

[Shr: Som Nath Chatterjee]

16.00 hrs.

instead of this piecemeal legislation, let there be a comprehensive amendment of the CPC just as we are changing the Cr. P. C. howsoever unsatisfactorily it may be. Let us have some provision for doing away with the system of arrears in the Supreme Court and high Courts and also for providing legal aid to the poor. With these observations, I support the measures which are now brought forth because they have become an anachronism in the CPC after the amendment of the Constitution.

As was pointed out, the Government could not bring forward any scheme by which the poor could be given financial assistance to get justice in these cases.

SHRI C. K. CHANDRAPPA (Tellicherry): Sir, as the previous speaker has pointed out, this is a consequential amendment to the Constitutional amendment made last year. While supporting this amendment, I would like to share the feeling expressed by the previous speaker with regard to the various aspects he mentioned. The CPC was formulated at the beginning of the century, in 1908 to be precise, when the needs of the country, the way justice was done, for whom justice was done, etc., were all so much different. Since then, many decades have passed and after independence 25 years have passed. In this situation, when the values are undergoing changes, when the very approach to justice is being changed, what is required is a thorough revision of the CPC. All these 25 years I do not know what prevented the Government from coming forward with such a legislation by which the needs of the time could have been fulfilled. Now when the Government is amending one or two provisions in a piecemeal fashion, they say it would help prevent many unnecessary appeals to the Supreme Court and that way it would help the poorer sections of society. True, to a certain extent appeals will be restricted. But the question is in cases where the vital interests of the ordinary man are affected if he wants to go in for appeal, whether he will be able to meet the huge financial burden which is part of filing an appeal,

Another aspect is the inordinate delay in taking decisions. Whenever questions are asked in this House about pending cases in various courts, they invariably give a figure which is much more than the figure given in the previous session. This inordinate delay in giving justice also goes against the interests of the common man, because he will not be able to afford all those expenses for fighting a case against the rich person for generations to come. It is well-known that in civil cases it takes several decades for decisions to be taken by the Supreme Court or the High Court. We know many cases where it took generations for people to take a decision on a dispute. This hinders in a way social progress. So, taking this opportunity I would like to make an appeal to the Government to come forward with a proposal for a comprehensive legislation by which the whole Code of Civil Procedure will be changed, as it is required by the present day needs of our modern society.

Secondly they should also come forward with a scheme by which the ordinary man will be able to go to higher courts whenever necessary and he should be provided with the necessary financial assistance. Thirdly, I would appeal to the Government that they should take measures by which the delay in taking decisions by the courts would be reduced to the minimum.

With these observations, I support this Bill. But I feel that the Government is taking too much time to bring forward such legislation of far-reaching consequence in a comprehensive manner.