

MR. SPEAKER: That is under consideration.

SHRI VAYALAR RAVI: My point is that we should have a discussion on the functioning of the IB and surveillance on the Ministers. Let us look at Haryana. They have put 200 people here. This kind of activity of the Intelligence Bureau of the Central Government and the Police of the State Government should be discussed in this House; I want this should be included in the agenda.

SHRI C. K. CHANDRAPAN (Cannanore): Last week, the hon. Home Minister made some very important points. While giving replies to certain questions. One such point was that the Punnappa Vayalar struggle in the former princely State of Travancore from which the hon. Minister also comes, would not form part of the freedom struggle. He also said that the Telengana Armed Insurgents against the former Nizam would also not form part of the freedom struggle. Yesterday, in reply to another question he said that the Moplah Rebellion that took place in Malabar would not form part of the freedom struggle. I think, this is a serious problem on which the Government took a politically discriminating and communal approach. I, therefore, propose that on all these issues there should be a discussion next week. We have sent notices for that. This agitates the minds of several thousands of patriots who laid their lives and lost everything in their fight for freedom. I think, it should form part of the discussion next week.

SHRI MOHD. SHAFI QURESHI (Anantnag): My submission is that the Minister of Works and Housing made a statement in Aligarh that he is going to bring forward in this session Aligarh University Amendment Bill. I would like to know from the hon. Minister whether that Bill will be brought forward during this session or not. I would request

you to have at least 3 hours discussion on minority affairs. Important questions submitted to the Parliament asking for information about minority affairs have been rejected. So, it would really mean a discussion on minority affairs. I would request you to provide 3 hours for this.

12.11 hrs.

MATTERS UNDER RULE 377

- (i) CIRCULAR *re*: FORMATION OF A CODE OF ETHICS FOR HIGH COURT JUDGES

SHRI SHYAMNANDAN MISHRA (Begusarai): Under Rule 377, I rise to draw the attention of the House to a matter which has caused a great deal of public concern. The circular dated October 10, issued by the Chief Justice of India to the Chief Justices of all the High Courts regarding the formulation of a code of ethics for the High Court judges, has surprised and pained many who hold the independence and dignity of judiciary dear to their hearts.

The suggestion that High Court Judges need to be disciplined and brought under a code of conduct to be enforced by a Committee of Judges smacks of the thinking during the days of emergency when the so-called "Voluntary Code" was prescribed for every section of the community except, of course, for the powers that be. What these so-called 'voluntary codes' became or were actually intended to be, is well known.

The history of higher judiciary has been one of exemplary standards even in periods of great duress, and of a fierce, spirit of independence even in an atmosphere of around conformity.

The judiciary has been the bastion of liberty and the hope of the oppressed especially when the oppressor turned out to be the state itself. The

various high courts endeavoured to uphold this great tradition and to set at liberty thousands of innocent persons sent to jails without any reason during the dark days of emergency. These valiant efforts, despite their failure in the final resort, will form a glorious chapter of our history. With the single exception of a judge of the Supreme Court who delivered a dissenting judgment in the habeas corpus case of 1975-76, and was ultimately superseded, it was the High Court judges who suffered for their independence in administering justice without fear or favour.

So, the issuance of this circular which is intended to discipline the ones whose record should have been emulated by others is not only uncalled for but a clear insult to them. It might even be interpreted as a reflection on the integrity of the judiciary which is the very foundation of the rule of law. It would be a sad day, indeed, when our judges would have to obtain character certificate periodically even if they be from their fellow judges. The underlying assumption that the judges should be under surveillance and their conduct needs to undergo screening or scrutiny would create a feeling among the people that there is something seriously wrong in the Kingdom of Denmark. The definition of judicial conduct borders on the ridiculous when the judges are required to give an undertaking not to drink in public or private except on medical grounds. The judges of superior courts are appointed by the President in accordance with the constitutional requirements of high ability and distinction which is further fortified by the fact that a judge can be removed only by a special procedure prescribed by the Constitution. The judges also subscribe to oath of office which with a remarkable brevity requires them to do their duties most scrupulously and conscientiously. To lay down any further criterion would seem to derogate not only from the dignity of the relevant constitutional

provision or from the sanctity of oath but also indirectly cast reflection on the choice of the President.

There are professions which are guided by conventions rather than a code of conduct. Democracy works largely under self-regulation. The last we heard about the Press code, Code for Lawyers, Code for Judiciary, etc., was seven months ago. It is, indeed, a matter of concern that certain ways and methods of the nightmarish past should continue even today.

It is particularly disturbing to learn from the circular that the Government is willing to strengthen the hands of those who have initiated this move and to help them with any legislation which may be necessary for the purpose. This clearly shows that the Government is not so innocent of the move as it has been trying to make out. In fact, even a legislation is being contemplated. I would, therefore, demand—and have no doubt that the House joins me in this—that the Government make a statement on the subject clarifying the position.

12.18 hrs.

(ii) ALLEGED GROSS CHEATING OF CENTRAL BANK OF INDIA BY KOHINOOR MILLS ..

SHRI JYOTIRMOY BOSU (Diamond Harbour): Sir, it was in the beginning of this Lok Sabha that I revealed on the floor of this House that the Kohinoor Mills belonging to Kapadias had been allowed to rob the Central Bank of India to the tune of over Rs. 20 crores—in fact, it is Rs. 26 crores, I am told—out of which Rs. 15 crores have already been marked as 'frozen account'. In this big fraud, Smt. Indira Gandhi's son, Mr. Sanjay Gandhi, Kapadias, Central Bank officials, some erstwhile and some present officials of the Banking Ministry including the then Secretary and at least two erstwhile Governors of Reserve Bank were closely involved. I know about one Reserve Bank Governor who was on the pay-roll of