

BUSINESS ADVISORY COMMITTEE**THIRTIETH REPORT**

The Minister of Parliamentary Affairs, (Shri Satya Narayan Sinha):
I beg to move:

"That this House agrees with the Thirtieth Report of the Business Advisory Committee presented to the House on the 19th September, 1958".

Mr. Speaker: The question is:

"That this House agrees with the Thirtieth Report of the Business Advisory Committee presented to the House on the 19th September, 1958".

The motion was adopted.

Shri S. M. Banerjee (Kanpur): I had mentioned about the report of the Textile Enquiry Committee. It has not come in. Daily we are getting information about the struggle going on in Madras and Kanpur. Cannot a period of two hours be given to it? By next session everything will be over.

Mr. Speaker: This matter was considered in the Business Advisory Committee. As a matter of fact, out of the No-Day-Yet-Named Motions, I wanted to allow two—one being this and the other relating to the inconvenience caused by the late-coming of trains. But it was represented to me that at the fag-end of this session, if this is taken up, full justice may not be done to it. There was unanimity of opinion in the Business Advisory Committee that it may be put off the next session when a good debate may be allowed to take place. So we have not allowed it to be brought up now.

Shri S. M. Banerjee: By that time, certain recommendations will be implemented, and the Members will not get an opportunity to discuss it before their implementation.

Mr. Speaker: There are two ways to criticise before and to criticise afterwards.

12-09 hrs.

RE. MOTION ON SITUATION IN KERALA

Mr. Speaker: On the 12th August, 1958, Dr. K. B. Menon gave notice of a motion regarding "the serious situation that has arisen as a result of the persistent violation in Kerala State of fundamental rights" and he wanted a discussion. Normally, matters of law and order are State subjects. As I felt that this is an extraordinary matter, I wanted him, *prima facie*, to substantiate the serious allegations made by him regarding the breakdown of the constitution in Kerala etc., to enable me to decide upon the admissibility of the motion for discussion here. This he did, by presenting a number of documents, consisting of copies of judgments from courts, affidavits, statements and newspaper cuttings. Later, this matter was brought up before the House on Friday last. Since then, Shri Gopalan and a few other Members of the Communist Party came and represented to me that it would not be right that I should come to any conclusion or even allow a statement to be made regarding these allegations which are one-sided, without giving an opportunity to the Kerala Government, or ascertaining the facts from the Kerala Government, regarding these allegations. This morning the hon. Home Minister showed me a telegram from the Kerala Government that so far as Dr. K. B. Menon's motion is concerned, they would like to place their own statement regarding those facts, that there were a number of cases *sub-judice* and so on. In view of this, I propose sending whatever papers and documents have been submitted to me, through the hon. Home Minister to the Kerala Government to have

[Mr. Speaker]

their version, before I decide upon further action to be taken on this matter.

Acharya Kripalani (Sitamarhi): This question was brought in the beginning of this session and the Prime Minister said that there would be a discussion. *(Interruptions).*

Mr. Speaker: Order, order. Hon. Members must allow the hon. Member to speak. He is the leader of a group. We are not coming to any conclusion now.

Acharya Kripalani: The leader of the communist party himself said that he would welcome a discussion. Then, you asked Dr. Menon to give all the relevant facts that were in his possession and those facts were supplied to you. On Friday, after consideration of all these questions, you decided that today you would allow Dr. Menon to make a statement. *(Interruption).* I do not see really how any charges made here can be refuted excepting in this House and it can be done if at all, not by the Kerala Government, but the communist representatives here briefed by the Kerala Government.

I have been seeing reports in the Press and as my hon. friend, Mr. Masani, pointed out, the Chief Minister of Kerala has indulged in defamatory statements about some Members of the House.

The argument given is this: "Yes, certain things have happened in Kerala, but they have happened also in the Congress States." It is just like an accused before the magistrate.... *(Interruptions).*

Mr. Speaker: The hon. Member will kindly resume his seat. All that he wants is that there should be a discussion here and now.

The position is that the Kerala Government must have an opportunity to present its facts. I cannot invite

the Chief Minister of Kerala and give him an opportunity to come and place his views here. That cannot be done except through this Government—viz. the Central Government. Normally, whenever any matter relating to any State Government comes up, it is through the Home Minister or the other corresponding Minister here that we deal with the State Government. In all these cases, whenever a notice for discussion comes to me, I always send those papers to the Minister concerned here. He in his turn sends them to the State Government concerned and gets their reactions. In this case also I am only following the same procedure of asking the hon. Home Minister here to send the papers to the State Government and get their reactions. If, after their reactions are received, I find that the allegations have not been rebutted, or there is a *prima facie* case in spite of those explanations, I will bring it before this House.

I cannot now allow a discussion here. We are purely in the preliminary stage.

So far as the interpretation of what I said on Friday is concerned, I do not agree that I ever said that I will today allow a statement to be made. That is my interpretation, after I read it once again.

Acharya Kripalani: It is your privilege to give a decision but....

Raja Mahendra Pratap (Mathura): It is not morally correct. They slander us and we slander them.

Acharya Kripalani: It is your privilege to give a decision. But after giving reasons on Friday, you very definitely said that Dr. Menon would be allowed to make a statement. You are a very great legal and constitutional *pandit* and if you change your decision given after a month of consideration like that, I can only say that the impression abroad will be that it is on account of the bullying tactics of the communists .. *(Interruption).*

Shri Narayankutty Menon (Mukandapuram): On a point of order, Sir,....

Mr. Speaker: I am very sorry the hon. Member is exceeding his limits. There is no question of somebody saying something. This House is a live organisation; it is not a dead one. We are reacting from time to time to what is happening. It is not my business in this House to set up a conflagration in this country. I would like, as far as possible, to avoid one.

My interpretation is different. I did not say I will allow a statement. I only wanted to call upon Dr. Menon to give me some more particulars. In the meanwhile, representations have been made to me that if any statement is made on the floor of this House, it will cause irretrievable damage even if subsequently all these allegations should prove to be false. I not only heard the representations made by the leader of the communist group, but the hon. Home Minister also showed me a telegram this morning received by him wherein the Chief Minister of the Kerala State has requested the hon. Home Minister to place that telegram before me. He has requested that he must also be allowed to state case through the hon. Home Minister here, so that I may have an opportunity to weigh both sides, before I come to a conclusion.

On the previous day, without having this telegram and representations, I might have come to the conclusion, "Yes; I find a *prima facie* case; let me hear him." But, in view of the subsequent developments, it is open to me to change my opinion. I must be alert to what is happening. Am I to ignore the representations made through the hon. Home Minister that some time may be given and the other side may be heard? Whether I am a constitutional *pandit* or not, so far as this matter is concerned, I am not breaking any law or the Constitution.

Acharya Kripalani: I want to submit one thing only. In politics, it is not

enough that people should be correct, but they should appear to the public to be correct. I only submit that your attitude in this matter and also the attitude of the Government appear to me to be to yield to the bullying of the communists.

Shri A. K. Gopalan (Kasergod): So far as this matter is concerned, when you have asked the hon. Home Minister to get the reactions of the Kerala Government, I did not want to say anything. But when Kripalaniji has said two things, I only want to point out that so far as the discussion here is concerned, Kripalaniji might not have seen the proceedings of that day. I have read the proceedings twice or thrice yesterday. (*Interruptions*). According to those proceedings, what Mr. Dange agreed to was, we have first to discuss the relation between the Centre and the States. We are ready to have that discussion; that is the basis. That is what you said. Even today we are ready to discuss the relation between the Centre and the States. We are also ready to discuss the law and order situation in all the States in India, and not only Kerala.

The motion says:

"The serious situation that has arisen as a result of the persistent violation in Kerala State of Fundamental Rights guaranteed by the Constitution and the failure of the Government of Kerala State to function in accordance with the provisions of the Constitution..."

As far as the fundamental rights are concerned, it is not the duty only of the State Governments. There is the Hight Court and there is the Supreme Court. I do not want to speak about the motion. I only want to point out to you that as far as certain things that have been stated here in this House are concerned I have got a letter from the son of Mr. Velayudhan—the same matter which has been brought here by Shri Asoka Mehta in the form of an adjournment motion. There he has stated.....

Acharya Kripalani: How is it relevant?

Shri A. K. Gopalan: Certain things have been stated here. So I, as a member of the communist party, want to contradict them. Certain things have already been stated in this House. I am not saying anything new. I am only saying: let us hear the other side. (*Interruptions*)

Mr. Speaker: That hon. Member will kindly resume his seat.

If Acharya Kripalani had not stated what he stated, there would not have been a reply from Shri Gopalan. So far as discussion is concerned, both the hon. Leader of the House and Shri Dange, at one stage said "Yes, we are ready for a discussion in this House". Each side wanted to show that they are not burking the issue, and the issue they agreed to discuss was the relationship between the Centre and the States. So far as that issue is concerned, it is a constitutional and legal issue. So I said we shall not go into the matter unless it arises out of a particular case and, unless I am satisfied that *prima facie* there is a case, I will not go into the legal aspect of it. Both of them will be discussed if I allow a discussion on the floor of the House. First of all, we have to decide whether we have jurisdiction or not. If we have jurisdiction then the question is whether the circumstances are so ripe, or the allegations are so serious, as to clothe this House with jurisdiction into this matter. Both are germane and I do not want to dispose of one independently of the other purely from an academic point of view.

Dr. K. B. Menon (Badagara): I am not raising any controversial issue. But I hope you will extend to me the courtesy that you are extending to the Government of Kerala and that you will show me the reply that comes from the Kerala Government.

Mr. Speaker: Certainly.

Shri Braj Raj Singh (Firozabad): May I suggest one thing?

Shri Tridib Kumar Chaudhuri (Berhampore): On a point of information.

Mr. Speaker: Let the hon. Member on his legs first finish.

Dr. K. B. Menon: I have a reason for making that demand, because the Kerala Government, after Shri Asoka Mehta has made a charge in his adjournment motion made the son of the person concerned.....

Mr. Speaker: We shall not go into that matter now. We shall go into it after replies to the papers supplied by him are received from the Kerala Government.

Dr. K. B. Menon: You will also permit me to go through them, I hope.

Shri A. K. Gopalan: It may be laid on the Table of the House so that all members can go through them.

Shri Tridib Kumar Chaudhuri: On a point of information.

Mr. Speaker: Shri Chaudhuri is unnecessarily creating disturbance.

Dr. K. B. Menon: For information please. Will you also permit me to submit more cases as and when they happen, as they have happened? (*Interruptions*) Will you permit me to say something.....

Mr. Speaker: The hon. Member must bear in mind that as he goes on submitting cases, I will go on referring them. Now the Home Minister.

Acharya Kripalani: Before the Home Minister says anything, I suppose the Central Government in the Home Ministry have information about the incidents that have taken place there. I would like to know whether the material we have supplied and the material that the Home Ministry have coincide with each other.

Shri H. N. Mukerjee (Calcutta Central): May I make a submission before the Home Minister makes his statement?

The Minister of Home Affairs (Pandit G. B. Pant): I am not making a long statement. I am sorry that there should have been so much of excitement over this matter.

Shri A. K. Gopalan: If the decision had not been taken, there would not have been anything.

Pandit G. B. Pant: I am not here to say anything which will hurt Kripalaniji or which will in any way reflect on what the Speaker may have said or is saying. That would not be my appropriate function. I respect both and would like to be guided by both jointly if they agree. But if they disagree, I will have to make up my own mind. I would very much prefer that they agree and I have the benefit of their joint advice.

Acharya Kripalani: He was present on that day, Friday?

Pandit G. B. Pant: Yes, I was here. What I was submitting is this. I do not see why we should be excited over this matter at this stage. Shri Gopalan made certain statements and indicated in a way that every law and order matter can be brought within the purview of this House; that would not be correct. We have got different lists containing the subjects with which the Centre and the States have to deal, first and second respectively, and the third contains the list of Concurrent subjects. Normally, we do not interfere with anything that comes within the State list. As to when and where circumstances require any action which may in a way be justified in the light of Articles 255 and 256 of the Constitution, it is for the Speaker to determine. But whatever decision the Speaker may take, it is but fair, I think, that the State Government concerned should be told especially when there is a mass of material containing a list of incidents

of a fairly grave character. Unfortunately, in this case the State Government perhaps does not quite feel that we, sitting on this side, deal with these matters in the same way as we would deal if they relate to other subjects. Acharya Kripalani thinks we are in league with the communists.

Acharya Kripalani: May I say that I did not say that? I said that in politics it is not enough to be right but one must appear to be right.

Pandit G. B. Pant: I quite agree with him.

Acharya Kripalani: We are giving to the public an impression that this party is bullying the Government here, as it is bullying Governments in other countries in the world.

Pandit G. B. Pant: I thought that he said that the Government and the communists seem to be somehow having an understanding in this matter.

Acharya Kripalani: No.

Pandit G. B. Pant: Well, if it is not so.....

Acharya Kripalani: Evidently not.

Pandit G. B. Pant: If I can reach an understanding, I will reach an understanding. The difficulty is that I cannot succeed. Otherwise, I would like to convert everyone to the right point of view. But I am not so lucky. So, there is no question of being for or against anyone. It is a question of being in the right. And when we feel that a certain course is right, that course has to be followed. I have shown to the Speaker the telegram which I have received because I have been asked by the Chief Minister to show that telegram to him. It was my duty to do so and the Speaker took a decision in the matter. I personally think that it is but right that the Kerala Government should be asked to state further what they have to say, and I agree with the friends

[Pandit G. B. Pant]

who think that all the documents that Dr. Menon has placed before the Speaker and the reply that may be received, all of them may be placed on the Table of the House, so that everybody may know what has been said by one or the other. Then if the Speaker holds that there is sufficient justification for allowing a debate in this matter, a debate may be held. May be that we have to wait for the Speaker's decision. But in a matter of this type, I think a little time would not matter much.

Raja Mahendra Pratap: I have received an invitation from the Chief Minister of Kerala to go there. I shall be going to Kerala and shall see the situation there. I request that a debate on this be allowed after I come back from there.

Acharya Kripalani: Sir, I had asked the hon. Home Minister to inform us if the material given by Dr. Menon coincides with the material that is with the Central Government. They have their own agencies for getting information from all the States.

Mr. Speaker: He is starting a discussion.

Acharya Kripalani: I am only seeking information.

Pandit G. B. Pant: We have some information about some matters, but I have not examined all that Dr. Menon has submitted. We have received some reports and I have also made some enquiries occasionally from the State Government, but I am not in a position to make any comprehensive statement or to say whether with respect to each or the majority of the items that may be included in those papers, our Government has material in its possession.

Acharya Kripalani: Can it be placed on the Table of the House?

Mr. Speaker: He is again starting a discussion.

Acharya Kripalani: I want to know if this material can be placed on the Table of the House because before we discuss we must have the material that the Government has. We are entitled to get that material.

Pandit G. B. Pant: Such material as can be published in accordance with the rules and the conventions followed by the Government will be placed here. If there is no such material, then none will be placed.

Pandit Govind Malaviya (Sultanpur): May I know whether the reply that we will have from the Kerala Government can be so expedited that it would be available to us before the end of this Session, i.e., before this week is over?

Mr. Speaker: Is the hon. Home Minister hopeful that he will get a reply within this week, having regard to the mass of evidence? The hon. Member suggests that we must have a reply within this week.

Pandit G. B. Pant: You have got something voluminous with you. In that case, it would take time.

Mr. Speaker: It is not possible to think.

Pandit G. B. Pant: Every item would require very serious consideration.

Dr. Melkote (Raichur): I am raising a point of order, Sir. Because of a certain impression created here, I would like to know this from you, Sir: if and when a debate is held, will it be the Communist Party members inspired by the Kerala Government who will reply to the debate and not the Government at the Centre? I want to know whether it will be the Centre who will reply to the debate or the Communist Party Members.

Mr. Speaker: I will decide that when the debate takes place.

Shrimati Sucheta Kripalani (New Delhi): As the matter was brought before the House early during the Session, we expected that we will have something definite before the Session ends. I am afraid that neither you nor the hon. Home Minister is in a position to tell us whether we will have a debate before the Session ends. If it is postponed, that will mean that we go to November. On that day Dr. Menon made it clear that lawless conditions have been prevailing there for the last 14 months. This has been delayed long enough. The Constitution gives us the power to go into the question and I will certainly like to have a debate on this.

An Hon. Member: The Session could be extended.

Mr. Speaker: Hon. Members are forcing me to say something which I do not want to say. Does the hon. lady Member say that I should agree with her? I am extremely sorry to find that even the leader of a group says that the Government is being bullied.

Acharya Kripalani: I protest. I never said that. I said that that will be the impression of the public. We are not talking there merely to the Speaker, but we are talking to the whole country and I do not want my words to be misunderstood and misinterpreted. I protest against the misquotation. * * * If I am misinterpreted, I have a right to correct the misinterpretation.

Mr. Speaker: I gave my interpretation. He is entitled to have his own interpretation, but he says that my interpretation of what I said on Friday is wrong. Assuming it to be so, he is not entitled to say that. He is only entitled to have his opinion. That is the first point.

Secondly, he said that it creates an impression outside that the Speaker

has yielded to bullying tactics. (Inter-*ruption*). It is no good trying to say one thing and then try to justify it by a different meaning. It is not right. As to a discussion, I would be doing a wrong thing, if I allowed it. It is not a mere matter of law and order. Something is alleged by an hon. Member. The Government normally must take all these decisions itself whenever Governor's rule is to come in. It is for the Government to take it up. In this particular case, I am asked to exercise my extraordinary jurisdiction. One hon. Member complained that the matter was brought up so long ago. Maybe it was, but then the Kerala Government must be consulted. I must give sufficient importance to the matter. The first batch of evidence came to me on the 4th September.

Shrimati Sucheta Kripalani: I only wanted to know if at all we are likely to have a debate and if so, whether we can have it before the Session ends.

Mr. Speaker: I cannot say that for the reason that I have not made up my mind as to whether I should admit it or not. Under those circumstances, what is the good of asking me whether a debate will take place during this Session? She is asking me to commit myself now. I am not in a position to commit myself.

Pandit Govind Malaviya: We only want to know whether you will be able to decide the question and in case you decide to have a debate whether we will be able to have it during this Session.

Mr. Speaker: These are all hypothetical questions.

The batches of evidence came to me on the 4th, 5th, 9th and 19th September. I have to send them to

[Mr. Speaker]

the Government and have their views. This is not an easy matter. Once I start, there will be a number of other things coming up.

12.37 hrs.

MOTION RE. APPRAISAL AND PROSPECTS OF SECOND FIVE YEAR PLAN—contd.

Mr. Speaker: The House will now resume discussion on the motion regarding Memorandum on Appraisal and Prospects of the Second Five-Year Plan, which was moved on the 17th September, 1958, and substitute Motions Nos. 1 to 16, 18 and 19 moved thereto on the 18th September, 1958. Out of ten hours allotted to this motion, 9 hours and 29 minutes have already been availed of including one hour extra taken on the 18th September, 1958 and half an hour extra taken on the 19th September, 1958.

Pandit Thakur Das Bhargava may kindly continue his speech.

Shri M. B. Masani (Ranchi—East): When will you ask the hon. Minister to reply?

Shri Raghunath Singh (Varanasi): Time should be extended. We have moved many amendments and we should be given some time—at least five minutes.

Shri Harish Chandra Mathur (Pali): Sir, you agree that this motion will be discussed for the whole of the day.

Mr. Speaker: How long will the hon. Minister take for his reply?

The Minister of Labour and Employment and Planning (Shri Nanda): Nearly an hour.

Mr. Speaker: We will go on till the end of the day with this item, including the hon. Minister's reply to the debate. If necessary, let us sit till 6 o'clock or 6.30.

Shrimati Benu Chakravartty (Basirhat): There is a Half-an-hour discussion today. If it can be put off till tomorrow....

Mr. Speaker: We can put off the Half-an-hour discussion till tomorrow. Pandit Thakur Das Bhargava.

पं० ठाकुर दास भार्गव (हिसार) : माननीय स्प्रीकर साहब, १६ तारीख को जब मैं बोल रहा था तो एक आनरेबल मेम्बर साहब जो मेरे से पहले बोले थे उनको जवाब दे रहा था सीलिंग के बारे में, और मैं पंजाब में ३० एकड़ की सीलिंग के बारे में बहस कर रहा था। उसके बारे में मैं चन्द बातें जनाब को विदमन में अर्ज करना चाहता हूँ।

हमारे सामने सवाल यह है कि देश के अन्दर खेती की पैदावार बढ़े और काफी पैमाने पर बढ़े। लेकिन अब आप इतनी छोटी सीलिंग लगाने जा रहे हैं कि जिससे मुझे पूरा डर है कि देश के अन्दर खेती की पैदावार के बढ़ने में काफी नुकसान पहुँचगा।

सबसे अन्त में अर्ज करना चाहता हूँ कि पंजाब में आज एक मजदूर दो रुपये रोजाना पैदा करता है। इसमें ज्यादा भी करता है। मगर इतना तो करना ही है। अब आप एक किसान के लिये ३०० रुपये साहवार की सीलिंग रखना चाहते हैं। अगर उसके कुन्बे में पांच आदमी भी हों तो हर आदमी की आमदनी ६० रुपये साहवार यानी दो रुपये रोज से ज्यादा नहीं हो सकती। इसका मतलब यह हुआ कि पंजाब में जितने भी लोग गाँवों में रहेंगे उनमें से किसी की भी आमदनी दो रुपये रोज से ज्यादा नहीं हो सकेगी। मेरी नाकिम राय में इस तरह का सीलिंग पोलिटिकली निहायत अनसाउंड है, इकानामिकली निहायत आबजेवशनेबिल है और मोशली अनर्थकेबिल है। मेरी अदब से गुजारिश है कि आयन्दा लोग जो गाँवों में रहेंगे वे अपने इलेक्शन लड़ेंगे