

Where is the end? I do not think there is anything in this point of order.

The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

TRAVANCORE-COCHIN HIGH
COURT (AMENDMENT) BILL

The Minister of Home Affairs and States (Dr Katju): I beg to move:

"That the Bill further to amend the Travancore-Cochin High Court Act, 1125, as passed by the Council of States, be taken into consideration."

It is a short Bill and is intended to remove a slight inconvenience. The House would recollect that when Travancore and Cochin were integrated there was an arrangement that the executive capital of the integrated State should be at Trivandrum and the judicial capital, that is the seat of the High Court, should be at Ernakulam. I may mention here that both the States had High Courts of their own. As the House knows, Travancore is a much bigger State while Cochin is a smaller State. It has importance of its own because of the port which is now being built there.

Now, this understanding was carried out by statute, and the Act of which the present Bill is intended to be an amendment was passed in the year 1949. It declared that the High Court of Judicature of the United State of Travancore-Cochin shall be at Ernakulam.

I imagine that some of the Members not coming from that part of the country have visited that area. If you look at the map, it is rather a curious position. The width is small but the State runs from north to the south; south means right up to Cape Comorin, the southernmost tip of India. The whole of this United State

comprises four districts. One of these districts is the old Cochin State with, I imagine, one taluk added to it from the Travancore State and the remaining three districts are parts of the old Travancore State. As you climb from the south, the first district is Trivandrum. Most of the district area lies to the south of Trivandrum, a small portion lies to the north of Trivandrum, and Trivandrum City itself is 175 miles from Ernakulam.

Shri A. M. Thomas (Ernakulam): No, 133 miles.

Shri C. R. Iyyunni (Trichur): 146 miles.

Kumari Annie Mascarene (Trivandrum): Opinions differ.

Dr. Katju: Very well, I stand corrected. 133 miles. I was misled by Nagercoil. That is 175 miles probably.

Shri A. M. Thomas: That is right.

Dr. Katju: Nagercoil is one of the important subdivisions of Trivandrum. So, going up from the south you come to Nagercoil, and then you come to Trivandrum, and then after some distance the Trivandrum district ceases. Then the next district northwards is Quilon. And from Quilon you go on to Kottayam. And from Kottayam you then come to Ernakulam.

After this Act was passed we thought that it had been passed after an agreement and would be accepted as such. But I can quite imagine that the people living in the extreme south thought it rather remarkable that for the purpose of getting justice done in their High Court they should have to go beginning from Cape Comorin to Nagercoil and pass through Trivandrum and then go to Ernakulam. An agitation sprang up saying that there should be a bench or that there should be a bifurcation of the High Court. Anyhow, what was said was that the people of Trivandrum should have an opportunity of getting justice, so far as the High Court was concerned, nearer their homes.

[Dr. Katju]

Now, this matter was considered by the State Government and they came to the conclusion that in spite of the previous arrangement which should have been accepted by all parties in good faith, they would go a step in order to meet the wishes of those people and have a bench established in Trivandrum. They actually introduced a Bill. It was then pointed out that the subject matter of High Court was within the exclusive jurisdiction of the Parliament and therefore Parliament alone could intervene. The result was that I have to introduce this Bill. I introduced this Bill in the Council of States and it was passed there.

The net result of the Bill is simply this. The High Court consists of the Chief Justice and 7 Judges: I think that is the maximum strength. They all sit in Ernakulam. I imagine also that when in 1949 this Act was passed, the Judges went there—they have got a fine building—and the Members of the Bar also went there. This Bill authorises the Chief Justice to appoint Judges, not exceeding three in number, as the work of the court may require for what we call in the law courts a Single Judge court and for a Division Bench, Single Judge means one Judge hearing cases in the name of the High Court and a Division Bench means two Judges. If the work is not quite sufficient for the purpose, he may send two Judges. If there is work both for a Division Bench and a single Judge, he may send three Judges: just as the work in the court may require. But, specially, what is called a Full Bench, that is, a Bench consisting of three Judges should not meet at Trivandrum because it is desirable that the full Bench should meet at the seat of the High Court where the Bar is a strong Bar, where the litigants may have the benefit of having their cases argued and the court may have the benefit of having the case presented by the strongest Members of the Bar, and where the Judges may meet and decide the case.

The limit of the jurisdiction of this Division Bench is the southernmost district of Trivandrum which is the farthest in distance from Ernakulam. They will have their cases decided here. I do not know how it would suit the Members of the Bar. Some of them, I was told, all of them have permanently gone to Ernakulam and settled there comfortably. It is a delightful place to live in and they may have to come back. I may add here for the information of the House that the High Court is not quite happy over this business, because, they say that it may interfere with the dignity and status of the Bench. They want all the Judges to be in one place, to assemble there, because, the greater the number of Judges, the greater the status in the public eye, of the High Court concerned. But, of this arrangement, there have been recently various examples. For instance, in the Part B States to which Travancore-Cochin belongs, where similar questions have arisen about two different cities being grouped together, we have Madhya Bharat. The capital is Gwalior for 7 months and the seat of the High Court is at Indore. But, it has been decided that a Bench should sit in Gwalior also for the disposal of cases nearabout Gwalior. Similarly in Rajasthan, the seat of the executive Government is located at Jaipur and the High Court is located at Jodhpur. In the British days, the House may recollect that when Bihar and Orissa were separated from Bengal, the High Court was located at Patna. Having regard to the distance, it was arranged that four times in a year, two or three Judges should go on circuit to Cuttack and decide cases pending there. We have the same arrangement in Delhi whereby Judges come on circuit three or four times in the year to decide Delhi cases. Then, in the United Provinces, there were two courts: a Chief Court for Avadh and the Allahabad High Court for the province of Agra. After the advent of Independence, the two courts have been amalgamated. But, it has been decided that a Bench of

the Allahabad High Court should continue to sit at Lucknow to decide the cases there. There are numerous precedents for this particular arrangement.

Notice of some amendments has been given. One is a notice for circulation for public opinion. I suggest respectfully that that is not a desirable practice to adopt. When we get a Bill which has been passed by the Council of States, and is transmitted to us for our concurrence, the Bill has been before the public automatically for months and months. This particular Bill was passed by the Council of States somewhere in March or April. Therefore, with due deference I may say that it would be ridiculous to suggest that public opinion has to be elicited.

Shri Punnoose (Alleppey): Was there a similar amendment in the Council of States?

Dr. Katju: That was rejected and the Bill was passed as it is. I was only meeting the point that asking for circulation for eliciting public opinion does not seem to be a very proper course to suggest.

Another amendment says, well, appoint a Select Committee. I have never heard of a Select Committee on a one-clause Bill in which there is only one point. There are some other amendments which are intended to widen the area or subject matter of the jurisdiction of the High Court. I have had recently the advantage of spending five days in Travancore-Cochin.

Shri Punnoose: Very busy days.

Dr. Katju: Please don't interrupt for God's sake. I have become familiar with the geography of this area. Leaving aside just one thing namely that Quilon, if that is the correct pronunciation, is 50 miles nearer to Trivandrum than it is from Ernakulam, the whole of the area, if you go by district courts and Munsiff courts, is nearer to Ernakulam than

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to Trivandrum. What is the distance? Fifty miles this way or that. Even that distance will be shortened when the Railway is built here and then there will be no difficulty whatsoever. Please remember, it is not a question of a district court or Munsiff court, namely of suits being instituted for small sums or there being an appeal to a district Judge or Sessions Judge. It is all appellate work intended for a High Court. Therefore, I say that this Bill as it stands, this one clause Bill, should meet with no opposition at all.

Shri Gidwanji (Thana): Then, why do you want it? You have argued against this Bill.

Dr. Katju: I would therefore ask the hon. Members to let this Bill be passed as a soothing measure to the Travancore people. Let us engage ourselves with more important work here. I move that the Bill be taken into consideration.

Mr. Deputy-Speaker: Motion moved:

"That the Bill further to amend the Travancore-Cochin High Court Act, 1125, as passed by the Council of States, be taken into consideration."

I have got notice of some amendments. Shri Matthen says that the Bill, as passed by the Council of States, be circulated for the purpose of eliciting public opinion thereon. I do not find any provision in the rules for a Bill as passed by the other House to be circulated. The only motion that can be moved is for a reference to a Select Committee. I would like to know how this is in order.

Shri Matthen (Thiruvellah): If it is not in order, the Bill may be referred to a Select Committee

Mr. Deputy-Speaker: I am going to allow the motion for reference to a Select Committee. It is for the House to accept it or not.

Shri Punnoose: Is there any provision against circulation?

Shri S. S. More: Sir, on the point....

Mr. Deputy-Speaker: One at a time, please. The provision as to what can be done is contained in rule 146:

"II. Bills originating in the Council and Transmitted to the House.

144. On the day on which the motion for consideration is set down in the list of business which shall, unless the Speaker otherwise directs, be not less than two days from the receipt of the notice, the member giving notice may move that Bill be taken into consideration."

Rule 145 states what ought to be discussed at that stage.

Shri S. S. More (Sholapur): You are reading ...

Mr. Deputy-Speaker: I am reading the Rules.

"146. Any member may (if the Bill has not already been referred to a Select Committee of the Council or to a Joint Committee of both the Houses, but not otherwise) move as an amendment that the Bill be referred to a Select Committee and, if such motion is carried, the Bill shall be referred to a Select Committee, and the Rules regarding Select Committees on Bills originating in the House shall then apply."

The subsequent Rules deal with consideration and passing.

On a Motion for Consideration on a Bill originating in this House, an Amendment can be moved that the Bill be referred to a Select Committee or be circulated for eliciting public opinion whereas here it is only reference to Select Committee. Wherever it is intended to allow a motion or an Amendment for circulating a Bill for public opinion, it has been said so. Therefore, except under the Rules, a particular procedure is not allowed. There is no provision for circulating the Bill for eliciting public opinion. Therefore, the Amendment is out of order.

I will allow the motion for reference to a Select Committee to be moved if he wants to move it. But he has not given the names.

Shri Matthen: I have got the names.

Mr. Deputy-Speaker: Why should he not hand it over?

Shri Matthen: I would like to say a word about the Bill.

Mr. Deputy-Speaker: I will allow him to speak. He need not make that motion if he does not want to do so. If the hon. Member does not want to make the motion for reference to Select Committee, he need not do so. All the same, I will call upon him to speak if he wants to have a chance to speak.

Shri Matthen: I want to speak now. I will move for reference to Select Committee later.

Mr. Deputy-Speaker: The practice is that he must make a motion for Select Committee, and then I will place it before the House. All hon. Members who want to take part can take part, both in the debate relating to the Bill as also to the motion for Select Committee. But the hon. Member who wants to move for reference to Select Committee must make the motion and speak. He will not have another opportunity.

Shri Matthen: I make the motion.

Mr. Deputy-Speaker: Then, where are the names?

Shri Matthen: Shri Pataskar, Shri A. K. Basu ...

Mr. Deputy-Speaker: Has he consulted those hon. Members?

Shri Matthen: Let him make the motion: "I beg to move that the Bill be referred to a Select Committee consisting of ..." This is something like a Purohit giving a "Mantra". Hon. Members must be acquainted with the procedure here.

An Hon. Member: He knows the "Mantra", Sir.

Shri Matthen: I beg to move:

"That the Bill be referred to a Select Committee consisting of Shri Hari Vinayak Pataskar, Shri A. K. Basu, Shri N. M. Lingam, Shri K. A. Damodara Menon, Shri P. T. Punnoose, Shri S. V. Ramaswamy, Shri N. C. Chatterjee, Shri A. M. Thomas, Shri K. T. Achuthan, Dr. Suresh Chandra, and the Mover with instructions to report by the last day of the first week of the next session."

Mr. Deputy-Speaker: Hereafter—I have said it on a previous occasion also—if hon. Members are really serious about a motion for Select Committee, they must give the names in advance to me. I must have a copy of those names so that I may place it before the House. And they must also obtain the consent of the other Members. There is no good giving only four names, loading it with one side or the other. A Select Committee, normally, must be as representative as possible.

Shri Matthen: I do not mind adding. These are the names I have got.

Mr. Deputy-Speaker: Hon. Member may speak on his motion for Select Committee as also on the Bill.

Shri Matthen: With due respect to the hon. Home Minister, I have to remark that the Bill is ill-timed, inopportune, unnecessary and undesirable. It exhibits a symptom of fissiparous tendency of the Union of India. The Home Minister has recently been in Travancore and says he knows something about it. He also knows the great agitation that is going on in South Travancore for joining with Tamil Nad.

Of course, we are a small State, in the southernmost part of India, whose geography may not be very well-known to the hon. Members. North Travancore, Central Travancore and up to Trivandrum, and a few Taluks south of Trivandrum are Malayalam speaking areas, but the southernmost area is Tamil speaking area. It is with a view to help the southernmost area that the Bill has been introduced. But the hon. Home

Minister knows, because it is he who announced it, that a high power Commission is to be appointed very soon for the distribution of States in the whole of the Union of India. And who knows this part will not be then added on to the Tamil area? And then the High Court to be instituted will have only a few Taluks to administer if that is added on to Tamil Nad. And it is quite possible if Aikya Kerala is coming in, which God forbid....

An Hon. Member: Why?

Shri Matthen:...we will have several hundred miles north added on to the State. Probably, he will then ask for another High Court in Calicut or Tellicherry.

Shri C. K. Nair (Outer Delhi): You are not in favour of linguistic States. Aikya Kerala is not a linguistic State. Then why this opposition to Aikya Kerala.

Shri Matthen: In view of the fact that the Commission is coming shortly, why not wait till the Commission reports and the final distribution is made, and then have this bifurcation of the High Court? After all, Travancore has been going on with a High Court in Trivandrum when it had under its jurisdiction a District Court 25 miles north of Ernakulam. There was no attempt to have a High Court anywhere near there. I would therefore suggest that the hon. Home Minister should withdraw the Bill with the permission of the House and delay it till the high power commission reports.

It is said that there is an agitation and clamour for a High Court in Trivandrum. The clamour was for the removal of the whole High Court from Ernakulam to Trivandrum. If he does that I have no quarrel with him. After all, from one end of Travancore to another it is hardly 200 miles. If you are given this bifurcation at Trivandrum, I am afraid it is asking for trouble from other States who will ask for larger distribution of High Courts.

I believe the House is not aware of the history in this connection. At the time of integration of Travancore and

[Shri Matthen]

Cochin, Trivandrum was the headquarters of Travancore State, and Ernakulam of Cochin State. But just to humour both the parties, it was decided that the executive Government should remain in Trivandrum and the High Court in Ernakulam. That was the understanding. Is it fair now to take away a part of the High Court to Trivandrum when the clear understanding at the time of integration was that the High Court should be in Ernakulam. It is no wonder Mr. Iyyunni feels that Cochin must be separated from Travancore and remain independent, though actually it is a question of Travancore conquering in Cochin. This does give currency to that impression which is very unfortunate. It is unfair to go back upon the understanding made at the time of integration.

[PANDIT THAKUR DAS BHARGAVA
in the Chair]

Then there is another important matter. I come from Travancore State. I know this Bill was actually forced upon the Travancore-Cochin Ministry—the Congress Ministry—on some political grounds. It is not so much the demand of the people there, as of some individuals for their own private and petty ends. In fact I know that the hands of Government were forced at the point of bayonet...

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Shri Punnoose: How?

Shri Matthen:.....because the precarious Government of Travancore-Cochin, which is now the care-taker Government, wanted a prop, and the Tamil Nad gave a prop and sustained them on the gadi. But unfortunately that prop has been withdrawn, and the Ministry fell, so that it is now functioning as a care-taker Government. In order to do that, it has to humour the South Travancoreans. Why not wait, until the high power commission reports on

the redistribution of provinces? (*Interruptions*).

I do not want to speak about the politics behind this clamour and how the bayonet was shown at the then Ministry. I think I would rather speak to the hon. Home Minister in private, because unfortunately I belong to the Congress Party, and so I do not want to say all that is behind it. But I can say this much for the benefit of hon. Members....

Shri Gidwani: If you want our votes, you must tell us.

Shri Matthen: ...that this demand was made by some individuals for their own petty and small private ends. The motive behind this demand was petty and small, and it is a pity that the hon. Home Minister, who has got a reputation, I am afraid, in the legal world.... (*Interruptions*).

Shri N. C. Chatterjee (Hooghly): Can the hon. Member say, I am afraid, he has a reputation in the legal world?

Shri Matthen: Of course, this was forced on him. (*Interruptions*). I am really sorry that the hon. Home Minister should have agreed to this demand. I can assure the hon. Minister, that this does not enhance the reputation of the High Court. At least the opinion of the High Court of that place, or of the Supreme Court next door to us, should have been solicited in a matter like this. I have got very reliable information that the High Court of Travancore-Cochin unanimously resented this bifurcation. I have very reliable information with me—I hope my information is reliable—that the Chief Justice of the Supreme Court, at a recent meeting of the judges of Travancore-Cochin spoke openly condemning this as a fissiparous move, and said that this was a step which ought to be discouraged. Moreover, at the recent conference of the Chief Justice, I understand every one of the judges opposed this

on principle. At least the judiciary is one department which has maintained its integrity and efficiency, even after responsible Government has been introduced. (*Interruptions*). I would request the hon. Home Minister to keep intact this integrity, and safeguard their reputation and efficiency. The present Bill is certainly not a measure which will enhance it.

Kumari Annie Mascarene: It is.

Shri Matthen: I would therefore request the hon. Minister to withdraw this Bill, or if that could not be done, at least to refer this Bill to a Select Committee.

The distance involved is about 200 miles, and the transport arrangement in Travancore-Cochin is one of the best in India. There is an air service, as the hon. Minister has just stated, and we are going to have a railway line between Ernakulam and Quilon. In view of all this, why should we divide the High Court into two portions? In a small State like Travancore-Cochin, where we are having a small number of people, and a small number of judges too, we should keep them as a community in one place,—whether it be Ernakulam or Trivandrum. I do not mind. It would also be in the interests of justice that they should live as one community in one place. Why strain their sense of justice, and bring to bear on them political influences? I admit that it is not succeeding, and I know the judges themselves are resisting it. It is certainly unfortunate that two or three judges go to a corner and live there, giving room for temptations. A bifurcation such as this may be desirable in a large State like Uttar Pradesh, but not in a small State like the State of Travancore-Cochin.

I would therefore earnestly request the hon. Home Minister to withdraw this Bill, or if that is not possible, at any rate, to delay it by some months or years, so that this question can be taken up, after the redistribution of provinces. Other-

wise, as I said at the outset, if the Tamil-speaking areas go to Madras, hardly a few taluks will remain within the jurisdiction of the High Court.

Mr. Chairman: Amendment moved:

"That the Bill be referred to a Select Committee consisting of Shri Hari Vinayak Pataskar, Shri A. K. Basu, Shri N. M. Lingam, Shri K. A. Damodara Menon, Shri P. T. Punnoose, Shri S. V. Ramaswamy, Shri N. C. Chatterjee, Shri A. M. Thomas, Shri K. T. Achuthan, Dr. Suresh Chandra and the Mover, with instructions to report by the last day of the first week of the next session."

Shri A. M. Thomas: Sir, this Bill, it must be admitted, has its genesis....

Shri Raghavachari (Penukonda): He cannot speak on this Bill, because he is a Member of the Select Committee.

Several Hon. Members: He is a Member of the Select Committee, so he should not speak on the Bill.

Kumari Annie Mascarene: He is in the Select Committee. How can he speak?

Mr. Chairman: The same objection need not be taken by more than one hon. Member.

Shri A. M. Thomas: It is not an official motion.

Mr. Chairman: May I enquire of the hon. Member whether he has consented to be a Member of the Select Committee?

Shri A. M. Thomas: I do not wish to be in the Select Committee, because the difficulty is this...

Shri Damodara Menon (Kozhikode): I also would not like to be in the Select Committee.

Kumari Annie Mascarene: On a point of order, Sir. If an hon. Member reads out the name of another hon. Member who is not willing to serve on the Select Committee, and a list is submitted without the

[Kumari Annie Mascarene]

consent of the hon. Member concerned, is that list valid?

Mr. Chairman: It is presumed that when an hon. Member presents the list to the Chair, he has taken the consent of all concerned. But it appears in point of fact, that one of the hon. Members who has not consented wants to withdraw.

Shri Kelappan (Ponmani): When the list of names was read out, he did not take any objection to his name being there.

Shri A. M. Thomas: This Bill, as has been stated by the hon. Home Minister, has its genesis in an assurance given on the floor of the Legislative Assembly of Travancore-Cochin, by the Chief Minister of that State on 5th July 1952. The assurance was to the effect that having regard to the feeling expressed in the southern part of that State, and in deference to that feeling, Government was intending to introduce a Bill to amend the High Court Act, in the next session of that Assembly, so as to enable the constitution of a Bench with another single Bench at Trivandrum. It was also stated that the Government proposed to take the necessary steps for the purpose immediately.

It was further stated:

"As for the constitution of the Bench and its transfer, the Chief Justice will have to be invested with authority."

"In the light of the statement, I hope"—I am just reading the words of the hon. the Chief Minister—"that the Mover will withdraw the Bill?"

Sir, that was a Bill for transfer of the seat of the High Court from Ernakulam, the present seat, and for the location of a Division Bench at Ernakulam, and when that Bill was being discussed, the hon. the Chief Minister of Travancore-Cochin gave this assurance. It was ultimately found that the Assembly had no powers to enact such a legislation,

and the Centre was approached, and as has been stated, the Centre acceded to the demand made by the State Government. Then this Bill was introduced in the other House and got passed and it is now before this House.

Sir, I would submit at the outset, that there is a feeling that if the hon. the Home Minister, Dr. Katju, had visited Travancore-Cochin before the introduction of this Bill in the Council of States, he would have only been too glad to drop this Bill altogether, because I believe, having regard to the nature of communication facilities in that State, a distance of 175 miles from the present seat of the High Court—that is the longest distance now obtaining from a district Court—is not too long to justify the bifurcation of the High Court of that State. There are so many States in India—much larger States—wherein the seat of a district court is even about a thousand miles away from the seat of the High Court, and I do not find any Bill moved by the Central Government, to speak in the very words of the hon. the Home Minister, to bring justice to the home of these people. Why, I do not understand, the small State of Travancore-Cochin has at first been selected after the coming into force of the Constitution for this. Why this is the very first State to be selected for introducing such a Bill, passes my comprehension.

Sir, there is, for example, the district of Malabar, close to Travancore-Cochin. We, as a matter of fact, know that Malabar is hundreds of miles distant from the seat of the High Court at Madras, and there has not been any attempt made on the part of the Central Government to have a Division Bench of the High Court of Madras located in Malabar. Sir, in the recently-formed State of Andhra, for example, there are several districts farther away from the seat of any High Court which may ultimately be chosen there, but there is not the remotest idea anywhere

entertained in the State circles there or among the public at large to have, when the Andhra High Court is constituted, Benches of that Court in the various districts of that State. So that if that is the position, why, I cannot understand, this Travancore-Cochin State should be selected to have this experiment after the Constitution has come into force.

Sir, the hon. the Home Minister referred to several precedents to indicate that there have been instances where Benches of some High Courts functioned in several districts. He pointed out, for example, the case of the Lucknow Bench of the Allahabad High Court. Sir, the location of the Lucknow Bench is more a matter of historical growth rather than the result of a deliberate policy on the part of either the Uttar Pradesh Government or of the Central Government to have a Bench at Lucknow. There was the Oudh Chief Court and it was found feasible, when the Oudh Chief Court was abolished and was amalgamated with the Allahabad High Court, to have a Bench of the Allahabad High Court also at Lucknow. I would not have had any quarrel with the hon. the Home Minister if the state of affairs in Travancore-Cochin was the same as obtained in Uttar Pradesh. If, for example, before the integration of the States was effected and before the two High Courts functioning in each State were integrated into one, the High Court which had its seat in Trivandrum continued to function there and the High Court functioning at Ernakulam continued to function, in that place then, Sir, there would have been some justification for maintaining the two Benches in two separate places. Now, Sir, in July 1949 the integration of the two States was effected. The integration of the High Courts was also completed, and about 4 years and odd have passed. The integrated High Court is functioning very satisfactorily. There has been speedy disposal of cases. The advocates of the two States have now come together and they are functioning un-

der one roof. It has been able, because of this integration, to arrest separatist tendencies which were in vogue soon after the integration, i.e. the Cochinites clamouring for the rights of Cochinites and the Travancoreans clamouring for the rights of the Travancoreans. These feelings, to a great extent, have been removed because of the integration of the two High Courts, having a homogeneous Bar sitting in one particular place. Sir, when that has had a very healthy influence in the public life of that State, it is rather unfortunate that the Bar is again separated into two—sending a set of advocates to Trivandrum and retaining the other set in Ernakulam.

Sir, as the hon. Minister has pointed out, besides the Chief Justice, there are only 7 other Judges in the Court, and if 3 Judges are transferred to Trivandrum, the High Court would only have 5 Judges in Ernakulam. I would submit in all humility, Sir, that neither the one nor the other will look a High Court consistent with the prestige and dignity of that State. It will look more or less like two glorified district courts—one glorified district court in Trivandrum and another glorified district court in Ernakulam. Sir, that the hon. Home Minister, an experienced and top-ranking lawyer himself, should have found it fit to introduce such a Bill, is rather very unfortunate.

Shri V. P. Nayar (Chirayinkil): On a point of information. Could I know from the hon. Member how far the present High Court is from his House?

Mr. Chairman: The hon. Member need not answer that question.

Shri A. M. Thomas: For that matter, Sir, I would say that I have absolutely no objection, as has been stated by the hon. Member, Mr. C. P. Matthen, to transfer the entire High Court from Ernakulam to Trivandrum. Sir, my opposition is on a matter of principle and nothing else. I have absolutely no objection

[Shri A. M. Thomas]

for the adoption of that course. So that, personal interests apart, Sir, I am just advocating my point of view on a matter of principle and nothing else.

Before I proceed further, though I have said so much, I should like to congratulate the Chief Minister of Travancore-Cochin for the tenacity with which he has pursued the matter, to see that the assurance given by him was carried out. Sir, it is all the more complimentary in that he stuck to his promise, even though he was forced to commit himself to a decision—as has been pointed out by Mr. Matthen—owing to some force of circumstances. As has been stated in the Administration Report of the States Ministry, for some time a coalition Ministry was functioning in Travancore-Cochin. As a result of that coalition, there was also the necessity of making this decision for the transfer of a Bench to Trivandrum. Even though that party which was responsible for compelling so to say, the Government of Travancore-Cochin to take this decision has dropped out of the coalition and was responsible for defeating that Ministry very recently in the Assembly, the Chief Minister has not swerved from his assurance. And, my information is that he has been making repeated representations to the Central Government for the enactment of this legislation. (*Interruption.*) Sir, I am afraid, tenacity or consistency in matters like this cannot be construed as a virtue when the interests of the public at large are involved. I may at once state that there is a large volume of public opinion in the State of Travancore-Cochin against the contemplated bifurcation. Sir, it was good that the Bill was hanging fire for a very long time and people have, so to say, reconciled themselves to the fate of bifurcation. When Dr. Katju visited our State, he had occasion to address the members of the Travancore-Cochin Advocates Association, but this issue was not deliberately raised there by

the spokesman of the Association because it was thought that it would be embarrassing to the hon. Home Minister.

Dr. Katju: I am glad to hear that.

Shri A. M. Thomas: Because, Sir, on a previous occasion that very same Advocates Association, which had the honour to receive Dr. Katju the Home Minister, had passed a resolution against the contemplated move of bifurcation. The Travancore-Cochin Advocates Association consists of members hailing from the taluks of South Travancore forming the district of Trivandrum and also advocates who were practising before the District Court of Nagercoll, the two district courts intended to be served by this Bench contemplated to be located at Trivandrum. The Advocates Association also opposed this move on a matter of principle.

Sir, I would like to be told why the Central Government, when it acceded to the request of the State Government did not consider it proper to accept the advice of the High Court of that State. I would also like to be told whether the Central Government had referred the matter to the Supreme Court of India.

Dr. Katju: What for?

Shri A. M. Thomas: Sir, the Constitution makers have deliberately put this on the Central list. The main argument that is seen to be advanced by the Government in the Statement of Objects and Reasons is that the State Chief Minister has made an assurance and the State Government is wedded to that. The State Chief Minister's assurance was only to the effect that he would introduce a measure in that Assembly. When that was not possible and when it was found that it was a Central subject, my humble submission is that the Centre ought to have seen whether, having regard to the all-India set up, it was proper to allow one State to have a High Court bifurcated like this.

Shri Raghavachari: There is no mention in the Statement of Objects and Reasons.

Shri A. M. Thomas: It states that the State Government has come to this conclusion. I read at the outset the statement made by the hon. Chief Minister on the floor of that Assembly. My submission is that the Central Government, when it decided to introduce the Bill, ought to have not only depended on the recommendation of the State Government but ought to have made its own independent enquiries with regard to the feasibility or the desirability of such a move. I think, Sir, such an enquiry has not been conducted by the hon. Home Minister. He himself said that the High Court of Travancore-Cochin is not quite happy over it and he also incidentally referred to the facilities of communications existing there, so much so that it tempted the hon. Member Shri Gidwani to put the question whether the hon. Home Minister was not arguing against the Bill. The hon. Minister has stated that it is seen that the High Court is not quite happy about the Bill. I would like to know whether the highest court of the land has been consulted in the matter of what exactly its opinion in this regard was.

Sir, Mr. Matthen referred to the speech of the hon. Chief Justice of the Supreme Court of India, when he visited Ernakulam, the seat of the High Court. The proposed bifurcation was in the air at that time. He condemned in the most strong terms any tendency to play with the High Court in such a fashion, to bifurcate it in such a way, when circumstances did not warrant such a procedure. I have already stated that the analogy of the Lucknow Bench will not apply in this case. The hon. Home Minister referred to the benches existing in Madhya Pradesh and in Rajasthan. Sir, those benches also did not come into existence after the Centre has taken powers under the Constitu-

tion. Those benches in Madhya Bharat and Rajasthan were constituted before the Constitution came into force.

An Hon. Member: That does not matter.

Shri A. M. Thomas: Sir, after the Constitution has come into force and when the organisation and constitution of the High Court has been left to be decided by the Centre, my submission is it is not proper for the Central Government to be influenced by considerations which may exist and pressures which may be put on State Governments to decide a matter like this. The distance from the district courts that are sought to be served by this amending Bill, that is the Nagercoil District court and the Trivandrum district court which will come under the jurisdiction of this bench contemplated to be set up, is only 175 miles and 133 miles respectively. We have got good roads tarred and cemented connecting these places to Ernakulam.

Sir, I do not want to make a long speech. I would say that especially when the Central Government has announced its intention to constitute a Boundary Commission for the re-organisation of the States, it is too early to take any steps in this direction. The Central Government is also proposing to introduce a Bill to effect judicial reforms in the States. In the light of the report of the Boundary Commission; and in the light of the working of judicial reforms when they become law, any move for amending the constitution of the organisation of the High Courts in the various States can easily be taken up. It may be borne in mind that it is not a circuit court that is contemplated to be constituted under this Bill that is now before the House. There is a Circuit Court of the Punjab High Court functioning in Delhi. If it is a circuit court there may not be a necessity of duplication of establishments. I would not

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have had any objection if what was intended was a circuit court to function in Trivandrum.

Shri Velayudhan (Quilon *cum* Mavelikkara—Reserved—Sch. Castes): What is the difference?

Shri A. M. Thomas: There is the saying that 'Fools rush in where Angels fear to tread'. If the difference between a circuit court and the location of a Division Bench cannot be understood.....

Mr. Chairman: Order, order. Let there be no interruption.

Shri A. M. Thomas: There will be no necessity for setting up an administrative machinery in Trivandrum, no necessity for any staff to work there permanently, no necessity for a separate big library, a Registrar and all the paraphernalia of a High Court if it is a circuit court. Having regard to the benefits that may accrue from this, whether such a large expenditure is warranted for this small State is a point which has to be considered. It may also be borne in mind that the litigant public, who resort to the High Court, usually go there only for appellate side work and it is a matter of common knowledge that the litigants and witnesses would not have to come to the High Court in many cases. If a file is entrusted to an advocate, naturally he will attend to it and only once or twice the party concerned may have to go there and in certain cases it may not be necessary for him to go at all. Even though the Travancore-Cochin High Court has the power to try sessions cases, usually the District Courts try them. There is no Sessions Bench attached to the High Court in that State. Having regard to the wishes of the general public, I don't think that this is a measure which will be so much welcomed by the public as is stated to be.

Formerly in the High Court of Cochin, the duration of an appeal was not more than 2 years, while the average duration of an appeal in the High Court of Travancore was more than 6 years and there were appeals in that High Court which were pending for more than 25 years. After the integration of two High Courts, it has been possible for the Judges to reduce the period of pendency to the minimum and they have been able to bring the pendency to a level equal to that which existed in the Cochin High Court. When there has been such a good and healthy effect after the amalgamation of the two High Courts, it is wrong, Sir, to bifurcate it again and have two sets of conventions laid down in the two areas. Technically it may be said that it is only one High Court and it is only a branch that is sitting in Trivandrum. There will be only 5 Judges catering to the needs of as many as eight district courts in Ernakulam and there will be three Judges to cater for the two district courts of Trivandrum District. I wish to know whether it is in the contemplation of the Central Government to increase the strength of the High Court from 8. It may be quite necessary and that will also add to the expenditure which will have to be borne by the tax-payer of that State.

The last thing that I wish to emphasise is that the control which the Court wields over the entire subordinate judiciary, will be affected to a great deal by this bifurcation. The hon. Home Minister was pleased to refer in his speech to the fact that it is the view of the High Court that all the Judges shall have their Headquarters at one place so that it will be conducive to add to the prestige of the High Court rather than have it in two different places and I am sure, Sir, that the control that the High Court will be able to exercise over the subordinate judiciary will be much more than it would be

able to do if the Judges functioned at two different places.

I would again appeal to the hon. Home Minister that this is not a measure to be hurried up like this though it is only a single-clause Bill. It requires further consideration. When the Central Government brings forward such a measure, it has to look to other States also who may put forward similar demands. The Central Government impliedly accepts a policy, so to say, when it allows such a bifurcation in a State like Travancore-Cochin. As I have already pointed out, the longest distance is only 175 miles there, whereas the distances covered elsewhere are 500 and 600 miles and sometimes even 1,000 miles. What will be the justification for the Central Government to refuse similar requests from other States? I submit that this will lead to fissiparous tendencies and having regard to the national unity that the Prime Minister has in view and over which even the Home Minister was waxing eloquent when the problem of linguistic provinces was discussed, I would say that this will lead to unnecessary agitation in several parts of the country, which it is not proper to arouse at this time.

I once more state in all seriousness that this is not a Bill conducive to the proper administration of justice in that State and I would suggest that it is proper to wait for some time for the report of the Boundary Commission and also see the working of the Judicial Reforms Bill that the Government has in view.

Shri Punnoose: Mr. Chairman, Sir, at least on this occasion I feel a lot of sympathy for the Home Minister.

Shri S. S. More: Then he will withdraw his Bill.

Dr. Katju: I am a very reasonable individual and grateful for his sympathy.

Shri Punnoose: Not only does the Home Minister but the Chief Minister of Travancore-Cochin demands a

lot of sympathy at our hands today, because here we find a part of his own followers letting him down. Not a single argument was advanced from the Congress Benches in favour of the Bill. Mr. Thomas, who spoke last, was praising the tenacity of the Chief Minister of the Travancore-Cochin State. I could understand that. When he has to let him down, he cannot do it unceremoniously. But Mr. Thomas was wise enough—and Mr. Matthen too—not to explain how this promise was given or why this promise was given. 'Under extreme pressure', 'under unavoidable circumstances' and all sorts of such adjectives were used. Tell us plainly how this promise was given. What was the national emergency threatening that State? Was there an attack from any foreign powers? Was there anything of the sort? The single reason behind the whole thing was that a minority party of 44 in number wanted to be in power and they bartered away the right of the High Court. In order to cover this up, all sorts of phrases are being used and the Home Minister comes up and tells us that he had visited the Travancore-Cochin State and that he has some idea about it. But, Sir, a little knowledge is a dangerous thing. He has travelled there, of course, well guarded, hundreds of black flags welcoming him in many places.

Dr. Katju: I was received also with white flags and green flags, but what has that got to do with this Bill apart from having just a geographical connection?

Shri Punnoose: In our place, they are all hospitable people. They receive even people who do them wrong.

Mr. Chairman: That is self-praise which according to proverb is no praise.

Shri Punnoose: My point is, we have to look into these things. The House should take note of the circumstances in which this Bill has now come before the House. In 1948

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there was a general election in the State. It was then Travancore State and not Travancore-Cochin. The Congress party was then returned in a large majority in that general election by adult franchise. At that time, it was not a legislature, but a representative body that was elected, that is, with powers to frame a constitution for Travancore. It was some sort of a Constituent Assembly. In Cochin also, in 1948, there was some such election.

Shri Achuthan (Cranganur): The power was not there.

Shri Punnoose: In 1949, all of a sudden, came the question of merger. Or, rather, there was no question. It was a settled fact, that came on our heads. It came like a bolt from the blue.

Shri Achuthan: Not a bolt from the blue. You were not there. That is my honest feeling.

Shri Punnoose: Well, Sir, it is true that I was not there then. I know many others were not also there. Today, friends like Mr. Achuthan are probably regretting for what they did then in 1949. So, in 1949, it was decided that these two States should be merged and integrated. What was this integration for? Who wanted it? There was no talk about it. Here, Mr. Achuthan will not dare to say that there was an agitation either in Travancore or in Cochin or in any other part of those two States, for integration. I am quite sure he will not say that. There was a general agitation, a longstanding demand of the Malayalee people for a united Kerala. True. There was the demand for the abolition of the Royal rule. These two demands were there. And then came this distorted agitation for integration. When Mr. Achuthan says that the Legislature decided on integration, it only means that the Congress party which was in a large majority in the House, agreed to it.

Mr. Chairman: I would request the hon. Member to kindly speak on the provisions of the Bill, and on the merits of the question. He need not go into past history—how a thing was promised, how it cropped up and how it developed. I would rather like him to speak on the merits.

Shri S. S. More: That is part of the merits.

Shri Punnoose: My point in saying these things is to show that this Bill has come out as a result of the manipulations of the political (Congress) agitators, the political objectives and the factional objectives of the party in power. That is my point which I humbly want to submit. That is what I wanted to drive home.

Mr. Chairman: If the hon. Member makes these points, there will be certain others who may controvert such points. Those are all details which are not necessary. Let him speak on the merits of this question which is before the House. Let him concentrate his attention on that, rather than go into the past history, how the matter developed, etc.

Shri Punnoose: I submit that all these will affect the merits or demerits of the question before the House.

Mr. Chairman: Then, let it be as brief as possible.

Shri Punnoose: Then, this merger was done overnight. There is a covenant on the merger of the two States.

Shri Achuthan: Integration, not merger.

Shri Punnoose: Whatever you call it—when this integration was effected, there was a covenant. In that covenant, there is no mention about either the seat of the High Court or of the capital. But then there was an attempt at Cabinet making, and shuffling and re-shuffling of the Cabinet, and all sorts of difficulties

came up. Certain interests in Trivandrum and Ernakulam began to put in demands, and then the general elections came. As I said, the congress party was returned in a majority to the legislature. They wanted to form a cabinet, and there was not a sufficient number. Then, the Chief Minister there, Mr. A. J. John, who has now the proud privilege of being in power even though defeated and discredited, made a promise to the party. He made an open promise that the High Court will be bifurcated and one Bench will be placed in Trivandrum. This is the whole story. It is purely a political move. The whole thing came up as a political stress to satisfy political aspirations, and today, we have come to a certain pass when this thing faces us. Well, Sir, before the High Court was taken away to Ernakulam, the position was like this: In Travancore High Court, civil suit appeals: 2,774 in 1949, while in Cochin, it was 308. Civil Miscellaneous Petitions: Travancore, 5,885, Cochin 116. Civil Revision Petitions: Travancore, 909, Cochin, 77. Session Appeals: Travancore, 171, Cochin 2. Criminal Appeals: Travancore, 508, Cochin 6. Criminal Revision Petitions: Travancore, 400, Cochin 13. What I want to submit is there was no case for the transfer of this High Court at all. There was no popular demand. It was some sort of deal entered into by the leaders of the congress party at that time. Then when once it was shifted to Ernakulam, counter-claims came from Trivandrum, from Nagercoil, from political parties also, and from the people round about the Trivandrum Corporation. Then, this promise was made. I am surprised that Mr. Matthen and Mr. Thomas standing up and speaking against the measure, because this was a promise given by their own party, and not by the Chief Minister of Travancore alone. They already gave a pledge that this High Court will be bifurcated. Why on earth did they stand up and oppose it? I cannot understand. That is obviously the very type of discipline

observed by their party. But it is for them to decide. Anyhow, the position today is this. Why this hurrying up of this Bill now, at this juncture? It is true that the congress cabinet has fallen but still it continues. But the general election is fast coming. But they have to carry the people with them, put dust in their eyes, and therefore, the immediate bifurcation of the High Court has become necessary!

Now, there is no use, from my point of view, making long speeches and sermonising on the dignity of the High Court or its indivisibility. Already it is an accomplished fact. Whether you keep that High Court now in Ernakulam or have a part of it in Trivandrum, anyway, this has become an issue among the people, among the large sections of people, one way or the other. Sections of people in Trivandrum and downwards want a part of it in Trivandrum. There is no doubt about it. Having come to that pass, having manipulated all these things, having made this case so bad, it is not for the congress members now to talk about the dignity and the prestige of the High Court. We have to look into that. So far as the provision in the Bill that there should be a Bench in Trivandrum goes, I agree with it, because large sections of the people want it and promises have been made by the Ministry to that effect. People in Trivandrum and the surrounding places will now be very unhappy if this Bill is not passed. So, I fully support the idea of a Bench in Trivandrum.

Shri A. M. Thomas: But your arguments are all against it.

Shri Punnoose: But the arguments of a Ministry and party which goes against all canons of reason we have somehow to repeat. This is the only position now possible.

The Home Minister spoke about the people of Quilon and Ernakulam and all that. Even now this Bill is

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contemplated without taking all those things into consideration. He was speaking of the Trivandrum district. But what about Quilon district. Quilon is only forty miles away from Trivandrum. But it is more than 75 miles from Ernakulam. Even according to the amended Bill the people of Quilon will have to go all the way to Ernakulam. Why should that be? If there is going to be a Bench in Trivandrum it would be convenient to all people concerned.

Therefore, I have moved an amendment....

Mr. Chairman: He can speak on it at the clause by clause stage.

Shri Punnoose: So, while I deprecate the manner in which this question has been handled all through, I would support the Bill itself.

Kumari Annie Mascarene: Mr. Chairman, I am giving unconditional support to this Bill.

Mr. Chairman: I think the hon. Member will not take long; because there are many speakers anxious to speak.

Kumari Annie Mascarene: No, I will finish in a short time. I am happy because the Bench is to sit in my constituency. The people of my constituency and the people of South Travancore are waiting very anxiously for this Bill to be passed, so that justice may be within reach, without the least expense, without the least delay and without inconvenience. That is the reason why I gave unconditional support to the Bill. The good Home Minister has given a boon to South Travancore and to my constituency.

Sir, there were speeches about the dignity of the judiciary. I have not been a lawyer for a long time as Mr. Thomas. But I have been there for a few years and I know the dignity of the judiciary. I define the dignity of the judiciary to be that aspect of the institution which gives justice without delay and inconvenience to the common man in the street. That

is the dignity of the judiciary. It is not a colossal nature of the institution, the structure with a number of benches, a retinue of servants dancing attendance on you, while the poor man at the door is not able to get justice without paying heavily to the lawyers and dancing attendance in the courts. That is not the dignity of the judiciary. However small the institution may be, however insignificant the clients may be, the dignity of the judiciary consists in meting out justice to every man—to give every man his due. And that will be done by this Bill when it comes into force.

Sir, the judiciary is a sacred institution. It is the temple of justice. It has been long recognised to be a temple of justice, long before the hon. Member was born.

Sir, I differ from that section of opinion which was saying that there is a good section against this Bill. As far as I know there is none. On the other hand, Sir, ever since integration it has caused great inconvenience to the litigants of South Travancore to go to Ernakulam and get justice. Complaints have been made to the Congress Party which is running the Government even now. The fact that it was done on a party bias or otherwise is not the question here. The question is whether the people of South Travancore are entitled to the right of getting justice with the least cost. Sir, between South Travancore and Ernakulam there is no train connection. The people of South Travancore compared to the rest of India are comparatively poor. They must have justice; they must have a court of law. From the statistics which has been read to this House by my hon. friend Mr. Punnoose it will be understood that judicial work is five times or even ten times more in Travancore than in Cochin.

Shri A. M. Thomas: But the whole of Travancore is not being served by this.

Kumarie Annie Mascarene: That is why we wish to introduce an amendment that the territorial jurisdiction may be extended from Trivandrum to Kottalakra and Quilon, etc. Sir, the people of South Travancore deserve to be treated like this. During the days of hectic agitation for democracy, when my hon. friend was carrying on and enjoying legal practice in the court of Ernakulam, the people of South Travancore have shed their blood for democracy and stood by the Congress. I am an eye-witness and I have worked. Sir, the opinion of Mr. Matthen and Mr. Thomas is very convenient now, because they have not paid anything for a seat in the Congress Party. But I can tell you from experience of the last twenty years that the Congress High Command in Travancore, not in Cochin, have been unjust to the Tamils of the South. What if they have extracted a promise from you for a Bench as a condition of co-operation? How else are they to achieve their ends? The ruling party must appreciate that it is much better to get it as a condition rather than resort to subversive activities, to resort to satyagraha and disgrace that institution.

Shri A. M. Thomas: Will they achieve this, if they go to Madras State? That is their agitation.

Kumarie Annie Mascarene: Their agitation is that they want a linguistic province, because the Travancore Congress was not fair to them. They were not fair to them from the very beginning. I was in it and I saw it with my own eyes. So, they have every reason to have no confidence in the Travancore congressmen, because they tried to ride rough-shod over the South Travancoreans thinking that they are Tamils. Sir, the Tamil-Malayalam question was brought about by the leading Congressmen of Travancore.

Shri A. M. Thomas: Of which the hon. member was one.

Kumarie Annie Mascarene: No, you know very little about the hon. member's congress activities. If she is

not mistaken, she has mothered the Congress, she has brought it up, and she has gone out of it when people like you entered it and viciated it.

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Sir, I am extremely grateful to the Home Minister for introducing this Bill at least at this late hour. The people demand it, and the Central Government has done nothing but discharged a faithful duty of theirs to the people of the State. (*Shri Gadgil:* Once in a way a good word!) They have done a meritorious service to the people of the State by giving them the chance to get justice with the least cost, inconvenience and delay.

Shri N. C. Chatterjee: Mr. Chairman, Sir, after so many friends from Travancore have spoken I think a non-Travancorean may bring this House to the consideration of the Bill itself. We are really grateful to the hon. the Home Minister for introducing a Bill which has provided such an interesting and exhilarating debate.

I was deeply perturbed when I read a memorandum submitted by the President of the Bar Association of the Travancore-Cochin High Court. That memorandum was submitted to the Prime Minister of India. I shall read one sentence from it and I want a categorical assurance from the hon. the Home Minister that the apprehension voiced therein is not correct and is not well-founded. The President of the Bar Association of that High Court says:

"I feel it my duty to impress the voice of the people that it is an attempt to efface the entire prestige and importance of one of the integral parts of the united State of Travancore-Cochin".

I hope, Sir, that that is not the design of this Bill nor is there any manoeuvring on the part of the Government to undermine in any way the importance of the State brought about by the integration of Travancore and Cochin.

Shri Rajagopalachari while delivering a speech on the occasion of the

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installation of His Highness the Maharaja in 1949 observed:

"Cochin is smaller than many other States in area and population, but it has always been counted among the foremost in the quality of its administration and in the intelligence and culture of its people."

Certainly, my friends are right when they said that the Cochin High Court had built up a great reputation. And any one who has anything to do with the administration of law and justice in this country would certainly pay tribute to a High Court which had on its file no case over two years old. The Cochin High Court was famous for its speedy disposal of cases. The maximum pendency was only two years. That is a great record. You, Sir, as a distinguished lawyer know what is the average life of an appeal in the High Courts in this part of India!

Shri Gadgil (Poona Central): Is it due to the judges or lawyers?

Shri N. C. Chatterjee: Both, I take it, Sir. The Travancore-Cochin High Court, after the integration, has also maintained that reputation. In spite of the difficulties which my friends referred to, this High Court has done very well. There are, as you know, Sir, nine States in Part B of our First Schedule. Of course one is nominal, Jammu and Kashmir. Apart from that there are eight. Of these eight we can legitimately pay a tribute to this High Court of Travancore-Cochin. It is in no way inferior to any other High Court in any Part 'B' State.

I had the privilege of being associated, in the Supreme Court of India, with one of the biggest appeals which came from Travancore-Cochin. You know, Sir, the Sales Tax case from that State in which a number of Advocates-General came. I had the opportunity of discussing with a large number of lawyers who came from Travancore-Cochin. And I found that there was a feeling that there were politics behind this move, some kind of a political wrangling or manoeuvr-

ing. I want an assurance from the hon. the Home Minister that there is no such political manoeuvring or political intrigue behind this.

The Chief Justice of Travancore-Cochin High Court, if I remember correctly, is himself a Travancorean. But we are told he is against this bifurcation. That is a very important point. I would certainly give first consideration to the considered opinion of the Chief Justice of that High Court. And we can take it that he is not influenced at all by parochial considerations because he is himself a Travancorean. May I know from the hon. the Home Minister why is the Chief Justice of Travancore-Cochin High Court against this bifurcation? What are the solid grounds behind it?

At the time of integration I know there was a good deal of discussion and responsible statesmen weighed the pros and cons. Ultimately a deliberate decision was taken that the political capital shall be located at Trivandrum but the judicial capital, that is the High Court, shall be located at Ernakulam. That was the decision. Why are you going back on it? Why are you bifurcating it? Why are you trying to whittle it down? There must be some cogent reasons. It won't do simply to say that the judges of that High Court, including the Chief Justice, are unhappy over it and are against it. Why are they against it? I cannot believe that the Judges are against it possibly because of a diminution of their status. We cannot believe it. We know there had been a Circuit Court in Delhi. Was Chief Justice Weston or Chief Justice Bhandari's dignity lowered because a Circuit Court was sitting here? There must be other reasons. Has the High Court given any reasons? If so, what are the reasons? May we know them? Could Parliament be taken into confidence and told what are the solid grounds advanced by them? I want that Parliament should be taken into confidence.

I also know this, and this is a very important point. Chief Justice Patanjali Sastri of the Supreme Court of India who is a judge of great experience and who certainly has absolutely nothing to do with parochial questions or local politics, delivered a speech at Ernakulam where he discouraged this kind of bifurcation.

Sir, you know from your experience, I know from mine, and other hon. Members who are associated with the administration of justice will support me when I say that a small court does not permit of bifurcation. It becomes a very weak court then. You know, Sir, what has happened to your own High Court of which you are a distinguished lawyer. I refer to the Punjab High Court. When I went to Simla when the Circuit Court was sitting at Delhi I found only two or three Judges sitting at Simla. It becomes very difficult. It is all right for Bombay or Calcutta to send out a Circuit Court or a Division Bench, from Calcutta to Andamans or anywhere else. That won't affect its status or efficiency. I do not believe that the Chief Justice and Judges of the Travancore-Cochin High Court are opposed to this Bill or this move only on the ground of status or prestige or on the ground of possible diminution in their kudos. It must be something else. I would like to know what arguments were advanced.

There was a meeting of the Chief Justices of India. I had the privilege of meeting the Chief Justice of Travancore-Cochin in some functions as also at the hon. the Home Minister's place. But I did not have the opportunity of discussing this matter with him. But I want to know whether the Chief Justices conference which met here for two or three days considered this aspect of it. If so, what is their decision? Have they passed any resolution? This is an important Bill pending before Parliament. Was the Chief Justice of India consulted? Were the views of the other Chief Justices taken into account? At least what is the Chief Justice of India saying about it? May 579 P.S.D.

we know? Recently he toured Travancore-Cochin. Wherever he has gone he has mixed with people, talked to members of the bar and Judges and listened to other representatives and other interests involved; litigants also, and chambers of commerce. He has been doing that. What is the view of the Chief Justice of India in respect of this Bill?

Then, Sir, is this a fact—I do not know, I am appealing to the hon. Home Minister for facts. Is it a fact that by this Bill, if Parliament in its wisdom passes it into law and if it is put on the statute Book, then only 27 lakhs of people will be benefited, whereas the number of people who would be benefited by the location of the High Court at Ernakulam is 47,06,868? Is it true that proximity, convenience, distance, all taken together, the argument is in favour of retention of the High Court in fact at Ernakulam?

The third point that I want to make is this. One argument has been pressed very hard by the Members of the Ernakulam Bar. Don't think that in the Ernakulam Bar, they are all non-Travancoreans or that they are all Cochin Advocates. Some of them are; may be in a majority. They point out that of the seven District Courts in the erstwhile Travancore, four of them are nearer to Ernakulam than Trivandrum. Is that correct? If that is correct, what is the reason? Has the High Court possibly taken into account, while opposing this measure, the geographical situation of Ernakulam, its easy accessibility to the different parts of the State, the importance of Cochin harbour as a trade and maritime centre, the proximity of Ernakulam to the majority of the subordinate courts in the State, and the need to satisfy also the sentiments of the people? Did these things influence the decision of the High Court as they did influence the decision of the statesmen who decided that the political capital should be in one place and the judicial capital in another place? I am asking for this information, because this Bill should

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not be approached at all from a party angle. There should be no political considerations weighing with us in discussing the merits of the Bill. The significant factors are those which I have enumerated and I hope the hon. Home Minister will give us some facts and some cogent grounds to justify our enacting this measure.

Mr. Chairman: Shri Velayudhan.

Shri Achuthan: Back benchers may also be called.

Mr. Chairman: The hon. Member need not direct the Chair.

Shri C. R. Iyyanni: Mr. Chairman, Sir.....

Mr. Chairman: I have called Shri Velayudhan.

Shri Velayudhan: Mr. Chairman, I was very patiently hearing the speeches not only from my colleagues from the Travancore-Cochin State, but also from my hon. and esteemed friend Shri N. C. Chatterjee, who is an ex-Judge of a reputed High Court. This Bill, I think ought to have come earlier, because I think it is more than 2 years since there was a discussion on this matter not only in the Travancore-Cochin legislature, but also in the public in that State. Somehow or other, it has now come in at an opportune time and I am very happy to support this Bill, entirely.

The arguments adduced by my hon. friends Shri Matthen and Shri A. M. Thomas, I think, are not very practical or at the same time, useful to the people of my State.

Shri C. R. Iyyanni: Which is your State?

Shri Velayudhan: I must say that I am not an advocate like Shri A. M. Thomas or somebody else. But, I have always claimed and still claim that I am an advocate of the people. This Bill, in spite of its opposition from some Judges or advocates, has a large number of supporters in the Travan-

core-Cochin State. Because, the litigation is for the people, by the people. Of course, the law is administered by the Judges. I was, for the time being, thinking why the Judges should have a voice in starting a court or locating the court here or there. It is the executive's function. I have never heard anywhere that the Judges are the masters or judges in matters of locating a court in a particular place. They become Judges when they are appointed by the executive. It is my humble opinion that Judges have got a place in the administration of justice, but they have no place in the executive's justice. They are not to oppose the executive in all matters. Of course, there is the Supreme Court here. It can. But, it has not got the sovereign functions of a State. Here, this is a measure introduced by the executive and I am opposed to the Judges' opinion being taken in locating the court in a particular place.

Of course, Travancore-Cochin had integration. There is favourable opinion for integration; there is opposition also. At the same time, Trivandrum which was the capital of Travancore for centuries is, I think, a more suitable place, and it will be liked by the people of Cochin if there is a Bench of the High Court also there.

Shri C. R. Iyyanni: Liked by the people of Cochin?

Shri Velayudhan: Cochin is not losing the High Court. It is having the Chief Justice there. The High Court is still there. Two or three Judges may be sitting in Trivandrum. They are in charge of litigation of that locality alone. I think it is a convenient arrangement, an arrangement which must be accepted by all people. Perhaps lawyers may not agree to this. What is the law in India? I think it was a bureaucratic law, the bureaucratic Penal Code that these lawyers and Judges were following during the last two centuries in India. I was myself not having a high opinion of lawyers, let me frankly

tell you, Sir. The other day, I was in a Select Committee meeting. I found a lot of difficulties that these lawyers were creating. I was myself feeling much about it. In a small Select Committee where we had to decide a few clauses, we took more than a month discussing this point and that, which had nothing to do with law, as a Judge sits over a judicial question.

As far as this particular Bill is concerned, it is the expediency as Kumari Annie Mascarene said and it is the convenience of the people that has to be taken into consideration. Therefore, I have to congratulate the hon. Home Minister and the Travancore-Cochin Government for introducing a Bill like this in the Parliament. One word, more, Sir. Shri Matthen was saying—I do not know—or Shri A. M. Thomas was saying that some fools enter into a place where angels dare not. Of course, I plead my innocence as I am not an advocate or a lawyer as Shri A. M. Thomas. But, the law is not for the advocates: the law is for the people. If that consideration is borne in mind by the lawyers, I think there would be a lot of convenience for the people and peace for the people, because, I think most of the litigation is caused not by the people, but by the advocates themselves.

Some Hon. Members: No, no.

Shri Velayudhan: There may be opposition; but I am in a majority, I think: perhaps not in this House, but outside. Therefore, this measure will be welcomed in Travancore as a whole. Of course, from a special point of view, I feel that the Quilon district also should be included within the jurisdiction of this Bench. Because a lot of representation has come to us, because from Quilon to Trivandrum is only 42 miles. but to go to Ernakulam it is more than that. Moreover, there are no conveyance facilities. Even from the point of view of the historic ties that the people of Quilon have with Trivandrum, I think that some of the Taluks from Quilon District also should be joined in the juris-

Shri Achuthan: I am really glad that this Bill which was hanging on for a number of months has now come before us. In fact, we are fortunate in having at the helm of affairs of the States and Home Ministries two luminaries, one of the Bench and one of the Bar. There must be sufficient ground for the Home Minister to come up before this House and the other House with a Bill of this nature.

About the broad policy, with regard to the location of the High Courts, if the Government of India has come to a decision that justice must be available at the door of the litigant, I am one with them. We need not be bothered or be carried away by the old ideas about the solemnity of the High Court, its prestige and all that. As was asked by two or three Members, how does it affect the common man, the ordinary citizen of this country? So, if the Government of India accepts the policy that as far as possible in all "A" and "B" States the High Court should be located in a place easily accessible to all districts, I entirely agree with the Government of India. Moreover, when I put a question last time after the introduction of this Bill about the location of Benches of the Supreme Court also, I got an answer that when a request comes, that question will also be considered. Under the Constitution, it is provided in Article 130 that:

"The Supreme Court shall sit in Delhi or in such other place or places, as the Chief Justice of India may, with the approval of the President, from time to time, appoint."

There also, it has been provided that the Supreme Court may sit in Delhi, but not as Benches—there is a distinction. The Supreme Court may sit either in Delhi or in Bombay, Madras or any other place, not as Benches as it is now intended in this Bill. It must be open to the Central Government to have Division Benches of the Supreme Court located in Calcutta. Bom-

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difficult for the litigant public from different parts of the country to come over to Delhi and be here for getting justice. So, it would be worth while for the Government of India to take initiative in this matter, without taking up Travancore-Cochin, a petty, small State, and giving convenience to its southern area, with regard to the Supreme Court and say boldly: "We are going to have Division Benches of the Supreme Court in Calcutta, Bombay and Madras". It will give very good relief to a number of people. So, if Government have accepted that broad policy, it must be enunciated now and today by the hon. Home Minister that it is their policy to see that justice is meted out at the door of the litigant wherever possible.

With regard to this Bill, much has been stated about its faults etc. But I want to say one thing: that the Bill which was introduced in the Travancore-Cochin Assembly was moved not by a Tamil Nad Congress Member, but by a Member of the Praja Socialist Party, one Mr. P. S. Nataraja Pillai. Then, the general trend in the Assembly was that as far as possible convenience must be provided to the litigants so that people may not feel the difficulty or worry or loss or the drain in going over to the seat of the High Court and engaging Advocates and seeing that the case is heard and decided soon. So, that was, I presume, the ground for the Chief Minister to say then in the Assembly without, in a way, touching upon that particular motion concerned, that Government will take initiative in the matter. There is no other political motive. Much has been said here about the existence—very weak existence—of the Ministry there. It is a different matter. If the Congress Government there wanted to continue its existence, it would not have dissolved the Assembly and be seeking the confidence of the electorate now. That was not the idea then. So, I have not much to say about that.

When Cochin and Travancore were integrated I was in the Assembly. The matter was considered in detail. Leaders of both the States were there assembled. Then, for the sake of satisfying the public in Cochin and Travancore, we decided that for the time being the political capital would be in Trivandrum, and judicial capital at Ernakulam, because Ernakulam was a growing city then. People said that if the capital was shifted from Ernakulam to Trivandrum, the city would lose all its importance. So, for the time being we said let the judicial capital be shifted to Ernakulam, and it was on account of that that the necessary legislation was passed in the Assembly there.

Not even four years have lapsed before this question comes up. People in Cochin now ask us: "You say there must be location of a Division Bench at Trivandrum. What is our fault? We are neglected. Travancore is a big State, almost swallowing Cochin, a small State." Petty feelings—crop up—that is the difficulty.

In regard to this particular Bill, I have nothing to say. We are here to say that justice must be delivered at the door step. There must be a band of Judges who have got character. They have to see that political or other considerations do not weigh with them. If they have not got that discipline, they are unfit to be in the Chair of the judiciary. That is all I would say.

People there say that even before the integration of the services has been completed, because Travancore has got a majority, they have come up with this Bill, that they have managed to persuade the Central Government to see that the Bill is brought before Parliament. So, I take this opportunity to say that it is not, at this particular moment, worth while or opportune to take up this question in this Parliament without seeing

about the Supreme Court or explaining the broad policy with regard to High Courts. What is the position of Mangalore in Madras State? They have to travel 500 to 600 miles to Madras to have a case filed in the High Court and get justice there. Here, for the purpose of, so to say, giving relief to people who have to go 150 miles a Division Bench is being constituted but there is no question about those people who have to travel 500 to 600 miles. That is more urgent. In U.P. in Punjab, in all the Part "A" States, our Government must see that, as far as possible, legislation is passed by Parliament to see that High Courts or Division Benches are established properly in many centres to see that as far as possible the common man does not suffer to a great extent on this account.

Mr. Matthen has stated one or two points. I agree with him. There is the Boundary Commission which is going to be appointed. In fact, I do not say that South Travancore will go to any other part. I am not for it. I have said it here and also elsewhere. When it comes, we will discuss it. Anyhow, Government is appointing a Commission. Moreover, if there is considerable retrenchment in the paraphernalia that is now being maintained after the British tradition, then people can be relieved to a very great extent. There may not be necessity for people to go to Munsiff's Court, then to the District Court, and then the High Court and then the Supreme Court, having a number of stages, to get justice meted out by law. So that we must gradually see that going to Court is discouraged as far as possible. That is my view. Many countries are acting on that line. Until that broader question is discussed and we come to a conclusion, it is not necessary that this matter is so urgent as to be mooted here in Parliament.

Moreover, there will be duplication of expenses. Suppose a Bench is there we must have all the paraphernalia for it there out of the slender coffers

of Travancore-Cochin. Then, apart from that, when we decide to have a Bench at Trivandrum, what objection have we to say that the nearby place Quilon is also tagged on to Trivandrum? We say for the convenience of South Travancore people we want a Bench at Trivandrum. Accepting that principle, what objection can there be to say, as far as possible, the area near about Trivandrum also may be tacked on to the jurisdiction of the Trivandrum Bench. I think when we accept one position, we are not to go away from the other position that convenience must be provided to the public to get justice meted out in a less expensive way than is possible now. That is another aspect of the question that has to be considered. I do not say that it must be considered right now, but that is a relevant matter which has to be borne in mind, by the Governments concerned. In fact, whatever the South Travancore people might say about the location of the division bench, if Government have it as a broad policy that justice must be made available cheaply, then it must be made available cheaply all over the country, and this should not be the only solitary instance, but this must be a pioneering instance, which will be followed by similar reforms, in other States as well. Only then will the hon. Home Minister be in a position to say that this is not as a result of an exceptional treatment given to Travancore-Cochin, but a general policy in the whole of the country, whereby similar reforms would be introduced in all the States, so that one State alone may not say, our judiciary has been dislocated, our sovereignty has been impaired, our legislature has been tampered with, and so on. The position should be that this reform applies to the whole of the country, and not specially to Travancore-Cochin only.

There may be a feeling in the Cochin area that its compactness has been shaken, and its importance diminished by integration, and it has further been shaken by the location of a

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division bench at Trivandrum. But with regard to the disposal of cases, Government must see that as many cases as possible are settled at Ernakulam as at Trivandrum, so that there can at least be the satisfaction that they have taken a lead in the speedy disposal of cases. When a case goes to the High Court, on questions of law or fact, it lies there for one or two years. Government must take steps to see that justice is meted out as early as possible. The litigant public is not interested where the division benches are located, or where the capital is located. They are interested only in getting justice with the least possible expense, delay and worry. So far as this aspect of the matter goes, I agree with it. If the pros and cons are discussed, I may have much to say against this Bill, because this is an inopportune moment for bringing it forward. But on the question of broad policy, I entirely agree with Government's proposal to have justice meted out to the litigant public at these two places.

Shri Damodara Menon: Mr. Chairman Sir, I am opposed to this Bill. I agree with the views expressed by many hon. Members who spoke earlier and said that this Bill had been motivated by sectional, parochial and narrow political interests. The hon. Home Minister, when he made his speech introducing the Bill, was rather apologetic about it. He had no valid ground for demanding the bifurcation of the High Court at Ernakulam. From what he stated, it would appear that the length of the State was something like 600 or 700 miles. After all, it is a small area, whose entire length is only about 250 miles. Only about 90 lakhs of people inhabit that area.

Shri A. M. Thomas: 92,81,000 people.

Shri Damodara Menon: For these 92,81,000 people, do we want two High Courts? This is a question not only for the Members who come from Travancore-Cochin, but for every hon.

Member in this House, because this involves a wider issue. If we are going to have High Courts at this rate in the whole of India, what will be the expenditure involved? Are the Government prepared to meet the full implications of the Bill that they have brought forward before the House today?

Kumari Annie Mascarene: Yes.

Shri Damodara Menon: Kumari Annie Mascarene who spoke so vehemently about this Bill said that she welcomed this measure, because...

Shri A. M. Thomas: It is in her constituency.

Shri Damodara Menon:...the bifurcated High Court goes to her constituency.

Kumari Annie Mascarene: Lakhs and lakhs of people will enjoy justice.

Shri Damodara Menon: I want you to consider this matter. We are about 500 Members in this House, and we have about five hundred and odd constituencies. If every Member is going to demand a High Court for his constituency, are we going to provide for five hundred and odd High Courts?

An Hon. Member: It is welcome for us.

Shri Damodara Menon: I am sure the hon. Home Minister does not seriously mean it. For the sake of argument, he may say that. (*Interruption*).

Dr. Katju: I am always serious in this House.

Shri Damodara Menon: If that is his view, I must humbly submit that I can agree with him. It is well and good to make justice decentralised, and make it available to every citizen cheaply. But when we have such a general proposition we should not carry it to the ridiculous extent contemplated in this Bill. We are out to reduce the administrative expenditure

as far as possible. And the hon. Minister himself promised us that some kind of a judicial reform bill would be introduced shortly.

Now let us see the type of the new judicial reform which he has in contemplation, and let us also see how far we can adjust the conflicting claims of different areas, within the scope of the reforms that he wants to make. Before all that, where is the urgency for this Bill? I do not understand.

Shri S. S. More: Elections are coming on.

Shri Damodara Menon: You are perfectly right. The elections are coming on. As has been stated by Shri Punnoose, during the last elections the Congress had some reverses there. If I remember right, from the Trivandrum district, the Congress got only one seat. Now somehow they want to see before these elections that they placate the people by showing them some kind of a reform. I am sorry that a person of the repute of the hon. Home Minister, Dr. Katju should bring to bear political considerations of a narrow, sectional and unhealthy nature, in a matter like judicial administration and judicial reforms. That is very bad, and therefore I am opposed to this Bill. There is hardly any necessity for this Bill.

You are doing an injustice to many of the people in Cochin, who, at the time of integration, were promised that the High Court would be located in their own State, at Ernakulam which was more or less a central place. When they agreed that the political capital may be at Trivandrum, I think they showed in a certain sense a generosity by which in the interests of the joint State, they were prepared to make a sacrifice. The hon. Minister stated that it would be very difficult for the people of South Travancore to go to Ernakulam which is some 150 miles or so from their place. But the administrative capital is at Trivandrum, and people from

the Cochin area, from Chittur and other places have to go 200 or 250 miles by road traffic, to reach Trivandrum. When they are making this sacrifice, what is it that you are doing for them? If you are going to divide the judicial capital, you have to divide also the political capital of Travancore-Cochin.

This is a ridiculous measure, and I am surprised that a person of such right statesmanship, as our hon. Home Minister should bring forward a measure like this, and make himself ridiculous before the entire Indian public.

Shri C. R. Iyyunni: I am really sorry that I have to say that I cannot support this Bill at all.

I may at the very outset say that I am a Cochinite.

Shri S. S. More: Not a Congressite?

Shri C. R. Iyyunni: But that has nothing to do with the Bill. At the time of integration, you will be pleased to see, the two topics came up for heated controversy...

Shri Punnoose: Where?

Shri C. R. Iyyunni: ...lasting for about two to three hours. Then it was decided that the capital should be at Trivandrum and the High Court should be at Ernakulam. With regard to other matters, it was not possible to discuss—which we feel now we ought to have discussed and come to some conclusion. If, as a matter of fact, we had come to some conclusions regarding other matters and if this was going to be the fate of those I would say that there was absolutely no need for our discussion.

Now, when we are coming to certain decisions with regard to certain matters between two different parties, the consideration for the acceptance of one is the consideration for the other. Now, when it was decided that the capital should be situated at Trivandrum, to satisfy the other party—the Cochinities—it was also decided

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that the High Court should be situated at Ernakulam. That was the reason. As a matter of fact, you will find that there are thousands and thousands of people who have to go to the capital for getting things done. But in the case of the High Court, how many people will have to go to the High Court, I ask. Probably not one in a thousand or ten thousand. It is only in the case of those people who have to go to the High Court, and even there it is not necessary that they themselves should go. They can entrust their business to an advocate and he will see to it. But in the case of other things, suppose a man from Cochin or from the northern-most part of Cochin has to go to Trivandrum, look at the expense he has to incur. You will see that for every petty little thing we have to go to Trivandrum, the reason being that if an application or a petition or any paper is given to the Secretariat, unless the person who has put in that paper goes behind that paper, it is not possible for him to get a reply. That is the state of affairs.

Shri Punnoose: Change the Congress Government.

Shri C. R. Iyyunni: You will do it. I have no objection. What I say is that the number of people who will be affected by the High Court being at Ernakulam will be comparatively very few. So far as the location of the capital at Trivandrum is concerned, the number of people affected will be ten times—hundred times—more than the people who have to go to the High Court. So I beg to submit that if a decision has been arrived at, then that decision will have to be adhered to.

When a question was put to the hon. Minister regarding the privy purse and also as for regarding another matter—as to why we should not abolish the Rajpramukhs—he said that there was an understanding, that we had entered into a covenant with the Rajahs and Maharajahs and therefore, we could

not go back upon that. But what is it that you are doing now? That is the question that I am putting before the Minister? (*Interruption*).

That is number one. The second point I beg to submit is that this is absolute duplication of the High Court machinery. There will be practically two different High Courts. There must be a Registrar and all the officers below him when there is a Division Bench located at Trivandrum. What is the expenditure with regard to that matter? What is the total revenue of Travancore-Cochin? It is a little over 16 crores of rupees. Out of that, food consumes more than 3 crores of rupees, in spite of the fact that the Central Government has given a subsidy of over 2½ crores. That is the state of affairs. It is from the revenue of the State that another High Court is to be located at Trivandrum for the convenience of the people in one district.

Shri Punnoose: Not one.

Shri C. R. Iyyunni: And the majority of the inhabitants of that district are Tamilians. What do they say? They say, 'we do not want to be in the Travancore-Cochin State.' That is what they say. They want to go to Madras. Then where is the hurry for this? Not only this. The Prime Minister has declared in Parliament that he is going to appoint a Commission. For what purpose? For the reorganisation of States or the redistribution of States. If it so happens that that part goes to Madras, what would be the use of a High Court like that? Why not, then, wait for some-time more? Where is the hurry about it...

Shri Jangde: That is right, Sir.

Shri C. R. Iyyunni: It is true the Chief Minister has promised that he will see that the Bill is introduced either there or if it is not there, in Parliament.

Shri A. M. Thomas: That he did not say. He said if the Assembly...

Shri C. R. Iyyunni: Yes. Whether he said it there or not, but for the pressure of the Government there, the Bill would not have been introduced here. That is certain. It may be that. What he said in the assembly was something different. But unless there was pressure from the Travancore-Cochin Government, it is unlikely that the Bill would have been introduced here. It is also stated in the Statement of Objects and Reasons. There is no use hiding it. That is what has actually taken place. Look at the Statement of Objects and Reasons. That is what I find.

So what I submit is this. The Bill has been introduced here and even if it is passed, it can be given effect to only by a notification. If at all the Bill is passed here, certainly the Home Minister, if he is so inclined, can wait for the notification to be issued for sometime, till the Commission to be appointed has made its report. It is true that when once a Bill has been introduced there in the other House, it may not look proper not to introduce it here also, and therefore, in duty-bound, as it were, he has to get it passed. If that is all that is wanted, certainly I can be very satisfied. Anyhow, there is one request that I have to make apart from this Bill. (*Interruptions*).

That is about the difficulties that we people in Cochin are feeling and suffering because of the location of the capital at Trivandrum. Certainly, I expect he will see to it. I have submitted petitions after petitions both to the Prime Minister and to the Home Minister with regard to the delay in getting replies to applications, petitions and other things. (*Interruption*).

I beg to submit once again that it is always better not to create a feeling of enmity or hostility between the two States that have been brought together. It is an integrated State. As a matter of fact, I would say—I do not know whether I will be using strong language—when I say that there was absolutely no need for integration of Travancore and Cochin.

because Cochin could have stood on its own legs. It had a revenue of more than 4 crores of rupees at that time. Not only that. Our territory has only 1400 square miles in extent with a population of 17½ lakhs. Whereas Travancore has got four times the population and five times the extent of territory. As a matter of fact, it is we the Cochinites who are losing, because formerly 4 crores of rupees used to be divided between 17½ lakh people and now 16 crores of rupees have to be divided....

Kumari Annie Mascarene: And a divorce.

Shri C. R. Iyyunni: You please keep your tongue.

So, I submit, with a population of 17½ lakhs and Rs. 4 crores we could easily have managed our own affairs. I challenge that in the matter of administration, it was the best. There was absolutely no doubt that in the matter of administration no State in India could compare favourably with Cochin. But, at that time there was a Minister here whose word was law, that was Mr. Patel. At least we were made to believe that integration would be made in any event between the two States of Travancore and Cochin. That took place and this is the result. What I beg to submit is this I would request the Home and the State Minister to see that even if this Bill is passed—for other reasons he has to get it passed—that notification will not issue giving effect to its provision.

Sir, I will not take a very long time. Ordinarily, I would have certainly agreed to the principle of decentralisation of High Courts. But, unfortunately, what has happened is this, that so far as these States are concerned, a narrow parochial outlook continues. And, it is desired to be perpetuated by our Government. The reasons which are given in the Statement of Objects and Reasons attached to this Bill may hold good for Bombay much more than they can hold good for Travancore-Cochin. The same can be said of

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the Madhya Pradesh, and the same can be said of Bihar. We have the other example of the United Provinces where we had two High Courts but now they have been amalgamated into one. We have all these things. At all places, we have High Courts at only one place. But unfortunately in these States what has happened? In Madhya Bharat we have got two High Courts at Gwalior and Indore and the Union Government has not seen fit to undo the mischief that exists there. The High Court benches existed at 4 places in Rajasthan, to begin with in the year 1951, at Bikaner, at Jodhpur, at Jaipur and Udaipur.

Dr. Katju: There was also a court at Jaora.

Shri U. M. Trivedi (Chittor): we are talking of 1951. We are talking of when the Constitution came into force, we are talking of the time when Articles 13 and 14 were put before the country when we had already said that there must be equality of laws: we are talking of the time when we put down a particular item in the schedules whereby we had provided that the organisation of the High Courts must be the Union Government's concern. We are not talking of the times when we had a High Court at Jaora. Was this Union Government sleeping when the Government of Rajasthan overnight for political reasons, thought of closing down the High Court bench at Udaipur?

Dr. Katju: Mr. Chairman, may I just enquire as to whether all this is relevant, as to what happened in Rajasthan?

Shri U. M. Trivedi: I am just convincing you that you were very much concerned with this proposition.....

Shri Raghavachari: Any misfortune with regard to any High Court is stated as relevant.

Shri U. M. Trivedi: We are talking of the partiality that exists there. It

is said in the Statement of Objects and Reasons.

"Since the proposal relates to the constitution and organisation of a High Court—a Union subject, the Travancore-Cochin Government requested the Government of India to promote the necessary legislation in Parliament."

Where had this Union Government gone, why did it not open its eyes when the Union subject was interfered with by the Rajpramukh of Rajasthan and he, by a fiat, overnight ordered that the High Court at Udaipur shall be closed in the year 1951, in the month of June. When an application, for a writ of *mandamus* was moved, the then acting Chief Justice of the Rajasthan High Court said that the Union Government had absolutely nothing to do with this question of organisation of the Court. This abolition by the Rajpramukh was all right and the Union Government never opened its eyes. That is why I say that if equal protection of laws is to be granted it must be granted equally to Travancore-Cochin as well as to Rajasthan. I say that if you are allowing that there may be a seat of the High Court at Trivandrum also, why did you deprive the people who were enjoying those facilities already at Udaipur from continuing to enjoy the same? Why have you interfered with that? What I am trying to point out is that you are not moved by honest considerations, and that the only consideration is political party pulls. That is why you want to provide a separate High Court at Trivandrum. That is why you have allowed separate benches of High Court to function at Indore and Gwalior.

Shri S. S. More: Sir, are we right in allowing these accusations.

Shri U. M. Trivedi: I am thankful to my hon. friend for reminding me of that.

Shri S. S. More: The future generations reading the report of the proceedings will say that the Chairman was responsible for allowing all this.

Shri U. M. Trivedi: Mr. Chairman, Sir, what I was suggesting is that the Union Government has not applied its mind in a *bona fide* manner. There is absolutely no necessity for providing High Courts just near each other. They say—I do not know, I have learnt from my friends—that Ernakulam is hardly at a distance of 120 miles from Trivandrum.

An Hon. Member: 130 miles.

Shri U. M. Trivedi: It may be 130 miles, 10 miles this way or that way. Why is there any necessity to provide for two High Courts at such short distances, to provide for separate staff and the travelling allowances of the Judges for going and coming back or always sitting there, whatever it is. It will cost the exchequer, the good earned money of the poor people. Why provide for that? Why keep on this differentiation between Part B States? Wherever you have Part B States, you have provided that. You have still got two High Courts sitting in Rajasthan, one at Jodhpur and the other at Jaipur. There are still two courts in Madhya Bharat, one at Gwalior and the other at Indore. You want to create the same mischief in Travancore-Cochin also, where the people had united already and where they were not clamouring for such a thing. You have still got this divide and rule policy obtaining in Madhya Bharat and in Rajasthan. You please cry a halt to it. You are the Union Government and you must unite all people and you must not allow them to be disrupted like this and it is quite in the fitness of things that this Bill must be opposed on principle, on grounds of equity and on grounds of the unity of the nation.

Dr. Katju: Mr. Chairman, I must confess that I do not see any necessity for all this heat and excitement. Hon. Members have attributed all sorts of political motives to the Government in introducing this Bill. I suggest that the Opposition has brought into consideration political matters which really do not arise.

Shri Punnoose: Why opposition your own members!

Dr. Katju: Either I talk or you talk. Let us have this point made clear first. Already time has been taken and I have just uttered one sentence and you have started this thing. This is very unfair. I expect my hon. friend from Maharashtra to be really more kind to me in this respect. He is a very elderly man. I do not know how old he is.

Shri S. S. More: This is an insult to my age.

6 P. M.

Mr. Chairman: He should not have said that he is an elderly person; he should have said that he is child-like.

Shri S. S. More: In that case I will be disqualified to come to the House.

Dr. Katju: Many points have been raised, I respectfully submit, which are not relevant to the discussion. My hon. friend from Calcutta rose in a very fair manner and put to me several questions—perfectly dispassionate, clam and cool. He said “I want information on this point or on the other point and what is the motive underlying this Bill?” Speaking as a lawyer, I say “What is wrong with the Circuit Court?” You ask for judicial reforms and the whole House will say that justice should be cheap and not expensive and to quote the very eloquent language of the hon. Lady over there, should be brought so far as possible to the door of the litigant. My hon. friend Mr. Chatterjee asked me what was the opinion of the High Court about this. The High Court said that in their opinion there should be no bifurcation. That is an understandable view.

Shri Punnoose: Can I ask for a clarification?

Mr. Chairman: Not at this stage.

Dr. Katju: The difficulty is this. When we are talking of the status and dignity of the High Court, we

[Dr. Katju]

seem to imagine that if in a building 20 Judges are seated in different chambers, then all those 20 Judges bring their judicial minds to the decision of a particular dispute—that is the American system. Our system is entirely different. There may be 20 Judges in the Calcutta High Court and 16 Judges sitting in the Allahabad High Court, but if my case goes there, it is heard either by one Judge or by two Judges. To me for the moment, the fact that in that building there are 10 other Courts and 20 other Judges hearing 20 other cases is absolutely irrelevant or immaterial. Now, if all the Judges were to hear my case, then I will say "Please do not reduce the number." My hon. friend said very rightly that if we reduce the number of Judges, then we reduce the dignity of the High Court, the status of the High Court. The Travancore High Court had 8 Judges—one Chief Justice and 7 Judges and if you take one, two or three out of them and made them sit at Trivandrum, you reduce the dignity of the High Court, that is what my hon. friend said. He also said that he has not heard of a High Court with only five Judges. I would suggest to him that in Orissa there are only four Judges—one Chief Justice and three Judges; in Assam there are only three—One Chief Justice and two Judges; in PEPSU, there are four Judges and I think in other places also you get the same number. In the smaller Part C States there is only one Judicial Commissioner and so far as the litigant in that State is concerned, the Judicial Commissioner for the time being is equal to the whole of the Calcutta High Court. Therefore, I suggest to you that this question of division is of little consequence. Speaking as a lawyer, if it were possible for me to establish Circuit Courts throughout India, I would gladly do so because I know what it means for a litigant, let us say, living in Meerut having to go all the way to Allahabad, or—or I would suggest to my hon. friend Mr.

Chatterjee, whose province is now divided,—for a man living in Gauhati having to go to Calcutta. Of course from the Calcutta lawyers' point of view and the Judges' point of view, it is magnificent, imposing, very superb and having great status, but from the poor litigant's point of view, it means so much expenditure. In the tracts which are known as British India formerly, there were no buildings. I would give just one instance to my hon. friend Mr. Chatterjee. Supposing somebody were to say that a Circuit Court should be established in the Nadia District at Krishnagar, the question will at once arise "There are no buildings; where are the Judges to sit and where are they to live?" Therefore, you have got to look to the physical considerations first, and secondly the question is—how long will the Judge remain, how many cases are to be found in the Nadia District? The same applies everywhere in India. In the Part 'B' States on the other hand, I ventured to interrupt my hon. friend Mr. Trivedi when he said that there was a High Court at Jaora, because that is my birth place. The population of the town is 25,000, of the whole State is 1,10,000, but I tell you that if you go there, you will see that the Nawab had established a High Court and he had erected a building for the High Court in which a Division Bench of even the Supreme Court will find great comfort. You go to Jodhpur—the hon. Member from Rajasthan will bear me out—and I say I have been to Jodhpur and I have never seen such a magnificent High Court building. The same is the case with Bikaner and Jaipur.

Shri U. M. Trivedi: There is none at Jaipur.

Dr. Katju: Then I withdraw that. In Trivandrum there is a High Court and in Cochin there is a High Court. Although I don't wish to hurt the Cochin feelings, the building of the Trivandrum High Court is a little better than the Cochin building.

Therefore, if you have the buildings there already, where is the expenditure that the hon. Members are talking of? The building is there and there are plenty of official buildings where the Judges can reside. But here in Delhi the public opinion was so insistent "Why should we go to the Punjab?" The High Court was then in Simla and now it is in Chandigarh. The question is not so much of distance or journey here. My hon. friend was emphasising the question, namely, from Trivandrum to Ernakulam the distance is only 133 miles and from Ernakulam to Nagercoil it is 175 miles and the result is that by the elimination of the Travancore District Courts, 27 lakhs of people are affected. I see some amendments are coming about Quilon. Now let us come to Trivandrum District. Now people from the Taluks connected with that District pass through Trivandrum in order to go to Ernakulam. I do not know whether the Judges will get any halting allowance or not but they will get the same salary. Please remember that the Bill does not lay down a minimum number of Judges. It is all left to the Chief Justice to decide as to how many Judges should be sent for the time being. If there is not plenty of work, he may send only one Judge. If there is accumulated work, he may send two Judges.

Now coming to the question of dignity and status, with this expenditure, if there is any case which is required to be decided by a full Bench of four or five Judges, then that case must be heard by the Court at Ernakulam. My respectful submission to you—I am speaking in a non-party matter—is that the dignity or status of the High Court is as dear to me as my life and I do say to you that if there is one High Court and if you can manage it conveniently and if the State Government was able to bear the financial expenditure, then it would be an ideal thing for one or two or three Judges to go about from place to

place to hear cases. Of course, it can't be done if there is not sufficient work or if there is no building because it will be extremely inconvenient in that case. Therefore, there is no politics in it. The permanent population of Trivandrum District, as my hon. friend Mr. Chatterjee said, is 27 lakhs.

Shri A. M. Thomas: Then it will include Quilon also. Trivandrum District alone is much less than that.

Dr. Katju: It is all in the southern tip. If the Judges are provided there and if there is sufficient work, the dignity of the High Court is not less. The High Court remains where it is. The High Court's dignity would be lessened if you were to have—Mr. Trivedi, please listen to this—four High Courts, each High Court going in a different way. The Udaipur High Court passes a judgment on its own lines, taking one view of the law just as we have it in the Bombay High Court, which although it listens to the Allahabad High Court ruling, does not agree with it. So, if you have two High Courts, the Travancore High Court going in one direction and the Cochin High Court going another way, then you might say that the High Court is broken and its dignity is affected. But here, the High Court is one, the Chief Justice is one and all the Judges of the High Court would come in turn and no one is permanently appointed to this Court. My hon. friend Mr. Chatterjee will remember that people used to go to Orissa when different Judges in turn used to move from Patna to Cuttack. Here, the decision would be the decision of the Travancore-Cochin High Court and the case is to be decided in the name of the Travancore-Cochin High Court. There is one Chief Justice and there will be one administrative office. So the question of dignity of the High Court in regard to the subordinate services does not arise.

Shri Matthen: Was the State High Court consulted?

Dr. Katju: I am not disputing their opinion. They said they were not in favour of bifurcation of the High Court. They did not go so much in favour of Trivandrum or so much in favour of Ernakulam, but that is one opinion which they have expressed. I am entitled to say that the High Court remains there and the Judges would go on in turn. Even in England, Judges have been going on circuit for the last 500 years or so.

Shri Matthen: Has the hon. Minister read the opinion of the Travancore-Cochin High Court?

Dr. Katju: I have seen an extract of it. From what I have seen I understand that they are against the bifurcation of the High Court. I am not suggesting for one moment that the learned Judges are not entitled to form their opinion or express it. I respectfully submit that the Judges probably were under the impression that the two Courts were to be entirely separate.

Shri Matthen: It is not justice to the Judges to say that they were of opinion that the two High Courts would be separate.

Dr. Katju: My hon. friend just asked me about the Supreme Court of India. The Supreme Court of India has got its own business to do. In administrative matters, I cannot possibly lay down a rule that the State Government or the Central Government should bow to the Supreme Court against Judges's opinion. The Chief Justice of India was not asked to give his opinion on the matter. It is a purely administrative matter.

Shri A. M. Thomas: If it is an administrative matter, it will come within the ambit of the State legislature.

Dr. Katju: That again is a point of law. It is re-organisation of the High Court. The High Court is not

going to be examined. Reorganisation of the High Court is to be examined on considerations of public welfare, litigants' welfare etc. It is not a matter which I can refer to the Chief Justice of the Supreme Court of India for opinion. The Chief Justice's opinion is no doubt very weighty, but why do you bring him into the picture at all. Here is an elaborate debate going on and motive has been attributed and party politics are alleged to be involved. Is it fair for me to bring in the name of the Chief Justice of India in the picture. Suppose I consulted the Chief Justice of India and he agreed with me. Hon. Members might say then that the Chief Justice of India did not probably have the power to go to this matter or that he is wrong or why should he have been consulted.

Shri Matthen: He has expressed his opinion already.

Dr. Katju: It is undesirable to interrupt me all along.

Shri Matthen: When the hon. Minister is going against facts, I have to correct him.

Dr. Katju: I am only trying to answer Mr. Chatterjee's point.

Shri N. C. Chatterjee: My point was not appreciated by the hon. Minister. The Chief Justice, during his visit there, expressed some opinion at Ernakulam and he is reported to have said that it was not a desirable thing. May I know in view of that whether the Home Minister has taken the trouble of knowing his views?

Dr. Katju: I have not read that and I would rather not express an opinion on the question of the Chief Justice of India going about expressing an opinion. So far as this point is concerned, I am not going to be influenced by such opinions. We are here in Parliament to consider the matter.

Shri N. C. Chatterjee: It is not fair to the Chief Justice of India.

Dr. Katju: The Chief Justice, I might say, has no power to exercise in this administrative matter.

Shri N. C. Chatterjee: It is a question of administration of justice.

Mr. Chairman: It may not be fair for the Chief Justice of India to interfere in a matter which is absolutely the jurisdiction of the Government of India. After all, the opinion of the Chief Justice has not been sought by the Government and so he need not have expressed his opinion.

Dr. Katju: I do suggest that, with all respect, we should establish a convention here not to bring the judges and the Chief Justice of the Supreme Court of India into the debate, because I want to put them on the highest pedestal, and I do not want to bring them into a sort of cockpit of public discussion. They are the dispensers of justice. Very high duty has been assigned to them.

Shri U. M. Trivedi: That is why we should value their opinions.

Dr. Katju: Sometimes, you know you are to say, "Oh, my Lord, you have done it." But, how can we say that the opinion is wrong? You argue the case before the High Court, very meek, mild and docile, with all respect, and then you come out and say 'Oh, it is wrong, I am going to the Supreme Court and we will have justice done there'.

Shri N. C. Chatterjee: Something more.

Dr. Katju: My hon. friend Mr. Chatterjee says, "something more". Let us not talk about the judges' opinions as if they were the opinions of Manu and other 'rishis.' I come back to this matter. It is this. It is a very short one, namely, there are eight judges. At the time when this integration took place, and an Act was passed, there was a discussion,—I was not here then—about

the seat of the executive Government and the seat of the High Court. There was some sort of a compromise and the thing was pushed through. From the very first day, there has been constant agitation and people in Trivandrum felt "what is this? Up till now, we were having our cases, appeals and convictions, here in Trivandrum, and now we have got to go for that purpose to Ernakulam." My hon. friend may recollect that there were private, non-official Bills introduced there for this purpose, and Chief Minister said, "very well, here is this desirable thing. Let us go by the distances. Take one district, namely, Trivandrum district. It is far south. There is a building. Let us have the court there." The Government of India have taken extreme care to see that the number of Judges does not exceed three, and it should serve as a maximum number, liable to be reduced. Where is the dignity of the High Court going to be reduced? Now, my hon. friend Mr. Trivedi brought in Rajasthan and Madhya Bharat and what not. The relevance of that, I have not been able to discover, and I do not know what happened when the Jodhpur High Court was abolished.

Shri U. M. Trivedi: I am very sorry you have not followed my point. I said that a Bench of the Rajasthan High Court had its seat at Udaipur also. Not Udaipur High Court. After the 26th January, 1950, the seat of the Rajasthan High Court was taken away or removed by an order of the Rajpramukh, and not by the order of the Union Government.

Dr. Katju: I accept what my hon. friend says. But it is all irrelevant. Therefore, I do not want to say anything on that. I have come here, prepared to discuss the Travancore-Cochin High Court and not to discuss Jaipur and Bikaner. Mr. Chairman, really there is not much to discuss, and may I say, with all respect, to my hon. friend who made the motion for referring the Bill to the Select Committee, that we have

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discussed this Bill now for more than three hours and all the object in proposing a motion for the Select Committee has been served. There is nothing left to be discussed in the Select Committee. You just go there and come back. Public opinion is well-known. You know which way the Bill goes. Therefore, I move that the Bill be taken into consideration.

Mr. Chairman: Does the hon. Member want that his amendment should be put to the vote of the House?

Shri Matthen: I beg for leave to withdraw my amendment.

*The amendment was, by leave,
withdrawn.*

Mr. Chairman: I will now put the motion for consideration to the vote of the House.

The question is:

"That the Bill further to amend the Travancore-Cochin High Court Act, 1125, as passed by the Council of States, be taken into consideration."

The motion was adopted.

Clause 2.—(Amendment of section 6)

Shri Punnoose: Sir, I am pressing only one amendment. I beg to move:

In page 1, line 12,—

after "Trivandrum" insert "in the talukas of Quilon, Kottarakara, Kunnathur, Pathanamthitta, Pathanappuram, Shencottah, Karunagappally, Mavelikkara and Thiruvella."

The argument in favour of this Bill has been very strongly put by the hon. Home Minister. Now, all these taluks are in the Quilon district and are nearby Trivandrum. Trivandrum district has the following taluks: Thovala, Agastheeswaram, Kalkulam, Vilavancode, Nedumangad and Trivandrum. These four taluks, Thovala, Agastheeswaram,

Kalkulam and Vilavancode, come south of Trivandrum. The Home Minister will please listen to me. He is doing things which he does not know. Barring Trivandrum taluk, there is only one other taluk in Trivandrum district which is north of Trivandrum and that is Nedumangad. It is about 12 miles north of Trivandrum. From there begins the Quilon district, and in 20 miles from the borders of Trivandrum district, you get the Quilon district. Quilon town, at the most, is 45 miles from Trivandrum. Now, under this particular Bill, people who live 40 miles away from Trivandrum have to go to Ernakulam which is 130 miles away from Trivandrum. From Quilon, Ernakulam is about 80 miles. When you make justice cheap to Trivandrum people, why not make it cheap for Quilon also? Let there be reasonableness. Let not the people think that this House passed legislation without understanding these implications. So, therefore, either the hon. Minister will please accept this amendment, or I might suggest another thing. People in the Quilon district consider that in consideration of the Bar in the Trivandrum district, Trivandrum Court would be more convenient and the people from Quilon would be more helpfully served by the court in Trivandrum. Some such amendment to the effect that those areas in Quilon district which would be more easily served by the Bench in Trivandrum may be accepted. Some such amendment which will be of reasonable help to the people will be acceptable to me. Otherwise, this clause, as it is, will look ridiculous.

Kumari Annie Mascarene: I support it.

Dr. Katju: I am not prepared to accept this for the very short reason that we have considered this matter very carefully, and have come to the conclusion that there should be one solid district which is in the south and which may be assigned this circuit Bench. So far as the other district is concerned, it has got a life

of its own. Then there is the Trivandrum Bar. Trivandrum is a populous town and the Trivandrum Bar is a good Bar. I do not know whether there is a good Bar at Quilon, but apart from that, you must have the people coming either this way or that way. There must be some definiteness about it.

Shri Punnoose: What I suggested is nearer.

Dr. Katju: I have seen the geography of it. Leaving aside a few villages which may be some 10 or 20 miles nearer, the Trivandrum district as it is would be a suitable area for the Division Bench. Therefore, I am not prepared, Sir, to accept the amendment.

Shri Punnoose: I press it.

Mr. Chairman: The question is:

In page 1, line 12,—

after "Trivandrum" insert "in the talukas of Quilon, Kottarakara, Kunnathur, Pathanamthitta, Pathanapuram, Shencottah, Karunagappally, Mavellikara and Thiruvella."

Some Hon. Members: The "Ayes" have it.

Mr. Chairman: The "Ayes" will stand up.

I find fifteen members are for the amendment.

Those against will stand up.

I find a very large majority is against it.

The motion was negatived.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Enacting Formula were added to the Bill.

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Dr. Katju: I beg to move:

"That the Bill be passed."

Shri V. G. Deshpande (Guna): I want to speak on the Bill.

Mr. Chairman: We have already spent three hours on this Bill.

Shri V. G. Deshpande: We tried to catch your eye, but could not succeed.

Mr. Chairman: I should bring to the notice of hon. members that there has been no amendment to the Bill. The Third Reading is normally confined to the consideration of any amendments that are passed. I thought that every shade of opinion was represented in discussing this Bill and full opportunity was allowed to members in the discussion. I expected hon. members would not take any more time.

Shri V. G. Deshpande: We could oppose the Bill in the third reading.

Mr. Chairman: But the scope of the discussion during the third reading stage is limited.

Some Hon. Members: We will oppose the entire Bill.

Mr. Chairman: I do not think any good would be served by taking the time of the House at this stage.

Shri V. G. Deshpande: Very interesting points were raised by the Home Minister in his serious speech. I want to answer him.

Mr. Chairman: If the hon. Member wants to assert his right to speak at the third reading, I shall give him a chance. Otherwise, I do not think any good would be served by any more discussion. I take it hon. Members are agreed.

Shri Kelappan: There is one aspect that has not been touched at all.

Mr. Chairman: An aspect which has not been touched during three hours of discussion?

Shri Kelappan: Yes.

Mr. Chairman: And that will affect the opinion of the House?

I for one feel that in a matter like this we should not take any more time. After all the Business Advisory Committee has fixed a time table. We have already devoted more time than we should have on this Bill and I should think hon.

Members will kindly accept my advice and not prolong the discussion unnecessarily.

Some Hon. Members: All right.

Mr. Chairman: The question is:

"That the Bill be passed."

The motion was adopted.

The House then adjourned till Half Past One of the Clock on Wednesday, the 9th December, 1953.
