

[Shri M. V. Chandrashekhar Murthy] proportionate increase in the fare should have been approved which would have avoided the strike.

I would like to know from the Government, why the Government slept over the matter for the last four days and whether the Government is prepared to withdraw the imposition of duties on diesel at least, otherwise rise in fares in buses would hit the commonman.

MR. SPEAKER: You need not reply to the last question; to the other questions, you have already replied.

12.43 hrs.

COMMITTEE ON PETITIONS  
EIGHTH REPORT

श्री हरि बिष्णु कामत (होशंगाबाद) : वाचस्पति, महोदय, मैं आपके धन्यमति से छठी लोक सभा की शान्ति समिति का अष्टम प्रतिवेदन (हिन्दी और अंग्रेजी दोनों संस्करण) सदन की वेबा में प्रस्तुत करता हूँ।

STATEMENT RE: APPOINTMENT  
OF A JUDGE TO THE DELHI HIGH  
COURT

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN): Sir, during the course of discussion on the Special Courts Bill on 1st March, 1979, a reference was made to the 'Kissa Kursi Ka' Case and in that context an Honourable Member, Shri Vasant Sathe, made the observation that an assurance had been given to the District and Sessions Judge, Delhi, who tried that case, that if "You hand over the conviction, you will be made a High Court Judge". As this remark has cast a most unfortunate and false aspersion on the Judiciary as well as government, I have sought this opportunity to take the House into confidence at this stage itself and apprise the Members of the real facts.

Shri Vohra is the senior-most officer of the Delhi Higher Judicial Service. The proposal for his appointment as Additional Judge of the Delhi High Court was, in accordance with the procedure laid down, initiated by the Chief Justice of the Delhi High Court. At that time there were 20 Judges in position in the High Court and five appointments remained to be made. Although there is no legal requirement to this effect, an effort is made to keep the proportion of service Judges at one-third of the total strength of the High Court. At that time there were six service judges in the Delhi High Court and the Chief Justice of the Delhi High Court had mentioned that his recommendation to appoint Shri O. N. Vohra would be in keeping with the resolution of the Chief Justices' Conference regarding the desirable proportion of service judges in a High Court.

The Chief Justice of India who was consulted advised that Shri O. N. Vohra be appointed as Additional Judge, Delhi High Court. As Shri Vohra had an excellent record and the proposal to appoint him was in order in every respect, it was approved by the President.

When the recommendations of the Chief Justice of Delhi High Court and the Chief Justice of India had been received the proceedings in the 'Kissa Kursi Ka' Case were at an advanced stage and the recording of the prosecution evidence was almost complete. It was felt that it would not be in the public interest to elevate him till the case had concluded since any such step might necessitate re-examination of witnesses by his successor causing great inconvenience both to the defence and the prosecution. The Chief Justice of the Delhi High Court, with whom I discussed this aspect agreed with this view and was of opinion that while a decision on the proposal could be taken at that very stage, the actual notification might be held up till the conclusion of the 'Kissa Kursi Ka' Case.