिश करें ताकि यह काम पुरा हो सके। एक बात और कानूनों का रीजनल लैंग्वेजेज में छप जाना ही काफी नहीं है, कोर्टस भी उनको महत्व दें—यह बड़ी बात है, इस तरफ भी आपको गौर करना चाहिये।

कुछ बातें मैं वक्फ के बारे में कहना चाहता हूं। वक्फ एडमिनिस्ट्रेशन ख्वाजा अजमेर शरीफ में जो काम कर रहा है वह बहुत अच्छा है, लेकिन इसमें और ज्यादा इम्प्रूवमेंट की जरूरत है एक सब से जरूरी मसला वक्फ प्रापर्टीज की प्रोटेक्शन, सेफ-गार्डिंग आफ वक्फ प्रापर्टीज का है। माइनारिटी कम्युनिटीज के जरिये जो एजुकेशनल इंस्टीच्यूशन चलाई जा रही हैं, उनको एडवांसमेंट का मसला है। अभी तक वक्फ प्रापर्टीज के सर्वे का काम पूरा नहीं हो सका है। आपकी रिपोर्ट में कुछ स्टेट्स का जिक्र है, लेकिन बकाया काम जल्द से जल्द पूरा होना चाहिए। इस कामको 35,36 साल हो गए हैं, अगर आप इस कामको पूरा करा दें तो यह सेहरा आपके सिर मंडेगा। एक बात मैं साफतौर से कह देना चाहता हूं—मुसलमानोंके अन्दर इस बातका बड़ा एप्रि-हेन्शन है कि जितनी डिले हो रही है उसका नतीजा है कि अनस्कूपुलस लोग प्रापर्टीजको डिस्पोज आफ कर रहे हैं या गवर्नमेंट उनपर कब्जा कर रही है। इस एप्रि-हेन्शनको दूर करनेकी जरूरत है। हमारी नीयत साफ है, हम इस कामको करना चाहते हैं, इसमें कोई शुब्हा नहीं है लेकिन प्राइम मिनिस्टरके डायरेक्टिवके बावजूद रेस्टोरेशन आफ प्रापर्टीज नहीं हो पाया है, यह बहुत अफसोसनाक बात है। आप डी०डी० ए०को देख लीजिए। जो भी वक्फकी जायदाद है, उस सबको ग्रीन एरिया डेक्लेयर कर दिया और मस्जिदें जो हैं वे आर्कियो-लाजिकल डिपार्टमेंटके कब्जे में हैं और जो दूसरी प्रोपर्टी है, वह दूसरे लोगोंके कब्जे में चली गई है। आखिर इसको कौन देखेगा। आपका डिपार्टमेंट जामिन है वक्फ जायदादका। वह नहीं देखेगा, तो कौन इसको देखेगा। इसलिए मेरी गुजारिश है कि

[श्री जमीलुर्रहमान]

इस को आप रेस्टोर कीजिए और प्राइम मिनिस्टर की डाइरेक्शंस पर अमल कराइए और रेस्टोर करा कर वक्फ बोर्ड के कब्जे में दिलवाइए ताकि काम ठीक से हो सके।

वक्फ एमेंडमेंट एक्ट के बारे में कई बार अखबारों में पढ़ चुके हैं और रिपोर्ट के अन्दर भी यह है। यह बहुत दिनों से पेंडिंग है। मैं उम्मीद करता हूँ कि इस बार आप इस को इस सेशन में लाएंगे। बीच में एक बरनी कमेटी भी बनी थी और फखरुद्दीन साहब मरहूम के वक्त में भी इस बारे में बात हुई थी लेकिन अभी तक यह नहीं हो पाया है। इसलिए मैं गुजारिश करूँगा कि वक्फ एमेंडमेंट एक्ट को आप जल्दी से जल्दी लाइए ताकि इस मसले पर जो मुसलमानों के दिलों में कसक है, वह दूर हो सके।

मैं घूम-फिर कर देखता हूँ कि इस डिपार्टमेंट में स्टाफ बहुत कम है और जब ऐसी बात है, तो काम कैसे होगा। इसलिए इस को आप एडीकेट स्टाफ दीजिए इतना बड़ा वक्फ का मामला है, इतना बड़ा ट्रांसलेशन का काम है, रीजनल लैंग्वेज में इतने सारे एक्टों का तरजुमा करना है और आप के पास स्टाफ सिर्फ एक हजार या डेढ़ हजार हैं। इतने स्टाफ से कैसे काम चलेगा। डिपार्टमेंट इतना भारी है और काम इतना ज्यादा है, तो कैसे इतने कम स्टाफ से काम होगा। यह मैं सभी विभागों के बारे में कह रहा हूँ और सिर्फ एक विभाग के बारे में नहीं कह रहा हूँ। अगर आप स्टाफ बढ़ा देते हैं, फिर देखिए कि काम होता या नहीं।

लास्ट प्वाइंट मुझे जूडीशियेरी के बारे में कहना चाहता हूँ। जूडीशियेरी को देखने

के बाद मुझे एक छोटा सा शेर याद आ जाता है :

हम खाक हो जाएंगे,

तुम्ह तक खबर होने तक।

जूडीशियेरी की यह हालत है कि 1-4-1983 में सुप्रीम कोर्ट में चीफ जस्टिस को मिला कर कुल 18 आनरेबिल जजेज हैं और 1-4-83 तक आनरेबिल हाई कोर्ट्स में केवल 333 जजेज थे जबकि इन की स्ट्रेंथ 418 है। इसी तरीके से आप केसेज को ले लीजिए। सुप्रीम कोर्ट में 30-11-83 तक रेगुलर हियरिंग के लिए 42,146 केस थे और एडमीशन मेटर्स 3,361 थे। इसी तरह से हाई कोर्ट्स में 31-12-82 तक कुल 9,76,781 केस पेंडिंग थे। सेशंस कोर्ट्स में ओरीजनल केसेज 91,776 थे 30-6-82 तक, रिवीजन के 39,322 और अपील के 53,926 थे। मेजिस्ट्रेट कोर्ट्स में 30-6-82 तक 63,84,727 केसेज थे और सिविल कोर्ट्स में 30-6-82 तक ओरीजनल केसेज 30,63,550 थे और अपील में 2,37,780 केसेज थे और स्ट्रेंथ को आप देखिए। दिसम्बर 1982 डिस्ट्रिक्ट जज और सेशंस जज 2,786 थे। अब अगर केसेज की संख्या को देखा जाए तो सेशंस जज और डिस्ट्रिक्ट जज रिटायर हो जाएंगे और केसेज पेंडिंग पड़े रहेंगे अगर उन की संख्या को जजेज की संख्या से भाग दे दें तो क्या नतीजा निकलेगा।

श्री आर० एन० राकेश (चैल) : इस में शेड्यूल्ड कास्ट्स और शेड्यूल्ड ट्राइब्स के कितने हैं ?

श्री जमीलुर्रहमान : आप जरा मेरी बात सुन लीजिए। मुन्सिफ और मेजिस्ट्रेट कुल 5,044 हैं। ये फीगर्स मैंने आप की

रिपोर्ट से ली हैं। अब सवाल यह पैदा होता है कि किस तरह से इतने सारे केसेज निपटगे।

एक भाई ने अभी सवाल उठाया था कि कितने शेड्यूल्ड कास्ट्स और शेड्यूल्ड ट्राइब्स के जजेज हैं।

यह रिजर्वेशन की बात है और इसका कांस्टीच्यूशन में प्रोविजन है। जो कांस्टीच्यूशन में प्रोविजन है, उस पर पूरा अमल-दरामद होना चाहिए। अगर यह नहीं हुआ है तो गलत बात है।

कोर्ट में जो केसेज का मसला है, जहां तक में रीड कर पाया हूं अगर इनमें से सर्विसिज के केसिज हटा दिये जाएं और इफेक्टिव ट्रिब्युनल्स बैठा दिये जाएं तो बहुत हद तक हाई कोर्ट और सुप्रीम कोर्ट का लोड कम हो जाएगा।

हमारे लायक वजीर, मेरे वकील भाई कौशल जी कंसलटेटिव कमेटी के मेम्बर थे, उसमें हमने कोर्ट फी के बारे में जोड़-तोड़ कर देखा था और पाया था कि 0.1 परसेंट कोर्ट फी का कांस्टीच्यूशन आल इंडिया में हमारे रेवेन्यु में है। अगर आप पुअर लोगों को जस्टिस देने की बात करते हैं तो यह 0.1 परसेंट आप टेक्स बढ़ा कर भी रेवेन्यु में हासिल कर सकते हैं। हमारे यहां कार्ट फी ज्यादा होने की वजह से गरीबों को जस्टिस नहीं मिल पाता है। अगर मान लीजिए मैं किसी मकान का मालिक हूं और कोई इंटरूड उसमें कब्जा कर के बैठ जाता है, उस मकान का इवेल्युशन दो लाख रुपये का हुआ है तो मैं कोर्ट फी न दे सकने की वजह से उस इंटरूडर को मकान से नहीं निकाल सकूंगा और वह उसमें बैठा रहेगा। अगर आप पुअर आदमियों और छोटे आदमियों को जस्टिस देने की बात करते हैं जिसका कि इस रिपोर्ट में भी

तस्करा किया गया है तो इस कोर्ट फी को खत्म करने के बारे में आपको जल्दी से जल्दी कार्यवाही करनी चाहिए।

सर, हमारे यहां आबादी में औरतें बराबर हैं। इसलिए हमारी औरतें भी बराबर की तादाद में जजिज होनी चाहिए। इसका औरतों पर एक इम्पेक्ट पड़ेगा। आजकल जो औरतों पर क्राइम सुनने में आते हैं उनको दूर करने में भी इसका एक इम्पेक्ट होगा। इसलिए औरतों को भी बराबर की तादाद में जजिज मुकर्रर किया जाना चाहिए।

यह जो वाराणसी में शिया और सुन्नी लोगों का संगीन मसला है, यह बड़ा ही दर्दनाक है। अब चूंकि सुप्रीम कोर्ट की एक बात हो गई है, इसलिए मैं उसके खिलाफ कुछ नहीं बोलना चाहता। लेकिन मैं अपने लायक और काबिले तारीफ वजीर साहब से गुजारिश करूंगा कि वे कोई इस का रास्ता निकालें। नहीं तो यह एक बड़ी ही भयानक बात होने वाली है। लोग मेरे पास आते हैं और कहते हैं कि कोई रास्ता निकालिये, वरना बड़ी भयानक बात होने वाली है। अगर यह बात भयानक हो गई तो इसका बहुत देर तक असर रहेगा।

इलेक्शन रिफार्म की बात कही गई है, वे होने चाहिए। आप उनके बारे में सोच-समझ कर कदम उठाइये।

आखिर में मैं आपसे डिस्ट्रिक्ट लेबल से आनरेबल हाई व सुप्रीम कोर्ट में जजिज के अप्पॉइंटमेंट के बारे में कहना चाहता हूं कि उसमें फेअर रिप्रजेन्टेशन मुसलिम अक्लियत को भी मिलना चाहिए। अक्लियत में भी ऐसे लोगों की कमी नहीं है।

आखिर में मैं अपने लायक वजीर साहब को मुबारकबाद देता हूं कि उन्होंने इन मांगों को यहां रखा। इन मांगों की मैं ताईद करता हूं।

شاید اس سیشن میں آنے ہی والا ہے۔ میں بہت ہی صاف گوئی سے اس بات کو کہنا چاہتا ہوں کہ وقت وقت سے مطابق ہوا ہے جس کو میں دو سکر وقت ریفر کروں گا۔ فی الحال ایکشن کمیشن کی بات میں کہوں گا۔ اس میں ٹوٹل اسٹاف ۳۸ ہے۔ ۳۸ میں سے ۲۳ سیکشن آفیسر ہندی آفیسر اور پی اے وغیرہ ہیں کل ملا کر بیچ گئے ۱۵ آفسر آپ ملاحظہ فرمائیے کہ ۷۰ کمرہ کی آبادی اور ۱۵ آفسر اس کے لئے تو وہی مثال ہو گئی کہ اونٹ کے منہ میں زیرہ۔ اتنی آبادی کے لئے یہ ایکشن کمیشن انتظام کرے یہ مجھے ناممکن معلوم ہوتا ہے۔ یہ کہا جاتا ہے کہ اسٹیٹ کے آفیسر اس کی مدد کرتے ہیں ایگٹی اور ریکورڈنگ ٹوٹل ہوتی ہیں اور ہوتی آرہی ہیں۔ مجھ کو خاص گریووس ہے کہ ایکشن کمیشن کے انٹرکشن کے باوجود میسج ضلع پورنیا اور اس سے ملے ہوئے ضلع کٹی میں ۱۵ ہزار ایسے لوگوں کے نام خارج کر دیئے گئے جنہوں نے ۱۹۷۱ء میں ووٹ دیا۔ ۱۹۷۵ء میں سب الیکٹورل رولس کاروبار ہوئے تو اس میں بھی ان کا نام تھا پھر ۱۹۷۷ء میں ووٹ دیا اور ۱۹۸۰ء میں بھی ووٹ دیا لیکن ۱۹۸۳ء میں ان کے نام گٹ گئے۔ اس بات کا کافی ریپریشن ہوا ہے ان دونوں ہی ضلعوں میں اور ہم نے اس بات کی طرف ایکشن کمیشن کا دھیان کھینچا ہے لیکن اس نے اُن سنی کر دی ہے جس کا کہ ہمیں کافی رنج اور بہت افسوس ہے۔ آخر اس کا کہا وجہ ہے۔ یا تو ایکشن کے پاس ان ایڈیوکیٹس آف اسٹاف کی وجہ سے پورا اسٹاف نہیں ہے کہ وہ جینیون گریووز *genuine grievance* کو بھی دیکھ سکیں یا پھر کچھ لوگوں کے دباؤ میں آکر ان کو سیسٹمی (systemic) کرنے کے لئے وہ نام کاٹ دے گئے ہیں۔ ان لوگوں کے پاس زبانی اور ڈاکو مینٹری دونوں ہی پروف موجود ہیں۔ اس میں رٹائرڈ گورنمنٹ آفیسرز ہیں ایچرس ہیں

شری جمیل الرحمن (کشن گنج) محترم چیرمین صاحب میں آپ کا شکریہ گزارا ہے کہ آپ نے مجھے منسٹری آف لاجسٹکس اینڈ کمپنی ایفٹرس پر بولنے کا موقع دیا۔ یہ منسٹری جو اس سیمے کام کر رہی ہے اس کے لئے قابل مبارکباد ہے اور منسٹری ہر دسے بھی قابل مبارکباد ہیں کہ انہوں نے تھوڑے سے عرصہ میں بہت اچھا کام کیا ہے۔ لیکن جیسا کہ دوسرے ساتھیوں نے کہا ہے اس وزارت میں بہت کم وقت دیا گیا ہے۔ زیادہ وقت ہونا چاہیے تھا کیوں کہ اس ایوان کی زندگی بھی قانون کی بنیاد پر ہے اور لوگوں کے جو حق حقوق ہیں وہ بھی قانون کی بنیاد پر ہیں۔ سارا ملک قانون کی بنیاد پر چل رہا ہے۔ اس لئے اس کے لئے زیادہ وقت ہونا چاہیے۔ جہاں تک مجھے یاد ہے ہے ۷۵-۷۴ کے بعد پہلی بار یہ منسٹری ڈسکشن کے لئے لی گئی ہے۔ اس لئے اس پر زیادہ وقت اور موقع ملنا چاہیے تھا۔

یہ منسٹری چار بڑے ڈپارٹمنٹس کو دیکھتی ہے۔ لیگل آفیسر اینڈ جیسٹیس آفیسر ڈپارٹمنٹ آف جسٹس اور کمپنی ایفٹرس میں آپ کی اجازت سے چند اسپیکٹس پر ہی بولوں گا۔ مجھے امید ہے منسٹری ہر دسے اس پر غور فرمائیں گے اور کوئی ایسا طریقہ اختیار کریں گے کہ ایک اچھا حل اس کا نکل سکے۔

میں لاجسٹکس ڈپارٹمنٹ کی بات ہی کرتا ہوں۔ بہت سے ڈپارٹمنٹس اس کے تحت ہیں۔ اس میں سے میں صرف دو ہی کے متعلق عرض کروں گا۔ ایک تو ایکشن کمیشن جس پر کہ اس منسٹری کا ایڈمنسٹریٹو کنٹرول ہے اور دوسرا ایڈمنسٹریشن آف لائسنس جسٹس۔ ہمارے منسٹری ہر دسے قابل مبارکباد ہیں کیوں کہ انہوں نے کافی محنت سے ایسی رپورٹ تیار کی جس کو پڑھنے سے پتہ چلتا ہے کہ کچھ اچھا پتہ

آمدنی ہوگی انکو لیگل ایڈیٹری دی جائے۔ میری گزارش ہے کہ سوشل جسٹس دینے کی بات ہو تو اس کا کراؤ سیریا کو نوٹک ہونا چاہیے۔ ہم ضرور چاہتے ہیں کہ شیڈیولڈ کاسٹ ٹرانز کے لوگوں کو مدد ملے و یمن کو بھی مدد ملے لیکن اسکے ساتھ ساتھ ہمارا نظریا یہی ہونا چاہیے کہ اکا نو مکلی جو لوگ پورے ہیں چاہتے وہ کسی بھی کاسٹ کے کیوں نہ ہوں انکو لیگل ایڈیٹری دی جائے گی۔

چونکہ وہ بھی بھارت کے سٹیشنر ہیں۔ لیگل ایڈیٹری کا اپلیمنٹیشن ہونا چاہیے۔ اس کے لئے ایڈیٹوریٹ فنڈ کی انتظام ہونی چاہئے۔ یہ کوئی پارٹی کا پرسن نہیں ہے۔ سبھی اس بات سے سہمت ہیں کہ غریبوں کی بھلہ پروہ مدد کی جانی چاہئے۔ اگر کوئی آج مقدمہ دائر کرے گا تو اسکی زندگی کے ۸۔۱۰۔۱۲۔۹ سال تو ہی گزر جائیں گے۔

.... (انٹریشنر).... آپ میری بات کو نہیں سمجھتے ہیں۔ اس لئے اس کو انکیٹیو بنائیے تاکہ غریب جو گاؤں میں رہتا ہے انکو جلدی انصاف مل سکے۔ بجائے اسکے کہ وہ کورٹ کے چکر لگاتا ہے۔

اب میں جس حلقے سے آتا ہوں وہاں ان کے بارے میں چند باتیں کہنا چاہتا ہوں پبلک پروسیکیوٹر ایسٹینٹ پبلک پروسیکیوٹر گورنمنٹ بلڈراور ایسٹینٹ گورنمنٹ بلڈریا دوسرے لائبر جو سرکاری کام سے سبند دھت ہیں ان کو ایڈیٹوریٹ پیمینٹ ہونا چاہئے۔ اس پر کارکی ایڈیٹنس بھی آئی ہے کہ ایک طرف مان لیجئے پالکی والا ہوا اور دوسرے طرف جمیل الرحمن تو میں کیا کروں گا۔ پالکی والے جیسا ہی آدمی ہونا چاہئے اس کو ویسا ہی پیمینٹ کرنا چاہئے تاکہ وہ مضبوطی کے ساتھ کیس کو لڑ سکیں۔ مجھے اس کا تجربہ ہے جب میں پبلک پروسیکیوٹر تھا تو سرکاری آدمی بے دل سے کیس کو لڑتا تھا۔ اگر اسکو ایڈیٹوریٹ

اور ہیلٹھ ڈیپارٹمنٹ میں کام کر کے ٹرانز ہوتے لوگ بھی شامل ہیں۔ ایسے لوگوں کے نام کاٹ دیئے گئے ہیں اس بات کی طرف میں نے لیڈر آف ری کنٹری کا بھی دھیان دینا چاہئے اور انھوں نے اس کے جواب میں لیڈر نمبر ۲ پی ایم۔ ۱۱۔۱۹۸۳ مارچ ۱۹۸۳ میں کہا ہے کہ پیمینٹ ڈیپارٹمنٹ کے پاس آبرو ویس دینے کے لئے بھیج دیا گیا ہے کیونکہ میسر لیڈر میں کہا گیا تھا کہ لوکل ویسر عطا طریقے سے کسی پارٹی کے دما ذ میں آکر سٹارڈمیوں کے نام نا جائز طریقے سے خارج کر رہے ہیں۔ اس لئے میری گزارش ہے کہ آپ ایکشن ٹیشن کو ایڈیٹوریٹ اسٹاف کریں۔ ساتھ ہی ساتھ یرو ویسز میں بھی جو ایکشن آفیسرز ہیں انکو بھی ایڈیٹوریٹ اسٹاف کریں اور ان پر اپنا پورا کنٹرول رکھیں تاکہ کسی طرح کی ناجائز باتیں نہ ہوں سیکس آڈیٹری ہی ہمہ دستی سہری کو نا جائز طریقے سے بریتاں۔ کیا جائے۔

میں ایک سیشن اور دینا چاہتا ہوں۔ ان مسئلوں کو دیکھنے کی ذمہ داری اگر پانچاٹ کمیٹی کی لیول پر سونپ دی جائے تو بہتر ہوگا کیونکہ وہاں پر سرکاری افسران بھی موجود ہیں انکے ذمہ یہ کام کیا جائے تو صحیح بات صحیح ڈھنگ سے سامنے آسکتی ہے مثال کے طور پر میں بتانا چاہتا ہوں کہ گرام پنچایت لیول پر وی ایل ڈبلیو رہتا ہے گرام سیلوک ہوتا ہے اور بی ڈی۔ او ہوتا ہے چوکیدار ہوتا ہے۔ سی او۔ اس قسم کے لوگ وہاں پر ہوتے ہیں جو کہ صحیح بات بتا سکے گیں کہ کوئی آدمی اس پنچایت کا رہنے والا ہے یا نہیں۔

جہاں تک غریب آدمیوں کو لیگل ایڈیٹری کی بات ہے میں عرض کروں گا کہ جسٹس بھگوتی صاحب نے یہ بہت اچھا کام کیا ہے جسکی میں قدر کرتا ہوں۔ انھوں نے ریکورڈنگ کی ہے کہ چھ ہزار سالانہ تک جسکی

جو پرنسپلز (اصول) لاکمیشن نے ڈاؤن کئے ہیں وہ بہت معقول ہیں بہت اچھے ہیں ان کو اپیلی مینٹ کیجئے۔ آپ کی منسٹری کے لئے یہ کو لیجن مارکہ ہے کہ آپ اسے کہاں تک اپیلی مینٹ کرتے ہیں۔

بہت زیادہ تعداد میں لیٹی کیشنز پینڈنگ ہیں۔ ۱۰-۱۱ اور ۱۲ سال تک پینڈنگ ہیں۔ لوگوں کی محنت خرچ بار بار آنا جانا جب سے یہ سب چیزیں ہوتی ہیں تو فیورٹرم کو رول آؤٹ نہیں کیا جاسکتا ہے۔ اس طرف بھی آپ کو دھیان دینا ہوگا۔ اس سلسلے میں بھی لاکمیشن کی ریگولیشنز ایگزیکوٹ ہوں۔ اپیلی مینٹ ہوں۔ فل فل ہوں یہ ذمہ داری ہماری منسٹری پر ہے۔

چند باتیں میں لیجلیٹو ڈیپارٹمنٹ کے بارے میں عرض کرنا چاہتا ہوں۔ اس ڈیپارٹمنٹ نے بہت اچھا کام کیا ہے اور ہم اردو داں طبقہ محترم وزیر صاحب شرمیتی اندرا گاندھی آپ کے ڈیپارٹمنٹ کے افسران کے بہت شکر گزار ہیں۔ آپ نے قانونوں کا بہت سی ریجنل لنگویجز میں ترجمہ کرایا ہے۔ لیکن ایک بات سن کر بڑا دکھ ہوا۔ جیسا میرے بھائی شیخو لکر صاحب فرما رہے تھے۔ کانٹی چویشن کا جو ہندی ترجمہ ہوا ہے اسکو سالو کرنے کا کیا راستہ ہو سکتا ہے۔ اس کے بارے میں آپکو غور کرنا چاہیے۔ سینٹرل ایکٹس کے جو اردو ترجمہ آپ نے کرائے ہیں۔ ان کے لئے ہم آپ کے بہت شکر گزار ہیں اور بدھائی کے پاتریں۔

جنے ڈیپارٹمنٹ ایکٹس ہیں ان کے ترجمے ریجنل لینگویجز میں وارد ہونے چاہئیں۔ تاکہ وہ گاؤں کے لوگوں تک پہنچ سکیں اور وہ انکو سنجیدگی سے سمجھ سکیں۔ ان کو ریجنل لینگویجز میں چھپانے کے لئے اگر آپ کے پاس فنڈس کی کمی ہو تو میں

پیمینٹ کیا جائے تو وہ کیس کو لڑے گا۔ وہ صحیح محلوں میں دیش کی سیوا کرے گا۔ اگر اسکے بارے میں لایمن اینڈ مینٹ کرنے کی ضرورت ہے تو وہ بھی کیا جانا چاہیے۔ ان کی سوشیول سیکورٹی ہونی چاہیے۔

یہ بڑے دکھ کی بات ہے جیسا کہ اخباروں میں آرہا ہے کہ بار او ریمنٹ میں جھگڑا ہے۔ اس سے ملک پر بڑا برا اثر پڑتا ہے۔ ایسا معلوم ہوتا ہے کہ جیسے بہت بڑا طوفان آگیا ہے۔ میں چاہتا ہوں کہ ان دونوں میں ریشن شب مضبوط ہونی چاہیے۔ تاکہ لیگوں کی سیوا ہو سکے۔ اگر آپس میں کوئی جھگڑا ہے تو اس کو بیٹھ کر پٹریا جانا چاہیے۔ بجائے اس کے کہ پریس میں ٹین چاہے وہ تجییز کا معاملہ ہو یا لاکر س

کا معاملہ ہو۔ اس قسم کی باتیں ہوتی ہیں تو بہت سی باتیں ان باتوں سے جنم لیتی ہیں۔ کرپشن اور فیورٹرم کو جنم دیتی ہیں۔ اسمونڈ فنگشنگ کے بار او بیج میں ایک اچھا رشتہ قائم ہونا چاہئے۔

ایک بات اب میں لا۔ میشن کے بارے میں کہنا چاہتا ہوں۔ اسنے اچھا کام کیا ہے۔ قابل تعریف ہے۔۔۔ (انٹرویشن)۔۔۔ قابل تعریف ہے۔ یہی بات ہے کہ اس دن بھی چکرورتی جن کو اردو سمجھ میں نہیں آتی تھی اور اس دن جھگڑا ہو گیا تھا۔ ان ریگولیشن ہیں۔ ایلی مینٹ آف ڈی اسپیدی کلیرنس سیمپلی فکیشن آف پروسیجر ایلی مینٹ آف ٹیکنی کیلیٹیز بہت صحیح ریگولیشنز انھوں نے کی ہے۔

آپ سب جانتے ہیں ٹیکنی کیلیٹیز میں مدراس سے کاغذ دی آئیے گے اور دی سے مدراس جائیں گے تب تک بات ختم ہو جائے گی۔ اس لئے ٹیکنی کیلیٹیز کے کھنڈ میں مت پڑیے۔ اس میں سدھار لائے تاکہ اس جمہوریت میں عوام کا نمائندہ ہو۔

کی جائداد ہیں اس سب کو گریں ڈکلیئر
 کر دیا ہے اور مسجدیں جو ہیں وہ آرکبولوجیکل ڈیپارٹمنٹ
 کے قبضے میں ہیں اور جو دوسری برابری جائیداد
 ہے وہ دوسرے لوگوں کے قبضے میں چلی گئی ہے
 آخر اس کو کون دیکھے گا۔ آپ کا ڈیپارٹمنٹ ضامن
 ہے وقف جائداد کا۔ وہ نہیں دیکھے گا تو کون اسکو
 دیکھے گا۔ اس لئے میری گزارش ہے کہ اسکو ریسٹور
 کیجئے اور پرائم منسٹر کی ڈائریکشن پر عمل کرایئے۔ اور
 ریسٹور کر کر وقف بورڈ کے قبضے میں دلوائیئے تاکہ
 کام ٹھیک سے ہو سکے۔

وقف امینڈ مینٹ ایکٹ کے بارے میں کئی
 بار اخباروں میں پڑھ چکے ہیں اور رپورٹ کے اندر
 بھی یہ ہے۔ یہ بہت دنوں سے پینڈنگ ہے میں
 امید کرتا ہوں کہ اس بار آپ اسکو اس سیشن میں
 آئیں گے بیچ میں ایک برنی کمیٹی بھی بنی اور فخر الدین
 صاحب مرحوم کے وقت میں بھی اس بارے میں بات
 ہوئی تھی لیکن ابھی تک یہ نہیں ہو پایا ہے۔ اس لئے
 میں گزارش کروں گا کہ وقف امینڈ مینٹ کو آپ
 جلدی سے جلدی لائیئے تاکہ اس مسئلے پر جو مسلمانوں
 کے دلوں میں کسک ہے وہ دور ہو سکے۔

میں گھوم پھر کر دیکھتا ہوں کہ اس ڈیپارٹمنٹ
 میں اسٹاف بہت کم ہے اور جب ایسی بات ہے
 تو کام کیسے ہوگا۔ اس لئے اس کو آپ ایڈجسٹ
 اسٹاف دیجئے۔ اتنا بڑا وقف کا معاملہ ہے
 اتنا بڑا ٹرانسلیشن کا معاملہ ہے۔ رجمنٹ لینگو جیز
 میں اتنے سائے ایکٹوں کا ترجمہ کرنا ہے اور
 آپ کے پاس اسٹاف صرف ایک ہزار یا ڈیڑھ
 ہزار ہے۔ اتنے اسٹاف سے کیسے کام چلے
 گا۔ ڈیپارٹمنٹ اتنا بھاری ہے اور کام اتنا

آپ سے گزارش کروں گا کہ آپ زیادہ فنڈس حاصل
 کرنے کی کوشش کریں تاکہ یہ کام پورا ہو سکے۔ ایک
 بات اور قانون کا رجمنٹ لینگو جیز میں چھپ جانا ہی
 کافی نہیں ہے کورٹس بھی انکو بہتو دین یہ بڑی بات ہے
 اس طرف بھی آپ کو غور کرنا چاہیئے۔

کچھ باتیں میں وقف کے بارے میں کہنا چاہتا ہوں
 وقف ایڈمنسٹریشن خواجہ اجیہ شریف میں جو کام کر رہا
 ہے وہ بہت اچھا ہے۔ لیکن اس میں اور زیادہ ایڈ
 مینٹ کی ضرورت ہے۔ ایک سب سے ضروری
 مسئلہ وقف پرائیٹیز کی پروٹیکشن سیف گارڈنگ
 آف وقف پرائیٹیز کا ہے۔ مائینورٹیز کمیونٹی کے
 ذریعہ جو ایجوکیشنل انسٹی ٹیوشنز چلائی جا رہی
 ہیں انکے ایڈوائسمنٹ کا مسئلہ ہے۔ ابھی تک
 وقف پرائیٹیز کے سرفے کا کام پورا نہیں ہو سکا
 ہے۔ آپ کی رپورٹ میں کچھ اسٹیٹس کا ذکر ہے
 لیکن بقایا کام جلد سے جلد پورا ہونا چاہیئے اس کا
 کو ۳۶-۳۵ سال ہو گئے ہیں اگر آپ اس کام
 کو پورا کر دیں تو یہ سہرا آپ کے سر منڈھے گا۔
 ایک بات میں صاف طور سے کہہ دینا چاہتا ہوں
 مسلمانوں کے اندر اس بات کا بڑا ایپرہینشن ہے
 کہ جتنی ڈیلے ہو رہی ہے اس کا نتیجہ ہے کہ ان
 اسکرو پلس لوگ پرائیٹیز کو ڈسپوز آف کر رہے
 ہیں یا گورنمنٹ اس پر قبضہ کر رہی ہے۔ اس ایپرہینشن
 کو دور کرنے کی ضرورت ہے۔ ہماری نیت صاف
 ہے ہم اس کام کو کرنا چاہتے ہیں اس میں کوئی شبہ
 نہیں ہے لیکن پرائم منسٹر کے ڈائریکٹو کے باوجود
 ریسٹوریشن آف پرائیٹیز نہیں ہو پایا ہے یہ بہت
 افسوس کی بات ہے۔
 آپ ڈی۔ ڈی اے کو دیکھ لیجئے۔ جو بھی وقف

ہو جائیں گے اور کیشنز پینڈنگ پڑے رہیں گے
اگر ان کی سنگھیا کو ججنر کی سنگھیا سے بھاگ دے
وہ تو کیا نتیجہ نکلے گا۔

شری آر۔ این۔ راکیش (چیل) اس میں شیڈیو
ٹرائیبل کے کتنے ہیں۔

شری جمیل الرحمن: آپ ذرا میری بات سن لیجئے
منصف اور مجسٹریٹ کل ۵۰۴۴ ہیں۔ یہ فیگرس
میں نے آپ کی رپورٹ سے لی ہیں۔ اب سوال یہ
پیدا ہوتا ہے کہ کس طرح سے اتنے سارے
کیسنز نپٹیں گے۔

ایک بھائی نے ابھی سوال اٹھایا تھا کہ کتنے شیڈیو
ٹرائیبل کے کیسنز ہیں۔ یہ ریزولوشن کی بات ہے
اور اسکا کانسٹی چیوشن میں پروویژن ہے۔ جو کانسٹی
چیوشن میں پروویژن ہے اس پر پورا عمل درآمد
ہونا چاہیے اگر یہ نہیں ہوا ہے تو غلط بات ہے۔
کورٹ میں جو کیسنز کا مسئلہ ہے جہاں تک مین ریڈ
کریا ہوں اور ان میں سے سروئزر کے کیسنز بتا دیتے
جائیں تو بہت حد تک ہائی کورٹ اور سپریم کورٹ کا
لوڈ کم ہو جائے گا۔

ہمارے لائق وزیر میسز وکیل بھائی کوشل جو کنسلٹیو
کیٹی کے ممبر تھے اس میں ہم نے کورٹ فیس کے
بارے میں جو رٹورڈ کر دیکھا تھا اور پایا تھا کہ ۵۱
پرسینٹ کورٹ فی کانسٹی چیوشن آل انڈیا میں
ہمارے ریونیو میں ہے۔ اگر آپ پور لوگوں کو
جسٹس دینے کی بات کرتے ہیں تو یہ اپریٹ
آپ ٹیکس بڑھا کر بھی ریونیو میں حاصل کر سکتے ہیں
ہمارے یہاں کورٹ فی زیادہ ہونے کی وجہ سے
غریبوں کو جسٹس نہیں مل پاتا ہے۔ اگر مان لیجئے
میں کسی مکان کا مالک ہوں اور کوئی انٹروڈو اس

زیادہ ہے تو کیسے اتنے کم اسٹاف سے کام ہوگا۔ یہ
میں سمجھی دیکھوں گے کہ بائے میں کہہ رہا ہوں اور
صرف ایک دیکھاگ کے بائے میں نہیں کہہ رہا ہوں
اگر آپ اسٹاف بڑھا دیتے ہیں پھر دیکھئے کہ کام
ہوتا ہے یا نہیں۔

لاسٹ پوائنٹ مجھے جو ڈیشری کے بائے میں کہنا
ہے۔ جو ڈیشری کو دیکھنے کے بعد مجھے ایک چھوٹا
ساشر یاد آجاتا ہے۔

ہم خاک ہو جائیں گے تجھ تک خبر ہونے تک
جو ڈیشری کی یہ حالت ہے کہ یکم اپریل ۱۹۸۳ء میں
سپریم کورٹ میں پیف جسٹس کو ملا کر کل ۱۱۸ آئیبل
جز ہیں اور یکم اپریل ۱۹۸۳ء تک آئیبل ہائی کورٹ
میں صرف ۳۳۳ ججز تھے جبکہ انکی اسٹریٹھ ۴۱۸
ہے۔ اس طریقے سے آپ کیسنز کو لے لیجئے۔ سپریم
کورٹ میں ۳۰-۱۱-۸۳ تک ریگولر ہیزنگ کے
لئے ۲۲۱۴۶ کیس تھے اور ایڈمیشن میٹرس ۲۲۵۱
تھے۔ اسی طرح سے ہائی کورٹ میں ۳۱-۱۲-۸۲
تک کل ۹۷۷۸۱ کیس پینڈنگ تھے۔ سیشن
کورٹ میں اور بجمل کیسنرز ۷۷۷۹۱ تھے۔
۳۰-۶-۸۲ تک ریونیون کے ۳۹۳۲۲ اور
اپریل کے ۵۳۹۲۶ تھے۔ مجسٹریٹ کورٹس میں
۳۰-۶-۸۲ تک ۶۳۸۴۶۲ کیسنز تھے اور
سول کورٹس میں ۳۰-۶-۸۲ تک اور بجمل
کیسنز ۳۰۶۳۵۵ تھے اور اپریل میں ۲۲۷۷۸۰
کیسنز تھے اور اسٹریٹھ کو آپ دیکھئے دسمبر ۱۹۸۲
تک ڈسٹرکٹ جج اور سیشن جج ۲۷۸۶ تھے۔ اب
اگر کیسنز کی سنگھیا کو دیکھا جائے تو سیشن جج اور
ڈسٹرکٹ جج ۲۷۸۶ تھے۔ اب اگر کیسنز کی سنگھیا
کو دیکھا جائے تو سیشن جج اور ڈسٹرکٹ جج ریٹائر

میں آہستہ کر کے بیٹھ جاتا ہے اس مکان کا ایویویشن دو لاکھ روپے کا ہوا ہے تو میں کورٹ فی بند سے سکے کی وجہ سے اس انٹروڈکٹو مکان سے نہیں نکال سکوں گا اور وہ اس میں بیٹھا رہے گا اگر آپ پوار آدمیوں اور چھوٹے آدمیوں کی جسٹس دینے کی بات کرتے ہیں جسکا کہ اس رپورٹ میں بھی تذکرہ کیا گیا ہے تو اس کورٹ فی کو ختم کرنے کے بارے میں آپکو جلدی سے جلدی کارروائی کرنی چاہیے۔

ہماری یہاں آبادی میں عورتیں برابر ہیں۔ اسلئے ہماری عورتیں بھی برابر کی تعداد میں ججز ہونی چاہئیں۔ اسکا عورتوں پر ایک امپکٹ پڑے گا۔ آج کل عورتوں میں کرائم سننے میں آتے ہیں انکو دور کرنے میں بھی اسکا ایک امپکٹ ہوگا۔

اسلئے عورتوں کو بھی برابر کی تعداد میں ججز مقرر کیا جانا چاہیے۔

یہ جو وارانسی میں شیوہ سنی لوگوں کا سنگین مسئلہ ہے یہ برابر ہی دردناک ہے۔ اب چونکہ سپریم کورٹ کی ایک بات ہو گئی ہے اسلئے میں اسکے خلاف کچھ نہیں بولتا چاہتا۔ لیکن میں اپنے لائق اور قابل تعریف وزیر جتتا گمراہ نش کر دوں گا کہ وہ کوئی اس کا راستہ نکالیں نہیں تو یہ ایک بڑی ہی بھیانک بات ہونے والی ہے لوگ میسٹر پاس آتے ہیں اور کہتے ہیں کہ کوئی راستہ نکالنے ورنہ بڑی بھیانک بات ہونے والی ہے۔ اگر یہ بات بھیانک ہو گئی تو اس کا بہت دیر تک اثر رہے گا۔ الیکشن ریفارم کی بات بھی گئی ہے وہ ہونی چاہیے۔ آپ انکے بارے میں سوچ سمجھ کر قدم اٹھائیے۔

آخر میں میں آپ سے ڈسٹرکٹ لیول سے آٹریبل ہائی و سپریم کورٹ میں ججز کے یا ایوانٹینٹ کے بارے میں کھنچا چاہتا ہوں کہ اس میں فیسر ریپریزنٹیشن مسلم

مسلم اقلیت کو بھی ملنا چاہیے۔ اقلیت میں بھی ایسے لوگوں کی کمی نہیں ہے۔

آخر میں اپنے لائق وزیر صاحب کو مبارکباد دیتا ہوں کہ انہوں نے ان مانگوں کو یہاں رکھا۔ ان مانگوں کی میں تائید کرتا ہوں۔

SHRI VIKRAM MAHAJAN (Kangra) :
Mr. Deputy-Speaker, sir, let me first congratulate the Law Minister for handling the Law Department in a very competent manner and solving many problems being faced by our Law Department and the Legislature. I would like to mention a few problems which we are facing and I hope that some consideration will be given to them.

The basic problem being faced by the country today is the arrears, the pending cases to which many hon. Members have referred. There are some cases which are pending for the last thirty years and some even before the partition of the country. This is a problem which should be handled in an expeditious manner. As I said, we have come across certain cases pending since before the country became independent. You can well imagine the quantum of arrears.

Now, there are short-term solutions and long-term solutions. I would first like to mention a few short-term solutions. One of the methods is to appoint a large number of *ad hoc* judges in the various courts; the courts at the district level, the High Courts and the Supreme Court so that the problem of arrears can be tackled expeditiously. If the *ad hoc* judges are appointed and even if you double the number, this does not affect the permanent strength. The problem would be where those judges will sit.

For that some unconventional approach has to be there, and one of methods which could be adopted is that you start a second shift in the courts, utilising the existing buildings, and in the meantime,

[Shri Vikram Mahajan]

you can construct new buildings, and then start the courts there, but you can not wait for the next twenty years for the court buildings to come up first and then deal with the problem of arrears of cases. You can appoint these adhoc judges wherever the arrears are, so that the cases pending for the last 30-40 years could be disposed of. This I suggest as a short term measure.

AN HON. MEMBER : What about sufficient number of advocates ?

SHRI VIKRAM MAHAJAN : There are adequate number of advocates ; in fact, they are surplus, they would be happy. Those who are not able to make money now, will be able to do so.

As I said, a time has come to approach the problem in an unconventional manner and take this decision to meet the short-term requirements. This is an immediate problem and should not be handled in a casual manner.

Secondly, I do not say that those people who are not getting proper pay are not men of good quality. But the point is that if you want competent people to become the judges, you must pay them well. You have to look from that point of view. Some people say that ours is a socialist country and the pay cannot be increased. In that case, it would be putting curtain on our own eyes. The basic point is that if you want competent people, you must give them good pay, and protect the interest of the judiciary. Ultimately, it is the poor and the common man who benefits if the justice is dispensed quickly. The idea is that the cases should be cleared quickly.

My second submission would be that the laws should be simplified. Everyday we are passing laws which are worse than the laws passed previously. Proper drafting should be there because if you have a bad law or a law which is not properly drafted, more cases will arise than would have arisen otherwise.

Another problem which is coming again and again before Parliament and State legislatures, is the problem of the privileges of the House, the privileges of the courts, the privileges of the press and the fundamental rights of the common man. This is an issue which has come again and again before this parliament, i. e. after about every 4 or 5 years. We have always followed the privileges of the British House of commons. But a time has now come when we should all sit together we should form a parliamentary committee of MPs., of the press people and of the Judges, so that we do not keep on clashing again and again on matters which are of a very minor nature but which assume unnecessary importance, and there is clash between the judiciary and the legislatures.

The clash had occurred earlier also—when the case of a person came to this House.

Parliament is supreme, there is no doubt. But parliament itself, as an elected Constituent Assembly, adopted what is called the Constitution of India wherein we have made the judiciary independent. We have to decide to what extent we want to curtail their powers ; to what extent we want judiciary to be independent to what extent the fundamental rights of the common man are there which the courts should protect, to what extent protection should be given to the common man, and to what extent the privileges of Parliament, should be there. Parliament should make up its mind on this, instead of relying on the privileges of the House of Commons. We should settle this matter once and for all.

I want to take up other points, but as my learned friend had given me some time, I resume my seat now. I congratulate the Minister once again, and request him to look into the matters which I have raised.

श्री राजनाथ सोनकर शास्त्री (सैदपुर):
माननीय उपाध्यक्ष जी, आज इस बात की बड़ी प्रसन्नता है कि 1976 के बाद लाँ

मिनिस्ट्री पर हम लोग विचार कर रहे हैं। लगभग, आठ साल से इस हाऊस के अन्दर लां मिनिस्ट्री पर चर्चा नहीं हुई। वैसे यह सबजेक्ट बहुत बड़ा है, लेकिन समय का लिहाज रखते हुए मैं, जो कंपनी कार्य विभाग इसका एक अंग है, उस पर अपनी बात रखूंगा। कम्पनी लां, काला-धन पैदा करने का एक बहुत बड़ा साधन है। आज, हम लोग देखते हैं कि बराबर मिलों का राष्ट्रीयकरण हो रहा है और इसके साथ ही साथ कम्पनी लां के अन्तर्गत जो प्राइवेट और पब्लिक कम्पनियां हैं, उनमें एम० डी० और चेयरमैन नियुक्त किए जा रहे हैं। हम यह देखते हैं कि एम० डी० और चेयरमैन प्रायः कम्पनियों में एक ही होते हैं। एक पुरानी कहावत बताना चाहूंगा जैसे कि "मलाई की रक्षा करने के लिए बिलाई को कार्य सौंप दिया जाए"। मैं, यह बताना चाहूंगा कि देश की एक सबसे बड़ी कम्पनी समाचार-भारती है। यह एकमात्र ऐसी कम्पनी है जिसके समाचारों और कर्मचारियों की विश्वसनीयता है। तीन वर्षों से अधिक हो गए, इस कम्पनी के शेयर-होल्डरों की मीटिंग नहीं हुई। डायरेक्टर, मनमाने ढंग से बना लिए जाते हैं। कम्पनी का हिसाब पांच वर्षों से और तीन वर्षों से आडिट नहीं हुआ। इसकी कोई जांच नहीं की गई। समाचार-भारती के कर्मचारियों को पिछले काफी दिनों से वेतन नहीं मिला है। डायरेक्टर श्याम पंकज जी रोम की यात्रा करने जा रहे हैं। इन्होंने तीन वर्ष में पांच बार विदेश यात्रा की है। यह हमारी इस कम्पनी की स्थिति है। इसके मैनेजिंग डायरेक्टर और चेयरमैन मनमानी करते हैं और यहां तक होता है कि बोर्ड कोई फैसला लेता है तो उसको बदल देते हैं, प्रोसीडिंग तक को

बदल दिया जाता है। अभी-अभी घनश्याम पंकज जी ने कुछ ऐसी बातें कह दी हैं जिन की वजह से छोटे कर्मचारियों की स्थिति हास्यास्पद हो गई है। यह पार्टी का सबाल नहीं है। ला मिनिस्टर बैठे हुए हैं। वह जानते हैं कि राज्य सभा के कांग्रेस आई के मेम्बर श्रीकान्त वर्मा ने जब यह महसूस किया कि मैनेजिंग डायरेक्टर और चेयरमैन ऐसे तत्व हैं जिनकी वजह से इस कम्पनी का भविष्य अंधकारमय बन गया है तो उन्होंने स्वयं इससे त्यागपत्र तक दे दिया है। इतना बड़ा इसमें घोटाला है जिसकी कल्पना नहीं की जा सकती है। मैं चाहता हूं कि जब ला मिनिस्टर उत्तर दें तो बताएं कि वस्तुतः समाचार भारती का क्या मामला है। मैं जानना चाहता हूं कि छोटे जो कर्मचारी हैं उनकी स्थिति कम्पनी ला के मुताबिक क्या है। घनश्याम जी पंकज ने तो कह दिया है कि ये शोभा के तत्व हैं। इससे उनकी स्थिति काफी हास्यास्पद बन गई है। मैं मंत्री महोदय से जानना चाहता हूं कि क्या वाकई में ये शोभा के तत्व हैं। मैं समझता हूं कि कम्पनी लां में हमको सुधार करना होगा, उसको बदलना होगा ताकि समाचार-भारती जैसी स्थिति अन्य कम्पनियों की न होने पाए।

एक कम्पनी की सैलिंग एजेंसी के बारे में मैं अब बताना चाहता हूं। एक सैलिंग एजेंट्स हैं, उनको 68.64 लाख कमिशन के दिए गए एक बार और दूसरी बार 88.45 लाख दिए गए...

MR. DEPUTY SPEAKER : You stop here because we have to take up Private Members' Business at 3 30 P.M., You can continue on Monday,