

[Shri Samar Mukherjee]

tion. So, I think there might be some compulsion from below. In order to solve a crisis inside your party, you are now bringing this. So, do whatever you like, but we register our protest, we register our objection. That is why I am opposed to the introduction of the Bill.

**SHRI K RAGHU RAMAIAH:** If the hon. Member had confined himself to constitutional issues, I would not have said anything, but he has gone beyond what he should have said at this stage. However, it is my duty to reply.

In the first place, I must tell him, if he is so unaware of it, that this is not the only country where pension is provided to Members. In fact, we are too late on the scene. It is a normal feature of most of the democracies to give pension to ex-MPs, and I was looking forward to cite the names of the countries while I move the Bill for consideration. But I may say, generally, we are not the first but the one of last in this matter. There is nothing abnormal about it. It has become a cheap fashion all over the world, whenever MPs are being provided something, that one goes on attacking and comparing them with this sector or that sector of the community. MPs are a class by themselves. They have to be respectable and they have to discharge their duty in no less an efficient manner than any other sector of the community whom we all represent and they have to be reasonably looked after.

My hon. friend has said that this should not be done and that this is something very undesirable. May I say, if he is really sincere about it, he and his party which he represents could by all means refuse the pension. That will be the standard by which they will be judged. (*Interruptions*).

**SHRI SAMAR MUKHERJEE:** Whenever the Salaries and Allowances of the Members of Parliament were raised, we objected. That is on principle. We represent the poorest sections of the people. Whether I take or not take, that does not change our basic stand that you are giving priority to your own selves than to the common people, the starving millions of people, whom we represent.

**MR. SPEAKER:** The question is:

"That leave be granted to introduce a Bill further to amend the Salaries and Allowances of Members of Parliament Act, 1954."

*The motion was adopted.*

**SHRI K. RAGHU RAMAIAH:** introduced the Bill

12 12 hrs.

**KERALA LEGISLATIVE ASSEMBLY  
(EXTENSION OF DURATION)  
SECOND AMENDMENT BILL—  
Contd.**

**MR. SPEAKER:** The House will now take up further consideration of the Kerala Legislative Assembly (Extension of Duration) Second Amendment Bill. The balance of time is only 15 minutes.

**THE MINISTER OF WORKS AND HOUSING AND PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH):** The time may be extended. I think there are some more speakers on this.

**MR. SPEAKER:** All right, I will extend the time. We can spend half an hour more on this. So, 45 minutes are there. We should finish it before lunch. If the hon. Members are brief, we can accommodate more Members who want to speak on this. **Shri B. R. Shukla.**

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†Introduced with the recommendation of the President.

**SHRI B. R. SHUKLA (Bahraich):** Mr. Speaker, Sir, from the speech of the hon. Member of the Marxist group, it appears that there is an apparent welcome change in the shift of attitude of his party towards elections and parliamentary institutions. Up till now, they were believing in the cult of violence, in the cult of direct action and in the cult of *gherao*. This was what they practised when they formed the ULF Government in West Bengal and also in Kerala. But they have been completely routed at the polls. Therefore, they realise that there is no way out even for their survival except to follow the path of democracy. We welcome this change in their attitude.

They are still under a mistaken belief that the people of this country and, particularly, the people of Kerala are with them and that, if they go to the polls, they will be returned in a majority. My submission is that they are wholly disillusioned if they entertain this belief.

The question of the extension of the duration of the Kerala Assembly should be viewed in a broader national perspective. The situation which was brought about by the direct action and the behaviour of the irresponsible elements in political life in the country has not wholly disappeared. They still persist. Although Government is relaxing gradually the conditions of Emergency still there is no marked change in the attitude of these forces. They have simply gone underground, they still want to adopt such activities as will result in toppling down the Parliamentary institution.

After all, the life of the present Lok Sabha was extended by one year in January 1976. The elections to Lok Sabha are to take place by the end of March, 1977. The term of the present Kerala Assembly is to expire in the month of October, and if the term is not extended, it means that elections should take place after one

or two months, after the expiry of the term of the present Assembly; there would be elections to the Kerala Assembly before elections to the Lok Sabha. This means that the State will have to go to polls twice in an interval of two or three months. This point has not been considered by the opposition.

Secondly, the gains of Emergency are still to be consolidated. The forces which were responsible for the imposition of the Emergency still continue in some form or the other in Kerala and in other parts of the country. Also this House has not yet finally decided as to when elections to Lok Sabha will take place.

Another factor is this. If elections to the Kerala Assembly are to take place within a few months from today, then it means that some of the leaders who, by their objectionable activities, brought about a situation in which there was no option but to impose internal Emergency, have to be released, not necessarily because the law may require their release, but it would be in fairness to the Opposition that they should have the opportunity to participate in the elections. Otherwise, when they are defeated at the polls—I am sure they will be defeated—they will raise a hue and cry saying that their leaders were in jail, they were not allowed to say all irresponsible things on the platform, they were not given a fair opportunity to participate in the elections, the elections were manipulated, they were not fair and that is why they were defeated and all that. Therefore, my submission is this. In order to satisfy their aspirations and in order to remove their misgivings, it is necessary that, first, things should be normalised, so that there may be a calm and quiet atmosphere for holding elections, not only to the Kerala Assembly but also to the Lok Sabha.

So far as economic gains are concerned, it has been conceded by Mr. Chandrappan, who is a member of

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the CPI, that there is rapid economic transformation not only in Kerala but throughout the length and breadth of this country. A better awareness of discipline has come in the ranks of the student population, in the ranks of the industrial workers, in government services. Everybody is welcoming the continuance of the Emergency and the various laws which have been passed for the benefit of the masses. But we do not share this view that, because we have been able to achieve something very tangible, something very important, something very essential in the interest of the country, the elections are being avoided. Elections are being postponed not because of any fear of defeat at the polls but in the larger interests of the country and in the larger interests of the nation. Therefore, my friend should not make a grievance if the election to the Kerala Assembly is extended for a few months more. They should welcome it. They have better opportunities by calmly pondering over the follies which they have been committing in this country. Now it is good that they are gradually and quite apparently returning to the path of sanity, to the path of non-violence and to the path of democratic behaviour and we will certainly welcome a change that a responsible opposition wedded to the concept of democracy should be firmly established in this country.

With these words I support this Amendment Bill

SHRI N SREEKANTAN NAIR (Question): Yesterday, the Speaker said that I was one of the speakers from the Opposition. Technically it is true. I am a Member of the Opposition in this House. But, in Kerala, I am the leader of the RSP which is a constituent of the United Front. Therefore I am one who is actively involved in this question.

I do admit that in Kerala this government has the unique distinction of running the term of five years and also an additional extra-constitutional term of one year. I also admit that the achievements of the government are not small. About 25 lakhs of tenants who were originally tilling the soil have now become proprietors of the farms, big and small. About three lakhs of hutment dwellers have received ten cents of land around their huts. About one lakh of destitute people have received free gift of houses from the one lakh scheme. The surplus land has almost been completely distributed where it is not in dispute. Therefore, the achievements are great. Yet, I feel that to extend the life of the legislature will not be in the best interests of the people of Kerala and the political parties who are now in the coalition. They have already run out six years. The programmes chalked out, the schemes they had, have almost run out and now there is a void before them. And, if you extend the term for some time more, the good name they have earned, I fear, may be lost. Therefore, in the interests of the parties who are in the Government I would plead with the government and the hon. Minister that the legislature be prorogued. I do not want immediate elections. It cannot be, but I want elections to be held as early as possible.

Secondly, by proroguing the legislature and bringing in Presidential rule, a strengthening of the administrative machinery can be achieved. It is an undoubted fact that with 14 Ministers belonging to six various political parties the co-ordination and cohesion of the Government is not as good as it should be. I can understand that Ministers from different political parties do not coordinate their activities. But Ministers of the same Party do not co-ordinate their activities and, therefore, as a matter of fact, the government of Kerala is 14 small governments or Ministries, occasionally being co-ordinated by the Cabinet meeting. This has to be borne in mind. I do not want so

many parties in the coalition to continue indefinitely to run at each other in the administration of the State.

The normal term of five years as prescribed by the democratic constitutions is just and fair for any legislature to show its mettle. When it is extended further and further, the natural result will be that there will be cliques and groups around Ministers, whether they are officials or non-officials. When there are cliques and groups, naturally, free, fair and just administration will be hampered. Six years we had. Therefore, I would urge upon the Minister that if he cannot prorogue the Assembly, to at least suspend it, bring in President's rule, let there be a small spell of rigid administration under the President so that the bureaucracy can be liberated! Now they are compelled to dance to the tunes of this Minister or that Minister so much so the bureaucratic control, even if it is bad, the bureaucratic functioning, even if it is not completely democratic, has been seriously tampered with.

I urge upon the Government to bring in President's rule with or without prorogation of the legislature. If it is not possible or if they don't want to do it, at least let them conduct the elections as early as possible. Let there not be another extension like this. It may be that the Congress party, being the largest party can bring in new alignments and form its own Government under its own aegis. Instead of Achutha Menon Ministry, it can be some other Ministry, under some other Congress leader. What I feel is that it is better to have a short spell of President's rule. I strongly plead that the legislature may be prorogued or suspended and President's rule imposed in the State.

**SRI. G. VISWANATHAN** (Wandiwash) This is the third extension for the Kerala Legislative Assembly which the House is perhaps going to give. No doubt in principle we are not for extending the term of the assemblies. But the condition being as it is, the coun-

try is now under emergency. And so far as the Kerala is concerned, I think, most of us would feel that the Achutha Menon Ministry has done a very good job. First of all, it is the only Ministry which has completed its full term without being disturbed. There are some ministries which live shorter lives than even one year, 10 months, 6 months, and so on. In the political history of Kerala this has been the only stable ministry so far. As far as I know this is probably among the few Ministries against which there are not many charges.

So far as the Chief Minister is concerned, we must be proud of him, that he is a model Chief Minister as far as our country is concerned. He is the only person who really talks less and works more. With a coalition of six parties in the Cabinet he is able to bring them all together with all the pressures inside the party and outside the party. Of course there may be difficulties and deficiencies in any coalition government. But we must give it its credit which must go solely to Mr. Achutha Menon and his colleagues in his Ministry.

Now, the question is this: If we do not extend the life of the Assembly, what will happen? There will be President's rule. I don't agree with Mr. Sreekantan Nair. He pleaded for President's rule. After having experienced President's rule for 6 or 7 months in our State I can say that at any time a popular government administration is better than administration under President's rule. Since you say that the time is not ripe for election, let this Assembly be continued for another 6 months. The other Kerala coalition parties say that they are ready for elections but that only the Centre is not ready for holding elections, if that is the case they can hold elections to the local bodies which are pending for some 14 or 15 years. I think this demand is legitimate. It will be easier for the State Government to know the mood of the people also, what they feel

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and the Centre is not going to intervene, I suppose. The Law Minister may not be against holding elections under emergency. I do not know this. He must be knowing the legal position. I think he will reply whether we can hold the elections for the local bodies under an emergency. If it is possible, then the elections can be held for the local bodies.

As far as the Assembly is concerned, if elections are not going to be held, I am definitely not for the President's rule in Kerala. They have experienced many times. Let this Government and the Assembly continue for a few more months—five or six months more—even if it is a third time. As I told you already there must be some Government responsive to the people's demands because when a Government is there or when the Administration is there under the President's rule, I think definitely there is a handicap to the people because their demands or their grievances cannot be redressed as it happens in a popular Government whatever may be the party ruling in a particular State.

Hence, I support this Bill.

**SHRI C. H. MOHAMED KOYA** (Manjeri): Mr. Speaker, Sir, I rise to support this Bill. There is no other way but to extend the life of the Kerala Assembly since the Government is not ready for the elections.

But, I hope that this will be the last extension to the extended Assembly and Government will not come to the House again asking for another extension because all the political parties there in the Kerala State are now ready for the election. Who is not ready then? I cannot understand this. Anyhow I do not support Shri Sreekantan Nair's demand for President's rule in Kerala because he has the experience of President's rule in the past; it will be a bureaucratic rule and the people

will be put to innumerable sufferings. Now, at least we have got a popular Government there even though its life is extended twice or thrice. May I therefore hope that Government will not come up again before the House asking for a further extension? I think there would be no justification for that because the Minister is saying that there is no difficulty in holding the election even during emergency; he has told that even during emergency, Parliament elections can be held.

If that is so and when both the Opposition and the ruling parties in Kerala are ready for the election, I do not find any justification for a further extension to the life of the Assembly. Anyhow, there is no other go; nobody is ready and Government has not made preparations for the election. By the time the life of the Assembly is extended by Parliament, there will be a vacuum and hence, I support this Bill.

**THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (DR. V. A. SEYID MUHAMMAD)**: Mr. Speaker, Sir, I am thankful to all the hon. Members who have participated in the debate.

With your permission, Sir, I shall try to answer some of the points raised by different hon. Members before the House. Shri Samar Mukherjee said, as a complaint or as an allegation or as an attack against this Bill that this time also we have come before the House saying that the same conditions exist.

Factually it is so. And, if factually, the same conditions exist, just to please Shri Mukherjee, we cannot find fictitious facts and place before him. It may be that he is a person who likes variety. By twisting the facts and making a wrong statement here, we do not propose to entertain him or satisfy his desire for this. It has become an occupational disease with the Marxists Party to make allegations that Government is beating his partymen. But, the

fact is this that when they got the rare opportunity in Kerala, West Bengal an for a short time again in Kerala, it is well-known how their Ministry had to go because of the unleashing of the lawlessness with the help of the police and their partymen throughout the States.

SHRI SAMAR MUKHERJEE (Howrah): You do not know about West Bengal. That is the propaganda of the bourgeois press. We know better than you.

DR. V. A. SEYID MUHAMMAD: Now when they are out of power and nobody wants them, they are being isolated from the people, they come up with the old slogan of beating up their partymen. Figures can be quoted. It has been quoted by the Home Minister in Kerala. (Interruptions) Sir, I seek your protection from the interruption

SHRI SAMAR MUKHERJEE: I have given you all the facts. How can he call it a slogan?

MR. SPEAKER: You will please hear him.

DR. V. A. SEYID MUHAMMAD: Details have been given by the Home Minister of Kerala as to how his partymen, even though they are not in power, go round and large, large numbers of beating up and assaults are taking place everyday in the countryside and occasionally in the towns also. These are the people who accuse us of beating them up. It is only an occupational disease. The remedy lies in having some sort of occupational therapy or consulting a psychiatrist.

Mr. Chandrappan and Mr. Koya wanted to get an assurance from the Government that Government will not come next time asking for an extension. Sir, the extension is sought on justifiable facts. Certainly we cannot anticipate as to whether those facts will continue and, as such, say that we will

not come for extension. That is a sort of pre-emptive action which nobody can take. What I can assure is if the conditions change and new conditions become available at the time when the six months' period expires, certainly we will not come and ask for extension but to give a blanket assurance that in no circumstances the Government will come and ask for extension is too much to be expected from any Government.

Mr. Chandrappan also said that it is an opportune time for holding elections and why does not the Government and the Congress Party have elections at this time. He also said that if the Congress goes in for elections, it will return with an overwhelming majority. I agree with him.

The Prime Minister has also made it clear as to why we are not going in for elections. The Prime Minister has also said that if we go in for elections we will certainly come back with great majority but it is not merely a question of getting elected and getting a majority. There are innumerable factors which have to be taken into consideration. In the governance of a country it is not merely a question of getting elected. It is a political decision. So, the mere fact that we will be elected and sent back in majority is no reason that we should immediately go in for elections.

Mr. Sreekantan Nair spoke about the necessity of introducing President's rule in Kerala. He put forward his point of view with his obvious sincerity and patent good intentions. But he knows—I am sure—sufficiently well as to when the President's rule can be introduced in any State. It is not at the will of party or government or some parties that President's rule can be imposed. The condition for imposing President's rule is that there must be breakdown of constitutional machinery and the President on the report of the Governor becomes convinced that the constitutional government cannot be carried on in the

[Dr. V. A. Seyid Muhammad]

State in the circumstances that exist. That being the position, howsoever much respect I may have towards Mr. Sreekantan Nair's statement and sincerity, simply because certain point of view is raised and certain people want—including Mr. Sreekantan Nair—it cannot be done because there are not the necessary conditions

Some time ago—you know it much better than me—the Government was existing by a narrow majority of two. Now there is a difference of 31—81 and 49 or so. When it has become so well established and when for the first time for five years, there is a very stable, very effective and very useful Government operating, and continuing to operate, under what ground can we say that there is a breakdown of the constitutional machinery? It is an essential condition precedent for the introduction of President's rule that there must be a breakdown of the constitutional machinery and the existence of circumstances which make it impossible to carry on the normal constitutional government. We are far from it. In these circumstances, in spite of the good intention, and sincerity of Shri Sreekantan Nair, it cannot just be done.

Shri C H Mohamed Koya wanted an assurance that election would be held when the term of six months expires. I have already replied to that point.

I submit we have brought the Bill because circumstances justify bringing such a Bill giving extension for various reasons which I need not repeat. Even though very good suggestions were made in all earnestness and sincerity, in the circumstances explained, I am not in a position to accept them. I thank all the members who have participated and for giving us very valuable suggestions, which have very fundamental significance. Thanking them, I commend the motion for acceptance.

MR. SPEAKER: The question is:

"That the Bill to provide for the further extension of the duration of the present Legislative Assembly of the State of Kerala, be taken into consideration".

*The motion was adopted*

MR. SPEAKER: We take up clause by clause consideration. There are no amendments. The question is:

"That Clause 2, Clause 1, the Enacting Formula and the Title stand part of the Bill".

*The motion was adopted*

Clause 2, clause 1, the Enacting Formula and the Title were added to the Bill.

DR. V. A. SEYID MUHAMMAD I beg to move

"That the Bill be passed"

MR. SPEAKER: The question is:

"That the Bill be passed"

*The motion was adopted*

12.43 hrs.

CENTRAL SALES TAX (AMENDMENT) BILL

MR. SPEAKER: We will now take up the next item, the Central Sales Tax (Amendment) Bill. Shri Pranab Kumar Mukherjee

SHRI N. SREEKANTAN NAIR (Quilon): On a point of order. This Bill is against art 286 of the Constitution. Article 286(1) says:

"No law of a State shall impose, or authorise the imposition of a tax on the sale or purchase of goods where such sale or purchase takes place—(a) outside the State; or (b) in the course of the import of the goods into or export of the goods out of, the territory of India".