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Title: Regarding alleged irregularity in the confirmation of appointment of a Judge in Madras High Court.

DR. M. THAMBIDURAI (KARUR): Madam Speaker, as you know, yesterday, I had raised the issue of interference by the former DMK MPs and Ministers in Judicial system. This was also confirmed by the former Chief Justice of Madras High Court....(*Interruptions*)

Today's article in the newspaper further reports, the former Union Law Minister had confirmed that he was approached by his Cabinet colleagues and MPs from DMK's connection. ...(*Interruptions*) He further said that he transferred the Judge from Madras High Court to Andhra Pradesh High Court because he saw photographs of the Judge that showed his proximity to the DMK....(*Interruptions*) Madam, it is a very serious issue.

Madam, today, \* former Union Minister, accepted it.

माननीय अध्यक्ष : आप किसी का नाम मत लीजिए।

â€¦(*व्यवधान*)

DR. M. THAMBIDURAI : He said, some of his colleagues came to his chamber and requested to see that the Judge is confirmed....(*Interruptions*). He was threatened at that time. That is what I am telling. \* already confirmed that. He said, "The DMK was an important ally of UPA and their MPs came to see me in my office saying the Madras High Court Judge was being discriminated against." ...(*Interruptions*) Who is the concerned Minister who came to \*to say that?...(*Interruptions*) It is a very serious matter.

माननीय अध्यक्ष : मैं आपको एक बात कह रही हूँ कि आप किसी का नाम मत लीजिए, पूर्व मंत्री कह लीजिए।

â€¦(*व्यवधान*)

DR. M. THAMBIDURAI : Former Union Law Minister confirmed that DMK Ministers and MPs came to his chamber and pressurized him to confirm the Judge's appointment. Then, afterwards, the former Minister also said, he had seen the photographs that showed that the Judge was close to DMK leaders. That is why he had been transferred from Madras High Court to Andhra Pradesh High Court....(*Interruptions*) If that is the case, how the DMK Ministers interfered in judicial appointment? I would like to request for some kind of a statement from the hon. Law Minister, who is present here. ...(*Interruptions*)

माननीय अध्यक्ष : आप सभी लोग एक साथ मत बोलिए।

â€¦(*व्यवधान*)

DR. M. THAMBIDURAI : It is a very serious matter....(*Interruptions*)

माननीय अध्यक्ष : आप लोग अपनी सीट पर जाइए।

â€¦(*व्यवधान*)

DR. M. THAMBIDURAI : In the Parliament we discuss that there must not be interference with the Judiciary. ...(*Interruptions*) But, it is a very clear case that the DMK Ministers and MPs approached the Minister and interfered....(*Interruptions*)

HON. SPEAKER: You go to your seats please. If the Minister is ready to speak, I am not objecting to that.

...(*Interruptions*)

THE MINISTER OF URBAN DEVELOPMENT, MINISTER OF HOUSING AND URBAN POVERTY ALLEVIATION AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI M. VENKAIAH NAIDU): Madam Speaker, if you permit, the Minister for Law will respond to the issue raised.

SHRI MALLIKARJUN KHARGE (GULBARGA): Yesterday, hon. members raised a point of order and you have given ruling on this. As per the rule, it should not be raised or discussed again....(*Interruptions*) You are at liberty to permit it. But, once, if you have given ruling on any issue, can it be taken again and same thing is discussed often? You have to take it carefully. ...(*Interruptions*)

माननीय अध्यक्ष : आप एक मिनट सुन लीजिए। थोड़ा धैर्य तो रखिए।

â€¦(*व्यवधान*)

माननीय अध्यक्ष : रूलिंग तो मैंने दी है। ज़ीरो ऑवर में प्वाइंट ऑफ ऑर्डर नहीं होता।

â€¦(*व्यवधान*)

माननीय अध्यक्ष : एक मिनट आप बैठिए।

â€¦(*व्यवधान*)

माननीय अध्यक्ष : कल जब बात आ रही थी तो मैंने इतना ही बोला था कि ज़ीरो ऑवर में प्वाइंट ऑफ ऑर्डर नहीं होता। That was my ruling. आज अगर उसमें कुछ एडीशन होकर वह उठाना चाहते हैं और अगर मिनिस्टर रिप्लाय देना चाहते हैं तो मैं उसको रोक नहीं सकती।

â€¦(*व्यवधान*)

माननीय अध्यक्ष : मैं कम्पैल नहीं कर रही हूँ। That is the thing. If they want to give the reply, they can do it.

...(Interruptions)

THE MINISTER OF COMMUNICATIONS AND INFORMATION TECHNOLOGY AND MINISTER OF LAW AND JUSTICE (SHRI RAVI SHANKAR PRASAD): Madam Speaker, I am grateful that you have given me the chance to reply and make my observations. It is a sensitive issue and as the Law Minister of India, I shall certainly remain within the boundary of sensitivities.

Yes, it is in public domain. There was also a Public Interest Litigation with the Supreme Court of India. I will just briefly refer to that with the reported judgment. The Judge in question, about whom the question, the issue is being debated, which has been raised by hon. Member Thambiduraiji, was appointed in the year 2003. Subsequently, the collegium has certain reservations. They sought certain enquiries. I do not wish to go into the details of this. It will not be proper for me to go into this. Subsequently, a decision was taken that his case needs not be confirmed. But in June, 2006, there was a clarification sought from the then PMO as to why his case is not being processed. Thereafter, again the matter was considered by the collegium and the collegium in its collective wisdom took a call that he needs not be recommended at all.

Thereafter, hon. Speaker, on 16<sup>th</sup> of July 2005, to be precise, again a note went from the then Department of Justice with the approval of the then Law Minister indicating about certain sensitivity. Thereafter, a call was taken by the collegium that his case can be considered for some extension and he was made permanent....(Interruptions)

माननीय अध्यक्ष : आप पहले पूरी बात सुनिए।

â€!(व्यवधान)

माननीय अध्यक्ष : खडगे जी, एक बात सुनिए। सौगत राय जी, हर बात में नहीं बोलना होता है। पहले तो उनकी बात पूरी सुनिए। फिर आपको कोई ऑब्जेक्शन हो तो आप बोल सकते हैं। प्वाइंट ऑफ ऑर्डर इसलिए नहीं होता, उन्होंने किसी का नाम नहीं लिया है और ज़ीरो ऑवर है। वह बोल रहे हैं।

â€!(व्यवधान)

SHRI RAVI SHANKAR PRASAD: Madam, the matter stood thereafter. Now, what is the position today? ...(Interruptions)

SHRI MALLIKARJUN KHARGE : Madam, according to the Article 121 of the Constitution of India:

"Restriction on discussion in Parliament:

No discussions shall take place in Parliament with respect to the conduct of any Judge of the Supreme Court or of a High Court in the discharge of his duties except upon a motion for presenting an address to the President praying for the removal of the Judge as hereinafter provided." ...(Interruptions)

माननीय अध्यक्ष : इनकी कुछ बात कार्यवाही में नहीं जाएगी। इस पर कोई चर्चा नहीं हो रही है।

...(व्यवधान)\*

SHRI RAVI SHANKAR PRASAD: Madam, I will reply to that....(Interruptions)

HON. SPEAKER: No discussion is going on, on this issue.

...(Interruptions)

SHRI RAVI SHANKAR PRASAD: Madam, I am very grateful that hon. Member Shri Khargeji has reminded me about Constitutional provisions. I am quite aware of that. I am not for a moment making any observation about the conduct of a Judge in his judicial capacity. I am not going to make that. But, today I have only recounted those facts. The situation, today, is that the hon. Judge, in question, has retired. Unfortunately, he is no more. Hon. Judges, under reference, have all retired. Therefore, as the hon. Supreme Court has stated in the Shanti Bhushan case, 'the clock cannot be put back'.

But, yes, I take note of the concerns made by the hon. Dr. Thambidurai ji and there is an imperative need to improve the system of appointment of hon. judges. Therefore, our Government, with the greatest respect, hon. Speaker, Madam, is quite keen to ensure that the National Judicial Commission System is appointed. That is what they are saying. That is all. â€!(Interruptions)

HON. SPEAKER: Now, Shri Ninong Ering.

...(Interruptions)

DR. M. THAMBIDURAI : Who was the then Ministers from DMk involved? I want some action. ...(Interruptions)

HON. SPEAKER: Please sit down.

...(Interruptions)

HON. SPEAKER: Please go to your seats.

...(Interruptions)

माननीय अध्यक्ष : श्री निनोंग इरिंग।

â€¦(व्यवधान)

माननीय अध्यक्ष : नहीं, अब नहीं होगा।

â€¦(व्यवधान)

माननीय अध्यक्ष : निनोंग इरिंग जी, आपको कुछ कहना है?

â€¦(व्यवधान)

माननीय अध्यक्ष : प्लीज बैठिए, कुछ रिकॉर्ड में नहीं जाएगा।

...(व्यवधान) \*

माननीय अध्यक्ष : माननीय सदस्य कुछ कहना चाहते हैं।

â€¦(व्यवधान)

माननीय अध्यक्ष : ऐसे नहीं होता है। Please go to your seat.

...(Interruptions)

माननीय अध्यक्ष : माननीय सदस्य बहुत गंभीर बात कह रहे हैं। अब बात छोड़ दें। बार-बार एक ही चीज नहीं होती है।

â€¦(व्यवधान)

श्री निनोंग इरिंग (अरुणाचल पूर्व) : माननीय अध्यक्ष जी, मैं एक बहुत ही गंभीर बात जो कल हुई थी उसकी तरफ सदन का ध्यान दिलाना चाहता हूँ। यहाँ पूर्वोत्तर का लड़का काम करता था, 21 जुलाई को उसे पीट-पीट कर मारा गया। ...(व्यवधान)

माननीय अध्यक्ष : तम्बिदुर्स जी, प्लीज, बार-बार ऐसे नहीं होता है।

â€¦(व्यवधान)

HON. SPEAKER: Only what Shri Ninong Ering says will go on record.

(Interruptions) â€¦\*