

[Shri S. M. Banerjee]

He has also pertinently pointed out:

"Contrary to the assurances and promises of the Health Minister, more than forty doctors are being transferred under the old, disputed and unsettled rules of Central Health Service, 1963 and the medical officers are supposed to comply with the same by 8th December, 1965, giving only a notice of two to four days."

I want to know whether this is a fact and if so, whether the hon. Minister or the Deputy Minister has cared to meet a deputation of doctors at this hour when the country needs them so much?

**Dr. Sushila Nayar:** We cannot invite a deputation. No deputation has asked to see the Minister or the Deputy Minister nor have I seen anybody. (*Interruptions*).

**Mr. Speaker:** Order order! let her reply.

**Dr. Sushila Nayar:** A certain doctor, who has styled himself as the Convenor of the Delhi Doctors Joint Action Committee, has sent a Memorandum to the Prime Minister, a copy of which was sent to us yesterday and in that copy, he has mentioned some of these things. But it has nothing to do with any rules. The rules under which they are being sent were finalised in 1963 after the Chinese invasion.

**Mr. Speaker:** These are the three members. There was no other signatory, I suppose.

Shri Shinkre.

16.15 hrs.

DELHI HIGH COURT BILL—contd.

**Shri Shinkre:** Although I fully share and subscribe to the view ex-

pressed by my hon. friend, Shri Kamath. . .

**Shri S. M. Banerjee (Kanpur):** I thought he was putting a question on the Calling Attention Notice.

**Mr. Speaker:** That is over. We are now on the next item.

**Shri Shinkre:** . . . that this a very important Bill, I regret to say that I do not think that a strong case has been made for the reference of this Bill to a Select Committee. For, after all, what this Bill aims at or intends to do—to put in figurative terms—could be said to be this; instead of a hut or a shed or a barrack that a person has today, he would be given a proper bungalow to live in. I do not know whether there is any case for referring this Bill to a Select Committee on that basis or otherwise also. Presently, the Delhi people have a high Court provided to them in the Circuit Bench of the Punjab High Court. Instead of that Circuit Bench, they will have in future, after the adoption of this Bill and its passage into an Act, a fully constituted High Court of their own. Constitutionally, as you know, it is the inherent right of every citizen to have his own High Court accessible to him as closely as possible, and from the Circuit Bench of the Punjab High Court to a fully constituted High Court at Delhi I think that it is only an improvement. The people of Himachal Pradesh who will be under the jurisdiction of this High Court at Delhi, as is contemplated in this Bill, will also be benefited thereby, because as everybody knows, the judicial commissioner's court is only an excuse for a High Court. Instead of that, they will be having a fully constituted High Court. Since Himachal Pradesh cannot provide for a fully constituted autonomous High Court, it is in the fitness of things that they should be allowed to take advantage of the High Court which is proposed to be set up in Delhi.

The argument that the Punjab question itself is not yet settled is no argument at all. At least in this Parliament this kind of view should not be expressed because that would only encourage fissiparous tendencies which are already unbearably voracious or vocal in this country; even if we assume that eventually something might happen and the present Punjab may not continue to remain as it is, and Hariana would require a separate High Court, I would submit that that does not justify the reference of this Bill to any Select Committee. In clause 17 which seeks to extend its jurisdiction to the Territory of Himachal Pradesh, a small alteration may be made by adding the words 'or any other territory'. The clause as it stands reads thus:

"As from such date as the Central Government may, by notification in the Official Gazette, appoint (hereinafter referred to as the prescribed date), the jurisdiction of the High Court of Delhi shall extend to the Union Territory of Himachal Pradesh."

At the end we may add the words 'and any other territory which the Central Government may appoint or nominate, as the case may be'. This addition will cover a possible event or emergency whether or not Hariana might require a separate High Court and whether or not Hariana might be coming under the present Punjab High Court; supposing that Hariana might have its future in doubt or in question, there would not be any objection to the jurisdiction of the Punjab High Court being extended to Hariana thereafter also. The arguments advanced by my hon. friend Shri U. M. Trivedi, undoubtedly a very senior member of the legal profession in this country, also do not appear to my mind to make a strong case for the reference of this Bill to a Select Committee.

**Mr. Speaker:** About whom Shri Balmiki had spoken so highly.

**Shri Shinkre:** I do not think that his arguments on the ground that the court fees are too onerous or too heavy etc. have any real base in this Bill. This Bill simply aims at establishing a High Court for Delhi. If really it is felt that the court fees charged at present are too heavy for the common man to bear, then the Court Fees Act may be suitably amended. Besides, in some cases, I do not know whether when we go to a High Court, the court fees are very relevant at all, because for a writ petition the court fee is very nominal irrespective of which High Court it is filed in.

**An hon. Member:** It is Rs. 100.

**Shri Shinkre:** According to the Central Court Fees Act, the fee for writ petition is only Rs. 10. So, the Central Court Fees Act may be made to apply to writ petitions in the High Court which is sought to be established in Delhi also.

I also fail to appreciate the other argument of Shri Trivedi's that the testamentary jurisdiction should also be extended to this High Court, may be his experience has shown him otherwise, because to my mind the district judge is undoubtedly a very experienced and seasoned judicial officer who can be, in the first instance at least, entrusted with the responsibility of dealing with these cases. If his decision be not acceptable to any of the parties, there is always appeal allowed under the Bill.

So I do not think that this Bill requires any reference to a Select Committee. I support the Bill.

**Dr. L. M. Singhvi (Jodhpur):** Mr. Speaker, I am very sorry that the discussion of this Bill was availed of by an hon. Member of this House to level an unmerited attack on the legal profession and to seek to suggest in this House that for all the ills that afflict our nation, the legal profession, and the statute book of which we here in Parliament are the creators, are responsible. Sir, this is a popular

[Dr. L. M. Singhvi]

prejudice against lawyers which is often expressed with a conspicuous lack of appreciation for the service that the lawyers give. For, after all, what is the object of any state or society? A state or society is constituted for securing justice, and it is for securing justice that the legal profession exists.

Having said that, I should like to pay a tribute to the way in which our judiciary has generally functioned. There have been lapses here and there. There have been shortcomings and deficiencies, but there is no denying the fact today that the judiciary in this country represents the beacon light, a tower of strength, of trust and of confidence even among the popular people. To detract from the dignity and the respect of the courts would be really to hit hard at the very foundations of our constitution and constitutional government in this country.

I am at one with Shri Kamath in the feeling that, by and large, legislation is a matter which is best transacted, at least in its preliminary and preparatory stage, in committee. There are details to be gone into; there are verbal changes which might have to be considered in somewhat greater detail; there has to be a more fruitful exchange of the underlying ideas and intentions of the draftsmen, and this is just not possible on the floor of the House. In accordance with this, I would have been very happy if the hon. Minister were inclined to make a reference to this Bill also to a Select Committee. However, whatever be the situation in respect of Shri Kamath's motion for reference to select committee, which I support in principle, I should like to point out some aspects of the present legislation, though it is not possible, as I mentioned, to discuss the various technicalities in respect of this piece of legislation in any great detail.

In the first place, it appears to me to be a very questionable boon for

the people of Himachal Pradesh to be divested of the office of Judicial Commissioner which they have now and to have all those functions which are at present exercised by the Judicial Commissioner in Himachal Pradesh to be exercised by the proposed High Court of Delhi. For one thing, it means greater distance from Himachal Pradesh to Delhi; secondly, it seems that it would be wrong not to give a High Court or a Judicial Commissioner to an existing area where there seems to be considerable justification for it. At the same time, it has to be borne in mind that the various grounds adduced by the hon. Minister of State for Home Affairs for constituting a High Court in Delhi are equally applicable to the case for constituting a similar court or at least a circuit court in Himachal Pradesh. If, therefore, it is proposed to abolish the Judicial Commissioner's court in Himachal Pradesh, I would very much hope that steps would be taken to establish a circuit bench in Himachal Pradesh, without which a great deal of hardship would be caused to the people of Himachal Pradesh.

We would also like to know from the hon. Home Minister as to what would be the size and the initial constitution of the Court. How would the Court be constituted in the first instance, what would be its size? We are told that it is likely that the expenditure on the High Court of Delhi would be about the same as the amount now payable to the High Court of Judicature for the State of Punjab, but this is an extremely unsatisfactory statement. We should like to know what the contemplated size is, whether the contemplated size would be able to meet squarely with the problem of arrears which is evidenced in most High Courts today in the country, what the total cost of this High Court would be, and whether the Government contemplates that this High Court of Delhi and Himachal Pradesh as it should be called or renamed—not merely the High Court of Delhi, if you are going

to have a Circuit Bench in Himachal Pradesh, which is what I deduce from the assenting nod of the hon. Home Minister—would have exactly the same jurisdiction which it has been exercising.

There are certain matters which arise in respect of the Constitution. Shri Kamath referred to some of these at the outset when he raised a point of order. It would be found that article 230, which is referred to in this piece of legislation, says:

“Parliament may by law extend the jurisdiction of a High Court to, or exclude the jurisdiction of a High Court from, any Union territory.”

In this particular respect it has to be borne in mind that it is not merely a measure to exclude the jurisdiction of a High Court or to apply the jurisdiction of an existing High Court. This is a measure which seeks to bring about a new High Court, and therefore, as a matter of fact, article 230 does not seem to be directly applicable, except in respect of excluding the jurisdiction of the existing High Court, but in so far as the application of the jurisdiction of the new or proposed High Court is concerned, article 230 cannot be relied upon.

In article 231, which relates to the establishment of a common High Court for two or more States and a Union territory, it says, if I may read the language:

“Notwithstanding anything contained in the preceding provisions of this Chapter, Parliament may by law establish a common High Court for two or more States or for two or more States and a Union territory.”

This also does not say that Parliament may by law constitute a High Court for a Union territory alone, because article 231 clearly is applicable only to instances where it is proposed to establish a High Court for two

States or for two States and a Union territory.

16.29 hrs.

[MR. DEPUTY-SPEAKER in the Chair.]

Article 214 was referred to, but article 214 cannot again be relied on to support the argument for constituting a new High Court for the Union territory of Delhi. It reads:

“There shall be a High Court for each State”.

It does not say that there shall be a High Court also for each Union territory. That being the position, there is some doubt in respect even of the constitutionality of constituting a new High Court for the Union territory of Delhi. I should like to know under what provision the hon. Home Minister is coming to the House.

Shri Hari Vishnu Kamath: Article 241.

Dr. L. M. Singhvi: Article 241 is already referred to earlier. It says:

“Parliament may by law constitute a High Court for a Union territory or declare any court in any such territory to be a High Court for all or any of the purposes of this Constitution.”

This was later enacted in respect of the Union territory. I was saying that a reference to article 230 made in clause 4 does not appear to be proper in view of the fact that article 230 is not really applicable to the facts of the situation. After all article 214 is the controlling provision. Article 241 has been enacted in respect of the union territories. There is therefore some doubt in respect of the conflict that is produced by the uneasy co-existence of these two articles in our Constitution. It would, therefore, have to be clarified either by way of constitutional amendment or perhaps by some judicial interpretation of this. But assuming that article 241 gives a warrant for constituting a separate High Court for the Union territory, I should like to reiterate two things.

[Dr. L. M. Singhvi]

One is that this should not be called the High Court of Delhi; it should be High Court of Delhi and Himachal Pradesh because you are extending the jurisdiction of this High Court to the territory of Himachal Pradesh. It is invidious not to mention the territory of Himachal Pradesh as if it is a very important and insignificant segment of our Indian Union. This would be improper and to say the least disrespectful to that part of the country which today comprises Himachal Pradesh. Secondly, I should like a definite assurance to be given that the proposed High Court would also have a circuit bench for Himachal Pradesh replacing the existing office of the judicial commissioner.

Our hon. Law Minister who is himself an eminent jurist is found of saying that it is incumbent upon this country to create an adequate machinery for legal aid and assistance to the poor. My hon. friend Shri Balmiki when he launched a sort of tirade against the legal profession had perhaps this in mind particularly, that the legal profession does not fulfil its social functions and responsibilities in respect of the poor and indigent litigants. While there exists some excuse for evading the responsibility so far as the central government is concerned in respect of the various States, there exists no such excuse for evading that responsibility so far as union territories are concerned and I should like in this context when the hon. Home Minister rises to reply to this debate to say very definitely as to what the government proposes to do in respect of providing adequate legal assistance to indigent and poor litigants who could not otherwise afford to go to courts of law on their own. This is a matter which touches our social conscience as a nation and it is only necessary that a scheme should be evolved in consultation and active collaboration with the legal profession for providing such legal assistance. The law schools in this country and the law faculties should also be enlisted in this task as is done in the

United States where leading law schools contribute in a sizable manner and a sizable measure towards providing legal assistance, both pre-litigation assistance and litigation assistance, to the poor and indigent litigants. I would like very much the hon. Minister is able to reassure the House in respect of this responsibility which this government owes particularly because it levies such a huge, almost unconscionable court fees, on litigation. I would like to have these points clarified, and if a reference is not made to the Select Committee as proposed by Shri Kamath, at least an assurance should be given in respect of some of the points that we have raised in the course of the debate.

**Shri D. C. Sharma :** Mr. Deputy-Speaker, Sir, I do not know in what kind of climate our Ministry of Home Affairs lives and works. We have had two Bills dealing with Delhi already and this is the third Bill which deals with Delhi. The first Bill dealt with private schools in Delhi. The second one dealt with the political set-up of Delhi, and both these Bills were referred to a Joint Committee. There was no provision for reference to the Joint Committee so far as the first Bill—the Bill relating to the schools—was concerned. But wisdom dawned on the Home Ministry and they referred it to the Joint Committee.

I ask one question: is the high court less important than the private schools of Delhi? Is the high court of less consequence than the so-called political set-up of Delhi with which nobody is satisfied? I believe that the judicial set-up of Delhi is very, very important, and I do not understand why after having swallowed the camel twice, the elephant twice, . . .

**Shri Hathi :** No, no.

**Shri D. C. Sharma :** . . . they are not trying to swallow this elephant also. I would, therefore, request the hon. Home Minister that he should yield to the demand, a persuasive, reason-

able and judicious demand, of the Members of this House that this Bill should be referred to the Joint Committee. If that is gone, I am sure some of the loopholes which have been pointed out on the floor of this House will be plugged and the Bill will emerge in a much better shape than it is now. That is my first point.

My second point is this. All the time we have been talking about emotional integration of this country, and I feel very happy that we are taking so many steps to build up the emotional core—one unified, single, centralised emotional core of this country. But when I look at this Bill, I find that this high court of Delhi is going to have jurisdiction also over Himachal Pradesh. I ask the hon. Minister of Home Affairs, does he know how far Rampur-Bushahr, which is part of Himachal Pradesh is from Delhi. How will the poor litigants travel from Rampur-Bushahr to Delhi to fight their case? How will the people living in the far-off regions of Himachal Pradesh, who sometimes live in inaccessible areas, wend their way to Delhi? Do you want to say that Delhi, like Allahabad, is going to be a place of spiritual pilgrimage? Will you want to say that Delhi should become a place of judicial pilgrimage for all kinds of people from all parts of the world? If that is so, I do not mind, but I think a step like this, that Delhi should be tied up with Himachal Pradesh for the matter of setting up this high court is to lay the axe at the root of the emotional integration of this country. I can integrate myself with my neighbour; I can become friends with my near-neighbour, and from that I can proceed onwards, forwards, but here, the emotional integration in the matter of the judiciary which Himachal Pradesh has built up and preserved with respect to Punjab, is going to be cut to pieces. Why? Because the Home Ministry, which is a ministry of topsyturvydom so far as this is concerned, has taken it into its head to take away the prestige, power and jurisdiction from the Punjab High Court and has decided to set up a

High Court here. Thinking that they may not have enough work to do, they want that it should be tied up with Himachal Pradesh. I will be satisfied if this High Court has also jurisdiction over the Andaman and Nicobar islands, the Laccadive and Minicoy islands and some other islands also, because you are going to distort the laws of geography and cut at the roots of geographical things. If you want to do that why don't you say so? Why not say that this High Court will subserve the interests of all the Union Territories? Then I can understand you are going to have a new map of India in terms of judicial needs. But you are not doing that. The poor people of Himachal Pradesh, whose per capita income is not very high, who are mostly illiterate, who have got their legislative assembly only now and who have started prospering now under the able guidance of Mr. Y. S. Parmar will have to come all the way from Rampur-Bushahr to Delhi.

It is said here that the volume of work has increased and that Delhi has a special problem. Has Delhi a special problem only so far as judicial things are concerned? Has it not special legislative problems? No, they will turn a blind eye to the legislative problems and be aware of only the litigation problems.

I have great regard for our judiciary. I take my hats off to the practitioners of law and feel like touching their feet sometimes. What wonderful people they are! What great services they have rendered to our country! Here is a man who violates the foreign exchange regulations and the government imposes a penalty on him, say so many lakhs. How is it that this man goes to a court of law which reduces his penalty. Another court reduces it still further and the third reduces it still further, with the result the penalty which was like an elephant becomes after being sifted through these judicial bodies like a little mouse. Of course, there should be rule of law. But is it meant for such people only? Is not the rule of

[Shri D. C. Sharma]

the law meant for poor people? How can a poor man fight a case in a court? Do you know what it would cost them in terms of court fees and lawyer's fees? My friends speak very highly about lawyers. I also feel very proud of them. But they have no idea of the exorbitant fees they charge. What provision are you making for these poor people who have to fight their cases in a court of law? I think, Sir, that a clause should be embodied in this Bill, a clause should form part of this Bill, that a person whose income is less than Rs. 1800 a year will be provided free legal advice right from the Senior Sub-Judge's Court up to the High Court. Unless you do that, I tell you, all this justice of yours becomes a justice for those who can pay and not justice for those who cannot pay. Therefore, this kind of a clause should be written into this Bill. I would, therefore, say that this Bill should be referred to a Joint Committee.

**श्री सरजू पांडेय (रसड़ा) :** जैसा कि अधिकांश सदस्यों ने इस बिल का अनुमोदन किया है मैं भी इस बिल का अनुमोदन करता हूँ। परन्तु जैसा कि कई सदस्यों ने सवाल उठाया है कि दिल्ली में एक नये न्यायालय की स्थापना इस बिल के द्वारा होगी लेकिन मैं समझता हूँ जैसा कि माननीय चैटर्जी ने कहा और दूसरे सदस्यों ने भी कहा पंजाबी सूबे की बात चल रही है और जितना बड़ा प्रान्दोलन पंजाबी सूबे के लिए है उसी तरह का प्रान्दोलन हरियाना प्रान्त में भी हो रहा है तो, मैं समझता हूँ कि कभी न कभी निकट भविष्य में ही ऐसी व्यवस्था उत्पन्न होगी कि दिल्ली का जो क्षेत्र है यह बड़ेगा, ऐसा मेरा विश्वास है और बिना बढ़ाये मैं समझता हूँ कि शान्ति स्थापित करना सम्भव नहीं है। इस लिए मैं समझता हूँ कि इस बिल को तब तक के लिए जरूर ही स्थगित रखना चाहिए जब तक कि हम नये ढंग से भाषा के आधार पर प्रान्तों के निर्माण

का प्रश्न खत्म नहीं कर देते और उसके लिए रास्ता एक ही है जैसा कि माननीय सदस्य कामत जी ने पेश किया है कि इन् प्रवर समिति के सुपुर्द किया जाय। साथ ही जैसा दूसरे सदस्यों के मन में शंका है और श्री शर्मा जी ने जैसा कहा कि इसमें मुख्य रूप से कुछ ऐसा न्यायालय को प्रादर्श उपस्थित करना चाहिए क्योंकि जो आज हमारे न्यायालयों की दशा है वह किसी के लिये नहीं है। जैसा कि डाक्टर सिधवी ने कहा वकीलों के बारे में यह बात सही है कि देश की बड़ी सेवा वकीलों ने और जडिजियरी ने की है, इसमें कोई दो रायें नहीं हैं, लेकिन इसमें भी कोई दो रायें नहीं हैं कि कोई भी गरीब आदमी इस देश में न्याय पा नहीं सकता। इन्लिए इसके लिए आज माननीय मंत्री को प्राश्वासन देना चाहिए वरना लोगों को न्याय के प्रति आस्था उठनी चली जा रही है और आप देखें कि लोग स्वयं ही अपना फैसला करना चाहते हैं। प्रदालतों में जाना उनके लिए दुःख है और बड़ा ही मुश्किल है। कोई भी कैसे न्याय पा सकता है? जैसा कि शर्मा जी ने कहा कि बिन्ध्य प्रदेश के लोगों को भी यहाँ आना पड़ेगा न्याय प्राप्त करने के लिए तो गरीबों के लिए यह कितना मुश्किल है जिनके पास कि किराये के नियो पैसा नहीं है, वकीलों को देने के लिए पैसा नहीं है और प्रदालतों में खर्च के लिए पैसा नहीं है। हाईकोर्ट में तो मुकदमे की बँच बदलवाने में और दूसरे मामूली कामों में भी हजारों रुपये खर्च करने पड़ते हैं। तो ऐसी दशा में माननीय मंत्री जी को प्राश्वासन देना चाहिए कि बिन्ध्य प्रदेश में उसकी एक बँच बनायें और जो उन्होंने कहा कि इसमें न्यायपालिका को कार्यपालिका से अलग होने में सुविधा होगी तो मैं उनसे पूछता हूँ कि जहाँ पर हाईकोर्ट पहले से मौजूद है वहाँ पर यह कदम उठाने में क्या दिक्कत है? कई बार इस सदन में भी सवाल उठाया गया तो मैं यह चाहता हूँ कि माननीय मंत्री जी हमको

बतायें कि जिन सूबों में पहले से उच्च न्यायालय मौजूद है वहां पर यह लागू नहीं हो रहा है तो इसको यह तर्क बनाना में समझता हूँ कि कोई बड़ी बात नहीं है। लेकिन फिर भी यह अशुभ कदम है, इसका समर्थन होना चाहिए। मगर मैं चाहूँगा कि इसकी प्रवर्तन समिति के सुपुंरं किया जाए और इस बीच में हम दूसरी जगहों में देख लें कि हमारे देश में क्या होने वाला है क्योंकि मुझे मालूम है कि गृह-मंत्रालय चाहे जितनी हेकड़ी की बात कहे मैं जानता हूँ इसमें साहस नहीं है एक हिन्दू शब्द हटाने के ऊपर कुछ थोड़े से साम्प्रदायिक तत्वों ने विरोध किया और गृह-मंत्रालय को इस "हिन्दू" नाम के ऊपर झुकना पड़ा। तो मैं समझता हूँ कि चाहे कितनी हेकड़ी बह दिखाने कितनी गोली बन्दूकें दिखाने लेकिन जनता के प्राण्डोलनों के सामने हमेशा इनको झुकना पड़ा है और झुकना पड़ेगा।

इसलिए मैं समझता हूँ कि जो चीज करना है उसकी ठीक तरीके से किया जाए। अगर प्रायः चाहते हैं कि पंजाबी भाषा भाषी प्रान्त बने तो जो हिन्दी स्पीकिंग लोग हैं उनका भी प्रान्त बना दीजिए। प्राखिर वह भी घमकियां दे रहे हैं कि प्रायः लगा देंगे। ये सबरें हम भ्रष्टचारों में पड़ते हैं। उधर से भी इस प्रकार की सूचनाएं आ रही हैं। इसलिए मैं चाहता हूँ कि इस बिल को प्रवर्तन समिति को सौंप दिया जाए ताकि इसको कांफ्रिहेंसिब बनाया जा सके और साथ ही साथ एक अदालत न्यायालय यहां स्थापित किया जा सके जिसमें गरीबों को न्याय मिल सके और जिससे लोगों की न्याय में आस्था हो सके।

इसलिए मैं चाहता हूँ कि कामल जी के प्रस्ताव को स्वीकार कर लिया जाए और इस बीच में मंत्रालय भी इस पर विचार कर ले कि प्रायः क्या करना है।

**Mr. Deputy-Speaker:** Shri Hathi.

**Dr. L. M. Singhvi:** Dr. Aney wants to speak with his great experience and background.

**Shri Hari Vishnu Kamath:** The calling-attention took 15 to 20 minutes. You were not here perhaps then.

**Mr. Deputy-Speaker:** I will allow him.

**Shri Hathi:** I do not mind.

**Dr. M. S. Aney (Nagpur):** Sir, the Bill has been represented here by many persons as non-controversial, but let us see what the Bill is. This Bill glorifies Delhi by having a High Court here taking away the jurisdiction of the Punjab High Court; at the same time, this Bill wants to abolish the judicial Commissioner's Court of Himachal Pradesh and thus create some difficulty in the way of the people of getting justice. It may be very good, and even very necessary in the ultimate interest of those people to have a High Court here. But are these matters such as on which those people should be stopped from having their say? Are the people of Himachal, like dumb cattle, not to be consulted at all. When a measure, which you consider as an important reform is being enacted in this House should they not be given a chance of having even a look at the measure even though it be ultimately going to result in the abolition of the existing Judicial Commissioner's Court which has got all the powers of the High Court and they will be required to come to Delhi for instance?

I do not say that it is not a reform—that is another matter—but it is a matter in which not only Members of this House should have better chance of considering it but even the people of Himachal should be consulted and their opinion obtained. Unfortunately, the ever vigilant Member of Himachal is not present in the House today. I am sure, if he had been there, he would have raised this point at least for claiming the right of the Himachal people. These points are put before the House to show that it is not a non-controversial measure. It can be

[Dr. M. S. Aney.]

non-controversial in the sense of certain persons.

As regards the language of this statute, my hon. friend, Shri Trivedi, has shown that the language is defective. When we are passing a statute to create a High Court, we must take care that we approach the House with a statute which is properly framed. If statutes constituting a High Court consist of glaring mistakes here and there, it would be a matter of laughter for all and the persons who are passing it would be held in competent to consider a measure regarding the establishment of a High Court.

One point more. It may be that the suggestion for reference of the Bill to a Select Committee has come from Shri Kamath, but I want Shri Kamath to give the Hon'ble Minister the option of having his own list of Members of Select Committee; if he agrees to the principle. We shall be prepared to accept that list. This is a matter which ought to go to the Select Committee and be properly considered there before this House is called upon to give its verdict on it. There is no urgency about this matter. It cannot be considered as a measure of emergency so that it is passed immediately. It is not certainly a matter of that kind; at least, no case of that kind is made out. Therefore I support the motion for reference of the Bill to Select Committee placed before the House by Shri Kamath.

**Mr. Deputy-Speaker :** The Minister may reply.

श्री यशपाल सिंह : चौपरी लहरी सिंह जो पंजाब को रिप्रेजेंट करने हैं, इस बिजल पर बोलना चाहते हैं। आपने इसके लिए दो घंटे का जो समय दिया था वह अभी पूरा नहीं हुआ है। बीस मिनट का समय तो कालिग घटेशन मोशन में चलेगये।

**Shri Hari Vishnu Kamath :** Let the Minister reply tomorrow morning. The hon. member is from that area and he should get a chance to speak.

**Mr. Deputy-Speaker :** We have to take-up clause-by-clause consideration also.

श्री यशपाल सिंह : दो घंटे का आपने प्रामिन्न क्यों किया था।

**Mr. Deputy-Speaker :** He did not stand up.

**Shri Hari Vishnu Kamath :** He also stood up. Sir. Probably you could not see him.

**Mr. Deputy-Speaker :** No, I cannot allow. The Minister may reply.

**Shri Hathi :** I am thankful to the members....

**Shri Hari Vishnu Kamath :** It is an important Bill. There must be quorum in the House.

**Mr. Deputy-Speaker :** Does the hon. member challenge the quorum?

**Shri Hari Vishnu Kamath :** Yes, I do. Mr. Hathi must have a quorum.

**Mr. Deputy-Speaker :** The bell is being rung....

I am sorry there is no quorum. The House will stand adjourned till 11.00 a.m. on Friday, the 10th December, 1965.

17.01 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Friday, December 10, 1965 (Agrahayana 19, 1887 (Saka).

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