

MR. DEPUTY-SPEAKER: He has given a very elaborate reply. I think he has covered a very wide field and he has taken more than one hour. I think we should end there.

SHRI D. K. PANDA: I referred to the reported espionage activities going on in Tisco. We had raised so many other questions like that.

SHRI CHANDRAJIT YADAV: I think Mr. Panda will agree with me that the question of espionage activities said to be carried on by a foreign organisation in the Jamshedpur area is not my concern. It is for the Home Ministry to look into that.

MR. DEPUTY-SPEAKER: There are no cut motions.

[The Demands for Grants, 1975-77 in respect of the Ministry of Steel and Mines, which were voted by Lok Sabha, are shown below.—]

No. of Demand	Name of Demand	Amount of Demand for Grant on account voted by the House on 23-3-1976		Amount of Demands for Grants voted by the House	
		Revenue	Capital	Revenue	Capital
1	2	Rs.	Rs.	Rs.	Rs.
83.	Department of Steel	8,40,98,700	88,52,25,000	44,04,41,000	326,76,25,000
84.	Department of Mines	4,75,000	..	23,75,000	..
85.	Mines and Minerals	6,00,93,000	16,70,52,000	20,04,68,000	83,52,62,000

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

MR. DEPUTY-SPEAKER. The House will now take up discussion and voting on Demands Nos. 69 and 70 relating to the Ministry of Law, Justice and Company Affairs. Hon. Members present in the House who desire to move their cut motions may send slips to the Table within 15 minutes indicating the serial numbers of the cut motions they would like to move.

These two Demands, i.e., Demands (Nos. 69 and 70, will be discussed till 6 p.m. As Hon. Members are already aware, guillotine will take place at 6 p.m.

The question is:

"That the respective sums not exceeding the amounts on Revenue Account and Capital Account shown in the fourth column of the Order Paper be granted to the President to complete the sums necessary to defray the charges that will come in course of payment during the year ending the 31st day of March, 1977, in respect of the heads of demands entered in the second column hereof against Demands Nos. 83 to 85 relating to the Ministry of Steel and Mines."

The motion was adopted.

SHRI INDRAJIT GUPTA (Alipore): Will there be a reply by the Minister?

MR. DEPUTY SPEAKER: If you want the Minister to reply, some time can be found before 6 p.m.

SHRI INDRAJIT GUPTA: Otherwise, what is the use?

MR. DEPUTY-SPEAKER: Motion moved:

"That the respective sums not exceeding the amounts on Revenue Account shown in the fourth column of the Order Paper be granted to the President to complete the sums necessary to defray the charges that will come in course of payment during the year ending the 31st day

of March, 1977, in respect of the heads of demands entered in the second column thereof against

Demands Nos. 69 and 70 relating to the Ministry of Law, Justice and Company Affairs."

No. of Demand	Name of Demand	Amount of Demand for Grant on account voted by the house on 23-3-1976		Amount of Demand for Grant submitted to the vote of the house	
		Revenue	Capital	Revenue	Capital
(1)	(2)	(3)	(4)	(5)	(6)
		Rs.	Rs.	Rs.	Rs.
69.	Ministry of Law, Justice and Company Affairs .	3,65,54,000	..	18,27,70,000	..
70.	Administration of Justice	5,41,000	..	27,06,000	..

SHRI SOMNATH CHATTERJEE (Burdwan): It has been some years since we discussed the Demands of this Ministry.

From the point of view of the common people in this country, the record of this Ministry during 1975-76 has been a shattering experience.

15.15 hrs.

[**SHRI BHAGWAT JHA AZAD** in the Chair]

This Ministry, from its own point of view, according to me, has made a unique contribution, of subverting the rule of law in this country, of closing the doors of justice to the people and of devaluing the judiciary itself and strengthening the stronghold of monopoly capital and the private sector in this country. The activities of this Ministry have shown hesitancy and acts of indecision in protecting and furthering the rights of the people, but it has been strident in its efforts in taking away the peoples rights.

During the year under review, this Ministry, according to us, has substantially assisted in polluting the stream of justice by being a party to the framing of various lawless laws like the MISA Amendment Act, Election Law Amendment Act and the Constitution (39th Amendment) Act and in denying justice to the people. What we find today is how the Ministry of Law and Justice is trying to

maintain the rule of law in this country or administration of justice in this country.

In the context of the emergency, the situation today in this country is such that the very basis of the constitutional set-up has been rudely shaken. The people have no fundamental rights which they can exercise so long as emergency continues. Fundamental rights have become unenforceable as the Directive Principles of the State Policy are. So far as people are concerned, now this Ministry has got the unenviable distinction of instructing the law officers to argue before the highest court in this country that people have no right of life nor any right of personal liberty. That argument has been accepted by the Supreme Court by the majority of the judges who constituted the bench as a result of which all sections of people in this country have come under the complete mercy of the executive. So far as workers, trade unions, students and teachers are concerned, everybody has come under the complete mercy of the executive.

Today, we do not know, we are not told how many people are detained under MISA, how many people have been dragged into this and those people have been denied of any protection even if the detention is *malu fide*.

[Shri Somnath Chatterjee]

I will give you a concrete example. A Member of this House, Mr. Noorul Huda has been detained under MISA. In his case, grounds of detention were given. I had the opportunity of arguing the *habeas corpus* case before the Assam High Court. The Chief Justice asked the Advocate-General in the open court, "How do you support this illegal detention?" He did not argue on merit. He almost conceded that it was an illegal detention. His only point was that *habeas corpus* was not maintainable in this country during the emergency. The Chief Justice reserved the judgment because the matter was being argued before the Supreme Court. Now, our Supreme Court has decided that even *mala fide* detention cannot be challenged before a court of law. Even if the Police say, "Because you are not giving bribe to me, I shall arrest you", under MISA even that type of detention orders cannot be challenged in this country. Even detention on a mistaken basis cannot be challenged in this country. How this Ministry has ably assisted the subversion of the rule of law in this country.

I feel it is tragic in this country that even in Independent India, we do not possess greater rights of personal liberty and freedom, which we had during the alien rule. In the name of emergency because of the so-called threat to the internal security of the country, what was given to us even during the alien rule is now being denied supposedly for economic prosperity, bringing about discipline in the country, for running of trains and even family planning. What is, therefore, the right and remedy of the citizens of this country? How long is this state of affairs to continue?

I should have thought that this Ministry would try to find out how even in the case of Emergency to protect the minimum rights of the people. Today, the right of association is gone, the right of speech is

gone. I have no right even to go to anybody and make a grievance of it. The way this Ministry has worked towards denuding the people of their rights, according to me, provides an example of how working ostensibly under a constitutional set-up, the Constitution itself can be wrecked. When, I say, the Constitution is being wrecked because of the minimum constitutional rights of the citizens of this country, I am not speaking for conferment of rights on black-marketeers, profiteers and manipulators of foreign exchange. If you want special laws for them, you have them although, in principle, I am against the Preventive Detention law.

What about the common people in the country? Can anybody say that the MISA is not being abused? Why don't you tell us, how many people are detained under the MISA? Then, we will be able to judge whether you are misusing the draconian powers or not. We do not know what is this Ministry doing. If you go through the Report of this Ministry, you will find it is nothing but a catalogue of non-descript and dubious achievements. There is no indication of the policies and programmes of this Ministry. There is no indication how it seeks to implement if it has any policy. In this Report, just some figures have been given here and there. It makes such an un-exciting reading, a boring reading.

We find, about a very important item which is agitating the people's mind, no reference has been made in this Report, that is, judicial reform. Everybody, today, is talking about judicial reform. We know of law's delays; we know of arrears of cases in courts; we know that there is a great demand for simplification of procedural laws. You will not find the slightest indication in this Report of so many pages that any thought is being applied in this respect, how to cure this malady and what steps are being taken to get rid of law's delays or bottle-necks in the administration

of justice. The only thing they have done is that they have prepared a draft of the Civil Procedure Code which was kept in the Select Committee for months and a report submitted. As to when it is coming up for discussion and passing by this House, we do not know. But significantly nothing has been indicated as to how some short term relief can be given to the ordinary people in this country.

I request the hon. Members to realise that not very many people in this country can afford to go to the courts of law just for the sake of luxury. There are litigations which rich people indulge in to avoid their liabilities and to fight among themselves to get control over the companies, vindictively to take proceedings against them. But by and large, the majority of the people of this country, at least those who go to the writ jurisdiction, do not go to the courts for the sake of the love of litigation. They go there to get some sort of protection against the repressive executive action or against dismissal by private employers or for asserting their right of protesting against illegal retrenchment. What are you trying to do to help these people? They constitute the highest single block of litigants in the country. Don't make a blanket criticism that only rich people go to the courts and try to get assistance.

I am, therefore, saying that this Ministry's Report does not indicate what is intended to be done, whether they have any policy or programme at all in this regard. This House passed the Thirty-Eighth and the Thirty-Ninth Constitution Amendments for which the credit has been claimed by the Ministry under which the executive and some individuals in the country have been put above law. But not a single law has been passed during 1975-76 which will help the ordinary citizens to approach the courts and to get speedy justice in an inexpensive manner. Not a single legislation has been enacted; but when you had to give legislative shield to somebody,

you were very prompt in coming up with it and doing it. Therefore, my request to the Ministry is that instead of joining in the chorus of blanket criticism of the Judiciary in this country and sometimes master-minding it, one should have expected constructive legislative action from this Ministry which, I say, they have failed to do abjectly.

There are several Departments of this Ministry. One is the Legislative Department. It has been given the change for framing schemes for providing legal aid to the poor. This has become a matter of mere joke. When the larger sections of the people in this country are below the poverty line, when the ordinary and common people are victims of repression—both Executive and private—no scheme has till today been framed for grant of legal aid to the poor. We are saturated with promises and promises. Every time we put questions, stock answers are given that they are being considered and some scheme will be evolved. Krishna Iyer Committee's report was submitted as early as in May 1973 but except that it is gathering dust in the archives of this Ministry, nothing has been done. Exercises are supposed to be going on, for how long I don't know. In three years they could not come up with a scheme for providing legal aid to the poor.

Now, for whom am I advocating this legal aid? It is for persons who are victims of wrongful dismissals, persons who are denied of their trade union rights, persons evicted from land—the tillers of land and others—Government employees who have lost their jobs without an enquiry being held, etc. What have you done for these people. Under the Emergency, you are exercising so many powers, why don't you take steps for reducing stamp duty for filing particular types of cases like these? A dismissed worker can hardly afford to pay stamp duty. Not that this country has no example in this respect: when the Wanchoo Commission was set up in

[Shri Somnath Chatterjee]

West Bengal, the West Bengal Government did away with the requirement of paying stamp duty in cases of defamation only. Because the Ministers were afraid that charges will be made against them before the Wanchoo Commission, the stamp duty was done away with only in cases of defamation, just before the Wanchoo Commission was to sit. This is the way you are thinking of giving relief. You are anxious to give relief to your Ministers. I don't make any allegations against them, but they had to be shielded against charges of corruption and therefore you did away with the requirement of paying stamp duty. But you did not remove the stamp duty for anything else. I know that your stock answer will be that it is a State matter. But in so many cases you are giving advice to the States. Advice almost in the nature of mandates is being given from Delhi, so why don't you do that, for they are all your own Chief Minister?

So, this minimum thing is not being done. on the other hand, we are seeing the 'tamasha' that is going on all over the country. Officially sponsored Law Conferences are being held ostensibly to discuss how to provide legal aid to the poor, and the State Governments are financing the Law Conferences. As I said on the last occasion (you may correct me if I am wrong), Rs. 2 lakhs were given by the Government of West Bengal for the Law Conference to discuss provision of legal aid to the poor, in Calcutta. Again, I am told (I am always open to correction because I have no personal knowledge) that Rs. 30,000 were spent by the organisers only to provide air fare to the participants and VIPs who were to address the conference. Delegates were provided with Lunches and Tea at Raj Bhavan and Dinner at Hotels etc. I don't mind their having a nice time, but let them enjoy with their own money. So, all these things are going on supposedly for framing schemes for giving legal aid

to the poor—which is not forthcoming. You don't have people who will come forward and support these unfortunate persons who are to take recourse to law in times of difficulty, you have no schemes to help them and you have no set of lawyers as such to help them—unless they are individually interested.

Therefore, I am saying that this Government owes an explanation to the people. Please don't take the people for a ride indefinitely. If you want to do it, tell the people, otherwise say that they will have to fend for themselves.

Another aspect of this Legislative Department is about framing of laws and publication of laws. They have spoken very highly of their great achievement in preparing and printing the India Code. But it is so heavy that nobody can use it. I am sure Mr. Muhammad does not use it himself.

Apart from that, the greatest difficulty of the ordinary lawyers in this country is the non-availability of cheaper editions of law. Even the statutory laws are not available and the rules and regulations framed thereunder are not available to the people. Many times laws are violated due to ignorance of them because even practising lawyers do not get copies of them. This is a matter which needs immediate attention.

Another point is about the court of justice. This is No. 3 serially in this Report. But out of this whole Report, only three pages have been allotted to the Department of Justice. I say that the allotment of only three pages is quite in keeping with the present position of the Judiciary which, day by day, is being degraded and is becoming more and more important by restraints—some Constitutional, some legislative and some self-imposed. Today there is no denying the fact that it is the common

impression of the people of this country that our Judiciary has become subservient to the Executive. Starting with the appointment of mediocres on the Bench, non-confirmation of Additional Judges after having satisfactorily discharged their duties and functions—like Justice Agarwal of the Delhi High Court and Justice Lalit of the Bombay High Court—there is no question about the way they have discharged their functions as Judges, but only because they were found to be inconvenient, they have not been confirmed; then, there is supersession of Judges without any reason and the making of Chief Justice-ship a matter of patronage of the Executive, and by offering post-retirement benefits to these Judges, the Government has been able to successfully interfere with and affect the independence of the Judiciary of this country.

Today, the complaint of the common people who have to go to the courts to get relief is not that the Judges are over-zealous to help them. The complaint is that there is lack of a vigorous exercise of the judicial power of the Judges. We are complaining of the timidity and subservience of the Judiciary when they are faced with an Executive decision. It seems that the Judiciary today is instilled with a sense of Executive infallibility, that is the tragedy of this country.

The other day I was reading the Foreward of the Law Minister Mr. Gokhale (who is not here today) in the Commemorative Edition of the Constitution of India, 1973. He said that the faith of the people of India in the Constitution is because of the fact that the humblest people can go to courts of law and get rid of any wrong or illegal Executive order. So now the very basis of the people's faith in the Constitution is being taken away by all sorts of law. You are making the Judiciary a more and more useless method of getting relief for the ordinary people of this country. Therefore, as I said on an earlier occasion,

please leave the Executive and the Judiciary alone and let them discharge their duties according to the Constitutional mandates and law.

There is another very serious question which has cropped up. There is a strong rumour—I would request the hon. Minister to tell us if they have decided on this—that a large number of judges of the High Courts in this country will be transferred from one place to another. I would like to know whether there is any basis for this rumour and if so, how many judges are going to be transferred and what will be the criteria for selecting the judges for transfer—unless it will be by way of punishment.

A large number of vacancies in the High Courts are remaining unfilled for a number of years. On the one side you are complaining against the arrears of cases which are not disposed of in High Courts. But there are a large number of vacancies remaining unfilled and, surprisingly, not a single word has been said in the report as to how many vacancies are there. Why is it that this Government cannot even fill up these vacancies? In the Calcutta High Court, six permanent vacancies are there and nothing is being done to fill them up. What then is the solution for reducing the number of arrears of pending cases? There is nothing mentioned here. I am not holding a brief for the judiciary. I find many shortcomings in the judiciary, but I would certainly, in the absence of a better alternative, try to see that even the limited confidence that the people have got in the present judicial set-up is not shaken.

Coming to elections, not a single word has been written in this report as to what has happened to the Joint Committee's report on election law. It was almost a unanimous report of all the political parties; the majority of the Members were Congressmen. Mr. Gokhale was a party to this report—the report on election law.

[Shri Somnath Chatterjee]

Nothing has been said here as to what has been done so far as this report is concerned. There seems to be no proposal to bring about changes in the election law. We know how elections are being held in different parts of the country, I do not want to go into that because that is well known.

So far as the Department of Company Affairs is concerned, today a very great responsibility is there on the Company Law Board the functionary of the Central Government, in carrying out the various provisions of the Act. I am prepared to give the Company Law Board a further period of trial. They have given these powers to the Company Law Board after taking away the powers from the court. The Company Law Board may take time to settle down in their work. It appears that they are doing their duties satisfactorily. But I would request the hon. Minister to see that Benches of the Company Law Board are set up at different centres in India and the constitution of this Board should be such as to inspire the fullest confidence of the people, not only people from the Executive should be there as assured by Mr. Gokhale in this House during the deliberations in the Select Committee people with legal background should be taken.

With regard to sole selling agency, the Reserve Bank's report of January 1976 says that payment of commission to sole selling agents was made to the extent of Rs. 100.8 crores in 1972-74 and there is no reduction. Although some ban has been put in respect of some industries it should be seen that it is more vigorously exercised and there is a greater check on the selling agency agreements being sanctioned.

Cost audit is very important. I would request the hon. Minister to see that cost audit is made mandatory in as many industries and companies as possible.

I find that there are arrears in disposal of cases like prosecution, investigation and inspection. These are matters which should be expedited. I have not got the time to go into the details, I would only say that these are very important matters which need to be looked into. In MRTPL functioning many things which are desirable and which should have been done have not been done.

By and large, so far as this Ministry is concerned, today our grievance is that it has failed to stand by the people in maintaining their minimal rights under the Constitution. Mr. Kokhale has spoken in New York that habeas corpus applications are still maintainable. We do not know. I would request the hon. Minister to tell us whether Government is thinking of going to larger Bench of the Supreme Court so that this question can be settled.

With these words, I oppose the Demands for Grants.

SHRI RAMAVATAR SHASTRI
(Patna) I beg to move —

That the demand under the head 'Ministry of Law, Justice and Company Affairs' be reduced to Re 1" [Absence of a definite scheme to give legal assistance to the poor (15)]

"That the demand under the head 'Ministry of Law, Justice and Company Affairs' be reduced to Re 1" Failure in taking action against those indulging in bungling to the tune of lakhs of rupees by forming take companies (16)]

"That the demand under the head 'Ministry of Law, Justice and Company Affairs' be reduced by Rs. 100"

[Need to take into consideration the thinking of judges while appointing them (17)]

"That the demand under the head 'Ministry of Law, Justice and Company Affairs' be reduced by Rs. 100"

[Need to appoint such judges who have faith in democracy, socialism and secularism (18)]

"That the demand under the head 'Ministry of Law, Justice and Company Affairs' be reduced by Rs. 100."

[Need to appoint more competent lawyers for the poor at Government expenses (19)]

"That the demand under the head 'Ministry of Law, Justice and Company Affairs' be reduced by Rs. 100."

[Need for making justice less expensive (20)]

"That the demand under the head 'Ministry of Law, Justice and Company Affairs' be reduced by Rs. 100."

[Failure to check corruption rampant in the courts of law (21)]

SHRI JAGANNATH RAO (Chattapur): Mr. Chairman, Sir, my good friend, Shri Somnath Chatterjee, while speaking on the Demands for Grants of the Law Ministry referred to subjects which really relate to the Ministry of Home Affairs. He said that this Ministry is responsible for subversion of democracy and subversion of Fundamental Rights relating to freedom and so on. I would like to submit that this Ministry is not an economic Ministry; it has no achievements to boast of; it has only mentioned the work it did; not that it has to get compliments and bouquets of the House. All the Acts that were drafted by the Ministry and the advice that they rendered and their facts have been mentioned in the Report. As I said, it is not an economic Ministry, no achievements are there to be proud of. Therefore, it will not be correct to say that.

My friend also went on voicing his objection and opposition to MISA. He spoke on the MISA amendment Bill and he expressed his views frankly and thoroughly. I also expressed my views frankly, freely and forcefully. I agree that MISA is not a

pleasant measure, it is a very unpleasant measure, but it had to be brought in the circumstances that exist today. Emergency had to be imposed by the President because of the political and economic turmoil in the country. Had no emergency been proclaimed, we do not know, what would have happened to the country? The opposition leaders had openly proclaimed that they would paralyse the Government and start nation-wide disobedience movement. In that case, what would have happened to the country? There would have been chaos and anarchy in this country. Emergency, therefore, had to be imposed. In the present case, the emergency is because of internal disturbances, the provisions have to be more stringent and more harsh. I said so earlier also. When the emergency is because of external threats, we know the enemy and we know the borders where from the attack could come, but where the emergency is due to internal disturbances, we do not know, who is a friend and who is a foe. Therefore, strong measures have to be taken. It is very unpleasant indeed; I do not say that it is pleasant, but we have to put up with it in view of the prevailing circumstances.

When the emergency is in force, the President issues notification under Articles 359 of the Constitution the enforcement of the fundamental rights are suspended. The latest Supreme Court judgement has indicated that when Articles 21 and 22 are suspended, no writ of *habeas corpus* can lie. This is the state of affairs. Knowing that full well, my friend is expressing his views in this House. However, he has the freedom to do so.

As I said, I only want to mention the correct position. It is not correct to say that this Ministry is responsible for any of these things like subversion of democracy and all that. I justify the imposition of emergency, I justify the MISA amendment Bill which was moved in January. Therefore, there is no question of subversion of democracy. Emergency should continue.

[Shri Jagannath Rao]

Shri Somnath Chatterjee also spoke about judicial reforms. I agree that justice should be made less expensive and that speedier justice should be available. The court fees, of course, is a major source of revenue to the State Governments. I raised this subject two years ago while speaking on the Demands of this Ministry and I know, the Law Minister wrote to the Chief Ministers, but to no effect. The Chief Ministers naturally did not agree. May I now request the Law Minister to request the Prime Minister to address the Chief Ministers and I am sure, they will agree? Whatever revenue they will lose by reduction of court fee, they can make up by fresh taxation on other items, but reduction of court fee is very necessary.

Another thing that I would like to submit is that the courts should be decentralised. Let the courts be established at Taluk headquarters at least, if not at block level. Andhra Pradesh has done that. Let the Munsif court be established at all the Taluk headquarters and let them deal with the criminal cases also, so that this dichotomy between rural and urban areas would go and some lawyers would go and settle down in those areas and justice would become cheaper. It is very expensive to bring a witness to a city because the witnesses have to be treated lavishly. It is difficult for a client to do that. I would request the Law Minister to consider this.

This Ministry is also incharge of Official Language Commission. It is a pity that till today, the Constitution of India has not been translated into all the regional languages. From the Report, I find that only in some languages, it has been translated and for some languages, partly the script has come. The people should know what the Constitution stands for. They should know about the socio-economic philosophy of the Constitution, what the fundamental rights mean to them,

and the scope of the Directive Principles. The amendments that we propose to bring should also be translated into the regional languages and we should go to the block level to explain the same to the people.

SHRI SOMNATH CHATTERJEE:
Before amendment or after?

SHRI JAGANNATH RAO: Our party has set up a Committee. The Committee has drafted some amendments. I am talking of those amendments. This would enable us to go to the people and thus make these democratic institutions more participative than... representative.

There are so many vacancies of judges in the High Court which have to be filled. These vacancies have been lying vacant since long. I do not know the difficulty of the Government in this regard. There are 49 or 50 vacancies. These should be filled in quickly so that arrears do not accumulate.

The judges of one High Court should be transferred to another High Court. I do not agree with my friend...

SHRI SOMNATH CHATTERJEE: I said that there should be some criteria unless it is for giving punishment.

SHRI JAGANNATH RAO: It is not a punishment. A judge of the Delhi High Court has been posted as the Chief Justice of the Orissa High Court. Justice Ansari of the Delhi High Court has been posted as the Chief Justice of J. & K. High Court. Likewise puisne judges of one High Court should be transferred to other High Courts. The judges should be transferred to other States so that they should have a clear mind. This would add to the efficiency of the judicial administration.

Whatever amendments the Government wants to bring in the Election Law that should be brought forth well in time before the election takes place so that people know where they stand and what the law is.

This Ministry has gained respectability because it has become a Ministry of Justice and also Company Affairs and equally so its responsibility has increased which it has to discharge. Therefore, I would appeal to the Minister through you that this Ministry should be more active, more dynamic to see that things are done. For instance, Legal Aid to the Poor scheme has not yet come out. It has not been finalised. We have been talking about it for years. Let it come in whatever shape you like. Something should come out so that the people may know where they stand.

I would talk about the drafting of the Bill. I should not be misunderstood when I say that the level of drafting has come down not only at the Central level but also at the State level I do not entirely blame the Ministry for the fall in the standard of drafting. It may be that the concerned Ministry may not be clear in its mind as to what principle should be incorporated in the Bill and on what lines it should be drafted or whatever it may be. When the Bill is introduced, we find every clause is amended by the time we receive the Bill and we begin to speak. Massive amendments are carried out. This should not happen. I hope timely action will be taken by the Government and also the sister ministries and this Ministry will see that the level of drafting goes up as in the past so that nobody can say that there is any lacuna in the Bills.

By and large there is not much of criticism against the Ministry. But what I have said, I said. I support the demands of the Ministry.

MR. CHAIRMAN: Shri D. K. Panda.

Shri D. K. Panda rose—

SHRI DINESH CHANDRA GO-SWAMI (Gauhati): Let me make a request. I have got a meeting of the informal Consultative Committee. If you agree and if you permit, I may

speak before him. I think you will have no objection.

MR. CHAIRMAN: Why do you say, if I permit you?

SHRI DINESH CHANDRA GO-SWAMI: I do not want to encroach upon his right.

MR. CHAIRMAN: There is no encroachment. You may speak. Shri D. K. Panda may speak afterwards.

SHRI DINESH CHANDRA GO-SWAMI (Gauhati): I rise to support the Demands for Grants of the Ministry of Law and Justice. Mr. Somnath Chatterjee has raised a number of points and I will not go into them just now. From the beginning of this session, he has been raising such points and we have replied to them times without number in this House. If I join issue with him it will just be repeating the earlier arguments and time will not permit that. But I will reiterate the arguments which we have advanced in earlier cases whenever such questions were raised. He has raised some important issues. There is one subject of legal aid to the poor with which I have been very much concerned. The task of the Law Ministry is not merely to formulate laws for the country or to bring in legislations to be passed, but law is an instrument of social change and economic change. When they make laws they should also see to it that these are implemented faithfully, that a climate or atmosphere is created in which laws are implemented and that the benefit of these laws goes to the common man for whom these laws are really made. It is not that Parliament or State Legislatures have not passed laws. The Parliament has passed laws; the State Legislatures have passed laws. They have passed a number of laws. But the point is, the benefit has not gone to the common man. The fruits have not reached the common man. There

[Shri Dinesh Chandra Goswami]

are two main defects here which I would like to point out. Number one is lack of awareness and number two is assertiveness on their part. They do not know what type of beneficial laws have been passed for them. He does not take the benefits of such laws. Even after the ushering in of the 20 point programme of our respected Prime Minister, a number of laws have been passed on bonded labour and rural indebtedness. A survey was carried out which revealed that 90 per cent of villagers do not know about these things. The beneficial effects of such laws do not go to the people to whom they are intended. Vested interests and other interested persons exploit the situation and they look to their own interests with the result that these people suffer from their lack of assertiveness. Even if they know the law, they do not have the machinery and the resources by which they can fight or go to a court of law. Therefore, what I suggest to the Ministry of Law is this. Apart from all the other legislative programmes, he should bestow attention on legislation regarding legal aid to the poor. It is unfortunate that these things are debated times without number in different forums. Today the Climate is very good. Mr Chatterjee complained about lawyers' conference. My experience is this. The legal community has come forward. They have assured us that they have got all intentions to provide legal aid to the poor. But it is not possible to provide legal aid merely on voluntary basis in a vast country like ours. Today I know that Madhya Pradesh Government has passed laws or executive action, by which people earning less than a certain amount can get legal aid. West Bengal Government has passed laws in the case of Scheduled Castes and Scheduled Tribes. But no uniform law applicable throughout the country has been passed and it is time that we pass such a legislation. I therefore appeal

to the Minister that he should immediately take steps to bring comprehensive legislation regarding legal aid. Today certain legal aid is given in respect of criminal cases. As practising lawyer, it is my experience that whenever lawyers are engaged for defending such persons, these cases go to inexperienced persons. For effective implementation of this legal aid provision, they should associate persons with experience, persons with talent. If you leave things to voluntary organisations alone, these may not work. Therefore, I would request the Ministry of Law to go into these matters and take effective steps in this regard.

There is another aspect to which the Law Ministry with all its resources should apply its mind. That is for having legal aid clinics in the law college itself. In the medical colleges, today, before a student gets his graduation in medicine, he has to undergo some sort of a clinical training. But, the law student, immediately after passing goes to the court and he damages in many cases the interests of the clients. So, why can't we have legal aid clinics in the Law College itself? Here, under the supervision of expert lawyers or teachers, the people will be asked to submit their complaints and the students may give their opinions subject to correction by the persons who may be in charge of them.

Such legal aid clinics are in operation in the U.S., in Indonesia and even in our neighbouring country, Ceylon. Why can't at least the Law Ministry take some initiative of making a provision in the curricula? This was of course a point which was referred to in the Report of Mr. Justice Krishna Iyer and, with your permission, I want to draw the attention to certain paragraphs of this report. He says:

"Properly channelised and coordinated, the idealism and zeal of

enthusiastic youth in our law schools can meet this new demands and help transform our society to desirable goals".

In another paragraph, he says:

"Experience elsewhere has clearly shown that student participation can contribute to legal services only if they are given responsible work including appearances in Courts".

I feel a beginning should be made in this direction. I also support the cause that in the case of beneficiaries of the 20-Point Programme, you must do something in regard to the court fees. The beneficiary of the 20-Point Programme comes from such a strata of society as are not in a position to pay the court fee. If you make an exception in the case of criminal cases, the accused person is not to pay the court fees, in many cases, obviously, the beneficiary is also not in a position to pay the court fees—why should the beneficiary of the 20-Point Programme be in an inferior position in this regard? Therefore, something should be done in this regard about the court fees.

Regarding law's delay, the report is silent. Look at the magnitude of the problems. I do not have the latest figures of 1976. But, even the writ petitions constitute an insignificant portion of the total number of cases pending in the entire country. In 1971, the number was 79,494—cases of writ which were pending—but in 1973, the number was 70,066 while the undisposed of cases went up by 9,000 and the increase in 1976 will be much more.

Look at the number of cases that are remaining pending in the administrative tribunals. According to a reply given by the Minister to a question in the Rajya Sabha on 28-4-75, so far as land reforms cases are concerned either in courts, or in other bodies including Administrative bodies, there are 2,23,793 cases that

are pending. How can you expect the land reforms measures to be successful if 3 lakhs cases are pending. I went to a particular district in Orissa and tried to evaluate where the people said that the number that is shown in the reply given to an unstarred question is one-sixth of the total number which is still remaining pending in our area. Therefore, if Government gives its statistics, I think they give the correct ones in the House; for that region 5 lakhs cases are pending. Obviously, something should be done in this regard also.

Once again we do not have statistics for Andhra and Gujarat. Therefore, the Law Ministry must assist and the administration must also fill up the posts of judges in high courts and a most concerted effort should be made to improve the subordinate judiciary. In emergency, you have got the right to give directions to the States. You must obviously give direction for increasing the number of subordinate judiciaries and improve their conditions because psychologically and physically and because of strains, when a person undertakes to appear day after day for a case, this is a colossal waste of social work which we never try to take into account. If you take into account the colossal social waste, then you will find that there should be an increase in the number and more amenities to the subordinate judiciary which will definitely be of great importance to the development of the entire legal system in the country.

In this context, why can't we simplify the laws? For example we have seen that even the judgment of courts are such because of the complicated laws. For example take the Industrial Disputes Act. The definition of the industry has always been the most complicated factor. Why not Parliament do something regarding this? One of the difficulties in the present legal system from which we suffer is that Parliament makes the laws. The greatest myth of the century is

[Shri Dinesh Chandra Goswami]

this. The executive brings a law before the House which we discuss. We find that here when the executive brings the law before us, it makes it as a prestige question and they will not even permit any change either in 'the' or 'a'.

16.00 hrs.

Then it goes to the court and the court interprets it and in interpreting such a law the court will hear argument for 50 days, 51 days or 52 days. It will take into account everything but they cannot take into account one thing, namely, the debates of the Parliament and the Assemblies because the Anglo-Saxon jurisprudence says that the debates of the Parliament and the Assemblies should not weigh in the minds of the courts. They will go round the whole world but will never discuss what the Law Minister or the Members said. Can we not today bring a Law of Interpretation and make it clear to the courts that the prime factor which should determine cases of interpretation is the debate that took place in the Parliament itself? I have not made this suggestion. This suggestion has come from a very honorable judge of the Supreme Court itself. He said, "Why not the Parliament make a law?" I asked him, "Why don't you interpret in such a manner?" He said that the Law of Precedents stood in his way. There is a Law of Precedents of 1950 or 1951 where it says—following the Anglo-Saxon jurisprudence—that you cannot look into it. I feel that the Law of Interpretation should again say that the Law of Precedents should be done away with. The condition of this country as it stood in 1948 or 1950 has changed. Our attitudes have changed. Our emphasis have changed. In 1950 when the Constitution was framed, socialist economics was not a part of the Constitution machinery. Why can't we not change the entire approach? I feel that the time has come when

the Law Minister has to think of the change in the entire approach. We have followed the Anglo-Saxon jurisprudence up till now. What is the basic philosophy of Anglo-Saxon jurisprudence? The Anglo-Saxon jurisprudence philosophy is to fight for the rights of certain individuals. The greatest thing that the Anglo-Saxon jurisprudence talks about is the Magna Carta. What is Magna Carta? Magna Carta is the acquisition of rights by a handful of people coming from the affluent sections in the name of the people, and we have followed it all throughout. A Handful number of people, that is, Magna Carta. Even after Magna Carta the people really did not get any benefit. In a country like England where they had all the resources from the colonies they could afford such a type of concept but in a developing country like ours where State activities are becoming more embracing everyday—where individual rights must become subordinate to community good—can the philosophy of Anglo-Saxon jurisprudence stand the test of the present time? This is the vital question which is leading us to all sorts of changes either in the Constitution or in other laws but we have never tried to tackle the philosophy of this entire approach. Have we ever discussed whether Anglo-Saxon philosophy which is prevailing in the drafting of the laws or which is prevailing in the interpretation of the laws....

SHRI B. V. NAIK (Kanara): Are you for King John?

SHRI DINESH CHANDRA GOSWAMI: Please don't interrupt. Try to read the history of England and see whether the benefits went to the common man and the sons of the soil or the benefits were confined to a handful persons. At that particular time it might have been a great achievement in the days of Monarchy but whether in the days of Democracy that particular acquisition of right by a handful of persons can remain out

philosophy of life is the basic question which we must address ourselves to. Today with the State activities being all-embracing—whatever we may talk about rule of law—if we cannot bring up the standard of living of the people below the poverty line, they will try to get redress not through the rule of law but through extra-constitutional methods.

In such circumstances, individual rights must be subordinate to community good. If you approach the whole question in this light, Mr. Somnath Chatterjee will himself find that there are lots of laws in the arguments which we have developed.

I do not want to go into the question of constitutional amendments because I have been associated with the Committee which is discussing it. But I have one point to make and that is that any constitutional amendment must assert the right of Parliament as the supreme authority to amend any part of the Constitution. No basic structure philosophy can come in the way.

I will conclude by quoting a paragraph from what Jawaharlal Nehru said while this question came in an indirect way. He said:

"A free India will see the bursting forth of the mighty energy of a mighty nation. What it will do and what it will not, I do not know; but I do know that it will not consent to be bound down by anything. Some people imagine that what we do now may not be touched for 10 years or 20 years... I should like the House to consider that we are on the eve of revolutionary changes, revolutionary in every sense of the word because when the spirit of a nation breaks its bonds, it functions in peculiar ways and it should function in strange ways. It may be that the Constitution this House

may frame may not satisfy a free India. The House cannot bind down the next generation or the people who will duly succeed us in this task".

These were prophetic words. I conclude by quoting what Thomas Paine said:

"There never did, there never will and there never can exist a Parliament or any description of men or any generation of men in any country possessed of the right of the power of binding posterity to the end of the time... The vanity and presumption of governing beyond the grave is the most ridiculous and insolent of all tyrannies".

With these words, I support the Demands.

SHRI D. K. PANDA (Bhanjanagar): Having gone through this Report, I find in certain cases that there is a big gap between practice and policy. In 1974 certain declarations were made by Shri Gokhale. It was said that Government would bring forward certain comprehensive laws and bring about a certain orientation in the entire legal system, because the law should serve the people. Everyone of us is saying that here. So mere speeches, declarations or professions will not do.

I would like to say certain things so far as the Indian Law Institute is concerned. I would like to know how far the money that has been allotted to it has been usefully spent. An annual grant of Rs. 6 lakhs is made to this Indian Law Institute. I would like to know what is the specific contribution it has made during the last 18 years of its functioning. Absolutely nothing.

SHRI M. C. DAGA (Pali): Absolutely nothing?

SHRI D. K. PANDA: On the other hand, they have been inviting visiting professors mostly from the USA and UK. On what have they been speaking? They deliver speeches and lectures on our own system. They have also brought out certain articles which were published in the Journal of the Institute. One article was by Black Shield. It is common knowledge how it has influenced the judgment in the Golaknath case. This money has been misspent so far as the Law Institute is concerned.

16.00 hrs

[SHRI P PARTHASARATHY in the Chair]

It has been declared times without number in this House that we should develop and should have a growth of our national jurisprudence. To what extent have we done so? Can you say that there is at least a statement of Indian laws? Based really upon our Indian traditions, have we really been able to build up our own national jurisprudence? Absolutely nothing. In that direction no effort has been made so far. Money has been allotted for a specific purpose it should be used for that purpose; not otherwise. Till today what has been done? I can say that it has become a den of reactionaries; I demand that the money should not be wasted; it must be spent properly.

Secondly, the present director was the person who opposed the 25th constitutional amendment; he continues to be director. He is for the preservation of the right to property. He has himself amassed much wealth and so definitely his approach will be like that. If such persons head this institution nothing will come out of it; rather it will go against our national interest.

The All India Bar Council is a statutory body under the Advocates Act. Its chairman is one Jethmalani

who is a Bombay lawyer. What is going on in the meetings there? The Attorney General and the Solicitor-General are not attending the meetings for reasons best known to themselves; they may be good reasons or not. As a result all those reactionaries who are spreading reactionary ideas take advantage of the situation and they control and guide the entire bar association against the spirit of programmes, against the law of the land, against anything progressive. We should take care to see that the ex-officio members like the attorney-general and others participate in their affairs. There is no chance of their being elected; they are also not participating, so others take advantage.

With regard to labour cases, I want to cite one example. Whatever law is there, it should serve the twenty point programme during the emergency; it should serve the weaker sections of our people. There was a labour case. Gorakhpur jute mill case, Mahabir jute mill *versus* the directors. A petition was filed in 1958 before the High Court, as the government refused to refer the case to the tribunal. In 1963 the petition was allowed by the single judge and the management filed an appeal against the single judge order; that was disposed of after nine years in 1972 and the government made a reference in 1973 and in July 1975, the management filed an appeal in the supreme court. After a lapse of 17-18 years, the case was disposed of. What is the fate of 800 dismissed workers? Because the very order was granted by the High Court, that the government should have referred the matter, to that extent that order was confined and actually the government had referred after 15 years. What is the result? The Supreme Court has quashed both the orders of the government for referring and also the orders of the High Court. The net result is that 800 workers are now standing in the street, unemployed. They continued to be the same dismissed workers. For 18 years their cases were pending

before the Court. So, this is the remedy for the workers. Then, similarly there are so many other cases. I do not want to cite all those cases here. It is one of the classical examples. I will quote what the judge has said in his judgement: "by the time it has heard 17 years have passed when the impugned order refusing to make reference was passed and 800 workers were dismissed." Now these 800 workers were already 17 years old. The Government took three years' time to refer this matter. I do not know whether they will refer the matter or not. But what I want to tell you is this that as far as these matters are concerned, there should be speedy disposal and Government should not unnecessarily delay referring these matters to the Court. In the case of public undertakings, we have found that the management is becoming more zealous to continue the matter in the Supreme Court in the form of writ petitions and it is said that hundreds of writ petitions are being filed in the Supreme Court. It is not so. Therefore, what I want to say is, as far as these matters are concerned, the Government should take a very reasonable and progressive attitude towards the grant of relief to the weaker sections of the society on the spot. In many cases, from my own experience, I know that in a dispute over a small land, Government took 8 or 10 years. Then the matter was referred to some other Court and then to the Civil Court and finally it reached the Supreme Court. They had taken 20 years to decide about this small piece of five acres of land. So, if you really want a comprehensive change in our legal system, you should see that it serves the people because it will really attach great importance when the interests of the weaker sections of the society like peasants, landless agricultural workers, etc. are safeguarded. The Government is unnecessarily delaying these matters and there should be a total change in this respect also. Sometimes they themselves take the initiative and take these matters in the form of the writ petitions before the Supreme Court.

Now, in regard to cost audit, I would like to tell you one thing. At the time when the Company Law Amendment was considered, we had received many petitions from Bombay and from other industrial centres demanding cost audit of all the companies. If this is done, it will reveal the real cost of production of various articles manufactured by the big companies. We will also be knowing what is the price of raw materials that they have paid and this will expose the big companies. So, at least as far as the big companies are concerned, cost audit should be made applicable. In the report, here and there, it has been mentioned about 43 companies and 73 companies. But we do not know what is the achievement. The Company Amendment Act, has been passed after the Emergency and we have all given our consent to the amendment. We made a suggestion, at that time, that cost audit of these companies should be made compulsory, because most of these companies are making huge profits and we do not know what their profits are.

Against the Birla houses, an enquiry was going on since 1967. This enquiry is now in a stand-still position. Why? Just because one of the Birla companies, not all, has gone to the Calcutta High Court and obtained a blanket stay order! What has the government done to get the stay vacated? I want a specific answer.

About the Jiaji Rao Cotton Mills, for inspection there was an order made under section 237B of the Companies Act. That order was quashed by the High Court. Government filed an appeal in the Supreme Court. More than five years have elapsed. On some ground or the other, they file a petition, consult the lawyer of the other party and with this common understanding, the case is being adjourned. This delay is going to help only those monopolists against whom we have started certain investigation and enquiry. The whole purpose of the investigation will be defeated because of the delay.

[Shri D. K. Panda]

In many cases, the court has opined that the government should be circumspect in filing appeals in respect of service matters. Certain cases are being filed relating to conditions of service, promotion, etc. Unless it is very serious, the government should not go on filing writ petitions, as they are doing now. I have got so many examples.

The cases are piling up in the mofussil courts because the High Courts are not paying due attention to those mofussil courts. This should be done and the number of cases pending in mofussil courts should be reduced.

About legal aid to the poor, there was so much discussion. We roused the aspirations of the weaker sections that we are going to give a tongue to the tongueless and the dumb millions can now raise their voices in the courts and get justice. But what exactly has been done in this regard? In 1947 in Bombay this on of concept was born and some steps were taken. Last time also assurances were given in this House that a comprehensive Legal Aid Bill would be brought. Why has it not been worked out yet? In answer to one of my questions, it has been said, "We have sent the recommendations of the Krishna Iyer Committee to the Orissa Government." That committee was formed after taking into consideration all our past experiences. I want to know what specific steps have been taken to see that legal aid freely flows to the needy persons.

SHRI B. V. NAIK (Kanarn): Mr. Chairman, Sir, I briefly support all our previous friends who have spoken on the question of legal aid. I also request the Minister of Justice and Law to keep on looking at our Constitution which needs a look. For example, take the list of subjects that have been incorporated, I saw to my surprise that the Union List provides for fishing and fisheries beyond territorial waters. 57

items in the listed subjects fall within the Union List, i.e. the Central List, we see that fisheries as per Entry 21 falls in the State List. In other words, it takes us to a sort of a legal absurdity whereunder the State Government is responsible for fishing upto a distance of 12 miles from the shore and thereafter immediately the Central jurisdiction comes into operation. I do not know whether it is in the concept of the Government or anybody else to have a fence somewhere and say that you take care of this and all Central laws are applicable here and the rest will be taken care of by the States. This is an ideal field in which the Concurrent List can come into operation. The result of this is that there have been lot of complications in this ever growing industry, namely, fisheries in our country. What I am drawing at is that the Union Ministry for Law which ought to work as a watchdog about the operation of our Constitution, should remove these imbalances which have developed.

The corner-stone of our entire economic development and programme has been our mixed economy. When the late-lamented Pandit Nehru thought of mixed economy, he did have a far reaching vision. But his concept of mixed economy, whereunder now comes the private and the public sectors including the joint sector which he had envisaged in the year 1956 was not some sort of a mixed bag. I substantiate my statement in this behalf. What happened when our public sector executives met here in New Delhi, only last month? They came to a categorical conclusion that:

"The two-day convention of public sector enterprises has called on the Government to amend sections of the Companies Act which were not at all appropriate for the public sector.

The Act is designed primarily for private sector companies. It is ridiculous that some appointments approved by the Union Cabinet have to be once again sent for clearance

under the Act. Again, the many provisions regarding the annual shareholders' meeting have little relevance for public sector units where the President is virtually the only shareholder."

If we look at the comparative strength of our public and private sector companies in our country, we find that the Government companies numbering in all 805 have a paid-up capital of Rs 5062 crores whereas the private sector companies numbering about 42611 have a paid-up capital of Rs. 2675 crores. It is something like giving some powers to the tail and the tail is wagging the dog. Now, after Nehru's mixed economy concept and after the public sector have been in operation in this country for the last 25 to 30 years, what are the Ministry of Company Law doing to formulate a legislation for administering our public sector companies which have found a place of pride particularly after the Emergency. Will you, therefore, come forward with a place of legislation to help us run our public sector companies better and to facilitate the management there? Time and again, we raised this in the Consultative Committee.

For example, in aeronautics and many other public sector companies, the workers' participation has to be made more meaningful. Do you call for general body meetings? No. The President is the sole shareholder. How do you make the workers participate in the day-to-day, micro, major and medium decisions? There is no institutional or statutory framework to give meaning and purpose to the views that this House expresses from time to time. Will the Ministry or Department of Company Affairs kindly wake up, even though it is too late, and come forward with a distinct piece of legislation, rather than take all the credit, in the administrative report, for forming this law and that?

The Department of company law is today administering some other legislations also. But when we go through

the functioning of the Department of Company Affairs, we find that it is supposed to administer the law pertaining to chartered accountants—as mentioned by my friend Mr. D. K. Panda—and cost accountants—not of cost accounts because it is the latest addition—I mean chartered accountants which is a profession born and brought up in the bania, capitalist, retrograde system of our economy. You are now putting the same people in charge, for the purpose of administering our public sector concerns which are supposed to be the citadels of the socialist pattern of economy. This means that we have for too long been unaware of it. The question of nationalization of our service is important; and with two times Rs. 500 crores of subscribed share capital resting in the public sector, much of the income of our chartered accountants comes from the revenue of public sector companies. The concept of commercial audit and of CAG's control of these public sector companies is a nominal one: it post-audit. If you want to bring down the cost of inventories, want better utilization and make full use of the Emergency for the purpose of building public sector, you have to have a public cadre. The public sector can finance this cadre and it can be built up on the basis of available talent. Those who are good can be paid adequately. Their income will not fall down. Therefore, I think that of all the departments in this Ministry, it is the Department of Company Affairs which must wake up, and wake up a bit too soon. Thank you

SHRI INDRAJIT GUPTA (Alipore)

I am glad that we have at least succeeded this year in having a very brief discussion on this Ministry's performance. In most other years, it has been the victim of the guillotine. There is really no time to develop one's examination in detail.

This Ministry is in a way in a very fortunate position; because it is a composite Ministry i.e. the Ministry of

[Shri Indrajit Gupta]

Law as well as the Ministry of Company Affairs. Therefore, within the aegis of one Ministry, they are in a position to coordinate their activities and work in a way which is perhaps denied to many other economic Ministries. In the handling of company affairs, in the administering of the Company Law and in the functioning of the Company Law Board, if they find that they are coming up against certain obstacles in the law itself--which do not permit them to do certain things which they would like to do--then it is within the competence of this Ministry to initiate such amendments in the law, as would facilitate a better and a more efficient administration of the Company Law itself.

I regret to say that the general impression which has been created in the country, and quite rightly in my opinion, is that the Company Law Administration and the Company Law Board, instead of functioning as effective watchdogs of public interest, have really been, I should say, succumbing to the pressure of the big monopoly houses and big business in this country. The only people I find who have a good word for the Company Law Board are the captains of industry! They are the people who seem to be very much satisfied with the way that the Company Law Board functions, or does not function. Everybody else, that is to say, ordinary shareholders of public companies, workers and other people are thoroughly dissatisfied with it.

You will find from this Report--while I do not want to say anything about this Report itself, I cannot help saying that this kind of a Report is an insult to the intelligence of Members of Parliament--it has been admitted at page 84 that the inspection reports which the Department has collected of the 20 larger industrial houses have revealed "several lapses on the part of the companies in complying with the various provisions of

the Act. They have also revealed malpractices, diversion of company funds and cases of mismanagement". This, I should say, is just a very brief and passing reference to the actual state of affairs that is going on.

You will find even in this limited Report a sort of confession of frustration. An examination of the pages of this Report reveals their confession of frustration, their inability to get round the various obstacles which are being created by the vested interests, by the monopoly houses, by the big business interests against their affairs being properly probed, controlled and regulated.

If you make a reference to page 79, sole selling and sole buying agency agreements, there also you will find that a large number of applications have come. But, apparently, the Company Law Board has no alternative but to postpone a detailed consideration of these matters, it is said here. In the meantime, pending detailed consideration, they have apparently no other alternative but to give interim permission to these people to carry on the sole selling and buying agency agreement.

Similarly, under the MRTP Act, orders were passed against certain companies, foreign monopolies, for certain manipulations, malpractices, but they moved the High Courts with writ petitions and get stay orders and, therefore, the whole thing is held up. The same thing is happening with regard to investigations under this Act.

So, what I want to say is that we find such things happening in the country on a large scale. For example, if I may mention one or two things, for a layman it is difficult to understand what the Company Law Administration is doing in matters like the case of Jaipur Udyog, the largest cement manufacturing company in this country, in fact, in the whole of Asia, run by the giant Mr. Alok Jain

personally in this case, which was allowed to remain closed for over one and a half years, with no accounting of funds, nobody knows where the diversion of funds has taken place, the whole factory is almost facing ruin and yet no action is taken. What investigation have you carried out and what action have you taken against the defaulting, erring owner-employer? I do not know, I am told that the Government is anxiously trying to see how it can be provided with new loans and additional funds to get the factory started. It is good that the factory is being started, because the workers are starving. But what about the sins committed by these people? You have allowed those people, who control this big industrial house, in which crores of rupees have been invested, to function in such a way that they have brought this factory to the verge of ruin.

Then, take Bird & Company, one of the biggest well-established business houses, dating from the days of the British. In the case of that Company, one of the leading Directors has been trying hard to corner a larger number of shares and so on so, that he becomes a person who virtually is controlling the entire concern. Is it not a fact that raids were carried out a year ago, extensive raids by the enforcement authorities, by the income-tax authorities, on his various houses, because he has more than one house, and a large amount of unaccounted wealth was found, a good amount of jewellery, supposed to belong to his wife and so on, a lot of shares transactions in shares and manipulation of shares, which could not be accounted for?

Such people are permitted to continue as directors of such important concerns. Does the Company Law come in the way? The Company Law says that a person cannot be disqualified from being a director unless he is convicted. If that is so, it is for the Ministry to come forward and say that the law must be amended. A

person, against whom so many cases are pending in which CBI enquiries are going on and so much unaccounted money is found, is allowed to continue as a director in a big establishment like this.

Similarly, reference has been made to Birlas and so many others. Therefore, what I want to say is that the Company Law Board and the Company Law Administration, in my opinion, have totally failed to perform the public service for which they have been set up and for which the people look up to them.

I am really surprised how Mr. Somnath Chatterjee, of all people, seemed to be rather satisfied with the performance of this Company Law Board. On the contrary, I would give a warning that, in keeping with the general mood and the temper of the country today, which is generally against this whole mismanagement, maladministration, corruption and irregular business practices of these big monopoly and business houses, it is high time that the Company Law Board and the Company Law Administration generally, and this Ministry, took up this challenge. If they want the law to be further amended so as to help them, it is up to them because it is the same Ministry, it is one composite Ministry, and they can easily identify where the bottlenecks and hurdles are. Come forward with your suggestions or amendments, but do not allow these people to run riot like this. They are not at all worried about your Company Law Board. I find in Calcutta so many of these big business house people openly ridiculing and joking about your Company Law Board. They say: "We know how much power they have, they will not be able to do anything." In this defiant mood they are going ahead. Therefore I would say that really the Ministry is on test. It is for them to satisfy the country that they are really acting as the watchdog of the public in this matter, which I really think they have failed to do.

THE DEPUTY MINISTER IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI BEDABRATA BARUA): I am very grateful to Mr. Gupta, Mr. Naik and other hon. Members for speaking specifically on some of the subjects that I am dealing with in the Department of Company Affairs. I would like to confine my comments to them in the short time at my disposal.

The whole policy of the Government has been stated in reply to various questions in Parliament. An accusation has been made by no less a Member than Mr. Gupta that we have been really functioning and helping the big business houses. I would like to make it clear that the Ministry's role is to see that the monopoly houses and other big business interests do not function against the public interest, and that is why this Ministry initiated the MRTP Act and also the very far-reaching amendments of the Company Law last year. As a consequence, before and after this legislation there were representations from the big business houses, Federations of employers and manufacturers against these amendments. But I would own the fact that this Ministry has been trying to work within the ambit of the policy laid down for the development of the country. While it is no part of this Ministry's work to encourage the work of the other sectors outside the company sector, Government have taken keen interest in the development of the co-operative, small scale and medium sectors as also the public sector. All these sectors are developing fast, but as Shri Naik pointed out, the growth of the public sector in the last few years has been phenomenal. We have given the figures of the growth of the public sector in the last few years. It far exceeds the growth of the private sector, but Government has a responsibility to see that the country is developed, that the production machinery goes on and that the targets are achieved. It is in this context that the Government had to allow the expansion of the private sector in certain cases where it was necessary in

spite of the expansion of the public sector as also the other sectors.

And we have to take the expertise of the big business houses. They are allowed expansion in very limited and very categorised fields in which only they could come. They have to come into the high technological area. 19 different industries were located in the February 1973 Policy and in those areas, they can come along with other houses. They have to go into other areas also. Obligations are imposed on them. All these things are known to this House.

While doing this, Government has taken care to see that these houses dilute their control, and the companies do not remain closely held. So, the equity control has to be diluted. That is made a condition in every case where the equity control is more than 40 per cent. If it is a foreign company, the dilution formula is imposed. Even in other companies, whenever it comes for clearance, we impose the conditions. The convertibility clause is imposed. As far as loan from financial institutions is concerned, if necessary, it could be converted into equity. We have been imposing them whenever clearance is made. We have recommended to the Government, to the Cabinet for increasing participation for public financial institutions. All this has been done. Sometimes, it has been specifically made a condition in the letter of intent and the licence that the public financial institutions will share to the extent of 20-30 per cent, because the whole purpose is not to hurt the development process, but, at the same time, to loosen the control of the big business houses over the corporate sector, and also to strengthen the public financial institutions.

If I had the time, I would have given the figures how public financial institutions today have come into dominant equity participation in most of the big companies. (Interruptions).

I am saying it because the whole shareholding pattern is studied in my Ministry, and it is we who are dealing with the shareholding pattern as such.

As far as big monopoly houses are concerned, Mr. Gupta may be right in saying that the workers do not expect anything. Regarding any matter, if a worker has to come to me, under the Company Laws, I think there is very little provision. But even then, Mr. Gupta remembers that when it came to the provident fund, I did make a declaration saying that if there is a provident fund arrear, we will not certainly allow the Managing Directors or any Director to take loans from the company. Whenever it is possible, we take the interest of the workers into account.

(Interruptions)

SHRI INDRAJIT GUPTA: What about the provident fund?

SHRI BEDABRATA BARUA: I am not administering the provident fund. What I said was that if there is any provident fund arrear, Government will not like the loan to be given to the Directors; Government will not approve the sanction. When I say that Government has assured it, it means it will be implemented. There is no question of its not being implemented. It has to be done case by case; it cannot be done only when the cases come before us.

As far as the inspection of the 20 houses is concerned, we have been taking up the inspection, and as a policy, Government has said that as far as possible, it will be implemented.

Mr. Gupta and Mr. Somnath Chatterjee have raised a matter about sole selling agencies. We have already banned sole selling agencies in a number of areas like cement, paper and some other industries. I think I do have the list. We have prohibited them. But the point not taken note

of is that in this matter we have to examine them very carefully, because if the sole selling agencies lead to rise in prices, the interest of the consumer is involved. But suppose companies are not having sole selling agencies and their selling expenses are very high, what are you going to do? Therefore, abolition of sole selling agencies itself is not the issue; the issue is how to bring down the prices and how to reduce the commission of the sole selling agencies and the other agencies.

I have got a balance-sheet where I have found that the selling expenses in one company have gone to more than a crore; they do not have sole selling agencies.

So, the point is that under the provisions of the MRTP Act, the Monopoly Commission is looking into the restrictive practices. I am not saying that we have achieved success. We are trying to bring down the sales expenses of the companies.

There are other matters which were raised by Mr. Panda. About amendments, he asked, what are the achievements. I have already said that these amendments have made a lot of impression on the companies system. It is not that they have taken very kindly to these amendments. We do not want to be a sort of bull in a China shop. We do not want to disturb the whole structure so that it does not become either public sector or private sector company but it stops functioning. At the same time, we would like to regulate it and these regulatory provisions have come into effect. If I am to give my opinion, the fact is that about the former managing agencies, in respect of relations of directors, every application is under study and there has been a great check on the entire system.

Regarding the audit provisions we have amended the Act. At that stage, of course, it was only a question between auditors and the companies. About the cost audit, it is compulsory

[Shri Bedabrata Barua]

for certain industries. In respect of 20 industries, we have already made it compulsory. They have to keep the cost accounting records.

Regarding cases which Mr. Panda mentioned, about Birla cases, I have already replied in the House several times. About the Jiyaji Rao Cotton Mills, I think, the investigations were quashed by the Jabalpur High Court. About other cases, they were started in 1967 and orders were passed for investigation; then, they went to the High Court and, again, to the appellate section of the High Court and then they may go to the Supreme Court. This is the defect of the law. The Government, of course, is considering the whole gamut of legislation and, I think, this type of writs leading to paralysing the functioning of the Government will not be very good.

About the public sector, it is true, as Mr. Naik has said, that many of the Sections may look irrelevant. It is true that in the case of many public sector companies, the President of India or the Secretary of the Government of India may be the only shareholder in this situation, what we have done is that we have tried to make a number of concessions so that some of the formal clearances which are required in respect of the public sector companies may not be insisted upon. Regarding the Managing-Director, once the administrative Ministry approves it, automatically, the approval is given. Also, regarding managerial remuneration, inter-corporate loans and several other things, we have given a lot of relaxations.

I do admit that there is some thinking in the country, amongst the public sector executives also—several of them have told me—that we should have a separate legislation for the public sector enterprises. Some hon. Members suggested that there should be a

separate legislation for the public sector enterprises so that the special and peculiar problems of the public sector that are there will be dealt with in that legislation. Presently, I would assure the House that the present way of functioning the Company Law Department is to see to it that the public sector matters are not delayed. No matter is delayed. I think, in respect of this matter, in the Ministry, it is either rejected or approved. But the delay is not there, unless, of course, there are matters on which we want to investigate or inspect and look into those things.

About the monopoly houses also, they have said about the Coca-Cola, Cadbury and Colgate. Under Section 31 of the MRTP Act, the investigation orders were made. But they were stayed by the courts. These are the facts....

SHRI INDRAJIT GUPTA: If they are stayed by the courts, what is the Company Law Department doing about it?

SHRI BEDABRATA BARUA: It is not that we are not doing anything. We are taking steps to vacate the stay orders. At the same time, we are contemplating what is to be done in such peculiar situations.

I am extremely thankful to hon. Members for making all these suggestions. I do not have enough time to go into all these details, regarding Benches and all that. Mr. Somnath Chatterjee mentioned about the Company Law Board Benches and all that. About arrears, I have already replied to that. I again thank the hon. Members....

SHRI INDRAJIT GUPTA: The directors are allowed to continue in spite of those cases pending against them.

Is there no way of doing anything about it until those cases are disposed of? Should they be permitted to continue as Directors?

SHRI BEDABRATA BARUA: So far as the Directors are concerned, if there is any case actually proved against him, his appointment is not approved. Nowadays we have enough powers not to approve the appointment. The Amendment has given us more powers than what we had previously. Whenever such cases arise, we try to have a quick inspection and give them extension for one year or so at a time in cases where it is necessary to complete the inspection.

SHRI SATYENDRA NARAYAN SINHA (Aurangabad): I am in general agreement with the assessment of Mr. Somnath Chatterjee about the dismal performance of the Law Ministry. Even though the Law Minister, Shri H. R. Gokhale, while addressing an Indian audience in North America, presumably in answer to a question, has reiterated that Government would preserve the independence of the judiciary, I am afraid they have been doing just the opposite of it.

I would submit for your consideration the case of Mr. Lalit of Bombay High Court. You are aware that High Court judges are appointed initially as Additional Judges for a period of two years, and confirmation follows as a matter of course. This practice is being followed for over two decades. In the case of those recruits from the Bar, even in the case of Additional Judges—because there is no ban on Additional Judges resuming practice if they resigned before confirmation—an undertaking is taken from such lawyers before they are appointed Additional Judges that they would not resume practice if they resigned before confirmation, which only reinforces the practice that, when a person is appointed as Additional Judge, he will be confirmed in due course. In this particular case, Mr. Lalit had a lucrative practice in the Bombay High Court. He was appointed judge of the Nagpur Branch of the Bombay High Court but he was not confirmed contrary to general practice. The Bar Association of Bombay, sever-

al Associations, solicitors and other lawyers practising in Bombay met in the Bar Library, in Bombay and adopted a Resolution expressing satisfaction at the way Mr. Lalit was discharging his duties as judge of the High Court. They have said that he was a popular judge and that, in the absence of a communication from the Government as to why he was not confirmed, the meeting felt that because Mr. Lalit gave judgments which were not favourable to Government, he was not confirmed.

Similarly, in the case of Mr. Justice Agarwala of Delhi High Court, he was not confirmed because of the judgment he gave—as is the general impression—in the case of Kuldeep Nayar and the Supreme Court Bar Association adopted a Resolution condemning this decision of Government and appealing to the President to re-appoint him as a judge. These two cases have led us to believe that the power given to the Ministry to appoint judges—because whatever may be the provisions of the Constitution, in the ultimate analysis, it is the Government nominee who will always be appointed as a judge—is not being properly used. This is my personal experience. They have misused this power in penalising these judges and thereby administered a sort of warning to other judges that if they misbehave in the sense that if they do not fall in the pattern of “conformism,” they would go the way these judges have gone.

17.00 hrs.

Now, I come to the power of transfer. I am not opposed to the power of transfer being exercised, but the question is, how has that been exercised? In the recent case of Gujarat High Court, the two judges who delivered the judgement against the Censor and ruled that the Censor has no jurisdiction over the decisions of the court and the publication of the judgement of the court would not cause any kind of disorder, have been transferred as a result

[Shri Satyendra Narayan Sinha]

of this judgement. The timing of the transfer has created a widespread impression that the power vested in the Government is now being utilised not to promote the independence of the judiciary, but to subvert it.

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (DR. V. A. SEYID MUHAMMAD): Which judge has been transferred and where? It is not a fact.

SHRI SATYENDRA NARAYAN SINHA: This is a general impression. Immediately after the judgement was delivered, the judges were transferred.

Shri Sen, the then Law Minister, had given an assurance in this House that the power of transfer of judges will not be utilised without obtaining their consent. The power of transfer should not be utilised as a penal measure. not be utilised as a penal measure. Dr. Ambedkar, while introducing this had said that it should be used only for the purpose of administrative convenience, but not as a penal measure. Therefore, my submission is, that despite what the Law Minister said, the performance of this Ministry has created a widespread impression and apprehension that this Government is not promoting the independence of the judiciary, but is subverting the same. The Government owes an explanation to this House and the people outside, why Mr. Lalit was not confirmed as a judge. Is it not a fact that Mr Agarwala was not confirmed, because he gave a judgement in Kuldip Nayar's case, which was not liked by the Government, and is it not a fact that the two Gujarat judges have been transferred after they delivered the judgement against the censor? In fact, the ex-Chief Minister of Gujarat told me that they have been transferred. It is for the Law Minister to verify and tell us the facts.

The other day, when the debate on the Bill concerning the conditions of service of the judges was going on, some complaints were made that there is favouritism in the High Courts in regard to the appointment of judges and quite after their close relations get appointed. In this connection, I want to say that the States Reorganization Commission had made a recommendation that one-third of the judges of the High Courts should come from outside the State.

Secondly, I have made a suggestion that a convention should be developed that the Chief Justice of the High Court should be from outside the State. The Government have so far been sitting over that recommendation and they have not implemented it.

Now I come to the question of electoral reforms. Here and outside the House, demand has been made for electoral reforms. The Election Commissioner made certain recommendations. A Joint Committee was formed. A unanimous recommendation was made. The Bill was drafted but the Government did not find time for bringing it here, whereas they could find time to amend the Representation of the Peoples Act to protect the Prime Minister's election. My grievance is Government has developed vested interest in the present system of election.

We have been challenging that this system is bad because it is so devised that the seats obtained by the various political parties do not reflect their relative strength in terms of the popular votes polled. The result is that minority Government function all over. Therefore, an expert Committee should have been appointed to go into this question and to make recommendations so that the majority opinion could find expression here.

Then I come to the question of the 'Legal aid to the poor'.

MR. CHAIRMAN: Please conclude. You have taken more than eight

minutes. The other Members will complain, I have to give an opportunity to everybody. You have already taken more than eight minutes.

SHRI SATYENDRA NARAYAN SINHA: I am going to conclude in half a minute.

MR. CHAIRMAN: All right you take half a minute.

SHRI SATYENDRA NARAYAN SINHA: Mr. Chairman, I told you that I was going to make my last point and I would conclude.

I say that this Government is wedded to welfare. We are talking of the rule of law which is being considered to be a dynamic concept and we are talking of equality before law. Unless you apart a meaningful purpose and content to this maxim, the goal cannot be achieved. We have got to prepare a comprehensive scheme to provide legal service to the weaker sections. Such a practice of legal help to the poor is almost like an Indian creed since long.

SHRI B. R. SHUKLA (Bahraich): The performance of the Ministry of Law, Justice and Company Affairs is to be considered in the larger context of the proclamation of emergency. The Ministry was called upon to pass and to help in the enactment of such laws which could implement faithfully the purpose of emergency. The MISA was amended. The Confiscation of the property of the Smugglers Act was passed and the Press censorship Act was passed. All these enactments were adopted by the Parliament with the requisite majority, rather by an overwhelming majority. Now Shri Chatterjee has come forward with this allegation that this Government and particularly this Ministry is responsible for the enactment of laws which create distrust in the functioning of the judiciary. Perhaps, he is thinking, if an election petition is decided against the Prime Minister, it is a triumph of the independence of judiciary. But when a duly constituted

Bench of the Supreme Court allows her appeal, it is not functioning independently. When Gujarat and other High Courts of the country have decided that the detention of the people under MISA was illegal and the Supreme Court was approached by the various State Governments and also by the Central Government and by a majority of the judges—4:1 it was decided that the detention was perfectly legal and there was no flaw in the provisions of the MISA, opposition members are saying, that the judiciary has abandoned its claim of independence and it has become subservient to the Government. Their criteria of judging the independence or subservience of the judiciary is dependent upon this consideration. If anything is decided in favour of the Government it has become subservient, if it is against the Government, it is independent. This sort of approach is an erroneous approach on the part of the hon. Members of the Opposition. So far as the functioning of the Ministry is concerned and the way in which it has enacted these laws, we should give credit to their legal acumen and their ability because the highest court in the land has upheld the validity of such laws. In the recent judgment of the Supreme Court it is laid down that during periods of emergency the executive can deprive any citizen of his personal liberty and freedom, even without there being any law on the point. We are glad that our stand as members of parliament belonging to this side of the House has been upheld, but as a citizen of this country, I would request the Minister to go through this judgment and find out whether such unbridled power should be granted to an officer in this country because due to his erratic zeal or misuse of powers he may do something seriously wrong. Of course the Supreme Court is perfectly right in giving its judgment. It is now for Parliament to express its views whether this position should be accepted. My submission is that if the executive authority in pursuance of laws passed by Parliament or State Legislatures do

[Shri B. R. Shukla]

something which has the effect of curtailing the liberty of an individual, such action should not be challengeable in court of law. If the act of the executive officer is not covered by enactment of laws of Parliament or State Legislatures then it should not be allowed to be defended.

Regarding transfer of judges and their confirmation etc. every lawyer and litigant knows that the judiciary, with due respect to it, has not been coming up to the expectations of the people at large. The judiciary has created a preserve for itself. It is not functioning as independently and as impartially as it should. Therefore, there should be legislation by the Government to check these malpractices which have unfortunately crept into this pious body. I am talking of the system itself. So far as the question of transfer of judges is concerned, my submission is, if one judge is transferred from one high court to another, there should not be any grievance. My another suggestion is that one-third of the judges of every high court should belong to another State. Similarly, the Chief Justices of all the High Courts should be not from that State High Court but from outside that State.

SHRI ARAVINDA BALA PAJANOR (Pondicherry): I think three minutes are not sufficient for me because these three minutes will be off if I were to touch other points.

Anyway I shall confine myself to one point which I have repeatedly mentioned on other occasion. We have 18 high courts, I believe. But, you are not considering setting up a high court for Pondicherry. Because of time limit I will not touch the other subject.

For Pondicherry, my complaint is that the Madras High Court is not able to appreciate the difficulties. The second point is this. It is a problem for the litigants of Pondicherry to

come to Madras from there to fight out their cases. Sir, as far as the subordinate judiciary is concerned, you have given the jurisdiction to the Madras High Court. But, when it is a question of transfer of subordinate judges, you say that you cannot transfer them to the Madras State because it is a different territory. It is a small territory but I do not call them small judges but subordinate judges who are confined to particular places. Many of us very vehemently argued for the transfer of high court judges. If it comes to transfer it is said that these small judges belong to a particular area. It is a saying there that the people have to take the law as the judges feel it and not the law as it has to come to them.

When I think of the smaller portion of my territory, as somebody expressed the other day I have an extended arm to Madras also because I have to go there to practise there too. I think the same feeling is prevailing in that area. I am sorry to bring to the notice of this House one thing. Mr. Shukla just now spoke about high court judges. The papers are giving the Evening news that an ex-Chief Justice was arrested and there is a common saying there from Saidapet bus stand to the topmost bus stand that other high court judges are also likely to be arrested—this judge is corrupt, that judge is corrupt and so many of them are corrupt. I do not know about Allahabad and other places. I hear from my friends the same thing. I tell you that the public has a feeling that the judiciary has been destroyed—I do not want to say by whom I think all of us have contributed to this thing. When the confidence is destroyed, I do not think we can get justice. You all know pretty well it is not only enough for us to simply justice. I say that there must be an appearance of justice not only justice being rendered but there must also be proper conditions created. I think on this, many of us have been harping. You have allowed only three minutes to me. On the Legal Affairs which is such a subject

where, according to me, we must have the maximum time because it is concerning us—the lawmakers—how many of us are really making laws here? And how many of us really understand the law and how many assist to make the correct laws. My friends here feel happy if the laws are upheld by the Courts but when a law is struck down, they are unhappy. What is wrong with them? I want to make a suggestion to the Law Minister through you that at least when you are making the appointments of the Law Officers, why do you confine yourself to particular persons for these posts? I ask why all Central Government posts are to be given only to these same persons? Why the socialism not applied here and equal distribution not observed? That means he becomes a monopoly man. That is the main reason why they are not able to defend the Government at the proper time. Since you are going to ring the bell, as a lawabiding citizen, I shall sit down by making the suggestions only.

At least in future, when it concerns law, the allotment of three or two minutes time should not be there. It is a mockery. If you want to get ideas from us, at least give us more time—ten minutes at least.

MR. CHAIRMAN: Mr. Ramsingh Bhai. I shall be happy if you take three minutes only.

श्री राम सिंह भाई (इंदौर): मैं इन भागों का समर्थन करते हुए एक निवेदन करना चाहता हूँ। कहना तो मुझे बहुत कुछ था लेकिन चूँकि समय कम है इसलिए धाड़े में ही अपनी बात कहूँगा।

काले धन को गवर्नमेंट खत्म करने जा रही है। काला धन पैदा न हो इसका भी पूरा प्रयत्न है। लेकिन मैं यह देखता हूँ कि यह जो कम्पनी ला है यह काला धन बनाने और काला धन पैदा करने का एक बड़ा साधन बना लिया गया है। श्रीमन्

इसके बारे में धनच मै बोलना चाहूँ तो मेरे पास यह एक बैलेंस शीट है इनका आभेक्षण करने में ही दो-तीन घंटे लग जायगे। मेरे पास कुछ बैलेंस शीट्स यहाँ ऐसी हैं जिनके आधार पर मैं कहना चाहता हूँ कि अभी भी कम्पनी ला में बहुत परिवर्तन करने की जरूरत है हालाँकि आपने कुछ परिवर्तन किये हैं। किन्तु समय और परिस्थिति के अनुसार परिवर्तन आवश्यक है।

कम्पनियों में जो मिस मैनेजमेंट होता है उसको रोकने के लिए खरीद और बेचान का जो तरीका है उस में सुधार लाने की जरूरत है। मेरे पास एक ग्राडिटिड बैलेंस शीट है। इस बैलेंस शीट को बनाने वाले चार्टर्ड अकाउंटेंट का आजादी से पहले ढाई सौ रुपये साल दिया जाता था लेकिन अब इस बैलेंस शीट में चार्टर्ड अकाउंटेंट को एक लाख चार सौ रुपये दिये बताया गया है। इसलिए श्रीमन् मैं यह निवेदन करना चाहता हूँ कि यह जो आपकी ग्राडिट की प्रथा है चार्टर्ड अकाउंटेंट की प्रथा है इस का आपको राष्ट्रीयकरण करना होगा। इन्हे बकाया रहने देने की बात नहीं है।

अभी आपने 100 मिलों का राष्ट्रीयकरण किया, पहले टेकओवर किया। मैं निवेदन करना चाहता हूँ कि कम्पनी एक्ट में पहले मनुष्य की कीमत होनी चाहिए, मशीन और मेटेरियल की नहीं। इसलिए प्रायोरिटी में पहले मजदूर की रकम आनी चाहिए। यदि कम्पनी लिक्विडेशन में जाती है तो उसकी ग्रेज्युटी, उसका प्रावीडेंट फण्ड, उसका वेतन पहले चुकाया जाना चाहिए, बाद में किसी और सुरक्षित भ्रूण का भुगतान हो।

मेरा दूसरा निवेदन यह है कि आपके पब्लिक सेक्टर में जो मैनेजिंग डायरेक्टर होते हैं, बहुत सी जगह, मैनेजिंग डायरेक्टर

[श्री राम सिंह चाई]

श्रीर चैयरमैन एक ही होते हैं। कहने का मतलब यह है कि श्रीर को कहा जाता है कि तलाशी लो। मैं ने सरकारी कम्पनियों में ऐसे ऐसे थोडाले देखे हैं कि उन्हें इस समय बताना नहीं सकता। मैनेजिंग डायरेक्टर क्या क्या नहीं करता ? वह बोर्ड की मीटिंग्स की प्रोसीडिंग्स तक ही बदल देता है, डायरेक्टर्स बेचारे कुछ नहीं कर पाते। इसलिए मैनेजिंग डायरेक्टर और चैयरमैन झलम झलम होने चाहिये। आपने गोल छिद्र में चौखूटा डंडा लगा दिया है जिससे लीकेज होता है।

अभी मैं ने एक कम्पनी की सेलिंग एजेंसी को दी गई रकम को देखा। सारा बेचान का काम और खर्चा कम्पनी वाले करते हैं लेकिन एक सेलिंग एजेंसी है। उस सेलिंग एजेंसी को 68.64 लाख रुपये दिये गये, एक को 88.45 लाख रुपये दिये गए। एक दूसरी एजेंसी को 22 लाख रुपये दिये गए। मैं निवेदन करना चाहता हूँ कि कम्पनी का प्रोडक्शन क्या है, प्रोडक्शन बेचा जायगा तभी कमीशन देने की बात आती आती है। लेकिन मैनेजिंग डायरेक्टर खुद कम्पनी के खर्चों से बेचान कर रहा है, अपने रिस्तेदारों के द्वारा, अपने दूसरे लोगों के रात, बेच रहा है, और दूसरों के नाम से सेलिंग एजेंसी बना घुमा फिराकर उसी के घर में वह पैसा आ रहा है।

श्रीमन् कम्पनी ला ऐसे व्यक्तियों की सलाह लेकर बनाये जाने चाहिये जो इसके एक्सपर्ट्स हैं, जो इसके जानकार हैं, मेरे जैसे जो इसकी गहराई में जा सकते हों, उन के साथ विचार विमर्श करके यह बनाया जाय, क्योंकि यह ब्लैक मनी बनाने का दरवाजा है। इस में आप गहराई में जाएँ और विचार करें। मैंने कामर्स मिनिस्टर साहब को कामजों का एक पुलंदा दिया है। जिस तरह से वे पैसे खा रहे हैं उस से यही लगता

है कि इस देश को जहलूम में ले आया था रहा है।

श्री मूल चन्ड झांगा (पाली): राम सिंह जी बोल गए हैं। मैं उन को बतलाना चाहता हूँ कि कानून एक मकड़ी का जाल है। गरीब हम में पिसता है और धनवान छूट जाता है।

आप कितने ही कानून बनाते हैं। मैं जानना चाहता हूँ कि आज आप कुछ एनाउंसमेंट करने जा रहे हैं या नहीं। मैं मवाल जो कर रहा हूँ उन के बारे में ही जानना चाहता हूँ कि क्या आप कुछ एनाउंसमेंट करेंगे या कुछ एम्प्योरेंस देंगे। मैं डेफिनिट जबाब चाहता हूँ। यह आपकी रिपोर्ट में से मैं पढ़ रहा हूँ :-

"Obviously an expensive procedural system is a self-defeating instrument of justice".

ला कमिशन की 27वीं रिपोर्ट में से ही पढ़ रहा हूँ। पंद्रह साल पहले उस ने यह कहा था :-

"It is one of the primary duties of the State to provide the machinery for administration of justice and on principle it is not proper for the State to charge fees from suitors in courts".

आप देखे कि न्याय कितना महंगा है। मैं जानना चाहता हूँ कि कोर्ट फीस कब आप हटायेंगे। सभी रिपोर्ट्स में यह कहा जाता है कि इस को हटा दिया जाए। लेकिन यह बढ़ती ही जा रही है। मैं जानना चाहता हूँ कि क्या इसको आप हटायेंगे या नहीं ?

कानून चन्द आदमियों के लिए पैराडाइज हैं। बकीलों के लिए, कुछ पढ़े लिखे लोगों

के लिए, बैरिस्टर्स के लिए, जजों के लिए विरेकाइव है। हाईकोर्ट आदि में जज कहां से आते हैं। जब गरीब आदमी जज नहीं बन सकता है तो उसको न्याय कैसे मिल सकता है, सस्ता भी कैसे हो सकता है। ज़ोसीजर आपने बदला है। एमेंडमेंट्स आपने किए हैं। लेकिन इसको लागू कौन करेगा। जब तक यह हो नहीं सकता है तब तक साधारण लोग जज नहीं बन सकेंगे, आज जजों के लड़के जज बनते हैं, बड़े वकीलों के लड़के जज बनते हैं, शहरों के रहने वाले बनते हैं। गांवों के रहने वाले साधारण आदमी के लड़के जज नहीं बन पाते हैं। इस वजह से जो न्याय गरीब आदमियों को मिलना चाहिये नहीं मिल पाता है। इसके बारे में आप क्या करने जा रहे हैं?

इनकम टैक्स ऐक्ट आपका है। उसके अन्दर आपने ट्रिब्यूनल बना रखा है। उस के बावजूद भी आज तीस हजार मुकद्दमे हाईकोर्ट्स में पैडिंग हैं। आपको चाहिये कि आप ट्रिब्यूनल को फाइनल बाडी बनाएं। उस में एक्सपर्ट आदमी आप रखें। उनका फैसला होने के बाद आपको सैकिंड अपील को बार करना चाहिये, यह कर देना चाहिये कि उस के फैसले के बाद कोई हाईकोर्ट या सुप्रीम कोर्ट में नहीं जा सकता है।

घाटिकल 311 और 226 के बारे में आप क्या करने जा रहे हैं। इनका एमेंडमेंट बहुत जरूरी है। 311 को एमेंड किए बिना आप सरकारी जो मशीनरी है उस में जो परिवर्तन लाना चाहते हैं वह नहीं ला सकते हैं। 226 में हर आदमी खला जाता है कचहरियों में और उसको स्टे मिल जाता है। इसको भी आपको एमेंडमेंट करना चाहिए।

बैरिटी बिगिंग एट होम। जो भी चीज आपको करनी है उसको आप

अपनी यूनिवन टैरिटरी से शुरू करें और दूसरे राज्य आपके पीछे चलेंगे।

लीगल एड टू दी पूअर का सवाल भी बीस साल से लटका हुआ है। कमेटीज बैठती हैं लेकिन किसी गरीब को राहत मिलती नहीं है। 1973 में कमेटी की रिपोर्ट आ गई थी। तीन साल हो गए हैं। कोई कानून नहीं बना है। 27 तारीख को हम एडजर्न हो जाएंगे। मैं जानना चाहता हूँ कि मानसून सेशन में आप लीगल एड टू दी पूअर का कानून लाने जा रहे हैं या नहीं और गरीब को लीगल एड देने जा रहे हैं या नहीं देने जा रहे हैं।

SHRI P. G. MAVALANKAR (Ahmedabad): Mr. Chairman, Sir, I shall be very brief, and I shall abide by your bell.

It is not without significance that the last of the Ministries to come under discussion for all these days has been the Ministry of Law and Justice. I wish we had more time to discuss its Report. After the emergency, I find that particularly two Ministries—apart, of course, from the Home Ministry—which are most concerned, are the Ministry of Information and Broadcasting and the Ministry of Law and Justice.

They have been doing many things after the emergency which have made non-sense of the Rule of Law in this country, and of the freedom of expression in this country. Moreover, the fact that Shri Gokhale, the hon. Minister, is not present here in the House to answer is in itself an indication of the kind of attention this august House, once upon a time august House now no longer august, has been getting from the government. Have you ever thought of the Minister remaining absent when the demands of his ministry are being discussed in the House.

SHRI BEDABRATA BARUA: He has gone to attend a meeting.

SHRI P. G. MAVALANKAR: Parliament is more important than any meeting outside, in the first two decades of our Parliament, that has been the writ laid down by convention and I know it for a fact.

Now, Sir, on page 27 of the Ministry's Report, they say: we made four amendments of the Constitution. But it is a disgrace that amendments 38 and 39 have been made, because they make non-sense of the Rule of Law. Page 29 refers to the proclamation of emergency on 25th June. But, the emergency was announced on 26th June! Was it then pre-dated, was it an afterthought? Page 53 mentions several vacancies in the appointment of judges. Now, I do agree with those who complain about so many thousands of petitions still lying undecided. Then, why is it that so many judges are not appointed in various High Courts including one judge in the Supreme Court.

My further two points, I shall give in a few sentences. Are we really concerned with the quality of the legislation? Or are we bothered about quantity? Does the quantity of legislation give us satisfaction? What about quality? My point is: let us not go merely by quantity, we should also have quality.

The basic question to ask is: what about the Rule of Law? My friend Mr. Goswami and some Congress members were lecturing on *habeas corpus*. Its seed were sown in the 13th century, in *Magna Carta* which was signed in 1215 by King John at Runnymede near London. At that time, there were only a few people. But does Mr. Goswami think that *habeas corpus* and such other basic human rights are no longer applicable to all individuals in England, in Great Britain today? Therefore, my point is that in India today, the Rule of Law has been made a non-sense of and it is the Ministry of Law and Justice and Company Affairs that has

been responsible for making it like that. The hon. Minister Dr. Seyid Muhammad interrupted my friend from Congress (O) when he said that so many judges were being transferred. Will he contradict? Will he say that two judges of the High Court and one Chief Justice of Gujarat, Mr. B. J. Dewan, are not going to be transferred? They have, perhaps, not yet been transferred. But is not their transfer under active contemplation?

17.33 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

Let me also refer to two other matters: What about chit funds or benefit companies? I am sorry the Minister may not have time to reply to my points. These so-called benefit companies have cheated our people by lakhs and crores. What has the government done in regard to curbing the evils of these chit funds and benefit companies? About free legal aid to the poor, I will not say much except to remind the Minister that three years have passed since May 1973 when Justice Krishna Iyer presented the report to the ministry, and the ministry is still studying it! Will the minister now say something concrete, at least after this so-called emergency, so that the poor people may get some justice?

Finally, I saw in the papers today that Mr. Gokhale while he was abroad, I believe, in America, had stated that the democratic structure would remain intact. It is that he is giving a consolation prize? What kind of structure will it be, if there is no free election and fair election and no Rule of Law? If the President and the Prime Minister, the highest of the high are not considered equals in the eyes of law, where is the guarantee of a democratic structure remaining intact? These are the sad thoughts with which I am ending. I hope those sad thoughts will not go astray. I say this not only for the House but for the millions of my countrymen outside Parliament and I hope I am

reflecting their ideas and their anger against the manner in which the rule of law and justice had been mis-managed and misadministered under the excuse of emergency.

Therefore, I would conclude by saying that if you want democracy and freedom and economic justice for the poor people, I am with you; I want millions of our countrymen to get two square meals a day, shelter and clothing and food. But for that you do not have to destroy democracy and the Rule of Law. That is my appeal and request.

MR. DEPUTY-SPEAKER: You have concluded long before, do not run away with your emotion. The hon. Minister.

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (DR. V. A. SEYID MUHAMMAD): Mr. Deputy Speaker, Sir, I am grateful to the Members who participated in the discussion today. Mr. Mavalankar was using adjectives like 'non-sense and disgrace'. I can assure him that we are not provoked by those adjectives and they do not break bones. They can only excite him and make his use more adjectives. Sir, Mr. Somnath Chatterjee has said that the Law Department has not made any achievement to claim. We are not here to claim our achievements. Our achievements lay in the Statutes and the effects of these Statutes will bring progress for the generation to come and posterity will judge our achievements. Mr. Somnath Chatterjee also said that there was nothing exciting about our report. I can tell him that the ordinary maintenance of law and peace is not exciting. What is exciting is what his friends and his party tried, up to the beginning of the Emergency and for the maintenance of the rule of law, it had to be stopped. Such sort of excitement was there in this country. He has also said that the MISA is a lawless law

(Interruptions)

According to our conception, a law, whether it is lawless or not, is decided when it is challenged before a

Court of Law and the highest Court of the land decides the matter. The MISA has been challenged before a Court of Law and the highest Court of the land, the Supreme Court, gave the decision. Some persons may call it whatever they like, but we have standards of democracy, we have standards of rule of law and that is decided at the highest temple of law and justice in the country. I am not able to refer to all the points which the hon. Members had raised here. It is not because I do not consider them important or because I do not have any respect for them but it is only due to the shortage of time that I am not in a position to reply to them. But Mr. Somnath Chatterjee and others raised some points. One is about the transfer of judges. A reference was made that two judges who gave judgement in the Nayar matter were transferred. They had not been transferred. That is what I deny, not what will happen in future in Gujarat or anywhere else as Mr. Mavalankar said. We do transfer the judges on certain principles. The State Reorganisation Commission recommended that 1/3rd of the judges should be from other States. It was a controversial issue. Sometimes public opinion and judicial opinion favoured one way and sometimes the other way. The present trend, as the experience shows, is that transfer is necessary and transfer will be done on certain principles. It will not be done for vindictiveness or simply because a judge gave a judgement against the Government. In the course of a judge's career it is quite possible that he will give judgements against the Government as well as for the Government, so that whenever a judge is transferred anybody can say that it is because he had given judgement against the Government. So, that sort of argument will not deter us from discharging our constitutional duties which we are performing in this country. If we find valid reasons for transfer of judges for the better administration of justice, we will certainly do so whatever may be the reaction of individuals. Now,

[Dr. V. A. Seyid Muhammad]

it has been said that we have not been filling up the vacancies. There are some 62 vacancies at present.

There are various reasons. The process of selection is not easy. We have to consult, according to the Constitution, various authorities like the Chief Ministers, the Chief Justices, etc. We have to select persons who are prepared to come. Some people are not prepared to come for various reasons. It is not an easy process. If there is some delay in appointing judges, it is not because of any fault on our part.

About company law, the points raised by some members have already been replied to. It was said that we have not amended the election law. It is known to all that a Bill was introduced and discussions went on. Time and again the Law Minister wanted to have a discussion, but the opposition members did not turn up. It went on for some time and then events which are known to everybody took place. There was no time to pass it. We thought we would consult the opposition and get their opinion but because of their non-cooperation we could not do it. In this situation, the blame cannot be laid at our doors.

Cost of litigation is a matter which has been drawing the attention of the government for some time in this House and also outside. Court fees is one reason. The high fees charged by advocates is another. Delay of litigation also increases the cost due to frequent adjournment etc. Wherever we can, we are trying to reduce the reasons which contribute to the enhancement of the cost. Amendment of the C.P.C. and various other things have been done. Recommendations have been made to the State Governments and we hope they will be persuaded to reduce the court fees.

Another point raised by most of the speakers was about legal aid. It is true that Justice Krishna Iyer's report was submitted a couple of years

ago. We studied the matter; and we sent certain points to ascertain the reactions of the Judges and Chief Justices of the High Courts as well as the Chief Ministers of various States. Some reactions we have received. Others have not sent their reactions. Some States like M.P., West Bengal, Punjab, Rajasthan and to some extent Kerala, have started some schemes, however satisfactory or unsatisfactory they may be. But our attempt is to have if possible a uniform approach by introducing a proper legislation and expedite the process of legal aid. We are very serious and earnest about it.

Mr. Goswami said that while a law is being interpreted by a court, the debates are not taken into consideration for interpretation. I cannot say that it is a point of view which you should accept. In the debates in Parliament, all sorts of views in favour of and against a particular provision of law are expressed and the practice not only in this country but in other countries also generally is that judges do not take into consideration the debates. Generally it has been accepted that it is not safe to rely on the speeches made in Parliament when a Bill is discussed. You may agree with it or not, but for the time being that is the generally accepted principle in interpretation of laws.

Another point which has been raised is about Entry 57, List I and Entry 21, List II about the fisheries. I can tell you the reason for that. The territorial water is generally considered as part of the territory of the State. That is why the fisheries within the territorial waters is assigned to the States. By an amendment of the Constitution, you can possibly bring it to the Concurrent List. That itself is not really a contradiction and a sort of puzzle, as Mr. Naik put it. It is based on sound reasons.

Mr. Indrajit Gupta mainly referred to the Company Law. So, that part of the debate has been replied to by my friend and I do not propose to deal with that.

One of the points which was raised by some Members was about corruption in courts. Here, I want to make the position absolutely clear. By and large, in this country the judges of the Supreme Court, the High Courts and the subordinate judiciary have been free from corruption and we are proud of that fact. The occasional corruption which you find in some of the judges, is really an aberration and not the rule. And whenever such things happen, we along with the Members feel that it is a very sad situation. If there are conditions which create this corruption, we must eliminate them and if any judge is found to be corrupt irrespective of his eminence, he should be brought to book and we shall not have any hesitation in doing that. I want to pay tribute to the judiciary of this country. By and large, they are not corrupt, they are honest and they are men of integrity.

SHRI P. G. MAVALANKAR: Let them also remain independent

DR. V. A. SEYID MOHAMMAD: Judicial independence has got an extremely unusual connotation. Whenever a judge gives a judgment against the Government, he is supposed to be very independent, but whenever he gives judgment in favour of the Government, he is not considered as independent. I cannot accept that sort of approach.

Mr. Panda made an attack on the Law Institute. He thinks that the Law Institute does not do any work or make any contribution. I may tell him that the Law Institute publishes books, teaches students, conducts research, publishes a journal and gets experts to give lectures. I think, these are the things which any Law Institute does. Perhaps, Mr. Panda thinks that it should produce bales of cotton or tonnes of steel but that is not expected from a law institute. He has also said that the Law Institute has not produced, what he called, a national jurisprudence. I do not

know what exactly it is. I can assure him that national jurisprudence is not produced by any institute. It grows through the years from the common law of the land and various other things.

Regarding arrears, I want to assure the House that one aspect of the arrears is delay in the courts. We are taking steps to cut short delays. We are also taking steps to see that an expeditious disposal of cases at all levels is made. With these words....

THE MINISTER OF WORKS AND HOUSING AND PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH): I would request the Minister to answer some more questions.

MR. DEPUTY SPEAKER: There is no difficulty. (*Interruptions*). Order please. Order; order please, Mr. Jagannath Rao. Mr. Minister, if you want to conclude, you can conclude; if you want to carry on till 6 p.m. you can do so. (*Interruptions*). Order please. I am prepared to allow all the hon. Members. But I am only. (*Interruptions*) Do you want me to shout at the top of my voice so that you can hear me? What I want to convey is, even if the Minister finishes his speech now, there is absolutely no difficulty in disposing of the business before us. This is what I want to make clear to everybody. (*Interruptions*) Now the Minister can carry on. (*Interruptions*) Let the Minister finish. (*Interruptions*) I will allow the hon. Members to put questions.

DR. V. A. SEYID MUHAMMAD: I find that questions have been raised about the Language Commission, and also about clumsiness in drafting bills. I think those are matters which I should certainly reply. (*Interruptions*) In regard to the Language Commission, the main attack was against the unsatisfactory translations produced. (*Interruptions*)

MR. DEPUTY SPEAKER: There was no difficulty.

DR. V. A. SEYID MUHAMMAD: A translation of the Constitution has been published in Malayalam; and secondly, recently another one in Kannada. I understand that it is ready in Punjabi and that it will be released very soon: (*Interruptions*) and in about eight languages, the translation is in the process of completion and we expect to publish them, to release them at an early date.

Regarding the drafting of bills, I do not catch what exactly is wrong with it. I do not understand the general statement that the drafting of bills is not all right. I do not find any specific allegation, i.e. whether it is in the matter of brevity or.. (*Interruptions*).

SHRI JAGANNATH RAO: Every clause is being amended before the discussion takes place.

DR. V. A. SEYID MUHAMMAD: If some specific defects had been pointed out—apart from saying that the bill is introduced and then the amendments are produced—one could have attended to them. The responsibility of bringing in amendments is laid on all the Members and possibly, on the Ministries also. That is not necessarily an indication that the bill is badly drafted or that it is clumsily drafted.

One allegation which was made against the Law Ministry was that we do not implement the laws. I think that that is an allegation which has no basis at all, because the Law Ministry is only making the laws. The implementation as far as the various laws are concerned, is left to the departments concerned. Sometimes it is a matter where the State is involved; and if the responsibility is put on the State instrumentalities to carry out the provisions of the law, what can the Department of Law here do about the implementation? I do not think that that allegation has any basis

whatsoever, and I need not take the time of this august House in replying to it.

Mr. Somanath Chatterjee had spent a lot of time in criticizing the conferences held in different parts of the country, particularly the conference which was held in Calcutta. His allegation was that Rs. 30,000 were spent on the to-and-fro journey of the delegates.

I do not propose to say, nor am I in a position to ascertain and say before this House, those figures and allegations are correct. If at all the State Government spent the money, the Law Ministry cannot be held responsible for the same.

Having now exhausted all the points I have noted down, I will not take any more of the time of the House. If any hon. Member asks any question, I am prepared to answer it.

MR. DEPUTY-SPEAKER: We have exactly four minutes. If so many of you want to put questions, where is the time for the Minister to reply?

AN HON. MEMBER: Extend it by a few minutes.

MR. DEPUTY-SPEAKER: I am not going to do that. Because, I see so many of you getting up. If all of you put questions and the Minister notes down all those questions and in his stately and dignified way he deals with those questions, he will take time in answering the questions. That is my difficulty. So, I will allow only three questions.

श्री राम सहाय पाठे (राजनंदगांव) :
उपाध्यक्ष महोदय, न्याय पालिकाओं के क्षेत्र में अभी भी अंग्रेजी का बोल-बाला है, जिस की वजह से जो मुकदमे लड़े जाते हैं उन में अंग्रेजी भाषा का ही प्रयोग होता है और उस को साधारण आदमी नहीं समझ पाता है।

मैं जानना चाहता हूँ कि क्या सरकार ने प्रदेश की सरकारों को ये निर्देश दज हैं कि उनक वहाँ मुकदमों की कार्यवाही वहाँ की भाषा में हों और उसी भाषा में निर्णय लिये जाएँ ?

SHRI P. G. MAVALANKAR: The hon. Minister blamed the opposition with regard to electoral reforms. I would like to ask him pointedly whether the Government *suo motu*, even with whatever opposition is still left, will continue to have consultations to ascertain the opposition point of view with regard to electoral reform?

SHRI R. V. SWAMINATHAN (Madurai): Is it a fact that an income-tax tribunal was established at Madurai and that tribunal is still functioning in Madras for three years for want of accommodation in Madurai?

DR. V. A. SEYID MUHAMMAD: I will answer the question of Shri Swaminathan first. We have income-tax tribunals at Madras, Bombay, Hyderabad, Calcutta, Delhi, Cuttack and Jodhpur. I have to ascertain whether a new bench has been established at Madurai.

Regarding the question of Shri Mavalankar, a Bill was introduced, I think in the Lok Sabha. Subsequently, there was an informal committee, if I remember correctly. That Committee had made certain suggestions, and according to those suggestions, discussions were carried on.

18.00 hrs.

Regarding the first question, I do not know whether I got it correctly. If he can repeat it in English....

MR. DEPUTY-SPEAKER: Let that be the answer.

There are some cut motions to these Demands moved by Shri Ramavatar Shastri. I will put them to the House.

All the cut motions were put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That the respective sums not exceeding the amounts on Revenue Account shown in the fourth column of the Order Paper be granted to the President to complete the sums necessary to defray the charges that will come in course of payment during the year ending the 31st day of March, 1977, in respect of the heads of demands entered in the second column thereof against Demands Nos. 69 and 70 relating to the Ministry of Law, Justice and Company Affairs."

The motion was adopted.

MR. DEPUTY-SPEAKER: I put the rest of the outstanding Demands. The question is:

"That the respective sums not exceeding the amounts on Revenue Account and capital account shown in the fourth column of the Order Paper be granted to the President to complete the sums necessary to defray the charges that will come in course of payment during the year ending the 31st day of March, 1977, in respect of the heads of demands entered in the second column thereof against:—

- (1) Demands Nos. 11 and 12 relating to the Ministry of Chemicals and Fertilizers;
- (2) Demands Nos. 15 to 19 relating to the Ministry of Communications;
- (3) Demands Nos. 33 to 40 relating to the Ministry of Finance;
- (4) Demands Nos. 41 to 45 relating to the Department of Revenue and Banking.
- (5) Demands Nos. 73 to 78 relating to the Ministry of Planning;
- (6) Demands Nos. 86 to 88 relating to the Ministry of Supply and Rehabilitation;

[Mr. Deputy-Speaker]

(7) Demands Nos. 93 to 97 relating to the Ministry of Works and Housing;

(8) Demands Nos. 98 to 100 relating to the Department of Atomic Energy;

(9) Demand No. 103 relating to the Department of Electronics;

(10) Demand No. 104 relating to the Department of Space;

(11) Demand No. 105 relating to Lok Sabha;

(12) Demand No. 106 relating to Rajya Sabha;

(13) Demand No. 107 relating to the Department of Parliamentary Affairs; and

(14) Demand No. 108 relating to the Secretariat of the Vice-President."

[The Demands for Grants, 1976-77 on which were voted by Lok Sabha, are shown below—Ed.]

No. of Demand	Name of Demand	Amount of Demand for Grant on account voted by the House on 23-3-1976		Amount of Demands for Grant voted by the House	
		Revenue	Capital	Revenue	Capital
1	2	3	4	5	6
		Rs.	Rs.	Rs.	Rs.
MINISTRY OF CHEMICALS AND FERTILIZERS					
11.	Ministry of Chemicals and Fertilizers	534,000	..	26,67,000	..
12.	Chemicals and Fertilizers Industries	3,29,000	81,99,30,000	16,46,000	409,96,49,000
MINISTRY OF COMMUNICATIONS					
15.	Ministry of Communications	23,31,000	1,39,33,000	1,16,57,000	6,96,67,000
16.	Overseas Communications Service	1,55,48,000	1,20,82,000	7,77,42,000	6,04,08,000
17.	Posts and Telegraphs—Working Expenses	92,34,91,000	..	461,74,58,000	..
18.	Posts and Telegraphs—Divided to General Revenues, Appropriations to Reserve Funds and Repayment of Loans from General Revenues	25,66,96,000	..	128,24,77,000	..
19.	Capital Outlay on Posts and Telegraphs . . . . .	..	35,34,67,000	..	176,73,33,000

1	2	3	4	5
MINISTRY OF FINANCE				
		Revenue Rs.	Capital Rs.	Revenue Rs.
				Capital Rs.
33.	Ministry of Finance	5,63,24,000	..	28,16,17,000 ..
34.	Stamps	2,98,82,000	30,71,000	14,94,11,000 1,53,54,000
35.	Audit	10,83,10,000	..	54,15,50,000 ..
36.	Currency, Coinage and Mint	6,78,15,000	3,98,51,000	33,90,73,000 19,92,56,000
37.	Pensions	10,50,00,000	..	52,50,00,000 ..
38.	Transfers to State and Union Territory Govern- ments	125,32,51,000	..	266,61,49,000 ..
39.	Other Expenditure of the Ministry of Finance	33,13,39,000	34,93,56,000	137,42,57,000 174,67,77,000
40.	Loans to Government Servants, etc. . . . .	..	8,83,33,000	.. 38,16,67,000
DEPARTMENT OF REVENUE AND BANKING				
41.	Department of Revenue and Banking	79,71,000	13,91,97,000	3,98,54,000 69,59,86,000
42.	Customs	4,14,94,000	..	20,74,71,000 ..
43.	Union Excise Duties	7,14,17,000	..	35,70,83,000 ..
44.	Taxes on Income, Estate Duty, Wealth Tax and Gift Tax	6,83,33,000	..	34,16,67,000 ..
45.	Opium and Alkaloid Fac- tories	19,94,33,000	11,23,000	5,55,67,000 56,14,000
MINISTRY OF PLANNING				
73.	Ministry of Planning	1,17,000	..	5,88,000 ..
74.	Statistics	1,69,44,000	..	8,47,19,000 ..
75.	Planning Commission	78,52,000	..	3,92,59,000 ..
76.	Department of Science and Technology	1,80,19,000	24,83,000	9,00,93,000 1,24,17,000
77.	Survey of India	2,96,32,000	..	14,81,57,000 ..
78.	Grants to Council of Scientific and Industrial Research	7,40,64,000	..	37,03,23,000 ..
MINISTRY OF SUPPLY AND REHABILITATION				
86.	Department of Supply	3,89,000	..	19,47,000 ..
87.	Supplies and Disposals	1,33,06,000	..	6,65,30,000 ..
88.	Department of Rehabili- tation	4,07,64,000	1,57,79,000	20,38,22,000 7,88,98,000

1	2	3		4	
		Revenue Rs.	Capital Rs.	Revenue Rs.	Capital Rs.
MINISTRY OF WORKS AND HOUSING					
93. Ministry of Works and Housing	9,88,000	..	49,42,000	..	..
94. Public Works	9,51,07,000	2,45,86,000	47,55,35,000	12,29,30,000	..
95. Water Supply and Se- werage	22,22,000	..	1,11,13,000	..	..
96. Housing and Urban De- velopment	1,68,41,000	3,37,88,000	8,42,03,000	16,89,40,000	..
97. Stationery and Printing	4,76,22,000	..	23,81,09,000	..	..
DEPARTMENT OF ATOMIC ENERGY					
98. Department of Atomic Energy	7,34,000	..	36,68,000	..	..
99. Atomic Energy Research, Development and Indus- trial Projects	9,46,52,000	16,94,48,000	44,13,46,000	77,58,29,000	..
100. Nuclear Power Schemes	6,42,05,000	9,18,93,000	32,10,25,000	45,94,66,000	..
DEPARTMENT OF ELE- TRONICS					
103. Department of Electronics	1,29,28,000	37,09,000	6,46,44,000	185,41,000	..
DEPARTMENT OF SPACE					
104. Department of Space	5,61,88,000	1,43,84,000	28,09,37,000	5,99,16,000	..
PARLIAMENT, DEPART- MENT OF PARLIAMEN- TARY AFFAIRS, SEC- RETARIAT OF THE VICE-PRESIDENT					
105. Lok Sabha	76,19,000	..	3,69,14,000	..	..
106. Rajya Sabha	30,93,000	..	1,54,65,000	..	..
107. Department of Parlia- mentary Affairs	3,29,000	..	16,43,000	..	..
108. Secretariat of the Vice- President	95,000	..	4,77,000	..	..