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Title: Further discussion on the motion for consideration of the Delhi High Court (Amendment) Bill, 2015 as passed by Rajya Sabha, moved by Shri D.V. Sadananda Gowda on 27th July, 2015 (Discussion Concluded and Bill Passed).

HON. DEPUTY SPEAKER: Now, we will take up Item No. 20 – The Delhi High Court (Amendment) Bill, 2015.

THE MINISTER OF LAW AND JUSTICE (SHRI D.V. SADANANDA GOWDA): Hon. Deputy Speaker, Sir, at 5.30 p.m., we have got the Cabinet Meeting.

HON. DEPUTY SPEAKER: Before that we will finish it; do not worry. Before 5.30 p.m., we will finish it. Shri Natterjee to resume his speech.

SHRI J.J.T. NATTERJEE (THOOTHUKUDI): Hon. Deputy Speaker, Sir, ordinarily civil suits involving value of Rs. 20 lakh and above come under the original civil jurisdiction of the High Court of Delhi. This has been increasing the workload of Delhi High Court considerably. Poor people seeking justice had to face great difficulties every time. As this Bill seeks enhancement of pecuniary jurisdiction, this will help them in a big way.

In fact, the Bar Association of Delhi requested through their Coordination Committee an upward increase of value from Rs. 20 lakh to Rs. 2 crore and above. After passing of this Bill, the pecuniary jurisdiction of Delhi High Court will see a rise in the value of cases handled there. Cases pertaining to lesser value will henceforth be handled by the District Courts and the City Civil Courts. Now they will be handling cases from Rs. 5 lakh to Rs.2 crore. The Government has come forward to positively respond to both the practicing advocates and those who resort to litigation in civil matters.

In Tamil Nadu, ably led by our dynamic leader hon. Puratchi Thalaivi Amma, Judiciary is getting proper support from our Government of Tamil Nadu. Be it providing infrastructure facility or be it providing properly recruited presiding officers to administer justice, Tamil Nadu is way ahead. All these are because of the initiatives of our hon. Chief Minister Puratchi Thalaivi Amma.

In 2015-16, our State budget has earmarked a sum of Rs. 809.70 crore for Judiciary. We can proudly declare that the recruitment of 162 Civil Judges is being completed. Strengthening judicial infrastructure gets adequate attention from the hands of hon. Amma. We have also recruited 178 Civil Judges in the years 2012 and 2013.

Our Government has constituted 170 new courts. Out of them, 65 are related to land acquisition and Motor Vehicle Accident Compensation which are being set up as Special Courts. The new courts to be established would include 46 Family and Mahila Courts, 26 Judicial Magistrate Courts and Munsif Courts. Our Government has also sanctioned 90 Evening Courts over and above the existing 53 Evening Courts.

I would like to point out that no funds were released for the State of Tamil Nadu in the years 2010-11 and 2011-12 for enhancing judicial infrastructure under the Centrally Sponsored Scheme. I want to draw the attention of the hon. Law Minister to take necessary steps to release sufficient funds for still better functioning of Judiciary in Tamil Nadu.

I also deem it a privilege to showcase the achievement of our hon. leader Puratchi Thalaivi Amma who has ensured nearly 88 per cent of own buildings for the functioning of subordinate courts in Tamil Nadu. Further steps are on the anvil to provide adequate infrastructure for all the judicial institutions.

Urging upon the Centre not to lag behind in providing adequate financial support to the Judiciary, let me conclude my speech. Thank you.

SHRI TATHAGATA SATPATHY (DHENKANAL): Sir, the Delhi High Court (Amendment) Bill, 2014 is a very simple Bill. All that it wants to do is the bottom of the cases with pecuniary involvement from Rs. 20 lakh to Rs. 2 crore. This is supposedly intended to lighten the burden on the High Court of Delhi.

It is also interesting to note that when judiciary in all the States is heavily laden with disputes and long-lasting litigations, Delhi has had the good fortune that the Central Government has constituted no less than 14 Subordinate Courts to lighten the load of the High Court. I definitely welcome this step and I hope that the Government will also be considerate in setting up more Courts. In Odisha, we have a situation where we can set up more Courts whereby our judiciary will also be lightened of the load. The aim of a civilized society is that justice should be meted out as quickly as possible. So, that target can easily be met.

There was a revision like this in 2003. Till that time, the High Court had only Rs.5 lakh as a limit and from Rs.5 lakh it had been increased to Rs.20 lakh. So, my point is this. For these tertiary or secondary legal Acts, is it necessary to bring the matter to Parliament every time? I am not clear whether it is actually required or the Government can devolve the power whereby the concerned High Court itself can take a decision maybe in consultation with the Government, raise its own financial pecuniary bottom up and bring it higher, and pass on the burden to lower courts. That is something, which the Government can think about.

We recently saw an incident where the outcome of the judgment was predicted by the powers that be. I do not wish to drag in the issue of death penalty or any of these issues which have created a lot of confusion in our society. We all agree that our society is not yet prepared to do away with death penalty. We are not as yet mature enough and we have legal luminaries sitting amongst us who would enlighten us better on these issues. But, I think, the way the highest Court of the land was perceived as being pushed into doing something that the powers that be wanted, that you

have a sitting after midnight, you take this judgement and we are going ahead with our work, has created a bad taste about the system of our judiciary. Even the acts that have happened in this House have questioned the credibility of our democracy itself.

There was a rumour in between that the Government was probably trying to divert attention from other issues like Vyapam and others by creating such a diversionary tactic. I would not like to comment on those things because that is not the topic of discussion here. But we should also remember that the public in general in this country is also very observant now. The youth of this country is very observant. They are watching everything that we are doing, and they are also studying us. Let us not underestimate the public.

However, we have certain issues. I would like to point out two more things. According to the last estimate, we have more than three crore cases pending in different courts across the country. Has there been any positive move to ensure that this figure comes down? I would like to hear from the hon. Minister whether any specific steps have been taken by this Government to bring down the number of cases that are pending in different courts across the country, which amount to three crore plus cases, in the past 14 or 15 months that they have been in power.

It is said that India has about 17 Judges for one million people; and we are a very litigant nation also. To come to my State, my State of Odisha has a sanctioned strength of 27 High Court Judges but as of now, we have only 21 Judges. So, imagine the tardiness in the process of meeting out justice to the needy, to the poor and to the underprivileged!

I would like to impress upon the hon. Minister that there are many cases under the CAT, SAT, Green Tribunals etc., and these cases are also pending, which would add to this figure that I mentioned about.

I would like to know from the hon. Minister whether the Government is thinking of bringing a system of taking punitive action on the false and flimsy cases that are filed by people, which clog the machinery, which delay the actual dispensing of justice. Is there any system whereby people who file these false and flimsy cases, are also punished by the Judiciary if it is found that these cases were false?

Sir, my last suggestion would be that a system has to be worked out -- because this is a litigant nation and you want to bring down the number of litigations -- whereby the proceedings in cases must take place only when the applicant or the litigant, the one who has filed the cases, or the prosecution if it is the Government, is compelled to supply all relevant papers at all different stages, free of cost, to the accused or to the other side. That way, it would help people and would stop people from going to courts immediately at the drop of a hat. I would want the hon. Minister to give specific answers to these points.

With these few words, I support this Delhi High Court (Amendment) Bill, 2015. Thank you.

HON. DEPUTY-SPEAKER: Shri Jagdambika Pal.

SHRI JAGDAMBIKA PAL (DOMARIYAGANJ): Sir, with your permission, may I speak from this seat?

HON. DEPUTY-SPEAKER: All right.

श्री जगदम्बिका पाल (डुमरियागंज): उपाध्यक्ष महोदय, मैं आपका बहुत आभारी हूँ कि आपने देश की राजधानी दिल्ली के हाई कोर्ट के अमेंडमेंट बिल, 2014, जिस पर तमाम माननीय सदस्यों ने अपने विचार रखे हैं, पर बोलने का अवसर दिया है। सबसे पहले मैं पूरे सम्मानित सदन को धन्यवाद दूँगा, चाहे सत्ता पक्ष के सदस्य हों या प्रतिपक्ष के सदस्य हों, सभी ने हमारी सरकार द्वारा लाये गये इस विधेयक का भरपूर समर्थन किया है, स्वागत किया है। इस बिल का मकसद क्या है, इसका उद्देश्य क्या है? चाहे राज्य की सरकारें हों या केन्द्र की सरकार हो, हम लगातार कहते हैं कि देश के खेत-खलिहान, चौपाल में बैठे हुए आम व्यक्तियों को, गरीब व्यक्तियों को, सस्ता न्याय मिले, सुलभ न्याय मिले, जस्टिस एट डोर स्टेप हो। जस्टिस डिलेड, जस्टिस डिनाइट, इस तरह के कितने मैग्जिम हैं, जो देश के आम आदमी के न्याय से जुड़े हुए सवाल हैं और उनके जन-जीवन से जुड़े हुए सवाल हैं। लेकिन, इसके बावजूद भी आज जो प्रक्रिया है कि यदि किसी व्यक्ति को डिस्ट्रिक्ट कोर्ट की बजाए हाई कोर्ट में अपील के लिए जाना पड़े या सुप्रीम कोर्ट जाना पड़े, तो शायद इस देश के कन्याकुमारी से कश्मीर तक ऐसे बहुत-से लोग होंगे, उनकी बड़ी संख्या होगी, जो केवल पैसे के अभाव में शायद अपना न्याय मांगने के लिए हाई कोर्ट या सुप्रीम कोर्ट नहीं जा सकते हैं। इसलिए निश्चित रूप से यह विधेयक उन लोगों के हितों की रक्षा करेगा, उनके हक-हकूक की हिफाजत करेगा, जिनका हाई कोर्ट या सुप्रीम कोर्ट में जाने का सपना रह जाता है। इसलिए यह विधेयक उन्हें सहायता देगा, सस्ता न्याय देगा। उस दिशा में यह एक पूनर्निर्देशित विधेयक है। इसलिए मैं इसका स्वागत करता हूँ, इसका समर्थन करता हूँ।

17.00 hrs.

उपाध्यक्ष महोदय, किसी को भी न्याय पाने का अधिकार है। भारत के संविधान में जो न्याय पाने का अधिकार है, वह तीन तरह से है। पहला आर्डिनेरी ओरिजिनल ज्यूरिस्ट्रिडिक्शन होता है उसमें जाए, दूसरा एपिलेट ज्यूरिस्ट्रिडिक्शन होता है, उसमें जाने से किसी को रोक नहीं जा सकता, उसमें जाए या पी.आई.एल. के माध्यम से जाए। इस तरह से देश का कोई भी व्यक्ति या नागरिक अगर सिविल के मामले में न्याय चाहता है तो उसके सामने ये तीन रास्ते हैं। इन तीन माध्यमों में से जो आर्डिनेरी ओरिजिनल ज्यूरिस्ट्रिडिक्शन के लोग हैं, आज जो यह संशोधन बिल पास हो रहा है, दिल्ली हाई कोर्ट के एक्ट 1966 के सेक्शन फाइव के सब-सेक्शन टू में, अभी तक इसमें 20 लाख रुपए की सीमा थी। आज के समय में देखा जाए तो दिल्ली में सम्पत्ति की कीमत बहुत ज्यादा हो गई है। अगर आपको यहां छोटा सा फ्लैट भी लेना है तो वह एक करोड़ रुपए या दो करोड़ रुपए से कम में नहीं मिलेगा। इसलिए इस 20 लाख रुपए की सीमा को बढ़ाकर 5 करोड़ रुपए किया जा रहा है कि यह अब हाई कोर्ट की परिधि में होगा। मैं सरकार को और मंत्री जी को इस बात के लिए बधाई दूँगा। बहुत पहले इसकी सीमा पांच लाख रुपए थी, तब जब इसकी सीमा बढ़ाई गई थी, तब जो दिल्ली हाई कोर्ट संशोधन बिल इसके पहले आया था, वह 2003 में आया था। उस समय भी भारतीय जनता पार्टी यानि एनडीए की सरकार थी और अटल बिहारी वाजपेयी जी प्रधान मंत्री थे। तब यह ज्यूरिस्ट्रिडिक्शन जो पांच लाख रुपए था, उसे बढ़ाकर 20 लाख रुपए किया था। उस समय भी देश की राजधानी दिल्ली में रहने वाले गरीबों का अगर किसी ने खयाल रखा था तो एनडीए यानि भाजपा की सरकार ने रखा था। आज फिर एनडीए यानि भाजपा की सरकार ने इस सीमा को 20 लाख रुपए से बढ़ाकर पांच करोड़ रुपए किया है।

उपाध्यक्ष जी, मैं जानता हूँ कि आप मुझे भाषण समाप्त करने का इशारा कर रहे हैं, लेकिन मैं एक बात कहकर अपना भाषण समाप्त करूँगा। आप बड़े उदार हैं, आज जिस तरह से आपने एम.पी. लैंड की बात कही, उसके लिए भी मैं आपको धन्यवाद दूँगा।

यह बिल आम व्यक्ति के हितों की रक्षा करता है। वादकारी यानि एडवोकेट्स, अधिवक्ता, तो बार एसोसिएशन की निरंतर मांग थी कि इसकी सीमा बढ़ाई जाए। मैं समझता हूँ कि इस बिल के पास होने के बाद केवल वादकारियों को पूनर्नता नहीं होगी, बल्कि इस देश के सभी अधिवक्ताओं को भी पूनर्नता होगी। खासकर जो हमारी बार एसोसिएशन के लोगों ने इसकी मांग की थी।

में इसी के साथ अपने वक्तव्य को समाप्त करता हूँ और इस बिल का समर्थन करता हूँ।

HON. DEPUTY SPEAKER: Shri Varaprasad Rao.

We are taking up Discussion under Rule 193 at 5.30 p.m. So, we have to pass this Bill before that. Please be brief.

SHRI VARAPRASAD RAO VELAGAPALLI (TIRUPATI): Sir, in fact, it is a right step in the right direction in view of the enormous appreciation in the prices of properties. It is a good step, but I agree with an earlier speaker who was telling that it is a colonial decision which we have taken. In all other High Courts, they do not have the original jurisdiction whereas these four chartered banks of Chennai, Kolkata, Mumbai and Delhi only have this kind of a thing. I think, one can dispense with it and the Government may consider this also so that it would be easier in the years to come.

Definitely, it reduces the burden of the High Court and the litigants will also benefit enormously from the point of view of distance, from the point of view of fees and all other points of view.

Sir, in the nearby areas of Gurgaon, Noida, Faridabad etc., the district courts have unlimited jurisdiction whereas the Delhi High Court alone would be having jurisdiction up to rupees two crore. It would be unfair. Therefore, in the long run, the power of the original jurisdiction of the civil cases may be taken away from the High Court and given to the district courts so that the High Court could focus on the appeals and writ jurisdiction.

Sir, the pecuniary jurisdiction should be uniform throughout the country. Whereas it is much lesser in Tamil Nadu, in Delhi, we would have a limit of rupees two crore. While the property appreciation and currency devaluation is uniform throughout the country, raising it in the case of Delhi High Court only would be unfair. Therefore, I am of the opinion that uniform pecuniary jurisdiction may be given to all the courts and the High Courts should not be dealing with this.

Thank you very much.

SHRIMATI ANUPRIYA PATEL (MIRZAPUR): Mr. Deputy-Speaker, Sir, I rise to speak in support of the Delhi High Court (Amendment) Bill, 2015, which attempts to enhance the pecuniary jurisdiction of the Delhi High Court as well as the other 11 District Courts in Delhi as a consequence of which the Delhi High Court is going to be having its jurisdiction over suits which are above the value of Rs. 2 crore as against the earlier value of Rs. 20 lakh. In view of the devaluation of currency and the increase in the property rates of Delhi, as hon. Jagdambika Pal also mentioned that virtually nothing is available in Delhi for less than Rs. 20 lakh, so this ten-fold increase which is going to be like from Rs. 20 lakh to Rs. 2 crore is going to be in the interest of the courts.

The Delhi High Court today is in a situation that it is practically looking at every original civil proceeding. By increasing it ten-folds, we are actually going to transfer more than 12,000 cases which are pending in the Delhi High Court to the lower courts. I think it is a good idea because pendency is a serious issue and an impediment to the litigants. It is not only in the interest of the public, but also in the interest of the judiciary because a lot of judges in the lower courts are sitting idle, so we will be able to give them some work. If you look at the advantages more closely, we will find that the workload of the High Court will also come down, and there will be lesser burden on account of the court fee on the parties to dispute. The Delhi High Court would actually become a more exclusive forum which would be able to adjudicate on the cases of more serious nature. There will be better brains adjudicating on the better cases, the disputes of larger States.

I also wish to point out that this Bill is relevant because there is a need to bring uniformity in the pecuniary jurisdiction of all the High Courts across the country. All the District Courts in the neighbourhood of Delhi like Noida, Gurgaon, Ghaziabad and Faridabad, have unlimited pecuniary jurisdiction. Similarly, we have to equate the District Courts in Delhi with the other District Courts in the adjoining areas.

One more important issue I wish to point out is that this Rs. 2 crore value still remains a mystery. I would ask the hon. Minister to enlighten the House about how this figure has been arrived at. Thank you.

श्री श्मेश बिद्युड़ी (दक्षिण दिल्ली) : महोदय, मैं आपका धन्यवाद करूँगा कि आपने मुझे दिल्ली हाई कोर्ट एक्ट, 1966 की धारा-5 में संशोधन के ऊपर बोलने का मौका दिया है। यह बहुत सेंसिटिव इश्यू है और मैं आपके माध्यम से देश की जनता को भी बताना चाहता हूँ कि दिल्ली हाई कोर्ट एक्ट, 1966 की धारा-5 में संशोधन के लिए प्रधानमंत्री श्री मोदी साहब, कानून मंत्री सदानंद जी और हमारे पार्लियामेंटरी अफेयर्स मिनिस्टर श्री नाचडु जी को विशेष रूप से धन्यवाद दूँगा क्योंकि इस कानून में संशोधन की वकीलों तथा जनता की तम्बी मांग को स्वीकारते हुए भारत सरकार इसमें संशोधन करने का प्रस्ताव लाई है। दिल्ली में पिछले दिनों जिन अदालतों के वकील जनता के फायदे के लिए काफी समय से संघर्ष कर रहे थे, वे हमारी पार्टी के पदाधिकारियों और व्यक्तिगत रूप से मुझसे मिले अतः इस बिल को ताने से जो फायदे होंगे, मैं उनसे आपको अवगत कराना चाहता हूँ। नेताओं ने उनकी जायज मांगों को जो हमारे वकील हैं चाहे द्वारा का के हों या साफेत के हों या तीस हजारी के हों या पटियाला हाउस के हों, उन्होंने दिल्ली की जनता और वकीलों के हित को देखते हुए, इसको 20 लाख से बढ़ा कर दो करोड़ रुपया करने की नहीं है, महोदय, जब वर्ष 2003 में एनडीए की सरकार थी, इस रकम को बढ़ा कर पांच लाख से बढ़ाकर बीस लाख किया था। जो लोग गरीबों के हित की बात करते हैं और गरीबों के ठेकेदार होने का दावा करते हैं, वे केवल राजनीति करते रहे। पिछली यूपीए की सरकार में इनके मंत्री कपिल साहब बिलकुल " इलेवंथ ऑवर " में इस बिल को लेकर आए थे। मैं एक बात और कहना चाहता हूँ कि देश में इस तरह का माहौल पैदा किया जा रहा है कि 15 लाख रुपए हर किसी के अकाउंट में आना चाहिए। मैं चार दिन से स्लोगन भी सुन रहा था कि 15 लाख रुपए कहां गए। 15 लाख रुपए हर व्यक्ति के बैंक खाते में आ जाएं, इस बात का तात्पर्य यह था कि सरकार ने किसी को निठल्ला या आलसी बनाकर 15 लाख रुपया देने की बात नहीं कही थी बल्कि पांच वर्ष में हर व्यक्ति को लगे कि उसे 15 लाख का लाभ हुआ है। इस बिल को ताने से एक गरीब आदमी अगर हाई कोर्ट का वकील करेगा, मीनाक्षी जी बैठी हैं, इन्हें पता है कि हाई कोर्ट के वकील की फीस छोटे वकील की फीस से बीस गुना ज्यादा होती है, लोअर कोर्ट के वकील से। दिल्ली से सटा हुआ एनसीआर एरिया है, गुडगांव है, फरीदाबाद है, उसमें उनकी अनलिमिटेड पॉवर है। दिल्ली में 20 लाख का प्लॉट अनियमित कालोनी में भी नहीं आता है। मैं यह कहना चाहता हूँ कि सरकार को दिल्ली की समस्या को देखते हुए इस शक्ति को दो करोड़ रुपयों से बढ़ाकर पांच करोड़ रुपया करना चाहिए क्योंकि गरीब आदमी को वकील सस्ता मिलेगा और निचली अदालत में केस को निपटाने का प्रयास करेगा। उस गरीब आदमी का बचा पैसा बैंक में जाएगा और इसी प्रकार पन्द्रह हजार ऐसे मामले जो दिल्ली हाई कोर्ट में फंसे हुए हैं, वे अगर लोअर कोर्ट में आ जाएं, तो उनका निपटारा जल्दी हो जाएगा।

में पूछना चाहता हूँ कि कुछ लोग इस प्रकार की राजनीति करते हैं, जो वकील, एडवोकेट्स हैं, वे बुद्धिजीवी वर्ग हैं, उनसे उम्मीद की जाती है, चालीस हजार ऐसे वकीलों तक मैं यह बात पहुंचाना चाहता हूँ कि इस देश की तरक्की के लिए बुद्धिजीवी वर्ग जो संघर्ष करते रहे, उन्हें इनिशिएटिव लेना पड़ेगा। वे दस-दस बच्चे पैदा करने का फतवा देने वाले लोग देश के भविष्य के बारे में थोड़े ही सोचेंगे। इसीलिए जो गरीब लोग हैं, जो पैसा बचेगा, वह उनके खाते में जायेगा और अगर वे बच्चे पैदा करने को कहते हैं कि कुदस्त की देन है तो आंसू में इंफेक्शन हो गया, पेट में दर्द हो गया तो आंसू की इंफेक्शन के लिए वे दवाई लेने क्यों जाते हैं, फिर तो उसे कुदस्त ही ठीक कर देगी। जो इस प्रकार से मिसगाइड करने की बातें करते हैं तो गरीब आदमी के हक का जो पैसा है, वह उसकी पाकेट में जायेगा तो 15 लाख रुपये का उसे पांच साल में लाभ होगा।

उपाध्यक्ष जी, मैं आपके माध्यम से कहना चाहता हूँ कि जिस 80 प्रतिशत जनता को इस बिल के माध्यम से लाभ होने वाला है, मैं उन लोगों को यह मैसेज जरूर देना चाहता हूँ, इसमें मेरे एक-दो सुझाव हैं कि जो ज्यूडिशियरी में एडवोकेट्स बैठे हुए हैं, जो नीचे से रेवेन्यू में आयेगा, उस पैसे को बढ़ाकर उनके यहां चैम्बरों की व्यवस्था करनी चाहिए और चैम्बरों की व्यवस्था करने के साथ-साथ उन्हें काम करने का बढ़िया एनवायरनमेंट मिलेगा तो मुझे लगता है कि वे सैल्फ इंडिपेन्डेंट होकर बड़े वकील के अंडर नहीं होंगे। एक व्यवस्था होनी चाहिए कि दस साल से अधिक पुराने वकील को वह लाभ मिलना चाहिए।

मेरा अगला सुझाव यह है कि अगर ज्यूडिशियरी के अनुसार सर्किल रेट बढ़ाये जाते हैं, जिन-जिन स्टेट्स में सर्किल रेट बढ़ाये जाते हैं तो सर्किल रेट के अनुसार पिव्यूनी ज्यूडिशियल के अनुसार इनके दाम भी बढ़ने चाहिए। उसके बाद लोगों को आंदोलन और संघर्ष करने की जरूरत नहीं पड़ेगी।

इसलिए मेरा मंत्री जी से निवेदन है कि उन्होंने एक अच्छा इनिशिएटिव लिया है, इसके लिए मैं उन्हें धन्यवाद देते हुए अपनी बात समाप्त करता हूँ।

SHRI P.P. CHAUDHARY (PALI): Sir, I extend my thanks to the hon. Law Minister for bringing this Bill. It is a salutary move. Now the only question is, out of 24 High Courts, we are having basically no original jurisdiction in twenty High Courts. Only in four High Courts which are the legacy of the British era, we are having the original jurisdiction. My submission to the hon. Minister would be that in all these four High Courts, there is no need of having an original jurisdiction. There must be uniformity in view of the provisions of Section 6 of the CPC. Therefore, to create uniformity all over the country, in four High Courts, that is, Delhi, Kolkata, Chennai and Mumbai, this original jurisdiction should be taken away and uniformity should be maintained.

THE MINISTER OF LAW AND JUSTICE (SHRI D.V. SADANANDA GOWDA): Hon. Deputy Speaker, Sir, I thank all the hon. Members who have fully supported the Bill. They have given certain suggestions in addition to the matter which is discussed in the Bill.

Practically, the issue of pecuniary jurisdiction of Delhi comes under the Central Act because the Delhi High Court Act is a Central Act. Hence, the Bill has to be brought before the Parliament and we have to amend the Bill. All other amendments pertaining to pecuniary jurisdiction can be raised by the State Legislature. The States are competent to take up this issue. It is under the domain of the State Government. The State Government after due consultation with the Chief Justices can enhance this.

As far as pecuniary jurisdiction of Delhi High Court is concerned, the Coordination Committee of the Bar Association of Delhi has been representing at various forums to enhance the pecuniary jurisdiction of the Delhi Court from the existing amount of Rs.20 lakh to Rs.2 crore. The National Capital Territory of Delhi has also considered the request of the Bar Association. They also wrote to the Central Government and requested the Central Government to consider the proposal. Even the Delhi High Court has also through a Resolution on 21st November, 2012, recommended the proposal for increasing the pecuniary jurisdiction from Rs.20 lakh to Rs. 2 crore.

The property value in and around Delhi has increased by manifold. Even the present monetary jurisdiction has become so low that a case pertaining to very small property has to be filed before the High Court.

Under such circumstances, keeping in view the need to provide justice at the doorsteps to the people of Delhi, enhancing pecuniary jurisdiction will facilitate the general public to access the District Courts in the vicinity of their location. Not only that, this Bill which seeks to raise the pecuniary jurisdiction of District Courts from Rs.20 lakh to Rs.2 crore, will reduce the workload of the High Court and people living in far flung areas of Delhi would not have to cover considerable distances for approaching Delhi High Court to seek justice. At present there are 11 District Courts and three more District Courts will come up soon so that these cases can be dealt with by the District Courts in various places.

My friend raised the point with regard to pendency of cases across the country. I do concede that there is a huge pendency of cases across the country. Almost 3.6 crore cases are pending right from the Supreme Court up to the subordinate courts in various parts of the country. We are taking initiatives to see disposal of cases through alternative dispute resolution mechanisms. I would like to place on record that in last December a Mega Lok Adalat was held in almost all the courts across the country and nearly 44 lakh pending cases were disposed of. The Conference of Chief Ministers and Chief Justices was held recently wherein we deliberated and discussed with regard to the disposal of pending cases in various courts.

Increasing the number of judges in various courts has also been taken care of. In the last two years, the number of High Court judges has increased by more than 100. Now there are around 1,100 High Court judges. Even in subordinate courts also the High Court has to take care of things after due consultation with the State Government. We have already written letters to the Chief Ministers and Chief Justices of various High Courts to see that all necessary steps are taken for filling up of the vacancies of judges and disposal of the cases.

My friend from Tamil Nadu just said that no funds have been allotted to the State Government of Tamil Nadu. The Central Government has sanctioned Rs.58.35 crore under Centrally Sponsored Schemes to Tamil Nadu in 2010-11, Rs.19.53 crore in 2012-13, and Rs.73.43 crore during 2013-14. The sanctioned strength in Tamil Nadu has also gone up, nearly 980 courtrooms are available and 981 judicial officers are there, and 115 court buildings are under construction also.

My friend has made the point that pecuniary jurisdiction across the country should be uniform. As far as fixation of pecuniary jurisdiction is concerned, it comes under the prerogative powers of the State Government after due consultation with the High Court. So, the High Court has to

take care of this after the proposal comes from the State Government and the State Government has to raise the pecuniary jurisdiction.

The proposals which have come from the Coordination Committee have been forwarded by NCT of Delhi to the Central Government and even that has been supported by a Resolution of the High Court of Delhi, and it has been fully accepted by the Central Government. Hence, this pecuniary jurisdiction of Delhi High Court has to be revised. This was last revised in the year 2003 by amending Subsection 2 of Section 5 of Delhi High Court Act of 1966 and Section 25 of Punjab Courts Act of 1918.

So, all the Members who have participated in the debate have wholeheartedly supported the Bill and practically there is no confusion as far as this Bill is concerned. It is welcome by the Members. So, I once again request that the Bill may be passed.

HON. DEPUTY SPEAKER: The question is:

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

The motion was adopted.

HON. DEPUTY SPEAKER: The House shall now take up clause by clause consideration of the Bill.

Shri A. Sampath to move the Amendment No. 1 to Clause 2. He is not present.

Clause 2 Amendment of Section 5

HON. DEPUTY SPEAKER: The question is:

"That Clause 2 stands part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clauses 3 and 4

Amendment of Punjab Act VI of 1918, as in force in the NCT of Delhi, and Power of Chief Justice to transfer pending suits and proceedings to subordinate courts

HON. DEPUTY SPEAKER: Shri A. Sampath to move the Amendment No. 2 to Clause 3. He is not present.

The question is:

"That Clauses 3 and 4 stand part of the Bill."

The motion was adopted.

Clauses 3 and 4 were added to the Bill.

Clause 1, Enacting Formula and the Long Title were added to the Bill.

SHRI D.V. SADANANDA GOWDA: I beg to move:

"That the Bill, as amended, be passed."

...(Interruptions)

HON. DEPUTY SPEAKER: Motion moved:

"That the Bill, as amended, be passed."

â€¦ (Interruptions)

HON. DEPUTY SPEAKER: Shri Ramesh Bidhuri, do you want to say something?

श्री रमेश विधुडी : उपाध्यक्ष महोदय, मेरा माननीय मंत्री जी से निवेदन है, मैंने एक रिव्यू के थ्री कि इसमें पितृव्य के अनुकूल जो वहां की सम्पत्ति के रेट्स बढ़ते हैं, उस सम्पत्ति के रेट्स के अनुसार जो स्टेट बढ़ाती है, उसके अनुसार ये बार-बार जो आन्दोलन होते हैं, जो एडवोकेट्स वगैरह चक्कर लगाते हैं, वे घरों पर बैठते हैं, इसके लिए सरकार ऑटोमैटिकली एक ऐसी व्यवस्था करे कि ऑटोमैटिकली केस की रकम बढ़ जानी चाहिए, क्योंकि, लोअर कोर्ट में जो फीस गरीब आदमी देता है, उसकी फीस कम होती है। अगर वह बेवारा हाई कोर्ट के बाद उसकी अपील सुप्रीम कोर्ट में जाकर करेगा, मैं फिर दोहराना चाहता हूं, दिल्ली में पांच करोड़ का आजकल 100 गज का प्लॉट नहीं आ रहा, इसलिए मेरा मंत्री जी से निवेदन है कि इसमें उनको एक एमेंडमेंट करना चाहिए कि जो सर्किल रेट बढ़ता है, उसी के हिसाब से ही स्टेट को रेट तय करना चाहिए, दिल्ली कैपिटल है, राजधानी है और हाई कोर्ट के बाद आदमी को सुप्रीम कोर्ट जाने की छूट मिलती है। सुप्रीम कोर्ट का एडवोकेट एक आदमी तो...(व्यवधान)

SHRI D.V. SADANANDA GOWDA: Hon. Deputy Speaker, the proposal from the Coordination Committee of Bar Association of Delhi was to raise the pecuniary decision from Rs 20 lakh to Rs two crore. That has been supported by the NCT Delhi. Their request is also for increase from Rs 20 lakh to Rs two crore only. Even the High Court through a resolution recommended the same amount that is from Rs 20 lakh to Rs two crore. When time comes after five or ten years when the property value and other things go higher, then only it can be taken up. At present, this is the proper step that has been taken by the Government.

HON. DEPUTY SPEAKER: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

THE MINISTER OF URBAN DEVELOPMENT, MINISTER OF HOUSING AND URBAN POVERTY ALLEVIATION AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI M. VENKAIAH NAIDU): Hon. Deputy Speaker, as per the agenda we have to take up the Negotiable Instruments (Amendment) Bill, 2015. I suggest that we can take it up tomorrow and now we can take up the discussion under Rule 193.

HON. DEPUTY SPEAKER: It is all right.