

**Bill No. XXII of 2008**

THE CONSTITUTION (AMENDMENT) BILL, 2008

A

BILL

*further to amend the Constitution of India.*

BE it enacted by Parliament in the Fifty-ninth Year of the Republic of India as follows:—

- |    |   |                               |
|----|---|-------------------------------|
|    | <b>1.</b> (1) This Act may be called the Constitution (Amendment) Act, 2008.  | Short title and commencement. |
|    | (2) It shall come into force with immediate effect.   |                               |
| 5  | <b>2.</b> In article 217 of the Constitution, in clause (1), for the words "sixty two years" the words "sixty five years" shall be substituted. | Amendment of article 217.     |
|    | <b>3.</b> In article 233 of the Constitution, after clause (2), the following clause shall be inserted, namely:—                                | Amendment of article 233.     |
| 10 | (3) Every district judge appointed under this article shall hold office until he attains the age of sixty five years:                           |                               |
|    | Provided that a district judge may, by writing under his hand addressed to the Chief Justice of the concerned High Court, resign his post:      |                               |
|    | Provided further that a district judge may be removed from his office by the concerned High Court as per the established procedure.             |                               |

## STATEMENT OF OBJECTS AND REASONS

There appears to be no particular rationale underlying the existing, diversity of age of superannuation ranging from fifty eight years to sixty five years as one proceeds up the judicial pyramid. Similarly, there is no basis to suppose that a judicial officer would be unable to discharge his judicial duties adequately only till fifty eight years of age whereas a High Court Judge can do so only upto sixty-two years, whereas a Supreme Court Judge can do so upto sixty-five years of age.

Given the over three crore pendency of cases by way of arrears, the availability of existing experience judicial manpower uniformly all over the country till sixty-five years of age is desirable. It is felt that such uniformity in age would also reduce, if not eliminate the occasional unseemly urges for judges of a lower court to seek promotion to the next higher rung of the judicial order. It is, therefore, desired that the superannuation age of all Judges in the country should be symmetrically aligned.

The above Bill seeks to achieve the aforesaid objects.

Hence this Bill.

ABHISHEK MANU SINGHVI

ANNEXURE

EXTRACTS FROM THE CONSTITUTION OF INDIA

\* \* \* \* \*

**Article 217. Appointment and conditions of the office of a Judge of a High Court.—**

(1) Every Judge of a High Court shall be appointed by the President by warrant under his hand and seal after consultation with the Chief Justice of India, the Governor of the State, and, in the case of appointment of a Judge other than the Chief Justice, the Chief Justice of the High Court, and shall hold office, in the case of an additional or acting Judge, as provided in article 224, and in any other case, until he attains the age of sixty-two years:

\* \* \* \* \*

**Article 233. Appointment of district judges.—** (1) Appointments of persons to be, and the posting and promotion of, district judges in any State shall be made by the Governor of the State in consultation with the High Court exercising jurisdiction in relation to such State.

(2) A person not already in the service of the Union or of the State shall only be eligible to be appointed a district judge if he has been for not less than seven years an advocate or a pleader and is recommended by the High Court for appointment.

\* \* \* \* \*

RAJYA SABHA

---

A  
BILL

further to amend the Constitution of India.

---

*(Dr. Abhishek Manu Singhvi, M.P.)*