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14.13 hrs.

The Lok Sabha re-assembled after Lunch at thirteen minutes

Past Fourteen of the Clock.

(Shri P.H. Pandian in the Chair)

Title: Combined discussion on the Supreme Court Judges (Salaries and Conditions of Service) Second Amendment Bill, 2002 and High Court Judges (Salaries and Conditions of Service) Amendment Bill, 2002. (Bills passed.)

MR. CHAIRMAN (SHRI P.H. PANDIAN): The House will now take up Bills for consideration and passing. Item nos. 14 and 15.

THE MINISTER OF LAW AND JUSTICE (SHRI K. JANA KRISHNAMURTHY): Sir, I beg to move*

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

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

Sir, there are two bills pending for consideration. I would like to request that the House may consider both the Bills together. One is concerning the family pension given to the Supreme Court Judges and the other relates to the family pension for the High Court Judges. The amendments that have been sought to be made in the two Acts are the same and so the reasoning and arguments would also be the same.

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND NATURAL GAS AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI SANTOSH KUMAR GANGWAR): Sir, as is being proposed by the hon. Minister, the House may consider both the Bills together.

* Moved with the recommendation of the President.

MR. CHAIRMAN: We will take up both the Bills together.

SHRI K. JANA KRISHNAMURTHY: Sir, secondly I have also moved an official amendment with regard to the salaries and conditions of service of the Supreme Court Judges. It was a technical mistake. In the print it had been mentioned as second amendment. But there has not been any prior amendment with regard to this.

This Bill was introduced earlier but it was not taken into consideration at all. Therefore, it was reintroduced and by mistake it has been shown as Second Amendment. Now the word 'Second' should be deleted. For this, an official amendment is being moved.

The amendments that are being moved in these Bills are very simple. They are proposed to remove an anomaly that has crept in. Prior to 1986, family pension of Supreme Court and High Court judges was calculated on the basis of the last salary drawn. Later on, the judges opted for calculation of family pension on the basis of pension received. So, those judges who retired prior to 1-1-1986 secured family pension at a particular percentage of the salary received. Subsequent to 1-1-86, the judges received family pension on the basis of a percentage of their pension. Under these circumstances, an anomaly has crept in whereby the judges who opted for family pension on the basis of salary last drawn got more money, and the judges who opted for family pension on the basis of the pension they received, got less money. So, this is an anomaly that has crept in.

There was also a case in the Andhra Pradesh High Court in which the judgement was delivered. The Union of India was a party in that case. I seek the permission of the Chair to read the last paragraph of that judgement. It is a small paragraph. It says:

"We, therefore, having resolved to the recommendations of the Fifth Central Pay Commission, are of the opinion that no discrimination can be made in the matter of payment of family pension to a Supreme Court judge *vis-à-vis* a Cabinet Secretary. We, therefore, allow this writ petition directing the Central Government to calculate the family pension payable to the petitioner on the basis of the last pay drawn by him and not in terms of the pension payable to him."

As has been pointed out, there was an anomaly in this regard also. There was a difference in family pension drawn by the Cabinet Secretary and that of the judges of High Courts and the Supreme Court. So, attempt has been made in these Amendment Bills to settle these anomalies.

In Clause 2 of the High Court Judges (Salaries and Conditions of Service) Amendment Bill, it is mentioned:

"for the words "family pension calculated at the rate of sixty per cent of the pension admissible to him", the words "fifty per cent of his salary" shall be substituted;

for the words "and thereafter at the rate of half of the family pension so admissible", the words "and thereafter at the rate of thirty per cent of his salary" shall be substituted; "

Provided that in no case the amount of family pension calculated under this sub-section shall exceed the pension payable to the Judge under this Act."

Similarly, in the Supreme Court Judges (Salaries and Conditions of Service) Amendment Bill, 2002, it is mentioned in Clause 2:

"for the words "family pension calculated at the rate of sixty per cent of the pension admissible to him", the words "family pension calculated at the rate of fifty per cent of his salary" shall be substituted;

for the words "and thereafter at the rate of half of the family pension so admissible", the words "and thereafter at the rate of thirty per cent of his salary" shall be substituted; "

for the words "family pension shall be thirty percent of the pension admissible", the words "family pension shall be thirty per cent of his salary" shall be substituted; "

So, it is a simple amendment to see that the family pension of Judges of both the High Courts and the Supreme Court are calculated as a percentage of their salary and not as a percentage of their pension. It is a very simple matter. As I told you in the beginning itself, these Amendment Bills are only meant to correct an anomaly that has crept in.

I, therefore, seek the cooperation of the entire House in passing these Amendment Bills.

MR. CHAIRMAN (SHRI P.H. PANDIAN): Motions moved:

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

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

The Business Advisory Committee has taken a decision to pass these Bills without discussion. However, Kumari Mamata Banerji wants to speak on this.

KUMARI MAMATA BANERJEE (CALCUTTA SOUTH): In that case, Sir, I will not take much time of the House. I will conclude my speech within five minutes.

I welcome this Bill. As the hon. Minister has already stated, it is a welcome measure. The Supreme Court also

requested that these amendments be made to these Bills. I have only one request to make to the hon. Minister. Even though this Bill relates to the salary and conditions of service of judges, I would like to say that we need judicial reforms as early as possible.

Sir, if you see the list you will find that in our country lakhs of cases are pending in various High Courts, lower courts and in the district courts. Justice delayed means justice denied. The common people do not get justice in proper time.

Of course, it is our moral responsibility to take care of the Judges. If I am not wrong, I know that sometimes even the District Judges and the Sub-Divisional Judges and the local Judges have to depend on the police for their transportation to courts. Whenever they come to courts, the police send their cars for them, because they do not have their own cars. Sometimes, they depend on the police and sometimes on the local administration for providing of cars to them.

What we feel is that they should be self-sufficient. Judiciary should be neat and clean. There should be no political interference. That is why there is an urgent need for comprehensive Judicial Reforms.

Nowadays, Judiciary has become very expensive. It is very difficult for the poor people to come to Delhi from Kerala, Tamil Nadu, West Bengal, Bihar, Uttar Pradesh, Orissa, etc and attend Supreme Court. With great difficulty they come to Delhi. So, more and more Supreme Court Benches and High Court Benches should be set up. This matter should be taken care of. If there is a comprehensive plan of action for the Judicial Reforms, it will benefit all.

Mr. Chairman, Sir, I am just sharing an information. In Bengal, the huge stamp duty has been increased recently. It is about 1000 per cent. That is why for the last 15 days, the Bar Associations, the local courts, including the High Court, have ceased their work. When the Central Government is giving instructions to State Governments to reduce the stamp duty and West Bengal Government has increased it by 1000 per cent, and due to this all the lawyers, barristers, Bar Associations have ceased their work for the last about 15 days.

So, may I request the hon. Minister to kindly talk to the Bar Association – because they are the elected members of the High Court or the Bar Council – so that this matter is sorted out amicably. People should get justice. If a State Government is not willing, it is the duty of the Centre to talk to them.

With these few words, I conclude and thank the hon. Minister for bringing forth these Bills.

MR. CHAIRMAN : The question is:

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

The motion was adopted

MR. CHAIRMAN: The House will now take up clause-by-clause consideration of the Bill.

The question is:

"That clause 2 stand part of the Bill. "

The motion was adopted.

Clause 2 was added to the Bill

Amendment made:

Page 1, line 3,-

omit "Second" (1)

(Shri K. Jana Krishnamurthi)

MR. CHAIRMAN: The question is:

"That clause 1, as amended, stand part of the Bill. "

The motion was adopted.

Clause 1, as amended, was added to the Bill.

The Enacting Formula and the Long Title were added to the Bill.

MR. CHAIRMAN: The hon. Minister may now move that the Bill, as amended, be passed.

SHRI K. JANA KRISHNAMURTHY: Sir, I beg to move:

"That the Bill, as amended, be passed,"

MR. CHAIRMAN: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

MR. CHAIRMAN : Now, the House will take up the High Court Judges Amendment Bill.

SHRI K. JANA KRISHNAMURTHY: Sir, whatever arguments that I have advanced for the previous Bill, would apply to this Bill also. I seek the cooperation of the House to pass this Bill.

MR. CHAIRMAN: The question is:

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

The motion was adopted.

MR. CHAIRMAN: Now, the House will take up clause by clause consideration of the Bill.

The question is:

"The clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1, the Enacting Formula and the Long Title were added to the Bill.

SHRI K. JANA KRISHNAMURTHY: Sir, I beg to move:

"That the Bill be passed."

MR. CHAIRMAN: The question is:

"That the Bill be passed."

- *The motion was adopted.*
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