

manner as Lord Rama had once resolved to free the society, the earth from the evils of the wicked people and the demons. Today the Supreme Court has reaffirmed the same thing that 'Nishichar heen karoon mahi, kar uthaye bhujdand'...(Interruptions) you are not in the court. Are you a criminal? Why are you worried? Are you also a criminal?...*(Interruptions)*.

[English]

MR. DEPUTY SPEAKER : Let the hon. Minister move the Bill.

THE MINISTER OF STATE OF THE DEPARTMENT OF LEGAL AFFAIRS, LEGISLATIVE DEPARTMENT AND DEPARTMENT OF JUSTICE (SHRI RAMAKANT D. KHALAP) : I beg to move :

"That the Bill further to amend the Supreme Court Judges (Conditions of Service) Act, 1958 and the High Court Judges (Conditions of Service) Act, 1954, as introduced in the Lok Sabha on the 11th July, 1996 be taken into consideration."

This Bill has been introduced with the specific intention of increasing the quota of petrol and sumptuary allowance to the High Court Judges and Supreme Court Judges. Substantial improvements in the service conditions of the Judges have been made from time to time and the present Bill is as a result of our concern for bringing about further improvements in the conditions of service of the judges.

There had been an increase in the price of petrol from time to time. The Judges have to undertake more journeys for attending seminars and conferences these days. The Chief Justices and judges are also required to hold periodical meetings of Judicial Officers and with the members of the Bar. Considering the increase in the cost of eatables and considering the increase in the price of petrol, it has become necessary to amend the aforesaid Acts to increase the sumptuary allowances and conveyance facilities to the Chief Justices and Judges.

I, therefore, expect the wholehearted support of the House to this Amendment Bill.

MR DEPUTY-SPEAKER : Motions moved :

"That this House disapproves of the Supreme Court and High Court Judges (Conditions of Service) Amendment Third Ordinance, 1996 (No.29 of 1996) promulgated by the President on 21 June, 1996."

"That the Bill further to amend the Supreme Court Judges (Conditions of Service) Act, 1958 and the High Court Judges (Conditions of Service) Act, 1954, be taken into consideration."

Now Shri P. Chidambaram, the Minister of Finance will make a statement on interims relief to Central Government employees.

17.39 hrs.

## STATEMENT BY MINISTER

### Interim Relief to Central Government Employees

THE MINISTER OF FINANCE AND MINISTER OF COMPANY AFFAIRS (SHRI P. CHIDAMBARAM) : Mr. Deputy Speaker, Sir, I am pleased to inform the House that based on our discussions with the Pay Commission and the representatives of the staff side, we have requested the Pay Commission to consider whether another instalment of interim relief may be granted to the Central Government employees and, if so, to make suitable recommendations in this regard. Any amount of interim relief recommended by the Pay Commission and accepted by the Government will be fully adjusted against and subsumed in the final recommendations of the Pay Commission. The aforesaid formula is acceptable to all parties concerned.

The Pay Commission has also informed us that the final report will be available towards the end of September, 1996.

SHRI BIJU PATNAIK (Cuttack) : Have you got Rs.5000 crore?

SHRI P. CHIDAMBARAM : It is only to be adjusted.

SHRI BIJU PATNAIK : What do you mean by "adjusted?" Do you mean more income?...*(Interruptions)*

SHRI P. CHIDAMBARAM : No. It will be adjusted against the final recommendations in the final report.

17.40 hrs.

## STATUTORY RESOLUTION RE:DISAPPROVAL OF SUPREME COURT AND HIGH COURT JUDGES (CONDITIONS OF SERVICE) AMENDMENT THIRD ORDINANCE, 1996.

AND

## SUPREME COURT AND HIGH COURT JUDGES (CONDITIONS OF SERVICE) AMENDMENT BILL, 1996—CONTD.

SHRI BIJU PATNAIK (Cuttack) : Mr. Deputy-Speaker, Sir, I would take just a minute. All that I wanted to say about this Bill is that some more emoluments be given to the Judges. As you said, one hour has been allotted to this Bill. We should pass this Bill without any discussion and we can adjourn for the day. Some more emoluments have to be given because of the increase in the price of petrol etc. Let us pass it and forget about it. As far as we are concerned, the nation is thankful to them. They are doing a good work for the nation. Therefore, we should take care of them. Whatever little increase is given here and there, they must have the

benefit of these things. Let us pass this Bill without discussion.

MR. DEPUTY-SPEAKER : I have got a list of six more Memers. They want to speak.

[Translation]

SHRI SATYA PAL JAIN (Chandigarh) : Mr. Deputy Speaker, I feel that the suggestion has been made by Shri Biju Patnaik in the spirit with which this House wishes to discuss this Bill. He has mentioned about the time allotted to this Bill. If he has such a high thinking about the judiciary that he wants this Bill to be passed without any discussion, then I would like to say something about the judicial system, which I hope would be of some help. Therefore, I may be allowed to speak for a little time.

Our society rests on the three pillars i.e. the Legislature, the Executive and the Judiciary and this is what we all believe in. I do not wish to say anything about any party or the Government, so far as the question of judges' salary is concerned. I feel that we should rise above the party politics to consider this Bill.

It is the misfortune of this country that the image of the Executive and the Legislature has been lowered in the society and none can be blamed for this. I am not talking about any person or any party. I am speaking about the system. We were under the impression that the Legislature is controlling the Executive but the truth is that it does not matter whether one is Chief Minister or the Prime Minister but presently Legislature is not controlling the Executive rather the Executive is controlling the Legislature. This type of situation is prevailing in every state and in every party. De to this the role expected to be played by the Executive and the Legislature in the society has been lessend to an extent. Just now the member from Himachal Pradesh was saying that Judges do not do any work and some members were of the opinion that judges do not perform their duties properly. In this connection I want to say that unfortunately the moral deterioration has set in all walks of life in the country. At some places it is lesser and at others it is more.

[English]

Somewhere it has affected less and somewhere it has affected more. But it has adversely affected all sections of society. Let us admit that.

[Translation]

Shall I believe that the judiciary system and our judges are giving a better performance in comparison to the other systems. I have been practising law for 15-16 years. We had very good judges who were in active politics earlier. We had such judges in the High Court who had served as Chairman of Legislative Assembly earlier. As judges, the judgements given by them have been very remarkable. Once a widow sent a postcard

that haer husband has expired and she has not got any pension and gratuity, the High Court Judge gave his judgement in this case by converting the postcard into writ petition. I remember that we had a judge, Shri Mela Ram Sharma. Once a lady had filed a writ that 15 years had passed since her husband's death and she had not received the pension as yet.

SHRI SONTOSH MOHAN DEV (Silchar) : You are talking about which High Court?

SHRI GIRDHARI LAL BHARGAVA (Jaipur) : Shri Guman Mal ji had also given such a judgement.

SHRI SATYA PAL JAIN : I am talking about Punjab-Haryana High Court I want to point out that judiciary is also facing this type of problem. I think that this Bill has also been brought with the same spirit. Today, the judiciary requires talented people. Shri Kalpanath was also complaining. This problem is being faced in judiciary. The main reason for it is that the prominent lawyers get so much fees and facilities in private practise that many facilities are curtailed after being elevated to the position of a judge.

Everyone thinks twice before accepting the position of a judge. Unless you provide all the facilities and appropriate salary to the judges, the talented people won't join it and in the absence of talented people, the virus prevalent in the other walks of society could affect the judiciary also. Therefore, it is imperative that judges should be given appropriate allowances. A suggestion has been made regarding increasing the petrol limit from 150 litres to 200 litres or incresing the amount from Rs.3000 to Rs.3500 which is too less but still we welcome it so that talented people may join the judiciary. There are many prominent advocates in High Court who have addressed the Parliament also but when they were offered the post of judge, they refused to accept it and said that they pay more salary to their 'Munshi' than is being given to a judge. I am mentioning it from economic point of view.

Shri Lodha ji has mentioned judicial activism which is an issue being discussed widely. I wish to bring to your notice two aspects of this issue. It is ture that if judges develop a habit of exercising their power more than the required limit, it is not good for the system because the bitter reality is that there is no controlling authority for judges. If a political leader does something wrong he will have to face the criticism as he has to face the elections, he will have to go to his constituency. Newspapers and public, both can criticise him. But we will have to congratulate the Judicial system on account of the action initiated by our judges in India against corruption and various other issues irrespective of the party affiliation of the person. This makes them worthy of appreciation. I do not wish to mention any party. Allegations were levelled on the former Ministers, Prime Minister, MPs and MLAs under case 'A' or case 'B' and the Supreme Court had to issue the directives that the cases should be registered and actio be taken against

them. Though in such cases, the cases should have been registered in an ordinary way. If you go to a police station and make a complaint that a certain person has raped my sister or that person has stolen my belongings or that a certain person has murdered someone, the foremost action to be taken by the police station is to register a FIR. But in this country, FIR regarding the riots in Delhi in 1984 was not registered for 12 years. Nothing can be more unfortunate than this. Hence the judgement given by the judges of Supreme Court really deserves appreciation. Similarly the judgement given in the case of accommodations is also commendable. Those who get the accommodation once, did not vacate it. People used to submit certificates on false grounds that they have a heart problem and they have to get a medical check up done etc. The Supreme Court gave its judgement that the houses should be vacated within two months, otherwise they will have to pay the market rate. The Supreme Court judges have given many such judgements which have created a sense of respect in the hearts of the people and this should be strengthened further. Shri Lodha has mentioned one more point and I would like to support it. Since we are discussing the Bill related to the Service conditions of High Court and Supreme Court judges, that is why we are paying attention to it, although it is not sufficient. Shri Ramakant has said that the issue of amendment has been raised after a period of ten years...*(Interruptions)* Mr. Speaker, Sir, I have seen sub-Judges, District judges, additional judges in the lower courts and when we attend their courts, we find them wearing a black tie over a printed shirt. They say what should they do. If you expect that with Rupees two thousand, two and a half thousand or three thousand...*(Interruptions)*

SHRI KALPNATH RAI (Ghosi) : What is the status of a Member of Parliament?

SHRI SATYA PAL JAIN : I am replying to your question.

SHRI KALPNATH RAI : Who else is poorer than a Member of Parliament in India. I consider Mr. Somnath Chatterjee as our judge. He belongs to Communist party.

About 500 persons from U.P. and Bihar come to my residence daily. When I visit my constituency, the people of my constituency offer me tea and lunch. But if the people of my constituency come to my residence, I am not in position even to offer them tea because of my inadequate salary.

SHRI SYED MASUDAL HOSSAIN (Murshidabad) : I belong to C.P.M. I surrender my whole salary in my party fund.

Yet, my position is good...*(Interruptions)*

MR. DEPUTY SPEAKER : Let him speak first...*(Interruptions)*

PROF. RASA SINGH RAWAT (Ajmer) : Had there been no Judiciary what would have happened to fodder scam.

SHRI RAJESH RANJAN ALIAS PAPPU YADAV (Purnea) : Shri Kalpnath has raised the question of the dignity of the Members of Parliament...*(Interruptions)* Do not take that much side.

SHRI SAYED MASUDAL HOSSAIN : I do not belong to a rich family like yours. I am from a poor family. My living standard is still unchanged. There is no T.V. Refrigerator or cooking gas in my house. You can visit the V.P. House and see yourself.

*[English]*

SHRI SOMNATH CHATTERJEE : What is happening? Please bring the House to order.

*[Translation]*

SHRI KALPNATH RAI : Can a Member of Parliament win an election with only Rupees four and a half lakh? It is possible. Is there any member who can swear by God that he or she has won the election with Rupees four and a half lakh only.

SHRI RAJESH RANJAN ALIAS PAPPU YADAV : An Officer spends lakhs of rupees on the birthday party of his children. He manages to earn Rs.10 Crore in a year. You please do not favour the officers so much...*(Interruptions)*

PROF. RASA SINGH RAWAT : The truth is always bitter.

SHRI SATYA PAL JAIN : We should also consider the conditions of service of the District Judges and Judicial Magistrates because the past Governments have not cared to consider their conditions of service and bring improvement therein.

Several Members of Parliament including Shri Kalpnath have mentioned it...*(Interruptions)*. I am talking of the ruling party. I would like to submit that the allowances of the Members of Parliament should also be raised. Shri Kalpnath is a senior Member of this House but I have been elected for the first time. If you wish, you may bring an amendment in this regard. Nobody would oppose it.

However, it should be borne in mind that in our country, the senior has to sacrifice. We are the representatives of people and we are representing the whole country. All eyes are centred on us. In this country, great people have made sacrifices. The Children of Guru Govind Singh were bricked up alive, Lord Rama had to face exile, Lord Krishna had to stay away from his home for 14 years and Mahatma Gandhi had to face bullet. The people who give ideal shape to the society will have to make sacrifice. If one thinks that we must give idealism to the Society without any sacrifice, it reflects our weak mentality. One will have to face difficulties at personal level to build an ideal society. We cannot escape from it. This issue was also raised in the orientation programme organised for newly

elected Members of Parliament. I have been an advocate of a High Court. I feel that the salary and allowances of the M.P.s...*(Interruptions)*

SHRI RAJESH RANJAN ALIAS PAPPU YADAV : It is less than what you used to get.

SHRI SATYA PAL JAIN : I am speaking on this subject by rising above party line. I am not talking of my party...*(Interruptions)*. Shri Chatterjee is sitting here. Unfortunately, we give political colour to every issue and consequently, better results do not come out. While practising law, if a lawyer indulges in dishonest acts action should be taken against him. If a judge indulges in corruption an impeachment motion should be moved against him. There is always a way out. If someone gives you a crore of rupees on your birthday you should expose him. When a judge gets 50 litre extra petrol, why do you oppose it. I, therefore submit that we should rise above party line and think about it. I am here as Member of my party but we have to think about the whole system. I think you are young and might have been elected to this House for the first or second time. Sometimes, you should also think impartially. Personal allegation will not lead to any solution. You belong to the ruling party. I can shout down you. It does not behove a member of the ruling party. You may bring ten Bills. No one will stop you but you should not indulge in such things...*(Interruptions)*

*[English]*

MR. DEPTU SPEAKER : Shri Yadav, Please sit down.

*[Translation]*

SHRI SATYA PAL JAIN : Mr. Deputy Speaker, Sir, I did not want to use harsh words against him as I also participate in the activities of a cultured society. I know how to speak. A person should try to emulate good things

Mr. Deputy Speaker, Sir, now I would like to speak about the transfer policy of the judges. Today, about the transfer policy of the judges...*(Interruptions)*

*[English]*

MR. DEPUTY SPEAKER : Shri Yadav, please sit down. How many times do I have to tell you? This is not good.

*[Translation]*

SHRI SATYA PAL JAIN : Mr. Deputy Speaker, Sir, besides the salary of the judges, I would also like to touch upon the issue of their transfer policy. The transfer policy of the judges of the High Court...*(Interruptions)*. Mr. Deputy Speaker, Sir, we will have to reconsider this policy. When the transfer policy of the judges was evolved, the situation was different then. In the High Court of my state, a judge from Kerala joined on transfer.

He was suffering from a heart problem. His wife neither knew English nor Hindi. Therefore, she could not convey to the doctor the message regarding the heart problem of her husband. However, the message reached the doctor with great difficulty and the doctor came to her house. Thus, the life of the judge could be saved. The language problem has arisen during the transfer of the judges. They do not get accommodation. The judges have been living in single room sets for more than two years. One cannot avail the facility of library there. They even cannot take their families with them. Last month I had gone to Himachal Pradesh. At that time a judge of the High Court in Himachal Pradesh had been living in a guest House after undergoing by-pass surgery.

SHRI RAJESH RANJAN ALIAS PAPPU YADAV : Why are you speaking so much about the judges?

MR. DEPUTY SPEAKER : Please sit down. Why are you standing again and again?

SHRI SATYA PAL JAIN : Mr. Deputy Speaker, Sir, so far as Delhi riots are concerned...*(Interruptions)* I will not let you speak a single word...*(Interruptions)*.

*[English]*

I know how to deal with people like him, no problem.

*[Translation]*

I will not let you utter a single word.

*[English]*

I will not allow you to utter a single word. You cannot shout more than I can. Behave sensibly. Otherwise I know how to deal with people like you. Kindly have some patience

This is not the way.

*[Translation]*

There should be a way to present one's views...*(Interruptions)*.

*[English]*

You cannot shout on me. I have a right to speak. This is not the way. A day will come when I will not allow you to utter a word if you behave like this...*(Interruptions)*

*[Translation]*

I am presenting my point. I urge upon you to speak only when your turn comes. I have been tolerating you for the last half an hour. You should at least realise this thing...*(Interruptions)*.

*[English]*

MR. DEPUTY SPEAKER : Please sit down.

*(Interruptions)*

*[Translation]*

MR. DEPUTY SPEAKER : An hour was fixed for discussion on this Bill. The time is over now. There are seven other Members to speak. Shall we extend the time?

MANY HON'BLE MEMBERS : Yes. Sir.

MR. DEPUTY SPEAKER : Well. Let us extend the time for this Bill by one hour more.

*[English]*

The House now stands adjourned, to meet tomorrow the 17th July, 1996 at 11.00 a.m.

18.00 hrs.

*The Lok Sabha then adjourned till eleven of the clock on Wednesday, July 17, 1996/Asadha, 26, 1918 (Saka).*

---