

MR. DEPUTY CHAIRMAN : The House stands adjourned till 3 P.M.

The House then adjourned for lunch at twenty-nine minutes past one of the clock.

3 P.M.

The House reassembled after lunch at three minutes past three of the clock. The Vice-Chairman (Shri V. B. Raju) in the Chair.

The Dramatic performance (repeal) Bill, 1975

SHRI HABIB TANVIR (Nominated) : Sir, I beg to move for leave to introduce a Bill to provide for the repeal of the Dramatic Performances Act, 1876.

The question was proposed.

DR. K. MATHEW KURIAN (Kerala) : I want to make a submission. This Bill will take at least 4 years to come before this House with the rate at which it is coming. Therefore, I would request the Government, through you, that a Bill of this nature should be brought by the Government itself, because this is something . . .

THE VICE-CHAIRMAN (SHRI V. B. RAJU) : If you are opposing the introduction of the Bill, you can do that.

DR. K. MATHEW KURIAN : I am only making a submission that the Government should have brought this Bill before the House.

THE VICE-CHAIRMAN (SHRI V. B. RAJU) : The question is :

"That leave be granted to introduce a Bill to provide for the repeal of the Dramatic Performances Act, 1876."

The motion was adopted.

SHRI HABIB TANVIR : Sir, I introduce the Bill.

17 RSS/75-7

The Constitution (Amendment) Bill, 1971—Contd.

(to amend articles 124 and 217)

SHRI B. D. BARMAN (Tripura) : Mr. Vice-Chairman, Sir, I support this Constitution (Amendment) Bill which seeks to amend articles 124 and 217. I think it is in the fitness of things that the High Court Judges and Supreme Court Judges are appointed in such a way that the public or the representatives of the public have a voice. As you know, over the appointment of some Judges there was recently a controversy. That is because according to the existing provision in our Constitution, Supreme Court Judges are to be appointed by the President by warrant under his hand and seal after consultation with such of the Judges of the Supreme Court and of the High Courts in the States as the President may deem necessary for the purpose and shall hold office until he attains the age of sixty-five years. Now, under the provision made in this Bill every Judge of the Supreme Court, including the Chief Justice of India, shall be appointed by the President by warrant under his hand and seal from the panel of names approved by Parliament for that purpose and shall hold office until he attains the age of sixty-five years. The High Court Judges are to be appointed by the President by warrant under his hand and seal from the panel of names approved by the Legislative Assembly of the State for that purpose and shall hold office, in the case of an additional or acting Judge, as provided in article 224, and in any other case, until he attains the age of sixty-two years.

At present our Judges are living in an ivory tower, completely detached from the general public. Their pronouncements depend mainly on precedents and not changing circumstances. I know of a legal luminary who has got hardly time to read the newspaper because he is so much overburdened with cases. Their duty is only to the court and the Chamber. The same is with Judges. If at all they want to meet any common man, they are restrained, lest