

"Let us come to the Communists—these brave revolutionaries whose revolution consists not in application of intelligence but in trying to find out what is happening 5,000 miles away, and trying to copy it, whether it fits in or not with the present state of India Unfortunately, our friends of the CPI have so shut their minds and have so spent all their time and energy in learning a few slogans of the past that they are quite unable to appreciate what is happening in India. In fact, these great revolutionaries of the CPI have become great reactionaries."

It is these forces that seem to be now running the Congress Party and I do not know what is going to happen to this Congress Party. I would like to appeal to the good sense of genuine Congressmen to rise the revolt against the Congress Party and the Government and see that justice is done and confidence is brought back to the people in the Supreme Court of India.

13 53 hrs.

BUSINESS OF THE HOUSE

THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH) : I have risen not in accordance with the peroration of the hon. Member there, I have risen only to make a submission. Since there are a number of speakers on our side as also on their side, I have discussed the matter with all the leaders here and it is the consensus that this debate should go on till 6 p.m. and the non-official resolutions which are under discussion be postponed. Of course, formal business like introduction and all that may be done at 6 p.m. The Law Minister accordingly will be called at 5.15 p.m.

SHRI INDRAJIT GUPTA (Alipore) : This may be a special circumstance but it should be made clear that this sort of elbowing out of private members' business should not be a precedent.

SHRI PILOO MODY (Godhra) : And not without our permission.

SHRI SAMAR GUHA (Contai) : I have to introduce three Bills to-day. What will happen to them?

MR. CHAIRMAN : You may be permitted to introduce the Bills just before 6 p.m.

13 55 hrs.

DISCUSSION RE APPOINTMENT OF CHIEF JUSTICE OF INDIA — *Contd.*

SHRI C. M. STEPHEN (Muvattupuzha) : It is indeed a real pleasure to rise immediately after, if I may say so, the pleasant speech of my friend Mr. Viswanathan. In the same spirit in which he has tried to convince us that we are on the wrong side, it is my endeavour to persuade my hon. friend that he is labouring under an illusion. It is quite amazing to me to see that so much of dust and din and fret and fume is being kicked up on a question which is quite a normal action on the part of the President of India, namely, the appointment of Chief Justice of India. Public discussion both here in the House and outside has brought out in bold relief two aspects, namely, an area where there is complete agreement and an area where there is complete disagreement.

Now, with regard to the competence of the President to make the appointment, with respect to the qualification of the new incumbent to occupy that place, with respect to the contention that the President has done no unconstitutional act, going by the letter of the Constitution of India,—on all these points, I don't think there is any rebuttal there is all-round agreement; but, in spite of that, objection is taken on a solitary ground. The ground is this, that there has been a convention that the senior-most judge must be promoted, that there is a violation of that convention, that the violation is *mala fide* and that *mala fide* violation affects the independence and dignity of the judiciary and consequently democracy is in jeopardy. This is the type of argument that is being projected from the other side.

May I begin with the last,—independence of the judiciary? I wonder what exactly my friends mean by the term independence of the judiciary. There are two connotations possible. One is that once the judge is appointed, once a bench is constituted, that judge must have an absolute liberty, liberty of conscience, liberty of judgement, liberty of expression, liberty of action as a judge and he shall be under no fear whatsoever. That is one concept of independent judiciary. Now, as far as we are concerned we are more zealous than anybody else that that position must continue. Once appointment is made there is an in-built