

SHRI M. VALIULLA: Sir, there was one Brigadier who was the Chairman of the Commission and the other two were Captains and these three people examined even Colonels and Majors. Is it not so, Sir?

MR. CHAIRMAN: If you know, why do you ask?

SHRI GOVINDA REDDY: Are Government aware that those officers who were disbanded were officers who had received high commendations of merit and Orders of Merit from British Commanders?

SARDAR S. S. MAJITHIA: I should like to have notice, Sir.

SHRI GOVINDA REDDY: Were they not officers who passed with merit from the Army Training Schools in India?

SARDAR S. S. MAJITHIA: As I said, Sir, I cannot go anywhere beyond this that those who were found fit were taken over and I take it that those who had received commendations, unless there were exceptions, were also taken over.

SHRI GOVINDA REDDY: Were they not officers, Sir, whose competence the ex-Indian Commander-in-Chief himself had praised on several occasions?

SARDAR S. S. MAJITHIA: Unless the hon. Member is referring to those normal speeches which the Commander-in-Chief makes at the time of visiting these units which are of a general nature, I am not aware of it.

SHRI GOVINDA REDDY: Is it not a fact that this screening was intended to simply demob them and it was not a screening of merit and that it was a farce?

SARDAR S. S. MAJITHIA: That certainly is not the case. The screening was not a farce. It was done with the intention of giving employment to those who were fit.

SHRI M. VALIULLA: Is it a fact that though they were released a long time back, their pension papers are still pending with the Government of India?

MR. CHAIRMAN: That is another question.

SHRI C. G. K. REDDY: May I know if most of the officers of the ex-Mysore State Army got training along with the officers of the Indian Army?

SARDAR S. S. MAJITHIA: I have not gone into that question. But I still maintain that that does not make any difference so far as integration is concerned.

TRANSFERS OF THE HIGH COURT JUDGE

*568. **SHRI M. VALIULLA:** Will the Minister for HOME AFFAIRS be pleased to state:

(a) the number of Judges of the High Courts of India who were transferred from one High Court to another in the years 1951-52 and 1952-53; and

(b) how many Judges from the Part A States were transferred to Part B States and *vice versa* during the same period?

THE MINISTER FOR HOME AFFAIRS AND STATES (DR. K. N. KATJU): (a) 1951-52—None.

• 1952-53—Two Judges were transferred to and appointed to the office of Chief Justice in another High Court.

(b) One Judge of the High Court in a Part A State was transferred to and appointed as Chief Justice of the High Court in a Part B State during 1952-53.

No Judge of the High Court in a Part B State has been transferred to the High Court in a Part A State.

SHRI M. VALIULLA: Is there any special reason why Judges of Part B States are not transferred to Part A States?

DR. K. N. KATJU: Not desirable. In any case, no question has arisen so far.

SHRI M. VALIULLA: Who is to say desirable or not?

DR. K. N. KATJU: The President of India.

SHRI M. VALIULLA: Who are the advisers of the President of India?

DR. K. N. KATJU: You know that as much as I do.

SHRI GOVINDA REDDY: Why is it not desirable to transfer Judges from Part B States to Part A States?

DR. K. N. KATJU: Sir, this is a matter which should not be gone into. In the first place, no contingency has arisen. The question is purely speculative and I am not very anxious to discuss a situation which may never arise.

SHRI V. K. DHAGE: What were the reasons for the transfer of a Judge from a Part A State to a Part B State?

DR. K. N. KATJU: As Chief Justice he has gone, but as a mere Judge the question has not arisen so far.

SHRI V. K. DHAGE: I think in the answer it was mentioned that a Judge was transferred from a Part A State to a Part B State and I think he went there as Chief Justice. My question was.....

DR. K. N. KATJU: Yes, there has been a transfer from a Part A State to a Part B State. I will give you the name if you like. It was Mr. Justice Wanchoo of the Allahabad High Court who was transferred to the Rajasthan High Court as Chief Justice. Similarly, very recently another learned Judge has gone as Chief Justice of the Hyderabad High Court. That way the transfer takes place.

SHRI V. K. DHAGE: What were the reasons that led to the appointment

of the Judge of a Part A State as Chief Justice in a Part B State?

DR. K. N. KATJU: Sometimes Part B States themselves ask for a Chief Justice from elsewhere. I do not think it will be proper for us to go into this matter. I can assure the hon. Member.....

SHRI V. K. DHAGE: But, Sir, I wanted to know.....

MR. CHAIRMAN: All that he says is that there are not adequate number or proper quality of Judges available in Part B States and when these States request for the appointment or enlistment of someone, generally their request is acceded to.

SHRI V. K. DHAGE: May I know, Sir, whether the request was from the High Court of the State or from the State Government?

(No reply.)

SHRI C. G. K. REDDY: When these transfers are made are they always made on the request of the State Governments or independently by the Home Ministry?

DR. K. N. KATJU: The wishes of everybody are consulted—the State Government, the Rajpramukh, the State Governor and the High Courts.

MR. CHAIRMAN: We are a democratic people.

SHRI C. G. K. REDDY: Is it a general rule of the Home Ministry to accede to the requests of the State Governments in the matter of transfer or otherwise of High Court Judges?

MR. CHAIRMAN: When they are convinced.

DR. K. N. KATJU: That is right, Sir. You sometimes put the answer in very few words.

SHRI B. K. P. SINHA: Is it not a fact, Sir, that two Judges from the Patna High Court in Bihar which is a

Part A State have been transferred as Chief Justices to other Part A States?

DR. K. N. KATJU. The questioner is entirely right, Sir. One has been transferred to Assam and the other to Nagpur.

SHRI V. K. DHAGE: May I know whether the request from the Part B State came from the Government or from the High Court there?

DR. K. N. KATJU You may take it from me that a Judge is never thrust upon anybody.

SHRI V. K. DHAGE: This is a general question. My question was with regard to this particular case.

MR. CHAIRMAN: Both.

DR. K. N. KATJU: Yes, Sir.

SHRI C. G. K. REDDY: We are only interested in the general principles that govern the transfer of High Court Judges. We want to know whether it is done at the request of the State Governments or at the request of the High Courts or independently by the Home Ministry itself?

MR. CHAIRMAN: The other alternative is 'or both'.

SHRI B. K. P. SINHA: Is it not a fact, Sir, that while making these transfers, Government do not have any considerations of Part A or Part B States?

(No reply.)

SHRI V. K. DHAGE: With regard to Hyderabad, I know that in the Hyderabad High Court there has been a gentleman who acted as Chief Justice.

MR. CHAIRMAN: We are not to sit in judgment about their competence, etc. There are people who are paid for that. Let them do it.

EXCISE DUTY ON SUPPLIES FROM INTERNATIONAL ORGANISATIONS

569. **SHRI M. VALIULLA:** Will the Minister for FINANCE be pleased to state:

(a) whether any import duty is charged on equipment and transport supplied by the T.C.A. and other international organisations working in India; and

(b) whether representations have been received by Government, particularly from the Central Health Council to waive the duty or to grant subsidy to the extent of the duty levied?

THE DEPUTY MINISTER FOR FINANCE (SHRI A. C. GUHA): (a) Import duty is payable on equipment and transport supplied by T. C. A. and other international organisations like the United Nations or its specialised agency.

(b) A representation has been received from the Central Health Council, requesting the Government to waive the duty on the equipment and transport supplied by the T.C.A. and other international organisations for the purpose of malaria control or make a full grant in aid in the same financial year equal to the amount of the duty. The matter is under the active consideration of the Government of India.

SHRI M. VALIULLA: Is that customs duty levied for purposes of revenue or is it levied in order to prohibit them from coming into India?

SHRI A. C. GUHA: In the usual process, i.e., for purposes of revenue.

INDIAN NAVY'S PARTICIPATION IN THE CORONATION NAVAL REVIEW

*570. **SHRI GOVINDA REDDY:** Will the Minister for DEFENCE be pleased to state: