

(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 (iii)].

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 sub-section (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 तैत्तीसवां वार्षिक  
प्रतिवेदन तथा लेखे, लेखों पर  
लेखापरीक्षकों के प्रतिवेदन तथा  
उम 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 Govern-  
ment 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, JUS-  
TICE AND COMPANY AFFAIRS  
(SHRI SHANTI BHUSHAN): Sir,  
Shri Justice D. M. Chandrashekhar,  
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  
Chandrashekhar was the senior-most  
 puisne Judge of the Allahabad High  
Court. A recommendation from the  
State authorities proposing his ap-  
pointment 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 Chandra-  
shekhar was appointed as Chief Jus-  
tice of Allahabad High Court with  
effect from May 9, 1977 in consulta-  
tion with the Chief Justice of India.  
The Chief Justice of Karnataka High  
Court, Shri Govind Bhat was due to  
retire on 15th December, 1977. Some-  
time before Shri Justice Govind Bhat's  
retirement Shri Justice Chandrashe-  
khar requested that he may be trans-  
ferred to the Karnataka High Court  
as the Chief Justice of that High  
Court on the retirement of Shri Jus-  
tice Govind Bhat. The Chief Justice  
of India was consulted on the ques-  
tion of Shri Justice Chandrashekhar'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 Chandrashekhar 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 Chandrashe-  
khar was done with his consent and  
indeed, on his request, in order to  
redress the injustice done to him dur-  
ing the emergency. In response to a  
widespread demand, it has been the  
general approach of Government to  
retransfer with their consent and in