

SUPREME COURT FOR INDIA

Assembly Decision

From Our Special Representative

NEW DELHI, May 24: After a

lively debate, which was probably the longest so far on a single article of the Draft Constitution, the Constituent Assembly today adopted with "slight" amendments the provision for the establishment of a Supreme Court for India with the maximum strength of seven judges.

Pandit Nehru intervened during the debate to plead for the limit of retirement of judges being retained as 65 as provided in the Draft Constitution. A number of speakers including Mr. Pocker and Prof. K. T. Shah suggested amendments to the article with a view to preventing party influences being brought to bear on appointments of judges. Prof. Shah complained that the constitution already aimed at concentrating so much power in the Prime Minister that there was every fear of his becoming a dictator. This was why extra care should be taken about the independence of the judiciary.

Replying to the debate, Dr. B. R. Ambedkar, Minister of Law said that it would be dangerous in the present appointment phase of Indian democracy to leave the appointment of judges entirely to the advice of the executive, nor was it suitable to make the appointment with the concurrence of the legislature. The existing provision, however, steered the middle course. As regards age limit, Dr. Ambedkar said that even 65 could not be considered as the zero hour in a man's ability and it had, therefore, been provided in a subsequent article that the chief justice should have the power to call retired judges to sit in a particular case or cases so that the chances of the country losing the services of experienced and talented judges could be minimised. The Law Minister was against any restriction being imposed on retired judges accepting any office of profit.

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