

agreed without any amendment to the Criminal Law (Amendment) Bill 1959, which was passed by Rajya Sabha at its sitting held on the 2nd September, 1959."

RESIGNATION OF MEMBERSHIP BY DR. P. V. KANE

MR. CHAIRMAN: I have to inform hon. Members that Dr. P. V. Kane, a nominated Member, has resigned his seat in the Rajya Sabha with effect from today.

NOMINATION OF SHRIMATI PUSHPALATA DAS AS A MEMBER OF THE CENTRAL SOCIAL WELFARE BOARD

MR. CHAIRMAN: I have also to inform hon. Members that I have nominated Shrimati Pushpalata Das to be a Member of the Central Social Welfare Board.

ALLOTMENT OF TIME FOR CONSIDERATION OF THE MOTION CONCERNING THE LIFE INSURANCE CORPORATION

MR. CHAIRMAN: I have to inform hon. Members that under rule 153 of the Rules of Procedure and Conduct of Business I have allotted five hours for consideration of the Motion in respect of the decisions of the Government of India on the findings of the recent enquiry into certain affairs of the Life Insurance Corporation of India.

ENQUIRY REGARDING NOTICE OF A MOTION FOR PAPERS

SHRI BHUPESH GUPTA (West Bengal): Sir, I gave notice of a Motion for Papers for calling the attention of the Prime Minister to the

wanton police firings and beating that took place during the first few days of this month as a result of which, according to information available to us, nearly 80 people had been killed. Dead bodies are being discovered even now. It is also reported that at burning ghats dead bodies were cremated at night, and about 200 people are untraced since those days. Now, Sir, Government should make a statement. It is a serious thing. We have never known such things.

MR. CHAIRMAN: Yes, that will do.

SHRI BHUPESH GUPTA: Only one thing more, Sir. Whether you will make a statement, I do not know. I am somewhat astounded that the Prime Minister is not suggesting a public enquiry into the firings when in the case of Kerala he did it very publicly.

SHRI AWADESHWAR PRASAD SINHA (Bihar): Because Kerala set a different example.

SHRI BHUPESH GUPTA: Well, Sir, I understand that when you Congressmen hold the guns and shoot people, there should be no enquiry.

MR. CHAIRMAN: Order, order.

SHRI BHUPESH GUPTA: Now, Sir, the Prime Minister is silent and in Bengal the great historian, Shri Surendranath Sen—you must be knowing him—Shri Tripurari Chakravarty, an outstanding professor, and Shri Atul Gupta, an eminent jurist and many other citizens have demanded a public enquiry. I should like the Prime Minister to accept their suggestion and advise the Chief Minister of West Bengal, Dr. B. C. Roy, and others to institute a public enquiry at least to show that he does not observe double standards in this matter.

MR. CHAIRMAN: The Travancore-Cochin Vehicles Taxation (Amendment and Validation) Bill, 1959.

SHRI BHUPESH GUPTA: What about your statement, Sir?

MR. CHAIRMAN: I have nothing to say; the Prime Minister has to say.

SHRI BHUPESH GUPTA: But will you ask the Prime Minister?

MR. CHAIRMAN: We shall pass it on to him.

SHRI BHUPESH GUPTA: But today is the last day, Sir. I know that you will do but . . .

MR. CHAIRMAN: You have made the suggestion; it will be passed on to the Prime Minister.

SHRI BHUPESH GUPTA: But when?

MR. CHAIRMAN: Today.

SHRI BHUPESH GUPTA: You give me, Sir, and I will carry it to him. He should come before the House adjourns and state the position whether he stands for it or not.

MR. CHAIRMAN: Mr. Datar.

THE TRAVANCORE-COCHIN VEHICLES TAXATION (AMENDMENT AND VALIDATION) BILL, 1959

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI B. N. DATAR): I beg to move:

"That the Bill further to amend the Travancore-Cochin Vehicles Taxation Act, 1950, and to provide for certain other connected matters, as passed by the Lok Sabha, be taken into consideration."

Sir, this Bill has been brought forward on account of a decision of the Kerala High Court that certain provisions and certain actions taken by the former Government of Kerala were unconstitutional and *ultra vires*. I would briefly explain the position in this respect.

Sir, before the State of Kerala was formed, we had a Part B State known as the Travancore-Cochin State.

Now the Legislature of that State had passed the Travancore-Cochin Vehicles Taxation Act as early as 1950. There are two sections that are relevant in this connection. One was section 3, which dealt with the imposition of a tax on vehicles, and it provided that Government may by notification in the gazette, from time to time, direct that a tax shall be levied on every vehicle using any public road in the State. Then there was the proviso—rates also had to be provided for and duly notified—and the proviso stated that the rates shall not exceed the maxima specified in Schedule I in the case of motor vehicles, and the maxima specified in Schedule III in the case of vehicles other than Motor vehicles. Then, Sir, there was section 18 which stated that the Government may by notification in the gazette amend, alter, add to or cancel in part or in whole Schedules I, II or III, and then, Sir came the powers conferred by section 1. You will find, Sir, that the former Government of Kerala issued a notification on 24th September 1957 enhancing the maxima limits—that is what is to be understood—and they did it, and they brought into force certain new rates of taxation in respect of different categories of vehicles. Now this system of taxation came into force with effect from the 1st of October, 1957. The matter was taken up to the Kerala High Court, and in June, 1959 the Kerala High Court gave a judgment stating that the action taken by the State Government in enhancing the rates of taxation was *ultra vires* and unconstitutional of the State Government. I would read only the relevant portion in this respect:

"As a result of the foregoing discussion, we quash the notification impugned as *ultra vires* the powers of Government; we also declare, that the delegation of power under section 18(1) of the Act, to the extent that it authorises Government to fix rates in excess of the maxima prescribed in Schedules I and III of the Act as passed by the Legislature, is bad in law, and is void and ineffectual."