

we do not intend to revise the rates of royalty, because this will result in the rise of price of coal, which we do not consider desirable.

Shri Hari Vishnu Kamath: In the other case where it is under consideration, are talks already under way with the Madhya Pradesh Government in this respect and if so, is the Minister in a position to tell the House categorically that this matter will not be allowed to reach such a pass as happened in the case of Assam oil royalty, when finally our ageing and over-worked Prime Minister was burdened with arbitration in the matter?

Mr. Speaker: Order, order. He refers to what would happen afterwards.

The Minister of Mines and Fuel (Shri K. D. Malaviya): Presumably my hon. friend wants to know something about the royalty on bauxite. The Government of India in our Ministry agreed with the proposals which have been put forward by the Madhya Pradesh Government and we have made a recommendation to the Government to accept the proposals which the M.P. Government has made. We presume that these proposals will be accepted.

Shri Hari Vishnu Kamath: Only presume?

डा० गोविन्द दास : इस सम्बन्ध में क्या मन्त्रों जी यह बतलाने की कृपा करेंगे कि मध्य प्रदेश सरकार ने क्या विशेष प्रस्ताव किया है और वह कितने दिन से केन्द्रीय सरकार के सम्मुख है और उसका निर्णय कब तक हो जायेगा ?

श्री के० दे० मालवीय : बात यह है कि रायल्टी को रेट्स बढ़ाने का प्रस्ताव सभों स्टेटों से आया है और हम लगभग डेढ़-दो साल से इस प्रश्न पर विचार कर रहे हैं। कुछ प्रस्तावों को जो कि सरकारों से आये हैं, उनको हमने मान लिया है। बौक्साइट पर साढ़े सात परसेंट को रायल्टी देने का प्रस्ताव हम मूनासिब समझते हैं। दूसरी स्टेट्स से भी सलाह मचा-

विरा करेंगे। कुछ सरकारें ज्यादा चाहती हैं तो कुछ कम चाहती हैं। आखिर में हम लोगों ने मूनासिब यह समझा कि मध्य प्रदेश का प्रस्ताव मूनासिब है और अब कैबिनेट के सामने जायगा और जाब्ले से मंजूर हो जायगा।

श्री बाढ़े : क्या यह बात सच है कि दूसरी स्टेट्स में रायल्टी का जो रेट दिया जाता है वह रेट मध्य प्रदेश में नहीं दिया जाता है वह इस वास्ते मध्य प्रदेश ने रायल्टी के लिए ज्यादा रेट मांगा है ?

श्री के० दे० मालवीय : रायल्टी का रेट सब जगह एक ही जैसा रहता है।

Mr. Speaker: Next Question.

Shri Hari Vishnu Kamath: The Prime Minister is whispering something to the Minister. Probably the answer is not correct.

Mr. Speaker: It is their concern.

Shri Bade: The rate is not the same.

Mr. Speaker: Then he will find out later if it is not correct, not at this moment.

Separation of Judiciary from the Executive

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*907. { **Shri A. V. Raghavan:**
 Shri P. Kunhan:
 Shri Pottekkatt:

Will the Minister of Home Affairs be pleased to state:

(a) whether the scheme for separation of judiciary from the executive has been fully implemented;

(b) if not, the names of States which have yet to implement the scheme; and

(c) the steps taken to expedite the scheme?

The Minister of State in the Ministry of Home Affairs (Shri Hajarnavis): (a) and (b). The judiciary has

been completely separated from the executive in Andhra Pradesh, Gujarat, Kerala, Maharashtra, Madras, Mysore and West Bengal.

(c) The matter is primarily for the State Governments to consider.

Shri A. V. Raghavan: May I know what progress has been made in the matter of carrying out this reform in the Union Territories with special reference to Laccadive Islands?

Shri Hajarnavis: It is not at present proposed that separation shall be brought into effect in the Andaman, Laccadive, Nicobar and Minicoy Islands.

Shri A. V. Raghavan: What are the reasons for it?

Shri Hajarnavis: The reason is that conditions there do not permit this separation. I need not allude to the objective conditions which prevail there which are within the knowledge of hon. Members of this House.

Shri Kapur Singh: May I know whether the problem of separation of judiciary from the executive also includes the problem of separation of day-to-day arbitrary interference by ministers from both?

Mr. Speaker: Shri Warior.

Shri Warior: May I know whether the Government is not accepting the directive principle contained in the Constitution with regard to separation of the judiciary from the executive; if so, may I know whether the Government is not prepared to accept it at least in the case of Union Territories?

Shri Hajarnavis: It is accepted, it is being implemented everywhere and no time will be lost in completing the process. But the conditions have got to be examined before such a scheme is put through.

Dr. Sarojini Mahishi: May I know what are the grounds on which some

of the States favour non-separation of the executive from the judiciary?

Shri Hajarnavis: No State has said that they would not separate the judiciary from the executive; but they have their own administrative difficulties to overcome and they are gradually overcoming them.

Shri Sivamurthi Swamy: Is it not a fact that still the appointments of Munsiffs and High Court Judges are being made by the executive, by the Home Minister in the State or in the Centre?

Shri Hajarnavis: That has nothing to do with the question of separation of judiciary from the executive.

Shri Swell: Sir, my question is similar to that put by Dr. Mahishi, but what the Minister stated is not very clear. By and large, may I know, what are the things that stand in the way of complete separation of the judiciary from the executive in the rest of the States? Please be more specific.

Shri Hajarnavis: As I said, the process cannot be introduced overnight. It has to go from district to district. That is how it has achieved in the States which have by this time introduced it completely. So far as Assam is concerned, the Government there have appointed a committee. They are examining their own problems, and after examining the problems they will introduce it.

Shri Swell: What are the problems?

Shri Hajarnavis: It is for the committee to decide and find out.

Shri Swell: The Centre must have been acquainted with those problems.

Shri Hajarnavis: It is a matter entirely within the jurisdiction of the State Government.

Shri Ramanathan Chettiar: What are the difficulties that face such of those States which have not sepa-

rated the judiciary from the executive?

Mr. Speaker: Just the same question again and again.

Shrimati Savitri Nigam: May I know whether the hon. Minister is aware that the Andaman Council has passed a resolution, requesting the Home Ministry to separate the judiciary from the executive and whether the bar association has also passed a resolution of the same nature?

Shri Hajarnavis: For the information of the hon. Lady Member I may say that there was a meeting of the advisory committee on the 20th September 1962 where the question was discussed. Then it was felt that there is no case for introduction of the scheme at this stage.

श्री यशपाल सिंह : अभी तक कितनी स्टेट्स ऐसे हैं जिनमें आपने एग्जीक्यूटिव और ज्यूडिशरी को सैपरेट कर दिया है ?

अध्यक्ष महोदय : यह तो उन्होंने बता दिया है ।

Shri Tyagi: Originally, the slogan of separating the judiciary from the executive was raised during the British days when judiciary was independent of the executive authority. May I know what safeguards have been taken to see that when judiciary is separated now it will not be under the influence of the executive powers of the State Governments? Are they going to integrate the judicial service into one Union Service?

Shri Hajarnavis: So far as the latter part of the question is concerned, it is a suggestion for action. I believe in the Constitution there are enough safeguards to ensure that the citizens right to be tried in a free and fair trial is not interfered with by any authority, however powerful it might be.

Shri S. N. Chaturvedi: What particular advantages do those States which have not separated judiciary

from the executive derive by continuing the present system and opposing separation?

Shri Hajarnavis: I do not think they consider the present system advantageous. In fact, they find difficulties in implementing the system. Therefore, they are gradually removing those difficulties and implementing it.

श्री विभूति मिश्र : कांग्रेस ने अपनी स्वाधीनता की लड़ाई की यात्रा में बराबर कहा है कि ज्यूडिशरी को एग्जीक्यूटिव से सैपरेट किया जाना चाहिये । गांधी जी ने भी कहा था कि यह कांग्रेस का कटिममेंट है और इसको पूरा किया जाना चाहिये । आज पन्द्रह बरस हो गए हैं, यह नहीं हो सका सैपरेट आज तक नहीं किया गया है ?

गृह-कार्य मंत्री (श्री लाल बहादुर शास्त्री) : मैं एक बात साफ कर देना चाहता था और वह यह है कि यह ब्याल कि प्रदेश को सरकारें ज्यूडिशरी को और एग्जीक्यूटिव को अलग नहीं करना चाहता हैं, ठीक नहीं है । अभी हमारे सहयोगी ने बताया है कि आंध्र प्रदेश, गुजरात, केरल, महाराष्ट्र, मद्रास, मंसूर वेस्ट बंगाल ऐसे प्रदेश हैं जहां बिल्कुल अलग हो गई है । यह समझना कि जो प्रदेश हैं वहां बिल्कुल अलग नहीं हुई है, ऐसी बात नहीं है । अब चाहे बिहार को आप लें या मध्य प्रदेश को लें या उड़ीसा को लें या राजस्थान को लें, इन सब प्रदेशों में भी कहीं १७ जिलों में कहीं १८ जिलों में, कहीं २० जिलों में तो अलग हो गई है, ५ या ७ या अधिक में नहीं हुई है, बाका में उसको लागू करना है, इम्प्लेमेंट करना है, इसकी देर है । एक जगह ऐसी भी हैं जैसे असम है, जहां एक कमेटी बैठी है । जहां तक यूनियन टैरिटरांज की बात है, उनमें हम करना चाहते हैं । लकादीव आइलैण्ड, अण्डमान वगैरह में पहले और काम आगे बढ़े तब फिर हम सोच सकते हैं