

you can have a sufficient number of good and intellectual lawyers on the Bench to administer justice, these High Courts will become worse than nothing. We have got now so many universities. But the universities are poorly manned. We have not got sufficiently equipped good professors ■who are capable of taking up post-graduate teaching. Similarly, we shall have High Courts, we shall have Judges who cannot administer justice in a proper perspective. The appointment of Judges is made on the recommendation of the Chief Justice of the High Court and with the concurrence of the Chief Justice of the Supreme Court, the President appoints him. But all the things start from another point of which I have personal knowledge. In a particular State, the Chief Minister recommended the name of a particular Legal Remembrancer who was twice superseded on the ground of inefficiency to the Chief Justice of that State's High Court for being elevated to the post of a High Court Judge. The Chief Justice replied back to the Chief Minister that none of the Judges of his High Court were in favour of his elevation as a High Court Judge but that if he advised him, then he had got to do it against his will and with resentment. And ultimately that man was elevated -as a Judge of that particular High Court. This is a serious thing. The previous speaker has said that our judiciary is independent. But now can such a person who got appointment as a High Court Judge on the blessings of a Chief Minister remain independent and impartial ? That point has to be considered, and such things are coming up over and over again.

Now, Madam, the profession of law is not of that level as we saw it in our early days. Even in the District Bars we then found that the leader of the Bar was a stalwart in law. But now you will not find that type of lawyers even in the High Courts or even in the Supreme Court. Four or five persons highlight the profession there, they are the topmost men. They monopolise and others are below them. They only have got sufficient knowledge. Now, when these four or five persons are there, they do not feel tempted to become High Court Judges. So, who goes there ? Only the mediocres go as High Court Judges. With this type of Judges, I doubt very much whether it can be independent.

Unless you keep up the morale of the profession and have lawyers of good standard who can ultimately go to the position of High Court Judges, we feel very much that this judiciary of which we were once proud cannot serve its purpose.

#### **STATEMENT *RE* GOVERNMENT POLICY IN REGARD TO THE FUTURE OF MANAGING AGENCY SYSTEM**

THE MINISTER OF LAW (SHRI G. S. PATHAK) : Madam, the statement is a longish one. If you permit me I may place it on the Table of the House. Otherwise I am prepared to read it.

THE DEPUTY CHAIRMAN : It is a long statement. There are six pages.

SHRI NIREN GHOSH (West Bengal) : We would like to have clarifications. We are prepared to have it circulated.

SHRI LOKANATH MISRA (Orissa) : We will ask him questions tomorrow.

SHRI AKBAR ALI KHAN (Andhra Pradesh) ; We will ask him questions tomorrow.

THE DEPUTY CHAIRMAN : It will be laid on the Table of the House and time could be given tomorrow for asking clarifications.

SHRI G. S. PATHAK : Under the rule, it is known that no questions shall be asked after the Minister makes a statement. But I am prepared to answer questions.

SHRI BHUPESH GUPTA (West Bengal) : We know it very well. Under the rule, there is

THE DEPUTY CHAIRMAN : I know that rule 251. But I have said that clarifications can be asked tomorrow.

SHRI G. S. PATHAK : It can take the form of clarifications. Madam, I place the statement on the Table. [Placed in Library. See No. LT-7024/66.]

#### **THE DELHI HIGH COURT BILL, 1966—*contd.***

SHRI JAISUKHLAL HATHI: Madam, I am grateful to almost all the Members ! who have welcomed this Bill except one