

Vol. 255
No. 11



Monday,
13th December, 2021
22 Agrahayana, 1943 (Saka)

PARLIAMENTARY DEBATES

RAJYA SABHA

OFFICIAL REPORT (FLOOR VERSION)

(PART-II)

CONTENTS

Reference by the Chair (page 1)

Papers Laid on the Table (pages 1 - 10)

Reports of the Department-related Parliamentary Standing Committee on Housing and Urban Affairs — *Laid on the Table* (pages 11)

Reports of the Department-related Parliamentary Standing Committee on Labour, Textiles and Skill Development — *Laid on the Table* (pages 11 - 12)

[P.T.O]

©

RAJYA SABHA SECRETARIAT
NEW DELHI

PRICE: ₹ 100.00

Reports of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes
— Laid on the Table (pages 12)

Statement by Minister —

Status of implementation of recommendations contained in the Twenty-first
Report of the Department-related Parliamentary Standing Committee on
Coal and Steel — Laid on the Table (pages 12)

Matter raised with Permission —

Lack of computers and internet facilities in schools across the country
(pages 14- 16)

Oral Answer to Question (pages 17 - 20)

*[Answers to Starred and Un-starred Questions (Both in English and Hindi) are
available as Part -I to this Debate, published electronically on the Rajya Sabha
website under the link <https://rajyasabha.nic.in/Debates/OfficialDebatesDateWise/>]*

Government Bill — *Returned*

The High Court and Supreme Court Judges (Salaries and Conditions of
Service) Amendment Bill, 2021 (pages 20 - 93)

Special Mentions —

Demand to fix rates of various treatment and procedures in private hospitals
for general public on the lines of CGHS (pages 93 -94)

Demand to extend the input subsidy and SDRF help to farmers possessing
land upto five hectares in Desert Development Programme (DDP) Districts
of Rajasthan (pages 94 - 95)

Demand to revise the decision regarding reduction in the borrowing limit of
Government of Andhra Pradesh (pages 95 - 96)

Demand to alter fund sharing pattern from 75:25 to 90:10 under the State
Disaster Response Fund (SDRF) for Odisha (pages 96 - 97)

Demand to protect the Pushkar Brahma Temple in Rajasthan (page 97 - 98)

[P.T.O

Demand to grant 60 per cent of the clean Energy Cess to Odisha
(page 98 -99)

Demand for a special scheme for tackling the perennial problem of floods and
soil erosion in Assam (page 99 -100)

Website : <http://rajyasabha.nic.in>

<http://parliamentofindia.nic.in>

E-mail : rsedit-e@sansad.nic.in

RAJYA SABHA

Monday, 13th December, 2021/22 Agrahayana, 1943 (Saka)

The House met at eleven of the clock,

MR. CHAIRMAN *in the Chair.*

REFERENCE BY THE CHAIR

MR. CHAIRMAN: Hon. Members, today the 13th of December, 2021, marks the Twentieth Anniversary of the dastardly terror attack on the Parliament House.

On this day in 2001, evil forces of terrorism tried to sabotage this august institution. However, their sinister motives were thwarted by the timely action of our valiant security forces, who kept a constant vigil of the situation and were steadfast in protecting this 'Temple of Democracy' even to the extent of laying down their lives.

This House recalls with gratitude the supreme sacrifices of our security personnel, including two of the Parliament Security Service Staff along with five Delhi Police Personnel and a woman constable of the Central Reserve Police Force. One gardener of the C.P.W.D. and a cameraperson of A.N.I. were also martyred on that fateful day. By sacrificing their lives, these martyrs have set an example of indomitable courage and outstanding devotion to duty.

I am sure, the whole House will join me in paying homage to these martyrs and expressing our profound gratitude to our brave security personnel who went beyond their call of duty to protect this hallowed institution. On this occasion, we also reiterate our firm resolve to fight terrorism with determination.

I request Members to rise in their places and observe silence as a mark of respect to the memory of those who lost their lives in that terror attack.

(Hon. Members then stood in silence for one minute)

PAPERS LAID ON THE TABLE

Reports and Accounts (2020-21) of various companies and corporation and related papers

इस्पात मंत्रालय में राज्य मंत्री (श्री फगगनसिंह कुलस्ते) : महोदय, मैं निम्नलिखित पत्र सभा पटल पर रखता हूँ :-

A copy each (in English and Hindi) of the following papers, under

sub-section (1) (b) of Section 394 of the Companies Act, 2013:—

- (i) (a) Fifty-Ninth Annual Report and Accounts of the MOIL Limited, Nagpur, for the year 2020-21, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.
(b) Review by Government on the working of the above Company.
[Placed in Library. See No. L.T. 5570/17/21]
- (ii) (a) Thirty-Ninth Annual Report and Accounts of the Rashtriya Ispat Nigam Limited (RINL), Vishakhapatnam Steel Plant (VSP), Visakhapatnam, for the year 2020-21, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.
(b) Review by Government on the working of the above Company.
[Placed in Library. See No. L.T. 5575/17/21]
- (iii) (a) Sixty-Third Annual Report and Accounts of the NMDC Ltd., Hyderabad, for the year 2020-21, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.
(b) Review by Government on the working of the above Company.
[Placed in Library. See No. L.T. 5574/17/21]
- (iv) (a) One Hundred and Tenth Annual Report and Accounts of the Bisra Stone Lime Company Ltd. (BSLC), Odisha, for the year 2020-21, together with the Auditor's Report on the Account and the comments of the Comptroller and Auditor General of India thereon.
(b) Review by Government on the working of the above Company.
[Placed in Library. See No. L.T. 5576/17/21]
- (v) (a) Ninety-Forth Annual Report and Accounts of the Eastern Investments Limited (EIL), Odisha, for the year 2020-21, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.
(b) Review by Government on the working of the above Company.
[Placed in Library. See No. L.T. 5572/17/21]
- (vi) (a) Fifty-Sixth Annual Report and Accounts of the MSTC Limited,

Kolkata, including its subsidiary, the Ferro Scrap Nigam Limited, Bhilai, Chhattisgarh, for the year 2020-21, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.

- (b) Review by Government on the working of the above Corporation.

[Placed in Library. See No. L.T. 5571/17/21]

Report (2020-21) of the Commission of Railway Safety, Lucknow and related papers

THE MINISTER OF STATE IN THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS (GENERAL (RETD.) V. K. SINGH): Sir, I lay on the Table a copy each (in English and Hindi) of the following papers, under Section 10 of the Indian Railways Act, 1989 and Section 12 of the Metro Railways (Operation and Maintenance) Act, 2002:-

- (a) Annual Report of the Commission of Railway Safety, Lucknow, for the year 2020-21.
- (b) Statement by Government accepting the above Report.

[Placed in Library. See No. L.T. 5622/17/21]

Reports and Accounts (2020-21) of various companies and related papers

कोयला मंत्रालय में राज्य मंत्री (श्री दानवे रावसाहेब दादाराव) : महोदय, मैं कंपनी अधिनियम, 2013 की धारा 394 की उप धारा (1) (ख) के अधीन निम्नलिखित पत्रों की एक-एक प्रति (अंग्रेज़ी तथा हिन्दी में) सभा पटल पर रखता हूँ :-

- (i) (a) Sixty-fifth Annual Report and Accounts of the NLC India Limited (NLCIL), Chennai, for the year 2020-21, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.
- (b) Ninth Annual Report and Accounts of the Neyveli Uttar Pradesh Power Ltd., Lucknow, a subsidiary company of the NLC India Limited, for the year 2020-21, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.
- (c) Fifteenth Annual Report and Accounts of the NLC Tamil Nadu Power Limited (NTPL), Chennai, a subsidiary company of the NLC India Limited, for the year 2020-21, together with the Auditor's Report on

the Accounts and the comments of the Comptroller and Auditor General of India thereon.

- (d) Review by Government on the working of the above Company and its subsidiaries.

[Placed in Library. For (a) to (d) See No. L.T. 5608/17/21]

- (ii) (a) Annual Report and Accounts of the Coal India Limited (CIL), Kolkata, [Volume-I and Volume-II (Part 1, 2 and 3)], along with its subsidiary companies, for the year 2020-21, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.

- (b) Review by Government on the working of the above Company.

[Placed in Library. See No. L.T. 5351/17/21]

Statements showing action taken by Government on the various assurances, promises and undertakings given during the Session

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI V. MURALEEDHARAN): Sir, I lay on the Table, a copy each (in English and Hindi) of the following Statements showing action taken by Government on the various assurances, promises and undertakings given during the Session shown against each:-

1.	Statement No. XXXIV	Two Hundred and Twentieth, 2010
2.	Statement No. XXX	Two Hundred and Twenty First, 2010
3.	Statement No. XXXI	Two Hundred and Twenty Fifth, 2012
4.	Statement No. XXVI	Two Hundred and Thirtieth, 2013-14
5.	Statement No. XXVI	Two Hundred and Thirty Second, 2014
6.	Statement No. XX	Two Hundred and Thirty Sixth, 2015
7.	Statement No. XIX	Two Hundred and Thirty Eighth, 2016
8.	Statement No. XVIII	Two Hundred and Thirty Ninth, 2016
9.	Statement No. XVII	Two Hundred and Fortieth, 2016
10.	Statement No. X	Two Hundred and Forty Seventh, 2018-19
11.	Statement No. IV	Two Hundred and Fifty Third, 2021
12.	Statement No. II	Two Hundred and Fifty Fourth, 2021

[Placed in Library. For 1 to 12 See No. L.T. 5874/17/21]

I. Notification of the Ministry of Petroleum and Natural Gas

II. Reports and Accounts (2020-21) of various companies and related papers

पेट्रोलियम और प्राकृतिक गैस मंत्रालय में राज्य मंत्री (श्री रामेश्वर तेली): महोदय, मैं निम्नलिखित पत्र सभा पटल पर रखता हूँ :-

I. A copy (in English and Hindi) of the Ministry of Petroleum and Natural Gas, Notification No. G.S.R. 829 (E), dated the 23rd November, 2021, publishing the Oil Industry (Development) Amendment Rules 2021, under sub-section (3) of Section 31 of the Oil Industry (Development) Act, 1974.

[Placed in Library. See No. L.T. 5684/17/21]

II. A copy each (in English and Hindi) of the following papers, under sub-section (1) (b) of Section 394 of the Companies Act, 2013:—

(i) (a) Annual Report and Accounts of the Hindustan Petroleum Corporation Limited (HPCL), Mumbai, for the year 2020-21, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.

(b) Statement by Government accepting the above Report.

[Placed in Library. See No. L.T. 5675/17/21]

(ii) (a) Annual Report and Accounts of the Balmer Lawrie and Co. Limited, Kolkata, for the year 2020-21, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.

(b) Statement by Government accepting the above Report.

[Placed in Library. See No. L.T. 5682/17/21]

(iii) (a) Annual Report and Accounts of the Balmer Lawrie Investments Limited (BLIL), Kolkata, for the year 2020-21, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.

(b) Statement by Government accepting the above Report.

[Placed in Library. See No. L.T. 5678/17/21]

(iv) (a) Annual Report and Accounts of the ONGC Videsh Limited (OVL), New Delhi, for the year 2020-21, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.

- (b) Statement by Government accepting the above Report.
[Placed in Library. See No. L.T. 5681/17/21]
- (v) (a) Annual Report and Accounts of the Indian Strategic Petroleum Reserves Limited (ISPRL), New Delhi, for the year 2020-21, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.
(b) Statement by Government accepting the above Report.
[Placed in Library. See No. L.T. 5679/17/21]
- (vi) (a) Annual Report and Accounts of the Bharat Petro Resources Limited (BPRL), Mumbai, Maharashtra, for the year 2020-21, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.
(b) Statement by Government accepting the above Report.
[Placed in Library. See No. L.T. 5680/17/21]
- (vii) (a) Annual Report and Accounts of the Brahmaputra Cracker and Polymer Limited (BCPL), Guwahati, Assam, for the year 2020-21, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.
(b) Review by Government on the working of the above company.
[Placed in Library. See No. L.T. 5388/17/21]
- (viii) (a) Annual Report and Accounts of the Bharat Petroleum Corporation Limited (BPCL), Mumbai, for the year 2020-21, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.
(b) Statement by Government accepting the above Report.
[Placed in Library. See No. L.T. 5387/17/21]
- (ix) (a) Annual Report and Accounts of the Indian Oil Corporation Limited (IOCL), Mumbai, for the year 2020-21, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.
(b) Statement by Government accepting the above Report.
[Placed in Library. See No. L.T. 5386/17/21]

- (x) (a) Annual Report and Accounts of the Oil India Limited (OIL), Dibrugarh, Assam, for the year 2020-21, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.
- (b) Review by Government on the working of the above Company.

[Placed in Library. See No. L.T. 5385/17/21]

I. Notification of the Ministry of Housing and Urban Affairs

II. Reports and Accounts (2020-21) of HUDCO, New Delhi and the Maharashtra Metro Rail Corporation Limited, Nagpur and related papers

III. Accounts (2019-20) of DDA, New Delhi and related papers

THE MINISTER OF HOUSING AND URBAN AFFAIRS (SHRI HARDEEP SINGH PURI): Sir, I lay on the Table—

I. A copy (in English and Hindi) of the Ministry of Housing and Urban Affairs Notification No. G.S.R. 168 (E), dated the 11th March, 2021, publishing the Delhi Development Authority (Disposal of Developed Nazul Land) Amendment Rules, 2021, under Section 58 of the Delhi Development Act, 1957, along with Delay Statement.

[Placed in Library. See No. L.T. 5686/17/21]

II. A copy each (in English and Hindi) of the following papers, under sub-section (1) (b) of Section 394 of the Companies Act, 2013:—

- (i) (a) Fifty-First Annual Report and Accounts of the Housing and Urban Development Corporation Limited (HUDCO), New Delhi, for the year 2020-21, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.
- (b) Review by Government on the working of the above Corporation.

[Placed in Library. See No. L.T. 5685/17/21]

- (ii) (a) Annual Report and Accounts of the Maharashtra Metro Rail Corporation Limited, Nagpur, Maharashtra for the year 2020-21, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.
- (b) Review by Government on the working of the above Corporation.

[Placed in Library. See No. L.T. 5390/17/21]

III. A copy each (in English and Hindi) of the following papers

- (a) Annual Accounts of the Delhi Development Authority (DDA), New Delhi, for the year 2019-20, under Section 26 and sub-section (4) of Section 25 of the Delhi Development Act, 1957, and the Audit Report thereon.
- (b) Statement giving reasons for the delay in laying the papers mentioned at (a) above.

[Placed in Library. See No. L.T. 5389/17/21]

I. Notification of the Ministry of Defence

II. Reports and Accounts (2020-21) of GRSE, Kolkata; GSL, Vasco-da-Gama; and BDL, Hyderabad related papers

III. Report and Accounts (2020-21) of DIAT, Pune, Maharashtra and related papers

रक्षा मंत्रालय में राज्य मंत्री (श्री अजय भट्ट) : महोदय, मैं निम्नलिखित पत्र सभा पटल पर रखता हूँ :-

I. A copy (in English and Hindi) of the Ministry of Defence, Notification No. S.R.O. 16 (E), dated the 14th October, 2021, publishing the Cantonment Board Employees Service Rules, 2021, under sub-section (4) of Section 347 of the Cantonments Act, 2006.

[Placed in Library. See No. L.T. 5408/17/21]

II. A copy each (in English and Hindi) of the following papers, under sub-section (1) (b) of Section 394 of the Companies Act, 2013:—

- (i) (a) Annual Report and Accounts of the Garden Reach Shipbuilders and Engineers Limited (GRSE), Kolkata, for the year 2020-21, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.
- (b) Review by Government on the working of the above company.

[Placed in Library. See No. L.T. 5405/17/21]

- (ii) (a) Annual Report and Accounts of the Goa Shipyard Limited (GSL), Vasco-da-Gama, Goa, for the year 2020-21, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.

- (b) Review by Government on the working of the Company.

[Placed in Library. See No. L.T. 5404/17/21]

- (iii) (a) Fifty-First Annual Report and Accounts of the Bharat Dynamics Limited (BDL), Hyderabad, for the year 2020-21, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.
- (b) Statement by Government accepting the above Report.
[Placed in Library. See No. L.T. 5406/17/21]

III. A copy each (in English and Hindi) of the following papers:—

- (a) Annual Report and Accounts of the Defence Institute of Advanced Technology, (DIAT), Girinagar, Pune, Maharashtra, for the year 2020-21, together with the Auditor's Report on the Accounts.
- (b) Statement by Government accepting the above Report.
[Placed in Library. See No. L.T. 5407/17/21]

I. Reports and Accounts (2020-21) of NERIWALM, Tezpur, Assam and the National Institute of Hydrology, Roorkee, Uttarakhand and related papers

II. Report and Accounts (2019-20) of the National Water Development Agency, New Delhi and related papers

THE MINISTER OF STATE IN THE MINISTRY OF JAL SHAKTI (SHRI BISHWESWAR TUDU): Sir, I lay on the Table, a copy each (in English and Hindi) of the following papers:—

- I. (i) (a) Annual Report and Accounts of the North Eastern Regional Institute of Water and Land Management (NERIWALM), Tezpur, Assam, for the year 2020-21, together with the Auditor's Report on the Accounts.
- (b) Review by Government on the working of the above Institute.
[Placed in Library. See No. L.T. 5690/17/21]
- (ii) (a) Annual Report and Accounts of the National Institute of Hydrology, Roorkee, Uttarakhand, for the year 2020-21, together with the Auditor's Report on the Accounts.
- (b) Review by Government on the working of the above Institute.
[Placed in Library. See No. L.T. 5689/17/21]
- II. (a) Annual Report and Accounts of the National Water Development

Agency, New Delhi, for the year 2019-20, together with the Auditor's Report on the Accounts.

- (b) Review by Government on the working of the above Agency.
- (c) Statement giving reasons for the delay in laying the papers mentioned at (a) above.

[Placed in Library. See No. L.T. 5691/17/21]

I. Notification of the Ministry of Minority Affairs

II. Report and Accounts (2019-20) of MAEF, New Delhi and related papers

अल्पसंख्यक कार्य मंत्रालय में राज्य मंत्री (श्री जॉन बर्ला) : महोदय, मैं निम्नलिखित पत्र सभा पटल पर रखता हूँ:-

I. A copy (in English and Hindi) of the Ministry of Minority Affairs, Notification No. G.S.R. 126 (E), dated the 18th February, 2020, publishing the Waqf Properties Lease (Amendment) Rules, 2020, under Section 56 (4) of the Waqf Act, 1995, along with Delay Statement.

[Placed in Library. See No. L.T. 5875/17/21]

II. A copy each (in English and Hindi) of the following papers:—

- (a) Annual Report and Accounts of the Maulana Azad Education Foundation (MAEF), New Delhi, for the year 2019-20, together with the Auditor's Report on the Accounts.
- (b) Statement by Government accepting the above Report.
- (c) Statement giving reasons for the delay in laying the papers mentioned at (a) above.

[Placed in Library. See No. L.T. 5394/17/21]

**REPORTS OF THE DEPARTMENT-RELATED PARLIAMENTARY STANDING
COMMITTEE ON HOUSING AND URBAN AFFAIRS**

श्री रामचंद्र जांगड़ा (हरियाणा) : महोदय, मैं विभाग संबंधित आवासन और शहरी कार्य संबंधी संसदीय स्थायी समिति के निम्नलिखित प्रतिवेदनों की एक-एक प्रति (अंग्रेजी तथा हिन्दी में) सभा पटल पर रखता हूँ:-

- (i) Tenth Report on 'PM Street Vendor's AtmaNirbhar Nidhi (PM SVANidhi)'; and
- (ii) Eleventh Action Taken Report on action taken by Government on the recommendations contained in its Eighth Report (Seventeenth Lok Sabha) on 'Implementation of Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014'.

**REPORTS OF THE DEPARTMENT-RELATED PARLIAMENTARY STANDING
COMMITTEE ON LABOUR, TEXTILES AND SKILL DEVELOPMENT**

श्री विजय पाल सिंह तोमर (उत्तर प्रदेश) : महोदय, मैं विभाग संबंधित श्रम, वस्त्र और कौशल विकास संबंधी संसदीय स्थायी समिति के निम्नलिखित प्रतिवेदनों की एक-एक प्रति (अंग्रेजी तथा हिन्दी में) सभा पटल पर रखता हूँ:-

- (i) Twenty-sixth Report on Action Taken by the Government on the Observations/Recommendations contained in its Seventeenth Report (Seventeenth Lok Sabha) on 'Demands for Grants (2021-22)' of the Ministry of Labour and Employment;
- (ii) Twenty-seventh Report on Action Taken by the Government on the Observations/Recommendations contained in its Eighteenth Report (Seventeenth Lok Sabha) on 'Demands for Grants (2021-22)' of the Ministry of Textiles;
- (iii) Twenty-eighth Report on Action Taken by the Government on the Observations/Recommendations contained in its Nineteenth Report (Seventeenth Lok Sabha) on 'Demands for Grants (2021-22)' of the Ministry of Skill Development and Entrepreneurship; and

- (iv) Twenty-ninth Report on Action Taken by the Government on the Observations/Recommendations contained in its Twentieth Report (Seventeenth Lok Sabha) on 'Functioning of National Institute of Fashion Technology (NIFT)' relating to the Ministry of Textiles.

**REPORTS OF THE COMMITTEE ON THE WELFARE OF SCHEDULED CASTES
AND SCHEDULED TRIBES**

SHRI NARANBHAI J. RATHWA (Gujarat): Sir, I lay on the Table a copy each (in English and Hindi) of the following Reports of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes:-

- (i) Eighth Report on 'Reservation for Scheduled Castes and Scheduled Tribes in Public Sector Banks/Financial Institutions/Reserve Bank of India and credit facilities and other benefits being provided by such Institutions/Banks to the Scheduled Castes/Scheduled Tribes with special reference to State Bank of India'; and
- (ii) Ninth Report on 'Study of atrocity cases against Scheduled Castes and Scheduled Tribes with respect to implementation of the Prevention of Atrocities Act, 1989 with special reference to cases related to withholding of pensions and retirement benefits of SC/ST Employees'.

STATEMENT BY MINISTER

**Status of implementation of recommendations contained in the Twenty-first Report of
the Department-related Parliamentary Standing Committee on Coal and Steel**

इस्पात मंत्रालय में राज्य मंत्री; तथा ग्रामीण विकास मंत्रालय में राज्य मंत्री (श्री फग्गनसिंह कुलस्ते) : महोदय, मैं इस्पात मंत्रालय से संबंधित "सरकारी क्षेत्र के इस्पात उपक्रमों में सुरक्षा प्रबंधन और पद्धतियां" विषय पर विभाग संबंधित कोयला और इस्पात संबंधी संसदीय स्थायी समिति (2020-21) (सत्रहवीं लोक सभा) के इक्कीसवें प्रतिवेदन में अंतर्विष्ट सिफारिशों के कार्यान्वयन की स्थिति के संबंध में एक वक्तव्य सभा पटल पर रखता हूँ।

MATTER RAISED WITH PERMISSION

MR. CHAIRMAN: Now, we will take up Zero Hour submissions; Shrimati Jharna Das Baidya. ...(*Interruptions*)...

SHRI ANAND SHARMA (Himachal Pradesh): I will appeal to hon. Chairman, Sir, referring to what hon. Chairman had said last Thursday about the House and also to resolve the matter of the suspended Members so that they can also make constructive contribution to the remainder of the Session. Sir, ten days have elapsed. I would once again, through you, as hon. Chairman had appealed, request the Government to respond to the hon. Chairman's sentiments and to find a way forward to resolve this matter.

MR. CHAIRMAN: That is the way. If both sides realize and people who have committed mistake. ...(*Interruptions*)...

SHRI ANAND SHARMA: Sir, the Leader of the House has also come. If he can take a call on this.

MR. CHAIRMAN: Please no cross talk. You made your point. ...(*Interruptions*)...

SHRI TIRUCHI SIVA (Tamil Nadu): Sir, I want to make a submission.

MR. CHAIRMAN: What is the submission?

SHRI ANAND SHARMA: Sir, it is a submission. The Leader of the House has come. Hon. Chairman last week had expressed his anguish and pain and also urged both the Government and the Opposition to find a constructive solution which is acceptable and we would urge the Government now to respond to the hon. Chairman.

SHRI TIRUCHI SIVA: Sir, my submission is we are also interested in the smooth functioning of the House. So, the Government should take an initiative because it is their responsibility since they have moved the resolution. Let them find a way out to end the logjam.

MR. CHAIRMAN: If both sides come together and find a way out, then the House can go on smoothly. I hope that everybody will understand this. Shrimati Jharna Das Baidya. ...(*Interruptions*)... I have already allowed. ...(*Interruptions*)... You have the same point, if there is something else, you can raise it later.

Lack of computers and internet facilities in schools across the country

SHRIMATI JHARNA DAS BAIDYA (Tripura): Sir, only 22.3 per cent schools across the country, ...(*Interruptions*)...

MR. CHAIRMAN: If they want to respond then they will respond. ...(*Interruptions*)...

SHRIMATI JHARNA DAS BAIDYA: The Government and private sector had internet facilities in 2021-22, ...(*Interruptions*)...

MR. CHAIRMAN: I cannot force anybody. Please do not disturb Zero Hour, the right of hon. Members. ...(*Interruptions*)...

SHRIMATI JHARNA DAS BAIDYA: The year when education went totally online following the COVID-19 induced lockdown... ...(*Interruptions*)...

MR. CHAIRMAN: You cannot force. What is the response of the Members who have acted against the Parliamentary norms? ...(*Interruptions*)... This will not go on record. Only what Shrimati Jharna Das Baidya says... ...(*Interruptions*)... You are respecting and disrespecting because I have seen the respect. ...(*Interruptions*)...

SHRIMATI JHARNA DAS BAIDYA: Among Government schools, only 12 per cent had internet facilities and less than 30 per cent had functional computer facilities, according to the Education Ministry report on Unified District Information System for Education Plus (UDISEP). ...(*Interruptions*)...

श्री सभापति : प्लीज़, बैठ जाइए। ...(**व्यवधान**)... आप बैठ जाइए। ...(**व्यवधान**)... आप लोग बैठ जाइए। ...(**व्यवधान**)...प्लीज़, बैठ जाइए। ...(**व्यवधान**)...

SHRIMATI JHARNA DAS BAIDYA: With school education going completely online during the lockdown... ...(*Interruptions*)...

MR. CHAIRMAN: What I have to say that you cannot say to me, Madam.
...(Interruptions)...

SHRIMATI JHARNA DAS BAIDYA: The lack of computer and internet facilities in schools across the country will be a big challenge for both students and teachers.
...(Interruptions)...

MR. CHAIRMAN: Some are responsible, some are more responsible, that is the problem. ...(Interruptions)... Please do not dictate the Chair. If you are dictating the Chair, then Zero Hour will go. ...(Interruptions)... I am just thinking of adjourning the House. ...(Interruptions).. Okay. ...(Interruptions).. What is this? ... (Interruptions).. What is all this? ...(Interruptions).. Is this the respect to LoP? ...(Interruptions).. Is it the respect of the LoP? Is it the respect shown to LoP by his own party Members? ...(Interruptions).. Please sit down. She is on her legs. ...(Interruptions).. The lady Member is raising an important issue. ...(Interruptions).. You cannot force. ...(Interruptions).. ..

SHRIMATI JHARNA DAS BAIDYA: Apart from some Union Territories, the highest percentage of Government schools having availability of internet facilities was in Delhi at 88.18 per cent as opposed to 83.48 per cent in private schools. However, in Kerala, 90.74 per cent Government-aided schools had internet facilities, while in Delhi 88.18 Government-aided schools reported having such facilities. ...(Interruptions)..
...(Interruptions).. Please.

DR. FAUZIA KHAN (Maharashtra): Sir, I associate myself with the Zero Hour submission made by the hon. Member.

DR. AMAR PATNAIK (Odisha): Sir, I also associate myself with the Zero Hour submission made by the hon. Member.

DR. SASMIT PATRA (Odisha): Sir, I also associate myself with the Zero Hour submission made by the hon. Member.

MR. CHAIRMAN: Mr. Jairam Ramesh, for the third time you are saying this. ...(Interruptions).. Let all others follow. ...(Interruptions).. Please sit down. ...(Interruptions).....(Interruptions).. Let them go to their seats and sit down. ...(Interruptions).. Sorry, Madam.

THE LEADER OF THE OPPOSITION (SHRI MALLIKARJUN KHARGE): Sir, repeatedly we are requesting you and the Leader of the House, through you, because you are the custodian of this House. The Government cannot dictate us what should be done and what should not be done. Even our Deputy Leader has already spoken to you and also, I think, the Leader of the House. But they are repeatedly refusing to concede to our request and they are putting blame on us. So, it is not good. Therefore, I can say that the Government is adamant and they themselves are provoking us to disrupt the House. So, in protest of that, we will walk out. ...(*Interruptions*)..

MR. CHAIRMAN: Right. ...(*Interruptions*).. They are walking out. ...(*Interruptions*).. He has announced walk-out. ...(*Interruptions*).. I don't allow anybody while standing. ...(*Interruptions*).. I am very clear about it. ...(*Interruptions*).. If you don't want to run the House, let me adjourn the House. That is the softer way. ...(*Interruptions*).. That is the softer way. ...(*Interruptions*).. You cannot dictate me. ...(*Interruptions*).. I am very sorry. ...(*Interruptions*).. Is it the way to run the House? ...(*Interruptions*).. I am not allowing the Leader of the House also. ...(*Interruptions*).. I am not going to allow the Leader of the House also. ...(*Interruptions*).. You want to run the House like this, I don't want... ...(*Interruptions*).. I don't want to run the House like this. ...(*Interruptions*)..

श्री मल्लिकार्जुन खरगे : सर, अगर वे हमें झुकाना चाहते हैं, तो हम झुकने वाले नहीं हैं। ...(*व्यवधान*)...

MR. CHAIRMAN: Please, sit down. ...(*Interruptions*).. Take your seats. ...(*Interruptions*).. Take your seats. ...(*Interruptions*).. Don't further complicate matters. ...(*Interruptions*).. You are defending the undefendable. ...(*Interruptions*).. I know what to do. ...(*Interruptions*).. You are not going to heed the advice of the Chairman, not going to follow the rules, not realising...(*Interruptions*).. The House is not able to function. ...(*Interruptions*).. So, I adjourn the House to meet at 12 o'clock.

The House then adjourned at thirteen minutes past eleven of the clock.

The House reassembled at twelve of the clock,

MR. DEPUTY CHAIRMAN *in the chair*

ORAL ANSWER TO QUESTION

MR. DEPUTY CHAIRMAN: Question No. 151. ...(व्यवधान)... यह सवाल-जवाब का समय है। ...(व्यवधान)...माननीय नेता सदन यह क्वेश्चन ऑवर है, क्या आप कुछ कहना चाहते हैं?

सभा के नेता (श्री पीयूष गोयल): सर, हुआ यह था कि कुछ आरोप लगाये गये, लीडर ऑफ दि अपोजिशन द्वारा कुछ गलत बातें बताई गईं।...(व्यवधान)... ऐसा न हो कि उनको लगे कि हमने जवाब नहीं दिया। ...(व्यवधान)... आनन्द शर्मा जी बार-बार कह रहे थे कि लीडर ऑफ दि हाउस भी कुछ जवाब दें तो मैं सिर्फ, जो बात उन्होंने रखी है, उसका स्पष्टीकरण देना चाहता हूँ। ...(व्यवधान)...

माननीय उपसभापति जी, हमने लगातार कोशिश की है, सबसे अलग-अलग बात भी की है, सबके साथ चर्चा भी की है, लेकिन जिस प्रकार के बयान बाहर आ रहे हैं ...(व्यवधान)...

श्री उपसभापति: अन्य कोई बात रिकॉर्ड पर नहीं जा रही है। प्लीज आप लोग बैठ जायें ...(व्यवधान)...

श्री पीयूष गोयल: जिस प्रकार से अलग-अलग नेता कह रहे हैं कि हम माफी नहीं मांग सकते, हमने कोई गलती नहीं की है...(व्यवधान)... आज तो बड़ी विडम्बना है कि चेयर पर आरोप लगाया जा रहा है कि वे तीन बार विनती कर रहे हैं और उनकी बात सुनी नहीं जा रही है। हमने तो पूरा एक सेशन देखा है, जब चेयर विनती करती रही कि वे आपकी बात सुनें, हाउस को ऑर्डर में रखें, हाउस चले और अच्छे तरीके से चले। ...(व्यवधान)... जो अपमान आपके आसन का हुआ है, जो अपमान हमारे स्टाफ का हुआ है, जो अपमान इतने सारे मार्शल्लस का हुआ है, जो अपमान पूरे सदन का हुआ और जो पूरे देश का अपमान हुआ, देश ने जो दृश्य देखे, जिस प्रकार का व्यवहार इन्होंने किया है, उसके लिए आज भी इनके मन में पश्चाताप नहीं है।...(व्यवधान)... उसके लिए आज भी इनके दिल में कोई संवेदना नहीं है। देश और दुनिया के सामने इस सदन की गरिमा गिराने के बाद भी ये इस प्रकार का व्यवहार कर रहे हैं। ...(व्यवधान)...

सर, आज का दिन इतना अच्छा दिन है, 75 साल तक जो कार्य दुनिया और देश देखना चाहता था...(व्यवधान)... आज इतना अच्छा दिन है कि काशी में मंदिर का पुनर्निर्माण हो रहा है, तो आज के दिन भी अगर ये इस प्रकार का काम करें ...(व्यवधान)... एक तरफ इनके नेता कहते हैं कि वे हिन्दू हैं और दूसरी तरफ यह व्यवहार और उसके बाद इस प्रकार का काम! यह बड़े शर्म की बात है कि ये आज भी इस प्रकार का काम कर रहे हैं। ...(व्यवधान)...

श्री उपसभापति : प्रश्न संख्या 151, श्री राजेन्द्र गहलोत।

Allocation of funds for supply of drinking water

#*151. SHRI RAJENDRA GEHLOT: Will the Minister of JAL SHAKTI be pleased to state:

(a) the funds allocated to supply drinking water in backward areas of the country during the last three years, State-wise;

(b) whether some schemes related to drinking water are under consideration/pending for some States, particularly for Rajasthan; and

(c) if so, the details thereof and the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF JAL SHAKTI (SHRI PRAHALAD SINGH PATEL): (a) to (c) A statement is laid on the table of the House.

Statement

(a) Since August 2019, Government of India, in partnership with States, is implementing Jal Jeevan Mission (JJM), by subsuming erstwhile National Rural Drinking Water Programme (NRDWP), to make provision of potable tap water supply to every rural household of the country by 2024. The estimated outlay of Rs. 3.60 lakh Crore, out of which Central share is Rs. 2.08 lakh Crore.

Following the principle of 'no one is left out', every rural household, including those in backward areas, is covered under the Jal Jeevan Mission. Further, provisions have been made for prioritizing tap water supply to rural households in water-quality affected habitations, desert and drought-prone areas, SC/ ST majority villages, Aspirational & JE-AES affected districts, Saansad Adarsh Gramin Yojana villages, etc. Details of State/ UT-wise allocation of Central fund under erstwhile NRDWP in 2018-19 and under JJM, in 2019-20, 2020-21 & 2021-22, is **annexed**.

(b) and (c) Drinking Water being a State subject, it is States who plan, design, approve and implement drinking water supply schemes. As such individual projects/ schemes for rural water supply, including those of Rajasthan State, are not approved at the Government of India level.

Original notice of the question was received in Hindi.

Annexure**State/ UT-wise allocation of Central fund under erstwhile NRDWP in 2018-19
and under Jal Jeevan Mission in 2019-20, 2020-21 and current year**

(Amount in Rs. Crore)

S.No.	State/ UT	2018-19	2019-20	2020-21	2021-22
1.	A & N Islands	0.62	1.78	2.93	8.26
2.	Andhra Pradesh	197.56	372.64	790.48	3,182.88
3.	Arunachal Pradesh	96.95	132.55	254.85	1,013.53
4.	Assam	567.89	694.95	1,608.51	5,601.16
5.	Bihar	476.63	787.31	1,839.16	6,608.25
6.	Chhattisgarh	95.47	208.04	445.52	1,908.96
7.	Goa	3.34	7.57	12.41	45.53
8.	Gujarat	237.09	390.31	883.08	3,410.61
9.	Haryana	81.88	149.95	289.52	1,119.95
10.	Himachal Pradesh	91.12	148.67	326.20	1,262.78
11.	Jammu & Kashmir	309.07	322.03	681.77	2,747.17
12.	Jharkhand	207.97	267.69	572.24	2,479.88
13.	Karnataka	331.04	546.06	1,189.40	5,008.80
14.	Kerala	90.37	248.76	404.24	1,804.59
15.	Ladakh	-	166.65	352.09	1,429.96
16.	Madhya Pradesh	274.09	571.60	1,280.13	5,116.79
17.	Maharashtra	474.16	847.97	1,828.92	7,064.41
18.	Manipur	40.25	67.69	131.80	481.19
19.	Meghalaya	52.43	86.02	174.92	678.39
20.	Mizoram	28.00	39.87	79.30	303.89
21.	Nagaland	34.72	56.49	114.09	444.81
22.	Odisha	154.99	364.74	812.15	3,323.42
23.	Puducherry	1.29	2.50	4.64	30.22
24.	Punjab	125.97	227.46	362.79	1,656.39
25.	Rajasthan	692.13	1,301.71	2,522.03	10,180.50
26.	Sikkim	11.62	15.41	31.36	124.79
27.	Tamil Nadu	180.99	373.87	921.99	3,691.21
28.	Telangana	131.40	259.14	412.19	1,653.09
29.	Tripura	55.18	107.64	156.61	614.09
30.	Uttar Pradesh	713.95	1,206.28	2,570.94	10,870.50
31.	Uttarakhand	99.17	170.53	362.58	1,443.80

S.No.	State/ UT	2018-19	2019-20	2020-21	2021-22
32.	West Bengal	917.82	995.33	1,614.18	6,998.97

श्री राजेन्द्र गहलोत : माननीय उपसभापति जी, मैं आपके माध्यम से...(व्यवधान)...

श्री उपसभापति : सदन की कार्यवाही दो बजे तक स्थगित की जाती है।

[Answers to Starred and Un-starred Questions (Both in English and Hindi) are available as Part -I to this Debate, published electronically on the Rajya Sabha website under the link <https://rajyasabha.nic.in/Debates/OfficialDebatesDateWise>]

The House then adjourned at three minutes past twelve of the clock.

*The House reassembled after lunch at two of the clock,
MR. DEPUTY CHAIRMAN in the Chair.*

GOVERNMENT BILL

The High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Bill, 2021.

MR. DEPUTY CHAIRMAN: We will now take up the High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Bill, 2021. Shri Kiren Rijju to move the Bill. ...(*Interruptions*)....

SHRI DIGVIJAYA SINGH (Madhya Pradesh): Sir, the House must run. So many Members are on dharna. How can you allow this? What is this, Sir? ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: Nothing is going on record.

SHRI DIGVIJAYA SINGH: *

MR. DEPUTY CHAIRMAN: Shri Kiren Rijju to move the Bill. ...(*Interruptions*)...

* Not recorded.

THE MINISTER OF LAW AND JUSTICE (SHRI KIREN RIJIJU): Sir, I rise to move:

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

MR. DEPUTY CHAIRMAN: If you want to speak, you can speak now, Mr. Minister.

SHRI KIREN RIJIJU: Sir, first of all, I would like to thank you for allowing me to place this Bill before the House for consideration. This is a very limited amendment which we have brought in the said Act and for a limited purpose. It is not going to have effect, in any manner on the judges' salaries. It is only related to a quantum jump in the pensions of the retired judges of the Supreme Court and the High Courts. ... (*Interruptions*).... So, I would like to explain, in detail, when I reply to the debate, once all the hon. Members put their interventions on record. For this moment, I would like to request the hon. Members to let this Bill be passed smoothly, unanimously so that when it comes to judiciary, there is unanimity in the House and we send a positive message across.

The question was proposed.

MR. DEPUTY CHAIRMAN: Dr. Ameer Yajnik. ...(*Interruptions*)...

श्री जयराम रमेश (कर्नाटक): सभी को बुलाकर आपस में बात कीजिए। ...(**व्यवधान**)...

MR. DEPUTY CHAIRMAN: Please sit down. माननीय एलओपी अगर इस विषय पर बोलना चाहते हैं, तो मैं जरूर सुनूंगा। ...(**व्यवधान**)...

विपक्ष के नेता (श्री मल्लिकार्जुन खरगे) : उपसभापति महोदय, लीडर ऑफ दि हाउस उठकर पांच-दस मिनट हमारे बारे में टीका-टिप्पणी करके बैठ जाते हैं, लेकिन जब मैं कुछ बोलना चाहता हूँ, तो मुझे मेरी बात रखने भी नहीं दी जाती है। ...(**व्यवधान**)... मुझे एक sentence भी बोलने नहीं दिया जाता है। ...(**व्यवधान**)...

श्री उपसभापति : माननीय एलओपी, just for record, आपने सदन में बोला था और लीडर ऑफ दि हाउस क्वेश्चन ऑवर में बोलना चाहते थे, तो दोनों पक्षों ने बोल लिया था। आप जिस मुद्दे पर चर्चा करना चाहते हैं, मैं आपको बताना चाहता हूँ कि माननीय चेयरमैन साहब ने स्थिति स्पष्ट कर दी है कि आप सब माननीय लीडर्स बैठकर उसका रास्ता निकालें। This is nothing new.

SHRI MALLIKARJUN KHARGE: Sir, you are supreme. उस चेयर पर जो बैठते हैं, वे सुप्रीम हैं।...**(व्यवधान)**... आप सभी कानूनों को सस्पेंड करके decision ले सकते हैं।...**(व्यवधान)**... लीडर ऑफ दि हाउस को यह पावर नहीं है।...**(व्यवधान)**... इस हाउस में सुप्रीम आप हैं। ...**(व्यवधान)**...

श्री उपसभापति: माननीय एलओपी, चेयरमैन साहब ने आप सबसे अनुरोध कर दिया है...**(व्यवधान)**... मैं उसकी पुनरावृत्ति नहीं करना चाहता हूँ। ...**(व्यवधान)**... डा. अमी याज्ञिक, ...**(व्यवधान)**... अमी याज्ञिक जी, केवल आपकी बात ही रिकॉर्ड पर जाएगी। श्री रामकुमार वर्मा, ...**(व्यवधान)**... रामकुमार जी, आप बैठ जाइए, अमी याज्ञिक जी बोल रही हैं। ...**(व्यवधान)**... अमी जी, आप बोलिए। केवल आपकी बात ही रिकॉर्ड पर जाएगी। ...**(व्यवधान)**... Nothing will go on record except your speech, Dr. Ameer Yajnik. याज्ञिक जी, आप बोलिए। ...**(व्यवधान)**... प्लीज़, आप बोलिए।...**(व्यवधान)**...

DR. AMEE YAJNIK (Gujarat): Sir, today I am thankful to my party that I am here and speaking in this august House on the subject of the High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Bill. The parent Acts had come in 1954 and 1958. They have been amended quite often. Today, if I have to speak on this Bill — The High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Bill, 2021 — I think, I have not much to speak in this august House, because, as Members of Parliament, we are talking about salaries of our hon. Judges who are doing their job excellently. They are working relentlessly. And, whenever I have spoken about the judiciary of our country at national and international platforms, I have always held my head high that we have one of the finest judicial systems in the world and is known for its independence.

Sir, I don't have much to say on the Bill as such, because the proposed amendments have to be approved. But, I would definitely speak on certain concerns which I have on this subject — judiciary or justice system.

Today, our judicial system is talked about everywhere. The backlog of cases in the High Courts, in the Supreme Court and major chunk in the subordinate courts runs into crores! Principle of delayed justice is also talked about. Better not to talk about the plight of people languishing in jails as under-trial prisoners and also as convicts who are waiting for their appeals to be heard. Better not to talk about the people who have come to the High Courts and the Supreme Court by way of Writ Petitions to see that their grievances are redressed. Sir, this only shows the hope of the people of this country for seeking justice. Justice, as Mahatma Gandhi said, is 'truth.' He himself was a lawyer and he fought against injustice. So, Sir, when we talk about justice in this country, I feel, we should be talking broadly about social

justice. People of India think that this is the last resort. There is so much hope and faith in the judiciary. They come to court knowing full well that their matters will not be heard for a long time, there will be adjournments, seeking legal aid would be difficult, getting a lawyer and paying his or her fee would be difficult. But, still, people of this country access this system. When I mentioned Mahatma Gandhi, I wish to submit that I come from the land of Mahatma Gandhi. He believed that people should live with self-respect. They should get their rights as a human being. When he said that, he meant that everyone should be enjoying their rights equally and that is what our Constitution has mandated — equality before the law or the equal protection of the laws.

There have been plethora of laws in our country. In the late 80s, we had the Legal Aid Services Authority Act. Legal aid is provided to our people. But, are they aware of their rights? Can they go and access this system? We have seminars on access to justice. But, access to justice should first have access to the system. I would like the hon. Minister to tell this august House what and how they are thinking to deal with huge backlog. Is this Government sensitive towards filling the vacancies? I may give a lot of figures. Is this Government going to fill up vacancies? We need so many Judges in the High Courts. ...(*Interruptions*)...

SHRI TIRUCHI SIVA (Tamil Nadu): Sir, I am also on the issue of vacancies. ...(*Interruptions*)... Many of my colleagues are sitting outside. ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: Please do not disturb. ...(*Interruptions*)... Nothing is going on record. ...(*Interruptions*)... Dr. Ameer Yajnik, please speak. ...(*Interruptions*)...

SHRI TIRUCHI SIVA: *

DR. AMEE YAJNIK: Sir, I myself feel that it is unfair that my colleagues are sitting outside, and I am raising this issue of unfairness in this House. Justice system means 'fairness'. ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: Dr. Ameer Yajnik, it is not the subject that we are discussing in the House. ...(*Interruptions*)... It is not allowed. ...(*Interruptions*)... Please speak on the subject. ...(*Interruptions*)...

* Not recorded

DR. AMEE YAJNIK: Justice means giving opportunity to everybody....(*Interruptions*)... Justice means hearing everybody. ...(*Interruptions*)... Justice means 'truth', in the language of Mahatama Gandhi. ...(*Interruptions*)...

श्री उपसभापति : आप सब्जेक्ट पर बोलिए।..(**व्यवधान**)..केवल आपकी बात ही रिकॉर्ड पर जाएगी।..(**व्यवधान**).. I am requesting you to speak only on the subject. ...(*Interruptions*)... केवल आपकी बात ही रिकॉर्ड पर जाएगी।..(**व्यवधान**)..

DR. AMEE YAJNIK: I am speaking on the subject, Sir. ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: Yes, please speak. ...(*Interruptions*)... Please speak on the subject, otherwise I will move on to the next speaker. ...(*Interruptions*)...

SHRI TIRUCHI SIVA: *

MR. DEPUTY CHAIRMAN: No; no, not allowed. ...(*Interruptions*)... Mr. Tiruchi Siva, you are a very senior Member...(*Interruptions*)...

श्री संजय सिंह : *

श्री उपसभापति : आप सब्जेक्ट पर बोलिए।..(**व्यवधान**)..केवल आपकी बात ही रिकॉर्ड पर जाएगी।..(**व्यवधान**)..

DR. AMEE YAJNIK: Sir, I am speaking on the Bill. ...(*Interruptions*)...

श्री उपसभापति : आप कृपया शांति बनाए रखें। ..(**व्यवधान**)..बिल पर बोलने के ही आप सब हैं।..(**व्यवधान**)..आप बैठ जाइए।..(**व्यवधान**)..उन्हें बोलने दीजिए।..(**व्यवधान**)..उन्हें डिस्टर्ब मत कीजिए। ..(**व्यवधान**)..प्लीज़, आप बैठ जाइए। ..(**व्यवधान**)..

श्री संजय सिंह : *

श्री उपसभापति : और कोई बात रिकॉर्ड पर नहीं जा रही है। ..(**व्यवधान**)..इसका मतलब है कि आप माननीय सदस्या को बोलने नहीं देना चाहते हैं। ..(**व्यवधान**)..आपके आचरण से यह स्पष्ट है। ..(**व्यवधान**)..आप इस बिल के बारे में बोलिए। ..(**व्यवधान**)..

* Not recorded

DR. AMEE YAJNIK: Sir, I am speaking on the Bill. ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: Please speak, Dr. Yajnik. ...(*Interruptions*)...

SHRI TIRUCHI SIVA: *

श्री संजय सिंह : *

DR. AMEE YAJNIK: Sir, I will give an example. ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: Please speak, Dr. Ameer Yajnik. ...(*Interruptions*)...

SHRI TIRUCHI SIVA: *

श्री संजय सिंह : *

MR. DEPUTY CHAIRMAN: Please speak, Madam Yajnikji. ...(*Interruptions*)...
Nothing else is going on record. ...(*Interruptions*)... Please speak. ...(*Interruptions*)...

श्री संजय सिंह : *

MR. DEPUTY CHAIRMAN: You are wasting her time. ...(*Interruptions*)...

श्री संजय सिंह : *

SHRI TIRUCHI SIVA: *

MR. DEPUTY CHAIRMAN: Nothing else is going on record. ...(*Interruptions*)...
Madam Yajnikji, please speak. ...(*Interruptions*)... मैडम, प्लीज़ आप बोलिए।
..(**व्यवधान**)..मैं आपसे बार-बार रिक्वेस्ट कर रहा हूँ कि आप बोलिए। ..(**व्यवधान**)..

DR. AMEE YAJNIK: Sir, as a member of the legal fraternity, I am fighting for the justice to the downtrodden. ...(*Interruptions*)... Sir, I will give you an example of a case. ...(*Interruptions*)... A twelve year old young boy once came to my office and said, "Madam, today my mother will not attend the court and told me that his mother

* Not recorded

was fighting for his custody and she wanted maintenance for maintaining herself; she had been coming to the court for the last eight years; her matter was not being heard; she was not being given an opportunity of hearing." So, today, looking to her plight, looking to her psychological state, looking to the plight she is in, she is neither able to run even the house nor is able to look after me. So, from today onwards, she will not come to the court, Madam. I will come in her place; I will attend the matter", he said. That moved me. I had no idea what that child was telling me. And, that spoke volumes about the system where I was. The woman was asking for justice. She wanted to be heard. She wanted her case to be taken up. She wanted to look after her child. She did not even know that she had access to free legal aid. She did not know that she was equal before the law. She did not know her rights. But, I was the lawyer and I believed in her. And, that is what I was putting up before the hon. court. I had tears in my eyes, Sir, that we were not looking at the next generation. We are not talking about the backlog of cases; we are not talking about filling up of vacancies; we are not having enough judges to hear the matters. I would implore the hon. Law Minister that, with his vast experience as a lawyer and as a Law Minister, he would see that this backlog is cleared. Justice means 'fairness', as per John Rawls; justice means 'truth', as per Mahatma Gandhi. And, our own Justice V.R. Krishna lyer said, "Justice is our Fundamental Right". Sir, the people of this country are looking up to the Judiciary. Every day, they are filing cases to get justice. They do not know that there is a backlog of four crore of cases. They do not know that their cases will not be taken up. There is one other case. I opened up a matter for an appeal before the hon. High Court and my first submission to the High Court was that this appeal has become infructuous because my client in the jail has completed her tenure as an accused, as a convict; so, appeal becomes infructuous. Sir, appeals are not heard and that is what I would like to tell the hon. Law Minister that we need to look at the Law Commission Reports that have come. They are asking for reforms in the judicial system; they are asking for changes in the criminal law; they are asking for a change in the criminal justice system; and, they are asking that for one lakh population, this many number of judges should be there. Time and again I hear the other side, the Treasury Benches' speakers, or the Government speaking and comparing ourselves with other countries, we are talking about that, saying, "We will be the top of the world." We have an independent Judiciary. It is praised everywhere all over the world. But, what are we talking about when we talk of giving justice to our people? This country needs social justice. This country wants that the people of this country get justice. We are not talking about those two per cent or three per cent people who go to the courts. If they do not want to go to the courts, they have an

option of going for arbitration. This is another aspect which is a very difficult aspect for me to tell to the hon. Minister. Yes, there should be relaxation in the age of the hon. Supreme Court and High Court judges. The age of retirement should be relaxed. Their experience, their commitment to the delivery of justice should be taken into consideration and let them be there. But, these issues are not taken up by the Law Ministry. The Law Commission has also given a number of reports on how you should clear these backlogs and how the judges should be appointed as soon as possible. But, there seems to be arguments and arguments on whether there should be a judicial commission or whether there should be some kind of an entry point, etc. Those discussions are never held. This Bill is, practically, an amending Bill. None of us should be having any objection to that. The Bill should be passed. But these are the areas of concern. Justice delayed is justice denied. They complete their periods in jails. These are the issues which are of prime importance in this country. We have come with the POCSO Act, we have come with the Immoral Trafficking Act. But have we seen whether these children are rescued, whether these children are rehabilitated? Are these children re-entering the society? Are they coming to the communities back as hale and hearty children? Are we able to control this trafficking despite the Act? Sir, we put all the onus on the judicial system. But, who oversees all this? It is the Ministry of Law. Therefore, the Law Minister has a very difficult duty to perform today in answering these questions. You cannot put everything in the judicial system and say that there is so much of backlog and we are trying to clear it. There is the Gram Nyayalaya Act, which says that at the local level, we should have *gram nyayalayas*. That was brought forward in 1987 and got implemented in 1995. Where are those *gram nyayalayas*? We wanted 5,000 courts at the village level. There are hardly 200 which are operating. There, the State Government has to consult and in consultation with the High Court, come out with these *gram nyayalayas*. We talk about Mahatma Gandhiji but we do not understand his principles. We do not want to put them into practice. He said that we should have, at the local level, justice system and that is what *gram nyayalaya* is all about. But, where are those *gram nyayalayas*? Why only talk all the time, why no action at any time, I am asking. We are talking about the judicial system which is one of the main pillars of our democracy. People go there and consider the Judges as Gods. They want justice. For example, a woman who was there in the court asking for some kind of a relief from the hon. High Court, before the Court started, said this to me in Gujarati because that is the language they speak. The language is another hurdle at the High Court and the Supreme Court level. It is in English. Often, the clients who come from a large section of the people knocking the doors of the Court for justice do not understand

the language. She told me in Gujarati that Madam, today, you put on all the arguments, fight and get me justice. *'मुझे न्याय दिलवाइए'

At that time, because the Court had not started, I told her, *'बहनजी, आपको जजमेन्ट मिलेगा, जस्टिस नहीं, न्याय की बात मत कीजिये आप, एकदम'। I told her, 'You will get a judgement today because the hearing is over but don't consider it to be justice.' As a student of law, as a practitioner and mainly at the level where social justice is needed, I told the woman, and I understood, 'there is a difference between judgement and justice.' Sir, justice was put in the Constitution 'that every person has a human right, every person has a right to equality, every person is equal before the law', and when that person is asking for justice, she or he is asking for dignity. Sir, justice is dignity, and if that dignity is not given, I think, as a society, as a democracy, we are failing. But constantly talking about backlogs and constantly saying that the 'Judiciary is not doing enough', I think, we are somewhere misplacing our arguments subject-wise.'

Sir, we know about an hon. Chief Justice, one of the hon. Chief Justices, I don't want to name, who is almost in tears saying that 'Please give us the number of Judges we require', and imploring like this, I think, is a pitiable situation. We need more Judges.

Sir, today we talk about Digital India, online infrastructure. Sir, which women and which people in the villages and at the district level can access 'online access to system', forget about 'access to justice'? Again, there is a misnomer. 'Access to system' is required first in order to get 'access to justice'. Sir, that online infrastructure is not in place. Not even basic infrastructure is available in the district courts. One may visit; and I would request the hon. Law Minister to visit the interiors of the districts and find out what is the situation of these courts, how the lawyers are working there and how the Judges are sitting there. We talk about Digital India, we talk about online. It is very good at the apex level and in some High Courts. But how many women, how many people of disadvantaged class know that they have to go to a legal aid centre which is there in the High Court premises, in the district court premises? How much legal awareness has been done? What are the steps taken by the Law Ministry to do all this?

Sir, compiling law reports, getting Law Commission Reports and not discussing also on them anywhere, how would the lawyers also know? Sir, for everything if the lawyers have to file a Public Interest Litigation in order to see that a

* Hindi translation of the original speech delivered in Gujarati.

large section of people get justice, I think, that is something we need to change. If you want to change with Digital India, if you want to make everything absolutely online, Sir, then we have to create that wherewithal. We just can't jump, leapfrog into everything. We leapfrogged from BS-IV to BS-VI as far as vehicles were concerned. For that also, we had to go to the hon. Supreme Court. But for everything, there cannot be leapfrogging, especially, not for social justice. Sir, social justice is the fabric which makes India. A large section of people are living in that particular society where they are seeking social justice. Sir, as a lawyer, I have always believed that even if some sections of society do not knock the doors of the court for justice, the judgements that are delivered by the hon. apex court or some High Courts act as 'directives'. They act as 'directives' for people, 'directives' for the State to form policies. For example, Sir, the Domestic Violence Act came in 2005. I am giving this example. When that Act came, the women who were sitting in the Magistrates' Court, in criminal courts, with accused of 302, bank scams, frauds, were shifted from that criminal jurisdiction to civil jurisdiction, to family courts. We got the family courts. Sir, this is a component of seeing that even when they file, they file their cases with dignity. Sir, these kinds of issues need to be taken up. The 'directives' of the hon. apex court act as what, Sir? I wrote an article which says, 'Behind closed doors, these directives open the closed doors, enter the domestic arena and give justice to this woman.'

Sir, these are the issues which I wish the hon. Law Minister takes forward instead of bringing these Bills. I think all of us here would think that when you talk about the Judges' salaries, I think, we are bringing some humiliation component in that. If some other system decides about salaries, there should be some automatic mechanism inbuilt where the Government takes these decisions and does what is necessary for the judicial system and not bring these kinds of Bills.

They must bring Bills that are robust and holistic for the development of social justice and bring social justice to the doorstep of the people who are disadvantaged. I would like to say to the hon. Law Minister that I shall not go into the number of vacancies, the number of backlogs, etc. They are all available on the website and on social media. I do not wish to bring in the issue of per population ratio of judges or say, bring more women, more people, into the justice delivery system.

MR. DEPUTY CHAIRMAN: Please conclude.

DR. AMEE YAJNIK: No, Sir. This is very important. The Law Minister should have his priorities in place. He should go and find out what is ailing the system. People want justice.

Sir, justice is truth, justice is fairness, justice is giving opportunity to the other side to make a fair representation. Twelve of my colleagues are outside, wanting to be heard, wanting to make a presentation before the hon. Chairman.

MR. DEPUTY CHAIRMAN: Thank you. I have already given you four minutes extra. Now, Shri Ramkumar Verma.

श्री रामकुमार वर्मा (राजस्थान) : आदरणीय उपसभापति जी, आपने मुझे इस महत्वपूर्ण बिल "The High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Bill, 2021" पर बोलने का समय दिया, इसके लिए बहुत-बहुत धन्यवाद। यह बिल लाने के लिए मंत्री जी का भी धन्यवाद। हालांकि यह बहुत बड़ा बिल नहीं है, लेकिन चूंकि पार्लियामेंट के अंदर अगर कोई चीज़ आ जाती है, तो वह महत्वपूर्ण होती है। यह विषय हमारे भारतीय संविधान के आर्टिकल के अंदर मेन्शन है, इसलिए इसकी बाध्यता भी है। मैं शायद सही हूँ या अगर गलत भी हूँ तो मंत्री जी मुझे correct कर देंगे, आर्टिकल 125 के अंतर्गत, अगर हम सुप्रीम कोर्ट या हाई कोर्ट के जजेज़ की सैलेरीज़ के सम्बन्ध में कोई बात करते हैं, तो वह पार्लियामेंट के अंदर regulation के लिए आना चाहिए। इसी पालना के तहत 1954 में High Court Judges की Salaries and Service Conditions के लिए ऐक्ट बना था। उसके बाद Supreme Court Judges की Salaries and Service Conditions के लिए 1958 में ऐक्ट बना। 2009 में इसके अंदर एक amendment लाया गया, हालांकि वह amendment बहुत बड़ा नहीं था, लेकिन उस amendment के बाद हाई कोर्ट और सुप्रीम कोर्ट के जजेज़ की पेन्शन को एक slab system में डाल दिया गया। एक civilian भी retire होता है और सुप्रीम कोर्ट या हाई कोर्ट के जजेज़ भी रिटायर होते हैं, लेकिन दोनों की retirement age अलग-अलग होती है। रिटायरमेंट के बाद, एक खास एज के बाद उनको अपनी पेन्शन या अगर वह व्यक्ति जिंदा नहीं है तो family pension का जो extra amount मिलना चाहिए, उसको slab-wise किया गया। उसमें 80 years, 85 years, 90 years, 95 years and 100 years के slab बनाए गए। ये slab इस तरह से बनाए गए कि अगर वह 80 years का होता है, तो उसको 20% extra pension का फायदा मिलेगा, उसके बाद 30% का फायदा मिलेगा, फिर 40% मिलेगा, फिर 50% मिलेगा और 100 की आयु के बाद 100% extra pension या family pension का फायदा उसको मिलेगा। यह एक संशोधन के माध्यम से लागू हुआ था। कई बार High Court और Supreme Court के जजेज़ की Salaries and Service Conditions को लेकर Act में जो संशोधन किए गए, उसमें हाई कोर्ट की सैलेरीज़ की कुछ anomalies को लेकर हमारे ऑनरेबल जजेज़ गुवाहाटी हाई कोर्ट में गए। उन्होंने वहां पर अपनी बात रखते हुए कहा कि यह लाभ उन्हें 80 years complete होने पर नहीं, 80 years की starting पर मिलना चाहिए। ऑनरेबल सुप्रीम कोर्ट और हाई कोर्ट ने इस पर यह जजमेंट दिया कि जो ऐक्ट बना है, उसके हिसाब से उनको यह लाभ 80 years की starting के first day of the

year, when retirement is due, तब से मिलना चाहिए। इसी तरह से उन्हें अन्य slab भी मिलने चाहिए। दूसरा, मध्य प्रदेश के हाई कोर्ट का जो decision हुआ, उसमें भी यही decision दिया गया। यह 2018 से 2020 की बात है। उन्होंने इसके अंदर जिस तरह का संशोधन किया, उसको लेकर जो anomalies आईं, उन anomalies को rectify करने के लिए, स्पष्ट रूप से interpret करने के लिए ही यह Amendment लाया गया है। यह 2021 के अमेंडमेन्ट के रूप में लाया गया। इसमें सिर्फ इतना किया गया कि हमारे सुप्रीम कोर्ट के जजेज के लिए नियम 16(बी) के तहत जो स्लैब बनाये थे, इसी तरह से हाई कोर्ट के जजेज के लिए नियम 17(बी) के तहत जो स्लैब बनाये गये, उनके अंदर अगर वह 80 साल पूरे कर लेता है तो यह माना जाएगा कि 80 साल पूरे करने के बाद उसका स्लैब चालू होगा और उसे एक्स्ट्रा पैसा मिलेगा। इसी तरह से 90 साल, 95 साल और 100 साल की बात होती है, इसमें यह चीज महत्वपूर्ण है। मैं समझता हूँ कि सभी ने इसका समर्थन किया है, यह बहुत अच्छी बात है, क्योंकि बिल के अंदर कोई बड़ी बात नहीं है। अभी हमारे सामने यहां पर कुछ माननीय सदस्य उपस्थित हैं, जिन्हें लॉ से संबंधित बहुत ज्ञान है, बड़े-बड़े विद्वान वकील यहां बैठे हुए हैं और माननीय सदस्या, जिनका मैं बहुत सम्मान करता हूँ, उन्होंने एक बात कही कि यह ठीक है कि देश के अंदर सैलेरी का यह मुद्दा हो चुका है, लेकिन इस देश के अंदर सोशल जस्टिस की जरूरत है और आज सोशल जस्टिस मिलना जरूरी है। यह आवाज़ आज से नहीं है, 1947 के पहले से चल रही थी, लेकिन आज़ादी के बाद, जिस तरह से हमें आज़ादी मिली और 1950 के बाद कांस्टिट्यूशन बना, उस कांस्टिट्यूशन के प्रीएम्बल में, हमारे कांस्टिट्यूशन के निर्माता निश्चित रूप से बहुत महान विद्वान थे, असेम्बली में डिबेट हुआ करती थी और उसके बाद डा. बी.आर. अम्बेडकर साहब ने 26, नवम्बर, 1949 को जब कांस्टिट्यूशन को देश के सुपुर्द किया, इस दिन को हम आज 'संविधान दिवस' के रूप में मनाते हैं, पूरा देश मनाता है और विश्व में भी मनाया जा रहा है, लेकिन पहले ऐसा नहीं होता था। उसके प्रीएम्बल में स्पष्ट लिखा है कि देश के लोगों को सोशल जस्टिस की जरूरत है, यह प्रीएम्बल में ही दिया गया है। हमारा कांस्टिट्यूशन बहुत अनूठा और सुन्दर है, हर चीज को उन्होंने समराइज किया है। साथ-ही-साथ प्रत्येक समस्या के, यदि हम अच्छी नीयत और साफ-सुथरी राजनीति से ऊपर उठकर बात करें, तो उनके समाधान भी होते हैं।

[उपसभाध्यक्ष (श्री सुरेन्द्र सिंह नागर) पीठासीन हुए]

सोशल जस्टिस, इकोनॉमिक जस्टिस, पोलिटिकल जस्टिस आदि की उसमें व्याख्या की गई तो उसमें सोशल जस्टिस और इकोनॉमिक जस्टिस की जरूरत थी।

महोदय, मैं इस बात से सहमत हूँ कि आज अगर देश के अंदर केसेज की पेन्डेंसी देखें तो मैं समझता हूँ कि अभी साढ़े चार करोड़ से अभी अधिक केसेज हाई कोर्ट, सुप्रीम कोर्ट और अन्य कोर्ट्स में पेन्डिंग चल रहे हैं। इसे देखकर लगता है कि हमारी मैनपावर, यानी जजेज की संख्या पर्याप्त नहीं है, तो उसके कारण जस्टिस डिले होता है। यह सही है कि 'जस्टिस डिलेड, जस्टिस डिनाइड'। हम चाहते हैं कि लोगों को सस्ता और सुलभ न्याय मिले, लेकिन यह संभव नहीं हो पा रहा है। मैं कहना चाहता हूँ, चूंकि यह देश का महत्वपूर्ण सदन है, हमारे देश के बहुत अच्छे संविधान के अंदर कानून बनाने के लिए विधायिका, उसको इंटरप्रेट करने के लिए न्यायपालिका

और एकजीक्यूट करने के लिए कार्यपालिका है, इन तीनों के बारे में अलग-अलग से विस्तृत रूप में बताया गया है तो अगर यह सदन सच्चाई से सोच ले कि प्रीएम्बल की जो थीम और सोच हमारे संविधान निर्माताओं की रही है, जो हमारी संविधान सभा थी, उसे यदि हम ध्यान से पढ़ते हैं, हालांकि मैंने उसका बहुत ज्यादा अध्ययन नहीं किया, चूंकि मैं लॉ का स्टूडेंट नहीं हूँ, लेकिन मैं अध्ययनप्रिय और जनसामान्य के बीच रहने वाला व्यक्ति हूँ, उसमें सारी चीजें क्लियर हैं। यदि हम सोशल जस्टिस की बात करें, तो लोगों को सोशल जस्टिस कैसे मिलेगा? आज आज़ादी के बाद यह बात चल रही है कि सामाजिक न्याय हो, सबको समानता मिले, अभिव्यक्ति की स्वतंत्रता हो और जो व्यक्ति गरीब है, कमजोर है, चाहे वह किसी भी वर्ग का हो, उसे कम से कम अपलिफ्ट करें, उसे इकोनॉमिक जस्टिस मिले। जब उसे आर्थिक दृष्टि से जस्टिस मिलेगा, तो निश्चित है कि उसके अंदर एक स्ट्रैन्थ और मजबूती आएगी। यदि उसके खुद के ऊपर इस तरह का अन्याय होता है, तो इस व्यवस्था में वह उसे फेस कर सकता है। मेरे सामने विपक्ष के विद्वान साथी हैं, उन्हें बहुत बड़ा अनुभव है, लेकिन अच्छी बातें सुनने में उन्हें कई बार दिक्कत होती है, यह सत्यता है। हमने ये प्रयास किये और सरकारों ने भी किये, कोर्ट्स बनाये, फास्ट कोर्ट्स बनाये, एससी, एसटी कोर्ट्स भी बनाये, ताकि वीकर सेक्शन को जस्टिस मिले, सामाजिक न्याय मिले और आर्थिक न्याय मिले। मैं कह सकता हूँ कि 2014 के बाद सबसे पहले प्रधान मंत्री जी ने संविधान को नमन करते हुए पार्लियामेंट में कहा था कि मेरी देश के व्यक्ति के प्रति सोशल, सामाजिक न्याय के लिए प्रतिबद्धता है और उन्हें सामाजिक न्याय तब मिलेगा, जब उनको आर्थिक न्याय मिलेगा। अभी हमारी सम्माननीय सांसद महोदया आर्थिक कह रही थीं कि आप डिजिटल की बात करते हैं, आप टेक्नोलॉजी की बात करते हैं, लेकिन सोशल जस्टिस की बात नहीं करते हैं। मैं यह कहना चाहता हूँ कि प्रधान मंत्री जी ने जो एक 'डिजिटल इंडिया' का अभियान चलाया, देश का आह्वान किया, उसका भी विरोध हुआ था। इस देश की जनता ज्यादा पढ़ी-लिखी नहीं है, वह कैसे करेगी, लेकिन उन्होंने विश्व को दिखा दिया कि भारत की जनता कम पढ़ी-लिखी हो सकती है, लेकिन कम पढ़े-लिखे होने पर भी उसके अन्दर प्रतिभा बहुत ज्यादा है। मैं यह निवेदन करना चाहूँगा कि 'डिजिटल इंडिया' के माध्यम से सामाजिक न्याय मिल रहा है। मैं कहता हूँ कि जो पैसा गरीबों के हक में जाना चाहिए था, विभिन्न योजनाओं के द्वारा जाना चाहिए था, उसका हमारे पूर्व प्रधान मंत्री जी ने व्यक्तिगत रूप से चिन्तन किया। उन्होंने आह्वान भी किया था कि देश के अन्दर beneficiary को 15 प्रतिशत ही मिल रहा है, end-use यह होता है। यानी 85 प्रतिशत के बारे में उन्होंने बहुत पहले कहा था, लेकिन उसके बारे में तो नहीं सोचा गया, लेकिन इस मोदी सरकार ने सोचा कि मेरे देश के व्यक्ति को, गरीब को, उसका जो हक है, वह मिले, तो जन-धन अकाउंट्स के माध्यम से और DBT के माध्यम से आज जो पैसा जा रहा है, यह सामाजिक न्याय भी है और आर्थिक न्याय भी है। इससे उस व्यक्ति को डायरेक्ट लाभ मिल रहा है, जो बिचौलियों को मिल जाता था। वह economically strengthen कैसे हो, ताकि वह मुकाबला कर सके? मैं इस बात पर फिर आऊँगा कि अभी भी देश के क्या हालात हैं। मैं उस पर भी बोलूँगा। उन्होंने कहा कि मेरे देश का जो व्यक्ति आर्थिक दृष्टि से पिछड़ा है, हम बिना किसी भेदभाव के उसकी बात करेंगे। हम न तो जाति देखेंगे, न धर्म देखेंगे, न श्रेणी देखेंगे और न वर्ग देखेंगे, हम भारत के 135 करोड़ लोगों की बात करेंगे, बिना भेद-भाव के बात करेंगे। इसमें किसी तरह का 'yet' और 'but' नहीं लगायेंगे। उसी के तहत गरीबों के लिए, मध्यम क्लास के लिए, किसानों के लिए और महिलाओं के लिए जो

प्रत्येक योजना है, उसमें किसी तरह की caste या कोई भेद-भाव नहीं देखा गया। गरीबों को आर्थिक लाभ मिले, ताकि गरीब strengthen हो, वह मज़बूत हो - उसके लिए पहले सुविधाएँ मिलें - चाहे वह 'उज्ज्वला योजना' के माध्यम से मिले, 'प्रधान मंत्री आवास योजना' के माध्यम से मिले या 'जन-धन अकाउंट' के माध्यम से उसको डायरेक्ट पैसा मिले। उसको निःशुल्क बिजली मिले और उसको स्वच्छता के लिए शौचालय मिले। साथ-साथ छोटे धंधे करने के लिए 'प्रधान मंत्री मुद्रा योजना' के साथ-साथ 'स्टैंड-अप योजना' और 'स्टार्ट-अप योजना' के द्वारा भी वह strengthen हो। आपने देखा कि यह सरकार कितनी प्रतिबद्धता से काम कर रही है। महोदय, जहाँ तक न्याय की बात है, तो अगर किसी भी कारण से न्याय में delay होता है -- मैं जिस समाज से और जिस परिवार से आता हूँ, मुझे मालूम है कि गरीबी क्या होती है और मैंने गरीब व्यक्तियों को देखा है - सामने मर्डर होते हैं, रेप केसेज़ होते हैं। राजस्थान की कहानी तो मैं आज भी देखता हूँ कि आये दिन अखबारों के अन्दर, weaker sections का, कमजोर वर्गों का क्या हाल है। मैं राजस्थान का दो-तीन सालों का आंकड़ा बताना चाहूँगा। More than 25,000 cases सिर्फ weaker sections के साथ हुए हैं, जिनकी बात बड़ी सभाओं के अन्दर करते हैं। कई बार कहते हैं कि दलितों पर अत्याचार हो रहा है, गरीबों पर अत्याचार हो रहा है, लेकिन उसके अन्दर ज्यादातर महिलाओं के साथ rape के cases हैं। उसमें टाइम पर FIR दर्ज नहीं होती और अगर FIR दर्ज हो भी गयी है, तो Atrocities Act के तहत उसमें धक्के खाने पड़ते हैं। अगर वह दर्ज हो भी गयी है, तो FIR lodge होने के बाद उसको जो amount मिलना चाहिए, वह समय पर नहीं मिलता। आज मैं जब राजस्थान की बात करता हूँ, तो अन्य स्टेट्स की भी स्थिति ऐसी हो सकती है, लेकिन वहाँ एक-एक वर्ष बाद भी पैसा नहीं मिलता। मैं यह कहता हूँ कि मोदी जी की सरकार आने के बाद, उन्होंने इस संविधान को नमन करते हुए कहा था कि हम इसका अक्षरशः पालन करेंगे। बाबा साहेब अम्बेडकर जी ने जो सोशल जस्टिस, इकोनॉमिक जस्टिस की बात की थी - राजनीतिक जस्टिस तो हो गया है, राजनीतिक न्याय के मामले में तो यह है कि रिज़र्वेशन के आधार पर वह हो गया है, यह दूसरी बात है कि वह हमारी राज्य सभा में नहीं है, लेकिन फिर भी पोलिटिकल पार्टिज़ और कम से कम हमारी पार्टी तो उसका पूरा ध्यान रखती है। जो योजनाएँ लागू की गयी हैं, उनके आधार पर मैं समझता हूँ कि आज भारत का जो गरीब वर्ग है, मध्यम क्लास है, वह अपने हक के लिए लड़ने के लिए कम से कम मज़बूत होती दिख रही है। और कोविड महामारी के दौरान जो स्टेप्स लिये गये, MACs के थ्रू लिये गये, उनके अंतर्गत हम एससी, एसटी, वीकर सेक्शन्स को किस तरह से deal करेंगे, उनके products को बेचने के लिए पाबंदियाँ करेंगे, उनका किस तरह से अवमूल्यन किया गया, वह भी आपको मालूम है। महोदय, मुझे अभी समय का ध्यान नहीं है कि कितना बचा है, लेकिन मेरा कहना है कि सोशल जस्टिस पर चर्चा होनी चाहिए। कमजोर वर्गों के लिए चर्चा तो कई बार हो चुकी है, क्योंकि SC&ST (Prevention of Atrocities) Act से पहले हमारा Protection of Civil Rights Act था, जो सरकार थी उसने यह कहा था कि गरीबी भी हटायेंगे और सामाजिक न्याय भी मिलेगा। उसके बाद कुछ नहीं हुआ तो Prevention of Atrocities Act भी आया। हमारी सरकार के आने के बाद इसमें जो बहुत सारे विषय रह गये थे, वर्ष 2015 में उन सारे issues को इसमें इन्क्लूड किया कि यहां पर उसमें यह लागू होना चाहिए। उसके बाद उसमें जब सुप्रीम कोर्ट से थोड़े बहुत changes हुए, तो उनसे ज्यादा फर्क पड़ा या नहीं पड़ा, लेकिन कहीं न कहीं इसने psychological रूप से अपराधियों के दिमाग को change किया।

लेकिन उसके बावजूद आज हम देखते हैं कि पूरे देश के अंदर मेरा राजस्थान प्रदेश सबसे आगे चल रहा है क्योंकि वहां सोशल जस्टिस के नाम पर weaker section, गरीब वर्ग के साथ injustice हो रहा है और उसे न्याय नहीं मिल रहा है। उसे न्याय इसलिए नहीं मिल रहा है, क्योंकि हम राजनीतिक पहलू से ऊपर उठकर नहीं सोच रहे हैं। हम राजनेता हैं, जनता से वोट लेने जाते हैं। मैं नाम नहीं लेना चाहता क्योंकि सदन में जो भी issues हैं, उसके पहले ही शोर-शराबा कर देते हैं। अभी कल एक महा रैली हो रही थी, उसमें इनके सारे बड़े नेता मौजूद थे। मैंने उनका भाषण सुना, उसमें वे बड़े गर्व के साथ भाषण दे रहे थे कि जैसे यह देश सिर्फ हम दो और हमारे दो से चल रहा है और गरीब की कोई सुध नहीं है, देश के अंदर कुछ नहीं हो रहा है। वे कहते हैं कि हम सच बोलते हैं, असत्य बोलते ही नहीं हैं। मैंने अपनी सामान्य चार लाइनों से कहा कि आप असत्य नहीं बोलते हो, तो तीन साल पहले मेरे राजस्थान में आकर आप लोग गिनती करके गए थे कि 10 दिन में कर्ज माफ होगा, atrocities नहीं होंगी और जो संविधान बिगाड़ा जा रहा है, उसको हम रोकेंगे लेकिन वह कर्ज भी माफ नहीं हुआ और बेरोजगारों को जो साढ़े तीन हजार रुपये देने के लिए कहा था, ऐसे करीब 30 लाख बेरोजगार हैं, जिन्हें अभी तक वह राशि नहीं मिली। इसी तरह से 22 लाख किसान हैं, जिनके commercial bank, nationalized bank और rural bank के कर्ज को तो छोड़ा ही नहीं। उन्होंने को-ऑपरेटिव बैंक का जो किया, उसी में कुछ किया- तो आज को-ऑपरेटिव बैंक कर्ज देने की स्थिति में नहीं हैं। हम जब सोशल जस्टिस की बात कर रहे हैं, तो हमें इन पहलुओं पर सोचना चाहिए कि राजनीतिक स्टेटमेंट देना आसान है। मैं अभी एक भाषण सुन रहा था, हमारे एक बहुत ही विद्वान सांसद हैं, जो अपनी बात को कह रहे हैं। मैं जब उनके भाषण सुनता हूँ तो देखता हूँ कि नरेन्द्र मोदी जी की जुबान से उनकी भारतीय जनता पार्टी के कार्यकर्ताओं और सरकार के माध्यम से कभी ऐसा शब्द नहीं सुना होगा कि इसको इतना करो, उसको इतना करो। वे कह रहे हैं कि एक समाज विशेष, उसे मैं संप्रदाय और धर्म विशेष तो नहीं कह दूँ, क्योंकि धर्म का नाम लेते ही सबको चिढ़ होती है, सबके अपने धर्म हैं और हमारे संविधान ने सभी धर्म के अनुयायियों को अपने-अपने धर्मों को मानने की स्वतंत्रता दी है उनकी जैसी भी साधना है, वे करें, इसके संबंध में भारतीय जनता पार्टी या केन्द्र सरकार कोई हस्तक्षेप नहीं कर रही है, लेकिन वे चिल्ला कर कह रहे हैं कि इस देश के अंदर इन लोगों का सम्मान नहीं हुआ। मैं उनसे यह पूछना चाहता हूँ कि सिर्फ वोट लेने के लिए आप ऐसा माहौल बना रहे हो? आप क्यों किसी समाज विशेष या धर्म विशेष के लोगों को भड़काने की कोशिश कर रहे हो? आपने लोगों को केन्द्र सरकार की स्कीमों के बारे में नहीं बताया और यदि इन स्कीमों में कोई कमी है, तो उनके संबंध में आप इस पार्लियामेंट में सुझाव दें, ताकि लोगों को उसका लाभ मिल सके, किन्तु चुनाव का माहौल है, आप सब कुछ भूल जाते हैं और केवल यह याद रहता है कि सत्ता मिलनी चाहिए। आप बहुत असत्य बोलते हैं और कहते हैं कि संविधान बदल रहा है, आरक्षण खत्म हो रहा है। मैं कहता हूँ कि आपने सामने देखा कि संविधान तो बदलने वाला नहीं है। प्रधान मंत्री जी ने कहा कि बाबा साहेब अम्बेडकर जी ने और हमारी संविधान सभा ने संविधान के निर्माण में जो मेहनत की है, यदि इसमें किसी ने थोड़ा बहुत भी change करने की कोशिश की तो वह आत्महत्या के बराबर होगा। उन्होंने कहा कि संविधान का सम्मान होगा। इस संविधान ने सिद्ध किया है कि इस विश्व के अंदर आज सबसे बड़ी कंट्री, या यूँ कहें कि यहाँ पॉप्युलेशन है, विभिन्न भाषाएं हैं, डिफरेंट कल्चर्स हैं, लेकिन यहाँ विश्व में सबसे बड़ा प्रजातंत्र है। यहाँ बिना किसी हिंसा के, पूज्य बापू जी के

सिद्धांतों पर सत्ता का परिवर्तन होता है। दुर्भाग्य होता है कि कई बार राजनीतिक पहलू से कुछ लोग, मैं उनका नाम नहीं लेना चाहूँगा, वे न बाहर देखते हैं, न संसद में देखते हैं, मर्यादा और सिद्धांतों की बात करने वाले सब कुछ भूल जाते हैं - उन्हें थोड़ा चिंतन करना चाहिए। सामाजिक पीड़ा क्या है? आज समाज के अंदर जो अपराधी अपराध करके भाग रहा है, उसके पीछे कारण क्या है? इस बारे में मंथन करने की जरूरत है और मंथन यह है कि अपराधी की कोई जाति नहीं होती है, चाहे वह मेरे परिवार का सदस्य है, चाहे मेरी जाति का है या मेरे धर्म का है - सबको मिलकर ईमानदारी से यह सोचना चाहिए।

महोदय, सभी सांसद इतने विद्वान हैं, उन्हें इतना अनुभव है, जबकि मेरा संसद का अनुभव बहुत कम है। हाँ, मैं व्यावहारिक और सामाजिक अनुभव के बारे में जरूर कह सकता हूँ, लेकिन जो यहाँ बैठे हैं, उनमें किसी का 40 वर्ष, किसी का 50 वर्ष का बहुत बड़ा अनुभव है। उस अनुभव को साथ लेकर ईमानदारी से सोचना चाहिए कि क्या ऐसे स्लोगनों से काम चलेगा? महोदय, इसमें कोई दो राय नहीं है कि सरकार किसी भी पार्टी की हो सकती है, आज भाजपा की है, क्योंकि जनता ने पूरा mandate दिया हुआ है और जो mandate दिया है, उसके आधार पर निश्चित है कि बड़े बहुमत से सरकार बनी है। मैं जिस भाषा के बारे में कल कह रहा था, उसे मैं बीच में छोड़ गया था - हम दो, हमारे दो - 135 करोड़ लोगों ने मेजरिटी में आकर इस सरकार को प्रजातांत्रिक ढंग से जिम्मेदारी दी है। जो भाषण दे रहे थे, मैं उनसे पूछना चाहता हूँ कि आपने न तो अपने घर में प्रजातंत्र को बहाल किया, न बाहर किया। हम हर काम दो और दो नहीं, बल्कि 135 करोड़ लोगों के आधार पर करते हैं, जबकि बड़ी-बड़ी पार्टियाँ आज परिवार के नाम से, व्यक्ति के नाम से हैं। उनमें कितना प्रजातंत्र है, कितनी सच्चाई है, इस वास्तविकता के बारे में सोचना चाहिए। हर जगह प्रतिभा है, हर क्षेत्र-पार्टी में प्रतिभा है, अगर हम प्रजातांत्रिक मूल्यों और भारतीय संविधान की ईमानदारी से इज्जत करते हैं, तो मैं समझता हूँ कि पार्टी का कोई भी कार्य ऐसा नहीं होगा, जिसे जनता नकारे। आप कागजी घोड़े दौड़ा सकते हैं। ...**(व्यवधान)**...

श्री जयराम रमेश : आप विषय पर बोलिए।

श्री रामकुमार वर्मा : मैं विषय पर ही बोल रहा हूँ। ...**(व्यवधान)**... जयराम रमेश जी, मैं आपकी इज्जत करता हूँ। सामाजिक न्याय की बात हुई है, यह न्याय से जुड़ा विषय है। ...**(व्यवधान)**...

श्री जयराम रमेश : आप विषय पर बोलिए।

श्री रामकुमार वर्मा : हाँ, मैं बिल पर ही बोल रहा हूँ। ...**(व्यवधान)**... बिल को मैंने समझाया है। ...**(व्यवधान)**... आप सच्चाई तो सुनिए। ...**(व्यवधान)**... मैं बिल पर बोल रहा हूँ। न्यायपालिका की बात है, हम न्यायपालिका की इज्जत करते हैं।

उपसभाध्यक्ष (श्री सुरेन्द्र सिंह नागर) : प्लीज़, आप चेयर को एड्रेस करिए। ...**(व्यवधान)**... आप चेयर को एड्रेस कीजिए। ...**(व्यवधान)**...

श्री रामकुमार वर्मा : चेयरमैन सर, मैं उन्हें नहीं कह रहा हूँ, लेकिन वे मुझे डिस्टर्ब न करें।
...(व्यवधान)...

उपसभाध्यक्ष (श्री सुरेन्द्र सिंह नागर) : आप चेयर को एड्रेस कीजिए।

श्री रामकुमार वर्मा : आदरणीय उपसभाध्यक्ष जी, मैं आपसे अनुरोध करता हूँ कि आप मुझे संरक्षण भी दें। चूँकि यह न्यायपालिका से जुड़ा है, इसलिए यह महत्वपूर्ण बिल है। हमारी माननीय सदस्या ने जो बोला है, इसमें कोई दो राय नहीं हैं कि उन्होंने कड़वा सच बोला है। मैं उनसे सहमत हूँ। आज सामाजिक न्याय की जरूरत है, साथ ही, आर्थिक न्याय की भी जरूरत है और कोर्ट्स में जो करोड़ों में pendency है, उन्हें दूर करने की जरूरत है, लेकिन उसके लिए हमें चिंतन करना है और ईमानदारी और सच्चाई से सोचना है। मैं इस बिल के माध्यम से यह कहना चाहता हूँ कि आज जो अपराधीकरण हो रहा है, उसके लिए हमारी न्यायपालिका को दोष नहीं दे सकते हैं। कहा जाता है कि साहब, न्यायपालिका में निर्णय लेट हो रहा है। मैं तो कहता हूँ कि अपराधी को संरक्षण है। वे बहुत चतुर होते हैं। अपराध करने वाला, चाहे वह टेक्नोलॉजी में करे या सामाजिक क्षेत्र में करे, उनके पीछे कहीं न कहीं आधार होता है और उस आधार को लेकर सामाजिक आधार बनाते हैं, राजनीतिक आधार बनाते हैं और गरीब आदमी को न्याय नहीं मिलता है, इसलिए मैं इस बिल का समर्थन करता हूँ।

इसके साथ ही सामाजिक न्याय, आर्थिक न्याय और राजनीतिक न्याय के बारे में मेरे विपक्ष के मित्र जो बोलते हैं, उनकी पाठशाला में कम से कम असत्य का बवंडर न सिखाया जाए, तो अच्छा होगा, देश के हित में होगा और गरीबों के हित में भी होगा - जो वे 60 साल में नहीं कर पाए। मैं धन्यवाद के साथ अपनी बात को समाप्त करता हूँ।

SHRI P. WILSON (Tamil Nadu): Sir, the Bill seeks to amend Section 17 B of the High Court Judges (Salaries and Conditions of Service) Act, 1954 and Section 16 B of the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 by introducing an explanation to Section 17 B and Section 16 B of the above Acts. The stated objective is to bring clarity on when Supreme Court and High Court Judges are entitled to additional quantum of pension. The Gauhati High Court in a judgment has said that pension should be calculated from the first day of the beginning of the 80th year of the retired Judge, i.e. after completing 79 years, while the present Bill clarifies that the revision is reckoned from the first day of the month in which the pensioner or a family pensioner completes the age of 80 years. This is the clarification that the Bill seeks to make. The Bill effectively seeks to remove the basis of the judgement. The Bill gives the correct interpretation of the statutory provision that a pensioner would be entitled to additional pension only when the pensioner completes the age of 80 years and not otherwise. I therefore support the Bill.

Since we are discussing conditions of service of Judges, I being part of the judicial system as a senior advocate feel it would be appropriate to place certain facts for consideration before the august House and the hon. Law Minister and thus seek your indulgence.

There is no doubt that we must offer good monetary compensation to our Judges in High Courts and Supreme Court by way of salary. The hard work put in by them during the years on the Bench is extraordinary. People outside the system sometimes do not see the strain, both physical and mental, on the Judges of this country. They sacrifice everything, professionally and personally, to uphold the Constitution and the laws. I think it is high time we comprehensively revised the salaries of the Judges of the High Courts and the Supreme Court. A good financial package is vital to attract the top talent from the Bar to take up Judgeship. Presently, the monthly salary of a Judge of the Supreme Court is less than a single day fee of a leading senior advocate appearing before the Supreme Court. This has to change.

Another issue is with regard to their service conditions, i.e. to increase the age of retirement of High Court Judges to 65 years from 62 years and that of Supreme Court Judges from 65 years to 70 years. There are three reasons for asking increase in ages. One is the large number of pending cases before the High Courts and the Supreme Court. As per recent statistics, about 57 lakh cases are pending before the various High Courts and 75,000 cases are pending before the Supreme Court. The other reason is that the persons who attain the age of 62 and 65 years are very experienced Judges who would be well-suited to tackle pendency. Their invaluable experience gained over years on the Bench cannot be substituted by fresh faces. With improvement in technology and medicine, life expectancy has increased and people are more productive now in their 60s than before and even are giving birth to a child. The third reason is that by retiring Judges at the age of 62 and 65 years, we are effectively cutting off their main source of income. Of course, some Judges get post-retirement jobs in Tribunals and others become arbitrators or even practise before the Supreme Court. But for a large section of Judges, their career ends at 62. That leaves them dependent on their pensions. And if they are honest, it is not a lot of money to sustain themselves and their families. If we look to other countries, the USA has a lifetime tenure for Judges of its Supreme Court and Federal Courts. In the UK, the age of retirement is 70 years, and now they are planning to increase it to 75 years.

The vacancies across various High Courts are alarming. At present, there are about 402 vacancies in the High Courts out of total 1,098 sanctioned posts. Recently, hon. Law Minister has stated that the delay is due to procedural reasons like IB

verification, etc. But even such legitimate processes cannot take months together. All the constitutional authorities should act within a reasonable time, including the Union Government and the Supreme Court Collegium. India has one of the lowest judge-to-population ratio at approximately 21 judges per million. Whereas, in developed countries like the UK, the ratio is 51; in the USA, it is 107. Such a grave situation has a bearing on the justice delivery system and the litigants are the ultimate sufferers.

Sir, certain disturbing trends are noticed in the composition of Judges of the Supreme Court and the High Courts. For past few years, we have been witnessing declining representation from all sections of the society in the higher judiciary. There is a diversity deficit in our courts and they are not indicative of the wonderfully diverse and pluralistic society of India.

Sir, appointments as Judges of the Supreme Court and the High Courts should be made considering representation from all sections of society including the Scheduled Castes, the Scheduled Tribes, the Other Backward Classes, minorities and women. I am asking to keep representation in mind while selecting the candidates. As per the report of the National Commission for Scheduled Castes of 2016, in the year 2011, out of 850 judges in High Courts, there were only 24 judges belonging to Scheduled Castes and Scheduled Tribes communities. Out of these High Courts, 14 High Courts did not have a single judge belonging to Scheduled Castes and Scheduled Tribes. Out of the 246 Supreme Court Judges, retired and sitting, there have only been 8 women judges. Recently, three women Judges have been appointed. And out of the total of 1,113 Judges across various High Courts and the Supreme Court in the year 2011, there were only 80 women judges amounting to just 7.9 per cent of the total strength. Five High Courts had no women judges at all. This paints a stark picture and it is imperative to address this gender gap permanently. Not even a single Judge from the Schedule Tribes has been appointed as a Judge of the Supreme Court till date. Where is equality in this nation?

Sir, judicial diversity is fundamental to the quality of judging. The statistics show that many weaker sections are poorly represented in the higher judiciary. This may mean their rights are not being properly safeguarded. People of this country are afraid that a very narrow and homogeneous group of Judges belonging to certain social classes are not necessarily going to reflect the views and values of the society as a whole, particularly on issues involving diverse, cultural and generational matters because they would require more perspective, as the Judges would interpret and enforce law based on their own background.

Sir, significant over-representation of certain sections as Judges calls into question the objectivity of the current system and its inability to recruit from different social groups and ensure social justice and social diversity. There is much to gain from having a judiciary that reflects society in all its diversity. (*Time-bell rings.*)
Mr. Vice-Chairman, Sir, I need just two more minutes.

THE VICE-CHAIRMAN (SHRI SURENDRA SINGH NAGAR): Please take one more minute.

SHRI P. WILSON: Sir, the lack of inclusivity in the judiciary would widen the trust deficit over the higher judiciary and there is always a likelihood of affinity bias.

Therefore, through this august House, I appeal to the Law Minister to bring in suitable measures by way of constitutional amendments to ensure social justice and diversity and representation for all classes in the appointment of judges of the High Courts and the Supreme Court. At this juncture, I thank the hon. Law Minister, the hon. Chief Justice of India and the Collegium of Judges that at least this time, for appointment of nine Judges, you have upheld social justice and diversity by appointing three women Judges, one from OBC community and one from the Scheduled Caste community. There should be adequate representation for all States in the Supreme Court. It is just like federalism of judicial brand.

Sir, the other issue is the establishment of regional benches of the Supreme Court. The framers of our Constitution considered the right to access to justice to be so sacrosanct that they enacted Article 32 -- a direct access to the highest court of the land to enforce Fundamental Rights. However, this recourse to Article 32 is now available only to citizens who are geographically close to the Supreme Court and the financially privileged class to whom costs of litigation and travel does not matter. Considering the fact that the Supreme Court is located at New Delhi, which is not equidistant to all parts of the country, and is far away from many States, particularly the Southern, South Western and Eastern States, the citizens in these States are virtually deprived of their right to approach the court not only due to distance but also due to the cost factor.

THE VICE-CHAIRMAN (SHRI SURENDRA SINGH NAGAR): Please conclude now.

SHRI P. WILSON: Sir, I need just two minutes. I am concluding.

Sir, access to justice is not the preserve of the rich. Regional Benches would also mean that the Bench strength of the Supreme Court is increased, leading to

more disposal of cases by the apex court and any step of establishment of courts in between High Court and Supreme Court is disastrous.

3.00 P.M.

The very purpose of access to Article 32 would be defeated. The need, for setting up regional benches, has been felt over the last two decades in all quarters. The Standing Committee of Parliament has recommended the setting up of Regional Benches of the Supreme Court in 2004, 2005, 2006 and 2008...

THE VICE-CHAIRMAN (SHRI SURENDRA SINGH NAGAR): Thank you. Now, next speaker. ...(*Interruptions*)...

SHRI P. WILSON: I will conclude, Sir. The only other country with a billion plus population China has got 9 benches of its Supreme Court. Therefore, the time has come to amend the Constitution and establish permanent Regional Benches of the Supreme Court.

Therefore, these are in my humble opinion, the pressing matters which require the attention of this august House with regard to the working of the higher judiciary. Thank you, Sir.

THE VICE-CHAIRMAN (SHRI SURENDRA SINGH NAGAR): Thank you, Wilsonji. Next speaker is Dr. Sasmit Patra. आपकी पार्टी से दो speakers हैं।

DR. SASMIT PATRA (Odisha): Thank you, hon. Vice-Chairman, Sir, for giving me this opportunity. It is a very important Bill and already two senior colleagues of mine, Shri Ramkumar Verma and Shri P. Wilson, have spoken about Section 17 B and Section 16 B. I would not be repeating the same. I stand here to support the Bill. I stand here with an intention that the judges of the High Courts and the Supreme Court should be taken care of. This clarification would help in terms of removing any doubts whatsoever with the insertion of Section 17 B and Section 16 B in the respective Acts.

Sir, I would like to take this opportunity to also raise a few matters of introspection, reflection as well as in terms of suggestion. Firstly, I would have to have request the hon. Union Minister of Law that there is a pending proposal for a permanent bench in the western part of Odisha. It has been pending for quite some time. I hope that the hon. Union Minister would consider it favourably and take action

on that which would help to provide greater justice, access to justice in the western part of Odisha.

I would also like to take this opportunity to thank the hon. Union Minister that after he has come in, there has been a flurry of appointments in the Supreme Court and the High Courts and that the Collegium headed by the hon. Chief Justice of India has also been very prompt in taking steps forward in this direction. It would also probably help in terms of reducing the pendency of cases and providing greater access to justice. Hon. Vice-Chairman, Sir, I would like to take this opportunity also to raise an important matter which is about increasing cases of attacks on the judiciary. You find in the media as well as in the social media, there are several attempts from various quarters to create an impression that the judiciary is not impartial. Our basic fundamentals of the Constitution stand on the basic premise that there is an independent judiciary. Therefore, these repeated attacks on the judiciary, either through media or social media, is unwarranted. We should be very careful and the Union Minister should also take care to see how we can further protect and see that such sullen attitude is not shown against the Indian judiciary.

I would also like to speak about the Indianization of the judiciary. We still have a colonial hangover. The kinds of court procedures, the language and the words are so difficult at times that to understand justice from a common layman's perspective is very difficult. There is a need to provide and use regional languages at the lower courts so that the common man can have access to justice and he is able to understand justice in layman terms. There seems to be a colonial hangover that does not allow for providing and taking into account the social realities as they stand today.

I would also like to take this opportunity to speak about the necessity to appoint more judges both at the High Court as well as the lower courts. I would not again repeat the degree of pendency of cases. It is understood and widely acknowledged. I hope the hon. Union Minister would take care of that. There is a need to increase access to legal aid. Today, the poor in this country, who need social justice, need to be provided free legal aid, free legal aid in terms of philanthropy, in terms of being a *pro bono* kind of cases. Those are some things that are seen most in the western part of this world rather than in India. There needs to be a greater amount of thought process behind it, to increase it.

The issue of under trials languishing in jails is something that comes up every now and then in the newspapers, in the television and in the media. There are under trials, who are there for last ten years, fifteen years, twenty years, twenty-five years and even after that they are waiting for justice. I think, if justice delayed is justice

denied, then, those under trials also need to be taken care of. We need to expedite justice for them as well.

I would like to close with one specific aspect, that is, the need for a national and state judicial infrastructure authority. This is something which is necessary if we want to really create infrastructure that can take care of the judicial workload that is required in our country.

Mr. Vice-Chairman, Sir, in our country of 1.3 billion people, we have very limited access to information, very limited access to infrastructure and very limited access to the number of the Judges. If we do not have appropriate infrastructure both at the National and the State levels, we will be not doing justice to the true sense of what this was actually meant to be.

Therefore, I propose that there should be National and State Judicial Infrastructure Authorities in the lines of NALSA and SLSAs. In closing, Mr. Vice-Chairman, Sir, I would like to take this opportunity to thank the hon. Union Minister for taking this opportunity for bringing about this Bill for thinking and clarifying the doubts that are there. But, I also believe that the way the justice is progressing, we need to expedite it and to do that, the appointment of more Judges, expeditious clearing of files and cases is necessary and most importantly, I would again like to thank the hon. Union Minister, expeditious appointment of Judges at the Supreme Court that, today, there is only one specific position left vacant and there seems to be an expeditious thinking in this process. Thank you.

MR. VICE-CHAIRMAN (SHRI SURENDRA SINGH NAGAR): Next speaker is Shri Prabhakar Reddy Vemireddy.

विधि और न्याय मंत्रालय में राज्य मंत्री (प्रो. एस.पी. सिंह बघेल) : उपसभाध्यक्ष महोदय, मैं आपसे कुछ कहना चाह रहा था।

उपसभाध्यक्ष (श्री सुरेन्द्र सिंह नागर) : माननीय मंत्री जी, बोलिए। Vemireddyji, please.

प्रो. एस.पी. सिंह बघेल : लोकसभा में जो चेयर पर बैठते हैं, उनका नाम स्क्रीन पर आता है और जो स्पीकर बोलते हैं, उनका नाम और उनकी पार्टी का नाम भी स्क्रीन पर आता है। यहां स्पीकर का नाम नोट करने में थोड़ी दिक्कत हो रही है।

उपसभाध्यक्ष (श्री सुरेन्द्र सिंह नागर) : बघेल जी, स्क्रीन पर स्पीकर का नाम आता है। यदि कोई दिक्कत है, तो मैं नाम अनाउंस कर दूंगा।

प्रो. एस.पी. सिंह बघेल : उपसभाध्यक्ष महोदय, उस समय सुनने में दिक्कत होती है। स्पीकर का नाम बीच-बीच में स्क्रीन पर आता रहे, ताकि इस सदन के सभी सदस्य उसे पढ़ सकें।

MR. VICE-CHAIRMAN (SHRI SURENDRA SINGH NAGAR): Next is Shri Prabhakar Reddy Vemireddy. Please. ...(*Interruptions*)... No comments. ...(*Interruptions*)...

SHRI PRABHAKAR REDDY VEMIREDDY (Andhra Pradesh): Mr. Vice-Chairman, Sir, at the outset, I appreciate the efforts of the Government to improve the salaries and conditions of services of the judges of the higher judiciary. A salary hike for those sitting at the helm of our justice delivery system is a welcome move, and I support it. At the same time, we must also reflect on the many reforms that our judiciary needs urgently. I would like to make some suggestions for this: Establishment of regional benches of the Supreme Court. Article 130 of the Constitution states that the Supreme Court shall sit in Delhi or any other places as the Chief Justice of India may appoint with the approval of the President. Hence, the Constitution-makers had envisaged that more benches of the Supreme Court may be set up to suit the emerging needs of our country. To ensure that the Supreme Court is accessible by persons from all corners of the country, permanent regional benches must be established in the East, West and Southern parts of the country. I assure the House that the Andhra Pradesh Government will be more than willing to provide all necessary land and infrastructure if a bench is planned for South India. This proposal has, time and again, been echoed by the Law Commission of India as well as the Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice but not going forward. Another suggestion is that I was very overwhelmed to learn that Justice B.V. Nagarathna is on the track to become India's first Woman CJI in 2027, but it is very tragic that India had to wait for 80 years for this simple feat. Currently, the Supreme Court has just 4 women judges whereas the High Courts have about 81 women judges. Five of the High Courts have no women judges as mentioned by one of our MPs. Overall, the representation of women in the Supreme Court and High Court is just 9 per cent and 11 per cent respectively. It is indisputable that to improve the quality of justice delivery, especially with respect to women's issues and crimes against women, we need more women judges. Our past record indicates that we have done very little to provide women with equal representation on the benches of our courts. We need to strive to improve these statistics and for this, women reservation in the judiciary needs to be implemented at the earliest. Apart from the lack of gender diversity, there also persists a glaring lack of social diversity. It is shocking to know that since the formation of the Supreme Court, there have been only five SC judges and only one ST

judge. The situation is no better in the High Courts. Only 24 judges belong to SC/ST against a total of 850 judges in all the High Courts. Fourteen out of these High Courts did not have a single SC/ST Judge also. Currently, the percentage of the SC/ST Judges in the Supreme Court is just six, whereas it is about three per cent in the High Courts. We need to take immediate steps to ensure that greater representation is accorded to minorities in the higher judiciary which will help to reduce the social diversity deficit in our courts. Then there is a need of the All India Judicial Services. Article 312 of our Constitution provides for All India Judicial Services with the Parliament having the power to make a law for its creation. I support the idea of All India Judicial Services for many reasons. The creation of AIJS has already been proposed by the Centre to ensure that there is a national-level recruitment process for district judges along the lines of the Union Public Service Commission which will help to strengthen the overall judicial delivery system. Apart from this, AIJS will increase the efficiency of the subordinate judiciary, address structural issues such as varying pay and remuneration across States, fill vacancies faster and ensure standardised judicial training across States. It will also better India's Ease of Doing Business, as an efficient dispute resolution system is one of the key indices in determining the rank. With these suggestions, I support the Bill. Thank you.

THE VICE-CHAIRMAN (SHRI SURENDRA SINGH NAGAR): Next speaker is Shri John Brittas. This is your maiden speech. So your time is 15 minutes.

SHRI JOHN BRITTAS (Kerala): Thank you very much, Sir. Sir, I want your support and benevolence and also the support of the House. ...(*Interruptions*)... I need more, Sir. ...(*Interruptions*)...

THE VICE-CHAIRMAN (SHRI SURENDRA SINGH NAGAR): Please continue.

SHRI JOHN BRITTAS: Sir, at the very outset, let me pay my rich tribute to the martyrs who lost their lives in the resoundingly successful farmers' protest and other participants of this year-long historic agitation. With equal heaviness in my heart, I stand with the families and near ones bereaving on the killing of innocent civilians in Nagaland and now my head also bow in the memory of General Bipin Rawatji and others. Sir, please allow me to express my solidarity with 12 colleagues who have been suspended from this House. They were penalised in the most undemocratic manner and I wish that the Leader of the House takes initiative in bringing them back to this House.

उपसभाध्यक्ष (श्री सुरेन्द्र सिंह नागर) : प्लीज़, आप विषय पर बोलिए। ...**(व्यवधान)**... Please speak on the Bill. ...**(Interruptions)**...

SHRI JOHN BRITTAS: Sir, the Leader of the House is not listening...
...**(Interruptions)**...

THE VICE-CHAIRMAN (SHRI SURENDRA SINGH NAGAR): Please speak on the Bill and nothing else.

SHRI JOHN BRITTAS: Sir, why am I saying this, though I am a new Member and delivering my maiden speech? I had been part of this Parliament from 1988. Sir, I used to sit there. I had seen many a ruckus in this House. Many things have been spoken about the emotional state of mind of our Chairpersons. I have seen Shankar Dayal Sharmaji breaking down and literally weeping. Those Members who were instrumental for making Shankar Dayalji breakdown, one of them is a part of the BJP in the other House. But at that time one was named, no one was suspended.

उपसभाध्यक्ष (श्री सुरेन्द्र सिंह नागर) : प्लीज़, आप बिल पर बोलिए। ...**(व्यवधान)**... Mr. Brittas, please. ...**(Interruptions)**...

SHRI JOHN BRITTAS: Now, Sir, without even naming, my leader has been suspended.

THE VICE-CHAIRMAN (SHRI SURENDRA SINGH NAGAR): Mr. Brittas, please.
...**(Interruptions)**... प्लीज़, आप बिल पर बोलिए।

SHRI JOHN BRITTAS: Sir, I thought the Law Minister is benevolent.
...**(Interruptions)**... Sir, I am coming to the Bill. I am coming to the Bill.
...**(Interruptions)**...

THE VICE-CHAIRMAN (SHRI SURENDRA SINGH NAGAR): Yes; please come to the Bill. Please. This is my request.

SHRI JOHN BRITTAS: Please be a little considerate to a new Member, Kiren Rijju sahib. ...**(Interruptions)**... I am coming to the Bill, Sir. The pertinent point here is the independence of judiciary. Do you agree with this, Sir?

THE VICE-CHAIRMAN (SHRI SURENDRA SINGH NAGAR): Please address the Chair.

SHRI JOHN BRITTAS: The hon. Law Minister, Shri Kiren Rijju has made it clear that the purpose of this Bill is to make the legislative intent clear about the additional quantum of pension. Fair, Sir! I fully appreciate it. But does he understand that there is a serious lacuna because though we decide on such matters, we have no role in the appointment of Judges? Sir, does this exist anywhere in the world? Absolutely, no! Judges appointing judges is unheard of. Strangely, I would emphasise the word 'strangely', the Law Minister does not have a firm view. I went through his reply which he delivered in Lok Sabha. There has been a demand for a National Judicial Appointment Commission which should represent Judiciary, Executive, Legislature, Bar and the public with provisions of transparency and accountability. Let people know who are going to be our judges and their competence, ability and integrity. Should there be a system shrouded in mystery, secrecy and darkness? Is there any system of appointment of judges in the world which is completely shrouded in mystery, darkness and secrecy? Sir, it is only in India and the Law Minister is a mute spectator of the system. He does not have an emphatic reply, emphatic view about this system which is distorting the independence of judiciary. Sir, this is not a partisan issue. This affects the whole country, 'the independence of judiciary'.

उपसभाध्यक्ष (श्री सुरेन्द्र सिंह नागर) : कृपा करके आपस में बात मत कीजिए।

SHRI JOHN BRITTAS: Sir, I want the support of all Members. I know my friend, Suresh Gopiji will support wholeheartedly and also Mr. Alphons. Sir, why don't you clap your hands? He is supporting me.

THE VICE-CHAIRMAN (SHRI SURENDRA SINGH NAGAR): Please address the Chair. जॉन ब्रिटस जी, आप चेयर को एड्रेस कीजिए।

SHRI JOHN BRITTAS: Sir, are we creating a system of patronage or give and take. Are we creating an oligarchy? That is very important. In fact, I am afraid, we are creating an oligarchy. We have judges families. There have been many luminaries of the Bar who are present here. I do not know why they have not mentioned about that. They must be knowing about this much more than any of us. I vouch for the fact that there are brilliant judges with high level of integrity from judges families. I do subscribe

that. But that should be exceptions not thumb rule in democracy. Sir, let me read out profile of a judge which I happen to see at High Court's website. Please allow me to do so. Mr. Justice so and so, I won't mention his name, born on so and so date, belongs to a family associated with judiciary. His maternal great grandfather was Chief Justice of India, his maternal grandfather was a former acting Chief Justice, one of his maternal uncle was former judge of Supreme Court, his maternal uncle, is a sitting judge of Supreme Court. It is going on. It is like a long list. We all talk about dynasty, Sir. The BJP Members have been very harsh when they talk about dynasty in Congress Party, at least they have passed the test of winning the confidence of the people. Sir, this is a clear case of dynasty. Why are we keeping mum on this? ...(*Interruptions*)... Sir, it is six years since Supreme Court struck down this proposal. But this Government has found it convenient and expedient so that there is a barter. I charge there is a barter. The Government has successfully spiked the appointments of those who are inconvenient to them, Mr. Rijju, you know what I am speaking. The Government has been sitting on the proposals of collegium whenever they find certain names who are *persona non grata* for them. Some judges are transferred for unknown reasons as a punishment. But, some Chief Justice openly speaks against secularism, which is against the Constitution. There is no age criteria for becoming a judge. Some are rejected for want of age, some are appointed overnight. I do not want to take names, but, can we be oblivious about * who was deliberately elevated to Supreme Court? Wasn't his name proposed? Didn't the Government sit on the file? What was his crime? I would say that he was responsible in sending one of the powerful persons of this dispensation to jail.

THE VICE-CHAIRMAN (SHRI SURENDER SINGH NAGAR): You cannot take names.

SHRI JOHN BRITTAS: As per the Constitution, High Court and High Court judges are not subordinate. Both Supreme Court and High Court are constitutional courts. But the power of Supreme Court Collegium has made High Courts just subordinate institutions. High Court Judges are seen coming out with statements pleasing, which make them eligible to be a Supreme Court Judge. I will just go into the substantive content of the issue. Sir, the Law Minister has been very intelligent. He commented on the demand for a Judicial Appointment Commission, Sir. I just looked at his reply. He said, "A view is coming from various quarters, including the retired Judges," he considers that it is a sensitive issue and yet he refused to give any commitment."

* Not recorded.

This is so typical of this Government. This, in fact, is telling the Collegium that, the Supreme Court, if they don't toe the line, he will crack the whip, nothing else, Sir. Why should the Law Minister shy away from expressing the desire of the Legislature and the Executive? If he wants appointment of National Judicial Appointment Commission, let him emphatically make that statement here on the floor of the House. Let him not shy away because that has been their stand, that has been the stand of most of the political parties here. The Government finds the present system, I would say, if he does not make an emphatic statement, suitable for pick and choose. There are cases when the Government had not consented the names by Collegium for years despite the fact that the Supreme Court had emphatically stated that once returned the Executive must give consent. Sir, I will give you some statistics. On 2nd December, the hon. Minister while replying to my question listed stated that a number of proposal are pending at different levels which are sent from High Court Collegiums. Sir, 75 names are pending with the Department of Justice, 35 proposal recommended by the Supreme Court Collegium are pending with the Department. Three proposals are with the PMO, 13 proposals are submitted to the Ministry of Law and Justice and so on and so forth. A long list of pending proposals from High Court Collegiums and Supreme Court Collegium are pending at different levels. I don't want to say anything more or cast any aspersions. True, that he must be funneling these proposals through various agencies. I agree, but people will have a lot of suspicions. Kiren Rijju Saheb, people have a lot of doubts. You should have a transparent system. But as anyone can make out that the only thing which is missing in this pipeline is transparency. The High Courts currently function with just 59 per cent of the actual strength. I don't want go into the statistics because many Members have doled out what have been the statistics. Sir, I am sure the key framer of the Constitution and the first Law Minister, Dr. B.R. Ambedkar will be turning in his grave seeing how judicial appointments are made and how the independence of Judiciary is tampered with. He must be turning in his grave, Sir. It is true that Ambedkar was not in favour of prohibiting Judges of the Supreme Court or High Courts in taking up an office of profit after retirement. I agree. When this issue came up in the Constituent Assembly debates, he said that he will not prevent a Judge from taking up a post after retirement. If he had, but I would say in hindsight, if at all he was alive today, he would have absolutely taken a position because he had never visualized a system of post-retirement, I would say, appeasement. Sir, at that time, Prof. K.T. Shah in the Constituent Assembly argued for prohibiting such post-retirement assignments for the Judges. Prof. Shibban Lal Saxena's words of wisdom in the Constituent Assembly must ring loud in our ears. I would quote him, "If the

temptation of being appointed to other high positions after retirement is not removed, it will also be liable to be abused by the Executive. If that condition is not removed, it would be exploited by the Executive or by any party in power. And they may hold out such temptations which might affect the independence of Judiciary." Sir, these are the words of wisdom which came up on the floor of the Constituent Assembly. And, Sir, what did our former Law Minister, late Arun Jaitleyji say, --Kiren Rijju Sahab, do you know what did he say-- 'in some cases pre-retirement judicial conduct is influenced by the desire to get post-retirement assignment.' Sir, Arun Jaitleyji said this and he did not stop there. He said that there two kinds of Judges,-- he said so, - - "Those who know the law and those who know the Law Minister. We are the only country in the world where Judges appoint Judges. Even though there is retirement age, Judges are not willing to retire." This is what Arun Jaitleyji said. Dear Law Minister, you seem to be so happy now. Does it mean that many judges know you? That should be the question. Naturally, this is what Arun Jaitleyji said. I am sure, like Dr. Ambedkar, Arun Jaitleyji will also be turning in his grave seeing the way our judicial appointments happen. In the light of all that has been said by Arun Jaitleyji and others, shouldn't we pass a series of judgments, or the lack of them, through the prism of wisdom? It is very important. Shouldn't we pass? I have no hesitation in expressing the anguish of the public and the legal fraternity and others in referring to a few judgments or absence of them. Exactly three years ago, the Supreme Court dismissed the Rafael case. Interestingly, even while claiming that there are no materials to suggest irregularities, the Bench sat on a trial instead of ordering an investigation. Overnight, orders were passed to divest the powers of CBI Director Alok Verma.

Sir, Article 1 of the Constitution says that India is a Union of States. That is the permanent character of the Indian Constitution. It is the basic structure of the Constitution. On a fine day, when a State was converted as a Union Territory, was it not giving a death blow to the basic character of our Constitution? Why is it that there was an omission from the highest court of the judiciary? I don't want to talk about the Ayodhya verdict. On the electoral bond, even the Election Commission had filed an affidavit expressing serious reservations about the anonymous electoral bond scheme by describing it as a retrograde step as far as transparency of donation is concerned. The judges have forgotten! I have seen an interview of a judge who dealt with that. He said that he does not even remember the case of the electoral bonds! You know who the judge is. He does not want to be a part of the House. If an average citizen believes that everything is not alright and there was skeleton on the cupboard, we can't fault them! Is it not a fact that even Nitin Gadkariji said that there should be a

cooling period of two years before another appointment for judges? Why is this Government oblivious of such statements made by Shir Arun Jaitleyji, Nitin Gadkariji? Their own colleagues!

India is a diverse country. It is a very important point and I need your benevolence to complete it. The present scheme of appointment ensures that only a particular class are rewarded by the Government. A new class is being created. Of course, there are exceptions, I understand. There are brilliant judges who come from judges' families. Let me remind the Law Minister that only a thought process passed on. It is a diverse country. During the expansion of the last Cabinet, it was said to include a sizeable number of OBCs, SCs and STs. 'This will be the most socially diverse Council of Ministers in the history of Independent India.' This is the statement made by most of the BJP leaders. The Prime Minister had ushered in an Inclusive India for the first time - it was claimed. All the BJP spokespersons were vocal on that. I don't want to comment on that. Does it mean that when it comes to judiciary, we don't want such a diverse representation? Should we be oblivious about that? Do you want such representation only in the Cabinet?

Sir, out of 47 Chief Justices of India till date, at least 14 have been Brahmins. From 1950-70, the maximum strength of the Supreme Court was 14 judges and 11 of them were Brahmins. From 1971-89, Mr. Kiren Rijju ...(*Interruptions*)... Sir, it is a point. ...(*Interruptions*)... I am saying that there is no diversity in the judiciary. ...(*Interruptions*)...

मत्स्य पालन, पशुपालन और डेयरी मंत्री (श्री परशोत्तम रुपाला) : सर, समाज के किसी वर्ग के खिलाफ ...(*व्यवधान*)...

SHRI JOHN BRITTAS: Sir, this is my maiden speech and it should be uninterrupted.

उपसभाध्यक्ष (श्री सुरेन्द्र सिंह नागर) : अगर रिकॉर्ड में ऐसा कुछ होगा, तो उसे delete करा देंगे। ...(*व्यवधान*)... अगर कोई ऐसी चीज होगी, तो उसे delete करा देंगे। जॉन ब्रिट्टास जी, आप समाप्त कीजिए। ...(*व्यवधान*)...

श्री परशोत्तम रुपाला : ब्राह्मणों के खिलाफ ...(*व्यवधान*)...

SHRI JOHN BRITTAS: Sir, I am not against Brahmins. ...(*Interruptions*)...

उपसभाध्यक्ष (श्री सुरेन्द्र सिंह नागर) : अगर कोई ऐसी चीज होगी, तो उसे check करवा कर delete करा देंगे।

SHRI JOHN BRITTAS: Sir, I want your protection.

THE VICE-CHAIRMAN (SHRI SURENDRA SINGH NAGAR): Please conclude now. ...(*Interruptions*)...

SHRI JOHN BRITTAS: I am going to complete it now. ...(*Interruptions*)... Sir, I am not against any class. I am just completing it. This august House will be shocked to note that till 1980, there was no judge from the OBC or Dalits in the Supreme Court, in the highest court of the country. Sir, the Prime Minister...

THE VICE-CHAIRMAN (SHRI SURENDRA SINGH NAGAR): Please complete.

SHRI JOHN BRITTAS: Sir, let me just complete. The judiciary functions in a democratic ecosystem. In democracy, the independence of the judiciary is very important. I am glad that the other day the Prime Minister -- Sir, I am talking about our Prime Minister -- emphasised the importance of free media and independent judiciary while addressing the Summit For Democracy organized by the US President, Joe Biden. His words appear stellar. The PM talks about a free media when India has plummeted further down in world media freedom index.

THE VICE-CHAIRMAN (SHRI SURENDRA SINGH NAGAR): Thank you, Shri John. Please complete.

SHRI JOHN BRITTAS: I will complete in just two lines. Why are our Press galleries empty and have a deserted look? Why is it that when malls, cinemas, eateries and bars and schools are open, we see Covid as a media-centric pandemic? If the PM stands by his pronouncement, I would request through you, Sir, that the independence of the judiciary has to be ensured. A free media has to be ensured. Thank you very much.

उपसभाध्यक्ष (श्री सुरेन्द्र सिंह नागर) : मि. जॉन, आपने जो जजेज़ के नाम लिए हैं, वे रिकॉर्ड पर नहीं जाएंगे।

SHRI A. NAVANEETHAKRISHNAN (Tamil Nadu): Sir, after hearing eminent lawyers, politicians and journalists, I would like to draw the kind attention of this House to Article 32 and Article 233 of our Constitution. Everybody knows that Article 32 is for

enforcement of fundamental rights before the Supreme Court of India. Already our framers of the Constitution well thought out and included Clause 2 of Article 32. I may be permitted to read it. "(2) The Supreme Court shall have the power to issue directions or orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari, whichever may be appropriate, for the enforcement of any of the rights conferred by this Part. (3) Without prejudice to the powers conferred on the Supreme Court by clauses (1) and (2), Parliament may by law empower any other court to exercise within the local limits of its jurisdiction all or any of the powers exercisable by the Supreme Court under clause (2)." So, I urge this hon. august body to enact a law conferring the powers to other courts to exercise powers as contemplated under Article 32 by the Supreme Court. So, the duty is cast upon this Parliament, this august body, to enact a law conferring powers on the district courts. My suggestion is, district courts are more competent and they can deliver justice. So, all the district courts of entire India must be empowered with authority to exercise powers under Article 32 of our Constitution. Then, the social justice grievances will be taken away and there cannot be a grievance on the diversity of the appointments, and also, access to justice is not denied because in every nook and corner the litigants can easily approach with lesser cost or without any cost. The access to justice is denied because of the litigation costs before the Supreme Court. There is a proverb which says, 'Justice delayed is justice denied.' It is a proverb. But, each and every litigant is not able to approach the Supreme Court, because the litigation cost is very high. It is not only because of the distance but also because of the costs and exorbitant fee being charged by lawyers litigants are not able to go there.

Sir, District Court is not an inferior court. I may kindly be permitted to read Article 233. Appointment of Judges of the District Courts is done under the Constitution. Article 233 says, 'Appointments of persons to be, and the posting and promotion of, district judges in any State shall be made by the Governor of the State in consultation with the High Court exercising jurisdiction in relation to such State.' So, District Judges are appointed by the High Court concerned. So, the District Court must be empowered with powers to exercise under Article 32 of the Constitution of India. So, delay in delivering justice and the backlog arrears will be wiped out within a month. Sir, a single solution is that law should be passed by this Parliament empowering the District Courts to exercise powers under Article 32 of the Constitution. It is only then social justice can be achieved.

In our State, due to steps taken by our late hon. Amma — without mentioning Amma there cannot be social justice — many, many first generation lawyers from

suppressed and oppressed communities who have never seen the court, never studied in English have become Judges of High Court. They are delivering very good judgments. So, the credit goes to Amma. Sir, one can acquire knowledge by training and undergoing very hard process. My humble suggestion and request to the hon. Law Minister is to pass law empowering the District Courts to exercise powers under Article 32 of the Constitution. If we do that, heavens will not fall. Everybody is well-equipped. Everybody, with God's grace, is knowledgeable. So, I thank my senior colleague, Dr. Thambidurai. He has given me this opportunity with a large heart and permitted me to speak. Thank you.

प्रो. राम गोपाल यादव (उत्तर प्रदेश): महोदय, जो विधेयक माननीय मंत्री जी द्वारा सदन में प्रस्तुत किया गया है, मैं उसका समर्थन करता हूँ। मैं सिर्फ दो-तीन बातें कहना चाहता हूँ, मैं लम्बी बातें नहीं करूँगा। मुझसे पहले हमारे विद्वान साथियों ने सारी बातें यहां कही हैं। प्रथम बात जो मैं माननीय मंत्री जी की जानकारी में लाना चाहता हूँ, वह यह है कि सुप्रीम कोर्ट और हाई कोर्ट में जो बड़े पैमाने पर केसेज़ लम्बित हैं, वे इसलिए ज्यादा लम्बित हैं, क्योंकि अब जजों और वकीलों, दोनों की ये कोशिशें रहती हैं कि पीआईएल कीजिए, रिट पिटीशन कीजिए, अपील के जो केसेज़ हैं, they are pending for years and years and are piling up. मैं समझता हूँ कि कोई ऐसी एजेन्सी होनी चाहिए, जो यह देखे कि इन लोगों के यहां जो अपील के केसेज़ हैं, वे कितने खत्म हुए हैं और कितने केसेज़ को इन्होंने पूरा सुना है। इंटरैस्ट सिर्फ पीआईएल में है, पीआईएल में लोगों को फंसाने के लिए, उन्हें उलझाने के लिए और उनसे पैसा निकालने के लिए यह काम बड़े पैमाने पर चल रहा है और जो जेनुइन केसेज़ हैं, they are not being heard in the courts और न डिसाइड किये जा रहे हैं।

आप कृपया मेरी दूसरी बात पर भी ध्यान दें कि बहुत सारे ऐसे मामले देखने में आए हैं, जहां जजेज़ केस तो पूरा सुन लेते हैं, लेकिन जजमेन्ट रिज़र्व कर लेते हैं। वे 6-6 महीने तक और कई बार तो सालों तक उस जजमेन्ट को डिलीवर ही नहीं करते हैं। आखिर इसके पीछे क्या उद्देश्य है?

अभी सत्ताधारी दल के पहले वक्ता बोल रहे थे। वे बहुत अच्छे आदमी हैं और बहुत काबिल भी हैं, लेकिन वे लाइन से हटकर काफी बोले। उन्होंने जो सोशल जस्टिस की बात कही - यह सही है कि हमारे संविधान की प्रस्तावना में ही सोशल, पोलिटिकल और इकोनॉमिक जस्टिस की बात कही गई है, जो हम जनता को दिलाने के लिए कर रहे हैं। लेकिन अब वह बात, जो मैं बहुत पहले कई बार कह चुका हूँ, मैं कहना नहीं चाहूँगा, क्योंकि अभी जब ये बोल रहे थे, तब रुपाला जी खड़े हो गये थे। तो इसलिए मैं कहना नहीं चाहूँगा। यह सही है कि जब आप सोशल जस्टिस की बात करते हैं, तो यह देखें कि पिछले कई वर्षों से, ऐसा नहीं है कि केवल 2014 से ही हुआ हो, 2014 से पहले भी कुछ जजेज़ ने ऐसे फैसले दिये, जिनसे संविधान द्वारा पिछड़ों को, दलितों को और शेड्यूल्ड ट्राइब्स को जो अधिकार मिले थे, उनको धीरे-धीरे छीन लिया गया, विधि-सम्मत अधिकारों को छीन लिया गया। चाहे पहले अन्य केसेज़ हुए हों, उनमें बड़ी बेंच ने, 11 जजेज़ की, 9 जजेज़ की बेंच ने फैसले किये, लेकिन इलाहाबाद के एक जज ने उसके खिलाफ फैसला दे

दिया और वह मान्य हो गया, जिससे लोगों के अधिकार छीन लिए गए। वे कुछ कर ही नहीं सकते। वे इसलिए कुछ कर ही नहीं सकते, क्योंकि इसके मूल में यह है कि जब तक आप इन OBC, SC और ST वर्गों के लोगों को हाई कोर्ट्स और सुप्रीम कोर्ट में जज नहीं बनायेंगे, तब तक उनके जो हक छीने जा रहे हैं, उनको review करने वाला कोई नहीं होगा। जब ऊपर बेंच में कोई होगा ही नहीं, तो जैसा चाहो, वैसा कर दो।

अभी भी रोजाना ऐसा होता है। उसका सहारा लेकर DoPT में बैठे हुए लोग, IAS और IPS select हो चुके लोगों के साथ कितना अन्याय करते हैं, आप उसकी कल्पना भी नहीं कर सकते। अभी दो दिन पहले मेरे पास एक लड़का आया था। वह 2018 में IAS में select हो गया था। उसने कहा कि साहब, मुझे ये यह कह रहे हैं कि यह तय नहीं है कि तुम creamy layer में हो या नहीं हो। चीफ सेक्रेटरी, उत्तर प्रदेश ने सारे कागजात लिख कर दिये कि उसकी माँ aided school की टीचर है, वह Grade 'C' में है और Grade 'C' creamy layer में नहीं आता है, but, he is not being taken. ऐसा एक मामले में नहीं है। जब से इंदिरा साहनी केस हुआ है, उसके बाद से, जब से यह रिजर्वेशन लागू हुआ है, more than 400 IAS and IPS candidates, belonging to the Scheduled Caste, the Scheduled Tribe, and the OBC classes, have not been sent for training. जजेज़ इसका कुछ interpretation कर देते हैं और यहाँ भी वे ही लोग बैठे हुए हैं। इस तरह इस देश में यह स्थिति है कि यह जो लगातार अन्याय हो रहा है, अगर यह अन्याय होता रहेगा, तो आप जानते हैं कि फिर उसका परिणाम बहुत ही खराब होता है। कभी-कभी जब आदमी निराश हो जाता है, तब वह मनचाहे तरीके से भी काम कर सकता है। माओ-त्से-तुंग जैसे आदमी ने कहा था कि किसी आदमी को चारों तरफ से कभी मत घेरिए, एक रास्ता उसके निकलने के लिए बना रहने दीजिए, क्योंकि अगर उसे यह एहसास हो गया कि अब तो मैं बच ही नहीं सकता हूँ, तब उस वक्त वह जो violent होगा, उससे क्या नुकसान हो सकता है और क्या नहीं हो सकता है, इसकी कल्पना नहीं की जा सकती। इसलिए कुछ तो न्याय दीजिए।

ये सही कह रहे थे। इसमें आपकी कोई गलती नहीं है, क्योंकि सुप्रीम कोर्ट ने खुद फैसला करके सारे जजेज़ की नियुक्ति करने का अधिकार अपने हाथ में ले लिया। बीजेपी की सरकार में जब रवि शंकर जी लॉ मिनिस्टर थे या अरुण जी रहे होंगे, तब एक विधेयक लाया गया था। उसे सर्वसम्मति से संसद ने पास किया, लेकिन सुप्रीम कोर्ट ने उसको भी रद्द कर दिया। उसको दोबारा लाने की जरूरत थी - फिर तो वे नहीं कर सकते थे - ये दोबारा इसलिए नहीं लाये कि संभवतः इधर बैठे हुए लोग सहमत नहीं थे। अब ये क्यों नहीं सहमत थे, I do not know, लेकिन यह बड़ी गम्भीर स्थिति हो गयी है। आपको यह लाना पड़ेगा। हम ज्युडिशियरी के खिलाफ नहीं हैं। यह सही है कि ज्युडिशियरी में बहुत अच्छे-अच्छे लोग भी हैं। यहाँ तो हम कुछ नहीं कह सकते, लेकिन मैं आपको बता भी सकता हूँ कि कैसे-कैसे लोग हैं। ...**(व्यवधान)**... मैं यहाँ नहीं कह सकता हूँ, क्योंकि अगर मैं यहाँ कहूँगा, तो लोग बाद में सुनाते हैं। एक बार मुझे एक बहुत बड़े जज ने बुला लिया था। उन्होंने कहा कि आप पार्लियामेंट में जजेज़ के खिलाफ बहुत बोलते हैं। तब मैंने कहा कि आप ईमानदारी से यह बताइए कि क्या मैं गलत बोलता हूँ, तब उन्होंने कहा कि आप बोलते तो सही हैं। यह स्थिति है, इसलिए आपको इस पर कुछ न कुछ करना पड़ेगा। आप चाहे वह बिल दोबारा लाइए, परन्तु कुछ कीजिए। मुझे नहीं लगता कि कोई उससे असहमत होगा। जो Judicial Accountability वाला बिल था, जो संसद ने पास किया था और सर्वसम्मति से पास

हुआ था and that was dismissed by the Supreme Court. तब संसद को चाहिए था कि उसे दोबारा बनाएँ।

महोदय, ये थोड़ी सी बातें थीं। मैंने भी आज 4 मिनट ज्यादा ले लिये हैं, मैं इतना समय नहीं लेता था, लेकिन जब सभी लोग ज्यादा ले रहे हैं, तब मैंने भी ले लिया। आप की घंटी भी नहीं बजी, वरना मैं उसी वक्त बोलना बन्द कर देता। ...**(व्यवधान)**...

एक माननीय सदस्य : आपके लिए घंटी बजेगी भी नहीं। ...**(व्यवधान)**...

प्रो. राम गोपाल यादव : महोदय, आपका बहुत-बहुत धन्यवाद।

श्री राम नाथ ठाकुर (बिहार) : उपसभाध्यक्ष जी, आपने मुझे इस बिल पर बोलने के लिए समय दिया, इसके लिए धन्यवाद। मैं इस बिल के पक्ष में बोलना चाहता हूँ और चंद सुझाव सरकार के सामने रख रहा हूँ। बहुत से वक्ताओं ने अपनी-अपनी बातें कहीं। मैं अपने शोध और विचार के अनुसार सरकार से यह आरजू करना चाहता हूँ कि जिस तरह से आपके द्वारा समय-सीमा पूरी होने पर घंटी बज जाती है, उसी तरह सुप्रीम कोर्ट, हाई कोर्ट, जिला कोर्ट और सब-डिवीजनल कोर्ट सहित जितने भी कोर्ट्स हैं, उनके लिए हम सभी लोगों को यह प्रस्ताव पास करना चाहिए कि वहां समय-सीमा में जजमेंट हों। दूसरी बात मैं यह कहना चाहता हूँ कि न्यायपालिका में All India Judicial Service की स्थापना होनी चाहिए। तीसरी बात यह है कि हिन्दी एवं अन्य भारतीय भाषाओं में जजमेंट होना चाहिए। चौथा, जो pending cases हैं, उनका समय-सीमा में निवारण होना चाहिए। पांचवां, मैंने शून्य काल में यह कहा था कि 39 हजार विचाराधीन कैदी वर्षों से जेलों में बंद हैं, उनमें से कोई 15 साल से तो कोई 20 साल से बंद है और बिना कानूनी धारा लगाये बंद है, उन विचाराधीन कैदियों के मामलों की तुरंत बहस कराकर उनको जेलों से निकालना चाहिए। छठा, मैं यह निवेदन करना चाहता हूँ कि पहले तो कोर्ट में ऐसी हिम्मत नहीं होती थी, लेकिन अब कोर्ट में गोलियां चल रही हैं, बम विस्फोट हो रहे हैं। इस पर सरकार क्या निर्णय ले रही है, सुप्रीम कोर्ट और हाई कोर्ट के जज क्या निर्णय ले रहे हैं, इस पर तुरंत कोई विचार आना चाहिए। सातवां, जेलों की जो क्षमता है, वहां उस क्षमता से ज्यादा कैदी हैं। बहुत से लोग जेल गये होंगे, मैं भी बराबर गया हूँ और मैंने देखा है कि वहां तीन-तीन शिफ्ट में सोने की व्यवस्था होती है, क्योंकि वहां जगह नहीं है। इस पर भी विचार होना चाहिए। आठवां, देश में न्यायाधीशों की संख्या बहुत कम है और उनके अधीनस्थ जो निचले कर्मचारी हैं, उनकी भी संख्या कम है। इसलिए उनकी बहाली होनी चाहिए, उनके लिए आरक्षण की व्यवस्था होनी चाहिए। जब तक आरक्षण की व्यवस्था नहीं होगी, तब तक हमें सही निर्णय नहीं मिल पायेगा।

डा. राममनोहर लोहिया की संयुक्त सोशलिस्ट पार्टी का नारा था -

*"बड़े लोगों की क्या पहचान,
गिटपिट बोलें करें न काम,
पिछड़ों की क्या पहचान,
करें मेहनत सहें अपमान।"*

मैं सरकार से निवेदन करना चाहता हूँ, आरजू करना चाहता हूँ, प्रार्थना करना चाहता हूँ।
 ...(व्यवधान)... 'पिछड़े पावें सौ में साठ।' ...(व्यवधान)... 'फिर से देश गुलाम न होगा'
 ...(व्यवधान)...

उपसभाध्यक्ष (श्री सुरेन्द्र सिंह नागर) : प्लीज ...(व्यवधान)... माननीय मंत्री जी, प्लीज
 ...(व्यवधान)...

श्री राम नाथ ठाकुर : उपसभाध्यक्ष महोदय, जैसा कि आपने अभी समय-सीमा के बारे में कहा, उस समय-सीमा के अंदर सभी को निर्णय लेने का अधिकार है।

नौवीं बात, गरीब लोग, जो केस में फंस जाते हैं, उनकी सहायता के लिए सरकार की तरफ से कोई अनुदान दिया जाना चाहिए या सस्ते लोक वकील द्वारा उनकी सहायता करनी चाहिए। गरीब लोगों को न्याय दिलाने के लिए वकीलों को सहायता करनी चाहिए।

दसवीं बात, जब जेलों में बंद कैदियों से मिलने मुलाकाती लोग जाते हैं, तब उनके लिए क्या व्यवस्था होती है, उसके बारे में मैं कह नहीं सकता हूँ। यह सब लोग भली-भांति जानते हैं। इस पर भी निगरानी होनी चाहिए कि जो लोग गरीब लोगों से मिलने जाते हैं, गरीब कैदियों से मिलने जाते हैं, उन्हें न मिलाकर बड़े-बड़े लोगों को मिलाया जाता है, बातचीत कराई जाती है और गरीब लोगों को मुलाकात करने नहीं दी जाती है। मुलाकात के लिए समय भी देते हैं, तो एक-दो मिनट का ही देते हैं। मैं इन्हीं चंद शब्दों के साथ, जो बिल आया है, उसके पक्ष में बोल रहा हूँ और सरकार से यह निवेदन कर रहा हूँ कि जो लंबिल मामले हैं, उनके लिए आप समय-सीमा के अंदर निर्णय लेने का काम करें, धन्यवाद।

प्रो. मनोज कुमार झा (बिहार) : वाइस चेयरमैन साहब, माननीय लॉ मिनिस्टर साहब हैं, एमओएस भी हैं, यह सुखद संयोग है, इसलिए मैं बिल के पक्ष में हूँ, लेकिन बिल के माध्यम से कुछ बातें, जो हमारे बाकी साथियों ने भी कही हैं, मैं भी उनकी लिस्ट में शुमार होना चाहता हूँ। शुरुआत में मैं कहना चाहता हूँ कि -

*"आप ही की है अदालत आप ही मुंसिफ़ भी हैं,
 यह तो कहिए आपके एब-ओ-हुनर देखेगा कौन।"*

यह व्यवस्था जरूरी है। वाइस चेयरमैन साहब, मैं एक छोटी सी बात कहना चाहता हूँ। हमारे एक जज गरीबों के मसीहा थे - Justice V.R. Krishna Iyer, उन्होंने एक piece लिखा - 'Judging the Judges' और हाल में एक किताब लिखी गई - 'Justice for the Judge'. सर, यह जो 'Judging the Judges' और 'Justice for the Judge' के बीच की यात्रा है, यह बड़ी कारुणिक यात्रा है। यह progression नहीं है, बल्कि regression है और यह regression हम सबके लिए चिंता का विषय होना चाहिए। Justice V.R. Krishna Iyer, just to put it in context, belongs to the league of Lord Denning in England, Judge Douglas in USA; and Justice V.R. Krishna Iyer -- of course, yes, but he belongs to India first -- was considered to be the champion of the underdogs. सर, अब हम कहाँ से कहाँ आ गए?

...(व्यवधान)...हम यह कहाँ से कहाँ आ गए? मैं यह इसलिए कह रहा हूँ कि जब यह ऐसा विषय है, जिस पर सदन में पक्ष और विपक्ष की राय बिल्कुल एक जैसी है, तो फिर आखिर यह राय बदलाव के स्वर में फलीभूत क्यों नहीं हो रही है? इसे फलीभूत होना चाहिए। हम साल दर साल यही बात कर रहे हैं। सर, इस सदन में मेरे तीन वर्ष हुए, हम कम से कम पाँचवीं-छठी बार इसी तरह की बात कर रहे हैं, ये बातें गुम हो जाती हैं, काफ़ूर हो जाती हैं।

मुझे याद है कि हमारे इसी सदन में हमारे एक भूतपूर्व लॉ मिनिस्टर -- अरुण जेटली साहब नहीं, दूसरे -- उन्होंने एक बात कही थी। कभी-कभी वे आक्रोश में आ जाते थे, जहाँ जरूरत नहीं भी होती थी। उन्होंने कहा था कि judicial overreach नहीं होना चाहिए। मैंने उनकी बात से तब भी इत्तेफ़ाक़ रखा था कि judicial overreach नहीं होना चाहिए, लेकिन executive overreach भी नहीं होना चाहिए, legislative overreach भी नहीं होना चाहिए। A fine balance was crafted and created in the scheme of things evolved through the Constituent Assembly debates, which subsequently became a part of our Constitution. लेकिन इस बैलेंस को तोड़ने की कहीं न कहीं कोशिश तो हो रही है! ये सब मुद्दे भी महत्वपूर्ण हैं।

सर, मेरे कई साथी कह चुके हैं कि crores of cases पेंडिंग हैं और ऐसा District Court से लेकर highest court of the land तक है। मैं यह नहीं कहूँगा कि ऐसा आपके आने के बाद हो गया। अगर करोड़ों की संख्या है, तो आपके समय में संभवतः इसमें एक करोड़ जुड़े होंगे या 50 लाख जुड़े होंगे, लेकिन आखिर यह क्यों हो रहा है? हम अक्सर इस लाइन का इस्तेमाल करते हैं कि 'Justice delayed is justice denied', but why is justice delayed? Nobody is responsible for that. Our systems are responsible for that. We have crafted a kind of system wherein the leakages are too many. सर, यह जो denied justice है, इसका असर बड़े लोगों पर नहीं पड़ता है। मैं माफी के साथ कहता हूँ कि जो बड़े लोग हैं, they know the Judges and many of them know the Law Minister also, not only today, but even in yesteryears. So, they get their issues settled. एक गरीब की 300 मीटर के एक प्लॉट के लिए पड़ोस में लड़ाई शुरू हुई और उसके पोते तक बात आ गई, लेकिन अभी तक फैसला नहीं हुआ। सर, हम सबके लिए यह एक सामूहिक चिन्ता का विषय होना चाहिए।

सर, मैंने हाल के वर्षों में यह भी देखा है, poor student activists, Human Rights defenders, सर, अभी 10 तारीख को हमने 'मानवाधिकार दिवस' मनाया। तो वह हम सबके लिए चिन्ता का विषय है। भीमा-कोरेगाँव केस एक मॉडल केस है, जिसमें हमने देखा कि जो अरेस्ट हुए, वे arbitrarily arrest हुए। मेरे कई सारे स्टूडेंट्स जेल में हैं। उनका दोष सिर्फ इतना है कि उन्होंने कठिन सवाल पूछे, सत्ता से पूछे, आँख में आँख डालकर पूछे। वे पहले भी पूछते थे, मैं भी उन्हीं में शुमार था, हम पर भी मुकदमा होता था, लेकिन ऐसा नहीं होता था और हम देशद्रोही तो कतई साबित नहीं किए जाते थे। जब इनकी सरकार होती थी या ...(व्यवधान)... Let me come back to that. ...(Interruptions)...

उपसभाध्यक्ष (श्री सुरेन्द्र सिंह नागर) : प्लीज़। कृपया चेयर को ऐड्रेस कीजिए।

प्रो. मनोज कुमार झा : सर, आम तौर पर मुझ पर टीका-टिप्पणी होती नहीं है, तो मुझे टीका-टिप्पणी की आदत भी नहीं है। सर, political interference का मसला आज से नहीं, बहुत दिनों से है। मैंने जो कहा कि जब judicial overreach न हो, तो executive और legislative overreach भी न हो तो रोहिणी सान्याल, NIA court - उन्होंने खुद बाकायदा admit किया। She was under huge pressure to turn the case in a particular direction. I am just putting it on record.

सर, हमारे कई साथियों ने जो एक मसला उठाया, उसे मैं भी उठाना चाहता हूँ। जब मंडल कमीशन की रिपोर्ट आई और उसमें उन्होंने affirmative action propose किया, तो उन्होंने एक शब्द का इस्तेमाल किया कि what will it do? अगर किसी को public employment में reservation मिलता हो, तो वह क्या करेगा? The term is 'psychological spin-off'. सर, इसका बड़ा मनोवैज्ञानिक प्रभाव पड़ता है, क्योंकि अभी जो हमारा collegium system है, यह एक auto-loving ecosystem है - खुद मोहब्बत करते हैं, खुद ही जैसों से मोहब्बत करते हैं और खुद ही जैसों से मोहब्बत की ख्वाहिश रखते हैं - मैं समझता हूँ कि इस ecosystem में बदलाव की बेहद आवश्यकता है, इसलिए भी क्योंकि अब हम आज़ादी का 75वाँ "अमृत महोत्सव" मना रहे हैं।

4.00 P.M.

75वें 'अमृत महोत्सव' में अगर खुदा-न-खास्ता ऊपर से पुरखे आ गए और उन्होंने पूछा कि तुमने उसके बाद क्या किया, तो हम कहेंगे कि हम तो और पीछे चले गए।

महोदय, undertrials की बात है। मैं माननीय लॉ मिनिस्टर साहब को क्या कहूँ? आप undertrials का डेटा देखिए। उसमें आपको अपने देश के 75 से 80 परसेंट निम्न जाति वर्ग, अल्पसंख्यक, गरीब लोग आदि मिलेंगे। वे undertrial हैं और लगातार हैं। कई लोगों ने तो 30-30 बरस बिता दिए, कई की हालत यह हो गई है कि अगर आप जाकर उससे कहेंगे कि अब तुम छूट गए हो और अब बाहर जाओ, तो वह कहेगा कि मैं यहीं ठीक हूँ, मैंने अपनी पूरी ज़िन्दगी यहां बिता दी है। माननीय विधि मंत्री जी, यह विषय आपके लिए चिंता का विषय नहीं होगा, मैं ऐसा नहीं मानता हूँ। Diversity deficit आपको भी परेशान करता होगा, उस diversity deficit के लिए हम क्या कर सकते हैं?

मैं एक अन्य बात कहना चाहता था। जैसा मैंने कहा कि Denning या Douglas या Justice V. R. Krishna Iyer - वह पौध, वह breed, उस श्रेणी के लोग कम दिखते हैं। They never wanted to have a gala dinner after a judgement and have the best of wine. वे अलग लोग होंगे, लेकिन महत्वपूर्ण यह है कि Edmund Burke कहते हैं, "We need Judges who can sniff tyranny anywhere." "We need more of those Judges, particularly when our political life is so brutally divided. There are glimmers of hope, but there are tunnels of darkness. We need those Judges who, according to Burke, could sniff tyranny anywhere and who could stand up to Government or any power." यह मैं नहीं कह रहा हूँ, यह जवाहरलाल नेहरू जी कह कर गए थे। जब Constituent Assembly में debate

हो रही थी, तब उन्होंने वर्ष 1949 में कहा था कि मेरी आंख में, मेरे लोगों की आंख में, ब्यूरोक्रेसी की आंख में आंख डालकर... लेकिन सर, आज आंख मिलाने की कहानी ज्यादा हो गई है। अब नज़रें आमने-सामने नहीं होतीं, नज़रें चार होने लगी हैं - यह चिंता का विषय है, क्योंकि Executive और Judiciary में जब नज़रें चार होने लगे तो वह अवाम के लिए सुखद संकेत नहीं है। मैं तो युगपुरुष जेटली जी को बार-बार याद करता हूं। वे बहुत बड़ी बात कह गए, लेकिन उनकी बात कोई सुनता ही नहीं है, "Pre-retirement judgements are influenced by post-retirement benefits." महोदय, उसके तात्कालिक उदाहरण हमारे समक्ष हैं। मैं कहना नहीं चाहता, वे तात्कालिक उदाहरण हैं, अगर ऐसे उदाहरण पेश होंगे, तो कोई भी जजमेंट हमेशा doubtful category में रहेगी। हमारे अन्य मंत्री नितिन जयराम गडकरी जी ने जो कहा है, उन्होंने कहा है कि cooling off period होना चाहिए।

महोदय, मैं एक आखिरी टिप्पणी करूंगा। महोदय, मेरे कई साथियों ने कहा है कि हिन्दुस्तान बहुत विशाल देश है। दिल्ली में एक सुप्रीम कोर्ट है। We need to think very seriously about four other Benches of the Supreme Court in different parts of India. लगे हाथ में अपने बिहार की तरफ से एक मांग रख दूं। माननीय मंत्री जी, पटना से पूर्णिया दूर है। पूर्णिया में एक हाई कोर्ट की बेंच की स्थापना होनी चाहिए। अंत में, I just want to quote V.R. Krishna Iyer. I think it will help hon. Minister. Maybe, you know it. आप तो बहुत धनी प्रतिभा के वकील हैं।

कुछ माननीय सदस्य : वे वकील नहीं हैं।

प्रो. मनोज कुमार झा : उन्होंने लॉ किया है।

श्री किरेन रिजिजु : केवल लॉ किया है।

उपसभाध्यक्ष (श्री सुरेन्द्र सिंह नागर) : माननीय मंत्री जी, कृपया चेयर को address कीजिए।

प्रो. मनोज कुमार झा : यह बड़े अफसोस की बात है।

THE VICE-CHAIRMAN (SHRI SURENDRA SINGH NAGAR): No comments, please. ...*(Interruptions)*...

प्रो. मनोज कुमार झा : यहां से निकलने के बाद आप वकालत कीजिएगा। "A final thought. Judges also make grave mistakes though the occasion may be few." I am not saying this; Justice V.R. Krishna Iyer is saying this. "They are not beyond criticism although such an impression of being beyond it has been created." That is idea of contempt. "Far too long has the truth of this lie been kept away from the public. It is time to tell the people that the independent inestimable judiciary is also a part of our great

democracy. Hence, they cannot be Caesar's wife always above suspicion." Jai Hind!

SHRI ABDUL WAHAB (Kerala): Mr. Vice-Chairman, Sir, I support the Bill. I get a very, very rare chance to support the Bills, but this time, I am happy that once again, I am supporting the Bill in this House. Anyway, everything that I noted for speaking here has already been mentioned. Now, what is the meaning of repeating the points? Last, I was thinking of mentioning Krishna Iyer, but that also has been mentioned by Prof. Manoj Kumar Jha. He is from our State and he is an icon. Anyway, that point has also been made by Prof. Manoj Kumar Jha. So, I don't know what to speak now on that. I have just made some notes.

The working days of the courts should be increased. Now, considering the working of courts world over, we have a very few working days. Mostly some sort of vacation is there, like summer vacation, winter vacation, Christmas vacation, etc. So, a lot of time is lost in that. That is one point that I want to bring to the attention to the hon. Minister, Mr. Kiren Rijju.

उपसभाध्यक्ष (श्री सुरेन्द्र सिंह नागर): कृपया आपस में बात न करें।

SHRI ABDUL WAHAB: Then, the issue of representation has already been touched upon by Shri Ram Nath Thakur and other hon. Members. Now, I am not talking about the community, that I come from, because if somebody mentions some caste, it becomes a problem here. So, I am not mentioning about my community or caste. One thing is that its representation in Judiciary may be less, but it has over-representation in jails. That is what I want to mention. A lot of persons are under-trials -- trials are not going on, for some reason or other -- under UAPA or other Acts. As a result, these people remain under-trials and are in jails for long periods of time. So, the representation here is over-represented by the other side.

The third thing I want to mention is about the regional benches of the Supreme Court and the High Courts. Just now, Prof. Manoj Kumar Jha and everybody talked about it. We don't want it in Kerala, but, at least, in Chennai, Mumbai and Kolkata, there should be some regional benches of the Supreme Court. When he talked about Purnia, my request is that there should be one Bench of High Court in Cochin also.

Sir, a lot of money is spent on advocates. I do not know whether the Government is getting more on account of GST from traders, or the lawyers are earning more because they charge such hefty amounts from people for fighting the cases. Even the Judges do not get the salaries that they actually want. Sir, through

you, I would request the Government that they should increase the salary of MPs also. A lot of hue and cry is created whenever there is some increase in the salary of MPs, even if it is a small increase of 10,000 or 15,000. Most of the money is cut by the levy by the parties also. Yes, it is most important. Some parties cut an amount of Rs.1,00,000 from Members. That is what I have heard. ...(*Interruptions*)... You are forced to donate. Fortunately, my party does not cut that much amount. Only a little amount of Rs. 5,000 is levied. ...(*Interruptions*)... It is not distortion. This is a fact that I am telling you. People talk a lot in the social media that MPs are getting this and that, but just like the judicial system, we also want some more money because not for me maybe, but so many MPs are very much in difficulty just to cater to the needs of their constituencies. The other thing that I want to...(*Interruptions*)... Why is Mr. John Brittas interfering? He talked about so many things, but I did not disturb. Sir, through you, I am making my points.

We want more representation of minorities and OBCs in the Judiciary also. We want their representation in other fields also, but especially in the Judiciary, their representation is very less. So, please consider this request. I say, the hon. Law Minister has brought a wonderful Bill. So, I support the Bill. Thank you very much.

SHRI KANAKAMEDALA RAVINDRA KUMAR (Andhra Pradesh): Mr. Vice-Chairman, Sir, I am thankful to you for permitting me to participate in this debate on an important Bill. First, I must congratulate the hon. Law Minister. He is a young and dynamic Law Minister. It is not my compliment; it is the compliment given by the hon. Chief Justice of India in several meetings. At the same time, the hon. Law Minister must visualize the things which are going on in the country. Many of the speakers have spoken about the pendency of the cases and also about the duration in disposal of the cases. For that purpose, being a member of the legal fraternity, I want to bring it to the notice of the hon. Law Minister, as far as subordinate courts are concerned, the system and procedure is different while in High Courts and the Supreme Court, the procedure is different. As far as subordinate courts are concerned, it is mostly based on Code of Civil Procedure and Criminal Procedure Code. As far as criminal jurisprudence is concerned, it is concerned with Criminal Procedure Code. There are some procedural aspects. Irrespective of the delay, the courts are supposed to and bound to follow the procedural law. Unless the procedural law is amended, it is not possible to reduce the duration in disposal of the cases. Every Member is thinking that the delay is on the part of the court. It is not like that. We must understand that there is a procedural aspect and unless an amendment is made to the procedural laws, it is not possible to solve this problem.

Secondly, Sir, there are a number of vacancies in subordinate courts. Also, Sir, there is no proper infrastructure in the subordinate courts, High Courts and even in the Supreme Court. Recently, in the presence of the hon. Law Minister, the hon. Chief Justice of India spoke about the establishment of National Judicial Infrastructure Corporation. It seems that there is a roadmap of the Central Government in this regard. Though the judiciary is called independent judiciary but there is no financial independence with regard to funds which are required for day-to-day functioning. Even though the judiciary might be independent while delivering the judgements, the courts are bound to depend on the Governments, either the respective State Governments or the Central Government, and are at the mercy of the Governments. The then Law Minister, late Shri Arun Jaitley said that the post-retirement employments depend or prevail upon the pre-retirement judgements. That was the statement made by late Arun Jaitley ji on the floor of the House when Shri Kapil Sibal was the Law Minister. The same thing applies today also. But what is going on in the country must be looked into.

Sir, coming to the proposed amendment in the High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Bill, 2021, it clarifies that the Supreme Court and High Court judges are entitled for additional quantum of pension or family pension at a certain age.

Sir, I wish to speak on the issue of huge pendency of the cases both in High Courts and the Supreme Court. I want to bring it to the notice of the hon. Law Minister that most of the cases, thousands of the cases, which are pending before the courts are due to delay on the part of the Government and not on the part of the judiciary because in almost all the cases, in majority of the cases, the Government is the main party, either as the petitioner or as the respondent, and, the Government takes time for filing counters, for getting instructions, etc., and, so, the procedural delay is on the part of the Government, either State or Central.

Article 226, Article 136 and the Supreme Court exercising power under Article 142, all these things are based on the decisions taken by the Executive. If the decision taken by the Executive is not questioned, there is no litigation at all. Executive is giving the scope for filing of thousands of cases. Why? The Executive did not take much care while implementing the Act. The Parliament is there to legislate, the implementation of the Acts is to be done by the Executive while its checking and justice delivery is done by the judiciary. Is it not the duty of the Government to reduce the litigation and take appropriate decisions? A mechanism has to be established by the Government to check the decisions of the Executive and rectify the defects at its level with or without approaching the court of law. That system is not there in the

country. Unless such a system is established by the Government, there is no proper checking, every boss is a boss. If he takes a decision, it is a binding one; it is independent; it is forever. Does it mean that it should not be questioned before the law? If it is questioned before the court of law, then the court will express certain opinion. For example, in Andhra Pradesh, in many cases, the courts reversed the decisions. In more than 150 such cases they reversed the decisions taken by the Andhra Pradesh Government, irrespective of the merits of the case. But at that time what happened was some motives were attributed to the hon. Judges. ..(Interruptions).. Let me speak. Why are you interfering? You have already spoken. Don't interfere.

THE VICE-CHAIRMAN (SHRI SURENDRA SINGH NAGAR): Please address the Chair.

SHRI KANAKAMEDALA RAVINDRA KUMAR: On so many judgements, comments were made by the hon. High Court Judges. So many cases were also upheld by the Supreme Court. Because of the over excessiveness of the Executive, the court interfered. The Supreme Court also confirmed the same on several occasions. Then, they used to make comments on the Judges in the social media. But the police did not take action at this. Then the court itself *suo motu* called the CBI, registered the case and inquired the case. The CBI was forced to file a case against the culprits. Such a pathetic situation is going on in the State of Andhra Pradesh. If the Government is acting like that, is the Judiciary not supposed to be independent? Therefore, it is high time to have independent judiciary exclusively, without any threat.

Coming to another aspect, Sir, I have seen that in the Rohini Court, there was an attack in the court itself. Last week also, a laptop exploded there. There is no security for the Judges, and there is a threat. If the judges function with an insecure feeling, how will justice be delivered? So, the Government is expected to provide security to the Judges, like they do in case of politicians. Why are they excluding them?

THE VICE-CHAIRMAN (SHRI SURENDRA SINGH NAGAR): Please conclude.

SHRI KANAKAMEDALA RAVINDRA KUMAR: Just one minute, Sir. Hon. Chairman is so generous in granting time being a member of the fraternity. Kindly give two minutes' time, Sir.

Why is pendency there? It is the duty of the Government to protect the Fundamental Rights. When there is excess done by the Government in violating and curtailing the Fundamental Rights, then only the court will interfere. Why are you creating such an atmosphere in the country? Most of the police are supporting the rulers. They are not acting independently. That is why the problems arise. Constitution is the boss for everyone. But as far as police is concerned, they are obliging the political bosses by violating the Fundamental Rights leading to more and more litigation. ..(*Interruptions*).. Andhra Pradesh is more particular. ..(*Interruptions*)..

THE VICE-CHAIRMAN (SHRI SURENDRA SINGH NAGAR): Thank you, Ravindra Kumar ji. ..(*Interruptions*).. रवींद्र कुमार जी, प्लीज़ आप चेयर को address कीजिए। ...(*Interruptions*)...

SHRI KANAKAMEDALA RAVINDRA KUMAR: Why are you worrying? ..(*Interruptions*)..

THE VICE-CHAIRMAN (SHRI SURENDRA SINGH NAGAR): Please address the Chair. ..(*Interruptions*).. Please address the Chair. ..(*Interruptions*).. केवल कनकमेदला रवींद्र कुमार जी की बात ही रिकॉर्ड पर जाएगी, बाकी किसी की बात रिकॉर्ड पर नहीं जाएगी।

SHRI KANAKAMEDALA RAVINDRA KUMAR: They are worrying about the courts because they have taken all illegal decisions. ..(*Interruptions*)..

उपसभाध्यक्ष (श्री सुरेन्द्र सिंह नागर) : रवींद्र कुमार जी, प्लीज़ आप चेयर को address कीजिए। ...(*Interruptions*)... Please address the Chair. ...(*Interruptions*)... रवींद्र कुमार जी जो बोल रहे हैं, केवल वही रिकॉर्ड पर जाएगा।

SHRI KANAKAMEDALA RAVINDRA KUMAR: Lawlessness is going on in Andhra Pradesh because of the decisions taken ..(*Interruptions*)..

THE VICE-CHAIRMAN (SHRI SURENDRA SINGH NAGAR): Please address the Chair. ..(*Interruptions*).. Thank you Ravindra Kumar ji. ..(*Interruptions*)..

SHRI KANAKAMEDALA RAVINDRA KUMAR: Lawlessness is going on there. ..(*Interruptions*)..

THE VICE-CHAIRMAN (SHRI SURENDRA SINGH NAGAR): Next speaker is Shrimati Vandana Chavan. ...(*Interruptions*)... श्रीमती वंदना चव्हाण जी, आप बोलिए। ..(*व्यवधान*).. Please sit down. ...(*Interruptions*)... श्रीमती वंदना चव्हाण जी, आप बोलिए। ..(*व्यवधान*).. केवल श्रीमती वंदना चव्हाण जी की बात ही रिकॉर्ड पर जाएगी। ..(*व्यवधान*).. रवींद्र कुमार कनकमेदला जी, आपका समय समाप्त हो गया है, कृपा करके बैठ जाइए। ..(*व्यवधान*).. प्लीज़, आप बैठ जाइए। श्रीमती वंदना चव्हाण जी, आप बोलिए।

SHRIMATI VANDANA CHAVAN (Maharashtra): Sir, I stand to support the Bill which has been put forward...(*Interruptions*)...

उपसभाध्यक्ष (श्री सुरेन्द्र सिंह नागर) : सुभाष जी, प्लीज़, आप बैठ जाइए। ..(*व्यवधान*).. श्रीमती वंदना चव्हाण जो बोल रही हैं, केवल वही बात रिकॉर्ड पर जाएगी। ..(*व्यवधान*)..

SHRIMATI VANDANA CHAVAN: Sir, like my other colleagues, I would also like to flag some of the concerns and some of the issues which plague our system. The topmost on this list is pendency of cases. A lot of my colleagues have already said about it. Today, 4.5 crore cases are pending in our courts and COVID-19 situation has made it worse than what it was earlier. Just to understand the seriousness of the situation -- the Government should pay attention to the bleeding where actually help is needed -- I would like to give a break-up of the pendency. According to the data from the National Judicial Data Grid and the Supreme Court, 3.9 crore cases are pending in various District and Subordinate Courts; 58.5 lakh cases are pending in various High Courts; and 69,000 are pending in the Supreme Court. It is the same everywhere. But the worst thing is that the District Courts and the Subordinate Courts, unfortunately, do not get the kind of attention that they need to get and, therefore, I want to draw the attention of the hon. Minister to this issue.

In 2019, in an article written by retired former Supreme Court Judge Markandey Katju, when pendency was 3.3 crore, he observed that even if no fresh case is filed, that means in 2019, it will take 360 years for the backlog to be cleared. This is the seriousness of the issue that we are talking about. One of the incidents which makes this issue even more loud and clear is when the former Chief Justice of India Tirath Singh Thakur actually broke down in a conference of the Chief Ministers and the Chief Justices of the High Courts just to bring to light the kind of stress that all the Judges carry on their shoulders which is like a hanging sword for them. This is the kind of seriousness that we are talking about. Time and again, reports, documents and debates have talked about pendency. But, unfortunately, not much has been done.

I know it may be a repetition of what some of my colleagues have already said here, but I would like to reiterate some of the points.

One, filling of vacancies is absolutely important. More than 400 positions of judges in various High Courts are still vacant. Secondly, a whopping 5,000 vacancies in lower judiciary are there. To address the long-standing demand, we need to address some of the issues. There has been a constant demand that the retirement age of a High Court Judge should be extended from 62 to 65. This is so simple. Why aren't we doing this? If there is pendency and there is a backlog of appointments, why aren't we taking this simple step to take it forward? As many of my colleagues have already said, we must ban positions after retirement. If we realize that they can be given an appointment in a tribunal, then that means they are healthy and their intellect is in place. Then why can't we extend their age? Rather than appointing them in other tribunals, it is easier to extend the age-limit.

Another thing that we have to see is that there has been a constant demand that there must be an All India Judicial Service just like the IAS and the IFS. Judicial Officers, especially in the lower courts, must go through this kind of service. This way our vacancies can be filled up very well.

I am just touching upon the points and not elaborating. Another thing that is absolutely important is to upgrade the infrastructure, especially in subordinate courts. I just spoke about pendency and 90 per cent pendency is in subordinate courts. You go and see the Judges, courts staff and even litigants. I would urge the hon. Minister to please visit some court some time. You are just surrounded by files, folders and papers. You start sneezing because they have been lying there for years together, taking dust. Secondly, you don't even have to go to toilet; if you are just passing the corridor, the whole corridor smells of methane and ammonia gases. I mean, what are we doing? Can't we have a decent infrastructure for the litigants who spend the whole day over there when they come for their cases? This must be given a priority under Swachh Bharat Abhiyaan. I am really surprised how this Government has not thought of this. So, this is another important thing.

Sir, use of technology and adoption of digital solutions is absolutely important. During Covid times, we saw that the High Courts and the Supreme Court did adopt this technology. People staying in any part of the State or anywhere, for that matter, could attend courts. Unfortunately, the district courts did not have this kind of infrastructure. Therefore, the courts could not function; the witnesses could not come. In fact, the courts were closed. So, why don't we work towards this direction that we must have the use of technology and adoption of digital solutions even for district courts? That is where the backlog is and, therefore, that is the thing where

we need attention. Therefore, the need for national judicial infrastructure authority is absolutely important.

Sir, coming to my next point, we have made laws on Alternative Dispute Resolution mechanisms. We have made amendments even in 2015. We brought about a few amendments. This is a robust system. There is no doubt. But, unfortunately, arbitration, mediation and conciliation mechanisms which should be adopted are not being adopted. It is an unfortunate situation that even most of the lawyers probably do not know about this. So, it is important that there has to be a supportive system; there has to be an enabling environment where the Government proactively reaches to the lawyers and makes them understand that these are the provisions which are available to make sure that litigation is reduced. Specially, in civil cases and minor criminal disputes, this could be the best solution.

Sir, the next point is about capacity building of Judges. Yes, Judges have been former lawyers. They have been passing very good judgments. There are wonderful precedents. But in some of the tribunals like NGT and many others, unfortunately, they don't have the expertise of the subject. So, it is very important that the Law Academy should address all these subjects and empower the Judge to understand the issue and really see it in the correct light, especially the NGT. We talk about climate change issues; we talk about how we need to mitigate and adapt. But, if the Judge does not understand what is being pleaded, it is absolutely something that we are losing on. Therefore, that is something which we need to do. There has already been a demand on division of the Supreme Court into constitutional and other legal benches, alternatively creating regional courts of appeal. So, I will not elaborate on that. But I will also reiterate that demand. This has been a demand for a very, very long time and needs to see the light of the day.

Sir, the next point is about rethinking. We did pass the National Judicial Appointments Commission Act. Unfortunately, it was struck down by the Supreme Court. We have to have consultation with judiciary to find out a via media to see how judicial appointments to the High Courts and the Supreme Court could be done because we will have to do away with the collegium system which is definitely a defect in our system. My last point is about the words spoken by the present Chief Justice of India, Mr. N.V. Ramana. He said that an urgent correction of the gender imbalance in the Indian judiciary has to be made and he has advocated that 50 per cent positions in the judiciary must go to women. Sir, it is an irony that behind every Judge, there is the Lady of Justice standing. She is the Egyptian God Maat or the Greek Goddess Themis. I don't know whether I am pronouncing it right. Unfortunately, she stands there behind the seat but does not sit on the seat. That is an unfortunate thing. So,

I think this Government with such a thumping majority in both the Houses must make sure that 50 per cent women are included in the judicial process.

Sir, my last point which I want to reiterate is this. Coming back to pendency, pendency is amounting to delayed justice and justice delayed, as we all know, is justice denied. I want to draw the attention of the hon. Minister. Sir, we make laws here and all these laws are based on established universal principles. They are based on human rights. Look at the two examples that we have seen in recent times. One very, very senior Supreme Court Judge, * We passed the POSH law. The law says that you have to appoint an Internal Complaints Committee, an ICC, and the ICC would scrutinize the evidence and, then, pass the judgement. Why was he made an exception? And if you want to make an exception, do make it in the law itself. You cannot have arbitrary things. ...(*Interruptions*)...

SHRI BHUBANESWAR KALITA (Assam): Sir, I have a point of order. ...(*Interruptions*)...

SHRIMATI VANDANA CHAVAN: Secondly, Sir,.....(*Interruptions*)...

THE VICE-CHAIRMAN (SHRI SURENDRA SINGH NAGAR): Please. ...(*Interruptions*)... Just a minute. ...(*Interruptions*)...

SHRIMATI VANDANA CHAVAN: Sir, this is my last point. ...(*Interruptions*)...

SHRI BHUBANESWAR KALITA: Sir, I have a point of order. ...(*Interruptions*)...

THE VICE-CHAIRMAN (SHRI SURENDRA SINGH NAGAR): Please. ...(*Interruptions*)... Vandanaji, please. ...(*Interruptions*)...

SHRIMATI VANDANA CHAVAN: What is the point of order? ...(*Interruptions*)... I am not yielding. ...(*Interruptions*)...

THE VICE-CHAIRMAN (SHRI SURENDRA SINGH NAGAR): Vandanaji, please. ...(*Interruptions*)...

* Expunged as ordered by the Chair.

SHRIMATI VANDANA CHAVAN: Sir, I am not yielding because this is a fact that I am talking about. ...(*Interruptions*)...

SHRI BHUBANESWAR KALITA: If there is a point of order, it is up to the Chair whether he is allowed to make or not.....(*Interruptions*)...

SHRIMATI VANDANA CHAVAN: This is a fact that I am saying. ...(*Interruptions*)...

THE VICE-CHAIRMAN (SHRI SURENDRA SINGH NAGAR): What is your point of order? ...(*Interruptions*)... Under which rule? ...(*Interruptions*)...

SHRI BHUBANESWAR KALITA: It is there in the Rule Book. ...(*Interruptions*)...

SHRIMATI VANDANA CHAVAN: Sir, this is a fact. ...(*Interruptions*)... What is this point of order? ...(*Interruptions*)... This is a fact. ...(*Interruptions*)... And my last point.....(*Interruptions*)...

SHRI BHUBANESWAR KALITA: You know it very well that when a Member of the House is absent or is a Member of the other House, you cannot make comment on him. ...(*Interruptions*)...

SHRIMATI VANDANA CHAVAN: So, what name have I taken? ...(*Interruptions*)... This is a fact. ...(*Interruptions*)...

SHRI BHUBANESWAR KALITA: That is the rule of this House. ...(*Interruptions*)...

THE VICE-CHAIRMAN (SHRI SURENDRA SINGH NAGAR): Under which rule? ...(*Interruptions*)... Under which rule are you asking it? ...(*Interruptions*)...

SHRI BHUBANESWAR KALITA: That is the rule of this House. ...(*Interruptions*)... That is the tradition of this House. ...(*Interruptions*)... Everyone knows about it. ...(*Interruptions*)... If you do not know, please read it. ...(*Interruptions*)...

THE VICE-CHAIRMAN (SHRI SURENDRA SINGH NAGAR): No, no; Sanjay Singhji, please. ...(*Interruptions*)... I am asking him. ...(*Interruptions*)... Please sit down. ...(*Interruptions*)...

SHRIMATI VANDANA CHAVAN: Sir, this is my last point. ...(*Interruptions*)... When we pass laws here, we enact laws here, we pass them in view of natural justice. We have to make sure that both sides are heard and everybody is given an opportunity. Sir, it is so unfortunate that in the Parliament, we suspended 12 Members but we do not give them opportunity to have their say....(*Interruptions*)...

THE VICE-CHAIRMAN (SHRI SURENDRA SINGH NAGAR): Thank you, Vandanaji. Next Speaker is Shri Sanjay Singh.

SHRIMATI VANDANA CHAVAN: And that was the thing of natural justice. Thank you, Sir, for giving me a hearing.

श्री संजय सिंह (राष्ट्रीय राजधानी क्षेत्र, दिल्ली) : मान्यवर, आपका धन्यवाद कि आपने इस महत्वपूर्ण बिल पर मुझे अपनी बात कहने का मौका दिया। मैं इस बिल के समर्थन में अपनी बात कुछ चिंताओं के साथ कहने के लिए खड़ा हुआ हूँ।

मान्यवर, न्यायालय में जाइए, तो एक वाक्य लिखा रहता है - "न्याय चला निर्धन से मिलने"। मैं यहाँ पर माननीय सर्वोच्च न्यायालय के जज, न्यायाधीश दीपक गुप्ता जी का बयान quote करना चाहूँगा, जिन्होंने कहा कि country's laws and legal system favour the rich and the powerful यानी हिन्दुस्तान की न्याय व्यवस्था अमीर आदमी और ताकतवर आदमी को support करने के लिए है। मान्यवर, अगर हम लोग आँकड़े देखेंगे, तो नीति आयोग की रिपोर्ट है कि हिन्दुस्तान में न्यायालयों में 4.5 करोड़ केसेज़ pending हैं। 4.5 करोड़ केसेज़! उनका अनुमान है कि अगर न्यायालय इन केसों का निराकरण करने में लग जाएँ, तो इन मामलों का निस्तारण करने में, इन पर फैसला देने में 324 वर्ष लगेंगे। 73 हजार केसेज़ सुप्रीम कोर्ट के सामने pending हैं, 6,000 जजेज़ की पोस्ट्स खाली हैं, 50 हजार लोगों पर एक जज है और सुप्रीम कोर्ट के माननीय 33 न्यायाधीशों में एक SC है तथा एक OBC है, जिसकी चिंता यहाँ पर राम नाथ ठाकुर जी ने भी व्यक्त की। मान्यवर, मैं कुछ विशेष मामलों के ऊपर आपका ध्यान आकर्षित करना चाहता हूँ। आज जब हम लोग यहाँ पर pending cases के बारे में बात कर रहे हैं, तो कुछ ऐसे केसेज़ भी हैं, जिनमें न्याय मिलने में इतना समय लग गया, जो मुझे लगता है कि पूरी दुनिया में हम सबके लिए एक शर्म की बात होगी। मान्यवर, पश्चिमी बंगाल में दीपक जोशी नाम के एक व्यक्ति को 41 साल के बाद रिहा किया गया। असम में 3 साल तक मधुबाला दास के नाम पर मधुबाला मंडल को गिरफ्तार करके रखा गया। उसकी identity गलत थी, 3 साल तक वह जेल में रही। मान्यवर, बिहार के जहानाबाद में एक नरसंहार हुआ था, जिसमें 58 लोग मारे गए थे और जब उसका फैसला आता है, तो सारे के सारे लोग बरी कर दिए जाते हैं। विष्णु नाम का एक व्यक्ति, जो ललितपुर का रहने वाला था, उसको 19 साल के बाद निर्दोष साबित करते हुए हाई कोर्ट से रिहा किया जाता है, लेकिन इसमें 19 साल का लम्बा समय लग जाता है। कश्मीर के एक व्यक्ति मिर्जा नासिर हुसैन को 23 साल के बाद निर्दोष साबित किया जाता है और रिहा कर दिया जाता है।

मान्यवर, मैं आपके माध्यम से इस सरकार से बड़ी विनम्रतापूर्वक यह कहना चाहता हूँ कि आप fast-track courts का गठन कीजिए, ज्यादा से ज्यादा न्यायालयों का गठन कीजिए और ज्यादा से ज्यादा जजेज़ की नियुक्ति कीजिए, ताकि वर्षों-वर्षों तक तारीख पर तारीख मिलने वाली जो कहानी है, उस पर विराम लग सके, लोगों को जल्दी न्याय मिल सके और न्याय के प्रति लोगों के मन में आस्था पैदा हो सके।

मान्यवर, गरीब आदमी के पास न्यायालय का खर्च उठाने की ताकत नहीं होती है। वह बीवी का गहना बेच कर या घर का गेहूँ बेच कर वकील की फीस देता है, लेकिन उसको तारीख पर तारीख मिलती रहती है और वर्षों तक इंतज़ार करना पड़ता है। एक व्यक्ति को 35 साल तक अयोध्या की जेल में रखा गया और जिस धारा में वह बंद किया गया था, उस धारा के अंदर जितनी सज़ा होती है, उससे 10 गुना ज्यादा सज़ा उस व्यक्ति ने काटी। उसके बाद उसका bail bond भरने वाला कोई नहीं था, इसलिए उसको 35 साल के बाद रिहा किया गया। यह हिन्दुस्तान की न्यायपालिकाओं से मिलने वाले न्याय की हकीकत है।

महोदय, मैं आपके माध्यम से इस सरकार से कहना चाहता हूँ कि आज ज्यूडीशियरी के प्रति आपने जो कदम उठाए हैं, उसमें कुछ कदम और भी उठाइए, जिसकी चिंता तमाम माननीय सदस्यों ने यहां पर जाहिर की है। न्यायालय की निष्पक्षता होना बहुत आवश्यक है, बहुत जरूरी है। एक न्यायाधीश जैसे ही रिटायर होता है, अगर उसके मन में तुरन्त कोई बड़ी पोस्ट मिलने की ख्वाहिश रहेगी, तो वह कतई अपने पद पर बैठ कर पूरी तरह से न्याय नहीं कर पाएगा। ऐसे में कहीं न कहीं उसके न्याय को शक और आशंका की दृष्टि से देखा जाएगा, इसलिए मेरा मानना है कि आप उनकी रिटायरमेंट की आयु सीमा बढ़ा दीजिए। मैं तो यहां तक कहूंगा कि उनकी रिटायरमेंट की आयु सीमा बढ़ाने के साथ-साथ एक नियम और बनाइए और यह नियम कम से कम सुप्रीम कोर्ट और हाई कोर्ट के जजेज़ के ऊपर अवश्य लागू हो, 65 वर्ष की जगह उनको 70 वर्ष में रिटायर कीजिए, लेकिन रिटायरमेंट के बाद पांच साल तक उनको किसी भी दूसरे पद पर एपॉइंट न किया जाए। इससे कम से कम उनका जीवन आराम से बीत जाएगा और उनके किसी भी निर्णय पर सवाल नहीं उठेगा।

मान्यवर, अब न्यायालयों के इंतज़ाम के बारे में बात करते हैं। हमारे कई साथियों ने यहां पर अपने क्षेत्र की बात कही। मैं दिल्ली का सांसद हूँ, दिल्ली के कोर्ट के अंदर, जहां पर हत्या के मामले में आदमी न्याय पाने के लिए जाता है, वहीं हत्या की घटना हो रही है, gang war हो रहा है।

अगर न्यायालयों के इंतज़ाम की बात करें, तो मान्यवर, 'Jolly LLB' नाम की एक फिल्म आई थी, उसको देखने से अंदाज़ा लग सकता है कि न्यायालयों में आज कैसे हालात हैं और कितना बढ़िया इंतज़ाम है! जहां लिखा रहता है - 'थूकना मना है', वहीं पर लोग थूकते हैं, जज मोमबत्ती की रोशनी में काम करते हैं और टॉयलेट्स की हालत के बारे में अभी स्वयं माननीय सदस्या बता रही थीं।

मान्यवर, इस दिशा में दिल्ली की सरकार ने कुछ कदम उठाए हैं, वे भी मैं आपके सामने रखना चाहूंगा। दिल्ली में केजरीवाल जी की सरकार ने 42 नये commercial courts बनवाए हैं और 22 POCSO courts बनवाए हैं। केजरीवाल जी की सरकार ने दिल्ली के अंदर 180

additional court rooms बढ़ाए हैं और 200 करोड़ रुपये hybrid courts के निर्माण के लिए खर्च किए गए हैं।

मान्यवर, दिल्ली की सरकार ऐसी पहली सरकार है, जिसने अधिवक्ताओं के लिए एक ऐसी स्कीम लागू की है, जिसमें उनके और उनके परिवार वालों के लिए 10 लाख का life insurance और 5 लाख का health insurance दिया गया है। यह काम हमने दिल्ली में करके दिखाया है, आज आवश्यकता इसी बात की है।

हम लोग न्यायालयों में बड़ी उम्मीद के साथ जाते हैं, लेकिन सालों-साल चक्कर काटते रहते हैं। यहां पर मंत्री जी बैठे हैं और हमारे MoS, प्रो. एस.पी. सिंह बघेल साहब भी बैठे हैं। वे एक बहुत अनुभवशील व्यक्ति हैं। मैं इस आधार पर इस बात को कह रहा हूँ कि वे पुलिस के अधिकारी रहे हैं और प्रोफेसर भी रहे हैं। यानी पुलिस के अधिकारी रहते हुए उन्होंने न्याय व्यवस्था को करीब से देखा है और प्रोफेसर के तौर पर न्याय की पढ़ाई भी की। उन्होंने लम्बे समय तक सांसद रहते हुए गरीब के दर्द को देखा है, समझा है, वे एक अच्छे व्यक्ति हैं, उन्हें अच्छा विभाग मिला है। आज जिस बड़े परिवर्तन के लिए लम्बे समय तक हम लोग लड़ते आए हैं, उसमें कुछ करने की जरूरत है। आप अपने आपको कहते हैं कि हम सबसे अलग हैं, हम सबसे अलग करके दिखायेंगे, लेकिन आप वही काम रिपीट करते हैं और दूसरों का उदाहरण देने लगते हैं, आप वह उदाहरण देना बंद कीजिए। आपने एक ऐसे व्यक्ति का यहां चुनाव कर दिया, जिसके पक्ष में अभी आप लोग खड़े हो गये थे। वे संसद सदस्य, *मैं नाम लेकर कह रहा हूँ।

उपसभाध्यक्ष (श्री सुरेन्द्र सिंह नागर) : संजय जी, आप नाम नहीं ले सकते, यह रिकॉर्ड में नहीं जाएगा।

श्री संजय सिंह : चलिये उनका नाम काट दीजिए, मैं यह कह रहा हूँ कि इस सर्वोच्च सदन के बारे में किसी को भी अपमानित शब्द बोलने का अधिकार नहीं है, चाहे वह कोई भी हो।

उपसभाध्यक्ष (श्री सुरेन्द्र सिंह नागर) : संजय सिंह जी, अभी आपने माननीय मंत्री जी की तारीफ की है, मंत्री जी के कानून मंत्रालय को अच्छा कहा है।

श्री संजय सिंह : मैं मंत्री जी को नहीं बोल रहा हूँ, मैं एक माननीय सदस्य के बारे में बोल रहा हूँ, जिन्हें आप भी जानते हैं। मैं यह कह रहा हूँ कि इस सदन के अंदर हमारे भाजपा के मित्र बैठते हैं, माननीय मंत्री जी बैठते हैं और हम विपक्ष के सांसद भी बैठते हैं, आप भी उस कुर्सी पर बैठते हैं, लेकिन इस संसद का अपमान करने का अधिकार किसी को नहीं है। इसलिए जब भी वे इस सदन में आएँ,*

उपसभाध्यक्ष (श्री सुरेन्द्र सिंह नागर) : यह रिकॉर्ड में नहीं जाएगा, आपका धन्यवाद।

* Not recorded.

श्री संजय सिंह : मैं खत्म कर रहा हूँ। मैं यह कहना चाहता हूँ कि न्याय इस देश की करोड़ों जनता को चाहिए, न्याय हम सबको चाहिए और न्याय हमारे 12 सांसद, जो बाहर बैठे हैं, उनको भी चाहिए, धन्यवाद।

THE VICE-CHAIRMAN (SHRI SURENDRA SINGH NAGAR): The next speaker is Shri K.J. Alphons.

SHRI K.J. ALPHONS (Rajasthan): Sir, I rise to support the Bill. I had a great privilege of being part of the pillars of the country's Constitution, one, as a Member of Parliament now, formerly as an MLA and before that, as an IAS officer and as District Magistrate and now as a practising lawyer, delivering administration and justice as promised by the Constitution of India. The amendment proposed is so simple, it is only adding an explanation to Sections 16B and 17B, and therefore, we could have passed it exactly in two minutes. But then this becomes an opportunity for us to flag issues. I think that it is extremely important that the Parliament has a chance to debate as to how the judicial system works. I think that this is a great opportunity and, therefore, I use this opportunity to flag those issues. If you look at the history of judiciary, I think it has been such a great protector of the Constitution of India. Starting with the famous A.K. Gopalan case in 1951 to Mr. Unnikrishnan's case which talks about what is right to life, which means the right to live an honourable life, to the Vishaka case which talks about protecting the dignity of women at workplace, to the famous Keshavananda Bharati judgement which lays down what is the fundamental structure of the Constitution, I think the Supreme Court of India and the High Courts have done a fantastic job. Having said that, Sir, let me make a few suggestions because I think we don't have too much of a time. I will just make 11 suggestions and I shall be very fast. Number one: I think we need to split the Supreme Court into two. We cannot have a situation in which the Supreme Court is hearing appeals under Article 136, writ under Article 32, cases between States under Article 131 and also hear statutory appeals from various organisations. We need to have a constitutional bench, which will deal only with constitutional issues and have another Supreme Court of Appeals which will deal only with appeals. That is suggestion number one. This is the case with most of the countries in the world. Sir, secondly, and of course, along with this, we need to have regional benches for the Appellate Supreme Court; one in the South, one in the East, one in the West and, of course, Sir, one in the North-East because that place is far away. So, we need to have benches of Supreme Court in all these places. Thirdly, during Covid, we started the system of virtual

hearings. Sir, I appeal to the hon. Minister: please take it up with the Supreme Court to continue with the dual mode, virtual mode as well as the physical mode, for every case. This will enable the Supreme Court to reach out to all corners of the country and hear the people of India. Sir, today, people have to come to Delhi, they have to hire a senior lawyer. Today, justice is being delivered much better because we have the virtual mode. If there will be a dual system, with virtual mode combined with a physical hearing, things will be much better. Next, we need lot more courts. I do not need to explain this. We need a lot more judges. Don't put the entire blame on the Government alone. Look at what this hon. Minister has done in the past six months.

(MR. DEPUTY CHAIRMAN *in the Chair*)

The number of vacancies this Minister has filled up; I am talking about only this Minister, come on, congratulate him. I think this House should honour him and say, this is fantastic; this is the way things must be done. Now, if there are 5,748 vacancies in subordinate courts, please do not blame the Minister. These are things which must be taken care of in the States by the High Courts and by the administration there. We need to appoint lot more judges. As I suggested earlier, why don't we extend the retirement age of judges because today people are very healthy, at 62 years of age and 65. If you cannot do that, hire retired judges for 'x' number of years so that they can dispose of cases quickly. Sir, we need to create judicial infrastructure a little better. Recently, when I started to resume my practice, I went to the High Court and I was amazed to see the kind of infrastructure that the Government has created. Sir, we need to create a similar infrastructure right down to district courts, sub courts and other judicial courts. This is not going to cost you a lot of money but this is going to make the delivery of justice a lot faster. Sir, now, regarding the pay of the judges, we have been arguing in this Bill as to when should actually a judge get on his increased pension on 80th birthday; to me, it is very silly. Sir, judges must be paid many times more, multiple times more than what is being paid today because they should never have a temptation to take bribe. Sir don't compare them with IAS officers; I was an IAS officer; don't compare them with Ministers. Just pay them many times more so that they will never have the temptation to take bribe. Sir, why is it said that most brilliant minds do not go to judiciary? Why don't they become judges? Here sits a brilliant lawyer next to me, Mr. Mahesh Jethmalani. Of course, there are very many senior advocates here: Mr. Kapil Sibal, Mr. Abhishek Manu Singhvi, Mr. Vivek K. Tankha, Mr. A. Navaneethakrishnan and Mr. Tulsi. I am sure, Hon'ble Ameer Yajnik is also a

very good lawyer. All these people are qualified enough to become judges in this country, but, they will not because the pay is absolutely ridiculous. So, pay them well. Sir, most of these senior lawyers make more than a crore of rupees on a Monday and on a Friday. This is a fact everybody knows it. Sir, therefore, pay them much better. I do not have a problem being from IAS that the judges are paid better, that District judges are paid better. I think we should be realistic and pay them better. Sir, next point is regarding post-retirement jobs. Make retirement age 75 years, if you want; make it like the United States of America, till they die, if you think it is appropriate. But, Sir, please no post-retirement job because this is too much of a temptation. Sir, next point is regarding judicial appointments. The Parliament of India, unanimously passed a legislation, saying that there must be a Judicial Appointment Commission. The Supreme Court has decided that it is against what is laid down in the Constitution of India. Sir, we must have a system. I want a system. The independence of judiciary must be guaranteed under that system where nobody will dictate; evolve a system, Sir, it is possible. As somebody said, this is the only country where judges appoint judges. Some of the judges are brilliant. One of the persons, who is going to be the Chief Justice of India soon, his father was a Chief Justice, but he is absolutely brilliant; there are very many brilliant people. So, let us lay down a system which is constitutional, which will guarantee the independence of the judiciary. Mr. Brittas said that the Government is controlling the Judiciary and, at the same time, he condemned the Supreme Court saying, "You struck down the Judicial Appointments Act." How can that be? It is a contradiction. Today the Judiciary is absolutely independent, if you look at it that way. But, Sir, there are issues because in a parliamentary democratic system, this is not what the Constitution intended, and, therefore, we must have a system in which obviously, the Executive and the Judiciary should evolve a system in which there will be independence combined with constitutional mandate. The next point is about speed. Recently I mentioned in one of my interventions, ...(*Interruptions*).. I was told half-an-hour, then I was told ten minutes, please give me a few more minutes. I am making valid points. Sir, recently there was a case in Bihar and I paid tribute to the State of Bihar in which a POCSO case took one day, the charge-sheet was filed on the same day, the hearing was done the next day and the judgment was pronounced on the same day and the person went to jail. Sir, let us appreciate what somebody, a Judge in Bihar has done. Can't we replicate this? Why do you say forever, "I don't have the infrastructure"? In a far away district somewhere, a Judge has done it, Sir. We can do, and we need to do it and we need to speed up the process. Sir, the next point: break the dominance of certain people in the Supreme Court, and my apologies to Mr. Mahesh Jethmalani

sitting here. Sir, today the Supreme Court is dominated by Senior Advocates. Sir, who can afford a senior lawyer in the Supreme Court or High Courts? Who can afford it? Can the citizens of India afford that? Is it what the framers of the Constitution really meant? Sir, I think, every person, even a junior lawyer should be able to stand up there and argue before the Chief Justice of India. Sir, I think, we should have such a system. We should break this dominance of senior lawyers. Sir, they are very important, they are men of wisdom, but, I think, Sir, we need to have more voices heard in the courts. Sir, next point: protect our Judiciary. Sir, recently we had a case of a District Judge being murdered. It was very much visible on television. He was going on his morning jog and he was knocked down by a vehicle. Sir, they must be protected. Give them whatever protection is necessary in terms of police forces or whatever. Don't be stingy with the numbers. If somebody feels that he needs not one, but two, or three, Sir, please provide them so that they can live without fear. Sir, there are two more points. There must be a National Judicial Service, like the All India Services. Sir, select the best people, and please don't dilute the examination like they did for the IAS. Sir, when I got into IAS, and, of course, some of my colleagues sitting here, got into the Services, the recruitment age was 26. Sir, now it is 32 and 38 and by the time they finish training are 40 years old and are already thinking of marriage of their children. Sir, bring about a system of examination which would produce, which would bring the best people to the Judiciary. I think that is the solution. Sir, my last point: here my close friend, Hon. Prof. Manoj Jha talked about "tunnels of darkness". There was a period when India was a tunnel of darkness, the Emergency. Sir, the 42nd Amendment was brought about by which the Preamble of the Constitution, which Mr. Manoj Jha claims is sacred, has been amended. Mr. Manoj Jha and the Members of this House, if they are not supporting the Emergency, they must have the courage to take out the core of the 42nd Amendment. I mean, this whole thing about bringing the ideology of socialism into this Constitution. Why don't we use word 'equitable' instead of 'socialism'? Shri Manoj Jha, the hon. Member, objected to the word 'equitable'. The word 'equitable' is a much better word than 'socialism'. Is it not? ...(*Interruptions*).. Another amendment which I proposed, Sir, was access to benefits of the information technology by every citizen. ...(*Interruptions*)... The Right to Happiness, was the last one I have proposed among five; gross domestic happiness is our objective. They have objection, Sir. I said, access to information technology. ...(*Interruptions*)..

MR. DEPUTY CHAIRMAN: Please. ...(*Interruptions*).. I am not allowing.

SHRI K.J. ALPHONS: Sir, I am talking... ..(*Interruptions*).

MR. DEPUTY CHAIRMAN: Mr. Manoj Jha is on a point of order. ...(*Interruptions*)..

PROF. MANOJ KUMAR JHA: Sir, I have a point of order. It is a very small one. It is under Rule 110. There was a ruling two days back from the Chair. One of the Vice-Chairmen from the Panel, he was sitting here and he said it about any discussion or any Bill. I think, please understand there was the Janata Party Government after 1977. Many things were withdrawn from the 42nd Amendment but not socialism and secularism. Even Atal Bihari Vajpayeeji and Advaniji didn't agree. That is it, Sir. ...(*Interruptions*)...

श्री उपसभापति : माननीय मनोज कुमार झा जी, यह रूल 110 के तहत प्वाइंट ऑफ ऑर्डर है। माननीय सदस्य विषय पर बोलें और मेरी यह सभी सदस्यों से भी अपील है कि विषय पर ही बोलिए। यह जजेज की पेंशन का विषय है। आपने बाकी इश्यूज भी रखे, ठीक है, लेकिन आप इस विषय पर बोलिए। ...(**व्यवधान**)... Please continue.

SHRI K.J. ALPHONS: Mr. Vice-Chairman, Sir, I am not deviating.

श्री उपसभापति : यह सभी पर applicable है। ...(**व्यवधान**)...

SHRI K.J. ALPHONS: Mr. Vice-Chairman, Sir, I am not deviating even one inch from whatever is being discussed-- I am talkin about the judicial justice being practised in India, the Constitution. That is exactly what the judiciary is protecting. Sir, another addition I have propped is the benefits of information technology must reach to every citizen, irrespective of caste, creed, social status or income...(*Interruptions*)... I am making my last point. Instead of "equality of status and opportunity", the following has to be substituted: "Equality of status and opportunity to be born, to be fed, to be educated, to get a job and to be treated with dignity". Who has an objection to this? ...(*Interruptions*)... Therefore, Sir, I fully support this Bill. Thank you.

DR. AMAR PATNAIK (Odisha): Sir, I am not used to the thunder and lightning on both sides that we witnessed just now. I will make two very brief points.

I start with one of the great judges of all times, Oliver Wendell Holmes. He said, "The life of law has not been logic. It has been experience. The law embodies the story of a nation's development through many centuries. It can't be dealt with as if it is contained only in the axioms and corollaries of the book of mathematics." What

I thrust on here is the word 'experience'. Against this background, I would like to express my anguish and consternation on a few points, some of which have already been aired, which I will not repeat.

The most important thing is, we have not learnt from the experience. If we are learning from the experience so far, we are not learning it very fast or fast enough to give benefit to millions of Indians that look for justice. The three most important things of an efficient justice system, as we all know, are--access, quality and timeliness. We have discussed this. If you look at the number of judges, I think, that is the basic thing. We know that there is pendency in courts, we know that there are 40 per cent vacancies in the High Courts and that there are about 20-30 per cent vacancies in the subordinate courts. But, what is more alarming is the judge to population ratio, which has been alluded to. If you look at it, the judge to population ratio that we have compared to some of the developed countries, it is amongst the lowest in the world. This is taking the 2011 population figure! If you consider the total population as on today, you have a very, very pathetic figure of judge to population ratio. Therefore, the most important administrative action that the Government must do now is to look at the sanctioned strength itself. We are now calculating vacancies against the sanctioned strength. But the sanctioned strength itself is deficient! Therefore, the calculation--what we call in bureaucracy as a kind of staff statistics or a review exercise--should be carried out and we should increase the number of judges in the High Courts, the Supreme Court and the subordinate courts accordingly as per the sanctioned strength. Then, have a plan and a strategy to fill them up as they must be having now.

The second point which I want to make is, we all talked about the fact that the end of justice is destined for the poor, for the marginalized as the people are not getting justice. Even as far as under-trials are concerned, there are about 85 per cent of them belonging to the marginalized communities. That is what the statistics says. Sir, we have the Legal Services Authority. How does it function? I have a very interesting statistics and a very, very unfortunate and damning one. It has come from a study which was conducted by the Commonwealth Human Rights Initiative in 2018.

5.00 P.M.

It found that there are 70,000 legal aid lawyers in India -- this is the most interesting part -- but the per capita spending on legal aid was just Rs. 0.75. It was just 75 paise per case. This is the kind of justice we are giving to people who can't afford justice. Whereas the per capita spending in Australia in similar situation is 23 dollars and in a

country like Argentina, it is 17 dollars. It is one of the lowest. So instead of paying lip service to the Legal Services Authority, we have to do something about it. Mind you, the Legal Services Authority is more under the direct control of the judiciary and that is where the intervention is required from the judiciary. The third point is, addressing the issue of resources. If you are talking about quality, timeliness, to finish things on time, we need resources and these resources are of two types, the hard and the soft. We have talked about the hard resources. We need to have digitalisation of the judiciary as much as possible. There was a case in Odisha in Phulbani district where the judgment of the High Court for the bail did not reach for 2-3 months. So, he was interned for 2-3 months though he had a bail order passed by the judiciary, whereas it could easily have been communicated through a digital method. This is where hard infrastructures have to be built. To an Unstarred Question, a written answer was given to me that 26 per cent of the court complexes in India do not have a separate toilet for women. After 75 years what more pathetic situation can there be! Therefore, the need for hard infrastructure which is definitely in the domain of the Government and therefore, the consideration for Chief Justice of India's suggestion of having the National Judicial Infrastructure Agency is very, very important. But the soft resources are the judges. We talked about senior advocates charging fees etc. but I think, the most important intervention which has been made in our judicial system is setting up the National Law Universities. These National Law Universities need to be augmented. I find that in our State, for example, the National Law Universities have been set up, but the infrastructural support for it has to come entirely from the State Budget. This is not workable.

MR. DEPUTY CHAIRMAN: Please conclude.

DR. AMAR PATNAIK: Sir, I will take half a minute. We have to not just increase the number of seats in the National Law Universities because very bright students are joining them and they will eventually change the ecosystem, maybe the idealism in the judicial system as well and secondly, for infrastructure support, there should be sharing by the Central Government and the State Government. These are my two points, Sir. Thank you.

SHRI SWAPAN DASGUPTA (Nominated): Sir, I would start by stating that you gave a ruling just now to speak on the Bill, but this is a debate where everyone has spoken around the Bill because on the Bill there is a total unanimity and this is a Bill which is basically a clarificatory Bill. However, this debate has been very, very useful in terms

of highlighting what Mr. Alphons pointed out, the state of judicial administration, the state of law in this country. It is also very clear from the interventions from all sides of the House that everyone agrees that law is too important a subject to be left to lawyers. I think, everyone would agree that it is too important a subject to be left to judges and I will give you the reasons why. We also saw it in this place. Prof Manoj Kumar Jha, who is unfortunately not present in the House at this moment, referred to some his heroes, judicial heroes. He spoke about Justice Shri V. R. Krishna Iyer and in the same breadth he spoke about Lord Denning - To meet is a matter of conjecture. There are others. Mr. Amar Patnaik spoke about Justice Oliver Wendell Holmes. If you look at it, you will find very distinct philosophies go into it. And, you might find the distinct philosophy also vilifying Judges who don't give judgment that suits to your convenience. I think, this is what, sometimes, has been happening in this country. We don't like a judgment given on Ayodhya, for instance. I am just suggesting. But, we don't ask ourselves the question, which should have been asked in the very first place, 'Why was the Ayodhya dispute taken to the Supreme Court in the first place?' Everyone agreed that it was not really a matter of some land dispute.

SHRI JAIRAM RAMESH: Sir, is it a debate on Ayodhya or on the Bill?

SHRI SWAPAN DASGUPTA: No, Sir. I am coming to a larger point. ...*(Interruptions)*... I am just coming to a larger point. ...*(Interruptions)*... Mr. Jairam Ramesh, I am talking about the ideas. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: I have already requested the hon. Members to speak on the subject. ...*(Interruptions)*...

SHRI SWAPAN DASGUPTA: But, the point here really is: When Parliament abdicates its role and gives up its turf and suggests that it must go to the judiciary, we will have a different scenario. If I might use Mr. Brittas's very forceful and ideologically loaded intervention and suggested that Judges must have social conscience and the sub-text of it is that they must be very progressive in their outlook. Is the role of the judiciary — I think, this is really half the problem today...

SHRI JOHN BRITTAS: I talked about social representation.

SHRI SWAPAN DASGUPTA: I am talking about something else, Mr. Brittas. ...*(Interruptions)*... I am not yielding. You had your say. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Mr. John Birttas, don't disturb. ...(*Interruptions*)...
प्लीज़, आपस में बात न करें।

SHRI SWAPAN DASGUPTA: The point really is: Whether the role of the judiciary is to interpret law or to make law! Many problems in India today have been because of 'Judge-made' laws, not because Parliament made laws. But, it is because Parliament abdicated its responsibility. When Parliament abdicates its responsibilities is where half the problem starts. Of course, there will be disputes. There will be debate. But, unless the sovereignty of Parliament is acknowledged and the role of judiciary — Mr. Jaitley used to call it 'judicial overreach' — is actually identified, it is difficult. Today, we have taken a very bad precedent from the European Union, whereby sovereign decisions of Member-States are often overruled by the European Court! This is a disease, if I may say so, which seems to be coming and creeping into India. Increasingly, we are taking recourse to the judiciary to solve problems. For instance and to give you an example, there is a debate or, maybe, there is a unanimity on Section 377 of IPC. If you want to repeal Section 377, we should not ask a Judge to decriminalize it. Rather, we should come to Parliament and actually change the law. It is our responsibility to change the law. We do it with full awareness. I think, today, Sir, we are getting into a situation where we are depending more on what sort of Judges we are appointing. We are appointing Judges, some of whom want to do *prayaschith* to what their fathers did. Madam Vandana Chavan quoted one of them whose only contribution seems, after his retirement, to have written a book saying how many *shayaris* he recited in his judgments. Madam Chavan also pointed out in the context of the NGT. We have Judges who are, probably, not equipped to deliver judgments they give. Yet, sometimes, we say, 'But, this is a judgment.' Ultimately, if Parliament does not step in and utilize its powers and actually takes upon its responsibility that it is the principal law-making institution in this country, we will be passing on the buck to someone else who may fulfill it or may not fulfill it. But, then, distortions will happen, as has been the case in the Judicial Appointments Bill. It is this basic point that I just wanted to flag because this is an important debate which is really about different ideas on what the state of the law is. And, of course, I don't think there is any disagreement, whatsoever, that the state of judicial administration in this country has to be upgraded quite fundamentally. I just wanted to make this point.

Thank you very much, Sir.

SHRI KIREN RIJJU: Thank you, Mr. Deputy Chairman, Sir. First of all, I would like to thank ...(*Interruptions*)...

कई माननीय सदस्य : मंत्री जी, आप हिन्दी में बोलिये।

श्री किरन रिज्जु : हिन्दी में? सर, मैंने 2004 से पार्लियामेंट में मंबर के हिसाब से, मंत्री के हिसाब से debates में participate भी किया और debates सुनीं भी। मैं यह कह सकता हूं और आपको धन्यवाद देना चाहता हूं कि आज की debate का स्तर बहुत ऊंचा रहा और जिन्होंने intervene किया, उन मेम्बर्स के suggestions भी आये हैं, बहुत अच्छे-अच्छे suggestions आये हैं। इसके अलावा कुछ सवाल भी खड़े किये गये हैं और कुछ ऐसी टिप्पणियां भी की गई हैं, जिनका जवाब देना भी सही नहीं होगा, लेकिन कुछ बातें ऐसी भी आई हैं, जिनका मैं जवाब देना चाहूंगा।

जितनी बातें मेम्बर्स ने रखी हैं, उनका एक-एक करके reply देना संभव नहीं होगा, क्योंकि वे विषय से बहुत wide चले गये, लेकिन मैं उनको समाहित करके, subject-wise combine करके, कम से कम समय में जवाब देने की कोशिश करूंगा। सबसे पहले तो सभी ने इस बिल का समर्थन किया है, इसके विरोध में कोई स्वर यहां सुनाई नहीं दिया, यह बहुत अच्छी बात है, क्योंकि इसमें विरोध करने की कोई संभावना भी नहीं थी। हम बहुत ही simple amendment का प्रावधान लेकर आये हैं। जो background है, आप लोग बिल में पढ़ चुके होंगे; जो The High Court Judges (Salaries and Conditions of Services) Act, 1954, फिर the Supreme Court Judges (Salaries and Conditions of Services) Act, 1958 का 16(b) and 17(b) के amendment का explanation clause हम लेकर आये हैं, अगर उस समय, 2009 में, जब 6th Pay Commission की recommendations आई थीं, उस कमीशन की रिपोर्ट के बाद जो नियम बाकी civil servants पर लागू हुआ, जिसमें एक Office Memorandum इश्यू करके बताया गया कि 80 साल, मतलब जब 80 साल कंप्लीट होंगे, वह वाला clarification अगर judiciary का भी निकालते तो इसकी नौबत नहीं आनी थी। गुवाहाटी हाई कोर्ट का judgment, जिसको हम यह मानते हैं कि उसमें ambiguity थी, जिसकी वजह से उन्होंने इस तरह का judgment दिया कि 79 years होने से आपको 80 वर्ष का माना जायेगा तो वह ambiguity नहीं होनी थी, लेकिन civil servant का तो आप एक Office Memorandum से directions इश्यू कर सकते हैं, लेकिन हाई कोर्ट और सुप्रीम कोर्ट के judges की सैलेरी, including pension, का जहां तक सवाल है, तो यह इस एक्ट में है, इसे हम पार्लियामेंट के एक्ट से ही कर सकते थे। उस समय यह नहीं किया, जिसकी वजह से गुवाहाटी हाई कोर्ट का judgment आया, फिर बाद में मध्य प्रदेश हाई कोर्ट का judgment आया। उसके बाद हम लोगों के लिए काफी problems खड़ी हो गईं। अगर Judiciary में judges 79 साल पर पेंशन लेने लग गये तो इतने हजारों जो civil servants हैं, वे भी यह कहेंगे कि हम भी तो इस देश के नागरिक हैं, कानून सब पर बराबर लागू होना चाहिए, वे भी अगर claim करने लग जाते तो हमारे लिए बहुत बड़ी समस्या खड़ी हो जाती, इसीलिए हमेशा के लिए साफ हो जाये, बहुत क्लियर हो जाये, उस समय के legislature की intention क्या है, उसको क्लियर करने के लिए हमें यह amendment एक explanation clause के रूप में लेकर आना पड़ा। कई मुद्दे हैं, जो हमारे माननीय सदस्यों ने रखे हैं, मैं उनके नाम यहां इस सदन में रखना चाहता हूं।

डॉ. अमी याज्ञिक जी, रामकुमार वर्मा जी, पी. विल्सन जी... डा. सस्मित पात्रा जी, श्री प्रभाकर रेड्डी वेमिरेड्डी जी, श्री जॉन ब्रिटास जी, श्री ए. नवनीतकृष्णन जी, प्रो. राम गोपाल यादव जी, श्री राम नाथ ठाकुर जी, प्रो. मनोज कुमार झा जी, श्री अब्दुल वहाब जी, श्री कनकमेदला रवींद्र कुमार जी, श्रीमती वंदना चव्हाण, श्री संजय सिंह जी, श्री के. जे. एल्फोंस जी, डा. अमर पटनायक जी और अंत में श्री स्वपन दासगुप्ता जी ने यहां अपने विचार रखे हैं। सर, इस देश में सालों से पेंडिंग केसेज़ पर सभी सदस्यों ने चिंता जाहिर की और कहा कि सरकार को इस बारे में कुछ करना चाहिए। केसेज़ पेंडिंग क्यों होते हैं और वे लंबे क्यों चलते हैं, मैं उसके बारे में कुछ प्वाइंट्स बताना चाहता हूँ। Firstly, disposal of cases is within the domain of Judiciary. How fast these are to be disposed of and how the cases should be taken up is a matter where the Government has no interference whatsoever and the Government should not interfere. Timely disposal of cases in the courts depends on several factors. I would like to mention some of those issues. As regards the number of Judges, definitely, it matters. I will come to that point, about the pendency, a little later. Adequate number of Judges definitely will help in expediting the cases. Lower Judiciary is a core area where we feel that we really need to strengthen further. Adequate number of Judges should be there but their supporting staffs are equally important in disposing of the cases. As regards the physical infrastructure, in today's time especially, in the digital world, it is very important to have adequate and proper infrastructure, especially in the lower Judiciary. Then, there are other factors involved, nature of evidences, cooperation of the stakeholders, that means Bar, investigation agencies, witnesses, litigants and proper application of rules and procedures. There are several other factors which may also cause delay in disposing of the cases. These are like frequent adjournments, lack of adequate arrangement to monitor, track and bunch cases for hearing. The Central Government is fully aware of all these problems. But, in case of infrastructure, especially in the High Court and the lower Judiciary, the primary responsibility lies with the State Government. सर, राज्य सरकार को आगे बढ़ना ही होगा और केन्द्र सरकार भी इसमें पीछे नहीं हटेगी। मैं आपको बताना चाहता हूँ कि पिछले कुछ महीने पहले Cabinet decision में Centrally Sponsored Schemes के अंतर्गत lower Judiciary को ठीक करने के लिए, चुस्त-दुरुस्त करने के लिए जो कार्यक्रम चलते हैं, उनका पांच साल के लिए extension किया गया है। उसमें नौ हजार करोड़ रुपये का प्रावधान किया गया है। मैं आपको अभी तक की स्थिति के बारे में संक्षेप में बताना चाहता हूँ। वर्ष 2013 तक हमारी सरकार के आने से पहले lower Judiciary की total sanctioned strength 19,518 थी, अब उसकी sanctioned strength 24,489 है। मैं 31 दिसम्बर, 2013 का आंकड़ा दे रहा हूँ। उसमें working strength was 15,115 and now the working strength is 19,292. यह एक आंकड़ा है। उसके बाद कैबिनेट ने Centrally Sponsored Schemes पास की हैं, उनमें mainly court halls बनेंगे, जजेज़ के क्वार्टर्स बनेंगे, lawyers' halls बनेंगे, स्पेशली लेडीज़ के लिए टॉयलेट्स बनेंगे। उसके अलावा आज के समय में मॉडर्न फैसिलिटीज़ हैं, कंप्यूटर्स, डिजिटल

रूमस आदि हैं - क्योंकि सारे केसेज़ आजकल ऑनलाइन हो रहे हैं, वीडियो कॉन्फ्रेंसिंग के माध्यम से केसेज़ की हियरिंग चल रही है - तो ये सारी सुविधाएं देने के लिए भारत सरकार की कैबिनेट ने मंजूरी दी है। इसमें प्रधान मंत्री जी की बहुत क्लियर सोच है। 2015 में जब माननीय प्रधान मंत्री जी सुप्रीम कोर्ट के साथ लॉ डे मनाने के लिए एक कार्यक्रम में गए थे, उस समय उन्होंने कहा था कि 'सबका साथ, सबका प्रयास और सबको न्याय'। प्रधान मंत्री जी ने उस समय जो बात कही, उसको लगातार भारत सरकार और हमारे मंत्रालय के माध्यम से पूरा सपोर्ट सिस्टम और जो भी जरूरत है, वह हम लोग दे रहे हैं - चाहे सुप्रीम कोर्ट हो, चाहे हाई कोर्ट हो और चाहे लोअर ज्युडिशियरी हो। जहां तक इन्फ्रास्ट्रक्चर का सवाल है, आपको यह मालूम है कि सुप्रीम कोर्ट का अलग से बजट होता है, हाई कोर्ट का बजट स्टेट गवर्नमेंट देती है और लोअर ज्युडिशियरी को हम लोग यहां सीएसएस के माध्यम से देते हैं।

सर, लंबित केसेज़ का जिक्र किया गया। जैसा एमपीज़ ने इन्फ्रास्ट्रक्चर के बारे में भी कहा कि इस हालत में जजेज़ कैसे काम कर सकते हैं, तो मैं यह बताना चाहता हूँ कि हमारा भी मानना है कि आज जो लगभग 90 परसेंट केसेज़ पेंडिंग हैं, जो साढ़े चार करोड़ की बातें हो रही थीं, उनमें ज्यादा केसेज़ लोअर ज्युडिशियरी में है। जब तक हम लोअर ज्युडिशियरी को ठीक नहीं करेंगे, तब तक यह परिस्थिति बदलने वाली नहीं है। इस pandemic के समय में जिस तरीके से सुप्रीम कोर्ट, हाई कोर्ट्स और लोअर ज्युडिशियरी ने अपना काम बंद नहीं किया, बल्कि टेक्नोलॉजी का इस्तेमाल करके लोगों तक पहुंचने का जो प्रयास किया, इससे मुझे लगता है कि आने वाले दिनों में हम पेंडिंग केसेज़ को कम करने में सफलता प्राप्त करेंगे। बहुत सी चीज़ें हैं, अगर मैं उन पर डिटेल में चर्चा करूंगा, तो चर्चा बहुत लंबी हो जाएगी। मैं इतना आश्वासन देता हूँ कि हमारा खासकर - जो डिपार्टमेंट ऑफ जस्टिस है, जो कोर्ट से सम्बद्ध मामलों को देखता है - इनसे हमारे डिपार्टमेंट की जितनी भी टीम है, वह लगातार सम्पर्क में है।

सर, इसके अलावा online dispute resolution का जो एक मेकेनिज़्म निकला है, इसमें नीति आयोग भी साथ दे रहा है और नीति आयोग ने बहुत अच्छा कार्य किया है। जस्टिस सीकरी के नेतृत्व में एक कमेटी बनी है और उस कमेटी की रिपोर्ट भी आ गई है। सर, ओवरऑल हमारे जो रेगुलर केसेज़ चल रहे हैं, वे रेगुलर चलेंगे और उसके अलावा भी कई चीज़ें हैं, जिनके बारे में मैं आपको बताना चाहता हूँ। एक अच्छी चीज़, जिसको मैं इस सदन के साथ शेयर करना चाहता हूँ वह यह है कि जब से pandemic शुरू हुआ है, वीडियो कॉन्फ्रेंसिंग के माध्यम से डिस्ट्रिक्ट कोर्ट्स ने टोटल 1 करोड़, 10 लाख, 72 हजार केसेज़ की हियरिंग की है और हाई कोर्ट ने 55 लाख, 24 हजार, 21 केसेज़ की हियरिंग की है, मेरे पास यह 31 अक्टूबर तक का आंकड़ा है। इसके साथ ही सुप्रीम कोर्ट ने 1 लाख, 50 हजार, 692 केसेज़ की हियरिंग की है। इस दृष्टि से, क्योंकि हमारा देश दुनिया का सबसे बड़ा लोकतंत्र है, हमारा सुप्रीम कोर्ट और इंडिया के जितने कोर्ट्स हैं, एक ग्लोबल लीडर के रूप में उभर कर आया है। कोई देश इतने केसेज़ की हियरिंग ऑनलाइन और वीडियो कॉन्फ्रेंसिंग के माध्यम से नहीं कर पाया है। ज्युडिशियरी के साथ काफी चीज़ें हैं, जिनके बारे में आपने टिप्पणियां की हैं, उनको मैं in spirit मानता हूँ। सर, कई चीज़ें ऐसी हैं, जिन पर हमारे जजेज़ ने बहुत अच्छा काम किया, इसलिए उनका जिक्र करना भी जरूरी है। क्योंकि जब हम इस पार्लियामेंट में किसी चीज़ पर चर्चा करते हैं, तो दोनों साइड से इश्यूज़ होते हैं। वे इश्यूज़ पॉजिटिव भी हैं और नेगेटिव भी हैं। इस देश का कानून मंत्री होने के नाते, देश की जो

भावना है, जो यहाँ इस सदन में प्रकट भी हुई है, मैं उससे अलग नहीं रह सकता हूँ। इसके साथ-साथ ज्यूडिशियरी में जो अच्छा काम हो रहा है, उसको इस सदन में बताना भी मेरा कर्तव्य है। आज के दिन 18,735 districts और subordinate courts में computerization का काम, जो ई-कोर्ट का प्रपोजल है, जिसका फेज़ -2 चल रहा है, वह हो चुका है।

सर, Wide Area Network एक बड़ा इश्यू है, क्योंकि कई ऐसी जगहें हैं, जहाँ पर हमारी टेलीकम्युनिकेशन की फैसिलिटी नहीं है या हमारी जो बिजली, पानी की बेसिक जरूरतें हैं, वे फैसिलिटीज़ भी वहाँ पर नहीं हैं, इसलिए ऐसी जगहों पर कोर्ट्स फंक्शन नहीं कर सकते हैं। इन सबको सपोर्ट करने के लिए हम भारत सरकार की ओर से पूरा समर्थन दे रहे हैं।

सर, इस वक्त में live-streaming के केसेज़ भी किसी-किसी कोर्ट में टेक-अप किये गये हैं। गुजरात, कर्णाटक और ओडिशा हाई कोर्ट्स ने live-streaming के प्रावधान का इस्तेमाल शुरू कर दिया है। जो National Judicial Data Grid develop किया गया है, उसमें 19.76 करोड़ केसेज़ में जो इलास्टिकसर्च टेक्नोलॉजी है, उसके माध्यम से हम immediately access कर सकते हैं।

सर, citizen-centric services सात प्लेटफॉर्मों में तैयार की गई हैं। SMS Push and Pull, e-mail, e-courts services portal, Judicial Services Centre, info kiosks, e-courts mobile app, JustIS mobile app आदि की पूरी प्रक्रिया बनाई हुई है। यदि आम आदमी को अपने केस के बारे जानना है, तो वह जब चाहे, तुरंत क्लिक करके इन्फॉर्मेशन प्राप्त कर सकता है। उसे इसके लिए ठोकरें खाने की आवश्यकता नहीं है। सर, पंद्रह virtual courts बनाए गए हैं, जिनमें ट्रैफिक के चालान काटने के लिए व्यवस्था की गई है। इसमें जज नहीं बैठेगा, क्योंकि वह एक virtual court है। वह एक प्रकार का कोर्ट ही है, लेकिन उसमें आदमी नहीं बैठेंगे, ताकि जस्टिस की प्रक्रिया चलती रहे। इस तरीके से जो नई चीज़ आ रही है, e-filing का प्रावधान किया गया है, Version 3 e-filing has been rolled out with advanced features like e-vakalatnama, e-signing, video recording of oath, etc., integrated with e-payment module. महोदय, यह इतना easy हो गया है कि अब वहाँ दरवाज़े पर या काउंटर पर खड़े होने की जरूरत नहीं है, आप घर बैठे-बैठे ये सारी सुविधाएं ले सकते हैं।

Sir, the National Service and Tracking of Electronic Process Services has been developed for process-serving and issue of summons. यह भी एक बहुत अच्छी शुरुआत हुई है। मैं इसको ऐसे मानता हूँ कि ये एक तरह से critical areas में judicial reforms हो रहे हैं। सर, आप लोगों ने जो मुद्दे उठाए हैं, मैं उनमें सबसे बड़ा मुद्दा appointment का process और National Judicial Appointment Commission को लेकर मेम्बर्स ने जो टिप्पणियाँ की हैं, उसको मानता हूँ। वह विषय गंभीर है और सरकार के लिए भी एक बहुत ही महत्वपूर्ण विषय है। मैं इसके साथ-साथ यह भी मानता हूँ कि पूरे देश को इस विषय पर गंभीरता से सोचने की आवश्यकता है।

सर, 2015 में, जब इस बिल पर चर्चा हुई, तो लोक सभा और राज्य सभा में unanimously, एक मत से, केवल हमारे एक ऑनरेबल मेम्बर को छोड़कर, पूरे सदन ने इसको एक आवाज़ में पारित किया था। उसके बाद जब इसको *ultra vires* declare किया गया, जब यह strike down हुआ, तो इसके बारे में आप लोगों को मालूम है, हम लोगों ने भी इस पर पूरी प्रक्रिया की है - मैं इसको confrontation के mood से नहीं बोल रहा हूँ, परंतु मैंने अपने ऑनरेबल मेम्बर्स

का जो मूड देखा है, जिसको हमने सुना भी है, देखा भी है और रिकॉर्ड भी किया है, इसलिए मैं बताना चाहूंगा कि 2015 में - क्योंकि आज हमारे ऑनरेबल मेम्बर्स ने जो बात यहाँ रखी है, वह बात तो है ही, परंतु 2015 में जो बात रखी गई थी, मैं उसके एक-दो अंश पढ़ना चाहता हूँ ताकि पूरी पार्लियामेंट का, इस सदन का एक भाव और clearly प्रकट हो जाए। इनमें सबसे पहले तो कांग्रेस के हमारे वरिष्ठ साथी डा. अभिषेक मनु सिंघवी जी हैं। ये इस सदन में डा. अभिषेक मनु सिंघवी जी के वर्ड्स हैं - "This is something on which both the God and the devil lie in the details. And this Bill details what the constitutional structure provides for. Let me begin by congratulating the Law Minister for being the pilot on a momentous occasion, momentous for more reasons than one; first of all, because it is after a long time that we have brought a very substantive set of legislations dealing with the most powerful organ. Let us not kid ourselves. The Judiciary continues to be the *de facto* most powerful organ of governance, not only having the power to interpret laws and to invalidate laws, but also to invalidate constitutional amendments." केटीएस तुलसी जी ने क्या कहा - "Sir, we want to say that the real issue in the matter of appointment of Judges is not who will appoint, but how we will appoint and there needs to be transparency; there needs to be wider consultation in the matter of establishing data. The Law Minister was saying that there will be a pool of Judges for the whole country." हमारी तृणमूल कांग्रेस पार्टी के माननीय सदस्य सुखेन्दु शेखर राय जी ने क्या कहा - "Sir, I rise to support this Bill on behalf of All India Trinamool Congress in as much as this Bill seeks to uphold the balance of power between the Executive and the Judiciary as enshrined in our Constitution." मेरे पास ऐसे कई quotes हैं, लेकिन मैं सबको यहां नहीं कहना चाहता, लेकिन एक बात मैं कहना चाहता हूँ। एक honorable Judge हैं, जिन्होंने इस Judicial Commission को strike down किया, उसमें he was one of the Judges who was part of that consenting decision. यह 1:4 में आया था। जस्टिस कुरियन जोसेफ ने अपनी रिटायरमेंट के बाद जो कहा, मैं उसे verbatim quote करना चाहता हूँ। "I regret NJAC decision after seeing things now." He further said, "Have to improve the collegium system, but nothing has been done. The only improvement is that resolutions are uploaded. That is why I regret my National Judicial Appointment Commission Judgement. None of the suggestions for the improvement of the collegiums was implemented. I even wrote a letter." मैं सदन में ये जो बातें आपके सामने रख रहा हूँ, ये इसलिए महत्वपूर्ण हैं कि इनका भाव क्या है। यह सिर्फ पार्लियामेंट का भाव नहीं है, Judiciary से भी इस तरह की आवाज़ें आ रही हैं। इसके अलावा मैंने कई Judges से मुलाकात की, कइयों ने इस व्यू को मेरे सामने रखा है। उनमें से कई ऐसे हैं जो सुप्रीम कोर्ट के डिजीजन का समर्थन करते हैं। मेरे विधि और न्याय मंत्री का पद सम्भालने के बाद अभी मुझे सुप्रीम कोर्ट बार एसोसिएशन ने एक चिट्ठी लिखी है, after I took over as the Law Minister. मैं उसका एक पोर्शन पढ़कर आपको सुनाना चाहता हूँ because these views came from the Supreme Court Bar Association. The President is Vikas Singh. He wrote to me. The letter says, "I feel

that a legislation can be brought in which will facilitate the appointment of Judges to the High Courts as well as to the Supreme Court by creating a permanent Secretariat having duly qualified persons in the same, who should be entrusted with responsibility of constantly updating the data of persons, who could be considered for elevation and also enjoining upon various High Courts as well as Supreme Court to recommend names in a time-bound manner so that no vacancy of a Judge ever remains vacant even for a single day. I feel that members of the collegiums, both at the Supreme Court as well as High Courts, being senior Judges of their respective Courts, are not able to devote their enough time for this onerous responsibility and thus providing them with a Secretariat to assist them in the matter of appointment of Judges would go a long way in ensuring that the best are appointed to the higher judiciary." यह 'बार' से भी आवाज़ आ रही है, इसके अलावा सुप्रीम कोर्ट, हाई कोर्ट्स और बाकी कई senior Judges का भी व्यू आ रहा है। पार्लियामेंट का व्यू तो हमने सुन ही लिया है। लगता है कि इस पर आगे और गम्भीरता से सोचने की आवश्यकता है।

मैं आज यहां खड़े होकर कोई announcement नहीं कर सकता हूँ, क्योंकि जब हम कोई announcement करेंगे तो consultation के माध्यम से ही करेंगे। मैं मानता हूँ कि consultation करके कोई चीज़ हम सामने लाते हैं, तो उसका रिज़ल्ट भी बढ़िया होगा। जो total appointment process है, 1993 से पहले जितने भी Judges appoint हुए हैं, संविधान में जो लिखा है, उसी process को हम carry forward कर रहे थे। आप सब जानते हैं कि संविधान में क्या लिखा है इसलिए मुझे उसे पढ़ने की आवश्यकता नहीं है। उसमें लिखा है कि भारत के राष्ट्रपति Chief Justice से consultation करके appoint करेंगे। सन् 1993 के बाद जब यह consultation को concurrence में बदल दिया, तो उस समय मैंने भी एक observation किया कि बाकी जगहों में तो consultation को consultation ही मानते हैं, वह अलग चीज़ है। जो concurrence है, वह concurrence ही है, लेकिन इसी विषय में सुप्रीम कोर्ट ने 'consultation means concurrence', यह जो definition दिया, उसके बाद और 1993 के बाद 1998 में जो जजमेंट दिया, उसको expand करके collegium constitute हुआ। उसके बाद से collegium का system चलता आया है। जब NJAC strike down हुआ, उसके बाद फिर से विचार आया कि अब क्या करना है और पुराने system, collegium system को कैसे और आगे ले जाना है, क्योंकि criticisms बहुत आ रही हैं, क्योंकि present system में transparency नहीं है, इसमें कोई accountability नहीं है, यह आवाज़ तो सब सुन ही रहे हैं। अगर हम कोई नया एक्ट लाते हैं, तो वह अलग विषय है। जब तक हम इसे नहीं लाते हैं, तो हमारा जो existing Memorandum of Procedure है, उसमें इसे कैसे ठीक किया जा सकता है, इसके लिए सुप्रीम कोर्ट के कुछ directions आए। हमारे मंत्रालय ने उनका जवाब दिया। यह आगे-पीछे होता रहा। इस वक्त जो draft Memorandum of Procedure है, that we have placed before the hon. Supreme Court. जब चर्चा आई है, तो यह बात तो उठेगी ही, लेकिन जब तक draft Memorandum of Procedure पर सुप्रीम कोर्ट से कुछ final होकर नहीं आएगा, तब तक मैं उस पर कुछ comment नहीं कर सकता हूँ। लेकिन मैं इस सदन को यह बात बताना आवश्यक मानता हूँ कि एक महानदी केस आया। उस केस में तीन

सुप्रीम कोर्ट जजेज़ की रूलिंग आई और वे एक step आगे बढ़े और उन्होंने कहा कि जब second, reiterated cases होते हैं, जैसे procedure में नाम आते हैं, आप सबको मालूम है, the new situation, which has emerged, which I would like to place before this hon. House. Now, the latest Supreme Court direction, which has come in the Mahanadi case is; that the names are reiterated for the second time, the Government has to appoint them within three to four weeks. Now, this direction, which has come from the Supreme Court, is not yet part of the Memorandum of Procedure, and I have already expressed my views in the right location and right place that this is a difficult proposition for the Government. If there are things which are put to the Government and which put the Government in a difficult situation, then we will be forced to refer back to the provisions of the Constitution. Now, when the founding members of the Constitution had intended certain things, it is the duty and obligation on our part to ensure that the intent of the legislation is carried forward. And, I don't want to spin the things out of way right now, but the present situation, as it stands, is that we are having a Memorandum of Procedure and that we are in the process of consultation with the Supreme Court and I hope, within the existing system, unless it is being changed, we should be carrying forward our duty diligently.

सर, कई सुप्रीम कोर्ट जजमेंट्स में यह कहा गया कि the Government cannot be a mute spectator. The Department of Justice has to do due diligence. अब जब High Court collegiums से नाम आते हैं, तो जब वे हमारे पास आते हैं, तो इनकी parallel lists Supreme Court collegium के पास भी जाती हैं, so that we can save precious time. जब ये हमारे पास आती हैं, तो for doing due diligence, there is a process. कभी-कभी यह बात आती है कि इतने High Court judges की vacancy है, why is the Government not acting? It sounds as if the entire responsibility lies with the Government. ऐसा बिल्कुल नहीं है। आज से कुछ दिन पहले मैंने पार्लियामेंट में एक जवाब दिया, ठीक है, उस समय हमारे पास ज्यादा नाम थे, but the situation is not same; it is dynamic. Next day, I might have sent the names to the collegiums. यह तो dynamic है। जो process है, उसमें टाइम लगता ही है। In any given case, the pendency or vacancy cannot be completely subsumed. वह हो नहीं पाएगा। हम लोगों ने High Court collegiums से भी यह request की है कि सब कुछ टाइम से आ जाए। सुप्रीम कोर्ट के चीफ जस्टिस ने भी personally सारे High Court collegiums से, Chief Justices से request की है कि please send the names on time. सर, आप बताइए, if a name, which I receive, and according to the report of the Government, from all the resources and all the inputs which we have, if we find that a particular person is not fit to be a Judge, then how can we be forced कि उसको appoint करना ही है। सर, आज तो इस सदन में ज्यादा नाम नहीं लिए गए, but in the other House, names have been taken as to why this Judge not appointed, or, why a particular Judge's name is pending with the Government. In this, there are certain things. I cannot disclose everything what

these reports are when the Government considers that a person is not fit to be a Judge of either Supreme Court or the High Court. Sir, due diligence का मतलब तो यही है कि सारे तंत्र में जो भी resources हम apply करें, उन पर जो सरकार का फैसला होता है, उसके अनुसार एक अच्छा निर्णय दें। Then, ultimately, Supreme Court से हमारे पास नाम आते हैं, फिर हम राष्ट्रपति जी के पास वे नाम भेजते हैं और फिर appointment होता है। इस तरीके से मैं मानता हूँ कि सरकार की तरफ से कोई विलम्ब नहीं हुआ है। अभी जब से मैं इस देश का कानून मंत्री बना हूँ, उसके immediately बाद सुप्रीम कोर्ट के nine judges आए हैं, आज काफी मेम्बर्स ने इस बात का जिक्र भी किया है, and, for the first time, three lady women Judges of the Supreme Court were appointed. देश में यह एक अच्छा संदेश गया है। Hon. Chief Justice और हम लोग जब मिलते हैं, तो इसके लिए लोग एक-दूसरे को compliment करते हैं। That is how we work as a team. हम लोग देश के लिए काम करते हैं। न्याय तो चाहे आप कोर्ट के रूम से दो, यहां से दो या जमीन पर जाकर दो, सिर्फ न्याय देने की प्रक्रिया और तरीके अलग-अलग हैं। Judiciary और हम अलग नहीं है, लेकिन जब लोग कहते हैं कि judiciary independent है, if people talk about the independence of Judiciary, so is the independence of Legislature and so is the independence of Executive. संविधान में रेखा तय की गई है कि आपको over-step, over-reach नहीं करना चाहिए, यह आपका domain है और जब किसी एक organ का domain तय किया हुआ है तो दूसरे organ का भी domain तय किया हुआ है। कभी भी हम over-reach नहीं करना चाहते। मैं जब बोलता हूँ, तो बहुत cautious रहता हूँ। I am being very careful and cautious that my words should not be misconstrued as a challenge to the independence of judiciary. मैं कभी भी यह नहीं चाहूंगा, लेकिन as a Member of Parliament, I am part of the Legislature and as a Minister, I am part of the Executive. हम अपने दायरे में काम कर रहे हैं और हम अपने दायरे से बाहर नहीं जाएंगे। जब हम अपने दायरे से बाहर नहीं जाएंगे, तो हमारी कोशिश यह भी रहेगी कि कोई दूसरा भी हमारे दायरे में न आए, इतनी तो हमारी भी कोशिश रहनी चाहिए।

सर, आज जो चर्चा हुई, वह बहुत अच्छी हुई, उसमें कई चीजें सामने रखी गईं, especially social justice के बारे में बहुत सारी बातें रखी गईं। चूंकि हमारा देश multi-dimensional, multi-racial, multi-cultural, multi-regional है और इसमें equal representation of all sections of the society is always important. Even if it is not written in the Constitution or any statute book, it is always being practised. हम political parties में भी ऐसा करते हैं, जैसे महिलाओं को भी टिकट देकर एमपी बना कर लाना है, एससी/एसटीज को लाना है, यह हम करते हैं। These are being practised. हमने अभी Chief Justices of High Courts को लैटर लिखा है। उसमें हमने इस बात पर stress दिया है कि while recommending the names for consideration as judges, please include as much as possible the names of candidates belonging to SC, ST or other backward classes and also women. सर, हम इसी spirit को आगे लेकर जाना चाहते हैं। हम मानते हैं कि अगर judiciary हमें cooperate करेगी, तो इसमें हम बहुत अच्छा नतीजा ला सकते हैं। मुझे भी खराब लगता है कि सुप्रीम कोर्ट में आज तक एक ही ST Judge रहे हैं और वर्तमान में कोई भी ST judge

नहीं है। ठीक है, इसमें कोई reservation की व्यवस्था नहीं है, लेकिन अगर representation होता तो और अच्छा होता। इस तरीके से एक अच्छे माहौल में देश की व्यवस्था हो, तो यह हम सबके लिए बहुत अच्छा होगा और इससे एक अच्छा संदेश भी जाएगा।

National Judicial Infrastructure Authority के बारे में कई मेम्बर्स ने जिक्र किया। चीफ जस्टिस साहब ने मुझे पत्र लिखा और पत्र लिखने के बाद उन्होंने सार्वजनिक स्थानों पर भी बहुत ही forcefully इस बात को रखा। मैंने formally अभी उनको जवाब नहीं दिया, क्योंकि judiciary means Supreme Court, High Court, District Courts and Subordinate Courts. यह federal structure का एक बहुत बड़ा मामला है। अगर मैं स्टेट्स के साथ चर्चा किए बिना उनके पत्र का जवाब देता हूँ, तो मैं मानता हूँ कि यह संविधान की spirit के खिलाफ होगा। After all, the infrastructure of the High Courts and the lower judiciary lies in the domain of the State Government. मैंने अब इस पर चर्चा शुरू की है और State Governments का view भी मांगा है। जैसे ही हमारे पास views आ जाएंगे, appropriately हम उसका जवाब देंगे। जो भी सही है, उस पर जो निर्णय करना चाहिए, हम करेंगे, लेकिन मैं मानता हूँ कि जो इन्फ्रास्ट्रक्चर का issue है, it is not because there is no National Judicial Infrastructure Authority. It may be because of various other reasons. वह हमारे संज्ञान में है, मेम्बर्स ने जो सजेसंस दिये हैं, मैं उन्हें राइट स्पिरिट में लेता हूँ। ऑल इंडिया ज्यूडिशियल सर्विसेज के बारे में कहा गया है। जैसे आईएस, आईएफएस और आईपीएस बनते हैं। हमारे यहां काफी मेम्बर्स हैं, जो रिटायर्ड सर्विसेज वाले हैं। ये इलीट सर्विसेज हैं, हम जानते हैं कि बहुत मेहनत करने के बाद वे उन सर्विसेज का एग्जाम पास करते हैं। आज लोअर ज्यूडिशियरी में लोग कहते हैं कि स्मार्ट, यंग और बहुत केपेबल लोग क्यों they are not encouraged, वे लोग क्यों नहीं जाना चाहते हैं? Why are they inclined to go to High courts straightaway? हम दस साल प्रेक्टिस करेंगे और जब हाई कोर्ट के एक सीनियर लॉयर बन जायेंगे तो हम जज के लिए कंसिडरेशन करेंगे। लोअर कोर्ट में क्यों नहीं जाना चाहते हैं? उसमें एक प्रॉब्लम है, उस प्रॉब्लम का बहुत ज्यादा जिक्र करूंगा तो उसका प्रोसेस बहुत लम्बा है। सरकार ने ऑल इंडिया ज्यूडिशियल सर्विसेज के बारे में कई कंसल्टेशंस किये हैं, काफी ड्राफ्ट्स किये हैं, लेकिन उसमें प्रॉब्लम यह है कि आज ज्यादातर हाई कोर्ट्स इसका विरोध कर रहे हैं। A majority of the High Courts do not want All India Judicial Services. स्टेट में भी विभाजित हैं, many of the States are not willing to consider or support All India Judicial Services. मेरे पास तर्क है, लेकिन आज विषय वह नहीं है, इसलिए मैं तर्क नहीं रखूंगा। Someday, if Government decides to come up with this proposal, then we have adequate means and adequate reasons to tell that All India Judicial Services will bring revolutionary change in the quality of Indian judiciary. लेकिन आज यह विषय नहीं है, इसलिए मैं उसे कमिट नहीं कर रहा हूँ, and I am not going to discuss that at length.

Some of the Members have requested for constituting regional bench and the Supreme Court should remain as a constitutional bench only. हमारे एटॉर्नी जनरल ने भी कांस्टिट्यूशन डे पर कहा है कि the Supreme Court should be a constitutional bench only and other appellate benches should be established in different locations. यह बात आई है। आर्टिकल 130 में जो लिखा है, one of the Members had already read it out, 'the

Supreme Court shall sit in Delhi or in such other place or places as the Chief Justice of India may, with the approval of the President, from time to time, appoint.' इस विषय को लेकर पार्लियामेन्टरी स्टैंडिंग कमिटी की रिपोर्ट भी आई है। उस बेसिस पर हमारे मंत्रालय ने चीफ जस्टिस को पत्र लिखा और चीफ जस्टिस का जवाब भी आ गया है। The Chief Justice of India, in his letter dated 12th August, 2007, informed that after consideration of the matter, the full court, in its meeting held on 7th August, 2007, found no justification for deviation from its earlier Resolution on the subject and unanimously resolved that the recommendation made by the Committee cannot be accepted. So, the matter is being rejected by the Supreme Court. Hon. Members have raised this matter. If this case is to be taken up, we can discuss about it. But as it stands today, the matter is with the Supreme Court and they have not accepted this proposal.

Language is a big issue. I was the Minister of State of Home Affairs for five years where *Rajbhasha* was a part of my charge. तो मैं इसके बहुत पक्ष में रहा हूँ कि रीजनल लैंग्वेजेज में हिन्दी, तमिल, तेलुगू, असमी, बंगाली, गुजराती अगर हो सकती हैं तो बहुत अच्छी बात है, लेकिन यह मैटर भी सुप्रीम कोर्ट के चीफ जस्टिस के पास है। यूपी, बिहार, झारखंड, मध्य प्रदेश को छोड़कर हिन्दी का प्रयोग दूसरी जगहों में नहीं हो रहा है। रीजनल के बारे में जितने सेन्टिमेंट्स शो किये हैं, अगर वह हो सकता है तो अच्छी बात है, लेकिन मैं इसलिए आपको दोबारा कह रहा हूँ कि यह मैटर भी 1966 में जब कैबिनेट ने चीफ जस्टिस ऑफ इंडिया को रेफर किया, उसी समय से ही यह चीफ जस्टिस ऑफ इंडिया के पास है, यह सरकार के पास नहीं है। सर, कई लोगों ने undertrials के बारे में जिक्र किया। मैं भी इस मुद्दे को उठा चुका हूँ। हमारी जो jails हैं, वे सचमुच भरी पड़ी हैं। There are a number of undertrials who are languishing in jails beyond the stipulated time. सर, मैंने स्टेट गवर्नमेंट्स से भी रिक्वेस्ट करने के बारे में सोचा है। जो Advisory Committee है, उसमें भी पहले -- मैं जब Minister of State in the Ministry of Home Affairs था -- उसमें भी हम लोगों ने इस बात को take up किया था। अब मैं चीफ जस्टिस, हाई कोर्ट्स को भी लिखूँगा और स्टेट गवर्नमेंट्स से भी बात करूँगा। The unfortunate undertrials, who are languishing in jails for a very long time, also need to be provided legal aid. सर, NALSA के माध्यम से, I am appealing to our paralegal volunteers and the panel lawyers and recently also I appealed to them that they should go out of the way to provide legal aid to those unfortunate undertrials. Free legal aid is the right of the citizen of India, यह मिलना चाहिए। अगर मैं गरीब हूँ, इसलिए मुझे न्याय नहीं मिलेगा - यह क्या बात हुई? If somebody is entitled to free legal aid, we should ensure that it must be provided. इसलिए सुप्रीम कोर्ट के सीनियर जज, Justice U.U. Lalit की chairmanship में NALSA का जो कार्यक्रम देश भर में चल रहा है, उसमें one of the efforts is to ensure that we provide legal aid to the undertrials. मैंने अभी-अभी उत्तराखंड में जाकर भी अपील की है कि हम इसको सपोर्ट करें। जिसको जेल में नहीं रखना है, उसको नहीं रखना चाहिए, किसी को छोटे-छोटे केसेज में बिना मतलब के वहाँ नहीं रखना चाहिए। इसलिए सर, मैंने Law Ministers की एक मीटिंग call करने का निर्णय किया है। जब हम Law Ministers

का conference बुलायेंगे, तो मैं आपको आश्वासन देता हूँ कि मैं इस विषय को Law Ministers' conference में रखूँगा। हम लोग ensure करेंगे कि इस तरह से जेलों में जो बुरी हालत बनाकर रखी हुई है - क्योंकि जेलों का maintenance वगैरह स्टेट का सब्जेक्ट है, इसलिए इसको थोड़ा ठीक करने के लिए एक बहुत ही pro-active step सबको जरूर उठाना चाहिए। मैं इसको आगे ले जाऊँगा।

सर, Security of Judges के बारे में आशंकाएँ भी प्रकट की गयी हैं। उन पर जो कुछ attacks हुए हैं - जैसे दिल्ली में घटना हुई, झारखंड में घटना हुई, इनको मैंने भी काफी गम्भीरता से लिया है। लेकिन law and order स्टेट का सब्जेक्ट होता है और overall इसे Home Ministry देखती है, इसलिए Home Ministry भी इसे संज्ञान में ले रही है। इस पर हमारे मेम्बर्स ने यहाँ अपनी जो चिन्ता जाहिर की है, as the Law Minister मैं उसको समर्थन देता हूँ। Judges की security बहुत ही जरूरी है। अगर Judges physically safe नहीं हैं, तो उनका mind कैसे काम करेगा? उनको जिस तरह का माहौल चाहिए, वह माहौल देना हमारा कर्तव्य है।

सर, इसके साथ मैं यह कहना चाहूँगा कि issues इतने ज्यादा हैं कि मैं सोच रहा था कि कुछ और जवाब दूँगा, लेकिन आज के लिए मैं समझता हूँ कि इतना काफी है। सर, मैं जाते-जाते last में यह कहूँगा कि 2018 में जब हम इस हाउस में Criminal Law (Amendment) Bill लाये थे, तब मैंने ही उस बिल पर बोला था और वह बिल पास हुआ था। उसके तहत कई Fast Track Courts बने हैं और special courts, जैसे- POCSO courts भी बने हैं। देश भर में इस वक्त बहुत अच्छी व्यवस्था की हुई है। जितनी स्पीड से trial होना चाहिए, वह अभी नहीं हो रहा है, लेकिन इसमें काफी positive बातें हैं। इस वक्त, out of 28 States and 7 Union Territories, वैस्ट बंगाल का जो performance है, वह अच्छा नहीं है। यह बताना मेरी मजबूरी है। मैंने वैस्ट बंगाल की चीफ मिनिस्टर को भी लिखा कि सारे देश में Fast Track Courts बन चुके हैं, POCSO courts बन चुके हैं, लेकिन एक राज्य ऐसा क्यों है कि वह इस ओर बिल्कुल कदम नहीं उठा रहा है। यह हमारे लिए ठीक बात नहीं है। ...**(व्यवधान)**... सर, चूँकि पार्लियामेंट को यह जानने का अधिकार है और मुझे बताना बहुत जरूरी है, इसलिए मैंने यह बताया। Fast Track Courts के बारे में कई मेम्बर्स ने डिमांड की है कि इन्हें जल्दी बनाना चाहिए, जल्दी trial करना चाहिए, जल्दी जस्टिस देना चाहिए, तो हम यह काम बिल्कुल कर रहे हैं। हम अपनी तरफ से इसमें कोई कसर नहीं छोड़ेंगे। मैं आपको पूरा आश्वासन देता हूँ और आपके माध्यम से सदन को आश्वासन देना चाहता हूँ कि किसी भी राज्य सरकार और केन्द्र सरकार के बीच judiciary के मामले में कोई politics नहीं होगी। और जब justice की बात होती है, तो हम लोग सब एकजुट हैं। महोदय, मैं कई बार कह चुका हूँ और आज आपके सामने दोहरा रहा हूँ कि आम आदमी और न्याय के बीच कोई दूरी नहीं होनी चाहिए और उसके लिए चाहे जो भी करना पड़े, हम लोगों को political line से बाहर आकर एकजुट होकर काम करना चाहिए। उसी spirit से इस बिल का बिना politics लाये आप सबने समर्थन किया, इसके लिए मैं आप सबको बहुत-बहुत धन्यवाद देता हूँ।

MR. DEPUTY CHAIRMAN: The question is:

That the Bill further to amend the High Court Judges (Salaries and Conditions of Service) Act, 1954 and the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958, as passed by Lok Sabha, be taken into consideration.

The motion was adopted.

MR. DEPUTY CHAIRMAN: We shall now take up Clause-by-Clause consideration of the Bill.

Clauses 2 and 3 were added to the Bill.

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

MR. DEPUTY CHAIRMAN: Shri Kiren Rijju to move that the Bill be returned.

SHRI KIREN RIJJU: Sir, I move:

That the Bill be returned.

The question was put and the motion was adopted.

MR. DEPUTY CHAIRMAN: Special Mentions.

SPECIAL MENTIONS

Demand to fix rates of various treatment and procedures in private hospitals for general public on the lines of CGHS

श्री राम नाथ ठाकुर (बिहार) : उपसभापति महोदय, देश में निजी क्षेत्र के अस्पतालों की इलाज दरों में घोर असमानता है। निजी अस्पतालों के महंगे इलाज के एवज में बीमार व्यक्ति को भारी-भरकम बिल चुकाना पड़ता है, जिससे उसकी आर्थिक स्थिति खराब हो जाती है। इसका एक मुख्य कारण निजी अस्पताल की दरों पर कोई नियंत्रण न होना है। निजी अस्पताल मरीजों से इलाज के एवज में मनमाने तरीके से धनराशि वसूलते हैं, इसकी कोई पॉलिसी नहीं है। पॉलिसी के अभाव में जनता इलाज के लिए मनमानी राशि देने हेतु बाध्य है।

महोदय, मैं सरकार के संज्ञान में लाना चाहता हूँ कि देश में संचालित मेडिकलेम कंपनियां अपने पॉलिसी होल्डर को सस्ती दरों पर इन्हीं निजी अस्पतालों में इलाज कराने के लिए समझौता करती हैं, जिनकी दर काफी कम है। इसी प्रकार सीजीएचएस की दर भी है। जब छोटी-छोटी

मेडिकलेम कंपनियां, निजी अस्पतालों से समझौता करके सस्ती दरों पर इलाज करा सकती हैं, तो सरकार क्यों निजी अस्पतालों के लिए दर तय नहीं करती, जिसके आधार पर जनता सस्ती दरों पर इलाज करा सके?

महोदय, मेरी मांग है कि निजी अस्पतालों में इलाज हेतु सभी चीजों की दर तय की जाए, जिसके आधार पर आम नागरिक निजी अस्पतालों से सस्ती दरों पर इलाज करा सकें।

SHRI SUJEET KUMAR (Odisha): Sir, I associate myself with the Special Mention made by Shri Ram Nath Thakur.

DR. SASMIT PATRA (Odisha): Sir, I also associate myself with the Special Mention made by Shri Ram Nath Thakur.

DR. AMAR PATNAIK (Odisha): Sir, I also associate myself with the Special Mention made by Shri Ram Nath Thakur.

Demand to extend the input subsidy and SDRF help to farmers possessing land upto five hectares in Desert Development Programme (DDP) districts of Rajasthan

श्री नीरज डांगी (राजस्थान) : उपसभापति महोदय, राजस्थान क्षेत्रफल की दृष्टि से देश का सबसे बड़ा राज्य है, परन्तु जनसंख्या घनत्व की दृष्टि से यह प्रदेश देश में 24 वें स्थान पर है। राजस्थान का एक बड़ा भू-भाग रेगिस्तानी या शुष्क जलवायु वाला है। यहां भूमि की उत्पादकता बहुत कम है और आम तौर पर एक वर्ष में केवल एक ही फसल ली जाती है। प्रदेश में Rain fall बहुत कम होती है, तथापि पहले जो जिले मरु विकास कार्यक्रम (Desert Development Programme) का हिस्सा थे, वहां किसानों के पास जमीन तो बहुत है, परन्तु इस भूमि को जोतना बहुत मुश्किल एवं unproductive है। राजस्थान के ये जिले अजमेर, बाड़मेर, बीकानेर, चूरू, हनुमानगढ़, जयपुर, जैसलमेर, जालोर, झुंझुनूं, जोधपुर, नागौर, पाली, राजसमंद, सीकर, सिरोही और उदयपुर हैं। इसलिए छोटे और सीमांत किसानों की पात्रता मापदंड जो 2 हेक्टेयर तक भूमि की सीमा है, वह इन जिलों के लिए उपयुक्त नहीं है। इसके स्थान पर भारत सरकार द्वारा राजस्थान के परिप्रेक्ष्य में SDRF के तहत सहायता के लिए एवं कृषि input subsidy की अधिकतम सीमा 2 हेक्टेयर से बढ़ाकर 5 हेक्टेयर तक की जानी चाहिए।

6.00 P.M.

इसी तरह सूखा विकास कार्यक्रम (डीडीपी) जिलों के पाँच hectare भू-धारिता वाले किसानों को लघु एवं सीमांत किसानों की श्रेणी में शामिल किया जाना चाहिए।

इस संदर्भ में राजस्थान सरकार द्वारा गृह मंत्रालय, भारत सरकार से पत्राचार करते हुए लगातार अनुरोध किया जा रहा है। अतः राजस्थान के परिप्रेक्ष्य में यह सीमा पाँच hectare तक बढ़ाई जानी नितांत आवश्यक है।

DR. AMAR PATNAIK (Odisha): Sir, I associate myself with the Special Mention made by the hon. Member.

DR. SASMIT PATRA (Odisha): Sir, I too associate myself with the Special Mention made by the hon. Member.

श्री उपसभापति : माननीय सदस्यगण, छः बज चुके हैं, लेकिन कुछ और Special Mentions बाकी हैं। Special Mentions खत्म होने तक सदन बैठेगा। श्री अयोध्या रामी रेड्डी आला जी।

**Demand to revise the decision regarding reduction in the borrowing limit of
Government of Andhra Pradesh**

SHRI AYODHYA RAMI REDDY ALLA (Andhra Pradesh): Sir, I wish to highlight the plight of the State of Andhra Pradesh which must be immediately mitigated by the Central Government. The ruling Government of Andhra Pradesh is trying its best to recover from the impact on finances of bifurcation. However, the Central Government's move of reducing the net borrowing limit of the State by Rs.17,923.24 crores on account of "overborrowing" of the State during 2016-17 is further increasing the plight caused by the stressed finances. The originally fixed limit was Rs. 42,472 crores, which has now been significantly reduced. *

MR. DEPUTY CHAIRMAN: No, no. जो कटा हुआ है, you cannot read that.

SHRI AYODHYA RAMI REDDY ALLA: *

MR. DEPUTY CHAIRMAN: No, no. It is not going on record. You cannot read that.

SHRI AYODHYA RAMI REDDY ALLA: Sir, the "overborrowing" mentioned was done by the previous Government of the State during the financial year 2016-17, after which the borrowing limit of the previous Government should have been adjusted for the

*Not recorded

years 2017-18 and 2018-19. The same was not done, and it is at a critical juncture of reeling from the financial losses of the Covid-19 pandemic and bifurcation *

MR. DEPUTY CHAIRMAN: Sorry, Mr. Ayodhya Rami Reddy. The deleted portion is not going on record. You are not supposed to read that.

SHRI AYODHYA RAMI REDDY ALLA: Okay, Sorry, Sir.

MR. DEPUTY CHAIRMAN: You read only the portion approved by hon. Chairman.

SHRI AYODHYA RAMI REDDY ALLA: Right, Sir. Since the current Government had no involvement in this overborrowing, the Central Government should not curtail our finances. Despite multiple requests by the State Government to correct this, the Ministry of Finance has not accepted our request. I urge the concerned Ministry to immediately resolve this issue and ensure that the State Government of Andhra Pradesh gets the finances rightfully due to it. Thank you, Sir.

DR. AMAR PATNAIK (Odisha): Sir, I associate myself with the Special Mention made by the hon. Member.

DR. SASMIT PATRA (Odisha): Sir, I too associate myself with the Special Mention made by the hon. Member.

MR. DEPUTY CHAIRMAN: Dr. Fauzia Khan, not present. Shri Sujeet Kumar.

**Demand to alter fund sharing pattern from 75:25 to 90:10 under the
State Disaster Response Fund (SDRF) for Odisha**

SHRI SUJEET KUMAR (Odisha): Sir, as per the recommendations of 14th Finance Commission, the fund sharing pattern between the Centre and the States in the SDRF ought to be in the ratio 90:10, respectively. But, the Union Government, in the Explanatory Memorandum, accepted the recommendations of 14th Finance Commission with a modification that the percentage share of States will continue to

*Not recorded

be 75:25 and that once the GST is in place, the recommendations of 14th Finance Commission on Disaster Relief would be fully implemented.

Accordingly, the Union Government released their share in the ratio of 90:10 for the year 2018-19, which was subsequently reduced to 75:25 with adjustment of excess released in 2018-19. It was intimated by Union Government that, "since GST has not been stabilized, the competent authority has decided that during 14th Finance Commission award period, Centre's share/contribution in State Disaster Response Fund (SDRF) shall remain in the same ratio as it was in 13th FC award period." The 15th Finance Commission has also recommended that the sharing pattern in State Disaster Risk Management Fund (SDRMF) be in the ratio of 75:25 for the years 2021-22 to 2025-26. But, Sir, as per the Disaster Risk Index (DRI) worked out by the Commission for States, the score of Odisha is 90 out of 100, the highest among all States. Taking this into consideration, I urge the Centre to give a special dispensation toward Odisha by allowing the sharing pattern for SDRMF to be in the 90:10 ratio at par with North-Eastern and Himalayan States. Thank you, Sir.

DR. AMAR PATNAIK: Sir, I associate myself with the Special Mention made by the hon. Member.

DR. SASMIT PATRA: Sir, I too associate myself with the Special Mention made by the hon. Member.

Demand to protect the Pushkar Brahma Temple in Rajasthan

श्री संजय सिंह (राष्ट्रीय राजधानी क्षेत्र, दिल्ली) : महोदय, विश्व में भगवान ब्रह्मा का एकमात्र मंदिर भारत में राजस्थान के पुष्कर शहर में विद्यमान है, जिसे वर्ष 2003 में भारत सरकार के पुरातत्व सर्वेक्षण विभाग के माध्यम से सरकार ने अपने अधीन ले लिया था, किन्तु तब से सरकार ने इस मंदिर के रख-रखाव के लिए कोई विशेष कदम नहीं उठाये हैं। यहाँ तक कि प्राचीन ब्रह्मा मंदिर की जमीन पर 7 महंतों की समाधि को तोड़कर बनाये जाने वाले एंट्री प्लाज़ा कॉम्प्लेक्स प्रोजेक्ट में विभिन्न स्मारक अधिनियमों के प्रावधानों का घोर उल्लंघन किया गया, जिसके कारण राष्ट्रीय स्मारक प्राधिकरण ने इस प्रोजेक्ट को गैर-कानूनी घोषित कर दिया। इसके अलावा, अरावली पर्वत-श्रृंखला के सम्पर्क में होने के कारण यहाँ भूकंपीय तरंगों का खतरा बना रहता है, किन्तु सरकारों की अनदेखी के कारण यहाँ अभी तक सुरक्षा के कोई विशेष कदम नहीं उठाये गये हैं। महोदय, इस तरह सरकारों की ओर से पर्याप्त ध्यान न दिये जाने के कारण यह प्राचीन मंदिर कई पर्यावरणीय और मानव-जनित अव्यवस्थाओं का शिकार होता जा रहा है, जिन पर समय रहते विशेष ध्यान देने की आवश्यकता है।

अतः आपके माध्यम से मेरा सरकार से अनुरोध है कि वह प्राचीन स्मारकों और ऐतिहासिक महत्व के मंदिरों के बचाव हेतु कार्रवाई करे।

SHRI SUJEET KUMAR: Sir, I associate myself with the Special Mention made by the hon. Member.

DR. SASMIT PATRA: Sir, I also associate myself with the Special Mention made by the hon. Member.

DR. AMAR PATNAIK: Sir, I also associate myself with the Special Mention made by the hon. Member.

MR. DEPUTY CHAIRMAN: Shri P. Wilson; not present. Dr. Amar Patnaik.

Demand to grant 60 per cent of the Clean Energy Cess to Odisha

DR. AMAR PATNAIK (Odisha): Sir, in 2010, to finance clean energy the Government has established the Clean Energy Fund. Between 2010-2018, approximately 86 thousand crores were collected of which around 30 thousand were transferred to the fund and the remaining 15 thousand were left unutilized. Investments for clean energy and other infrastructural projects often went to other States leaving Odisha at an disadvantage. With the introduction of GST, the Clean Energy Cess was abolished and the cess of Rs. 400 per tonne coal was subsumed under the GST Compensation Cess. Unfortunately, today, the cess on coal has become more aligned with the idea of revenue maximization instead of addressing the issue that the coal mining districts of the State are also some of the most backward districts in the country. For years, Odisha has been a major coal producing State of the country and has contributed about 25 per cent to the country's total coal production in 2020-2021. The coal miners of these regions have powered India's economy yet live-in abject poverty. Sir, the amount of 30 thousand crore rupees that the State will receive, if the Centre agrees to share 60 per cent of the cess collected on coal, will be effectively utilized for regional development and economic upliftment. Even the hon. Chief Minister of Odisha has raised this demand with the Minister of Coal earlier. To accelerate development of Odisha post the COVID-19 situation and keeping in mind the stress on rural economy, I urge the Government to fulfil Odisha's long standing demand for 60 per cent share of the Clean Energy Cess.

SHRI SUJEET KUMAR: Sir, I associate myself with the Special Mention made by the hon. Member.

DR. SASMIT PATRA: Sir, I also associate myself with the Special Mention made by the hon. Member.

MR. DEPUTY CHAIRMAN: Shri M. Shanmugam; not present. Now, Shri Ajit Kumar Bhuyan.

Demand for a special scheme for tackling the perennial problem of floods and soil erosion in Assam

SHRI AJIT KUMAR BHUYAN (Assam): Sir, the perennial problem of flood and river erosion is affecting the lives of people and the economy of Assam for years. Lakhs of families got displaced due to erosion of the Brahmaputra and its tributaries.

According to data released by the State Government till 2020, 5 lakhs families were displaced and around 4000 sq km of land was lost due to erosion.

Majuli, the largest river island in the world, had an area of 880 square kilometers (340 sq mi) at the beginning of the 20th century, but having lost significantly to erosion, it covers 553 square kilometers (214 sq mi) as of 2014.

But, the Central Government is*

MR. DEPUTY CHAIRMAN: Sorry; Shri Ajit Kumar Bhuyan, you are supposed to read only the sanctioned portion. The portion which has been deleted, kindly do not read, that will not go on record.

SHRI AJIT KUMAR BHUYAN: But the Central Government is yet to take any action for getting the State rid of this problem. In the case of Rohmoría in Dibrugarh district which is facing the acute problem of erosion, the Central Government, even after investment clearance, has not released the required amount for taking up anti-erosion measures. Rohmoría, an area most severely affected by river-borne erosion, is located about 20 kms. away from Dibrugarh town. The erosion has so far wiped out 38 revenue villages, eight schools, one police station, six tea estates, one PWD road

* Not recorded

and one sericulture farm. Nearly 2,000 families have been displaced and around 23,000 bighas of land have been lost in the erosion.

I, therefore, demand that the Central Government, in the coming Budget, should sanction a special scheme for tackling this problem of the State.

DR. AMAR PATNAIK: Sir, I associate myself with the issue raised by the hon. Member.

DR. SASMIT PATRA: Sir, I also associate myself with the issue raised by the hon. Member.

MR. DEPUTY CHAIRMAN: The House stands adjourned to meet at 1100 hours on Tuesday, the 14th December, 2021.

The House then adjourned at eleven minutes past six of the clock till eleven of the clock on Tuesday, the 14th December, 2021.

PUBLISHED UNDER RULE 260 OF RULES OF PROCEDURE AND CONDUCT OF
BUSINESS IN THE COUNCIL OF STATES (RAJYA SABHA)