

[Shri Jaisukhlal Hathi.]

party today except the Congress Party which can form a government there. If in future things change, well, it will be most welcome. Otherwise it is in the interest of everybody—I do not talk of power because the congress has never learnt to rule for the Party; it has always ruled for the people, for the benefit of the people—to have Congress Party in power. If it were not so, then the party in power would have done anything to get more seats, to get that it wants as it has done in other things. (Interruptions) There may be instances, as Shri Abdul Ghani said, of corruption in the Congress. If there is corruption, if there are differences of opinion, we admit them and as soon as we find some symptoms of weakness we always try to remedy them. The Congress has that vitality, the Congress has that strength, the Congress has that vigour that as soon as those symptoms are checked, it will become strong and gain strength from day to day. It is not that we are complacent. If we know, we admit our weakness. It is always good to admit one's weakness and try to remedy and get rid of it. That we have been doing either at the organisational level or at the political level. It is, therefore, that the moment we find that there is something, we try to rectify the wrong. And if any weakness has been found out and remedied, it is because of self-introspection that the Congress does. But it is given to many others to exaggerate what little weakness they find in others and not to look to bigger things within themselves. We have never done that. Whatever weakness we ever felt we have always admitted and we are always prepared to admit it. It is not an easy thing. But ultimately what are we to do? As the hon. Member on this side said, during this period it would be the duty of the Government of India to see that the Fourth Plan that is being discussed should not suffer. It should be the duty of the Government that the officers that we send there should remain impartial. It should be the duty of these officers to treat Kerala as a State

where there are no representatives of the people at present, where there is no legislature, and therefore they must treat it with the utmost care and attention.

Madam, it shall always be the duty of the Centre to see that the Fourth Plan of Kerala that is being discussed does not suffer because of want of representatives at the helm of this thing. We would also take care to see that the problem of food, the question of industrial development, the question of power and irrigation projects are looked into properly.

So far as elections are concerned, I would also say that we would not wait for a day longer than is absolutely necessary. There shall be elections as early as possible and that they should be fair and free.

Madam, so far as officers are concerned, their complaint is that the Government could not find officers for Kerala. It is not a question of not being able to find them. But, as I said, it is now our duty and responsibility to see that we send the best officers to the State. We have already sent one and we shall be sending another. But that should be the best officer and an able administrator, a person who would not allow the people of Kerala to feel that Kerala is not being ruled by the elected representatives. Therefore, if there is any delay, it is not that we are not able to find any person. We could have sent any man. But that would not serve their purpose, nor would it serve the purpose of the State. It is, therefore, that we want to send officers who are not only able administrators but also people who would look to the interest of the people of Kerala, who would take to their heart that it is their not only official responsibility but a kind of moral responsibility to look to the interests of the people of Kerala. It is, therefore, that we are trying to send some of our best officers there. The one we have sent there has that reputation. The other we shall send soon.

I may, therefore, Madam, only assure my friends from Kerala and also others that this is only a transitory period and that we shall try to see that the people of Kerala get back their elected representatives and their legislature through a fair and free election. It is for the people of Kerala to see that they use their discretion at the time of election in a way that they get a stable government and that this history is not repeated. Madam, I move.

THE DEPUTY CHAIRMAN: The question is:

"That this House approves the Proclamation issued by the President on the 10th September, 1964, under article 356 of the Constitution, in relation to the State of Kerala".

*The motion was adopted.*

#### THE KERALA STATE LEGISLATURE (DELEGATION OF POWERS) BILL, 1964

THE MINISTER OF STATE ns THE  
MINISTRY OF HOME AFFAIRS ;SHRI  
JAISUKHLAL HATHI): Madam, I move:

"That the Bill to confer on the President the power of the Legislature of the State of Kerala to make laws, as passed by the Lok Sabha, be taken into consideration."

Madam, this is a Bill which, according to the Proclamation, as has been just approved by the House, declares:

"That the powers of the Legislature of the said State shall be exercisable by or under the authority *al* Parliament."

And under article 357 of the Constitution, the power of the Legislature of the State of Kerala to make laws, which has been declared by the Proclamation, to be exercisable by *or* under the authority of Parliament is hereby conferred on the President.

This is a Bill which is non-controversial in view of the fact that the House has already approved the Proclamation. This is a consequence which flows out of the Proclamation which has been approved by the House. Under clause (3) the power of the State Legislature to make laws has to be vested in the President. Clause 3(2) provides:

"Before enacting any such Act, the President shall, whenever he considers it practicable to do so, consult a committee constituted for the purpose consisting of—

(a) 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; and

(b) fifteen members of the Council of States nominated by the Chairman among whom shall be included all members who for the time being fill the seats allotted to the State of Kerala in that House."

This is the position to enable the President to consult the Members of both the Houses of Parliament. The provision here also mentions that all the Members from Kerala, in the Lok Sabha and the Rajya Sabha, will be included in this Committee. It is but fair that when there is no Legislature in Kerala and when Acts have to be passed by the Parliament, the Members representing that State in the Lok Sabha and the Rajya Sabha should be consulted and it is also proper that because they have now come into a bigger family, this consultation should not be restricted simply to the Members of the State but also there should be a broad-based committee so that Members from other States also may be consulted. It is with that object in view that the Committee is supposed to consist of 45 Members.

[Shri Jaisukhlal Hathi.]

Then clause 3(4) of the Bill mentions that the President will not have complete powers in the sense that some restriction is there that this will be placed before both the Houses of Parliament and that if the Houses of Parliament want to make any modification, they can do it and if that is done, it will be modified to that extent. The sub-clause 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 subsection (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 subsection (2)".

Therefore the Parliament again has the power to modify the Act and the period within which the Act enacted by the President has to be placed and the Resolution has to be passed, is within seven days. The period is seven days because after all this is not going to be a permanent arrangement. If it takes 2 or 3 or 4 months, if an Act is passed and it is implemented and after that a Resolution amending that Act comes and if that Act has to be modified, it will create all sorts of complications. Therefore the period of seven days is kept. Thus this Bill has four clauses and I have tried to bring out the salient features of this measure. I move.

*The question was proposed.*

SHRI M. RUTHNASWAMY (Madras) : Madam, this is the third time that we have been asked to pass a legislation of this kind following on the Proclamation of the President. There is a saying in our country that the third time is the last time. I hope **and** trust that this the last time when

in Parliament we shall be called upon to pass an Act of this kind. Looking at the state of affairs in Kerala as they have gone on for the past 15 years, I wonder whether Parasurama did a good thing for India by reclaiming the land of Kerala from the sea, but probably the people of Kerala would have created a problem wherever they existed.

The Bill wants the abandonment of Parliamentary democracy because if in Kerala the Legislature, for good and sufficient reasons, were suspended, why should the Parliament be deprived of the power of enacting legislation for Kerala during these six months? Even when the Parliament is in Session the President is allowed the power to enact laws for the Kerala State. This, as I said, is a corollary of the Proclamation. I wonder if all the possible alternatives to the Proclamation had been explored by the Governor. Other Ministers from the Congress Party itself, even from among the dissidents might have been called upon to try their hand at the formation of a Ministry. It is true that we are told that the Governor had informal consultations with leaders of the separate groups but these informal consultations will not do. It is a back-door way of finding out the possibilities of creating another Ministry in the State. It is only in this country that we hear of these informal consultations behind Parliament, of Ministries being formed as a result of signature campaigns. The real place where the fate of Ministries should be decided is the floor of the Legislature. One or other of the leading parties should have been asked to form a Ministry and try their hand and try their luck, their fortune on the floor of the House. This was not done. And look at the rapidity with which this Proclamation has been effected. Even before the Governor explored the possibilities or the means of forming an alternative Ministry, a Union Minister, on the 5th September, proclaims to all and sundry that the only alternative is Presidential rule.

SHRI BHUPESH GUPTA (West Bengal): Who is that?

SHRI M. RUTHNASWAMY: A Union Minister, a well-known Minister. The no-confidence motion was moved on the 7th September, on the 9th September the no-confidence motion was passed, and on the 10th September the Proclamation was issued and the Legislature was dissolved.

SHRI JAISUKHLAL HATHI: It was passed on the 8th.

SHRI M. RUTHNASWAMY: Now this necessity for a Proclamation is all due to the faults of omission and commission of the Congress Government. Corruption and inefficiency have been the notes of the Congress rule in Kerala State. That is why, in utter despair, even the Christians voted the Communist Party to power. But the Communist Party or the Communist Government was no improvement on the Congress Government. Even I had hoped that the Communist Government, if only it ran an efficient and incorrupt administration, would give the Kerala people a better deal than the Congress Government. But then they got lost in their ideology. They wanted to nationalise the schools, rationalise text-books, and if they were not corrupt personally, they explored all possible sources for getting money for the party. And in the case of the present Ministry, is it not possible that if the Chief Minister had been deposed and another Congress Minister had been appointed, the Congress Ministry would have fared better? And if Mr. P. T. Chacko were alive, he would have offered an alternative to Mr. Sankar, and there would have been no need for this Proclamation to be declared. (Interruptions) He would have offered an efficient and incorrupt Government.

SHRI BHUPESH GUPTA: Now you have got the definition of efficiency.

SHRI M. RUTHNASWAMY: And if the Congress is to come back to power and remain in power, its standards of

Government, its standards of selection of candidates ought to be improved. They are to choose men of substance, men of property, men of education, men of character, in order to form their Ministries, not men who would be able to bring their community in line with the Congress. (Interruptions). It is only if the Congress aims at better standards of conduct, better standards in selection of candidates, better standards especially in selection of Ministers, that they would be able to form a stable Ministry—it is by improving the standards of conduct; they need not wait for judicial probes into the conduct of Ministers; it is enough if there is widespread suspicion, if there is widespread distrust, if even Congress members accuse their Chief Minister of corruption. It is time the High Command of the Congress took notice. They should not wait for these judicial probes in order to dislodge a Ministry, or one Minister or another. If only the Congress Ministry and the Congress High Command had observed high standards of selection, we would not have been landed in the impasse in which we are landed in Kerala and in so many other States. The Minister has acknowledged that he would be willing, that his Ministry, that his Government would be willing to learn lessons from the past, and I hope and trust they will learn this important lesson that if it is the integrity of the Congress Ministry that should be assured; it is the character, the high standard of conduct of Congress Ministers that should be assured if they want to be sure of a stable Ministry. On no other condition can they expect success; on no other condition can they expect a stable and efficient and useful Ministry in the State of Kerala.

SHRI K. DAMODARAN (Kerala): Madam, the Bill, as was explained by the hon. Minister, empowers the President to enact Bills as President's Acts, whether Parliament is in session or not. It also provides that the President shall consult a committee of Members of Parliament of both Houses

[Eori K. Damodaran.]

before the enactment of such Acts. It is good as far as it goes, but it would have been better if this committee of Members of Parliament were consulted not only for legislation but also for the administration of the State. There are many problems facing the administration; the most important of course is the burning problem of food. The food situation in Kerala has deteriorated still further after the dissolution of the State Legislature. Reports are being received that rice is being sold at 80 rupees, 90 rupees, 100 rupees, and even more per bag, although the maximum price fixed by the Government is only 58 rupees, which itself is 40 to 45 per cent higher than the prices prevailing last year. There are fair price shops, but they do not exist in many areas, and in places where they exist, there are so many people, so many families who have not been given the cards. And what is the fate of the people who have cards? The Government has recently reduced the quantity of rice from 4 kilos to 3 kilos per family per week. Really the food situation there is quite alarming, and the administration has to do something very quickly to remedy the situation.

Secondly, Madam, as this House knows, and the whole world knows, complaints about corruption increased very much under the Sankar Ministry; the allegation was widespread, but the Centre did not intervene in time. There were complaints about the Inspector-General of Police, Mr. V. P. Nayar. There were complaints about his notorious activities, as a drunkard, as a woman-chaser, as an extremely corrupt officer. All these complaints were there, but the Government did not do anything.

SHRI M. N. GOVINDAN NAIR (Kerala): They tried to remove him but in vain.

SHRI K. DAMODARAN: And recently there have been complaints that this officer, that this police I.G. has been dabbling in politics also. But

in spite of repeated representations this officer has not yet been removed from Kerala. Such a person in such a high office may become very dangerous, especially at the time of elections, and the elections are going to be held in February. There is a strong feeling in Kerala that the elections will not be fair and impartial under such corrupt police officials. I suggest that if the Government is not willing, if they are unable to punish this corrupt official, or suspend him, at least let them transfer him to the Andamans or some such place at least till the elections are over.

SHRI JAISUKHLAL HATHI: To the Andamans?

SHRI K. DAMODARAN: Yes, or to some such place.

SHRI BHUPESH GUPTA: Or if you like, to Dandakaranya.

SHRI K. DAMODARAN: Now the preparations for the Fourth Plan are going on and here I want to say that Kerala reaps not what was sown by Kerala but what was sown by the Centre in Delhi. Kerala suffers not only from corrupt politicians but it also suffers from the negligence and the step-motherly attitude shown by the Central Government to Kerala. Of course, the leaders of the Congress party and the Government go to Kerala whenever there is a crisis there, whenever group rivalries inside the Congress organisation become intolerable, then they go there to see that something is done to patch up the differences and to see that the same corrupt persons remain at the helm of affairs although the people do not want them.

There are three important things needed for Kerala. One is industrialisation, the other is agrarian reform and the third is a healthy educational policy. But Kerala has none of these things. Of industrialisation there is very little. As for agrarian reforms, first a Bill was passed and it was given sanction, the Planning Commission

agreed to it and the Central Government approved of it and it became an Act. The Presidential sanction also was given to it. Then suddenly another government came in Kerala and another agrarian reform Bill was introduced and it became an Act. And now the Seventeenth Amendment to the Constitution also has been passed. Still this Act has not been implemented. Even this Act whatever be its weaknesses, has not yet been implemented.

As for education, the less said the better. Education in our State has become a profitable business. It is not as if communalism springs of its own accord. The party in power, the Government distributes the schools and colleges to corrupt individuals on the basis of communities and castes and so many schools and colleges are given to Izhavas, so many to the Christian community, so many to the Muslim community and so many to the Nair community, and so on, on the basis of communities. Actually they go not to those communities as such but individuals get hold of the schools and they make profit out of them, from admissions and so on, getting Rs. 3,000 or so for appointments and so on. All sorts of things are there and I am not going into the details. I only say that a healthy educational policy is not there.

About planning, I have to say that the Centre has paid very little attention so far. As far as industrialisation in the State is concerned, whatever industrialisation that exists there in Kerala, most of the industries that exist now, were started not after we got our freedom in 1947. Whatever industries exist there today were there long before planning was initiated in our country; they were there even under the British and under the princely rulers.

AN. HON. MEMBER: Every time the Plan is finalised, the Government there goes out.

SHRI K. DAMODARAN: I agree with the hon. Member Shrimati DevSki Gopidas who said that the root of all the trouble there lies in the want of economic progress. The trouble lies in the economic difficulties of the people. I will quote some figures. In the First Plan, for instance, the outlay on industries in Kerala was only Rs. 12 crore which is 3-7 per cent of the total Plan outlay. This meagre sum was not intended for any new industries. It was mainly for improving the ceramic factory at Kundra and for the establishment of some cooperative coir industry. That was in the First Plan. As for the Second Plan, everybody was saying that it laid the basis for heavy industries. But as far as Kerala was concerned nothing of that kind happened. For Kerala the outlay for industries was only Rs. 6-84 crores which is 7-9 per cent of the total Plan outlay. No large-scale industry was contemplated in this Plan. The major items included were some increase in the production of China clay in the ceramic factory at Kundra and some increase in the production of cycle tyres in the Travancore rubber factories and the establishing of a cycle rim factory and so on. There was no large-scale industry.

What is the fate in the Third Plan? It is also not different. There is no change in the approach of the Third Plan as far as Kerala is concerned. The total outlay for industries in Kerala is Rs. 172 crores which is 10% of the total Plan outlay and this also does not include any large-scale industries. The items of large-scale industries related mainly to modernisation and expansion and reorganisation of the existing industries and no new industry has come up. Thus it can be seen that so far no adequate attention was paid to the real problems facing Kerala. There has been no industrialisation with a view to reducing the ever-increasing unemployment, with a view to raising the living standards of the people. Nothing was done. And as there is no popular min-

[Shri K. Damodaran.]

istry there today, there is a widespread feeling in Kerala that the case of the State of Kerala will go by default in the Fourth Five Year Plan also. I suggest that an advisory committee be constituted immediately which will be kept fully informed of the details of the preparation of the Fourth Plan and all political parties, experts and interests like labour, industrialists, etc. may be given fair and adequate representation on this body. These are only some of the immediate problems which cannot wait till the elections are over. I suggest that the committee which is being formed should be consulted and the advice of the committee should be taken to solve the immediate problems that face our State today. I have done.

SHRI M. P. BHARGAVA (Uttar Pradesh): Madam Deputy Chairman, after the House had approved of the Proclamation I thought the Bill which has been moved by my hon. friend Shri Jaisukhlal Hathi would be a matter of course Bill and it should have been passed without any discussion. Under article 356 the President took over the power in Kerala and this is a consequential Bill under article 357 which has been moved by my friend Shri Jaisukhlal Hathi. I do agree with Professor Ruthnaswamy that it is rather unfortunate that we are discussing this kind of a Bill for the third time and I agree with him that it should be the last time we have to discuss such a thing about Kerala in this House.

SHRI M. RUTHNASWAMY: I hope so.

SHRI AKBAR ALI KHAN (Andhra Pradesh): We hope so.

SHRI M. P. BHARGAVA: Prof. Ruthnaswamy made a remark about Mr. Parasuram reclaiming Kerala from the sea.

SHRI CHANDRA SHEKHAR (Uttar Pradesh): Say Lord Parasuram, not Mr. Parasuram.

SHRI M. P. BHARGAVA: I am using the word Parasuram in the modern sense. Probably the sea god, Varun Dev, found that the elements of Kerala under the sea were too boisterous for him and it was difficult for him to manage them, and so he sought the help of Mr. Parasuram and said, "You take them away from under the sea".

SHRI CHANDRA SHEKHAR: It is a serious matter, I am not saying this as a joke. People's religious sentiments may be offended by using such a term.

THE DEPUTY CHAIRMAN: He shares your sentiments.

SHRI M. P. BHARGAVA: I am not using the term Parasuram in any derogatory sense. I have the highest respect for Mr. Parasuram. My *gotra* and his *gotra* are the same.

SHRI M. RUTHNASWAMY: Use the modern title "Shri".

SHRI M. P. BHARGAVA: I am prepared to agree there and say Shri Parasuram. Varuna got hold of Mr. Parasuram and said, "You take this land from here under the sea to the world above so that the people there can manage it and I am free of this trouble". That might have been the thinking at that time.

Prof. Ruthnaswamy said that Parliament is being deprived of its right. Here, I would invite Prof. Ruthnaswamy to read the Statement of Objects and Reasons. It is very clearly mentioned why this Bill is being taken up, and I would like to read this out:

"Such legislative measures as may be necessary for the State can be taken up by Parliament only by postponing its business and even then it is likely that Parliament may not have the time to deal with all the legislative measures for the State. It is, therefore, proposed that Parliament should, in accordance with the provisions of sub-clause (a) of clause (1) of article 357 of the Constitution confer by law on

the President the powers of the Legislature of the State of Kerala to make laws for the State."

If it was the intention to deprive Parliament of its right, where was the necessity of forming a committee consisting of thirty Members from the other House and fifteen from this House to advise the President from time to time, as and when necessity arises? The intention is just the opposite. Parliament is intended to be kept in touch all the time and legislative measures are to be enacted on the advice of the Parliamentary Committee.

Prof. Ruthnaswamy said that instead of going straight for this kind of Proclamation some other party should have been given the chance to form a Ministry and seek confidence on the floor of the House. I do hope Prof. Ruthnaswamy knows the break-up of the Kerala Legislature. It was Congress fifty, Dissident Congressmen fifteen, Communist Right Wing nineteen, Communist Left Wing nine, Sam-yukta Socialist Party fifteen, Muslim League eleven, Independents five, R.S.P. one, Speaker one and one seat vacant consequent on the death of Mr. Chacko, making a total of one hundred and twenty-seven. The only possibility of forming an alternative Government could be considered only if the Congress had come forward in coalition with one or the other of the groups in the Kerala State Legislature at that time. The House is probably well aware that we are suffering from the after-effects of the triple alliance, as it is called and if we had made another alliance at that time, the Opposition would have been the best to proclaim that the Congress wants to retain power by all means, fair or foul, by pleasing this group or that.

SHRI BHUPESH GUPTA: Is there any doubt about it?

SHRI M. P. BHARGAVA: Now, the Congress having ruled out that it was not desirous of forming an alternative Ministry, what are we left with?

SHRI M. RUTHNASWAMY: Madam Deputy Chairman, may I point that it was not the fall of the Congress Ministry but the fall of the Sankar Ministry. A Congress Ministry under another leadership could have functioned.

SHRI M. P. BHARGAVA: Prof Ruthnaswamy should not assume that the Governor did not call Congress people again, after the resignation of the Sankar Ministry and try to explore whether Mr. Sankar or anybody else was prepared to form an alternative Ministry. When he got a definite 'No', when the Congress was not prepared to form an alternative Ministry, he went ahead and consulted other Parties.

SHRI LOKANATH MISRA (Orissa): That is because the Centre did not accept any alternative leader.

SHRI M. P. BHARGAVA: Can any Member get up and say that an alternative Ministry could have been formed by any of the groups without forming a major coalition of five or six groups? Each Party commands a strength of less than twenty in a House of one hundred and twenty-seven. How can you form a majority unless you form a major coalition and may I now ask my friends in the Opposition, which party in the Opposition was prepared to go into a major coalition? The SSP, through its representative here, Mr. Ansari, says that it is not prepared to enter into any alliance.

SHRI CHANDRA SEKHAR: Madam Deputy Chairman, it is very serious information that my hon. friend is giving. If Mr. Ansari has made this statement, then he is wrong because the SSP in Kerala has passed a Resolution approving an electoral adjustment and joint action and Mr. Govindan Nair has subscribed to this information. They have approached the Communist Party and others for electoral adjustment and they are preparing for minimum programme. So, Mr. Ansari should clarify the information he has given to this House.



SHRI FARIDUL HAQ ANSARI: Madam, I might inform my friend that in a recent meeting of the National *Ad Hoc* Committee which was held in Delhi the question of adjustment or alliance with the Opposition parties on any question has been ruled out. It is not within the programme.

SHRI M. P. BHARGAVA: I am sorry Mr. Chandra Sekhar was not here to hear the utterances of his erstwhile colleague. I do not go by what happens outside or what happens in the Parties. I go simply by the utterances in this august House made only a couple of hours back; and that is more authentic than what my hon. friend, Mr. Chandra Sekhar, wishes to convey to me.

SHRI LOKANATH MISRA: Would the hon. Member yield for a moment? I want one clarification. The hon. Member said that the Governor had no alternative but to report the breakdown of the Constitutional machinery. The charges were against Mr. Sankar, the Chief Minister, and an alternative Ministry, if it were acceptable to the Central High Command of the Congress here, would have been acceptable to the Congress Members. The Congress was in a majority. Why did not the Congress High Command concede the demand of the dissidents for accepting an alternative leader? Mr. Sankar would have been ousted and somebody else would have come in but the Congress Ministry would have gone on in power.

SHRI M. P. BHARGAVA: I am astonished to hear the argument from the Deputy Leader, from Mr. Lokanath Misra, who is one of the most prominent Members of the Swatantra Party. I did believe that he would know something about the working of the parties within. It was open for any Congressman to bring a vote of No-Confidence against Mr. Sankar if they did not want him to be their leader. Has he proof to the effect that any single Member moved in that direc- 1 lion to have an alternative leader\* In I

the absence of any other alternative leader, what was the course open for the Governor except to invite Mr. Sanka: again and ascertain his views? This is the basic principle on 5 P.M. which the party is run and it is really astonishing to hear from Mr. Lokanath Misra what he said.

Then my friend, Prof. Ruthnaswamy, said that if Mr. P. T. Chacko was alive he would have been in a position to form an alternative Ministry.; Practical politics or administration does not run on ifs and buts; it runs on realities. If my father and forefather and their forefathers were not dead, I would have had an army in my own house. That is no argument. If Mr. Chacko is not here, we cannot use his name that if he had been alive, he would have done this or he would have done that. That is no argument at all, and I strongly refute the suggestion that an alternative Ministry under Mr. Chacko could have been formed.

Now, coming to my friend, Mr. Damodaran, he said that the Parliamentary Committee which is being formed for advising the President on legislation should be associated with the Administration in Kerala. Now, is that a practical proposition? It is a Committee which consists of not only Members from Kerala but from other States also. It will be a Committee which will mostly be meeting in Delhi and if a Committee which meets in Delhi were to look to the day to day administration in Kerala from all this distance, it will not be a feasible proposition.

SHRI BHUPESH GUPTA: The Committee can meet in Kerala also.

SHRI M. P. BHARGAVA: And constitutionally too it cannot be done.

SHRI BHUPESH GUPTA: Why?

SHRI M. P. BHARGAVA: Because the powers of Parliament and the powers of the Legislature are defined

under the Constitution and this Committee is being set up for a specific purpose. It is not an alternative to the Kerala Government; it cannot be an alternative to the Kerala Government. The Kerala Government has been taken over by the President and it is run in his name by the Governor and the Governor is responsible for making such arrangements as he likes. If he wants an advisory body, he can do so. He can invite all the Kerala Members of this House and the other House and form a Committee to advise him on the day to day administration. Nobody prevents him from doing that but we from here cannot do it.

SHRI K. DAMODARAN: I did not suggest any executive power for the Committee; only advisory powers.

SHRI M. P. BHARGAVA: Then my friend, Mr. Damodaran, made another point about corrupt officers. There is a course of action for dealing with corrupt officers and if the Kerala people are convinced that a certain officer is corrupt, they must raise their voice and they should make it impossible for the officer to function.

AN. HON. MEMBER: Good. good.

SHRI M. P. BHARGAVA: Why should we come and tell Parliament that this corrupt officer has not been removed or that corrupt officer has not been removed? The forum is the local legislature, local government.

SHRI M. N. GOVINDAN NAIR: I can tell you this. A Chief Minister in Kerala wanted to remove him but unfortunately it was the Chief Minister who was removed and not the I.G. And you want the people to do that?

SHRI LOKANATH MISRA: That was the capability of the Chief Minister.

SHRI M. P. BHARGAVA: You may have more information; I don't.

Having said all this I strongly support the Bill because this is a non-

controversial Bill; it is a consequential Bill and this should not raise any controversy.

SHRI JAISUKHLAL HATHI: Madam Deputy Chairman, I do not think I have much to say because most of the points have been covered by Shri Bhargava but I may add one thing.

SHRI LOKANATH MISRA: Not satisfactorily.

SHRI JAISUKHLAL HATHI: Therefore I am adding.

Shri Ruthnaswamy wanted to know why Parliament should not have the power and why the President should have the power to make laws even when Parliament is in session and he said that it deprives Parliament of its right of legislative functions so far as Kerala State is concerned. Shri Bhargava has referred to the statement of objects and reasons and one of the reasons he has stated. We know that Parliament is heavily worked and it would not be possible for Parliament to find time to make all the legislation for Kerala. But apart from that, let us read clause 3(4) The power that is vested in the President is not absolute. After he enacts an Act that has to come before Parliament and if any modification is made in the Act by Parliament that Act has to be modified accordingly. Therefore Parliament has that power. The power vested in the President is not absolute power; it is subject to modification and as the clause provides any enactment that is made by the President has to be brought before this House and the other House and either House can within seven days of its being laid here pass a Resolution modifying the particular Act and when that is done by both the Houses that Act will stand modified to that extent. Therefore it is not as if Parliament has no power or is deprived of its power. The only thing is if it were to be done only by Parliament and not by the President, then the laws for Kerala might take a long time. It may not be possible

[Shri Jaisukhlal Hathi.] to pass as many laws as are necessary. So that is the only object. We must also appreciate that this is a transitory period; it is not for all time that we are making this enactment for Kerala.

Another point was raised as to why the other parties could not have been asked. I think Shri Bhargava has replied to it satisfactorily. Moreover today we are saying one thing. But supposing a Congress Ministry had been formed, I am sure we would have been attacked then, saying that when a vote of no-confidence by the legislature had been passed against the Ministry—it is not against, the individual—why we should have continued the same Ministry. I am sure we would have been attacked then also. Those who want to attack have both the ways of attacking, either this way or that way. The second thing, as Shri Bhargava pointed out very well, is that it was for the Congress Party to express a vote of no-confidence against its own leader; that is a party matter. That could have been done. If that had been done, another leader could have been there.

My friend, Mr. Ruthnaswamy, said that it was all done in a hurry and that the Governor did not call on the other parties. The Governor did consult all the party leaders and they were not ready to come forward. They said in very unequivocal terms that they were not able to form a Government either singly or under one leader jointly. So that was the position and there was no other alternative but to do this.

SHRI S. S. MARISWAMY (Madras): If the Congress High Command had not stuck to its policy of not removing Mr. Sankar, then the no-confidence motion would not have come up at all.

SHRI JAISUKHLAL HATHI: About removing Mr. Sankar or any Chief Minister, let us understand the constitutional position. We talk of removing a Chief Minister here or a Chief Minister there. After all he is the elected leader of the party which

, is in a majority. It is for the party to elect the leader. And what is the constitutional position? We may talk anything but . . .

SHRI BHUPESH GUPTA: Now since you are on the constitutional point, it was open to the Governor to dismiss him.

SHRI JAISUKHLAL HATHI: It was i open to the Governor if he was not the leader of the party.

SHRI BHUPESH GUPTA: No; he can dismiss him.

SHRI JAISUKHLAL HATHI: On what grounds?

SHRI BHUPESH GUPTA: On charges of corruption.

SHRI JAISUKHLAL HATHI: That has to be proved yet. You are again putting the cart before the horse.

I would not like to take more time. This is what I want to put before the House. Everybody is talking of removing A or B or C. It is all right to talk here but we have to bear in mind the constitutional position.

Then there was the question of the Advisory Committee. So far as this Committee is concerned, it is for the purpose of legislation. So far as internal matters are concerned, the Gover-the governance of the State. It will the governance of the State. It will not be possible for this Committee of 45 to look to the problems of internal administration. But, as I said in the other House, if there are problems connected with Kerala, \ or the Home Minister will be ready and willing to meet the Members from Kerala, that is, in an informal way, tout there cannot be any constitutional or legal committee for this purpose. If Members feel that there are urgent and immediate problems, which require greater attention, I am prepared to meet the Members from Kerala any time they want. That is all what I can say.

SHRI AKBAR ALI KHAN: About the Fourth Five Year Plan, they may be consulted.

SHRI JAISUKHLAL HATHI: Then, the question about the corrupt officer was raised. Madam, I might say that it is not proper to mention any officer by name. He is not here to defend himself. But let us see . . .

SHRI M. N. GOVINDAN NAIK: He did not mention his name.

SHRI JAISUKHLAL HATHI: Anyway, I find that it was said that Mr. Sankar had charges of corruption against him. On the other side it is said that he wanted to remove this officer.

SHRI BHUPESH GUPTA: Did you not know it?

SHRI JAISUKHLAL HATHI: It was said the corrupt officer was sought to be removed. A person is said to be corrupt. I do not know whether he was corrupt or he was not corrupt. But if there are any charges, let the Member put them on paper, draw up specific charges. There is the Government there. It would look into them. It is no use bringing in any particular officer here. If there are any charges, the Government would look into them. That is the only thing that I want to say.

SHRI BHUPESH GUPTA: There is a saying that when thieves fall out, honest men come to their own.

SHRI JAISUKHLAL HATHI: All right. I do not think I have much to add.

THE DEPUTY CHAIRMAN: The question is:

"That the Bill to confer on the President the power of the Legislature of the State of Kerala to make laws, as passed by the Lok Sabha, be taken into consideration."

*The motion was adopted.*

THE DEPUTY CHAIRMAN: We shall now take up the clause by clause consideration of the Bill.

*Clauses 2 and 3 were added to the Bill.*

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

SHRI JAISUKHLAL HATHI: Madam, I move:

"That the Bill be passed."

*The question was put and the motion was adopted.*

THE DEPUTY CHAIRMAN: The House stands adjourned till 11 A.M. tomorrow.

The House then adjourned at thirteen minutes past five of the clock till eleven of the clock on Thursday, the 1st October, 1964.