

Court Judges (Salaries and Conditions of Service) Amendment Bill, 2002, on which we are not going to have any discussion. The Minister is also here. There is nothing much in the Bills. These are very small Bills. You can move them and the House can pass them, if it so agrees.

**THE SUPREME COURT JUDGES (SALARIES AND CONDITIONS OF SERVICE) AMENDMENT BILL, 2002**

**AND**

**THE HIGH COURT JUDGES (SALARIES AND CONDITIONS OF SERVICE) AMENDMENT BILL, 2002**

THE MINISTER OF STATE IN THE MINISTRY OF COAL AND MINES AND THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI RAVI SHANKAR PRASAD): Madam, I move:

"That the Bill further to amend the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958, as passed by Lok Sabha, be taken into consideration."

Madam, I also move:

"That the Bill further to amend the High Court Judges (Salaries and Conditions of Service) Act, 1954, as Passed by Lok Sabha, be taken into consideration."

Madam, through the present Bill, which has been passed by the Lok Sabha, we are seeking to amend just two clauses of the Supreme Court Judges (Salaries and Conditions of Service) Act, and the High Court Judges (Salaries and Conditions of Service) Act. The position is that the family pension of those hon. judges who had retired prior to 1.11.1986, was fixed at the rate of 30% of their salary, and the Family Pension of those who had retired thereafter, was fixed at the rate of their pension. What had happened was, a clear anomaly had been created because of the date of retirement itself. Those who had retired prior to 1.11.1986, were getting more family pension and those who had retired subsequently, were getting less family pension. It was also creating a problem in as much as, in many cases, there was a kind of dichotomy between an equivalent-rank salary being given to the Cabinet Secretary and to the judge. One of the retired judges, Justice O.P. Chinappa Reddy, had moved the High Court of Andhra Pradesh, questioning such a discrimination, and the High Court of Andhra

Pradesh had upheld his grievance, and directed the Government to make a suitable amendment. Therefore, we have brought this amendment Bill. Madam, two clauses have been added -- to section 17A of the High Court Judges (Salaries and Conditions of Service) Act, and section 16A of the Supreme Court Judges (Salaries and Conditions of Service) Act -- so as to correct this anomaly.

*The questions were proposed.*

THE DEPUTY CHAIRMAN: I do not think Mr. Nariman has anything to say now.

SHRI FALI S. NARIMAN (Nominated): No. I have nothing to say except that he has missed one point, which I would like the hon. Minister to kindly consider. Madam, there are three channels of recruitment to the Supreme Court. One is from amongst the High Court judges. The other is from the Bar. And the third is from amongst distinguished jurists. Now, no distinguished jurist has ever been appointed.

I am now taking up the issue of recruitment directly from the Bar. There are a few judges who have been appointed like that -- just four or five. Justice Sikri was the first. Justice Kuldeep Singh was there. Then, there is the present judge, who is a sitting judge of the Supreme Court. Now, what has been overlooked -- it is very important -- in the Act as enacted, and which requires to be looked into, is that the pension of every judge of the Supreme Court is computed, including his tenure as a High Court judge. But what happens where a person is directly recruited from the Bar? So, the suggestion made was that you should take, say, ten years at the Bar, as a good standard or base, and add to it the number of years that a person had in the Supreme Court.

I would request the hon. Minister to kindly look into it because you will get -- I am not saying a judge of better quality -- a very superior judge who would be inclined, from amongst the distinguished members of the Bar who are not 65 years of age. It is very rare and very difficult to induce them, with their high incomes, to accept judgeship. I would, therefore, strongly recommend that this part of the pension scheme, the little discrimination that is there, be kindly looked into and removed. That is all I wish to say.

SHRI RAVI SHANKAR PRASAD: Madam, Mr. Nariman is not only an hon. Member of this House, but he is also a towering jurist of our

country. I have the greatest regard for him. Whatever observation he has made is entitled to the most serious consideration. But I wish to add that the present Bill is only regarding Family Pension. It is not in regard to pension *per se*. This only seeks to address a particular dichotomy between somebody whose date of retirement is prior to November 1986, getting a higher Family Pension, and the one retiring post-that retirement date getting lesser; the discrimination in family pension only, not in pension *per se*.

Incidentally, in regard to those from the Bar, the concern he expressed here -- which is quite well taken -- we shall give our serious consideration.

THE DEPUTY CHAIRMAN: Yes. Please take care of that.

SHRI ROBERT KHARSHIING (Meghalaya): Madam, recently, the lawyers of the North-East were protesting against the dumping of two High Court judges in Guwahati...

THE DEPUTY CHAIRMAN: This is not related to it. So, I would not permit it.

SHRI ROBERT KHARSHIING: Madam, can't I raise it with the Law Minister?

THE DEPUTY CHAIRMAN: No. You can raise it with him at any other point of time, but not now. This has a very limited purpose, and we are not having a discussion. I first put the motion regarding consideration of the Supreme Court Judges (Salaries and Conditions of Service) Amendment Bill, 2002 to vote.

The question is:

"That the Bill further to amend the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958, as passed by Lok Sabha, be taken into consideration."

*The motion was adopted.*

THE DEPUTY CHAIRMAN: We shall now take up clause-by-clause consideration of the Bill.

*Clause 2 was added to the Bill.*

*Clause 1, the Enacting Formula and the Title were added to the Bill.*

SHRI RAVI SHANKAR PRASAD: Madam, I move:

*"That the Bill be returned.*

*The question was put and the motion was adopted.*

THE DEPUTY CHAIRMAN: I now put the motion regarding consideration of the High Court Judges (Salaries and Conditions of Service) Amendment Bill, 2002 to vote.

The question is:

"That the Bill further to amend the High Court Judges (Salaries and Conditions of Service) Act, 1954, as passed by Lok Sabha, be taken into consideration."

*The motion was adopted.*

THE DEPUTY CHAIRMAN: We shall now take up clause-by-clause consideration of the Bill.

*Clause 2 was added to the Bill.*

*Clause 1, the Enacting Formula and the Title were added to the Bill.*

SHRI RAVI SHANKAR PRASAD: Madam, I move:

*"That the Bill be returned."*

*The question was put and the motion was adopted.*

### **THE PRE-NATAL DIAGNOSTIC TECHNIQUES (REGULATION AND PREVENTION OF MISUSE) AMENDMENT BILL, 2002**

THE DEPUTY CHAIRMAN: Now, we take up the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Amendment Bill, 2002. Mr. Minister.

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (SHRI A RAJA): Madam, I move:

"That the Bill further to amend the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994, be taken into consideration."

Madam, this legislation seeks to make necessary amendments to the Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994, to bring the techniques of pre-conception sex selection, use of ultrasound machines, etc., within the purview of the Act. The proposed