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Title: Discussion on the motion for consideration of the Delhi High Court (Amendment) Bill, 2015 (Discussion not concluded).

HON. SPEAKER: Now, the House will take up Legislative Business. Item No. 19 under Bills for consideration and passing – Shri D.V. Sadananda Gowda.

...(Interruptions)

माननीय अध्यक्ष : जो भी आप कर रहे हैं, वह उचित नहीं है। मैंने कहा है कि सदस्यगण अपने अपने पोस्टर्स लेकर वापस जाएँ, अपने-अपने स्थानों पर वापस जाएँ। यह तरीका नहीं है।

...(व्यवधान)

THE MINISTER OF LAW AND JUSTICE (SHRI D.V. SADANANDA GOWDA): Madam Speaker, I beg to move:

"That the Bill further to amend the Delhi High Court Act, 1966, as passed by Rajya Sabha, be taken into consideration."

HON. SPEAKER: Motion moved:

"That the Bill further to amend the Delhi High Court Act, 1966, as passed by Rajya Sabha, be taken into consideration."

SHRIMATI MEENAKASHI LEKHI (NEW DELHI): Madam, I am speaking from seat No 249. I hope, you would permit me to speak from here. ... (Interruptions)

We are supporting the Bill under consideration because people are demanding justice and there are people who are waiting for justice. People are waiting for justice because there is a huge pendency of cases in the courts. ... (Interruptions)

This Bill seeks to amend Section 5 of the Delhi High Court Act and Section 25 of the Punjab Courts Act. It seeks to enhance the original pecuniary jurisdiction of the Delhi High Court and 11 district courts in the National Capital Territory of Delhi from Rs. 20 lakh to Rs. 2 crore. ... (Interruptions)

The Statement of Objects and Reasons to the Bill mentions that enhancement of said jurisdiction would reduce the work load of High Court of Delhi as well as pendency therein and also provide justice at the door steps of the litigant public with reduced cost of litigation and maximum convenience.... (Interruptions)

The Bill empowers the Chief Justice of Delhi High Court to transfer any pending suit to a relevant subordinate court.

It observed that following such amendment, around 12,211 cases, which are pending in the High Court of Delhi, would be distributed amongst 11 district courts. This would facilitate speedier disposal of these cases.... (Interruptions)

The change in pecuniary jurisdiction of other courts has happened in the earlier years. The pecuniary jurisdiction of High Court of Bombay was last revised in the year 2012 to Rs.1 crore by effecting amendment to the Bombay City Civil Court Act, 1948. However, Section 3 of the said Act permits the High Court of Bombay to retain jurisdiction over matters connected with Intellectual Property Right, Letters of Patent, Parsi Marriage and Divorce etc. Even if valuation of suits thereon is less than Rs.1 crore, the High Court of Bombay can consider it.â€ (Interruptions)

The pecuniary jurisdiction of High Court of Kolkata was last revised in the year 2013 from Rs.10 lakh to Rs.1 crore by effecting amendment to the Kolkata City Civil Court Act, 1953. Section 5 of the Act however provides concurrent jurisdiction to both High Court of Kolkata and Kolkata Civil Courts on the suits whose valuation exceeds Rs.10 lakh but not exceeds Rs.1 crore.

Both Union Parliament and State legislatures have concurrent power and competence to alter the pecuniary jurisdiction of High Courts and District Courts by the combined reading of Article 225, Entry 78 of List 1 (Union List) and Entry 11A, 13, 46 of List III which is the Concurrent List of the Constitution.... (Interruptions)

Article 239 AA(3)(a) under Part VIII of the Constitution *inter alia* expressly curtails the legislative power of NCT of Delhi to make such amendments to law under Entry 65 of List II which is the State List under the Seventh Schedule of Constitution. Insofar as that relates to Entry 1, which is a public order, Entry 2 of police and Entry 18 of land, it is relevant to note that Entry 65 of the State List talks about jurisdiction and power of all courts except the Supreme Court with respect to any matter in the said List.... (Interruptions)

The full Bench of the Delhi High Court in the case of Geetika Panwar and Delhi High Courts Bar Association versus NCT of Delhi and others in 2003 had held that the Delhi High Courts (Amendment) Act, 2001 passed by the Legislative Assembly of NCT of Delhi to increase pecuniary jurisdiction of High Courts of Delhi and District Courts in Delhi from Rs. 5 lakh to Rs.20 lakh as ultra vires as NCT of Delhi has no legislative competence to amend the Delhi High Court Act, 1966. It had held that Parliament alone has the power to alter jurisdiction of High Court of Delhi.... (Interruptions)

Madam, Speaker, with reference to this, I specifically wish to mention the number of cases which are pending before the Courts and the situation which has changed. If we compare the High Court of Bombay, in 2003 there were about 42,293 cases, in 2008 the pendency pertains to 41,765. In 2013 the number has reduced to 6081. In Kolkata while the pendency in 2003 was 10,623, in 2008, after the amendment, it got reduced to 7,879 and

in 2003 it has got reduced to 6,932....(*Interruptions*) In Delhi the pendency in 2003 was 7,853, in 2008 the pendency of civil suits increased to 2,815. In 2013, the number has increased to 12963 which is close to 13,000 cases. In Himachal Pradesh, in 2003, the pendency of cases was 195 which increased in 2008 to 365 and in 2013, the same has come to 354â€; (*Interruptions*). In Madras, in 2003, the pendency was 4300, in the year 2008, it became 6249 and in 2013, it rose to 6326....(*Interruptions*)

In this regard, Madam Speaker, if the original jurisdiction gets shifted to the trial courts up to the limit of Rs.2 crore, it will enhance the expeditious disposal of cases....(*Interruptions*)

However, as regards commercial cases, I have one submission and request to make to the Government that if the Commercial Division and Commercial Appellate Division of High Court Bill, 2015, could be brought simultaneously, the cases would not have to be transferred twice over.

Thank you.

SHRI J.J.T. NATTERJEE (THOOTHUKUDI): Madam, I rise to speak on the Delhi High Court (Amendment) Bill, 2015 and I thank the Chair for this opportunity....(*Interruptions*)

This Bill is aimed at reducing the workload of the Delhi High Court which is to handle increased number of civil cases related to properties. The increased economic activity in the National Capital Region has its impact on property value....(*Interruptions*). This is reflected in the civil cases filed in the Delhi High Court. So, a way out has been found out through this Bill to see that civil cases worth lesser value of amounts will be disposed of at the level of district courts. This Bill will also benefit the poor people living in the National Capital Territory...(*Interruptions*). While filing civil cases for small amounts, they have to cover a long distance to reach the Delhi High Court and they have to spend more....(*Interruptions*). Now that this Bill changes the jurisdiction of civil suits involving value of Rs.20 lakh to district courts, poor people need not spend more time and money in civil litigation....(*Interruptions*)

Madam, ordinarily civil suits involving value of Rs. 20 lakh and above come under the High Court of Delhi...(*Interruptions*)

HON. SPEAKER: The House stands adjourned to meet again at 4.00 p.m.

14.58 hrs

*The Lok Sabha then adjourned till Sixteen
of the Clock.*

DELHI HIGH COURT (AMENDMENT)

BILL, 2015 – Contd.

HON. SPEAKER: Now the House shall take up Item No. 19 – Shri J.J.T. Natterjee to continue.

SHRI J.J.T. NATTERJEE (THOOTHUKUDI): Madam, I would like to ask a question as to how we propose to meet the increasing number of judges in the district courts to dispose of the cases in a fast track manner....(*Interruptions*) When we are shifting many cases from the high courts, naturally the burden will be shifted to the lower courts like district courts and city civil courts....(*Interruptions*) So, the need of the hour is to recruit adequate number of judges and magistrates....(*Interruptions*)

HON. SPEAKER: Mr. Natterjee, they do not want to run the House, so, you can continue tomorrow.

...(*Interruptions*)

HON. SPEAKER: The House stands adjourned to meet again tomorrow, the 28th July, 2015 at 11 a.m.

16.01 hrs

The Lok Sabha reassembled at One Minute past Sixteen

of the Clock.

(Hon. Speaker *in the Chair*)