

13.02 hrs

## MATTERS UNDER RULE 377

## (i) Statements, made by a Judge of Calcutta High Court against the Government of West Bengal

SHRI SOMNATH CHATTERJEE (Jadavpur) : Mr Speaker, Sir, an Article has been published in the Journal 'The Week, of July 24-30, wherein a statement of a sitting Judge of the Calcutta High Court has been reported to the effect that in this decade long experience as a Judge he had never seen such a hypocrite Government as the state Government of West Bengal and that the Government has indulged in various misdeeds. The Judge has not disclosed his identity and under cover of anonymity has chosen to make most reckless allegations and disparaging remarks against a lawfully constituted popular Government which is also a litigant in numerous matters before the High Court and thereby clearly disclosed his prejudice against the State Government. Letters written by me to the hon. Chief Justice of India and the Chief Justice of the High Court, as well as to the Union Law Minister have evoked no response.

The matter raises serious question of judiciary propriety and decorum. The judicial must not only be impartial but also conduct itself in a manner which will not raise doubts about its impartiality. It is essential that suitable action should be taken to identify the Judge concerned and he should be transferred to some other Court. If such action as the Judge has committed is permitted, then any Judge can go to the press and make such derogatory remarks and get away with the same by remaining anonymous, which will seriously shake the people's faith in the judiciary and justice will become the victim... (*Interruptions*).

AN HON. MEMBER : Let the Minister give an answer.... (*Interruptions*).

13.05 hrs

[MR. DEPUTY-SPEAKER *in the Chair*]

MR. DEPUTY-SPEAKER : If they want to say anything, they can, but I cannot

direct them.... The statement made under Rule 377 will go to the Government....He is not the Minister concerned.

SHRI CHITTA BASU (Barasat) : You should ask the Minister of Law to give a reply....(*Interruptions*).

MR. DEPUTY-SPEAKER : The statement automatically goes to the Government.

## (ii) Violation of Section 6 of the Land Acquisition Act

श्री दिगम्बर सिंह (मथुरा) : उपाध्यक्ष जी, कोई भी कानून या अधिनियम किसी प्रदेश की सरकार का भारत सरकार के कानून के विरुद्ध नहीं हो सकता। इस सम्बन्ध में ग्रामीण विकास मंत्रालय की सलाहकार समिति की 15 व 16 जुलाई की बैठक के एजेन्डा में मंत्रालय के विचार इस प्रकार हैं :

“भूमि अर्जन अधिनियम, 1894 एक केन्द्रीय अधिनियम है, जिसका क्षेत्राधिकार देश भर में है, अतः राज्य विधान मण्डल द्वारा पास किये गये भूमि अर्जन से संबंधित किसी भी कानून पर राष्ट्रपति की अनुमति आवश्यक है। यदि इस कानून के अनिवार्य तत्व केन्द्रीय अधिनियम के प्रावधानों के प्रतिकूल हो तो राज्यों को अपने कानून केन्द्रीय अधिनियम के अनुरूप बनाने की सलाह दी जाती है।”

उ० प्र० आवास एवम् विकास परिषद अधिनियम, 1965 की धारा 32 की घोषणा धारा 28 की अधिसूचना के तीन वर्ष के अन्तर से हो रही है। इस प्रकार उ० प्र० के इस अधिनियम की अनुसूची और धारा 55 के अनुसार लैंड एक्वीजिशन ऐक्ट की धारा 4 व धारा 6 की अधिसूचना और घोषणा में तीन वर्ष से अधिक का अन्तर न होने की नीति के विरुद्ध है।

अतः प्रार्थना है कि केन्द्रीय सरकार कृषकों के हित के लिए उत्तर प्रदेश सरकार से बातचीत करे।