

SHRI DINEN BHATTACHARYYA : Regarding Farakka, they committed that 40,000 cusecs of water will be supplied but they are backing out.

DR. K. L. RAO : The Farakka Barrage question also will be discussed with the Chief Minister of West Bengal during the talks at the week-end.

SHRI VASANT SATHE : In view of the reported large strata of underground water in the Deccan tract, is the Government having any survey made of this underground water resource ?

DR. K. L. RAO : This subject is dealt with by the Agriculture Ministry.

Recognition to Diploma Course Examinations in Administrative Law, Company Law and Labour Law

*23. **SHRI R. S. PANDEY :** Will the Minister of LAW AND JUSTICE be pleased to state :

(a) whether Government are considering any proposal to give recognition to the Diploma Course Examinations in Administrative Law, Company Law and Labour Law conducted by the Indian Law Institute;

(b) whether all the three Diploma Examinations of the Institute will be given recognition simultaneously and if not, the reasons for treating any of the three courses on preferential basis for recognition purposes; and

(c) whether the recognition will be given from retrospective effect and if so, when a final decision is likely to be taken in this regard ?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI NITIRAJ SINGH CHAUDHARY) : (a) to (c). The request of the Indian Law Institute for according recognition to the Diploma Course in Labour Law conducted by them for the purpose of recruitment of Labour Officers, is under consideration of the Government.

The Institute has not approached the Government for recognition of the Diploma Course in Administrative Law and Company Law conducted by them.

SHRI R. S. PANDEY : May I know when the consideration will be over and a decision will be taken ?

SHRI NITIRAJ SINGH CHAUDHARY : They applied to the Labour Ministry. The Labour Ministry laid down certain conditions. The Law Institute has now agreed and it has informed the Labour Ministry. I think the Labour Ministry will take a decision very soon.

Steps taken to Dispose of Cases pending in various High Courts

*25. **SHRI SARJOO PANDEY :** Will the Minister of LAW AND JUSTICE be pleased to state :

(a) whether the measures so far taken to reduce the arrears of cases in High Courts have not produced desired results; and

(b) if so, what further steps Government propose to take in this respect ?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI NITIRAJ SINGH CHAUDHARY) : (a) It is true that the arrears at the end of 1971 in the various High Courts have increased as compared to the previous years. The institutions in most of the High Courts have been on the increase from year to year and the disposal could not keep pace with the institutions.

(b) It is proposed to advise the State Governments to further review the Judge strength taking into account the institutions, disposals and the arrears. A committee of Judges under the Chairmanship of Shri Justice J.C. Shah has submitted a report on the problem of arrears in the High Courts. The Committee has made a number of recommendations for reducing arrears and for minimising delays in dispensing justice. The recommendations of the Committee which are purely of administrative nature and which do not require amendment to the rule, statute or law, have been communicated to the State Governments and the High Courts for implementation. The recommendations involving amendments to the statute or law are being examined and decisions will be taken after ascertaining the views of the Judges of the High Courts, the Supreme Court and the State Govern-

ments. Moreover a comprehensive review of the Civil Procedure Code with a view to cutting down delays and costs is at present being considered by the Law Commission.

श्री सरजू पांडे : अध्यक्ष महोदय, श्री मंत्री जी ने यह कहा कि अब तक मुकदमों की कमी करने के लिए जो उपाय सुझाये गये हैं, उनका कोई खास परिणाम नहीं निकला है और जो कमेटी बनाई गई थी, उस कमेटी ने भी अपनी रिपोर्ट मंत्रालय को प्रस्तुत कर दी है। मैं जानना चाहता हूँ कि मुख्य रूप से उनके सुझाव क्या हैं? हालांकि आप ने कहा है कि एडमिनिस्ट्रेटिव नेचर के सुझाव हैं, लेकिन हजारों मुकदमों इस समय हाई कोर्ट में पेंडिंग हैं, इसलिए सरकार की तरफ से उन सुझावों के बारे में कब तक कदम उठाये जायेंगे? उनके मुख्य सुझाव क्या हैं ताकि मुकदमों के जल्द से जल्द फैसले किए जा सकें।

THE MINISTER OF LAW AND JUSTICE AND PETROLEUM AND MINERALS (SHRI H. R. GOKHALE) : No particular reason for the delays can be considered in isolation. There are a number of factors which lead to the heavy arrears in the High Courts. One of them, of course, is the judge's strength, which was found inadequate in 1967, and the Central Government advised the State Governments to review the position and to bring up proposals for increasing the judge strength. When this review was made, government accepted the proposal and wherever additional judges were asked for they were given. But that was way back in 1967. Even after that, recently we have advised the State Governments to make further review whenever any further additional judge strength is required. As far as I know, in the last one year, whenever any proposal for additional judge strength came, it was not refused and additional judges have been given.

But, as I said, this cannot be the only factor for the delay. The main cause for the delay is the complicated, dilatory procedures which exist in our existing laws, the principal amongst these laws being the Code of Civil Procedure. As the hon. Member knows, in the previous Lok Sabha the Joint

Committee recommended certain amendments to the Code of Civil Procedure. But the Committee itself observed that the recommendations made were so perfunctory that it will not go to the root of the matter and will not reduce the arrears. Therefore, when I examined the matter again I thought that a thorough or, may I say, even a radical recasting of the Code of Civil Procedure was necessary, and with a view to change the procedure basically in civil courts, right from the bottom up to the Supreme Court wherever the Civil Procedure Code applies the basic change in the procedural law is necessary without doing which neither the delay nor the costs can be cut down.

I am glad to inform the House that although the matter was referred to the Law Commission not very far back, the Law Commission has made very good progress in examining the Civil Procedure Code and I am expecting its recommendations in the course of the next month or so. As soon as that report is available, we will make an examination of the report and take steps to see that a proper legislation to amend the Civil Procedure Code is brought forward.

These are the two main factors which cause delays. All other factors are also not absent from the consideration of government. They are being considered and a strict watch is being kept.

श्री भूलचन्द डाना : क्या हाई कोर्ट्स में उद्यादा मुकदमात पेंडिंग होने का एक कारण यह है कि प्रायकल योग्य, काबिल और मेहनती जज्ज एम्पाइन्ट नहीं किए जाते ?

श्री नीतिराजसिंह चौधरी : ऐसी बात नहीं है।

अध्यक्ष महोदय : अच्छे अच्छे लायर्स तो पालियामेंट से आ जाते हैं, क्या किवा जाय।

SHRI SOMNATH CHATTERJEE : Is it a fact that many of the vacancies in the posts of High Court Judges are not filled for a long time? If so, is there any proposal to change the method of appointment of judges? Now the initiative rests with the High Court and the State Govern-

ment. Is there any proposal with the Central Government to take the initiative themselves in the matter of appointment of judges ?

SHRI H. R. GOKHALE : There is no proposal to change the procedure in the matter of appointment of judges. But it is true that in some High Courts there has been delay in the appointment of judges. The reason is this. As probably had happened in the past, we do not just act as rubber stamps on the proposals which come to us. We scrutinise every proposal. While we do believe that we have to consult the judicial authorities, the High Court or the Supreme Court, as the case may be, we also make recommendations to them to consider certain names. Their names are also considered. All this inevitably takes a little more time.

श्री हुकमचन्द कछवाय : अध्यक्ष महोदय, मैं आपके माध्यम से मन्त्री महोदय से जानना चाहता हूँ क्या सरकार इस बात पर कोई विचार कर रही है कि जो उच्च न्यायालयों में केसेज काफी समय तक पड़े रहते हैं तो जजों के पास कुछ सीमित केसेज हों और उनकी भ्रष्टाचि भी सीमित हो कि इतने दिनों में उनका फंसला हो जाना चाहिए—इस सब में कोई विचार किया जा रहा है ?

दूसरी बात मैं यह जानना चाहता हूँ कि जनता को सस्ता न्याय मिले इस सम्बन्ध में भी क्या सरकार विचार कर रही है ?

SHRI H. R. GOKHALE : The distribution of work amongst various judges is the function of the Supreme Court or the High Court itself. The Government could not interfere in that. Normally, an average has been worked out on the basis of figures of pendency, on the basis of reasonable capacity of a judge to dispose of a particular number of cases and it is expected that every judge conforms to the average number of cases which he should dispose of in the course of the year.

श्री हुकमचन्द कछवाय : एक केस में कितना

समय लगना चाहिए और जनता को सस्ता न्याय मिले—इस पर सरकार विचार कर रही है ?

अध्यक्ष महोदय : आप लाइपर हों तो ऐसा सवाल न पूछें ।

SHRI SHANKAR TEWARI : Is it not a fact that 30,000 cases have increased in the Allahabad High Court because of the Government's delay in the appointment of High Court Judges ?

अध्यक्ष महोदय : किसी और समय पूछ लेना, इसमें से यह सवाल क्यों निकाल रहे हैं ।

Setting up of Thermal Power Station in Gandhinagar, Gujarat

*26 **SHRI JAGANNATH MISHRA :** Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether there is proposal under the consideration of Government to set up a Thermal Power Station in Gandhinagar Gujarat ; and

(b) if so, its total cost and the value of power it will generate ?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREFI) : (a) Yes, Sir. Gujarat Electricity Board have made such a proposal.

(b) The estimated cost of the Power Station is Rs. 45.62 crores. The installation would comprise two generating units of 120 MW.

श्री जगन्नाथ मिश्र : श्रीमन्, मैं जानना चाहता हूँ मन्त्री महोदय से यह पावर स्टेशन कब तक बन जायेगा और इसके बन जाने से गुजरात में कुल बिजली की आवश्यकता का कितना प्रतिशत पूरा हो जायेगा ?

THE MINISTER OF IRRIGATION AND POWER (DR. K. L. RAO) : This project has been approved by the Technical Advisory Committee and it has yet to be sanctioned by the Planning Commission.