

technical education, the number of scholarships awarded each year has recently been raised from 1,000 to 1,142. In 1964-65, the scheme involved an outlay of nearly Rs. 11 lakhs covering 2,801 scholarships, including those awarded during the year.

RESEARCH, DESIGNS AND STANDARDS ORGANISATION

Considerable progress has been made in the matter of building up the Research, Designs and Standards Organisation to the status required to enable this organisation to function effectively as technical consultants to the Railways. The research and developmental activities of this organisation have also been expanded. There has been a 16 per cent increase in the technical cadre of the organisation during the past one year. Except for the Chemical and Metallurgical Wing at Chittaranjan, the entire organisation has now been centralised at Lucknow.

Track research

In the field of developmental research, valuable work has been done as regards railway track. Though these investigations have to be continued over a long period for completion, they have already yielded valuable information, which is now being used by the Indian Railways and may prove to be an important Contribution towards the World knowledge on this subject.

Conclusion

I shall shortly conclude. It was a year ago that I brought to the attention of the House the difficult period through which the Railways had been passing when the additional traffic for which they planned did not materialise. The position has since brightened and a normal rate of growth has been resumed in the current year and at a level close to our expectations;

meanwhile, the programme of railway expansion has been planned and reshaped and its tempo adjusted somewhat. I trust the House will agree that notwithstanding many difficulties, including an increase in taxes, prices and wages, we have had a generally satisfactory year.

Over a million people, working round the clock, run the railways; in any emergency, big or small, railwaymen throughout the length and breadth of the system have given a splendid account of themselves. It is a matter of gratification to them that their willingness to make, beyond the call of duty, even the supreme sacrifice, has not gone unrecognised by the Nation. It is our hope that by hard work and continued devotion to duty in the years to come, they will steadily enhance even further the value of their services to the country.

13.25 hrs.

DELHI HIGH COURT BILL—contd

Mr. Deputy-Speaker: The House will now take up further consideration of the following motion moved by Shri Hathi on the 9th December, 1965, namely:—

“That the Bill to provide for the constitution of a High Court for the Union territory of Delhi, for the extension of the jurisdiction of that High Court to the Union territory of Himachal Pradesh and for matters connected therewith, be taken into consideration.”

Shri Hathi is to continue his speech.

The Minister of State in the Ministry of Home Affairs and Minister of Defence Supplies in the Ministry of Defence (Shri Hathi): Mr. Deputy-Speaker, Sir, I am grateful to the hon. Members for their very constructive suggestions during the

[Shri Hathi]

course of the debate on this Bill. Shri Kamath had moved for an amendment for referring the Bill to the Select Committee. I may straightway say that I have full respect and consideration for the various suggestions that the hon. Members have made. I also believe that wherever possible, to a large extent, it would be advisable if the measures are referred to and discussed in a Select Committee.

Shri Hari Vishnu Kamath (Hosangabad): Hear, hear.

Shri Hathi: Therefore, when I said that the Government had no intention of referring it, I was expressing my opinion, because I thought that the Bill is not so complicated. Even now, the Bill as it is, does not seem to me to be complicated, but it would be proper. I feel, that the Bill could be referred to the Select Committee.

13.27 hrs.

[**SHRIMATI RENU CHAKRAVARTY** in the Chair.]

Shri Hari Vishnu Kamath: Good; he has toned down; wisdom has dawned on him.

Shri Hathi: It is not a question of toning down or wisdom dawning. I have explained, and I shall explain, the various points that have been raised, but still, it is always better to discuss such measures in a Select Committee so that we can have a better way of handling it in a more sober, placid and quiet atmosphere as Shri Kamath said. When I say so, I might explain some of the points which were raised by Dr. Singhvi. He raised some constitutional points. He said that article 214 of the Constitution envisaged only high courts for each State. He further said that article 230 of the Constitution only envisaged either extending the jurisdiction of or excluding the jur-

isdiction from a Union territory and that it did not include the establishment of a high court.

Shri Hari Vishnu Kamath: Article 241.

Shri Hathi: That is right. Shri Kamath came to his succour and help and pointed out that article 241 is there. That is exactly the point: that article 241 covers this, and we have got the power to establish a high court for a Union territory. Therefore, the point raised by Dr. Singhvi is met with by article 241 of the Constitution. So, there is nothing wrong in coming forward with a measure of this nature.

Then, certain difficulties which would be experienced by the people of Himachal Pradesh were also put forth, and Dr. Shinghvi and others wanted a categorical assurance from the Government that there will be a Circuit Bench for Himachal Pradesh. Actually, it is covered by clause 3(3) of the Bill, which reads as follows:

"Notwithstanding anything contained in sub-section (2), the Judges and Division Courts of the High Court of Delhi may sit at such other place or places other than its principal seat as the Chief Justice may, with the approval of the President, appoint."

Therefore, the residents of Himachal Pradesh may not have to come to Delhi. That assurance was demanded and that is already provided for.

Then comes another point which Shri Chatterjee made and that was that the future of Punjab is yet in a melting stage; he wanted to adjust the territorial contour of the Delhi High Court and also referred to the uncertainty of the Punjab State. I am not going to touch on that question now, because here we are

dealing with the jurisdiction of the High Court of Delhi as it is. In future, if something happens, the jurisdiction can be extended and there will be no difficulty. At present Delhi and Punjab come under the jurisdiction of the same High Court. We take away the jurisdiction of Delhi Territory from the Punjab High Court by providing for a separate High Court for Delhi. A suggestion was made that the areas round about like Hissar and Rohtak may be placed under the jurisdiction of Delhi. I do not think that will be practicable. . . .

Shri Hari Vishnu Kamath: On a point of order, Mr. Chairman. When the minister is making a significant speech with regard to the capital of our great country, there should be quorum in the House.

Mr. Chairman: The bell is being rung—Now there is quorum. It is surprising that not a single member of the treasury benches walks in when the quorum bell is rung.

Shri Hari Vishnu Kamath: A sad commentary on our parliamentary democracy.

Shri Hathi: Mr. Trivedi raised certain questions. He said there is no reference to Letters Patent, as provided in other Presidency Courts. He also wanted the language of the drafting to be improved. I may point out that the Bill is just on the pattern of the Bombay Reorganisation Bill from where the provisions for the establishment of a separate High Court for Gujarat—sections 28 to 40—have been bodily taken and put in this Bill with changes in names and slight adaptations or modifications. That Bill has been passed by this Parliament. Therefore, care has been taken to see that the language is as it should be, and as in other Acts. There is no change whatsoever. If we go section by section, sections 28 to 40 of the previous Act have been embodied

in clause 3 and clauses 5 to 15 of this Bill, namely, jurisdiction of the High Court, power to enrol advocates, procedure and practice in the High Court, custody of the seal of the High Court, writ petitions, power of Judges, procedure to appeal to the Supreme Court and transfer of proceedings from the High Court of Punjab to the High Court of Delhi.

Clause 4 is a new clause, which was not found in that Act. That is because of the constitutional amendment that we are making here. So, on the ground of language, there is no difficulty.

We have given civil original jurisdiction to this High Court and so provision about appeal is made in clause 10(1). Mr. Trivedi criticised that this provision has been made in a dubious way. I may point out that there was no such provision in that Act. Even the Punjab High Court has not got the original civil jurisdiction. Therefore, this provision has been made.

So far as other provisions of the Bill about Division Bench, etc. are concerned, they will be governed by the orders known as the Punjab High Court Order, 1947. At the time of independence that whole Act was enacted and the High Court of Delhi will get the same powers, privileges and jurisdiction as are enjoyed by the Punjab High Court.

There are not many points, but it is better to refer this Bill to a Select Committee so that, in a calm atmosphere, as suggested by Mr. Kamath, we can consider it.

I beg to move:

"That the Bill to provide for the constitution of a High Court for the Union territory of Delhi, for the extension of the jurisdiction of that High Court to the Union territory of Himachal Pradesh and for matters connected therewith, be

[Shri Hathi]

referred to a Select Committee consisting of 23 members, namely:—

Shri S. V. Krishnamoorthy Rao; Dr. M. S. Aney; Shri Bhagwat Jha Azad; Shri Ramachandra Vithal Bade; Shri S. M. Banerjee; Choudhury Brahm Perkash; Shrimati Renu Chakravartty; Shri Gajraj Singh Rao; Shri Shiv Charan Gupta; Shri K. Hanumanthaiya; Shri Himmatsinhji; Shri Hari Vishnu Kamath; Sardar Kapur Singh; Shri Bakar Ali Mirza; Shri Gulzarilal Nanda; Shri Naval Prabhakar; Shri J. B. Muthyal Rao; Shri Sham Nath; Shri Vidya Charan Shukla; Dr. L. M. Singhvi; Shri U. M. Trivedi; Shri Ram Sewak Yadav; and Shri Jai Sukh Lal Hathi."

with instructions to report by the 28th February, 1966."

Shri Hari Vishnu Kamath: On a point of clarification. The minister has thrown light on so many matters, for which I am beholden to him. But has he studied one point which is assailing my mind, namely, whether there is any provision in the Constitution whereunder the jurisdiction of a High Court established in a Union Territory can be extended to another Union Territory? There are articles like article 230 whereunder the jurisdiction of the High Court of a State can be extended to a Union Territory, but there is no provision whereunder the jurisdiction of the High Court of a Union Territory can be extended to another Union Territory.

Section 17 is *ultra vires*, in that case, according to me.

Shri Hathi: In clause 4 of the Bill we are amending that portion of the Constitution, whereby we say that for the words "High Court" the words "High Court for a Union territory" and for the words "any Union territory" the words "any other Union territory" shall be substituted.

Shri Hari Vishnu Kamath: Are you amending the Constitution?

Shri Hathi: Yes.

Shri Hari Vishnu Kamath: How?

Shri Hathi: In this Bill itself, under article 239, we can make changes in the Constitution. For that purpose, actually, if you see clause 4 you will find that it deals with the changes in the Constitution. For this purpose, we have said that in article 217, the words "the Governor of the State" shall be omitted.

Shri Hari Vishnu Kamath: There should be a separate Bill to amend the Constitution.

Shri Hathi: No, no. That is exactly what we have done in this clause. We shall consider that also in the Select Committee.

Mr. Chairman: The question is:

"That the Bill to provide for the constitution of a High Court for the Union territory of Delhi, for the extension of the jurisdiction of that High Court to the Union territory of Himachal Pradesh and for matters connected therewith, be referred to a Select Committee consisting of 23 members, namely:

Shri S. V. Krishnamoorthy Rao; Dr. M. S. Aney; Shri Bhagwat Jha Azad; Shri Ramachandra Vithal Bade; Shri S. M. Banerjee; Choudhury Brahm Perkash; Shrimati Renu Chakravartty; Shri Gajraj Singh Rao; Shri Shiv Charan Gupta; Shri K. Hanumanthaiya; Shri Himmatsinhji; Shri Hari Vishnu Kamath; Sardar Kapur Singh; Shri Bakar Ali Mirza; Shri Gulzarilal Nanda; Shri Naval Prabhakar; Shri J. B. Muthyal Rao; Shri Sham Nath; Shri Vidya Charan Shukla; Dr. L. M. Singhvi; Shri U. M. Trivedi; Shri Ram Sewak Yadav and Shri Jai Sukh Lal Hathi with

instructions to report by the 28th February, 1966."

The motion was adopted.

13.42 hrs.

MOTION RE: SEEDS BILL

The Deputy Minister in the Ministry of Food, Agriculture, Community Development and Cooperation (Shri Shinde): Madam Chairman, on behalf of Shri C. Subramaniam, I beg to move:

"That the debate on the motion, that the Bill to provide for regulating the quality of certain seeds for sale, and for matters connected therewith, as passed by Rajya Sabha, be taken into consideration, which was adjourned on the 18th August, 1965, be resumed now."

Shri Hari Vishnu Kamath (Hosangabad): May I ask; Madam Chairman, under what rule he is making this motion? There is no rule in the Rules of Procedure under which such a motion can be made, as far as I know the rules.

Shri Shinde: This is a pending Bill and I do not think for moving such a motion any specific provision is required.

Shri Hari Vishnu Kamath: I am sorry, the Minister is not well posted.

Mr. Chairman: Let me see.

Shri Rane (Buldana): Madam Chairman, last time when this discussion was going on on this Bill, there was a demand from almost all hon. Members who participated in the debate that the Bill should be referred to a Select Committee. I have now been able to persuade the Hon. Minister of Food and Agriculture to refer the Bill to a Select Committee.

Mr. Chairman: The point here is different. Last time the House adjourned the debate on this Bill by a

motion on 18th August 1965. The motion now before the House is that that debate which the House then decided to adjourn be resumed. Therefore, there must be a resolution of the House before that discussion can take place. I shall now put the motion before the House.

Shri Hari Vishnu Kamath: Before you put the motion to the House, may I invite your attention to certain rules of procedure. It would be better if someone of the Law Ministry is also present here.

Mr. Chairman: I would request the hon. Minister of State in the Ministry of Food and Agriculture to come forward. It would be better if some other members of the Treasury Benches are also present. Besides the hon. Minister himself, there should be some other members also to support him.

Shri Hari Vishnu Kamath: This discussion was adjourned on the last occasion under Rule 109. That rule says:

"At any stage of a Bill which is under discussion in the House, a motion that the debate on the Bill be adjourned may be moved with the consent of the Speaker."

That was made, the motion was moved and, I suppose, the debate was adjourned, as far as my recollection goes. Now, unfortunately, the Rules of Procedure suffers from some sort of lacuna. I do not know whether it is due to oversight, or whether some other factor crept in at that time. For instance, please refer to rule 30. It deals with Private Members' Bills and Resolutions which may undergo a similar fate, and the debate adjourned. But there is a sub-rule (2). Sub-rule (1) is about adjournment of the debate on a bill or Resolution. Sub-rule (2) says that when the debate is adjourned:

"the member in charge of the Bill or the mover of the resolution,