

(Amendment) Scheme, 1977 (Hindi and English versions) published in Notification No. G.S.R. 647 in Gazette of India dated the 21st May, 1977, under section 7A of the Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948. [Placed in library. See No. LT-358/77]

- (2) A copy each of the following Notifications (Hindi and English versions) under subsection (2) of section 7 of the Employees Provident Funds and Miscellaneous Provisions Act, 1952:—
- (i) The Employees' Provident Funds (Second Amendment) Scheme, 1977 published in Notification No. G.S.R. 473 in Gazette of India dated the 2nd April, 1977.
 - (ii) G.S.R. 534 published in Gazette of India dated the 16th April, 1977 containing corrigendum to Notification No. G.S.R. 488(E) dated the 28th July, 1976.
 - (iii) The Employees' Provident Funds (Third Amendment) Scheme, 1977 published in Notification No. G.S.R. 571 in Gazette of India dated the 30th April, 1977.
 - (iv) The Employees' Deposit-linked Insurance (Amendment) Scheme, 1977 published in Notification No. G.S.R. 648 in Gazette of India dated the 21st May, 1977.
 - (v) The Employees' Provident Funds (Fourth Amendment) Scheme, 1977, published in Notification No. G.S.R. 677 in Gazette of India dated the 28th May, 1977.
- (3) A statement (Hindi and English versions) on the action proposed to be taken on the Conventions and Recom-

mendations adopted at the Sixtieth Session of the International Labour Conference held at Geneva in June, 1975. [Placed in the library. See No. LT-359/77]

12.01 hrs.

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

ALLEGED DOSSIERS ON JUDGES

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

“The reported statement of the Chief Justice of Karnataka about the dossiers of the Judges of High Courts and Supreme Court being prepared by the Central Government on the basis of their attitude towards 20 or 24 point programme.”

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN): Sir, the reported statement of the Chief Justice of Karnataka speaks of dossiers having been kept on judges of the Supreme Court and the High Courts indicating their attitudes towards the 20 Point or the 24 Point Programme. I may categorically state that the present Government is committed to preserving the independence of the Judiciary and is neither keeping nor has any intention of keeping dossiers on judges. What this Government values is an impartial Judiciary that decides cases in accordance with the law. Government is not interested in probing into the private political views of Judges. If any dossiers on the political views of judges were kept by any member of the previous Government, they have not been handed over to us.

SHRI VAYALAR RAVI: Mr. Speaker, 'Sir, the judiciary is an important organ of democracy. Any erosion of the independence of judiciary will jeopardise the interests of the people of the country. I may submit, Sir, that an impression has been created among the judges that the Congress had tried or was trying to erode the rights and independence of Judges during the Emergency. If anything happened in the Emergency, the people responsible for it can be punished. I want to make it very clear that it is not the intention of the Congress Party either in the past or today or tomorrow to erode the rights and the free and fair functioning of the judiciary. I must make it very clear. It is a mischievous propaganda successfully carried on for some time that the Congress was trying to do so. It is far from the truth. I can give this assurance that in future also the Congress will definitely try to uphold the rights and independence of the judiciary. While this criticism of interference with the judiciary is being made against the Congress, in fact that criticism has proved right on the other side by Shri K. S. Hegde representing the Janata Party. I do not want to go into that.

If we trace the history of the American judiciary, while I will not elaborate it, there was bitter fight between the President and the judiciary. While the President contended that the judiciary is showing disrespect to him, the judiciary said that it is the President who is showing disrespect to them. All the same, this controversy or confrontation led to the strong foundations of American democracy and the independence of the American judiciary. Similarly, in India also, if there were occasional confrontations, it has only helped to create a proper atmosphere for better understanding between the two institutions of Indian democracy.

The judiciary should be free from political controversies. If any political controversy is created in the judiciary, it will only help to make the people lose faith in the judiciary and the

judges. That is obvious. Even if the ruling party feels that the Congress pressurised the Judges, which is not true, I would appeal to them not to pressurise the judges politically. I am mentioning this because the last sentence of the statement of the hon. Minister reads:

"If any dossiers on the political views of judges were kept by any member of the previous Government, they have not been handed over to us."

This is a very funny statement made by the Minister. I never thought that any Minister will make such a statement.

Now let me come to the statement of the Chief Justice of Karnataka, as reported by the *Indian Express*, the spokesmen of the Janata Party, which says:

"The Union Government is maintaining dossiers of what the judges of both the High Courts and Supreme Court have said and who among them were for 20 and 24 point programme and who were against them during the emergency. There was fairly good evidence with him that such dossiers were maintained."

This statement was made by the Chief Justice of the High Court of Karnataka, Shri G. K. Govinda Bhat, in the presence of Shri K. S. Hegde, M.P. This is very important. Here the Minister says that no such dossiers have been handed over to them. There are 350 Judges in this country and no Government can carry these 350 files with them. Do you mean to say that all the files were not handed over to the Secretariat? If the Government kept a record and they have been taken away by the previous government, please prosecute them and punish them, or you must say categorically, representing the Government,—because the Government is a permanent feature where the Ministers may come and go,—what those dossiers reveal. You cannot say that the previous Government have not handed them over to you. I want to know very categori-

[Shri Vayalar Ravi]

cally whether there is any evidence with you that such a dossier was kept and taken away.

Secondly, if the Chief Justice of Karnataka says like that, another Chief Justice, say the Chief Justice of Gujarat can join issue with him, and it will create a very bad impression that such a dossier is being kept and the judges will be intimidated. So, that impression has to be cleared and the hon. Minister should not be a party to such statements. I want a clear assurance from the hon. Minister that the judges would be free from any political controversy and that they would not be dragged into any such controversies so that we can maintain the highest traditions of Indian democracy and judiciary.

SHRI SHANTI BHUSHAN: There is some indication to that effect, certainly, because a paper was discovered in the correspondence file of the Justice Department, which was an unsigned statement, containing the names of several Chief Justices and several Judges of various High Courts and saying about some Chief Justices and some Judges "we have no records against them", mentioning something about their political views.

It has not been possible to relate this unsigned statement to any dossiers or records formally maintained by the department. That is why this answer has been given. Some indication is certainly there that some kind of record, may not be official, was being maintained...

SHRI VAYALAR RAVI: Relating to the 20-point programme?

SHRI J. RAMESHWARA RAO (Mahboobnagar): Why should an unsigned statement be taken notice of?

MR. SPEAKER: That is why he said "indication".

SHRI SHANTI BHUSHAN: ...which had reference to political views, but there was no formal keeping of dos-

siers and, therefore, I have made that statement.

SHRI K. LAKKAPPA (Tumkur): I would like to make it clear that the Congress Party is maintaining the independence of the judiciary. Because of certain political distortions were created in the country that we were responsible for distorting the judiciary, I would like to deny that.

In India, the judiciary is completely free, compared to other countries. Even in democratic countries like France, Italy and Greece, there are constitutional provisions for even enforcing discipline on the Judges. Even in Japan, the Supreme Court Judge has to seek the approval of the elected representatives, but in India, the judiciary is highly respected. We want to see that the judiciary is kept on the highest pedestal.

But certain controversies have been created. There are recent statements invoking public opinion in a very bad manner. I never make any aspersions against any Judges or their functioning. I have no intention of doing any such thing, but there are certain statements made by the Chief Justice of Karnataka. Besides the one referred to by my hon. friend, Shri Ravi, here is a statement which was reported on 13th January, 1975:

"The Chief Justice of Karnataka, Mr. Govinda Bhat, yesterday narrated how a Karnataka Minister had phoned him two years ago asking him to dismiss a writ petition which he was hearing along with another Judge.

"Mr. Justice Bhat, who was then an ordinary judge, had curtly told the Minister that he was addressing a wrong person."

Here is another statement of his reported on 12th April, 1977:

"Chief Justice G. K. Govinda Bhat of the Karnataka High Court today disclosed that some Ministers of the

State Government had approached two High Court Judges for influencing them in a criminal case in which the Ministers were allegedly involved.

"The Chief Justice stated this at a reference function held in the High Court to mourn the death of Mr. Justice D. Noronha, who recently retired."

The Chief Justice wrote a letter to the Chief Minister and later called a press conference. The newsmen were surprised to know the fact that the Chief Justice released to the press a letter he had just then despatched to Mr. Urs. The Chief Minister of Karnataka accepted the challenge and wrote back to the Chief Justice asking him to let him know the names of these two Ministers. That was also discussed not only in the Legislative Assembly but outside also. The Chief Justice then called a press conference and in that he told that he had already furnished the names of those two persons to the Central Government and now he was not going to disclose the names of those persons.

श्री गौरी शंकर राय (गाजीपुर) : अध्यक्ष महोदय, एक व्यवस्था का प्रश्न है। क्या काल घटोशन पर भाषण होता है, सूचना दी जाती है या मिनिस्टर से ली जाती है, इस पर आप अपनी व्यवस्था दें। माननीय सदस्य का प्रवचन किस संदर्भ में हो रहा है? काल घटोशन में तो ऐसी व्यवस्था है नहीं।

MR. SPEAKER: I agree with the hon. Member. They can only ask for clarifications but they go on making speeches and the question of dossier has gone into the background and the question of 24 Point Programme has also gone into the background. May I request the Member at least now to put a question or allow the Minister to reply?

श्री कर्पूरी ठाकुर (समस्तीपुर) : अध्यक्ष महोदय, अगर सदस्यों की तरफ से प्रवचन फौलादी आएगी तो सदन का समय नष्ट होगा और कैसे काम इस सदन का चलेगा।

MR. SPEAKER: I said it is wrong. They cannot make statements. Therefore, I am requesting him to put a question. Are you going to put a question?

SHRI K. LAKKAPPA: The Chief Justice further told the Press Conference that if the Law Minister so desired he would divulge the names of those two persons. I am not casting any aspersion against any judge. Later on the Chief Justice of the Supreme Court said in a judgment:

"Some judges now-a-days tend to express views on subjects ranging from the Vedas to politics and at times their utterances, particularly when they have a political slant, are even misunderstood.

A judge is not a politician and he should not try to become one. He should not hobnob with politicians."

There are certain norms and the code of conduct. We have to respect the judiciary. The judiciary should be independent. No such controversy should be allowed to be created. I want to know whether any norms or the code of conduct is under the consideration of the present Government.

SHRI SHANTI BHUSHAN: If I have understood the hon. Member's question correctly, his question is whether the Chief Justice of Karnataka has written to the Law Minister about interference made by two Ministers of the Karnataka Cabinet with the process of law in the High Court there. It is quite true that he has written such a letter to me in which he has offered to disclose the names of those two Ministers. If the hon. Member so desires, I will get the names of those two Ministers and disclose them to the House. (*Interruptions*).

श्री राम नरेश कुशावाहा (सलेमपुर) : अध्यक्ष महोदय, मंत्रियों का नाम बताया जाये।

SHRI SHANTI BHUSHAN: So far as the hon. Member's apprehension from the Ministers of the present Cabinet here is concerned—he has said that if they try to influence the judiciary, he is willing to take up the matter—I can assure him that he may keep on waiting for three or four centuries but he will not find a single Minister of this Government trying to interfere with the judicial process at any level.

SHRI TULSIDAS DASAPPA (Mysore): The whole purpose of calling the attention of the hon. Minister to this matter has been to inform him that there has been a statement made by the Chief Justice of a major State in public about the dossiers being kept by the Central Government and he has also been vague enough to say that the dossiers "were being kept." That is why we wanted to have a clarification from the Law Minister whether such a thing has been kept in the past or not.

Secondly, I want to know whether it is desirable for the judges to publicly raise such controversies. We all respect the judiciary. In democracy, Judiciary is an important institution. If it is not given its due place of respect and regard, democracy itself will get endangered. Therefore, all of us are equally concerned to maintain the dignity of judiciary. But the question is whether this responsibility is unilateral or bilateral in the sense that all these norms and the code of conduct have to be imposed on public personalities and the political parties alone, and that the judges are free to express their political views publicly.

The Law Minister has very rightly observed in the statement that they are not interested in "probing into the private political views of the judges." It is quite human that every man will have his political views and it cannot be prevented. But the question is whether those political views can be

expressed in public or it could be confined to one's private personal life. Here, in the case of the Chief Justice of Karnataka, he has been continuously and repeatedly doing it. My hon. friend, Shri Lakkappa has already quoted it. The controversies are raised again and again. I would, therefore, like to know from the hon. Minister whether the idea which was already mooted in the past in one of the Chief Justices' Conferences to have a code of conduct for judges could be reconsidered in the light of such controversies being raised in the country.

SHRI SHANTI BHUSHAN: So far as the code of conduct for the judges is concerned, I would like to say that it is not for the Government to lay down any code of conduct for the judges. The judges are respected public people of such a high standard. If they themselves have a self-imposed code of conduct, it is for them, for the Chief Justices' Conference, etc., to evolve a code of conduct for themselves.

It is not for the Government to go into this question and to lay down any code of conduct for them.

SHRI V. M. SUDHEERAN (Alleppey): I welcome this statement made by the hon. Minister that the Government is not interested in probing in the private and political views of the judges. At the same time, I would like to appeal to the minister to create a situation in which our judges should not enter into any political controversy. He should also see that these judges will not create public political controversy because our judiciary tradition is very unique, very high. So, these judges should not enter into any political controversy. If they do it, that will tarnish the image of the judges. That may also spoil the image of the whole judiciary. So, I would again like to appeal to the hon. Minister to see and create a situation in which our judges should not enter into any political controversy.

SHRI SHANTI BHUSHAN: I have not been able to understand the trend of the question as to what does the hon. Member expect and how that sort of climate should be created that judges should not enter into questions of political controversial nature. I suppose and I believe that every judge in the country is quite aware and acts up to that belief that judges do not enter into political controversy and I have not seen any evidence. If there is a matter of public interest on which the judge would be in a position to speak on a matter of grave public interest, then certainly there is no harm in his speaking about that matter of public interest. To enter into political controversy, there is a different position, different question. I don't think that the judges in this country are entering into political controversy.

MR. SPEAKER: This debate itself is good enough. Naturally, every judge will read it. This debate will lead towards that end.

12.28 hrs.

DEMANDS FOR EXCESS GRANTS
(GENERAL), 1974-75

MR. SPEAKER: Now Mr. Patel will have to present a statement.

THE MINISTER OF FINANCE AND REVENUE AND BANKING (SHRI H. M. PATEL): Sir, I beg to present a statement showing Demands for Excess Grants in respect of the Budget (General) for 1974-75.

12.28½ hrs.

PRESIDENTIAL AND VICE-PRESIDENTIAL ELECTIONS (AMENDMENT) BILL

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN): Sir, I beg to move for leave to introduce a Bill further to amend the Presidential and Vice-Presidential Elections Act, 1952.

MR. SPEAKER: The question is:

"That leave be granted to introduce a Bill further to amend the Presidential and Vice-Presidential Elections Act, 1952."

The motion was adopted.

MR. SPEAKER: Now you can introduce the Bill.

SHRI SHANTI BHUSHAN: I introduce the Bill.

12.30 hrs.

DEMANDS FOR GRANTS (RAILWAYS), 1977-78

MR. SPEAKER: We shall now take up discussion and voting on the Demands for Grants in respect of the Budget (Railways) for 1977-78. Six hours have been allotted. Naturally, all those who have not participated in the general discussion will be given a chance by their respective party whips so that those who have already spoken need not speak again.

Members present in the House who desire to move their cut motions may send slips to the Table within 15 minutes indicating the serial numbers of the cut motions that they would like to move.

Motion moved:

"That the respective sums not exceeding the amounts shown in the fourth column of the Order Paper be granted to the President out of the Consolidated Fund of India to complete the sums necessary to defray the charges that will come in course of payment during the year ending the 31st day of March, 1978, in respect of the heads of demands entered in the second column thereof against Demands Nos. 1 to 11, 11A and 12 to 22."