

Why can't you listen to me ? I am coming to the point. It will be fixed in the items of business, we have given top priority to this. We are not going to take up any other issue. First priority is given to this and some other issues were also withdrawn by other Members of the Business Advisory Committee in favour of this.

Therefore, discussion under rule 193 is going to take place on the subject and all of you can participate and at that time you can ask for any clarifications.

SHRI RAM VILAS PASWAN (Hajipur) : One thing, Sir.

MR. DEPUTY-SPEAKER : I am not allowing anybody.

SHRI RAM VILAS PASWAN : Sir, in the morning you have asked them to tell the reasons and one Minister has said that they will be able to tell the House why the statement was first made outside Parliament.

MR. DEPUTY-SPEAKER : I have already given my ruling.

SHRI P.C. SETHI : It was because the agitation there was to start on the 2nd of April. Parliament was closed on Saturday and Sunday. Therefore, I had to issue this statement so that they had an opportunity to withdraw the agitation.

MR. DEPUTY-SPEAKER : Very good.

SHRI P.C. SETHI : I am very grateful to you, Sir, and to the Business Advisory Committee that you have fixed up a discussion. I think, tomorrow or Wednesday or any day, you may fix this up. (Interruptions)

MR. DEPUTY-SPEAKER : Tomorrow, you can all participate.

If I allow you, then I have to allow all the other Members also. Why can't you cooperate with the Chair ?

Now, we can do some other business.

(Interruptions)

MR. DEPUTY-SPEAKER : Bagri Saheb, what is there ? This is the difficulty with you. You are a very senior leader. I have to beg of you to please sit down.

(Interruptions)

MR. DEPUTY-SPEAKER : He sat down because of his seniority.

16.07 hrs.

DEMANDS FOR GRANTS (GENERAL) 1984-85

Ministry of Law, Justice and Company
Affairs—Contd.

श्री मूलचन्द डागा (पाली) : मैं विधि मंत्री जी का ध्यान इस ओर आकृष्ट करना चाह रहा था कि न्यायालयों के अंदर कुछ इस प्रकार का सिस्टम चालू किया जाए ताकि फण्डामेंटल राइट्स पर कोई भी गरीब आदमी अपनी आवाज उठा सके। आजकल जजेस की क्वालिफिकेशन भी कुछ नहीं रह गई है। इस पर एक जज ने खुद कहा है :

Groupism, over-ambition on the part of the judges, lack of patience, use of intemperate language, non-observance of necessary aloofness and increasing number of altercations between the Bench and the Bar are the causes which could seriously harm the whole judicial pattern unless these were curbed immediately.

आजकल जजेस लीडर बन गए हैं। विधि मंत्री जी जानते हैं क्योंकि ये वकील और गवर्नर रह चुके हैं। आजकल जज बड़े-बड़े भाषण देते हैं। उन का तरीका जजेस का नहीं रहा है, वे लोग बड़े आराम से बड़ी-बड़ी बातें करते हैं। वे बड़ी मुश्किल से 190 दिन कोर्ट में बैठते हैं। जजेस ने कहना शुरू कर दिया है कि "पार्लियामेंट इज सुप्रीम"। जो जज, न्याय के मामले में अच्छे नहीं हैं, उनको रखने के क्या लाभ हैं ?

आज जजिज की क्या हालत हो गई है ? वे हम लोगों से भी ज्यादा बोलते हैं। वे कहते हैं कि

हम सुप्रीम हैं। हमने कब उनकी सुप्रिमेसी को चॅलेंज किया है ? अगर इस झगड़े को समाप्त करने के लिए कानून में परिवर्तन करने की आवश्यकता हो, तो वह कर दिया जाए। जब हमने प्रिवीपर्स खत्म किए या बैंकों का राष्ट्रीयकरण किया, तो अदालतों की वजह से हमें परेशानी उठानी पड़ी। इन जजिज के कारण हमें बहुत तकलीफ है। मैं समझता हूँ कि देश की सर्वोच्च संस्था यह पार्लियामेंट है और वह जो कानून बनाती है, जजों को उन कानूनों के अनुसार चलना चाहिए।

हिन्दुस्तान टाइम्स के एक आर्टिकल में कहा गया है :—

“To sit on judgement over the deeds and misdeeds of others is a difficult task. Even the best judge can falter occasionally in deciding cases. And if his relative happens to be practising in the same court, his job becomes more difficult. Even a fair verdict is taken with a pinch of salt if it goes in favour of his relative. B.M. Sinha says to dispel doubts in the minds of the litigants the judiciary should heed the advice of the Chief Justice of India, Mr. Y.V. Chandrachud, that judges whose relatives practise in the same court should offer themselves for transfer to another State. In Delhi, Allahabad, Punjab and Haryana High Courts there are 17 judges whose relatives practise there.”

आज-कल एक अच्छी बात हो गई है। अगर अपने मुकदमे को जल्दी तय करवाना है, तो जज के रिस्तेदार को वकील मुकर्रर कर दीजिए। एडवोकेट्स को मुकर्रर करने का कोई कानून या नियम आज तक नहीं बनाया गया है। जिनको रखा जाता है, वे कोर्ट में हाजिर नहीं होते हैं। कलकत्ता में बिना कोर्ट में पैरवी किए हुए मुकदमे डिसाइड होते हैं। कलकत्ता और मद्रास में बैचिज काम नहीं करते हैं। सुप्रीम कोर्ट के जज साल में 190 दिन भी नहीं बैठते हैं।

इण्डियन एक्सप्रेस के एक आर्टिकल में कहा गया है :—

“Towards a common law.

The State is required under Article 44 of the Constitution to endeavour to secure for the citizens of India a uniform civil code. This well-intentioned article, designed with a view to bringing about a feeling of Indianness among the different communities at least in matters of law, is often looked upon with distrust and suspicion by one section of the community or the other. So much so that the State, instead of making any serious endeavour in this direction, tends to adopt an indifferent attitude ostensibly as a matter of political expediency.”

आज भी देश में एक कॉमन लॉ नहीं बनाया गया है। एक आदमी चार शादियां कर सकता है, जबकि दूसरा एक शादी कर सकता है। बच्चों का शोपण हो रहा है। लेकिन सारे देश के लिए एक कॉमन लॉ नहीं बना है।

केसिज को जल्दी निपटाने का एक तरीका यह है कि ट्रिब्यूनल बनाए जाएं और केसिज को समरी तरीके से निपटाया जाए। लेकिन यह भी नहीं हो रहा है। अगर आप ट्रिब्यूनल मुकर्रर करते हैं तो एक काम होगा और वह यह कि हमारे मुकदमे जल्दी तय हो जायेंगे। अगर आप आर्बिट्रेशन कोर्ट मुकर्रर कर देते हैं तो आपके जजेज पहले उनको सुनेंगे, और यह सजेश्चन आप मानेंगे। आज मुकदमे काफी लम्बे चलते हैं। आपके इन्वेस्टीगेशन अफसर की तनख्वाह, जो मर्डर केस की तफतीश कर रहा है, उसकी तनख्वाह एल०आई०सी० के चपरासी, ड्राइवर से कम है। यह हालत है। आप कैसे उम्मीद करते हैं उसमें कि वह ईमानदारी से और जल्दी इन्वेस्टीगेशन करे? अगर हम लोगों को न्याय नहीं दे पाते तो हमारी गर्दन नीची होगी। हमें कोई न कोई तरीका निकालना होगा। आपको जुडिशियरी के अन्दर जल्दी से जल्दी रिफार्म करना पड़ेगा। अगर आपने यह क्रान्ति-

[श्री मूल चन्द डागा]

कारी कदम नहीं उठाया तो कहते रहिये लीगल एड टू दी पूअर, जो एक नई बीमारी चली है, उसका कोई लाभ आम आदमी को नहीं मिलेगा। जस्टिस कृष्णाअय्यर ने एक रिपोर्ट लिखी 400 पेज की उसके बाद एक कमेटी बनी जस्टिस पी० एन० भगवती की अध्यक्षता में जिसका नाम है सी०आई०एल०एस०। यह क्या इम्प्लीमेंट कर रही है? इस कमेटी की फंक्शनिंग के बारे में मंत्री जी बतायेंगे कैसे आप गरीबों को न्याय दिलाना चाहते हैं। यह केवल एक प्रचार का माध्यम बन कर रह गया; लीगल एड टू दी पूअर। और इम्प्लीमेंटेशन कमेटी रिपोर्ट देगी 1985 में। उसके पहले भगवती जी हजारों भाषण दे चुके हैं। एक मंच तैयार हुआ। आप रिटायर्ड जजेज को चापलूसी की कतार में खड़ा न करो। अगर न्याय प्रणाली में परिवर्तन नहीं हुआ तो हम और आप दोनों भागीदार बनेंगे। क्या आज गरीबों को सस्ता न्याय मिल रहा है? आज गरीबों की ज़मीनें जाती हैं, आंखें फोड़ी जाती हैं, उन्हें कोई राहत नहीं है। आज गरीबों का भयंकर शोषण है। गरीबी और बढ़ रही है। इस तरह हम समाजवाद और गांधी जी के स्वप्न को पूरा करने वाले नहीं हैं। आपको न्याय प्रणाली में हिम्मत के साथ परिवर्तन करना करना पड़ेगा।

जजेज के ट्रांसफर का मामला खटाई में है। सरकार के कदम बढ़ते-बढ़ते रुक जाते हैं। इसलिए आप कॉमन लॉ को लागू कीजिए और ऐसी व्यवस्था कीजिए जिसके अन्दर गरीब से गरीब आदमी भी सुप्रीम कोर्ट का दरवाजा कभी भी खड़खड़ा सके। कानून मातृभाषा में होने चाहिये। ऐसा न होने से वकील लोग क्लाइंट्स को बेवकूफ बनाने के लिए लम्बी-लम्बी बहसें करते हैं।

आपका रवैया, लॉ कमीशन और जो आपका डिपार्टमेंट है, उसमें 20 आदमी हैं लेकिन 13 जाइंट सेक्रेटरी हैं।..... लेकिन एशियाटिक सोसायटी बिल का ड्राफ्ट इतना बुरा आया जिससे

ऐसा लग रहा था कि लॉ डिपार्टमेंट में कोई ड्राफ्ट-मैन है ही नहीं या शायद घूमने के लिए विदेश चले गए हैं। पता नहीं लॉ डिपार्टमेंट में क्या काम होता है। आप और अधिक समय नहीं दे रहे हैं, इसलिए इतना ही कहकर मैं बैठ जाता हूँ।

*SHRI ERA MOHAN (Coimbatore) :
Hon. Mr. Deputy-Speaker, Sir, on behalf of my party the Dravida Munnetra Kazhagam, I rise to make a few suggestions on the Demands for Grants of the Ministry of Law, Justice and Company Affairs.

Many hon. Members who preceded me have referred to the growing number of pending cases before the Courts of law in the country. I have found out that in all the courts of the country pending cases number about 1 crore and 9 lakhs. You can imagine the plight of litigants who have to wait for judgment for decades! You know, Sir, that justice delayed is denied. In our country, we are denying justice to the people by inordinately delaying the cases. If we want to render justice to the people, then I suggest that the Government should constitute *ad hoc* courts exclusively for completing the pending cases. I request the hon. Law Minister to examine the feasibility of setting up such *ad hoc* courts so that pending cases can be settled without further delay.

In order to avoid such delays in the Supreme Court, I suggest that the Supreme Court should be divided into three wings. There should be one permanent wing for hearing the Writ Petitions. There should be another exclusive wing for hearing constitutional controversies. There has to be a separate wing for hearing the Civil and Criminal appeals. Then only the highest court in the country can absolve itself from the blame of delaying justice. I request the hon. Law Minister to look into this and take appropriate steps in this matter.

Sir, the Supreme Court is located in the capital of the country. It is as it should be. I do not suggest that capital of the country should be shifted to a central place. But it must be conceded that Delhi is far away for the people in southern States to come

and file their cases in the Supreme Court. In reply to a written answer of mine on the floor of this House, the Minister replied to me that the question of having a bench of the Supreme Court at a place in one of the Southern States was under consideration. I raised this question in 1981. The reply also indicated that the Ministry of Law and Ministry of Justice would be holding consultations about this matter. This is 1984 and yet the consultations have not ended. No decision has been taken to have a bench of the Supreme Court in one of the southern States. I do not know when this examination would come to fruition and when this bench would be established in a southern State. According to me the most convenient place for the location of Supreme Court Bench is Madras. You know, Sir, in the pre-Independence days Madras Province comprised of Andhra Pradesh, portions of present Karnataka State, portions of Kerala and entire Tamilnadu. Madras is the most convenient place for the entire southern region. Sir, the middle class people and the lower middle class people find it extremely difficult to come to Delhi.

MR. DEPUTY-SPEAKER : Instead of asking for the bench of the Supreme Court at Madras, you demand that it should be located in one of the southern States. Do not fix the place.

SHRI ERA MOHAN : I say preferably Madras.

MR. DEPUTY-SPEAKER : If you don't fix the place for the bench of Supreme Court, then Prof. Ranga will also support your demand.

SHRI ERA MOHAN : I demand that a bench of the Supreme Court should be set in one of the southern States, preferably at Madras. Prof. Ranga, Shri Lawrence and all other Members from southern States are supporting this legitimate demand. On their behalf and on your behalf, I appeal to the hon. Law Minister that a bench of Supreme Court should be located in one of the southern States. It is big problem for the common people from south to come to Delhi. Firstly it is very expensive and secondly the language problem is there. They feel that they are helpless in a new environ-

ment. This is a long standing of the demand of the people of southern region. Instead of repeating as he did in 1981 in reply to my written question that the question is under examination. I request him to announce the decision to set up a bench of the Supreme Court in one of the southern States while he replies to this debate. He should assure the House that this would be done by the end of 1984.

One of the other reasons for the delay in delivering judgment in lakhs of pending cases is the vacancies of judges in the Supreme Court. I do not know why the vacancies cannot be filled on time. We have got any number of legal luminaries in the country who deserve to be put on the Supreme Court bench. The delay in Supreme Court and the clearance of all pending cases can be avoided by timely appointment of judges in the Supreme Court as soon as the vacancies occur.

Sir, there has also been another long-standing demand of the people of Tamil Nadu and that is the setting up of a bench of High Court of Madras at Madurai. Like Delhi, Madras is also in one corner of the State and the poor people are unable to get justice without much expense. I understand that Jaswant Singh Commission is examining this issue. I do not know whether the report of this Commission has come out. I demand that a bench of Madras High Court should be set up at Madurai for helping the common people of the State.

As there are vacancies in the Supreme Court, there are many vacancies of Munsiffs, Additional Judges, District Judges etc. in the lower courts of the States. From my experience in Tamil Nadu, I can say that numerous posts of Munsiffs, Additional Judges, District Judges in the lower courts in Tamil Nadu are lying vacant continuously for years. The Law Minister should get in touch with the Chief Ministers of States and ensure timely appointment of presiding officers in these courts. In the High Courts also there are many vacancies. Such delays in the appointment of Judges lead to piling up of cases. I appeal to the hon. Minister of Law that he should take effective measures for filling up the vacant posts of Judges in the Supreme Court, in the High Courts

[Shri Era Mohan]

and also in other lower Courts in the States. When a student goes to a school, it is shameful to say that there is no teacher. Similarly, when a person goes to a Court, it is really regrettable to say that there is no judge to hear his petition. The Court premise is there and the employees are there. Yet there is no judge. In a vast country like ours, where we have abundance of legal talent, we cannot give the excuse of not getting men to fill up these posts. I want the hon. Minister of law to exert himself in this matter and ensure that the pending cases are reduced by quick appointment of judges in all the law courts of the country.

We are talking so much about free legal aid programme. When we ask the Centre, we are told that the States are the implementing authority. When we ask the States, they say that paucity of funds prevents them from implementing this noble and laudable objective of extending legal aid to the poor. I would request the hon. Law Minister to provide funds to those States which complain about lack of money and ensure effective implementation where the States are simply lethargic.

Sir, we must take justice to the door-steps of the people in rural areas. This is possible only when mobile courts are sent to the rural areas. We have mobile courts in metropolitan cities for particular offences like traffic violations. We have such a mobile court in Madras. The cases are heard on the street and judgments delivered on the spot. Punishment is awarded on the spot. Penalties are collected then and there. Such mobile courts should be constituted for serving the poor people in the country. I request the hon. Law Minister to give serious thought to this proposition.

Sir, many private sector companies are violating with impunity the M.R.T.P. and FERA Acts. Such violations were few in number some years ago. But now it has become the order of the day. Some companies have got evolved schemes to violate these laws. The M.R.T.P. Commission do look into the complaints as and when received. The reports are submitted and there ends the matter. For example, the MRTP

Commission reported against Modi Industries and 4 other companies. I have no personal acquaintance with any of these companies. But I find that no action has been on the reports of MRTP Commission. If this is to be the administrative course, then why should we have a Commission with Members and all the necessary staff at a cost of several lakhs of rupees? It is not that I want that for punishment sake these reports should be implemented. I do not know anyone of these in person. But the punishment to these companies will prove a deterrent for others from violating the laws of the land with impunity. There is no question of companies in the good books of the Government which need not be proceeded against for such violations. Strict adherence of laws must be ensured by private sector companies, whosoever they may be. I want that the hon. Minister should look into this and ensure effective steps on the MRTP Commission Reports.

I find that the Criminal Procedure Code and the Civil Procedure Code are available only in English. They are there in English for ages. I suggest that for the benefit of common people, these two laws should be translated into all the regional languages of the country.

MR. DEPUTY-SPEAKER : This can be done by the State Governments.

SHRI ERA MOHAN : The State Government is not doing this. The Centre should ensure this.

MR. DEPUTY-SPEAKER : Since you want them in regional languages, the State Governments can do this.

SHRI ERA MOHAN : When the State Governments are not doing this, then it becomes the duty of the Centre to ensure that they are available in all the regional languages of the country.

MR. DEPUTY-SPEAKER : In all the 14 languages of the country.

SHRI ERA MOHAN : Yes, Sir. Steps should be taken to get this done. In conclusion, I would refer to the issue of court fee stamp.

MR. DEPUTY-SPEAKER : Many hon.

Members have referred to this.

SHRI ERA MOHAN : In many courts, 2 rupees, 5 rupees court fee stamps are not available. The people have to pay more money to get these court fee stamps. I do not know the total revenue being earned by the Government from the court fee stamp. If this system is abolished, it will help the common people of the country. The hon. Minister of law in his first speech in this House as Law Minister referred to the question of abolishing the court fee stamp. This must be done in the interest of common people. Before I resume my seat, I would once again appeal to the Law Minister that he should announce the decision of the Government to set up a bench of the Supreme Court in one of the Southern States, preferably at Madras.

With these words I conclude my speech.

SHRI NARAYAN CHOUBEY (Midnapore) : Mr. Deputy-Speaker, Sir, I do not want to repeat what has already been said by my friends. Sir, justice in this country is a commodity. Justice is delayed. The cases pending in the Supreme Court are several thousand ; the cases pending in High Courts are some lakhs ; the cases pending in Magisterial courts are 63,84,727 and the cases pending in Sessions courts are 1.85 lakhs. All these things are known to everybody and, as such, I would not like to go into the details.

Actually, Sir, one thing has to be noted that the present system is failing in taking justice to the common man. This has been the opinion of the Members from both sides of the House. So, steps need be taken so that justice reaches the common man.

My friend, Shri Shejwalkar, spoke the other day that the Ministry of Law, Justice and Company Affairs is like 'Brahma' the creator.

Sir, what exactly is the creation of this Param Brahma ? This Ministry is the Param Brahma. For, Brahma merely created this universe ; but this Param Brahma created a system which is out to devour the creation of Lord Brahma. This Param Brahma has created the demons and sharks like mono-

polists and multinationals, gave them power to devour more and more, grow fatter and fatter, while always chanting socialism, social justice and what not. But what they are doing ? See the figures. These figures are about the assets of the monopoly houses. In 1980 the assets were worth Rs. 14,408.92 crores. In 1981 it came to Rs. 17,443.72 crores. In 1982 it came to Rs. 21,688.39 crores. From 1980 to 1981 the increase was 21.1 per cent. From 1981 to 1982 the increase was 24.3 per cent. The Assets of Tatas were Rs. 1309.38 crores in 1979 and it increased to Rs. 2430.83 crores in 1982. The assets of Birla grows from Rs. 1309.99 crores in 1979 to Rs. 2004.79 crores in 1982. Same is the case with Singhania, Mafatlal, Thapar, ACC and Reliance Group. Regarding Hindustan Lever, it had Rs. 187.80 crores in 1979 and it grew to Rs. 286.72 crores. Regarding Mahindra and Mahindra Group...

MR. DEPUTY-SPEAKER : The only company left is Choubey !

SHRI NARAYAN CHOUBEY : You are also left, Sir.

Then, companies with minimum assets of Rs. 100 crores were 47. Companies with minimum assets of Rs. 50 crores were 72. Companies with minimum assets of Rs. 20 crores were 111. Then I come to profit before tax. It is growing. Profit before tax in 1980 was Rs. 1121.37 crores. In 1981 this was 1334.09 crores. There has been an increase of 19 per cent.

Regarding tax not paid, what is the state of affairs ? In 1980-81, 66 companies paid no tax. In 1981-82, 78 companies are there which paid no tax.

And about the figure of those who paid highest tax upto 50.1 per cent to 70 per cent what you find is this : In 1980-81 there were 29 companies under the category and it came down to 14 in the year 1981-82. The number is coming down.

And I will come to tax arrears. This is what you are doing regarding tax arrears. Regarding cases, I will come to it later. But what is the result of these cases on these companies ? Assessments upto 1981 and a few cases upto 1982 but most cases only up-

[Shri Narayan Choubey]

to 1978 reveal that 111 companies were there with tax arrears of Rs. 10,738.66 lakhs. Then as per assessment made upto 1981 in such companies owned by Birlas where they have assets of 10 lakhs, who are in 10 lakhs category, the figure comes to Rs. 975.82 tax arrears. The tax arrears of Century Spinning and Manufacturing comes to Rs. 169.51 lakhs. The tax arrears of Hindustan Aluminium comes to 169.00 lakhs. The Tax arrears of Hyderabad Asbestos comes to Rs. 136.28 lakhs. The tax arrears of Jiyajeerao Cotton Mills comes to 91.87 lakhs. The tax arrears of Kesoram Cotton comes to 133.56 lakhs. The tax arrears of ACC Vicker Babcock comes to Rs. 269.12 lakhs. The tax arrears of Bajaj comes to Rs 123.25 lakhs. The tax arrears of J.K. Singhania comes to Rs. 895.39 lakhs. And the figure regarding Tata who claims to be the cleanest among the clean comes to Rs. 370.09 lakhs of tax arrears. And TISCO alone comes to Rs. 196.11 lakhs of tax arrears. So, this is the condition.

Sir, we are all very glad that this Congress Party, the party of our Minister, has now inducted** as a Member of the Rajya Sabha. I don't know what they are aiming at.**

(Interruptions)

PROF. N.G. RANGA (Guntur): How is it Parliamentary, Sir? How can he mention names? Why do you mention name?

MR. DEPUTY-SPEAKER: Please avoid names.

He is a Member of the other House. I am not going to allow the name.

PROF. N.G. RANGA: This is not fair, Sir, you will have to look into the proceedings.

PROF. MADHU DANDAVATE (Rajapur): He is not a Member of this House. He is a Member of the Business House. (Interruptions).

PROF. N.G. RANGA: Sir, it is not proper.

MR. DEPUTY-SPEAKER: I will go through the record.

SHRI INDRAJIT GUPTA (Basirhat): All Mr. Choubey wanted to know is: why the Congress Party which swears by socialism and by the poor people sponsored the candidature of *. That is all he wanted to know. (Interruptions)

SHRI CHITTA BASU (Barasat): Congressmen have voted for him. (Interruptions)

MR. DEPUTY-SPEAKER: Any citizen of this country can contest the election, whether he is an industrialist or capitalist or socialist. Therefore, there is no question of barring him from contesting. If he is a citizen of this country, he can contest the election.

(Interruptions)

PROF. N.G. RANGA: Sir, you cannot allow it in the proceedings.

MR. DEPUTY-SPEAKER: I will go through the record.

(Interruptions)

SHRI NARAYAN CHOUBEY: Now, I will show how the big houses are penetrating into the small scale sector. A study made by Dr. S.K. Goyal of the Indian Institute of Public Administration has proved effectively how in the name of small scale sector, big houses are growing and how they are penetrating in the small scale sector rapidly. The paid up capital of Shafko India Bearing (Tata) is Rs. 8 lakhs. Their assets are Rs. 484.50 lakhs and their turn-over is Rs. 844.68 lakhs, M/s. J.K. Heler Curtis has a paid up capital of Rs. 6.13 lakhs and their assets are worth Rs. 78.17 lakhs. Their turn-over is Rs. 235.14 lakhs.

Now, to allow the big houses to enter into this sector, the limits of tiny, small and ancillary industries have been raised as follows:

Tiny industry	—1 to 2 lakhs
Small Industry	—10 to 20 lakhs
Ancillary "	—15 to 25 lakhs.

**Expunged as ordered by the Chair.

*Not recorded.

Now, to help the big houses, after all the present Government has come to power. Now, a study shows that the number of small scale units registered with the State Governments and other official agencies established to promote small scale sector are either owned or controlled by the Indian monopoly houses and subsidiaries and associates of foreign companies. M/s. Saurashtra Chemicals, Junagarh, is controlled and owned by Jiyajee Cotton Mills, Birla, M/s. Fertiliser Mixing Work, Cochin, is owned by M/s. Shaw Wallace and the 12 units of the Hume Pipe Company are controlled by Walchand Group. Even the small items of manufacture like steel rack, almirah and steel furnitures at Jaipur are controlled by M/s. Godrej Co. Further study shows that dereservations have taken place under pressure from monopoly houses. Since February 1981, 17 items meant to be manufactured in small scale sector only have been dereserved. Some 65 items have partially been dereserved.

Even the manufacture of synthetic detergent items has been dereserved. Colgate Palmolive Co. has been granted letter of intent for manufacture of detergent powder, etc. M/s. Hindustan Livers have been allowed to double their detergent items manufacture unit at Jammu from 10,000 to 20,000 tonnes.

Now, the TISCO have sought approval of the Government to amalgamate with the Indian Tube Company of Jamshedpur with its own plant. There are 60 small and medium scale steel tube producers in this country. The amalgamation will provide immense advantage to the country's biggest monopoly house against the interests of the small sector.

This will help TISCO to avoid payment towards Steel price equalisation fund, sales-tax relief, and have domination in steel tube market. Similar is the case of transfer due to deal of Hindustan Lever to Lipton. This is an illegal deal, and the Law Ministry feels that the permission of the Government as also MRTP clearance in this regard is needed. But the Controller of Capital in the Ministry of Finance has already permitted Liptons to issue new 62,20,576 equity shares of Rs. 10/- each only to Indian shareholders of Hindūstan

Lever. You say something else and the Ministry of Finance says something else. I would like to know why this is being done.

Now, on page 40 of the Report of this Ministry, you have mentioned the cases against the companies. In the year 1982-83, 12,849 cases had been started against the companies, and 21,713 cases were pending. In the year 1983-84, 8440 cases were started. And the cases pending as on 1.4.1983 were 26,205. What a performance? On 8357 cases you had imposed a fine of Rs. 25,194; that comes to Rs. 3/- per case. This is your performance. This is the punishment that you are giving to the companies. This is the system how you work.

Even your favourite guy Swaraj Paul states that eleven big houses have obtained Rs. 27000 crores of public money by investing Rs. 148 crores only. They are the new *rajās* and *maharajās*, who are allowed to grow, and six hundred million out of seven hundred million of Indian people, as Shri Vasant Sathe states, are crushed under the advancing wheels of the chariot of socialism of India, nay Indira. That is the reality today.

I could have supported the great *Brahma* for creating the universe, but this *Param-brahma* of the Ministry of Law, Justice and Company Affairs, the creator of starks and demons, I cannot support.

श्री चन्द्रपाल शैलानी (हाथरस) : उपाध्यक्ष महोदय, मैं विधि, न्याय और कम्पनी कार्य मंत्रालय से सम्बन्धित अनुदानों की मांगों का समर्थन करने के लिए खड़ा हुआ हूँ। मैंने सब साथियों की बातों को बड़े ध्यान से सुना और इस नतीजे पर पहुँचा हूँ कि हमारे देश में न्यायपालिका से सम्बन्धित जो कानून हैं वह अंग्रेजों की देन हैं। अंग्रेजों ने अपने तौर-तरीके और अपनी सुविधाओं के अनुसार ये कानून बनाये थे। वही कानून आज चला आ रहा है। हालांकि समय-समय पर इसमें अमेंडमेंट्स होते रहे हैं लेकिन इसकी जो मूल भावना है आज भी वही है जो अंग्रेज छोड़ गए हैं।

हमारा देश एक महान देश है जहाँ विभिन्न

[श्री चन्द्र पाल शैलानी]

जाति और विभिन्न धर्मों के लोग रहते हैं, विभिन्न प्रकार की बोली बोलने वाले, विविध प्रकार के वस्त्र पहनने वाले और विभिन्न रीति-रिवाजों को मानने वाले लोग रहते हैं। होना तो यह चाहिए था, हमारे अपने देश की जो सामाजिक, आर्थिक, राजनैतिक और सांस्कृतिक स्थिति है उसके मुताबिक कानून बनाए जाते लेकिन आज भी हम एक तरह से उन्हीं अंग्रेजों के बनाए हुए कानूनों पर चल रहे हैं जिनको कि आज की तारीख में आउट ऑफ डेट हो जाना चाहिए था।

इण्डियन पीनल कोड और क्रिमिनल प्रोसीजर कोड आदि कानून सब अंग्रेजों के बनाये हुए हैं और आज भी उनकी मूल भावना में अंग्रेजियत झलकती है।

बहुत से साथियों ने अपने विचार प्रकट किए हैं लेकिन मैं यह मानकर चलता हूँ कि हमारे देश को प्रतिबद्ध न्यायपालिका की आवश्यकता है। हमारी सरकार को देश की जनता चुनती है। आपको याद होगा कि हमारी प्रधानमंत्री श्रीमती इन्दिरा गांधी ने जब बैंकों का राष्ट्रीयकरण किया और राजाओं के प्रीविपर्स खत्म किए तो उन्होंने देश की जनता की तबज को टटोलकर जनता के हित में जो कदम उठाए थे, लेकिन उस वक्त यह जुडिशियरी, न्यायपालिका सरकार के रास्ते में रोड़ा बनकर आई थी। उसके बाद फिर नये सिरे से यहां पार्लियामेंट में इस पर विचार किया गया और उसके बाद हमारी नेता और सरकार जो चाहती थी, उसके मुताबिक काम हुए।

आज जुडिशियरी में जो बड़े-बड़े पदों पर बैठे हैं, चाहे हाई-कोर्ट के जज हों या सुप्रीम कोर्ट के जज हों, उनमें बहुत कम ऐसे हैं जो कि गरीब परिवार से आते हैं या शोषित समाज से आते हैं। ऐसे पदों पर वे लोग हैं जो बड़े घरों में पैदा होते हैं, बड़े स्कूलों में एजुकेशन पाते हैं और उनके दिल-दिमाग वैसे ही हैं जैसे अंग्रेजों के होते थे। जब भी सरकार जनहित में कोई प्रगतिशील कदम उठाती है तो जुडिशियरी निश्चित रूप से उसमें

बाधा बनकर सामने आती है और बहुत से जज उस कदम का विरोध करते हैं और कभी-कभी सरकार के कार्यक्रमों को रद्द कर देते हैं।

मेरे कहने का मतलब यह है कि छोटे स्तर की अदालतों में, यहां तक कि हाईकोर्ट, सुप्रीमकोर्ट में अगर आप जाएं तो पायेंगे कि वहां क्या हालत है। मैं स्वयं एक छोटी-सी जगह का रहने वाला हूँ, और आमतौर पर वहां देखता हूँ कि जिला-स्तर की कचहैरियों से क्या होता है, किस तरह से वहां गरीब आदमी चक्कर काटता है, उसे पता नहीं होता है कि उस पर मुकदमा जायज है या नाजायज है, लेकिन इन्साफ उसे नहीं मिलता है।

मेरी ऐसी मान्यता है कि न्यायालय न्याय के मंदिर हैं, लेकिन उनकी गतिविधियों को देखा जाना चाहिये। उनमें जो लोग बैठते हैं, चाहे पेशकार हों, मजिस्ट्रेट हों अथवा जज हों उनकी गतिविधियों के बारे में यहां कुछ शब्द कहते हुए मैं शर्म महसूस करता हूँ, लेकिन जो कुछ इस बारे में देखने को मिलता है उस आधार पर अगर इन्हें भ्रष्टाचार या रिश्वत के अड्डे कहा जाये तो यह गलत बात नहीं होगी, क्योंकि वहां पर इन्साफ रुपये से खरीदा जाता है, न्याय में पक्षपात चलता है। रिश्वत-देवी ऐसी देवी है जो हर जगह प्रवेश कर जाती है। न्याय के मन्दिरों को भी इसने नहीं छोड़ा है। वहां पर न्याय का गला घुटता है और गरीब को न्याय नहीं मिल पाता। इन्साफ मंहगा तो है ही, साथ ही उसके मिलने में देरी भी बहुत होती है। जो आदमी 10 रुपये रोज कमाता है, अगर उसकी जान को कोई मुकदमा लग जाये तो उसकी हालत यह होती है कि वह अदालतों के चक्कर काटता रहता है और उसे न्याय नहीं मिल पाता। मजिस्ट्रेट और वकील लोग किस तरह से उसका खून चूसते हैं और शाम को बैठकर किस तरह रंगरेलियां मनाते हैं, कभी आपको मौका मिल जाए तो पता लगा सकते हैं कि उनकी गति-विधियां क्या हैं।

मैं चाहता हूँ कि जो गरीब लोग हैं, कम-से-कम उनके मुकदमा लड़ने का सारा खर्च सरकार दे।

हालांकि कुछ नियम सरकार ने बनाए हैं, लेकिन वह बहुत इधर-उधर दब गए हैं, उनका पूरा-पूरा लाभ गरीबों को नहीं मिल पाता है।

आज लाखों की तादाद में मुकदमे अदालतों में पेंडिंग पड़े हुए हैं, इसका कारण यह है कि मजिस्ट्रेट लोग ईमानदारी और वफादारी से बैठकर काम नहीं करते हैं और उन्हें टालते रहते हैं।

हमारे देश में 14 भाषाएं हैं जो कि हमारे देश की राष्ट्रीय भाषाएं हैं। हम देखते हैं कि छोटी अदालतों में तो क्षेत्रीय भाषाओं का कुछ प्रयोग होता है, जो कि खुशी की बात है, सरकार इसके लिए बधाई की पात्र है, लेकिन बड़ी-बड़ी अदालतों में, हाईकोर्ट और सुप्रीमकोर्ट में सारा कामकाज अंग्रेजी में होता है।

17.00 hrs.

मैं समझता हूँ कि अगर वहां पर हिन्दी में काम किया जाए, तो ज्यादा अच्छा होगा।

सबसे खेद की बात यह है कि हाई कोर्टों और सुप्रीम कोर्टों में आज भी बहुत सी जगहें खाली पड़ी हैं। चूंकि सुप्रीम कोर्ट और हाई कोर्टों में शिड्यूल्ड कास्ट्स और शिड्यूल्ड ट्राइब्ज के जजों की संख्या नहीं के बराबर है, इसलिए मेरा अनुरोध है कि नए एपायंटमेंट्स करते समय शिड्यूल्ड कास्ट्स, शिड्यूल्ड ट्राइब्ज और कमजोर वर्ग के लोगों को, जो काबिल हैं और न्याय कर सकते हैं, वरीयता दी जाए।

चुनाव एक ऐसी प्रक्रिया है, जिसके द्वारा विधान सभाओं और संसद के चुनाव होते हैं और राज्यों तथा केन्द्र की सरकारें बनती हैं। आज बहुत सी जगहों पर कमजोर वर्ग के लोगों को वोट नहीं डालने दिया जाता है, चुनाव के समय उनके घरों पर ताले लगा दिए जाते हैं और समाज के सबल लोग जोर-जबर्दस्ती करके उन्हें वोट नहीं डालने देते हैं और उनके नाम पर फर्जी वोट डाल देते हैं। इसलिए चुनाव कानून में इस तरह का परिवर्तन करना चाहिए कि कमजोर वर्ग के लोग बगैर

किसी भय, डर, बाधा और दबाव के वोट डालने के स्थान पर जाकर मत-दान कर सकें।

कुछ दिन पहले मैंने अखबार में पढ़ा था कि दिल्ली की मतदाता सूची में एक लाख बंगला-देशियों के नाम शामिल किए गए हैं। अगर यह बात सही है, तो यह बहुत गंभीर मामला है और सरकार को इस बारे में कार्यवाही करनी चाहिए। अगर बंगलादेश के एक लाख लोग दिल्ली की मतदाता सूची में अपने नाम लिखा लें, तो यह देश के लिए बड़ी खतरनाक बात है। अगर इसी तरह की स्थिति दूसरी जगह भी होगी, तो इससे देश की एकता और अखंडता के लिए खतरा पैदा हो सकता है। इसलिए सरकार को इस मामले की छान-बीन करानी चाहिए। अगर यह बात सही पाई जाए, तो सरकार को यह पता लगाना चाहिए कि वे लोग कितने दिन से दिल्ली में बसे हुए हैं, वे मतदाता बनने के अधिकारी हैं या नहीं, अगर नहीं हैं, तो वे कौन लोग हैं, जिन्होंने इनके नाम मतदाता सूची में लिखवाए हैं। मैं चाहता हूँ कि मंत्री महोदय उत्तर देते हुए इस पर प्रकाश अवश्य डालें।

हमारे देश में काला धन बुरी तरह से बढ़ रहा है। बहुत से लोग सोचते हैं कि काला धन किस तरह से पैदा होता है, कहां पैदा होता है और कौन लोग इसके लिए जिम्मेदार हैं। बड़े-बड़े पूंजीपति और उद्योगपति टैक्सों की चोरी करते हैं, नकली माल बनाते हैं, सरकार को धोखा देते हैं और काले धन का अर्जन करते हैं। मेरा अनुरोध है कि जो लोग टैक्स की चोरी करते हैं और काला धन बनाते हैं, उनके खिलाफ सख्त कार्यवाही करनी चाहिए। कम्पनी लाँ में कुछ सुधार अवश्य हुआ है, लेकिन उसमें आमूल-मूल परिवर्तन करने की आवश्यकता है, जिससे काला धन बाहर निकल सके।

सरकारी क्षेत्र में जितने भी कारखाने और कम्पनियाँ हैं, वे क्यों घाटे में चलते हैं और प्राइवेट सैक्टर के कारखाने क्यों मुनाफा कमाते हैं, इसकी तह में जाना पड़ेगा। मेरा विचार है कि जो

[श्री चन्द्र पाल शैलानी]

चेयरमैन, मैनेजिंग डायरेक्टर, अधिकारी और कर्मचारी पब्लिक अंडरटेकिंग्स में काम करते हैं, वे समझते हैं कि लाभ में से हमें कुछ नहीं मिलना है, हम तो सरकार के नौकर हैं, इसलिए वे उतना ही काम करते हैं, जितना वे अपने दिमाग से मुनासिब समझते हैं। मेरा सुझाव है कि हर एक पब्लिक अंडरटेकिंग्स या अलग-अलग चेयरमैन और मैनेजिंग डायरेक्टर होना चाहिए। आज-कल कहीं-कहीं एक ही आदमी चेयरमैन भी है और मैनेजिंग डायरेक्टर भी है। सरकार को उन लोगों पर अंकुश रखना चाहिए और उनकी गतिविधियों पर नज़र रखनी चाहिए। जो लोग ईमानदारी और वफादारी से काम नहीं करते हैं, उनके खिलाफ एक्शन लेना चाहिए।

पब्लिक अंडरटेकिंग्स में काम करने वाले मजदूर अपने खून-पसीने से देश की सेवा और निर्माण करते हैं और उत्पादन को बढ़ाते हैं। लिहाजा बोर्ड आफ डायरेक्टर्स में उनको प्रतिनिधित्व देना बहुत आवश्यक है।

देश में सैकड़ों की तादाद में स्टेट गवर्नमेंट्स और सेंट्रल गवर्नमेंट की अंडरटेकिंग्स हैं। लेकिन बहुत कम देखने में आया है कि उनमें शिड्यूल्ड कास्ट्स और शिड्यूल्ड ट्राइब्ज का कोई आदमी चेयरमैन या मैनेजिंग डायरेक्टर हो। हर पब्लिक अंडरटेकिंग्स की इकाई के अलग नियम और कानून होते हैं। वे कहते हैं कि हम आटानोमस बाडी हैं, हमारा सरकार से कोई वास्ता नहीं है। और जब वह पाप, पुण्य करते हैं तो उसका जबाब मंत्री जी को इस सदन में देना पड़ता है। कई पब्लिक अण्डरटेकिंग ऐसी देखी गई हैं जो शिड्यूल्ड कास्ट्स और ट्राइब्ज के बारे में सरकार द्वारा घोषित रिजर्वेशन पौलिसी को लागू नहीं करती हैं। इसलिए मेरा मंत्री जी से अनुरोध है कि वह नियम में सुधार करें और ऐसे नियम बनायें ताकि हर पब्लिक अण्डरटेकिंग में जितना रिजर्वेशन का परसेंटेज शिड्यूल्ड कास्ट्स और ट्राइब्ज के लिए सरकार ने निश्चित किया है उतना रिजर्वेशन उनमें भी होना चाहिये।

इन शब्दों के साथ मैं आपका आभारी हूँ जो आपने मुझे बोलने का मौका दिया।

SHRI ABDUL SAMAD (Vellore) : In the High Courts of the country hundreds of thousands of cases are pending for disposal for years together. It is a well known saying 'Justice delayed is justice denied.' It is reported in the Annual Report of the Department of Law that out of the sanctioned strength of 421 in the High Courts, 72 seats of Judge are vacant. This further delays the disposal of the cases and thereby increases the cost of legal remedy. Out of these 72 vacancies, in my State of Tamil Nadu 7 seats are vacant against the sanctioned strength of 24. I appeal to the Government to take up the matter not only of filling the vacancies but also sanctioning the additional seats as demanded by the various High Courts.

Further, for the last 18 years not even a single Sub-Magistrate is selected for the job. For the last 8 years even the District Munsifs are also not selected in Tamil Nadu. There are 150 seats of District Munsifs vacant in the State of Tamil Nadu alone.

Further, the plight of the people in the subordinate judicial services is pitiable. Those who are in service are getting only 40 per cent of salary in Tamil Nadu when compared with the salaries offered in neighbouring States. Further, they are not provided with living quarters. Even conveyance allowances are not paid. I request the hon. Minister to look into the matter and remove the disparity amongst the people who are in subordinate judicial service in the State of Tamil Nadu.

We have been told by the Government since 1976 that they are going to bring a comprehensive amendment Bill to the Waqf Act of 1954 based on the recommendations of the Waqf Inquiry Committee. I only plead with the hon. Minister to give a categorical assurance that it will be introduced in the very session, without any further delay, since the Muslims are very much agitated over it.

A piquant situation has been created by the recent judgment of the Punjab and Haryana High Court. I hope the hon.

Minister, who was the former Chief Justice of the same Court, is aware of the fact that the Court has decided, that the Punjab Waqf Board has no *locus standi* to maintain suits in respect of waqf properties. I do not want to comment upon the judgment of the High Court. I am happy to learn that the Supreme Court has given a stay of this judgment. Is it not strange to say that the Waqf Boards which are appointed under the Waqf Act to supervise and control waqf, have no authority over it? If salt were to lose its taste, where shall it be salted? Perhaps, the learned Court has taken advantage of some lacuna in the present Waqf Act in spelling out its decision. If it is the case, I appeal to the Government to take urgent action to cover up the lacuna or else all valuable waqf properties will be lost for ever.

As the Minister is aware of the fact that there are more than 35,000 waqfs in Punjab and Haryana, out of them more than 12,000 are mosques. I appeal to the Minister to take all possible immediate steps to save these waqfs.

I want to urge upon one important aspect of Waqf properties. Many of such properties are under illegal occupation. In order to regain these properties, exemption must be given to Waqf properties from the Limitation Acts. The State of Tamil Nadu, following the State of West Bengal, has rightly exempted the Waqf properties permanently from the operation of Limitation Acts. Similar laws must be passed by the other State Governments. I request the hon. Minister to write to the respective State Governments in this regard.

Another sad aspect of the Waqf properties is encroachment and illegal occupation. Many valuable areas are taken by unauthorised people. Even Government Departments are illegally occupying the valuable Waqf properties. It is gratifying to note that recently the Government of India has passed orders transferring 123 properties from the L and DO and the DDA to Delhi Waqf Board as per the recommendation of the Burney Committee. I thank the hon. Minister, Mr. Kaushal and the Minister for Housing Mr. Bhagat and others who are responsible for taking this right decision.

I have come to know that our respected Prime Minister has taken a personal interest in this affair and has written to all State Governments asking them to take necessary action for the restoration of Waqf properties to the rightful owners. I hope and trust that the State Governments also will come to the rescue of saving the Waqf properties.

17.12 hrs.

[SHRI CHINTAMANI PANIGRAHI *in the Chair*]

In order to get the proper benefit out of the Waqf properties, exemption from Rent Control Act also must be given. Many valuable properties are not getting adequate income because of the Rent Control Act. I think, our hon. Minister is also aware of the fact that two shops belonging to Delhi Waqf Board are fetching 70 paise only per month as rent in Delhi. To collect 70 paise, every month seven rupees are spent on conveyance.

One tannery which is situated near Idgah in Old Delhi is paying only Rs. 50 per month as rent. In order to put an end to this sort of exploitation, I plead, exemption may be given for the Waqf properties from the Rent Control Act.

Another important aspect of the Waqf is that mosques placed under Archaeological Department. There are 260 mosques throughout the country and in the capital city of Delhi 35 mosques are under the Archaeological Department. As you are aware, mosques are intended for prayer and they will never be considered as mere show-pieces. While appreciating the concern of the Government of India in protecting the mosques which have archaeological and historical value, I appeal to the Government not to put any obstacles to Muslims who genuinely want to conduct congregational prayers in those mosques. Muslims have an inherent right to pray in all the mosques of the world.

I am happy to note with satisfaction that recently the Government allowed to conduct prayers in Safdarjung Mosque. This must be on permanent basis.

I further appeal to the Government to

[Shri Abdul Samad]

make arrangements for the purpose of regular prayers by the Muslims in Mosques which are under the Archaeological Department. Thank you.

SHRI BRAJAMOHAN MOHANTY (Puri): Mr. Chairman, Sir, at the outset I will invite the attention of this august House to the episode that has taken place in Andhra. The Council there was prorogued although the business of the Council was fixed up to 3rd April. It is a pre-mature action taken at the instance of the Government and when the Council met, the Ministers did not attend. You know how the crisis has generated on account of the conflict between the Supreme Court and the Council relating to a privilege issue against the Speaker.

Yesterday or day before yesterday some of the stalwarts of the opposition placed before this House the suggestion that the privileges should be codified so that there can be no crisis in the future. My submission would be that this is a very wrong assessment of the position. As a matter of fact, in the year 1965 the matter was referred to the Supreme Court by the President. The reference was reported in 1965 Supreme Court cases, the Keshav Singh's case, where a very similar issue, like the one agitating the Andhra Legislative Council, was raised. In that reference of the case to the Court by the President, the Supreme Court decided that the general warrant issued by the Legislative Assembly is not conclusive, whose implications are very serious. The implication is that the House is not supreme even inside the chamber, the finding of the House is subject to scrutiny of the court and article 21 will be applicable. So, there was a crisis generated. It was a crisis in the Constitution. It is a crisis in our political system, it is a crisis in our democratic apparatus.

This is not a partisan issue. It is not the Government alone which is answerable; the nation as a whole has to answer it. It is a question where every party has to take a decision. Subsequently, there was the Speakers' Conference, where it was decided: let there be a Constitution amendment in

which it should be established that article 194 should not be subordinate, should not be subject, to any other article of the Constitution. That is the remedy that has been suggested. But, unfortunately, nobody has taken notice of that. We wanted to ignore the problem. So, the crisis is generated.

Now the time has come when the nation should react, when the political parties should react, the Speaker should react, the Law Minister should react, some initiative has to be taken once and for all and it should be decided whether you want to keep the House subordinate to the court, or you want to give the House its supremacy, at least inside the House—I do not say supremacy in this country, because the people are supreme in the country. But the House must be supreme inside its chamber, inside the House; there should not be any interference by the court in the internal matters of the House, either of Parliament or of the Assembly. The position should emerge and that can emerge only if there is a constitutional amendment made, and that must be done on the basis of consensus of all political parties, of all forces connected with it.

The Andhra Pradesh Government has referred the matter to the President. I do not understand the wisdom of it because, as a matter of fact, the case of the editor is pending in the Supreme Court and they have to argue the case. Besides, there was a reference on the very same issue to the Supreme Court by the President of India, the well-known Keshav Singh's case. So, no useful purpose would be served by again referring the matter to the Supreme Court. Either you have to accept the judgment of the Supreme Court, in which case you accept judicial scrutiny of your decision, you have to accept the general warrant, or you have to change the statute so that your internal supremacy can be restored.

Coming to the judicial system, so far as this country is concerned, it is a democracy but a liberal democracy.

Really the will of the people will not prevail, because the Constitution has been

interpreted by the judiciary in different ways. The present position emerges that the will of the people will not prevail unless it conforms to the Constitution of India, unless it conforms to the norms of the Constitution of India and that it conforms to the Fundamental Rights incorporated in Chapter III of the Constitution of India. Sir, this is a very peculiar position that it remains as a hurdle for us to go ahead with the social change. You know what has emerged in regard to the concept of the basic structure in the law of the land. Nobody knows what is the basic structure. Nobody in the Government, nobody in the Opposition and nobody in the country knows what is the concept of the basic structure. It may expand everyday. You know about the controversy of the basic structure that had gone on and that the Supreme Court did not agree on what is the basic structure. It is a nebulous thing and at any time the court can come to a decision that this is the basic structure of the Constitution. That type of uncertainty is a great hurdle for the Government of whichever party that may be to bring about social changes. You can imagine the party with certain commitments, election manifesto when it comes into power, what its condition would be when it finds it is not possible to implement the election manifesto because the judiciary may stand at any point of time against implementation of them. So, this creates crisis and the Government does not know where it stands. That is how this uncertainty goes on. No Law Minister can say that the Government is going to negotiate for bringing about a change in article 25. I am afraid if they have got the power to do so. Of course, I am not a constitutional expert, but can we change the basic structure of the Constitution? One fine morning the Supreme Court may take the view that this is the basic structure of the Constitution and therefore, it cannot be amended it. If all the Members of the Lok Sabha and the Rajya Sabha join together and all agree and raise their hands, even then that amendment will not be put through, because the Supreme Court will say it is ultra-vires. This is the uncertainty that is prevailing not today, but for decades. That is where we stand. That is the crisis and no one knows where we stand. Everything is uncertain. The crisis with with the

democratic process is that whenever a political party which comes to power with a commitment to the people, it cannot go ahead. That is the reason why my submission is that there should be some serious thinking on this to see that the will of the people prevails in this land.

You know when the Constitution was framed it was conceived that the will of the people will prevail. But today deliberately the due process of the American Constitution was given a good-bye in our Constitution. Now the due process is coming into our Constitution obliquely and behind the door. So, this is the position. Now, my submission is that there should be a serious thinking about it. Otherwise it would always create trouble and no social change would be possible.

Now, I come to another aspect relating to the pending cases. Here I quote the Supreme Court Chief Justice statement made on 26-11-1981. That is on 26th November, 1981. He himself stated :

“...over a period of six months, 12340 new matters and 15600 Miscellaneous Petitions were fixed in this Court. At the end of the year, one month from now, we expect to reach the staggering figure of filings in 1981 at at 25000 new matters and 32000 Misc. Petitions.”

This is the position. I think justice delayed is justice denied. What have we done for the number of cases that are pending and how could you assure the citizen? As a matter of fact, I shall also quote another paragraph of his speech :

“A National Tax Court, a National Labour Appellate Tribunal, a National Services Tribunal are suggested as possible solutions for reducing the pressure on the Supreme Court. If nothing else helps, these alternatives may have to be regretfully resorted to.”

My submission would be that expeditious measures must be taken for establishing these Tribunals so that that can answer to some extent the problem of accumulation

[Shri Brajamohan Mohanty]

of cases in the Supreme Court. Besides this, the problem is acute so far as High Courts and other courts are concerned.

Now I shall come to the other thing, that is, the system as we have evolved. I shall place before the House one Bulletin that has been circulated by the Vishva Hindu Parishad. I shall quote from paragraphs 5 and 6 of the Vishva Hindu Parishad Bulletin No. 5 :

“Nowhere in the world, apparently anything like minority rights exist. Our Constitution thinkers might have their special reason, compelled by the post-partition situations in Bharat, to think of safeguarding the interests of the non-Hindu religions. But the whole question has to be thought afresh in the light of the situation prevailing ever since, and now.”

“Now, the minority rights have gone to strengthen the Muslims and Christians in such a manner that Hindus are made to suffer. Besides, in the matter of rights, how can they enjoy anything which their counterpart is not allowed? This will be discrimination between citizens, on grounds of religion, which is against the principle of secularism.”

My submission would be : how to think or imagine the trend? The trend is to carry on an agitation to abolish the minority rights from the Indian Constitution. How was this literature circulated? If the law is inadequate—I invite your attention to the fact that the law permits the circulation of the literature of this type. You can imagine what the effect of this will be. How is it that the journal *Muslim India* could be permitted to be published? These are the things you must take into consideration because we are fighting against the religious fundamentalism which is eroding our system. So, my submission would be, let the law be widely examined and if necessary, changes may be brought in. The forces which do not believe in secularism, the forces which have exhibited themselves as

communalists, will they have the power of franchise? Will they have the right of citizenship? This has to be taken into consideration, if we want to survive as a democratic and secular country. Otherwise there is no escape from it.

So far as the MRTTP Act is concerned, my submission would be that there is no hundred per cent answer.

The growth of monopoly has been reduced but it has not been completely controlled. In the year 1980-81 the growth is 20%, although previously it was more. At the same time the growth of public sector is 23.6%. The public sector is growing but we should go ahead in such a way so that the growth of monopoly and concentration of wealth must be completely answered. Mr. Law Minister, the amendment that you have proposed in this respect will not answer the problem. There must be re-thinking about it so that it can completely answer the problem of monopoly and there should be no further growth of monopoly. As a matter of fact the number of monopoly houses is growing every day.

I thank you for accommodating me and giving me some more time.

SHRIN. GOUZAGIN (Outer Manipur) :
I thank you for calling me to speak.

While supporting the Demands for Grants under the control of Ministry of Law, Justice and Company Affairs I beg to draw the attention of the hon. Law Minister to the effect that the States of Manipur, Nagaland, Tripura, Meghalaya, do not have High Court of their own till to-day. All these States are under the jurisdiction of Gauhati High Court. Of course, Gauhati High Court has been running High Court Benches in these States. But after ten years of granting Statehood to these North Eastern States, why is there any delay in giving High Court separately for these respective States? I think this is the constitutional need and demand of the people of the North Eastern States. In fact, we are being given a step motherly treatment.

Now I will concentrate only on the basic problem of Manipur State—my constituency.

I said, we do not have High Court. Before Manipur State was merged with the Union of India—i.e. before 15th of October, 1949—we were having one District and Sessions Judge. The same pattern is still continuing. Even though we have eight revenue districts, we are still having one District and Sessions Court and Sessions Judge. That is for the whole State of Manipur and all the Sub-Divisions are left without Munsiff courts. Very few are having Munsiff courts. These courts are concentrated in State capital—Imphal. The poor rural people have to come from far off places, interior places. Why do you not establish Munsiff court, additional courts and Sessions Courts in their localities ?

As long as we deny this to them, it will amount to denying justice to them. This is the constitutional demand of the people of Manipur. I hope the Law Minister will look into this. I would like to state one thing more. Manipur has been allotted two Parliamentary seats—one for the general voters and the other for the Hill people, Scheduled Tribes, since the year 1952. But no changes have been made till today. Since 1952, about 32 years have passed. The division of voters in these two constituencies is like this :

32 general Assembly Seat voters—I have been voted to the Outer Manipur Parliamentary constituency. It is a general seat. Another seat consists of 28 Assembly seat voters including 9 general seat voters. It is the Scheduled Tribe reserved constituency. That means, for the reservation seat, people from non-reserved seats also are voting. Do you think there is any justification for this ? Since the constituencies were made in the year 1952, it is high time for the Ministry concerned to see that one more Parliamentary seat is allotted to Manipur to enable the people to have 2 seats for general voters and one seat retained for the Scheduled Tribe voters. I think, there would be justification if we do like this.

There are lot of irregularities in the boundaries of the Assembly constituency also. Even if you are not going to make general delimitation programme, kindly see that minor amendments or corrections are made to correct the irregularities caused so

that the voters are not put to inconvenience at the time of voting. It will be very much in the interest of the people. My suggestion in this regard would be that the hill sub-divisions where the Assembly constituencies are carved out should be co-terminous with the revenue sub-divisional boundaries. Likewise, the district and Parliamentary constituencies should also be co-terminuses.

These are my few suggestions and request that the Law Minister would look into this and make necessary arrangements for corrections.

Regarding legal-aid and other facilities which have been mentioned by many speakers, people in Manipur have not got the benefit till today. We are very much deprived of this because whatever Government have given towards this programme is too less compared to the amount to be paid to advocates engaged by the rich people. We cannot compete by this amount and we cannot get better service from this. Therefore, it is a wastage of money also. It could not help the poor.

With these words, I support the Demand for Grants under the control of the Ministry of Law, Justice and Company Affairs.

श्री आर० एन० राकेश (चेल) : सभापति जी, लॉ एण्ड जस्टिस पर बोलने से पहले मैं, कम्पनी अफेयर्स की ओर मंत्री महोदय का ध्यान आपके माध्यम से आकर्षित करना चाहता हूँ। समाचार भारती पब्लिक लिमिटेड स्वर्गीय श्री लाल बहादुर शास्त्री और जयप्रकाश नारायण जैसी महती विभूति की अनुकम्पा से हिन्दी की सेवा के लिए प्रस्थापित हुई थी। लेकिन, आज इस एजेंसी में घोर अनियमितताएं देखने को मिल रही हैं। इस कम्पनी ने पिछले कई वर्षों से अपना अकाउन्ट आडिट नहीं करवाया है। जिन राज्यों ने शेयर खरीदे उनको अभी तक सर्टिफिकेट ईस्यू नहीं किए गए। शेयर-होल्डर्स के बीच में कभी भी कोई बैठक नहीं हुई और यह कोई मेरी ओर से व्लेम नहीं है वल्कि जो रूलिंग पार्टी के संसद सदस्य हैं जैसे श्री नरेन्द्र कुमार साल्वे जी और श्री राम निवाम मिर्धा जी उन्होंने भी इस कम्पनी के बारे

[श्री आर० एन० राकेश]

में बड़े गंभीर आरोप लगाए। उन्होंने यह महसूस किया कि इस कम्पनी में काम करना मुश्किल है और इस्तीफा दे दिया। इसी तरह श्रीकान्त वर्मा जी ने भी सारे एलीमेशन को सही पाकर मजबूर होकर इस्तीफा दे दिया। कम्पनी के कर्मचारियों ने श्रम मंत्रालय को जो आरोप पत्र दिए थे वह उन्होंने अपनी रेकमैडेशन के साथ कम्पनी अफेयर्स को भेज दिया। एक साल से इसके कर्मचारियों को वेतन नहीं मिला है और इसमें और अनियमितताएं हैं। इसके जनरल मैनेजर ने रजिस्टर फाड़ डाले हैं और भी डाक्यूमेंट्स वह गायब कर सकते हैं। इसलिए मेरा अनुरोध है कि इसका विशेष रूप से आडिट कराया जाय और इसके कर्मचारियों को अभी भी जल्दी से जल्दी वेतन दिया जाय।

जहां तक लॉ का सवाल है सारे देश के जिला-धिकारियों, एम० पी० और एस० एस० पी० की ओर मैं ध्यान आकर्षित करना चाहता हूं। जिला-धिकारी अपने जिले में लॉ ऐंड आर्डर के मामले में सुप्रीम अथारिटी होता है। उससे आशा की जाती है कि वह अपने जिले में लॉ ऐंड आर्डर को सुव्यवस्थित बनाए रखेगा और हरिजन और माइनारिटीज के हितों की विशेष रूप से रक्षा करेगा। लेकिन 1983-84 में जब से नयी सी० आर० पी० लागू हुई है जिलाधिकारियों को कोई अधिकार नहीं रह गया है। डिपार्टमेंटल जो आदेश हुए हैं उसके अनुसार एस० एस० पी० और एस० पी०, डी० एम० के० रैंक के हो गए हैं। इस तरह से पुलिस और एस० पी० के अधिकार अपर हो जाते हैं और जिलाधिकारियों के हाथ नीचे हो जाते हैं। इसीलिए सारे जिलों में टकराव पैदा हो गया है। डिस्ट्रिक्ट मैजिस्ट्रेट चाहे कुछ भी चाहता हो, होगा वही जो एस० पी० या एस० एस० पी० चाहेगा। नतीजा यह हुआ है कि सारे देश में एक निरंकुशता का वातावरण पैदा हो गया है। गांव-गांव और और मुहल्ले-मुहल्ले में पुलिस ने अपने बैंक खोल रखे हैं। लोगों से पैसा वसूलना, लोगों की इज्जत लूटना, लोगों की जान लेना, यही उन का काम रह गया है। इसलिए मैं चाहता हूं डी०

एम० के अधीन जैसे पुलिस के अधिकारी पहले थे वैसे ही कर दिए जाएं। एस० पी० और एस० एस० पी०, डी० एम० के अधीन रहें और जैसे पहले डी० एम० उनकी ऐन्गुअल रिपोर्ट देता था वैसे अभी भी दे। नयी सी० आर० पी० सी० वापस ली जाए और पुरानी सी० आर० पी० सी० बहाल की जाए।

यह कहा जाता है कि हम अदालतों का डिवीजन इसलिए कर रहे हैं कि लोगों को न्याय सस्ता मिले। अब तक का अनुभव तो यही बताता है कि अदालतों के डिवीजन से न्याय सस्ता नहीं मिला है बल्कि न्याय और महंगा होकर और नजदीक से बिकना शुरू हो गया है। जैसा कि और लोगों ने कहा, सुप्रीम कोर्ट और हाई कोर्ट में दसियों लाख केसेज पैडिंग हैं। खुद इलाहाबाद हाई कोर्ट में लाखों केसेज पैडिंग हैं और तीन साल से लेकर 12-12 साल तक के केसेज पैडिंग हैं। इनका जल्दी से निपटारा करने के लिए अधिक जजों की नियुक्ति की जाए। विभिन्न हाईकोर्टों में 75 जगहें खाली पड़ी हुई हैं। अकेले इलाहाबाद हाई कोर्ट में 20 जजों की जगह खाली है।

अभी तक जजों की जो भी नियुक्ति हुई है, चाहे वह कोई भी गवर्नमेंट रही हो, भाईवाद, भतीजावाद, जातिवाद और चमचावाद के आधार पर हुई है। मेरिट के आधार पर नहीं हुई है। जहां तक शेड्यूल्ड कास्ट और शेड्यूल्ड ट्राइब्स की बात है उनके लिए किसी भी अदालत में कोई जगह नहीं है। उनकी भर्ती नहीं होती है, वह भाई-भतीजावाद, चमचावाद की परिभाषा में नहीं आते हैं इसलिए उनका काम नहीं हो पाता।

इलाहाबाद हाई कोर्ट में 20 जजेज की जगह खाली है, वहां अभी तक परमानेंट चीफ जस्टिस नियुक्त नहीं कर पाए हैं, वहां एक्टिंग चीफ जस्टिस रखे गए हैं। चाहे जो भी चीफ जस्टिस हो, सबने एक धारणा बना ली है कि किसी शिड्यूल्ड कास्ट, शिड्यूल्ड ट्राइब या माइनोरिटी के आदमी को हाई-कोर्ट में जज के रूप में एंट्री नहीं मिलेगी, उन पर एकदम बैन लगा दिया है। नीचे

डिस्ट्रिक्ट कोर्ट्स में जितने भी शिड्यूल्ड कास्ट्स और शिड्यूल्ड ट्राइब्ज के जजेज हैं, वह हमेशा अच्छे रहते हैं, लेकिन जय उनके प्रमोशन के चान्सेज होते हैं, जब लगता है कि वे हाई-कोर्ट में पहुंचने वाले हैं तो उनकी एन्ट्री खराब कर दी जाती है। कहा जाता है कि इन कास्ट्स में अच्छे लोग नहीं मिलते हैं। मैं दावे के साथ कहता हूं कि शिड्यूल्ड कास्ट्स और शिड्यूल्ड ट्राइब्ज के लोग जय इस देश में कानून बना सकते हैं तो इस देश में कानून को बेहतर ढंग से चला भी सकते हैं, लेकिन उनके साथ इन्साफ नहीं हो रहा है।

संविधान का आर्टिकल 16, सब सैक्शन (4) क्या हाई कोर्ट में लागू नहीं होता? क्या वह बाउन्ड नहीं है? वह क्यों इसका पालन नहीं करते हैं? मेरा कहना है कि जो हाई कोर्ट खुद संविधान की अवहेलना कर रहा है, उसके खिलाफ एक्शन होना चाहिए। हमारा आपसे अनुरोध है कि इस पर आप गम्भीरता से विचार करें।

आज देश का शिड्यूल्ड कास्ट और शिड्यूल्ड ट्राइब बहुत हतोत्साहित है। इसी संदर्भ में देश में फैली हुई बदामनी की ओर मैं आपका ध्यान आकृष्ट करना चाहता हूं। सारे देश में डकैत और नक्सलवादी के नाम पर बेगुनाहों को मारा जा रहा है। उत्तरप्रदेश में लगभग 24 हजार लोगों को एन-काउन्टर में डकैत कहकर मार डाला गया है। उत्तर प्रदेश का 10 बरसों का रिकार्ड इकट्ठा किया जाए तो 60 परसेंट हिन्दू धर्म की वर्ण-व्यवस्था के द्वितीय श्रेणी के लोग हैं और 20 परसेंट बैकवर्ड क्लासेज के हैं और 20 परसेंट शिड्यूल्ड कास्ट, शिड्यूल्ड ट्राइब्ज और माइनोरिटीज के हैं। लेकिन 24 हजार लोग जो डकैत के नाम पर मारे गए हैं, उसमें 60 परसेंट शिड्यूल्ड कास्ट और शिड्यूल्ड ट्राइब्ज और माइनोरिटीज के लोग हैं और 40 परसेंट बैकवर्ड क्लासेज के लोग हैं। उसमें हिन्दू धर्म की वर्ण-व्यवस्था की द्वितीय श्रेणी का कोई भी व्यक्ति नहीं मारा गया है। हिन्दू धर्म की वर्ण-व्यवस्था की प्रथम श्रेणी का एक व्यक्ति बाधा में मारा गया है। इसका मतलब यह हुआ कि जो डकैतों के नाम पर मारे गए हैं, वे

बेगुनाह लोग मारे गए हैं, फर्जी डकैत मारे गए हैं, यह फेक एन-काउन्टर हुए हैं।

सभापति महोदय : यह होम डिपार्टमेंट में कहिए।

श्री आर० एन० राकेश : मेरा मतलब होम मिनिस्ट्री से नहीं है। मेरे कहने का मतलब यह है कि ऐसा करने से जुडिशियरी और विधायिका के अधिकारों का अतिक्रमण हो रहा है। बेगुनाह लोगों को इन्साफ नहीं मिल रहा है, उन्हें इन्साफ से अलग किया जा रहा है।

इलाहाबाद में आनन्द भवन, जो कभी स्वराज्य की लड़ाई का केन्द्र रहा था, वहां की सड़कों से लेकर गांव-गांव तक पोस्टर लगे हैं कि पुलिस तुम बेगुनाहों का एन-काउन्टर करो, कांगी सरकार तुम्हारे साथ है। मैं नहीं कहता कि आपके नालेज में यह बात है, लेकिन अगर यह सही है तो जो बेगुनाहों का एन-काउन्टर कर रहे हैं, उन पर कार्यवाही होनी चाहिए। उनके खिलाफ 302 का मुकदमा कायम किया जाना चाहिए।

संविधान के मुताबिक सरकार की कॉमन रिस्पॉन्सिबिलिटी होती है लेकिन उत्तरप्रदेश में उर्दू के इश्यू पर सरकार और मंत्री के बीच में फर्क हो गया है जिससे संवैधानिक संकट पैदा हो गया है। मेरा अनुरोध है कि मंत्री महोदय इस विषय पर बोलने लगे तो इस पर अवश्य प्रकाश डालें।

संविधान देश का रूल आफ लाँ है, लेकिन देखने को मिलता है कि यह रूल ऑफ लाँ नहीं है, संविधान की सरकार नहीं है। ईक्वैलिटी विफोर लाँ नहीं है। रूल आफ पर्सनैलिटीज है। कुछ व्यक्तियों के लिए कुछ कानून होते हैं और कुछ व्यक्तियों के लिए कुछ और कानून होते हैं। कानून की निगाह में अगर सब समान नहीं रहेंगे तो कानून की गरिमा टूटेगी और संविधान की गरिमा टूटेगी।

देश में 20-पाइंट प्रोग्राम बड़ी तेजी से लागू किया जा रहा है। इसका बहुत ढिंढोरा पीटा जा

[श्री आर० एन० राकेश]

रहा है। लेकिन इस पर सांविधानिक मुहर लग जाने और इस सदन में पास हो जाने के बाद भी दो पाइंट्स में मां बेटा हैं और जीरो में सारा देश है। पर्सनेलिटी का इस ढंग से प्राजेक्शन हो रहा है कि जैसे देश में दो प्राइम मिनिस्टर हों। एक व्यक्ति-विशेष के बारे में मां कहती है कि भ्रष्टाचार के कानून में संशोधन कर दो, जबकि बेटे की ओर से कहा जाता है कि संशोधन न करो। (व्यवधान) अगर इस तरह की स्थिति पैदा की जाएगी, तो कल आपसे पूछा जा सकता है कि आप किस प्राइम मिनिस्टर के लाँ मिनिस्टर हैं।

इसलिए मैं आपसे अनुरोध करना चाहता हूँ कि इस संविधान के स्ट्रक्चर को खराब न होने दें, जो संविधान आपको मिला हुआ है, ठीक ढंग से उसका पालन करें। आज आप इस कुर्सी पर हैं, कल कोई दूसरा इस पर आ सकता है, लेकिन संविधान वही रहेगा। संविधान की गरिमा को तोड़ने की कोशिश न की जाए, अन्यथा इसका परिणाम बड़ा दूरगामी होगा।

कानून का इस्तेमाल देश की हिफाजत के लिए होना चाहिए, पर्सनेलिटीज की हिफाजत के लिए नहीं होना चाहिए।

इन शब्दों के साथ मैं कहना चाहता हूँ कि देश में विधि का शासन नहीं है, माइट इज राइट का शासन है, जंगल का कानून है। संविधान के अनुसार नून, खून, कानून की रक्षा की गई है और इसको बड़ा महत्व दिया गया है। लेकिन आज देश में कहीं नून, खून और कानून की कीमत नहीं है। सांविधानिक व्यवस्था फेल हो चुकी है। जब देश में लाँ नहीं है, न्याय नहीं है, तो आपका यह बिल वैधानिक और औचित्यपूर्ण नहीं है। इसलिए मैं इस बिल का विरोध करता हूँ।

MR. CHAIRMAN : Prof. Ranga.

PROF. N.G. RANGA (Guntur) : After this speech, what is it that I can say ?

I wish to congratulate the two friends, Shri Mool Chand Daga, and our friend from Tamil Nadu, for the very useful contributions they have made. Only one difference I have, in regard to what Mr. Daga has said about the Supreme Court and the judges. I do not know enough to be able to support him and accept what he has said, but then I do not wish to differ from him very much because my knowledge about the activities of these judges is not enough.

Some friends have suggested that the court fees should be abolished. It should have been abolished long ago. It is not very much money that Government collects, but even if Government cannot do that wholesale, let them at least exempt the Scheduled Castes and Scheduled Tribes. Secondly, let them also exempt from these fees all those people who are poor, whose income is less than Rs. 500 a month.

Thirdly, so many friends, and the newspapers also, have been criticising the Government on the score, on the false score, that Government wants to pack the courts with their own nominees. I do not think there is any truth in it. In fact, the Government may be condemned for having failed in its duty to serve itself. They could have packed all these courts with all those hundreds and hundreds of judges who are needed, but they have not done it. It is not only this Government, but the Janata Government also was thus foolish. Actually it is not the policy of our Government, whether it is of the Janata or of the Congress hue ; it is not the policy of the Government to pack the courts with their own partisans. That is proved by the facts themselves. But at the same time I do take the Government to task, and the Ministry here as well as all others who are involved in this procedure of appointing judges, for their failure to appoint these people. There is unemployment, much more unemployment among the lawyers. And there is quite a lot of talent among the lawyers. They are really keen to be appointed as judges, and I do not know, I cannot understand, what stands in the way of our Government here and also at the State level. There must be some kind of a nervousness or atrophy somewhere.

I would like our Government here at least to make haste and get over this disease

of negligence of their duty in appointing Judges. We need them. We need more and more of them. My hon. friend from Tamil Nadu has made a very good suggestion. Let us have additional courts. Recently there was the news that the Government is thinking of or has already decided upon organising Industrial Courts, Labour Tribunals and similarly Service Tribunals. How long are they going to take in order to appoint them? I would like them to make haste about it.

In the selection of people to be Judges, they need not waste too much time. They can ask every Chief Justice at the High Court level and the Chief Justice here also to prepare panels of those lawyers among their own lawyer clientele who are considered to be good enough and fit enough to be appointed as Judges, apart from the usual qualification of 10 years standing before the Court. Now, in preparing these panels, if they so wish, they can consult their local Bar Associations and then prepare the panels and from out of that panel, whatever may be the party hue or politics at any level, the local Government should be able to recruit people and if, however, the government of the day is expected to consult the local Chief Justice or the Chief Justice here in Delhi also and if by any chance, the Chief Justice is not very co-operative in making his own suggestions or sending his remarks within a particular prescribed time and if there is any difficulty, let them get the necessary legal authority for the Government to fix the time limit and if the Chief Justice does not send his recommendations, let the Government go ahead. But there should not be these vacancies. It only means that there is something wrong somewhere in the system and the sooner the Government try to get over this difficulty, the better it would be for the reputation of our country.

Then, Sir, millions. How many millions? Nearly 11 million cases are pending and not decided. Does it stand to the credit of our democracy? For 35 years we have been having this system. I would like my hon. friend to have the assistance of one or two more Ministers—one State Minister and one Deputy Minister, if need be, and then go into this matter and try to solve it instead of

going on saying, 'What can we do?'

Then about the drafting side, Mr. M.C. Daga had the courage to say to our people, to our so-called legal experts that their drafting is very bad. I agree with him. I want my hon. friend to strengthen his own Ministry by having really expert lawyers and good draftsmen from among these lawyers themselves.

Then the poor man's lawyer. Where is he? And when he is appointed, is he of the first order and if he is of the first order, where is the money to come from? Only few lakhs of rupees to be placed at the disposal of a High Court, Rs. 10 lakhs. Why not a crore of rupees be placed at the disposal of this Minister and the Supreme Court? Because when we find that the rich people are able to employ all the expert lawyers to plead for them, on the side of the poor people should we not have equally good enough experts? And do we expect these experts to work freely for us?

All credit 'to some of our lawyers'. In many places they have come forward to plead for the poor—quite a number of them. But they are not good enough and they are not numerous enough. Therefore, the Government should be prepared to place adequate funds. I know the mind as well as the heart of the Prime Minister in regard to this matter. If only there is a good enough case made out by the Law Ministry as well as other concerned Ministers and they place it before the Prime Minister, Prime Minister would be willing to support these people *vis-a-vis* the Finance Minister and the Planning Commission.

18.00 hrs.

For God's sake, be quick about it and be energetic about it and see that the poor people are helped.

MR. CHAIRMAN: How much time will you take?

PROF. N.G. RANGA: I would take a few more minutes.

MR. CHAIRMAN: If you like, you can continue tomorrow.

PROF. N.G. RANGA : I want two or three more minutes. Otherwise, I shall sit down.

There was some proposal to extend the period of training for the lawyers from three to five years. Three years' period is enough even as it is. Why extend it to five years? And why make them suffer and spend so much more? After all, there is not enough employment for these poor people; and they are educated people. I do not want them to be frustrated; I do not want their parents to suffer.

MR. CHAIRMAN : Prof. Ranga, you can continue tomorrow.

PROF. N.G. RANGA : All right, Sir.

18.01 hrs.

BUSINESS ADVISORY COMMITTEE

Fifty-ninth Report

MR. CHAIRMAN : Shri Buta Singh.

THE MINISTER OF PARLIAMEN-
TARY AFFAIRS, SPORTS AND WORKS
AND HOUSING (SHRI BUTA SINGH) :
I beg to present the Fifty-ninth Report of
the Business Advisory Committee.

PAPERS LAID ON THE TABLE

MR. CHAIRMAN : Shri Poojary.

Notification under Central Excise Rules, 1944

THE DEPUTY MINISTER IN THE
MINISTRY OF FINANCE (SHRI
JANARDHANA POOJARY) : I beg to
lay on the Table a copy of Notification No.
83/84-CE (Hindi and English versions) pub-
lished in Gazette of India dated the 2nd
April, 1984 together with an explanatory
Memorandum making certain amendment
to Notification No. 108/81-CE dated the
24th April, 1984 and to extend the Scheme
to newspaper mills, issued under the Central
Excise Rules, 1944.

MR. CHAIRMAN : The House now
stands adjourned till 11 A.M. tomorrow.

18.02 hrs.

*The Lok Sabha then adjourned till Eleven
of the Clock on Tuesday, the 3rd April,
1984 (Chaitra 14, 1906 (Saka)*