

times, may I know the extent to which this is going to reduce our deficit in petroleum products in the country?

Shri K. D. Malaviya: We are at present not deficit in motor spirit. Taking the totality of petroleum products which are obtained from the four refineries, so far as motor spirit is concerned, we are producing a surplus and exporting the surplus to other countries.

Shri Sadhan Gupta: May I know whether the export is left to the refineries themselves or whether the Government have considered the advisability of taking over the surplus and exporting it themselves through some organisation like the S.T.C.?

Shri K. D. Malaviya: Surplus production is disposed of by the owners of the refineries. Government do not come into that. Obviously, where some general question of policy comes in, Government are trying to advise them.

Shri N. R. Munisamy: May I know whether the Government have considered the feasibility of reducing the prices considerably with a view to accentuate the off-take?

Mr. Speaker: It was all discussed yesterday. Next question.

High Court Judges

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*1398. { **Shri Subiman Ghose:**
Shri Raghunath Singh:
Shri Harish Chandra:
 Mathur:
Shri Ramakrishna Reddy:

Will the Minister of Home Affairs be pleased to state.

(a) the number of High Court Judges appointed (High Court-wise) during 1957 and 1958 so far; and

(b) the number out of them appointed from outside the State?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) and (b). A statement giving the required

information is laid on the table of the Lok Sabha. [See Appendix VI, annexure No. 94]

Shri Subiman Ghose: May I know how many Judges have been transferred from the different High Courts according to the provisions laid down in article 222 of the Constitution?

Shri Datar: In all, six Judges have been appointed to other High Courts than the area in which they live.

Mr. Speaker: He wants to know about transfer from one High Court to another after appointment.

Shri Datar: This includes also cases of transfer: two or three.

Some Hon. Members: Let us know the number.

Mr. Speaker: Two or three.

Shri Subiman Ghose: It is a question of appointment. I want to know the transfers.

Mr. Speaker: No, no. He said, two or three. The hon. Member did not hear.

Shri Subiman Ghose: May I know whether any candidate defeated in the elections on the Congress ticket has been appointed as a Judge?

Mr. Speaker: How does it arise? Is it a disqualification?

Some Hon. Members: Information, Sir.

Mr. Speaker: Whether a defeated candidate, any person who is otherwise a B.A., B.L. or an LL.B. is competent to be there.

Shri Narayanankutty Menon: May I know whether it is a fact that Government is considering a proposal to have an All India panel of competent, eligible candidates for appointment as High Court Judges and whether appointments are going to be made from that panel hereafter?

The Minister of Home Affairs (Pandit G. B. Pant): It was proposed

at the Law Ministers' conference that a panel of the type which the hon. Member has in mind may be prepared and selection in future may be made out of that approved list.

That question is under consideration.

Shri Tangamani: May we know whether in the case of the appointment of these new Judges, the principle that 30 per cent. be given to the outsiders, has been followed, because I find from the statement that out of the 39 Judges who were appointed, only three Judges come from outside?

Pandit G. B. Pant: I think five Judges have been appointed from other States.

Shri Tangamani: Three for 1957 and two for 1958.

Pandit G. B. Pant: Yes, I am giving the total number. But it is difficult to follow a rigid rule in these matters. There are so many questions that have to be considered. We have to persuade the State concerned, and we have also to see that suitable Judges are available in other States and are equally prepared to accept office in States other than their own. So, when all these conditions are fulfilled, we try to have Judges from other States.

Shri Sadhan Gupta: May I know how many candidates defeated in elections have been appointed Judges within six months of their defeat?

Mr. Speaker: I disallowed that question. Shri Mathur.

Shri Sadhan Gupta: The point is whether defeated candidates can be appointed.

Mr. Speaker: Shall we go into local board elections, then Assembly elections, parliamentary elections. Order. Order. The hon. Member will kindly resume his seat. Are these disqualifications under the Constitution? Any person who has been practising in a High Court for a period of ten years is eligible to be appointed a High Court Judge. Hon. Members need not go into the question of elections. He might have stood for a Panchayat

election and been defeated. Shri Harish Chandra Mathur.

Shri Sadhan Gupta: On a point of order. If a person elected in an Assembly or parliamentary elections is appointed Judge within six months of his defeat, that shows that there is something other than merit in it.

Mr. Speaker: That is all right. The hon. Member is entitled to go into the merit, whether he is a lawyer or not, not otherwise.

Shri Harish Chandra Mathur: How is it that even though four new appointments have been made at Allahabad, eight in Bombay, seven in Calcutta and five in the Punjab, not one single Judge in all of these places has been appointed from outside, whereas even when one vacancy fell in Orissa and Rajasthan, it was filled from outside? May I know the policy and the principle followed, and whether the resistance of the States is there?

Pandit G. B. Pant: I have already, I think, given an indication of the policy. We try to persuade the States, wherever suitable candidates are available from outside the State, to accept them, but we cannot force them to accept one against their wish, nor can we foist any one on them. So far as we can persuade them, we try to.

Shri Harish Chandra Mathur: Do I understand that Bombay, Calcutta and Punjab resisted the appointment of Judges from outside?

Pandit G. B. Pant: I would not like to say so.

Aid to Orissa

*1399. **Shri Sanganna:** Will the Minister of Finance be pleased to refer to the reply given to Starred Question No. 874 on the 13th August, 1957 in respect of the construction of the New Capital, Bhubaneswar (Orissa) and state:

(a) whether any loans or grants have since been sanctioned; and