14.19 hrs.

SUPREME COURT (NUMBER OF JUDGES) AMENDMENT BILL—*Contd.*

MR. DEPUTY-SPEAKER: We now take up further consideration of the Supreme Court (Number of Judges) Amendment Bill. Shri Alagesan to continue his speech.

SHRI O. V. ALAGESAN (Arkonam): Mr. Deputy-Speaker, Sir, the other day I was quoting Mr. Chagla...

MR. DEPUTY-SPEAKER: You have already taken 12 minutes.

SHRI O. V. ALAGESAN: These minutes always confront us.

MR. DEPUTY-SPEAKER: Unless the minutes confront you, you will not be confronted with the problem of time. Mr. Alagesan, I must make it very clear that there is some time-limit. You cannot continue endlessly. I am only reminding you.

SHRI O. V. ALAGESAN: All that we are aware of but you should give us a reasonable time.

The other day, I was quoting Mr. Chagla and the Law Minister was pleased to say that he made a statement and Mr. Chagla did not say anything thereafter. I am sorry, as misfortune would have it on the very day he was claiming that Mr. Chagla did not anything thereafter. Mr. Chagla again condemned the appointment of this particular Judge to the Supreme Court. This is what has appeared in the *National Harald*—I am sorry it has ceased the publication now—dated 17th. I do not want to go further into that.

Then, the Supreme Court Bar Association has passed a resolution under the Presidentship of Mr. V. M. Tarkunde. He is one of the legal luminaries on the side of the Janata Party. That Resolution says:

> "..strongly disapproves of the appointment of Mr. Justice D.A. Desai as a judge of the Supreme Court disregarding the superior merits of more senior High Court judges, including the present Chief Justice of the Gujarat High Court."

> "The Association, therefore, resolves not to attend the swearing-in ceremony of Mr. Justice D. A. Desai."

> "It further said: 'the Association wishes to put on record its complete satisfaction at the appointment of Mr. Justice V. D. Tulzapurkar to the Supreme Court'."

This is the strange situation that emerges out of this. Whereas two appointments were made, one appointment has been absolutely non-controversial; it is only the other appointment that has been objected to.

I would like to know whether this is a fact that, if the Chief Justice had been appointed, then it was possible that the man next to him who was also a very eminent judge and who, I think, has resigned subsequently, would have to be elevated to the position of Chief Justice and, it is said, that was not liked by some people; if the Chief Justice had been taken over to the Supreme Court, then there was a possibility of the number two there becoming the Chief Justice, and that was not relished by some people, therefore, this appointment had to be made. If that is so, then it reveals a very sorry state of affairs. The Law Commission's observation in this respect, I very humbly submit, is being borne out, if those were the circumstances under which this appointment was made. The observation of the Law Commis-

[Shri O. V. Alagesan]

sion runs as follows:—

> "It is undoubtedly true that the best talent among the judges of the High Courts has not found its way to the Supreme Court."

The reason given why they want to increase the number of judges is that the workload in the courts has increased. This has been the time-worn argument given whenever Government came before this House for appointment of more judges. I shall quote some figures with regard to the position of the number of cases instituted, disposed of, etc., which will give you an idea. It is said—I think, it is the Law Commission which has said this—that, when a criminal appeal goes to the Supreme Court, it should not normally take more than six months and for a civil suit, it should not normally take more than two years. This was the norm laid down by a distinguished body like the Law Commission. Now, look at the present position against this background of the Law Commission's norms.

During the year 1976, a total of 8,254 cases were filed in and 7,734 cases were disposed of by the Supreme Court. At the end of 1976, the total number of pending cases was 14,109.

Now I would like to give figures relating to cases, civil and criminal, which have been pending over certain periods. Cases pending for less than one year: civil 3,895 and criminal 570. Cases pending for more than one year but less than two years: civil 1,858 and criminal 305; all these criminal cases have been pending for more than one year whereas the norm is only six months. Cases pending for more than two years but less than three years; civil 1,335 and criminal 282. Then, cases pending for more than three years: civil 5525 and criminal: 491. This is a very serious situation.

There does not seem to be any explanation why there should be such a backlog of work. Reasons have been given, but they should be convincing also. In this connection, I would like to say that when it was mooted earlier, Shri Shyamnandan Mishra, who is just walking out, was the person who stood in his seat and said that there should be no code for judges. In the context of what we are going to do, we are asking the Parliament to increase the number of judges, i.e. more expenditure from the Consolidated Fund of India, is it not relevant to ask, for how many hours these judges work? It has been said that they should work for four and a half hours, and the vacation should not be so long and that it should be reduced. These are very relevant questions that should be answered when you come before Parliament for the increase in the number of judges. Nobody can hide under the fact or under the supposition that the judges are a cloistered group of people and nothing should be said against them. A stand was taken by my side the other day with which I do not agree, that scientists are some sort of a sacred people against whom nothing can be said. The Prime Minister said: I am spending three hundred crores on them and I want adequate return from them. Similarly, when we appoint judges, we expect something out of them. They, being the cream of the society, more than anybody else, should give their best. I do not say that some of the judges do not give their best; they do, but as a whole, what is the result? We have got every right to ask that the judges work a certain number of hours, because we know of cases where they do not come to courts in time. The Parliament sits exactly at 11.00 O'clock, but they do not sit so punctually. The poor lawyers are found loitering in the corridors of the courts; they do not know when the hon. Judge will come and take his seat. And he sits for some time and then goes away. The practising lawyers would know that. Who

is the authority? Should the Parliament tell them? If the Parliament tells them, that is taken objection to; they say; you are trying to interfere with the independence of the judiciary. It was suggested perhaps by no less a person than the Chief Justice of the Supreme Court that there should be a self-imposed code. The judges themselves can make this code and they should fall in line with that code. What is wrong in it? Whether they should drink in open or not, that does not matter. But as far as their work is concerned, it should be in measurable terms. Somebody should be able to measure it and see whether we have got adequate return from them.

There is another thing. The High Courts are the recruiting ground for the Supreme Court. It is a matter of concern for this House and for the entire country that the calibre and character of the High Court Judges leaves much to be desired. Just a few hours ago, I talked about the respect for the judiciary. We have sufficient regard and respect for the judiciary, but it is something which they should earn themselves and it is not something which others are going to give to them.

Further, I would like to say that many practices in the High Courts are not very healthy Scant regard is shown to the bar; nepotism and favourtism are indulged in freely, and there are cases where judges have been appointed very young. They will sit on the same bench for twenty years or more. I can understand if they are there for six, seven or ten years, but you appoint these people in their forties and they will be there for twenty years or more, and then no transfers should be effected. I ask the Law Minister, who has been a very experienced lawyer, whether it is a healthy practice to make the same man sit on the same bench for decades together. I do not myself consider that it is a healthy practice. So, these are the things that contribute in a cumulative manner to the position that we have been reduced to where the government has to come every now and then for an increase in the number of Judges.

Regarding the reduction of work or seeing that there is not much work accumulating in the Supreme Court. this question has been gone into. When the first proposal was made before this House in 1956 for increasing the Judges from 7 to 10, it was said that the Labour Tribunals, were abolished and their work had to be done by the Courts which increased their work. Again, when a Bill to increase the number of Judges from 10 to 13 was brought in 1960 it was said that the Labour Tribunals would be revived in order to lessen the work of Courts but they were not. So, the idea of Labour Tribunals, because just now we are talking about the Forty-second Amendment, is a pre-Forty-second Amendment idea. The Labour Tribunals were suggested for reduction of work in the Supreme Court and the High Courts. It is not just an evil idea that has been somehow put into the Forty-second Amendment Act. So, one of the methods seems to be that if you set up such Tribunals, you will be able to reduce the work of the Supreme Court. Further, the Law Commission itself has made two recommendations which, I would respectfully place before the Law Minister. They are:

> "It was urged before the Law Commission that Art 136 should either be removed or some restriction put on Supreme Court to act under Art 136. The Law Commission made the following recommendations:
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> "Although the exercise of jurisdiction under Art 136 of the Constitution by the Supreme Court in criminal matters *sometimes* serves to prevent injustice, yet the court might be more chary of granting

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special leave in such matters as the practice of granting special leave freely has a tendency to affect the prestige of the High Courts."

One more recommendation....

MR. DEPUTY-SPEAKER: You have taken 12 minutes the previous day and another 12 minutes today. So all told you have taken 24 minutes and the total time allotted for the Third Reading is only one hour....

SHRI O. V. ALAGESAN: I am concluding in a minute.

Then, regarding the writ jurisdiction of the Supreme Court kindly hear me, Mr. Law Minister, under Art. 32, the Law Commission had the following recommendations to make:— perhaps he has read all these things.

> "The Court may consider the desirability of instituting a system of preliminary hearing in Art 32 petitions and of enlarging the powers of a single Judge or of a Division Bench to deal with contested interlocutory and miscellaneous matters."

These and various other suggestions which have been made by bodies which went into the question of simplifying the procedures and reducing the load of work in the Supreme Court, I think, the Law Minister will do very well to consider and put them into effect as early as possible.

With these few words, I support the Bill.

SHRI NARENDRA P. NATHWANI (Junagadh): I rise to support the Bill. While doing so, I wish to make a few observations.

Arrears are mounting and no doubt one of the measures can be an increase in the number of Judges. It is, however, a common place and a trite observation to make that arrears of cases cannot be compared with a heap of scrap debris or garbage which can be wiped out by hiring more hands. To what extent the arrears can be reduced will depend upon a number of circumstances and it is not a mere question of number but the calibre of the incumbents of that office also. It may also depend upon the nature and quantum of the work to be done. It may be further depend upon the practice and procedure to be followed by the courts.

There are no two opinions about the necessity of attracting the best talent for the Supreme Court. For one reason or the other, this has not taken place. There are various reasons why we have failed to attract the best talent for the Supreme Court. The main reason, according to me, is this. I know the working of the mind of the judges, having lived with them and having worked with them, though not at the highest level, but in one of the premir high courts of this country. The main thing is the lack of proper, adequate pecuniary consideration. I know it may be jarring on the ears of some members here. It is fashionable to decry those who maintain that unless you provide sufficient pecuniary benefits and emoluments you will fail to attract the best talents for the Supreme Court and the various high courts in the country. I am conscious that recently in 1976 the Supreme Court Judges (Amendment) Act was passed giving certain increased benefits by way of pension, gratuity and other emoluments to the judges. It has made the position a bit attractive, though not to the sufficient extent by way of changing the emoluments and other terms and conditions to attract adequate number of competent men of the highest integrity and merit to the Supreme Court and also to high courts.

The next best thing to do in the present circumstances is to devise some regulations even within the existing framework by which the arrears in the supreme court can be wiped out. But, before I draw the attention of

the hon. Minister to this aspect of the matter, I may refer to one thing. My friend Mr. Alagesan, referred to the appointment of two judges to the Supreme Court. I think it is not necessary to revive that old controversy. I am not going into the merits at all, but I tried to interrupt him on the last occasion—perhaps he did not understand the nature of my question namely, whether he had tried to ascertain from the members of the bar their reaction to the performance of that judge against whom he tried to point out that there was a lot of resentment. Because, whatever might have been the reaction amongst the members of the Bar. I can say this from my information. Two critics had approached me. I asked both of them this question: "Now there is this learned Judge, who is sitting on the Bench and working for last several months; what is your impression?" Both these critics had criticised severely the appointment. I do not want to disclose their names. They told me that his knowledge of law and his demeanour—his performance was excellent or quite satisfactory. I agree that the experience of four months is not enough, yet a critic should bear in mind this aspect also and even temper his criticism. So I diagressed to point out this thing as Shri Alagesan had referred to his appointment.

I shall now refer to the practice and procedure. There are heavy arrears in the Supreme Court. The Supreme Court has framed rules according to which are constituted Division Benches. I know that the discretion mainly rests with the Supreme Court; they frame rules. But, even this Parliament has the power to change them, if necessary. Rules for constituting division benches and apportioning and distribution of work can be regulated by rules and regulations to be framed by the Supreme Court. But, in Art. 144(2) also empowers Parliament to frame rules by enacting a law. May I invite the attention of the House to Art. 145(1). It begins:

> "Subject to the provisions of any law made by Parliament, the Supreme Court may from time to time, with the approval of the President, make rules for regulating generally the practice and procedure of the Court."

So, the Supreme Court has power to frame rules and regulations but subject to the provisions of any law that may be made by Parliament.

SHRI R. VENKATARAMAN (Madras South): Subject to the provisions contained in Civil Procedure or Criminal Procedure Code.

SHRI NARENDRA P. NATHWANI: No, please. If you look to the Supreme Court rules, you will find that there is a book which refers to the powers conferred by the Supreme Court in exercise of the powers vested in the Supreme Court under Art. 145(1). It is true that the Chief Justice of Supreme Court constitutes a Division Bench but the power to appoint a Division Bench is derived by the Supreme Court under Art. 145(1) of our Constitution. What I am trying to point out is this. These rules are framed with the approval of the President and therefore with the approval of the Government. Therefore, there is sufficient power both in the Parliament and in Government to make suitable suggestions at this stage even. There are arrears now and, in order to wipe out the arrears, I am of the opinion that the best course would be to appoint special benches namely, courts to hear labour industrial disputes, service matters to be presided over by experienced judges who have specialised in that branch of knowledge.

At present, it is customary to some extent and actually it so happens. However, there is rotation. By rotation every judge gets an opportunity to hear petitions and cases in industrial and other different matters. But the sheer necessity at present requires that some method has to be devised

[Shri Narendra P. Nathwani]

both in the Supreme Court and High Courts. If specific benches are constituted which will continue to be presided over by experienced judges familiar with the subject, it would result in two distinct advantages. There would be quick disposals. Once they become familiar with the subject, there would be quick disposal of cases. I say this from my personal experience. I know that every judge is supposed to be and is capable,—I believe that he is capable; he is experienced as he has got good training and by industry, he can come up and satisfactorily dispose of any matter. But naturally, this process will occupy more time. You can entrust any kind of work and he would certainly be not found wanting in that. But you know that there are a number of laws. I think there are several hundred laws. From my personal experience as a judge of the Bombay High Court I say this. What happens is that the judges who have never dealt with say company matters are called upon to decide such questions I think that is the position sometimes even in the Supreme Court. The other day we passed a Bill—Companies Amendment Bill. A decision of Supreme Court reported in AIR 1961 was reversed about ten years later by another Bench of the Supreme Court. I had appeared in the first case and I may tell you from my experience that two of the learned judges seemed to have little experience of dealing with company law, and it was rather a pathetic sight. But they were very fair and they said they had not much to do with the company law and asked the counsel on both sides to labour hard and assist the court. So, Sir, some kind of specialisation will help to speed up the work. The second advantage would be that there will be uniformity in decisions.

Lastly, I want to say a word about code of conduct. There is a great need to save the time in arguments and citing authorities, but in order to evolve such a kind of conduct it is best that judges and also members of the Bar should meet and evolve an agreed formula—best not to legislate on this matter. For this purpose I would request the hon'ble Minister to make a suggestion to the authorities concerned. I know efforts were made in the past to call a meeting of the judges of various High Courts wherein they can take up such questions. And then later on the Chief Justice can take up the matter with the respectives State. Bar Associations and evolve some agreed rules of conduct.

With these words I support the Bill.

SHRI V. ARUNACHALAM (Tirunelveli): Mr. Deputy-Speaker, in support of my amendment I would like to say a few words. I welcome this Bill which seeks to amend the Supreme Court Act of 1956 so as to provide that the maximum number of judges shall be 17. In the beginning under article 124 of our constitution there were seven judges including the Chief Justice. Then the strength of the Supreme Court judges was increased to 10 in 1956. Again there was an addition of three judges in 1960. After 1960 in spite of the mounting work of litigation in the Supreme Court and repeated demands from the bar associations and public bodies and a scathing attack by the Press, the previous government was reductant to meet the needs of the time. In 1960 the number of institutions were 3240; it had swelled to 8254 in 1976. The figures of pending cases in Supreme Court are no doubt enormous. The average number of institutions per judge for a year was 265 in 1960. This load of work is not going to be reduced even after the passing of this Bill. It is surprising that the average number of institutions per judge per year will be nearly 480 after passing this Bill. Therefore, it is practically impossible for any judge to dispose of such a large number of cases. We must either increase the number of judges or find out an alternative so as to attenuate the number of cases without infringing the rights of the people.

Increasing the number of judges is quite essential for speedy work of the judiciary. At the same time we must remember that there are some vacancies caused due to retirement, transfer, demise or promotions which are not filled up by the authorities. I do not know whether State Governments are responsible or the Centre is responsible but there is abnormal delay in filling up such vacancies. This is a criminal waste of money on the part of administration of judiciary. In appointing the judges as well as promoting them the practice followed by the previous government was always in the fire of controversy. The party which was haranguing against the attitude of the Congress government is said to have brazenly retrogaded the policy of the previous government. Proclivity towards advocates who were helpful at the time of elections and patronage to members of the Janata Party in the bar have become the character of this government. The recent selection of judges is not helpful in removing vestiges of doubts in the minds of the people. The strength of the judges of the Supreme Court is sought to be increased neither for jostling of any person nor for honouring any legal luminary but to carry out justice without delay. I am quite sure that this House would agree with me that the judiciary will play the role of the sentinel on *Qui-vive*. Adequate number of judges at all levels is indispensible for accomplishing this task. The slow motion justice, long distance litigation, tardiness in disposals and allowing speeches with superfluous and cursory views and hearing the arguments of pejorative and gibberish will certainly weaken and wreck our legal system. No doubt our judicial system in well-founded on empirical accuracy and logical cogency. At the same time there are some judges who have no faith in our law and courts. Those who have no faith in our law and courts exploit every occasion by saying that our legal system is schizophrenic and expensive. They are advocating committed judiciary. They try to perfidy the people against our system. At the same time we cannot fail to get rid of the defects and difficulties in our system. Still the lock of our courts is unlocked only by the golden key. The sophisticated methodology of dispensing justice must be economical frugal and within the ambit of the common man. Increase in the number of judges is not a panacea for all these grievances but at least it will be helpful to expedite the clearance of arrears of cases. The judges are super engineers of the legal system. Their eminence, their excellency and their efficiency is more important. They must be paragons of our legal system. It is often reported in the Press and platforms that due to unattractive emoluments and poor facilities, the bench is unable to attract eminent people in the bar.

With the permission of the chair, I would like to refer to an authentic information.

> "No good lawyer with any fair practice at the Bar cares today to come to the Bench. This has seriously and adversely affected the quality and the standard of judges in India. The Bench no longer attracts the first class legal brains in the country. It is doubtful even if it attracts the second class brain."

If these are the words of a lay man we can mock at them. Or, if these are from your political opponent, even then you can ignore the same without sharing any responsibility. But these are the words of Mr. Justice P. B. Mukerji, the retired Judge of the West Bengal High Court. The same view has been expressed by our Additional Solicitor-General, Mr. Soli J. Sorabjee, in an article published in the Illustrated Weekly last week. He has stated:

> "On account of the thoroughly unattractive conditions of service of the judiciary, able and leading mem-

[Shri V. Arunachalam]

bers of the Bar are just not attracted to the Bench. The disastrous consequence has been that the quality and calibre of judges has declined."

Since this is the state of affairs, merely increasing the number of judges will not meet the requirements of judiciary. Therefore, steps must be taken to absorb the towering doyens of the Bar. Otherwise, the independence of judiciary and eminence of its rule will be only in letter and not in spirit.

श्री बृज भूषण तिवारी (खलीलाबाद) : माननीय उपाध्यक्ष महोदय, मैं इस विधेयक का स्वागत करता हूं। यह प्रसन्नता की बात है कि सदन के दोनों तरफ से इस विधेयक का स्वागत हुआ है सभी मित्रों ने इसका स्वागत किया है, कांग्रेस के मित्रों ने भी इसका स्वागत किया है। इस विधेयक की आवश्यकता क्यों पड़ी इसके बारे में भी कुछ ज्यादा बताने की आवश्यकता नहीं है । यह सभी को मालूम है कि 1 जुलाई 1977 तक उच्च न्यायालयों में कुल 67 जगहें रिक्त थीं। केवल इलाहाबाद हाईकोर्ट में 1 लाख 4 हजार मुकदमे पुराने पड़े है। इसके साथ ही साथ सुप्रीम कोर्ट में आर्टिकिल 32 के अन्तर्गत 10427 पेटीशंस अनिर्णीत हैं जो अभी तक तय नहीं हुई हैं। यह स्थिति है क्योंकि पिछली जो कांग्रेस की सरकार थी, मेरे साथी बुरा न मानें, उन्होंने केवल यह नहीं किया कि नए जज बढ़ाये, नए जज तो सुप्रीम कोर्ट के बढ़ाए गए दो बार यहां पर इस प्रकार का विधेयक संशोधित करके पेश किया गया परन्तु जितने बढ़ाए गए और जो जगहें थीं, जिनको रिक्त किया जाना चाहिए था उन्हें भी रिक्त नहीं किया गया। इसका क्या कारण है, स्वयं कर्नाटक हाईकोर्ट के चीफ जस्टिस भट्टे साहब ने इस बारे में इल्जाम लगाया है और उन्होंने कहा है :

"His recommendations for filling half the number of posts vacant for the last four years had been turned down by the then Law Minister."

इस स्थिति का आप स्वयं देखें कि हाईकोर्ट के चीफ जस्टिस के द्वारा बार बार सरकार से कहा जाए उसके अनुसार भी, उनकी संस्तुतियों को ध्यान में रखकर जजों की नियुक्ति न की जाए तो उसका कारण क्या था ? इस बात की तलाश होती थी कि कौन उनके मन के मुताबिक है, कौन उनके राजनीतिक दर्शन को मानता है और कौन उस वक्त की सरकार के लोगों के प्रति अपनी लायल्टी प्रदर्शित करता है। स्वयं भट्ट साहब ने ही कहा है कि मेरिट नहीं काउन्ट होती थी, पालिटिक्स काउन्ट की जाती थी, जजों की नियुक्ति में । तो जहां न्यायालयों के मुख्य न्यायाधिपतियों की यह राय हो, इतना ही नहीं, सुप्रीम कोर्ट के बार एसोसिएशन की जो इंक्वायरी कमेटी बनी थी उसने जहां और बहुत से आरोप तत्कालीन ला मिनिस्टर पर लगाए वहां पर यह भी है जो मैं कोट कर रहा हूं।

"I charge him with being the foremost in supporting and promoting the policy of Mrs. Gandhi and members of groups close to her, to acquire complete and dictatorial powers for herself over every agency and institution of public life."

इसके नीचे लिखा है—

"He gave several instances to substantiate the charge that Mr. Gokhale acted to destroy the independence of the judiciary for demoralizing it."

15.00 hrs.

तो, मान्यवर, यह स्थिति थी—उस जमाने की न्यायपालिका की। मेरे

साथियों ने कहा है कि जजों की संख्या बढ़ाने से काम नहीं चलेगा—मैं भी उनकी राय को मानता हूं। अज हम संविधान संशोधन पर वोट करने जा रहे है, क्योंकि जो तर्क पिछली सरकार द्वारा दिया गया था, वह यही था कि हम हाई कोर्ट और सुप्रीम कोर्ट के बोझ को हल्का करना चाहते हैं, परन्तु उसके पीछे जो उनका उद्देश्य था, जो नीति थी, जो मंशा थी, उसकी चर्चा इस सदन में काफी हो चुकी है, मैं फिर उसकी चर्चा करके सदन के समय को बरबाद नहीं करना चाहूंगा। हमने उस को खत्म करने का व्रत लिया था और अज यह सदन अपने वोट द्वारा उस व्रत को पूरा करने जा रहा है, उन पुराने संशोधनों को अस्वीकार करने जा रहा है। लेकिन इसके साथ-साथ हमारी तरफ से प्रस्ताव है कि हम सिविल प्रोसिजर कोड़ में भी तरमीम करें, कुछ नए रूल्ज बनाएं, ताकि इतनी बड़ी तादाद में जो मामले अनिर्णीत पड़े रहते हैं, वे शीघ्र निपटाये जा सकें। इतनी बड़ी तादाद में मामलों के अनिर्णीत पड़े रहने से जो उसका मकसद है, जो न्याय आम आदमियों को मिलना चाहिए, वह न्याय लोगों को नहीं मिल पायेगा।

अभी हमारे एक बुजुर्ग साथी—नाथानी साहब ने कहा कि मुझे सूचना मिली है कि कोड आफ इथिक्स जारी किया गया है। उसकी भर्त्सना या आलोचना हमारे वर्ग की तरफ से हुई है, सदन में भी इसके विरुद्ध भावना पाई गई है, तमाम जजेज और बार एसोसियेशन्ज ने भी इसको डिसएप्रूव किया है और मैं भी आपसे यह निवेदन करूंगा कि आप यदि कोई ऐसी मान्यता तय करें, कोई ऐसे नियम बनायें, तो वे नियम आपसी बातचीत या सलाह मशविरे से होने चाहिएं, क्योंकि मुझे जानकारी है कि एमर्जेन्सी के दौरान जिस प्रकार से और हमले न्यायपालिका पर किए गए, उसी प्रकार से यह कोड आफ इथिक्स का हमला भी किया गया था। इसको कानून की शक्ल देने की साजिश थी, सरकारी मसविदा तैयार हो चुका था और जो लोग उस जमाने में सक्रिय थे. आज उस राज के खत्म होने के बाद भी उसी तरह से सक्रिय हैं। यह सभी जानते हैं कि उस संकटकाल की स्थिति में जहां नागरिकों की आजादी की रक्षा करने की बात थी, हमारे मौलिक अधिकारों को सुरक्षित करने की बात थी, उसमें हाई कोर्ट के न्यायाधिपतियों, जजों की तरफ से काफी बहादुरी दिखाई गई, उन्होंने काफी हिम्मत से काम लिया। सुप्रीम कोर्ट में केवल खन्ना साहब को छोड़ कर और कोई मिसाल हमको देखने को नहीं मिलती है। मैं इस समय कोई तुलना कर के अपमान या अवमानना प्रकट नहीं करना चाहता हूं। लेकिन मैं इस असलियत से भी सदन को अवगत करा देना चाहता हूं कि आज भी बहुत से ऐसे लोग हैं जो अपनी लायल्टी चेन्ज करने में, शासन के लोगों को खुश करते में बड़े माहिर हैं और यही उनकी तरक्की का राज रहा है। हमारी वर्तमान सरकार को इनसे सचेत रहना चाहिए और देश में जो वातावरण बना है, उसको और ज्यादा बढ़ाना चाहिए। मैं यह मानता हूं कि जनता सरकार ने वचन दिया था कि न्यायपालिका की जो खोई हुई प्रतिष्ठा हम उसको वापस तो लायेगें ही, लाये भी हैं, लेकिन इतना ही काफी नहीं है, हमें उस प्रतिष्ठा को और आगे बढ़ाना है, उसके प्रति जनता में विश्वास पैदा करना है। क्योंकि पिछली सरकार का जो सबसे बड़ा अवगुण, दोष या पाप रहा है, जहां

[श्री बृज भूषण तिवारी]

उसने एक तरफ लोगों के मन में जनतन्त्र के प्रति आस्था खत्म की दी, वहीं उसने न्यायपालिका के प्रति भी जनता की आस्था समाप्त कर दी थी—हमें उस आस्था को फिर से वापस लाना है। न्यायपालिका को स्वतन्त्र रखने के लिए जितने भी कारगर कदम उठाए जा सकते हैं, वे उठाए जायें और साथ ही साथ स्वतन्त्र न्याय की भी व्यवस्था करनी पड़ेगी, क्योंकि आज जो न्यायपालिकायें हैं, इनका न्याय बड़ा महंगा हो गया है। बड़ा हल्ला मचता है कि गरीबों को फिर लीगल एड दी जाएगी। ये ही तर्क देकर हमारे तमाम मौलिक अधिकार छीन लिए गए थे। आज भी मेरे साथी जो 42वें संशोधन की पूरी समाप्ति की बात नहीं करते हैं, वही तर्क देते हैं।

मैं यह भी कहना चाहता हूं कि आज कोर्ट फीस इतनी बढ़ गई है कि अगर कोई अपने को पापर डेक्लेयर करवाना चाहे तो कोर्ट फीस देने में और दूसरे खर्चों में उसकी आल उतर जाएगी और फिर वह वकील की कहां से पैसे देगा। इसलिए अगर कोई गरीब आदमी मुकदमा लड़ता है, तो उसके लिए केवल मुफ्त में वकील कर दिया, इससे काम नहीं चलेगा। मेरा कहना यह है कि आप कोर्ट फीस कम करें और मुकदमे में जो अनावश्यक खर्च हो जाते हैं उनको भी घटाना पड़ेगा।

इसके साथ ही साथ मैं यह भी कहना चाहता हूं कि न्यायपालिका का दृष्टिकोण सम्पत्ति के मामले में तो बड़ा उदार रहा है लेकिन नागरिक आजादी के मामले में उसे जितना उदार होना चाहिए था, उतनी उदार वह नहीं रही है। आज जो देश में एक माहौल बना है और एक परिवर्तन आया है, उसमें सम्पत्ति के मुकाबले में नागरिक अधिकारों और मौलिक अधिकारों के लिए भी उदार दृष्टिकोण की आवश्यकता है

इन शब्दों के साथ मैं इस बिल का तहे दिल से समर्थन करता हूं और उम्मीद करता हूं कि यह बिल सर्वसम्मति से पारित किया जाएगा।

SHRI JAGANNATH RAO (Berhampur): Mr. Deputy-Speaker, I rise to support this one-clause Bill, which seeks to increase the number of Judges to the Supreme Court. The main reason for bringing forward this Bill appears to be the huge arrears of cases pending in the Supreme Court. It looks as if an increase in the number of Judges would diminish the large accumulation of arrears. That is not so. We are not going to divide the number of arrears by the number of Judges and say that the problem would be solved. This solution will solve only a fringe of the problem.

We have to go into the question as to what gives rise to the large accumulation of arrears. The working of the whole judicial administration and judicial system should be reviewed and revised so that the number of cases pending in the different High Courts and the Supreme Court could be reduced.

While increasing the number of Judges, we should see what are the reasons for the large accumulation. According to me, one reason is that the disposal is not keeping pace with the institution. People have become politically conscious. They are aware of the writ jurisdiction of the High Court and the Supreme Court. So, they approach these courts for the remedial measures, for their grievances. Of course, it is a good sign that people have become politically conscious.

Another reason for the heavy arrears is that every judge would be giving his own judgment. To quote one instance, in the Kesavananda Bharati case, 13 Judges sat on that Bench and each of them wrote a separate judgment. Each judgment contains not less than 100 pages. One judge comes to some conclusion, the other judge comes to the same conclusion for different reasons. They do not agree with the reasons given by the other judges. The result is that we do not know what are the valid reasons to come to that conclusion. Confusion is created in the minds of the lawyers who would like to look into this judgment as to which are the valid reasons in respect of a particular conclusion. Therefore, why could we not follow the practice of the Privy Council, there used to be only one judgment being delivered. The other judges need not even sign. If there is a minority or dissenting judgment. let the leading judge there give his opinion. So, at the most, there should be only two judgments, the majority view and the minority view. The rules of the Supreme Court will have to be revised, if necessary.

Then I would say that specialists in certain lines have to be chosen to the Bench. Take, for instance, income-tax law. It is not as if every judge knows the income-tax law. Some of the judges do not know even how to file their own tax returns, because it has become so complicated, and it is difficult even to understand the income-tax law. It is difficult to understand income-tax law. You should have Judges also who are trained in labour laws and company law. You should see how many income-tax, company law and labour matters are pending. If experts are available, you should appoint them and direct that these cases should go to them.

When this Bill becomes law, why not appoint retired Judges of the Supreme Court as *ad hoc* Judges, as they have vast experience of the functioning of the Supreme Court, so that the arrears are wiped out? Meanwhile you can devise ways and means of improving the judicial administration for the future.

While you are now increasing the quantity, that is the number of Judges, what about the quality? I do not mean any disrespect to the Judges of the Supreme Court or the High Courts, but it is common knowledge that the quality has gone down from the days of the Federal Court. One reason may be that eminent persons in the legal profession are not attracted by the terms and conditions of service of the Judges. If that be a reason, you should look into that aspect also. Another reason may be that the retirement benefits, the age of retirement etc., are not adequate. After all, everybody is a human being and would like to have the best. As a lawyer, he is able to mint money but once he becomes a Judge, he is completely cut off. These are matters which cannot be looked into in isolation. So, you should have an integrated and over-all look so that the judicial system functions and delays in the administration of justice are eliminated because now even a writ petition takes so much time for disposal.

The present mode of recruitment is perhaps one of the reasons why you are not getting the best talent. According to article 124(2), the President may consult some Judges of the Supreme Court and High Court. Naturally there may be cases where the Chief Justice of a High Court would himself like to go to the Supreme Court. If you ask him his opinion about the other Judges, naturally you will not get his objective opinion.

Then, the supersession of Judges is also not a good thing. You must have correct principle both for the appointment of Judges and their promotion. You have to maintain the independence of the judiciary. Do not think of having committed Judges or for-

[Shri Jagannath Rao]

ward-looking Judges. Every Judge, before entering on his office, has to take an oath of allegiance to the Constitution, that he will uphold the Constitution and the laws. He must agree with the philosophy of the Constitution and not import his own philosophy into his judgments. Nowadays the judgments may be very good, may be masterpieces of English diction. If you go through some of the judgments, we can compare them with nineteenth century English prose. They can serve as good textbooks for literature students in colleges and universities, but with due respect to the Judges I would prefer to look at the judgments delivered ten or twenty years ago. They are more cogent, more simple and brief, and we can call out the principle on which the decision is based. Now we find every Judge speaks of his own philosophy of *dharma, karma* and so on. This is the trouble which we are faced with. The frequent reversal of its own judgments by the Supreme Court is so often that now-a-days it is not possible to know what the correct law is.

Having said that, I would request the Government to see that the independence of judiciary is not eroded. I would also request the Government not to appoint retired judges to the commissions or to some other alternative jobs. I know of a Supreme Court judge who after retirement more than 10 or 12 years ago is still serving on some commissions. How can you have independence of judiciary if they have got a hope of getting some post or some job after retirement? You cannot uphold the independence of judiciary.

These are matters which the Government have to look into carefully so that they can review the functioning and the working of the entire judicial system in our country.

There may be another reason as to why the best talent is not forthcoming because where a judge gives a judgment against the Government, he is being victimised, he is being transferred to another place. In all cases, the Government cannot hope to win. The client may win. But if the Government takes into head to victimise a judge by transferring him from the present High Court to another High Court, to a far off place, because he has delivered a judgment against the Government, this will not go well in favour of the judicial system that we have.

The law Minister said the other day in reply to a question that with regard to the procedure of appointment of judges, the Law Commission has been requested to go into the mode of appointment of judges and to suggest a suitable procedure and methodology. The present practice of consulting the sitting judges of the Supreme Court and the High Courts according to article 124(2) may not be the correct procedure. The qualified persons who deserve to be on the Bench of the Supreme Court may not find a place because they will not get the required recommendation from the concerned Chief Justice. Who may himself be an aspirernt.

These are the matters which should be looked into by the Government in an integrated way to see that we get the best talent who can give justice. When I say, "give justice", when I say that, I mean, justice on whichever side it lies, not necessarily with the Government. Now, 90 per cent of litigation is between the citizen and the State. We have given certain freedoms to the people, the fundamental rights to the people. But the freedoms of the citizen are being curtailed. Therefore, necessarily, the citizen has to go to the court for justice. Who protects the freedom of the citizen, if not the courts? The entire judicial system has to be so geared up that justice is imparted impartially and also quickly. It should be less expensive too.

With these words, I support the Bill.

श्री कंवर लाल गुप्त : (दिल्ली सदर) उपाध्यक्ष जी, सदन के सामने जो विधेयक है, मैं उसका समर्थन करने के लिये खड़ा हुआ हूं । यह बात ठीक है कि जजेज की संख्या बढ़ाने से जितनी पैंडेंसी है वह कम होगी, परन्तु आप कितने भी जजेज की संख्या बढ़ा लें, मुकदमों की पेंडेंसी की जो संख्या है वह कम होती नजर नहीं आती जब तक कि कानून सरल न बनाये जायें ताकि लिटिगेशन कम हो, दूसरे जनता में इस बात की भावना न पैदा की जाये कि हम अपने झगड़े नीचे ही अपने गांव में, शहरों में, मोहल्लों में निबटा लें । उस के लिये जब तक कोई मशीनरी सरकार की तरफ से या गैर-सरकारी न हो तब तक यह पैंडेंसी बढ़ती जायेगी, केवल जजों की संख्या बढ़ाने से समस्या हल नहीं होगी । लेकिन फिर भी आखिर जितने जजेज चाहियें आप बढ़ा रहे हैं, मैं उसका स्वागत करता हूं ।

आज के जुडिशल सिस्टम पर भी एक बार फिर निगाह डालने की जरूरत है, उस में कुछ बदल करने की जरूरत है । अगर लोगों को सस्ता और जल्दी न्याय मिले, तभी तो वास्तव में न्याय होगा । इस वक्त सुप्रीम कोर्ट के एक लाइयर की— मंत्री महोदय मुझे क्षमा करें — एक दिन की वकालत की फ़ीस 1650 रुपये होती है । जब मैं ने अपना पेटीशन किया, तो पहली बार मुझे ऐसे लोगों के साथ वास्ता पड़ा । जब मैं ने उन्हें अपनी पेटीशन दिखाई, तो उन्होंने कहा कि 8,000 रुपये तो इसे पढ़ने के लगेंगे और जितने दिन वह केस चलेगा, 1650 रुपये रोज के हिसाब से लगेगा ।

विधि, न्याय और कम्पनी कार्य मंत्री (श्री शान्ति भूषण) : सस्ते छूट गये ।

श्री कंवर लाल गुप्त : इस पर भी कुछ सीलिंग होनी चाहिए, और अच्छा हो कि वह सीलिंग श्री शान्ति भूषण लायें । अगर मुझे पहले मालूम होता कि इतना पैसा खर्च होता है, तो मैं आपको विश्वास दिलाता हूं कि मैं कभी पेटीशन न करता । हालांकि मैं जीत गया लेकिन मैं कहना चाहता हूं कि केसिज में जितना ज्यादा पैसा ख़र्च होता है, उसे देना मध्यम वर्ग के एक साधारण आदमी के लिए बहुत मुश्किल हो जाता है । और फिर केसिज के डिसपोज़ल में कितनी देर लगती है इस के बारे में मंत्री महोदय काफ़ी एक्सपीरियंस्ड हैं । उन्हें सोचना चाहिए कि केसिज का निपटारा कैसे जल्दी हो । उन्हें इस देश को यह विश्वास दिलाना चाहिए कि सरकार एक ऐसा जुडिशल सिस्टम लायेगी, जिस के अन्तर्गत लोगों को सस्ता और जल्दी न्याय मिलेगा ।

इस बारे में एक दूसरा एसपेक्ट भी है जो सदन के सामने कम आया है। हमारे न्यायालयों का उद्देश्य क्या है ? जुडिशरी हमारे प्रजातंत्र का पिल्लर है और इस लिए उसका काम ठीक ढंग से होना चाहिए । इमर्जेन्सी के दिनों में जैसे समाचारपत्रों और लेजिस्लेचर का टैस्ट हुआ, उसी तरह जुडीशरी का भी टैस्ट हुआ । मुझे यह कहने में हिचकिचाहट नहीं है कि कुछ जजिज ने, विशेषत: हाई कोट के कुछ जजिज ने अपना मैटल दिखाया वे अटल खड़े रहे इमर्जेन्सी के दिनों में भी, जो वे समझते थे कि देश समाज और जनता के हित में है, उस के अनुसार उन्होंने कानून की इन्टरप्रेटेशन की । मगर ऐसे भी लोग थे, जो केवल यैसमैन नहीं रहे, जिन्होंने केवल वो ही नहीं किया , जिन्होंने क्राल ही नहीं किया जो लेट गये । मुझे उस का दुख है । मैं किसी का अपमान नहीं करना चाहता हूं,

[श्री कंवर लाल गुप्त]

लेकिन मैं मंत्री महोदय के सामने एक जजमेंट पढ़ना चाहता हूं । मैं बताना चाहता हूं कि एक आर्डिनरी आदमी क्या फील करता है । मैं नाम नहीं लेना चाहता हूं । इमर्जेन्सी के दिनों में एक मशहूर केस में सुप्रीम कोर्ट के एक जज साहब ने लिखा :

"Attempts were made by some learned Counsel to paint very gloomy pictures of possible consequences if this Court held that no relief was open to petitioners against deprivation of their personal freedoms by executive officers in an emergency of indefinite duration, when a number of cases of serious misuse of their powers by the detaining officers were said to be in evidence. I do not think that it is either responsible advocacy or the performance of any patriotic or public duty to suggest that powers of preventive detention are being misused in the current emergency when our attention could not be drawn to the allegations in a single case even by way of illustration of the alleged misuse instead of drawing upon one's own imagination to conjure up phantoms. In fact, I asked some learned counsel to indicate the alleged facts of any particular case before us to enable us to appreciate how the power of preventive detention had been misused....."

"It seeme to me that courts can safely act on the presumption that powers of preventive detention are not being abused. The theory that preventive detention serves a psychetherapeutic purpose may not be correct. But, the Constitutional duty of every Government faced with threats of widespread disorder and chaos to meet it with appropriate steps cannot be denied. And, if one can refer to a matter of common knowledge, appearing from newspaper reports, a number of detenus arrested last year have already been released. This shows that the whole situation is periodically reviewed. Furthermore, we understand that the care and concern bestowed by the State authorities upon the welfare of detenus who are well housed, well fed and well treated, is almost maternal. Even parents have to take appropriate preventive action against those children who may threaten to burn down the house they live in." who is this Judge? I do not want to name him.

एक और जज साहब हैं सुप्रीम कोर्ट के, वह कहते हैं :

".... I am sure that the current Emergency, justified not only by the rapid improvements due to it in the seriously dislocated national economy and discipline but also by the grave dangers of tomorrow, apparent to those who have the eyes to see them, averted by it, could not possibly provide the occasion for the discharge of such obligations towards the nation or the exericse of such powers, if any, in the courts set up by the Constitution".

मेरे पास बहुत सारा मैटीरियल है मैं ज्यादा समय नहीं लेना चाहता । लेकिन मैं पूछना चाहता हूं कि क्या ये कोर्टस बिलकुल टच मी नाट हैं? क्या ये कोर्टस आइवरी टावर में बैठ कर काम करेंगी ? जनता किधर जा रही है देश किधर जा रहा है, समाज किधर जा रहा है, उस की भावनाओं को ये व्यक्त नहीं करेंगी ? क्या ये अदालतें जनता के लिए रेस्पांसिबल नहीं हैं, यह मेरा सवाल है । हम उन की इज्जत करते हैं, उनका आदर, उन का सत्कार करते हैं । जो वह वर्डिक्ट देंगी उस के सामने सिर झुकाएंगे लेकिन क्या

वे जनता की भावनाओं की कद्र नहीं करेंगी ? मेरा कहना यह है कि इंदिरा जी ने तानाशाही लायीं, लेकिन उस तानाशाही को मजबूत बनाने का काम कुछ म सुप्रीम कोर्ट के जजों ने भी किया है इस बात से इन्कार नहीं किया जा स क्योंकि उन्होंने ऐसे फैसले दिए हैं। मैं आया और पेश हुआ । मेरा एक लाइयर दोस्त मेरे लिए पेश हुआ, शाम को उस के लिए मिसा का वारंट हो गया। वह तो गया । अब और कोई पेश होने वाला नहीं । मैं ने केवल कंडीशन आफ डिटेंशन के ऊपर रिट की थी तो कहने लगे कि यह रिट लाइ नहीं करती, आप को कोई अधिकार ही नहीं है । तो मैं ने कहा—

I am supposed to be in jail under MISA. Suppose they put me in a room in the jail where there are four cobras in the four corners and I appear before your lordship, will you intervene in it or not?

He says: No, we do not intervene.

फिर मैं ने उन से कहा कि अगर मुझे एक आउंस खाने के लिये दिया जाय और कुछ भी न दिया जाय और मैं आप के पास आता हूं कि मुझे पेट भरने के लिए तो दिलवाइए तो आप क्या करेंगे ? कहने लगे कि नहीं आप को कोई अधिकार नहीं है । कंडीशन आफ डिटेंशन , रांगफुल आइडेंटिटी, मैलाफाइडी डिटेंशन, इन के लिए भी एमर्जेंसी में कोई जगह नहीं थी । कोई इस पर रिट पेटीशन या हेबियस कारपस कुछ नहीं हो सकता । ऐसे भी केसेज आए है एमर्जेंसी के दिनों में, मेरे साथ स्वयं यह बीता है, मैं ने हेबियस कारपस पेटीशन और रिट पेटीशन जिस दिन जेल अथारिटीज को दी उस के तीन महीने के बाद जा कर वह हाई कोर्ट में लगी और मैंने कई लिखा, लेकिन कोई सुनने वाला नहीं । जब हाई कोर्ट के सामने मैं ने शिकायत की कि तीन महीने लगे हैं रिट पेटीशन आप के पास आने में जब कि रिट पेटीशन तो पहले दिन आ जानी चाहिए तो जजेज हंस दिए, कुछ बोले नहीं । क्या यह मजबूरी है ? मैं चाहता हूं कि जजेज ऐसे होने चाहिए जो तूफान के सामने भी अडिग रह सकें क्योंकि रूलर्स हमेशा ताकत को कंसेंट्रेट करना चाहते हैं,, ताकत को मिसयूज करना चाहते हैं वह चाहे ऊधर के हों या इधर हों या मैं हूं, लेकिन इन जजेज से हम अपेक्षा करते हैं कि वे रूलिंग क्लास के आगे हाथ जोड़ कर न खड़े हों कि आगे जाकर रिटायरमेंट के बाद उन्हें कमीशन मिल जायगा। मेहरबानी करके यह कमीशन अगर हो सके तो रिटायर्ड जजों को मत दीजिए । इस से बहुत करप्शन है । मैं चाहता हूं कि वे खड़े रहें तूफान के सामने और मैं समझता हूं कि यह एक प्रोफेशनल मिस कांडक्ट होगा किसी भी जज के लिए । जैसे अगर मैं वकालत करता हूं और मैं किसी दूसरे के साथ मिल जाता हूं तो य प्रोफेशनल मिस- कांडक्ट है । जजेज के लिए भी प्रोफेसनल मिस- कांडक्ट होगा अगर वे समय की पुकार, जनता की आवाज और प्रजातन्त्र के हित की रक्षा नहीं करते है और केवल अपना स्वार्थ चाहते हैं। हमारे साथी ने कोड़ आफ कांडक्ट के बारे में कुछ कहा । मैं नहीं कहता कि कोड आफ कांडक्ट जबर्दस्ती लाद दिया जाए सरकार लादे या सुप्रीम कोर्ट लादे, म्युचुप्रल्लो होना चाहिए लेकिन कोड़ आफ कांडक्ट होना जरूर चाहिए। आखिर मिनिस्टर्स के लिए कोड़ आफ कांडक्ट है और दूसरों के लिए है । मेरा थोड़ा सा एक्सपीरियन्स हुआ है और मैंने देखा है कि एमर्जेन्सी के दिनों में कुछ जजेज बहुत खरे उतरे हैं, कुछ की हालत इतनी खराब थी कि मैं कह नहीं सकता, उनकी हालत इतनी दयनीय थी कि वे हाथ बांधे खड़े थे कि किसी तरह से हमें चीफ जस्टिस

[श्री कंवर लाल गुप्त]

बना दो और किसी की अगर गर्दन कटवानी हो तो कटवा लो। इस तरह के जो जजेज हैं उनको मैं बताना चाहता हूं कि हवा के साथ रहना ठीक नहीं है क्योंकि आप सोसायटी के लिए रेस्पांसिबल हैं। सबसे बड़ी कोर्ट तो सुप्रीम कोर्ट है लेकिन जनता की कोर्ट उससे भी बड़ी है जिसके प्रति आप भी, मैं भी और जजेज भी जिम्मेवार हैं।

अन्त में मैं इस विधेयक का समर्थन करते हुए मांग करता हूं कि ऐसे लोगों को एप्वाइंटमेंट मिलनी चाहिए जोकि जुडीशियल व्यू लेकर चलें न कि हवा के रुख के साथ चलें। मैं भी रूलिंग पार्टी का सदस्य हूं लेकिन मैं चाहता हूं कि जजेज देश के निर्माण के लिए, देश के प्रजातन्त्र के लिए ऐसी परम्परायें डालें, इस प्रकार से अपने इन्टरप्रिटेशन दें जिससे जमहूरियत और प्रजातन्त्र और ज्यादा गहराई में जाए उन कि उस पर कुठाराघात हो। इन शब्दों के साथ मैं इस विधेयक का समर्थन करता हूं।

15.32 hrs.

PAPERS LAID ON THE TABLE—*Contd.*

MR. DEPUTY-SPEAKER: Mr. Bahuguna wants to intervene.

THE MINISTER FOR PETROLEUM AND CHEMICALS AND FERTILISERS (SHRI H. N. BAHUGUNA): I must express my sincere regrets for not being here when I was called to lay the papers. I was under the impression that the papers would be laid after the Bill was processed. Meanwhile some changes took place. Therefore, I must beg your parden for not being present here when my name was called.

SHRI SOMNATH CHATTERJEE (Jadavpur): You are excused.

OIL INDUSTRY (DEVELOPMENT) AMENDMENT RULES, 1977, ANNUAL REPORT AND REVIEW OF OIL INDUSTRY DEVELOPMENT BOARD, NEW DELHI WITH AUDITED ACCOUNTS FOR 1976-77.

SHRI H. N. BAHUGUNA: I beg to lay on the Table—

(1) A copy of the Oil Industry (Development) Amendment Rules, 1977 (Hindi and English versions) published in Notification No. G.S.R. 742(E) in Gazette of India dated the 13th December, 1977, under sub-section (3) of section 31 of the Oil Industry (Development) Act, 1974. [*Placed in Library. See* No. LT-1408/77].

(2) (i) A copy of the Annual Report together with the Audited Accounts (Hindi and English versions) of the Oil Industry Development Board, New Delhi, for the Year 1976-77, under sub-section (4) of section 20 of the Oil Industry Development Act, 1974 read with rule 29 (2) (e) of the Oil Industry Development Rules, 1975.

(ii) A copy of the Review (Hindi and English versions) by the Government on the above Report. [*Placed in Library. See* No. LT-1409/77].

Annual Report and Review of Oil and Natural Gas Commission for 1976-77, Reviews and Annual Reports of Hindustan Organic Chemicals Ltd., Rasayani, Indian Oil Corporation Ltd. Bombay, and Engineers India Ltd., New Delhi for 1976-77 with Audit Reports.

SHRI H. N. BAHUGUNA: On behalf of Shri Janeshwar Mishra, I beg to lay on the Table:

(1) (i) A copy of the Annual Report together with the Audited Accounts (Hindi and English versions of the Oil and Natural Gas Commission for the year 1976-77 and of its subsidiary company Hydrocarbons India Limited, New Delhi for the year 1976, under sub-