

Misra, Shri Nityananda
 Murthy, Shri M. V. Chandrashekhara
 Narayana, Shri K. S.
 Nihalsinghwal, Shri G. S.
 Panika, Shri Ram Pyare
 Patel, Shri Ahmed Mohammed
 Patel, Shri C. D.
 Patil, Shri Vijay N.
 Prasan Kumar, Shri S. N.
 Quadri, Shri S. T.
 Ram, Shri Ramswaroop
 Rao, Shri Jagannath
 Rathod, Shri Uttam
 Reddy, Shri K. Vijaya Bhaskara
 Saminuddin, Shri
 Satish Prasad Singh, Shri
 Sharma, Shri Kali Charan
 Shastri, Shri Dharam Dass
 Shastri, Shri Hari Krishna
 Shukla, Shri Vidya Charan
 Sidnal, Shri S. B.
 Singh, Shri C. P. N.
 Singh Deo, Shri K. P.
 Soren, Shri Hari Har
 Stephen, Shri C. M.
 Sultanpuri, Shri Krishan Dutt
 Sunder Singh, Shri
 Tariq Anwar, Shri
 Tayyab Hussain, Shri
 Tewary, Prof. K. K.
 Tripathi, Shri Kamalapati
 Tytler, Shri Jagdish
 Vairale, Shri Madhusudan
 Varma, Shri Jai Ram
 Virbhadra Singh, Shri

Vyas, Shri Girdhari Lal

Yadav, Shri R. N.

MR. CHAIRMAN: Subject to correction the result†† of the division is: Ayes 29, Noes 72.

The motion was negatived.

MR. CHAIRMAN: We now go to the next item.

श्री रामनगीना मिश्र (सलेमपुर) : सभापति जी, होली के अवसर पर केवल एक दिन की छुट्टी है। हम आप से निवेदन करेंगे कि कम से कम एक दिन की छुट्टी और बढ़ाई जाए। मंत्री जी मौजूद हैं और इस पर हाऊस की राय ले ली जाए। यह सब के सेंटिमेंट्स से सम्बन्धित है। इसलिए होली की छुट्टी एक दिन की और बढ़ाई जाए।

SHRI SATYASADHAN CHAKRABORTY (Calcutta South): This is the Year of Productivity. What to talk about Holi?

MR. CHAIRMAN: Shri Eduardo Faleiro.

16.54 hrs.

FREE LEGAL SERVICES BILL

SHRI EDUARDO FALEIRO (Mormugao): Mr. Chairman, Sir, I beg to move*:

"That the Bill to provide free legal services to indigent persons in certain cases, be taken into consideration."

††The following Members also re-recorded there votes:

AYES: Shri Chitta Basu.

NOES: Sarvshri A. A. Rahim, Brajamohan Mohanty, Ranjit Singh, Nawal Kishore Sharma, Rajiv Gandhi, Mahendra Prasad, A. Senapathi Gounder, Acharya Bhagwan Dev, P. Namgyal, Virdha Ram Phulwaria, Virdhi Chander Jain, Shantubhai Patel and B. V. Desai.

*Moved with the recommendation of the President.

Sir, may I take it as a good omen that you are in the Chair while this Bill is being considered by this House? I know and many of us know that you have been for many years involved in this movement.

MR. CHAIRMAN: Today also I am involved.

SHRI EDUARDO FALEIRO: If I may strike a personal note, I came to know you, Sir, precisely in the course of this free legal aid movement. I also have no doubt that the Government is sympathetic towards this movement of free legal aid.

In fact, it was the Congress Government that in 1976 brought in the 42nd Amendment, an Amendment which had been much criticised but which had many good points. One may even say that all of them were very good since this Amendment reflected an approach to the law and to the Constitution and to the concept of political and social system in this country. It was not in consonance with the reactionary backlash, I am constrained to say, that surged in 1977.

It was in 1976 indeed, by the 42nd Amendment, that this very House, being conscious that for more than 20 years, we had not been able to bring into practice and give effect to equal protection of law which was enshrined in the Constitution by the founding-fathers in Article-14, and being aware that equal protection of law was merely a paper protection as far as the weaker sections and the poorer sections of this country are concerned, that in 1976, brought in through the 42nd Amendment this Article 39A of the Constitution, which reads as follows:

'39.A. The State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportuni-

ties for securing justice are not denied to any citizen by reason of economic or other disabilities.'

This whole concept of legal aid is, I must say at the very outset, not a concept meant, as somebody was saying some days ago, to provide employment for lawyers. It is not a movement which would cater to the lawyers for getting employment and for getting some extra money. It is not. It should not be, if it is going to be an effective movement controlled by lawyers alone. It is not a movement directed on the lawyers' terms.

It has got to be a people's movement with involvement not merely from lawyers but from social workers, from people from all walks of life. The problem is indeed that we, in this House, being responsive to the people for us indeed, the vote of the rich man and the poor man, has equal value and, therefore, being responsive to the people, we pass a series of law which reflect the aspirations of people by and large, such as, the welfare measures, land reform legislation and so many other laws which are aimed at improving the lot of the poor and the weaker sections of this country.

But making laws by itself, is not enough. Making laws is just a step which would take us nowhere if not followed by further steps to implement those laws and, implementation, indeed consists of two aspects.

On one side, the administrative implementation, the execution of laws by the agents of administration. How far our executive is responsive to the feelings, to the needs, and to the aspirations of our people which are enshrined in the legislation passed here, and, therefore, to what extent this legislation is actually implemented in the right spirit and with the vigour which was expected at the time this legislation is passed, is moot question.

[Shri Eduardo Faleiro]

This is a very wide question, a great question with great urgency through it is a question which does not arise precisely in the course of this debate.

The other aspect in which the implementation of the legislation comes is through the administration of laws in the shape of, what the call, administration of Justice. It is a very broad concept. It is not a concept limited merely to litigation between the parties. It is a concept which relates to the awareness by people of their rights and of their obligations. It is a concept which relates to the involvement of people of the sections. In order to create this awareness among the people. It is a concept which relates also but not exclusively to provide legal aid and assistance in case of litigation, to the poor and to the weaker sections of our country, when such assistance is not available to them either because of economic disabilities or because of their social disabilities.

17 hrs.

We have, in this House, very often addressed ourselves to the question of judicial reforms and sometimes we have been guilty of not hitting the mark exactly and getting into issues and making criticisms which might not have been totally pertinent. Therefore, one shies away from saying anything about administration of justice, particularly so when we have judges themselves admitting the need for reforms in our system of justice, judges as eminent as judges of the Supreme Court, Justice Krishna Iyer and Justice Bhagawati, who have been two eminent persons always in the forefront of the legal aid movement. May I quote from their Report which, I should think, is the final document. I would like it to be considered the final document because we have been having so many reports; we have been having a report and then we have been having a report on the report and so

on; we have been going on like this again and again. I, therefore, hope that Government would like to assure this House that this "Report on National Juridicare—Equal Justice—Social Justice", subscribed to by Justices Krishna Iyer and Bhagwati is the final report now. And it has got to be implemented. There should be no going in for any more reports. From this final report, may I quote what Justices Krishna Iyer and Bhagwati themselves had to say about our system of justice; they had this to say:

"And lastly our system of administration of justice, which is an inheritance from the British, is archaic and suffers from obsolescence and obscurantism. It is not at all adapted to our socio-economic conditions and is wholly unsuited to our national genius. The result is that it has failed to inspire confidence in the poor and they have little faith in its capacity to do justice. The failings of this system have been highlighted and criticised even in the country of its origin, namely, England. Sir John Foster, Q.C., said of this system:

'I think the whole English legal system is nonsense. I would go to the root of it—the civil case between two private parties is a mimic battle... conducted according to mediaeval rules of evidence'.

"Lord Devlin also observed in an article in *Daily Telegraph*:

'If our business methods were as antiquated as our legal methods, we should be a bankrupt country.'

"So also the late Shri Govind Ballabh Pant, an outstanding statesman and then the Home Minister of India, remarked while speaking at a Law Ministers' Conference:"

'We have now to overhaul and to modernise... the antiquated system of judicial administration

that still continues and holds the field in our country.'

"There can be little doubt that our legal and judicial system is not adequate to meet the needs of the new society which is emerging in our country. It is not effective to provide a solution to the new problems which are coming up and presenting a challenge to contemporary society. It is not sufficiently responsive to the new norms and values which are replacing the old and it does not reflect properly and adequately the new approach which characterises the true purpose and function of law. The legal and judicial system, therefore, needs to be reformed and changed so that it becomes more suited to our socio-economic conditions and can become an effective instrument for delivering justice to the poor and the disadvantaged. It must be realised that a twentieth century service cannot be produced from an unaltered nineteenth century mould. It is, therefore, necessary to consider what alterations and changes must be made in our legal and judicial system so that the end product which comes out of it, the social product that emerges, is justice not only for a few privileged classes but for the entire masses of the poor and the under-privileged." Sir, I end the quote here from the report of Mr. Justice Krishna Iyer and Mr. Justice Bhagwati.

What I want to point out from this lengthy quotation is that the criticism of the legal system and the judicial system comes not merely from the Parliament and the politicians but the Judges themselves are aware that this system that we have adopted is not a system which was born here, is not a system which is relevant even in the countries of its birth, is antiquated and does not cater to the needs of the vast majority of the people in this country and I should think, the majority of the people even in the affluent countries and is a system which is tailored to suit the needs and maintain

the vested interests of only a few... (Interruptions) Mr. Chairman,

MR. CHAIRMAN: Order, please. What is there?

SHRI EDUARDO FALEIRO: It was in the context of all these problems and in this broad canvas, not in the canvas, I will repeat, merely of giving lawyer aid to litigants but in this broad canvas of making the system more responsive to the needs of the society and particularly, to the aspirations of the poorer and the weaker that Mr. Justice Krishna Iyer and Mr. Justice Bhagwati,—the two persons who apart from their judicial eminence, had been for a long time in it, in this battle for a more just legal system and in this movement for legal aid,—have suggested a specific scheme, a scheme which goes into details of what it is intended. It does not concern or limit itself to mere generalities, but it is a specific scheme of the concept they have advanced, to make our legal system more responsive to the needs of the country, to make our legal system in fact more progressive and more in tune with our times and as to how it should be implemented. They have in fact defined and described a pyramidal structure which has at the top an organisation called the National Legal Services Authority and then it goes down in a pyramid shape so that at every stage there will be a smaller organisation. Within the State there will be an organisation at the district level and if you get down to the grassroots at the panchayat level because they have said, reminded of what Gandhiji himself said, that India lives in the villages, that if legal aid is really to serve its purpose and if the legal service movement is to attain its objective, then it must go down and permeate the grassroots because you cannot expect people from the villages, ignorant and shy, the people who have always been suppressed, to come upto the town or to come upto the city and assert themselves before the legal aid clinics or the legal aid organisation. The whole problem, as they have seen it, precisely arises not merely from a

[Shri Eduardo Faleiro]

lack of economic assests or economic possibilities alone but arise from what they call, social diffidence which is just diffidence to assert themselves whether it is in a court of law or whether it is before an executive authority or even before a lawyer whom they themselves have engaged. Therefore, in this pyramidal organisation, the report rightly points out, the system should not be left exclusively to the lawyers.

There is on the part of the clients of this movement and the persons who will avail of this movement, a reluctance and a shying away from the lawyer. The lawyer himself is considered a part of this oppressive system, a system which they do not understand and they do not understand either the law or the language in which the courts are conducted nor do they understand the aloofness of the Judge or for that matter, the aloofness of the lawyers who come by and large from a particular social structure which is high and above and beyond the reach of the man this whole movement is to serve. And that is why the whole scheme is aimed at going from the top, from the capital of the country, down to the villages, down to the grassroots.

I was making this point that the movement cannot be left exclusively to the lawyers for reasons which are obvious. The movement has also to have a lot of judicial influence. A lot of judges themselves are getting involved in this movement which will give the prestige to the movement, which will give credibility to the movement. It will involve a very important section of the judiciary in this movement. There have been eminent judges who have devoted a considerable amount of time all their live and a considerable amount of their experience to this movement. One Justice the eminent judges like Mr. Justice Venkataramiah of the Supreme Court and formerly from the Karnataka High Cout, Mr. Justice Desai from

the Supreme Court and a former judge of the Gujarat High Court and Mr. Justice Kudal from the Rajasthan High Court and so many others who have been eminent and who have contributed a lot of their time and of their experience and who have given prestige to the movement. Apart from lawyers—the movement cannot work without lawyers and they are essential to this movement by the very definition,—the judges must also be involved. Apart from eminent judges social workers also constitute a very important component to his whole movement.

The idea is this, precisely because the clients of the whole movement are the poor, they are unable to avail of the services due to their own shyness. Again, the problems which they are confronted with are not merely legal. They have a strong social component.

Take for instance, land reforms. It is not merely a question of getting redress under the Land Reforms legislation. It is a question of changing the structure of the institutions which rise in protest against land reforms and which scuttle landreforms legislation by devices and by finding loopholes in the landreforms so as to defeat the very objective of this legislation. So, the movement is not merely legal aid but, to a very large extent social. Therefore, it is necessary that social workers who are aware of the social problems should get themselves involved in this movement to give energy and vitality to this movement. Therefore, I say that the legal aid movement is not a movement of lawyers alone, it is not a movement of even judges but it is a movement of all sections of the people. It is people's movement.

While stressing the concept and the need of creating awareness, as a first step, the report has suggested strongly that the mass media must be used to bring home to everybody in this country as to what their rights and obligations are, if not in the entire gamut of legislation, at least, in the gamut

of welfare legislation, a legislation which is meant to bring radical and social changes in the country. Why would not the Government involve the radio to make known to the people what their rights are under the agrarian legislation and what are their status there. Nobody should be under the impression that there are only rights. Coupled with rights are also duties. There should be awareness of their rights. They should know what their duties are. Why should not the radio or T.V. be used to bring home to everybody, particularly, to those who, due to illiteracy or otherwise, are not able to know the law, what their rights are? You have to bring home by creating an awareness in them as to what their status is in the legislation which this House and similar other legislatures in the States are creating for them.

It is, therefore, of utmost importance that the movement should direct itself in the first instance, towards what it has been called legal literacy by making known to them really where they stand in the eye of law, what the legislation is meant to bring about. These social changes will go on to make this country much more just and much more equitable and much more progressive and a developed society. We have been saying that India lives in the villages. We have been saying that. The awareness has to be created and it need not be created in the cities only but it must be created in the villages also.

It is on this line of thought that one would strongly endorse the idea of having Nyaya Panchayats. The panchayats are the oldest organisations in this country. Their history goes back to thousands of years. They have been here for centuries together. Sir, really those bodies which are at the village level would dispense justice not in the spirit of confrontation but in the spirit of conciliation.

Sir, our Constitution itself directs us to bring about Panchayati Raj. It is necessary in the field of law and

justice that this idea of Nyaya Panchayat, though in a reformed manner, is realised if people are to be brought close to the dispensation of justice. Only these courts where people themselves participate will know the problems of the area and they will be in a much better position to dispense justice.

Sir, I have already mentioned about the need to create awareness and the need for legal literacy. The concept of Nyaya Panchayat was tried in some States but was given up. For instance, it was given up in Maharashtra and also in West Bengal. In my earlier days, namely, five years back when I was deeply involved in this movement I happened to go to West Bengal and I was told that they had tried this system, but later gave it up. They were not happy with the movement. Now, Sir, I would like to point out that there is nothing wrong with the system.

Sir, what went wrong with it was that the members of the Nyaya Panchayat were chosen through elections as is the practice in electing members of the panchayat. Now, Sir, when this is done then they are going to bring with them all the usual caste, class and communal feelings which get reflected in the decision of a dispute. The solution which has been advocated is that you have a cluster of villages for purposes of constituting a Nyaya Panchayat. Let there be a cluster of five panchayats and you have representatives from these and you have also one person who will be the chairman and who would be the judge of the Nyaya Panchayat with judicial experience. If you bring about this type of a change where the body is partly elected and partly nominated by bringing people with legal background then I am sure it will work effectively and we should not feel pessimistic and it should be given another try even in those States where it was given up.

Sir, again I would like to refer to what Justice Bhagwati and Justice

[Shri Eduardo Faleiro]

Krishna Iyer have said. Sir, we Members of Parliament, are sometimes accused of just sitting in the House and not having a legal perspective of the problem but when judges come forward—eminent judges—and point out the real problem then we have to accept that and we accept it with a sense of concern. The point which they have mentioned here is the need that the legal aid movement must also include and be a movement for legal reform and research undertaken/directed to the good and social progress of the poor and the weak. That is the broad outline of the movement. Sir, I have mentioned in the beginning that I have no doubt about the bonafides of the Government. It is a part of their party programme. It is a part of the Government's programme. But with so many parties, the programme just remains in the ink-pot until the time of the next election, just because, the programme is having low priority.

SHRI MOOL CHAND DAGA: (Pali): What are you telling us?

SHRI EDUARDO FALEIRO: What is essential is this..

SHRI CHANDRAJIT YADAV (Azamgarh): From ink-pot it has progressed and is lying idle on the paper; therefore there is no implementation.

SHRI EDUARDO FALEIRO: Even then I am not satisfied; please understand why I am not satisfied cent per cent; these things must be implemented here and now. And, before the Debate is over I think the hon. Minister will kindly tell us what he has done and what he proposes to do in the near future, to bring about the implementation of what was proposed with such enthusiasm in 1976. This is a concept which nobody has ever challenged, even in what you might call, the 'Dark Period' of 1977 to 1980.

SHRI SATYASADHAN CHAKRABORTY (Calcutta South): It was not 'Dark Period'; only you were blind. That is all.

MR. CHAIRMAN: Motion moved:

"That the Bill to provide free legal services to indigent persons in certain cases, be taken into consideration."

Mr. Daga, there is an amendment standing in your name. Are you moving it?

SHRI MOOL CHAND DAGA: Yes, Sir, I am moving my Amendment.

I beg to move:

"That the Bill to provide free legal services to indigent persons in certain cases, be referred to a Select Committee consisting of 11 Members, namely:—

Shri Satish Agarwal,
Shri Xavier Arakal,
Shri Somnath Chatterjee,
Shri Eduardo Faleiro,
Shri Harikesh Bahadur,
Shri Viridhi Chander Jain,
Shri Jagannath Kaushal,
Shri K. Mallanna,
Shri Ram Vilas Paswan,
Shri Ramavatar Shastri; and
Shri Mool Chand Daga

with instructions to report by the 30th October, 1982." (1)

MR. CHAIRMAN: The Motion and the amendment are before the House.

*SHRI SYED MASUDAL HOSSAIN (Murshidabad): Mr. Chairman, Sir, I rise to support the Bill on Free Legal Service by Shri Educardo Faleiro, but let me make it very clear that my support is restricted to the spirit of the Bill only because the Bill

*The original speech was delivered in Bengali.

in its present form contains some such provisions which we feel will not really help the poor for whom it is intended. We do want that the poor should get justice and nothing can be better if we can make its availability free for them because we know it better than anybody else how the agricultural workers, bargadars, small farmers etc. suffer from the oppression of the big landlords only because they are poor and cannot afford the heavy expenditure that our legal system demands. Unfortunately, however, the Bill instead of pin pointing its attention to these people have a strayed elsewhere. I refer to sub-section (ii) of Section 2 of the Bill which says:

"Who is not an indigent person as aforesaid, does not have an annual disposable income exceeding rupees five thousand, shall be eligible for legal services under this Act without payment."

Thus according to the mover of the Bill, a person who is not an indigent person but has an income less than five thousand rupees will be entitled to get free legal aid. Defining the term disposable income the Bill says:

(a) "disposable income" of a person shall be deemed to be his income after making—

(i) such deductions as may be prescribed by the Central Government in respect of the maintenance of dependents, interest on loans, income-tax, sur-charge on income-tax, profession tax, rates, rent and other matters for which the person in question must, or reasonably may, provide; and

(ii) such further allowances may, having regard to the profession or calling of the person, be prescribed by the Central Government;

Now, Sir, a person who pays income-tax has also been exempted. That means a person whose annual income is Rs. 25,000 will also be entit-

led to get free legal aid. Can you Sir, by any stretch of imagination call these people "poor". Again in sub-section (2), the Bill categorises the persons to whom the benefit of the legislation should go. It says that free legal aid should be given to:

- (a) members of the Scheduled Castes and Scheduled Tribes;
- (b) landless labour;
- (c) small farmers;
- (d) rural artisans;
- (e) any person detained in jail pending trial or undergoing a sentence or otherwise;
- (f) internees in custodial homes under court orders;
- (g) women, children and parents involved in intra-family disputes which deprive them of access to their resources, thereby rendering the unable to keet the costs of legal services."

This far it was alright but the author of the Bill while trying to define these categories has done a very peculiar thing. Let us see, who according to this Bill a small farmer: The Bill says:

"Small farmer" shall mean a person who does not own or possess such area of agricultural land, not exceeding five hectares, as the Central Government may by notification, specify in this behalf."

Five hectares means $12\frac{1}{2}$ acres of land. If owners of such a big property is to be brought within the purview of this Bill then I do not know who will be left out of it. I am sure Mr. Faleiro had 5 acres in mind actually when he suggested for 5 hectares because we know that owners of 5 hectares of land are the real culprits who do not pay the minimum wages to their workers, they evict the bargadars and can in no way be described as small farmer.

[Shri Syed Masudal Hossain]

As a matter of fact, the provision should have been for 5 acres.

Sir, I have already tried to point out the inconsistencies and if those were not there I would have no hesitation in giving my fullest support to this Bill.

SHRI EDUARDO FALEIRO: It has been mentioned here as 5 hectares. This is a mistake. But even after that, I am not really insisting on getting this Bill passed. It is merely a document to provoke a debate on this. We want the Government to tell us whether they are going to bring forward a comprehensive Bill.

*SHRI SYED MASUDAL HOS-SAIN: We also know the fate of the Bill. We are discussing for discussion sake.

As I was saying Sir, we sincerely want that the poor people of the country should get free legal aid because we know how they are harassed in courts, how they are fleeced and how they have to go without real justice and suffer in silence. If a Bill which fulfils these aspirations is introduced in this House I have no hesitation to say that we will extend our fullest cooperation to that Bill. We support the spirit of the Bill only because of its inherent defects.

PROF. N. G. RANGA (Guntur): Mr. Chairman, Sir, we are generally in favour of the principle behind this Bill. As my hon. friend has already made it very clear, he does not expect the Bill as it is now to be accepted by the Government or even as a matter of principle afterwards it is to be sent to the Select Committee or anything like that but he would like that the object behind this Bill should be appreciated and accepted by the Government. At the same time, my hon. friend knows that the Government is committed to provide legal assistance freely to the poor people in our country and under the 20-point programme

—earlier one as well as the present one—Government has assured the country that an effort should be made to arouse the—large masses in the rural areas as well as in the towns—consciousness of the poorfolk as to their rights in regard to the Labour laws, Land laws and the Industrial Labour laws also.

What is it that the Government has been doing? That we have got to keep in our mind. During the last two years our Law Minister has been going about from one State capital to another in order to encourage and export our lawyers, to come forward and offer their services free, if possible, or at concessional fees whenever necessary to champion the cause of the poor people in our courts. This has got to be a popular and regular campaign. The Youth Congress(J) has taken it up and I am sure, the youth wings of the other political parties also would be that much keen in taking up this campaign. So far what they have been doing from every political platform has not been enough. All the political parties are committed to this principle, this objective, but unfortunately not enough is being done. Let us hope that they would begin to give greater consideration to this and do their best to arrive at a national consensus and arouse consciousness also in regard to this great need of our masses.

My hon. friend has suggested that there should be nyaya Panchayats in the villages and at the same time, he was wise enough to say that if we leave these panchayats to the tender mercies of local elections, the local caste minded people the need not be rich people, but caste minded people—are likely to perpetrate the kind of social maladies that we have had all the time and as a result of which the poorest of our masses have been suffering for so long. Therefore, I am not surprised that Maharashtra has given up this

*The original speech was delivered in Bengali.

experiment, and if this experiment has to be tried there as well as in other States, he was cautious enough to suggest that the chairmen of these nyaya panchayats should be appointed by the Government from amongst the local lawyers and the other members may be elected. With that kind of cautious approach, we may possibly go ahead with the establishment of these nyaya panchayats.

Even before these nyaya panchayats are established we need lawyers to plead for the ordinary folk, the poor people. They are not aware of the laws which are there for their benefit. Even if they are aware of their existence, they cannot plead for this in the light of the legislation that we have as against the other people who would be able to engage lawyers and then plead for themselves. Therefore, the highest priority has got to be given to the provision of free legal aid either at the district headquarters, or taluk headquarters or even in these nyaya panchayats.

From whom are we to recruit these advocates to plead for these poor folk? Not from the junior lawyers, who cannot put a good enough and eloquent enough plea on behalf of the poor people. We have got to stipulate certain conditions. Now as things are, if anyone has to be appointed as a judge, or even a public prosecutor or government pleader, he has got to have a standing of ten years of legal practice. And why should anybody come forward to be appointed as a government pleader if he has got good enough practice? Generally, they do not come forward. I would like it to be considered by the Government whether it would be advisable to appoint these lawyers to plead on behalf of the poor people from amongst those lawyers who have already put in at least five years of legal practice and have earned their spurs in the courts. There should also be an incentive for these people by offering to appoint the government pleaders as also public prosecutors only from amongst those people who have served for at least five years as poor people lawyers in the courts.

Then alone the competent enough people will come forward. And they will also take the trouble to achieve the necessary competence. Thereafter from amongst those people the Government may make their appointments as Public Prosecutors and Government Pleaders. Unless you stipulate some such conditions, you would not be able to get the good enough lawyers to champion the cause of poor people.

Then in regard to the income limits and so on, it is for the Government without stipulating it in any Bill—either in this Bill or any Bill that the Government may bring forward—to leave it to themselves the power from time to time to fix the income limit or property limit upto which or below which whoever comes to be embraced by those limits can be afforded the necessary protection. We cannot here and now go on fixing the limit in the light of this inflation. This is a world-wide phenomena. We have got something more also added to it. And naturally the value of the Rupee goes on falling.

Then my hon. friend here was thinking that we are talking only about these big landlords in the villages. What about the towns. In the towns you have got the owners of houses owning five, six or seven houses and then having a large number of tenants under them, under their protection or under their exploitation. Those people also have got to be helped. Therefore, fixation of the limits in regard to the incomes of those people or properties of the people be left to the Government.

One thing is clear that we want to give protection to the poor people wheher they are in rural or in urban areas.

The second thing is that rural areas need for the lawyers is very much greater than it is in the towns because the hegemony of this casteism, which is an evil in our country, is much greater and much tighter in the villages than it is in the towns. Therefore, the sooner the Government takes up this matter for legislation

[Prof. N. G. Ranga]

as well as for administrative action in addition to engineering a regular and popular campaign, the better it would be for our country.

SHRI CHANDRAJIT YADAV (Azamgarh): Sir, I think this is a very commendable Bill. My hon. friend, Shri Faleiro was unnecessarily pessimistic. This Bill has a large support from all sides of the House, because the objective of the Bill is very laudable. Sir, if the objective of the Bill is really to help the poor people on whose side justice is there, but because of the poverty and other handicaps, they are not able to get justice, then I will say that this is the time the Government should give very serious thought to have a serious review of the entire judicial system in this country. It is only one part of the judicial reform that the free legal aid should be provided. But unfortunately after more than three and a half decades of our Independence, still by and large the judicial structure remains the same with minor amendments and reforms here and there.

Sir, I think the present judicial structure basically helps the rich people and the vested interests in our society whether they are in the rural areas or in the urban areas. And that is today the crux of the whole situation that is existing and that is why it has been rightly quoted that in spite of the fact that the former Home Ministers and eminent jurists of the Supreme Court have emphasised time and again about the necessary judicial reforms in our country, it has not been done. In my opinion the reason is that it finds very low priority in the present scheme of things of the Government.

Two necessary and basic things have been neglected by the Government. One is the educational system and the other is the judicial system. All the time we are emphasising about the economic development and land reforms and other socio-econo-

mic justice. But we will not be able to achieve real self-reliance, and we will not be able to achieve socio-economic equality in our country, unless and until we very radically reform our educational and judicial system.

What are the things which we find to day at the grass-roots levels? What is the nature of the cases? They are either civil, criminal or revenue cases. I had the opportunity to practise for a very few years—only 3 or 4 years. My own experience is that poor people are being harassed. For example, under criminal cases under Sections 109 and 110, poor people are just being caught from the streets by the Police, and brought to the courts. One invariable major factor in the evidence which Police produces is: 'Here is a man without any resource'. A fellow going somewhere is caught because Police have to fulfil their quota. That fellow does not get any legal assistance, and he has to go to the jail and suffer.

This kind of harassment is one thing; the other one is very common now-a days. Some people want to create harassment to a poor person who has got some rivalry. Those persons will go to a far-away place, say Patna or Jullunder or some place in the South, and will lodge a complaint there. That poor fellow will have to travel a long distance. This kind of 'Bharat Darshan' is a killing *darshan*. That fellow is completely exploited and harassed.

Our present judicial system is a very delaying system. It is commonly said that justice delayed is justice denied. In spite of this fact, the one weakness of the Indian judicial system at present is that it takes years and years for even petty and small cases to be decided—they might deal with property or crime; and the client becomes a victim of his rival or of the exploiting lawyers. Ultimately, he becomes the victim of the entire judicial system. So, I say that this system needs a radical change.

Even the ruling party's AICC has been aware of this position for many years. AICC organized a free legal aid cell. They got very eminent lawyers at the all-India and district levels involved in this. In spite of all this, things have not changed. I would say, with great respect to Prof. Ranga, that whatever efforts—whether non-official or voluntary—are made, it is good. In our country, it should be done; but that will not solve the problem, unless we entirely change the present judicial structure in our country.

What is the present judicial structure? Most of the courts are located in district headquarters—whether they are magistrate's courts or munsif courts. In spite of our efforts to decentralize the judicial system and its organization, most of the courts are located at district headquarters. People have to travel more than 100 Kms. Now a days, when the cost of transport is increasing and when the fees of lawyers are going up and when courts are over-burdened by so many cases, the poor clients are being harassed and put to a lot of strain. So, Government must first seriously go in for a total decentralization of the judicial system and judicial organizations. At every *tehsil* headquarters and block headquarters, why should they not decentralize revenue and other civil structures also? Therefore, I will say that decentralisation will go a long way if we want to bring the judiciary, really speaking within the reach of common people. That is the first thing which I will say. The second thing is, the Government must give some guidelines, about what kind of people have to be really helped. It is not the poverty. Poverty is one important factor but other factors are also there. Suppose, even a person who is not poor but if he is being harassed by lodging of wrong kind of cases, he has to be helped. Therefore, the next important thing which the Government should do is to improve the investigating agency. Today even the investigation system is outmoded.

In U. K. even a murder case is investigated and the trial is over in a maximum time of two months. In our country it is just the reverse. Small small cases take years and years. Therefore, we must improve the investigation system. That is also important. I will bring to your notice one thing. For example take the communal riots. It is a matter of shame that communal riots continue to take place. But will the Government account for this, as to why is it that invariably the culprits in communal riots are not punished in the country? It is only because the investigating agency is weak and out-moded. If you start taking certain steps at least, Mr. Minister, I will draw your attention to this if you are really sincere. I do not question the sincerity of the Government and the ruling Party. Every one of us wants that communal riots must be stopped. It is high time that the Government brings amendments to the existing laws, sets up special kinds of investigating agencies so that the people who conspire for communal riots and are responsible for communal riots are located, identified and punished within three months, and this kind of things do not happen in future.

Lastly, I will say, that now the time has come at least that the Minister should give this kind of assurance on this Bill. You can have informal consultations. You can form a select committee of the House. Let that Committee go into all aspects. This is one issue on which we are all unanimous. Let there be a committee of the House. I would request you to appoint a committee of the House to go into all the aspects and to bring a proper bill in the next session so that it can be passed. With these words I support the Bill.

MR. CHAIRMAN: Shri Xavier Arakal.

SHRI XAVIER ARAKAL (Ernakulam): I am extremely happy that our hon'ble friend Shri Chandrajit

[Shri Xavier Arakal]

Yadav has very correctly pinpointed one aspects, that is the reform of the judiciary. Government means three important wings: Executive, Legislative and the Judiciary. These three wings have to function properly to have a proper effective justiciable Government in our system.

Before I take to the subject as such, it will be quite interesting to refer to some of the figures relating to the pending cases in the Supreme Court in this country. As on 31-12-1981 in the Supreme Court alone there are 22,664 cases pending, out of which 16,789 are over one year old. If you take the figure of the High Courts also, you will see that it is an astonishing figure. The total number of cases pending in the High Courts and the Supreme Court is over 7,79,192, out of which 5,19,935 cases are over one year old. These are the pending cases before the High Courts and the Supreme Court. There is another side. In the Supreme Court alone the pending cases, for admission and miscellaneous matters, as on December, 1981, are over 60,264. Therefore, what Yadavji said is absolutely correct. If you are sincere about it you have to pinpoint the reformation in the judiciary itself. Government must take drastic steps to reduce the pending cases in various courts. In Supreme Court there are 2 vacancies. In the High Courts there are over 70 vacancies. Unless these are filled and there is quick disposal of cases, it is not possible to reduce the number of pending cases.

In answer to a question, I got the reply that over 1,63,542 persons are in jail. The number of undertrial prisoners is 1,05,562. Number of undertrials under detention for less than six months is 87,895. Number of undertrials under detention for more than six months is 17,667. Who are responsible for it? We have an obligation to see that justice is done properly and within reasonable time. There were three committees. On

27th May 1973, Mr. Justice Krishna Iyer submitted a report. Again on 31st August, 1977 Mr. Justice Bhagwati submitted a report. Another committee was constituted on 26th September, 1980. What has the Government done in this respect? How many recommendations have been implemented? Certain cases like matrimonial cases and accident cases require immediate attention. The poor people cannot go to the court because of the high court fee. All these have relation to the legal aid and legal system. These cannot be separated from legal aid. So, these things should be taken of.

When we submit all these things, naturally the answer will be that the States are responsible to implement it. That standard answer will be given. If you see the State List, List II you will find certain entries wherein the State Governments are empowered to do it. If you refer to the Concurrent List, there are certain entries which give power to the Central Government also. Therefore, I expect that the Minister will come forward with an answer as to what the Central Government has done in this matter. There was a question—unstarred question No. 380 dated 18-8-81.

The question is like this:

“Will the Minister of Law be pleased to state:

(a) the amount earmarked for ‘Legal Help to the Poor’ during 1980-81 and details as to how, where and at what levels the money was spent; and

(b) amount stipulated for 1981-82, how much of it has already been disbursed and details of guidelines for its spending?”

The answer given is:

“(a) The budgetary provision for legal aid to the poor during 1980-81 was Rs. 25 lakhs. The details of expenditure are as under:

(i) Salaries Rs. 7767.30

(ii) Travel expenses Rs. 7986.90

(iii) Expenses relating to the setting up of the Office of Committee for Implementing Legal Aid Schemes. Rs. 1,10,977.31

(iv) Grants-in-aid Rs. 50,000/-

(b) The budgetary provision for 1981-82 is Rs. 50 lakhs. An amount of Rs. 1,02,518.87 has been spent as on 31-7-1981.

This will reveal what is happening in the scheme itself. I stop there. This requires sincere thinking on the part of the Central Government. I know that the constitutional provisions, the schemes and the implementing part of it, are well known to the hon. Minister.

To sum up, I will say that a comprehensive system should be brought in. The present legal aid system should be re-oriented and the amount allocated under this scheme should be spent on the needy and deserving people.

श्री सूरज भान (अम्बाला) : मैं श्री एडुआर्डो फैलीरो को बहुत धन्यवाद देता हूँ इस बिल को लाने के लिये और जिस स्पिरिट के साथ वह इसको लाये हैं उसको बहुत अच्छी समझता हूँ। उनके बिल में कुछ कमियाँ जरूर हैं जिन को मैं चाहता हूँ कि दूर कर लिया जाना चाहिये। उन्होंने पाँच हैक्टर की बात रखी है। मैं चाहता हूँ कि हैक्टर के स्थान पर अगर वह एकड़ कर लें तो ज्यादा अच्छी होगी। दूसरी बात यह है कि जो इनकम टैक्स पे करता है उसको लीगल एड मिलनी ही नहीं चाहिये। कौन इनकम टैक्स पे करता है? वही करता है जो गजेटिड अफसर है या अमीर है। उसको यह मिलनी ही नहीं चाहिये। उसका सवाल ही पैदा नहीं होना चाहिये।

अगर आप सही मानों में गरीबों की सहायता करना चाहते हैं तो लैंड रिफार्म जो

एक्ट है उनको आप को नवें शेड्यूल में शामिल कर लेना चाहिये। इससे उनकी आटोमेटिकली सहायता हो जायेगी। हरिजन आदिवासी को आप जमीन एलाट करते हैं। कागजों पर तो हो जाती है लेकिन एकचुअली उनको कभी मिलती नहीं है क्योंकि अमीर आदमी पहले छोटी अदालतों में और फिर बड़ी में और सुप्रीम कोर्ट तक में जाते हैं और उस गरीब आदमी के पास पैसा नहीं होता है कि वह वकील करके मुकदमा लड़ सके।

जिन वकीलों से आप सहायता लेना चाहते हैं उस पैनाल में जो वकील हों उनमें आप हरिजन और आदिवासी वकीलों को भी रख लें। अब तो हरिजन आदिवासी वकील भी हर जगह मिलने लगे हैं। इससे उनकी भी सहायता हो जायेगी और जिन लोगों की आप सहायता करना चाहते हैं उनकी भी हो जायेगी। वर्ना नाम के लिये तो आप वकील कर देंगे और होगा कुछ नहीं। हरफौजदारी मुकदमों में सरकारी वकील होता है और उनकी जो हालत होती है वह आप को मालूम ही है। हरिजन आदिवासी वकीलों को केस जायेंगे तो ईमानदारी से वे इन लोगों की मदद भी करें और इससे कुछ सहायता उनकी भी हो जायेगी।

श्री गिराधारी लाल व्यास (भोलवाड़ी) : दोनों तरफ हैं।

18 hrs.

श्री सूरज भान : अगर इस लिहाज से भी लें तो शेड्यूल्ड कास्ट और शेड्यूल्ड ट्राइब्ज के जो लायर हैं उनको कुछ केस मिल जायेंगे। न्याय पंचायत का जो कसेप्शन है, पहले गांव की पंचायत पर लोगों की बड़ी श्रद्धा होती थी। वह कहते थे कि अदालत में भले ही झूठ बोलो, लेकिन पंचायत में न बोलो। आज वह हालत नहीं है। अगर पहले वाली पंचायतें रिवाइव हो जायें तो अच्छा है, वरना वर्तमान कसेप्शन न्याय पंचायत का देहातों में न पहुँचे। मैं समझता हूँ कि

[श्री सूरज भान]

जुडिशियल रिफार्मस के लिये जैसे जमीन के केसेज हैं, मिनिमम वेजेज के केसेज हैं और जितने भी लेबर लाज हैं, उनमें गरीब लोग ही इन्वाल्ड होते हैं। आपके जो जजेज बैठे हुये हैं उनको लेबर लाज के बारे में कोई वाकफियत नहीं है। इस तरह के केसेज को खासकर जमीन के केसेज को 9वें शैड्यूल में शामिल कर दें तो अच्छा रहेगा। जैसा मूँधर ने कहा है कि यह बातें दवात से निकल कर कागज तक महद्द न रह जाए, इसको इम्प्लीमेंट करें तभी लाभ हो सकता है। कुछ केसेज ऐसे भी हैं गरीब हरिजन हैं उसके नाम गिरदावरी है और पटवारी ने दूसरे से रिश्तत लेकर दूसरे के नाम लिख दी है, तो ऐसे केसेज में मिनिमम वेजेज और ऐट्रोसिटीज के केसेज हैं इनमें तो सहायता मिलनी ही चाहिये। सरकार ने आर्डर्स किये हैं कि स्पेशल कोर्ट्स ऐस्टेबलिश किये जायें। हमने भी मांग की थी। लेकिन जो कुछ हो रहा है उसका एक उदाहरण मैं देना चाहता हूँ। राजस्थान में कोटा में एक स्पेशल कोर्ट ऐस्टेबलिश हुई और इस नाम पर कि जिन केसेज में हरिजन आदिवासी इन्वाल्ड हैं उस जिले के सारे केसेज कोर्ट में ट्रान्सफर कर दिये गये नतीजा यह हुआ कि उन गरीबों को 100, 150 किलोमीटर चल कर आना पड़ता है। तो ऐसे स्पेशल कोर्ट्स से क्या फायदा? इन कोर्ट्स को मूविंग बनाय ताकि ब्लाक लेवल तक जायें और उनको न्याय दे सकें माननीय चन्द्रजीत यादव कह रहे थे कि दूसरे प्रांत में जा कर केस दायर कर देते हैं जिससे गरीब परेशान होते हैं। इसलिये इस बिल की जो स्प्रिट है वह ठीक है और उसको सही मानने में इम्प्लीमेंट किया जाये।

श्री सुन्दर सिंह (फिल्लौर) : चेयरमैन साहब यह लीगल एड जो है इसका मुझे बहुत तजुर्बा है क्योंकि मैं पंजाब में 30 साल

एम० एल० ए० रहा हूँ, और जितने केसेज होते थे लैंडलैस टेनेंट्स के वह मेरे पास आते थे। और लीगल एड के लिये स्टेट में भी 4, 5 हजार रखते थे मगर किसी को एक पैसा भी नहीं मिलता था और वकील जो मिलता था वह ऐसा जो इनइफेक्टिव होता था, जिसको कहीं और कोई काम नहीं मिलता था। ऐसा वकील होता था। अगर वह कहे कि यह वकील कमजोर है तो वह कहते थे कि मुकरर कर दिया है इसको ही करना है। तो जो कमजोर वकील होते थे वह अच्छे वकील के सामने नहीं खड़े हो सकते हैं। यह मेरा तजुर्बा है पंजाब में लीगल एड का। जिनको कुछ नहीं मिलता है उनको कुछ पैसे मिल जायेंगे, और कोई फायदा नहीं होना है। कोई इफेक्टिव वकील तो यह काम करता नहीं है। स्पेशल कोर्ट्स बना लो "भला क्या कर सकें इलाजे वातिवानी का, पकड़ते हैं अगर बाजू यहां शाने उतरते हैं।" यहां लैक्चर बड़ा शानदार हर आदमी करता है, और यादव साहब भी कर गये। मगर यादव साहब के आदमी तग करते हैं, सारे वही मालिक हैं। पता नहीं गरीबों का नाम ले लेकर यहां सारी बातें क्यों करते हैं ?

इस बिल के मूवर तो बहुत अच्छे आदमी हैं, मगर मैं कहता हूँ कि जितने लैंड के मूतल्लिक केस होते हैं, वहां लैंड रिफार्म बिल्कुल सही नहीं है। गिरदावरीयां ठीक नहीं हैं। उसको कोई क्या करेगा जिसकी गिरदावरी ठीक न हो, पटवारी होने ही नहीं देता तो उसमें आप क्या करेंगे ?

पंजाब में तो हम तगड़े हैं। यह जो जाह हैं, ये मर जायेंगे लेकिन जमीन का टुकड़ा नहीं देंगे, चाहे आप जिसे वकील कर लो। नाम लैंड रिफार्म का है लेकिन कौन करेगा ? क्या हमारे राव वीरेन्द्र सिंह करेंगे, या चेयरमैन साहब करेंगे या स्पैरो साहब

करेंगे ? बड़े-बड़े लैंडलार्ड यहां बैठे हुये हैं उसी तरह से उनकी जमीन है। लैंड रिफार्म का कोई काम नहीं चल रहा है। आप ने कहा कि लैंड देंगे। किसके पास लैंड है ? सबने अपने बच्चों के नाम बच्चियों के नाम कुत्तों के नाम और पिल्लों के नाम कर रखी है इसमें लीगल एड क्या करेगी ? यहां तो जूते वाला आदमी चाहिये, जो सबको सीधा कर दे। यह कोई नहीं करना चाहते हैं, यों ही लैक्चर करते हैं, अमल किसी ने करना नहीं है। करना है तो जो बेइन्साफी होती है, वह अपने इलाके में जाकर क्यों नहीं पकड़ते ?

जहां कत्ल होता है, वहां होम मिनिस्टर को एट दी सेंट जाना चाहिये। जब मैं मिनिस्टर था पंजाब में तो किसी ने शिकायत की कि मेरी जमीन छीन ली मालिक ने। मैंने कहा कि मैं आ रहा हूँ शाम को मैं पहुंचा फरीदकोट। मैंने कहा कि क्या हाल है, वह हरिजन कहता है कि जमीन मिल गई है। मैंने एस० एस० पी० को कहा कि मैं आ रहा हूँ, अगर एट दी सेंट जाये तो कैसे कोई कत्ल हो सकता है ? अफसर उनक साथ मिले हुये होते हैं। इसलिये गरीबों का नाम लेना यों ही बातें करना है। अगर कोई गलत बात मेरे सामने आती है तो मुझे आग लग जाती है। तमिलनाडु में क्या हो रहा है ? गरीबों को कहीं कोई नज़दीक नहीं आने देता और चपरासी से कोई पानी नहीं पीता।

एक माननीय सदस्य : घण्टी बज रही है।

श्री सुन्दर सिंह : घण्टी तो बजती रहती है। मैं अपनी बात कह लेता हूँ। जब ये चैयरमैन आते हैं तो मैं खुश होता हूँ। ये मेरे से डरते हैं, मुझे टाइम दे देते हैं।

जिस का महकमा है, उस मिनिस्टर को जना चाहिये, अगर वह नहीं जाता है एक्साइज तो उसका कसूर है। एक्साइज और लेबर मेरे पास थे। उसकी तरफ मैं देखता नहीं था। सारे लोग मेरे से डरते थे। मैं उनको ठीक कर देता था। मैं सोचता था कि यह तो हो ही जाना है, क्योंकि मैं बैठा हूँ, बाकी महकमों की तरफ मैं ज्यादा ध्यान देता था।

भाषण वह करते हैं जो तंग करते हैं। उसका दिमाग अच्छा होता है, लैक्चर शानदार कर सकता है, गरीब को तो बोलना भी नहीं आता है। यह विल तो बड़ा अच्छा है, लेकिन मुझे इस बात का एतबार नहीं है कि इस पर अमल किया जा सकेगा। आज ड्यूटी में बहुत स्लैकनेस आ गई है।

The right performance of duty in any station of life without attachment so results leads us to the highest realisation of perfection of soul (Swami Vivekanand)

इंडिपेंडेंस के बाद हिन्दुस्तान में यह हालत हो गई कि कोई भी ड्यूटी पूरी नहीं कर रहा है, कोई अपने फर्ज की परवाह नहीं करता है। इसी लिए रेलों के एक्सिडेंट होते हैं। जरूरत इस बात की है कि ऊपर से ले कर नीचे तक जिन लोगों के सुपुर्द कोई काम हो, उन्हें ठीक किया जाए। ऐसा करने पर सब कुछ ठीक हो जाएगा। जैसे, एक रेलवे मिनिस्टर को हटा दिया। चैयरमैन को भी हटा दें। जब एक मिनिस्टर बदला जाएगा, दूसरा मिनिस्टर बदला जाएगा, तब लोग ज्यादा अच्छी तरह काम करने लगेंगे।

श्री गिरधारी लाल व्यास : (भीलवाड़ा) : सभापति महोदय, माननीय सदस्य, श्री फ़ैलीरो, ने जो बिल प्रस्तुत किया है, मैं उसका समर्थन करता हूँ। इस बिल में इस प्रकार का प्राविजन है कि जो गरीब लोग कानूनी कार्यवाही

[श्री गिरधारी लाल ब्यस]

के लिए पैसा खर्च नहीं कर सकते, उनको कैसे सहायता दी जाए। लैण्ड रिफार्म के पीछे हमारा मुख्य ध्येय है गांवों के गरीब लोगों की सहायता करना। कांग्रेस का भी मुख्य ध्येय है कि लैण्ड रिफार्म कर के बड़े बड़े कुलाक्स और जमींदारों के पास आज भी कई कई हजार बीघे जो जमीन है—चौधरी साहब ने अभी बताया है कि पिल्लों और घोड़ों तक के नाम पर जमीन है—कानूनी व्यवस्था कर के उस जमीन को गरीबों में बांट दिया जाए। राजस्थान में राजा-महाराजाओं की प्रथा थी, जागीर-प्रथा थी। कांग्रेस ने उन दोनों प्रथाओं को समाप्त किया और राजाओं-महाराजाओं तथा जागीरदारों की जमीन को गरीब किसानों में बांटने की व्यवस्था की। इस स्थिति में जागीरदारों और सामन्तों में इस के प्रति रोष होना स्वाभाविक था।

MR. CHAIRMAN: I hope you will continue next time. The House will take up half-an-hour discussion.

18.13 hrs.

HALF-AN-HOUR DISCUSSION CLOSURE OF KOTA ATOMIC POWER STATION

श्री वृद्धि चन्द्र जैन : (वाड़मेर) : सभापति महोदय, मैंने 15 दिसम्बर, 1980 में कोटा अणु बिजलीघर की इकाइयों की अव्यवस्था के बारे में आध घंटे की चर्चा उठाई थी और राज्य मंत्री जी ने, जो सदन में विरजमान हैं, उसका जवाब दिया था। पहले मैं उनके जवाब की ओर आपका ध्यान आकर्षित करना चाहता हूँ :—

“I am grateful to the hon. Member for consistently bringing up this subject. Whatever be the problems this plant may have had I

can assure the hon. Member that they have been worked out but the system of the grid of Rajasthan will have to be rectified and modernised because fluctuations in our frequencies take place. That is beyond the control of the atomic plant.”

मंत्री महोदय ने यह जवाब 15 दिसम्बर 1980 को दिया गया था। उसके बाद प्रथम इकाई, जिसके बारे में मैंने विशेष ध्यान आकर्षित किया था, उसकी ओर भी अधिक दुर्गति हुई है। मैंने इस सम्बन्ध में 24-12-82 को प्रश्न पूछा था। इकाई नं० (1) 300 डेज में 198.6 डेज बन्द रही। जो जानकारी उत्तर में दी गई है उसका मैं उल्लेख कर रहा हूँ। कोई भी महीना ऐसा नहीं रहा जबकि यह इकाई बन्द न रही हो। सन् 1981 में 18 आउटजेज, ब्रेकडाउन्स हुए हैं।

इकाई नं० (2) की स्थिति भी अच्छी नहीं रही है। अब स्थिति यह है कि एक महीने से वह भी बराबर बन्द है। कोई भी ऐसा महीना नहीं रहा जबकि इकाई नं० (2) बराबर चली हो। उसमें बार बार आउटजेज और ब्रेकडाउन्स होते रहे हैं।

मेरे कहने का मतलब यह है कि जब इस प्रकार से हमारे अणु बिजली घर चलेंगे तब किस प्रकार से काम चलेगा। राजस्थान की स्थिति तो और भी ऐसी है जिसमें वह अणु बिजली घरों पर अधिक निर्भर करता है। हमारे राजस्थान की इंस्टाल्ड कैपेसिटी जो है 1140 मेगावाट है उसमें 440 मेगावाट की कैपेसिटी अणु बिजली घरों की है। जहाँ 45 प्रतिशत बिजली की आपूर्ति इन अणु बिजली घरों से हो और उनकी ऐसी दुर्गति हो रही हो तो उस राजस्थान