

Then, Sir, about the point raised by my friend, Mr. Sinha, perhaps section 5(7A) may be declared *ultra vires*. We will see whether the situation arises. If necessary, we will have to amend the Constitution. We will just then see what happens. We always take the advice of the Attorney-General. Here we took the advice of the Attorney-General. The Attorney-General gave us this amendment. We have accepted the advice of the Attorney-General and we have come forward in order to see that the administration is not put to any difficulties in respect of the two cases which are transferred and those which will be transferred for the special purpose of getting more income from those cases, and such cases will be pursued. So, Sir, I think the House will pass the motion.

SHRI P. D. HIMATSINGKA: On a point of information, Sir. On what basis was the Bidi Supply Co. case, which went to the Supreme Court, transferred from the important place of Calcutta, where there are special circles, to an out of the way place like Ranchi?

SHRI M. C. SHAH: We understood that he had big business transactions being carried on there in Bihar and we thought, there was a very big sum, concealed income, and therefore, it was necessary that that should be transferred to Ranchi, so that we can just detect all those transactions that were spread over there.

SHRI ABHIMANYU RATH (Orissa): were those two officers convicted?

THE VICE-CHAIRMAN (SHRI P. S. RAJAGOPAL NAIDU): He wants to know whether those two officers have been convicted or not.

SHRI P. D. HIMATSINGKA: The names of those two officers.

SHRI M. C. SHAH: The names, I think, appeared in the papers. One was Avtar Krishna, or something, for attempted bribe-taking. He was convicted for two years.

SHRI J. V. K. VALLABHARAO (Andhra): What has been the lot of the other person who offered the bribe?

THE VICE-CHAIRMAN (SHRI P. S. RAJAGOPAL NAIDU): It is not the Question Hour that you put all questions.

The question is:

"That the Bill further to amend the Indian Income-tax Act, 1922, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (SHRI P. S. RAJAGOPAL NAIDU): We shall now take up clause-by-clause consideration.

Clause 2 was added to the Bill.

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

SHRI M. C. SHAH: Sir, I move:

"That the Bill be returned."

THE VICE-CHAIRMAN (SHRI P. S. RAJAGOPAL NAIDU): The question is:

"That the Bill be returned."

The motion was adopted.

#### THE TRAVANCORE-COCHIN STATE LEGISLATURE (DELEGATION OF POWERS) BILL, 1956

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

"That the Bill to confer on the President the power of the Legislature of the State of Travancore-Cochin to make laws, as passed by

[Shri B. N. Datar.]

the Lok Sabha, be taken into consideration."

Sir, this is a very simple measure. On 23rd March 1956, as the House is aware, there was a Proclamation by the President and accordingly, the President took over the administration of that State, and as the House is also aware, the legislature was dissolved. Thereafter, according to the Constitution, the power of legislation naturally vests in Parliament, unless Parliament delegates that power to the President. Article 357(1) of the Constitution enables Parliament to confer the powers of legislation on the President and therefore, this Bill has been brought forward for the purpose of giving to the President the power of making laws for that State. It has been found necessary that this power should be conferred on the President, because there has been considerable congestion of work before both the Houses of Parliament, while so far as the work of legislation before the Travancore-Cochin legislature was concerned, there was very heavy work there. In fact, as many as 23 Bills were pending before the Travancore-Cochin legislature when it was dissolved.

I may point out to the House that there were as many as 16 official Bills and seven non-official Bills. Out of these 16 official Bills, in respect of five, the Select Committee had submitted its Report to the legislature; in respect of nine Bills, the matter was pending with the Select Committee and the remaining two Bills had been taken up for consideration, but before they became law, the Legislature was dissolved. So far as the non-official Bills were concerned, three Bills were pending with the Select Committee and four Bills had been introduced before the dissolution of the Travancore-Cochin Legislature. Out of these Bills, there are certain which have to be immediately legislated, because they are of considerable importance. We

have received advice that, so far as two Bills are concerned, they are of a very urgent nature and they are the Travancore-Cochin Irrigation Bill and the Travancore-Cochin State Aid to Industries (Amendment) Bill. Both of these have to be attended to immediately. There are also four land reform Bills and the Government of India will have to consider to what extent the provisions of these four Bills have to be taken up immediately for consideration and enacted into laws. They are the Verumpattomdars Bill, the Restriction on Possession and Ownership of Lands Bill, the Special Rights in Lands Bill and the Irrigation Bill. The President will have to consider these also, because they are land Bills. Certain rights are likely to be conferred on certain classes of persons and the sooner these questions are considered the better. That is the reason why it has become very urgent that the President should have powers, especially when the time at the disposal of Parliament is so short.

As I already stated, there has been congestion, or over-congestion, of work before both the hon. Houses of Parliament and when this Bill was drafted, two important considerations were taken into account. So far as President-made laws in States were concerned, what the President had to do was to consult an advisory committee. So far as this committee was concerned, originally, the idea was that the numbers ought to be ten from the other House and five from this House, but it was found that hon. Members from Travancore-Cochin were much more than this number. It was also felt advisable that, on this advisory committee, there ought to be Members from other parts of India as well—those Members who would be taking an interest in matters relating to legislation in Travancore-Cochin. Therefore, the Government accepted an hon. Member's view in the other House and the strength has been increased from 10 to 14, so far as the other House is concerned and from 5 to 7 so far as this House is

concerned. The total number of Members from Travancore-Cochin in both the Houses is 12 plus 6. It is possible, therefore, to appoint some other Members also, and this power has been given to the Speaker in the other House and to the Chairman in this House. Therefore you will find that we shall have an advisory committee of 21 hon. Members of both Houses of Parliament, who will be ordinarily consulted, except when the matter is of a very urgent nature calling upon the President to make a law absolutely immediately. So barring such instances, which may not be many, ordinarily you will find that the President will consult the advisory committee, before he undertakes the work of making laws for the State. So this is one safeguard according to which the wishes of the hon. Members on this committee will be taken into account.

Secondly, there is another safeguard that has been introduced. After the President has made the laws, copies of such enactments will have to be placed on the Table of both the Houses of Parliament, and thereafter, it would be open to Parliament to consider them and to suggest any amendments. If, for example, one House suggests certain amendments and then those amendments are accepted by the other House, then naturally it is incumbent on the President to issue another President's Act, accepting the modifications or the amendments suggested jointly by both Houses of Parliament together. Thus you will find that, though the President is to be armed with legislative powers, still, as I have stated, these two safeguards have been purposely introduced for enabling the President to find out what are the wishes of hon. Members from Travancore-Cochin in the first instance, and from others generally.

Now, it might be found that we had three occasions formerly when President's rule had been established in

certain parts of India. We had the President's rule first in the Punjab, then in PEPSU and lastly in Andhra. In all these three cases we had such advisory committees and they were consulted before any laws were made.

So far as the provisions of the Constitution are concerned, the House will kindly note that even though the President is to be armed with legislative powers, we are giving to the President only such necessary powers as would be absolutely essential for him to use in the interests of the public. Under the Constitution, it is not necessary to have an advisory committee to be associated with the President, so far as these legislative powers to be conferred on him are concerned, but it ~~has~~ considered advisable in the present democratic set-up that, when the President wants to enact certain laws in the interest of any State that he takes over, he should have before him the wishes of the hon. Members from that area in particular. That is the reason why this particular provision has been used. And, secondly, the powers are asked for only to the President and not to any other person at all. Under article 357(1) of the Constitution, it is open to request the Parliament to give such authority or powers of legislation not only to the President, but the President might be enabled, under certain circumstances, to have the authority to further delegate these powers. We have not asked for any such powers of delegation so far as the President is concerned. Therefore, I would submit that the present Bill is a necessary piece of legislation with a view to empowering the President to make laws whenever he considers that the making of such laws is absolutely essential for an efficient and also a progressive administration of the State.

Now, the House is aware that Travancore-Cochin is one of the most enlightened States, and there are also certain peculiar problems. So far as

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it is possible, so far as the Government can do, it is our desire to deal with certain items of legislation, so that the administration should improve, so that the conditions of the people also will consequently improve. It is for this purpose that this particular Bill has been brought before this House, after it has been accepted by the other House. I am quite confident that the provisions of this Bill will commend themselves to the support of this House.

THE VICE-CHAIRMAN (SHRI P. S. RAJAGOPAL NAIDU): Motion moved:

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

SHRI GOVINDAN NAIR (Travancore-Cochin): Mr. Vice-Chairman, let me make it clear at the very outset that I am behind none in stressing the need and urgency of passing the Bills that were pending in the Travancore-Cochin Legislative Assembly into Acts. But when, on the 23rd April, this House approved the Proclamation of the President, this House took on its shoulders a great responsibility. It was assured on the floor of this House by the hon. Minister that if your Assembly is dissolved, there is this House to look after the interests of the people of your State. Now, by this Bill, the hon. Minister is asking us to delegate power to the President, I feel it is the prerogative of this House to use this power and I do not want any other body to supersede the functions of the State Legislature.

[MR. DEPUTY CHAIRMAN in the Chair.]

Now, the hon. Home Minister was telling us about the consultative committee that has been formed according to this Bill I bring to the

notice of this House this one clause, clause 3, where it is said "whenever he considers it practicable to do so". It reads: "Provided that before enacting any such Act, the President shall, whenever he considers it practicable to do so, consult a committee constituted for the purpose..... etc." Even after very closely following the Home Minister, and even after stretching my imagination to the extent possible, I cannot understand why this clause should be there. So, this clause gives a loophole for the President to enact laws even without consulting this consultative committee. Well, Sir, I say this because as everybody knows the President is only a constitutional head. The Home Minister was telling us that this House is overburdened with work. It is true. In the same way, the Central Government also will be overburdened with work. So, for all practical purposes, what would happen is that the present Adviser in our State will be the man who will be utilising this power, and it is there that our difficulty begins. This is the third time the question of Travancore-Cochin is being discussed in this House. On the previous occasion, we did not mention anything about the President's rule in our State.

The other day, I was very much amused to hear from our hon. Home Minister, while speaking in the Lok Sabha, that during these three months, the efficiency of the administration there has gone up. I say it was amusing, because it is known to both these Houses that, during the last few days, one Minister or other was driven to the humiliating position of admitting before the House that they could not get answers from our State for certain questions that were put to them. Now, I tell you, with all humbleness, that some of that information if the Ministers had asked me to provide, with the help of my office in Trivandrum, I could have got it within two days. For example, one of the ques-

tions put was, how many colleges in Travancore-Cochin are affiliated to the Travancore University. Even after fifteen days, the administrative machinery there could not gather this information and supply it to this House. I shall not enumerate the various questions for which answers are not provided. But if the Home Minister still maintains that the administration there is getting more and more efficient, then he must admit that it is sheer indifference on the part of the Administrator there not to have sent their answers to this House. Even when the Central Government demands certain answers, if a State administration can be so insolent, that is a very serious matter which, I think, the Home Minister will take into consideration. So, either he is indifferent or he is inefficient.

It is very clear. I heard the other day the Home Minister quoting some paper reports—the “Hindusthan Standard”. Here again, I would draw the attention of the Home Minister to the “Times of India” report of May 29, Kerala newsletter. You know it is not a communist paper. If you will go through this report, the position will be very clear to you and the report supports the argument. I am not going into details, but I want to bring to the notice of this House certain facts presented in this report. That will convince the House how arbitrarily the Adviser is dealing with the most vital problems of our State. If he parades through the streets of Trivandrum like a Moghul Emperor with all the paraphernalia, I am not bothered. If he wants to post policemen at every furlong, I am not bothered. I would even request the Home Ministry to send some of the crowns of ex-Princes, so that he may reign there as a super Rajpramukh. Why I say this is because, whatever be their drawbacks, or their poverty, our people have a sense of humour. So, even if a modern Cervantes parades through the roads of our State, our people will really enjoy

it. But there are certain serious questions with which this Administrator has absolutely no business to interfere.

For example, there is the question of river waters in our State. If it is not detrimental to the interests of our State, and if the water can be taken for use in any other part of India, we will be fully prepared to support the suggestion. But when this question of river waters has been so long a matter of dispute between the two Governments of Madras and Travancore-Cochin, when the outgoing Ministry had refused to look into this question, and when Parliament is trying to find out ways and means through the States Reorganisation Bill to settle such inter-State problems, what business has this Administrator to issue an order allowing the engineers of Madras to come and examine the question there? That is something going beyond his powers.

There is another question. With the reorganisation of States, the devaswam has to be divided between the Travancore-Cochin and Madras States. Why should he poke his nose into this matter also? In regard to this question, the Bill that is before the House provides for certain means for the settlement of this question. Here also, the States Reorganisation Bill has suggested certain ratio. Now, the Adviser has interfered in this matter. The recommendation of the Commission was that Rs. 4½ lakhs should be allotted to Madras. But he recommended a figure of Rs. 13.5 lakhs.

Then, I am coming to another most vital question affecting our State. Everybody knows that our State is over-populated and that 38 per cent. of the peasantry are landless. During the last few years, people without land, either with the permission of the Government, or without permission, have occupied

[Shri Govindan Nair.]

Government lands. Now, the Adviser, with one stroke of the pen, wants to evict the peasantry without any land being given to them. I would like to make it clear that I do not want to argue for those....

SHRI J. S. BISHT (Uttar Pradesh): What is the relevancy of this with regard to this Bill?

SHRI GOVINDAN NAIR: I am coming to it. You hear me patiently. Let me finish this point.

I am not against the Government evicting certain big landlords who have taken into their possession large tracts of land. But this procedure of the Adviser to evict the landless peasantry from Government lands is something very serious.

Again, another argument is brought forward by the Adviser to evict these people. These lands were allotted to them for the purpose of 'Grow More Food' campaign. You know that in certain areas, only commercial crops can be grown profitably, not food crops, and on the ground that commercial crops are grown on those lands, he is trying to evict them.

Again, with regard to his attitude towards other parties, I will not go into details. I will only quote one instance, the Minimum Wages Committee. Our Labour Minister in one of his answers in the Lok Sabha has said, in regard to the strength of the various trade unions there, that the I.N.T.U.C. has a following of 2,680; the U.T.U.C. 12,000 and the A.I.T.U.C. 21,000. The Adviser said that he would be impartial to all parties. But when this question of forming a minimum wages committee was taken up, he forgot all about it.

My friend was asking me about the relevancy of all these things. The relevancy is that, as the Home Minister explained in the other House, the President is only the constitutional head. He cannot personally

look into all these things. So, who is to act for him? It is the Central Government. And the Central Government has very much work. So, the whole thing is in the hands of the Adviser, and his attitude towards the representatives of the people was also made clear by him in a recent press conference when some reporters asked him about this. He needs no advice from any Parliamentary Committee. So, this shows the attitude of this bureaucrat who is now put in charge of our affairs there. Now, who is to decide as to when this Committee has to be called? I am really apprehensive that, in the matter of legislation, he will utilise this clause which is already before you, to avoid any consultation with Parliament Members themselves.

SHRI J. S. BISHT. Even so, it has to come up before Parliament again.

SHRI GOVINDAN NAIR: Yes, that is my argument. You are in fact helping me. So, what happens is that this will come here and some time of this House will be taken up. And we will have to come here with our amendments and take some time of the House in order to discuss them. Therefore, I am just suggesting to the hon. Minister that this thing should not come before this House in a roundabout way. As has been pointed out by the hon. Minister himself, the President's Acts will have to come here, and there will be some discussion over them. So, the anxiety of the hon. Minister, that the time of this Parliament can be saved by delegating this power to the President, is not going to bear any fruit, because the attitude of the Adviser is such.

Then, Sir, I would like to bring to the notice of the hon. Minister one more thing. He was telling the other House the other day that the legitimate grievances of the people would be looked into. Now, I put one straight question to the Minister. I made a serious allegation against one of the small police officers in our State.

## State Legislature

Bill, 1956

MR. DEPUTY CHAIRMAN: We are not concerned with all those details.

SHRI GOVINDAN NAIR: I was rather misled by reading the speech of the hon Minister in the other House, and I am sure he will bring in all these points.....

MR. DEPUTY CHAIRMAN: Be brief, because we have to take up the motion regarding the Preventive Detention Act.

SHRI GOVINDAN NAIR: Within five minutes, Sir, I will finish.

SHRI KISHEN CHAND (Hyderabad): Are we not allowed two hours?

MR. DEPUTY CHAIRMAN: Yes, but if we have two hours now, we will not be able to have three hours for the Preventive Detention Act. And tomorrow, it will be very difficult to get through the business.

SHRI GOVINDAN NAIR: Sir, I have only one question to ask. I would like to know from the hon. Minister whether he has made any enquiries, and whether that officer is still in service. I want to know that, because if certain facts, which are brought before this House, are not taken note of, and if suitable action is not taken on the basis of those facts, the officers there may feel that they have given a defeat to the opposition. I would request the hon. Minister to just realise the reaction of all these things on that police officer, and the effect that these things are going to produce on those people who know everything about these things. If nothing happens after these things are brought to the notice of this most sovereign body, that will embolden these officers to commit further crimes against the people.

SHRI J. S. BISHT: Crimes?

SHRI GOVINDAN NAIR: Yes, So, it is because of the experience of our

people during the last three months that I say, that this power should not be delegated to the President. On the other hand, this Parliament itself should spare some time. And I feel that the suggestion put forward in the other House by one hon. Member, that during the next session half an hour every day should be given for the legislative business of Travancore-Cochin, would solve the problem without much inconvenience to us. I thank you, Sir.

SHRI N. C. SEKHAR (Travancore-Cochin): Mr. Deputy Chairman, Sir, I stand to express the feeling of the average people in Travancore-Cochin. I need not say that I want to oppose it or support it, because this measure entails all the condemnation that the progressive people have for it. Yesterday, while replying to the debate in the other House, the Minister quoted from the "Hindusthan Standard" something to justify that the advisory regime was welcome to the people as a form of democracy. But I would like to ask the hon. Minister whether he could go through the columns of the Travancore-Cochin papers. We have got something like thirteen dailies which have got a circulation of more than two lakhs. If he reads all these papers, then he can understand the relevancy of what my friend Mr. Govindan Nair was narrating and which the *ex-public* prosecutor, Mr. Bisht, was questioning. This measure is related to the advisory regime.

Our Government have been claiming that they are out to establish a socialist pattern of society, they are out to establish a democracy for the entire people of the country, irrespective of castes, classes and religions. But I would ask one simple question. Why did they not organise a general election immediately after the debacle there of the Congress Ministry? Why is it that the President has taken over the power to do all the administrative business in that State? Sir, even when the

[Shri N. C. Sekhar.]

Britishers were here, administering this country, whenever the Governor's rule was established on the basis of the old Constitution, they had at least the courtesy to appoint advisory committees. Here, our democratic Government had not that democratic sense to appoint such a committee, consisting of those representing different opinions in our State. They did not do that, Sir, as the President is a constitutional head of our democracy, there we have got the Rajpramukh as the constitutional head of that State. Now, Sir, they have appointed the Adviser. For what purpose? To advise the Rajpramukh in carrying on the administration in that State. But what is the Adviser doing there?

(Interruption.)

Sir, I will read out something which has appeared in the "Times of India", for the information of the hon. Minister and this House. I will take only a few minutes. Here is something for the Home Minister:

"Mr. Rau has attracted public attention in another way too."

He said that the Adviser was welcome throughout the State. It is not so.

"He is fond of the national flag. It must flutter wherever he goes. The other familiar sight, along the routes he takes, is the policeman. One stands every few yards. A procession of cars and police vans follows the Adviser. The Director of Public Relations must also accompany him. The Presidential agent has revived the memories of a bygone age with which Travancore was all too familiar."

The memories of Marthanda Maharaja were revived, the Maharaja who lived in 1933 M.E. i.e. the Malayalam Year. Mr. Rau, the arch bureaucrat, is bringing the 18th century into the 20th century. This is how democracy is established in our State. You know that the people of

Travancore-Cochin are the most enlightened in the body politic of India. So, this is an insult to the people there. You may ask why the people there create constitutional crises. For that, the corrupt Congress leadership of Travancore-Cochin is responsible. The people are not responsible. The corrupt Congress leadership there is responsible for this. They do not look after the interests of the people. They want to divide between them the loaves and fishes, and whatever money is allotted from the Centre is divided between their men. They do not look after the interests of the people and naturally the people turn against them. But I do not know how you are going to remedy the situation by this enactment.

Here, the President is delegated power to legislate for the Travancore-Cochin Legislature. He is given wide powers. Just as Mr. Rau has become the Rajpramukh there, the President can enact any law at any moment he likes. He can increase taxes, without looking into the actual economic conditions of the people. Only the President shall, whenever he considers it practicable to do so, consult a committee constituted for the purpose, consisting of 14 Members of the House of the People, and 7 Members of the Rajya Sabha. If he wants, he can legislate even without consulting the Committee. In explaining this proviso, the Home Minister was saying yesterday in the other House, that 'wherever practicable to do so' means this: Suppose Members are living in a far distant area and the President feels it necessary to pass an enactment for Travancore-Cochin, say, tomorrow. How can the President invite people from such distant places to come to Delhi and then consult with them? So, in order to avoid that possibility or impracticability, this proviso has been added to clause 3. That is his explanation, but it is not at all a reasonable explanation. Whenever such a



necessity arises, the President can certainly take some time, say one week or two weeks and then invite the members to come to Delhi for consultation and suggestions and thus, he can have amendments or modifications for the measures.

The President can legislate. That means that the Home Ministry will do it. They would not look into the actual conditions obtaining in Travancore-Cochin. They will simply look to the law and order situation, but I won't go into that now. This is a sweeping power, wide power. You want us to support the President enacting legislation for the State. Of course, we are all for immediate enactment of the pending Bills, not only the two Bills in the Third Reading stage, but all the other pending Bills, should also be enacted into law. We are all for that, but it should be done by Parliament. Here, according to the provision given here, the President can enact and then send that Act to the Parliament for consideration. Parliament can make amendments or modifications to it. Then, the President will accept or reject them.

MR. DEPUTY CHAIRMAN: Such modifications shall be given effect to by the President.

SHRI N. C. SEKHAR: After all, it is a political party that is in power. So, the party in power will naturally toe the line. We are not at all sure that modifications or amendments suggested in the interests of Travancore-Cochin would be accepted here. That is our apprehension.

We are certainly thankful to the Home Minister for having accepted the amendment brought forth in the other House by our Travancore-Cochin friends that the Committee shall consist of the members coming from Travancore-Cochin in both the Houses. I would specifically ask the Minister, 'What about our friends from Malabar?' Malabar is going to be part of Kerala which is going to come very soon, according to the S.R.

Bill. The Home Minister must accept these friends from Malabar also. We have three Members here and there are some Members in the other House. I think that they also should be taken into the Committee. It does not matter if the number of the Committee is increased. Then, not only Members from Travancore-Cochin and Malabar must be there, but also some Members from other areas, so that they may also study the situation there and deliberate in that body to help the President, so far as the affairs of Travancore-Cochin are concerned. That is my suggestion. Then, I will speak when I move the amendments.

SHRI PERATH NARAYANAN NAIR (Madras): Mr. Deputy Chairman, I wish some Members from the other side had also spoken so that we could understand what exactly has prompted them to support a measure of this kind. Now, the Home Minister has commended this Bill to us as a very simple measure. A simple measure it is, but it does havoc to democracy, does havoc to the rights of the ten million enlightened population of Travancore-Cochin. I wish to illustrate my point by taking one or two instances.

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I do not accept the reasons given in the Statement of Objects and Reasons. I know that the Parliament is over-burdened with legislative work but then, the Home Minister must understand that this Parliament has been co-operating with him to the utmost limit. This Parliament co-operated with him to get the Budget passed within 7 hours. Ordinarily, in the Travancore-Cochin Legislature, it takes about 2 weeks and even for this measure, just in two hours, we are asked to pass this, and the Lok Sabha did within the course of a few hours. So during these last three months, this Parliament has demonstrated its readiness to co-operate with the Home Ministry to the utmost to see that some justice is done in regard to legislative enact-

[Shri Perath Narayanan Nair.]  
ments and matters pertaining to  
Travancore-Cochin.

Again, the Home Minister said that there were a number of Bills pending before the Travancore-Cochin Legislature at the time of the dissolution. I want to ask him, is he very serious to bring in all those pieces of legislation in the nature of President's Acts? After all, it is an Adviser's administration. He has just to carry on. I grant that, in matters of bringing immediate relief to the people, including immediate relief to the agriculturists there, some measures are called for. I agree with him, but does he propose to bring in all this impressive list of Bills—twenty-one, both official and non-official? That is not the thing. It may be three or four Bills, and he could have easily got the Bills passed in this Parliament within the course of seven or eight hours. When you scrap the democracy of the whole State, do you mean to say that this Parliament will not sit for one day more? This Bill is not so simple. Under cover of this Bill, you are taking away the rights of Opposition Members. I shall tell you how.

So long as this Parliament could exercise this power of the Travancore Legislature, the Members of the Opposition could initiate Bills. They had their own rights guaranteed under democracy. We have got our non-official days to bring in legislation. Under this Bill, you take away the right of the Opposition. It confers all the legislative powers on the President and the President of course is obliged to consult a certain Committee, but in that Committee, though you may be pleased to include Opposition Members, the Opposition Members on the Consultative Committee have no right to take initiative. They cannot take initiative. So you take away the right of the Opposition Members and lessen the right which we in this Parliament were exercising. So you cannot say that you are fostering democracy.

You cannot say that this is just an innocent, or simple, measure. It is not so. You go further. You take away the right of the courts by an express legislation. When the President's Act is enacted, it immediately comes into force. It does not wait for the approval or ratification of Parliament, and the validity of that Act cannot be questioned. The action taken under that Act cannot be questioned and even otherwise, under sub-clause (3) of Clause 3, you give discretionary powers to the President. The power given to the President is exclusive and he can use that power at his discretion and when Parliament delegates power to a Minister or the President as in this case, that right is unfettered, or is not specifically restricted. If he can use his discretion, then constitutional authorities say that their actions cannot be questioned even in a court of law. I will not quote you Maxwell and others, but that point is there and by sub-clause (4) of Clause 3 you take away the right of the courts also. When you take away the right of the Opposition and of the court, you cannot say that you are fostering democracy.

I am concerned with one main point and that is, though this Bill is of direct and immediate application to the Travancore-Cochin State, and to the over 10 million people inhabiting that State, not in the distant future, within the next four months, this Bill is going to have direct and immediate bearing on five million people inhabiting the district of Malabar. Now the House has before it a fairly complete picture of the States Reorganisation set up. The district of Malabar and the Kasargode taluk will have to join with the Travancore-Cochin State and together constitute the Kerala State. We all expect this and we have worked for this—our Kerala State. We are happy that we are going to have it. Now what is to happen? Because certain Members of the ruling party in Travancore-Cochin have some domestic quarrel with the leader.

and refused to give their votes to their leader, democracy has been scrapped in that State and when Kerala State comes into being, not only the enlightened people of Travancore-Cochin but the whole of Kerala will be without a Legislature, and will not have the benefits of a democratic system of Government.

Unless the Home Ministry and the Government of India give some serious thought to this, for the sins of certain people in Travancore-Cochin, you are going to penalise the whole of Malabar people too. What will happen? Now there is an amount of uncertainty, an amount of suspense in the minds of the people of Malabar. All the papers there, the journals, have written about it, and they have expressed their feelings. The District Board of Malabar, elected on adult franchise, has adopted a unanimous resolution that this position gives rise to so much of concern to all. After all, a long-cherished desire of ours is coming into fruition, and along with the people of Travancore, instead of enjoying democratic Government, along with the people of Travancore-Cochin, the position now is, that they also will be denied the benefits of democratic Government. I ask the hon. Minister, where will the elected Members of Malabar, who are in the Madras Legislature now, go to on the 1st October when this new set-up is given? I have gone through the various clauses of the draft S.R. Bill. There is nothing. I know the hon. Home Minister in the other House explained that those are larger issues. But you consider the state of feeling of the people of Malabar. You give them some assurance. I know the power of the Parliament is supreme. I know the Act of the President can be revoked, I know that the genius and the resources of the Members of the Government here can devise some measures when at the earliest possible moment.....

MR. DEPUTY CHAIRMAN: Just now we are not concerned with Malabar.

SHRI PERATH NARAYANAN NAIR: I am just suggesting that though this is not of immediate concern, within four months, it is going to affect that also.

MR. DEPUTY CHAIRMAN: You will have occasion to comment on this aspect when that Bill comes before you.

SHRI PERATH NARAYANAN NAIR: I am only suggesting that the Home Minister and the India Government must take into consideration these aspects also.

MR. DEPUTY CHAIRMAN: Certainly.

SHRI PERATH NARAYANAN NAIR: Especially now when all the papers in Kerala, and the Malabar District Boards have expressed concern over this, and when this Bill is coming up, an opportunity will present itself in the immediate future, when the present set-up can be scrapped, when we can seek some method whereby democratic Government can be restored, not only to the people of Travancore-Cochin, but also to the people of Malabar and to the whole of our Kerala State. That way also, I want the Home Minister to look into this question. I have other points, but I will deal with them in the course of the amendments.

SHRI K. P. MADHAVAN NAIR (Travancore-Cochin): Mr. Deputy Chairman, I rise to support this Bill. I do not think, I need, while discussing this Bill, try to go into the circumstances which unfortunately led to the present state of affairs in our State. I think, enough of it has been said on an earlier occasion. However, my hon. friends on the opposite side want to make every occasion an opportunity to raise this question. I do not want to say that the present state of affairs is welcomed by anybody in Travancore-Cochin. I do not want to say whether the Adviser had a welcome in the State. But I only wish to point out that the "grand" demonstration which my friends were speaking of and advertising, and which they tried to arrange during the tour of the

[Shri K. P. Madhavan Nair.]

Adviser, fell quite flat. I am not saying that he was welcomed. But I only want to point out that he was not received or treated in the way in which my friends want to make out.

Having said this much, I must explain why, though many of us do not welcome the present state of affairs there, we want this Bill to be introduced. As has already been explained by the hon. Home Minister, there is a lot of pending legislation there, and I do not think our friends will say that some of it at least is not of immediate necessity. Though it may be known to our friends opposite, I may point out here the normal delay which a Bill is put to, if you want to get it passed through both the Houses of Parliament. About nine or ten months back, perhaps in August last, a Bill was introduced in the Lok Sabha seeking to give greater representation to the growers in the Indian Central Coconut Committee. That Bill is still pending there. I do not know whether, during the present term of the Lok Sabha, that Bill will come up for discussion at all. This is the experience that we have with regard to the passing of Bills in Parliament. For one reason or the other, pressing necessity arises and certain Bills do not find it easy to get a passage. To avoid that, and to see that the people do not suffer very much, from the absence of a democratic set-up in the State, this device is being resorted to. I cannot understand what serious objection my friends can have, particularly after the acceptance of the amendment in the Lower House. My hon. friend was mentioning here that the provision in the Bill which enables amendments to be suggested by the House is there only in theory and not in practice. He gave out his reason, that it is a party government and the party in power will be able to prevent amendments being passed in the House. If my hon. friend believes that to be the real state of affairs, I cannot understand how it would be

possible for him to bring out changes in the Bill, even if it has a regular passage through the two Houses. Therefore, from the practical point of view, the provision in the Bill must satisfy every *bona fide* criticism.

My hon. friend also mentioned that emergency Bills can be passed even without reference to the Advisory Committee. Of course, it is usual for the Members on the Opposition, particularly for some of my hon. friends, to attribute motives and to read into things interpretations which really are not there. One hon. friend went to the extent of saying that some clause here takes away the right of appeal to a court of law. He may be right; but I fail to understand, how that interpretation can be given to that particular clause. Anyway, normally, the legislation comes before the Members of the Advisory Committee, and at least so far as the Opposition Members of Parliament from Travancore-Cochin State are concerned, they cannot complain that they will not be adequately represented in the Advisory Committee. Sir, I may mention that fifty per cent. of the Members of Parliament from that State belong to the Opposition. So in the Advisory Committee, they will get ample opportunities to play their part.

SHRI N. C. SEKHAR: They cannot initiate anything.

SHRI K. P. MADHAVAN NAIR: It may be that they cannot initiate anything. But it is also within the knowledge of all legislators accustomed to initiate the non-official legislation, how much they can achieve; the achievements in that direction in this House and the other, during the last four years, are practically nothing. So even though in theory the non-official Members have the right to initiate, the result is that they are not able to pass any Bill or any Resolution unless it be that there is support of the party in power. The present provision also, therefore— I am not speaking the theory,

but I am saying the practice—gives whatever can be normally expected by a *bona fide* Opposition. Bills come up before the Advisory Committee. They are discussed there in detail, and perhaps Members would get greater opportunities there, than in this big House. If they are not satisfied, when the Bill comes out in the form of an Act, there is provision that it can be modified in this House or the other. If there is a majority in favour, certainly those amendments will be carried out.

With regard to the representation, I have already said that every Member from Travancore-Cochin will find a place in the Advisory Committee. Therefore, I cannot understand how anybody can oppose the Bill. The sooner we get it passed the better. There are some pending legislative measures, particularly those relating to land legislation, and most of us are agreed that they should be placed on the Statute Book with the least possible delay.

Next about the autocratic nature of the Adviser, to which reference was made. As I said at the beginning, I do not want to defend him. I do not propose to dwell on it. But I feel that the constitution of the Advisory Committee will certainly be some sort of a check upon autocracy, if it exists at all.

My hon. friend Mr. Sekhar was trying to attribute a reason for the unfortunate state of affairs in that State. My hon. friend also made use of very strong expressions. I do not want to quarrel with him. I only want to tell him that, if that is his feeling with regard to the functions of a Government, if he feels that, when his party comes into power, that will be the way in which he can deal with the money allotted by the Centre or is available to the State, I would say that the sooner he stands disillusioned the better. He said that the group leaders of the Congress were concerned only with the loaves

and fishes of office and they were trying to divide among themselves whatever amount was received from the Centre. I do not think he meant what he said, and....

SHRI N. C. SEKHAR: I meant it and I am prepared to give any amount of proof or evidence.

SHRI K. P. MADHAVAN NAIR: Yes, as he has always been proving after making such meaningless charges

Sir, with regard to this race for the loaves and fishes of office, everybody in Travancore-Cochin knows, how at every available moment the party to which my hon. friend belongs was trying to get into office, forgetting all their principles, and was prepared to make any kind of an agreement or contract with parties with whom they had nothing in common. I said before, that I did not want to go further into these matters. So I will stop here. I hope the Bill has not come a day too early, and we must have it passed as early as possible, so that we may make use of it for as many progressive pieces of legislation as can be passed. Thank you.

SHRI B. N. DATAR: Mr. Deputy Chairman, in the course of the debate a number of points were taken. They were otherwise interesting, but highly irrelevant so far as the scope of the present Bill is concerned. I would, therefore, first deal with the two or three points that were taken up by my hon. friend opposite, so far as the provisions of this Bill are concerned.

In the first place, all that has been pointed out as an objectionable feature of this Bill is the insertion of this expression "whenever he considers it practicable to do so" in the proviso to clause 3. I have explained already, Sir, and I have given an assurance here also, that so far as this machinery of an advisory committee is concerned, Government would resort to it except when, as I have stated, it becomes impracticable.

[Shri B. N. Datar.]

Hon. Members will kindly note the expression "impracticable". When it is impracticable to call a meeting of the Advisory Committee, then only, provided the urgency of the case requires it, resort would be had by the President to make a law without consulting the Advisory Committee. Ordinarily, as I have stated—and I repeat the assurance—Government will always call the meetings of the Advisory Committee and take their advice, and then decide upon the line of action that they have to adopt, so far as the proposed Bill is concerned.

Then, Sir, the second point that was taken was that the Parliament itself might sit longer and legislate in respect of the various pieces of legislation that were before the dissolved Travancore-Cochin Legislative Assembly. My hon. friend has pointed out how there has been great congestion of work, and I might point out to the hon. Members of this House that one Bill was passed in 1954 by this House. It was pending before the other House for nearly two years. In the meanwhile, a number of things had happened and with your consent, Sir, we had to withdraw the Bill by introducing another Bill, and that was done only to-day in the other House. Now, I am pointing this out to show that it is not physically possible for the two Houses of Parliament to legislate so far as Travancore-Cochin is concerned.

Under the circumstances, Sir, the Government had to take the next alternative of having a machinery which was as democratic as possible, namely, consultation with an advisory committee and then making laws, whenever they were necessary. As I have pointed out, there were as many as 23 Bills and Government are considering them. So far as legislation in respect of these Bills is concerned, I cannot commit the Government of India at this stage that they would make laws in respect of all the Bills, but it is our desire, Sir, consistently

with the nature of the administration that is being carried on, and consistently with the requirements of a progressive administration, that we shall try to make as many laws as possible, that are required for the progress of the Travancore-Cochin State.

Then lastly, Sir, I would make reference to certain points to which some of the hon. Members just now referred. In English, we have an expression known as *suppressio veri suggestio falsi*. I would not tell this House what it means, *suppressio veri*. When, for example, an hon. Member of this House relies upon certain statements or observations in a paper, then in fairness to this House, Sir, he ought to have quoted both the kinds of observations. In this very report, which has appeared in the 'Times of India', reference was made to certain preliminary actions that were taken by the Adviser with regard to certain boundary questions, etc. So far as they are concerned, the Government of India had taken a decision and a popular Government, if it was there, would have also started the preliminary or exploratory steps, in consultation with the Madras Government. That would not in any way commit the Government of Travancore-Cochin, and therefore, after making a reference to certain Acts.....

(Interruption.)

You need not interrupt; I am not going to yield.

Now, I may point out here that the Adviser there was bound to take certain preliminary steps and when certain objections were raised—highly objectionable expressions have been used, like poking 'your' nose: it is absolutely unfair I would say; it is not in conformity with our ordinary ideas of decency and good parliamentary life, to use such expressions in Parliament; apart from it, Sir,—immediately that objection was taken. A press note was issued and in the press note, it has been stated clearly,

as quoted in this, "As opposition gathered strength, the Government issued a press note saying that it had not made any commitment and would safeguard the interests of Travancore-Cochin." Now, the final decision in all such questions of high policy would be taken by the Government and not by the Adviser, and therefore, the hon. Member should not have introduced, absolutely irrelevantly, certain actions, which have nothing to do with present question.

Then, Sir, you will find that, in this very letter, it has been stated that there is another side also, even according to the writer of this particular letter. Here it is stated, "The Adviser's regime is staking its reputation on streamlining the administration and purging it of corrupt elements. In this, the Adviser has already earned the support of public opinion." Then, Sir, "His decentralisation policy has been welcomed. His attempts to eradicate corruption are being watched with interest and also scepticism, because it is a very difficult task." And then, Sir, "Quiet work without any fireworks is the Adviser's motto." Sir, we are accustomed to fireworks here. Let not the Adviser follow that particular policy. "The State's administration stepped in worn-out practices"—this is the certificate that he gives to the administration there in general, and therefore, he says, "The State's administration steeped in worn-out practices and patterns has tended to cause inefficiency and delay. Delay is bound to cause corruption, according to Mr. Rau. The administration has to be rationalised, and put on a par with the patterns in the rest of India. It is an arduous task."

Sir, it is really an arduous task, and I would point out to this House, that in spite of all the attempts—I find that organised attempts are made to make the task of the Adviser as difficult as possible—in spite of this, Sir, I would point out, that so far as his progressive acts are concerned, he will have the fullest support of the

Government of India, because Government are anxious that the administration is efficient and the administration is also progressive.

Then, Sir, I would not make any detailed reference to the article in the 'Hindustan Standard', but I would read only one or two extracts to show that, so far as the public are concerned, the public have welcomed the President's rule, whatever might have been the circumstances. The public feel that there has been a relief and the public hope that this administration would be a good administration and therefore, Sir, this is what is stated, "While the masses are happy with the President's rule, politicians naturally feel completely upset that their game is lost, at least for the time being, and as for the future, it is not easy to predict the shape of things to come."

Now, here we have a writer, who is not partial to the Congress administration, or to any administration, and he had gone there purposely. After three weeks' stay and observation, he has stated something, which is at least entitled to be taken notice of and therefore, I would submit, Sir, let us take all the sides into account. Let us also note that the Adviser's task is arduous. So far as the Adviser's work is concerned, he has gone there with a reputation in respect of another State, where also he worked as an administrator under the President's rule. Therefore, so far as his work is concerned, he has to be careful, and to the extent that the work is carried on efficiently and progressively, he will have the fullest support of the Government of India and therefore, Sir, it would not be proper to bring in all these circumstances, especially when we are dealing with a matter which, I repeat, is a simple matter, because it follows naturally upon the establishment of the President's rule and upon the difficulty of the Parliament to directly legislate in respect of these Bills. It is unfortunate, Sir, that some hon. Members

[Shri B. N. Datar.]

here, as also there, of a particular party, are using expressions which are absolutely wrong.

In the other House we were told that it was a murder of democracy, and here, my hon. friend has used another choice expression that it does havoc to democracy. The President's rule is not a havoc; has never been a murder, because the President, as also the Government of India are responsible to both the Houses of Parliament and therefore, it would not be proper to use such expressions, because thereby, the whole taste is entirely spoiled. I, therefore, submit that this Bill be accepted.

MR. DEPUTY CHAIRMAN: The question is:

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

The motion was adopted.

MR. DEPUTY CHAIRMAN: We shall now take up clause by clause consideration.

Clause 2 was added to the Bill.

Clause 3—*Conferment on the President of the power of the State Legislature*

SHRI PERATH NARAYANAN NAIR: Sir, I move:

1. "That at page 1, line 17, the words 'whenever he considers it practicable to do so, be deleted.'"

2. That at page 1, lines 18 to 20, for the words 'fourteen members of the House of the People nominated by the Speaker and seven members of the Council of States nominated by the Chairman' the words 'all members of the Houses of Parliament from the State of Travancore-Cochin and the Malabar District of

the Madras State and one-third their number of members from other States' be substituted."

3. "That at page 2, at the end of line 3, after the word "Parliament" the following be inserted, namely:—

'In such cases Parliament shall discuss the enactment in the same session in which the enactment has been so laid before it, provided that one-third of the number of members from the State of Travancore-Cochin in either House demand a discussion in writing.'"

4. "That at page 2, after line 13, the following be added, namely:—

'(5) Nothing in this Act shall be deemed to confer any power on the President of India to enact any measure which will enhance the tax or land revenue payable by a person whose income is less than three thousand rupees a year' "

(The amendments also stood in the names of Shri N. C. Sekhar and Shri Govindan Nair.)

MR. DEPUTY CHAIRMAN: The clause and the amendments are before the House.

SHRI PERATH NARAYANAN NAIR: Sir, my first amendment seeks to delete the words 'whenever he considers it practicable to do so' from this clause. My friend Mr. Madhavan Nair said that when we sought to remove that particular thing, we were attributing motives. No; I can assure him that it is not a question of attributing motives. We are only profiting by the bitter experience of the past. Whatever assurance is given with the best of motives by the hon. Minister here, it is not transferred to those who are carrying out his orders. That has been our bitter experience. Now, this clause makes use of the word 'shall', and it makes it obligatory on the part of the President to consult this committee. But if you keep these words,



## State Legislature

the obligatory part of it vanishes. It leaves it to his discretion.

Now, the hon. Minister said something about impracticability. But, Sir, there is a difference between the meaning of the words 'whenever' he considers it practicable to do so' and the meaning of the words 'unless he finds it impracticable to do so'. It has a different meaning. I need not go into the niceties of the English language, but in actual practice, whatever the esteem and regard with which their officers and the Adviser had been held by Members of the other side, our experience has been otherwise. And after all, occasions for passing such emergency laws will be very few and I would appeal to the hon. Minister and the House that the deletion of the words 'whenever he considers it practicable to do so' be agreed to.

My second amendment relates to the constitution of the Advisory Committee. As I told already, I am not bringing in this larger issue of Malabar and all that. Anyway, these Members are given an opportunity to consider the affairs relating to Travancore-Cochin in some detail, and we will be happy, and the Parliament also will benefit, if an all-India outlook is brought to bear on them. After all, it is not the usual state of affairs that exist there; it is an unusual state of affairs, and that enlightened State is denied the opportunity of a democratic set-up. Let members from the other States also know how the affairs are being carried on. Though you may not be prepared to take up this question of Malabar now, as there is a strong feeling existing there, I would suggest that it would be good if members from Malabar are also taken in here. Bearing all these aspects in mind, I am only suggesting that they should be on this committee; it will not be an unwieldy committee with Members from Travancore-Cochin and Malabar and one-third their number from other States. That will be a great thing for Travancore-Cochin and it would also benefit,

though in a limited way, the Members from the other States.

MR. DEPUTY CHAIRMAN: That will be about 250 members.

Parliament consists of 750 Members and.....

SHRI PERATH NARAYANAN NAIR: Not one-third of the Members of these Houses—Members of the State.

SHRI GOVINDAN NAIR: Consultative Committee.

MR. DEPUTY CHAIRMAN: Yes; the Consultative Committee will, according to this, consist of 250 Members.

SHRI PERATH NARAYANAN NAIR: The amendment is specific. It says one-third of members from the other States.

MR. DEPUTY CHAIRMAN: That is what I am referring to. That means all the other States except Travancore-Cochin.

SHRI PERATH NARAYANAN NAIR: There are 18 Members from Travancore-Cochin and.....

MR. DEPUTY CHAIRMAN: Anyway, the wording is not happy.

SHRI PERATH NARAYANAN NAIR: We are having this at the fag end.

SHRI BHUPESH GUPTA (West Bengal): Just ask him how many he is prepared to take and then we can decide. We can change the wording.

SHRI PERATH NARAYANAN NAIR: The third amendment relates to the matter being brought before the House for discussion. It is laid down in sub-clause (3) that every Act enacted by the President shall, as soon as may be after enactment, be laid before each House of Parliament. It may be laid before Parliament all right, but then, if one-third of the Members from Travancore-Cochin

[Shri Perath Narayanan Nair.]  
feel the necessity to take up that question, to consider that measure in that session itself, that opportunity should be given. There also, I speak from experience.

MR. DEPUTY CHAIRMAN: Why one-third Members; even a single Member can raise a discussion.

SHRI PERATH NARAYANAN NAIR: I would like to have it here as a statutory provision so that they can consider any measure.

MR. DEPUTY CHAIRMAN: A single Member can raise a discussion by bringing forward a resolution on any enactment that is placed before Parliament before seven days.

SHRI PERATH NARAYANAN NAIR: The time limit, the rules of procedure, all these are very difficult and this is why we wanted this to be done here.

My last amendment seeks to ensure that no additional burden by way of taxation is imposed on the poor people during this period. If at all taxes have to be revised, it can be done when the House is reconstituted. During the Adviser's regime no attempt must be made to increase the burden on the poor people, people having incomes below Rs. 3,000 a year. That is the safeguard we want to have.

SHRI B. N. DATAR: Sir, only two points have been raised. One is regarding the expression 'whenever he considers it practicable to do so.' Perhaps the hon. Member desires to have it in a negative way 'unless the President considers it impracticable to do so'. I would point out to the hon. Member that the meaning is the same and in view of the assurance that I have conveyed, he need have no misgivings about it.

So far as Malabar is concerned, as I stated in the other House, it would not be proper at this stage to deal with the larger question arising out of integration of Malabar into Kerala. That question will be considered at

the proper time and therefore, at this stage, it would not be proper to go into that question.

Then, I would point out that under the provisions in the proviso, it is open to the Speaker as also to the Chairman to nominate 14 and 7 members respectively. Now, we would not like to bind the authority of the Speaker and the Chairman to nominate members from Malabar now, even before Malabar has been integrated in Kerala.

MR. DEPUTY CHAIRMAN: The question is:

1. "That at page 1, line 17, the words 'whenever he considers it practicable to do so' be deleted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

2. "That at page 1, lines 18 to 20, for the words 'fourteen members of the House of the People nominated by the Speaker and seven members of the Council of States nominated by the Chairman' the words 'all members of the Houses of Parliament from the State of Travancore-Cochin and the Malabar District of the Madras State and one-third their number of members from other States' be substituted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

3. "That at page 2, at the end of line 3, after the word 'Parliament' the following be inserted, namely:—

"In such cases Parliament shall discuss the enactment in the same session in which the enactment has been so laid before it, provided that one-third of the number of members from the State of Travancore-Cochin in either House demand a discussion in writing."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

4. "That at page 2, after line 13, the following be added, namely:—

'(5) Nothing in this Act shall be deemed to confer any power on the President of India to enact any measure which will enhance the tax or land revenue payable by a person whose income is less than three thousand rupees a year.'

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

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

SHRI B. N. DATAR: Sir, I move:

"That the Bill be passed."

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.

#### MOTION RE WORKING OF THE PREVENTIVE DETENTION ACT, 1950

MR. DEPUTY CHAIRMAN: Mr. Datar.

THE MINISTER IN THE MINISTRY  
OF HOME AFFAIRS (SHRI B. N.  
DATAR): Sir,.....

SHRI BHUPESH GUPTA (West Bengal): Before the hon. Minister begins to speak, I made certain requests about certain papers connected with the working of the Preventive Detention Act. Subsequently, we find that another statement was given

more or less on the same lines of the other statement. We would like to know from the Government whether the Government is in possession of at least some of the charge-sheets and answers to the charge-sheets of the detenus that had been placed before the advisory boards. At this stage, I would not expect them to circulate among all the Members, but I would like those documents to be laid on the Table of the House, so that we can refer to them in the course of the debate. Otherwise, it becomes very difficult for us to look into the matter as to how the law has been operating in the various States. We have great misgivings about this matter and I think, we are entitled to have a better insight into the whole matter rather than being called upon to do so merely on the basis of the statements that have been given to us. And why the hon. Minister should be opposed to it, I simply cannot understand.

MR. DEPUTY CHAIRMAN: This matter has been answered.

SHRI BHUPESH GUPTA: I know he is in possession of some.....

MR. DEPUTY CHAIRMAN: This question was raised and the answer has been given. So, let the hon. Minister move the Motion. You have full right to comment upon it. Mr. Datar.

SHRI BHUPESH GUPTA: They may change their mind.

MR. DEPUTY CHAIRMAN: Order, order. Let him move the Motion.

SHRI B. N. DATAR: Sir, I beg to move:

"That the statistical information on the working of the Preventive Detention Act, 1950, during the periods 30th September, 1954 to 31st December, 1955 and from 31st December, 1955 to 31st March, 1956, laid on the Table of the Rajya Sabha on the 15th and 26th May 1956, respectively, be taken into consideration."