

ture of General Lighting Service Lamps and Fluorescent Tube Lamps and the Order dated the 3rd May, 1976 of the Central Government thereon.

- (vi) Report (Hindi and English versions) under section 21(3) (b) of the said Act in the case of M/s. Gabriel India Limited, Bombay for effecting substantial expansion in the manufacture of shock absorbers and the Order dated the 27th November, 1976 of the Central Government thereon.
- (vii) Report under section 22(3)(b) of the said Act in the case of M/s. WIMCO Limited, Bombay for establishment of a new undertaking for manufacture of industrial explosives and the Order dated the 28th February, 1977 of the Central Government thereon.
- (viii) Report under section 22(3)(b) of the said Act in the case of M/s. Indian Explosives Limited, Calcutta for establishment of a new undertaking for manufacture of commercial blasting explosives and the Order dated the 28th February, 1977 of the Central Government thereon.
- (ix) Report under section 22(3)(b) of the said Act in the case of M/s. Maharaja Shree Umaid Mills Limited, Pali Marwar (Rajasthan) for establishment of a new undertaking for manufacture of industrial explosives and accessories and the Order dated the 28th February, 1977 of the Central Government thereon.
- (2) A statement (Hindi and English versions) explaining the reasons for not laying simultaneously the Hindi versions of

the Reports and the Orders of the Central Government thereon mentioned at items (1) (vii) to (ix) above.

[Placed in Library. See No. LT—886/77].

12.05 hrs.

### CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

#### REPORTED STATEMENT BY THE MINISTER OF LAW ABOUT ALLEGED INTERFERENCE WITH JUDICIARY BY TWO KARNATAKA MINISTERS

SHRI VAYALAR RAVI (Chirayinkil): Sir, I call the attention of the Minister of Law, Justice and Company Affairs to the following urgent matter of public importance and I request that he may make a statement thereon:

“The reported statement made by him naming Shrimati Eva Vaz and Shri K. D. Naiker as the two Karnataka Ministers who sought to influence and interfere with judiciary and the reported denial of this by the Karnataka Ministers”.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN): Mr. Speaker, Sir, in April 1977, the Chief Justice of Karnataka High Court at a Reference, while paying a tribute to Shri D. Noronha, a retired Judge of the Karnataka High Court who had died, stated that in a criminal case pending in the High Court, one or more Ministers had approached the Judges before whom the case had been posted for hearing. The Chief Justice thereupon asked Justice Noronha if he would hear the case even if pressures were brought by Ministers. Justice Noronha agreed and after deciding the case told the Chief Justice that he had been approached by a Minister.

[Shri Shanti Bhushan]

During the course of the discussion following the Calling Attention Notice tabled by Shri Vayalar Ravi and others on 16th June, 1977, a desire had been expressed in this House that the names of the Ministers who were alleged to have interfered with the administration of justice should be disclosed. I had given the assurance that if Members so desired, I would obtain and furnish the names to the House. I obtained the information from the Chief Justice of Karnataka High Court and, in response to a question that had in the meantime been asked in the Rajya Sabha, disclosed them in that House.

I am now giving the information as furnished to me by the Chief Justice of Karnataka High Court for the benefit of the Members of this House.

Eight persons had been committed to the Court of Sessions, Belgaum, as a result of an incident on 19-3-1973, in which one Nagappa was waylaid and assaulted by a group of persons. Nagappa died after the Police Patil had recorded his dying declaration. During the pendency of the Sessions case (No. 30 of 1974), Nagappa's mother of the deceased Nagappa, filed a private complaint under section 200 Cr. P.C. arraying two more persons as accused. One of the two was Shri V. S. Koujalagi, Minister of State in the Karnataka Government. The Magistrate recorded the statement of the complainant and examined some witnesses. Arguments were heard and the case was posted for orders on 16-10-1973. In the meanwhile the Magistrate was transferred on 11-10-1973 and relieved of his charge on 15-10-1973. The successor Magistrate made an order directing an enquiry into the complaint by the Superintendent of Police under section 202 Cr. P.C. This order of the Magistrate was challenged by the complainant before the High Court in Criminal Revision Petition No. 665/73. The revision petition was posted for hearing before a succession of judges, one

of whom directed that the matter be posted before some other Bench and told the Chief Justice, on confidential enquiry being made, that some Minister had talked to him about the case.

Thereafter, the matter was posted before Shri Justice D. Noronha. The State supported the stand of the accused. Justice Noronha allowed the complainant's revision petition by his order dated 16-12-1974, remitting the case to the Magistrate with the direction to proceed with the case according to law and to examine other witnesses, if any, himself. In his judgment, Shri Justice Noronha made the following observations:

“Within the sacred precincts of the Court Hall, politics and influence have no entry.....”

Shri Justice Noronha later disclosed to the Chief Justice the name of the Minister who had tried to influence him in the decision of the case.

On receipt of the record of the case from the High Court, the Magistrate, after hearing arguments, made an order directing the issue of summons to accused Nos. 9 & 10 i.e. Shri V. S. Koujalagi and Shri Kotra Shetty. This order was challenged before the High Court in Criminal Petitions Nos. 50 and 51 of 1975. They were admitted by Shri Justice Noronha and subsequently listed before another Judge who quashed the order of the Magistrate. The Supreme Court, on appeal, set aside the order of the High Court observing that they had not found any error of law committed by the Magistrate and that the High Court in quashing his order had completely failed to consider the limited scope of an enquiry under section 202.

The Chief Justice, Karnataka High Court later disclosed the names of the Ministers of Karnataka who had tried to influence the Judges as being Shri D. K. Naicker and Smt. Eva Vaz.

This information was disclosed to the Rajya Sabha on 25-7-1977. Thereafter, according to press reports, the two Ministers have denied having interfered with the administration of justice.

**SHRI VAYALAR RAVI:** It is a grave matter and when this matter came up in Parliament we made it quite clear that my party had no intention whatever to shield anybody who tried to interfere with the functioning of an independent judiciary. The problem is that two ministers whose names were mentioned deny that they had interfered in any way. Unfortunately Justice Noronha is no more. That is the problem.

**AN HON. MEMBER:** That has solved the problem.

**SHRI VAYALAR RAVI:** Unfortunately the Chief Justice revealed this only after Justice Noronha's death. The ministers whose names had been mentioned had denied this allegation. I do not know what the truth is. The Ministers function as part of the executive and the judiciary is independent of the executive. May I know from the hon. Minister what he proposed to do. Through the Supreme Court is he going to take up the matter so that truth could be found out?

**SHRI SHANTI BHUSHAN:** I am conscious of the problem which has been raised by the hon. Member; Justice Noronha is no more. In fact the occasion for the Chief Justice to make a reference to this matter arose like this. It is customary when a judge dies to make a reference to him; and a reference was being made by the members of the bar and it was a tribute paid by the Chief Justice to the memory of that great justice Noronha who had refused to be affected by way pressure applied on him. It was only in that connection he said

that he was a very independent judge and in corroboration of this fact he said that they could find from the judgment of Justice Noronha in which he himself had said that in the precincts of the Court politics and influence have no place. He had no intention to defame any particular minister; he was not referring to the names of ministers. It was only when a controversy was raised and in the Karnataka legislature some kind of speeches were made, some correspondence was read out and a demand was made that the names should be disclosed. Then he said that he would disclose the names if the Law Minister wanted it. Since there was a demand, when this question came up, that the names should be disclosed, I said that I shall try to get the names if the members so desired. I ascertained the names and disclosed them.

The point raised by the hon. Member is whether something can be done to go into this question and make an enquiry. All I can say is that when such pressure was being put on any judge, it was open to the High Court to issue notice of contempt against any person howsoever high and mighty he or she might be. In this case the High Court would have had jurisdiction to make all the enquiries and come to whatever conclusion it wanted and it could itself take action. That having not been done at that stage, I do not see how any enquiry could be made now or whether it would be proper to make any enquiry by any other authority.