

**പതിമൂന്നാം കേരള നിയമസഭ**

**പത്താം സമ്മേളനം**

**നക്ഷത്രചിഹ്നമിടാത്ത ചോദ്യം നമ്പർ 60 06.01.2014-ൽ മറുപടിയ്ക്ക്**

**സോളാർ വിഷയവുമായി ബന്ധപ്പെട്ട് ജൂഡീഷ്യൽ അന്വേഷണം**

ചോദ്യം

മറുപടി

ശ്രീ. കോലിയക്കോട് എൻ. കൃഷ്ണൻ നായർ

ഉമ്മൻചാണ്ടി  
(മുഖ്യമന്ത്രി)

എ) സോളാർ വിഷയവുമായി ബന്ധപ്പെട്ട് (എ) പ്രഖ്യാപിച്ചിട്ടുണ്ട്. ജൂഡീഷ്യൽ അന്വേഷണം സർക്കാർ പ്രഖ്യാപിച്ചിട്ടുണ്ടോ ;

ബി) സിറ്റിംഗ് ജഡ്ജിയെ ആവശ്യപ്പെട്ടുകൊണ്ട് സർക്കാർ കത്തിടപാടുകൾ നടത്തിയിട്ടുണ്ടോ ; ആയതിന് എന്ത് മറുപടി ലഭിച്ചുവെന്ന് വ്യക്തമാക്കുമോ ;  
(ബി) സിറ്റിംഗ് ജഡ്ജിയെ ആവശ്യപ്പെട്ടുകൊണ്ട് സർക്കാർ കത്തിടപാടുകൾ നടത്തിയിട്ടുണ്ട്. സിറ്റിംഗ് ജഡ്ജിയെ കമ്മീഷനായി വിട്ടുതരാൻ കഴിയില്ല എന്ന് ഹൈക്കോടതി രജിസ്ട്രാർ സർക്കാരിനെ അറിയിച്ചിട്ടുണ്ട്.

സി) പ്രസ്തുത കത്തുകളുടെ പകർപ്പ് ലഭ്യമാക്കുമോ ; (സി) കത്തുകളുടെ പകർപ്പ് അനുബന്ധമായി ചേർക്കുന്നു.

ഡി) ജൂഡീഷ്യൽ അന്വേഷണപരിധിയിൽ മുഖ്യമന്ത്രിയുടെ ഓഫീസിനെ ഉൾപ്പെടുത്തുമെന്ന് പ്രഖ്യാപിച്ചിട്ടുണ്ടോ ? (ഡി) സോളാർ തട്ടിപ്പ് അനുബന്ധ സാമ്പത്തിക ഇടപാടുകൾ എന്നിവ സംബന്ധിച്ച് കേരള നിയമസഭയ്ക്കുള്ളിലും പുറത്തും ഉന്നയിക്കപ്പെട്ടിട്ടുള്ള ആരോപണങ്ങൾ എല്ലാം അന്വേഷണ പരിധിയിൽ ഉൾപ്പെടുത്തിയിട്ടുണ്ട്.

  
സെക്ഷൻ ഓഫീസർ



GOVERNMENT OF KERALA

No. 77989/SS-A 2/2013/Home

Home (SS-A) Department  
Thiruvananthapuram,  
Dated : 17/08/2013

From  
The Chief Secretary.

To  
The Registrar General,  
High Court of Kerala,  
Ernakulam.

Sir,

Sub : Judicial Inquiry by a sitting Judge of Hon'ble High Court of Kerala  
into the cases relating to Solar scam - reg.

The Government have decided to conduct a Judicial Inquiry under the Commission of Inquiry Act 1952 into the cases relating to the solar scam involving Team Solar cases. In this connection, I am directed to request the Hon'ble Chief Justice to spare the services of a sitting Judge of the Hon'ble High Court of Kerala for this purpose. The terms of reference will be communicated separately.

Yours faithfully,

E.K. BHARAT BHUSHAN.  
Chief Secretary

*[Handwritten signature]*  
E.K. Bharat Bhushan

THE HIGH COURT OF KERALA

Telephone No. 2393901

R9/2013(SS)  
From

ERNAKULAM  
KOCHI - 682 031  
Post Box No. 2600

Dated 30.08.2013

To THE REGISTRAR GENERAL

The Chief Secretary,  
Home (SS-A) Department,  
Government Secretariat,  
Thiruvananthapuram - 695 001

Sir,

Sub: Solar Scam - Judicial Enquiry by a sitting judge of the High Court -  
Request from the Government - Reg

Ref: Fax message No 7798/SS-A 2/2013/Home dated 17.08.2013.

With reference to the above, I am to inform you that the request for the sparing of sitting judge of the Hon'ble High Court of Kerala in respect of judicial inquiry into the cases relating to the Solar Scam involving Team Solar Cases was brought to the notice of the Administrative Committee under the Chairmanship of the Hon'ble the Chief Justice. Meeting of the Administrative Committee held on 26.08.2013 considered the request made by the Government to spare the services of a sitting Judge of the High Court for conducting the judicial enquiry and resolved to decline the same.

Hence, I am directed to inform you that the request cannot be acceded to.



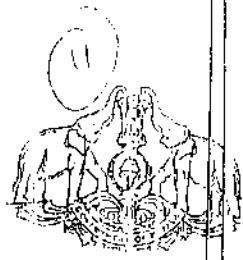
Yours faithfully

*Anil Kumar*  
N Anil Kumar

Registrar General (in charge)

*H. H. H. H.*  
*am 30 08 2013*

33748  
30-8-13



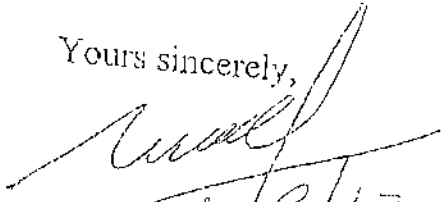
COMMEN CHANDY  
CHIEF MINISTER  
KERALA

1.9.2013

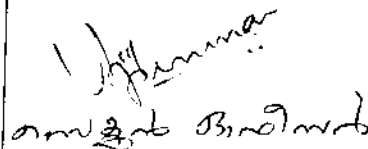
Government of Kerala has decided to conduct a judicial enquiry under the Commission of Inquiry Act, 1952, into the Solar scam involving Team Solar. Based on the decision, the Chief Secretary to Government had written to the Registrar General High Court requesting to spare the services of a sitting Judge of the High Court for the purpose. But the Registrar General in his letter dated 30-8-2013 has intimated Government that the request cannot be acceded to. This was considered by the State Government. In view of the political sensitivity of the case and the demand of various political parties, I would request the Hon, High Court to reconsider the decision and spare a sitting Judge of the High Court for the enquiry.

With Warm Regards,

Yours sincerely,

  
1/9/13  
COMMEN CHANDY

Dr. Manjula Chellur  
Hon'ble Chief Justice of High Court of Kerala  
Ernakulam.

  
Manjula Chellur

Secretariat, Thiruvananthapuram-695 001

Tel: (0471) 2333812 & 2333682. Fax: (0471) 2333489 email: [cmkerala@vsnl.net](mailto:cmkerala@vsnl.net)  
[chiefminister@kerala.gov.in](mailto:chiefminister@kerala.gov.in)

THE HIGH COURT OF KERALA

4845 / 2013 / 1080

Telephone No. 2393901  
R.9/2013 (SS)

Prd Secy of Home

ERNAKULAM  
KOCHI - 682 031  
Post Box No. 2600

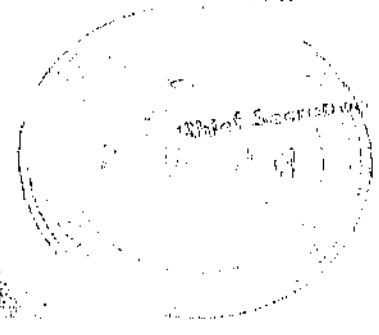
Dated : 21.10.2013.

From

THE REGISTRAR GENERAL

To

The Chief Secretary,  
Home (SSA) Department,  
Government Secretariat,  
Thiruvananthapuram - 695 001



877

Sir,

K-13

24/10/13

Sub: Sparring the services of a sitting Judge of the High Court for Judicial Enquiry into the Solar Scam - Request from the Chief Minister of Kerala - Reg.

Ref: D. O. Letter dated 01.09.2013 issued by the Honourable the Chief Minister addressed to the Honourable the Chief Justice

With reference to the above, I am to inform you that the request for reconsidering the decision and sparing of sitting judge of the Hon'ble High Court of Kerala in respect of judicial inquiry into the cases relating to the Solar Scam involving Team Solar Cases was brought to the notice of the Full Court under the Chairmanship of the Hon'ble the Chief Justice. Full Court meeting held on 21.10.2013 considered the request made by the Hon'ble the Chief Minister to reconsider the decision to spare the services of a sitting Judge of the High Court for conducting the judicial enquiry and resolved to decline the same in view of the following grounds:

(1) That the direction of the Hon'ble Supreme Court of India in its judgment dated 27-11-2006 in the case of University of Kerala Vs. Council of Principals of Colleges reported in (2009) 16 Supreme Court Cases 441:

*"In no case a sitting judge of any High Court shall continue as the Commission."*

(2) That the High Court is already having shortage of Judges and a large number of cases are pending

Hence, I am directed to inform you that the request cannot be acceded to.

Yours faithfully,

S. Jagadees,  
Registrar General

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