

12.20 hrs.

HIGH COURT AT PATNA (ESTABLISHMENT OF A PERMANENT BENCH AT RANCHI) BILL

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (DR. V. A. SEYID MUHAMMAD): I beg to move:

"That the Bill to provide for the establishment of a permanent bench of the High Court at Patna at Ranchi, be taken into consideration."

A circuit bench of the Patna High Court was established at Ranchi with effect from 8th March, 1972, under Clause 36 of the Letters Patent of that High Court. The bench was established to meet the needs of adivasi population of the Chota Nagpur area in Bihar. The functioning of the circuit bench was causing considerable difficulties besides involving heavy expenditure. As the reasons for the establishment of a bench at Ranchi continue to exist, the Government of Bihar is very keen that the bench should be made permanent. It is, therefore, proposed to set up a permanent bench of the Patna High Court at Ranchi with its territorial jurisdiction extending over the North Chota Nagpur Division comprising of the districts of Hazaribagh, Giridih and Dhanbad and the South Chota Nagpur Division comprising of the districts of Ranchi, Palamau and Singhbhum. The Chief Justice of the Patna High Court may, however, in his discretion order that any case arising in any such district shall be heard at Patna.

The Bill seeks to achieve the above object.

MR. SPEAKER: Motion moved:

"That the Bill to provide for the establishment of a permanent bench of the High Court at Patna at Ranchi, be taken into consideration."

SHRI SOMNATH CHATTERJEE (Burdwan): The hon. Minister has done us a great service by reading out the Statement of Objects and Reasons. We certainly welcome this Bill. This measure is in the right direction; there is no doubt about it. In a country like ours where there is difficulty about communication and where there are far-flung areas, it is necessary that permanent benches or, at least circuit benches, should be there.

I want to take this opportunity of bringing before this House and of trying to impress upon the Government what an injustice is being done to various parts of the country because of lack of proper facilities to the litigants to approach the courts. I had been to Agartala recently. What is happening there is shocking. Agartala is under the jurisdiction of the Assam High Court. Agartala is a State now. Meghalaya is a State. Manipur is a State. Assam is a State already. There are five States within the jurisdiction of the Assam High Court. And the Assam High Court itself possesses only five judges. Therefore, five judges are to look after five States. When I went to Agartala, they said that two judges of the Assam High Court had come to Agartala only after eight months. Therefore, for eight months, there was no High Court bench in Agartala. I do not know whether the Minister knows about it at all. When these two judges were in Agartala, the Assam High Court had three judges at Gauhati, and one of them was expected to go to Shillong to look after the Meghalaya case. What sort of procedure is this that is being followed in this country? You are trying to take some credit for establishing a permanent bench at Ranchi. Only in Lucknow there is a permanent bench apart from the seat of the High Court, nowhere else do we have that in this country. I am happy that something is being done now.

What about our State, the State of West Bengal? People living in Jalpaiguri, Cooch-Behar and in the whole of North Bengal area have to come all the way to Calcutta. All these people are completely deprived of proper facilities to approach the court. So many friends on the other side were speaking about justice-delayed being justice-denied. But I want to know how many people can even reach the temple of justice. Courts of justice are not even approachable. Therefore, you must have an integrated plan on this. You must think about people. Instead of all these gimmicks here and there from time to time, try to think of the people. Apart from making justice available to the poor and ordinary people, bringing it within their economic means, you must have courts available to them.

What is happening in the subordinate courts? Of course, you may say that the subordinate courts are not under your jurisdiction. There are magistrates who have no court rooms to sit; the Munsifs have no court rooms to sit. The way facilities are given, it has become a joke. I know, you want all these judges to be under your thumb. You do not really care for the people and proper administration of justice. That is why, I was trying to take this opportunity to speak on this; otherwise, I would not have spoken. This is a good measure. According to them, the only circumstances that are supposed to justify this measure are that the maintenance of a circuit bench would mean extra expenditure. That should not be the only test.

DR. V. A. SEYID MUHAMMAD:
 This is mainly for Adivasis.

SHRI SOMNATH CHATTERJEE:
 Very good; you are making this Circuit Bench as Permanent Bench, but one of the reasons said that the functioning of the Circuit Bench meant extra expenses, as if that is the only criterion for deciding whether there

should be a Circuit Bench or a Permanent Bench. I would like to know from the hon. Minister, whether the Government has ever given any thought to it, not only about Bihar—which we welcome very much, but what about West Bengal and Assam. The illustration that I gave, I came to know of it only last month when I was there personally. I was appearing for some Government servants, who have been dismissed, MISA detenus. They have filed their applications five-six months ago and the matters are not coming up because the judges are not there. The MISA detenus have to wait for six-eight months even for getting judges to move the applications. What is the other position? The lawyers and litigants from Agartala will have to go to Gauhati if there is an urgent case. The Advocate General, Assam, told me. Well, I find it extremely difficult. It takes two days by train to reach Gauhati from Agartala. These are the sort of facilities you want to give to the people to approach the courts.

I would like to know from the hon. Minister, whether the Government has any plan to set up different Circuit Benches or Permanent Benches in places other than the seats of the High Court. If it means a little expenditure, you should not grudge it. If you want to have a proper legal system which should be taken recourse to or utilised by the common people, you must have these. I would, therefore, request the hon. Minister and, through him, the Government that this matter should be treated on an emergency footing. Let there be emergency on real matters, not a so-called emergency for your own purposes.

SHRI N. E. HORO (Khunti): Mr. Speaker, Sir, I welcome this Bill and endorse the views expressed by Shri Somnath Chatterjee. This is a case where justice was denied for a long time. Now, Government have come with this measure. I am particularly

[Shri N. E. Horo]

happy, but at the same time, I must say that the form in which this Bill has been brought is not a happy one, because that creates a doubt in my mind and I start thinking whether Government after all are sincere about it or not. This is because, we have been demanding a separate permanent Bench of the Patna High Court at Ranchi for obvious reasons and they gave us for some time a Circuit Bench which was not at all suitable and they have found out now that this was not working and have come with this Bill for a permanent Bench. But they have added one sentence by which the entire purpose of this Bill is defeated. You are giving a discretionary power to the Chief Justice of the High Court and he will determine which case has to be decided at Patna and which case has to be decided at Ranchi.

I say, two things have weighed in the minds of the Government. First, there was a consistent demand for a separate Bench at Ranchi not only for Adivasi population, but all other population living in that area. Secondly, there was a vested interest created and political interest created at Patna which has all the time opposed having a separate permanent Bench at Ranchi. While drafting this Bill, it seems, you have accommodated that element which has been objecting to our demand. You are giving wide powers to the Chief Justice of the High Court and he would decide which cases have to be decided at Patna. That is why, I say that most of the cases will again be decided at Patna. What is the use of this permanent Bench? I would rather advise the Government that if you are bringing this Bill in good spirit, delete this proviso that you have added. And if you are not doing it, I would rather say, 'You withdraw this Bill' because it is not going to serve the purpose. This Bill should have come two decades ago and two decades means a lot of time. And during this time millions and millions

of people have been denied justice. Should you wait for a situation like the present emergency to bring such a Bill in order to satisfy the Adivasis and others who are clamouring for it, just in order to keep their mouth shut? I would advise that the Government should be above these things. You should bring it as a clean measure, as an honest measure, that you want to help the people of that area.

As I said, I welcome the Bill but, at the same time, I would request that the wide powers you are going to give to the Chief Justice should be withdrawn and it should be deleted from the Bill.

श्री मूल चन्द डागा (पाली) :
अध्यक्ष महोदय, मैं इस बिल का इस बात के लिए तो स्वागत कर सकता हूँ कि विशेष परिस्थिति में यह प्रोविंसो कायम रखा जाए, लेकिन मैं यह सिफारिश नहीं करता कि हाई कोर्ट की बेंच कायम की जायें। यह बहुत गलत पद्धति होगी और यह कुछ वकीलों के लिए एक रास्ता खोलना है।

इस सम्बन्ध में मेरा यह कहना है कि इस प्रोब्लम को टैकल करने के लिए आप हाई कोर्टों में जजों की संख्या बढ़ा दें। अगर आप जजों की संख्या बढ़ा देंगे तो न्याय वक्त से मिल सकेगा। दूसरी बात यह हो सकती है कि आप काम करने के आवर्स बढ़ा दें और तीसरी बात यह है कि आप अगर एफोशिएन्ट और ईमानदार जजों एपाइन्ट करते हैं, तो काम बहुत जल्दी समाप्त होने लगेगा क्योंकि सारी ला कमीशन की रिपोर्टों में यह माना गया है कि यह गलत पद्धति है। मैं ला कमीशन की रिपोर्टों में से पढ़ कर सुनाना चाहता हूँ :

"We had earlier an occasion to make a report on the desirability of the High Court of a State sitting in Benches at different places in the State. We then reached the conclusion that the efficiency of the administration of justice should be the paramount consideration governing this matter and that this consideration weighed overwhelmingly against the creation of Benches of High Courts. The structure and composition of the courts should not be permitted to be influenced by political considerations. That this has happened in the past in certain cases can be no valid ground for the extension of that policy...."

Kindly listen. This is your own Law Commission's report.

"We are of the view that we should firmly set our face against the constitution or creation of Benches. Such a course would lead to an impairment of the efficiency of the High Court with the inevitable consequence of the lowering of the standards of the administration of justice. Since the report was made, we have visited all the principal centres where the High Courts sit and the evidence given before us has confirmed us in the view taken us in that report. We reaffirm the reasons and the conclusions stated in that report in regard to this question."

आज आप बचेज खोलने के लिये कानून बनाने जा रहे हैं। मैं यह पूछना चाहता हूँ कि कैसेज में डिले क्यों होती है? ला कमीशन की चौथी रिपोर्ट में यह कहा गया है :

You know who were the Members of the Law Commission? Mr. Setalvad, Mr. Chagla, Mr. Wanchoo and many other eminent jurists. This is what they had to say:

"In our opinion, the question whether the High Court should sit as

a whole at one place or in Benches at different places has to be considered solely from the point of view of the administration of justice—and political and sentimental considerations have, as far as possible, to be excluded. We are firmly of the opinion that in order to maintain the highest standards of administration of justice and to preserve the character and quality of the work at present being done by the High Courts, it is essential that the High Courts should function as a whole and only at one place in the State."

सारे हिन्दुस्तान में कुछ वकील लोग चाहते हैं कि हमें सुविधा हो जाये। सिर्फ चन्द आदमी हाई कोर्ट में जाते हैं। इन वकीलों को शिकायत हो सकती है।

प्रोविंसो आपने क्यों बना दिया? समें प्रोविंसो का सवाल नहीं था। मेरा इस बात का अनुभव है कि हाई कोर्ट में जब बैचिज हो जाते हैं तो अलग अलग तरह के जजमेंट होते हैं। एक ही हाई कोर्ट में डिफरेंट तरह के परसन्स होते हैं। वही जजमेंट देते हैं। इस प्रोविंसो से आप यह रास्ता खोल रहे हैं। आप जजि को बढ़ा दीजिये, जजिज की संख्या बढ़ाइये लेकिन हाई कोर्ट एक जगह होना चाहिये, बैचिज नहीं होनी चाहिये।

लोग कभी कभी राजस्थान की बात करते हैं। राजस्थान के अन्दर दो करोड़ की पापुलेशन नहीं है, बहुत छोटी संख्या है। जोधपुर में हाई कोर्ट बना, वांचू साहब ने बहुत सोच समझ कर के जोधपुर में हाई कोर्ट बनाया। बाद में लोग कहने लगे कि एक जयपुर में बेंच हो जाये, एक अजमेर में हो जाये। आपके पास पैसा नहीं है। लोगों को सस्ता न्याय नहीं मिल रहा है। कोर्ट फीस बढ़ी जा रही है। हमने बजट देखे हैं।

[श्री मूल चन्द्र दागा]

सैंट्रल गवर्नमेंट कहना है कि हमारे पास पैसा नहीं है। आज एक लिटीमेट को कोर्ट में जाने के लिये बहुत बड़ी दीवत को जरूरत है और वकीलों के पास बड़ा पैसा हम देख रहे हैं।

जगह जगह हाई कोर्ट बनाने का मतलब क्या है? हाई कोर्ट में वही लोग जाते हैं जो बहुत पैसे वाले होते हैं। लोग कहते हैं कि मिजोरम में खोल दें, प्रवणचल में खोल दें, सब जगह खोल दें। यह ला कर्मिशन की रिपोर्ट है जिसको गवर्नमेंट ने एप्रोव्ट किया है मने आपको दोनों कोर्ट किये है। हर भावनी चाहता है कि जगह जगह हाई कोर्ट खोल दिये जायें, जगह जगह बचिज बना दिये जायें। अगर आपको जस्टिस देना है तो वह एक हाई कोर्ट में मिलेगा। आप जजिज की संख्या बढ़ाइये, पाच में सात कर दीजिये, सात से नौ कर दीजिये।

SHRI VAYALAR RAVI (Chirayinkil): Mr. Speaker, Sir, I fully welcome this Bill, the measure through which the Government has tried to satisfy and respect the desire of the people of this area, especially the adivasis.

My hon. friend Mr. Daga was just opposing the Bill and he was quoting the Law Commission's Report. First of all I must say that the Law Commission's word is not a final word in everything. The Report was made by the jurists. Mr. Chagla was a Member of this House. I do not want to comment upon his personality. What were the reasons behind the opinion that it should be comprehensive, or that the judges should be at one place? It has been said if the High Court judges are together in one building, their ability can be judged. This is no argument. It has no logic. Nowhere it has been said that the High Court should have any benches. It is more concerned with the people. Here the

Government says, it saves the expenditure of the Government, I should say that it saves the expenditure of the people also. If the Bench of the High Court judges is at Ranchi or at Patna, he has to decide the case on merits and on the basis of law. It is immaterial whether he sits in the same building or outside. The argument put by Mr. Daga based on the Report of the Law Commission is not at all acceptable.

I fully appreciate the feeling of the Government that the expenditure should be saved. I would say that there are other reasons also—i.e., the State may be big. Take for example, U.P. Kerala may be termed as a small State. But it is a big State. You have visited that State. It is a very big State.

The problems may be different. It may not be of adivasis. For example, in Kerala, a very pressing demand has come from the High Court, Trivandrum to have a High Court at Cochin and the late Krishna Menon had possibly been arguing for this until his death. But this has not come through so far. I take this opportunity to voice my forceful support to the demand of the people of Trivandrum and Kerala to the establishment of a Bench at Trivandrum also. I demand this because of the complexity of this State. It is a very large State and all the way the people have to come to this place and this proves to be difficult for the people. The hon. Minister comes from Kerala but he is a very generous nationalist and I am sure he will agree to my suggestion. I hope this assurance will come from the Government.

SHRI SOMNATH CHATTERJEE: By this sort of 'mutual admiration' they will get a Bench in Kerala. But what about other States?

SHRI VAYALAR RAVI: I am sure the hon. Speaker is happy about

this decision of the Government to respect the feelings and the sentiments of the people of Ranchi as he knows the people very well, I hope he will also be kind enough to advise the hon. Minister to respect the feelings and sentiments of the people of Kerala also to establish a Bench at Trivandrum With these words I conclude my speech.

SHRI ARVINDA BALA PAJANOR (Pondicherry): Sir, I congratulate the hon. Minister for introducing a Bill like this for creating a new Bench at Ranchi.

My hon. friend Mr. Vayalal Ravi asked for another Bench in Kerala. Mr. Chatterjee who is practising in the Supreme Court is asking for a Bench somewhere in West Bengal. So far as the Union Territory of Pondicherry is concerned, there is not even a High Court there. So, I am asking for the creation of a Bench in Pondicherry. Although Article 14 of our Constitution is being suspended during this period, what I feel is, there need not be any sort of discrimination between State and State in providing a bench.

I voice this demand for the establishment of a Bench at Pondicherry for two reasons.

The first reason is this. The people of Pondicherry have a special tradition in regard to legal matters. We in Pondicherry have been following the French System for the past 300 years whereas you have been following the Anglican System for 200 years. When you have so much of respect for the law and judiciary, at least an iota can be attributed to the system which has been there for the past 300 years. By creating a new Bench, this can be solved to a certain extent.

Then, Sir, the second reason is the distance involved. The people have to come all the way, spending a lot of money on travel and other expenses. This is what is happening. The court fee is less than the other expenses. Therefore, to alleviate the difficulties of the litigants and the poor people it is much better if we have different Benches at different places to dispense justice.

I also had a bitter experience and I wish to say about this. When Pondicherry was merged, the jurisdiction was handed over to the Madras High Court. We had a system 'Cassation Court' to make the final appeal. But in Madras they mocked at even the word 'Casse' meaning 'to break'. In fact, they were breaking the laws, without realising the spirit of it. Therefore, it is not only necessary for Patna to have a Bench, but, it is also equally necessary that other places should also have a Bench and we have to provide that also. In Madras what happens is this, A person coming from Kanvukumari to Madras has got to spend Rs. 200 on travel for a Civil Revision Petition, in regard to which he has got to pay only Rs. 10 as the Court Fees. And a person stationed in Madras need not have to spend for the same case, for the same cause, more than Rs. 10 for stamp and the advocate fee of Rs. 50 or Rs. 60. The person coming from Kanyakumari has to spend such huge sums. Therefore, I would request the hon. Minister to consider the question of appointment of a Committee to go into the entire jurisdiction of the country, to divide the country in such a way that the people can get justice at equi-distance.

Now, Sir, I am not in agreement with Mr. Daga that by putting all the judges in one particular building you will get the same justice or the same type of judgement. It is not so, I remember a particular case in the Madras High Court, wherein in a Bench

[Shri Arvinda Bala Pajanor]

Judgment, one Judge acquitted A-1 and A-2 and the other judge acquitted A-3 and A-4. And, in regard to such cases, the procedure is to place it before a third judge. I am afraid, this third judge may acquit A-2 and A-3 thereby creating another anomaly to be resolved once again. I am mentioning all these things because judges differ in their judgments. What will be the solution for the malady there in this respect? What I feel is this. An overall review of the entire judicial system alone is the remedy. And for this, a Committee should go into the entire matter and give its report, which should be final.

In a nutshell, my suggestion or my idea is this. The majority of our litigant people are involved only in regard to criminal and small civil matters. That should be looked into first.

Finally, I request the hon. Minister to consider first the case of Pondicherry because he has recently come to this position and so, I make bold to repeat the same demand for the second time in this House. The moment I ask for a Bench I am told that they will look into it. I am sure that Dr. Seid Saheb will consider this demand and give it to Pondicherry so that I can go and tell my people that something is being done for the people there too and they are not neglected.

I suggest to them to appoint a Committee to go into this aspect and divide the entire country into regions by which we may have Benches all over because, I am sure, in a few weeks time from now, they may take away the writ jurisdiction of the High Court and leave that to the Supreme Court. We should not have too many Supreme Courts—there should be only one Supreme Court and above that this House. That is all I want to say.

श्री सरजू पांडेय (गाजीपुर) : अध्यक्ष जी, यह जो बिल सदन में आया है, मैं इसका स्वागत करता हूँ। श्री डागा को छोड़कर आमतौर से सभी सदस्यों ने इसका स्वागत किया है।

रांची हिन्दुस्तान का पिछड़ा हुआ प्रदेश है। अदिवासियों को वहाँ से पटना आना काफी दूर पड़ता है। गरीब लोग उस इलाके में बसते हैं। यह जो बेंच आप वहाँ बना रहे हैं, इसके लिये आप बधाई के पात्र हैं।

जैसा कि माननीय सदस्यो ने कहा है देश के बहुत सारे हिस्से ऐसे हैं जहाँ इस तरह की बेंचों की जरूरत है। हमारा उत्तर प्रदेश इस प्रकार का प्रदेश है जो कि आधे हिन्दुस्तान के बराबर है, सारे लोगों को बलिया से लेकर मेरठ तक इलाहाबाद जाना पड़ता है। हमारी प्रार्थना है कि आप उत्तर प्रदेश में भी और बेंच की व्यवस्था करें, त कि लोग आसानी से न्याय पा सकें। आमतौर से गरीब आदमी अदालतों में पहुंचते नहीं, और जो पहुंचते भी हैं उनके लिये बड़ा मुश्किल होता है कि वह रेल का किराया कहां से लायेंगे? इसलिये मेरा खयाल है कि उत्तर प्रदेश में ही नहीं, जैसा पांडिचेरी में किया गया है, और बहुत से देश के हिस्से ऐसे हैं, जहां इसकी मांग है।

जो बिल लाये हैं, यह ठीक है, लेकिन आप प्रयास करें कि देश के और भागों में भी इसी तरह के बेंच स्थापित हों और न्यायपालिका में लोगों को न्याय मिल सके। इसके लिये प्रोसीजर आसान बनायें ताकि गरीब आदमी भी ज्यादा से ज्यादा न्याय पा सकें।

SHRI N. K. P. SALVE (Betul): Mr. Speaker, Sir, I wholeheartedly support this measure by which a permanent Bench is sought to be established at Ranchi. I have no doubt in my mind that whereas the quantity and quality of justice will continue to be the same

as it has been at the hands of the Circuit Bench, certainly, it would mean a whole lot in respect of the administrative facilities, expenses etc.

So, all that I can submit is this. It is an extremely rational measure which has been brought about and I entirely and wholeheartedly support the demand of my hon. friend from Pondicherry that there is need for a Bench there. I should say that there is need for Benches at different places for expeditious justice. Justice delayed is justice denied. In this connection I want to lay before this House some of the most obnoxious examples of how much justice could be delayed. In doing so, since the matter is germane to the basic issues—cardinal issues—with which this Bill is dealing I will take a couple of minutes only in this respect. Recently, I happened to argue a matter—it was a penalty matter—relating to the concealment of incomes which related to the assessment year 1942-43. That means the alleged offence was committed by the assessee in the previous year ending 31st March, 1942. Because the matter was twice remanded by the Tribunal and the Appellate Commissioner, it came up for arguments for the first time some time in the end of 1975 before the Tribunal. The Tribunal has decided the matter one way or the other. That is not material.

Now, the matter is under reference and it is going to the High Court. At the High Court level it cannot come up for hearing before the expiry of ten years. The pendency is so tremendous in respect of tax matters; Bombay is worse. The matters which have been filed in the year 1960 have not yet come up there for hearing even to-day. The same is the situation in Allahabad. And pretty bad is the situation in Patna. Now, this matter of penalty, to which I was referring, will come up after ten years. That means already 34 years have passed. If you

add another ten years, that would mean that after forty-four years of the committal of the supposed offence, the High Court would be sitting in judgment.

The matter is bound to go to the Supreme Court. It will mean another ten years for the Supreme Court. That means, nearly 54 years after the alleged offence had been committed, the matter would have been finally adjudicated upon. Sir, it sounds like a fairy tale but it is not. That is the irony of the whole situation. Therefore, Sir, if we want to avoid sheer mockery of the tax laws and other laws then reasonably it may be so brought about that no matter is kept pending in any high court for more than three years. You can recruit some more judges. Under the Law Ministry, Income-tax Tribunals are functioning at several places and I am unable to understand why they are not recruiting men from the tribunals or from the profession or other fields who have acquired expertise in the realm of taxation. Further, why is it that the Law Ministry is fighting shy to constitute special tax benches? I am talking with reference to tax matters because I know about it. Therefore, my submission is—if the Law Ministry is at all serious about high courts dealing with these matters expeditiously and in time and without letting half a century elapse before a certain offence is sought to be argued—that more judges should be appointed and more rationale view is taken and taken expeditiously to determine whether or not there is need for appointing more judges and secondly whether or not these are the judges who are capable and competent to handle technical matters.

SHRI VASANT SATHE (Akola):
 Sir, I also wholeheartedly support our new Minister of State for Law, for bringing this excellent measure. This only shows the eagerness of the Government to make justice more readily and easily available to the people. The

[Shri Vasant Sathe]

spirit appears to be to take the high court justice nearer to the people. This is the spirit. But, Sir, by taking the high court nearer to the people it does not automatically follow that you are taking justice also near to the people. Much more needs to be done. The first State after reorganisation of States where there was an independent and permanent bench was Maharashtra. I think U.P. also had two benches. We know how advantageous it is for the eastern districts of Maharashtra—the Vidarbha region—to go to the High Court at Nagpur. I believe if we can adopt this practice in all major States, namely, apply some principle of distance of 300 or 200 miles or population-cum-distance principle then we can have more benches of the high courts throughout the country in all States. This will also mean you must have more judges. It is no use having a permanent bench manned by two or three judges. They will be overworked and there will be pendency of cases. In Nagpur what happens is that some of the judges keep on going from Nagpur to Bombay. They stay for two months and again go back to Bombay. There is no permanency. The spirit of permanency is not there. Therefore, disposal also gets delayed. A judge hears a case. Before it is completed, he is transferred. So unless that judge comes back, the part heard case cannot be resumed. Like that, delays take place.

Therefore, I would submit that you should have more judges. Why don't you fill up the vacancies in the various High Courts today? Yesterday, I heard that in the Calcutta High Court, there are six vacancies.

SHRI SOMNATH CHATTERJEE :
Pending for a Year.

SHRI VASANT SATHE: In Maharashtra, there are four.

SHRI N. K. P. SALVE: In Allahabad

SHRI DINESH CHANDRA GOSWAMI (Gauhati): In Assam, it is half the number of judges.

SHRI VASANT SATHE : We were talking Yesterday of young, good lawyers being there who are not getting opportunities. They are not attracted. You got the Bill passed yesterday concerning some ancillary benefits to Judges. At least after that, will you get young good lawyers and fill up the vacancies? That is the first thing that ought to be done.

Then when we are thinking of having these Benches, why don't you also have a Bench of the Supreme Court in the South? This has been asked for for a long time. What is the sanctity in having the Supreme Court only in Delhi, only in one place or in one building? I have never understood the rationale of this. After all, will the judges of the Supreme Court, if there is a permanent Bench at Hyderabad or Bangalore, decide differently from what they would do sitting in Delhi? In a vast country like ours, we should have this systems of decentralisation of at least the place of giving justice. Therefore, let us give thought to this as well.

I would like to repeat what I have said. First, have more judges. Kindly consider how many cases were there at the date of independence. Today what has been the increase in the number of cases of litigation in all matters, social legislation, labour legislation, election petitions....

AN HON. MEMBER: Tax matters

SHRI VASANT SATHE: Tax matters.

SHRI SOMNATH CHATTERJEE:
The greatest beneficiary of that is there.

SHRI VASANT SATHE: In all matters, there has been a tenfold increase. What is the pendency? More than a lakh in all the High Courts or probably more.

SHRI H. M. PATEL (Dhandhuka):
 In each High Court.

SHRI VASANT SATHE: Imagine this delay of 10, 15, 20 years. You are also a lawyer. You know that in civil matters if the litigant dies, you have to bring on record his heirs, legal representatives. If the LR dies, the LR's LR has to be brought on record. Is this law or mockery? Civil matters get decided only at the time of the grandson though the fight may have started in the grandfather's period. We have had this luxury during those times of the British rule because they were more interested in creating the impression that British justice is so blind that it weighs on a blind scale. It does not matter how long it takes, the law and procedure of the courts must run its due course. That was all right then, but not now.

SHRI SOMNATH CHATTERJEE:
 You have imposed court fees.

SHRI VASANT SATHE: When you want justice for the people, what is the spirit in which you must proceed? We do not seem to be aware of it even now. Our senses have got deadened. Justice delayed for 10, 15 and 20 years does not seem to stir us at all. At least in this field, let there be a fresh thinking; let everything be done to have more judges, more courts and let them be spread out. And let us have also, as I said yesterday, people's courts so that many of the cases could be dealt with there. Divert the Supreme Court and the High Courts of some of the powers. Do that and lessen their burden. Why don't you do something at least as far as the *vires* is concerned? Two or three or five judges. . .

13 hrs.

Mr **SPEAKER** : It is one O'clock

SHRI VASANT SATHE . I am concluding in one or two minutes .or

fore let the decision about *vires* not be made in the spirit in which a law was made by the representatives of the people. 500 representatives of the people? Therefore let the decision about *vires* not be left to them. That means that much of the burden of the High Court and the Supreme Court will be reduced

SHRI H.M. PATEL . You need 500 judges to decide ?

SHRI VASANT SATHE . Therefore it should be the Parliament which should be the final authority to decide about the *vires*.

MR. SPEAKER . DR SEYID MUHAMMAD. He may continue after lunch.

13.02 hrs.

The Lok Sabha adjourned for lunch till Fourteen of the Clock.

The Lok Sabha re-assembled after Lunch at Fourteen of the Clock.

[**MR. DEPUTY-SPEAKER** in the Chair]

HIGH COURT AT PATNA (ESTABLISHMENT OF A PERMANENT BENCH AT RANCHI) BILL—Contd

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (DR. V. A. SEYID-MUHAMMAD) . Mr. Deputy-Speaker, Sir, I am grateful to those hon. Members who participated in the discussion and debate. Except for the dissent of Mr. Daga, there was unanimous support for the Bill and I am grateful for the same. Certain apprehensions and misapprehensions have been expressed regarding the way the Government is going about in establishing Benches and not establishing Benches of the High Court on various grounds. I shall state that the main consideration for the Government in this matter is based on the report of the Law Commission and also Justice Shah's report on the arrears in