MR. DEPUTY-SPEAKER: The question is:

"That leave be granted to introduce a Bill to provide for prohibition on indication of caste, religion, community or region, etc., with the name."

The motion was adopted.

SHRI D. D. DESAI: I introduce the Bill.

CONSTITUTION (AMENDMENT) BILL*

Insertion of new Articles 23A, 23B and 23C)

श्री यमुना प्रसाद शास्त्री (रीवा) : उपाध्यक्ष महोदय, मैं प्रस्ताव करता हूं कि मुझे भारत के संविधान का और संशोधन करने वाले विधेयक को पुरःस्थापित करने की अनुमति दी जाये ।

MR. DEPUTY-SPEAKER: The question is:

"That leave be granted to introduce a Bill further to amend the Constitution of India."

The motion was adopted.

श्री यमुना प्रसाद शास्त्री : मैं विधेयक को पुरःस्थापित करता हूं ।

INDIAN SOCIAL DISPARITIES ABOLITION BILL*

श्री रूपनाथ सिंह यादव (प्रतापगढ़) : उपाध्यक्ष महोदय, मैं प्रस्ताव करता हूं कि मुझे सामाजिक विषमताओं और जातिवाद का उन्मूलन करने तथा हरिजनों, गिरिजनों और अन्य पिछड़े वर्गों के शैक्षणिक, सामाजिक और आर्थिक पिछड़ेपन को दूर करने का उपबंध करने वाले विधेयक को पुरःस्थापित करने की अनुमति दी जाये ।

MR. DEPUTY-SPEAKER: The question is:

"That leave be granted to introduce a Bill to provide for abolition of social disparities, casteism and removal of educational, social and economic backwardness of Harijans, Girijans and other backward classes."

The motion was adopted.

श्री रूपनाथ सिंह यादव : मैं विधेयक को पुरःस्थापित करता हूं ।

CONSTITUTION (AMENDMENT) BILL*

(Amendment of Article 80)

श्री ओम प्रकाश त्यागी (बहराइच) : उपाध्यक्ष महोदय, मैं प्रस्ताव करता हूं कि मुझे भारत के संविधान में अनुछेद 80 का संशोधन करने वाले विधेयक को पुरःस्थापित करने की अनुमति दी जाये ।

MR. DEPUTY-SPEAKER: The question is:

"That leave be granted to introduce a Bill further to amend the Constitution of India."

The motion was adopted.

श्री ओम प्रकाश त्यागी : मैं विधेयक को पुरःस्थापित करता हूं ।

CODE OF CIVIL PROCEDURE (AMENDMENT) BILL*

(Amendment of Order XVII)

SHRI NIRMAL CHANDRA JAIN (Seoni): I move for leave to introduce a Bill further to amend the Code of Civil Procedure, 1908.

MR. DEPUTY-SPEAKER: The question is:

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*Published in Gazette of India Extraordinary Part II, Section 2, dated 2-12-1977.

[Mr. Deputy-Speaker]

"That leave be granted to introduce a Bill further to amend the Code of Civil Procedure, 1908."

The motion was adopted.

SHRI NIRMAL CHANDRA JAIN: I introduce the Bill.

CONSTITUTION (AMENDMENT) BILL*

(Amendment of Article 352)

SHRI CHITTA BASU (Barasat): I move for leave to introduce a Bill further to amend the Constitution of India.

MR. DEPUTY-SPEAKER: The question is:

"That leave be granted to introduce a Bill further to amend the Constitution of India".

The motion was adopted.

SHRI CHITTA BASU: I introduce the Bill.

15.17 hrs.

CONSTITUTION (AMENDMENT) BILL

(Amendment of Article 124)
By SHRI P. K. DEO—*contd.*

MR. DEPUTY-SPEAKER: Now, we move on to further consideration of the motion moved by Shri P. K. Deo I think Shri Deo was on his legs.

SHRI P. K. DEO (Kalahandi): Mr. Deputy-Speaker, Sir, the other day while taking part in consideration of my Constitution (Amendment) Bill, I pointed out that though the Constitution of India provides for the procedure for appointment of the judges of the Supreme Court, the Constitution of India lays down no procedure or guidelines regarding the appointment of the Chief Justice of the Supreme Court. It is entirely left at the discretion of the President. You all know the President under the Constitution acts on the advice of the Council of Ministers. So, for all practical purposes, the Chief Justice of the Supreme Court is appointed by the Executive of this country.

Sir, while discussing this aspect, I suggested a very simple method in this Constitution (Amendment) Bill. It says:

> "Provided further that the senior most Judge of the Supreme Court shall be appointed as the Chief Justice."

'Shall be' is a mandatory provision. It further says:

> "Provided further that the senior shall be appointed the Chief Justice who has not served for at least two years as a Judge of the Supreme Court".

This is a simple provision and needs an amendment to Art. 124 of our Constitution. While discussing I had pointed out the sordid manner in which some of our eminent judges had been superseded by the previous Government which created an uproar throughout the country. And mostly, all the Bar Associations passed a near unanimous resolution condemning the Executive action of the Government.

It related to the supersession of Justice Shelat, Justice Hegde and Justice Grover who distinguished themselves as the upholders of the rule of law and citizens' rights. One day prior to that, in an important constitutional case, in Shri Keshavanand Bharati's case, they gave a judgment which was not to the liking of the Government. and the Attorney General had the cheek to speak in the Supreme Court that some political

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