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title: Introduction of 'The High Court And Supreme Court Judges (Salaries And Conditions Of Service) Amendment Bill, 2015.

THE MINISTER OF LAW AND JUSTICE (SHRI D.V. SADANANDA GOWDA): Hon. Deputy-Speaker, Sir, yesterday I moved the High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Bill, 2015, which was introduced by me and requested to take it for consideration.

We are fully aware of the fact that this Government has taken several initiatives to repeal the obsolete laws and to identify patent errors, redundant provisions etc., in legislation with a view to rectify the errors and delete the redundant provisions.

The Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 and the High Court Judges (Salaries and Conditions of Service) Amendment Act, 1954, govern salaries, allowances, pension etc., of Judges of the Supreme Court and that of the High Courts respectively. With the passage of time, certain provisions of the Act have become redundant and out-dated. Therefore, a review of these Acts has been undertaken by our Government. There are certain provisions in these two Acts which relate to the time when officers of the Indian Civil Service (ICS) were appointed as Judges. There are certain other provisions which relate to Judges of former Indian High Courts or Judges who were entitled to get allowances for joining time on return from leave out of India. These provisions have become redundant as, at present, there is no ICS Judge or there is no Judge from former High Courts or there are no Judges from abroad. The provisions relating to determination of leave allowances of Judges also need to be simplified. Hence, we undertook these reviews and have come up before the Parliament with this Bill.

At the same time, the Supreme Court, while disposing of a Writ Petition filed by one Justice Ramakrishnam Raju, has given a direction in its Judgment dated 31.3.2014 that a period of ten years be added to the service of those High Court Judges who have been appointed from the Bar, for the purpose of calculation of their pension. You are fully aware that the Judges from the Bar will be elevated at the age of about 50 to 55 years to the High Court. Automatically, what happens is that a minimum 14 years of service is required to get a full pension. It may not be possible for those Judges because they used to establish their office for a very lengthy time and they have become some senior Advocates or something like that. If at the age of 62, he retires and does not get the full pension benefit, automatically it will be discrimination. For that reason, the Judgment also said that ten years of their service should be added for calculation of pension. Earlier, a similar provision was made for the Supreme Court Judges in the year 2005. The Act of 1954 has to be amended to give effect to this direction of the Supreme Court with effect from 1.4.2004. Practically, we all know that One Rank One Pension must be the norm in respect of the constitutional office. It is also observed by the Court that when persons holding constitutional office retire from service making discrimination in fixation of their pensions depending upon the source from which they are appointed is a breach of Articles 14 and 16(1) of the Constitution. The financial implication is very small. It is about Rs.6 to 7 crore for arrears of pension and a recurring implication of about Rs.75 crore per annum.

Keeping in view the need to delete certain provisions in these Acts which have become redundant and also to implement the judgment of the Supreme Court, it is proposed to amend the Supreme Court Judges (Salaries and Conditions of Service) Act 1958 and High Court Judges (Salaries and Conditions of Service) Amendment Act 1954. This will bring clarity in the provisions of these two Acts and comply with the directions of the Supreme Court also. So, this Bill has been placed before the Parliament for Consideration.

HON. DEPUTY SPEAKER: Motion moved:

"That the Bill further to amend the High Court Judges (Salaries and Conditions of Service) Act, 1954 and the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958, be taken into consideration."

SHRI S.P. MUDDAHANUME GOWDA (TUMKUR): Thank, you Mr. Deputy Speaker, Sir, for giving me this opportunity to take part in the discussion on the Bill to further amend the High Court Judges (Salaries and Conditions of Service) Act 1954 and the Supreme Court Judges (Salaries and Conditions of Service) Act 1958.

Sir, this is a very important Bill because the Parliament is dealing with the problems of the judges of High Court and the Supreme Court. Therefore, the ruling Government should have taken this very seriously. We wasted nearly 30 minutes of time for want of quorum. It is very unfortunate. This is a very important Bill. Judges may also observe as to what sort of interest the parliamentarians are showing towards their problems.

HON. DEPUTY SPEAKER: You pointed out the lack of quorum, that is alright. But what they would be thinking is not for you speak here.

SHRI S.P. MUDDAHANUME GOWDA: Sir, under articles 221 and 225 of the Constitution of India, the salaries and other allowances of judges of High Court and Supreme Court are to be dealt with by the Parliament. At the outset I would like to make it clear that our party, the Indian National Congress, wholeheartedly supports this Bill.

As the hon. Law Minister rightly pointed out, need for the enactment arose because of a judgment delivered by the hon. Supreme Court in writ petition 521/2002 which was delivered on 31-3-2014. That writ petition was filed by some aggrieved judicial officers who had retired. In that judgment the hon. Supreme Court made one observation, "No valid reason as to why the experience of the bar cannot be treated as equivalent for the same purpose". They found out that there is some anomaly with regard to the quantum of pensions of the High Court judges who are directly appointed from the bar to the bench and the judges who are elevated from the respective State judicial services.

In fact the hon. Supreme Court is right in saying so. We have been seeing that an advocate who has put in more than 20 years of service is appointed as a High Court judge directly at the age of 55 or 56 years. I know some cases where a High Court judge was appointed at the age of 59 or 60 years. They put in only two or three years of service. We have got some instances in Karnataka High Court. ...(*Interruptions*) and in Calcutta High Court also.

At the same time, it is very rare to see that a judicial officer who is appointed as Munsif Magistrate has been elevated to High Court having put in

more than 25 to 30 years of service. That is also there. So, absolutely the Supreme Court is justified in saying that there is some anomaly, and it is the duty of the Parliament to rectify that anomaly. Accordingly, this Government has rightly come before the Parliament with this Bill and we have to wholeheartedly support this Bill because there is some anomaly.

There is some feeling among the people concerned that the judges are underpaid. As far as my knowledge goes – and I am subject to correction – for the last 65 years only thrice the salaries of High Court and Supreme Court Judges have been increased. Now, the salary of a High Court Judge is Rs. 80,000 and the Chief Justice of High Court gets only Rs. 90,000. The salary of a Supreme Court Judge is only Rs. 90,000 and that of the Chief Justice of India is only Rs. 1,00,000.

We must also look upon the conditions of how the judicial officers are living. It is the responsibility of this country to see that the judges who are sitting there and delivering justice also lead a respectable life with this meagre salary. I think I will be justified if I say that the salary that has been given to the High Court Judges and the Supreme Court Judges is meagre. That is why this is the right time the Government should think of increasing the salary of both High Court Judges as well as Supreme Court Judges. We must also see that they lead a respectable life. That is for the Government to decide. It has got a direct impact on the pension that they are going to get. When a High Court Judge retires after two or three years and if there are some restrictions that he cannot practice in the same court, the fixation of pension has got some impact and it depends on the salary which he gets.

There are about 371 vacancies in the various High Courts as against sanctioned posts of 1,071. This is one part. Secondly, we are not getting efficient, honest and dedicated advocates who have got lucrative work in the High Courts to come forward to accept judgeship with this meagre salary. The fact that there are so many vacancies in the various High Courts is one part. I do not say that the salary which they are getting is the only reason for these advocates not accepting judgeship but that is one of the major factors. Unless you attract them with some good salary or some benefits you cannot expect efficient advocates who are also honest and who maintain integrity to become High Court or Supreme Court Judges. That is why this is the right time.

I have seen the life of the Judges. I have seen sometimes that really for want of finances they suffer. The hon. Law Minister is himself an advocate. He must be knowing the problems of the Judges and the Subordinate Judicial Officers. The same problems are there for the High Court Judges also. I have sometimes seen that the Subordinate Judicial Officers are not able to get even one suit stitched with the salary they get. Of course now the respective State Governments are to some extent increasing the salaries of the Subordinate Judicial Officers also. But for the last 65 years only the salaries of the High Court and Supreme Court Judges have increased. This is the right time the State Governments and the Government of India thought of increasing the salaries of the High Court and Supreme Court Judges as provided under the provisions of Articles 221 and 125 of the Constitution respectively.

We have no objection to an increase in the salaries of the Judges. Let us give more perks and other benefits also. Let us make them live more comfortably. We have no objection to rectify the anomaly also. With all this being the need of the hour, the long and heavy pendency in various High Courts and the Supreme Court is also of serious concern.

### **15.00 hours**

I would request the hon. Minister of Law to think of bringing in the Judicial Accountability Bill. Sir, the people of this country expect parliamentarians and legislators to be accountable to them. Similarly, they have every right to seek that judges are also accountable to them. This is a serious matter. So, you should think of bringing in the Judicial Accountability Bill.

The hon. Law Minister is from Karnataka and he represents Bengaluru city. We are proud of him. Likewise, the hon. Chief Justice of India, who retired only yesterday, also belonged to Karnataka. He was a judge in Karnataka and was also practising in Bengaluru. The present Chief Justice, who took over yesterday, served the Karnataka High Court for more than 10 years. The present Chief Justice was also a High Court judge at Bengaluru. Why I am pleading this is, Bengaluru is the central place for the southern part of the country.

Sir, my request to the Union Government in general and the hon. Law Minister in particular is, this is the right time to see that a circuit bench of the Supreme Court is established at Bengaluru. With these words, I thank you for the opportunity given. Our Party wholeheartedly supports this Bill which seeks not only to rectify the anomaly but also to give other perks and allowances which they are entitled to get under Article 125 as also Article 221 of the Constitution of India. Thank you.

**SHRI SATYAPAL SINGH (SAMBHAL):** Thank you very much Deputy-Speaker, Sir. I rise here in the support of this proposed Bill. जैसा माननीय मंत्री जी ने कहा है कि माननीय सुप्रीम कोर्ट के निर्णय के आधार पर यह बिल लाया गया है, उसके साथ-साथ सरकार का यह धर्म है, यह कर्तव्य है कि सामान्य आदमी को न्याय मिल सके, इंसाफ मिल सके और इंसाफ तभी मिलेगा जब हमारे हाई कोर्टों के अंदर 395 वैकेन्सिज हैं, वे वैकेन्सिज भरी जायें। आज हाई कोर्ट के अच्चे एडवोकेट्स हाई कोर्ट का जज क्यों नहीं बनना चाहते हैं? उसका सबसे बड़ा कारण यह बताया गया है कि जितना पैसा एक अच्चा एडवोकेट कमाते हैं, लोग कहते हैं कि Category 'A' advocate never want to become the High Court judges. I am not saying Category 'B' advocates are bad but they generally become the judges of the High Courts. How to attract the good advocates is the basic question before the Government.

मूल मुद्दा यह है कि सामान्य आदमी को न्याय कैसे मिले? हमारे यहां जिस प्रकार से कोर्टों की कमी है, उसी प्रकार से जजों की भी कमी है। इंग्लैंड के अंदर लोग कहते हैं कि for one million of population there are 51 judges available; in Australia, there are 58 judges, in Canada there are 75 judges and in America the number of judges is 103 while in India the average judges are 10.5 per 10 lakh of population. So, the Government must think of ways to increase the number of judges in the High Courts and lower judiciary to give justice to the common man.

सबसे बड़ी बात यह है कि हिन्दुस्तान के अंदर या सारी दुनिया के अंदर जब तक समाज सुरक्षित नहीं है, तब तक न्याय नहीं है। हम लोग कहते हैं कि न्याय तब होता है जब कानून की दृष्टि में सभी लोगों को बराबर माना जाये और उन्हें एक तयजु में तौला जाये, हमारा संविधान भी यह कहता है, लेकिन वास्तव में ऐसा ग्राउंड पर दिखाई नहीं देता है। एक गरीब आदमी जहां पुलिस

की वर्दी से डरता है वहां काले कोटों से भी डरता है, उससे भी घबराता है, किसे, कैसे ठीक किया जाए कि गरीब आदमी को न्याय मिले। कई वर्षों पहले इंडिया में चीफ जस्टिसेज़ की कॉन्फ्रेंस हुई। उस समय के हमारे राष्ट्रपति - I do want to take his name - mentioned in the Conference of Chief Justices that the court in India is not a cathedral but they is casino and here justice depends on how you throw the dice. The Judges are not here to do justice but to decide the cases according to evidence on record. गरीब आदमी को कोर्ट में सुनवाई के लिए वर्षों लग जाते हैं, लेकिन पैसे वाले आदमी के लिए हमारे कोर्ट, केवल नीचे के कोर्ट की बात नहीं है, हाई कोर्ट की नहीं है, यह दुर्भाग्य की बात है कि इस देश का सुप्रीम कोर्ट याकूब मेमन, एक आतंकवादी के लिए रात के हाई बजे सुल जाता है लेकिन गरीब आदमी के लिए नहीं सुलता है। हमें इन बातों की तरफ भी ध्यान देना पड़ेगा कि गरीब आदमी को न्याय कैसे मिले।

दूसरा, मैं कहना चाहता हूँ कि अगर हम हाई कोर्ट में जजों की संख्या बढ़ाना चाहते हैं, उसके पीछे एक बड़ा कारण है कि जिन राज्यों में हाई कोर्ट की ज्यादा बेंचें होनी चाहिए, वहां बेंचें बहुत कम हैं। मैं उदाहरण के लिए बताना चाहता हूँ कि महाराष्ट्र में जहां 11 करोड़ पौपुलेशन है, वहां 3 प्लस 1, 3 बेंचें महाराष्ट्र में हैं, 1 बेंच गोवा में है। उसके मुकाबले यूपी जिसकी पौपुलेशन 22 करोड़ है, वहां केवल मात्र सवा बेंचें हैं। एक मुख्य बेंच इलाहाबाद में है। 62.5 डिस्ट्रिक्ट्स के लिए एक इलाहाबाद की बेंच है और 12.5 के लिए लखनऊ की बेंच है। इलाहाबाद हाई कोर्ट में 160 जजों की संख्या निर्धारित है। उसे सरकार 200 करने वाली है। इस समय इलाहाबाद हाई कोर्ट में केवल मात्र 74 हाई कोर्ट जज काम कर रहे हैं। इसका मतलब है कि 50 प्रतिशत से ज्यादा वेकेंसीज़ हैं। ये जज कहां से ताए जाएं। अभी पीछे वहां से 19 जजों का सलैवशन किया गया। कैसे सलैवशन हुआ। 6 जज लखनऊ बेंच से आए जहां केवल साढ़े बारह जिले हैं और 13 जज इलाहाबाद से आए हैं जहां 62.5 डिस्ट्रिक्ट हैं। इसलिए मेरा भारत सरकार से निवेदन है कि यूपी में जहां 22 करोड़ की जनसंख्या है, वहां हाई कोर्ट की कम से कम 4 नई बेंचें खोली जाएं। मैंने इस बात को पिछली बार भी निवेदन किया था कि अगर एक हाई कोर्ट बेंच 12 जिलों के ऊपर चल सकती है तो 12 जिलों में वयों 4 बेंचों की यूपी में शुरुआत नहीं करती। आज अच्छे जज नहीं मिल रहे हैं क्योंकि अच्छे जज मिलने जो हाई कोर्ट में प्रोव्हेन्ट करते हैं, हाई कोर्ट की बेंचें नहीं हैं। इसलिए मैं निवेदन करता हूँ कि मेरठ, आगरा, गोरखपुर, बनारस और बुंदेलखंड में कम से कम 4 बेंचें किए जाएं। मैं आदरणीय तॉ मिनिस्टर से रिवरैस्ट करता हूँ कि सबसे पहला यूपी में मेरठ में बेंच खोला जाए। उसका सबसे बड़ा कारण है कि इलाहाबाद हाई कोर्ट में सबसे ज्यादा केसेज अगर पेंडिंग हैं तो वे मेरठ रीजन के हैं, वैसे भी मेरठ का एक ऐतिहासिक स्थान है। इस देश में 1857 का युद्ध अंग्रेजों के खिलाफ सबसे पहले मेरठ में शुरू हुआ।

मुझसे पहले वक्ता कह रहे थे कि जहां उनकी सैलरी बढ़ाना चाहते हैं, उनकी कंडीशन अच्छी करना चाहते हैं, साथ ही ज्युडिशियल एकाउंटेबिलिटी बिल लाने की भी इतनी ही जरूरत है। आज इस देश में अगर सबसे ज्यादा आजादी किसी को मिली है, जिसे पूर्ण आजादी कहते हैं, अगर किसी को पूर्ण आजादी मिली है तो ज्युडिशियरी को मिली है। ज्युडिशियरी का नीचे का कोर्ट किसी प्रकार का निर्णय दे, चाहे कितना भी गलत निर्णय दे, उसे किट्टिसाइज करने का किसी को अधिकार नहीं है, उसके बारे में न कोई लिख सकता है, न कोई बोल सकता है, न हाई कोर्ट का जज उसके बारे में कुछ करता है न सुप्रीम कोर्ट का जज कुछ करता है। इसलिए जब तक ज्युडिशियल एकाउंटेबिलिटी बिल नहीं आएगा तब तक गरीब आदमी को कभी भी ठीक से न्याय नहीं मिल पाएगा। आज पुलिस के पास किसी केस को इन्वेस्टिगेट करने के लिए 60-90 दिन की अवधि होती है, ऐसा नहीं करने पर एक्जुड का बेल आउट हो जाता है, वया हम इस प्रकार का उदाहरण अपने कोर्ट के लिए नहीं पेश कर सकते। अमेरिका के सुप्रीम कोर्ट में दोनों पार्टियों को आगे-आगे घंटे का टाइम दिया जाता है, वहां एक घंटे से ज्यादा किसी भी केस में समय नहीं दिया जाता, वया हम अपने देश में ऐसा नहीं कर सकते जिससे उन्हें समय सीमा के भीतर जजमेंट देना पड़े। इस बिल का उद्देश्य है, कॉमन आदमी को जल्द न्याय मिले, सही न्याय मिले। मैं न्याय मंत्री जी से निवेदन करता हूँ कि जस्टिस मालीमथ कमेटी की रिपोर्ट जो बहुत सालों से धूल खा रही है उसे तुरंत लागू किया जाए, जिससे गरीबों को न्याय मिल सके। हमारे कौटिल्य ने एक बात लिखी थी कि न्याय व्यवस्था के दो मुख्य उद्देश्य हैं, "सर्वधर्म कर्म अभिगो वर्तते शेषुक्शेषु राजनस्यः सर्वभूत हितरेतः" यह कौटिल्य ने कहा है, न्याय व्यवस्था का दो मुख्य उद्देश्य हैं, प्रत्येक मनुष्य अपने कर्तव्य का पालन कर सके, समाज में लोक कल्याण को प्रतिष्ठित किया जा सके। जब हम ऊपर से लेकर नीचे तक न्याय व्यवस्था को ठीक नहीं करेंगे और जब तक अच्छे लोगों का उसमें सलैवशन नहीं होगा तब तक कॉमन आदमी को न्याय नहीं मिलेगा। मैं न्याय मंत्री जी के इस बिल का समर्थन करता हूँ।

SHRI KALYAN BANERJEE (SREERAMPUR): Hon. Deputy-Speaker, Sir, I, on behalf of my party, whole-heartedly support this Bill. It is because the Government had no other alternative but to bring this Bill in view of the directions of the Supreme Court, otherwise the Government would have been liable for contempt of court.

This Bill was needed. The object of the Bill regarding the 10 years addition for being eligible for pension for the lawyers was very much needed. I support the Bill. In our House in the last year we discussed about the National Judicial Appointment Bill and almost all the States had accepted the provisions and Constitutional amendment accordingly was made. But the Supreme Court has struck it down. We had to accept that. In our constitutional scheme of things, this Parliament has the power to engraft the Constitution and the Judiciary has the powers to test the Constitution on grounds of constitutional validity. I am not on that. We have to accept the fact the Supreme Court is the final interpreter of the Constitution.

Sir, I am on the point of appointment of judges from the Bar. My friend was mentioning about Grade A, Grade B, Grade C etc. This collegium system is still very severely criticized. I do not know what law would be laid down by the Constitution Bench of the Supreme Court. But sincerely we are not getting good lawyers because of the collegium function is not properly done till now.

Sir, I am giving you an example which is a fact. In fact, I heard it yesterday only. This was a great shock to me. In our High Court there was a good judge, Justice Bhaskar Bhattacharya. He was transferred as Chief Justice of the Gujarat High Court. He became very popular. When he was the Chief Justice of the Gujarat High Court, he persuaded a lawyer whose age was, at that point of time, 42 years.

He was giving income tax of Rs. 1 crore and his return was Rs. 3 crore. By this you can imagine how he has grown up at the age of 42 years....(Interruptions) Sir, I am mentioning a very serious issue. In Gujarat High Court, one advocate was giving income tax of Rs. 1 crore and Rs. 3 crore was the return. Naturally, he is a brilliant lawyer. Otherwise, it cannot be done. Those who are in the profession will understand that at the age of 42 years, it is impossible for a lawyer to give a return amounting to Rs. 3 crore. His father is also a very good lawyer.

The Chief Justice persuaded him to give consent for becoming a judge. What was the salary then? It was Rs. 80,000 to Rs. 90,000. He agreed to that salary. What happened after three days? Justice Bhaskar Bhattacharya was superseded for being appointed as a judge of the Supreme Court. The next day, the lawyer came and said, "Sir, I am ready to sacrifice this. But can you give me this assurance that I would not be superseded in future because of the collegium system?" And the gentleman did not accept that. This is a very unfortunate incident of the country.

The collegium system is failing and it is not the question of Grade A or Grade B. In the collegium system, if he likes the person, then the person is good and if he does not like the person, then he is bad. If a lawyer every time says, "Yes, Me Lord, you are right.", then he is a very good lawyer. If he opposes, then it is the other way. The collegium system has failed. The debate will be continuing. I would request the hon. Minister for Law on this aspect. I was talking with one of my colleagues in my profession. If required, out of Parliament, you may call for a national debate on

this subject as to what should be the appointment procedure of the judges in the High Court and the Supreme Court.

Regarding the salary of the judges, I agree with my friend who spoke from the Congress Party. This is really a small amount. No lawyer will come forward for this amount. At the same time, I would request the hon. Law Minister to constitute a Judicial Commission to fix up the salaries of judges. Do not club it with the Secretaries and the Cabinet Secretary. They are holding a very high post. Do not compare them with your Secretaries. The Government should constitute the Commission and let them fix the salaries of the judges.

So far as infrastructure is concerned, I have a friend in Uttar Pradesh. I came to know that there are 168 sanctioned posts in Allahabad High Court and I have been told that 50 per cent is there and 50 per cent is vacant. There are a large number of vacancies in the country. Immediate steps should be taken to fill up the vacancies in every district and in every State.

Infrastructure has to be improved. Speedy justice is not a slogan or a dialogue. Speedy justice means that justice has to be delivered.

My friend, who just now spoke, told to limit the time. If you limit the time so far as Members of Parliament are concerned, then no Member of Parliament can complete his speech within the time allotted to him. How can a case be completed within the time limit in a court of law?

Complexities are there in cases. Therefore, it is impossible to accept the proposition to limit the time for the purpose of arguing cases.

In our Kolkata High Court in 1960s, there was a great Chief Justice whose name was Phani Bhusan Chakravorty. When that Chief Justice retired from the service, within seven days, an offer came to him. The offer was to be the Governor of a State. What did he say to the hon. Prime Minister at that point of time? He said, 'do not make this offer to any judge'. If you make such offers to judges, then the judges in this country will start thinking that if they deliver some judgement in favour of the ruling party, then they may be appointed as Governor in some State. It is very unfortunate. It is extremely unfortunate that an ex-Chief Justice of India of this country has been offered governorship in one of the States. This should not have been done. I will request the hon. Law Minister to increase the salary and pension of the judges if required. But make a law that after their retirement, the judges will not be accommodated in any position. This should apply to IAS and IPS officers also. They should not be shown any favour after their retirement. Otherwise, what will happen is, before their retirement – the period of six months or one year or two years before their retirement is very important – if they know that if they can favour the Government by giving an order, they will also be favoured with some appointment after their retirement, then they will do it. I believe that judiciary is one of the pillars which has strengthened the democracy in our country.

Yesterday, I was telling one of my friends that the present Chief Justice has said that if the judiciary is allowed to function properly, then India will be number one in the world. From this chair, taking this opportunity, I would like to just tell you, Mr. Deputy-Speaker, Sir, that if a law is made that after retirement no judge, no IAS officer, no IPS officer, should be accommodated in any post in this country, then, of course, India will be the number one in the world. It is bound to be number one in the world.

Why are you making this appointment for three years and five years? Why are you bringing in lawyers who are 58 or 59 years old for just three years? It is a case of accommodation. I do not want to embarrass the judiciary today by giving an illustration, which will completely embarrass the judiciary of the country. I do not want it because I always respected judiciary. What will the lawyers who are 58 years or 59 years old do if they are made judges just for two years or three years? They will do nothing. There will be no performance. But because of this amendment, ten years of their service will be added and pensionary benefits will be given to them accordingly. If at all they need to be appointed, appoint them at least when they are 45 years old. If they are really eligible, if they are really qualified, and if you feel that they need to be made judges, then appoint them at the age of 45 or 50, but why at the age of 60, just for two years for the purpose of giving them pension just after two years? This is just to show favour to a person. It should not be done. It should not be encouraged. It should be stopped.

Regarding circuit bench, I agree with what my friend has said. In fact, I went to the hon. Law Minister before this speech started and requested him to bring a constitutional amendment to start circuit benches. I do not know whether you have any experience of Delhi or not. See what is happening in the Supreme Court at Delhi. The Delhi lawyers enjoy so much monopoly in the Supreme Court. The fees start from Rs. 5 lakh or Rs. 6 lakh or Rs. 8 lakh or Rs. 10 lakh or Rs. 20 lakh or Rs. 25 lakh. This monopoly has to be checked. If the Circuit Bench is there all over India, I am sure no advocate can dare to ask for this amount of fees from the people. Therefore, I would request the hon. Minister to make a constitutional amendment. I know you will be facing a great deal of opposition from the lawyers of Delhi itself because the Delhi lawyers will be the first to oppose it saying that there should be no Circuit Bench because they are the most beneficial ones if the Supreme Court is here only. Door-step justice is not just a word to be in the books. If door-step justice has to be delivered, then the Circuit Bench of the Supreme Court must be there in all the regions of this country. It has to be there. It should be given.

Sir, eight months have gone since we passed the National Judicial Appointment Commission Bill. A lot of vacancies have cropped up. In fact, 50 per cent work in every High Court has gone because of the vacancies. I would request the present hon. Chief Justice of India to speed up the process of filling up the posts of Judges.

With these words, I conclude. I am grateful to you that I have been given this chance to speak.

DR.K. KAMARAJ (KALLAKURICHI): Hon. Deputy-Speaker, Sir, I would thank you for permitting me to speak on this Bill.

The salaries of High Court and Supreme Court Judges were initially fixed in Schedule-II of the Constitution and could only be altered by a constitutional amendment. Since 1986, after the 54<sup>th</sup> Amendment of the Constitution, they are governed by Parliamentary law, the High Court Judges (Salaries and Conditions of Service) Act, 1954, and the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958.

The High Court and the Supreme Court Judges (Salaries and Conditions of Service) Amendment Bill, 2015 is further to amend the High Court Judges (Salaries and Conditions of Service) Act, 1954 and the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958.

The above-mentioned Acts regulate the salaries and conditions of services of the High Court and the Supreme Court Judges. With the passage of

time, certain provisions in the aforesaid Acts have become a spent-force and out-dated. This proposed amendment in these Acts rectifies certain provisions relating to determination of provisions of leave allowances of judges in both High Court Judges (Salaries and Conditions of Service) Act, 1954 and the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958.

In a Writ Petition filed in the hon. Supreme Court by the former Judges of the various High Courts of the country as well as by the Association of the Retired Judges of the Supreme Court and the High Courts elevated from the Bar, a prayer was made for addition of ten years of practice as an advocate to the service as a Judge of the High Court for the purpose of computing pension on par and similar with ten years of service added to the service of the Supreme Court Judges. The petitioners said that while Part-I and Part-III Judges hold equivalent posts, they are not similarly situated with regard to pension and retirement benefits which are a breach of Articles 14 and 21 of the Constitution and "One Rank One Pension" must be the norm in respect of a constitutional office."

The petitioners had noted that the number of years practised as an advocate should be taken into account and be added to the service as a Judge of the High Court for the purpose of determining the maximum pension permissible under Part-I of the First Schedule to the High Court Judges (Salaries and Conditions of Service) Act, 1954. They had maintained that in respect of Part-III of the First Schedule, which deals with the Judges elevated from the State Judicial Service, almost all the Judges get full pension even if they have worked as a Judge of a High Court for two or three years and their entire service is added to their service as a Judge of the High Court for computing pension under this Part. For this reason, the members of the Subordinate Judiciary get more pension than the Judges elected from the Bar on retirement.

According to the Supreme Court's view, if the service of a judicial officer is counted for fixation of pension, there is "no valid reason" as to why the experience at Bar cannot be treated as equivalent for the same purpose.

HON. DEPUTY-SPEAKER: You can continue next time. We are taking up Private Members' Business.

**15.30 hours**