

LOK SABHA DEBATES

1

LOK SABHA

Tuesday, March 4, 1986/Phalgun 13,
1907 (SAKA)

The Lok Sabha met at
Eleven of the Clock

[MR. SPEAKER *In the Chair*]

ORAL ANSWERS TO QUESTIONS

[*English*]

SHRI DINESH GOSWAMI : You look very relaxed.

MR. SPEAKER : As you are sitting there, why should I not be relaxed ?

[*Translation*]

I have so many well-wishers here.

[*English*]

Setting up of a Bench of Allahabad High Court in Western U.P.

*123. SYED SHAHABUDDIN : Will the Minister of LAW AND JUSTICE be pleased to state :

(a) whether Government are aware of the renewed agitation in Western Uttar Pradesh on the demand for establishment of a bench of the Allahabad High Court in that area;

(b) the date on which Jaswant Singh Commission submitted its report;

(c) the recommendation of the Commission on this demand; and

2

(d) the reasons for the delay in placing the report on the Table of the House and its implementation ?

THE MINISTER OF LAW AND JUSTICE (SHRI A.K. SEN) : (a) The Government is aware that the people of Western Uttar Pradesh are pressing for the establishment of a Bench of the Allahabad High Court in that region.

(b) to (d) Jaswant Singh Commission submitted its report on 30th April, 1985. The report is engaging the attention of the Government and it would not be possible to disclose its recommendations at this stage. The Report will be placed in Parliament after the issues covered by it have been considered by the Government. The Government is considering the matter from an overall point of view in the context of a general policy for setting up of multiple Benches of different High Courts.

SYED SHAHABUDDIN : Mr. Speaker, Sir, first I would like to compliment the Hon. Minister of Law and Justice for the under-statement of the year that the people of Western Uttar Pradesh are pressing for it. For five years they have been agitating and on the opening day of the Parliament, the representatives of the Bar associations of the entire eastern region of Uttar Pradesh agitated outside the Parliament... (*Interruptions*).

MR. SPEAKER : Agitation means pressing, Sir.

SYED SHAHABUDDIN : Yes, it does. That is why I said it is an under-statement; I did not say it was a misstatement (*Interruptions*.)

They got themselves arrested, and they got beaten up by police. I find that the Report has been submitted by the Jaswant

Singh Commission on the 30th April, 1985. Ten months have elapsed. This agitation or pressure whatever you call it, has been going on for the last five years. The matter was urgent, so a Commission was appointed. Now the Report is lying with the Government for the last ten months pending consideration and the Hon. Minister says it would not be possible to disclose its recommendations. Surely it is possible; it may not be desirable from the point of view of the Minister. There is a distinction between possibility and desirability. He may plead that he does not like to do it but surely it is possible for him to take the parliament into confidence on an issue which has engaged public attention for such a long time. My question is that there are a number of High Courts in the country with multiple Benches and this question of a general policy has never arisen until now. In my State of Bihar a Bench was recently established at Ranchi...*(Interruptions)*.

MR. SPEAKER : Please don't elaborate. You just put the question.

SYED SHAHABUDDIN : So, my question is 'can he just inform us about the number of High Courts which already have multiple Benches, and the High Courts, apart from the Allahabad High Court, in which new Benches are sought'.

[*Translation*]

SHRI A.K. SEN : Mr. Speaker, Sir, the weapon of agitation is pressure and the weapon of pressure is agitation.

[*English*]

Both are inter-connected. The pressure and agitation are handmaids of each other. That is why I think pressure includes both. There is no under-statement. About the possibility of publishing the Report, I have, in the other House also, invited all the Members from Uttar Pradesh to sit together and inform the Government in which particular place they want this High Court.

[*Translation*]

Had we published this report, the people of Meerut would have started an agitation and

had we said something else, those from Allahabad would have started an agitation, people of Agra would have launched an agitation ..*(Interruptions)*.

Therefore, due to the apprehension of an agitation, we are not in favour of presenting this report. Hence, as long as you do not come to a agreement on the location of the of High Court, this report is not going to be placed on the Table of the House... bench ...*(Interruptions)*.

SYED SHAHABUDDIN : What I had asked was the number of High Courts which already have multiple Benches and the High Courts of which new Benches are sought to be established ? I have not received reply to this question.

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ) : I am replying to that. In Uttar Pradesh there is a Bench of High Court in Lucknow apart from Allahabad. In Madhya Pradesh the Benches of the High Court are in Gwalior and Indore. In Maharastra, these Benches are in Nagpur and Aurangabad. In Bihar, the Bench is in Ranchi and in Rajasthan it is in Jaipur. In Goa, Daman and Diu, the Bench is in Panaji. These High Courts are such whose benches are located in other places. So there are benches at different places apart from the Principal Seat. In case you want more information, you can ask.

SYED SHAHABUDDIN : May I know the names of the places for which suggestions have been received ?

SHRI A. K. SEN : As I told you earlier, it is you people who have to decide it. All Members of Parliament from Uttar Pradesh, irrespective of their party affiliations, should sit together and decide where the new Branch should be located.

SYED SHAHABUDDIN : What I asked was whether there were similar other suggestions before you ? Since, the Hon. Minister has raised the question of general policy. I want to know the names of the places for which suggestions have been received apart from Western Uttar Pradesh ?

SHRI H.R. BHARDWAJ : Apart from this suggestion; there are suggestions from the entire North East for setting up High Courts in each State. These suggestions are from Mizoram, Arunachal, Meghalaya and Tripura. Sikkim has already got one. Apart from that, Andhra Pradesh, Madhya Pradesh and Tamil Nadu have their own High Courts. Such Suggestions have been received from almost all parts of the country.....
(*Interruptions*)...

[*English*]

SYED SHAHABUDDIN : The Minister said in his reply that the people of Western region of Uttar Pradesh are not unanimous about the location of the proposed Bench of the High Court. I would like to submit in this connection that the Minister is misinformed on this point. The convention of the Lawyers of Western U.P. has adopted a unanimous resolution saying the Government to establish the Bench at any place of its choice in any of the district headquarters in Western U. P. and they would agree. Therefore this is merely an alibi on the part of the Government which is not a desirable thing at all. Therefore I would like to know from the Hon'ble Minister whether Jaswant Singh Commission Report itself has not suggested a specific place? What is the harm if the Government accepts the recommendation of the Jaswant Singh Commission on this point?

SHRI A. K. SEN : It is not a question of some Lawyers' Association passing a Resolution. (*Interruptions*)

SYED SHAHABUDDIN : It is they who initiated the demand.

(*Interruptions*)

SHRI A.K. SEN : We have always said that the situation is to be viewed according to the convenience of the litigant public. Allahabad lawyers are not agreeing, I can tell the Hon. Member very clearly.

(*Interruptions*)

[*Translation*]

MR. SPEAKER : Others also come with suggestions. They have met me also.

SHRI A.K. SEN : I have already requested you all to sit together and decide the location of the Bench. You tell us; how lawyers are concerned with it? You sit together irrespective of your party affiliations and let us know where the Bench is to be set up?

SYED SHAHABUDDIN : I had asked whether Jaswant Singh Commission had given any view in this regard?

[*English*]

PROF. MADHU DANDVATE : He asked about Jaswant Singh Commission Report. It was a pointed question.

MR. SPEAKER ; He cannot disclose them.

PROF. MADHU DANDVATE : He is hiding too many things.

SHRI A. K. SEN : The question is this.....

MR. SPEAKER : No. I am not allowing him.

(*Interruptions*)

[*Translation*]

SHRI K.N. PRADHAN : Mr. Speaker, Sir, ever since the Executive and the Judiciary came into being, a care has been taken at all times and everywhere to see that the Executive and the Judiciary are located at the same place. Almost all States have their High Courts in their respective capitals. The only exception is Madhya Pradesh—the biggest State located in the heart of the country. There is no High Court in Bhopal—the capital of the State. Simple persons like me would not ask for a High Court there and would be content with the setting up of a Bench only. I want to know from the Hon. Minister whether he would give importance to this principle also in the general principles governing the establishment of such Benches.

SHRI H. R. BHARADWAJ : Sir, in reply to the question of Shri Shahabuddin, I had stated that Madhya Pradesh has a

different problem. They have got High Court and its Benches at Gwalior, Indore and Jabalpur but there is neither a High Court nor a Bench at Bhopal—the capital of the State. Their suggestion in this regard is already with us. Therefore, we have to decide in principle whether High Courts should essentially be located in the State capitals and what should be the distance. The distance between Indore and Bhopal in Madhya Pradesh is very short. However, the request of the State Government is pending and it is receiving consideration.

MR. SPEAKER : All the people have the same problem.

(Interruptions)

[English]

Clearance to Puyankutty Hydro-Electric Project in Kerala

*124. PROF. P.J. KURIEN : Will the Minister of ENERGY be pleased to state :

(a) whether the Puyankutty Hydro-Electric Project in Kerala was cleared by the Central Electricity Authority in 1984.

(b) whether the Planning Commission has accorded investment approval for this scheme;

(c) if not, when it is likely to be approved;

(d) whether any foreign assistance is being sought for this scheme; and

(e) if so, the details thereof and the likely time by which this project will be completed ?

THE MINISTER OF ENERGY (SHRI VASANT SATHE) : (a) The Puyankutty hydel project of 240 MW estimated to cost Rs. 250 crores, was cleared by the Central Electricity Authority in 1984.

(b) and (c), The project can be considered for approval by the Planning Commission on the basis of an adequate allocation by the State Government in their Plan within the approved outlay.

(d) A decision regarding external assistance can be taken only after the project is sanctioned by the Planning Commission and clearance under the Forest (Conservation) Act has been obtained by the State Government.

(e) Does not arise.

PROF. P. J. KURIEN : Sir, the estimated cost of the project is Rs. 250 crores. The Minister is aware that if the implementation of the project is delayed, the cost will escalate and we have a number of examples for the cost increasing two-fold or three-fold on the one hand, and at the same time the plan targets are not achieved because the projects are not implemented on time. In this case you have already mentioned that the Central Electricity Authority has cleared the project and again the Department of Environment has cleared the project. In that case I would like to know from the Hon. Minister what are the actual impediments standing in the way of the implementation of the project. Also I would like him to tell this House when the implementation of this project can be started.

SHRI VASANT SATHE : As I said, it is a State project. So, the State has to provide for adequate funds. As I have stated, Rs. 250 crores will be required at 1982-83 prices. For that at present they have made a provision of a meagre sum of Rs. 10 lakhs. For the whole of the Seventh Five-Year Plan they are providing for 1986-87 Rs. 1.5 crores. In the Seventh Five-Year Plan at this rate they will need to provide at least Rs. 150 crores. Unless that is done by the State Government for a project of Rs. 250 crores, no further progress is possible.

Then, another factor is the clearance of the Forest Department. That also has to be obtained by the State Government from their own Forest Department. Unless these two things

SHRI UTTAM RATHOD : It is not from their own Forest Department. They have to obtain clearance from you. It is the Central Government which has to clear it under the Central Forest Act.