

SHRI BASUDEB ACHARIA : Fifty percent of our people are living below the poverty line and as such they cannot afford to buy medicines. Also, the Government wants to achieve "Health for all" by 2000 AD. If so, whether the government will consider the proposal of the West Bengal Government, Hathi Committee and WHO to reduce the prices of about 97 essential drugs and life-saving drugs; and whether it is a fact that multinational companies and monopoly houses and drug industries are producing tonic and syrup instead of life-saving drugs; if so, what steps government wants to take and whether government propose to formulate a national drug policy.

SHRI VEERENDRA PATIL : So, far as pricing of the drugs is concerned, BICP periodically reviews the prices and wherever it is necessary either they reduce the price or they increase the price; and under BICP, there is a Drug Price Review Committee and they review the prices, the trend of the prices and they collect all the information. I think they meet every week in order to study the trend of the prices in drugs and pharmaceuticals and they make recommendations to our Ministry; on their recommendation, we take action. The hon. member wanted to know whether a new policy is being considered. My predecessor in 1983 constituted a National Drug and Pharmaceutical Development Council and that Council has submitted a report and the report is under consideration.

Setting up of a Bench of Supreme Court in the South

*43. **PROF. P.J. KURIEN :** Will the Minister of LAW AND JUSTICE be pleased to state :

(a) whether there is a proposal to set up a bench of the Supreme Court in the South; and

(b) if so, the details thereof and the decision taken thereon?

THE MINISTER OF LAW AND JUSTICE (SHRI A. K. SEN) : (a) and (b). Article 130 of the Constitution provide that "the Supreme Court shall sit in Delhi or in Such other place or places, as the Chief Justice of India may with the approval of the President, from time to time, appoint." No proposal has been received from the Chief Justice of India in this regard.

PROF. P.J. KURIEN : The answer is not only short but evasive also. He has quoted the relevant portion of the Constitution. I do not know how it is relevant here. Does the Constitution bar setting up a bench of the Supreme Court anywhere in the country? In fact, the Constitution envisages about it. You have quoted Article 130 of the Constitution. So, the Supreme Court only envisages new benches in other places; it never prohibits. Then I do not know what is the logic of giving this portion of the Constitution. How far have the clients from Tamil Nadu or Kerala or Karnataka or from the eastern region or north eastern region to travel? How much money have they to spend? Most of these people who really want to file an appeal in the Supreme Court cannot do it because of these things. Our motto is to see that justice should reach the poor and the common people. In this way, can it be possible to do it? He himself gave the number of cases pending in the Supreme Court—1.48 lakhs. What steps do you propose to take for opening up new benches of the Supreme Court in other places especially in the South?

SHRI A. K. SEN : It is very difficult to make out the question from the proposal made by the hon. member. But what I could gather from his proposal is: what prevents the government from setting up benches of the Supreme Court outside

Delhi? His question was whether there was any proposal to set up a bench of the Supreme Court in the South, not all over the country. Now, as I said, the only manner by which such a proposal can be made under the Constitution is for the Chief Justice of India to make a proposal. Then alone can the government consider it. If the hon. member reads Article 130 he will find that the manner for such a proposal is also specifically indicated. The proposal must come from the Chief Justice of India. Now about the question of difficulty being created unless the South has a bench of the Supreme Court, the hon. member may be informed that even the South could not agree where it should be. Tamilnadu wanted it in Tamilnadu; Kerala wanted it in Kerala; Hyderabad, wanted it in Hyderabad; Nagpur wanted it in Nagpur. Now, it takes the same time to come from Tamilnadu to Hyderabad as from Hyderabad to Delhi. I think it will cost the same money. Therefore, I think the proposal of the Chief Justices who had assembled quite some-time back was that the only way to remedy the hardship of the people would be to make legal aid to the poor more easily available.

PROF. P.J. KURIEN: Are you prepared to look at this problem afresh and address to the Chief Justice of India to send a proposal for setting up a bench of the Supreme Court in the South?

SHRI A. K. SEN; First of all, the South must agree where it should be; and secondly, we had enough of it. If South wants it, then Kerala will also want it. Tripura will also want it, Assam will also want it; everybody will want it.

SHRI P. KOLANDAIVELU: Sir, litigation is becoming costly now and we have already sent proposals from the Tamil Nadu Government to the Chief Justice of India and also to the Union Government for setting up a Bench of the Supreme Court in Tamil Nadu because Tamil Nadu

happens to be centrally located for the South, and it is proper for the Union Minister to set up a Bench there. May I know the position of that proposal?

SHRI A. K. SEN: There is a good deal of dispute as to whether Tamil Nadu is situated at the centre. When Mohammad Bin Tughlaq shifted his capital from Delhi it was Devagiri and not Tamil Nadu!

MR. SPEAKER: Shri Jaipal Reddy. Now your State is in the Centre!

SHRI SUDINI JAIPAL REDDY: I do not want to walk into the trap laid for us by the Minister. He was trying to tie us into dirty knots. My point is this. Let them locate it anywhere in the South, it is welcome. But will the Minister take a decision? There are always problems in location of industries.

MR. SPEAKER: Let us take a ballot.

SHRI SUDINI JAIPAL REDDY: Are you, therefore, not locating industries at all? That should be no argument. I am only pleading with the Minister whether he would take up with the Supreme Court of India and do something about it.

MR. SPEAKER: Dr. Kalanidhi.

(Interruptions)

SHRI A. K. SEN: I did not give any replay because the Hon. Speaker has called somebody else. The answer is very clear.

MR. SPEAKER: I thought it was a suggestion.

SHRI A. K. SEN: I too thought that it was a suggestion. The suggestion will be certainly considered. But the Chief Justice must make a proposal under the Constitution. We cannot short circuit the constitutional

procedure. At least as a Law Minister I do not advise it.

DR. A K. ALANIDHI : The hon. Minister says that the Chief Justice of India should be convinced. I would like to know from the hon. Minister whether he is aware that the Chief Justice of India had visited Tamil Nadu and that he was convinced of the need for setting up a Bench of the Supreme Court in Tamil Nadu. The Government of Tamil Nadu has allotted a place also and made a proposal to shift the Law College also. Is the hon. Minister aware that the Chief Justice of India is willing to have a Bench in Tamil Nadu, to be located in the Madras city ?

SHRI A.K. SEN : The hon. Member knows more about the conviction of the learned Chief Justice and myself. But the only way to find expression of his conviction would be to make such a proposal.

SHRI A.K. PANJA : Would the Government, as a matter of policy, set up such benches in Bombay, Madras and Calcutta ?

SHRI A. K. SEN : The proposals must also come from the Chief Justice and then we will consider it.
(Interruptions)

Enquiry into Malpractices in Elections

*44. **SHRI VIJAY KUMAR YADAV :** Will the Minister of LAW AND JUSTICE be pleased to state :

(a) whether his attention has been drawn to various newspaper reports about rigging and malpractices during voting for Lok Sabha elections in December, 1984 ;

(b) if so, whether Government propose to make an enquiry into these allegations; and

(c) if so, the details thereof ?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI H.R. BHARADWAJ): (a) to (c) : The hon. Member knows that under the Constitution the process of holding the election and conducting the election vests in the Election Commission. And it is not merely on the reports of the newspapers that the Election Commission takes cognisance. The Election Commission has to act on the reports of the Returning Officers and observers and on the complaints made by the relevant parties to the election. Thereafter the Election Commission makes up its mind as to how to act in a particular case, Newspaper reports are essentially one of the sources of information to the Election Commission. Such reports were received and in pursuance of those reports the Election Commission did take action in approximately 53 cases. It is very well known to the hon. Member that in all these cases, some polls were adjourned, others were vitiated and repoll was held. The Government has absolutely no roll in the conduct of elections, vitiating the poll or adjourned the poll. According to the constitutional provisions, when the election process starts, the powers vest in the Election Commission itself. So whatever was necessary was done during the Lok Sabha polls. There is no question of the Government going into all these details because the Government does not have any power to do so. When there is a demand by the hon. Members that the Government should act, they must also appreciate that the moment the Government interferes, there will again be a cry that there is interferences, by the Government.....
(Interruptions) In 8 cases the poll was adjourned and in almost 264 polling stations the poll was vitiated...
(Interruptions) So far as rigging is concerned, you will appreciate that it is more on the other side than on our side.

[Translation]

SHRI VIJAY KUMAR YADAV : Mr. Speaker, Sir, the intention behind