

[Mr. Deputy-Speaker]

Menon argued that he does not mean that article 201 should be restored even in these circumstances. He says that this is a sovereign Parliament and because it has authority to delegate powers to the President, the sovereign authority can do it wholly or in part and it might impose certain restrictions also when it is delegating it. That is what I could understand.

As has been just now argued by the Home Minister, if we look to the wording of the article 357(1)(a) it says that it shall be competent for Parliament to confer on the President the power of the legislature of the State to make laws. This is what has to be delegated and not particularly any function, one or two, to scrutinise one law or the other. We are going to delegate the power of the legislature of the State. Therefore, in my opinion, it would not be possible for us to put any restriction or to say that these conditions that are laid down in article 201 would also be in force when we are delegating this power. I cannot agree with the hon. Member and therefore, I think, amendment No. 3 would be out of order. There are the other amendments Nos. 6, 7, 8, 9, 10 and 11. I will put them to the vote of the House.

Shri Narayanankutty Menon: Putting all the amendments together, Sir?

Mr. Deputy-Speaker: If he wants that they should be put separately, I have no objection. As he desires; I have no objection.

Shri Narayanankutty Menon: Yes; all together.

Mr. Deputy-Speaker: Or if he wants any particular amendment to be put separately, I have no objection.

Shri Narayanankutty Menon: The only practical difficulty is that that amendment cannot be separately pressed for division.

Mr. Deputy-Speaker: He can say which amendment he wants to be put separately. I will put it separately.

Shri Narayanankutty Menon: I wish amendment No. 10 be put separately.

Mr. Deputy-Speaker: I shall now put amendments Nos. 6, 7, 8, 9 and 11.

The amendments Nos. 6, 7, 8, 9 and 11 were put and negatived.

Mr. Deputy-Speaker: The question is:

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after line 16, add—

"Provided that the President shall get the opinion of the committee mentioned in sub-clause (2) for any such modifications, before an amending Act is enacted by the President." (10).

Mr. Deputy-Speaker: The 'Noes' have it.

Shri Narayanankutty Menon: The 'Ayes' have it. Two 'Noes' and Three 'Ayes'.

Mr. Deputy-Speaker: Always there is such a difference. I will put it at 2-30. We shall now take up the next item. Unless this is disposed of, we cannot proceed.

13.34 hrs.

*DEMANDS FOR SUPPLEMENTARY GRANTS (KERALA), 1959-60

Mr. Deputy-Speaker: There are thirteen Supplementary demands in all, three of them namely 15, 40 and 42 are Charged and ten are votable. There are nine cut motions three of which are out of order which we will consider just now.

*Moved with the recommendation of the President.

Shri Narayanankutty Menon (Mukandapuram): You said three are out of order. What are they?

Mr. Deputy-Speaker: We will consider when they come.

Shri Narayanankutty Menon: We may know because you have mentioned this.

Mr. Deputy-Speaker: Three are out of order. Unless Members move them, how can we decide that? These demands are before the House. Hon. Members have given cut motions.

Shri Narayanankutty Menon: I move cut motion No. 1 to Demand No. XIV, No. 2 to Demand No. XV, No. 4 to Demand No. XXVI, No. 5 to Demand No. XXXI, No. 6 to Demand No. XXXI, and No. 7 to Demand No. XXXV.

Shri M. K. Kumaran (Chirayinkil): I move cut motion No. 3 to Demand No. XV, and No. 8 to Demand No. XXXV.

Shri Narayanankutty Menon: There is one more, Sir. I move cut motion No. 9 to Demand No. XIV.

Mr. Deputy-Speaker: The time that we have fixed is one hour.

DEMAND NO. II—LAND REVENUE

Mr. Deputy-Speaker: Motion moved:

"That a supplementary sum not exceeding Rs. 3,99,200 be granted to the President out of the Consolidated Fund of the State of Kerala to defray the charges which will come in course of payment during the year ending the 31st day of March, 1960, in respect of 'Land Revenue'".

DEMAND NO. XIV—JAILS

Mr. Deputy-Speaker: Motion moved:

"That a supplementary sum not exceeding Rs. 6,69,000 be granted to the President out of the Consolidated Fund of the State of

Kerala to defray the charges which will come in course of payment during the year ending the 31st day of March, 1960, in respect of 'Jails'".

DEMAND NO. XV—POLICE

Mr. Deputy-Speaker: Motion moved:

"That a supplementary sum not exceeding Rs. 1,97,100 be granted to the President out of the Consolidated Fund of the State of Kerala to defray the charges which will come in course of payment during the year ending the 31st day of March, 1960, in respect of 'Police'".

DEMAND NO. XVIII—MEDICAL

Mr. Deputy-Speaker: Motion moved:

"That a supplementary sum not exceeding Rs. 28,900 be granted to the President out of the Consolidated Fund of the State of Kerala to defray the charges which will come in course of payment during the year ending the 31st day of March, 1960, in respect of 'Medical'".

DEMAND NO. XIX—PUBLIC HEALTH

Mr. Deputy-Speaker: Motion moved:

"That a supplementary sum not exceeding Rs. 99,500 be granted to the President out of the Consolidated Fund of the State of Kerala to defray the charges which will come in course of payment during the year ending the 31st day of March, 1960, in respect of 'Public Health'".

DEMAND NO. XXVI—CIVIL WORKS

Mr. Deputy-Speaker: Motion moved:

"That a supplementary sum not exceeding Rs. 95,500 be granted to the President out of the Consolidated Fund of the State of Kerala to defray the charges

[Mr. Deputy-Speaker] which will come in course of payment during the year ending the 31st day of March, 1960, in respect of 'Civil Works'".

DEMAND NO. XXXI—TRANSPORT SCHEMES

Mr. Deputy-Speaker: Motion moved.

"That a supplementary sum not exceeding Rs. 10,000 be granted to the President out of the Consolidated Fund of the State of Kerala to defray the charges which will come in course of payment during the year ending the 31st day of March, 1960, in respect of 'Transport Schemes'."

DEMAND NO. XXXIV—CAPITAL OUTLAY ON IRRIGATION (NON-COMMERCIAL)

Mr. Deputy-Speaker: Motion moved.

"That a supplementary sum not exceeding Rs. 50,000 be granted to the President out of the Consolidated Fund of the State of Kerala to defray the charges which will come in the course of payment during the year ending the 31st day of March, 1960, in respect of 'Capital Outlay on Irrigation (Non-Commercial)'."

DEMAND NO. XXXV—CAPITAL OUTLAY ON PUBLIC HEALTH

Mr. Deputy-Speaker: Motion moved.

"That a supplementary sum not exceeding Rs. 2,28,100 be granted to the President out of the Consolidated Fund of the State of Kerala to defray the charges which will come in the course of payment during the year ending the 31st day of March, 1960, in respect of 'Capital Outlay on Public Health'."

DEMAND NO. XXXVIII—CAPITAL OUTLAY ON CIVIL WORKS

Mr. Deputy-Speaker: Motion moved:

"That a supplementary sum not exceeding Rs. 1,50,000 be granted to the President out of the Consolidated Fund of the State of Kerala to defray the charges which will come in the course of

payment during the year ending the 31st day of March, 1960, in respect of 'Capital Outlay on Civil Works'."

Questions of release of large number of prisoners and withdrawal of cases by the Kerala Government since 1st August, 1959

Shri Narayanankutty Menon: I beg to move:

"That the demand for a supplementary grant of a sum not exceeding Rs. 6,69,000 in respect of 'Jails' be reduced by Rs. 100."

Failure to give reference in recruitment to dismissed Malabar Special Policemen

Shri Narayanankutty Menon: I beg to move:

"That the demand for a supplementary grant of a sum not exceeding Rs. 1,97,100 in respect of Police be reduced by Rs. 100."

Inordinate delay in the completion of the Alwaye Bridge on the National Highway

Shri Narayanankutty Menon: I beg to move:

"That the demand for a supplementary grant of a sum not exceeding Rs. 95,500 in respect of "Civil Works" be reduced by Rs. 100."

Government's action in reorganising the Transport Board and terminating the nomination of Worker's representative

Shri Narayanankutty Menon: I beg to move:

"That the demand for a supplementary grant of a sum not exceeding Rs. 10,000 in respect of "Transport Schemes" be reduced by Rs. 100."

Reduction in the rate and quantum of bonus for 1958-59 to Transport employees

Shri Narayanankutty Menon: I beg to move:

"That the demand for a supplementary grant of a sum not exceeding Rs. 10,000 in respect of "Transport Schemes" be reduced by Rs. 100."

Inadequate water supply in Ernakulam, Mattanchery and the Vypeen and other Islands

Shri Narayanankutty Menon: I beg to move:

"That the demand for a supplementary grant of a sum not exceeding Rs. 2,28,100 in respect of 'Capital Outlay on Public Health' be reduced by Rs. 100".

Deployment of the Special Armed Police Force in support of the Local Police

Shri Kumaran: I beg to move:

"That the demand for a supplementary Grant of a sum not exceeding Rs. 1,97,100 in respect of 'Police' be reduced by Rs. 100."

Inadequacy of the amount allotted

Shri Kumaran: I beg to move:

"That the demand for a supplementary grant of a sum not exceeding Rs. 2,28,100 in respect of 'Capital Outlay on Public Health' be reduced by Rs. 100."

Action of the Governor in staying the execution of death sentence of a convicted person on 11.11.59 whose applications for commutation of death sentence have been rejected by the President and the Governor.

Shri Narayanankutty Menon: I beg to move:

"That the demand for a supplementary grant of a sum not exceeding Rs. 6,69,000 in respect of 'Jail' be reduced by Rs. 100."

Mr. Deputy-Speaker: All the Demands and cut motions are now before the House.

Shri Narayanankutty Menon: I wish to move these cut motions which are self-explanatory. I am sorry that this procedure is adopted that the Home Minister who is directly res-

ponsible for the administration of the State of Kerala uses to be chronically absent whenever any Supplementary demands for Kerala are raised. You will realise, Sir, that there is no Assembly in Kerala and this Parliament happens to be the only forum to voice the grievances of the people of Kerala at a time when an Emergency Proclamation and the President's Rule is there. It is only proper not only to maintain decorum, but also for practical purposes that the Home Minister should be present in the House when the Supplementary Demands are discussed.

Mr. Deputy-Speaker: I should also think that the Home Minister should be present.

The Minister of Revenue and Civil Expenditure (Dr. Gopala Reddi): Shri Datar is coming.

Mr. Deputy-Speaker: He ought to.

Shri Narayanankutty Menon: To Demand No. 14, my objection is this. The demand is for about Rs. 6 lakhs for administration of Jails of the State of Kerala. When we are discussing this demand, we will have to raise before this House certain atrocious acts that have been done by the Kerala administration in respect of Jails in the last 3 or 4 months. For two and a half years, this House was echoing with the cry from almost all sections of this House that the Communist party when it came into power in the Kerala State released a large number of prisoners and that the spasmodic release of these prisoners endangered the law and order situation in the State. The Governor of Kerala, who is directly in charge of the administration today, sent a report to the President that the main basic reason for difficulty in the maintenance of law and order was that the Communist Government released a large number of prisoners. I am terribly surprised to find the very

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same Governor, who maintained that this indiscriminate release of prisoners will certainly demoralise the police and also the confidence of the people, immediately he took power on behalf of the President, released about more than 6000 persons from-jail. that too, 6000 prisoners belonging to one political opinion who had declared armed war against the Government both literally and practically.

Shri Maniyanadan: Not belonging to one party.

Shri Narayanankutty Menon: That party happens to be the same today, a party whose motive, theory and philosophy is to defeat the Communist Government and establish the rule of these people who have moved the Bill that we have just now before us. Last time in answer to a question it was said that a very large number of prisoners was released.

1344 hrs.

[SHRI C. R. PATTABHI RAMAN *in the Chair*]

You would like to know what the charge is against these persons. I wish to point out that in one case the prisoners were charged by the police with pulling down the national flag from the Trivandrum Collectorate in the presence of the police and then hoisting the PSP flag.

Shri Maniyanadan: No such case was there.

Shri Narayanankutty Menon: The Governor has withdrawn that case.

Shri Maniyanadan: There was no case that the national flag was pulled down. The party flag was hoisted, but the national flag was not pulled down.

Shri Narayanankutty Menon: I will agree the hon. Minister says in his reply that there was no case like that.

If it is not an act of treason, if it is not an act of war against the Government established by law, what else can you call it? And these prisoners who had done this and trespassed into the collectorate have been released.

The other set of crimes is waylaying buses, the public transport system, setting fire to buses and destruction of public property, admittedly according to the Governor's regime, amounting to Rs. 2½ lakhs. Six thousand of them have been released.

Is there any philosophy behind this? Is this Governor honest enough to be prepared to apply equal standards to all political parties? What is the explanation for the Governor to release all these prisoners on a single day?

Secondly, the Governor in his report mentioned that immediately the Communist Party came into power, they committed an atrocious act. It got all-India publicity and publicity in this House also. It was the case of Vasu Pillai who was sentenced to death, whose mercy petition was rejected by the Governor and the President. Later on the elected Ministry advised the Governor to commute the sentence. The Governor mentioned it in his report. Really it was an atrocious act! But three months afterwards, when the entire power had been consolidated in the hands of the Governor, a thing which had not happened in the State of Punjab happened in Kerala. A person was sentenced to death by the Quilon Sessions Court, and the sentence was confirmed by the High Court, his appeal to the Supreme Court was rejected, his mercy petition to the Governor and to the President was rejected, and the date for executing the sentence of death was fixed for the 16th November, on the day Parliament was to assemble here. On the 11th November, the Vice-President of the Quilon District Congress Committee, who happens to be a lawyer also, drafted a petition and went and saw the Governor in Raj

Bhavan. The Governor who had rejected the mercy petition of the individual who happened an accused convicted in a case of communal riot,—he had killed a man who happened to belong to another religion who had changed his religion—without even calling for the previous records, issued a stay order, staying the execution of the death sentence of this particular gentleman. Where is the Constitution now, which, according to the Governor and also the Home Minister, was violated by the Communist Government? The Governor who could not accept the advice of the elected Ministry to commute the death sentence of a particular individual—the President had to intervene at that time, and the Governor made it a charge against the Communist Ministry at that time—now accepted the advice given not by an elected man, but one man belonging to the Congress and stayed the death sentence of the particular individual. Is there any Constitution, is there any maintenance of law in the State of Kerala today?

After some time the papers took this case up. People were shocked to find that the man was to die on the 16th, but a stay order had been issued. Large headlines began to appear in the papers, and in answer to a question at a press conference, the Adviser to the Governor of the State of Kerala in the Republic of India in the year 1959 said that the Governor committed a mistake because he did not refer to the back files. I agree, quite a reasonable explanation. When a Vice-President of the District Congress Committee goes over to the Governor of Kerala, he does not look into the previous records, he need not, but when the elected Chief Minister advised the Governor to commute the death sentence of an individual, it was a constitutional prevarication, he could not do it, and he could make an issue of it before Parliament and the country. That is the way the Governor has administered the jail administration.

285 (Ai) L.S.D.—6.

Mr. Chairman: I take it the hon Member is now speaking on Demand No. 14. That is about jails. I have been listening to him. He can refer to page 7. It refers to various items, contingencies, expenditure and all that. I did not want to stop him in the beginning, but what he is now stating is not strictly relevant. He can question the expenditure and the various items in the Supplementary Grants. He may confine himself to Demand No. 14. I think he has said enough.

Shri Narayanankutty Menon: The execution of the sentence of death is the responsibility of the I.G. of Prisons to whom the grant is to be made, and specifically it is mentioned there that this money is required for the upkeep of the prisoners who have been released during the agitation period. The additional grant was required because special jails had to be put up to keep the prisoners who had been arrested during the period previous to the Proclamation. So, I am saying that if the Governor thought that the prisoners were to be released immediately after the agitation was over, certainly this money should not be granted at all, because there is no point in arresting and putting them in jail if they are to be delivered *en masse* on a particular day. There is no point in spending this money. Why were they arrested? You could have granted a blanket immunity, a moratorium on the crimes they have committed.

Shri V. Eacharan (Palghat): It was the Communists who spent this money at that time to maintain law and order.

Shri Narayanankutty Menon: Then there is nothing to prevent Parliament discussing it. If discussion cannot take place as to how the money was spent, why it was spent . . .

Shri Achar (Mangalore): I would like to raise a point of order. Practically he is attacking the Governor. Otherwise, I would not have raised

[Shri Achar]

this question. He said the Vice-President of the District Congress Committee went and saw the Governor and got things done. Certainly it is making an allegation against the Governor.

Shri Narayanankutty Menon: It was agreed at the press conference, it is not a secret.

Shri Achar: I would submit that under the Constitution, the Governor and President are not liable to be criticised like that. It is practically attributing motives to say that because a particular gentleman drafted a representation and saw the Governor, the thing was done. It is as good as alleging or almost attributing a motive to the Governor. I would submit it will not be in order, and I would also submit it ought to be expunged.

Mr. Chairman: We are really on Demand No. 14 and in regard to that jail delivery is far fetched. We are now concerned with jail administration and the various items mentioned therein.

Shri Narayanankutty Menon: You please see the foot-note. It is specifically mentioned that this money is meant for special jails for the very same prisoners about whom I am speaking.

Mr. Chairman: He is not suggesting that there is only one man in the special jail?

Shri Narayanankutty Menon: I was speaking not about this death sentence, but about the release of prisoners.

Mr. Chairman: Certainly I would rule this out if he is going to discuss the Governor as such. Any person, even the Governor, no doubt, can be referred to, but the Governor is not here to defend himself. We are to

protect him to the extent possible. Really I cannot see the relevance, as far as Demand No. 14 is concerned of the action of the Governor in staying the execution of a death sentence. It may come under the administration of justice, but certainly it will not come under jails.

Shri Narayanankutty Menon: Immediately the mercy petition is rejected by the President, it is the sole responsibility of the Inspector-General of Prisons, because it is not under the administration of justice, but it is under prisons that the execution is to take place.

Mr. Chairman: Order, order. It is not a prison order. He is not confirming or reversing an order of a jailor.

Shri Narayanankutty Menon: I agree. The only point was regarding the jail delivery, the atrocious way in which the jail deliveries were effected of all the six thousand prisoners and the committing of a particular act which is unconstitutional according to the newspapers, in respect of which it was admitted by the Adviser that the Governor did a wrongful act. I was not mentioning about the Governor in person. My hon. friend Shri Achar's objection is quite valid if the Governor has been acting as the Head of the State. Today, he is in charge of the administration as an agent of the President, and any act done by the President today is an executive act, not the act of the Head of the State. We are discussing here in these supplementary Demands the executive administration of that particular State. Therefore, any reference to the Governor in this discussion will not mean a reference to the Governor as the Head of the State, but to the administration of the State of Kerala where the Governor is acting in his capacity as the agent of the President.

I now come to Demand No. XV regarding the Malabar Special Police. This money is required for recruitment of additional Malabar Special Police, which was decided upon by the previous Ministry. In 1946, long before the Congress came into power here, a contingent of the Malabar Special Police went on strike. The president of the Malabar Special Police Association, at that time, happened to be the ex-President of the KPCC, Shri Damodara Menon. It is there also on record; it is there in the parliamentary records here. There was some discontent, and there was some sort of strike, pay strike or hunger strike or something of that kind on one day. Then, the Madras Government intervened, and Shri Damodara Menon advised these people to withdraw the strike, and the strike was withdrawn.

Shri Kuttikrishnan Nair (Kozhikode): That is wrong.

Shri Narayanankutty Menon: It is there in the parliamentary records; it has been stated in answer to the allegations made by Dr. K. B. Menon. The entire records have been given to the Speaker, and they form part and parcel of the records of Parliament; it has been stated there that a representation was made by Shri K. A. Damodara Menon at that time that their case should be leniently considered. About twelve years had passed since then. The Kerala Government passed an order that merely because all those people had been sent away because of that particular incident, there was no serious ground why they should not be re-recruited. Therefore, the Kerala Government passed an order that those people who had been sent away without any facility should be given preference in the matter of recruitment to the Malabar Special Police. Immediately that Government was dismissed, the policy was changed. And a decision was taken to recruit fresh individuals.

My first objection is not regarding the merits of the issue, but regarding the question whether a policy decision taken by a Government should be changed in this manner. From the foot-note to the Supplementary Demand, we find that from Andhra Pradesh, about 237 people are willing to come, and the Andhra Pradesh Government are prepared to give them. Therefore, where is the urgency to reverse a policy decision that had been taken by Government, during this interim period? Why should Government not wait till the new legislature comes into existence, and a new government comes into power, and leave it to them to reverse the policy decision?

Sir, I am going to the fundamental question. It was stated by the Prime Minister the other day that the Central Government would not take any policy decisions in this regard. My only submission is that there is no urgency to reverse that order. The Andhra Pradesh contingent is coming, and the Malayalee personnel are there, and Government could very well be satisfied with that. If they want to recruit now, let them implement the previous Government's order. I submit that a reversal of the policy decision that was taken by the Government by the Governor's administration now is an interference with the rights of the State; and the Governor should not have done that.

My next point is regarding a particular item that relates to the construction of the national highway.

Mr. Chairman: I suppose the hon. Member is referring to the Alwaye Bridge?

Shri Narayanankutty Menon: Yes. There is a lot of complaint about it. Now, a supplementary Demand is being asked for additional staff. I quite agree that recruitment of additional staff may be an ameliorating factor in finishing the work earlier. But what is the chronic problem, as far

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as the Kerala State is concerned? The national highway is complete anywhere, but minus the bridges; everywhere, you find so many bridges construction has started on these bridges, but the bridges have got only two legs to stand upon, but no head.

Shri Kuttikrishnan Nair: Because of the Communist rule.

Shri Narayanankutty Menon: I shall answer my hon. friend who says 'because of the Communist rule'.

Because of the Communist rule, the construction of the national highway was completed. For three years, the Central Government had not taken any steps to give the required iron and cement quota to the State. The Adviser said in a press conference that even though the President's rule had come, yet it was impossible for them to get the iron and cement quota for bridges.

Shri Kuttikrishnan Nair: It was sold in the blackmarket.

Shri Narayanankutty Menon: My hon. friend says that it was sold in the blackmarket. But the big ceilings of the bridges were never brought to the Kerala State, though the quota had been given by the Central Government two years back.

The Adviser told me personally and also said in the press conference that a competition was going on between the agents of the States both at Jamshedpur and at Calcutta, where the Chief Secretaries and Additional Secretaries wait in a queue to get the quota implemented, because whichever State has got more influence in Jamshedpur and Calcutta gets the quota first, irrespective of the fact whether the project has started or not.

Shri Kuttikrishnan Nair: Because the communists built their houses with these things.

Shri Narayanankutty Menon: Communists have built their houses with the very big iron bars which are required for the Alwaye bridge!

If my hon. friend is really interested in accusing the communists, let him do so, because he can make any wild allegation, but let him feel that he belongs to the State of Kerala. It is a disgrace to the State of Kerala that for three years, the bridge has not been constructed. The communist party came into power about two and a half years ago. But the construction of this bridge had started in 1955. Does it mean that the Congressmen built all this with the preliminary iron quota that was given? It is not a question of Congressmen corrupting them; it is not a question of Communists corrupting them. It is the Central Government which is neglecting the works there, and I hope that at least now, under the presidential administration, where there is a merger of the powers of the State and those of the Central Government, the Central Government will be pleased, at least in the interests of the election.....

Shri Achar: Only one hour has been allotted for the whole discussion on all the Demands.

Shri Maniyangadan (Kottayam): Some of us on this side also must be given a chance.

Shri Narayanankutty Menon: I shall finish in two or three minutes.

Mr. Chairman: It so happens that the hon. Member has moved four or five cut motions.

Shri Narayanankutty Menon: I am surprised that Shri Achar should raise this kind of objection. Really, one hour was not enough; I did not make any submission, because there was no representative of ours on the Business Advisory Committee; I thought I could make this submission before the Speaker. Even with this, we shall, however, remain satisfied.

Shri Achar: I have no objection if the time is extended.

Shri Narayanankutty Menon: I am surprised that Shri Achar who always complains that the time allotted for each and every discussion is not sufficient, should find fault with me.

Shri Achar: I say that the time may be extended, but it is not that only hon. Members on the other side should be accommodated; in that case, there will be no time left for the others.

Shri Narayanankutty Menon: The whole question boils down to this. The construction of this national highway was going on even before the Communist Government came into power; I am not saying that it was only during the tenure of the Communist Government that this was going on, or it was because of the Communist Government that it was going on.

Shri Kuttikrishnan Nair: It took longer during that period.

Shri Narayanankutty Menon: But this construction work started long before that. The chronic problem there at that time was that there was nobody to look after that. The chronic problem was that when the Second Five Year Plan was formulated, there was nobody to look after the interests of the Kerala State, because, for God's sake, provincial autonomy was a nightmare to the Kerala Government, since the President's rule was there at that time. Now, again, when the Third Five Year Plan is going to be formulated, the people of Kerala are not going to be consulted, because, the President's rule is there once again. Therefore, the difficulty has been there from the very beginning. I am only submitting that whatever happened has happened. Now, when there is a merger of the functions of the Central Government and those of the Kerala Government, let the Central Government see to it that some more quota of iron is given,

especially, for the completion of the Always bridge, for which purpose Government now want to recruit more men. I am only submitting that recruitment of more men will not satisfy the needs of the Kerala bridges, because the Kerala bridges are not going to be made by human beings, but with iron bars, which have got to be obtained from Jamshedpur and Calcutta. The Central Government must see that the necessary iron should come from Jamshedpur and Calcutta. Shri P. V. R. Rao, the Adviser, said in a press conference....

Mr. Chairman: The hon. Member has referred to that already.

Shri Narayanankutty Menon: He had happened to be the Chief Secretary of the Mysore Government before, and he openly explained his difficulties, because he had been going to Jamshedpur and Calcutta and standing in the queue on behalf of the Mysore Government; now, the very same gentleman will have to go and stand in a queue on behalf of the Kerala Government. Therefore, this conflict and competition are there. I hope the Home Minister and the Finance Minister will see that this money is spent, and people are recruited, and at the same time, the materials required for the completion of the bridge are also given, so that the bridges might be completed in time.

Now, I come to the Demand relating to transport. In regard to transport also, very serious changes have been introduced. The first change is this. The bonus that was paid to the transport workers this time was less than what was paid to them last time. Is that progress from year to year that less bonus should be paid to the transport workers every year? There is no reasonable explanation given by the Governor's administration as to why less bonus was paid to the transport workers.

Secondly, the transport board was constituted in a particular way by the

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Kerala Government. Again, we find a reversal of the policy decision. Immediately, the Governor took charge of the administration, he almost changed the organisational structure of the board. He sent back the transport commissioner and instead had a transport director; and he changed the secretary also. All are agreed on that. But there was a workers' nominee on the board. Of course, all are agreed that the Governor should order election of the workers' representative. We welcome that. But the Governor changed the number of workers' representatives from one to two. We agree to that, because we want that more and more representatives of the workers should come in. But the Governor did a very subtle thing. He said that though the workers' representatives would be two in number, yet, they would have only one vote. That basically means that if there is a union there with ten members, and there is another union with 2,900 members, then the union with ten members would also get a representative on the transport board. We agree on the principle of workers' representation, fundamentally, because all over India, we have been demanding this type of thing, that is, proportional representation, but consistently the Government of India have taken the stand that the majority union should get the representation and not the minority union. But in the case of this particular affair, I do not know how the Central Government's policy or the President's policy has been to reverse the previous policy; I do not know how they took this decision.

14 hrs.

I submit that all the points that I have mentioned should be taken into consideration. I earnestly make an appeal to the Government: in cases where irreparable damage will not be committed, the Central Government should not reverse the policy, because elections are only two months away. They should respect the Constitution, they should respect the wishes of the

people of Kerala; they should confine themselves only to administrative expedients and conduct the elections. If that is done, there will be no room for complaint.

Shri Maniyangadan: I generally cannot agree with the last statement of my hon. friend who preceded me that during the President's regime, the policies should not be changed. My submission is that there were policies which were declared by the people of Kerala to be fundamentally opposed to their interests, fundamentally opposed to the principles of the Constitution and to democracy. They have necessarily to be changed in the interest of the people; in the interest of the country and in the interest of democracy.

My hon. friend was speaking about jail releases. It comes with ill grace from a representative of the Communist Party to complain against the release of certain prisoners who were convicted for picketing government offices in the agitation against the Government—for the removal of the Government of the State. They were convicted for five days, ten days and so on. On the day the President's Proclamation was issued, automatically these prisoners should have been released. My hon. friend made a statement that all of them were released in a day. That is not a fact. Even these cases were separately gone into by the Government and the prisoners were released, I think, within 10 or 15 days.

Mr. Chairman: I do not think the hon. Member need labour that point. I have ruled that out already. He might go to the next point.

Shri Maniyangadan: I think you ruled out statements regarding stay of the death sentence.

Mr. Chairman: I ruled out references to the commutation of death sentences.

Shri Maniyangadan: I was only referring to jail releases. With regard to the commutation of the death sentence, I do not know the facts. I can only say that there is no Vice-President of the Quilon District Congress Committee. My hon. friend was saying that some Vice-President of some Congress Committee had made some representation. But there is no such Vice-President of the Committee. Of course, my hon. friends opposite are prepared to make any statement. I may remind the House of his statement regarding setting fire to a temple which he made in the last session. No such temple in Kerala was set on fire. They can make any statement. What can we do about it?

Shri Narayanankutty Menon: If my hon. friend wants a discussion on that, I am prepared to prove it.

Shri Maniyangadan: As regards jail release, even now there are hundreds of persons in jail in Kerala convicted for various offences during the struggle. My submission is that there is a general demand that they should be released. Certain cases were charged against people immediately after firings in certain areas just to avoid an inquiry into the firing on the ground of the matter being *sub judice*. False charges had been filed against persons in many cases. My submission is that these cases have to be withdrawn. There are several cases against students. What the Government have done during the President's regime was to look into almost all the cases. Some cases in which there was no violence involved have been withdrawn. Still there are cases pending before courts where no violence is involved. For example, there are cases pending under Section 107 of the Criminal Procedure Code. Why should these cases be kept pending?

In this connection, I may refer to the policy of the Government of my hon. friend's Party. In answer to an interpellation in the Assembly on the

subject of release of political prisoners, the Law Minister said:

"In a rough and popular way, it would not be difficult to define political offences. For instance, if a man were killed in a riot, or in the attempt to excite a tumult or popular insurrection, that probably would be regarded as a political offence. Any offence committed in the course of a political commotion is an offence of a political character, and even this definition was rejected as too narrow by courts which have always construed these words according to the circumstances existing at the time when they have to be considered. Even the English courts have given a wider and more generous meaning to the phrase 'political prisoner' than was formerly given. Any person who had committed an offence incidental to and forming part of political disturbances was a political offender, according to weighty authority. On the basis of the aforesaid principles, cases were examined and releases ordered, not rigidly nor relaxing unduly."

That was the principle adopted by the former Communist Government. That principle is not accepted by the Government. Whatever happened as a result of tumult, whether there was violence or commotion or anything of the sort, anybody who was involved in a case, any person against whom cases were pending or any persons who were convicted, are not released without any consideration for justice. On the other hand, cases where violence was not involved are alone withdrawn. Persons convicted in cases where the charge-sheet did not contain reference to even an iota of violence alone were released. My submission is that this is not the policy adopted by the former Government. Here there is a change of policy, and a change of policy for the better.

[Shri Maniyangadan]

My submission is that there are still cases pending. They should be withdrawn. I would also submit that an inquiry should be conducted into the frings.

Shri V. P. Nayar: Under what head is the hon. Member making that submission?

Shri Maniyangadan: Police.

Shri V. P. Nayar (Quilon): On a point of order. This only refers to the Malabar Special Police.

Mr. Chairman: He is finishing his point and going to the next one.

Shri Maniyangadan: I only want that the rest of the cases should be withdrawn, cases relating to that period in which there was no act of violence involved. I do not want cases involving violence to be withdrawn; I do not want that persons convicted in such cases should be released.

Shri Narayanankutty Menon: Does he want an inquiry into the frings?

Mr. Chairman: Order, order. Let him continue.

Shri Narayanankutty Menon: He is saying something which is not in order.

Mr. Chairman: He can ignore that. We are here only concerned with the Supplementary Demands for Grants.

Shri Maniyangadan: My hon. friend has raised a question about the M.S.P. I am surprised to know that the Communist Party has fallen in love with the M.S.P. now. When they came into power, they had occasion to take into the M.S.P. some persons who were discharged as early as 1946 for serious offences. Of course, some of them were actively working for the Communist Party in Malabar. When the occasion arose, they had been taken into the police fold. They have fallen

in love with the M.S.P., about which their leader, Shri A. K. Gopalan, said some years back in this House—

'If at all, at any time, we come into power, we will dig a big pit and bury it deep.'

Shri Narayanankutty Menon: No, no. They will change their attitude.

Shri Maniyangadan: Shri A. K. Gopalan said this during the course of the discussion on the amendment to the Preventive Detention Act.

Shri V. P. Nayar: Let him read it; we cannot trust his memory.

Shri Maniyangadan: Now they have changed their attitude. The reason is that they have had occasion to see that some of their party workers were taken back into the police fold.

I may submit in this connection that 646 people were discharged or dismissed—a few resigned—from the M.S.P. in 1946. It was as a result of the police strike there. Now in March 1958, after several months after coming into power, the Communist Government there passed an order for reinstating these people. The order was passed in March 1958. I am informed that the police authorities in Kerala very seriously objected to this. On account of their objection, that order of March 1958 could not be implemented up to June 1959, by the Ministry. Why was it so? My submission is that the authorities objected to it on various grounds. If those people who were dismissed from service on account of strike were taken back the morale of the police force would be lost and there would be no discipline in the police force. On that ground the authorities objected and the Government could not implement their own order. Of course, the President's rule came in later. All these factors have to be taken into consideration. They can correct it if not implement the order passed by the

previous Ministry. Otherwise, it will lead to a lot of demoralisation.

I do not want to go into details regarding the M.S.P. and the atrocities they have committed. Now, there is a change; I do not know whether it is a welcome change or not. They may change again.

As regards other matters referred to I do not want to take up the time of the House.

Shri Narayanankutty Menon: Falling in love is a welcome change.

Mr. Chairman: The hon. Minister.

Shri V. P. Nayar: Sir, all of us want to speak; one hour has been allotted.

Mr. Chairman: We started at 1.33. We have got about 17 or 18 minutes. I think you will yourself have the advantage of the Government reply.

Shri V. P. Nayar: Let the Government reply after all of us have spoken.

Mr. Chairman: Order, order. Shri Kumaran, I think, has given notice of some cut motions.

Shri M. K. Kumaran: Yes, Sir, Nos. 8 and 8 on Demands Nos. XV and XXXV.

Shri V. P. Nayar: The time may please be extended by half an hour.

Shri Narayanankutty Menon: May I submit.....

Mr. Chairman: Order, order. Shri Kumaran.

Shri M. K. Kumaran: On Demand No. XV I will confine my remarks to only one point, namely, the great misuse of the S.A. Police force for terrorising the people and suppressing the right of political activities of people in certain parts of Kerala.

The Special Armed Police Force is intended to deal with law and order

problems. But, in certain parts, especially in my constituency, in Kottarakkara taluk, it is used by the local police authorities for terrorising people and also to make it impossible for the communist party to carry on its political activities.

In an area called Kadakkal in the Kottarakkara taluk I found an atmosphere of terror created by the local police with the support of the S.A.P., the local sub-inspector and the circle inspector are using them for carrying terror into the hearts of the people there. I heard so many stories of the atrocities committed by the police and I saw some of the victims of their brutal attacks and torture. The communist workers and sympathisers are implicated in false cases. They are rounded up and beaten in the lock-ups. The local police officers go to the villages at night with the Special Armed Police force and arrest people indiscriminately. This has become almost a daily occurrence in this area.

Mr. Chairman: What are you quoting? I do not catch the reference.

Shri V. P. Nayar: He is only referring to his notes.

Shri M. K. Kumaran: I may be permitted to point out another instance to show how the police authorities are dealing with the communists there. One Bhaskaran and two of his friends were attacked by an armed gang of rowdies with deadly weapons at a place called Mylam near Kottarakkara town. The Police went there and Bhaskaran who had received not less than half a dozen serious injuries on his head, instead of being taken to the hospital, was taken into custody, taken to the police lock-up and very severely man-handled by the police sub-inspector himself. When I saw him the next day in the hospital at Kottarakkara he told me about his torture in the lock-up climaxing in a ceremonial removal of his moustache by the sub-inspector.

Mr. Chairman: Is there any case?

Shri M. K. Kumaran: Yes; I would have congratulated the Police officer for his enthusiasm for social service if he had done it in the usual and civilised way instead of in this brutal manner. It is in support of such monsters and sadists that Special Armed Police is placed in the Kottarakkara taluk.

I would request the Government to see that such things do not happen and that such police officers are pulled up. I discussed the matter with the I.G. of Police and he wanted me to give in writing the complaint. I have done so; but, so far, he has done nothing and things are going on like that.

Mr. Chairman: There is a cut motion with regard to Health, I think.

Shri M. K. Kumaran: Yes; I would like to say a few words about that. It is gratifying to note that Government consider this to be an urgent work. The estimated cost of the scheme is Rs. 2,27,200; but this Supplementary Demand covers only half of that. It is only Rs. 1,50,000. It is said to be the sum required for the current financial year. This means that the urgent water supply scheme will not be completed during this financial year. As far as I know there is no reason why it should be postponed to the next year. It should be taken up fully this year and completed because it is a very urgent matter. This may be completed this financial year itself allotting more funds.

Mr. Chairman: Shri Kuttikrishnan Nair. I request the hon. Member to be very brief.

Shri Kuttikrishnan Nair: Sir, I will take only four minutes.

Mr. Chairman: comment was made by my hon. friend regarding the Supplementary Demands. It is a legacy inherited by Government from the communist party. Large amounts were spent by them and, as a consequence of that, this has to be brought here.

He has referred to the prisoners. I thought he would at least discriminate between those whom the communists released, those who committed rape, murder and loot, and those who had gone to jail for the sake of preserving democracy, for the sake of the liquidation of the communist method of liquidating the other parties.

Regarding the M.S.P. the principle was accepted to increase the number. In the recruitment some of those communists who were previously dismissed in 1948 or 47 were recruited. They have not been dismissed; they are still there and they are doing havoc. Unfortunately, they are committing havoc on the communist followers at Kottarakkara.

This M.S.P. belongs to Malabar and they have all been transferred by the communists to Travancore on account of the difference between the Travancoreans and Malabaris which is being used to crush the opponents of their Government. Of course, violence begets violence and this is the result of the legacy inherited from the communist party rule. Shri Menon was saying that there were bridges without heads. That is our legacy from the 2½ years' communist rule. It is that which has produced these pillars without head. That is only in the Malabar district. In Travancore, all the bridges are well-preserved and well-constructed. Unfortunately, people living in the northern part of Kerala have been ignored and there you will find the only bridges without heads, which he portrays.

About transport also, you may remember that a Bill was introduced—Labour Relations Bill—by the Communist Party. All the rights of the workers were sacrificed and Government was given discretion. The Labour Conciliation Officer was to decide which party was to be represented as representing the union which had a majority in the factory. In pursuance of that, they wanted to liquidate the others in transport. There are two big wings. One of course is under the

communist control and the other under the control of some other political party. Whenever they want—the Communist Party wants—to allege something, they say, they damn and they call everybody as a Congressman. Shri Narayanankutty Menon said that one Congress Vice-President was interfering and he advised the Governor and all that. Most probably, he may not know the Constitution of the Congress organisation; he may know only the Constitution of the Communist Party. That is the reason why he made that statement. He is not a Congressman. The convict is not a Congressman nor the person who appeared for him. He was a lawyer and in his lawyer's capacity he appeared for him.

Shri V. P. Nayar: What is his name?

Shri Kuttikrishnan Nair: If he approaches me outside, I will tell him because I do not want to waste the time of the House.

Shri V. P. Nayar: Is he not Mr. Nainar? I put it to you. You can deny. Is he not a member of the K.P.C.C. executive?

Shri Maniyangadan: There is no such Nainar in the K.P.C.C. executive. My friends are prepared to say anything. What can we do? Sometime, they say it was the Vice-President. Now, they say he is a member of the K.P.C.C. executive.... (Interruptions.) I know that.

Shri Kuttikrishnan Nair: Whatever it is, I strongly deny that he is a Congressman. Such things are made use of by the Communist Party to discredit the Congressman. We have some difficulty. They can say anything. We believe in truth. They are taking advantage of the fact that we cannot utter falsehood like them to suit each occasion. We can only deny such allegations which are not based on truth. I have nothing more to add, Sir, except to say that it is only for propaganda purposes that they are

blaming the Congressmen and the Governor in this matter.

Shri Datar: Mr. Chairman.....

Shri V. P. Nayar: We will not get any opportunity?

Mr. Chairman: I heard two speakers on this side and two on the other side. We have passed the hour. I stretched it by 10—12 minutes.

Shri Narayanankutty Menon: When the Business Advisory Committee Report came, I pointed out that one hour was inadequate and the time might be extended.

Shri V. P. Nayar: After all, only two or three Members want to speak. We will not take more than five minutes. It is a very important matter. Supplementary Grants are asked for for something which has happened and you should not confine it to two speakers. After all, you have the discretion to extend the time by half an hour. But we want only five minutes.

Mr. Chairman: I gave Shri Narayanankutty Menon nearly 22 minutes because he had so many amendments in his name. Shri Kumaran also spoke. I do not want to appear to stifle at all. On the other hand, these two speakers from this side did not take more than ten minutes.

Shri V. P. Nayar: I will not take more than five minutes. There will be no other opportunity.

Mr. Chairman: I will give him an opportunity.

Shri V. P. Nayar: After the Minister has spoken?

Mr. Chairman: That does not arise at all.... (Interruptions.) I am sorry I have called Shri Datar.

Shri Datar: Mr. Chairman, a number of hon. Members opposite have raised

[Shri Datar]

some points which are not relevant and do not come within the purview of the Supplementary Demands.

Shri V. P. Nayar: I object to that statement. It is an aspersion on us and on the Chair that you did not point out the irrelevancy.... (Inter-rup.tions.)

Shri Datar: My friend is needlessly impatient. All the same, I should like to reply to as many of them as possible. I do not want to withhold any information. I shall take up item No. 14, which deals with jails. So far as these jails are concerned, we have asked for moneys in respect of certain new jails opened by the former Government. This may kindly be noted. You are aware of the agitation that went on for sometime before the President took over the administration. Then the Communist Ministry found it difficult to lodge all these prisoners, as the jails were over-crowded. The Collectors were authorised by the Government to open temporary jails which were as many as 55 in number and an expenditure of Rs. 5 lakhs had to be incurred on them. Even after the Communist Government ceased to be in power, this expenditure had been incurred and that is the most important point so far as the jail administration is concerned. We have to come here as the expenditure had already been incurred.

About the national highways, my friend contended that the progress was slow. It was slow during their period of administration. The exact position is this. The total provision according to the communication received from the Government of India was Rs. 242.34 lakhs and the principal road naturally was the West Coast Road for which Rs. 227.15 lakhs were reserved. Out of this provision is made in the current budget for Rs. 29 lakhs for original works relating to the highways. Provision for the West Coast Road original works during the current year is Rs. 30.35 lakhs. I would not read the whole thing but I would only point out that

during the former Ministry's period, that Government did not approach the Government of India because the work was slow and they had certain difficulties. I have no desire to comment on it. It was considered not appropriate by my hon. friend's Party Government to approach the Government of India with a request for the formation of a separate division till the performance of the territorial division in respect of the works relating to the national highways and the West Coast Road along with the other works was watched for a sufficiently long time. This 'watching for a sufficiently long time' the responsible not only for the delay but also for their omission to approach the Government of India in time. The creation of new divisions was taken in hand and now two more divisions have been sanctioned. A decision was taken by the present Administration in September 1959. That is so far as the roads are concerned.

Now, a number of persons had been arrested. Some of them had been arrested for petty cases and I shall give the figures which will show that the present Administration had not taken any particular steps on any particular ground. What has been done is perfectly in the normal course of events. Government have ordered the withdrawal of 2628 cases charged in connection with the recent anti-Government agitation involving 5957 persons. Of the 2628 cases, 2407 cases involving 3218 persons were petty cases. Of the remaining 221 crime cases involving 2739 persons, 97 cases involved picketting of public offices, transport offices and schools without any damage or violence. 85 cases have been charged for trespassing schools and public offences combined with picketting. These cases also involve no violence. The remaining 39 cases withdrawn were charged on leaders of political parties and newspapers for statements made or published by them. It will thus be seen that no case involving

damage to property or violence has been withdrawn. About 874 such cases involving 21858 persons are still pending, as on 19th November, 1966. Thus you will find that there is no substance in the allegation that was made here.

So far as the Malabar Police is concerned I may give a few facts. I may point out what the former Communist Government did or did not do in this respect. In 1946, when Malabar was under the undivided Madras Government there was an extensive strike by the Malabar Special Police and 646 persons either resigned or were discharged or dismissed. No action was taken for a number of years. Eleven years later, in 1957, a representation was made on behalf of them for reinstatement. In March 1958, the Communist Government passed orders that 50 per cent of the future vacancies in Armed Reserves Units including Malabar Special Police should be reserved for recruitment of such of them out of these 648 persons who were under 48 years of age. This was the order passed by the then Government. Other persons were to be absorbed as peons. Though the previous Ministry was in office for over 15 months after this order was passed, this order was not given any effect to. During the 15 months after this order was passed not a single person was, in fact, re-employed in pursuance of the order. I should not like to point out certain matters of a confidential nature, but I may here point out, generally, that even the then Government, though they had taken a decision that reinstatement should be offered, found it difficult because if those who had been discharged or dismissed were to be reinstated, you will kindly see what the effect would have been, what amount of demoralisation this step would have brought about on the police as a whole. I would not like to point out further circumstances but I would make it very clear that the Communist Government which was in power did not take any step for 15 months and not a single man

was employed or offered employment.

14.24 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

Shri Narayanankutty Menon: Sir, it is unfair to say like that. In the order it was mentioned that they should be absorbed as and when vacancies arose.

Shri Datar: Opportunities were there.

Shri Narayanankutty Menon: No.

Shri Datar: Opportunities were there but they were not availed of. The reason is quite clear. I sympathise with the then Communist Ministry because though they had taken an earlier decision in this respect it was very difficult to carry it out and that was the reason why they could not give effect to the order, they could not appoint even a single person which they surely could have done. In view of this fact, after the President took over, the President had to take a decision and that decision was in conformity with the non-implementation of the Government's order passed 15 months ago. If dismissed persons were to be taken as a matter of course in Government service different questions would have arisen and a lot of demoralisation would have been there. That was the reason why what the Government did was in accordance with the policy of non-implementation of this order passed by the Government 15 months ago. It is not necessary, Sir, to deal with this matter any further.

The last point is in connection with the mercy petition. So far as reference to the mercy petition is concerned, I do maintain that it has nothing to do with jails. So far as this particular person under the sentence of death is concerned all that was done, under the circumstances which I shall presently point out, has nothing to do with the administration of jails. What had happened was this. I would not

[Shri Datar]

give further reference to the facts of this case. There was a charge of murder against a person and that man was sentenced to death by the Sessions Judge. The death sentence was confirmed by the High Court. On an earlier occasion the Governor rejected the mercy petition. The President also rejected the petition for mercy. After all this had happened some leading persons, not necessarily of a particular community, some leading persons representing Hindus, Muslims and Christians belonging to the locality where the murder had taken place, led by one advocate submitted a petition to the Government.

Shri Narayanankutty Menon: What is the name of that advocate?

Shri Datar: Shri Nagappan Nair (*Interruption*). It is entirely wrong to suspect that he represented a particular community. It was a representation by many communities, not confined to a particular community. The insinuation or the implication was that the member (*Interruption*).

Mr. Deputy-Speaker: Order, order. The hon. Minister has to give the information that he has in his possession.

Shri V. P. Nayar: He was a Congress candidate from Trivandrum No. 2 Constituency.

Shri Datar: The implication was that the representation had come from the community to which the person under sentence of death belonged. I may point out that the deputation consisted of all the major communities of that locality. Therefore, the Governor—as you are aware, some time had passed and the Governor was not aware that he had rejected a mercy petition—stayed execution for the time being. All that he did was only to stay execution for the time being. In that particular mercy petition which was presented nothing had been stated about the decision already taken by either the

Kerala Governor or the President of the Indian Union. Under those circumstances, all that the Governor did was only to stay the execution for a few days. Immediately after the stay order was passed he called for further information and found that there was no ground at all, the representation had not mentioned that the President and the Governor had both rejected a mercy petition. Therefore, the Governor immediately took action and he vacated the stay order within just a few days. On 24th November, 1959 the stay order has been completely vacated and now the law will have its own course so far as that matter is concerned.

Under those circumstances, Sir, I fail to understand why the Governor's name should be brought in this respect and why he should be charged with having done some acts which are, according to them, either partial or biased. It is entirely wrong to say that. What he did was perfectly in the usual course and, therefore, nothing that he did could be called in question, because immediately, within just a few days, he has vacated the stay order.

Shri Narayanankutty Menon: Do you maintain that the Governor acted within the law?

Shri Datar: The Governor only stayed the execution, there is no dispute about that at all. He did not know that an earlier petition had been rejected when, rightly or perhaps wrongly, that particular representation did not mention this fact. Naturally, when so many people, a representative deputation had gone to him he issued an interim order. It was not a final order, and the execution order stands. I do not see, therefore, how the Governor has acted wrongly, how he has violated any order either of the President or somebody else. I would, therefore, submit that he acted perfectly and in the regular manner.

Lastly, Sir, in respect of all these cut motions, I would only submit that there is absolutely no substance in them.

Mr. Deputy-Speaker: Am I required to put any cut motion separately?

Some Hon. Members: No, Sir.

Mr. Deputy Speaker: I shall put all the cut motions together except No. 9 which is out of order.

All the cut motions were put and negatived.

Mr. Deputy-Speaker: The question is:

"That the respective supplementary sums not exceeding the amounts shown in the third column of the Order Paper be granted to the President out of the Consolidated Fund of the State of Kerala to defray the charges which will come in course of payment during the year ending the 31st day of March, 1960 in respect of the following Demands entered in the second column thereof:

Demands Nos. II, XIV, XV, XVIII, XIX, XXVI, XXXI, XXXIV, XXXV, XXXVIII."

The motion was adopted.

Division No. 5]

emerjee, Shri S. M.
 hakravarty, Shrimati Reau
 lopalan, Shri A. K.
 Kar, Shri Prabh
 Kodiyon, Shri

Kumaran Shri M. K.
 Meters, Shri
 Menon, Shri Narayanankutty
 Mukerjee, Shri H. N.
 Nayar, Shri V. P.

Abdu' Lateef, Shri
 Achir, Shri
 Agarwal, Shri Masakbhai
 Arumugam, Shri R. S.
 Arumugham, Shri S. R.
 Bahmiki, Shri
 Banerjee, Shri P.E.
 Basappa, Shri P.L.
 Basappa, Shri

Besumsteri, Shri
 Bhakt Dasaban, Shri
 Bhargava, Pandit Thakur Das
 Bhaskar, Shri
 Bhogji Bhai, Shri
 Bist, Shri J. B. S.
 Brahaswar Prasad, Shri
 Chandak, Shri

NOES

Fanigrahi, Shri
 Parvati Krihnan, Shrimati
 Reddy, Shri Nagi
 Sardar, Shri Bholi

Chettier, Shri Ramanathan
 Choudi Lal, Shri
 Dasappa, Shri
 Datar, Shri
 Deb, Shri N. M.
 Desai, Shri Morarji
 Dube, Shri Mulchand
 FACHUR, Shri

14.40 hrs.

**KERALA STATE LEGISLATURE
 (DELEGATION OF POWERS)
 BILL—contd.**

Mr. Deputy-Speaker: Now, we take up amendment No. 10 to clause 3 of the Kerala State Legislature (Delegation of Powers) Bill. This amendment has to be voted upon now.

The question is:

Page 2,—

after line 16, add—

"Provided that the President shall get the opinion of the committee mentioned in sub-clause (2) for any such modifications, before an amending Act is enacted by the President." (10).

Hon. Members should get ready. I am calling a division by the automatic machine.

The Lok Sabha divided.

Shri Brajeswar Prasad (Gaya): I wanted to press the 'Noes' button, but by mistake I pressed the 'Ayes' button.

Mr. Deputy-Speaker: What is the hon. Member's division number?

Shri Brajeswar Prasad: 317.

Mr. Deputy-Speaker: All right. The result is as follows:

Ayes 14; Noes 101.

[14 46 hrs