

SHRI V. C. KESAVA RAO: May I know, Sir, whether any special police squad is working to detect cases of this kind?

SHRI GOVIND BALLABH PANT: I think the police have to deal with all such cases and the general police force is expected to investigate every case that comes to its notice.

#### INTERIM REPORT OF THE LAW COMMISSION

\*78. SHRI V. K. DHAGE: Will the Minister of Law be pleased to state:

(a) whether the Law Commission has submitted any interim report to Government; and

(b) if so, what are its recommendations?

THE MINISTER OF LAW (SHRI A. K. SEN): (a) No.

(b) Does not arise.

SHRI V. K. DHAGE: Is it a fact that the Prime Minister in the Press Conference referred to the publication of the suggestions made in the interim report of the Law Commission?

SHRI A. K. SEN: Questions were put to him and he did make certain replies which are open to everyone here.

SHRI V. K. DHAGE: I did not catch it.

MR. CHAIRMAN: Questions were put and he made answers which everyone who reads newspapers knows.

SHRI V. K. DHAGE: My point is whether he referred to the fact that the contents of this interim report were published in the press and he took objection to that publication, and the hon. Minister said that the report has not been submitted.

SHRI A. K. SEN: He denied that there was any interim report. All that he said was that there were certain interim communications of an exploratory nature and he protested against their publication as an interim report.

SHRI V. K. DHAGE: May I know, Sir, whether in this interim communication there were any suggestions made and what were those suggestions?

SHRI A. K. SEN: There could not have been any suggestions made excepting enquiries which were being answered by the Home Ministry and the Law Ministry.

SHRI T. S. PATTABIRAMAN: May I know whether the Government is denying the contentions contained in that statement to the press?

SHRI A. K. SEN: The Prime Minister has already said that there was no interim report.

SHRI T. S. PATTABIRAMAN: I want a straight answer. It may be a denial that it is not an interim report, but I would like to know whether the contents of the press report are true or not.

SHRI A. K. SEN: If there was no interim report how can there be contents of a report?

SHRI V. K. DHAGE: In that interim communication which was made by the Law Commission, is it a fact that there was a reference made to the unsatisfactory personnel of the High Court Judges?

SHRI GOVIND BALLABH PANT: The Law Commission did not send any interim report. It sent a confidential note. It had been asked by me in particular, to find out the causes and to suggest remedies for dealing with the heavy piles of arrears in various courts. The Law Commission sent a confidential note and that note

was only a very confidential one. So far as appointments go, I may inform the House that since the Constitution came into force, I think, so far as I can remember, 111 appointments have been made of the Judges of High Courts. Out of these 110 were made on the recommendation of the Chief Justice of India and only there was one case in which the Central Government preferred the recommendation made by the Chief Justice of the High Court concerned, the Chief Minister and the Governor. So, from that I think it will be clear that so far as the appointments go they have been made on the advice and recommendation of the highest judicial authority and in most cases, I may say, with the concurrence of the local Chief Justices, Chief Ministers and Governors.

**SHRI B. K. P. SINHA:** May I take it that the reported remark of the Law Commission that the appointing authorities are encouraging canvassing is wrong?

**SHRI GOVIND BALLABH PANT:** I do not think that the Law Commission holds that opinion.

**SHRI B. K. P. SINHA:** At least in the report published in the newspapers it was specifically said.

**SHRI GOVIND BALLABH PANT:** I do not think that it is right. If such an allegation is made, perhaps the Law Commission might say that it is not quite right.

**SHRI V. K. DHAGE:** Is it true that the Law Commission said that the appointment of High Court Judges seemed to have been made on considerations of political expediency or regional or communal sentiments?

**SHRI GOVIND BALLABH PANT:** I have just stated the facts of the appointments, as to how the appointments have been made, on whose

recommendations they have been made, what is the procedure prescribed in the Constitution. As to what the Law Commission has said or has not said, I have just stated in positive terms. That is what the Law Commission has said; when something came out in the papers, the Law Commission said we never sent any interim report. The statement that has appeared in the papers is wrong.

**SHRI H. N. KUNZRU:** The point has not been answered. The point is whether these words were used in the note sent by the Commission to the Home Minister.

**SHRI GOVIND BALLABH PANT:** I am not, Sir, expected here to disclose the contents of a confidential note received by the Law Commission. If any report is received which is meant to be published and which is not confidential then I would place it before the House and also disclose its contents. Regarding confidential papers if I say that something is not there, then some other questions may be put. So, the contents of confidential notes which pass on from time to time cannot be disclosed and I think it is not perhaps very necessary that questions regarding confidential documents should be put in the House.

**SHRI V. K. DHAGE:** The Prime Minister in the press conference has stated that he would contemplate taking action under the Official Secrets Act against the journalist who gave publication to the contents of a confidential nature. Has the Government made any examination of that question?

**SHRI GOVIND BALLABH PANT:** Well, I think Government observes very great restraint in these matters. Otherwise, if it were to take action the occasions would be so frequent that special courts might have to be appointed.

**MR. CHAIRMAN:** Next question.