

MR. SPEAKER: It was a mistake on the part of my office. It should have been "Minister of Law, Justice and Company affairs."

SHRI SHANTI BHUSHAN: The question related to a restrictive trade practice and the MRTP Commission. So far as the supplementary question is concerned this, I submit, would not come within the scope of the MRTP; but that is a suggestion which will be duly considered by my colleague, the Minister of Petroleum and Chemicals.

SHRI D. D. DESAI: It is a legal question. What I am saying is, presently the law makes it possible for the companies to register patents....

MR. SPEAKER: You should have put it that way at that time.

SHRI D. D. DESAI: If this has been done by one firm, it could be done by several other firms also. Would the Minister look into the nature of the agreements that these drug companies are making with the distribution systems? Would he then assess the excess charges made and would he institute proceedings under the MRTP Act so that the excess charges are recovered from these drug firms?

SHRI SHANTI BHUSHAN: In regard to Glaxo the agreement with the distributors was registered with the Registrar. When the Registrar scrutinised it, it appeared to him that it was a restrictive trade practice. Therefore, he referred the matter to the Monopolies Commission which, after going into the matter, issued certain directions to the firm. If other firms also have such agreements which are registered with the Registrar, they will be scrutinised and if any such thing comes to the notice of the Registrar, that would also be gone into.

SHRI S. R. DAMANI: May I know how many manufacturers of pharmaceuticals were examined by the MRTP Commission so far? Secondly,

what action has been taken so far on the recommendations of the Hathi Committee?

MR. SPEAKER: The second question need not be answered, because it is a separate one.

SHRI SHANTI BHUSHAN: If I have understood the question rightly, he wanted to know how many such cases have been gone into. I require notice to give the exact number.

SHRI JAGANNATHA RAO: At present section 10 of the MRTP Act is non-cognisable in the sense the Commission cannot take cognisance of any offence under that Act. Is it under the contemplation of the Government to amend the relevant section so that the Monopoly Commission can *suo motu* take action in those cases which come to their notice?

SHRI SHANTI BHUSHAN: A Committee to go into the question of Monopolies Act as well as the Companies Act is already sitting and it is considering various suggestions which are being received. After that report is received, the Government will apply its mind to this question.

#### Free Legal Aid to Poor

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102. PROF. P. G. MAVALANKAR:  
SHRI LAXMI NARAIN  
NAYAK:

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

(a) whether Government have now fully and carefully examined the various reports and recommendations regarding free legal aid to economically poorer sections of the people throughout the country;

(b) if so, the broad indication of the Government's formulation of proposals in this regard; and

(c) when and how do Government propose to implement the said scheme or proposals?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN): (a) The Report of the Committee on Legal Aid with Shri Justice P. N. Bhagwati as Chairman and Shri Justice V. R. Krishna Iyer as Member is under examination of the Government.

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

PROF. P. G. MAVALANKAR: I am sorry the Law Minister has been completely silent on the whole matter. I thought he would give at least some indication of the active consideration that the Government is giving to this problem. I need not remind him and the House that article 39(a) was specially added to the Constitution in the Directive Principles Chapter, mentioning this as a duty on the State to give free legal aid. The Law Minister has been talking very highly about some of the so-called good points in the 42nd Amendment mentioning this as one of them. Why is it that he has not taken any active steps in this regard of giving free legal aid? Does he know that the countries where there is some system of free legal aid to the poor include the United Kingdom, America, Australia, Jamaica, Canada and France? And in the Soviet Union, of course, the Constitution of last year provides for free legal aid in article 161, which is a very brief article, which reads:

"Colleges and advocates are available to give legal assistance to citizens and organisations. In cases provided for by legislation, citizens shall be given assistance free of charge"

In view of this, will the Government at least assure this House that the Bhagwati-Krishna Iyer report will be given active consideration?

We have been hearing for a long time that it is under consideration.

SHRI SHANTI BHUSHAN: I am happy to say that it is under active consideration because my Ministry has constituted a high power committee consisting of representatives of the Finance Ministry, the Home Ministry, Labour Ministry, Department of Justice and also Department of Social Welfare. That Committee is going into this question. It is also possible that there may be a Cabinet sub-committee which might also go into the policy question, and we will take as quick action on this report as possible.

PROF. P. G. MAVALANKAR: Does he know that in our own country 16 States of the Union and three Union Territories—I do not want to mention their names—are having some kind of free legal aid scheme operating. In my own State of Gujarat, Justice Bhagwati was formerly the Chief Justice there and it was he who was responsible along with his colleagues for having this scheme in Gujarat. Would he not consider, on the basis of the experience gained through these schemes that are operating in the various States, having a legislation or at least some kind of concrete scheme for providing legal aid which is not only free but is given by competent people? Only free means anybody gives it free, but unless it is given by competent lawyers, the purpose will be defeated. Therefore, will he give an assurance that on the basis of the experience gained in the States concerned, Government would come forward with concrete schemes for the whole country and later on, when they have given full thought, a comprehensive legislation on the subject, because I do realise that it is complicated and requires all-round consideration?

SHRI SHANTI BHUSHAN: Government proposes to frame a comprehensive scheme, and that is why it is necessary that everything which is going on in the different States already has to be assimilated. It has to be found out what is going on what steps have already been taken in the various

States, so that a comprehensive and well-considered scheme may be brought, so that it may actually perform the function for which it is meant.

श्री लक्ष्मीनारायण नायक : क्या मंत्री महोदय बतायेंगे कि जो गरीब वर्ग हैं समाज के उन्हें कानूनी सहायता देने के लिये यह योजना है, और वह ऐसे हैं कि बिना पढ़े लिखे हैं, देहात में रहते हैं, तो वह इस से फ़ायदा उठा सकें उनको जानकारी देने के लिये क्या आपने कोई प्रचार का साधन या कोई योजना बनायी है जिस से उन को सहूलियत मिल सके और खबर मिल सके ? इस सम्बन्ध में सरकार ने क्या कार्यवाही की है ?

श्री शान्ति भूषण : माननीय सदस्य ने जो विचार व्यक्त किया सरकार उसके बारे में चिन्तित है और जो योजना बनायी जा रही है उस में इस बात के लिये भी प्रावधान होगा कि जो गरीब और पिछड़ा वर्ग है जिसको अपने कानूनी अधिकारों के बारे में पूरी जानकारी न हो उनको जानकारी मिल सके और ऐसी व्यवस्था की जाय ताकि उनको कानून के अनुसार न्याय मिल सके ।

श्री छविराम अर्गल : आपने जो निःशुल्क कानूनी सहायता बनायी है इस पर सरकार का कितना धन व्यय हो चुका है तथा समाज के कमजोर वर्गों को कितनी धनराशि सहायता के रूप में दी गई है ? क्या यह सच है कि जो लोगल एडवाइजर हैं उन पर अधिक धन व्यय हो चुका है और उतना पैसा समाज के कमजोर वर्गों को नहीं मिला है ?

श्री शान्ति भूषण : अभी जो राज्य सरकारें हैं वह कुछ अपनी छोटी छोटी योजनाएं बना रही हैं। केन्द्रीय सरकार तो

अभी इस योजना पर विचार कर रही है कि क्या प्रारूप होना चाहिये उस योजना का और किस तरह से उसको लागू किया जाय । इसलिए अभी धन व्यय होने का केन्द्रीय सरकार की ओर से कोई प्रश्न ही नहीं उठता । और इसीलिये वित्त विभाग से विचार लिया जायेगा कि कितनी धनराशि खर्च हो सकती है और कितना इस पर कार्य हो सकता है ।

SHRI A. SUNNA SAHIB: May I know whether it will be only one of the senior advocates or juniors also whose legal opinion will be taken?

SHRI SHANTI BHUSHAN: It is comprehensively being considered. Naturally, all these matters are also being considered. This cannot be replied to now.

SHRI A. SUNNA SAHIB: I was the Bar Association President. Only junior advocates are consulted. So, I want to know whether senior advocates will also be consulted.

MR. SPEAKER: Will you engage senior advocates also for advice, or only junior advocates who have no work at all?

SHRI A. BALA PAJANOR: Members of Parliament who are Advocates also can be included.

SHRI SHANTI BHUSHAN: Firstly the scheme should be such that it may perform the function for which it is meant. Before the scheme is finally evolved, how am I in a position to say whether it will have this principle or that principle?

श्री निर्मल चन्द्र जैन : मंत्री महोदय ने स्कीम को पूरी तरह पढ़ लिया होगा । विभिन्न विभागों के साथ उस पर चर्चा भी चल रही होगी । हर स्कीम में कुछ ऐसे बिन्दु होते हैं जिन को स्वीकृत मान लिया जाता है और जिन के बारे में कोई

विशेष विवाद नहीं होता । ऐसे बिन्दुओं को शीघ्रातिशीघ्र लागू कर इस स्कीम को क्या आप शुरू कर सकेंगे, यदि हां, तो कब तक ताकि गरीब लोगों को मुफ्त कानूनी सहायता मिल सके ?

श्री शान्ति भूषण : बिन्दु जो स्वीकृत फौरन हो सकता है वह तो यही है कि गरीबों की यह जो समस्या है कि उन के पास माधन नहीं हैं और वे न्याय प्राप्त नहीं कर सकते हैं साधनों के अभाव में उस के लिए कोई इंतजाम किया जाए या कोई व्यवस्था की जाए । जब तक योजना तैयार नहीं हो जाती है तब तक उसका कौन सा बिन्दु लागू किया जा सकता है । पहले योजना को तैयार करना होगा, उस को अंतिम रूप देना होगा तभी उसको लागू किया जा सकता है । उस पर सरकार चिन्तित है और कार्य कर रही है । मैं समझता हूँ कि माननीय सदस्य जैसा चाहते हैं वैसी योजना जल्दी से जल्दी तैयार हो जाएगी ।

श्री रामदेव सिंह : पहली सरकार ने प्रत्येक राज्य के जिला मुख्यालय के स्तर पर एमरजेंसी के दौरान झुनझुना बजाने वाले वकीलों को एप्वाइंट कर दिया था जिनका पी०पी० का दर्जा था । क्या वे लोग अभी तक भी कटिन्यु कर रहे हैं या उन को हटा दिया गया है ?

श्री शान्ति भूषण : पी० पी० से शायद माननीय सदस्य का मतलब पब्लिक प्रासीक्यूटर से है । उन को राज्य सरकारें बनाती हैं । केन्द्रीय सरकार से उन का कोई सम्बन्ध नहीं है ।

एक माननीय सदस्य : लीगल एड-वाइजर ।

श्री शान्ति भूषण : वह कह रहे हैं कि कोई लीगल एडवाइजर । केन्द्रीय सरकार की ओर से कोई ऐसा लीगल एडवाइजर बनाया गया हो लीगल एड के सिलसिले में, इसकी मुझे कोई जानकारी नहीं है

#### On shore and off shore exploration in Tamil Nadu

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\*103. SHRI RAGAVALU  
MOHANARANGAM:  
SHRI K. MAYATHEVAR:

Will the Minister of PETROLEUM, AND CHEMICALS AND FERTILIZERS be pleased to state:

(a) the precise efforts made during the last three years for exploration and drilling for oil, both on shore and off shore in Tamil Nadu;

(b) the nature of exploration and drilling work carried out at the moment, the agency involved and the amount spent; and

(c) the projected plans of operation during the next two years and the sites selected for the purpose?

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA):  
(a) to (c). A statement is placed on the Table of the Sabha.

#### Statement

(a) and (b). ONGC has conducted intensive geological and geophysical surveys in the Cauvery basin in Tamil Nadu and Pondicherry during the last three years for this purpose, two geological parties, one shallow drilling party, three seismic parties and one gravity-magnetic party were actively deployed in Tamil Nadu. Three deep wells have also been drilled in this area during this period.

At present ONGC is continuing geological and geophysical surveys on on shore and off shore areas of Tamil Nadu and Pondicherry.