

**Standing Labour Committee**

**1528. Shri Tangamani:** Will the Minister of Labour and Employment be pleased to state:

(a) when the next meeting of the Standing Labour Committee is scheduled to take place; and

(b) the venue and the agenda for the same?

**The Deputy Minister of Labour (Shri Abid Ali):** (a) and (b). These questions are at present under consideration.

12 hrs.

MOTION FOR ADJOURNMENT  
 SITUATION IN KERALA

**Mr. Speaker:** I have received notice of an adjournment motion from Shri Asoka Mehta and Shri Jadhav relating to:

“The stabbing on political grounds of P. N. Velayudhan, of Karamukku Village, Manalur, Trichur District, who is now in a precarious condition, other cases of assaults and murders by Communists and the state of insecurity in the State of Kerala where Government is no longer carried on in accordance with the Constitution”.

What is the authority on which he bases his statement that it is on political grounds?

**Shri Asoka Mehta (Muzaffarpur):** This morning a telegram from Shri Kurur Nambudiripad, a well-known public worker from Trichur, was brought to me. This is what it says:

“Another Communist stabbing today stop This evening Communists dangerously stabbed staunch Congressman P. N. Velayudhan Karamukku Village Manalur Constituency a Communist stronghold eight miles west Trichur stop

Victim removed hospital here stop Condition precarious stop Detailed letter follows”.

A little earlier, another telegram was brought to me. It is from Shri P. T. Chacko, Leader of the Congress Legislature Party and Leader of the Opposition in the Kerala Assembly. This is what the telegram says:

“Communists armed with daggers other deadly weapons attacked the residence George Joseph Congress MLA Mannanam yesterday stop Two Congressmen intervened they stabbed stop Injuries fatal stop I visited spot stop Alarming atmosphere prevail stop In neighbouring place five such incidents took place during week stop One died and six seriously injured stop.”

I received only yesterday a communication from another member of the Legislative Assembly of Kerala, a PSP member, Shri Janardhanan. He has sent me two things, a copy of a letter which he addressed to the District Collector of Trichur and a Press cutting. A copy of the letter which has been addressed to the Collector of the Trichur District was also sent to the Home Minister. It is a long letter. I will not take your time in reading the whole of it, but I will just quote two or three brief sentences from it.

“A group of Communists planned a brutal assault on me and my comrades, announced the plan publicly and carried it out in the very centre of Trichur town. You never took any proper step against those guilty of this criminal action”.

Then a little later:

“Many a political murder has taken place in this area. In Manali especially a set of Communists has been organised and is kept ready to pounce on the anti-Communists in general and me in particular”.

Later on he says:

"One night when I was not at home the Communists planned to surround and attack my house. My wife and children who got the warning in time had to flee for their lives".

Again he says:

"When Shri P. R. Francis, MLA and a number of non-Communist political workers were assaulted in Manali, when at Peringottukara and Karanchira communists trespassed into and broke open private houses forcefully and beat up the inmates and a handful of Congressmen, when at Varantharappilly a number of Congressmen were murdered in cold blood, you stood still".

All these facts were brought to the attention of the District Collector of Trichur and to the hon. the Home Minister here.

The Press cutting that he has sent is in Malayalam, from the *Cochin Express*. I have a summary translation of it. It is very interesting.

"A Nambudiri of Kadavallur had a hair-raising experience when he was passing through Pookkode Village to attend a marriage in his friend's house. This Nambudiri looks almost like a double of C. G. Janardhanan"—

from whose letter I just read out—

"and like him is stout and wears a beard. Seeing the Nambudiri going on a bicycle somebody from a distance shouted out, "There goes C. G. Get hold of him". Nambudiri did not then understand why they were shouting at him. On his return, he saw a group of about 30 young men collected on the spot. As he neared the crowd, they rushed at him and sur-

rounded him and heard him cry out, "Cut him to pieces". Bewildered, Nambudiri cried for help. When they heard his voice, they discovered the mistake they made, and asked him: "Are you not Janardhanan? If we get him, we will kill him. We communists are after him. You may go". Nambudiri after returning home sent word to Janardhanan that he should not stir out of his house".

I have another report about something which happened a little earlier. It says:

"On the night of August 17, 8 PSP and Congressmen were admitted in Chalakudi Hospital as a result of grievous injuries inflicted on them by a gang of communists at Kattapuram village in Koratty. Two of them were later removed to Trichur hospital. One of them, David, a PSP worker, expired the next day".

Only in this morning's newspapers, you must have read that there have been raids and murders and stabbings. But I have no authentic information about them with me.

I read out to you some of these telegrams and letters. They are merely specimens of others that have been coming to us, and I am sure, to other Members of this House also.

I have raised this matter in the form of an adjournment motion because I feel that the Union Government have failed in their duty. Article 256 of the Constitution lays upon them the responsibility to see that the administration in a State is carried on in accordance with the laws passed by this Parliament, laws about safety and security of persons. Directions have to be issued by the Government here. I do not know what they have done. Article 355 also was brought to your attention earlier. Here is Shri Janardhanan who writes to the Collector, who has drawn his attention

[Shri Asoka Mehta]

to the fact that his family had to flee in the night, that he had been assaulted before and his colleagues had been assaulted. The Home Minister gives him no protection and no kind of protection is available in that State.

Mr. Speaker: What has the Collector done?

Shri Asoka Mehta: He has done nothing. That was why he sent me a copy of his letter to the Collector.

Shri Ranga (Tenali): He is helpless.

Shri Asoka Mehta: He is helpless. Somebody who has a beard and who was looking like Shri Janardhanan was attempted to be attacked. That is what is reported. That man, the Nambudiri on returning to his house warned Shri Janardhanan to be careful and said 'Do not stir out of your house'. Then I quoted the telegram from Shri P. T. Chacko, Leader of Opposition in the Kerala Assembly, that another MLA, Shri Joseph, was attacked. If MLAs and other people are in danger, if they are under attack, I do not know what this Government is doing. I have nothing to say about the Kerala Government. The Communist Government functions as one expected it to function. I am concerned with the failure of this Government to see that the Constitution is upheld, to see that the laws of this Parliament as passed are carried out in accordance with the decisions of this Parliament, and it is because of the failure of the Government to look after the elementary and inalienable rights of the people to security of life and property, in view of the fact that articles 355 and 356 and other articles of the Constitution which guarantee such rights have not been upheld, and the elementary liberties of the people have been permitted to be menaced, that I feel that this House should adjourn its business and discuss this matter of grave urgency. I cannot think of any matter of graver urgency than the safety and security of the citizens of India in any part of this country.

Mr. Speaker: Is it not a matter of law and order?

Shri Asoka Mehta: It is not such a matter.

Shrimati Benu Chakravarty (Basirhat): Because it is a Communist Government!

Shri Asoka Mehta: This is not a matter of law and order. All beards seem to be red rags to our Communist bulls (interruptions). If it was simply a matter of law and order, I would not be concerned with it.

I have, therefore, invited your attention to articles 256 and 355 and would like you to consider whether a *prima facie* case is not made out for discussing this motion.

Mr. Speaker: Is it the hon. Member's point that though it is a matter of law and order, the State Government is not maintaining law and order and giving help to all those honest citizens who have got a right to carry on their avocations and not be treated like this. Does he attribute the situation to that?

Shri Asoka Mehta: I did that and I made it clear that that is in the very nature of the Communist Government. During the last 16 months, this situation has been steadily deteriorating till we have reached a stage when, if you can give us an opportunity, we can place before you overwhelming evidence....

Mr. Speaker: Does the hon. Member suggest that these matters were brought to the notice of the local Government?

Shri Asoka Mehta: They have been. I read out the letter that was sent to the District Collector. The District Collector has taken no notice even when the man was beaten up and his family had to flee. A copy of this letter was sent to the Home Minister. The Home Minister takes no action. Ultimately, where has the man to seek protection? If he does not get

It is his State, it is the bounden duty of this Government to give protection, and if this Government will not give it, it stands condemned and this House has the right to bring up that condemnation.

**Shri Tangamani (Madurai):** Why does he not go to the other side?

**The Minister of Home Affairs (Pandit G. B. Pant):** Sir, I have listened to the statement made by the hon. Member. He has referred to a number of cases. Every one of those cases relates to the vast subject of law and order. There have been a number of cases according to reports that have reached him in which some persons have been fatally assaulted. That is a matter for regret. We all deplore these tragic occurrences. But can such a thing be the subject of an adjournment motion when matters of law and order cannot be the subject of an adjournment motion?

If he says that there has been a breach of the Constitution, then, mere reference to a few cases like that does not establish that and a matter of that type cannot be the subject of an adjournment motion either.

An adjournment motion can refer to a specific matter of recent occurrence. He says that things have been so developing that the Administration of Kerala is not being conducted in accordance with the Constitution. Well, that is not a single occurrence which can be the subject of an adjournment motion.

So far as these cases are concerned, I too have been receiving telegrams and other communications from time to time. Some of them I have referred either to the Chief Minister or to the Law Minister of Kerala, and some were also sent by the Home Ministry. With regard to the few that were sent at an early stage we got a reply from the Government. With regard to the others we have not yet received any reply. I was expecting a note from the Government about those occurrences.

Kerala has a large number of newspapers, and reports have been appearing from time to time about incidents which one cannot read except with a feeling of sorrow. But, whether the Constitution has failed and whether the Central Government should issue directives are matters about which a mere reference to a few cases is not enough. The position with regard to law and order as such is not a subject which attracts the jurisdiction of the Central Government.

Cases do occur even in other places, perhaps, with lesser or with greater frequency. How far the Government can be held responsible for what is happening is not clear. Things do happen; but the State Government need not necessarily be considered to be responsible for everything that happens in the State. So far as the Centre is concerned, we are not directly concerned. But the larger issue, I admit—if the Government fails to act in accordance with the Constitution or if there is need for taking over the Administration or for issuing directives—is one which comes within the purview of the Central Government. But the reference to a few cases which may have happened and which do happen occasionally would not, perhaps, be sufficient for dealing with this matter in that way.

It is an important matter. We all receive such reports with concern and with grief. But whether the Central Government should take any action is not fully clear from what has been stated here. In any case, this cannot be the subject of an adjournment motion.

I expect some sort of a note from the Kerala Government; I have not received any. Of course, so far as these particular incidents are concerned, I am not in a position to give the version of the Government of Kerala as to what they say about it. The statements that have been made by the hon. Member have not obviously

[Pandit G. B. Pant]

been communicated to the Government of Kerala and they have not come to their notice

So, in the circumstances, whatever be the position, I think, so far as the adjournment motion goes it is not admissible under the rules.

**Shri Frank Anthony** (Nominated-Anglo-Indians): Sir, before you give your ruling, may I make a submission? I was under the impression that a few days ago the hon. Leader of the House and Shri Dange, the Leader of the Communist Group had agreed that we should discuss these allegations about the breakdown of the Constitution in Kerala. I had thought that that is the present position, and that we were awaiting the allotment of time. May I respectfully submit that instead of having either an adjournment motion where the time would be very limited or even a 2½ hours discussion, because of the exceptional circumstances and the House seems to agree with the suggestion, we should have a discussion, and a day should be allotted to discuss all these problems.

**Shrimati Renu Chakravarty**. Sir, may I just clarify the position for my hon. friend Mr. Anthony? What was discussed and decided was not the question of the break-down of the Constitution in Kerala but generally the question of what will be the relations between the Centre and the States.

**Raja Mahendra Pratap** (Mathura). I have an important submission to make to the House. I do say that this matter should not be discussed in the way that parties get more and more consolidated and fight more and more and disrupt the country more. I beg to say that this question should be discussed and considered only from the standpoint of humanity, that is to say, from the standpoint of absolute justice. That is what I have to say.

**Shrimati Sucheta Kripalani** (New Delhi): May I say.....

Some Hon. Members rose—

**Mr. Speaker**: I have heard enough.

**Shri Pocker Sahib** (Manjeri): These cases and numerous other cases of serious nature have been brought to the notice of the Home Minister and the Government of India and there is a general feeling of insecurity among the people of Kerala. Does it not afford ground for the Central Government at least to issue directives to the Kerala Government to behave properly?

**Shrimati Sucheta Kripalani**: From the statement of Shri Asoka Mehta it appears that such cases are not sporadic. If they are sporadic cases, then, certainly, it is a matter of law and order for the State. But, if for a period of 16 months the people of Kerala have been subjected to this feeling of insecurity to life and property, then, it is certainly time that the Central Government looked into the matter; and, at least this Parliament should take note of that. After all, this Parliament and the Central Government are responsible for upholding the fundamental rights of the people. I am certain that if the fundamental rights of the people of Kerala are being infringed, at least this Parliament has every right to look into the matter. I should certainly think that if an adjournment motion is not allowed we should allot a day—full five hours—for a discussion on this subject.

**Shri Jadhav** (Malegaon). I have to make a reference to some judgment.

**Mr. Speaker**: I have heard enough. We are not having a general discussion on the matter.

A very serious allegation has been made in the adjournment motion that one Mr. Velayudhan was stabbed by

the communists and that he is in a precarious condition. In deciding whether an adjournment motion ought to be allowed or not, hon. Members are aware that three things are necessary. The matter must be a serious and public one; it must be of recent occurrence; and there must also be a default on the part of Government. Otherwise, no adjournment motion is allowed.

So far as the subject-matter is concerned, the stabbing, it can be said that it is a matter of law and order. A matter of law and order is the concern of the State; but where the State itself is being accused of partisanship, certainly, there is no question of saying it is a matter of law and order. If there is some person to take charge of law and order and carry on the Administration, certainly, it is a matter for the State to consider. Here is a serious allegation that the State which is responsible for maintaining law and order is almost a party to this. Not one, but a series of incidents have been mentioned as having occurred. Sometimes stray cases of murders take place; otherwise there may not be sessions cases coming up before the courts. But that is in the ordinary course, on account of various disputes and feuds between individuals. But the allegation here is that persons belonging to one political party who are running the Government have molested persons belonging to the other party who are in the opposition: Congressmen on the one side and the PSP and others on the other, including some members of the local legislature. If this is really true, it is impossible for anybody to live there as a citizen. Therefore, it is very serious. I agree with the hon. Home Minister that these instances may not be sufficient but these instances have to be coupled with the instances with respect to which the hon. Home Minister himself thought it necessary to make a reference to the State Government. Knowing the hon. Home Minister as I do and knowing also that he is so very particular about not encroaching upon the State

Government's powers, the very fact that he has referred certain of these matters points to certain things. These incidents must have induced him to feel that these matters which came to his notice and which he referred to the local Government cannot, *prima facie* in the ordinary course, possibly be disputes between individuals and individuals or quarrels between citizens and citizens. Therefore, he has referred these cases to them. He has received replies only with respect to a few; to the others, the reply is not there. These are instances, not one but a number, which have come to the notice of the hon. Member who is a very responsible Member of this House, only yesterday or today. The hon. Home Minister is not in a position to say these are not true except that he says that similar reports have appeared in the Press and they have also been brought to his notice. I feel that these along with the others which were brought to the notice of the hon. Home Minister may be sufficient for invoking the jurisdiction of this House to ask the hon. Home Minister to give a direction to the State Government but I am not in a position to decide whether these instances alone are enough for that purpose until I know definitely through the hon. Home Minister whether these matters are true. We must know what the hon. Home Minister and the State Government are in a position to say. Let these instances also be referred to the State Government by the hon. Home Minister and let us have full information. That is number one.

Secondly, it is alleged that the State Government failed to take action. An instance is given that when the matter was brought to the notice of the Collector, no action was taken. I think these are serious matters. Then it is alleged that some person was belaboured and he was surrounded by some persons. Wherever one might be, even in the capital city of Delhi, if such incidents occur, I do not know where we have to flee. Therefore, this is rather a difficult affair. It is a serious one which is not confined to

[Mr. Speaker]

yesterday or today. Therefore, I would not hesitate to invoke the jurisdiction of this House and let this matter to come up provided there are a number of instances and all of them can be related. They should be verified. I do not want to invoke the jurisdiction of this House without verification.

So far as the adjournment motion is concerned, I agree that it is not a proper method of bringing up this matter. This Government will also be accused of rushing hastily and interfering, in a Federal Constitution, with the rights and powers of the State Government. Evidently these instances are coming to their notice. There was previously also an adjournment motion here which I did not allow. These are matters which they are taking time to consider. Why rush through hastily? I would therefore urge upon them to take these instances also and refer them and satisfy themselves as quickly as possible. Therefore, I do not think that it is right that I should at this stage allow any adjournment motion. No useful purpose would be served. I do not find that the Central Government has not done its part. In the first instance, it can only refer to them and later on make up its mind.

Regarding the suggestion of Mr. Frank Anthony that there should be a discussion regarding this matter, as the House is aware, a number of things have been alleged. On a prior occasion, Shri Dange was here and he also suggested that there should be a discussion but he wanted, according to Shrimati Renu Chakravarty, a discussion about the relationship between this Government and the State Government . . . (Interruptions). So far as this suggestion is concerned, I can say immediately that we do not discuss abstract legal propositions. Unless it arises upon a particular instance with respect to which we can take notice we do not discuss more abstract propositions of law. We are not the Supreme Court to give

opinions as to what ought to be done and what ought not to be done. In those circumstances, we may have to consider in relation to these actual instances, what action has to be taken. A motion has also been tabled by Mr. Menon and I am looking into it. If I am satisfied that there are a number of instances and that they are political, not ordinary, murders or otherwise, and if I am also satisfied *prima facie* that the local Government has not come to the rescue and there is such insecurity which almost makes people lose faith and look to the Central Government, I will certainly give an opportunity for this House to discuss not only those instances, but the other matter also as to what this Government can do. But this Government can act only on some matters which are brought before this House and I am taking time to consider it. I will also consider these instances. In the meanwhile, I request the hon. Home Minister to make a reference to the Kerala Government and find out the truth or otherwise of these things and let us know what their explanation is particularly with respect to the statement made by the hon. Member, Shri A. oka Mehta. All these matters may kindly be placed before me so that I may decide the matter. I am not going to take a hasty decision. I am aware that we ought not to take jurisdiction over matters which are purely of a local nature. If it is so serious and the allegations amount to a breakdown of the Constitution and the law and order situation, I would not hesitate to allow a discussion in this House. On account of these reasons, I do not think it necessary to give my consent to this adjournment motion.

**Shrimati Renu Chakravarty:** Will it mean that this House will be able to discuss, if we are able to bring forward before this House, a long series of happenings, which are specifically of a political colouring? Will we be able to discuss them?

**Mr. Speaker:** The hon. Member is asking me a hypothetical question. Enough unto the day are the instances we have heard.

I am discussing only this matter. I am not prepared to give my opinion one way or the other and encourage the hon. Members to bring in all sorts of cases here. I shall try to satisfy myself and when I give a ruling, the hon. Members know what the ruling will be.

**Shrimati Renu Chakravartty:** The point was this. The hon. Member made one small statement saying that because it was a Communist Government, obviously it could not look into law and order. It will be there, if you look through the transcript. I wanted to know this point: Is it because there is a Communist Government, the Centre must intervene, or is it because certain things happen there? (*Interruptions*).

**Shri Prabhat Kar (Hooghly):** Will Bombay be discussed?

**Mr. Speaker:** Order, order. The hon. Members sit here only for five or six hours; they spend 19 hours outside. The hon. Member, Shrimati Renu Chakravartty may talk the hon. Member, Shri Asoka Mehta, whether this is enough or not enough.

**Pandit G.B. Pant:** Will the hon. member kindly give me a copy of the papers that he read out?

**Shri Tangamani:** Why should they be secret documents?

**An hon. Member:** Let them be laid on the Table.

**Mr. Speaker:** These papers will be laid on the Table of the House.

12.29 hrs.

PAPERS LAID ON THE TABLE

ANNUAL REPORT OF ORGANISATION AND METHODS DIVISION

**The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru):** Sir, I beg to lay on the Table a copy of the Fourth Annual Report (1957-58) of the Organisation and Methods Division. [*Placed in Library, See No. LT-883/58.*]

APPROPRIATION ACCOUNTS AND AUDIT REPORT OF DEFENCE SERVICES

**The Deputy Minister of Finance (Shrimati Tarkeshwari Sinha):** Sir, I beg to lay on the Table a copy of each of the following papers:

- (1) Audit Report, Defence Services, 1957, under Article 151(1) of the Constitution. [*Placed in Library, See No. LT-884/58.*]
- (2) Appropriation Accounts of the Defence Services for the year 1955-56 and Commercial Appendix thereto. [*Placed in Library, See No. LT-885/58*]

STATEMENT OF CASES IN WHICH LOWEST TENDERS HAVE NOT BEEN ACCEPTED BY INDIA STORE DEPARTMENT

**The Minister of Works, Housing and Supply (Shri K.C. Roddy):** Sir, I beg to lay on the Table a copy of the statement of cases in which the lowest tenders have not been accepted by the India Store Department, London, during the half year ended the 30th June, 1958. [*Placed in Library, See No. LT-886/56.*]

AMENDMENTS TO DISPLACED PERSONS (COMPENSATION AND REHABILITATION) RULES

**The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna):** Sir, I beg to lay on the