

make such allegations and references in respect of the head of a State. I would beg of you to request the hon. Member to withdraw that, because it will create a certain amount of misunderstanding. What happens in the House in the United States is not our concern here.

**श्री जार्ज फरनेन्डोज :** मैं उन शब्दों को वापस लेने के लिए तैयार हूँ। लेकिन मैं यह भी कहना चाहता हूँ कि हममें अमरीका के राष्ट्रपति के नाम से जो बयान दिया गया है, वह बिल्कुल गलत है।

**MR. SPEAKER :** No reflections can be made, according to the Rules of Procedure, on the head of a State. I am not going to allow Mr. George Fernandes to proceed with this. Take it for granted. I am not going to allow it. It can be discussed on merits, but you cannot use any improper remarks about any Head of a State. The rules provide that it should not be done. (*Interruption.*) Should there not be some healthy precedents, because, tomorrow somebody will say it is a remark against the Head of a State. You cannot make remarks even against the Government of another State.

**श्री जार्ज फरनेन्डोज :** मैं उन शब्दों को वापस लेता हूँ, लेकिन मन्त्री महोदय ने गलत बताया है।

**MR. SPEAKER :** In spite of my repeated request, you get up and make some remark and then withdrawn the same. What is this ?

Let us proceed to the next item of business.

12.43 hrs.

DELHI HIGH COURT (AMENDMENT)  
BILL—(Contd.)

**MR. SPEAKER :** The House will now take up the Delhi High Court (Amendment) Bill. The time taken already is one hour and 15 minutes. 15 more minutes are left.

**THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI K. S. RAMASWAMY) :** Mr. Speaker, Sir, yesterday, I was explaining the reason for

raising the limit of the original civil jurisdiction of the Delhi High Court. The proposal actually emanated from the Chief Justice of the Delhi High Court, and we have consulted the Chief Justice of India and he also concurred with the proposal. The Advocates Association of the subordinate courts of Delhi are also of the view that the jurisdiction should be like this

In this connection, I may mention the position that is prevailing in the major cities like Calcutta, Bombay and Madras. In Calcutta, the jurisdiction of the City Civil Court extends up to Rs. 10,000. In Bombay, it is Rs. 10,000 and the State Government has been given the power to increase it to Rs. 25,000. In Madras, the Madras Government have put it at Rs. 50,000. So, this is in line with the policy pursued in other States. If the limit is further enhanced up to Rs. 1 lakh, then the subordinate courts will be burdened with more work and arrears will start collecting in those courts.

Many hon. Members had suggested that the arrears should be reduced and for that purpose more Judges should be appointed. We have already taken steps in that direction. We have advised the States to appoint more number of Judges wherever it is necessary taking into consideration the filing of suits, their disposal and arrears, and also to fill up the vacancies as soon as possible. If any Judge is appointed for any other work, like a commission or any such thing, and if he is not returned in six months, another person should be appointed on an *ad-hoc* basis so that the work does not suffer.

In the last two years the strength of the various High Court Judges has been increased from 245 to 294. The Government has also proposed to constitute a three-Judges committee with the Chief Justice of India as chairman to go into the question of delay and to suggest some remedial measures.

The hon. Member, Shri Lobo Prabhu, said that Judges are appointed on party basis and that relatives of so-and-so are appointed. I strongly refute this criticism. The Constitution has laid down certain guidelines as to how Judges should be appointed and we are following that strictly. They are appointed on the basis of merit, integrity and honesty. Under article 217 a Judge of the High Court is to be appointed by the President after consultation with the Chief Justice of India, the Governor of the State, and, in the case of appointment of a Judge other than

[Shri K. S. Ramaswamy]

the Chief Justice, the Chief Justice of the High Court. We are following that principle and no preference is given to anybody because of his party affiliations.

The hon. Member, Shri Banerjee, said that free legal aid should be given to the poor so that real justice is done. The Law Ministry is looking into this proposal and I hope they will come up with a proposal very soon.

I do not think it is necessary that this Bill be circulated for eliciting public opinion. The hon. Member, Shri Mandal, said that because the High Court issued summons in the Shankaracharya case, the High Court should be scrapped. We do not pass judgment on High Courts because of wrong decisions by the High Court. After careful consideration we had given this original jurisdiction under the Act of 1966 and I hope the House will agree with the suggestion to raise the limit to Rs. 50,000.

MR. SPEAKER : There are two amendments by Sarvashri Mandal and Om Prakash Tyagi. Are they withdrawing them ?

SHRI B. P. MANDAL (Mashipur) : I want leave of the House to withdraw my amendment (No. 15).

SHRI OM PRAKASH TYAGI (Moradabad) : I also withdraw my amendment (No. 17).

MR. SPEAKER : Have they the leave of the House to withdraw their amendments ?

SOME HON. MEMBERS : Yes.

*Amendments No 15 and 17 were, by leave withdrawn*

MR. SPEAKER : The question is :

"That the Bill to amend the Delhi High Court Act, 1966, be taken into consideration."

*The motion was adopted*

MR. SPEAKER : The House will now take up clause-by-clause consideration of the Bill. The question is :

"That clause 2 stand part of the Bill."

*The motion was adopted*

*Clause 2 was added to the Bill*

Clause 3—(Amendment of section 5.)

SHRI SHIV CHANDRA JHA (Madhubani) : I beg to move :

Page 2, lines 2 and 3,—

for "fifty thousand rupees" substitute—  
"thirty thousand rupees" (11)

कल तो मैं इसके बारे में कहा ही है, आज फिर वही कहता हूँ कि यह जो रकम बढ़ा देने से सरकार समझती है कि समस्या का हल हो जायगा, यह सही नहीं है। अगर सरकार यह समझती है कि रकम रखने से दिल्ली हाई कोर्ट में काम बढ़ेगा तो मैं समझता हूँ कि यह गलत धारणा है। तात्कालिक बह जनता पर बोझ आयेगा। आखिर वह हिन्दुस्तान के लोग ही तो यह मुकदमे लाते हैं और वह सब घमौर ही नहीं होते हैं, ऐसे वाले ही नहीं होते हैं उनमें गरीबी भी होते हैं भले ही बह कर्जा लाते हैं या और कहीं से लाते हैं तो उनके लिए अगर यह करेंगे कि बड़ी रकम के ही केसेज यहाँ लाने देंगे तो उसमें हो सकता है कि यहाँ डिस्पोजल ज्यादा जल्दी हो और लोअर कोर्ट्स में बहुत बोझ आयेगा। इसलिए पचास हजार की रकम जो आप रखना चाहते हैं वह ज्यादा होगी। उसकी जगह मेरा संशोधन है कि तीस हजार कर दें। पांच हजार ही ज्यादा बढ़ाएं।

MR. SPEAKER : Now, I put Amendment No. 11 moved by Shri Shiv Chander Jha to the vote of the House.

*Amendment No. 11 was put and negatived*

MR. SPEAKER : The question is :

"That clause 3 stand part of the Bill"

*The motion was adopted*

*Clause 3 was added to the Bill*

Clause 4— Amendment section 17.)

SHRI SHIV CHANDRA JHA : I beg to move :

Page 2, lines 5 and 6,—

for "fifty thousand rupees" substitute—  
"thirty thousand rupees" (12)

MR. SPEAKER : I put Amendment No. 12 moved by Shri Shiv Chandra Jha to the vote of the House.

*Amendment No. 12 was put and negatived*

MR. SPEAKER : The question is :  
"That clause 4 stand part of the Bill"

*The motion was adopted*

*Clause 4 was added to the Bill*

*Clause 5— Amendment of certain laws.)*

SHRI SHIV CHANDRA JHA : I beg to move :

Page 2, line 9, —

for "fifty thousand rupees" substitute—  
"thirty thousand rupees" (13)

Page 2, lines 11 and 12, —

for "fifty thousand rupees" substitute—  
"thirty thousand rupees" (14)

MR. SPEAKER : I put both the amendments together to the vote of the House.

*Amendments 13 and 14 were put and negatived*

MR. SPEAKER : The question is :  
"That clause 5 stand part of the Bill"

*The motion was adopted*

*Clause 5 was added to the Bill*

*Clause 1 was added to the Bill*

*Clause 1— Short title and commencement.*

SHRI K. S. RAMASWAMY : I beg to move :

Page 1, line 4, —

for "1968" substitute "1969" (2)

MR. SPEAKER : The question is :

"Page 1, line 4, —

for "1968" substitute "1969" (2)

*The motion was adopted*

MR. SPEAKER : The question is :  
"That clause 1, as amended, stand part of the Bill"

*The motion was adopted*

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

#### Enacting Formula

SHRI K. S. RAMASWAMY : I beg to move ;

Page 1, line 1, —

for "Nineteenth" substitute  
"Twentieth" (1)

MR. SPEAKER : The question is :

"Page 1, line 1, —

for "Nineteenth" substitute—  
"Twentieth" (1)

*The motion was adopted*

MR. SPEAKER : The question is :

"That Enacting Formula, as amended, stand part of the Bill"

*The motion was adopted*

*Enacting Formula, as amended, was added to the Bill*

MR. SPEAKER : The question is :

"That the Title stand part of the Bill."

*The motion was adopted*

*The Title was added to the Bill*

SHRI K. S. RAMASWAMY : I move :  
"That the Bill, as amended, be passed."

MR. SPEAKER : Mr. Lobo Prabhu. Just one minute.

SHRI LOBO PRABHU (Uripri) : I was not present when my name was called for moving amendments. Now should I speak on the amendments ...

MR. SPEAKER : We have passed that stage. Now this is the Third Reading.

SHRI LOBO PRABHU : I regret very much that Government did not concede a very simple amendment. They are determined to rush through, to enact anything that is put before them by their staff. This was a very simple amendment and it was supported by nearly every member of the Opposition that the limit should be raised to Rs. 1 lakh in order to save the public from higher expenses on litigation in the High Court by way of higher court fees, lawyers' fees, and so on. Why is the Government against common people? They are making use of their brute strength to get this passed. This is a matter of which they should genuinely be ashamed. They are not people's Government, whatever they may call themselves.

SHRI SRINIBAS MISRA (Cuttack) : It is rather strange that, in regard to the Delhi

[Shri Srinibas Misra]

High Court, the Government wants that there should be some original jurisdiction as regards civil matters. While in the other High Courts, the subordinate judges and the district courts have got unlimited jurisdiction in civil matters, why should there be this particular feature in regard to the Delhi High Court? Why should they follow the old provincial law that there should be some original jurisdiction regarding civil matters? It only involves more expenditure and entails trouble to the litigants to come from the mofussil district to Delhi for conducting their litigation. It does not help anybody. The High Court will have appellate jurisdiction in any way. So, it does not help anybody— their raising the limit from Rs. 25,000 to Rs. 50,000 for original jurisdiction in civil matters.

MR. SPEAKER : The question is

SHRI LOBO PRABHU : What about the reply ?

SHRI K. S. RAMASWAMY : I have already explained everything in the main reply.

SHRI LOBO PRABHU : These are new points. *(Interruption)*

SHRI K. S. RAMASWAMY : I have already explained everything.

MR. SPEAKER : The question is :  
"That the Bill, as amended, be passed."

*The motion was adopted*

12.59 hrs.

#### LOKPAL AND LOKAYUKTAS BILL

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA) : I beg to move :

\*That the Bill to make provision for the appointment and functions of certain authorities for the investigation of administrative action taken by or on behalf of the Government or certain public authorities in certain cases and for matters connected therewith, as

reported by the Joint Committee, be taken into consideration."

As the hon. members are aware, this Bill seeks to give effect to the recommendations of the Administrative Reforms Commission which were submitted on redress of grievances. This was the first report submitted by the Administrative Reforms Commission ..

MR. SPEAKER : The hon. Minister may continue his speech after Lunch. The House stands adjourned for Lunch.

13.00 hrs.

*The Lok Sabha adjourned for Lunch till Fourteen of the Clock*

*The Lok Sabha reassembled after Lunch at seven minutes past Fourteen of the Clock*

[Shri Vasudevan Nair—in the Chair]

#### LOKPAL AND LOKAYUKTAS BILL—contd

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA) : Sir, I was saying...

श्री गुला नन्व ठाकुर (महरसा) : सभापति महोदय, मैं एक महत्वपूर्ण विषय की ओर आप का ध्यान खींचना चाहता हूँ। बिहार में एक ऐसा कीड़ा चला है जिससे बिहार के किसान भयंकर संकट में हैं। मदई फसल तो खत्म हो चुकी है, भ्रगहनी फसल भी खत्म होने जा रही है। किसानों में बड़ी निराशा फैली हुई है लेकिन सरकार की ओर से कोई व्यवस्था नहीं की गई है। महरसा, मूणायी, दरभंगा, मुजफ्फरपुर, उत्तर बिहार जो कि अनाज का भंडार कहलाता है, वहाँ पर इसके कारण जो निराशा फैली हुई है, जो अनाक छा गया है, उसको समाप्त करने के लिए यहाँ पर सरकार कोई बतव्य दे और अविलम्ब उससे रक्षा की व्यवस्था करे।

MR. CHAIRMAN : You should give a proper notice.