

(b) if so, the steps taken and are being taken in this regard; and

(c) the details of the proposals if any formulated in the matter?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI NITI RAJ SINGH CHAUDHURY): (a) Consequent on the rise in prices of all commodities, including publicity material and means of communications, there is no proposal under consideration at present to enhance the limits of elections expenses prescribed under the law in respect of a parliamentary and assembly constituencies.

(b) and (c) Do not arise.

12 NOON

STATEMENT BY MINISTER CLARIFYING REPLIES GIVEN IN THE RAJYA SABHA ON THE 7TH MAY, 1973 TO STARRED QUESTION NO. 126, AND ON THE 3RD DECEMBER, 1973, TO UNSTARRED QUESTION NO. 988

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI NITI RAJ SINGH CHAUDHURY): Sir, Starred Question No. 126 answered on 7th May, 1973 sought information on the following points:

(a) Whether there is any proposal under Government's consideration to appoint suitable persons of younger age as Judges in the Supreme Court; and

(b) if so, by when a final decision is likely to be taken in this regard?

The reply given was that appointments to the Supreme Court have to be made on the basis of merit and suitability and it is not, therefore, practicable to consider only persons of younger age for such appointments...

MR. CHAIRMAN: It is a very long statement. You may please lay it on the Table of the House. It will be treated as having been made.

SHRI K. CHANDRASEKHARAN: No, Sir, we want to hear him.

MR. CHAIRMAN: This is a very long statement.

SHRI K. CHANDRASEKHARAN: No copies of the statement have been given.

MR. CHAIRMAN: Please lay it on the Table of the House.

SHRI NITI RAJ SINGH CHAUDHURY: Sir, I beg to lay the statement on the Table.

Statement

Starred Question No. 126 answered on 7th May, 1973 sought information on the following points:

(a) whether there is any proposal under Government's consideration to appoint suitable persons of younger age as Judges in the Supreme Court; and

(b) if so, by when a final decision is likely to be taken in this regard?

The reply given was that appointments to the Supreme Court have to be made on the basis of merit and suitability and it is not, therefore, practicable to consider only persons of younger age for such appointments.

2. Unstarred Question No. 988 answered on 3rd December, 1973 sought to know:

(a) whether Government have since taken any decision on the appointment of persons as Judges of various High Courts and Supreme Court who would have a tenure of at least five years; and

(b) if so the details thereof?

[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