[श्री चन्द्र शेखानी]

दोष हैं, जैसे शादी होती है, कभी-कभी ऐसा होता है कि लड़के और लड़की की इच्छा के विपरीत शादी हो जाती है।

MR. DEPUTY-SPEAKER: The hon. Member will continue on Monday.

Now, we take up Private Members' Business. Bill to be introduced. Mr. Panda.

15.32 hrs.

CONSTITUTION *(AMENDMENT) BILL

(Amendment of article 15 and insertion of new article 16A, etc.)
by Shri D. K. Panda.

SHRI D. K. PANDA (Bhanjanagar): Sir, I beg to 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 D. K. PANDA: Sir, I introduce the Bill.

15.34 hrs.

CONSTITUTION (AMENDMENT) BILL

(Amendment of article 124)

by Shri P. K. DEO—*contd.*

MR. DEPUTY-SPEAKER: We take up further consideration of the following motion moved by Shri P. K. Deo on the 7th May, 1976:—

"That the Bill further to amend the Constitution of India, be taken into consideration."

Last time, Mr. Somnath Chatterjee was on his legs. But he is not present in the House now.

SHRI DINEN BHATTACHARYYA (Serampore): He is held up in Calcutta.

MR. DEPUTY-SPEAKER: He is not present in the House now. The next name that I see here is the name of my good friend, Mr. Naik.

SHRI B. V. NAIK (Kanara): Mr. Deputy-Speaker, Sir, I have gone through the Constitution (Amendment) Bill which Mr. P. K. Deo has brought forward. It seems that the main thrust is towards the maintenance of the principle of seniority to govern the selection of the Chief Justice of the Supreme Court—and whatever are the other technicalities. I have submitted an amendment—I have not been able to lay my hands on a copy of the same—in regard to the qualifications of the Chief Justice of the Supreme Court who, according to Mr. P. K. Deo, should nominate his successor to succeed him in the case of his retirement. I have suggested that the qualification of a Chief Justice should be that he should be the most relevant, and relevance, I feel, in regard to a Member adorning the Benches of the judiciary at the highest place in this country should be a sort of social relevance, knowing the problems before the country and the solutions that are going to be presented. A judge who is not living in the present and is also not viewing the future of the country will not be able to do justice in bringing to the common people, to the petitioners before him, what is called social justice.

Sir, most of the members belonging to this venerable or revered profession of judiciary are definitely men of learning and are also men with a deep amount of compassion, but like most of us, they are not in a position to get away from the grip of their own environments; the environment need not necessarily be an environment of a class or of a section, however privileged it may be, or of a profession, of a training or of the background of affluence or lack of contact

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with the masses. But the environment may be contained even in the discipline to which a member of the Judiciary is subjecting himself. I do not see any reason as to why these shackles of environment should not be broken from the members of the judiciary which will be able to point out to us as to among the 13 or 14 Judges who adorn the Supreme Court, who are the most relevant, whose judgment has the greatest amount of impact on the future course of society and whose decisions do not amount to mere administration of law which most of the Judiciary Members are doing to-day. They are administering the law which has been given to them. They are not dispensing justice in the real sense of the word. As a member of the Committee on law we have had many opportunities to discuss. Therefore, with due regard and meaning nothing in person to the Members who may be constituting at present the Supreme Court Bench, I would say that the most relevant person should be the Chief Justice of India because after all his directions as the leader of the team would be the guideline for the rest of the members of the Judiciary.

At this stage I have an opportunity to bring to your notice as also the House and the Minister that there are certain lacunae even in the best of judgements and their implementation on the people. I may be permitted to quote a judgment in regard to which the hon. Minister is also a party. The cultivators of a small village have gone in appeal under section 25 of the Monopolies and Restrictive Trade Practices Act before none-else than the final court of appeal, that is, the Supreme Court of India under a land acquisition case which was a *mala fide* one.

MR. CHAIRMAN: How is all that relevant here?

SHRI B. V. NAIK: I am saying about the dispensation of justice *versus* its implementation. If the Chairman were to give me the time, I will prove at the end the connection between what to-day we have in the Supreme Court, a very competent batch of people, and the actual dispensation of justice. In that case the parties were the poor cultivators coming from a backward class against the Government of India in the Ministry of Law, against the Government of Karnataka in the Department of Industries, against the Monopolies Commission set up by the Government of India, against the Ballarpur Paper and Straw Boards Ltd. and against the Mysore Industrial Areas Development Corporation. They had passed an order against the dispossession of the cultivators on the 3rd May, 1976 to which also our Minister whom I personally admire is a party as a respondent. The licence that has been granted has been stayed by the Supreme Court.... (*Interruptions*). Obviously from this critical comment

I can make out that the hon. Minister is not aware of this case. It is the job of his Secretary to apprise him of it. And in spite of staying of the licence no effect is being given to the decision of the Supreme Court handed down by the Chief Justice, Mr. Ray, Mr. Justice Beg and Mr. Justice Jaswant Singh. In case the decisions of the Supreme Court, the highest judiciary of the land, are going to be disregarded by the district authorities and the District Magistrate who is not ging to take cognizance of the decision of the Supreme Court, where are we? Still we talk about the laws made by this august House. I, therefore, request that to this case of 250 cultivators of Hireguthi village, Gumta Tk, North Kanara Dt. against the Government of India, against the State Government of Karnataka, against the Mysore Industrial Areas Development Board and the Ballarpur Paper and Straw Boards Ltd. and against your much exalted Monopolies Com-

[Shri B. V. Naik]

mission—I do not know, we will have to discuss about it at a later date—the hon. Minister may kindly pay his attention and the justice that is rendered by the Supreme Court may be translated by executive action into reality on the field.

SHRI DINESH JOARDER (Malda): From our side Mr. Somnath Chatterjee was to speak on the Bill. He started on the last occasion. He could not complete his speech that day, he was to continue. Because of certain business he has been held up at Calcutta. So, I rise to speak, though I have not gone through carefully regarding the objects or probale consequences of this Bill.

In the present day in our country we are passing through such a state of affairs that even in Parliament, in this august House, we are not free to express our feelings in a proper manner, in proper language. That will not come to the knowledge of the people at large. In the present context, people of our country, even Members of Parliament, have no security of life, no fudnamental rights, which were envisaged originally in the Constitution of India. We cannot get them enforced in High Courts or Supreme Court.

The latest judgment of Supreme Court has declared that during emergency we have no fundamental rights, no right to life or whatsoever. We have no fundamental rights. We could not get them enforced in Law courts. This is the state of affairs we are passing through.

We have experience of the judiciary at the time of the imperial rule of this country. Many movements took place at that time. Some freedom movements were launched in a peaceful manner, there were also some cases of terrorism, there were some bomb cases, murders, killing of British officials and so on. In different forms freedom movements took place then. Certain judgments were made which went against the freedom-fighters no doubt. But we have also got record of judges of Imperial rule having boldly criticised the action of the then Government and money freedom fighters got back their lives. Many of them were sent to Andaman and Nicobar—*Kalapani*, but all the same, there was certain impartiality of the judiciary,. We can say this though we were not satisfied fully with the judiciary of the imperialist rule. We also know this. Even Warren Hastings was impeached in British Parliament for his misdeeds in India under colonial rule. That was the tradition of the British judiciary, though when they were in power, they did observe certain policies of discrimination, no doubt.

But, there are certain glaring examples from which, apparently, the people can say that they want impartiality and fairness in judicial trials and the judicial administration. But, here, what is the psychology that is now prevailing in our country? Judges are being appointed from those people who have been able to win the favour of the establishment and from those who have been able to exercise their judgment or to deliver their judgment satisfying the needs and necessities of the Government for the time being whether the judicious impartiality is in the interest of the people or not, only to win over the pleasure and favour of the Government and the ruling party

The senior judges are now moving in that fashion and coming closer to the Ministers, Chief Ministers and Government personnel and also not coming closer but remaining afar and are trying, through their judgment or through their behaviour, to win over the pleasure of the ruling party and

the Government. This is the psychology that is now developing inside the judiciary. This is a very serious and a very dangerous trend that is now developing inside the judiciary.

So, in this context, not only the appointment of the Chief Justices but also the appointment of other judges of high courts, as well as the Supreme Court has become such a matter of concern that we feel now that only the judges who can satisfy the needs and necessities of the Government for the time being for maintaining and for retaining the powers by the ruling party themselves will be eligible for appointment as judges and as Chief Justices of the Supreme Court and the High Courts.

Here, in the Constitution also, there is a provision that the President will consult in cases of appointment of judges of the Supreme Court or High Courts, other judges of that court and judges will be appointed and the deems it necessary. So, on consultation with those persons only, the judges will be appointed and the President acts according to the advice of the Ministry of Law, Justice and Company Affairs or according to the Cabinet as a whole or by a single individual holding the supreme power. So, in the case of appointment of other judges also, the provision that was laid down under the Constitution has now become infructuous because no decency and no impartiality is being applied and the President is not being advised accordingly in the case of appointment of every judge.

Therefore, we feel that there should be a certain procedure specifically laid down in the Constitution of India for appointment of judges and the Chief Justices of Supreme Court and other High Courts. But, we have not also been satisfied with the suggestion that has been made by my friend, Shri P. K. Deo, in this Constitution (Amendment) Bill. We do not fully agree with that suggestion Our suggestion would, therefore, be that, in the present context, from what we have experienced in the past and for the last two years, the role of the administration, the executive and the power of the establishment over the judiciary, they want to play their role, and so something should be done in that regard. Some changes in the Constitution by way of amendments are forthcoming. But, we are not in the full knowledge of the amendments that are proposed to be made by the ruling party—what will be the consequence, the role of the Supreme Court and High Courts. How much of their independence and power will be curtailed? We do not know about that. To what extent the present judiciary will remain intact or what parts of their activities will be taken away, we do not know Still we would be happy if certain specific procedure could be laid down whereunder the establishment of the Government could not exert their influence in the matter of appointment of judges. They should not pick and choose any of their like-minded persons to be the judges of the Supreme Court and High Courts. If that apprehension could be removed and a specific procedure could be laid down that would be desirable. That is why we suggest that there should be some elective method of appointing judges In most of the socialist countries they are now going to adopt —in some cases they have already adopted—the same method. There will be an electoral college to appoint judges with certain people from amongst the judiciary, the bar, legislature, etc. There should be a certain procedure of electing judges with the persons who are actively engaged in the judicial activities either from the Bar or from the Bench or from the Legislature having an impartial character of electoral college. If that could be formulated, I think, that

[Shri Dinesh Joardar]

would meet the uncertain position that the judiciary is going to face. That will solve the problem to a great extent.

15.53 hrs.

[SHRI ISHAQUE SAMBHALI *in the Chair*]

So, I feel that in the present context when this Constitution amendment suggestion is coming from the ruling party along with that, scope should be given to the people of our country so that they may have the opportunity of discussing and also formulating their opinion on this. It should not be that they discuss something in the AICC meeting and pass a Resolution and then bring it to the House, and with their overwhelming majority get it passed in a day or two and the amendment of the Constitution takes place. It amounts to forcing something on the people at large in our country by the ruling party. Without going in for this sort of changes, we would like that the emergency, where the people cannot assemble and take part in meetings and seminars, should be lifted and ample scope and opportunity should be given to the people for discussing and formulating opinions as to the extent of Constitutional Amendments necessary and also the procedure to be formulated for the appointment of the Judges of the Supreme Court and the Chief Justice on the lines I have suggested.

SHRI C. M. STEPHEN ((Muvattupuzha): Sir, I do not want to speak much on this subject because if I remember aright; we had some time ago a full dress debate on this subject extended over two days and there is nothing new to add to what is already on record. My protest against this Bill is on a very salutary score. The reason for urging this amendment is, unless the judges of the Supreme Court have got the assurance that as a matter of course rather than as a matter of conferment of preference they will become Chief Justices, they are liable to be unduly influenced in favour of the government. Looking at the record of the judiciary in India, this is too uncharitable a criticism about the judiciary. If a judge can be influenced by putting forth the prospect of being debarred from becoming Chief Justice, he can be as well influenced by money and so many other things. Is it adding to the credit of the judiciary of this country to impute or insinuate that our judges are such as could be influenced by some such extraneous considerations. This is the basic rationale behind proposing this.

On the other hand, we are abrogating something very fundamental—the political authority of this Parliament and the representatives of this Parliament. This matter whether the Chief Justice should be appointed on the basis of senior or otherwise was discussed in detail at the time of the passing of the Constitution. The same amendment came at that time. The founding fathers considered it and decided that the freedom and discretion of the political authority in this country to appoint the Chief Justice should not be hedged in by such considerations. On that basis, that proposal was rejected by the Constituent Assembly. It was on a very salutary basis that it was rejected. The political will is fundamental. It is the political will that is now attempted to be eroded. We have got the right to appoint the judges. We must have the right to appoint the Chief Justice. Also, the right to impeach a judge must vest in this Parliament; because everybody must know that he is subordinate to the will of this House. That is the only sanction we are holding out against him. To say that you must have no freedom to choose the best judge as the Chief Justice is a reflection on the political authority

of this country, which would be most repugnant to and against the background of the democratic sanction under which we are funtioning. Therefore, the first consideration I would urge is that the political will and the political authority cannot be permitted to be eroded at all. Once a person is appointed as a judge, his tenure is fixed. His salary is fixed. Nobody can touch it or remove him. His tenure is secure, subject to this that this House will have the ultimate authority to call him, to impeach him and to remove him. Therefore, the freedom of the judiciary is secured. To say that if there is prospect of the Government coming in to prevent him from becoming Chief Justice, to influence him to pass judgments in accordance with the will of the Government, is to impute a certain measure of susceptibility to corruption in our country. If this is the consideration on which the judge will be persuaded to write his judgment in favour of the Government, then, of course money can be another consideration. Other influences can be other considerations and you cannot take the judiciary away from the cloud of that sort of influencing. Let us not impute infirmity on the good name of the judiciary. Therefore, I say that it amounts to imputation of infirmity, charging the judiciary with the possibility of corruption which, at least, stands repudiated by the experiences we have so far had about the judiciary. Therefore, far from enhancing the prestige of the judiciary, this Bill amounts to casting a cloud on the good name of the judiciary of India which we have built up so far and to the extent that it seeks to dilute the political authority in this country, there cannot be any compromise on the freedom and the ultimate authority for the appointment of the judges. On this grounds I oppose this Bill strenuously in principle.

16 hrs.

SHRI JAGANNATH RAO (Chatrapur): I rise to oppose the Bill. It is not correct to say that the Constitution does not lay down the procedure for the appointment of Chief Justice. If you see Article 124 of the Constitution, you will find that the power is given to the President to appoint a judge of the Supreme Court. The first paragraph of Article 124 says that the Supreme Court will consist of Chief Justice and other Juges. The discretion is given to the President of India to appoint all the Chief Justices of the Supreme Court and High Courts and other judges of the Supreme Court and High Courts. This procedure has been followed since 1950. Since then, by and large, while making appointments, persons of high calibre and integrity have always been chosen and all the judges have given a good record of themselves. This point was discussed in 1973 when Mr. Ray was appointed as Chief Justice of the Supreme Court. All the yardsticks were discussed at that time.

The present Bill wants two provisos to be included. The first proviso is that the senior-most judge of the Supreme Court shall be appointed Chief Justice. By that, the Mover of the Bill wants that the principle of seniority should be maintained. If seniority only is made a qualification or criterion for a judge to become Chief Justice, I am afraid, it will be a sad day for the country. If a person or a judge is more capable and highly efficient and is a man of integrity than a senior judge, why should not the President appoint this person as Chief Justice? If this principle of seniority is introduced, it will lead us nowhere.

The second proviso is that no one shall be appointed as Chief Justice of the Supreme Court who has not served at least for two years in the Supreme Court. I do not see any

[Shri Jagannath Rao]

reason why this qualification should be there. It is open to the President to appoint a person from the Bar. If there is a vacancy in the Supreme Court, nothing prevents the President of India to appoint a person directly as Chief Justice. In Bihar, Mr. L. K. Jha was appointed Chief Justice, of the High Court directly from the Bar. Therefore, the discretion should be given to the President of India to appoint all the judges including the Chief Justice in the Supreme Court. There are other constitutional posts, for which the President is the appointing authority. For instance, we have the Election Commission, UPSC and the Comptroller and Auditor General. They are posts under the Constitution. They are highly independent posts; and no one is under the influence of the Executive, because the conditions of service are laid down. Once a judge is appointed, he becomes irremovable, except that for any misconduct, he is liable to be impeached by Parliament Therefore to say that they are under the clutches or influence of the Executive, or of the Establishment, and that justice cannot be got from the Supreme Court, I am afraid, are not good arguments

I do agree with Mr. Joarder who said that there should be elective judges. That system is not contemplated under our Constitution. That will not suit us. Our Constitution has served us very well; and we should be proud of our judiciary—both of the High Court and of the Supreme Court. I see no reason why this bill should be accepted by this House. I say that it should be rejected.

श्री नर सिंह नारायण पांडे (गोरखपुर) : चेयरमैन साहब, जो बिल माननीय श्री पी० के० देव ने संविधान में संशोधन के विषय में पेश किया है मैं उसका विरोध करने के लिये खड़ा हुआ हूं। आज तक हमारे देश में सुप्रीम कोर्ट और हाईकोर्ट के जजेज की अपौइंटमेंट बहुत ही वैलैंस्ड ब्यूलिकर होती है, जो संविधान की धाराओं के अनुकूल है। अनुच्छेद 124 को अगर आप पढ़े तो उसमें सारा प्रोवीजन दिया हुआ है कि सुप्रीम कोर्ट और हाईकोर्ट के जजेज कैसे ऐपौइंट किये जायेंगे। उसको देखते हुए जो दूसरी धारा जोड़ना चाहते हैं, मैं समझता हूं कि जो कांस्टीट्यूशन है उसको अगर आधार माना जाय तो जो आपका दूसरा प्रोवीजन है जिसमें आपने कहा है :

"Provided further that no one shall be appointed the Chief Justice who has not served for at least two years as a judge of the Supreme Court:"

इससे सख्त धारा दी हुई है जिस को मैं आप की जानकारी के लिये बताना चाहता हूं कि आज सुप्रीम कोर्ट के जजेज का अगर ऐपोइंटमेंट देखा जाय तो वह काफ़ी रिगेरस है। आप दो साल की बात करते हैं, वह तो कहते है कि जो बार काउन्सिल का सबसे सीनियर मोस्ट पर्सन होगा, जो सुप्रीम कोर्ट का जज होगा, उसकी क्वालिफिकेशन जो होगी वह कितने साल तक जज के काम पर बैठाया गया हो, या हाईकोर्ट, सुप्रीम कोर्ट मे प्रैक्टिस की हो। इन तमाम बातों की व्यवस्था है। मै आप से कहना चाहता हू कि यह एकदम गलत परम्परा होगी। जैसा कि हमारे साथी ने अभी कहा कि जो हमारी पोलिटिकल बिल है, जो हमारा कांस्टीट्यूशन है जिस को हमने सारे देश मे लागू किया है, जुडिशियरी के ऐपोइंटमेंट मे जो प्रेसीडेंट का रोल है कास्टीट्यूशन मे, अगर उन धाराओं का बालाये ताक रख दिया जाय तो अनर्थ हो जायगा।

मुझे ताज्जुब हुआ यह सुन कर जो हमारी कम्युनिस्ट पार्टी के एक सदस्य ने कहा कि इलेक्टेड होना चाहिये। मैं नही समझता कि इनको डेमोक्रेसी में कहां तक विश्वास हो गया?

है ? सुप्रीम कोर्ट के चीफ़ जस्टिस को भी इलेक्टेड पोस्ट मानना चाहते हैं। इसी सदन में जब श्री ए० एन० रे की नियुक्ति हुई चीफ जस्टिस के पद पर तो उस वक्त जो चर्चा हुई, और सुप्रीम कोर्ट के जजेज़ के ऐपोइंटमेंट के बारे में जितनी चर्चा हुई है और जो बातें कही गई हैं वही इस बात का सबूत हैं कि अगर माननीय प्रस्तावक उन सब बातों को अपने दिमाग में रखते तो इस विधेयक को यहां नहीं लाते। स्वर्गीय मोहन कुमार मंगलम ने इसी सदन में कहा था कमिटेड जुडिशियरी की बात और कमिटेड जुडिशियरी का उन का मतलब था कि जो हमारी पोलिटिकल विल है, जो इस देश की पार्लियामेंट की सुप्रीमेसी है, जो विल आफ दी पीपुल है उसने अगर कोई कानून बनाया तो हाईकोर्ट और सुप्रीम कोर्ट में जाकर के उसके बारे में व्याख्या होती है, और अगर संविधान की धारा के खिलाफ होता है तो उसको रद्द किया जाता है।

आप यू० पी० एस० सी० की किसी भी पोस्ट के लिये देखिये, चाहे एग्जीक्यूटिव की सीनियोरिटी देखिये, जजेज की सनियॉरिटी देखिये, केवल सीनियॉरिटी ही मापदंड नहीं है, उसके साथ मैरिट भी है और उसके दूसरे तमाम गुण भी हैं। तमाम गुणों को देखकर ही आज प्रेजीडेंट चीफ़ जस्टिस को एपाइन्ट करता है और इसमें कोई दोष नहीं पाया गया है। अगर हमारे माननीय सदस्य अपोजीशन के लिये, पोलिटिकल मकसद के लिये इस तरह का बिल लाते हैं तो उनको अच्छी तरह से मालूम है कि वह देश में क्या करना चाहते हैं। वह जुडिशियरी में आज ऐसी स्थिति पैदा करना चाहते हैं जिससे कि जो हमारा आचरण है, जो हमारा जुडिशियल सिस्टम है, उसमें तोड़फोड़ की जाये। जो हमारे कांस्टीट्यूशन बनाने वाले थे, उन्होंने कांस्टीट्युएन्ट असेम्बली में साफ़ तरीके से धारा 124 को बनाते हुए कहा कि प्रेजीडेंट को पावर है कि वह काउंसिल आफ़ मिनिस्टर्स की राय के अन्तर्गत काम करे। अगर आप डैमोक्रेसी, पोलिटिकल बिल और कांस्टीट्यूशन को मानते हैं और कांस्टीट्यूशन की तमाम एक्जीक्यूटिव और जुडियिशयरी की धाराओं को मानते हैं तो आपको पोलिटिकल जजमेंट को सानना पड़ेगा। कल आप गवर्नमेंट में हो सकते हैं, और कोई दूसरा भी हो सकता है लेकिन कांस्टीट्यूशन और आईन सब के लिये लागू होता है। अगर किसी मकसद के लिये यह बिल लाया गया है तो मैं मैं समझता हूं कि आजकल के जागरूक देश में जिस तरह से लोगों ने अपोजीशन के सारे हथकंडों को समझ लिया है, उसके अन्तर्गत इस बिल का उसी तरह से विरोध होगा जैसे और चीज़ों का हुआ है और आपने देखा होगा कि आज एमरजंसी को लागू करना पड़ा। मैं समझता हूं कि आज हमारा सिस्टम जो है, कांस्टीट्यूशन जो है उसमें इस तरह का प्रोसीजर रहा है कि इसमें कोई भी दूसरी तरफ़ सोचने की गुंजाइश नहीं है। इसलिये मैं इसका विरोध करता हुं और समझता हूं कि हरेक को इसका विरोध करना चाहिये।

मेरी राय में माननीय श्री पी० के० देव का जो मन्तव्य था वह उन्होंने पूरा कर लिया है, वह विरोध करना चाहते थे। अब मैं समझता हूं कि वह इसे वापस कर लेंगे और जिस तरह से सुप्रमम-कोर्ट मे चीफ़ जस्टिस का एपाण्टमेंट होता है, सीनियोरिटी के बेसिस पर ही नहीं बल्कि क्वालीफ़िकेशन्स और दूसरे बेसिस को मानकर वह भी चलेंगे जिससे हमारे देश में न्यायपालिका स्वच्छन्द तरीके से काम करे।

श्री० पी० के० देव (कालीहाडी) : दूसरा बेसिस क्या है, वह बता दीजिये।

श्री नरसिंह नारायण पांडे : सीनियोरिटी ही एक क्वालीफ़िकेशन नहीं है। उसके साथ क्वालीफ़िकेशन है, इंटेग्रिटी है, कितने साल का एक्सपीरिएंस जुडिशियरी और बार में रहा है यह सब देखा जाना चाहिये। जैसे दूसरे पदों के लिये सीनियोरिटी ही माप-दण्ड नहीं लेते, तो आप सुप्रीम-कोर्ट के जजों के लिये ही

[श्री नरसिंह नारायण पांडे

क्यों इसे मापदंड बनाना चाहते हैं, क्यों इसके लिये रिजिड है ? इससे तो जो प्रतिभाशाली जज है, जिन्होंने हमारे देश की जुडिशियरी में अच्छी तरह से काम किया है, उनका प्रमोशन रुका रहेगा । मेरा कहना यह है कि इन तमाम चीजों को सोचना चाहिये, सिर्फ सीनियोरिटी को ही माप-दण्ड नहीं रखना चाहिये । अगर कोई सिर्फ 2 साल के लिये सुप्रीम कोर्ट का जज हो जाये, यह माप-दण्ड नहीं होना चाहिये ।

मैं इसीलिये इस बिल का विरोध करता हूं और समझता हू कि श्री पी० के० देव अब इसे वापिस ले लेंगे ।

SHRI SATYENDRA NARAYAN SINHA (Aurangabad): I am also not in complete agreement with the suggestion made by the mover of this Bill that the Chief Justice of the Supreme Court shall be the senior-most Judge of that Court. But as Shri P. K. Deo has already said, he has brought forward this Bill so that Government's attention could be drawn to a kind of gap in the Constitution or in the procedure laid down in the Constitution for the appointment of the Chief Justice. He conceived this measure in 1971 but, since then, events have moved fast and in 1973, as you know the appointment of the Chief Justice created a furore and generated heat not only in this House but outside, throughout the country, also, and people started feeling that the power of appointment vested in the President has been used to appoint as Chief Justice a person would who would be more susceptible to the views of the ruling party and that, in superseding three senior-most judges—most competent ones—the Government indulged in some kind of favouritism and, therefore, the need for evolving a propaganda arose. Mr P K. Deo, in bringing forward this measure, has placed before the House his idea or suggest that some procedure should be evolved. He has made a certain suggestion but he does not stand by it; he does not consider it sacrosanct. He has just invited the attention of the Government as well as that of the House to the fact that there should be no scope or room left whereby there could be the remotest suspicion that the appointment of the Judge has been made with certain other considerations.

We are aware that the Law Commission has made a recommendation that seniority alone should not be the criterion for the appointment of the Chief Justice, and I am at one with it. But, certainly, certain conventions have to be developed and a certain procedure has to be evolved and the Government owes it to the House and to the country to so conduct itself that the Judiciary remains beyond suspicion . They had been reiterating their intention or decision that the independence of the Judiciary shall be maintained. But as I said the other day while speaking on the Demands of the Law Ministry, the power of appointment of Judges has been used as a weapon to penalise those Judges who do not fall in line with the general atmosphere of conformity; and if this power is going to be utilised in this manner, the general faith of the people in the impartiality and independence of the Judiciary will be greatly undermined and shaken. That is why in the interests of justice, in the interests of the democratic policy by which we stand and swear and in the interests of the independence of the Judiciary, some procedure should be evolved which would lay down certain objective criteria by which the Government would be guided in making selection to the post of Chief Justice.

Something has been said about the commitment of the judges. A judge, when he is required to interpret the

law, does not import his own philosophy in interpreting the law. Whatever law is framed here, the duty of the judge, while interpreting that law, is to see what exactly is the intention, what is the implication, of that law; he is guided solely by that consideration and not by subjective considerations. By proclaiming or repeating off and on that the judges have to be "committed judges", committed to the social philosophy of the country enshxined in the Directive Principles of the Constitution, we are not enhancing the prestige of the judges, we are not providing for the independence of the judiciary, we are not creating conditions to ensure that the people's faith in the independence of the judiciary shall remain unshaken; on the contrary, by this, we are creating conditions where people would entertain apprehensions in their minds that Government is selecting such people as judges as would conform to their views, to their philosophy, and, therefore, while interpreting the laws, they will be guided more by what is stated here on the flour of the House or what the Government says outside and will not be able to interpret the law as it stands in an objective manner. Many judges have spoken on this point Justice Mathew the other day said that a judge of High Court or the Supreme Court, by reason of his training, scholarship and learning, is more fitted to interpret the law, and he should not be bamboozled or intimidated,in interpreting law, into adopting a particular attitude which the letter of the law does not connote or does not connote or does not intend. It may be our fault that we may not make the law clear, anl if the interpretation goes against what we intended, it is open to the Government or Parliament to amend the law in the light of the decision or interpretation of the Supreme Court, so that whatever we intended or whatever we wanted is made clear.

Therefore, I would submit to the House and to the Government that Mr. P. K. Deo's Bill should be taken as a means of providing an opportunity to the Government to consider the question afresh, and Government should not use the authority that has been vested in them in such a manner as would give rise to widespread resentment, apprehension and suspicion in the decision of the Government regarding appointment of the Chief Justice of the Supreme Court.

With these words, I would submit that I do not support this Bill as it stands.

SHRI P. G. MAVALANKAR (Ahmedamad): Mr Chairman, Sir, I do not know whether any useful purpose is being sorved by this debate on the Bill brought forward by my friend, Shri P. K. Deo, because, as has been pointed out, already a good deal of passionate and intelligent and useful debate —rather more than one debate—on this important subject has taken place in the recent years in our House during the Fifth Lok Sabha. But credit must go to Mr. P. K. Deo for the fact that he brought the matter to the attention of the House and the country as far back as June 25, 1971. His Bill was introduced in the Lok Sabha on 25 June 1971, but, unfortunately, he got his chance in the ballot only now, that is why, the Bill has come as late as now. But he had clearly anticipated the difficulty, way back in 1971, and to an extent, his difficulty or apprehension has been proved right when the country learnt about the appointment of Justice A. N. Ray as the Chief Justice of the Supreme Court— if I recall the date correctly—on 26th April, 1973.

Now, Mr. Deo wants, in the absence of any procedure, to suggest that the Chief Justice should be appointed purely and merely on the basis of seniority of the Judges in the Supreme Court. On the face of it this sounds a very simple way out, but like many

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other friends on both sides of the House, I also feel that seniority in itself, especially if you make it a decisive factor, would not work. Moreover, seniority itself is not something which is sacrosanct.

Simply because a person has been in a particular job for more years than somebody else, it does not mean that he has necessarily become more experienced or more seasoned. He may be rotting there. I am not talking of the Supreme Court Judges or anybody in a particular position, but I am making a general observation that simply because a person is rotting in a particular position for so long a period, it does not mean that he is automatically more experienced and more seasoned. So, I agree that the seniority principle is not the only decisive principle and I certainly do not share my friend, Mr. Joarder's point of electing Judges. That would be inviting more trouble in order to get out of the way of some trouble. Already there is trouble because of there being no procedure. But to have the procedure of election would be to invite further trouble and further calamity. Then the Judges also will look to the constituencies before giving justice! And that will be the end of justice, that will be the end of fairplay and the end of everything. So, we do not want election.

Then, where do we stand? The fact that Mr. Ray was appointed in April 1973 and the fact further that that appointment itself superseded three seniormost judges at that time and had led the government of the day to believe, and the same government continues to rule with greater powers under the emergency and now with more draconian powers,—that by reducing the Parliament to a lesser power and a lesser prestige and by reducing the judiciary also to a lesser power and lesser prestige, they will achieve their political and party goals. The government of the day had said so by their argument, that you must have a committed judiciary!

Now, some Congress friends with considerable experience and seniority here argued in this very debate today that the will of the Parliament must be final. The point is: in a democracy the will of the people must be final. But if a democracy has a written constitution, I do not know how you can say that the will of the Parliament is final. We in India are having a federal scheme of things and we have three departments of the governmental machinery—the legislative function, the executive function, and the judicial function, and the functions of these three departments have been clearly laid down under the Constitution and because we are a federal polity, we have a written constitution and the respective assignments are clearly laid down. Each must remain in its own field and must not interfere in the field or sphere of the other Indeed one goes further that in a genuine federal set up, the constitution is the final authority It is implied and it is understood that every organ of the government, viz, the legislative, the executive and the judiciary will function according to the stipulated duties, functions and rights assigned to it in the Constitution itself. And as I was saying, what is more, there are also what are called checks and balances. If the judiciary were to act completely in an independent way and in a way which is a kind of a superior attitude, that would be wrong. Similarly, if Parliament were to act as if it was the supreme body and the judiciary has no business to interfere in what the Parliament does on the ground that the Parliament expresses the will of the people, it is also wrong. Parliament expresses the will of the people for that particular period of time and the will of the people is reflected fundamentally in the basic document that is the constitution, which is the fundamental law of the land. So, it is the Constitution which is supreme and not Parliament, and the Parliament

in India, as in any other federal set up, has to function according to the Constitution. Therefore, judiciary will have to have some right of going into executive actions to determine whether they are just or not just. They should have some right to go into deliberations of Parliament and find out whether Bills passed by us are in accordance with the tenets of the Constitution. This is so far as the arguments advanced by Mr. Stephen and Mr. Pandey are concerned, that Parliament being supreme the judiciary must not come in the way of whatever is considered best by the executive. If the executive is right and wise in deciding who will be the personages of independent offices if there are no checks and balances, then what for are these different organs?

Today there is emergency and therefore there is no free press. There is no free debate. Dissent is being suppressed. One hopes that normal times will come very soon. When such normal time comes, my argument is, apart from judiciary, executive and legislature, the press also, universities also, speakers in public platforms and writers in magazines, etc are also helping to create right democratic climate which will compel the Government of the day, no matter which party it belongs to, not to appoint anybody as Chief Justice mainly on consideration of political or party advantage. That is the only point that I am trying to make.

Although it is difficult to support the Bill and equally difficult to oppose the Bill I want to resolve this dilemma by saying that, let not the executive take into its hands powers which legitimately belong to the judiciary and the legislature. Let not the executive and the judiciary take powers which belong legitimately to the legislature. Let there be a system of checks and balances. Let the Constitution be considered as the final document to which indeed all of us are wedded, to which we all have taken our oath of allegiance.

Sir, the Government of the day ought to be extraordinarily careful and sensitive in regard to the powers of appointing Judges, other independent high personnel, and so on, particularly, those of the judges of the Supreme Court and the Chief Justice of the Supreme Court.

The fact that the Constitution-makers did not lay down any procedure for the appointment of a Chief Justice of the Supreme Court does not mean that they had no idea as to the procedures involved. They had an idea, namely, the President, that is, the Council of Ministers would decide and act in good faith. It is for the President then to look into all matters carefully, intelligently, and democratically; and the various instruments of public opinion—Parliament on one side, free press on the other side, public opinion on the third side —all these factors will come together and will restrain the Government from misbehaving and from making purely or solely political appointments for the Judicial posts.

It is not for me to say that Government has necessarily misbehaved, because, in any case, the time spent is only about three years and you cannot come to a definite conclusion that superseding three judges and appointing someone else as Chief Justice is necessarily a bad thing. But, the events of the last three years have increasingly shown one clear indication very definitely, and that is, that the executive does not have any body sitting in judgment over it, either through the Parliament or through the free press or through the universities or through the free channels of public opinion, which means really, through a combination of all these avenues.

In the absence of these channels and avenues, the executive is bound to make more than one mistake in

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making appointments of Chief Justice and Judges. This is what I thought I should say on this occasion. But, as I said in the beginning, it is rather a purposeless and somewhat irrelevant debate on this Bill now! If Mr. P. K. Deo had been able to initiate this Bill before 1973, he would have got laurels for bringing about a vital and useful debate on this Bill; without getting a good or a purposeful debate, now he is getting sympathy, if not, criticism.

SHRI N. SREEKANTAN NAIR (Quilon): Mr. Chairman, Sir, I did not initially think of participating in this debate. But, after hearing the speech of Shri Mavalankar, I thought I should put in my humble experience before the House.

Before I start, I would begin from where Shri Mavalankar stopped. I believe that the appointment of judges and the procedure adopted for the purpose as also the criteria accepted are very important.

About two years back, I had a bitter experience, I had to go and picket the High Court of Kerala because the High Court deliberately discharged 2,000 workers by lifting the stay order. And on umpteen occasions, I had to complain against the Kerala High Court as a trade union leader. I decided that no further complaint was possible and so I had to picket the Kerala High Court. I was arrested. Because the prestige of the Chief Justice of the High Court of Kerala was at stake, I was released without being charge-sheeted. Why should a man like me go and picket the high court? After my release, I made a statement but that was not publicised. There is no proper procedure for appointment or proper control for the appointment of judges of high courts. And once they become judges, they continue in that position. The person who can throw Scotch whisky and beautiful women, will have influence with the judges of the High Courts and the Supreme Court. And this contact with them will be utilised for getting the stay orders or lifting the stay order by such advocates. Therefore, I started by saying that a sound principle must be adopted for the recruitment of Judges. Any lawyer who appears only on behalf of the employers or on behalf of the vested interests should not be made a judge.

After my arrest, I sent in my memorandum to the Prime Minister and the President of the India highlighting this aspect. Now, what happens is this. A lawyer, if he gets a higher income, is appointed a judge. Because he is influential he is able to get it. The man who is honest and who is not prepared to allow his wife to dance before the people and who is not prepared to give Scotch whisky and throw out huge parties is not appointed. He is ignored. He cannot be appointed as a judge, not to speak of his appointment as a Chief Justice. There must be justice for the common man. The aspirations of the common man must be respected. What is the proceduce? The procedure should be that people like Shri Palkhiwala who appears for big business should not be appointed. They should be kept out of the list of persons to be appointed judges.

Secondly, the lawyers who appear for workers, who plead the cases of the common man must be respected and they should only be selected for the judicial post. Sir, lawyers like Shri Mahajan and others are here who are coming from the family of lawers and judges. They will not understand my approach. A lawyer who is arguing for the employers cannot understand it. He cannot see the other side of the picture. From the judges of the high courts and the Supreme Court, the ordinary and common man does not get justice. I have no compunction or hesitation to say that at present, the ordinary poor man does not get even an iota of justice. Sir, in this particular case

2,000 workers of Idikki project were to be sent out. It was an unnecessary discharge. So, I filed a petition and got a stay. The High Court was on the eve of vacation. The vacation judge wanted to favour a lawyer and he lifted the stay for two days and these 2,000 workers were immediately dismissed, and, as such, employer was in a comfortable position. What should a man like me do in these circumstances? I picketed the High Court and issued a press statement which was not published. Therefore, I say the question of appointing judges must be considered as a very serious matter. The contempt of court procedure should be so drastically changed that a person who has some complaint must be able to voice it to get the public opinion in his favour.

Therefore, I say the question of appointment and promotion of judges must be reviewed in a very new light and on a new slate. That is all what I have to submit.

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (DR. V. A. SEYID MUHAMMAD): Mr. Chairman, Sir, the amendment of Shri P. K. Deo proposes to introduce two provisos to sub-section (ii) of Article 124. One is to make the promotion of judges or the appointment of the Chief Justice on the criteria of seniority. Secondly, he proposed that no judge shall be appointed Chief Justice who has not served as judge of the Supreme Court for two years. This Bill was originally introduced in 1971 and subsequently in 1973 following the appointment of the present Chief Justice, Mr. Ray, a prolonged debate went on, on the second and fourth May, 1973. Outside this House meetings were held, articles were written, books published, controversies were raked up and, I thought, the dust and din has settled down and the question is finally settled. So, it appeared to me now that bringing this question is almost like flogging a dead horse.

However, I want to make it quits clear from the very beginning that the objection is not to making the appointment of the Chief Justice based on seniority. The objection is making the seniority the sole criterion. The Chief Justice of India—the highest judicial official in this country—must have a number of qualities like wisdom, learning, judicious temperament, impartiality, objectivity, capacity for administration and also ability to carry his brother judges with him. By this I do not mean having their concurrence in all the decisions but there must be amity and good relationship with the judges. Seniority may be one of the criteria. When you think of the Chief Justice of this country you have to take a sum total of these qualities and then decide who is most qualified to be the Chief Justice. Plucking from that bunch only one quality or criterion, namely, seniority and forgetting all the other qualities I do not think that is the thing which we can apply to the highest office of this country. The most important objection which has been raised—I will not go into the various details and side issues and collateral issues which were raised in this debate—the main objection raised is on the ground of judicial independence. It is all well known as to how the concept of judicial independence emerged in the long history of England, how during the times of the Stuarts and James II the battle was fought by Bacon and others, etc. I will not go into those details. Ultimately it was settled and accepted that the essence of judicial independence lies in the security of tenure of the judges. The principle claimed by James II and the Stuarts was that the appointment of a judge was at the pleasure of the Crown and in short, the Crown can hire and fire judges. A big battle was fought against that and ultimately it was settled that once the security of tenure of a judge is established and once it was established that he cannot be removed in any way except by impeachment by Parliament, his judicial independence is

[Shri V. A. Seyid Muhammad]

assured. I have not found any other provision, either constitutional or by way of conventions in any other country whether it is England or America or any other country. But in India, look at the innumerable provisions which have been made for the judges. Apart from the security of tenure that he can continue till 65 years of age and he can be removed only by impeachment by the procedure established, there are provisions that his salary cannot be altered, his conditions of service cannot be altered to his disadvantage, his conduct cannot be discussed in the House, he is entitled to rent-free house and so on and so forth. Every conceivable protection has been given to a judge. Having done all that and secured judicial independence, to say that if a judge is not promoted as Chief Justice he will lose his judicial independence is absolutely inconceivable. It is just like saying that if a stenographer is not promoted, she will lose her chastity! After all, the judicial independence of a judge is not so flimsy or so weak that the moment he loses his chance to become Chief Justice, he loses his independence. As Mr Stephen said, it is not really a tribute to the judges but a slur on them if you say like that.

In 1973 when Mr. Justice Ray was promoted as Chief Justice, three judges of the Supreme Court resigned in a huff. I do not know why. It was wrongly called supersession because 'supersession' connotes certain legal implications. It connotes that a certain person has a right to be promoted to a post, and that his promotion has been barred, that is, somebody who has not the right to be promoted there has been promoted. So, I do not accept the expression 'superseded' which has been widely used. Having said that, when a Chief Justice is appointed, all these factors, all these qualities, all these requirements will be taken into consideration, will have to be taken into consideration and whenever an occasion has arisen, they have been taken into consideration. It is possible from the political motivation to criticise any action of the Government. That is left to them. We do certain things on certain established principles. Allegations can be made for any action of the Government and one need not waste one's time in attempting to reply those allegations which are baseless and *mala fide*.

The second proviso which has been proposed in this amendment is that no person can become Chief Justice unless he has put in two years as judge of the Supreme Court. In practice, it has never happened and there is no possibility of its happening. Some have remained for 7 years, others for 8 years, 6 years and all that. So, there is no possible situation where after two years of appointment, he will become Chief Justice. So, this amendment is there to cover a situation which is very hypothetical It has never happened in the last 25 years and there is no such possibility, in the future also. So, the question of amending the Constitution on hypothetical grounds which experience does not dictate, does not arise. I do not think, the Constitution can be amended on flimsy grounds.

I praise the good intention of Mr. Deo because he wanted to introduce this Bill two years before when an unnecessary controversy arose; and one cannot say that he was doing it in the heat of the moment or as a result of the controversy which was there and to that extent, good intention is there. Nobody questions that. But keeping this point apart, what will you do when you want to appoint an eminent member of the Bar who has all the qualities of a Chief Justice? It has happened in other countries. Somebody has cited the example of Mr. Jha having been appointed straightaway as Chief Justice of a High Court. Suppose, in the normal conditions, we find—whichever Government may be in authority at a

particular time—a person, a leading member of the Bar in all respects competent, to be appointed as Chief Justice of India, is he required to go through the formal procedure of being appointed Judge for two years and then promoted? So, we must anticipate that situation. It has happened in the High Court. So to pre-empt that possibility, by this amendment, I do not think it is advisable to amend the Constitution. In the circumstances, I request the hon. Member that he may please withdraw the Bill.

SHRI P. K. DEO (Kalahandi): Mr. Chairman, Sir, I am extremely grateful to all those colleagues who had participated in this debate. As early as 1971, as a student of law, while browsing through the Constitution, I found some loopholes and wanted to plug them. That is why I thought it to be my duty—and it was a compulsion of duty which forced me—to bring in a bill of this type, to lay down a procedure for the appointment of the Chief Justice of the Supreme Court. It is because of the Rules of Procedure in this House that an earlier discussion on this was inhibited. If there would have been an earlier discussion, *i.e.*, prior to the appointment of Shri A. N. Ray as the Chief Justice of India, if some consensus could have been evolved at that time, or if some guidelines could have been given by this House, then all the controversy and all the heat that had been generated after the appointment of Shri A. N Ray would not have been there.

So, the very purpose of the bill is to have a guideline, not to leave it entirely to the discretion of the Executive, so far as the appointment of the Chief Justice of the Supreme Court is concerned. So, I wanted a guideline. Sir, subsequent events as they unfolded themselves, have fully corroborated my apprehensions, in that it is because of lack of a guideline that all these unfortunate situations have developed. I quite agree that the guideline suggested by me is not fool-proof; there could be improvements on it. Some new guidelines could have been suggested. So, I do not insist that mine is the only one and the best guideline for appointment to the post of Chief Justice of the Supreme Court. I fully agree with all those Members who still hold that view.

But, Sir, I would like to emphasize at this stage, that the independence of the Judiciary should be a 'Must' for the proper functioning of this democracy. It is one of the main edifices on which the very fundamental concept of democracy and the democratic character of our Constitution have been built. That independence of the Judiciary has to be preserved.

Sir, in the Federal Court, we had the Chief Justice by name Sir Maurice Gwyer. When the fate of the British Empire was hanging, he did not hesitate to declare the Defence of India Rules to be *ultra vires*. The judiciary in a country like the United States, has asserted its supremacy in bringing down a person like Mr. Nixon, a President who, unlike our President, is all powerful, so far as the American Constitution is concerned.

So, taking all these factors into consideration, I beg to submit that my purpose has been served. Much wind has been taken out of my sail when there was a debate in 1973. My friend, the Minister of Law stated that I was flogging a dead horse; but I beg to differ from him. It is not a dead horse. It is a live horse; it is and continues to be a live issue, unless and until there is a guideline and so long as this prerogative of the President to appoint a judge on the advice of the Council of Ministers, still remains a part of the Constitution, this issue is still alive. It is a live issue. So, I think, there should be some rethinking on this subject. When our Constitution is going to be amended very soon, as it appears, and the Congress Party has appointed a Committee under the Chairmanship

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of Shri Swaran Singh to go into this question, I would request all those persons who want to improve our Constitution to give a thought to this aspect.

17 hrs.

With these words, I think, my purpose has been served and I beg leave of the House to withdraw my Bill.

MR. CHAIRMAN: The question is:

"That leave be granted to Shri P. K. Deo to withdraw the Bill further to amend the Constitution of India."

The motion was adopted

SHRI P. K. DEO: I withdraw the Bill.

17.01 hrs.

CONSTITUTION (AMENDMENT) BILL

(Amendment of article 75)

MR. CHAIRMAN: We now take up the Bill of Shri Bibhuti Mishra.

श्री विभूति मिश्र (मोतीहारी) : सभापति महोदय, मैं प्रस्ताव करता हूं :

> "कि भारत के संविधान का और संशोधन करने वाले विधेयक पर विचार किया जाये।"

मेरे विधेयक का उद्देश्य यह है कि संविधान के आर्टिकल 75 में संशोधन किया जाये। यह विधेयक बहुत ही पवित्र और निरापद है। इस विधेयक के स्टेटमेंट आफ आबजेक्ट्स एण्ड रीजन्स से इस बात का पता चल जायेगा कि मैंने इस विधेयक को क्यों प्रस्तुत किया है।

दुनिया के विभिन्न देशों में कई प्रकार की शासन-प्रणालियां रही हैं। कहीं राजा हैं, कहीं आलिगार्की है, कहीं प्रजातन्त्र है, कहीं समाजवादी सरकार है और कहीं साम्यवादी सरकार है। लेकिन दुनिया में कहीं चैन नहीं है, हर जगह गद्दी के लिए अशान्ति है। इससे मालूम होता है कि अभी तक दुनिया में राज्य को चलाने के लिए कोई फूलप्रूफ फार्मूला तैयार नहीं हो पाया है।

सुनते हैं कि पहले जमाने में राजा लोग कुछ समय के बाद स्वत: रिटायर हो जाते थे और अपने लड़के को गद्दी दे देते थे, अथवा उस जमाने की इनटेलेक्चुअल क्लास, पंडित लोग, राजा से गद्दी छोड़ने के लिए कह देते थे। जिन्होंने पुराणों को पढ़ा है, उनको पता होगा कि कभी कभी राजा गड़बड़ करते थे, तो प्रजा उन को हटा देती थी। भागवत् पुराण से यह बात पता चलेगी।

मेरे मन में क्यों यह इच्छा हुई कि इस बिल को लाया जाये? मैंने देखा कि कुछ स्टेट्स में मिनिस्टरशिप के लिए झगड़े चले आ रहे हैं, कई लोग तीन चार टर्म तक मिनिस्टर बने रहते हैं, लेकिन फिर भी उनकी आकांक्षा पूरी नहीं होती है। जब आदमी एक बार मिनिस्टर बन जाता है, तो ऐसा चक्कर बना देता है कि वह वहां से जल्दी हटना नहीं चाहता है।

मैंने सोचा कि इस स्थिति में सुधार करने के लिये एक बिल लाना चाहिए। मुझे पंडित जी की याद आ गई। उन्होंने एक कामराज प्लान चलाया था। पंडित जी ने चलाया, या श्री कामराज ने चलाया, इस समय इसमें जाने की जरूरत नहीं है। उस प्लान के अन्तर्गत कुछ स्टेट्स के मन्त्री हटे और कुछ मन्त्री केन्द्र के हटे। इसका उद्देश्य यह था कि उन्हें यह पता चले कि गद्दी पर रहने से क्या स्थिति होती है और वहां से हटने के बाद आम जनता की सेवा करने से पता चले कि जनता के दुख-दर्द क्या हैं। दुनिया में पहली बार इस प्रकार की योजना चलाई गई।

लेकिन मैं समझता हूं कि वह प्लान श्री कामराज की जिन्दगी में ही अधिक सफलीभूत