

exerting his influence on the preparation of such panels. The second part of the question pertains to a particular company. As I understand it and Mr. Speaker, Sir, you will also agree that the question pertains to the empanelment of advocates and it is not regarding any particular company.

[English]

SHRI AJIT PANJA: The panels which are now existing are quite old. There are lot of junior advocates practising all over India who have made their mark otherwise in their profession. But still, they do not receive a single briefing a year from the banks. The briefs always go to all those who are already on the panel and the Board. I have experience for 25 years as bank panel advocate. When the brief comes, it comes one day before the date of litigation i.e., if it is mortgage, 12 years period is there. I take the brief on the last day. We take the brief in the evening. We just cyclostyle the petition. We will fill up the gaps. Next day at 10 O'Clock in the morning, we have to file a petition to get a receiver appointed. By this method, as I have already mentioned Rs. 6,000 crores worth of properties could be realised—If the hon. Minister applies his mind to this and if he asks for particulars, I will give—and if junior advocates are given an opportunity to come in time when senior advocates do not come. The court passes out the matter because the senior is not present.

Therefore, my question is would the hon. Minister consider that the names of junior advocates of repute—not just because of giving some employment—junior advocates who have made their mark in the panel, are taken and whether plaint petition in the right time would be given to the advocates so that the bank would realise their dues in time.

PROF. MADHU DANDAVATE: On the basis of his experience, he had made welcome and constructive suggestions. He had spelled them out. I would accept them and I can assure him that whatever panels we

have appointed in the past, I will revise them and reconstitute them.

Implementation of Court Orders by Government

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*275. PROF. K.V. THOMAS:
SHRI RAM SAGAR (Saidpur):

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether the Attorney General of India was written to Government that many of the Court orders and directions are not implemented by Government in time; and

(b) if so, what action is being taken in this regard?

THE MINISTER OF ENERGY AND MINISTER OF CIVIL AVIATION (SHRI ARIF MOHAMMAD KHAN): (a) The Attorney-General of India has written to the Government that the number of contempt petitions for non-compliance with Court orders and directions is on the increase and that prompt steps be taken to ensure that Court orders and directions are carried out without the pain of contempt petition.

(b) Ministries/Departments of Government of India have been requested to take prompt steps as recommended by the Attorney General for India.

PROF. K.V. THOMAS: Sir, unfortunately in this House we find that the concerned Ministers are not available. This is a serious matter. You should also look into this.

MR. SPEAKER: Why should you waste your time. You should put the question so that the Minister can reply.

PROF. K.V. THOMAS: As the custodian of this House, you should also look into this. This is a serious matter. I now put the question. There are a number of contempt petitions before the Supreme Court because

many of the Ministries and Departments of the Government of India are not implementing the Supreme Court verdicts. Unfortunately, in India this legal procedure is a time-consuming and cumbersome one. The case starts from the Sub-Courts and the appeal goes to the District Court, High Court and then to the Supreme Court. In the Supreme Court, once a final verdict is given, even then the concerned people are not getting justice because the Government is not prepared to implement it. I would like to know from the Government whether an effective mechanism will be introduced either through the Government Counsels or through some other agencies so that again the petitioner has not to go to the Supreme Court with a petition of contempt. I would like to know from the hon. Minister whether this will be seriously looked into by the Government.

SHRI ARIF MOHAMMAD KHAN: Sir, I agree with the hon. Member that all these procedures are very time-consuming ones. There is need to find out ways so that the delays are cut.

PROF. K.V. THOMAS: Many of the petitions which go to the level of the Supreme Court are the petitions given by the building owners against the Ministries or Departments for either getting the building vacated or for revising the rent. Large number of buildings are hired by the Government Departments giving a stipulated period of time and rent. But as usual the Government will neither vacate the building nor increase the rent reasonably. So, the building owners go to the respective rent control courts in the country where they get a verdict in their favour. Then, the Government goes on appeal to the High Court and from there it goes to the Supreme Court. I would like to know from the hon. Minister whether in a similar case the Law Department can scrutinise the verdict of the lower courts. I am suggesting the lower courts where rent control matters are decided first. Therefore, if the Law Department feels that there is no scope for further litigations, then why it should be delayed? Why should the case be taken to the Supreme Court? Why does the Govern-

ment spend money? Why should the petitioner spend money? In respect of cases which can be finished at the lower level, why should such cases be taken to the Supreme Court level?

SHRI ARIF MOHAMMAD KHAN: Whenever a Department wishes to go in appeal against the judgement of any lower court, it normally happens with the concurrence of the Law Department. So, no Department general goes in appeal against the judgement of the lower court on its own. I would also like to add that the Ministries or Departments do not deliberately flout the court directions/orders. It may be that in some cases the Ministries do not properly appreciate the scope and reach of the court direction and sometimes there is failure to implement the order promptly. As and when the court order is properly interpreted to the concerned Ministries or Departments, it happens invariably that remedial steps are taken immediately for complying with the Court orders.

PROF. K.V. THOMAS: This does not happen with one or two cases. There are hundreds of cases where the Government is not implementing the verdict of the Supreme Court.

SHRI ARIF MOHAMMAD KHAN: If any specific cases are given by the hon. Member where the Government is not implementing the court order, then I would like to assure the hon. Member, through you, Sir, that not only the Government will comply with the order of the court but also action will be taken where there is any deliberate attempt not to comply with the order.

[*Translation*]

SHRI RAM KRISHAN YADAV: Sir, this is a serious matter. The courts have to depend on the Government for the implementation of court orders and directions. When a court issues any summon or warrant, the concerned police personnel refuses to take any action on it. May I know if the Government will make provisions for making avail-

able a special police force to the courts to ensure the implementation of its orders and directions? I request the Government to provide such a force to the courts.

SHRI ARIF MOHAMMAD KHAN: Mr. Speaker, Sir, no such proposal is under consideration of the Government. Implementation of Court orders and directions is the responsibility of the Government. As I said earlier, hon. Members may kindly bring to the Government's notice any deliberate non-implementation of Court orders and directions. Proper action shall be taken against the offenders besides ensuring that the orders are implemented.

[English]

SHRI A. CHARLES: Sir, I am thankful to the Hon. Minister for the positive reply to the effect that suitable action will be taken for implementing the verdicts of the court. Not only in Supreme Court, but in lower courts also there are cases of wilful delay in implementing the judgement. We all know, justice delayed is justice denied. Unless there are some definite rules, it would not be possible to implement the assurances. So, may I know from the hon. Minister whether he will bring forward a legislation for penalising all officers who deliberately delay implementation of the court's judgement through out the country?

SHRI ARIF MOHAMMAD KHAN: Sir, I share the concern expressed by the Hon. Member and I totally agree that that justice delayed is justice denied. As far as the question relating to any proposal for bringing the legislation is concerned, I would like to say that there are not only rules and laws, but it is a Constitutional obligation on the part of the Government to ensure that the decisions and judgements given by the courts are complied with, they are obeyed and they are implemented.

Hiring of Foreign agencies for St. Kitts Bank Accounts

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*276. **SHRI NATHU SINGH:**
PROF. YADU NATH PANDEY:

Will the Minister of FINANCE be pleased to refer to the reply given on 16th March, 1990 to Unstarred Question No. 713 regarding illegal accounts in St. Kitts and state:

(a) whether the Directorate of Enforcement had hired some foreign agencies to conduct the inquiry into the St. Kitts bank accounts;

(b) if so, under whose authorisation the Directorate hired such agencies and how much expenditure was incurred thereon; and

(c) whether the hiring of foreign agencies was legitimate and if not, the action contemplated against the officials held guilty?

THE MINISTER OF FINANCE (PROF. MADHU DANDAVATE): (a) No, Sir.

(b) and (c). Do not arise.

SHRI NATHU SINGH: I would like to know from the hon. Minister whether he has conducted any inquiry on his own to establish the facts of this case; if so, what are also facts.

PROF. MADHU DANDAVATE: I have not conducted any inquiry on my own. The CBI is conducting the inquiry.

SHRI NATHU SINGH: Sir, serious questions arise in our minds about the role of the previous Government in the entire matter. I would like to know whether the previous Government involved itself in forgery and misled Parliament. The ex-Minister of State for Finance told this House that they had got the documents authenticated by the Consul General of New York.

PROF. MADHU DANDAVATE: I do not