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Title: Introduction of the High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Bill, 2005.

**12.39 hrs.**

## **HIGH COURT AND SUPREME COURT JUDGES (SALARIES AND CONDITIONS OF SERVICE) AMENDMENT BILL, 2005\***

THE MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): Sir, I beg to move for leave to introduce a 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.

MR. SPEAKER: Motion moved:

"That leave be granted to introduce a 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."

SHRI VARKALA RADHAKRISHNAN (CHIRAYINKIL): Sir, I have an objection. I may be permitted to raise it.

MR. SPEAKER: It does not arise. You cannot question Speaker's ruling. You can only raise a question.

...(Interruptions)

MR. SPEAKER: You have to listen to me first.

...(Interruptions)

MR. SPEAKER: Please do not record anything.

(Interruptions) ...(Not recorded)

MR. SPEAKER: You have no right. You have a right to object only.

...(Interruptions)

MR. SPEAKER: This is very unfortunate.

...(Interruptions)

SHRI VARKALA RADHAKRISHNAN: Sir, I have a right. You can disallow it. That is another matter. ...( Interruptions) I have a right to raise it as per rule 72. You can disallow it. That is another matter[[reporter12](#)].

Therefore, I have raised an objection on this issue.

MR. SPEAKER: Very well. You are such an expert of the rules, but let me read the rule please.

SHRI VARKALA RADHAKRISHNAN : Sir, if I remember correctly it is rule 72 of the Rules of Procedure and Conduct of Business in Lok Sabha.

MR. SPEAKER: Let me read the rule.

...(Interruptions)

MR. SPEAKER: Please do not behave in an irresponsible manner.

...(Interruptions)

MR. SPEAKER: Please sit down. Kindly listen to me first, and then raise your point.

...(Interruptions)

MR. SPEAKER: I would like to read the rule. It states that :

"Notice to oppose introduction of a Bill shall be addressed to the Secretary-General specifying clearly and precisely the objections to be raised and given by 10.00 hours on the day on which the motion for leave to introduce the Bills is included in the list of business."

It further states that :

"Provided that where a motion is opposed on the ground that the Bill initiates legislation outside the legislative competence of the House, the Speaker may permit a full discussion thereon : â€" "

So, it can only be on the issue of legislative competence. What is the legislative competence that you have to raise on this Bill?

SHRI VARKALA RADHAKRISHNAN : Sir, I would like to read the rule. It states that :

"Notice to oppose introduction of a Bill shall be addressed to the Secretary-General specifying clearly and precisely the objections to be raised and given by 10.00 hours on the day on which the motion for leave to introduce the Bills is included in the list of business."

I would like to state that I have done it.

MR. SPEAKER: Have you done it while keeping in mind the legislative competence?

SHRI VARKALA RADHAKRISHNAN : I have done it. I have given the notice before 10 o'clock. All these points are getting satisfied in my case.

THE MINISTER OF FINANCE (SHRI P. CHIDAMBARAM): Please read the next line in it.

SHRI VARKALA RADHAKRISHNAN : Now, this is the rule with regard to this issue. ...(Interruptions)

MR. SPEAKER: It is very unfortunate.

...(Interruptions)

MR. SPEAKER: I can only express my great sorrow.

...(Interruptions)

SHRI VARKALA RADHAKRISHNAN : I am reading the amendment :

"Notice to oppose introduction of a Bill shall be addressed to the Secretary-General specifying clearly and precisely the

objections to be raised and given by 10.00 hours on the day on which the motion for leave to introduce the Bills is included in the list of business."

MR. SPEAKER: This is not a lecture room. It is also mentioned in the rule that :

"Provided that where a motion is opposed on the ground that the Bill initiates legislation outside the legislative competence of the House, the Speaker may permit a full discussion thereon : â€"

SHRI VARKALA RADHAKRISHNAN : It is stated that I should give the notice before 10 o'clock, and I have given the notice before 10 o'clock. I have given it.

MR. SPEAKER: Okay, tell us about it. What is your objection?

SHRI VARKALA RADHAKRISHNAN : What is the use of the Rules of Procedure, and the use of raising an objection if it goes on like this?

MR. SPEAKER: Very well. Please, do not lecture. Please say whatever you have got to say on this issue. You can raise your point.

SHRI VARKALA RADHAKRISHNAN : Thank you very much. I am very much indebted to you. I respect you very much.

Now, the point is that I do not want to oppose the enhancement in the salaries of the Supreme Court judges in spite of the fact that cases are pending in lakhs. This is not the contention. My contention is the way in which this Bill is being introduced in the House. This is an old Bill, and the hon. Minister is bringing an amendment about the salary of the judges. It is a well-known fact, and we all know that the House will be adjourned *sine die* tomorrow. I have not objected to the Bill introduced by Shri P. Chidambaram, the hon. Finance Minister, but I am objecting to this Bill because he is the Law Minister.

MR. SPEAKER: Mr. P. Chidambaram is lucky.

SHRI HANNAN MOLLAH (ULUBERIA): The Law Minister should not do anything illegal.

SHRI VARKALA RADHAKRISHNAN : The Law Minister cannot violate the law. The Law Minister is seeking to amend the Bill, and I am entitled to oppose it. I am entitled to two days' notice, and it is crystal clear in the rules. I know that the hon. Speaker is supreme in all these matters. I admit it, but here is a case where the hon. Minister is very well aware that the House will be adjourned *sine die* tomorrow, and there is no doubt about it.

This matter regarding enhancing the salary of the judges is pending for a long time, and it is not a new development. It was already there. The reason given by the hon. Minister for doing this is that he could get the recommendation of the hon. President only yesterday. This is not a valid reason. The Government, especially, the Law Minister ought to have sought the recommendation of the hon. President sufficiently in advance, and this Bill ought to have been circulated among the Members so that we could have got an opportunity to study the

implications involved in this Bill. This right has been denied by not an ordinary Minister, but by the Law Minister himself.

MR. SPEAKER: Yes, he is an extra-ordinary Minister!

SHRI VARKALA RADHAKRISHNAN : He is a very important person. Therefore, I am opposing it.

MR. SPEAKER: Have you finished mentioning about your objection?

SHRI VARKALA RADHAKRISHNAN : Of course, I admit that the Speaker can do anything, but I have a right to raise an objection.

MR. SPEAKER: Do you not get exhausted?

SHRI VARKALA RADHAKRISHNAN: I have a humble right to raise this objection before you, and you are at full liberty to take a

decision on it.

In the instant case, I have to point out one thing, and the House can take any decision as per the rules. Here is a case -- in the absence of the Opposition --where the right of the Members is involved. They are absent from the House, and we are all taken by surprise.

MR. SPEAKER: Have you finished making your point? You are repeating all that you have already mentioned.

SHRI VARKALA RADHAKRISHNAN : The Opposition is not there. In the absence of the Opposition, the right of the Members should not be denied. Therefore, I am opposing the Bill.

MR. SPEAKER: You were yourself a Speaker of a State Assembly at one time. I do not know what happened in the Kerala Assembly. But hon. Member, you should be aware that the hon. Minister could not have come and moved it without my permission. I have relaxed the rule[\[ak13\]](#).

Therefore, your raising this point is challenging the decision of the Speaker which amounts to a breach of privilege. I am not taking any privilege action against you. So far as the point that you have raised is concerned, it is rejected.

The question is:

"That leave be granted to introduce a 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."

*The motion was adopted.*

SHRI H.R. BHARDWAJ: Sir, I introduce the Bill.

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