

(d) In order to reduce the incidence of accidents at level crossings, various measures have been taken such as provision of 'Cautionary Road Signs', 'stop boards' to warn the road users of unmanned level crossings ahead; provision of 'Whistle Boards' along the railway line short of all the unmanned level crossings and such of the manned level crossings where visibility is restricted, requiring the engine drivers to be cautious and whistle while approaching such level crossings; interlocking of level crossing gates with signals or provision of lifting barriers or construction of road-over/under bridges where justified by road and rail traffic; and educative campaigns among the road users through leaflets, cinema slides, radio talks etc. The State Governments have legislated under the Motor Vehicle Rules making it obligatory on the part of the drivers of motor vehicles to stop short of unmanned level crossings and look out carefully for any approaching train before negotiating the level crossing and to cross the railway track with the conductor walking ahead in case of buses. Surprise checks are also conducted in coordination with the police authorities to ensure compliance with the Motor Vehicle Rules by Road users. State Governments have also been requested to provide 'Speed Breakers' (Bumps) On the approaches to all level crossings.

It has now been decided that such of the unmanned level crossings as are potential hazards to safety of passengers, should, in future be upgraded to manned level crossings, in a phased manner entirely at the cost of railways.

(e) Claims of compensation of the victims of level crossing accidents in which passengers travelling in the train are not involved, are not covered under the Indian Railways Act, 1890. The compensation is payable if any contributory negligence is proved under the Law of Torts on the part of the Railway Administration. The quantum of compensation payable by the Railway Administration to the

claimant is decided by the Court of Law On merits of each case.

12.00 NOON

PAPERS LAID ON THE TABLE

I. Reports of the Monopolies and Restrictive Trade Practices Commission

II. The Companies (Acceptance of Deposits) Third Amendment Rules, 1977

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN): Sir, I beg to lay on the Table;

I. A copy of each (in Hindi) of the following Reports of the Monopolies and Restrictive Trade Practices Commission, under section 62 of the Monopolies and Restrictive Trade Practices Act, 1969: —

(i) Report under section 22(3) (b) of the said Act, in the case of M/s. Kesoram Industries and Cotton Mills Limited, Calcutta, and the Order dated the 21st March, 1974 of the Central Government thereon.

(ii) Report under section 22(3) (b) of the said Act, in the case of M/s. Ballarpur Paper and Straw Board Mills Limited, New Delhi, and the Order dated the 28th February, 1976, of the Central Government thereon.

(iii) Report under section 22(3) (b) of the said Act, in the case of M/s. Indian Explosive Limited for Establishment of a new Undertaking for the manufacture of commercial blasting explosive and the Order dated the 28th February, 1977, of the Central Government thereon.

[Placed in Library. See No. LT-1774/78 for (i) to (hi)].

II. A copy (in English and Hindi) of the Ministry of Law, Justice and Company Affairs (Department of Company Affairs) Notification G.S.R. No. 993(E), dated the 31st December, 1977, publishing the Companies (Acceptance of Deposits) Third

Amendment Rules, 1977, under subsection (3) of section 642 of the Companies Act, 1956. [Placed in Library. See No. LT-1775/78.]

**Annual Report and Accounts (1976-77) of
the Fertilizers and Chemicals,
Travancore Limited, Eloor, Udyo-
gamandal (Kerala) and related papers**

पेट्रोलियम तथा रसयन और उर्वरक
मंत्रालय में राज्य मंत्री (श्री जनेश्वर मिश्र) :
सभापति महोदय, मैं आपकी अनुमति से
कम्पनी अधिनियम, 1956 की धारा 619-
(क) की उपधारा (1) के अधीन निम्न-
लिखित पत्रों की एक प्रति (अंग्रेजी तथा
हिन्दी में) सभापटल पर रखता हूँ :—

(i) 1976-77 के वर्ष के लिए
फर्टिलाइजर्स एण्ड कैमिकल्स, ट्रावन्-
कोर लिमिटेड, एलूर, उद्योगमंडल
(केरल) का तैंतीसवां वार्षिक
प्रतिवेदन तथा लेखे, लेखों पर
लेखापरीक्षकों के प्रतिवेदन तथा
उस पर भारत के नियंत्रक महालेखा-
परीक्षक की टिप्पणियों सहित।

(ii) कम्पनी के कार्यकरण की सरकार
द्वारा समीक्षा।

[Placed in Library. See No. LT-
1776/78 for (i) and (ii)]

**CALLING ATTENTION TO A MAT-
TER OF URGENT PUBLIC
IMPORTANCE**

**The alleged interference by Government
in the independence of the judiciary**

[Mr. Deputy Chairman in the Chair] SHRI
DEVENDRA NATH DWIVEDI (Uttar
Pradesh): Sir, I beg to call the attention of the
Minister of Law, Justice and Company Affairs
to the interference by Government in the in-
dependence of the judiciary as is apparent
from the transfer of the Chief Justice of the
Allahabad High Court arbitrarily to the
Karnataka High Court.

THE MINISTER OF LAW, JUSTICE
AND COMPANY AFFAIRS (SHRI SHANTI
RHUSHAN): Sir, Shri Justice D. M.
Chandrashekhkar, Chief Justice, Allahabad
High Court, was transferred during the
emergency as a Judge from the Karnataka
High Court to the Allahabad High Court
without his consent. At the time of the
retirement of Shri K. B. Asthana, Chief
Justice of Allahabad High Court on May, 9,
1977 Shri Justice Chandrashekhkar was the
senior-most puisne Judge of the Allahabad
High Court. A recommendation from the State
authorities proposing his appointment as
Chief Justice, Allahabad High Court in the
vacancy due to arise on the retirement of Shri
K. B. Asthana was received by the Govern-
ment of India. Shri Justice Chandrashekhkar
was appointed as Chief Justice of Allahabad
High Court with effect from May 9, 1977 in
consultation with the Chief Justice of India.
The Chief Justice of Karnataka High Court,
Shri Govind Bhat was due to retire on 15th
December, 1977. Sometime before Shri
Justice Govind Bhat's retirement Shri Justice
Chandrashekhkar requested that he may be
transferred to the Karnataka High Court as the
Chief Justice of that High Court on the
retirement of Shri Justice Govind Bhat. The
Chief Justice of India was consulted on the
question of Shri Justice Chandrashekhkar's
transfer to the Karnataka High Court and on
the basis of his advice, and in exercise of the
powers conferred by Article 222 of the
Constitution of India, the President has
transferred Shri Justice Chandrashekhkar from
the Allahabad High Court to the Karnataka
High Court as the Chief Justice of the
Karnataka High Court.

It is thus very clear that the transfer of Shri
Justice Chandrashekhkar was done with his
consent and indeed, on his request, in order to
redress the injustice done to him during the
emergency. In response to a widespread
demand, it has been the general approach of
Government to retransfer with their consent
and in