

MR. CHAIRMAN: From the statement made by the Defence Minister the highest civil authority, the District Magistrate did ask for it. It was reinforced, if any, by the Chief Secretary acting on behalf of the Government.

SHRI V. K. KRISHNA MENON: The civil magistrate accompanied.

MR. CHAIRMAN: The District Magistrate is the authority.

DR. R. B. GOUR: May I ask the hon. Minister: According to the Criminal Procedure Code the military could be called out only for dispersing unlawful crowds; then how is it that they were patrolling in the streets? I would like to know on that point.

SHRI V. K. KRISHNA MENON: Under the law the civil magistrate can ask the assistance of the military authorities. You call them in order to aid the civil power in the maintenance of law and order. Whether law and order has broken down or not, or whether our assistance is required or not, that is not our discretion. Then army is not a separate force in this country. It is at the disposal of the civil authority when it goes in aid of the civil power in our system of Government.

SHRI BHUPESH GUPTA: Then I would request—I have given notice of a motion to raise a discussion on this calling out of the military in Jamshedpur—I would request you, Sir, to admit it. Half-an-hour discussion should be sanctioned at least.

#### DEATH OF WORKERS ON THE HINDUSTAN-TIBET ROAD

\*43. DR. R. B. GOUR: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that some labourers working for the Himachal Pradesh Public Works Department on the Hindustan-Tibet road died of starvation recently;

(b) if so, whether Government have made an investigation into the matter; and

(c) what action has been taken against the persons responsible for the tragedy?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI B. N. DATAR): (a) No. The reports that appeared in a section of the Press about the alleged deaths from starvation were after investigation by the local Administration found to be incorrect.

(b) This is covered by the answer to part (a) of the question.

(c) Does not arise.

DR. R. B. GOUR: Who enquired into the reports that appeared that they died of starvation and what is the opinion of the inquiry committee or the investigation officer?

SHRI B. N. DATAR: The Deputy Commissioner of Mahasu district enquired into the whole matter and then made a report.

DR. R. B. GOUR: Is it a fact that five workers were admitted to hospital and in the enquiry it was revealed that they died of some illness? What is the illness they were suffering from?

SHRI B. N. DATAR: Five persons were admitted to hospital, not on account of anything connected with starvation.

DR. R. B. GOUR: I would like to know what is the illness. Did the illness arise out of starvation or malnutrition or what?

SHRI B. N. DATAR: They were suffering from certain illness and therefore they had been admitted to the hospital, and now they are progressing very well.

DR. R. B. GOUR: I would like to know what is the illness. How did

the illness arise? Through starvation or malnutrition or what?

MR. CHAIRMAN: Most of us suffer from lack of stamina, malnutrition, etc. It is not special to anybody here.

OPINION OF THE SUPREME COURT ON  
THE KERALA EDUCATION BILL

\*44. SHRI BHUPESH GUPTA: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the Supreme Court has given its opinion on the President's reference of certain clauses of the Kerala Education Bill;

(b) if so, whether a copy of the opinion will be placed on the Table of the House; and

(c) what action Government took on receipt of the Court's opinion?

THE MINISTER OF HOME AFFAIRS (SHRI GOVIND BALLABH PANT): (a) Yes.

(b) No.

(c) The Kerala Education Bill, 1957, has been sent back to the Governor of Kerala with a directive from the President under the proviso to article 201 of the Constitution to return the Bill to the State Legislature for reconsideration in the light of the Supreme Court's opinion.

SHRI BHUPESH GUPTA: May I know how many clauses were referred to the Supreme Court for seeking its opinion?

SHRI GOVIND BALLABH PANT: So far as Kerala is concerned only this one was referred.

SHRI BHUPESH GUPTA: How many clauses of that particular Bill were referred?

SHRI GOVIND BALLABH PANT: Well, I do not remember the exact number of clauses.

SHRI BHUPESH GUPTA: I will remind him. May I know whether it is a fact that the four questions that were placed before the Supreme Court cover about 12 clauses and that the Supreme Court only held one clause invalid and the rest of the clauses were held to be valid according to the Constitution?

SHRI GOVIND BALLABH PANT: Both the documents are public. Anyone can study and examine them and draw his own conclusions.

SHRI BHUPESH GUPTA: My only difficulty is that the Home Minister has not studied it.

Now, Sir, I would like to know...

SHRI B. K. P. SINHA: May I know, Sir . . .

SHRI BHUPESH GUPTA: . . . whether it is a fact that the important clauses relating to . . .

AN HON. MEMBER: He has also not studied.

MR. CHAIRMAN: You study the papers; in the meantime let him ask his question.

SHRI B. K. P. SINHA: May I know if it is a fact that the Supreme Court remarked about certain clauses which were not referred to it that they were manifestly unconstitutional but they were not passing any opinion on them because the clauses had not been referred to them.

SHRI GOVIND BALLABH PANT: The judgment of the Court is a public document and whatever it contains, that embodies the opinion of the Supreme Court.

SHRI BHUPESH GUPTA: May I know whether the clause relating to the appointment of teachers, over which so much agitation was raised in Kerala by the Opposition and some Catholic elements, has been held valid by the Supreme Court?