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LOK SABHA

Wednesday, 28th November, 1956

The Lok Sabha met at Eleven of the Clock.

[MR. DEPUTY-SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

12-01 hrs.

MOTION FOR ADJOURNMENT

AGITATION re ESTABLISHMENT OF A BENCH OF KERALA HIGH COURT AT TRIVANDRUM.

Mr. Deputy-Speaker: I have received notice of an adjournment motion by Shri A. K. Gopalan, Shri Punnoose and Shri V. P. Nayar, which reads as follows:

“The serious situation arising out of the arrests and conviction of more than one hundred leading public figures, including a former Advocate-General, a former Government Pleader, leading advocates and a number of ex-M.L.A.’s of Trivandrum, following a popular demand to establish a Bench of the Kerala High Court at Trivandrum.”

An Hon. Member: It is ‘Kerala’ and not ‘Karala’.

Mr. Deputy-Speaker: Yes, ‘Kerala’. I am sorry I had mis-spelt it or mis-pronounced it.

Now, would the hon. Mover give me just some indication as to the urgency of the situation that has

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arisen out of the arrests and conviction of more than one hundred persons, only to assist me to come to a decision?

Shri A. K. Gopalan (Cannanore): After the reorganisation of the States on 1st November, there had been some agitation in Trivandrum. When the High Court was transferred to Ernakulam, there was an agitation that a Bench of the High Court should be there at Trivandrum. That agitation was there at that time. Now, that agitation is spreading outside Trivandrum, and so many arrests had been made.

And there were agitations....

Mr. Deputy-Speaker: When were the arrests made?

Shri A. K. Gopalan: Arrests were made every day.

Shri Punnoose (Alleppey): And are being made.

Shri A. K. Gopalan: And about 150 persons or so would have been arrested by now.

Mr. Deputy-Speaker: We are not concerned with the arrests that would be made in the future. We are only concerned with those of which mention has been made here.

Shri A. K. Gopalan: Arrests had been made the day before yesterday and even before that also. And they are being made.

Mr. Deputy-Speaker: For how long have they continued?

Shri A. K. Gopalan: They have continued from about the 12th or the 13th. A week back also, the arrests continued.

Mr. Deputy-Speaker: I am told they were started on the 9th, and they have continued since then.

Shri A. K. Gopalan: There were no arrests then. The arrests have continued afterwards.

Mr. Deputy-Speaker: And convictions also have been going on since then?

Shri A. K. Gopalan: Yes, since then.

The object of this adjournment motion is to see that the arrests do not continue and the agitation does not spread to the other parts of the country. I want that Government should interfere and see that this question is settled peacefully.

Mr. Deputy-Speaker: Would the hon. Minister like to give a short summary of the facts, if they are in his possession, to assist me to come to a decision whether I should give my consent or withhold it?

The Minister of Home Affairs (Pandit G. B. Pant): I understand that there has been same sort of agitation, and in pursuance of the common outlook or objective of the agitators, organised breaches of the law had been taking place. In fact, it is a part of the campaign that they have violated the law, and they would not like their action to be ignored. If we had overlooked it altogether, then the very purpose of their movement would have been failed. So, notice had to be taken of what they wanted to be noted. And only light sentences had been given—small fines, I think, of the order of Rs. 15, Rs. 20, Rs. 25 or Rs. 30.

Shri Punnoose rose—

Mr. Deputy-Speaker: I have asked the Minister to give us the facts.

Pandit G. B. Pant: But I would like to be enlightened by the hon. Member, if he can give us more facts.

Shri Punnoose: I just want to point out one thing, namely that a certain decision has been taken, but the fact is that there is nobody in that whole

area who supports that decision. The whole people there have expressed themselves against that decision. So, it is only proper that two things are done. The first is that Government, if they believe that their decision is correct, must try to impress on the people that their decision is correct, and pacify the agitation. The second is that it is very unbecoming for this House to make it appear as if we have not taken notice of this agitation. It is a big agitation going on there. Lakhs of people come together and demand something. So, we have to discuss it, whether it be on an adjournment motion or any other. We have to take notice of it, and we have to discuss it.

Mr. Deputy-Speaker: I thank the hon. Member for the support and assistance he has given me.

Pandit G. B. Pant: I quite appreciate the desire and the motive which now seem to impel the hon. Members who have given notice of this motion. They would not like the people there to feel that nobody has taken notice of the movement that has been carried on there. I fully appreciate the desire of the hon. Member to tell them that their agitation has been brought to the notice of the House. But an adjournment motion is not meant for that purpose.

Mr. Deputy-Speaker: I think...

Shri V. P. Nayar (Chirayinkil): May I make one submission?

Mr. Deputy-Speaker: I have made up my mind.

Shri V. P. Nayar: I want to make a submission regarding a constitutional aspect concerning this matter.

Mr. Deputy-Speaker: That can be done afterwards. The constitutional aspect can be dealt with afterwards. We are now concerned with the adjournment motion.

Shri V. P. Nayar: The Minister said that he was glad that this matter had been brought up like this....

Pandit G. B. Pant: I did not say I was glad.

Shri V. P. Nayar: . . . and the people there will have a feeling that their questions are being looked into.

Pandit G. B. Pant: I did not say that I was glad.

Shri V. P. Nayar: Whatever that be, I want to submit a constitutional aspect; in fact, that is the reason why the people are so confused.

Mr. Deputy-Speaker: That is quite different. That might be with regard to other conditions that may be prevailing. We are concerned here only with the adjournment motion.

Shri V. P. Nayar: I am submitting how an adjournment motion becomes relevant, and how we have to resort to an adjournment motion to impress upon the Government the necessity to take a particular course.

Mr. Deputy-Speaker: That may be a general question. And how can the hon. Member say that an adjournment motion is . . .

Shri V. P. Nayar: That raises the question with respect to this particular Bench of the Travancore-Cochin High Court, about which we have had a legislation passed by this House.

You would remember that this House passed a Bill to amend the Travancore High Court Act of 1125 (Malayalam era), and this was published on 15th December, 1953. You will also find that, of late, there is the view of the Law Commission whose report on the particular question whether the High Court should have different Benches located at different places has been laid on the Table of the House. If you would only read the letter of Mr. M. C. Setalvad, to the Minister of Law, which is printed in that report,—you know that it was brought to our notice only yesterday—you will find that although there is a provision in the States Reorganisation Act which empowers . . .

Mr. Deputy-Speaker: The hon. Member has given not only assistance but even very wholesome information on other issues as well. But so far as this adjournment motion which is before the House is concerned, these things are not immediately required by me for taking a decision. That is what I would like to say.

Shri V. P. Nayar: I agree, but my point is that by bringing up this adjournment motion, we want to impress on the Home Minister the extreme necessity on his part to move the President to act under section 51(2) which empowers the President particularly—and over and above the powers conferred on the Chief Justice—in the matter of the setting up of a Division Bench or any other suitable Bench of any High Court in any State. This matter has been precisely considered by the Law Commission . . .

Mr. Deputy-Speaker: Now, we are not to go into that.

Pandit G. B. Pant: The adjournment motion, it seems to me, is intended to censure the Law Commission and not Government.

Mr. Deputy-Speaker: So far as that is concerned, that is quite different. This is an adjournment motion, the object of which is, I have been told, to draw the attention of Government to the fact that this agitation has been going on for some time, and that this House or the country should not feel unconcerned over it.

I have also been told that it has direct connection with this House as we adopted that course and passed that law, and that now the Law Commission also has made a report that there should not be any Bench outside the place where the High Court is located. These are all very important matters and I have full sympathy with all those who have brought these to our notice here. But the question is whether the arrests and the convictions can form the subject-matter of an Adjournment

[Mr. Deputy-Speaker]

Motion. The Motion says: "the situation arising out of the arrests and convictions....", and I wanted to know what that situation was. These arrests have been taking place for some time, and convictions also are taking place; they are being ordered. But now the question is whether it is a matter of such urgent public importance that the House should take notice of it just now.

It has been repeated from this Chair many a time that the urgency should be such as cannot brook any delay; Members should feel that they are perturbed and disturbed over a particular matter and they are not in a mood to discuss any other matter unless this is taken up first of all. If such an urgency arises, the House has to suspend its business and take up that matter before everything else. But I feel that no such urgency is there so far as this is concerned.

The Movers have also made it clear that they want that this should be discussed as early as possible. There is already a Resolution regarding the Proclamation issued by the President on the Order Paper, which will come up in due course of time. Our normal course is that we should proceed with the business that we have got. An adjournment motion is intended to disturb and suspend all that business, and unless that is taken up first, no business should be proceeded with. When we have other remedies and this Motion and discussion can brook delay of a day or two or three days, we can take it up, and the Proclamation is also coming up for discussion. So I do not see that there is such a necessity that Members should feel in a mood not to proceed with any other business unless this is disposed of first.

Therefore, I fail to appreciate that urgency which is needed in such a motion and I am sorry I have to withhold consent to this Motion.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

SIXTY-FOURTH REPORT

Shri Ramachandra Reddi (Nellore):
I beg to present the Sixty-fourth Report of the Committee on Private Members' Bills and Resolutions.

*CORRECTION OF ANSWERS TO STARRED QUESTIONS Nos. 2589 AND 2608 DATED 28TH MAY, 1956.

MOTOR VEHICLES (AMENDMENT) BILL

The Minister of Railways and Transport (Shri Lal Bahadur Shastri): Mr. Deputy-Speaker, Sir, I beg to move:

"That the Bill further to amend the Motor Vehicles Act, 1939, as reported by the Joint Committee, be taken into consideration."

As the House is aware, the Bill has been brought up with the purpose of removing the defects revealed in practice during the last 15 years or so that the Motor Vehicles Act has been in operation and to facilitate the development of motor transport generally in the country in view of the demands created by large-scale development of industries. The Bill also contains provisions for the implementation of the schemes of State Governments for nationalisation of motor transport services.

The problem of transport is of the utmost importance for the country. I have always laid stress on the co-ordination of various means of transport, and some progress has also been made in this direction. A committee is already functioning on the shipping side in this regard, and this Bill, when enacted, would go far to help in the development of road transport. I would now like to refer, briefly, to the changes proposed to be made in