THE SUPREME COURT (NUMBER OF JUDGES) AMENDMENT BILL, 1985

MR. DEPUTY CHAIRMAN: Now, we take up the Supreme Court (Number of Judges) Amendment Bill, 1985. Shri Asoke Kumar Sen to move the motion.

THE MINISTER OF LAW AND JUSTICE (SHRI ASOKE KUMAR SEN): Sir, I beg to move:

> "That the Bill further to amend the Supreme Court (Number of Judges) Act, 1956, as passed by the Lok Sabha, be taken into consideration."

Sir, the strength of 18 was fixed in 1977. After 1977, there has been a terrific increase in the number of fresh filings. There has also been an outstanding increase in the disposal of cases and pendency in the courts. I will give the figures only from 1977 onwards in order to show how the matter stands today. In 1977, when the strength of 18 Judges was fixed, the number of fresh cases instituted was 14501 and the pendency was 14109, more or less about the same. Since then, notwithstanding the fact that instead of 14000 disposals about 15,000 disposals have been achieved, today at the end of 1985, the number of fresh filings has reached a figure of 87000 and the pendency has increased to nearly 1,20,000. As a result, the Supreme Court itself has requested that the strength be increased to 26 and we have, accordingly, proposed this Bill. It has become absolutely necessary having regard to the requirement of reducing the arrears in every court right from the Supreme Court to the lowest court. We are doing this not only with regard to the Supreme Court, but with regard to the High Courts also. With regard to the High Courts, it is not necessary to bring a Bill. We have been increasing the number of Judges liberally in every High Court during the last one year. With regard to the Supreme Court, we have to come to the Parliament because of this Act which stands. It fixed the strength at 18. Having regard to this fact, I would recommend that this Bill be accepted.

The question was proposed.

MR. DEPUTY CHAIRMAN: Shri M. A. Baby will make his maiden speech.

SHRI M. A. BABY (Kerala): Mr. Deputy Chairman, Sir, I am grateful to you for having accorded me this opportunity to make my maiden speech on the same day of my taking oath. It goes without saying that being perhaps one of the youngest Members of the House and due to my inexperience, I hope that I will get the guidance and suggestions of the experienced Members of this august Assembly. With all modesty, I hope I will be in a position to uphold the dignity, prestige and decorum of this House. At the very outset, I would like to make it clear that nobody will dispute the good intentions of introducing this Bill. Already the hon. Minister has placed before us the statistics related to the number of pending cases before the Supreme Court. According to some committee reports, there are 1,66,319 cases pending before the Supreme Court as on 31st December, 1985. With the limited number of Judges in the Supreme Court as it stands today, we do not know whether these many cases can be disposed of as early as possible. All of us are aware of the famous dictum that justice delayed is justice denied. So, knowing that fully well, everybody has to agree with this proposal to increase the number of Judges in the Supreme Court and subsequently, similar changes in the lower courts also in order to expedite disposal of cases. Being an optimist, while generally agreeing with this proposal, I cannot but register my serious apprehensions whether this step alone will help to dispose of pending ceses right from the Supreme Court. One can at the most give the benefit of doubt and hope that this step may help us to dispose of maximum number of cases. But unless we take sufficient steps to see that necessary changes are made at different levels and in-depth measures are taken, people will not have confidence in the judiciary. Without having any illusion of people having much confidence in the legal system that we have today, given the socio-economic set-up and

the very purpose of the legal system and the courts aimed at safeguarding the interest of the existing socio-economic set-up, we should take serious measures to bring changes. The growing number of cases pending before the courts, the delay and the high cost of getting justice from our courts, all these collectively eroded the belief and the faith of the people, especially the poor people, the downtrodden people, the weaker sections of our community in the benefits of the existing legal system.

In relation to this, I would like to mention that before the Supreme Court appeal cases right from the year 1972-73 are being heard today. So, one can understand the magnitude of the problem. Moreover, I have some personal vested interest in this also because I myself have given a case in the Supreme Court which was admitted half a decade ago. The case was in relation to the special verification that is being conducted in respect of those who apply for Central Government jobs from the States of West Bengal, Kerala and Tripura. In relation to that, I have given a case. So, unless come serious measures are taken to do away with the problem of accumulating cases, people will not have faith in the existing legal system. This is a very serious problem.

For some time now we have been hearing about the possibility of setting up a Bench of the Supreme Court in South India. I do not know whether the Law Ministry, whether the hon. Minister is coming forward with any concrete proposal in relation to this question. We know that more cases are coming up in the Supreme Court from States like Haryana and other North Indian States than South Indian States, not because the people in South India or North-Eastern India do not want to approach the Supreme Court to get redressal but because if they want to come to the Supreme Court, in a big sub-continent like our country, we know how much they have to travel and how much they have to spend, even if some magnanimous lawyers are available to plead their cases without charging any fees. It would be practically impossible for poor people to come to Delhi and approach the Supreme Court. So, taking this opportunity, I strongly demand and expect that the hon. Law Minister will take sufficient steps to implement the long-standing demand of setting up a Bench of the Supreme Court in South India either in Hyderabad or Bangalore or Madras. I do not demand that it should be set up in Kerala.

Now, apart from this, another proposal was there to have a separate sitting of the Supreme Court Bench in different States or different regions along with the Chief Justices of High Courts. I hope this will also be considered by the hon. Minister of Law.

Sir, now a growing disappointment is developing especially among weaker sections and poor sections that the existing courts and the existing legal system is not aimed at safeguarding the interests of the poor people. We know that if someone wants to approach a court and get justice, a lot of money is to be spent. Actually, courts are meant for safeguarding weaker sections and poor sections. But, unfortunately, as in the case of so many other things in our country, getting justice is also limited as a privilege of the affluent few. Education is getting limited as a privilege of limited few and so also various other things. I do not want to go into the details but just as in the case of education, as in the case of opportunities, getting justice also is getting limited to the privileged few sections of the affluent in our society.

Sir, we have heard of the legal aid system and things like that. As a matter of fact, nothing concrete is coming out of these things. The real beneficiaries, those who are supposed to get benefit out of this legal aid system, they are not getting any benefit out of it. I hope the hon. Minister will come out with proposals to make this more beneficial to weaker sections of the society.

Sir, in this connection, I would like to make a mention regarding the approach of our Government in relation to the appointment, promotion and transfer of judges. I do not want to go into its details. But it is said that narrow political interests

[Shri M. A. Baby]

are coming in the way of not only appointment of judges but also in the case of their transfer and promotion. If there is any truth in this complaint and allegation, I hope that sufficient steps will be taken to alleviate this complaint. If at all any norms exist in relation to the appointment, promotion and transfer of judges, I am told that these norms are strictly observed in their violation. This complaint is very serious and I hope that sufficient steps will be taken to alleviate this allegation.

Now, Sir, I would like to mention a few points in relation to the independence of judiciary. In a democratic system we know that the Parliamentary democratic system has got three edifices of legislature executive and judiciary. I do not have any illusion that in a society like ours, the judiciary will play an absolutely independent role. I do not think that judiciary can play an absolutely independent role. But the spirit of the Constitution, the essence of the Constitution is to be imbibed not only by the judiciary but by legislature and the executive also. In the recent past we know that the process of radicalisation is having its effect on the judicial system also. At least, some judgements are coming out which keep in mind certain concepts of social justice and which try to implement certain provisions of the Constitution and from a humanitarian angle and at times, certain judgements are coming out upholding the concept of secularism. A valid case in points is the Supreme Court's verdict in the Shah Bano case. But what is the response of the responsible political parties that rule our country? It is very unfortunate that when the highest court in our country comes out with a secular judgement and comes out with a judgement which aims at protecting the destitute Muslim widows, instead of uphoding that, instead of understanding the spirit of that, unfortunately our legislature is being converted to come out with certain Bills and legislations to nullyfy it which want to take back our country to medical period. It is a matter of shame So, whenever the judiciary comes out with upholding the spirit of secularism and social progress, whenever the judiciary comes out with certain judgment aimed at giving a fillip to social progress, unfortunately our executive is coming in the way of implementing such things. I am told that while introducing the Bill aimed at nullifying the correct pronouncement of the Supreme Court in relation to Shah Bano case, the Minister explained that the new Bill was drafted in consultation with Muslim religious heads. I do not know if we go like this the hon. Law Minister and the Department may think that not only these religious heads and mulla's can be consulted while drafting the Bill, but they can be appointed as judges also.

MR. DEPUTY CHAIRMAN: The discussion is on the amendment to the number of judges in the Supreme Court.

SHRI M. A. BABY: I want to make it clear that there should be independent functioning of the judiciary, especially when the judiciary comes forward with some progressive pronouncement, legislature and executive should not come in the way of such pronouncements.

As opposed to that, we know that some unwarranted and unfortunate pronouncements also come from the Supreme Court and in other courts. What should be our approach. Here I refer to the Supreme Court judgement interpreting article 311 (2) of the Constitution. For the last 3-1/2 decades, our Civil servants have been enjoying the protection of that provision but recently our Supreme Court has come out, as I mentioned, with an unwarranted and unfortunate pronouncement. What I want to say is, whether it is the Supreme Court's pronouncement or the behaviour of the legislature or the executive, the spirit of the Constitution is to be upheld. Our Constitution says that ours is a sovereign socialist secular democracy. So, equally before law should be preserved. In the case of Shah Bano Case, this principle was upheld. But now another Bill has been brought which wants to do away with the spirit of equality before law. The civil servants are also citizens of our country; they should have the right to approach the court. That is what is enshrined in article 311(2) of the Constitution. Now, when the Supreme Court comes out with an unfortunate judgement, our executive and legislature are keeping a conspicuous mum

on such an issue. Now, when a
4.00 P.M. magistrate court or a lower court comes out with a controversial judgement in relation to the opening of the Rama Janma Bhoomi, which the Muslim say is the ancient Babri Masjid, what is the approach and response of the executive and the legislature? We should approach the issue with equanimity and maturity. As if to assuage the feelings of some sections, who have some feelings in regard to the Supreme Court verdict in the Shahbano case, a Bill is brought in Parliament. As if to compensate it, the opening of this historical place or whatever it is, has been ordered which will lead, and has already led to communal tension and passion. Since it is my maiden speech, I hope, I will be given a few more minutes.

Sir, the response of the legislature and the executive towards judicial pronouncements should be in keeping with the intentions of the Constitution and the spirit of the Constitution. There may be progressive and radical judgements. We should uphold them. If there are some unfortunate judgements, then the executive and the legislature have the right and the prerogative to enact legislations in this regard so that things move in the right direction. The response of the executive and the legislature in relation to judgements of various courts is very significant. When we discuss the question of increasing the number of judges in the Supreme Court these related issues are to be taken into consideration. Our aim should be to impart justice to everybody, justice to the downtrodden sections and others. I do not have any illusion that in our socio-economic system, this can be properly implemented. But our efforts, our desire, our fight should be to impart justice, to render justice to everybody. With these words, I once again thank you for permitting me a few more minutes.

SHRI MURLIDHAR CHANDRAKANT BHANDARE (Maharashtra): Mr. Deputy Chairman, Sir, I rise to speak on this Bill, which at first glance appears not only to be innocuous but also necessary. But as I proceed with my speech, you will see that this Bill gives us an occasion to go into the very serious and very important questions which affects our judicial system. India is proud of many things. It has received worldwide acclaim as the largest and most vibrant democracy. It has withstood the pressures against democracy, unlike her neighbouring countries, in a manner which is the envy of her neighbouring countries in the whole world. Democracy is, therefore, one of the proud claims of our country.

The other aspect which is equally talked of these days and where we have surpassed many Western countries is the judiciary. The distributive justice which the judiciary is rendering, particularly, has received very high acclaim all over the world. It is not easily recognised or understood that in these days when the separatist tendencies are growing, fissiparous tendencies are visible, divisive forces are rampant, there are two things which primarily hold the country together. The first is a single citizenship in our country. Whether the hon Member—I thought he was figuratively 'baby', but I learnt that he really symbolised by having the name also of Mr. Baby —comes from Kerala, he is an Indian citizen, there is no dual citizenship so far as our country is concerned. And there is another unifying force that is the single indivisible integrated judiciary with the Supreme Court at the top. These are the bonds of unity. The judicial system with a single indivisible and integrated judiciary is a great bond of unity. We must not only preserve it, we must not only foster it, we must not only promote it but at all times our efforts must be to strengthen it and it is for those various reasons that I rise to speak on this Bill.

Now, the Supreme Court, as was said by Chief Justice Kania, when he inaugurated the Supreme Court on the 28th January, 1950, is the strongest court known in the world. It is stronger than the Supreme Court of the USA, than the High Court of Australic or the highest court in Canada and has certainly much wider powers than either the House of Lords or

[Shri Murlidhar Chandrakant Bhandare]

the Privy Councils in U.K. This is because, as will be seen, by its very role being the highest interpreter of the Constitution and a tribunal for the final determination of disputes between the Union and its constituent units, this is one of the most important functions of the Supreme Court of India under the federal system established by the Constitution. Then, it has also original jurisdiction under article 32. As has been referred to so eloquently by the young Member of this House, hon. Mr. Baby, I congratulate him on his maiden performance and we look forward to many more brilliant contributions from him. Under article 32 the Court is made the protector of all the fundamental rights embodied in the Constitution and it has always guarded these rights jealousy against every infringement at the hands of either the Union Government or the State Government. By declaring the significance and operation of these rights from time to time, the Supreme Court protects the citizen from unconstitutional laws passed by the legislature and arbitrary acts done by the administrative authorties. The Supreme Court is also an all-India supreme appellate court having both criminal and civil jurisdiction and it uses this opportunity to lay down a uniform law both in civil, criminal and other allied and connected branches of law. It also interprets the custom. And see the width of its power, see the ambit and the sweep of its judgements, because in a very recent judgement it struck down a law coming from the State of the hon. Member who preceded me. It struck down the law of inheritance of a Syrian Christian because it gave, whatever may, have been the property of the father, only a limited share of Rs. 5000 to the daughter. This law was not in conformity with the equality which we find in our Constitution and the Supreme Court struck it down.

With the exercise of the civil and criminal appellate jurisdiction the Court has assumed powers which are even greater than those exercised by the Privy Council. Then, it has also the advisory jurisdiction. Many important questions have been referred and there is also a plea made by some that even the Shah Bano Bill should be referred for the advisory jurisdiction, advisory opinion of the Supreme Court to find out whether it meets the requirements of the Constitution. It is therefore clear that no other court has been assigned so much power under any constitution and in fact this is what was said by that great, eminent jurist when he spoke in the Constituent Assembly then on Article 104—Alladi Krishnaswamy Iyer said this:

> "The future evolution of the Indian Constitution will thus depend to a large extent upon the work of the Supreme Court and the direction given to it by that Court.. From time to time, in the interpretation of the Constitution, the Supreme Court will be confronted with apparently contradictory forces at working the society for the time being. While its functions may be one of interpreting the Constitution,.. it cannot in the discharge of its duties afford to ignore the social, economic and political tendencies of the times which furnish the necessary background. It has to keep the poise between the seemingly contradictory forces. In the process of the interpretation of the Constitution, on certain occasions, it may appear to strengthen the Union at the expense of the units and at another it may appear to champion the cause of provincial autonomy and regionalism. On one occasion it may appear to favour individual liberty as against social or state control and at another time it may appear to favour social or State control. It is the great tribunal which has to draw the line

between individual liberty and social control".

And when after 36 years we have to give a verdict, we have to give a very handsome verdict in favour of the Supreme Court.

There have been occasions when there have been certain aberrations. For example, after working smoothly for 16 years after upholding every agrarian reform which has brought about the Green Revolution in our country, in 1966 in the famous Golak Nath case, the Supreme Court for the first time said that the Constitution could not be amended so as to take away or abridge the Fundamental Rights. Now nobody could dream of such a situation because earlier consistently the Supreme Court had yielded the power to Parliament, because it is not our power, when we exercise a power in this House, it must be remembered that it is the power of the people and not the power of this House alone. We represent the people. And for the first time an abberration between the sovereign power of the people and the power of the Supreme Court came and many of us felt—and still feel—that it was not interpreting the Constitution but really amending the Constitution by saying that the Parliament cannot alter, the Constitution so as to infringe Part III of the Constitution, namely the Fundamental Rights.

There is also today in the field the Keshvanand Bharati case. I shudder to thin if on the basis of Golak Nath case, all the agrarian reforms—the land celings and every things— were to be struck down, we would still have been in the bullock cart age. It is only providence that it came in so late and it fell back on the principle of prospective over-ruling to ensure that these reforms were not undone. We have still in the field the Keshvanand Bharati case which says that the basic structure of the Constitution cannot be altered. It must be remembered that the Constitution is for the living it is not for the dead; it is not for the past. And I do not think that Dr. Ambedkar or Mr. K. M. Munshi or Sir Alladi Krishnaswamy Iyer or Pt. Jawaharlal Nehru and all those giants could ever imagine that they would frame a Constitution which was to bind all the succeeding generations. And no Judge of the Supreme Court is in a position to say what is the basic structure. I think the sooner this judgment goes the better it is. Because, we must remember that in our country the sovereign power lies with the people and the people know what is in their best interest, they *know what laws to pass, they know* how to agitate against the laws which are draconian, laws which are unequal, laws which really do not serve the cause of the society.

Then, coming to the various other aspects of the Bill, the first reason why the number of Judges is sought to be increased is the increase in the work of the Supreme Court. I have figures of 1951 of the cases which were instituted : Civil appeals were 175, criminal appeals were 73 and some other appeals were 352. There were 200 SLPs fied then which were civil 454 were criminal and 670 were writ petitions. At that time we had a population of 330 million. Today we have a population of 800 million and, as was given, the figure of over 1,66,000 cases were pending. At that time we had eight Judges, if I mistake not, when we started the Supreme Court.

SHRI R. MOHANARANGAM (Tamil Nadu) : What is the total number of cases you have said?

SHRI MURLIDHAR CHANDRAKANT BHANDARE : Over 1,66,000. Therefore, nobody can deny that. In fact, the litigation has multiplied far in excess of the proliferation or multiplication of our population. And that is how it will be because

[Shri Murlidhar Chandrakant Bhandare]

when we go through the process of development, when we go through the process of removing inequality and ushering in an era of equality, more and more of our citizens will get conscious of their rights and that is really the golden lining, not even the silver lining but the golden lining, of our society that it finds the only forum in which it can get justice, in which it can get its rights enforced is the judicial tribunal with the Supreme Court as its apex. Nobody can deny its sheer force of growing numbers, the realization, the awareness which is there now rising everyday. In fact, I remember, when I started appearing in the Supreme Court regularly in 1967 I had predicted two things in Delhi. One I said was that the special leave petitions, that is, admission, will mount up many fold-which has come true—and the second thing which I said was that the prices of land in Delhi will go upby 20 times. Both have really proved to be prophetic. But I am merely telling you, and I hope the honourable Law Minister will agree with me that I am not exaggerating when I say that in another ten years instead of 1,66,000 the number will be doubled not because the Judges are not able to cope with them or anything like that but because of the sheer awareness in the people and their urge for justice and their faith in his great institution of Supreme Court which will really be the basis of, what I may say, the explosion of cases in the Supreme Court.

SHRI M. S. GURUPADASWAMY (Karnataka): What is the way out of this ?

SHRI MURLIDHAR CHANDRAKANT BHANDARE : I am coming to that. I personally feel that what is necessary is that when you increase the number of Judges you must also think of many other things. But, before that, to what my honourable friend, Mr. Gurupadaswamy has said, I want to say one thing. The way the Supreme Court has gone for the poor, the downtrodden, the innovation particulary of Chief Justice Bhagwati in the matter of public interest litigation, has given an altogether new dimension to this Court and whenever I go I find even in America, England, Holland, Switzerland—everywhere—people are looking with expectation and satisfaction at how these new innovations are done to see that justice, across the board as it were, reaches the poorest of the poor, the weakest of the weak and the humblest of the humble.

SHRI S. W. DHABE (Maharashtra): What about cases before Lok Adalat?

SHRI MURLIDHAR CHANDRAKANT BHANDARE : I am coming to Lok Adalats a little later. In fact, this is the very next point.

My friend, hon. Member, Mr. Manhar, was telling me, only on the last Saturday in a far off place, in a tribal area like Bilaspur, they had a Lok Adalat, and the hon. Union Minister of State was there, and they disposed off, if I remember correctly, over 600 cases.

SHRI ASOKE KUMAR SEN : More than that.

SHRI MURLIDHAR CHANDRAKANT BHANDARE : More than that. I am glad. And I am only sorry that I was not there to participate. What I am saying is what hon. Member, Mr. Gurupadaswamy, asked me. That is, we must have new innovations of meetings the situation by saying that we will restrict ourselves to the Civil Procedure Code or the Criminal Procedure Code but we will do it through other instruments whereby the justice will be cheap, quick, rough and ready.

Now, if the reason of this Bill is to increase the number of Judges, there is one responsibility. I am going to say something which the hon. Ministers may not like. But it is my unpleasant but necessary duty to say that it be-

comes the duty of the Government to make the appointments on time. We are in summer. When you ask in summer when the appointments are coming, they say, "Immediately after the monsoon." That is understandable because in between there is a long summer vacation in most of the courts. When the monsoon comes, you ask them. They say, "Don't worry. It will come in winter." Then the winter comes and goes by. Then the spring comes, the flowers bloom, new crops come up, but no new appointments come. And I cannot do better than saying what the Estimates Committee has said in a report which was laid on the Table of the Lok Sabha on the 17th of April, hardly three days earlier. I quote :

> "The Committee however note that the actual appointment of judges of Supreme Court/High Courts has been taking unduly long time. For example in the Supreme Court where agencies involved for consultation are comparatively less, the names for vacancies occurring on 15-11-80 and 16-1-1981, were approved and notified only on 9-3-1983 i.e. after a period of more than two years. in case of High Courts the position is even worse, e.g. in Madras High Court the vacancy which occurred on 29-12-1981 was filled only on 12-11-1985 i.e. after a period of almost four years. the position in other High Courts is no better."

What I feel is, it is true of every court. What is happening is this. Therefore, I have some suggestions to make. Even when a name is approved by the Governor who represents the State, when it is approved by the Chief Justice of the High Court as it is approved by the Chief Justice of the Supreme Court of India, what happens is that it gets shot down because they say there are some intelligence reports against somebody. I for one and the hon. Minister here had occasions in the past to intercede and assure that all these intelligence reports, socalled intelligence reports were really baseless. It gives an occasion for anybody to say anything about a very prominent member of the Bar, who has responded to the call of duty.

SHRI M. S. GURUPADASWAMY : Is it necessary to have intelligence reports?

SHRI MURLIDHAR CHANDRAKANT BHANDARE : I do not know I tell you, when everything is cleared, it gets stuck up, and all sorts of lobbies, all sorts of pressures, all sorts of backbiting comes into the process. I would really request the hon. Minister, I say sincerely from my heart that the time has come when you should change this system. If you ask an hon. senior advocate to respond to the call of duty and he sacrifices a large practice and takes up this onorous duty and a restricted life, within three months of your asking him, he or she must be made a Judge of the Court or rejected. What I mean to say is that you should take your decision rigidly one way or the other. I have seen people waiting for two years to get appointment.

SHRI R. MOHANARANGAM : Are you prepared?

SHRI MURLIDHAR CHANDRAKANT BHANDARE : I don't want. Temperamentally I cannot. I must tell you I do not want to be a judge of either men or matters. (*Interruptions*)

Secondly, as has been said by the Estimates Committee and by us, the appointment should be made on the day vacancy arises and in no case it should be beyond a month or two after the occurrence of such a vacancy. As I have said earlier, a Member of the Bar should be appointed within three months of his having been asked by the Chief Justice to become a judge of the High Court or else his proposal should be treated as rejected. The decision either to appoint him

[Shri Murlidhar Chandrakant Bhandare]

or not to appoint him should be taken during this time. Only in exceptional cases the names recommended by the Chief Justice of the High Court and the Chief Justice of India should be turned down. And as I have said earlier, there should be and there could be a broad-based consultation on deciding the suitability of the candidates involving apart from the Chief Justices, prominent members of the Bar, some Members of Parliament so that you evolve a fair system and do away with—as it is existing in some measure—the whispering campaign of vilification.

Then I go to the other aspect of the matter. Since we are finding difficulties in appointing the Judges, should we seriously not consider raising the age of retirement of the Judges. Please do not forget that as early as in 1950, the Constituent Assembly thought that 65 years was a fair age. Between 1950 and 1986 thirty six years have gone by and the health of the Indians has also shot up like anything. Considering that the brain is that part of the body which decays the latest, and since we are finding paucity and we cannot make enough appointments, should we seriously not think of raising the age of retirement of the Judges? If you look at the Constituent Assembly Reports, many of them felt that like the USA, where there is no restriction and the UK, where there is now restriction at 75 years, some of them wanted no age of retirement, but quite a few of them wanted age of retirement for Supreme Court Judges to be 68. I request the hon. Members on all sides to support this proposal of mine, because it is only fair that the long experience and ability of the Judges is put to the fullest use.

SHRI S. W. DHABE : It will be an injustice to young persons.

SHRI MURLIDHAR CHANDRAKANT BHANDARE: A Lawyer never retires.

SHRI S. W. DHABE : If you raise the age of retirement of judges, new judges will not be recruited.

SHRI MURLIDHAR CHANDRAKANT BHANDARE: You must know what happens in USA and in UK. If that system has worked there, it will work in our country also. Moreover, when you find there is expansion of litigation, in such a situation I don't know what else we are going to do.

Then the next point on which I want to say is that there has been a reference to the improvement of the status.

MR. DEPUTY CHAIRMAN : I hope you would not take more time.

SHRI MURLIDHAR CHANDRAKANT BHANDARE : I will take ten minutes more.

MR. DEPUTY CHAIRMAN : Then we shall adjourn for lunch.

SHRI MURLIDHAR CHANDRAKANT BHANDARE : I can continue afterwards at 2.30 P.M.

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI H. R. BHARDWAJ): Sir, he is a very senior Member of the Bar. Let him speak.

MR. DEPUTY CHAIRMAN : All right. You can continue at 2.30 P.M. The House is adjourned for lunch till 2.30 P.M.

The House then adjourned for lunch at thirty minutes past one of the clock.

The House reassembled after lunch at thirty two minutes past two of the clock.