

of any dictation. After all, these schemes go to the REC for sanctioning the schemes and it is for the Electricity Board to immediately commence the work.

**श्री लालजी भाई :** मैं यह जानना चाहता हूँ कि सरकार छोटे किसानों से सिक्किमिटी के रूप में जो रुपया जमा कराली है, वह कितना है। मैं यह भी जानना चाहता हूँ कि क्या यह रकम बिहार राज्य और दूसरे राज्यों में भिन्न भिन्न है, अगर हाँ, तो क्यों ?

**MR. SPEAKER:** It does not arise.

**श्री हुकूम बेग मारारण भाबब :** बिहार में बिजली का जितना उत्पादन होता है, ग्रामीण विद्युतीकरण निगम उसके आधार पर गांवों में बिजली देने का काम करता है। लेकिन बिहार में बिजली की जितनी आवश्यकता है, जब वहाँ पर उसका माठवाँ हिस्सा भी पैदा नहीं हो रहा है, तो सब से पहले मंत्री महोदय को वहाँ पर बिजली पैदा करने की क्षमता को बढ़ाने के लिए कार्यवाही करनी चाहिए थी। अगर उसके लिए कोई कार्यवाही नहीं की गई है और न बिहार सरकार को पूरी मदद दी गई है। जब तक वहाँ पर उत्पादन नहीं बढ़ेगा, तब तक ग्रामीण विद्युतीकरण योजना बिल्कुल धोखा है और उससे कोई लाभ नहीं होने वाला है। मैं यह जानना चाहता हूँ कि क्या सरकार उस दिशा में कोई कार्यवाही करना चाहती है या नहीं।

**MR. SPEAKER:** It is not a question it is a good suggestion.

#### Vacancies of High Court Judges in Gujarat

\*851. **SHRI CHHITUBHAI GAMIT:** Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether it is a fact that vacancies of High Court Judges in Gujarat are not being filled up in spite of the proposals received from the Gujarat High Court; and

(b) if so, the reasons and the time by which a decision is likely to be taken in this matter?

**THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN):** (a) and (b). Proposals to fill up some of the vacancies have been received from the State authorities. The proposals are at an

advanced stage of processing and it is expected that the appointments will be notified very soon.

**श्री छीदू भाई गामित :** माननीय मंत्री जी मैं अपने जवाब में यह स्वीकार किया है कि गुजरात उच्च न्यायालय में न्यायाधीश के कई पद रिक्त हैं। गुजरात उच्च न्यायालय में बहुत से कोलेज पेंडिंग हैं। जिन लोगों का मुकदमा उच्च न्यायालय में पेंडिंग है उन लोगों को बहुत परेशानी होती है। गुजरात के दूर दूर के स्थानों से लोगों को ग्रहमदाबाद जाना पड़ता है। जाने जाने में उन को बहुत मुश्किलें पड़ती हैं। वे मुश्किलें दूर करने के लिए मैं माननीय मंत्री जी से यह जानना चाहता हूँ कि गुजरात के उच्च न्यायालय में कितने स्थान कितने टाइम से रिक्त हैं ? इन स्थानों को अभी तक न भरने का क्या कारण है और ये स्थान कब तक भर दिए जाएंगे ?

**श्री शक्ति वृषभ :** माननीय सदस्य ने जो प्रश्न पूछा है कि कब से ये स्थान रिक्त हैं तो इस वक्त छः स्थान रिक्त हैं और इन में एक तो 26 सितम्बर 1975 से रिक्त है, एक 31 मई 1976 से रिक्त है, एक 5 अक्टूबर 1977 से रिक्त है, एक 28 दिसम्बर 77 से रिक्त है, एक 22 मई 78 से रिक्त है और एक स्थान 6 दिसम्बर सन् 78 को रिक्त हुआ है। पहले अप्रैल 78 में मुख्य न्यायाधीश जो गुजरात उच्च न्यायालय के हैं उन्होंने लिखा था कि ये सब जो रिक्तियाँ हैं, इन सब स्थानों को भरना उचित नहीं होगा क्योंकि सब स्थान भर दिए जाएंगे तो इतने जजेज हो जाएंगे कि वकील वहाँ हर जगह नहीं पहुँच पाएंगे। ऐसा उन्होंने उस वक्त कहा था। लेकिन उन से बातचीत हुई। उस के बाद 30 नवम्बर 78 को कुछ प्रोपोजल हमारे पास स्टेट एथारिटीज के पास से आए जब कि वह स्थान रिक्त होने से कई महीने पहले जाने चाहिए। लेकिन 30 नवम्बर सन् 78 को वह आए और वह भी कम्प्लीट नहीं हैं। उन से जतन-किताबत हुई और उन से कहा गया कि फलां फलां जानकारी दें, और जनवरी के आखीर में जा कर वह जानकारी आई और प्रोपोजसन्स कम्प्लीट हुए क्योंकि काफी कुछ उस में कार्यवाही करनी पड़ती है तब वह पूर्ति होती है और वह एम्बार्सेटमेंट होते हैं। लेकिन अब मुझे आशा है कि दो हफ्ते के अंदर हम पांच स्थानों पर पांच एम्बार्सेटमेंट्स कर सकेंगे। मैं आशा करता हूँ कि दो हफ्ते के अंदर यह काम पूरा हो जाएगा।

**SHRI C. VENUGOPAL:** I would like to know from the hon. Minister whether the High Court Judges were appointed only from the panel sent by the State Government or the judges were appointed even though their names were not in the panel.

**MR. SPEAKER:** That does not arise.

**PROF. P. G. MAVALANKAR:** Mr. Speaker, Sir, I do not know whe-

ther you have heard the entire answer given by the hon. Law Minister, because the convention is, the rule is that we cannot say here on the Floor of this House anything which will reflect on the judiciary, the judges, and therefore, I feel somewhat handicapped, but still I respect that convention and ask this question. The hon. Minister, in his reply to the supplementary, has said that as many as 6 vacancies were there beginning from 1975 and it was only in November, 1978 that for the first time the Gujarat Chief Justice sent the proposal for filling up vacancies. I would like to know, when so many vacancies are there, whether there is an standard procedure laid down as to how much time is required for the Chief Justice to send the proposals to the Government for filling up those vacancies; and secondly, how much time normally the Government takes in filling up these vacancies. Otherwise, as was pointed out by Mr. Gamit, thousands of cases remain pending. And it is all right to say that lawyers cannot go from one place to another. We may have more lawyers, but we cannot have more people wanting to have justice going from one year to another year and dying without justice. That is the main aspect.

**SHRI SHANTI BHUSHAN:** As I said, there was a time at which the Chief Justice of the High Court was of that view that all vacancies need not be filled up. But I had a further discussion with him and I explained to him that some procedure must be found by which lawyers would be available, because lawyers must engage junior lawyers or the clients must be told to engage other lawyers, but the lawyers must arrange their work, because litigants cannot be allowed to suffer only because some senior lawyers are monopolising the work and therefore they are not able to attend to many courts. And if there are arrears, then in that case, all the vacancies should be filled up. And that is why, I said, the Chief Justice

of the High Court, thereafter made the proposal and on 30th November, 1978, the proposal was received from the state authority, but it was not complete in all respects, because we require a lot of information about various things. They are laid down. If a member of the Bar is suggested, then we ask what has been his income, gross income, net income for the last three years, etc.

*(Interruptions)*

**AN HON. MEMBER:** That is absolutely irrelevant. That is totally irrelevant.

*(Interruptions)*

**SHRI VASANT SATHE:** What is this? That is how the people are being promoted as High Court Judges.

**SHRI SHANTI BHUSHAN:** In January, 1979 all the information was available and the proposals became ripe.

*(Interruptions)*

Once the proposal received from the State authorities have become ripe, namely, it is complete in all respects then action can be taken. So long as the proposal is not complete in all respects and all the information which is required for making a reference to the Chief Justice of India is not available, till then the opinion of the Chief Justice of India cannot be obtained. Towards the end of January all this information was complete. Thereafter some time is required in the office also to prepare a summary, etc., for making a proper reference. Thereafter the views of the Chief Justice of India have been obtained and as I said all the formalities have now been completed and decision has been taken to make five appointments and only..

**PROF. P. G. MAVALANKAR:** Mr. Speaker, what is this? He is not replying to my question.

**SHRI SHANTI BHUSHAN:** I am coming to that.

**MR. SPEAKER:** He is still replying.

**SHRI SHANTI BHUSHAN:** There is a standard procedure laid down that three to six months before a vacancy is due to arise proposal has to be made. There are some vacancies which are known that they are going to arise on such and such a date. Sometimes vacancies may arise on account of either elevation of a judge to the Supreme Court or somebody dying or somebody resigning and so on. In that case within a month of occurrence of the vacancy, the Chief Justice is required to initiate the proposal. Otherwise where the vacancy can be anticipated, three to six months before vacancy arises he has to make the proposal. In fact, we have started now a new innovation for the first time. After this Government took office, the Law Ministry takes now an initiative and keeps on reminding, keeps a track as to where the matter is pending. It keeps on reminding either the Chief Justice or the Chief Minister, etc. to expedite matters, so that the appointments can be made.

#### **Committee for Revision of Electoral Rolls**

\*853. **SHRI CHATURBHUIJ.** Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether it is proposed to set up a committee for intensive revision of electoral rolls as also for recommending structural organisation; and

(b) if so, the details in regard to the composition and the terms of reference of the committee?

**THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN):** (a) and (b). The Election Commission has constituted a Committee consisting of the following officials to study in depth the existing set-up of election

machinery in various States and Union territories, at different levels i.e. State, District, Taluk/Tehsil/Block and to recommend a model set-up of the election machinery for each such level:—

#### *Chairman*

1. **Shri R. Sampathkumaran,** Chief Electoral Officer, Karnataka.

#### *Members*

2. **Shri R. K. Pandey,** Chief Electoral Officer, Madhya Pradesh.
3. **Shri J. N. Bhattacharjya,** Chief Electoral Officer, Tripura.
4. **Shri H. S. Dubey,** Chief Electoral Officer, Himachal Pradesh.
5. **Shri S. N. Sinha,** Joint Chief Electoral Officer, Bihar.
6. **Shri G. C. Upreti,** Joint Chief Electoral Officer, Uttar Pradesh.

#### *Member-Secretary*

7. **Shri K. Ganesan,** Under Secretary (Legal) Election Commission of India.

The Committee may associate any other officer if they think if necessary so to do in the interest of the work of the Committee. The terms of reference of the Committee are:—

- (1) To study in depth the existing set-up of election machinery in various States and Union territories at different levels to deal with—

(a) Preparation and revision of electoral rolls;

(b) Conduct of elections; and

(c) Matters incidental thereto.

- (2) To make recommendations in regard to a model set-up of the election machinery at various levels in the States/ Union territories.