

[प्रध्यक्ष महोदय]

इस वास्ते कोई विशेषाधिकार का प्रश्न नहीं उठता। जितनी सहूलियतें दी जा सकती हैं, मैं ने दे दी हैं। श्री रंगा ने जो कहा कि छतरी लगवा कर दी जाये, वह मैं नहीं कर सकता। इस के लिये मुझे अफसोस है।

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12-27 hrs.

DELHI LAND REFORMS (AMENDMENT) BILL\*

**The Minister of Home Affairs (Shri Nanda):** I beg to move for leave to introduce a Bill further to amend the Delhi Land Reforms Act, 1954.

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

"That leave be granted to introduce a Bill further to amend the Delhi Land Reforms Act, 1954."

*The motion was adopted.*

**Shri Nanda:** I introduce† the Bill.

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12-27½ hrs.

KERALA STATE LEGISLATURE  
(DELEGATION OF POWERS)  
BILL—contd.

**Mr. Speaker:** The House will now take up further Clause-by-Clause consideration of the Bill to confer on the President the Power of the Legislature of the State of Kerala to make laws. Clause 3 is under consideration. Shri Hari Vishnu Kamath to continue his speech.

**Shri Hari Vishnu Kamath (Hoshangabad):** Mr. Speaker, Sir, before I proceed to resume the observations which I left halfway through on Friday, may I request you to admit tomorrow—it being the last day—more than two Calling Attention notices

and, if necessary, even an adjournment motion.

Now, I come to the Bill. I have moved amendments 1 and 2 to clause 3 of the Bill. Amendment No. 1 seeks to divest the President of the discretionary power which is sought to be conferred upon him by this measure about consulting the Committee. I want to make it mandatory that the President must consult the Consultative Committee on every occasion when he wishes to legislate for Kerala. When the House adjourned on Friday, I was about to suggest that the President, the busy dignitary as he is, will most probably not be able to consult or summon the consultative committee except on very rare occasions. The hon. Minister of State in the Ministry of Home Affairs, while speaking on the resolution and the Bill the other day, sought to make out that this was a parliamentary committee. When I asked a pointed question, he tried to wriggle, so to say, out of the quandary, by saying that it was not a parliamentary committee in that sense. How could it be a parliamentary committee, and yet not a parliamentary committee in that sense? For a parliamentary committee, according to our Rules of Procedure, is well defined. The hon. Minister must say that either it is a parliamentary committee or it is not a parliamentary committee. What is the use of saying that it is not a parliamentary committee in that sense? If it is not a parliamentary committee, the hon. Minister must say that it is a consultative committee, and, therefore, it has only got very limited functions and powers.

**Mr. Speaker:** Can the hon. Minister not amend it by saying that it is a committee consisting of Members of Parliament?

**Shri Hari Vishnu Kamath:** He has used the words 'parliamentary committee'.

\*Published in Gazette of India Extraordinary, Part II, section 2, dated 10-5-65.

†Introduced with the recommendation of the President.

**Mr. Speaker:** I am asking him whether he cannot just amend it and say instead of a parliamentary committee that it will be a committee consisting of Members of Parliament.

**Shri Hari Vishnu Kamath:** Let him say so.

**The Minister of State in the Ministry of Home Affairs (Shri Hathi):** I had never said that it was a parliamentary committee.

**Shri Hari Vishnu Kamath:** When I asked the question, that was what he said.

**Shri Hathi:** Shri Kamath is in the habit of creating hypothetical data and on those data he goes on. I shall just read out what he asked and what I said. I have got the record here with me. When I was mentioning about the consultative committee, I was meaning it, and I had uttered the words 'consultative committee' also. Then, Shri Kamath had asked this question. I am reading out from the record. This is what it says:

"Shri Hari Vishnu Kamath: Is it a parliamentary Committee?

**Shri Hathi:** I am not talking of such parliamentary committees. There is a consultative committee provided in sub-clause (2) and it says that the President shall, whenever he considers it practicable to do so, consult a committee constituted for the purpose, consisting of thirty Members of the House of the People nominated by the Speaker among whom shall be included all Members who for the time being fill the seats allotted to the State of Kerala in that House. . . ."

So, Shri Kamath is in the habit of creating hypothetical data and then saying that the Minister is misleading, bamboozling and is doing this, that and the other. I shall reply to this point later when I get my turn to speak.

**Shri Hari Vishnu Kamath:** I must take exception to what he has said just now. What is Parliament for, if not for clarification of various matters? Democracy means discussion. Government by democracy means government by discussion. We do not want to have fisticuffs and fights here.

**Mr. Speaker:** He has said that he does not mean a parliamentary committee.

**Shri Nath Pal (Rajapur):** What is this remark that he is in the habit and all that? He is only doing his duty. And if sometimes he is confused, because of the ministerial ability for clarity and because our knowledge is a little limited, he asks for clarifications. So, why should there be this insinuation that he is in the habit and all that? All his habits are very parliamentary, I must say.

**Shri Hari Vishnu Kamath:** Shri Mohr Chand Khanna also talked the other day about my habit and so on. We can also talk about the Ministers' habits, and we know what their habits are. But I do not want to descend to that level.

Now that it has been made clear that it is not a parliamentary committee but it is a mere consultative committee, the only advance now over the previous or predecessor committee is that now it will have among its personnel non-Members from Kerala, that is Members who do not represent Kerala.

**Shri N. Sreekantan Nair (Quilon):** Last time also, it had Members from outside Kerala.

**Shri Hari Vishnu Kamath:** It is time, therefore, that I would like to suggest this. In view of the fact that the Kerala election results have not brought about a majority for the Congress Party in Kerala, I hope, and I am confident, with the co-operation and support of the House, that the consultative committee which is going

[Shri Hari Vishnu Kamath].

to be constituted, would not have a majority of Congress Members therein, but would reflect the elected but dissolved Kerala Legislature.

**Shri P. G. Menon (Mukundapuram):** In that case, there should be no Member from the PSP.

**Shri Hari Vishnu Kamath:** We do not want any representation on these committees or anything like that. We do not share that low ambition.

**The Minister of Defence Production in the Ministry of Defence (Shri A. M. Thomas):** Do not have any ambitions.

**Shri Hari Vishnu Kamath:** We do not have any such ambitions. My hon. friend may have some ambition, because he is only a Minister of State now.

**Mr. Speaker:** Order, order.

**Shri Hari Vishnu Kamath:** Why should he butt in like this when he has no business to do so?

**Mr. Speaker:** He need not take so much notice of the interruptions.

**Shri Hari Vishnu Kamath:** My ears are sensitive. My ears catch many things which are going on. Therefore, it is not my fault, but it is my Creator's fault.

**Mr. Speaker:** It is ordinarily said that Members have to be thick-skinned.

**Shri Hari Vishnu Kamath:** Thick-skinned I am. That is why I enjoy repartees. I hope my hon. friends opposite also are as thick-skinned as I am. I enjoy repartees. That is what Parliament is for. I hope you, Sir, would not also misunderstand me when I occasionally say something which you might take amiss, because I do not mean any offence really.

Coming to the amendments that I have moved, I hope the House will insist also that the committee which is constituted must be summoned by the President before legislating for Kerala on any occasion. If this is not acceptable, and if the House does not vote for that amendment, then in the alternative amendment, I have suggested that:

"Provided further that whenever the President considers it impracticable to do so, the reasons therefor shall be communicated in writing to the members of the Committee aforesaid."

For, as I said the other day, a heavy responsibility has devolved on the Government, after the unconstitutional, illegitimate and atrocious dissolution of the legislature before it was even convened by the Governor. Therefore, they have to make an atonement, to expiate the monstrous crime, the major, if not monumental blunder that they have committed and do what is called *prayaschitta*, which term is understood by all in Kerala.

When the hon. Minister refers to the President, I would like to know whether he really means the President. For, as you know it very well, and as most of us know, in the light that you have shed on this matter so often in this House, that the term President really means the Government, and, therefore, Government will advise the President; and Government may advise him almost on every occasion that the committee need not be summoned because later on the measure would come before the House. Since the Kerala Legislature has been dissolved in that manner, in that cavalier fashion, I do want that at every stage, at the preliminary as well as the final stages, the committee should be taken into confidence in the

fullest possible manner, and there should be no half-way-house of any sort with regard to legislation regarding Kerala, and there should not be any half-heartedness either.

It must be made clear, and obvious beyond any reasonable doubt to the people of Kerala who have been deprived of their constitutional and parliamentary privilege in this high-handed manner that the Government do take Kerala seriously, and they do want to look after the interests of Kerala in the most earnest possible manner.

I, therefore, move both amendments Nos. 1 and 2; if amendment No. 1 is not acceptable, I have moved amendment No. 2 as an alternative. With these words, I commend my amendments for the acceptance of the House.

**Shri Vasudevan Nair** (Ambalapuzha): In the first place, I would like to know from you what had happened to our amendment, tabled by myself and Shri Sreekantan Nair.

**Mr. Speaker:** Amendment No. 3 was the same as amendment No. 1 of Shri Kamath.

**Shri Vasudevan Nair:** I think the Deputy-Speaker had perhaps ruled it out of order.

**Mr. Speaker:** Because it was the same as Shri Kamath's amendment.

**Shri Hari Vishnu Kamath:** It has been circulated also.

**Shri Vasudevan Nair:** I would very much like to support with all the force at my command the amendments moved by my hon. friend Shri Kamath. This Bill has the appearance or semblance of trying to do a little justice, after the injustice that had been done to the Kerala people by the Central Government. They pretend now that they would be consulting the representatives of the people, although not those elected in Kerala, but those elected to this Parliament,

before legislating for the people of Kerala. But there is this provision that the President is not bound to call this committee always before a piece of legislation is considered for Kerala; with that one particular provision, the entire merit of this Bill evaporates into the air. As far as we are concerned, with all the sweet assurances that Shri Hathi gives that, by and large, on almost all occasions they will try to call this committee, we cannot place that kind of confidence in this Government, knowing fully well how it has behaved in the past. As far as the functioning of such a committee during the previous period of the President's rule is concerned, we have our bitter experience. We have felt that the Government was taking this committee for granted. I remember in the last meeting at Trivandrum, the officers and the hon. Minister came forward with a piece of legislation, a draft Bill, in the last minute. That was intended to debar private school teachers from contesting elections. The elections were just coming. You know in Kerala the private school teachers had that privilege of participating in political activities and contesting elections, and many of them are occupying positions in panchayats, municipalities and Assemblies. It was only after a concerted resistance on the part of the members in that committee that the hon. Minister said: "All right; I do not proceed with this piece of legislation". But actually, we were taken by surprise because there was absolutely no notice given.

**Shri Ranga** (Chittoor): That is right.

**Shri Vasudevan Nair:** Prof. Ranga was on the committee.

This is the way the Government has behaved with the committee which is appointed by you, according to this Bill.

I was only speaking about our experience. If it is put in in the Bill that the President need call this com-

[Shri Vasudevan Nair]

mittee only when practicable, what is the benefit of having such a committee? The natural tendency of Government will be to avoid, evade and to keep out members because we always create some problems for them. They perhaps consider that it is a nuisance calling this committee.

So we are not prepared to give this power to this Government, if it is possible. That is why we are opposing this provision. I move my amendment . . .

**Mr. Speaker:** He cannot move it.

**Shri Vasudevan Nair:** I support the same amendment which has been moved.

The next submission is to you. You come in the picture, may be for good, may be for bad—may be it is bad for you.

**Mr. Speaker:** Mostly the latter.

**Shri Vasudevan Nair:** I am sure you will also have to go by the advice given by somebody from behind.

**Shri Ranga:** He need not.

**Shri Vasudevan Nair:** Generally you will have to.

**Shri Hari Vishnu Kamath:** Not necessarily.

**Shri Vasudevan Nair:** Perhaps you will have to go by the advice given by this Government. You may know that if you take only the Members from Kerala, Lok Sabha plus Rajya Sabha, today, as the position stands today. . .

**Mr. Speaker:** He can always come and advise whenever he wants.

**Shri Vasudevan Nair:** I was just submitting to you a piece of information. Even according to the 1962 parliamentary elections, the position of the Congress Party, as far as

representation in this House and the other House is concerned,—if you put them together, 18 plus 9—the position of the Congress is that it has no majority in that committee. Actually, that is a reflection of the situation in Kerala, even in 1962. The situation in 1965, is much worse for the Congress; they are very much in a minority, when the whole thing is put together.

I do not want to impute motives to this Government, but we have, of course, every reason to suspect that they are now trying to enlarge this committee by bringing in more members from other states—we are not against other members coming in. . . .

**Shri Maniyangadan (Kottayam):** This is no novelty. This was done on all previous occasions.

**Shri Vasudevan Nair:** It is not a new thing. But now it has got a great significance. That is why I am now referring to it. It has got a political significance. Actually, if this Government really wants to respect the verdict of the people of Kerala, the electorate of Kerala, then let them at least be bold enough to say, when they advise you about names, that the Congress should not have a majority on that committee.

**Shri Ranga:** They will have an overwhelming majority there as they have here!

**Shri Vasudevan Nair:** For the 17 million people of Kerala who have got definite views on many questions, this committee is going to advise the President to legislate. That being so, the Government should try to compose the committee in such a way that it respects the position in Kerala among the people. But I have my own doubts whether they are going to do that. I am sure that when the final composition of the committee is made known to you and to us, you can take it that it will be a committee

loaded with Congress majority. They are going to do that. I do know what you can do in this. I do not know what we can do in this. But we have at least to appeal to this Government not to do such things, silly things, petty things, improper things, because that would really not reflect the position in our state among our people.

**Shri N. Sreekantan Nair:** I do not want to dwell on points already made. I just want to refer to my experience of earlier committees.

Let me take the instance of the consultative committee which met in Delhi for half an hour. I know the method of Nandaji in such committees. A legislation was brought forward which was very important. He said first of all, 'it is only a temporary measure. Let us pass it unanimously'. I stood up to raise my objection. Nandaji directed that my objection may be recorded. That was all the work done in that committee. My objection was recorded. That was the only thing I could do.

The method adopted, the approach to questions connected with enactment of legislation is such that no discussion is possible. The draft Bill is not circulated sufficiently early. Even if it were circulated sufficiently early, the other procedures which are necessary for going through with an enactment in a proper way, either at the State or at the Centre, such as select committee, clause-by-clause consideration and so on—none of these procedures are adopted. Opinions of members are just taken by moving the motion for adoption. The argument is advanced that it is only a temporary measure, the State Government wants it to be gone through; so let us pass it unanimously. If any member raises objection, his objection is recorded. This is the type of work we are attempting to do through this advisory committee, meeting for half an hour.

At least this much of protection should be there, that some members who know the implications of the enactment must be there. The provision that the President need consult the committee only when it is convenient for him to do so, certainly nullifies even the little democratic garb that this legislation has.

Therefore, I make this suggestion, that if the President cannot consult the Committee any time, let him promulgate an ordinance. Let the committee express its opinion on it and then let the President proceed with the enactment, afterwards.

I do not attach so much importance to what my hon. friends who spoke before me said about the consultative committee. The opinion of this committee is not binding on Government. It is only a consultation they make. They can accept or reject the view of the majority in the committee, if it does not suit their purpose.

So, in spite of the haphazard manner in which the committee functions, this much of protection should be that it should give the representatives of Kerala and other members of this House prior information about what is contemplated to be done.

**Shri S. M. Banerjee (Kanpur):** I rise to support the amendment of my hon. friend, Shri Kamath. I also support what has been explained very clearly by my hon. friend, Shri Vasudevan Nair.

What is happening in Kerala today, in spite of the fact that the ruling party suffered a defeat, not only once but twice, once when the Communist Government was dismissed and this time when they were not allowed to form a Government? What we saw in Kerala was, I do not use a stronger word, really a sort of end of democracy. What is to be done there? If this amendment is not accepted, I do not know what is going to happen to that committee also. Why is this committee being formed? I am hundred per

[Shri S. M. Banerjee]

cent sure that it will be reduced to being a committee by the Congressmen, of the Congressmen, for the Congressmen, and that will be the end of this committee. If that is the intention, why have all these formalities of having a committee, and give a feeling in the country that the Congress even today believes in parliamentary democracy or something like that.

The only job with the Kerala people now is to elect their representatives and dismiss their representatives. Every year there should be election. I still cannot find any logic behind the decision that has been taken by the Home Minister. Why did they allow the Communists to contest the elections?

**Shri Hathi:** How is that relevant now?

**Mr. Speaker:** We have taken a decision about that. Now it should not be reopened. Now we are on Clause 3. He might speak on the amendment.

**Shri S. M. Banerjee:** Unless it is supported by logic, he will not accept it.

**Shri Hari Vishnu Kamath:** Well said. That is right.

**Mr. Speaker:** Logic also has certain limits. Where it crosses those limits, it does not remain logic at all.

**Shri S. M. Banerjee:** I am always enlightened by your wisdom.

**Shri Hari Vishnu Kamath:** On a point of order. When he is making such a logical contribution, there is no quorum in the House.

**Mr. Speaker:** The bell is being rung. Now there is quorum.

**Shri S. M. Banerjee:** What I was trying to impress was this. The ruling party has taken a wrong decision, a decision against the demo-

cratic traditions of the country. Having taken a decision, why should they perpetuate it by having a committee with limited powers, and a committee of their own choice? In the larger interests of the people of Kerala, to keep the torch burning at least in Kerala, I would request the hon. Minister, through you, to kindly accept this amendment which is actually harmless, in the larger interests of the country and according to democratic traditions.

**Shri P. G. Menon:** I am one with the previous speakers regarding the need to give the proposed committee full opportunities of discussion regarding the matters which come up before it. In order to afford full opportunities of discussion, as was pointed out, it is necessary that sufficient notice should be given regarding the matters which come up for discussion.

But I cannot agree with the fallacious arguments of Shri Kamath, Shri Vasudevan Nair and Shri Banerjee regarding the composition of the proposed committee. If that suggestion is accepted, the committee will be deprived of the advice of very competent Members of this House. For example, it would not be possible for us to have a very useful Member like Prof. Ranga in that committee, because all the 14 or 15 candidates which Prof. Ranga's party put up in the elections in Kerala were defeated, and most of them lost their deposits. The lone Member who was returned has deserted the Swatantra Party and joined the Kerala Congress. It would, again, deprive us of the advantage of the wisdom of Members like Shri Kamath . . . .

**Shri Ranga:** He is arguing against my being nominated to this committee.

**Shri P. G. Menon:** . . . because no Member belonging to the PSP has been returned.

Bill

**Shri Hari Vishnu Kamath:** But we did not set up any candidate. He need not mislead the House.

**Shri P. G. Menon:** That is why I changed my terminology. No Member of that party has been returned.

**Shri Hari Vishnu Kamath:** We did not set up any candidate, there was no P.S.P. candidate.

**Shri P. G. Menon:** That is the ultimate result. It would again deprive very competent Members belonging to the Indian Communist Party of Shri Vasudevan Nair, because out of 133 candidates, only three belonging to that party has been returned.

**Shri Koya (Kozhikode):** You want all those who have been rejected by the people?

**Shri P. G. Menon:** Therefore, if a committee of 44 people is appointed, it would enable only one member from the Indian Communist Party to be nominated to that committee. These considerations will show that the arguments made by the hon. friends who spoke before me are fallacious.

**Shri Vasudevan Nair:** What will be the percentage of the Congress?

**Shri P. G. Menon:** I am arguing against the suggestion made by my hon. friends.

In setting up a committee we do not create a replica of the Legislative Assembly of Kerala which was dissolved. If that is the object, then the Assembly need not have been dissolved.

Once the article enabling the President to take over the administration of Kerala is applied, the President becomes responsible for the administration of Kerala. That means, the Union Ministry is the Ministry responsible for the administration of Kerala, and that responsibility cannot be given up. I do not say that the

Congress should be in a majority, I do not say that the Swatantra Party or the PSP or the Indian Communist Party should be kept back; I only submit on behalf of my State that a proper consultative committee, which will be useful in enacting legislation for Kerala, should be appointed, and in it there should be a reflection of the strength of Parliament here, because Parliament is today responsible for the administration of Kerala.

I have nothing further to submit.

13 hrs.

**Shri Hathi:** Sir, I have to learn a number of things from Shri Kamath. I have explained how the question of the Parliamentary Committee came in and I very clearly and categorically stated that it was a consultative committee, I had referred to clause 3(2). Even then Shri Kamath once again said what he said. I will not like to use harsh words but if the hon. Member still insists... (Inter-raptions.) I did not even mention. To say that I was bamboozling . . .

**Shri Hari Vishnu Kamath:** That 'if' is there; I put in the word 'if' there.

**Shri Hathi:** I have to differ from him. So far as the two amendments of Mr. Kamath are concerned. I have to say this. Even in my speech earlier, I had submitted that none of these amendments are acceptable. Some reasons were given by the hon. Members Shri Vasudevan Nair and others; they have complained that legislation was brought before the committee without sufficient time being given to them or advance notice being not given to them or full opportunity to discuss them not being given to them. The clause here reads:

"Provided that before enacting any such Act, the President shall, whenever he considers it practicable to do so, consult a committee constituted for the purpose."

[Shri Hathi]

Shri Vasudevan Nair suggested that if he could not call a meeting of the committee, he could issue an ordinance. Let us see the effect of this. On the one hand we are giving him power to legislate and now, if he wants to enact, according to this clause, he may call a committee meeting whenever possible. What happens if he were to pass an Ordinance? It has to be brought before the legislature; Ordinance cannot be a permanent measure and Parliament will have to discuss it again. We are trying to vest President with these powers as it may not be possible for this Parliament to deal with all the legislation. If he were to issue an Ordinance which will in any case have to come here, this power is not at all necessary. When Parliament is not in session he can issue an Ordinance; otherwise he cannot issue. These are constitutional difficulties.

**Shri Vasudevan Nair:** He can convene a meeting of the committee.

**Shri Hathi:** That is all right. If the Ordinance is to be brought before this Parliament, then this Committee becomes useless. I cannot understand what their premises is. Members want that they should be given full opportunity; that they should be given full time to discuss and sufficient time should be given; agenda should be given to them and it

should not be hurriedly done so that they do not get a chance to say what they want. I have no quarrel about these matters and we shall see that whenever a meeting is called, sufficient time is given. It was not the complaint that the legislation was not put before the committee; the only complaint was that sufficient time sometimes was not given. It may be.

Now, about the composition of the committee. It is for you to appoint thirty Members from this House and it is for the Rajya Sabha Chairman to appoint fifteen Members. There, I have nothing to say as it is not in my province. So, both the amendments are not acceptable and I oppose the... (Interruptions.)

**Mr. Speaker:** May I put amendments Nos. 1 and 2 together to the vote?

**Shri Hari Vishnu Kamath:** No, Sir; separately.

**Mr. Speaker:** All right. I put amendment No. 1 now. The question is: Page 2, line 10,—

omit "whenever he considers it practicable to do so."

The Lok Sabha divided.

#### Division No. 24]

#### AYES

[13.10 hrs.

Ujij Rai Singh, Shri  
Chakravartty, Shrimati Renu  
Dandekar, Shri N.  
Dev, Shri P.K.  
Gyotishi, Shri J.P.  
Kamath, Shri H.V.

Kapur, Singh, Shri  
Kar, Shri Prabhat  
Karni Singhji, Shri  
Koya, Shri  
Kumaran, Shri M.K.  
Misra, Dr. U.

Nair, Shri N.Sreekantan  
Nair, Shri Vasudevan  
Pottekkatt, Shri  
Ranga, Shri  
Shinkra, Shri  
Singh, Shri Y.D.

#### NOES

Achuthan, Shri  
Alagesan, Shri  
Azad, Shri Bhagwat Jha  
Bajaj, Shri Kamalnayan  
Bal Krishna Singh, Shri  
Bhagat, Shri B.R.

Bhagavati, Shri  
Bhakt Darshan, Shri  
Bhargava, Shri M. B.  
Bhattacharyya, Shri C.K.  
Brahm Prakash, Shri  
Brajeshwar Prasad, Shri

Chanda, Shrimati Jyotans  
Chandak, Shri  
Chandrabhan Singh, Shri  
Chaturvedi, Shri S.N.  
Chaudhuri, Shri D.S.  
Chaudhuri, Shri Sachindra

Chavan Shri D.R.	Maimoona Sultan, Shrimati	Roy, Shri Bishwanath
Chavan Shri Y.B.	Malaviya, Shri K.D.	Sahu, Shri Ramchwar
Dass, Shri C.	Malhotra, Shri Inder J.	Saranta, Shri S.C.
Dighe, Shri	Manaen, Shri	Saraf, Shri Sham Lal
Dinesh Singh, Shri	Maniyangadan, Shri	Satyabhama Devi, Shrimati
Doras, Shri Kasinatha	Maurya Din, Shri	Scindia, Shrimati Vijaya Raj
Dubey, Shri R.G.	Matcharaju, Shri	Shankaraya, Shri
Dwivedi, Shri M.L.	Menon, Shri P.G.	Shastri, Shri Lal Bahadur
Gackwad, Shri Fatehsinhrao	Mirza, Shri Bakar Ali	Shastri, Shri Ramanand
Gairaj Singh Rao, Shri	More, Shri S.S.	Shree Narayan Das, Shri
Ganapati, Ram, Shri	Mukerjee, Shrimati Sharda	Singh, Shri S.T.
Ganga Devi, Shrimati	Murti, Shri M.S.	Sinha, Shri Satyu Naryan
Gupta, Shri Shiv Charan	Musafir, Shri G.S.	Subbarman, Shri
Hanra, Shri Subodh	Naik, Shri D.J.	Swaran Singh, Shri
Harvani, Shri Ansar	Nanda, Shri	Thimmaiah, Shri
Jagjivan Ram, Shri	Naskar, Shri P.S.	Thomas, Shri A.M.
Jamunadevi, Shrimati	Paliwal, Shri	Tiwary, Shri D.N.
Joshi, Shrimati Subhadra	Panna Lal, Shri	Tiwary, Shri K.N.
Kunungo, Shri	Patil, Shri S.B.	Tiwary, Shri R.S.
Kappen, Shri	Patil, Shri S.K.	Tripathi, Shri Krishna Deo
Khan, Dr. P.N.	Pattabhi Raman, Shri C.R.	Tula Ram, Shri
Khanna, Shri Mehar Chand	Prabhakar, Shri Naval	Uikey, Shri
Kindar Lal, Shri	Pratap Singh, Shri	Varma, Shri M. I..
Kisan Veer, Shri	Ram, Shri T.	Varma, Shri Ravindra
Kotaki, Shri Liladhar	Ram Sewak, Shri	Verma, Shri Balgovind
Krishnamachari, Shri T.T.	Ram Swarup, Shri	Verma, Shri K.K.
Lakhtan Chaudhry, Shri	Ramanathan Chettiar, Shri R.	Vidyalankar, Shri A.N.
Lakhan Das, Shri	Rane, Shri	Virbhadr Singh, Shri
Laxmi Bai, Shrimati	Rao, Shri Rameshwar	Vyas, Shri Radhelal
Mahtab, Shri	Ray, Shrimati Renuka	Wasnik, Shri Balkrishna
Mahishi, Dr. Sarojini	Reddi, Dr. B. Gopala	

Mr. Speaker: The result of the division is Ayes; 18; Noes; 110.

The motion was *negotiated* adopted.

Mr. Speaker: I will now put amendment No. 2 to the House.

Shri Hari Vishnu Kamath: That is the alternative to the first amendment. I am pressing that. You may kindly read it, Sir.

Mr. Speaker: The question is:

Page 2, after line 19, insert—

“Provided further that whenever the President considers it impracticable to do so, the reasons therefor shall be communicated in writing to the members of the Committee aforesaid.” (2)

The Lok Sabha Divided.

Division No. 25]

EYES

[13.13 hrs.

Brij Raj Singh, Shri  
Dandekar, Shri N.  
Deo, Shri P.K.  
Jyotishi, Shri J.P.  
Kamath, Shri Hari Vishnu  
Kapoor Singh, Shri

Kar, Shri Prabhat  
Karni Singhji, Shri  
Koya, Shri  
Kumaran, Shri M.K.  
Mitra Dr. U..

Nair, Shri N. Sreekantan  
Pottakkatt, Shri  
Raghavan, Shri A.V.  
Ranga, Shri  
Shinkre, Shri  
Singh, Shri Y.D.

626 (A) LS—5.

## NOES

Achuthan, Shri	Kanungo, Shri	Ramanathan Chettiar, Mr. F.
Alagesan, Shri	Kappen, Shri	Rane, Shri
Azad, Shri Bhagwat Jha	Khan, Dr. P.N.	Rao, Shri Rameshwar
Bajaj, Shri Kamalnayan	Khanna, Shri Mehr Chand	Ray, Shrimati Renuka
Bal Krishna Singh, Shri	Kindar Lal, Shri	Reddi, Dr. B. Gopala
Bhagat, Shri B.R.	Kisan Veer, Shri *	Roy, Shri Bishwanath
Bhagvati, Shri	Kotoki, Shri Liladhar	Sahu, Shri Rameshwar
Bhakat Darshan, Shri	Krishnamachari, Shri T.T.	Samanta, Shri S.C.
Bhargava, Shri M.B.	Lahian Chaudhry, Shri	Saraf, Shri Sham Lal
Bhattacharyya, Shri C.K.	Lakhan Das, Shri	Satyabhama Devi, Shrimati
Brahm Prakash, Shri	Laxmi Bai, Shrimati	Scindia, Shrimati Vijaya Raje
Brajeshwar Prasad, Shri	Mahishi, Dr. Sarojini	Shankaraiya, Shri
Chakravartty, Shrimati Renu	Maimoona Sultan, Shrimati	Shastri, Shri Lal Bahadur
Chanda, Shrimati Jyotana	Malaviya, Shri K.D.	Shastri, Shri Ramonand
Chandak, Shri	Malhotra, Shri Inder J.	Shree Narayan Das, Shri
Chandrabhan Singh, Shri	Manan, Shri	Singh Shri S.T.
Chaturvedi, Shri S.N.	Maniyangadan, Shri	Sinha Shri Salya Narayan
Chaudhuri, Shri D.S.	Masuriya Din Shri	Subbarman, Shri
Chaudhuri, Shri Sachindra	Matcharaju, Shri	Swaran Singh, Shri
Chavan, Shri D.R.	Menon, Shri P.G.	Thimmaiah, Shri
Chavan, Shri Y.B.	Mirza, Shri Bakar Ali	Thomas, Shri A.M.
Dass, Shri C.	Mukerjee, Shrimati Sharda	Tiwary, Shri D.N.
Dighe, Shri	Murti, Shri M.S.	Tiwary, Shri K.N.
Dinesh Singh, Shri	Musfir, Shri G.S.	Tiwary, Shri R.S.
Dorai, Shri Kasinatha	Naik, Shri D.J.	Tripathi, Shri Krishna Deo
Dugey, Shri R.G.	Nanda, Shri	Tula Ram, Shri
Dwivedi, Shri M.L.	Naskar, Shri P.S.	Uikey, Shri
Gackwad, Shri Pathesinbrao	Paliwal, Shri	Varma, Shri M.J.
Gajraj Singh Rao, Shri	Panna Lal, Shri	Varma, Shri Ravindra
Ganapati Ram, Shri	Patil, Shri S.B.	Verma, Shri Balgovind
Ganga Devi, Shrimati	Patil, Shri S.K.	Verma, Shri K.K.
Gupta, Shri Shiv Charan	Pattabhi Raman, Shri C.R.	Vidyalankar, Shri A.N.
Hanada, Shri Subodh	Prabhakar, Shri Naval	Virbhadra Singh, Shri
Hervani, Shri Anwar	Pratap Singh, Shri	Vyas, Shri Redhela
Jagjivan Ram, Shri	Ram, Shri T.	Wasnit, Balkrishna
Jamunadevi, Shrimati	Ram Sewak, Shri	
Joshi, Shrimati Subhadra	Ram Swarup, Shri	

**Shri J. P. Jyotishi (Sagar):** I have again wrongly voted for Ayes; I am for Noes.

**Shrimati Renu Chakravartty (Barrackpore):** I have also wrongly voted for Noes; I am for Ayes.

**Mr. Speaker:** So, the result remains the same.

Ayes 17; Noes 109.

*The motion was negatived.*

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

"That clause 3 stand part of the Bill."

*Clause 3 was added to the Bill.*

*Clause 1, the Enacting Formula and the Title were added to the Bill*

**Shri Hathi:** I beg to move:

"That the Bill be passed."

**Mr. Speaker:** Motion moved.

"That the Bill be passed."

**Shri Ranga:** Sir, I am extremely sorry to find that two of our friends, who are otherwise reasonable—Mr. Nanda and Mr. Govinda Menon—have taken an untenable attitude. Ordinarily I find Mr. Govinda Menon to be an extremely reasonable person while I work with him in the P U Committee. But something happens once he comes into the House...

**Mr. Speaker:** That is not only with Mr. Menon, but most other members also.

**Shri Ranga:** He takes a stand which is completely unjustified. I would like to answer one argument that has been raised. In answer to my suggestion that when every other approach had been found to be not suitable to the special conditions in Kerala, they should at least make an attempt to study the way in which the Swiss system of parliamentary government is working there and make the necessary adjustments, so that they might be able to introduce a system through which they would make it possible for the people of Kerala to have a democratic administration even under the present special circumstances, some of my friends have urged that I advanced this argument only because I found that not only the Swatantra Party, but other opposition parties also not capable of hoping to achieve a big enough majority in Kerala to have a government on British parliamentary lines. I plead guilty to the fact that so far opposition parties have not succeeded in getting an absolute majority there. It is quite possible we may not be able to achieve such a consummation in the near future. But it is also true that my hon. friends of the Congress Party have also failed not once, but repeatedly to get this absolute majority. It is no discredit to any particular political party.

Under the circumstances, what is it that we have to do? That is the responsibility of members of this House and the other House and also of the Government to think about this and try to give a satisfactory answer. I have attempted to offer a solution. It is for my hon. friends to think of some other equally reasonable solution if they can, and otherwise, to give careful consideration to my solution. Instead of that, it is no good cutting cheap jokes at such other.

True, the Swatantra Party has lost almost all its candidates there. My hon. friend volunteered the informa-

tion that we lost our deposits. It is no discredit to us. One of us has been elected, but he says he has private information that that person has already left us and joined the Kerala Congress, which I do not consider to be quite correct. Even supposing that is true, the main point is if there is any chivalry at all in public life, they should have welcomed the advent of the Swatantra, because unlike the right or left communist party, it happens to believe in peaceful methods, democratic institutions and parliamentary system, and it has made its debut. Instead of congratulating it on having made this heroic effort, that too at the last moment, my hon. friend was to crack a joke at its expense. I am prepared to allow him this small satisfaction when he is obliged to go on mourning all the time for years and years over the failure of the Congress Party all over India and in Kerala in a willy-nilly fashion for their continued failure to get an absolute majority. I condole with him for his mourning, but I expect him to be chivalrous over our failure, sympathise with us and at the same time wish us godspeed, so that if they are not able to form a parliamentary government there, we might be able to provide a parliamentary majority in years to come and Kerala may be saved from communist regime.

I am not in favour of communist regime in Kerala because it happens to hold a strategic position in the total logistic circumstances of our country and in our social democracy also. So, I would like Kerala to be saved for democracy. I would repeat this appeal once again to our friends to try to cooperate with all other democratic parties in devising a method by which it would be possible sooner or later to help the Kerala people to have a really full-fledged democratic regime and not this kind of presidential regime which can only give satisfaction to those who have faith in totalitarianism of one or other of the political parties.

**Shrimati Renu Chakravartty:** Sir, I have just listened to my friend, Mr. Ranga. There is one thing which is as sure as the light of day and that is, there is absolutely no chance of Mr. Ranga's party to come into power in Kerala. It is far too poor and overcrowded, its people are far too politically mature to be able to accept his party. His party having lost the deposit is not the question. The candidates belonging to my party have lost many deposits. It is a question of following correct policies with regard to the people of Kerala and to the people of India. It is through very hard, sustained and self-sacrificing work among the peasants and workers, not through the forum of free enterprise, that we will really be able to get a democratic form of government in Kerala.

Sir, I am sorry the Home Minister is running away. I presume he is hungry. He should have been here to listen because we are now pinning down the last nail in the coffin of democracy. We know we have had a long debate on this question and many totally unsatisfactory reasons have been put forward as to why Kerala could not have a democratic elected government. The constitutionality of the Governor on the advice of the Central Government, I presume, to advise the President and the President not allowing full opportunities for the formation of a government and the convening of the State legislature for that purpose has been challenged by all on this side. But now we come to a situation where it is very clear that it is not only the fact that the government has not allowed an elected majority to try for an absolute majority in the legislature and to form a government because it is a non-Congress party which has got an elected majority, but even at this stage when a resolution is brought forward that the President should form a committee of, I presume, all parties, and that he must con-

sult them in carrying out his presidential powers in the state, at that stage also it is surprising that the Government has refused to accept any democratic proposition which has come forward from this side.

Sir, we are not enamoured of the Swiss proposals. We do not know what they are. But we certainly know, everybody in India knows that in a situation where the Government because of its own high-handedness and dictatorial methods has refused to allow elected representatives of a State to function by keeping 28 of the elected representatives under detention without trial and in spite of the demand of all parties, of all the people in the country, that if there is anything against anybody they should bring them before a court of law for trial—in that case nobody would have opposed the Government on that point—even in such a situation, this simple demand that the Rashtrapathi should consult this committee at all stages, even this small democratic principle is given a go-by, and naturally it is very clear that the Government is bent upon acting in a totally dictatorial fashion when it suits them because they do not have a majority in that State.

What is going to happen in the future? There will be many States, in the coming general elections, where suppose some princes of my hon. friend Shri Masani's party come into power and in other States there may be the Jan Sangh who may come into power—in that situation what is the Congress Government going to do? Are these the first echoes of what we are going to find reverberating throughout India? Are these the democratic methods which we are going to demonstrate before the world?

Therefore, we are totally opposed to this method of the government's functioning. We still demand that

even at this stage let the Government see wisdom. What is the use of having a committee which the Rashtrapathi may if he so desires or he thinks fit consult and ask for advice or he may not? It is an advisory body. Even there it is hedged with this small clause "he may, if he so thinks, find it convenient to him or practical to him". Therefore, it is very clear to the country at large that this is the death knell of democratic procedures and it will have a very very far-reaching effect in future. It may be that many times it will go against the Congress which today is suppressing others in the Opposition parties who could have formed a Government in Kerala.

**Shri Koya:** Mr. Speaker, Sir, much against the will of the people of Kerala, President's Rule has been imposed on them. We are not told when we are going to have a democratic government there. How long are we to wait? Are we to have this advisory committee for an indefinite period? Are we to wait till the next general elections? All these things have not been made clear.

Always it is said that the people of Kerala are at fault. The Congress Party has not got a majority in Kerala. But this Bill is being passed because they have got a majority in U.P., in Bengal, Bihar and others States and they have a majority in the Parliament. Because they have a majority here they are imposing their will on us. It is undemocratic. No doubt, the Parliament has that power according to the Constitution. But in spirit it is undemocratic. We hope this will not be there for more than it is necessary.

As I said, the people there are always blamed because the Congress did not get majority. When a certain candidate is put up and the people cast their vote for him how are they to know whether that candidate's party will get a majority in the State legislature? When certain candidates are put up from certain constitu-

encies, people consider whether a candidate is a capable man and then cast their votes. If that candidate's party is defeated in some other constituencies and does not get a majority in the legislature, the people who voted for him cannot be blamed for that. What is wrong with the people of Kerala? Is it our fault that we are educated? Is it our fault that we have so many graduates? Is it our fault that even the rickshawwalahs read newspapers? Kerala knows about democracy more than any other part of India. Kerala was having democratic government even in pre-historic days. Our Perumals were all elected. The representatives of our local governments were all elected. We are proud of that. We know what democracy is. We need not be told about that. We have not done any fault in electing the candidates whom we think are capable. You are now imposing, more or less, something upon us, the enlightened and educated people of Kerala for no fault of ours. I, therefore, want the Government to use the President's Rule to the minimum possible period.

**Shri Hari Vishnu Kamath:** Mr. Speaker, Sir, with the adoption of the resolution on the Presidential Proclamation and the passage of the Bill seeking to confer on the President the power of the Legislature of the State of Kerala to make laws, and also the refusal of the Government and the ruling party members of the House to accept even the most reasonable amendments to the substantial clause of the Bill, I am constrained to say that the Government and the Congress Party have driven the first, large, outsized nail into the coffin of the Constitution and of parliamentary democracy in this country. The Government, by putting party interests above national interests, have set a very dangerous precedent for the future of democratic elections and their aftermath in this country, and it augurs ill for any State in future if a non-Congress party or parties get

[Shri Hari Vishnu Kamath.]

a majority. If the Congress Party does not get a majority in a State after the elections, a situation similar to what happened in Kerala two months ago would come about.

The Minister of State in the course of his reply to the debate, referring to article 356 of the Constitution, quoted what I had said in the Constituent Assembly. But may I point out to him and the House—you were not in the Chair at that time—that my amendment at that time to this article of the Constitution was not accepted and the original article as drafted was retained which reads as follows:

“If the President, on receipt of a report from the Governor of a State or otherwise, is satisfied that a situation has arisen....”

The words “or otherwise” are still there. That is why I wanted the Government to act upto the spirit and letter of article 356 and explore all possible avenues, besides or notwithstanding the report of the Governor, with regard to the formation of a stable ministry in Kerala. I still hold the opinion, Sir, that if the Assembly had been convened by the Governor there were prospects of a democratic government in Kerala being formed soon after the elections.

I would say only one word more and I will have done. The new Governor of Kerala is well known to most of us. He was a colleague of ours in this House. Though on one or two occasions he did not display, show or betray the consciousness of an emergency in the country—at that time, I believe, you also were in the Chair when he raised a question as to whether there was an emergency at all in the country—I do hope that he will function in Kerala in a manner that will not merely suggest his consciousness of the emergency but also.....

Mr. Speaker: Then he was a Member only; now he is a Governor.

Shri Hari Vishnu Kamath: He is higher up. He may forget all about the emergency. He is now elevated.

Mr. Speaker: Therefore he has responsibilities.

Shri Hari Vishnu Kamath: I am thankful for the luminous light you have shed on the matter, and I do hope that he will be conscious, very acutely conscious, of the new responsibilities that have devolved upon him, and discharge them not merely to the best of his ability but bearing in mind that this poor State of Kerala which has lost its legislature by an arbitrary fiat of the Government will be saved, and the future of it safe and secure in his hands. He will be judged by what he does and how he acts in Kerala.

May I say before I close that the Government by not exploring the avenues or possibilities of forming a democratic government and by refusing to bring at least one or two so-called Leftist Communists, really pro-China Communists to trial, have shown only a tendency which I may describe as willingness to wound but afraid to strike? I do hope that they will act in a better, more statesman-like manner in future and try to convince the country that they do stand by parliamentary democracy and by the Constitution and not act in the same cavalier fashion that they had acted in regard to Kerala on this occasion.

Shri C. K. Bhattacharyya (Rai-ganj): Sir, the interest that this House has shown during the discussion of the proposals placed before it on behalf of the Government conclusively proves that the interests of the State of Kerala, the interests of the people of Kerala and the interests of the administration of Kerala are perfectly safe in the hands of Parliament. Whether the legislature there is in a state of temporarily suspended animation—legislature is not obliterated

altogether; for the time being it is in a state of suspended animation—throughout the period the legislature continues to be so, this Parliament will look to the interests of all the possible elements in Kerala, whether they be for the Government or against the Government. Of this those of our friends in the Opposition, who are having so many inflections at the Government, at the ruling party, the Congress Party, may rest assured.

I was very flattered and even a bit amused when I found the spokesman of the Communist Party displaying such a great love for democracy. If this love for democracy continues to grow in them, in a very short time we expect to see very large scale conversions to democracy and that will solve at least one of the national problems of India.

**Shri Vasudevan Nair:** What is your conception of democracy?

**Shri C. K. Bhattacharyya:** Let us hope that this love is there not only to be used as a big stick to beat the Government with but that this is sincere and is growing in their hearts.

My hon. friend of the Muslim League there assured us very kindly that democracy has been existing in Kerala from time immemorial; that from very old days democracy had been working in Kerala. But my hon. friend forgot that in those times there was no Muslim League in Kerala.

**Shri Koya:** No Congress also.

**Shri C. K. Bhattacharyya:** The trouble for democracy has come with the growth of Muslim League in Kerala. If the League had not existed, perhaps one of the parties would have got a workable majority to run a government. That is a major point for consideration which was forgotten by my hon. friend.

**Shri Koya:** We saved you in 1960.

**Shri C. K. Bhattacharyya:** There is not much to be spoken. The Government will work under the committee that has been set up by Parliament and under your guidance, Sir. I believe, the agency that you are setting up now will work with perfect justice and, I should say, with perfect non-attachment or non-aversion, that is, with what we say in our own words *raga deesha vimukta* (रगद्वेष विमुक्त) It would work without attachment to anybody and without aversion to anybody so that my friends opposite and my friends belonging to their groups in Kerala may rest assured that their interests will be perfectly and safely looked after.

**Shri A. V. Raghavan (Badagara):** Mr. Speaker, Sir, the committee constituted under the Kerala State Legislature (Delegation of Powers) Act previously met twice, once at Delhi and secondly at Trivandrum.

**Shri Hari Vishnu Kamath:** Twice in how many years?

**Shri A. V. Raghavan:** In six months. On both these occasions the time given to Members was very short. On the first occasion the committee was given hardly five days and we from Kerala require four days to reach Delhi by train and it is very difficult to get reservation by plane at such short notice. On the second occasion it was intimated to us that the meeting will be held at Delhi but thereafter we received a telegram saying that the venue has been changed from Delhi to Trivandrum; so much so that many Members had already left for Delhi and they had to get back to Trivandrum immediately.

**Shrimati Renu Chakravartty:** Democratic procedures!

**Shri A. V. Raghavan:** On both these occasions many Members could not attend the meeting either at Delhi or at Trivandrum because of the confusion of the Home Ministry.

**Mr. Speaker:** The Lok Sabha Secretariat had to pay that additional expenditure.

**Shrimati Renu Chakravartty:** Is it so?

**Mr. Speaker:** Yes.

**Shri Vasudevan Nair:** It was because the Home Minister wanted it to be at Trivandrum for another purpose. Therefore the venue was shifted.

**Shri A. V. Raghavan:** The notice for the third meeting was circulated to Members saying that the Committee is meeting in Delhi, but before the Committee could hold its meeting. . .

**Mr. Speaker:** It was under those circumstances that one Member had booked his seat and ultimately, because it was cancelled and he returned the ticket, he had to suffer.

**Shri A. V. Raghavan:** The third meeting was fixed to be held at Delhi but in the mean time a new Proclamation was promulgated so much so that the third meeting could not be held, as a result of which certain Acts have already lapsed; for example, the Kerala Building Lease and Rent Control Act has already lapsed. Because the courts are closed now there is no difficulty, but the courts are likely to reopen on the 17th of this month. Therefore may I request the Home Minister to convene a meeting of this Committee before the 17th and re-enact the Kerala Building Lease and Rent Control Act? Sufficient notice must be given to Members and. . .

**Shrimati Renu Chakravartty:** They would not give you notice.

**Shri A. V. Raghavan:** . . this Act should be re-enacted in a very short period. This is all I have to submit.

**Shri Hathi:** Mr. Speaker, Sir, it has been sought perhaps to argue that by

not accepting the amendments which, according to Shri Kamath and others, were innocent. . .

**Shri Hari Vishnu Kamath:** Reasonable.

**Shri Hathi:** . . . the Government has shown its disinclination of working in a democratic method.

**Shri Ranga:** What else? I wish, you had accepted them.

**Shri Hathi:** I am coming to that. So far as the Committee's functions are concerned, it is a consultative committee while, it is forgotten, we are giving the overall authority to Parliament itself.

**Shri Hari Vishnu Kamath:** For one or two days only you will have Kerala in Parliament.

**Shri Hathi:** Whatever the Act enacted by the President either with the meeting of the Consultative Committee or without the Consultative Committee, this Act is not an absolute one. Let us not forget that it is the Parliament which has the overall power over this, that is, under clause (4) of section 3. This point is very clear. I am sorry that they have missed this important clause. It reads:—

“Every Act enacted by the President under sub-section (2) shall, as soon as may be after enactment, be laid before each House of Parliament.

Either House of Parliament may, by resolution passed within seven days from the date on which the Act has been laid before it. . . .”

**Shri Ranga:** Has it ever been possible in this House to set aside all other work, give notice of amendments and get them moved in this House within seven days after it has been placed before it, apart from other work that has already been notified before the House?

**Shri Hari Vishnu Kamath:** With Pakistan and China on the border, besides.

**Shri Hathi:** It says:

"Either House of Parliament may, by resolution passed within seven days from the date on which the Act has been laid before it under sub-section (3), direct any modifications to be made in the Act and if the modifications are agreed to by the other House of Parliament during the session in which the Act has been so laid before it or the session succeeding, such modifications shall be given effect to by the President by enacting an amending Act under sub-section (2)".

**Shri Hari Vishnu Kamath:** I had read the Bill in detail before I gave the amendments.

**Mr. Speaker:** Is it a notice to be given within 7 days or a modification to be made within 7 days?

**Shri Hathi:** It is the notice.

**Mr. Speaker:** It is the notice to be given within 7 days.

**Shri Ranga:** No, Sir; it is not put like that. Suppose the Act has been laid before it on the 1st. The resolution is to be passed by the 21st. Before that, the Business Advisory Committee would have decided about the work of Parliament and we would have, some how or other, to pursue a special procedure in order to get a notice given and get it discussed and all the rest of it. How is it ever possible?

**Shri Hathi:** Generally, as I said, it will be our duty and the Government will take care to see that this Committee is called. I can assure the House that there will not be many occasions but very few occasions, if

at all it is impossible to call the Committee, when this Committee will not be called. Otherwise, I can assure the House that the Committee will be called. So far as the agenda, etc. is concerned, we will take care that proper notice is given and that sufficient material is given to the Members because, after all, it is a question of getting the assistance from the Members. It is a question of knowing the views of the Members, taking the benefit of their experience and their knowledge. Therefore, it is not that this is simply a Committee which we are keeping only on paper....

**Shri Hari Vishnu Kamath:** Ornamental.

**Shri Hathi:** It is not ornamental. I must say that this Committee will be called and it will be consulted and the occasion, when it is not called, will be only exceptional. Otherwise, there is no reason why the Committee will not be called.

About the second thing which Prof. Ranga suggested—it is a suggestion—I take it in the spirit that, after all, we want democracy to function and we want that the people should elect their own representatives and that they should get a majority. But supposing there is no majority, what do we do? Today, the Constitution provides that this is the only course. What else could we do? Suppose we have some such machinery. It is a question for research. I am not close-minded. That is a suggestion. I can give him that much assurance. So far as the present position is concerned, there was no other way but this one. To say that the Government did not take sufficient steps to see that the party which could form a majority should have been invited and further enquiry should have been made, as Shri Kamath said, or otherwise, is not the point. When the Governor had sent his report and when he said, "This is the factual position", there

[Shri Hathi.]

was no question of getting any information from outside and to that point I had sufficiently replied at length. I can assure one thing, through you, Sir, to the Members of Kerala and others that our idea is that, apart from this Committee being a Consultative Committee, we will also utilise it, with your permission, for other questions and problems relating to Kerala so that the question of the development of Kerala, the various projects, industries, education and other things, could be looked into by this Committee.

I have already referred to that small Cabinet Sub-Committee which also looks to these questions. So far as we are concerned, the development of Kerala, the interests of the people of Kerala, will be the first responsi-

bility of the Government of India and I can give an assurance, on behalf of the Government, that we shall take every step in that direction. This is not only in expression of words but I sincerely say that we will take interest in the development of Kerala so that the people of Kerala may get the maximum benefit of this legislation under the powers and the overall supervision of this august House—the Parliament.

With these words, I move.

Mr. Speaker: The question is:

"That the Bill be passed".

Let lobbies be cleared.

Lok Sabha Divided:

[13.50 hrs.]

### Division No. 26]

### AYES

Achuthan, Shri  
 Akkamma Devi, Shrimati  
 Alva, Shri A.S.  
 Azad, Shri Bhagwat Jha  
 Babunath Singh, Shri  
 Bal Krishna Singh, Shri  
 Barkataki, Shrimati Renuka  
 Barupal, Shri P.L.  
 Bhanja Deo, Shri L.N.  
 Bhargava Shri M.B.  
 Bhattacharyya, Shri C.K.  
 Brajeshwar Prasad, Shri  
 Brj Basi Lal, Shri  
 Chandrabhan Singh, Shri  
 Chaudhuri Shri D.S.  
 Chavda, Shrimati Joraben  
 Das, Shri B.K.  
 D. S. B. S. S. S. P. C.  
 Gawkwad, Shri Patehsinhroo  
 Ganapati Ram, Shri  
 Hansda, Shri Subodh  
 Harvani, Shri Anwar  
 Himatsingka, Shri  
 Jadhav, Shri M.L.  
 Jedhe, Shri  
 Jena, Shri  
 Jyotishi, Shri J.P.  
 Kadadi, Shri  
 Kappen, Shri  
 Kedaria, Shri C.M.  
 Keishing, Shri Rishaug  
 Khan, Dr. P.N.

Kinder Lal, Shri  
 Kotaki, Shri Liledhar  
 Kripa Shankar, Shri  
 Kureel Shri B.N.  
 Lahtan Chaudhry, Shri  
 Lakhan Das, Shri  
 Lalit Sen, Shri  
 Laxmi Bai, Shrimati  
 Maimoona Sultan, Shrimati  
 Malhotra, Shri Inder J.  
 Manen, Shri  
 Maniyangadan, Shri  
 Matcharasju, Shri  
 Mehrotra, Shri Braj Bihari  
 Mukerjee, Shrimati Sharda  
 Muthiah, Shri  
 Naik, Shri D.J.  
 Oza, Shri  
 patel, Shri Man Sinh P.  
 Patil, Shri V.T.  
 Patnaik, Shri B.C.  
 Pillai, Shri Nataraja  
 Prabhakar, Shri Naval  
 Pratap Singh, Shri  
 Rai, Shrimati Sahodra Bai  
 Raju, Shri D.B.  
 Ram Sewak, Shri  
 Ram Swarup, Shri  
 Rane, Shri  
 Rao, Shri Krishnamoorthy  
 Rao, Shri Muthyal  
 Reddiar, Shri  
 Saha, Dr. S.K.

Sahu, Shri Rameshwar  
 Samanta, Shri S.C.  
 Samnani, Shri  
 Sanji Rupji, Shri  
 Saraf, Shri Shum Lal  
 Sarma, Shri A.T.  
 Sen, Shri P.G.  
 Shah Shrimati Jayaben  
 Shakuntala Devi, Shrimati  
 Shankaraiya, Shri  
 Shastri, Shri Ramanand  
 Shree Narayan Das, Shri  
 Shyam Kumari Devi, Shrimati  
 Singh, Shri K.K.  
 Singh, Shri S.T.  
 Singha, Shri. G. K.  
 Snatak, Shri Nardeo  
 Subbaraman, Shri  
 Thengal, Shri Nallakoya  
 Tiwary, Shri D.N.  
 Tiwary, Shri K.N.  
 Tiwary, Shri R.S.  
 Ulkey, Shri  
 Upadhyaya, Shri Shiva Dutt  
 Varma, Shri Ravindra  
 Verma, Shri Balgovind  
 Virbhadra Singh, Shri  
 Vyas, Shri Radhelal  
 Wadiwa, Shri  
 Wasnik, Shri Balkrishna  
 Yadava, Shri B.P.

**NOES**

Alvares, Shri	Kumaran, Shri. M.K.	Ramanathan Chettiar, Shri R.
Bade, Shri	Lakshmu Bhawani, Shri	Ranga, Shri
Bagari, Shri	Limaye, Shri Madhu	Shashank Manjari, Shrimati
Chakravartty, Shrimati Renu	Mahato, Shri Bhajahari	Shinkre, Shri
Deo, Shri P.K.	Misra, Dr. U.	Singh, Shri J.B.
Elias, Shri Mohammad	Mukerjee, Shri H.N.	Singh, Shri Y.D.
Kakkar, Shri Gauri Shankar	Nair, Shri N. Sreekantan	Sivasankaran, Shri
Kamath, Shri Hari Vishnu	Pottekkatt, Shri	Yashpal Singh, Shri
Koya, Shri	Raghavan, Shri A.V.	

**Shri Vasudevan Nair:** I pressed the button but the machine was not working. I am for 'No'.

**Shri R. G. Dubey (Bijapur North):** I wrongly pressed the button 'Neutral'. I am for 'Aye'.

**Shri Kamalnayan Bajaj (Wardha):** I am also for 'Aye'.

**Mr. Speaker:** All that is recorded.

The result of the Division is: 'Ayes' ....96; 'Noes' .... 26.

*The motion was adopted.*

**Shri Hari Vishnu Kamath:** It is a tangible victory for us.

13.49½ hrs

**DEMANDS\* FOR GRANTS—  
KERALA, 1965-66**

**Mr. Speaker:** We shall now take up the discussion and voting on the Demands for Grants in respect of the State of Kerala for the year 1965-66. Those who want to move their cut motions may do so within 15 minutes.

Demand Nos. I to LIII and LV are before the House.

**DEMAND NO. I—AGRICULTURAL INCOME  
TAX AND SALES TAX**

**Mr. Speaker:** Motion moved:

"That a sum not exceeding Rs. 37,21,600 be granted to the President out of the Consolidated Fund of the State of Kerala, to

complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1966, in respect of 'Agricultural Income Tax and Sales Tax'."

**DEMAND NO. II—LAND REVENUE**

**Mr. Speaker:** Motion moved:

"That a sum not exceeding Rs. 1,11,02,900 be granted to the President out of the Consolidated Fund of the State of Kerala, to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1966, in respect of 'Land Revenue'."

**DEMAND NO. III—EXCISE**

**Mr. Speaker:** Motion moved:

"That a sum not exceeding Rs. 24,20,500 be granted to the President out of the Consolidated Fund of the State of Kerala, to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1966, in respect of 'Excise'."

**DEMAND NO. IV—TAXES ON VEHICLES**

**Mr. Speaker:** Motion moved:

"That a sum not exceeding Rs. 8,25,600 be granted to the President out of the Consolidated Fund of the State of Kerala, to complete the sum necessary to defray the charges which will come in course of payment during

\*Moved with the recommendation of the President.