

Clause 2 and 3, the Schedule, Clause 1, the Enacting Formula and the Title were added to Bill.

**Shri Alegasan:** I beg to move:

"That the Bill be passed."

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

"That the Bill be passed."

*The motion was adopted.*

**Shri Ramachandra Reddi (Nellore):** There is a somewhat new departure from the normal procedure in regard to the Order Paper. In today's Passed List of Business, you will find the time fixed for the starting of discussion on the Central Excises and Salt (Second Amendment) Bill. It is not usual procedure to interrupt the business of the House in that way, because items 6 and 7 are allotted 2 and 1½ hours there. It is the intention of the Chair to interrupt business at this stage and take up the the business at 2-30 p.m. to deal with item No. 8?

**Mr. Speaker:** As the House knows, so far as the Central Excise Bill is concerned, Government was very particular that the time ought to be allowed to discuss it here, so that it may be taken to the other House, and the House agreed to it yesterday. The only other point is that it may be taken up even without interrupting item Nos. 6 and 7, at whatever stage they might be. The House can take the Bill immediately, if it so desire. Exceptional cases arise, and there is no particular harm in allowing this procedure.

KERALA STATE LEGISLATURE  
(DELEGATION OF POWERS) BILL

**The Minister of Home Affairs (Pandit G. B. Pant):** I beg to move:

"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."

This motion is a simple one. In fact, it is essentially of a formal character. Hon. Members are aware that the Kerala State is directly under the control of the Parliament at present.

[MR. DEPUTY-SPEAKER *in the Chair*]  
12-39 hrs.

The Proclamation issued by the President for the administration of Kerala in this manner was approved by this House early this month. This motion that I am making for the consideration of this Bill is an inevitable sequel and corollary to the acceptance of that Proclamation. As hon. Members are aware, the Travancore-Cochin State was taken under the umbrella of the President directly sometime in March last.

After that, on account of the reorganisation of States the new Kerala State was formed, and it came into existence on the 1st of November. So a new Proclamation had to be issued. That Proclamation has been approved and adopted by this House. When the Travancore-Cochin State was the subject of a similar Proclamation previously, a Bill exactly of this character for the delegation of legislative powers was passed by this House regarding the then Travancore-Cochin State. This Bill is similarly being placed before this House for acceptance.

As there is no local legislature, the Parliament has to devise some ready machinery for giving legislative sanction to necessary measures meant for the Kerala State. So it is proposed to give that power to the President. But, before any such Bill can be accepted it will be placed before, and considered by, the Committee consisting of all Members from Kerala. In fact, even before the formal acceptance of the Proclamation I have had the privilege of consultations with the Members from Kerala. They have been good enough to give me very useful advice. Now, by virtue of this Bill, measures relating to Kerala will be placed before the Committee, and then the President will give them the legal form and sanction.

[Pandit G. B. Pant]

There are already two Bills which have to be approved without delay: one relating to the Civil Courts and the other to the removal of disqualifications. When the Travancore-Cochin State was under the President's Rule, the President approved of and Published eleven Bills relating to that State, all of which were accepted by the Travancore-Cochin Committee.

Such a Bill relating to delegation of legislative powers had also been passed previously. In fact, whenever a State was taken under the President's Rule directly such a Bill had to be passed—in Punjab, in PEPSU, in Travancore-Cochin and in Andhra. Similarly, now I request the House to adopt this Bill. It will facilitate the passage of necessary legislative measures meant for the benefit of the people of Kerala.

There are certain questions relating to land reform etc. also under consideration and, if suitable provisions can be put in the appropriate form they will also be placed before the Committee. All that we can do, we must try to do. Of course, this Bill will have only a short life as the President's Rule will terminate with the formation of the new legislature in Kerala after the general elections. In the meantime, whatever steps have to be taken to carry out the wishes of the people of Kerala will be given legal shape and form under this Bill.

So I commend it to the acceptance of the House. I hope it will be treated as a non-contentious measure, as it really is, and passed without any further discussion in the House.//

**Mr. Deputy-Speaker:** Motion moved:

"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."

**Shri V. P. Nayar (Chirayinkil):** Mr. Deputy-Speaker, Sir, I agree with the Home Minister that this measure is a simple measure in so far as the

procedure in this House is concerned. But, if you take account of the various problems which the President's laws are intended to cover, I submit that it is not so simple as the Home Minister thinks it to be.

I have given some amendments also to which I shall come later. But I would like the Home Minister to remember that although by this legislation under clause 3 it is said:

"The power of the Legislature of the State of Kerala to make laws, which has been declared by the Proclamation to be exercisable by or under the authority of Parliament, is hereby conferred on the President."

the powers of the Kerala Legislature are not enjoyed by this House in practice. We know that when the Consultative Committee meets we, as private Members representing our counter parts in the State Legislature if the powers of the State's Legislature were identical with the powers of Parliament in respect of Travancore-Cochin State—are not given an opportunity to move Private Members' Bills to bring in certain enactments which are necessary to meet the situation. Therefore, this Bill and the provisions which confer certain powers on Parliament and are exercised through the President are all very much restricted in scope than the powers of the Kerala Legislature despite the fact that it is provided that we shall have identical powers.

The Home Minister also said that 13 Bills have been passed and all were accepted by the Committee. With due respect to the Home Minister I would submit that it is not a very correct picture. The Minister in the Ministry of Home Affairs knows well that during the discussions which we have had, very many points of fundamental difference were also raised which could not be ironed out. But to our surprise we found that when the Bills were printed and circulated as Acts, it was also printed that the Bills had the concurrence of the entire Committee.

I do not want to go into the detailed provisions, but I would refer only to one or two points. There was one piece of legislation regarding water tax. There were some fundamental differences on that. Some of us held the view that the water cess could not be charged with retrospective effect, especially in an interim period when we were thinking about it. That was not agreed to by the Home Minister.

Also, you will find that this Consultative Committee is neither a Parliamentary Committee nor a Committee which represents the Travancore-Cochin Legislature. I am strengthened when I say this because, on a question of fundamental difference between Shri Datar and myself, I had the position clarified from the hon. Speaker who wrote to me that although it is a Consultative Committee it is not a Parliamentary Committee and therefore, as a necessary corollary, we are not in a position to exercise the rights and privileges as Members of this House when we are functioning in this Committee. No record of the discussions which we have had are kept. There is no rendering in shorthand and then transcribing in long hand. The result is, whatever they say we have to accept. Although it creates an impression that all Members have agreed, it is not a fact. We have had our differences which must be considered.

The other point which I want to press is, we must have some regard to the practical difficulties. The proviso as it stands today says:

"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 consisting of all the Members....." etc.

We have had some meetings. The Home Minister was kind enough to grace the occasion with his presence once or twice. In other meetings, the proceedings were ably steered by Shri Datar. But, our regret is this. The President of India alone under

this provision has the power to consult. I do not know how the authority has been delegated. There is no such provision here. Of course, I realise the difficulties of the President to make consultations with us. He is very busy and he cannot find time. He can seek the advice of the Home Ministry. That is precisely the reason why I have formulated an amendment by which the President, under the statute, shall have the right to nominate either the Home Minister or the Minister in the Ministry of Home Affairs to exercise this function of consultation for and on behalf of the President. I hope the Home Minister will be kind enough to accept this amendment.

There is also the other practical difficulty. This committee consists of all Members from Kerala and the Home Minister knows very well that for the coming two months, none of us can be anywhere outside the State for obvious reasons. We can understand his personal difficulty in coming to Kerala, but his able deputy can very easily come and relieve us of the tedium of coming all the way to Delhi, at a time when all of us are required to be there, irrespective of our political differences and whether we stand or not for the next election. Therefore, I have suggested that this committee will meet in some place in Kerala, so that all of us can contribute in a manner in which the Home Minister desires us to do.

Then, there are other questions also which the Home Minister may be pleased to consider. Although I have not been able to formulate an amendment to that effect, we, the members of the committee, who function in order to be of some help to the President or the Home Minister, should also get an opportunity to suggest the nature and scope of the legislations which are absolutely and imperatively necessary for our State to meet certain situations. I am giving one or two examples, because it is not so simple a matter as the Home Minister thinks it is. There are many day-to-day problems; I do not want

[Shri V. P. Nayar]

any legislation for them, because they will have to be tackled by the executive. But, there are certain problems which are not day-to-day occurrences and which are of a very wide field.

The other day, when we were discussing the proclamation, I raised one or two issues about land reforms. The Home Minister was kind enough to say that certain land reforms were under consideration by this committee. I am very glad that it is so. But there are some other important aspects of land reforms which should precede the real land reforms, which he has in view. For example, I raised the issue of Government's attitude during the President's rule to the serious detriment of tens of thousands of our peasants who were paying double tax on land—the basic tax to the Government and the *Jenmikaram* for which the Government are functioning as the agent of the Jenmis incurring a loss also in collecting the amount. For years, successive Ministries—whether it was the Congress Ministry or the P.S.P. Ministry—have had nothing to do with it. There is some difficulty now. The hon. Minister under a certain law which was enacted by then T. C. State, it was not possible to waive the claims of Government. I realise the difficulty. That is exactly why there should be a legislation for repealing those particular provisions, under which considerable harassment is now being caused to thousands of people under the Revenue Recovery Act. That cannot be done by an executive order, I realise the difficulty of the Home Minister. Sitting in Delhi, he cannot advise the Governor, "from today no tax should be collected or no coercive steps should be taken for collection of tax in the case of *Jenmikaram* as well as *Kuthagapattom*, under which the Government of the State themselves are the owners"....

**Mr. Deputy-Speaker:** Those hon. Members who can participate in the

consultation should have an opportunity to suggest some other legislations also. This is the point that the hon. Member wants to make. He has also given an illustration where the Members might like to put in their suggestions. He should confine himself to that point only and not enter into detailed arguments.

**Shri V. P. Nayar:** I shall certainly take your guidance and I shall not enter into details.

There is another matter in which a complicated piece of legislation will not be enough, because you know that the *Kuthagapattom* rules apply only to certain portions of Kerala State. Now you have to make a law for the entire Kerala State; and, especially when Malabar has been added, it raises some legal questions also. Whether Government can pass an order covering the whole area including portions where this particular type of land tenure is not in existence is a different matter. But, the fact remains that before we think of any substantial land reforms, as the Home Minister was pleased to say, we have to ameliorate the distress of large sections of our peasantry, more so in the case of peasants whose lands are technically owned by Government....

**Mr. Deputy-Speaker:** Again I would point out to the hon. Member that that would be far away from the scope of this Bill. Here we have to decide whether this power should be given to the President or not.

**Shri V. P. Nayar:** I am only addressing you in respect of this particular matter, because there is no dispute about the fact that this House is capable of exercising the powers which the Kerala Legislature would be capable of. If that be so, in the Kerala Legislature there were rules for private members to bring in any piece of legislation and if they could win over the majority, it became law. In this House, we do not

have time to bring Bills and the House also will not find it convenient to discuss them, more so at this fag end. In the committee, we function as members to advise the President in the matter of legislation. Leaving aside day-to-day problems and matters where the executive can take action in matters of urgent important legislations, we should have the right to move the Government. Whether the committee or the Minister will like it or not is a different question. But, we as representatives of the Kerala State whom the Government have been pleased to take into the committee should have the right to bring forward any piece of legislation which we deem necessary. That is not within the scope of actual practice, though technically and theoretically it may be within the scope.

As you have directed me not to enter into details, I would only request the Home Minister to have the meetings, arranged, as I have indicated in the amendment, because, apart from the fact that we are sitting there to advise the President, the Government of India's representatives will have an opportunity to know the various problems of the State. It is not as if the Government of India functions solely for the purpose of filling up the legislative lacuna in the State. It has also the function of seeing that normalcy prevails there till the elections are held and a legislative body is formed. When you want to have an opportunity to contact the people and discuss with them the problems, it is all the more necessary that my amendment should be accepted, as it will afford an opportunity for all of us to sit together, discuss the problems and consider our advice, however valueless it may be. The Government of India will have the opportunity to consider the suggestions put forward by Members representing various parties and various groups.

There is also one point which I must state before I resume my seat. As I have said earlier, there should be a specific provision here under which

one of the two Ministers who are very sympathetic to our State, should have the power to consult us on behalf of the President. After all, we have never been asked to meet the President and discuss matters with him. The difficulties are known. So, let us also fill up this lacuna, and I would therefore, request the Home Minister to accept my amendment.

13 Hrs.

There are many other problems relating to legislation which, I think, my hon. friend Shri Punnoose will deal with. In order to save the time of the House, I shall resume my seat.

**Shri A. M. Thomas (Ernakulam):** At the outset, I should pay a tribute to the Home Ministry for the close and intimate interest which it has taken in the affairs of Travancore-Cochin previously and in the affairs of Kerala State now.

**Shri V. P. Nayar:** No.

**Shri A. M. Thomas:** Shri V. P. Nayar himself was good enough to mention that the hon. Ministers were very sympathetic towards the affairs of Travancore-Cochin or Kerala as it stands at present. I only just followed his example.

**Shri Punnoose (Alleppey):** Bad example!

**Shri A. M. Thomas:** On many occasions, when I have had discussions with the Home Ministry concerning the subjects touching the affairs of Kerala, I have been able to find that the Ministers and the officers of the Ministry were more in the know of affairs in Travancore-Cochin or Kerala than we ourselves knew. That was why I paid an unqualified tribute to the Home Ministry for the efficiency with which it is working with regard to the affairs of Kerala.

Even in the constitution of the Consultative Committee, a departure has been made when we consider the previous legislations on the subject. Even the Bill that we adopted last time relating to Travancore-Cochin

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enabled consultation with all the Members hailing from Travancore-Cochin. That was not a step which was adopted in the case of other States like PEPSU, Andhra or Punjab. It was a departure made in the case of Travancore-Cochin.

In the present Bill, there is the provision to the effect that all the Members from the Kerala State would constitute the Consultative Committee with regard to legislative purposes. So, I should express my satisfaction on the approach to the affairs concerning this problem State.

I would also like to endorse one point which Shri V. P. Nayar mentioned. The coming months are going to be the election months so, as far as possible, in order that all most all the Members of the Consultative Committee may be in a position to attend the meetings, the meetings should be held somewhere in Kerala. I think this submission of ours will be considered with due sympathy.

There are only a few months ahead of us for the next general elections, and it may not be possible to adopt very many Bills. But I feel there is one Bill which is of a very urgent nature namely, the Bill relating to the amendment of the Civil Courts Act in that State. It should be taken up. Otherwise, it may not be possible to carry out the assurance that has been given by the hon. Home Minister last time, namely, additional district courts would be constituted and all the powers that are now being exercised by the district courts would also be exercised by the additional district courts. For that purpose, I think the Civil Courts Act would have to be amended and that is a legislation which is long overdue. I believe that there would not be any delay in issuing the necessary notification constituting the committee and that the necessary

legislation will be placed the Members of the Consultative Committee without much delay.

When I just mention this fact, I shall also refer to another point. A senior I.C.S. officer has been appointed to consolidate the laws relating to Travancore-Cochin and Malabar. But before any Bill as such is placed before us for our concurrence, I feel it would be very good if the sense of the Members of the Consultative State Committee was also obtained in that connection. I say this because I hear that there is going to be a change in the civil jurisdiction of the courts. As far as Malabar is concerned, which was part of the Madras State the civil jurisdiction extends to Rs. 5,000 for the munsiff's court. But in Travancore-Cochin, it extends only to Rs. 3,000. There was report to the effect that immediate steps are going to be taken to increase the jurisdiction of the munsiff's courts from Rs. 3,000 to Rs. 5,000. That is obviously for the sake of uniformity. But it would not be advisable to raise the jurisdiction of the munsiff's courts in the Travancore-Cochin area to Rs. 5,000 all of a sudden. As far as possible, we would have to take into consideration the general level of income of that State also. We must also take into consideration the average wealth of the individual in that State. It will be found that among the cases pending in the district courts there, many of them would be with valuation between Rs. 3,000 and Rs. 5,000. Many pending cases would be within these amounts. So, I would plead with the Home Minister that no hurry need be shown in such matters. The Consultative Committee may be consulted and its opinion may be taken.

My friend Shri V. P. Nayar referred to the procedure that was adopted in the Consultative Committee. I think he did not give a correct picture

of what had happened in the Consultative Committee. I think that the Bills that have been enacted by the President have been enacted either on the unanimous recommendation of the Committee or on the majority opinion.

**Shri Punnoose:** Was a vote ever taken?

**Shri A. M. Thomas:** In fact, in certain cases votes were taken, but the general opinion was that votes need not be taken and that ascertainment of the general sense would do. Now to come and say that votes were not taken is quite unfair. It is unfair to level such a charge.

My friend referred to the instance of giving retrospective effect to water cess. Even in spite of the opposition raised from the government of Travancore-Cochin, it was the unanimous wish of the Committee to give retrospective effect to the rates of water cess that were prescribed in the Bill. After that, my friend comes now and says that retrospective effect should not have been given. The water cess that was levied according to the Bill which we had adopted and the President enacted was much less than the rates that are now prevailing. So, it was our wish that it should be given retrospective effect. There was, in fact, a great deal of controversy. The officers of the Kerala Government said that it would not be advisable to ask the Government to give up a large portion of its revenue by this measure, but even then, we said that the existing rates were high and that the rates which are given in the Bill should be adopted. I am glad that the Home Ministry was able to adopt our recommendations and give effect to them. It is quite unfair to level any charge by saying that in spite of our recommendations something else has been done. I feel that the Committee has functioned properly. Among the 11 Bills, there are some very important Bills with regard to compensation for improvements for the tenants, the Irrigation Bill to which I

have referred, and there is the Agriculturist Relief Bill. They are very important Bills. They are not minor Bills. They have been considered by the Consultative Committee and then subsequently enacted by the President.

I am glad that the Home Minister has given an assurance that as far as possible further land reforms to the extent that would be possible would be taken up. I am glad to find that some measures which have been adopted, namely, with regard to compensation for improvements, and the measure relating to the extension of the stay of eviction of tenants, are in the direction of land reforms.

There were other Bills which were pending before the Travancore-Cochin Assembly. One was to give fixity of tenure to the virumba tenants or tenants at will and the other was to fix a ceiling on holdings. With regard to the fixity of tenures to the verumpattamdars, although we have adopted the other legislations, this may not be of such urgent importance. All the same, there are certain classes of tenants who are at present given the benefits or are intended to be taken in by the Virumpattamdars Bill which is pending. The Kerala Government may consider the advisability of bringing forward that Bill. With regard to the ceiling Bill, it is, of course, a very controversial measure. Even then in our informal discussions with the Planning Commission, we had suggested that for the present at least, with regard to future holdings, some provision may be made restricting holdings beyond a certain extent. We had also suggested with regard to holdings beyond that particular extent, a surcharge may be levied, because, now, according to the laws in force, there is only the basic tax of Rs. 1-9-0 per acre. Some substantial surcharge may be levied on lands beyond a certain extent. Shri Nanda, the Minister of Planning, was really impressed by that suggestion. He had also said that some legislation in that direction

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could be attempted. I am only indicating that instead of going in for revolutionary measures, some steps which may, in the ultimate analysis, give effect to the object which we have in view in fixing the ceiling on holdings may be attempted.

Then, we may consider the scope of the working of this Consultative Committee. Of course, this Committee is now being formed only for the purpose of enacting legislation for the State. But, the hon. Minister, when he introduced the motion, was pleased to refer to the question of consultation with Members of Parliament from Kerala some time back. That indicates what he has in mind with regard to the scope of the working of the Consultative Committee. Although technically speaking or statutorily, this Committee is only for the purpose of legislation, this Committee consisting as it does of all the Members from Kerala, in view of the fact that there is no legislature in that State, can be taken in confidence to tackle the other serious problems confronting that State. There has been the instance pointed out by the hon. Home Minister. He had that consultation not with reference to any legislation or pending Bill. The consultation was in regard to certain problems confronting that State. When the present Governor's predecessor Shri P. S. Rau was there, he invited us to have discussions concerning the memorandum to be placed before the Finance Commission. He called us to consult with regard to the schemes for the Second Plan. I am mentioning these facts to indicate that it may even be given as a direction from the Home Ministry to the local Government, although it is not bound to take into confidence the Members of the Consultative Committee that as far as possible, when serious problems confronting that State come up for consideration, the Consultative Committee may be convened and its opinion also sought. I am just suggesting that the field of consultation or the scope of this Committee may be widened in the actual working of it.

For example, there is one question, which has to be considered as far as Kerala is concerned. The food position is very serious now. Unfortunately, we produce only 40 per cent. of rice that we require in the State. We now hear that as result of the consultation that the Governor has had here, with the Food Ministry, 15,000 tons of rice from Burma would be sent to Kerala. That would, of course, be a great relief. There is artificial scarcity also because of the fact that the distribution machinery is working very unsatisfactorily there. There are stocks. I visited the godown last time. There was only one godown—I do not know whether additional godowns have been opened—for the entire Kerala area in Cochin. When the fair price shop owners remit the money and take the challan to the depot, they will be asked to come after a week and the fair price shop owners have to go again. This question of the opening of additional fair price shops and the distribution machinery can certainly be made the subject matter of discussion between the Kerala Government and the Consultative Committee.

This morning, in answer to a question put by me with regard to the Second Five Year Plan schemes especially for the Malabar district, it was said that the State was being consulted and proposals are being formulated by the State Government. This is an occasion in which the Consultative Committee can be consulted with regard to the schemes relating to Malabar. Plan allocations are being discussed. Unfortunately, as far as that particular district was concerned, at the appropriate level, at the village level, at the taluk level, at the district level plans have not been prepared and adequate attention has not been given. This matter may be discussed with the Consultative Committee.

I am glad to understand that two or three large industries are intended to be located in that particular



area. Of course, with regard to the location and other things, the Consultative Committee can be consulted. With regard to labour situation also, it has been said that the labour unrest in that part of the country is more than in any other part, to which, of course, I do not subscribe. Whatever it is, there are difficulties in the matter of labour and this Committee can be called and consultations made.

Lastly, I again wish to place on record the interest that the Home Ministry has taken in this State. I have got an instance in mind. In fact, we were making representation after representations, in view of the unsatisfactory unemployment position there, for the location of a Government of India Press which is to be located in the South, in Kerala. I understand that a great deal of negotiations went on and at one time it was thought that we won't be getting it. We are glad to find that principally at the instance of the Home Ministry, it has been possible to locate one of the Government of India Presses in Kerala. If such steps are taken, if the problems of Kerala are tackled in the proper way, it would cease to be called by that name.

With these few words, I welcome this Bill.

**Mr. Deputy-Speaker:** There have been too many.

**Shri Velayudhan:** (Quilon cum Mavellikara—Reserved-Sch. Castes): Mr. Deputy-Speaker, this is only a Bill to regularise the resolutions we have passed here in this House a few days ago. I do not have, therefore, to speak at length at this stage, because I had had already an opportunity to speak at that time and I do not want to raise the same points which I mentioned then. It is a fact that this Bill will be passed by this House as the Administrator's rule had been going on and the Governor's rule is going on there and the Resolution itself has been passed by this House. I only wish to bring to the 530 L.S.

notice of the hon. Home Minister a few points, especially with regard to the interests which I represent.

We are having a lot of problems among the untouchable classes there, to which I am sure the Government is alive.

**Mr. Deputy-Speaker:** I would impress upon the hon. Member that this opportunity should not be utilised for raising the grievances of the State. We are concerned only with a limited issue here: Whether this delegation should be done or not, whether the President is to be authorised with the function of making laws or not. Then there is the consultative Committee. It is in order to say that the Consultative Committee should be consulted on certain matters. But if every Member gets up and gives expression to all his grievances, and enumerates all the development schemes that are to be taken up, it would not be within the scope of this Bill. I had asked the previous two speakers too to confine themselves to the limited scope of this Bill, but they had been going outside it. I would request the other hon. Members to observe this.

**Shri Achuthan (Cranganur):** Can we not refer to certain subjects on which legislation is necessary, as far as Kerala State is concerned.

**Mr. Deputy-Speaker:** They might just refer to it, but they cannot say that all things that they require should be done and legislation should be undertaken by the President. If hon. Members were to ask for legislation on every topic, and refer to all development projects, we will not see the end of the discussion on this Bill.

**Shri Velayudhan:** I will strictly confine myself to the points you have mentioned. I was only trying to follow the previous speakers. I shall try to correct myself. I would like to know how this Consultative Committee as well as the Governor himself is going to function in the State. The Governor is the custodian of the interests of the people of Kerala, because

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We are denied of a legislature, we are denied of all democratic institution except this Parliament. As far as I am concerned, I would like to mention a very important point to the Home Minister. When the list of Scheduled Castes was revised by this House last time a grave omission was made. I would like to bring this to the notice of the Home Minister that a community called *pulaya* which was for centuries called untouchable classes, which was in the list of untouchables or scheduled castes, was omitted now. It is a major untouchable class in the State.

**Mr. Deputy-Speaker:** The hon. Member agreed that I had given him a correct view of the scope of the discussion on this Bill, but even then he wants to proceed on his own lines.

**Shri Velayudhan:** I only wanted to request the Home Minister so that he or the Governor can issue an ordinance even now to set right wrong that was done by excluding this particular community which is now included in the scheduled tribes.

**Pandit G. B. Pant:** The order was adopted by this House only recently.

**Shri Velayudhan:** If I remember aright, the Home Minister told us that the order was only provisional. There was no time to get full details from the Madras Government and a correction would be issued to it. Malabar was in the Madras State at that time. This matter does not relate to Travancore-Cochin. Take for instance of the case of my friend and colleague, Shri Eacharan who represents the *Pulaya* community. He now becomes a scheduled tribe. That is an advancement made by this Government, if it is so. A scheduled caste man becomes a scheduled tribe man. I do not know what further he will become. Will he become a tribal or barbarous person.

**Pandit G. B. Pant:** All these points were discussed in this House recently and the order was adopted by the House. I did my best to carry out the wishes of the House. I said that in the case of people who belong to these

tribes or castes, but are not included in it, I would do my best to see that they get the privileges and amenities which have been extended to them.

**Shri Velayudhan:** I am not convinced of the point which the Home Minister was trying to put before us because I know he is trying to escape from the main issue. The scheduled castes had a privilege in the Parliament and Legislatures.

**Mr. Deputy-Speaker:** Let us now leave aside this issue, because it is not relevant.

**Shri Velayudhan:** I would like to mention another point about the food situation about which the previous speaker has mentioned.

**Pandit Thakur Das Bhargava (Gurgaon):** You have been placed to give a ruling, though there was no necessity for a ruling. When we are discussing this Bill only relevant matters can come in. I cannot see how the food situation comes in.

**Mr. Deputy-Speaker:** I may again tell the hon. Member that he should confine himself to the scope of the Bill under discussion. From the exclusion or inclusion of certain people from the Scheduled Castes, the hon. Member has now passed on to the food situation. Where he will end we do not know and the Bill will remain as it is.

**Shri Velayudhan:** I may tell you that this was a Proclamation which I had opposed from the very start in this House. Now it has come in the form of a Bill, I should tell you that this Government had no business.....

**Mr. Deputy-Speaker:** I would have to rule it out. That is not the question: Whether the hon. Member had opposed it or not is not the issue now. The question is whether this delegation is to be made or not.

**Shri Velayudhan:** I am opposing that. That is why I wanted to bring this point. I should tell you that this is a Bill which was necessitated by

the misrule of the Congress Government in the State. Now I am coming to the point, as to why this legislation has come. Who is responsible for it? The party is responsible for it.

**Mr. Deputy-Speaker:** If the hon. Member is not paying any heed to my request, I shall have to help him in concluding his speech. Why this legislation is necessary, why this is not necessary, is not the question now. We have passed certain measures and now the Parliament is vested with the powers to legislate. Whether Parliament should delegate it to the President or not, that is the limited question before us.

**Shri Velayudhan:** Even if Parliament has passed a Resolution, it has a right to rediscuss it.

**Mr. Deputy-Speaker:** Not at present, just at this moment. What is before us whether Parliament should delegate these powers of legislation to be exercised by the President or not.

**Shri Velayudhan:** I would request you to consider one point. When a Bill like this about PEPSU came before us I had an opportunity to speak; again when a Bill about Travancore-Cochin also came here I had an opportunity to speak about the points about which we had spoken on the Resolution.

**Mr. Deputy-Speaker:** Even if we had made a mistake, let us not repeat it now.

**Shri Velayudhan:** I submit to your ruling. All this helplessness has been created by the Government in our State because all these things were necessitated because of the corrupt rule that was prevailing in our State.

**Mr. Deputy-Speaker:** If the hon. Member has nothing else to say, I will have to call another speaker. Has he got to say anything on the Bill?

**Shri Velayudhan:** This is my point.

**Mr. Deputy-Speaker:** To that the House has listened.

**Shri Velayudhan:** Then I shall sit down.

**Shri Punnoose:** I have nothing against accepting....

**Mr. Deputy-Speaker:** Many Kerala Members are expressing desire to speak. I would request the hon. Member....

**Shri Punnoose:** I will not take much time. Five or ten minutes.

There is a short duration before we will have a legislature in Kerala State and till then the administration has to carry on. During that period it is very necessary that at least Members of Parliament are consulted. But I have to point out that the provisions of this Bill, if they are strictly adhered to, will not meet the requirements of the situation.

The President has taken over powers and is now responsible for the Government there, and during these months if the administration is to be carried on in a satisfactory manner, the Home Ministry has to do certain things. I want to know how the Ministry looks at these problems. Either through the formula put in the Bill or through other steps they will have to see that the administration is carried on in a way that is satisfactory and that will meet the requirements of the situation.

I believe we will not have much legislative business during this period, and generally the less the better for his interim period, but the Home Minister was pleased to refer to the Bills pertaining to land reforms. Without attributing any motive to him, and with all my respect for his person, may I be permitted to say that it smacks a little of election propaganda when he referred to the land reforms? These Bills were before the legislature of that State when it was dissolved. Not only that, The Bills were there before the House. They had gone to the Select Committee and the last stage had been reached. Had it not been for the particularly slow policy or delaying tactics followed by the

[Shri Punnoose]

Government then, they would have been enacted, but the House was dissolved, and when the Consultative Committee for Travancore-Cochin was formed, it was said here, and the Congress papers published the news there, that immediately these legislations would be enacted by the Consultative Committee.

**Mr. Deputy-Speaker:** Unless these powers are delegated, how can that be done?

**Shri Punnoose:** We had a Consultative Committee for Travancore-Cochin, but the committee met twice or thrice only and nothing was done about these land reforms, and now on the eve of the elections the hon. Home Minister, perhaps not knowing how important these legislations are, says that these Bills may be looked into. But I am sorry that if he is sincere about it—I think he is—he will not be backed by the Members of his Party from that State because they have held up these things. I wish these legislations are taken up seriously by the Consultative Committee.

Then I want to bring home to the Minister that a mere Consultative Committee with regard to legislation is thoroughly insufficient and inadequate for the State today. You will remember that some time back there was a terrific agitation in that State with regard to the Division Bench, District Courts etc. What actually happened was that the Administrator there could not gauge the feelings of the people or understand how the State thought about these things and went his own way. That gave room to so much agitation and bad blood. We want to avoid such things sincerely. We want to evolve some machinery by which the Governor can know how people think and take into account popular aspirations and implement certain things. Therefore I have got two suggestions. One is the amendment given by Shri V. P. Nayar, that is, that this Consultative Committee itself should meet in Kerala as often as

possible. You may not meet once in three weeks, but once in a month at least there during this period. I also want the Home Minister to consider and ponder over this deeply. He was kind enough to promise the Consultative Committee. I would like him to consider whether we can find out some means by which the various leading political parties could be consulted on the vital issues that face the State.

For example, there is this Second Plan itself. The allotment for Malabar is causing us anxiety. You cannot sleep over it. You cannot say: "We have got the Consultative Committee and we are interested only in legislation", and allow a bad situation to develop there with regard to the Plan for Malabar. We want that Malabar should get its legitimate quota according to its population from Madras State. If Madras State is not in a position to give that, then the Central Government will have to come to our aid. These things must be discussed by the representatives of the various parties. At least the Consultative Committee should be called together for these purposes. So, it has to be widened in my opinion.

Then there are a number of questions. As Shri A. M. Thomas said, the Finance Minister was pleased to say here that the steps taken by the Government to control prices of food-grains have not affected and will not affect Travancore-Cochin or Kerala, but the thing is that the prices are shooting up, and we want fair price shops in every village. Only one or two are there. I know one step more and I will be very irrelevant. Therefore I am not doing that.

**Mr. Deputy-Speaker:** I was going to say the hon. Member is also straying into the same field.

**Shri Punnoose:** The moment you look at me I understand the meaning and I stop.

**Shri Chattopadhyaya (Vijayavada):** May I make an observation? The point is you ask them to be confined to certain things. Unless the conception is clear, confinement is impossible!

**Shri Punnoose:** We have to evolve some machinery by which the State can be run during these months. The Home Minister himself knows the acute situation that is arising in the State as a result of the closing down of the cashewnut factories, and 40,000 workers are on the streets. He was pleased to write a letter to us saying that he is considering how this Consultative Committee or any other committee that he has in view will help that.

Shri A. M. Thomas has pointed out the labour unrest even in such an industry as the Fertilisers and Chemicals Travancore Limited financed by the Government where....

**Mr. Deputy-Speaker:** Just on the eve of elections, every hon. Member is anxious to say certain things.

**Shri Punnoose:** Even if we have no elections for another three years, I would have said that.

**Mr. Deputy-Speaker:** These are important things, but they should be said somewhere else.

**Shri Punnoose:** Of course I hold a different view about it, and I think these things are relevant in so far as the Consultative Committee provided for by this Bill cannot improve the situation. I think I am entitled to say that. I cannot digress on it at length, only so much I say. Therefore, the Government has to tackle the labour unrest.

One thing I wanted to say. The Home Minister is now in charge of that Government. There is a plywood factory owned by the Government there. That factory is now being sold out, I am told, to some private industrialists and they are going to take it away. There is a big agitation over

that. To consider all these things I think not only Members of Parliament, but representatives of the various parties have to be associated. It will be extremely unfair and unjust to the Governor himself to ask him to handle all these things single handed and at last land himself in a soup.

I would suggest that this consultative committee should be more active and it should meet more often, so that some real legislation may be immediately undertaken with regard to land reforms. I want the Home Minister to stand by his promise and to see that the Bills that are kept in cold storage in the Ministry are taken out and passed into law without much delay.

Unfortunately, Shri A. M. Thomas was not very much in favour of ceilings on land-holdings. Instead, he said that a special tax should be imposed on holdings above a certain limit. I do not know wherefrom he got that idea. That will be an extremely unpopular idea among our people, because while any amount of tax you may impose will not do any harm to the owners, yet land being a scarce commodity, it will result in enhancing the price of land. What we want, therefore, is a ceiling on land-holdings. That is to say, in a State like Kerala, nobody should be allowed to own land beyond a particular limit. There were certain Bills in this respect pending before the Travancore-Cochin State Legislature before its dissolutions; they are still pending with the Ministry now. I want that those Bills may be taken to the consultative committee, and some legislation in this regard may be undertaken soon.

I have no doubt that the Home Minister is sympathetic towards our problems, although I cannot say that he has succeeded in any great measure in tackling those problems. I believe, however, that if the consultative committee could be made really alive and active, and if it can meet at least once in a month at some place in the Kerala State, something could be done. Shri

[Shri Punnoose]

Datar can with advantage take a trip to Kerala, and he can see also some beautiful places there. I would invite him to that State in order that he may see that the committee functions properly.

**Shri Achuthan:** As an intelligent follower of you, I shall try to confine my remarks to the relevant points.

**Shri Punnoose:** Confining is always difficult.

**Shri Achuthan:** But for the reorganisation of States, we would not have had the opportunity of considering this measure in this House. We had considered a similar measure with regard to the Travancore-Cochin State earlier, and now we are considering this measure with regard to the new State of Kerala. And I hope this will be the last measure of this kind for us to consider in this Parliament, because we expect that by March or April 1957, there will be a legislature in the Kerala State and also a stable government.

As the Minister himself has stated, the Home Ministry has been trying its best to introduce as many legislative reforms as possible within the short period of nine or ten months. He has stated that about thirteen Bills have been enacted. They have been well received by the people there.

Shri A. M. Thomas had referred to the Irrigation Bill a little while ago, and he had stated that we in the consultative committee had categorically recommended that the rates should be given retrospective effect to. It has been stated now that orders have to be issued as a result of which the tenants need pay only the rates that are found in the new Bill that has been passed in July. I do not know how far this is correct and I want to know whether orders have been issued.

As you are aware, even while the legislature was there in the Travancore-Cochin State, there were a number of land reform Bills pending in

that legislature. After the dissolution of that legislature, we have been trying our best to see some land reforms introduced in that State.

**Some Hon. Members:** No.

**Shri Achuthan:** For instance, there was the case of the Compensation for Tenants (Improvements) Bill.....

**Shri V. P. Nayar:** That was only extension to an area.

**Shri Achuthan:** In Malabar area, when it was a part of the Madras State, there was an Act for fixing the fair rent.

**Shri Punnoose:** Unjust claims, just before the elections.

**Shri Achuthan:** I think Government can consider the extension of at least that Act to the Travancore-Cochin area also.

**Mr. Deputy-Speaker:** After all, they are only claims, and they can be made just now.

**Shri Achuthan:** Even now, there is an Act prevailing in the Malabar region of the Kerala State, which deals with the fixation of fair rents on paddy lands, coconut gardens and other lands. There will be no objection if Government extend that Act to the Travancore-Cochin region also, because until the new legislation is passed, the tenants and the lessees can achieve relief at least to some extent under this Act.

Moreover, we understand from the papers that the District Board of Malabar is going to be abolished. There must be some kind of representative institution there. If the Panchayat Act as well as the Village Courts Act, which are now prevailing in the Travancore-Cochin area are extended to Malabar also, there will be no difficulty and the people of Malabar will welcome it also. That is a suggestion that can be put into effect without much controversy, after consulting the consultative committee.

Similarly, there are a number of measures which are in vogue only in the Travancore-Cochin area, and there are some which are in effect only in the Malabar area. If the Acts in one area could be extended to the other area, then the practical advantages of these measures could be repeated by the people of both these regions.

We have a number of other problems in the State of Kerala. I do not want to deal with all those problems, because that will be quite irrelevant. Even then, I would say that at least one or two meetings of the consultative committee should be held in Trivandrum, Trichur or any other place in the Kerala state, with a view to finding out some measures for the solution of those problems, and thereafter the President can pass the necessary legislation, and Parliament can ratify those enactments when it meets next in February or March.

The problem of the cashew industry is also an important one. That is another problem where some legislation will be absolutely necessary.

**Mr. Deputy-Speaker:** The hon. Member promised that he at least would confine himself to the scope of the Bill.

**Shri Achuthan:** As I said earlier, I am merely giving some suggestions to the Home Minister for dealing with certain specific problems.

**Mr. Deputy-Speaker:** These suggestions may better be given when the meeting of the consultative committee is held. That would be a better platform.

**Shri Nettur P. Damodaran (Telli-cherry):** He is not following you now.

**Shri Achuthan:** At least, Government must see that the Fair Rent Act which is now prevalent in Malabar is extended to the Travancore-Cochin area as a temporary measure; practically, there will be no objection to this.

I believe Government are considering a number of other measures also which may probably be brought before the consultative committee in January or February next. I would request that all those measures may be expedited. One or two meetings of the consultative committee may be held in the Kerala State, so that the Minister can visit our place, and he can have the benefit of the views of the members of the consultative committee on matters pertaining to those areas. In the two or three months' time that is available before us, at least a few measures to tackle the problems of this State can be enacted. If that is done, then we can have the satisfaction that the Home Minister has done his best, when he has charge of this State, for the betterment of this State.

**Shri Nettur P. Damodaran:** I have come into the new State for the last one month and nineteen days only. Out of six Members from Malabar, only two were in the former consultative committee.

**Shri V. P. Nayar:** Now, you are there.

**Shri Nettur P. Damodaran:** I am very happy that the committee is now being reconstituted, and all Members of Parliament from this State from both the Houses will be members of the consultative committee. An important meeting of the Members of Parliament from Kerala was convened by the Home Minister on 22nd November, and certain important matters relating to the Kerala State were discussed, and after discussion some decisions were taken. I am sorry to find that those decisions have not yet been implemented.

One of those important matters was in regard to the division of the district of Malabar with a population of 50 lakhs. If I remember right, it was almost a unanimous decision of the Members of Parliament that this district should be divided into three, especially in view of the fact that the Kasargode area of

[Shri Nettur P. Damodaran]

the South Kanara district has been added on to Malabar. There was a small controversy on the location of the headquarters of one of the districts.

**Mr. Deputy-Speaker:** Does the hon. Member want to reopen all those things now?

**Shri Nettur P. Damodaran:** They have a connection with the consultative committee. That is why I am referring to them.

**Mr. Deputy-Speaker:** The consultative committee is in connection with the President's rule; the President's rule is in connection with the misrule of the previous Government; the misrule was in connection with the elections that took place; and the elections took place in connection with our Constitution. So, where are we to draw the line?

**Shri Nettur P. Damodaran:** Two hours have been allotted for this discussion, and there would not be much to say, otherwise.

**Shri V. P. Nayar:** I have to speak on my amendment, and so, I will take some time.

**Mr. Deputy-Speaker:** The fact that two hours have been allotted should not be a ground for referring to these things. Those two hours also will conclude by about 2-25 p.m.

**Shri Nettur P. Damodaran:** I will conclude in five minutes. I was only trying to point out that there is a certain inconsistency between the decision of the Consultative Committee and certain things happening in Kerala. As regards the controversy about the rival claims of two towns for the headquarters of the District, we also came to a unanimous decision, barring one member who belongs to a communal party, which is a single-member party as far as this House is concerned.

**Shri V. P. Nayar:** Does it come within the scope of any Bill?

**Mr. Deputy-Speaker:** I do appreciate that it is very important so far

as the hon. Member is concerned. But so far as the House is concerned or the Bill is concerned, it is not relevant.

**Shri Nettur P. Damodaran:** What I wanted to point out was that certain decisions arrived at by the Consultative Committee had not been implemented, and that certain responsible officers of the Government were touring the district in connection with a matter already decided by the Consultative Committee. The Adviser has been recently touring Malabar, and from reports appearing in the Malayalam papers, especially, the *Mathrubhumi* and other papers, it is seen that he is touring in connection with the location of the headquarters of the district. But the Consultative Committee has taken a decision on this, and the Home Minister accepted it on the floor of the House during the debate on the motion regarding the President's Proclamation, that Cannanore will be the headquarters of the district and the district court will be at Tellicherry..

**Mr. Deputy-Speaker:** I would point out to the hon. Member that this is not relevant. It should be left where it is. He should come to the Bill, whether this delegation is to be made or not.

**Shri Nettur P. Damodaran:** I was only bringing out the inconsistency in this matter.

**Mr. Deputy-Speaker:** Let us concentrate ourselves more on the consistency that is before us.

**Shri Nettur P. Damodaran:** The decisions taken by the Consultative Committee should be implemented and nothing should be done to make it appear that the decisions of the Committee can be flouted by anybody.

As regards the suggestion made that the Committee should meet in Kerala, I also lend my support to it. Since most of us will not be here for another 2½ months, any meeting to transact business connected with the Government of Kerala may be held



in Trivandrum, Eernakulam or Kozhikode, which are the three important centres of the State.

In the Bill, it is said:

"Provided that before enacting any such Act, the President shall, whenever he considers it practicable to do so, consult a Committee.."

I would like this to be recast so that the President shall, unless prevented from doing so for shortness of time, consult the Committee. I think this would be more in tune with the requirements of our State.

**Mr. Deputy-Speaker:** Shri C. R. Iyyunni. I am sure that as an elder statesman, he would be very brief.

**Shri C. E. Iyyunni (Trichur):** I will confine myself to the scope of the discussion.

In this Bill, provision is made for delegation of powers with regard to legislative matters. As Shri A. M. Thomas put it, since we have got a Consultative Committee to be consulted on matters of legislation, it will always be advantageous for the Adviser or the authorities concerned to consult the Committee more often even with regard to problems that arise from day to day. I do not mean to say that it should be possible for them to meet every week. What I say is that there are certain very serious problems which face that State, the tiniest of all States. It is almost considered to be a problem State. In respect of those problems, the views of the Committee may be obtained by the authorities. After ascertaining views the Adviser will be able to do things much more efficiently, satisfactorily than otherwise. That is what I would say. Also, the Committee should meet more often.

With regard to certain other matters which are very important, the Committee should be consulted. Take, for example, the Finance Commission. A memorandum was submitted to the Commission. Because the

next Finance Commission will come only after five years, it is absolutely necessary that in a matter like this the Consultative Committee must be consulted. Then there are problems concerning food, the quota for Malabar and unemployment. On all these matters, it is desirable that the Adviser should ascertain the views of the Members of Parliament from that area.

Then one other matter, which has also been referred to by Shri N. P. Damodaran, is this. Here it is said:

"Provided that before enacting any such Act, the President shall, whenever he considers it practicable to do so, consult a Committee.."

Here the word 'shall' is used, which means that he has to do it; of course, there are cases where 'shall' may mean 'may'. But here, if it is to have the meaning of 'shall', the words 'whenever he considers it practicable to do so', take away all the power that the word 'shall' has. After all, it is a matter of consultation. So I would suggest that the wording be altered as follows:

"Provided that before enacting any such Act, the President shall, unless prevented from doing so for shortness of time or other sufficient reasons.."

**Shri V. P. Nayar:** To be recorded in writing!

**Shri C. E. Iyyunni:** Otherwise, the words 'whenever he considers it practicable to do so', take away all the meaning that 'shall' ordinarily has. As I said, after all, it is a question of consultation. Consultation means that consultation may be had; it does not mean that he is going to accept what is said. But 'whenever he considers it practicable to do so' practically whittles down the whole thing, so that it is inconsistent with the idea behind the word 'shall'. Though I have not tabled an amendment to this effect, I hope the suggestion will be accepted by the Home Minister.

[Shri C. R. Iyyunni]

Regarding this measure, it is absolutely necessary. The only thing that I have to say is that greater consultation may be had not merely on matters of legislation but other matters also.

**Shri Mathew (Kottayam):** Mr. Deputy-Speaker, Sir, I realise that if one has to be relevant, one has to be very brief. That is a very happy realisation.

**Mr. Deputy-Speaker:** Though it has come very late.

**Shri Mathew:** I have always realised it, but I do not speak for others.

I was listening to the various points made by my esteemed friends from various parts of the House. I noticed that there were three important points made. One is about the place of meetings. During the next few months, it would be desirable to have these meetings in Kerala itself. That is a proposition with which we would all agree.

With regard to the frequency of meetings, I feel that there is little need to pin it down to some precise formula. What is laid down here is that the President shall, "whenever he considers practicable" to do so, consult the Committee. Now, I do not think there is any need to suspect, so to say the *bona fides* of the President. The President means what he says, or the Government means what it says. There would be no occasion surely on the part of the President or the Government to take refuge behind a certain clause, as it were. I do not think my friend Shri Iyyunni, when he tried to put it in a better way, really succeeded. He wanted to say, 'unless prevented by adequate reasons' or something like that. If anyone will only press those words it can lead to as much evasion as the present clause itself will lead to. But, I think there is no need to suspect any such intention on the part of Government. I feel what is said was genuinely meant and represents cent per cent of what was in the mind of the government.

14 hrs.

The only other thing which I want to refer to and which I consider to be more important—and that is also a point on which I think there is agreement—is that while the scope of the Committee as indicated here is restricted, in practice, as it were, the Government should enlarge the scope so that not merely for the purpose of legislation but for all equally important purposes the President or the Government would surely consult this committee so that this committee would not be restricted to the purposes of legislation only, but will be consulted for other purposes also. That I consider to be a more important point.

I felt that, leaving aside irrelevant things, there was almost practical unanimity on the part of the various Members who have spoken and I am glad to subscribe myself to those points of relevant agreement as it were.

**Pandit G. B. Pant:** We were told by one of the hon. Members that certain remarks had been made by me or certain references to land reforms had been made because of the proximity of election. Perhaps, he was giving expression to the working of his own mind. It seems to me that election being so near, every Member from Kerala has considered it necessary to make such sort of observations and I hope that to the extent they have considered it necessary to make these speeches here, the people of Kerala as well as the Government will take note of them and try to carry out their wishes except when they do not happen to be in public interest.

Reference has been made to the desirability of our consulting the Consultative Committee, Misconceived suspicions linger even though actions may not justify such suspicions at all. I might remind hon. Members that I held a meeting of the Members of Kerala even before any Consultative Committee had

been formed and I consulted them with regard to matters which do not pertain to legislation. If action is ignored and still doubts are entertained, it is difficult to dispel.

One hon. Member also said that certain decisions had been taken which had not been carried out. He seems to think that once a decision is taken, then, next morning, it must blossom into concrete shape. The division of a district like Malabar into three districts, obviously, takes some little time. But, orders were issued the very next day on the basis of the suggestions that were made at that meeting. I am anxious to serve the people of Kerala and I would not be happy if I were forced to ignore the advice given by the Members of Kerala. We rely on them for carrying on the affairs of Kerala in a satisfactory way. So far as the decisions taken by Government are concerned or the legislative measures that were issued they were all based on the advice tendered by the Members from Kerala. Well, some individuals might not have agreed; but they certainly embody the consensus of opinion of the Members of the Committee. If within a committee there were any dissenting minority, we could not be expected to ignore the wishes of the majority and to act in an undemocratic way. That would have given rise to still greater dissatisfaction. But, so far as I am concerned, I would like all matters to be decided, if at all possible, by unanimity so that the real good of Kerala may be ensured and achieved almost with the goodwill of every one.

So far as land legislation is concerned, I may say that if it is a very controversial measure, we would not like to force it. Even here, I have seen that there is a difference of opinion. Shri Thomas said one thing and Shri Punnoose said something else. Would they like us in such cases to frame a Bill according to our own wishes or would they like the new Legislature to take up matters of this type? We do not want, in any way, to flout the wishes of

the people or of the committee. It will be for them to consider all matters. But, so far as I am concerned I would like to consult the committee with regard to all these legislative measures and wherever convenient necessary, also with regard to other matters.

We have appointed a big committee. This is the first time that all Members of the State have been included in the Committee. Otherwise in previous Consultative Committees only some of the Members belonging to the State concerned were included. We have done this because it is my desire that we should have the benefit of the advice of all Members who have come from Kerala.

I would like to say about land law, we have, in the course of the few months that we have been in charge, passed a number of measures such as the Travancore-Cochin Indebted Agriculturists Relief Act, the Travancore-Cochin Land Conservancy Act, the Travancore-Cochin Irrigation Act, the Travancore-Cochin Compensation for Tenants Improvement Act and so on. After all, I may be excused for saying that we have in this regard done more during the few months that we have been in charge than, perhaps, others had been able to do during the years they have been in charge of the administration of this State.

Then, with regard to fair price shops, it was said that there were only 5 or 10 shops. I find from the figures that have been supplied to me—and they have been printed and published in the book that was circulated here—that 165 wholesale and 2,621 retail fair price shops have been opened, so far, and more shops will be opened according to necessity. There is apparently some mistake somewhere because, I think, there is a considerable difference between 5 and 2,621. It is only 500 times as much as 5.

We were told that for 'President' we should have the 'Home Minister' or the 'Minister in the Home Ministry'. In fact, that is implication but

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that is the form in which the law has to express itself. Because, under article 77 of the Constitution, all executive power and action has to be carried on in the name of the President. But the President is advised by the Government. So, no amendment is necessary. This is the form in which previously all Bills have been framed. There need not be any doubt on this score.

**Shri V. P. Nayar:** But this is not executive power.

**Pandit G. B. Pant:** Well, it is not legislative power. What is not legislative is executive.

**Shri V. P. Nayar:** We are delegating the legislative power of Parliament.

**Pandit G. B. Pant:** Then, a suggestion has been made that we might meet in Kerala. I would very much love to be in Kerala. If the exigencies of public business allow, I would certainly like to meet other friends there. It is a fine place and everyone who has gone there has spoken very highly about it. I myself am hankering to be there. So I would very much like to carry out the wishes of hon. Members. If I am not able to do so, they will, I hope, agree that it must be not because of lack of will but because of other circumstances which may be beyond my control.

I do not know if there was any other point raised here, but I wish that we, during the short time that we have at our disposal of three or four months, may be able to do something that will prepare solid ground for the democratic government that will be set up there. That has been our ambition throughout and that will continue to be our aspiration. In that regard I would count upon the co-operation of every hon. Member.

**Shri V. P. Nayar:** Can we also submit Bills for the Consultative Committee?

**Pandit G. B. Pant:** The time at our disposal is very short.

**Shri V. P. Nayar:** We have enough time.

**Pandit G. B. Pant:** You have enough time, I do not know. Otherwise you would have sent such Bills informally.

**Shri V. P. Nayar:** But there is no power.

**Pandit G. B. Pant:** If there is no power, then I cannot give the power which is not there. Anyway we can discuss that between us. I would not like to commit myself to anything more than what is in the Bill. But let us all hope that we will work in an accommodating spirit on this side.

**Shri Punnoose:** Can I have a clarification from the hon. Minister? In our Committee meeting we had almost unanimously decided with regard to the headquarters of the district of Malabar.

**Mr. Deputy-Speaker:** That is not a clarification out of this.

**Pandit G. B. Pant:** I remember the decision that was taken, and so far as I am concerned, I would like it to be carried out. As I said, instructions have already been issued.

**Mr. Deputy-Speaker:** 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.*

*Clause 2 was added to the Bill.*

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

**Mr. Deputy-Speaker:** There is Shri Nayar's amendment to clause 3.

**Shri V. P. Nayar:** I beg to move:  
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after line 20, add:

"Provided further that when the President cannot himself consult the Committee, he may delegate the authority to the Home Minister or the Minister in the Ministry of Home Affairs:

Provided further that such Committee shall meet at least once in three weeks in any place in Kerala State considered convenient for the purpose."

I have nothing much to say about the amendment, because irrespective of parties, almost all Members have supported my amendment, especially the latter proviso stipulating that the meetings should be held in Kerala State. I hope the Home Minister would be sympathetic. What I request him to do is to accept this amendment so that we can have the meeting there as of right. No further arguments are necessary, because the Home Minister knows that it will be of very great inconvenience for us to meet in Delhi.

**Mr. Deputy-Speaker:** The choice is there—either the amendment should be accepted or the assurance should be accepted.

**Shri V. P. Nayar:** If it is an assurance, as he said, let us have the opportunity of meeting there. Otherwise the Committee cannot meet there.

**Mr. Deputy-Speaker:** Amendment moved:

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after line 20, add:

"Provided further that when the President cannot himself consult the Committee, he may delegate the authority to the Home Minister or the Minister in the Ministry of Home Affairs:

Provided further that such Committee shall meet at least once in three weeks in any place in Kerala State considered convenient for the purpose."

**Pandit G. B. Pant:** I need not repeat what I have said already.

**Shri V. P. Nayar:** We want the Consultative Committee to meet at least within a definite time so that our people can know that matters are being considered at such and such time.

**Pandit G. B. Pant:** I am afraid all of you will be busy with the elections.

**Shri V. P. Nayar:** We will find time to tender our advice.

**Pandit G. B. Pant:** We find it difficult to transact business for want of quorum.....

**Mr. Deputy-Speaker:** That will also depend upon the volume of legislation that is there. Should I put the amendment to the vote of the House?

**Shri V. P. Nayar:** If the hon. Minister gives me an assurance, it is sufficient.

**Mr. Deputy-Speaker:** Whatever is given is there; we cannot add to it. May I know whether the hon. Member accepts it or not.

**Shri V. P. Nayar:** I would like to withdraw my amendment.

*The amendment was, by leave, withdrawn.*

**Mr. Deputy-Speaker:** 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.*

**Pandit G. B. Pant:** I beg to move:  
"That the Bill be passed."

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

"That the Bill be passed."

*The motion was adopted.*