

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?

**MR. CHAIRMAN:** Mr. Bhupesh Gupta, the Home Minister has said that the judgment is for all people to see and whatever they have held valid is there; whatever they have held invalid, that is also there; and the whole matter has been referred to the Kerala Education Ministry.

**DR. R. B. GOUR:** May I know whether they have referred only this particular clause that has been held invalid or the whole Bill?

**SHRI GOVIND BALLABH PANT:** We have referred the whole Bill back in the light of the judgment of the Supreme Court and requested the Legislature to so modify the Bill that it may be in accord with the views expressed by the Supreme Court.

**SHRI JASWANT SINGH:** May I know whether the Kerala Education Bill was the only Bill that was referred to the Supreme Court or whether other Bills from other States in the past have also been sent to the Supreme Court?

**SHRI GOVIND BALLABH PANT:** I have already answered that; so far as Kerala is concerned this was the only Bill that was referred to the Supreme Court. So far as the other States are concerned, I am not exactly in a position to answer the question because this question relates to Kerala Education Bill alone.

**SHRI GOVINDAN NAIR:** The answer given by the hon. Minister to a question by another hon. Member has created another confusion in my mind. He said that there are other clauses also which are unconstitutional in the Bill but which were not referred to the Supreme Court. Does this mean that if the Bill is amended according to the judgment of the Supreme Court and again sent up for assent it will be again referred to the Supreme Court?

**MR. CHAIRMAN:** All hypothetical questions.

**SHRI GOVIND BALLABH PANT:** I hope that the amendments will fit in with the views expressed by the Supreme Court but if they do not, the Government will have to examine the position again.

**SHRI BHUPESH GUPTA:** May I know if the Bill is suitably amended according to the judgment or findings of the Supreme Court, the assent to the Bill would be normally given as a matter of routine?

**SHRI GOVIND BALLABH PANT:** Assent to Bills is given normally. We have received a large number of Bills, perhaps 30 or 25—I cannot say exactly—and assent has been given to most of them excepting this one Bill and another which is pending with us.

**SHRI BHUPESH GUPTA:** Sir, my question was . . .

**MR. CHAIRMAN:** His question was, supposing the Kerala legislature suitably amends it so as to satisfy the objections raised by the Supreme Court, will the assent of the Government be then normal? That is what he asked.

**SHRI GOVIND BALLABH PANT:** If the Bill as amended does not give rise to any objection, it will receive assent.

**SHRI BHUPESH GUPTA:** It is a vague answer.

**MR. CHAIRMAN:** What he says is this. If you suitably amend it as to stifle all objections, it will be assented to.

**SHRI BHUPESH GUPTA:** I was not referring to the objections. Suppose that particular clause is deleted or suitably amended, will the assent then be given as a matter of course?

**SHRI SANTOSH KUMAR BASU:** On a point of order, Sir. Can my friend put questions on suppositions? Can he ask hypothetical questions?