

Now, I am not in a position to say whether it was a case of sabotage. It will depend on the result of the enquiry and as I have said in my statement an enquiry has already been ordered, and with this inquiry some experts on explosives are to be associated.

In regard to shunting operation and respecting use of special wagons, I would like to say that all the explosives were being transported in special wagons and according to information available at the time this explosion took place there was no shunting operation. In regard to shunting operations there are strict regulations and those regulations are always complied with.

In regard to the question put by Mr. Patel I would mention that all these wagons were classed as explosives.

(Several hon. Members stood up)

THE DEPUTY CHAIRMAN : We will pass on to the next item. We have had enough.

SHRI ATAL BIHARI VAJPAYEE : Not enough, Madam.

THE DEPUTY CHAIRMAN : We must go on to the legislative business.

SHRI ATAL BIHARI VAJPAYEE : But, Madam, a definite question has been put whether in this case also all normal precautions were taken and all the rules were followed and the Minister replies that in every case the rules are followed. If the rules were followed, how did this happen ?

THE DEPUTY CHAIRMAN : They want to know whether in this particular case all the precautions were taken.

SHRI SHAM NATH : I presume, Sir, the rules were followed. Moreover, the consignor and the consignee were the same, that is, the military authorities. As I said in my statement, all the precautions that were necessary were taken. I may mention that during the Indo-Pakistan conflict there was so much

movement of explosives and other war equipment and material, yet no such accident took place.

SHRI M. P. BHARGAVA (Uttar Pradesh) : May I know from the hon. Minister whether under the rules it is permissible that gas cylinders, some of which are inflammable, are allowed to lie on the platform for several days together and, if it is not permissible, what action is taken if it is found that such cylinders are lying on the platforms ? I am referring to the Delhi platforms, where a number of gas cylinders are an every day sight.

SHRI SHAM NATH : In regard to Delhi railway station, I have no information.

THE DEPUTY CHAIRMAN : He has given you the information.

SHRI SHAM NATH : I would look into it. Normally gas cylinders, etc. should not be allowed to be kept lying on platforms.

THE DEPUTY CHAIRMAN : That will do.

SHRI LOKANATH MISRA (Orissa) : In the case of this accident at the Bhusaval railway station, were there gas cylinders before ? That may be a leading question.

SHRI SHAM NATH : There were no gas cylinders on the platform of this station.

RESOLUTION RE PROCLAMATION RELATING TO THE STATE OF KERALA—contd.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI JAISUKHLAL HATHI) : Madam, at the outset I should like to thank those Members who have, during this debate, offered some constructive suggestions. Among those Members I include Shri Mani, Shri Sinha and Shri Raghunatha Reddy. Some of the Members who have taken part in this debate have criticised the Government. I would

[Shri Jaisukhlal Hathi.]

•divide them into four different parts, viz : (1) constructive suggestions, (2) administrative defects and deficiencies, (3) constitutional impropriety in bringing forward this Resolution; and (4) general remarks, which are not strictly relevant to this Resolution.

I shall first come to administrative defects and deficiencies which have been mainly pointed out by Shri Govindan Nair. Here he touched on a number of subjects. Shri Thengari also mentioned various items. The main subjects, which were touched by Shri Govindan Nair, were : Revision of pay scales and the Pay Commission's recommendations; the pay scales of school teachers and college teachers; the Education Minister's announcement about the revision of pay scales of teachers; eviction and encroachment; eviction from the tribal areas and cases to be withdrawn against students facing public enquiry. These were mainly his allegations. So far as I have understood it, his main contention or grievance was against the Centre taking initiative in matters with which the Centre is now directly concerned. He touched the question of school teachers' salary, which has been announced by the Education Minister. I think he was right when he said that this was a decision of the Centre and why should not the Centre implement it. I may forthwith say that this is under our active consideration and that we have asked the Kerala State Government to examine the financial implications. Of course, 20 per cent has to be borne by the State Government and 80 per cent will be borne by the Centre. Therefore, I think there should not be much difficulty in implementing these suggestions. I may, however, say that, on the one hand, the complaint is being made that the Centre should not take policy decisions during the President's Rule. On the other hand, they blame the Centre for not taking any policy decisions. I know it and perhaps he also knows it that when the question of raising the age of retirement from 55 to 58 came up and the State Government took a decision, the complaint was made that it was a policy

decision and that during the period when Kerala was under President's Rule, such policy decisions should not be taken. Here also it is a major policy decision and even then I say . . .

SHRI M. N. GOVINDAN NAIR (Kerala) :
How is it a policy decision?

SHRI JAISUKHLAL HATHI: Now, there is no grievance for you, because, as I said, we are actively considering it and I think there is no reason why we should not accept it. Therefore-even if you object, I have said that we are going to consider this question, although it may be a policy decision.

Then, the second question which he raised was the recommendation of the Pay Commission. There was a time, as the Member said, when it was being delayed. Now, the recommendations of the Pay Commission have been received. Now, the criticism levelled against the Government is that they have not accepted the recommendations of the Pay Commission, that these recommendations do not give anything to the low-paid Government servants, that anything it gives goes to the highly-paid people. Now, I have looked into the question and I do not think that that charge could be sustained at all. I have got the figures, what the employees used to get as dearness allowance and what they will get now under the Pay Commission's recommendations. Under the old scale, people drawing up to Rs. 39 used to get Rs. 20i as dearness allowance; from Rs. 40 to 99, they used to get Rs. 25i as dearness allowance. Now, the dearness allowance which the employees will get is Rs. 33 instead of Rs. 20i. Then, from Rs. 100 to Rs. 199 they used to get Rs. 27*. Under the Pay Commission's recommendations persons drawing between Rs. 90 and Rs. 140 will get Rs. 50. That is from Rs. 27 i the dearness allowance will go up to Rs. 50. Then, in the higher slab the dearness allowance has been reduced from Rs. 100 to Rs. 90. In the case of officers who were drawing salaries between Rs. 750 to Rs. 1,000, they were getting Rs. 100 as dearness allowance. Now, they will get Rs. 90. Under the new scales, all persons drawing between Rs. 400 and

Rs. 1,000 will get Rs. 90. Up to Rs. 400 all people will get a higher dearness allowance. Therefore, we cannot say that the Pay Commission's recommendations have not given them any benefit. I can understand that when the cost of living is rising, they may expect even more than what they are getting. That is a different matter. But that is not equivalent to saying that all the benefit that has been given is given only to highly-paid officers. On the contrary, their dearness allowance has been reduced. In regard to the low-paid staff, nobody will now get less than Rs. 100. From Rs. 201 it has been raised to Rs. 33. So, there is increase in the dearness allowance given. I would, therefore, suggest to my friend that if he has any influence with these officers, let him persuade and convince them that they are not losers as a result of the recommendations of the Pay Commission. It may be that they may not be quite satisfied with whatever more has been given. It is a different matter. But then the proper way is not to agitate and not to go on strike. He said that there may come a time, if all the NGOs go on strike, when there will be only police force. Do they want Kerala to work only through the police force? Is that the idea? I do not think that he has that idea.

SHRI M. N. GOVINDAN NAIR : All of them have given a strike notice.

SHRI JAISUKHLAL HATHI : They may have given but what I say is that if he has any influence with those persons, he might try to persuade them that this is not the way because the Pay Commission has given them much more than they used to get. As I said, it may be that they want something more than what they have been given. That is a different matter. But even this will mean Rs. 124 crores annually extra financial burden to the State Government.

The second point that he touched was about the eviction and encroachment. I said and I repeat that so far as

the eviction of people who have encroached upon the forest is concerned, we have got the report of the Committee and this report is being considered and we shall take a policy decision and this decision will be implemented. Pending that there will be no eviction. The other case that he referred does not come under this category altogether. He said that some tribals were evicted. That does not fall within this category. So far as this category is concerned, I can assure him that the *status quo* will be maintained till a final decision is taken.

SHRI M. N. GOVINDAN NAIR : What about the tribals?

SHRI JAISUKHLAL HATHI: I said that that does not fall within this category. I shall look into the matter.

The second point that he raised -was about the cases to be withdrawn. I may say that out of 150 cases, more than 130 cases have already been dropped against the students. Only 17 cases which the State Government says include violence are not dropped; but 133 have already been dropped. I give this to him for his information.

Then he said about the public enquiry and the enquiry *in camera*. That is really a matter which the Members will understand. These 17 cases are pending before the court. On the other hand there is going to be an enquiry. Now the court has to come to one decision on the same facts and evidence regarding which these 17 persons have to be adjudicated upon in a public enquiry. Therefore, the Government was advised by the Advocate-General : You need not stop the enquiry, the enquiry may go on, but let it not be a public enquiry because once it is a public enquiry all the statements to be published people can openly criticise before the matter is decided in regard to those 17 cases. Therefore, in order to avoid this conflict this is what the Advocate-General has suggested. That does not mean that they want to close the enquiry to the public, but so long as either the cases are not dropped or the court does

[Shri Jaisukhlal Hathi.] not decide them, there cannot be a conflicting decision on the same subject-matter. This would be a fact-finding Committee. Therefore, it can go ahead but not in a public way.

The other point was that the accused will not be allowed to come as a witness. It is not that the accused will not be allowed. If he is an accused in another case and wants to give evidence in this enquiry, he will be allowed. But according to the criminal law which my friend knows well, no accused can be compelled to give any incriminating statement against himself? Therefore, he would not be compelled to say anything. If he wants to give evidence, there will be no difficulty. These are the administrative matters.

Then there were some criticisms about the constitutional impropriety or constitutional irregularity. Now the first constitutional impropriety that was shown was that instead of continuing this proclamation it should have been possible to convene the Legislative Assembly. But the House knows that when the House approved of the first proclamation, the Legislature had been dissolved already and the powers of the Legislature were being exercised by the President. When there is no Legislature, when the Legislature has been dissolved, it is not possible to convene that Legislature. There is no Legislature now existing. Therefore, that remedy is not open. Then there was the other thing. Shri Nausher Ali suggested two remedies, and there I should say that he was very right in saying about the revocation of President's rule and summoning the Legislative Assembly through a constitutional amendment. This is rather realistic. This proclamation expires on the 10th of May. In between he wants an amendment of the Constitution. When could the Constitution be amended by both Houses and how to do it? The second alternative he says is that we amend the Constitution and have an election. If the present proclamation expires on the 10th of May, how do you have an election before the 10th of May? What do we do in the interim period? There-

fore, let the Members be kindly realistic in their approach. It is not a question of their suggesting that we should hold an election. We may hold an election, but the procedure you know.

SHRI M. N. GOVINDAN NAIR : Why could you not prepare for the elections earlier?

SHRI JAISUKHLAL HATHI : I am coming to that. Mr. Sinha who was a member of the Consultative Committee has very rightly said that during all these meetings of the Consultative Committee all the subjects, even the N.G.O.s., the Pay Commission, the eviction, the encroachment, withdrawal of cases, etc. were discussed. Every time that was being discussed, they said all these long-term things be held over. Even perhaps the Member knows about the appointment of the Chancellor being agreed to. They said that after this one year the proclamation would not be in force. Therefore, no Member from Kerala ever seriously even hinted about the revocation of the President's proclamation. I think it was he who asked whether Mr. Naada had not taken a decision that this should continue till 1967. I would reply to him in the same manner and let him honestly say whether he thinks that an election now before October or November is possible or it is only said for the sake of making an argument. I would like to ask him this simple question and let him reply honestly, because I had a talk not only with the Congress Members of Kerala but even the Opposition Members, and he also said that before October or November elections cannot be held. What could be done in November could be thought of. Therefore, today you may, as you have to, criticise the Government for not holding election, for delaying, and all that. That is all right. That is your role, you may play it. If you be practical and realistic, I am sure in your heart of heart you know—supposing the proclamation was not to be continued; but there is no way except to continue it for six months at least. Therefore, I am also honest, and my friend, Mr. Govindan Nair, is equally honest.

Then Jagat Narainji said that because Congress is not likely to come into power, they have therefore this President's rule. In the same breath he said something that when in Punjab there was Congress Government, the President's proclamation was issued. These two things are again contradictory. I did not understand the logic. Was it because the Congress was in majority that the President's rule was imposed in Punjab, and here because it was not in majority it was done ? He said that the Ministers there did not obey the High Command and therefore this was done. I have not been able to follow the logic.

श्री जगत नारायण (पंजाब) : मैंने यह कहा था कि प्रेसिडेंट्स रूल के लिये आप का यार्ड स्टिक क्या है ?

SHRI JAISUKHLAL HATHI : j Where the Government of a State could not be carried on and where there is no possibility of any Government being able to carry on the administration of the State according to the provisions of the Constitution, then it arises. You also refer to stable Government. If there is no stable Government they cannot continue to administer according to the provisions of the Constitution. That is the yardstick and the same yardstick is being applied in Kerala. It was being applied in Punjab, PEPSU and other places also. Therefore the yardstick is the same. Whether the Government was Communist, whether the Government was Congress, whether the Government was coalition, whatever was the Government, the Government of India has not made any distinction. Even when there was a Congress Government, the President's rule was there; even when it was a Communist Government, the President's rule was there; even when it was a coalition Ministry, the President's rule was there. Therefore the yardstick is common and there is no measuring of yardstick according to what political party is there in power. The only condition is that the President

there cannot be carried on according to the provisions of the Constitution or that there is no possibility of forming a stable Government.

Then, Shri Banka Behary Das said that we are now bringing forward the pretext of rainy season. Now he himself has admitted in his speech that in Orissa all the political parties opposed holding elections because of monsoon. Here if the Government is not having it because of the monsoon, they say, you have it. There, when the Government had elections they opposed and they said that the Government held elections in spite of opposition by all the Opposition Parties. That is what he has said in his speech. Therefore the only criterion is that if the Government does one thing here, attack it and ask why you do it. If on the same ground the Government had done it earlier, then they say that the Government had done it although we all had opposed it. Now, the factors are the same. It is going to be the rainy season., the election could not be held.

SHRI BANKA BEHARY DAS (Orissa) : You admit that you made a mistake ?

SHRI JAISUKHLAL HATHI : We admit and we always learn from experience. We have learnt from experience that if during the monsoon we hold election the Opposition Parties are dissatisfied and therefore we are not holding it. And now you say, why do you not hold it ? There you oppose it. I am not yet convinced whether here you are sincere or there you are sincere but I am convinced about your sincerity that you must oppose the Government's move whether it is right or wrong.

SHRI BANKA BEHARY DAS : Whenever it suits you, you hold it; whenever it does not suit you, you do not hold it.

SHRI JAISUKHLAL HATHI : Wherever it suits you, you argue the same thing. Anyway, that is there. You did oppose in Orissa when the elections were being held.

[Shri Jaisukhlal Hathi.]

Now, Shri Ruthnaswamy said that the Centre is being blamed for the administrative deficiency; why not then pass it on to the State Government so that the Centre may not be blamed for (he deficiency? But I might tell him that the Government of India, to an extent, is responsible even for the States. This morning we had a lot of questions and excitement over the question of food. Now, even if we pass it on to the State Governments, the Centre cannot disown the responsibility. Suppose there had been a popular Government and some agitation about food had come up. Certainly the Centre should have to look into it and go to the succour or rescue of the State Government. If administrative deficiencies are there, then also the overall responsibility is on the Centre. Therefore, merely to close our eyes and not to discharge our responsibility and for that purpose to pass it on to the State, I think, would be shirking the responsibility and that we should not do. It is a different matter that if it is practicable, if it is possible, the Government of the State should be run by the elected representatives of the people. There I agree but merely on this ground that there are these charges and criticisms and why don't you pass over this burning house to the people of Kerala, to that; I would not agree or would not be a party.

Shri Raghunatha Reddy and Shri Mani suggested the setting up of an Advisory Committee of the members of the legislature and others, which may be had by an amendment of the Constitution. I may here submit that the Consultation Committee was formed under an Act. The powers and functions of the Committee are only to recommend legislation to the President. It is an Advisory Committee. But when the Proclamation was brought before the House, there was a suggestion in the other House by Prof. Ranga and other Members, and they wanted that the scope of this Committee should be expanded so that all matters of importance should be discussed, and discussed with the Members representing the State of Kerala—all parties. Then it was said

that this Committee met for an hour or for half an hour or for two hours only and that it cannot possibly discuss all important questions fully. To an extent, Shri Mani is right. But I may say that in the Consultative Committee we have not sat for half an hour or for one hour or for two or three hours, but for two successive days and out of five meetings two we have held during session periods so that the Members could be present there and discuss. But if there is any way of improving it, I shall certainly consider it and here is no question why . . .

SHRI A. D. MANI (Madhya Pradesh) : I would like to suggest to the Minister that Government may consider the setting up of Standing Committees in Kerala itself which will meet once a month or once in two months to advise the Ministry regarding the administration of the departments and on this Committee should be members of this Consultative Committee as well as members of the legislature which has been dissolved.

SHRI JAISUKHLAL HATHI: We can consider that suggestion but it is doubtful whether it would be practicable in the sense that the members will be here; they will have to go there. Here we are directly in charge of Kerala and any questions that are raised—any number—they are coming and they are discussed with us and we are trying to solve every problem as far as possible. Still, that suggestion we shall consider, of course.

Then, I do not know whether I should refer to Rajnarain Babu. He has given a very good piece of advice by reciting very good Sanskrit slokas. But my difficulty is, as he said—

‘पंडिताः . . . नर्तयन्ति’ मै पंडित तो नहीं हूँ।

I am not a *pundit*. Therefore, I cannot make that speech also and if I made any speech, it was not a speech which was untrue. I said that it is a political assessment of the Government that a stable Government could not be formed. Now, it may be that the assessment may be wrong, it may be untrue. I also said that this is a political assess-

ment and this assessment may not be untrue also. Therefore there was nothing about which I boasted before the House stating facts which are not true. It was an opinion. It is not a question of fact. And opinions may differ. An opinion may be right, an opinion may be wrong. But you cannot say that an opinion is untrue or that an opinion is true. It may be correct or incorrect, right or wrong. Now the distinction between truth and untruth, right and wrong, is quite different. It may be that if I stated a fact and that fact is wrong, it is untruth. But if I express a certain opinion that opinion may be right, that opinion may be wrong. On the same analogy, a lower court may come to the conclusion that a man is guilty of murder. But an appellate court may come to the conclusion that he is not guilty of murder. Therefore it is not a question of truth or untruth. But anyway I was very happy to hear the beautiful Sanskrit words and verses. It is also very good that he is with us. As they say I also say :

जाड्यं धियो हरति, सिञ्चति वाचि, सत्यम्,
मानोन्निति दिशति पाप मया करोति
पतेः प्रसादयति दिक्षु तनकेति कीर्तिम्
सत्संगतिः कथय किं न करोति पुंसाम् ॥

If there is any dullness, then this good company will take away that dullness and it will pour truth in the speech. Therefore, it is good that he is with us.

SHRI MULKA GOVINDA REDDY (Mysore): Both have become *pundits* now.

श्री राजनारायण (उत्तर प्रदेश) : मेरा निवेदन यह है कि हमारा औपनिषद का प्रश्न नहीं था, हमारा फ़ैक्ट का प्रश्न था। फ़ैक्ट यह है कि आपने वहाँ सरकार बनने ही नहीं दी। आपने केरल में सरकार बनने का अवसर ही नहीं दिया, यह फ़ैक्ट है और इस फ़ैक्ट को आपने विवृत किया।

M47RS/66—5

श्री जयसुख लाल हाथी : आप एक हकीकत जानते हैं, मैं दूसरी हकीकत जानता हूँ, हकीकत कौन-सी है।

श्री राजनारायण : आप मौका तो देते।

श्रीमती लाराबाई साठे (महाराष्ट्र) : मौका तो दिया था, लिया नहीं।

SHRI JAISUKHLAL HATHI: That is all, Madam.

THE DEPUTY CHAIRMAN : The question is :

"That this House approves the continuance in force of the Proc'amation (G.S.R. No. 490) issued by the Vice-President of India, discharging the functions of the President, on the 24th March, 1965, under article 356 of the Constitution, in relation to the State of Kerala,, for a further period of six months with effect from May 11, 1966."

The motion was adopted.

THE APPROPRIATION (NO. 2) BILL, 1966

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI B. R. BHAGAT) : Madam, I beg to move :

"That the Bill to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1866-67, as passed by the Lok Sabha, be taken into consideration."

This Bill provides for the payment from the Consolidated Fund of India of the expenditure charged on the Fund and the Grants voted by the Lok Sabha. The figures in the Bill are based on the provisions shown in the Budget documents. They also include the sums voted "on account" and provided for in the Appropriation (Vote on Account) Act, 1966, for expenditure during April and May, 1966, before the Appropriation Bill for the whole year is enacted.