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Title: Discussion on the motion for consideration of the High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Bill, 2017 (Discussion not concluded).

विधि और न्याय मंत्री तथा इलेक्ट्रानिकी और सूचना प्रौद्योगिकी मंत्री (श्री रवि शंकर प्रसाद) : कृपया, मेरी बात को सुन लें। ...(व्यवधान)

सर, जब भी पे-कमीशन बैठता है, उसके स्वीकार के बाद जजेज की सैलरी का विषय भी दो कानून से गवर्न होता है। जो माननीय हाई कोर्ट के जजेज हैं, वे हाई कोर्ट जजेज कंडीशन ऑफ सर्विस एक्ट, 1954 और माननीय सुप्रीम कोर्ट का सुप्रीम कोर्ट जजेज कंडीशन ऑफ सर्विस एक्ट, 1958 है।

माननीय उपाध्यक्ष महोदय, वषण 1965 से, जब से उनकी सरकार रही है, तब से एक कानून चला आ रहा है कि जो हमारे माननीय हाई कोर्ट के जजेज हैं, उनकी सैलरी भारत सरकार के सेक्रेट्री के बराबर होगी। माननीय हाई कोर्ट के चीफ जस्टिस और माननीय सुप्रीम कोर्ट के जो जजेज हैं, उनकी सैलरी कैबिनेट सेक्रेट्री के बराबर होगी। भारत के चीफ जस्टिस की सैलरी कैबिनेट सेक्रेट्री से अधिक होगी। ...(व्यवधान)

सर, मैं एक ही बात कहना चाहता हूं। ...(व्यवधान) मैं सारे माननीय सांसदों की पीड़ा को समझता हूं और उनकी अपेक्षा को भी समझता हूं, लेकिन मैं हमारे सारे माननीय सांसदों से एक ही आग्रह करूंगा कि वे देश को चलाने के लिए बैठे हुए हैं।...(व्यवधान) लोक सभा से जो बिल पास होता है, वह देश के लिए होता है, देश के सारे अंगों के लिए होता है। जहां तक स्वयं माननीय सांसदों की सैलरी रिविजन का मामला है, जो प्रक्रिया है, उसके अनुसार उसको तय करेंगे।...(व्यवधान) दोनों को लिंक न किया जाए। ...(व्यवधान)

Sir, when I say that we are taking note of this concern of the hon. Members, we are taking note of their expectations also. Surely, in the due course, proper process will be followed. What I want to tell the hon. Members is that here we sit for the entire country; the Parliament works for the entire country. Therefore, I would appeal to the hon. Members today that if the entire country is watching us, let us show the larger heart that we do not link others' salary with our salary?

मैं सारे सांसदों से विनम्रता से अपील करूंगा कि आप देश के सामने यह छवि न प्रस्तुत करें कि जब तक हमारी सैलरी रिवाइज नहीं होगी, तब तक हम दूसरों की सैलरी रिवाइज नहीं करेंगे।...(व्यवधान)

SHRI ARVIND SAWANT (MUMBAI SOUTH): We never said like this.

SHRI RAVI SHANKAR PRASAD: All right, I am very happy.

महोदय, मैंने बताया कि वषण 1965 से यही प्रक्रिया चल रही है। जब 6वां वेतन आयोग आया था, उसके अनुसार हमने जजेज की सैलरी को 1 जनवरी, 2006 से रिवाइज किया था। अब 7वां वेतन आयोग आ गया है।

सरकार ने उसे कर्मचारियों के मामले में स्वीकार किया है। अब सुप्रीम कोर्ट और हाई कोर्ट के जजेज की सैलरी को रिवाइज करने का प्रस्ताव है। But the difference is, as far as others are concerned, it can be done by a proper executive order. But in case of the Judges of the Supreme Court and the High Court because there is an Act, it has to be revised after every revision by both the Houses of Parliament. Therefore, we are here. इसलिए यह प्रस्ताव लाया जा रहा है। इस प्रस्ताव का सार यह है कि हम 1 जनवरी, 2016 से जजेज की सैलरी को रिवाइज कर रहे हैं। We are revising their salary from 1st of January, 2016 as has been done for others. Be very clear about it. इसमें भारत के चीफ जस्टिस आफ इंडिया की सैलरी को 2,80,000 रुपये कर रहे हैं। सुप्रीम कोर्ट के जजेज की सैलरी को 2,50,000 रुपये कर रहे हैं। हाई कोर्ट के चीफ जस्टिस की सैलरी को 2,50,000 रुपये कर रहे हैं और हाई कोर्ट के जजेज की सैलरी को 2,25,000 रुपये कर रहे हैं। यह हम इसलिए कर रहे हैं क्योंकि भारत के सीजेआई की सैलरी कैबिनेट सैक्रेटरी से ज्यादा है। सुप्रीम कोर्ट के जजेज और हाई कोर्ट के चीफ जस्टिस की सैलरी कैबिनेट सैक्रेटरी के बराबर है और हाई कोर्ट के जजेज की सैलरी भारत सरकार के सैक्रेटरी के बराबर है, as has been there from 1965. इसके अलावा हमने इसमें समच्युरी एलाउंस भी दिया है, जिसकी मैं चर्चा करूंगा। रिटायर्ड जजेज की जो पेंशन रिवाइज होती है जैसे रिटायर्ड सैक्रेटरीज की पेंशन रिवाइज होती है या दूसरे अधिकारियों की होती है, वैसे ही स्पूटेबल पेंशन भी रिवाइज की है। यह बहुत छोटा बिल है और हम हर पे रिवीजन में इसे चेंज करते हैं। मोइली जी सदन में मौजूद हैं और कानून मंत्री रहे हैं। He knows the whole process. माननीय खड़गे साहब भी वरिष्ठ नेता है और मंत्री रहे हैं। He knows the entire process.

मैं सदन से अपील करूंगा कि इसे पास करें। आपके मन में ज्यूडिशियरी के बारे में चिंताएं होंगी। आपको अपनी बात कहने का अवसर मिलेगा। मैं ज्यूडिशियरी के बारे में कह रहा हूं, जजेज की सैलरी के बारे में नहीं कह रहा हूं। उसके बारे में किसी उचित मौके पर बाद में विस्तार से चर्चा करेंगे।...(व्यवधान) आज के दिन मेरा आग्रह है कि इस बिल को पास करें।

SHRI KALYAN BANERJEE (SREERAMPUR): We are not against the Bill but we have certain things to say here or to make. This is the place where we can say.

SHRI RAVI SHANKAR PRASAD: I only want to remind hon. Kalyan Babu, who is a very distinguished senior lawyer that I am not stopping. I am only requesting.

SHRI KALYAN BANERJEE: No, you have to hear and you have to communicate it. We are not against increasing the salaries. But we are having certain things to say and you have to hear it. As a representative of everyone, you have to hear it and communicate it to the appropriate place because I cannot communicate it but you have to communicate it.

SHRI RAVI SHANKAR PRASAD: All right. The Law Minister of India is sitting before you to hear you and take note of all.

SHRI KALYAN BANERJEE: I know that you may not like my words but so long as you are here, you may not like my words but the moment you will be there or in the corridor you will like my words like anything.

श्री रवि शंकर प्रसाद : मुझे यह देख कर बहुत प्रसन्नता हो रही है कि सदन में एक प्रकार का एका है कि यह तनख्वाह बढ़नी चाहिए। मैं इस बिल को पेश करता हूँ और माननीय सदन से विनम्रता से आग्रह करूँगा कि चर्चा अवश्य करें, लेकिन इस बिल को पास करें।

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.”

PROF. K.V. THOMAS (ERNAKULAM): Sir, this Bill has been brought by the hon. Law Minister. He has stated in the Objects and Reasons that as the 7th Central Pay Commission has revised the salaries and pensions of the Central Government employees, and as it is the usual practice, the salaries and perks of the judges of the Supreme Court and the High Courts also have to be enhanced. So, there are no two different opinions on this. But this gives an opportunity to the House as well as to the Government to understand the feelings of the people of this country and, through the Members of this House, what the country feels about our judiciary and judicial system.

When this Bill was introduced, the hon. Minister understood the feeling of the House regarding salaries and pensions of the Members. I am not linking it, but there is a genuine demand in this respect for quite a long time and that is the practice also. So, there is a genuine demand and, as I said, I am not going into it. But, the hon. Law Minister and the hon. Parliamentary Affairs Minister should understand and convey our feelings to the people concerned.

Sir, the *Devta* of Justice has no eyes and ears, which shows that we expect justice and justice alone from the judicial system. Judiciary is the fourth strongest pillar in our democracy. We want to have a healthy, impartial and effective judicial system and judicial process.

Sir, with this in mind, many Governments have tried their best to improve the judicial system in the country and one attempt in this regard was the Judicial Appointment Commission.

The appointment of the judges, especially of the High Courts and the Supreme Court, is a question of interest to everybody in this country. How are these judges being appointed? Are they people of character? Are they people of mettle? Are they people who can impartially give the judgement because it is their pen which decides the future in many cases?

Sir, I am not accusing anybody. If you study a large number of judgments of various judges, there are judges, who started their career from the High Courts and came to the Supreme Court, but their judgments are very, very few. They also do not make timely judgments. They delay it and, as a result, justice is also delayed.

Secondly, I am not accusing any system, but we know, and, unfortunately, it is very painful, that there are middlemen. It is a known fact that there are middlemen, who manage things. Is it good for our judicial system? Is it good for our democracy? So, we expect a judicial system which is impartial. Even in the collegium, what you read is that there are differences of opinions when the appointments are made. So, this is an issue which the Government has to think about and discuss with the Opposition also.

As the Law Minister, you have a say in the appointment of judges. You have to think about as to what system we are going to implement so that the country believes in the appointments.

Sir, when I came to this House in 1984, there was no live telecast. Now, there is live telecast not only of the proceedings of Lok Sabha and Rajya Sabha, but also of many State Assemblies. Is it possible to have the live telecast at least of the court proceedings of the Supreme Court so that the unnecessary stories, which spread out through the media, are not there? For example, there was 2G spectrum case. I am not arguing for this side or that side. When the verdict was delivered by the Special Court of CBI in the 2G spectrum case, what was the reaction? In many important cases, media take a stand, especially the electronic media, and the entire country moves along with that. Finally, if a judgement comes contrary to the stand taken by the media, then you are questioning the integrity of the Judiciary itself? This is an important factor. That is why, I asked whether it is possible to have live telecast at least of important cases so that the people of this country understand where our Judiciary is.

Thirdly, I am a Member of Parliament. My income and assets are being assessed. I have to report to the Prime Minister. The Vigilance Commission can go through that. What about the assets and income of the people in the Judiciary? Who examines that? That is one of the reasons for questions being raised about the integrity of the judicial system. As a Member of Parliament, I am accountable to the Parliament. When I file my nomination papers with the Election Commission, I have to give a correct assessment not only of my wealth, but also of my wife, my children and the entire family to the Election Commission. Here, in the case of people in the Judiciary, who is going to assess it?

Sir, I was talking to Veerappa Moilyji. I think, it was in 1993 when the case of impeachment of Justice Ramaswami came before the House. Shri Kapil Sibal came and argued for him in the case. The first impression we had was that Ramaswami was an accused. ... (*Interruptions*) I came to this House with an understanding that Ramaswami was a corrupt person and he should be impeached. After Kapil Sibal argued for one and a half hours, we all sat together and said that we cannot be a party to his

impeachment. Shri Kapil Sibal is a person who can argue very well. We have got a large number of veteran lawyers. For the ordinary people, it is difficult to pay them. We are always talking about the free legal system. Are the poor people of this country getting free legal advice? The fees, which we have to pay to many of the eminent lawyers, is something prohibitive. So, I asked one of my good friends, who is a leading lawyer, why he is getting so much money. He told that he does not want to have so many cases and want to restrict the number. Then, when people come to him, what else he can do. Therefore, he enhances his fees. What about the poor people who want better legal service? What is the Government going to do about these people?

Sir, we want judges of quality. How can it come? It can come only from law colleges. Many of our judges in the Judiciary are coming from law colleges. We want quality education in law colleges. What is the Government doing about it? Many of the law colleges in the country are of a lower stratum, lower state and lower quality. So, the Government of India and the State Governments have to find out a way. I am coming from Kochi. We have got Ernakulam Law College, which is one of the oldest law colleges in the country. I have gone there many a time. There is no good library and it lacks efficient academic people. If you want better judges in the judicial system – High Court and lower courts – the education system itself should be of good level and quality education should be there. So, this aspect has to be thought about.

I am again coming back to the issue of influence of media as well as the reaction of the judiciary. In my Parliament Constituency, we have got the Kerala High Court. I am very proud to say that the Kerala High Court is one of the reputed High Courts in the country without any allegation. ...
(*Interruptions*)

DR. A. SAMPATH (ATTINGAL): We need more Benches of the High Court.

PROF. K.V. THOMAS: I have no objection taking one Bench from Ernakulam to Trivandrum. You can take one or two Benches, and there is no objection in it.

SHRI P. KARUNAKARAN (KASARGOD): One in Kozhikode also.

PROF. K.V. THOMAS: But there was a history behind how we had the Ernakulam High Court and the State Legislative Assembly went to Trivandrum. I am not arguing on that point. So, you take one Bench and I have no objection.

You know that it was an important case in the High Court of Kerala, and the media persons were enjoying certain benefits and rights. There was a quarrel between the lawyers and the media persons. Even now, after the intervention of the Chief Justice of India, this issue could not be settled. Even though, I have got my reservation about certain approach of the media, especially, the electronic media that without verifying the facts they always seek sensitive news because they have to enhance their

ratings. So, in order to enhance their ratings they give so many stories, which sometimes may be irritating the judiciary.

How are we going to survive in a democratic system without a free media / Press? What is the problem in not allowing our media persons to go inside the courts? Why cannot they have free access to the records? Even the Chief Minister of Kerala intervened in that case, but nothing has happened so far with regard to whatever benefits they were enjoying. The young ladies from the media who nowadays go to the court also find it difficult. So, the judiciary should also have a benevolent heart.

The retirement age of the Judges is also an important factor. The retirement age of the High Court Judges, I understand, is 62 years and it is 65 years for the Supreme Court Judges. At this juncture, when the longevity is so high, I think that the retirement age can be enhanced. Otherwise, what happens is that more than 90 per cent of the Judges, who retire, take up arbitration or some kind of Judicial Commission. ... *(Interruptions)*

SHRI KALYAN BANERJEE (SREERAMPUR): They are happy with it.

PROF. K.V. THOMAS: They are very happy with whatever they get as a Member in the Judicial Commission. Recently, we had a famous case in Kerala where a Judicial Commission was appointed for six months whereas it went up to two and a half years. The case concerned was for Rs. 7 lakh only, but the money spent for this Commission was more than Rs. 7 crore. I am not accusing or making any bad remarks on them, but these Judges who now retire at the age of 62 or 65 years, let them enhance the ... *(Interruptions)*

SHRI N.K. PREMACHANDRAN (KOLLAM): Prof. Thomas, they should not go for any work after their retirement. ... *(Interruptions)*

PROF. K.V. THOMAS: I do not say that they should not go for any work after their retirement. I am saying something different that at least that income, which they get from arbitration, etc. should also be counted. It is not a small amount that they are getting for it. So, in the case of retirement age also the Government has to think about this fact. Why cannot it be enhanced to 70 or 72 years?

When we talk about the judicial system, there are clerks and supporting staff also. What are you going to do for them? What are you going to do for the young lawyers who are coming into this field? We know in the judicial system that there comes a time when you have no case and no fees; there comes a time when you have case and no fees; there comes a time when you have got case and fees; and there comes a time when there is no case, but fees. But in the beginning, when a young lawyer comes, how are you going to give some assistance to the younger lawyers for their benefits?

18.00 hrs

This also has to be looked into by the Central and State Governments. Here, what you also understand is that when you enhance the salaries and perks of the High Court Judges and the High Court Chief Justice, the burden is on the State Government.

About residential accommodation, you are giving them better position. In many High Courts, and even in Delhi, many of the Supreme Court Judges take sometime.....

HON. DEPUTY SPEAKER: Now, it is 6 o' clock. How much more time you need to complete your speech?

THE MINISTER OF CHEMICALS AND FERTILIZERS AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI ANANTHKUMAR): Sir, we can take the consideration today but we would pass the Bill tomorrow. ... (*Interruptions*)

SHRI KALYAN BANERJEE : This Bill takes sometime. We cannot take a short-cut. ... (*Interruptions*)

SHRI ANANTHKUMAR: Shri Kalyan Banerjee *Saheb*, I am requesting the hon. Deputy Speaker to take it up tomorrow.

SEVERAL HON. MEMBERS: We all agree.

HON. DEPUTY SPEAKER: Let him complete his speech. After his speech is over, we would adjourn the House for the day.

PROF. K.V. THOMAS: Our Law Minister is a veteran lawyer, experienced Parliamentarian. I think, this time you have to use your personal influence so that the legal system improves. People are expecting a lot from the judicial system. Judicial system as I said in the beginning is impartial. Judgements should be delivered in time. What arrangements are we making when it comes to modernization? This is an era of computerization. Are our infrastructure in the courts good enough? To get a judgement, how much time do you need? Better infrastructure has to be there in High Courts and the Supreme Court.

Coming to the Supreme Court, you should not leave it alone to the State Governments. In Kerala, we have the High Court in Ernakulam. Three or four Governments over a period of time spent a lot time, took the initiative of building such a beautiful building in the city. Now, comes the other infrastructure.

These are the issues on which the Central Government also has to take effective interest. Do not leave everything to the State Government. As the Central Government is responsible, especially in the affairs of the Supreme Court, and State Governments are responsible for the High Court. Both the Central and State Governments have to sit together, take some important initiatives so that the infrastructure improves. Infrastructure is more important than anything.

Again my request is this. There are a number of issues connected with the Judiciary. Judiciary is losing the faith of the people. Very often we don't criticize the Judiciary because we are all afraid. Tomorrow, we have to go before the court of law. ... (*Interruptions*) It can happen. What I am suggesting is that these are certain practical issues. We need a strong Judiciary; we want an impartial Judiciary. For that, the Government also should have a say. Government is elected by the people of this country. You cannot say that the State Government does not have any say in the selection of the Judges of the High Court. It has been there earlier. When the Chief Justice of a High Court has been selected, the Chief Minister has been consulted. Similarly, the Judges of the Supreme Court, the Government of India has been consulted. So, you cannot wash off your hands. The Government in power should have a say because we are all elected by the people; we are answerable to the people. Why should we shy away of our responsibilities?

I think, the time has come when there should be an effective and efficient judicial system in the country. I think the Government will take initiative in that direction. Thank you.

HON. DEPUTY SPEAKER: The House stands adjourned to meet on Wednesday, the 3rd January, 2018 at 11.00 a.m.

18.05 hrs

The Lok Sabha then adjourned till Eleven of the Clock

on Wednesday, January 3, 2018/Pausha 13, 1939 (Saka).

