

[Shri Niti Raj Singh Chaudhury]

This question was answered in the following terms:

"(a) and (b) The Law Commission in their 14th Report on the Reform of Judicial Administration had recommended that the persons selected for appointment to the Supreme Court should have a tenure of at least ten years. This recommendation was accepted by the Government subject to the change that, save in exceptional circumstances, the minimum should ordinarily be five years. In respect of appointments to the High Courts, however, there is no such decision about a minimum tenure."

3. Reading the two replies together, it will be appreciated that there is no contradiction in terms.

4. While answering a supplementary by Shri A. G. Kulkarni arising out of Starred Question No. 126, I made the following observations with reference to the recommendations of the Law Commission:

"The Law Commission did recommend that the Supreme Court Judges in our country have to retire on a very early and on a meagre pension. These cases, however, should not in our view prevent the Supreme Court Bench from being enriched by recruiting very distinguished members of the Bar if care is taken to invite them on the Bench at an age when they will have a fairly long tenure on the Bench. They suggested that a Judge should be able to have a tenure of office of at least ten years. A similar recommendation was made with respect to the High Courts. The Government considered every aspect and decided that the lower limit of five years would be realistic and, therefore, the recommendation that it should be ten years or more was not accepted by the Government. A lower limit was accepted by the Government."

In their 14th Report on the Reform of Judicial Administration, the Law Commission had made a recommendation in respect of both the Supreme Court and the

High Courts that persons of younger age should be appointed as Judges. In the same Report, the Commission had made a specific recommendation that the persons selected for appointment to the Supreme Court should have a tenure of at least ten years but no such specific recommendation about tenure was made in the case of High Courts and, therefore, there was no decision of Government about the tenure of High Court Judges. In the reply to the supplementary referred to, I was quoting the recommendations of the Law Commission about the tenure of persons appointed to the Supreme Court and about the appointment of younger persons as Judges of the Supreme Court and the High Courts. By "similar recommendation" I wanted to convey the recommendation of the Law Commission about the appointment of younger persons and not the recommendation about tenure which was made specifically in the case of Supreme Court. The decision of Government referred to was also in respect of the recommendation of the Law Commission about the tenure of Supreme Court Judges. However, regarding the reply in supplementary, it is possible to have a misunderstanding that I was referring to tenure. I would, therefore, like to correct the impression by proposing that the sentence, in my reply to supplementary quoted by me earlier *i.e.*

"A similar recommendation was made with respect to the High Courts"

be corrected to read:

"A similar recommendation for appointment of suitable persons of younger age was made with respect to the High Courts, but not about the tenure".

STATEMENT BY MINISTER CORRECTING REPLY GIVEN IN THE RAJYA SABHA ON THE 14TH MAY, 1973, TO UNSTARRED QUESTION NO. 875

THE DEPUTY MINISTER IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI BEDABRATA BARUA): Sir, while compiling

the information regarding Part (b) of the Question for fulfilling the assurance on the basis of the data relating to the various companies available in the Department as well as the reports received from the Regional Offices, it came to light that several applications escaped attention while compiling the information for answering Part (a) of the Question. This was due to the fact that all the relevant particulars were not maintained in a manner so as to furnish the required information readily. Including these additional names, the number of the managing and wholetime directors, who are allowed a monthly basic remuneration of Rs. 4,000 and above during the period from 1-1-1970 to 31-12-1972 comes to "600".

Accordingly the figure "478" occurring in line 2 of the answer to part (a) of the Unstarred Question No. 875 answered in the Rajya Sabha on 14th May, 1973 by late Shri D. R. Chavan may be altered as "600".

STATEMENT BY MINISTER

1. Increase in the prices of petroleum products

SHRI LAL K. ADVANI (Delhi): On a Point of Order. I had given notice of a Privilege Motion; but I do not propose to raise it in that form because I was just informed by the Secretariat...

MR. CHAIRMAN: After the Minister has made the statement, I will allow hon. Members to put some questions to him.

SHRI LAL K. ADVANI: This is technical. I do not propose to question him on the substance of the statement. My point is that it is an established practice of this House that when the House is in session, all important decisions taken by the Government are to be announced before the House first, before they are announced outside...

MR. CHAIRMAN: On that I want to make a statement myself. Please listen. I want to inform the House about something which I consider important.

First I received a letter dated 1st March from Shri Borooah informing me that the Government has arrived at a decision regarding the raising of the price of petrol. In that letter he said that he wanted to make a statement in the House. But 2nd and 3rd were holidays and therefore he could not make the statement and he might be permitted to make a statement on Monday. That permission I gave him. He is making a statement in the House in accordance with that permission.

Now so far as any alleged default on his part is concerned, I may inform the House that I am taking the view that he is not in default because as soon as the Government arrived at a decision, he informed me as the Chairman of this House. The House was not sitting at that time and there were two holidays and today he is making the statement...

SHRI MAHAVIR TYAGI (Uttar Pradesh): Could he not have waited for two days?

MR. CHAIRMAN: No. I am not concerned with that. It is for the Government to take decisions. I cannot prescribe to the Government that they might take a decision at a particular time.

SHRI LAL K. ADVANI: As far as you are concerned, you are perfectly entitled to give him permission and you have given him permission. But I think there is a growing tendency on the part of the Government to take the House for granted and to some time their decision as to make it possible to make the announcement outside first. They could have easily done it on Friday evening in the House that "we have decided to raise the prices of petrol and kerosene oil". They have decided to increase the price and this is something which is done only in order to dilute the total impact of the taxation measures that they have taken. I think this is deliberate and I think the timing is deliberate. On the 26th or