

**Mr. Deputy-Speaker:** Order, order. We have to go on to the next business. We have already spent a lot of time on this.

**Shri U. M. Trivedi:** When will he give the name? *(Interruptions).*

**Shri Nanda:** There will be no delay.

13.15 hrs.

### SEEDS BILL

#### APPOINTMENT TO SELECT COMMITTEE

**Shri S. C. Samanta (Tambluk):** I move:

"That Shri Shyam Dhar Mishra be appointed to the Select Committee on the Bill to provide for regulating the quality of certain seeds for safe and for matters connected therewith *vice* Shri Annasahib Shinde resigned."

In this connection, the House would like to know why Mr. Shinde has resigned and why Mr. Shyam Dhar Mishra's name is included. For this purpose, I may refer to the letter which has been addressed to the hon. Speaker by Mr. Shinde. In that letter he has said:

".... according to the internal distribution of work in the Ministry of Food, Agriculture and Community Development, Shri Shyam Dhar Mishra looks after the subjects connected with seeds as Deputy Minister. May I, therefore, kindly request you to accept my resignation as a member of the Select Committee on Seeds Bill and instead put in Shri Shyam Dhar Mishra's name by allowing to move the formal motion in the Lok Sabha."

**Mr. Deputy-Speaker:** The question is:

"That Shri Shyam Dhar Mishra be appointed to the Select Committee on

the Bill to provide for regulating the quality of certain seeds for sale, and for matters connected therewith *vice* Shri Annasahib Shinde resigned."

*The motion was adopted.*

**Mr. Deputy-Speaker:** Mr. Nanda.

**Shri Daji (Indore):** Before you proceed to the next item, may I ask you this? Yesterday the Speaker assured us that he would get the explanation.....

**An hon. Member:** Tomorrow.

**Shri Daji:** I am not speaking about the Finance Minister's statement. I am talking about the letter placed day before yesterday by Dr. Lohia. Government was to reply to that. Would it be done today?

**Mr. Deputy-Speaker:** On Wednesday.

**Shri Nambiar (Tiruchirapalli):** I have also raised.....

**Mr. Deputy-Speaker:** Order, order. Mr. Nanda.

13.17 hrs.

### DELHI AND HIMACHAL PRADESH (SEPARATION OF JUDICIAL AND EXECUTIVE FUNCTIONS) BILL\*

**The Minister of Home Affairs (Shri Nanda):** I move for leave to introduce a Bill to provide for the separation of judicial and executive functions in the Union Territories of Delhi and Himachal Pradesh.

**Mr. Deputy-Speaker:** The question is:

"That leave be granted to introduce a Bill to provide for the separation of judicial and executive functions in the Union Territories of Delhi and Himachal Pradesh."

**Shri Hari Vishnu Kamath (Hoshangabad):** On a point of order. May I invite your attention to the Financial Memorandum. This is more or less on a par with that raised by me in the Jayanti Shipping Bill—rather more than less. I am sure, you will act likewise today also. If you have a look at the last two sentences of the last paragraph of the Financial Memorandum on page 35, you will see the following:

“As a result of this determination, some additional expenditure may be involved. Such expenditure in the case of Delhi which will have to be met from the Consolidated Fund of India may ultimately be of the order of rupees two lakhs (non-recurring) and rupees twelve lakhs per annum (recurring).”

You will be pleased to see that this Bill is for Delhi and Himachal Pradesh. The title of the Bill is “The Delhi and Himachal Pradesh “Separation of Judicial and Executive Functions) Bill, 1966”. The statement of objects and reasons as well as the Memorandum deal with appointment of various officers, executives, magistrates, etc., etc. But there has been some sort of a slip somewhere towards the end, on the part of an officer of the Ministry whosoever was responsible for it. In dealing with the Memorandum, there is a reference only to Delhi and there is no reference to the expenditure to be incurred on account of Himachal Pradesh. Clauses 5 and 7 which are in thick type refer to both the Union Territories. The rule is also very clear, categorical, unambiguous and unequivocal. Rule 69 deals with the financial memorandum to be attached to a Bill. It says:

“A Bill involving expenditure...”

—obviously this is one such Bill—

“...shall be accompanied by a financial memorandum which shall invite particular attention to the clauses involving expenditure...”

They have done that in this case; any feeble efforts have borne some fruit.

“...and shall also give an....”.

—accurate—

“...estimate of the recurring and non-recurring expenditure involved in case the Bill is passed into law.”

As I have said earlier, the Bill relates to both Delhi and Himachal Pradesh. While expenditure in the case of Delhi has been given, the expenditure in the case of Himachal Pradesh has not been given in the financial memorandum. That is one count on which this Bill is out of order, rather this motion is out of order.

The second count is slightly different, but I am sure you will agree with me on that score as well. This Bill is accompanied or rather followed by a corrigenda list which bids fair to vie with the Bill in point of size, or I may say, bulk. The Bill along with the Statement of Objects and Reasons etc. runs to a little over a hundred pages, and the corrigendum list also contains more than one hundred items. I do not know why or how this has happened. I am sorry to say, I am constrained to say that the efficiency of the Treasury Benches is steadily deteriorating day by day and night by night. I do not know who is responsible for that.

**Shri U. M. Trivedi (Mandsaur):** Both during the day and during the night,

**Shri Hari Vishnu Kamath:** The House is vitally interested in finding out why these corrigenda lists go on getting bulkier and bulkier from week to week, from day to day. We were treated till recently to corrigendum lists running to just one page or two pages. But the corrigenda list which accompanies this Bill or has followed this Bill runs to eight pages....

**Shri U. M. Trivedi:** They are more careful, now.

**Shri Hari Vishnu Kamath:** .... and contains 109 items; the total number of pages of this Bill is less than this, the number being only about 33.

It is all right for the Ministry to dump these things on us. They have no conscience in this matter. But you are well aware that we Members are working here practically single-handed; we do not have any secretarial assistance, and it is almost a herculean task for us to look into each corrigendum and the corresponding clause, and make the necessary correction in the Bill, it will take a lot of time and patience. The Ministers have got their organisation consisting of secretaries and assistants and what not; I shall not say what is comprised in the term 'what not'; I shall not go into the details of that. It is easy for them to have the corrections incorporated in the Bill.

I do not know whether this bungling has occurred in the proof-readers' section or elsewhere; anyway, somebody has bungled somewhere, and it is very unfair to the House to treat it to this kind of corrigenda lists, and expect the Members to look into eight pages of corrigenda and correct every line in the Bill....

Shri U. M. Trivedi: Who gets it printed?

Shri Hari Vishnu Kamath: I do not know how long it will take for any Member single-handed to get these corrections incorporated in the body of the Bill.

Therefore, I would submit on the second count that the Bill sought to be introduced should not be allowed to be introduced. The Bill should go back to the Ministry and come back before us during the next session. After all, it is not going to be passed during this session. It can come back before us during the next session with all the corrigenda incorporated in the Bill so that we can be spared the time and the labour involved in going into the whole thing all over again.

Shri Nanda: On another occasion, I had complimented the hon. Members for his very great vigilance about these things. That is very welcome. But, of course, there are some occasions when the person concerned may not be knowing that there is an answer. Of course, the question has to be raised. I have got the answer so far as the omission

of Himachal Pradesh is concerned, that is, what appears to the hon. Member as being an omission is concerned. I shall read out the precise explanation.

Shri Hari Vishnu Kamath: I am sorry; that is irregular. There is no provision in the rule for reading it out. The rule is that the financial memorandum should point to the clauses in the Bill. He cannot place before us a supplementary memorandum at this stage.

Shri Nanda: I am not placing any supplementary memorandum before the House. There is an explanation for this, and that is what I am trying to give.

Shri Hari Vishnu Kamath: It must have been included in the memorandum itself.

Shri Nanda: I am only explaining the position. The brief point is that provision is there in the grants made on behalf of the Union Territory; therefore, no additional provision was necessary. No mention has, therefore, been made about the expenditure to be incurred in respect of Himachal Pradesh. It is true that at present, the Union Territory of Himachal Pradesh like any other Union Territory is being given grants to cover its revenue gap, and in case such expenditure might involve any increase in the gap, it can be..

Shri Hari Vishnu Kamath: What is it? I could not follow.

Shri Nanda: The position is this. So, this additional provision has been made for Dehli; the rest is covered in the grants which have already been made....

Shri Hari Vishnu Kamath: He cannot place a supplementary memorandum before us now....

Shri Nanda: I am reading out the explanation that I have before me. I had that with me before. I had it with me before the hon. Member made the point.

Shri Hari Vishnu Kamath: This is the first time that I am making the point today.

**Shri Nanda:** But the answer is with me, and I am giving that answer.

**Shri Hari Vishnu Kamath:** How could he anticipate earlier the point which I have made for the first time today?

**Shri Nanda:** I can anticipate the points that could possibly be made.

**Shri U. M. Trivedi:** Between these two Members, namely Shri Nanda and Shri Kamath there seems to be some difficulty.

**Mr. Deputy-Speaker:** The hon. Minister is replying, and let us hear him.

**Shri U. M. Trivedi:** The difficulty is that both of them do not seem to understand each other.

**Mr. Deputy-Speaker:** I think they do understand each other.

**Shri U. M. Trivedi:** Shri Kamath's point is only this much that the financial memorandum does not contain the expenditure that may be involved on account of Himachal Pradesh after this Bill comes into force.

**Mr. Deputy-Speaker:** The hon. Minister is replying to that point now.

**Shri U. M. Trivedi:** The hon. Minister wants to say that so far as Himachal Pradesh is concerned, there is already provision in the grants which have been made, and, therefore, no fresh provision is necessary. I would submit that there also he is wrong. What is required under the rules is that both the recurring as well as the non-recurring expenditure must be mentioned.

**Shri Nanda:** The additional arrangements are for Delhi.

**Shri U. M. Trivedi:** It is not a question of the additional thing only.

**Shri Nanda:** Therefore, the point made here is that the giving of the revenue gap grant is, however, not a permanent arrangement but is purely a special arrangement. In case, therefore, a slight expenditure is

involved, the Central Government may not consider it necessary to enhance the grant. In view of this position that no additional grant will be given on that account, therefore, there is nothing very much which requires to be done. Therefore, no reference to the expenditure debitible to the Consolidated Fund of Himachal Pradesh has been made in the financial memorandum.

**Mr. Deputy-Speaker:** Why has that not been mentioned in the financial memorandum.

**Shri Nanda:** There is no additional expenditure involved.

**Mr. Deputy-Speaker:** That should have been mentioned in the financial memorandum. Has it been mentioned there?

**Shri Hari Vishnu Kamath:** On a point of clarification. The hon. Minister read out the explanation so fast that I could not follow him. If I have heard him aright, he said that in case some expenditure was involved with regard to Himachal Pradesh, Government would do something. I do not know what exactly he said, but I heard that in case some expenditure was involved Government would do something; I could not follow him and, therefore, I do not know what that something was.

Even assuming that that is so, now we know that the Punjab Reorganisation Bill is coming, and the Himachal Pradesh territory will become enlarged shortly; it will become a new Himachal Pradesh and not remain the old one. Therefore, this Bill, when it is passed into law will apply to a new Himachal Pradesh. I therefore, thoroughly disbelieve Government when they say that no expenditure will be involved, just to put off this point and have this Bill introduced today.

**Shri Nanda:** I shall have a further look into the matter and I shall give any further information that is called for.

**Shri Hari Vishnu Kamath:** Let him give it tomorrow, if he cannot give it today.

Shri Nanda: Anyhow, let us go through this formality today....

Mr. Deputy-Speaker: The hon. Minister may introduce the Bill tomorrow. A correct memorandum will be given tomorrow and then the Bill would be introduced.

Mr. Deputy-Speaker: I am applying the guillotine on all the amendments.

Shri Nambiar: We are coming to the end of the Bill.

Shri Hari Vishnu Kamath (Hoshangabad): Tomorrow is Janamashtami: we can have jagaran tonight.

13.28 hrs.

RAILWAY PROPERTY (UNLAWFUL POSSESSION) BILL.—*contd.*

Clause 8.—(*Inquiry how to be made against arrested Persons*)—*contd.*

Mr. Deputy-Speaker: The House will now take up further clause-by-clause consideration of the bill to consolidate and amend the law relating to unlawful possession of railway property, as passed by Raja Sabha.

2 hours had been allotted for this Bill, but we have already taken 3 hours and 25 minutes.

Shri Nambiar (Tiruchrapalli): We were on clause 8.

Mr. Deputy-Speaker: We must pass this Bill in another five to ten minutes.

Shri Nambiar: We have not got many amendments left over. There are only about three or four amendments.

The Minister of State in the Departments of Parliamentary Affairs and Communications (Shri Jagānātha Rao): I would request that you may fix some time by which this Bill has to be passed. We have already exceeded the time allotted by about 1½ hours.

Mr. Deputy-Speaker: We have already taken 1 hour and 25 minutes more than the time allotted. So, hon. Members should not take more than 15 minutes in all now. This Bill should be passed by 1.45 p.m.

Shri Nambiar: I will straightway come to the point....

Shri Bade (Khargone): There are many amendments. Yesterday we took some time on them. Why should revenge be taken against us on that score?

Shri Nambiar: Unfortunately for the Government, though this is a small Bill that they have brought forward, running to 8 pages, here they want to undo the fundamental rights guaranteed to all citizens under the Constitution. That is the difficulty. That is why we are breaking our heads on this. Otherwise, it would have been smooth sailing and we would have had no objection.

Clause 8 says:

"When any person is arrested by an officer of the Force for an offence punishable under this Act or is forwarded to him under section 7, he shall proceed to inquire into the charge against such person".

This section says that the RPF officer shall inquire into the charges against such person. My amendment is this....

Mr. Deputy-Speaker: It has already been moved. He need not read it. It has also been circulated. He should not take more time in reading it.

Shri Nambiar: Otherwise, how can I explain it properly? For "proceed to inquire into the charge against such person", I want to substitute "hand over the case to the nearest Police officer for investigation and prosecution". The main issue here is whether the fundamental right guaranteed under art. 19 of