

[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 विष्णु कासत (होशंगाबाद) : वाचस्पति, महोदय, मैं आपकी धनमति से छठी लोक सभा की शान्ति समिति का अष्टम प्रतिवेदन (हिन्दी और अंग्रेजी दोनों संस्करण) रादन की सेवा से 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.

This course was also approved by the Prime Minister and the President.

It will thus be seen that approval to the proposal to appoint Shri O. N. Vohra was accorded in the usual course and had no link whatever with the decision in that case. Indeed, it was accorded well before the conclusion of that case so that no suspicion should arise that the outcome of the Kissa Case determined or could determine the decision of the appointment of Shri O. N. Vohra as Judge. It is only the notification of his appointment that, for the reasons mentioned above, was held up for some time. This notification is now proposed to be issued.

I am sure Members of this House including those on the Benches of the Opposition will agree after this recital of facts that the imputation of any motives is most unfair to Government as well as the Judiciary.

12.48 hrs.

#### MATTERS UNDER RULE 377

MR. SPEAKER: Now matters under Rule 377.

(Interruptions)\*\*

MR. SPEAKER: Nothing will be recorded. Now Mr. Dhondge.

(1) DAMAGE CAUSED TO THE STATUS OF  
NETAJI SUBHAS CHANDRA BOSE AND  
MAHATMA GANDHI IN ANDHRA PRADES

श्री कौशबराम धोंडगे (नांदेड़) : सदर साहब नियम 377 के द्वारा मैं एक सार्वजनिक और राष्ट्रीय महत्व के सवाल की तरफ ध्यान का ध्यान आकर्षित करता हूँ। आंध्र प्रदेश के धन्वर वर्गमम गोदावरी जिले में जलय की जगह पर 23 जनवरी 1979 को नेताजी सुभाष चन्द्र बोस का पुतला उनकी जयन्ती के दिन फोड़ दिया गया है। इसके साथ ही दिनांक 30 जनवरी 1979 को भाविलाबाव जिले में मधेरिस में महारवा बांधी जी का पुत उनकी पुण्य तिथि के दिन तोड़ा गया है। ये

समाज विरोधी और देश विरोधी कार्यवाहियाँ एक चुनौती और बाहना है। समाज देश प्रेमी जनता मैं इन घटनाओं की वजह से तीव्र असन्तोष फैला हुआ है। इस प्रकार की कुप्रवृत्तियों के खिलाफ फौरन कार्रवाई करने की मांग मैं सम्माननीय गृह मंत्री महोदय से करता हूँ और इन राष्ट्र पुरुषों की विटम्बना बदनामी, और बेइज्जती के शय्यलों को खत्म करने की मांग करता हूँ। जय क्रांति।

#### (ii) MAHARASHTRA STATE ROAD TRANSPORT CORPORATION

SHRI R. K. MHALGI (Thana): Sir, under rule 377, I wish to raise the following matter:

According to the provisions of Section 23 of the Road Transport Corporation Act, 1950, the Government of Maharashtra and the Central Government provide capital contribution to the M.S.R.T.C.: in the ratio of 2:1. This capital contribution is provided to the Corporation in order to enable it to meet the expenditure of capital nature, such as purchase of chassis, lands and machinery, construction of depots, bus stations etc. The M.S.R.T.C. started incurring losses from the year 1970-71, and by 1974-75, the total accumulated losses were of the order of Rs. 1941 lakhs. The State Government took several measures to supplement the steps taken by the Corporation to put its finances on sound footing. One of the measures was to provide capital contribution of Rs. 500 lakhs in addition to the contribution of Rs. 100 lakhs already paid to the Corporation during 1974-75. The State Government also paid to the Corporation additional capital contribution of Rs. 100 lakhs in the year 1976-77.

The additional capital contribution paid by the state government in the years 1974-75 and 1976-77 thus comes to Rs. 600 lakhs and the share of the central government comes to Rs. 300 lakhs. The central government disowned their responsibility to pay the matching contribution of Rs. 300 lakhs on the ground that the ad hoc contributions amounting to Rs. 600 lakhs

\*\*Not recorded.