

ശ്രീ. സി. എച്ച്. മുഹമ്മദ് കോയ : സർ, വാക്താനന്തം നടന്ന ഈ സംഭവത്തെ സംബന്ധിച്ച് ഈ സഭയുടെ ശ്രദ്ധയെ ക്ഷണിച്ചുകൊണ്ട് ശ്രീ. ജോൺ ജേക്കബ് ചെയ്ത പ്രസ്താവന ഞങ്ങൾ എല്ലാവരും കേൾക്കുകയുണ്ടായി. ഈ സംഭവത്തെ സംബന്ധിച്ച് പോലീസ് ആവശ്യമായ നടപടികൾ സ്വീകരിക്കുന്നതാണെന്ന് ഈ സഭയെ അറിയിക്കാൻ ഞാനാഗ്രഹിക്കുന്നു.

മിസ്റ്റർ സ്പീക്കർ: കെ. ഇ. ആർ. അനുസരിച്ച് അദ്ധ്യാപകരെ ബി.സി വിഭാഗങ്ങളായി തരംതിരിച്ചതിനെത്തുടർന്ന് അവർക്ക് നൽകിയിട്ടുള്ള രാഷ്ട്രീയ സ്വാതന്ത്ര്യം വ്യത്യസ്ത നിലയിൽ തുടർന്നുവരുന്നത് ഗവൺമെന്റിന്റെ ശ്രദ്ധയിൽ കൊണ്ടുവരുന്നതിന് റൂൾ 61 അനുസരിച്ച് ശ്രീ. കെ. എം. സൂപ്പി ഒരു നോട്ടീസ് നൽകിയിട്ടുണ്ട്.

പേരാവൂർ-കൊട്ടിയൂർ റോഡിന്റെ പണി ആരംഭിക്കുന്നതുമൂലം കൊട്ടിയൂർ കാപ്പാട് പഞ്ചായത്തിലെ ജനങ്ങൾ കണ്ണൂർ എക്സിക്യൂട്ടീവ് എഞ്ചിനീയറുടെ ആഫീസിനുമുമ്പിൽ നടത്തിവരുന്ന സത്യാഗ്രഹസമരം ഗവൺമെന്റിന്റെ ശ്രദ്ധയിൽകൊണ്ടുവരുന്നതിന് ശ്രീ. എം. വി. രാജൻ റൂൾ 61 അനുസരിച്ച് ഒരു നോട്ടീസ് നൽകിയിട്ടുണ്ട്.

കോഴിക്കോട് മെഡിക്കൽ കോളേജ് വിദ്യാർത്ഥികൾ ആരംഭിച്ചിരിക്കുന്ന നിരാഹാരസത്യാഗ്രഹം ഗവൺമെന്റിന്റെ ശ്രദ്ധയിൽകൊണ്ടുവരുന്നതിന് ശ്രീ. പെണ്ണമ്മ ജേക്കബ് ഒരു നോട്ടീസ് നൽകിയിട്ടുണ്ട്. ഇവയെല്ലാം അതാതു മന്ത്രിമാർക്കു നടപടിക്കായി അയച്ചുകൊടുക്കുന്നതാണ്.

RULING BY THE SPEAKER

Shri C. B. C. Warriar has given notice of a motion that the statement made by the Chief Minister in the House on April 1, 1971 on the Report of Enquiry by Shri K. K. Ramankutty on acquisition of land for the Agricultural University be discussed. I have also received another notice from Shri P. G. Purushothaman Pillai on the same matter.

The question was raised in the House by the Leader of the Opposition and some other members on April 2, 1971. I then informed the House that I would give my considered opinion on the question of admissibility of the above notices of motion as early as possible.

The admissibility of motions is governed by Rules 130 to 132 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly. Rule 131 specifically provides that no motion which seeks to raise discussion on a matter pending before any statutory tribunal or statutory authority performing any judicial or quasi-judicial functions or any commission or court of enquiry appointed to enquire into or investigate any matter shall *ordinarily* be permitted to be moved. The Speaker may, however, in his discretion allow such matter being raised in the assembly as is concerned with the procedure or subject or stage of enquiry, *if the Speaker is satisfied that it is not likely to prejudice the consideration of such matter* by the statutory tribunal, statutory authority, commission or court of enquiry. It is obvious that the discretionary power vested in the Speaker is relatively limited in the determination of this question.

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I have carefully gone through the statement made by the Chief Minister in the House on April 1, 1971 and also the order of enquiry made by the Government on the same day. The Chief Minister has in his statement rejected, refuted or denied what are variously termed by him as conclusions, inferences, speculations and allegations contained in the report of Shri K. K. Ramankutty. The matters specified in the terms of reference to the Commission of Enquiry are precisely the conclusions, inferences and allegations contained in the report and which have been rejected or denied by the Chief Minister in his statement. Hence I think that a discussion on the matters contained in the Chief Minister's statement if permitted, would inevitably turn into a discussion on the specific matters which have been referred to the Commission of Enquiry.

The Leader of the Opposition in the course of his statement made on April 2, 1971 brought to my notice an earlier instance in which a full discussion was permitted on the matters contained in a statement made by the then Chief Minister in the House. I have carefully examined that statement which was made by Shri E. M. S. Namboodiripad who was then the Chief Minister, on October 17, 1969. I think that the character and content of that statement are basically different from those of the statement made by the Chief Minister on April 1, 1971. The major part of the former statement was devoted for expressing his views on certain matters which had considerable political importance at that time. It is true that he had mentioned in his statement that he was ordering an enquiry into the allegations which had been raised against four members of the Council of Ministers headed by him. But beyond that he had not discussed, enumerated or even mentioned anything about the allegations against those ministers. Had he done so, I feel, a discussion of those matters would have possibly prejudiced their consideration by a Commission of Inquiry. The statement made by the Chief Minister on April 1, 1971 on the other hand was substantially different and made for a different purpose. According to the Chief Minister, since several of the important conclusions contained in the Report of Enquiry by Shri Ramankutty were not founded on facts, but upon inferences and speculations, the Government felt that they should not go unchallenged and therefore decided to place before the House the "full facts of the case". The Chief Minister also informed the House that Government have already issued orders for an inquiry into the whole question under the Commission of Enquiries Act by a Judge of the High Court of Kerala.

In these circumstances, I am unable to take the view that a discussion on the statement made by the Chief Minister on April 1, 1971 is not likely to prejudice the consideration of the matters which have already been referred to the Commission of Enquiry.

It is a fact that the rule of sub-judice has undergone changes in other parts of the world during the past decade. The resolution passed by the House of Commons in 1963 redefining the limits of the rule has prompted the parliaments and legislatures of other countries which had relied on the Commons' rule for over 100 years, to have a rethinking on the scope of the rule. But

these continuing discussions and debates on the content of the rule of sub-judice have not much relevance in deciding the question before us, since the admissibility of the notices given by the hon. Members has to be determined by the application of the relevant rules of our Rules of Procedure, which are clear and specific. Besides, from the available records, I could not find any instance in which a full discussion was allowed on matters which were pending before a Commission or Court of Enquiry from the proceedings of the Lok Sabha or other State Legislatures which have provisions similar to our own on the subject in their Rules of Procedure.

For the reasons stated above I do not admit the notices of motion given by Shri P. G. Purushothaman Pillai and Shri C. B. C. Warriar.

REPORT OF THE BUSINESS ADVISORY COMMITTEE

Chief Minister (Shri C. Achutha Menon): Sir, I present the Fifth Report of the Business Advisory Committee.

Mr. Speaker: The Report is presented.

Shri C. Achutha Menon: Sir, I move that the Fifth Report of the Business Advisory Committee be adopted.

Minister for Education and Home (Shri C. H. Mohammed Koya): Sir, I second it.

The question that the Fifth Report of the Business Advisory Committee be adopted was put and carried.

LEGISLATIVE BUSINESS

The Kerala State Housing Board Bill

Mr. Speaker: On April 2, 1971, Shri P. K. Raghavan, Minister for Harijan Welfare and Housing introduced the Kerala State Housing Board Bill, 1971 and moved that the Bill be referred to a Select Committee consisting of the members suggested by the Minister to report before April 19, 1971. He may continue his speech.

ഹരിജനകുടുംബവും ഭവനനിർമ്മാണവും മന്ത്രി (ശ്രീ. പി. കെ. രാഘവൻ): എന്റെ പ്രസംഗം കഴിഞ്ഞു.

Mr. Speaker: Shri C. B. Chandrasekhara Warriar

- „ K. Pankajakshan
- „ A. C. Shanmukhadas
- Dr. K. G. Adiyodi
- Shri T. A. Paraman
- „ K. Krishna Pillai
- „ P. Neelakantan
- „ P. V. Sankaranarayanan