

13.40 hrs.

RESOLUTION RE: PROCLAMATION IN RELATION TO KERALA STATE LEGISLATURE AND (DELEGATION OF POWERS) BILL—Contd.

**Mr. Speaker:** The House will now take up further discussion of the following Resolution moved by Shri Hathi on the 6th May, 1965, namely:—

"That this House approved the Proclamation issued by the Vice-President of India, discharging the functions of the President, on the 24th March, 1965, under article 356 of the Constitution in relation to the State of Kerala."

The House will also take up further consideration of the following motion moved by Shri Hathi on the 6th May, 1965, namely:—

"That the Bill to confer on the President the power of the Legislature of the State of Kerala to make laws, be taken into consideration."

The hon. Minister was to reply to the debate.

**The Minister of State in the Ministry of Home Affairs (Shri Hathi):** Mr. Speaker, Sir, yesterday I heard with great attention the speeches of the hon. Members. Those on this side fully supported the resolution and also the Bill while those on the other side had joined in opposing the resolution. The Opposition team opened their innings by the two batsmen, both professors, Professor Ranga and Professor Mukerjee.

**An hon. Member:** And it was a record stand.

**Shri Hathi:** They had the choicest words they could find to disapprove the proclamation issued by the President. But even in their attack, which was offensive as both of them are very cultured, educated, learned, polite and courteous, there was a silver line and they were kind enough to express some good words for me. For this courtesy I owe them a duty to thank

them for the kind words they expressed.

13.42 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

So far as their attack is concerned, Shri Ranga said, and he was joined by others, that there was no necessity of having President's Rule in Kerala and the majority party should have been called upon to form a ministry or, according to Professor Ranga, some other device such as the Swiss Committee, or whatever he calls it, should have been found. Shri Ranga also blamed the Government for destroying democracy and not allowing the majority group in the State legislature to form a government. The ruling party had failed, according to him, in spite of repeated efforts for getting a working majority in the legislature. So far as the other Professor is concerned, he is of course rich in language and expression. According to him, he said, the dissolution of the Kerala Assembly even before it had met was an indefensible action and was the last word in political illegitimacy.

श्री मुकुन्द चन्व कच्छवाय (देवास): हाउस में गणपति नहीं है।

**Mr. Deputy-Speaker:** The hon. Minister may resume his seat. Quorum has been challenged. The Bell is being rung.

There is quorum now. The hon. Minister may continue his speech.

**Shri Hathi:** He also said that by denying the elected representatives of the people the chance to meet even once the Central Government had in effect disenfranchised the people of Kerala. Shri Kamath called the President's Proclamation obnoxious, repugnant to the spirit of parliamentary democracy. He said it was a strangulation of parliamentary democracy and a fraud on the people.

**Shri Hari Vishnu Kamath (Hoshangabad):** Fraud on the Constitution, not people.

**Shri Hathi:** Yes, fraud on the Constitution.

I will now deal with the several criticisms which the hon. Members have made. In the first place, it will be seen that the criticism had mostly a political angle—of course, mixed with some constitutional and legal points, but more than constitutional it was political—and in a question like this it is bound to be so. I understand it, and I would have no quarrel about the views expressed by them. Professor Ranga, however, adopted a line of argument which I fail to appreciate. Generally he has a method of arguing logically and he can persuade his opponent by his reasonable and logical argument. But so far as this is concerned I do not find any logic in his argument.

His first criticism was that it was a failure of the party to save democracy and that in spite of the repeated efforts for getting a working majority in the legislature they failed. What can the ruling party do? The ruling party can set up candidates. If the candidates of the ruling party get elected in a majority the ruling party, of course, comes in a majority and it can form the government. If, however, any other party comes, they have to stand on their own legs. They do not expect the ruling party to help them to come in a majority. If the Left Communists could only secure 40 seats, what could the Congress do? If the Right Communists secured only 3 seats, how is the Congress to be blamed? Therefore, I do not understand the logic behind the argument that the ruling party failed.

Then Shri Kamath said that it was wrong on the part of Government to say that there was no possibility of any stable Ministry being formed. The President had before him the report of the Governor where he had mentioned all the facts. Shri Kamath wants to suggest that we should have made further inquiries. Now, the question whether we should believe

the Governor or we should make further inquiries was discussed when this article was being considered in the Constituent Assembly. A view was expressed by an eminent member that it should not be done. That member said—I will quote him because his words are important . . .

**Shri Hari Vishnu Kamath:** What is the name of the member?

**Shri Hathi:** I will mention it. He said:

"If the President receives a report from the Governor, or the ruler of a State, well and good. After all, we have already decided that the Governor shall be the nominee of the President. If that be so, cannot the President have confidence in his own nominee?"

That is to say, according to that Member, the President should not ask for any other information. The objection of the Member at that time was to the use of the words "or otherwise" after the words "on receipt of a report from the Governor of a State". In that context, he asked then: cannot the President have confidence in his own nominee He further said:

"If he cannot have this trust and confidence in his own nominee, let us wind up our government and go home. Let us go to the market place and let us go into the streets. Let us go wherever we like, but not here in this Assembly. In that case, Government should be wound up and it will have no right to function. I am using strong words, hard words, but I believe on occasions such as this, hard words are very necessary. Sometimes it is very necessary to be cruel to be kind. If I am hard today, the House will pardon me. I have therefore, Sir, moved amendment No. 224, seeking to delete the words "or otherwise"."

So, that Member wanted the Government to believe and trust the report of the Governor. That eminent member was nobody else than Shri Kamath. This was his view on the Governor's report at that time.

**Shri Hari Vishnu Kamath:** On which article? The same article or some other article of the Constitution?

**Shri Hath:** The same article.

**Shri C. K. Bhattacharyya (Raiganj):** Shri Kamath has made "kaya parivartan" today.

**Shri Hath:** I hope now Shri Kamath will not persist in his argument on this point.

**Shri Hari Vishnu Kamath:** That was in 1948; now this is 1965.

**Shri Hath:** I hope he will trust the report of the Governor and the facts as stated therein.

Then Shri Madhu Limaye said that this Matter should be referred to the Supreme Court. Under article 356, the President has to apply his mind and satisfy himself whether the situation mentioned in that article is obtaining or not. It is not a question of taking legal or expert opinion, or the opinion of the court, in such matters. After all, it is a decision which is to be taken by the President himself. If he is not satisfied, he may not issue the proclamation. It is only when he is satisfied that he will issue the proclamation. Therefore the question of referring the matter to Supreme Court does not arise and the President could not and should not be advised to refer such matters to Supreme Court. He has to apply his mind to the report of the Governor and then come to a decision, which will be final.

Then, Shri Ranga further said that the Governor should have allowed some other party to form a Government.

**Shri D. C. Sharma:** (Gurdaspur): What about his own party, the Swatantra party?

**Shri Hath:** They have only one seat. I have given the figures of the number of seats won by the various parties. The Left Communists had 40 seats out of which 29 members were in detention. The Congress had 38 seats. So, the second biggest party, after Left Communists, would be the Congress Party. So, the second biggest party, the Congress Party was invited or called upon to form a government. If the Congress Party had agreed to form a Government, then the charge of Professor Ranga that the Congress Party is greedy of power would have been more justified. Then he could have come out with the charge: look here, the Congress is greedy of power, it does not want to leave power, although it has only 36 seats and the Left Communists 40 seats, yet instead of allowing the Left Communists to form the government, it has formed the government because of its greed of power. If that had taken place, he would have been perhaps more justified in making that charge. But the Congress had definitely taken the stand that if the electorate do not want them to be in power and they had not returned them in majority, then they would rather work as constitutional opposition. And that is exactly what Baldwin said in 1929: "I take the view that whatever had been the constitutional position, under the universal suffrage the situation has altered; the people of this country had shown plainly whether they wanted hon. Member opposite or not: they certainly do not want me." So, naturally, if in the elections, the Congress was not returned in a majority, the Congress has taken the stand that it will work as the opposition. That is the proof to show that Congress was not greedy of power that it did not want to stick to office.

**Dr. M. S. Anev (Nagpur):** Was it desirable for democracy or not? When

[Dr. M. S. Aney]

they cannot form a government of their own, they have to be prepared to form a national government.

**Shri Hathi:** We have seen here in a small measure how different parties are not able to stand together, not able to arrive at any agreed decisions. Then, how could a government be formed unless all of them have a common ideology and common programme? At the time of the elections all the different parties joined together in order to defeat the Congress. They could do it. After that, they could not come together and they will never come together. This I have very clearly shown in the various figures and statistics that I gave.

14 hrs.

Therefore, to say that the Congress was greedy of power and that it entered the Government by the back-door—that is another allegation—is wrong. I fail to understand how they say that by appointing a Governor and getting the power of administration they have entered by the backdoor. I fail to understand what else would the constitutional position be. If no party is in majority, this is provided in the Constitution that this should be done. When it is done, it is wrong to say that they have entered by the back-door.

The Government was also blamed for not convening the Assembly and dissolving it before it was actually convened. They say that the Assembly had not met. The Assembly was not there at all; so, where is the question of dissolving it? That was one argument. Under section 72 of the Representation of the People Act, when the candidates are elected and the notification is issued, the Assembly is deemed to have been constituted. Section 72 says:—

"Where a general election is held for the purpose of constituting a new House of the People or a new State Legislative Assembly, there shall

be notified by the Election Commission in the Official Gazette, as soon as may be after the date originally fixed for the completion of the election under clause (e) of section 30, the names of the members elected for the various constituencies by that date and upon the issue of such notification the House or Assembly shall be deemed to be duly constituted."

As soon as the notification was issued in the Kerala Extraordinary Gazette, the Assembly was deemed to have been constituted. If the Assembly is deemed to have been constituted, it has to be dissolved.

Then, an argument was made: Anyway, why should they not come together, meet and discuss as to who shall form the Government? Is it the business of all the members of different parties to meet and find out as to who will form the government? Each of the parties can meet and discuss, but I fail to understand why this elementary principle is forgotten that when an Assembly meets, the Governor addresses it and in the Address he gives broadly the programme and policies of the Government. Now, who is the Government? The Governor acts constitutionally as the Head of the State and it is the Chief Minister of the State aided and advised by the Council of Ministers that lays down the policies and programmes. What will the Governor say? They will meet together and after coming there, what will he do?

श्री मधु लिमये (मुंगेर) हाथी  
साहब, मैं आपको टोकना नहीं चाहता...

**Mr. Deputy-Speaker:** He is replying the debate now. You have had your say. Please sit down.

श्री मधु लिमये : वह जवाब दे रहे हैं। बात यह है कि विधान सभा का गठन हो गया, वह मैं भी कह चुका हूँ, लेकिन 172 धारा में कहा है कि वह

पांच साल चलेगी प्रथम बैठक के बाद ।  
तो प्रथम बैठक होना चाहिए, आप देख  
लीजिए । आपने कहा कि विधान सभा को  
बुलाया जाता तो क्या करती । अभिभाषण  
दना या कार्यक्रम और नाति का रखना  
जरूरी नहीं है । 176 धारा का परिभाषा  
को देख लीजिए । उसमें केवल गवर्नर  
का समन क्यों किया गया है इतना ही  
बताना पड़ता है । आप देख लीजिए ।

**Shri Maniyangadan (Kottayam):** The same thing was said yesterday.

**Shri C. K. Bhattacharyya:** He is repeating what he said yesterday.

**Shri Hathi:** This is the very argument he had advanced and I am coming to that. When it is dissolved, there is no question of five years. The period of five years comes in if it is not dissolved earlier.

**Shri Madhu Limaye:** Earlier than five years after the date of its first meeting.

**Shri Hathi:** The period of five years is to be considered..... (Interruption). Please hear me; I will give you a reply and convince you.

**Shri Hari Vishnu Kamath:** Try to convince.

**Shri Hathi:** No, not try; I will convince him. I have at least convinced Shri Kamath on the point that the Governor's report should be accepted.

**Shri Hari Vishnu Kamath:** But you did not accept my amendment. "or otherwise" is still there in the Constitution. That is why I said "fraud on the Constitution".

**Shri Hathi:** This was your view.

**Shri Hari Vishnu Kamath:** View may be but you had not accepted my view then. Why do you want to force it on the country? You did not accept my amendment; so, follow the

provision in the Constitution—"or otherwise"—which is still there.

**Shri Hathi:** The period of five years is to be counted from the date of its first sitting. That is the life of the Assembly. If we have to count five years, it should be from the first date when it meets, but it can be dissolved earlier. There is no limitation that it cannot be dissolved before five years or after five years, or in two or three years. It can be dissolved. It was constituted, but the period between the date of the legal constitution of the Assembly when it was deemed to have been constituted and the actual date when the Assembly meets will not be counted for arriving at the period of five years. That is the interpretation. Suppose, elections were over on March 4, 1965. From that date the Assembly is deemed to have been constituted.

श्री हृकम चन्द कछवाय : मेरा मतलब  
का सवाल है, हाउस में गणरूनि नहीं है ।

**Shri Hathi:** But when the Assembly meets on the 30th March, 1965, five years will be on the 30th March, 1970. So, that period will not be counted.

**Mr. Deputy-Speaker:** Order, order. Quorum has been challenged. The bell is being rung.

Now, there is quorum. He may continue his speech.

**Shri Hathi:** That was how I was trying to convince him. I hope, I have convinced the House as also Shri Madhu Limaye—he is not here again.

**Shri Hathi:** It is all right; I do not want your reply. The period of five years is to be counted from the first date of the session. As I said, if the elections are over and the names have been notified on the 4th March, the Assembly is deemed to have been constituted; but if it meets on the 30th March, from the 4th to the 30th, these days will not be counted for the period of five years. Therefore there is nothing in the Constitution that it could not be dissolved within five

[Shri Hathi]

years. What I was urging was that once the Assembly was deemed to have been constituted under section 72, it has to be dissolved.

Then, there was the other question to which so many hon. Members from this side had also replied and I am very thankful to all the Members, specially Shri Ravindra Varma, Shri Oza, Shri Kappen and others, who very ably replied to this point. I am not quite certain whether the question of detention of the Communists was raised by Members really so sincerely. If they had that affinity, what was it that made them, the Right Communists, break from the Leftists? What was the reason? The reason was that while the Left Communists take their inspiration from China . . .

**Shri Dinen Bhattacharya** (Serampore): It was never proved.

**Shri Hathi:** While the Left Communists are getting directions and instructions from China . . .

**Shri Dinen Bhattacharya:** How can you prove it?

**Shri Hathi:** . . . when they say that China is not an aggressor, the Rightists did not toe that line. They do not want to be in line with that thing. I think none of these Right Communist friends here will deny that on this they are definitely not in line with the Left Communists. They do believe that China is the aggressor while the Left Communists do not believe it. They have the source of inspiration from China. The Right Communists have not got that. The activities which they indulged in at the present juncture were stated by various Members on this side and also by the Home Minister on a number of occasions. I do not want to go at length on these things.

There is one thing more. We find here that almost all the Members, each one of them are agitated and perturbed at the alliance of China and Pakistan. Has any Member from the

Left Communist side uttered a word showing their anxiety over this? Nobody . . .

**Shri Dinen Bhattacharya:** How can they? They are in jail. E.M.S. has already come forward with a statement.

**Shri Hathi:** From jail, they are doing so many things. (*Interruption*) The criticism that they were detained only for the political purpose, because the elections in Kerala were coming near, is completely wrong. It was an action taken throughout the country. It was not for Kerala alone but it was throughout the country.

**Shri Vasudevan Nair** (Ambalappuzha): You wanted to be too wise and too clever.

**Shri Hathi:** We wanted it. But it was not only for Kerala but it was for the whole country. Therefore attributing that motive to the Government is absolutely wrong. I do not want to deal at length on this. There was a motion and a discussion on this and so many things had been said about it.

**Shri J. B. Singh** (Ghosi): Have you arrested those people who are taking inspiration from U.S.A.?

**Shri Hathi:** If U.S.A. becomes an aggressor, we will do that also.

**Shri Warrior** (Trichur): They send arms against us; they send Patton tanks. They are doing everything.

**Shri Hathi:** I may just remind Mr. Warrior that I am not accustomed to these loud tones. I am accustomed to gentle tones. If you have anything to say, I am prepared to hear. But I do not want loud, high-pitched tones. I can reply to any point that he wants to make. But my nature is very calm and I would appreciate if Mr. Warrior does it.

Then, about this Committee, a question was raised. There are also amendments to that. The hon. Mem-

ber has said that this Committee should be called always and that the words "whenever he considers it practicable to do so" should not be there.

**Shri Hari Vishnu Kamath:** If that is not accepted, then the other one.

**Shri Hathi:** The other one says:

"Provided further that whenever the President considers it impracticable to do so, the reasons therefor shall be communicated . . ."

Both are not necessary. Then hon. Member, Shri Sreekantan Nair, has suggested that if the Committee cannot be called, he can issue an ordinance. He has suggested that that can also be done. So far as the question of issuing an ordinance is concerned, we have to look to the Constitution. Under the Constitution, we are giving the President the power to legislate on behalf of Parliament.

**Shri N. Sreekantan Nair (Quilon):** Article 356 (a) of the Constitution definitely allows the President to take over all the powers.

**Shri Hathi:** He can take all the powers of the Governor.

**Shri N. Sreekantan Nair:** The word used in the Constitution is 'Government'.

**Shri Hathi:** But the power of issuing an ordinance is either with the Governor or with the President. After the ordinance is passed, within 6 weeks it has to be brought before either the Parliament or the Legislature in the State. Therefore, again that procedure of enactment will come in there. But I can assure the House that generally it will not be that we will not call the Committee. It may be a very rare case when an ordinance has to be issued. For the rest of the country, the President can issue an ordinance. I can assure the House that we will call the Committee. Therefore, I will not accept that amendment.

So far as the development of Kerala is concerned, the hon. Member raised the question about the development of the airport, the I.T.I. coming in the

way and all that. I understand that the State Government is also keen on the expansion of the airport. The experts, however, say that the traffic possibilities and other considerations would not justify or require facilities for anything more than the viscount at Trivandrum airport for sometime and that the I.T.I. offer no obstruction. Therefore, that will come up and I think there will be no delay. I will personally look to these questions

So far as the question of power and irrigation schemes is concerned, it has been my favourite subjects. Shri Vasudevan Nair knows that we had gone together to Idikki. It is not only that project but about others also we take the responsibility.

**Shri Vasudevan Nair:** Do something about Idikki.

**Shri Hathi:** I will do it definitely. I do not know the latest development.

**Shri Vasudevan Nair:** It is held up for lack of foreign exchange.

**Shri Hathi:** I will take it up: It has been my pet project.

**Shri Vasudevan Nair:** You remember wild elephants on the way?

**Shri Hathi:** They were wild but I am a tame elephant. When I took you there, I know how you were afraid of those wild elephants. But you need not be afraid of me and I need not be afraid of you.

Sir, I have nothing much to add. I hope the House will adopt the Resolution and pass it.

**Shri J. B. Singh:** The Home Minister charged the Left Communists that they took money from the Bank of China and that charge is totally denied in the House. Will the Home Minister reply to that? Will the names of those who have taken money from the Bank of China be announced in the House?

**Shri Hathi:** I cannot give any assurance because I will have to find it out from the Finance Minister.

**Shri Dinen Bhattacharya:** Why do you accuse them? It is a false accusation.

**Mr. Deputy Speaker:** The question is:

"That this House approves the Proclamation issued by the Vice-

President of India, discharging the functions of the President, on the 24th March, 1965, under article 356 of the Constitution in relation to the State of Kerala."

Let the lobbies be cleared.

Lok Sabha divided.

### Division No. 22]

### AYES

[14.19 hrs.

Achuthan, Shri  
Alva, Shri A.S.  
Aney, Dr. M.S.  
Bajaj, Shri Kamalnayan  
Basappa, Shri  
Bera, Shri  
Bhanja Dev, Shri L.N.  
Bhattacharyya, Shri C.K.  
Bisr, Shri J.B.S.  
Brajeshwar Prasad, Shri  
Chakraverti, Shri P.R.  
Chandak, Shri  
Chandriki, Shri  
Chaturvedi, Shri S.N.  
Chaudhari, Shri D.S.  
Chavan, Shri D.R.  
Daffe, Shri  
Dorai, Shri Kasinatha  
Dubey, Shri R.G.  
Dwivedi, Shri M.L.  
Ganpathi Ram, Shri  
Hansda, Shri Subodh  
Hem Raj, Shri  
Jadhav, Shri M.L.  
Jamunadevi, Shrimati  
Kadadi, Shri  
Kamble, Shri  
Kanakasabai, Shri  
Kanungo, Shri  
Kappen, Shri  
Kedaria, Shri C.M.  
Keishing, Shri Rishang  
Kindar Lal, Shri  
Kisan Veer, Shri  
Kotaki, Shri Liladhar

Kureel, Shri B.N.  
Lakhan Das, Shri  
Lakshmikanthamma, Shrimati  
Lalit Sen, Shri  
Mahishi, Dr. Sarojini  
Mainoona Sultan, Shrimati  
Malhotra, Shri Inder J.  
Manlyangadan, Shri  
Marandi, Shri  
Maruthiah, Shri  
Matcharaju, Shri  
Mathur, Shri Shiv Charan  
Mehrotra, Shri Braj Bihar  
Menon, Shri P.G.  
Mishra, Shri Bibhutl  
Morarka, Shri  
More, Shri K.L.  
More, Shri S.S.  
Murthy, Shri B.S.  
Muthiah, Shri  
Naik, Shri D.J.  
Niranjan Lal, Shri  
Oza, Shri  
Paliwal, Shri  
Pandey, Shri R.S.  
Panna Lal, Shri  
Parashar, Shri  
Patel, Shri Rajeshwar  
Patil, Shri D.S.  
Patil, Shri S.B.  
Patil, Shri T.A.  
Patil, Shri V.T.  
Patil, Shri Vasant Rao  
Pillai, Shri Nataraja  
Rajdeo Singh, Shri

Ram Swarup, Shri  
Ramanathan Chettiar, Shri R.  
Rane, Shri  
Rao, Shri Ramapathi  
Reddiar, Shri  
Roy, Shri Bishwanath  
Saha, Dr. S.K.  
Sahu, Shri Rameshwar  
Saigal, Shri A.S.  
Samanta, Shri S.C.  
Sanji Rupji, Shri  
Shah, Shrimati Jayaben  
Sharma, Shri D.C.  
Sharma Shri, K.C.  
Sheo Narain, Shri  
Shinde, Shri  
Siddananiappa, Shri  
Singh, Shri D.N.  
Singh, Shri S.T.  
Sonavane, Shri  
Subharaman, Shri  
Subramanyam, Shri T.  
Sumit Prasad, Shri  
Thengal, Shri Nallakoya  
Tiwary, Shri D.N.  
Tiwary, Shri R.S.  
Tula Ram, Shri  
Veerabasappa, Shri  
Veerappa, Shri  
Venkatasubbaiah, Shri P.  
Verma, Shri Balgovind  
Vyas, Shri Radhelal  
Wasnik, Shri Balkrishna  
Yadava, Shri B.P.

### NOES

Alwarera, Shri  
Bade, Shri  
Bhattacharya, Shri Dinen  
Bheel, Shri P.H.  
Chakravartty, Shrimati Renu  
Dandekar, Shri N  
Elias, Shri Mohammad  
Kamath, Shri Hari Vishnu  
Kandappan, Shri S.

Koya, Shri  
Krishnapal Singh, Shri  
Limaye, Shri Madhu  
Lohia, Dr. Ram Manohar  
Mate, Shri  
Mitra, Dr. U.  
Mukerjee, Shri H.N.  
Nair, Shri N. Sreekantan  
Nair, Shri Vasudevan

Pottekkatt, Shri  
Ram Singh, Shri  
Ranga, Shri  
Sen, Dr. Ranen  
Sezhiyan, Shri  
Singh, Shri J. B.  
Swamy, Shri Sivamurthy  
Warior, Shri



**Mr. Deputy Speaker:** The result of the division is: Ayes: 104; Noes: 26.

*The Resolution was adopted.*

**Mr. Deputy-Speaker:** Now, we shall take up the Bill.

The question is:

"That the Bill to confer on the President the power of the Legislature of the State of Kerala to make laws, be taken into consideration".

*The motion was adopted.*

**Mr. Deputy-Speaker:** Now, we shall take up the clauses.

The question is:

"That clause 2 stand part of the Bill".

*The motion was adopted.*

*Clause 2 was added to the Bill.*

**Clause 3—** (Conferment on the President of the power of the State Legislature to make laws)

**Shri Hari Vishnu Kamath:** I beg to move:

(i) Page 2, line 10, omit 'whenever he considers it practicable to do so'. (1)

(ii) Page 2, after line 19, insert—

"Provided further that whenever the President considers it impracticable to do so, the reasons therefor shall be communicated in writing to the members of the Committee aforesaid." (2)

**Mr. Deputy-Speaker:** These two amendments are now before the House. Amendment No. 3 is the same as Shri Kamath's amendment and is, therefore, barred.

**Shri Hari Vishnu Kamath:** Before I proceed to the substance of my amendments, I would like to raise a point of order arising out of what the hon. Minister said yesterday. If I heard him right, the hon. Minister said that

there was going to be an advance in one direction, by the constitution of a parliamentary committee for consultative purposes.

A parliamentary committee is defined in our Rules of Procedure. I would invite your attention to rule 2(1) which defines a parliamentary committee as follows:—

"Parliamentary Committee means a Committee which is appointed or elected by the House or nominated by the Speaker...."

so far, it is all right—

...and which works under the direction of the Speaker and present its report to the House or to the Speaker and the Secretariat for which is provided by the Lok Sabha Secretariat."

I would not like to use harsh words, but if the hon. Minister still insists that the committee that is going to be constituted is a parliamentary committee, then in all humility I would like to tell the hon. Minister that he is only trying to bamboozle the House, because the committee is in no sense a parliamentary committee.

If you turn to the Chapter on Parliamentary Committees, the functions, duties, powers and procedure of the parliamentary committees are well defined and well detailed in so many rules of procedure starting from rule 253 and ending with rule 286. Chapter XXVI of the Rules of Procedure, on Parliamentary Committees, sets forth all the duties, functions and powers and procedures of the committee.

**An hon. Member:** There are only three minutes to 2-30 P.M.

**Shri Hari Vishnu Kamath:** If necessary, we shall continue this discussion on Monday. Every hon. Member must have his say, and even my hon. friend should have a say. Kerala cannot be disposed of like this. I shall stand four square against any such summary disposal.

[Shri Hari Vishnu Kamath]

So, the first point that the hon. Minister should clarify is whether this committee that is going to be constituted is really a parliamentary committee. I would like to know whether he still stands by what he said yesterday, namely that this would be a parliamentary committee. If he says it is not a parliamentary committee, then it is well and good, but if it is a parliamentary committee, then he is wholly wrong and he is only bamboozling the House.

Coming to the amendments which I have moved, I am anxious because the Kerala State, which has been called one of our problem states, a beautiful State, highly literate State, a politically conscious State, has been in a summary fashion, in a cavalier fashion, deprived of the constitutional and parliamentary privilege of having a legislature for the conduct of its affairs and this has been done in a manner which was described in various ways, in various words, yesterday by Members on that side and by Members of the Opposition on this side of the House. So, I need not go into that matter again. I need not reiterate what was said yesterday. The manner in which it has been done has been wholly unconstitutional, wholly illegitimate, wholly high-handed and I might say, even atrocious.

Therefore, to make amends,—or may I use the word *prayaschitta*—for the sin or the crime or the major, if not monumental, blunder which they have committed with regard to Kerala, I appeal to Government and to the hon. Minister to accept these amendments of mine, because the duty of this House is now more than twofold, and in fact it is manifold, with regard to Kerala. It is rather unhappy and unfortunate that we have given only one day or a little more than a day for the discussion of the affair of Kerala. It should have been much more.

My amendment suggests or proposes that the President shall, on every oc-

casión before he proceeds to legislate for Kerala, consult the committee which will be constituted of Members of both Houses of Parliament.

The idea underlying this amendment is that the President, busy as he is, a busy dignitary as he is, may not . . .

Mr. Deputy-Speaker: Will the hon. Member take more time?

Shri Hari Vishnu Kamath: I think so, because there are two amendments.

Mr. Deputy-Speaker: Then he will continue on Monday. We have to take up non-official business now.

14.31 hrs.

#### COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

##### SIXTY-SIXTH REPORT

Shri Hem Raj (Kangra): I beg to move:

"That this House agrees with the Sixty-sixth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 5th May, 1965."

Mr. Deputy-Speaker: The question is:

"That this House agrees with the Sixty-sixth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 5th May 1965."

The motion was adopted.

14.32 hrs.

#### RESOLUTION RE: DEFENCE OF INDIAN BORDERS—Contd.

Mr. Deputy-Speaker: The House will now proceed with the further discussion of the following Resolution mov-