

LOK SABHA DEBATES

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LOK SABHA

Wednesday, April 26, 1961/Vaisakha
6, 1883 (Saka).

*The Lok Sabha met at Eleven of the
Clock.*

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

All India Panel for High Court Judges

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1731. { Shri Ram Krishan Gupta:
Shrimati Ila Palchoudhuri:
Shri Hem Raj:
Shri Nath Pal:
Sardar Iqbal Singh:
Shri Pangarkar:
Shri Rami Reddy:

Will the Minister of Home Affairs be pleased to refer to the reply given to Unstarred Question No. 951 on the 29th November, 1960 and state the further progress made so far in constitution of the All India Panel of persons considered suitable for appointment as High Court Judges?

The Minister of State in the Ministry of Home Affairs (Shri Datar): Since the Unstarred Question No. 951 was answered on the 29th November, 1960, a panel has been received from one more State namely Assam.

Shri Ram Krishan Gupta: May I know the names of the States which have not sent their panels so far and the reasons for the same?

Shri Datar: In all, about ten States have already sent in their panels. We are expecting them from the other States.

Shri Ram Krishan Gupta: The Law Commission has stated in its report that political, communal, regional and executive influences are the main

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factors which influence the appointment of judges. In view of this statement, what steps are the Government proposing to take to expedite this matter?

Shri Datar: After the States Reorganisation Bill was passed, we informed the House that, in principle, Government were generally in favour of one-third of the judges being from other States. We communicated it to the States. In some cases, action has been taken and about 12 persons have been appointed to the various High Courts in different States. We are trying our best to see what has been promised will be duly implemented.

Shri Jaganatha Rao: May I know the nature of the objections the States have to an all-India panel?

Shri Datar: The Conference of Chief Justice has considered this question. They have some objection to the panel from the advocates in some cases. Instead of a panel of district judges and advocates, they have suggested that it would be better to have a panel of members belonging only to the All India Judicial Service.

Shri Amjad Ali: The hon. Minister has stated that he has not received the panel from Assam. Have they refused to send it or are they sending it?

Shri Datar: Assam has sent it. I have replied just now that a panel has been received from one more State, namely, Assam.

Shri Hem Barua: May I know whether in constituting the all-India panel of judges for High Courts, any special weightage is proposed to be given to States that are still backward in educational and intellectual backwardness?

Shri Datar: This depends more upon the Chief Justices and Chief Ministers

of the various States. All that we could do was to bring to the notice of the various State Governments and, through them, the Chief Justice that, as far as possible, we should reach the figure of one-third, so far as outside judges were concerned.

Shri Heda: May I know the number of States which either did not agree with that recommendation or have delayed the expression of opinion? What further action do the Government propose to take in their cases?

Shri Datar: The Government have considered this question. The late Home Minister mentioned this point at the Chief Minister's conference, and they generally agreed that at least a beginning should be made by having such a panel, in the first instance, of the serving judges' cadre.

Shri Narayanankutty Menon: May I know whether this panel consists of the names of both the advocates and also members of the judicial service and, if so, what is the proportion between the judicial service and the advocates in that panel for the purpose of appointment?

Shri Datar: No such proportion has been laid down. The procedure for appointment is this. The Chief Justices of the various High Courts consider the names of either advocates or serving judges and then those names are sent to us.

Some Hon. Members rose—

Mr. Speaker: All hon. Members may be interested in this question. But I cannot give opportunities to all.

Shri Raghunath Singh: We are all interested in this.

हिमाचल प्रदेश में राजनैतिक पीड़ित

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*१७३२. { श्री भक्त दर्शन :
श्री प्र० चं० बहस्रा :

क्या गृह-कार्य मंत्री २४ नवम्बर, १९६० के अनारक्षित प्रश्न संख्या ७२४ के उत्तर

के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) हिमाचल प्रदेश के राजनैतिक पीड़ितों को आर्थिक सहायता देने का जो प्रश्न विचाराधीन था उसके बारे में अब तक क्या गति हुई है ; और

(ख) उन राजनैतिक पीड़ितों में आजाद हिन्द फौज के भूतपूर्व सैनिकों की संख्या कितनी है ?

गृह-कार्य मंत्रालय में राज्य मंत्री (श्री दातार) : (क) और (ख). हिमाचल प्रदेश राजनैतिक पीड़ित समिति ने राजनैतिक पीड़ितों के ४३७ मामलों की देख भाल कर ली है, जिनमें आजाद हिन्द फौज के भूतपूर्व सैनिक भी सम्मिलित हैं तथा समिति की सिफारिशें शीघ्र ही प्राप्त होने की आशा है। ५८ मामले और समिति के विचाराधीन हैं।

I shall read it in English also.

(a) and (b). The Himachal Pradesh Political Sufferers Committee have completed scrutiny of 437 cases of political sufferers, including ex-INA personnel and their recommendations are expected shortly. 58 more cases are under consideration of the Committee.

श्री भक्त दर्शन : श्रीमन। इस कार्य के लिये जो समिति बनाई गई है, मैं जानना चाहता हूँ, कि क्या उसमें वहाँ के प्रमुख गैर-सरकारी लोगों को भी लिया गया है या नहीं ?

Shri Datar: I have not got here the composition. But I believe the committee consists of both officials and non-officials. I speak subject to correction.

श्री भक्त दर्शन : श्रीमन। आजाद हिन्द फौज के लोगों की यह शिकायत रही है पिछले दिनों तक कि उनको राजनैतिक पीड़ित नहीं माना जा रहा है तो क्या इस सम्बन्ध में केवल हिमाचल प्रदेश सरकार से, या