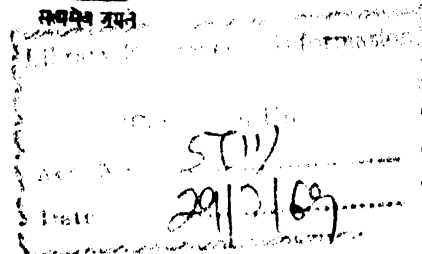


**LOK SABHA**

**THE INDIAN PENAL CODE  
(AMENDMENT) BILL, 1967**

**(Report of the Select Committee)**

*[Presented on the 1st May, 1969]*



**LOK SABHA SECRETARIAT  
NEW DELHI**

*May, 1969/Vaisakha, 1891 (Saka)*

*Price: Re 0.75*

REPORTS OF THE JOINT/SELECT COMMITTEES  
PRESENTED TO LOK SABHA DURING THE  
YEAR 1969.

..

Sl.No.	Name	Presented on
1.	Contract Labour (Regulation and Abolition) Bill, 1967 -(Joint Committee report)	26.2.69
2.	-do- Evidence	
3.	Lokpal and Lokayuktas Bill, 1968 (Joint Committee report)	26.3.69
4.	-do- Evidence	
5.	-do- Statement containing a gist of main points made by Witnesses in their Evidence before the Joint Committee.	
6.	Government (Liability in Tort) Bill, 1967 (Report of the Joint Committee)	25.3.69
7.	-do- Evidence	
8.	Constitution (Twenty-Second) Amendment Bill, 1968 (Report of Joint Committee)	12.3.69
9.	-do- Evidence	
10.	Indian Penal Code (Amendment) Bill, 1967 (Report of the Select Committee)	1.5.69
	Scheduled Castes and Scheduled Tribes (Amendment) Bill, 1967 (Report of the Joint Committee)	17.11.69
	-do- Evidence	
	of the Appellate (Criminal) Jurisdiction of the Supreme Court Bill, 1967 (Report of the Select Committee)	17.11.69
	Shri Anand Narain Mulla, M.P.	
	Secretary	

LOK SABHA SECRETARIAT

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CORRIGENDA

TO

THE REPORT OF THE SELECT COMMITTEE ON THE INDIAN  
PENAL CODE (AMENDMENT) BILL, 1967

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APPENDIX II

1. Page 6, line 17, Col. 3, for "Circulato"  
read "Circulated to"

APPENDIX III

2. Page 9, line 34, for "XXV" read "XXVII"

APPENDIX IV

3. Page 21, line 14, for "here" read "there".
4. Page 25, line 9, for "Advertisors" read "Advertisers"
5. Page 29, line 19, for "verbaton" read "verbatim"
6. Page 35, line 20, for "obsenity" read "obscenity"
7. Page 37, line 4, for "Dr. Mahadeva Parsad"  
read "Dr. Mahadeva Prasad"
8. Page 39, line 22, delete "2."

New Delhi;  
The 14th May, 1969.

## CONTENTS

	PAGE
COMPOSITION OF THE SELECT COMMITTEE . . . . .	(iii)
REPORT OF THE SELECT COMMITTEE . . . . .	(v)
BILL AS REPORTED BY THE SELECT COMMITTEE . . . . .	1
 APPENDIX I	
Motion in Lok Sabha for reference of the Bill to Select Committee	5
 APPENDIX II	
Statement showing the names of Associations/ individuals etc. from whom memoranda/representations were received by the Select Committee	6
 APPENDIX III	
Statement showing the names of Associations/individuals who gave evidence before the Select Committee . . . . .	8
 APPENDIX IV	
Report of the Sub-Committee of the Select Committee . . . . .	10
 APPENDIX V	
Minutes of the sittings of the Select Committee . . . . .	15

**SELECT COMMITTEE ON THE INDIAN PENAL CODE (AMEND-  
MENT) BILL, 1967.**

**COMPOSITION OF THE COMMITTEE**

**Shri Tenneti Viswanatham—*Chairman.***

**MEMBERS**

2. Shri Vidya Dhar Bajpai
3. Shri S. M. Banerjee
4. Shri R. D. Bhandare
5. Shri Chandrika Prasad
6. Shri Y. B. Chavan
- \*7. Shri Z. M. Kahandole
8. Shri Tulsiram Dashrath Kamble
9. Shri S. M. Krishna
10. Shrimati Sangam Laxmi Bai
11. Shri Madhu Limaye
12. Dr. Mahadeva Prasad
13. Shri Bakar Ali Mirza
14. Shri Piloo Mody
15. Shri Amrit Nahata
16. Shri K. S. Ramaswamy
17. Shri V. Sambasivam
18. Shri Dwaipayana Sen
19. Shri Shashi Bhushan
20. Shri Sheo Narain
21. Shri Vidya Charan Shukla
22. Shri R. K. Sinha
23. Shri Diwan Chand Sharma
24. Shri Atal Bihari Vajpayee

---

\*Appointed w. e. f. 22nd July, 1968 in the vacancy caused by the death of Shri Mall Mariyappa.

**LEGISLATIVE COUNSEL**

**Shri S. K. Maitra, Joint Secretary and Legislative Counsel,  
Ministry of Law.**

**Shri G. N. Saksena, Asstt. Draftsman, Official Language (Legis-  
lative) Commission, Ministry of Law.**

**REPRESENTATIVES OF THE MINISTRY OF HOME AFFAIRS**

1. **Shri S. S. Varma—Deputy Secretary.**
2. **Shri G. S. Kapur—Under Secretary.** ..

**SECRETARIAT**

**Shri M. C. Chawla—Deputy Secretary.**

## REPORT OF THE SELECT COMMITTEE

I, the Chairman of the Select Committee to which the Bill\* further to amend the Indian Penal Code and to provide for matters incidental thereto, as passed by Rajya Sabha was referred, having been authorized to submit the report on their behalf, present their Report, with the Bill as amended by the Committee annexed thereto.

2. The motion for consideration of the Bill was moved in the House by Shri D. C. Sharma on the 14th March, 1968 and discussed on the 29th March, and the 11th April, 1968. However the motion for reference of the Bill to Select Committee was moved by Shri D. C. Sharma, on the 11th April, 1968 and was adopted on the same day (Appendix—I).

3. The Committee held 15 sittings in all.

4. The first sitting of the Select Committee was held on the 8th May, 1968 to draw up their future programme of work. At this sitting the Committee decided to take evidence of public bodies, organisations, associations or individuals interested in any form of art (written, visual or otherwise), science, literature (modern as well as oriental including Sanskrit), education, painting, sculpture, dancing, advertising, jurisprudence, etc. The Committee also decided to issue a Press Communique inviting Memoranda on the Bill from interested parties by the 31st May, 1968.

5. Thirty-six memoranda were received by the Committee from the different associations|individuals|organisations on the provisions of the Bill which were circulated to the members of the Committee (Appendix II).

6. At their 2nd, 5th, 6th 7th, 8th, 9th, 10th, 11th and 12th sittings held on the 6th June, 17th July, 3rd and 29th August, 16th, 17th and 18th September, 16th November and 5th December, 1968 respectively, the Committee heard the evidence given by the associations/individuals/organisations as given in Appendix III.

The 8th, 9th and 10th sittings of the Committee were held in the Council Hall, Bombay to hear evidence.

7. The Report of the Committee was to be presented by the 23rd July, 1968. As this could not be done, the Committee at their 5th sitting held on the 17th July, 1968 decided to ask for extension of time for the presentation of their Report upto the last day of the 6th Session. Necessary motion was brought before the House and adopted on the 22nd July, 1968. At their 12th sitting held on the 5th December, 1968 the Committee again decided to ask for further extension of time upto the last day of the Budget Session (1969) for the presentation of their Report, which was granted by the House on the 19th December, 1968.

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\*The Bill was published in the Gazette of India, Extraordinary, Part II, Section 2, dated the 3rd May, 1968 and passed by Rajya Sabha on the 15th December, 1967.

8. The Committee also decided that the evidence given before the Committee should be printed and laid on the Table of the House.

9. At their fourteenth sitting held on the 22nd January, 1969 the Committee took up clause-by-clause consideration of the Bill and after some discussion, decided to appoint a sub-Committee to consider the amendment relating to the definition of 'obscenity' and other amendments to the Bill.

10. The sub-Committee submitted their Report to the Select Committee on 23rd April, 1969 (Appendix IV).

11. The Committee considered the report of the sub-Committee and the Bill at their sitting held on the 23rd April, 1969. The Committee also considered and adopted their report on the same day.

12. The observations of the Committee with regard to the principal changes proposed in the Bill are detailed in the succeeding paragraphs.

13. *Clause 3.*—It was brought to the notice of the Committee that the provisions of the existing law are not sufficient to check the printing, sale, circulation etc. of obscene matters. It was further brought to the notice of the Committee that the persons who are prosecuted for printing, selling, circulating etc. of obscene matters do not desist from doing so. On the contrary, such persons try to earn the maximum amount of money within the shortest possible time by printing, selling and widely circulating such obscene matters. In view of the existence of this evil, the Committee feel that the existing law should be strengthened so that the evil may be curbed. The Committee have, therefore, inserted an amendment to provide for the taking of a bond for good behaviour from persons who persist in (a) producing, printing etc. for sale of obscene matters, or (b) importing, selling etc. of obscene matters.

14. The Committee are also of the opinion that the institution of a high powered commission (like the Royal Commission of Art in United Kingdom) consisting of most eminent persons (some of whom should be women) in the field of art, science, literature etc. would be a great fillip to the development, promotion and distribution of works of high artistic or literary merit. The Committee feel that if such a commission were constituted it would be open to artists, authors etc. (who might intend to avoid any possible harassment due to prosecution on the ground that their work is obscene) to refer their work to the commission for an opinion and the opinion of the Commission as to whether a book etc. is or is not a genuine work of art, science etc. would afford a valuable guidance to the author, publishers and other concerned persons. The Committee, therefore, hope that the Government would take early steps to constitute such a commission.

15. The Select Committee recommend that the Bill as amended be passed.

NEW DELHI;  
Dated the 23rd April, 1969.

TENNETI VISHWANATHAM,  
Chairman,  
Select Committee.



**THE INDIAN PENAL CODE (AMENDMENT) BILL, 1967**

**[AS REPORTED BY THE SELECT COMMITTEE]**

**[Words side-lined or underlined indicate the amendments suggested by the Committee.]**

**A**

**BILL**

*further to amend the Indian Penal Code and to provide for matters incidental thereto.*

**Be it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—**

**1. This Act may be called the Indian Penal Code (Amendment) Act, 1969.** Short title.

**5     2. In the Indian Penal Code,—**

**(a) section 292 shall be re-numbered as sub-section (2) thereof and before sub-section (2), as so re-numbered, the following sub-section shall be inserted, namely:—** Amend-ment of section 292 of Act 45 of 1960.

**10            “(1) For the purposes of sub-section (2), a book, pamphlet, paper, writing, drawing, painting, representation, figure or any**

other object, shall be deemed to be obscene if it is lascivious or appeals to the prurient interest or if its effect, or (where it comprises two or more distinct items) the effect of any one of its items, is, if taken as a whole, such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it.”; 5

(b) in sub-section (2) of section 292, as so re-numbered,—

(i) for the words “with imprisonment of either description for a term which may extend to three months, or with fine, or with both”, the words “on first conviction with imprisonment of either 10 description for a term which may extend to two years, and with fine which may extend to two thousand rupees, and, in the event of a second or subsequent conviction, with imprisonment of either description for a term which may extend to five years, and also with fine which may extend to five thousand rupees” shall be substituted; 15

(ii) for the *Exception*, the following *Exception* shall be substituted, namely:—

“*Exception*.—This section does not extend to—

(a) any book, pamphlet, paper, writing, drawing, 20 painting, representation or figure—

(i) the publication of which is proved to be justified as being for the public good on the ground that such book, pamphlet, paper, writing, drawing, painting, representation or figure is in the interest of science, 25 literature, art or learning or other objects of general concern, or

(ii) which is kept or used *bona fide* for religious purposes;

(b) any representation sculptured, engraved, painted 30 or otherwise represented on or in—

(i) any ancient monument within the meaning of the Ancient Monuments and Archaeological Sites and Remains Act, 1958, or

24 of 1958.

(ii) any temple, or on any car used for the conveyance of idols, or kept or used for any religious purpose.”; 35

(c) in section 293, for the words “with imprisonment of either description for a term which may extend to six months, or with fine, or with both”, the words “on first 40 conviction with imprisonment of either description for a term which may extend to three years, and with fine which may extend to two thousand rupees, and, in the event of a second or subsequent conviction, with imprisonment of either description for a term which may extend to seven years, and also with fine which may extend to five thousand rupees” shall be substituted. 45

2. In the Code of Criminal Procedure, 1898,—

(a) in sub-section (1) of section 99A,—

(i) for the words "seditious matter", the words "seditious or obscene matter", and

(ii) for the words "punishable under section 124A or section 153A or section 295A", the words "punishable under section 124A or section 153A or section 292 or section 293 or section 295A",

shall be substituted;

(b) in section 108,—

(1) after the words "who, within or without such limits," the brackets and figure "(i)" shall be inserted;

(2) after clause (c), the following shall be inserted, namely:—

"(ii) makes, produces, publishes or keeps for sale, imports, exports, conveys, sells, lets to hire, distributes, publicly exhibits or in any other manner puts into circulation any obscene matter such as is referred to in section 292 of the Indian Penal Code.";

(c) in Schedule II, for the entries relating to sections 292 and 293 of the Indian Penal Code, the following entries shall be substituted, namely:—

	1	2	3	4	5	6	7	8
25	"292	Sale, etc., of obscene books, etc.	May arrest without warrant.	Warrant	Bailable	Not compoundable.	On first conviction with imprisonment of either description for a term which may extend to two years, and with fine which may extend to two thousand rupees, and, in the event of a second or subsequent conviction, with imprisonment of either description for a term which may extend to five years, and also with fine which may extend to five thousand rupees.	Court of Session.
30								
35								
40								

Amendment of sections 99A, 108 and Schedule II of Act 5 of 1898.

1	2	3	4	5	6	7	8
293	Sale, etc., of obscene objects to young persons.	May arrest without warrant.	Warrant	Bailable	Not compoundable.	On first conviction with imprisonment of either description for a term which may extend to three years, and with fine which may extend to two thousand rupees, and, in the event of a second or subsequent conviction, with imprisonment of either description for a term which may extend to seven years, and also with fine which may extend to five thousand rupees.	Court of Session." .  5  10  15  20

## APPENDIX I

(Vide para 2 of the Report)

*Motion in Lok Sabha for reference of the Bill to Select Committee*

"That the Bill further to amend the Indian Penal Code and to provide for matters incidental thereto, as passed by Rajya Sabha, be referred to a Select Committee consisting of 24 members, namely:—

- (1) Shri Vidya Dhar Bajpai
- (2) Shri S. M. Banerjee
- (3) Shri R. D. Bhandare
- (4) Shri Chandrika Prasad
- (5) Shri Y. B. Chavan
- (6) Shri Tulsiram Dashrath Kamble
- (7) Shri S. M. Krishna
- (8) Shrimati Sangam Laxmi Bai
- (9) Shri Madhu Limaye
- (10) Dr. Mahadeva Prasad
- (11) Shri Mali Mariyappa
- (12) Shri Bakar Ali Mirza
- (13) Shri Piloo Mody
- (14) Shri Amrit Nahata
- (15) Shri K. S. Ramaswamy
- (16) Shri V. Sambasivam
- (17) Shri Dwaipayan Sen
- (18) Shri Shashi Bhushan
- (19) Shri Sheo Narain
- (20) Shri Vidya Charan Shukla
- (21) Shri R. K. Sinha
- (22) Shri Atal Bihari Vajpayee
- (23) Shri Tenneti Viswanatham
- (24) Shri Diwan Chand Sharma.

with instructions to report by the second day of the next session."

---

## APPENDIX II

(Vide para 5 of the Report)

*Statement showing the names of Association/Individuals etc. from whom memoranda/representations etc. were received by the Select Committee*

Sl. No.	From whom received	Action taken
1	2	3
1.	Shri P. A. Saiyed, Civil Judge and Judicial Magistrate, Limbdi Distt. Surendranagar, Gujarat.	Circulated to Members.
2.	Shri P. V. Akilandam, Madras-14.	-do-
3.	Shri Buddhadeva Bose, Calcutta-47.	-do-
4.	Film Federation of India Bombay.	-do-
5.	Shri D. K. Bedekar, Maharashtra Sahitya Parishad, Poona.	-do-
6.	Dr. R. K. Das Gupta, Head of the Deptt. of Modern Indian Languages, University of Delhi, Delhi.	Circulated to Members and Evidence taken on 6-6-68.
7.	Shri Sitansu Maitra, Head of the Department of English Rabindrabharati University, Calcutta.	Circulated to Members.
8.	Shri P. C. Sen, Calcutta Art Society, Calcutta-13.	-do-
9.	Shri Xavier Thottakath, Chenoor, Varapuzha, Kerala.	-do-
10.	Kala Kendra, Bhagalpur.	-do-
11.	Miss Durga Bhagwat, Bombay.	-do-
12.	Prof. C. P. K. Tharagaa, Institute of English, University of Kerala.	-do-
13.	Advertising Agencies Associations of India, Bombay.	Circulated to Members and Evidence taken on 17-7-68.
14.	Shri R. S. Tripathi, Head of the Sanskrit Department, Aligarh Muslim University, Aligarh.	Circulated to Members.
15.	Dr. V. Raghavan, Professor of Sanskrit, University of Madras, Madras.	Circulated to Member and Evidence taken on 3-8-68.
16.	Shri Arun Prakash Awasthi, Secretary "Jyotsna", Calcutta.	Circulated to Members and Evidence taken on 17-7-68.
17.	Shri P. S. Shastri, Head of the Deptt. of English, Nagpur University, Nagpur.	Circulated to Members.
18.	Shri G. T. Deshpande, Head of the Sanskrit Department, Nagpur University, Nagpur.	-do-
19.	Rajasthan University.	-do-
20.	Shri Krishan Chandar, Bombay-52.	-do-

1	2	3
21.	All India Women's Conference, Head Office, Delhi.	Circulated to Members and Evidence taken on 18-9-68.
22.	Supplement to Memorandum submitted by Prof. C. P. K. Tharagan.	Circulated to Members.
23.	Shri Shashi Dhar Bajpai	Circulated to Members and Evidence taken on 3-8-68.
24.	Smt. U. Lakshmi Kanthamma, Dapatla Town, Andhra Pradesh.	Circulated to Members and Evidence taken on 3-8-68.
25.	Shri Jai Prakash Gupta, All India Radio, Jaipur.	Circulated to Members and Evidence taken on 29-8-68.
26.	Sarya Seva Sangh.	Circulated to Members.
27.	Shri A. B. Shah, International Association for Cultural Freedom, Bombay.	Circulated to Members and Evidence taken on 16-9-68.
28.	Smt. Jaishree Rajji	Circulated to Members.
29.	Western India Film Producers Association, Bombay.	Circulated to Members and Evidence taken on 16-9-68.
30.	Federation of Publishers and Booksellers, Bombay.	Circulated to Members and Evidence taken on 17-9-68.
31.	Smt. Malini Bisen	Circulated to Members and Evidence taken on 17-9-68.
32.	Smt. Indumati G. Tongaonkar	Circulated to Members and Evidence taken on 18-9-68.
33.	Smt. Pramila Jayakar	Circulated to Members.
34.	Smt. Chandrakala. A. Hata	Circulated to Members and Evidence taken on 17-9-68.

\*\*\*\*\*

\*\*\*\*\*In addition, two supplementary Memoranda were received from Shri Jai Prakash Gupta, All India Radio, Jaipur and Prof. A. B. Shah, International Association for Cultural Freedom, Bombay.

## APPENDIX III

(Vide para 6 of the Report)

*Statement showing the names of individual/organisations who gave evidence before the Select Committee*

S. No.	Name of individual/organization	Date on which evidence was taken
I.	Dr. R. K. Das Gupta, Head of the Department of Modern Indian Languages, University of Delhi	6-6-68
II.	Shri Jimmy Ollia, Secretary, Films Federation of India, Bombay	6-6-68
III.	Shri Arjun Prakash Awasthi, Secretary, Jyotsna, Calcutta	17-7-68
IV.	Advertisng Agencies Association of India, Bombay	17-7-68
	<i>Spokesmen :</i>	
	1. Shri Y. S. Joshi	
	2. Shri D. P. Prinje	
V.	Dr. V. Raghavan, Professor of Sanskrit, University of Madras, Madras	3-8-68
VI.	Shrimati U. Lakshmi Kanthamma, Bapatla, (Distt. Guntur) A. P.	3-8-68
VII.	Shri Sashidhar Bajpai, Secretary, Manav Seva Sangh, Kanpur	3-8-68
VIII.	Shri Jai Prakash Gupta, All India Radio, Jaipur	29-8-68
IX.	Western India Film Producers' Association, Bombay	16-9-68
	<i>Spokesmen</i>	
	1. Shri J. P. Tiwari	
	2. Shri J. N. Dhar	
	3. Shri B. N. Kulkarni	
X.	Shri A. B. Shah, India International Association for Cultural Freedom, Bombay	16-9-68
XI.	Shri Jag Mohan, Bombay	16-9-68
XII.	Shri T. M. Ramachandran Editor, Film World, Bombay	17-9-68
XIII.	Shrimati Malini Bisen, Bombay	17-9-68
XIV.	Shri I. S. Johar, President, Indian Motion Picture Association, Bombay	17-9-68
XV.	Smt. Jaishree Raiji, Bombay	17-9-68
XVI.	Smt. Vimlabai Deshmukh, M. P. and Shrimati Tara Sapre, M. P.	17-9-68
XVII.	Smt. Chandrakala A. Hate, Bombay	17-9-68



S. No.	Name of individual/organization	Date on which evidence was taken
XVIII.	Federation of Publishers and Booksellers Association Bombay  <i>Spokesmen</i> 1. Shri Jaman H. Shah 2. Shri G. L. Mirchandani	17-9-68
XIX.	Shri Atyque Padamsce, Vice President, Theatre Group and Chief of Films, Radio & Creative Writing, Bombay	18-9-68
XX.	Prof. C. P. Tharajan, Professor-in-charge, University Institute of English, Trivandrum	18-9-68
XXI.	Smt. Indumati G. Tongaonkar and Smt. Indumati Phalke	18-9-68
XXII.	Dr. B. V. Ranganath, Public Relation Manager, India Oil Corporation, Bombay	18-9-68
XXIII.	All India Women's Conference  <i>Spokesman :</i> Shrimati Mithan J. Lam and	18-9-68
XXIV.	Indian Federation of Women Lawyers & Maharashtra State Women's Council  <i>Spokesman :</i> Smt. Sujata Manohar	
XXV.	Shri J. S. Caashyhap, Bombay	18-9-68
XXVI.	Delhi University, Delhi  <i>Spokesmen :</i> 1. Shri Ajit Singh Chaddha President, Delhi University Students Union, Delhi 2. Shri Dinesh Kumar, Cultural Organizer Delhi University Students' Union, Delhi	16-11-68
XXV	Delhi University, Delhi  <i>Spokesmen :</i> (i) Miss Neelam Dhamija, Maranda House, Delhi. (ii) Miss Radha Ram, Maranda House, Delhi. (iii) Miss Kokila Zutshi, Indraprastha College.	5-12-68

## APPENDIX IV .

(Vide para 10 of the Report)

*Report of the sub-Committee of the Select Committee on the Indian Penal Code (Amendment) Bill, 1967 as passed by Rajya Sabha.*

---

I, the Chairman of the sub-Committee of the Select Committee on the Indian Penal Code (Amendment) Bill, 1967, as passed by Rajya Sabha, having been authorised by the sub-Committee to submit the Report on their behalf, present their Report.

2. The sub-Committee was appointed by the Select Committee at their fourteenth sitting held on the 22nd January, 1969 to consider the definition of "obscenity" as incorporated in sub-clause (a) of clause 2 and all the amendments to the Bill.

3. The sub-Committee held three sittings in all.

4. The sub-Committee have considered and adopted the following amendments to clause 3 of the Bill:

"Page 3, after line 21 insert—

(aa) in section 108—

(1) after "who within or without such limits", insert "(i)";

(2) after clause (c), insert—

"(ii) makes, produces, publishes or keeps for sale, imports, exports, conveys, sells, lets to hire, distributes, publicly exhibits or in any other manner puts into circulation any obscene matter such as is referred to in section 292 of the Indian Penal Code."

5. The sub-Committee are of the opinion that the institution of a high powered commission (like the Royal Commission of Art in United Kingdom) consisting of most eminent persons (some of whom should be women) in the field of art, science, literature etc. would be a great fillip to the development, promotion and distribution of works of high artistic or literary merit. If such a commission were constituted it would be open to artists, authors etc. (who intend to avoid any possible harassment due to prosecution on the ground that their work is obscene) to refer their work to the Commission for an opinion and the opinion of the Commission as to whether a book etc. is or is not a genuine work of art, science etc. would afford a valuable guidance to the authors, publishers and other concerned persons. The sub-Committee hope that the Government would take early steps to constitute such a Commission.

6. The sub-Committee recommend that the amendments suggested to the Bill and the recommendations about the institution of a high powered commission in the foregoing paragraphs be accepted by the Select Committee.

NEW DELHI;  
Dated the 17th April, 1969.

TENNETI VISWANATHAM,  
Chairman,  
Sub-Committee of the Select  
Committee.

## ANNEXURE

*Minutes of the Sittings of the sub-Committee of the Select Committee on the Indian Penal Code (Amendment) Bill, 1967 as passed by Rajya Sabha.*

### I

#### First Sitting

The Sub-Committee sat on Friday, the 21st February, 1969 from 16.10 to 18.20 hours.

#### PRESENT

Shri Tenneti Viswanatham—*Chairman.*

#### MEMBERS

2. Shri R. D. Bhandare
3. Shrimati Sangam Laxmi Bai
4. Shri Bakar Ali Mirza
5. Shri Piloo Mody
6. Shri K. S. Ramaswamy.

#### REPRESENTATIVES OF THE MINISTRY OF HOME AFFAIRS

1. Shri S. S. Varma—*Deputy Secretary.*
2. Shri G. S. Kapoor—*Under Secretary.*

#### SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

2. The Sub-Committee discussed at some length the implications of Amendment Nos. 1—3. It was agreed with reference to Amendment No. I that "intention" should be made an ingredient in the definition of "obscenity" and agreed to the following draft subject to any verbal alteration that might be considered necessary:

Page 2, for line 1—7, substitute "figure or any other object, shall be deemed to be obscene if it is lascivious and intended to appeal to the prurient interest (where it comprises two or more distinct items) the intended effect of any one of its items, is, if taken as a whole, such as to tend to deprave and corrupt persons who are, likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it."

3. The Sub-Committee the adjourned to meet again sometime in early March to take up further consideration of the residuary amendments,  
518(B) L.S.—3.

## AMENDMENT

to

*Minutes of the first sitting of the Sub-Committee of the Select Committee on the Indian Penal Code (Amendment) Bill, 1967, as passed by Rajya Sabha, held on 21st February, 1969.*

---

*Para 2 of the Minutes*

At the end of the draft Amendment add the following as a Note:

“(Shri K. S. Ramaswamy did not agree to the change.)”

---

II

## Second Sitting

The sub-Committee sat on Thursday, the 3rd April, 1969 from 16.00 to 17.30 hours.

## PRESENT

Shri Tanneti Viswanatham—*Chairman.*

## MEMBERS

2. Shri R. D. Bhandare
3. Shri Bakar Ali Mirza
4. Shri Piloo Mody
5. Shri Vidya Charan Shukla.

## REPRESENTATIVES OF THE MINISTRY OF HOME AFFAIRS

1. Shri T. C. A. Srinivasavaradan, *Joint Secretary.*
2. Shri S. S. Varma, *Deputy Secretary.*
3. Shri G. S. Kapoor, *Under Secretary.*

## LEGISLATIVE COUNSEL

Shri S. K. Maitra, *Joint Secretary and Legislative Counsel,*  
*Ministry of Law.*

## SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

2. The Sub-Committee took up further consideration of the amendments.

3. After some discussion, the Sub-Committee adopted the following amendment to clause 3 of the Bill:—

“Page 3, after line 21 insert—

In section 108—

(aa) after “who, within or without such limits”, insert  
“— (i)”;

(b) after clause (c), insert—

“(ii) makes, produces, publishes or keeps for sale, imports, exports, conveys, sells, lets to hire, distributes, publicly exhibits or in any other manner puts into circulation any obscene matter such as is referred to in section 292 of the Indian Penal Code.”

4. The Sub-Committee felt that the institution of a high powered commission (like the Royal Commission of Art, in United Kingdom) consisting of most eminent persons in the field of art, science, literature etc. would be a great fillip to the development, promotion and distribution of works of high artistic or literary merit. If such a commission were constituted it would be open to artists or authors (who intend to avoid any possible harassment due to prosecution on the ground that their work is obscene) to refer their work to the commission for an opinion. The Sub-Committee felt that the Courts would be chary to declare any book or painting etc., as obscene if such book or painting etc. were declared by the Commission to be genuine works of art or science etc. The Sub-Committee, therefore, hoped that the Government would take early steps to constitute such a commission.

5. The Sub-Committee reconsidered the amendment adopted at their first sitting held on 21st February, 1969 and decided to drop that amendment in view of the adoption of suggestion with regard to the appointment of a commission like the Royal Commission of Art.

6. The Sub-Committee decided to prepare a draft report on the Bill for consideration of the Select Committee. In this connection the Chairman was authorised to prepare a draft report and to circulate it to the Members of the Sub-Committee for their consideration at their next sitting.

The Sub-Committee then adjourned.

### III

#### Third Sitting

The sub-Committee sat on Thursday, the 17th April, 1969 from 10.00 to 10.30 hrs.

#### PRESENT

Shri Tenneti Viswanatham—*Chairman*.

#### MEMBERS

2. Shrimati Sangam Laxmi Bai
3. Shri Bakar Ali Mirza
4. Shri Piloo Mody.

#### LEGISLATIVE COUNSEL

Shri S. K. Maitra, *Joint Secretary and Legislative Counsel,  
Ministry of Law.*

## SECRETARIAT

Shri M. C. Chawle—*Deputy Secretary.*

2. The sub-Committee considered and adopted their Report subject to the following modification:—

Para 5, line 3,

after "persons" insert "(some of whom should be women)".

3. The Chairman was authorised to present the Report of the sub-Committee to the Select Committee.

4. The sub-Committee then adjourned.

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## APPENDIX V

### *Minutes of the Sitzings of the Select Committee on the Indian Penal Code (Amendment) Bill, 1967*

#### I

#### First Sitting

The Committee sat on Wednesday, the 8th May, 1968 from 16.00 to 17.00 hours.

#### PRESENT

Shri Tanneti Viswanatham—*Chairman*.

#### MEMBERS

2. Shri Vidya Dhar Bajpai
3. Shri Tulsiram Dashrath Kamble
4. Shri S. M. Krishna
5. Shrimati Sangam Laxmi Bai
6. Shri Mali Mariyappa
7. Shri Bakar Ali Mirza
8. Shri Piloo Mody
9. Shri Amrit Nahata
10. Shri V. Sambasivam
11. Shri Dwaipayan Sen
12. Shri Shashi Bhushan
13. Shri R. K. Sinha
14. Shri Diwan Chand Sharma

#### LEGISLATIVE COUNSEL

Shri S. K. Maitra, *Joint Secretary and Legislative Counsel, Ministry of Law.*

#### REPRESENTATIVES OF THE MINISTRY OF HOME AFFAIRS

1. Shri S. S. Varma—*Deputy Secretary.*
2. Shri N. R. Subramanyan—*Under Secretary.*

#### SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

2. The Chairman permitted the Law Minister, Shri P. Govinda Menon, who was not a member of the Select Committee to attend the meeting in pursuance of Rule 299 of the Rules of Procedure and Conduct of Business in Lok Sabha.

3. The Committee then considered whether or not any further evidence on the Bill as passed by Rajya Sabha should be taken. After some discussion, the Committee felt that as the evidence taken by the Select Committee of the other House was not exhaustive and it did not cover all types of interests affected by the Bill, they should take fresh evidence of public bodies, organisations, associations or individuals interested in any form of art (written, visual or otherwise), science, literature (modern as well as oriental including Sanskrit), education, painting, sculpture, dancing, advertising jurisprudence, etc.

4. The Committee then approved the draft Press Communiqué to be issued in this behalf (Annexure).

5. The Committee desired that a compendium of Rulings/Judgements by the Supreme Court of India, Privy Council of Great Britain and Supreme Court of U.S.A. on "obscurity" should be compiled by the Ministries of Home Affairs and Law and circulated to them.

6. The Committee authorised the Chairman to select parties, after receipt of the written memoranda from them, for oral evidence, and to fix the time and date in each case.

7. The Committee then decided to sit at 11.00 A.M. on the 6th June, 1968 onwards to hear the oral evidence. On subsequent days, the Committee decided to sit from 9.30 A.M. daily.

8. The Committee then adjourned.

#### ANNEXURE

#### LOK SABHA SECRETARIAT

#### *Press Communiqué*

The Select Committee of Lok Sabha on the Indian Penal Code (Amendment) Bill, 1967 as passed by Rajya Sabha on the 18th December, 1967 (which seeks to amend, *inter alia*, sections 292 and 293 of the Indian Penal Code which provide for punishment for sale etc. of obscene books and other matters) held their first sitting on the 8th May, 1968, under the chairmanship of Shri Tenneti Viswanatham, M.P. The Committee decided that public bodies, organisations, associations or individuals interested in any form of art (written, visual or otherwise), science, literature (modern as well as oriental including Sanskrit), education, painting, sculpture, dancing, advertising, jurisprudence, etc., may send memoranda for the consideration of the Committee so as to reach the Secretary, Lok Sabha, Parliament House, New Delhi on or before the 31st May, 1968. The memoranda which might be submitted to the Committee would form part of the records of the Committee and should be treated as strictly confidential and shall not be circulated to anyone, as such an act would constitute a breach of privilege of the Committee.

Those who are desirous of giving oral evidence before the Committee are requested to intimate their intention to this effect to the Lok Sabha Secretariat, Parliament House, New Delhi for consideration of the Committee. They may, if they so desire, obtain a copy of the Bill from the Sales Section of the Lok Sabha Secretariat.



The Committee will sit at New Delhi from the 6th June, 1968 onwards to hear oral evidence.

NEW DELHI;

Dated the 8th May, 1968.

## II

### Second Sitting

The Committee sat on Thursday, the 6th June, 1968 from 11.30 to 13.40 hours and again from 15.00 to 17.00 hours.

### PRESENT

Shri Tenneti Viswanatham—*Chairman*.

### MEMBERS

2. Shri Vidya Dhar Bajpai
3. Shri R. D. Bhandare
4. Shri Chandrika Prasad
5. Shri Tulsiram Dashrath Kamble
6. Shri Madhu Limaye
7. Shri Bakar Ali Mirza
8. Dr. Mahadeva Prasad
9. Shri Piloo Mody
10. Shri Amrit Nahata
11. Shri K. S. Ramaswamy
12. Shri V. Sambasivam
13. Shri Dwaipayan Sen
14. Shri Shashi Bhushan
15. Shri Sheo Narain
16. Shri Vidya Charan Shukla
17. Shri R. K. Sinha
18. Shri Atal Bihari Vajpayee
19. Shri Diwan Chand Sharma.

### LEGISLATIVE COUNSEL

Shri S. K. Maitra, *Joint Secretary and Legislative Counsel,*  
*Ministry of Law.*

### REPRESENTATIVES OF THE MINISTRY OF HOME AFFAIRS

1. Shri S. S. Verma—*Deputy Secretary.*
2. Shri G. S. Kapoor—*Under Secretary.*

## SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

## WITNESSES

Shri R. K. Das Gupta—*Head of the Department of Modern Indian Languages, University of Delhi.*

Shri Jimmy Ollia—*Secretary, Film Federation of India, Bombay.*

2. The Chairman permitted the Deputy Law Minister, Shri Mohammad Yunus Saleem, who was not a member of the Select Committee, to attend the meeting in pursuance of Rule 299 of the Rules of Procedure and Conduct of Business in Lok Sabha.

3. Before the commencement of its business, the Committee, condoling the death of Shri Mali Mariyappa, M.P., passed the following resolution:

“The Committee place on record their profound sense of sorrow on the sad and sudden demise of Shri Mali Mariyappa, a Member of Lok Sabha and an esteemed colleague of theirs.”

The Members then stood in silence for a short while.

4. The Chairman then informed the Committee that in pursuance of the decision of the Select Committee, a Press Communique had been issued inviting memoranda from individuals/associations etc. on the provisions of the Bill and requesting them to give oral evidence before the Committee, if they so desired. Besides, the issuance of Press Communique, some 180 individuals (including Acharya Vinoba Bhave and Shri Jayaprakash Narayan)/associations, etc. representing various fields of art, literature, etc. were specifically requested to submit memoranda and give oral evidence before the Select Committee. The Chairman further informed the Committee that memoranda had been received from 6 individuals/associations only—out of which only three persons had expressed their desire to give oral evidence, before the Committee. They were Shri R. K. Das Gupta, Head of the Department of Modern Indian Languages, University of Delhi, Delhi, Shri Jimmy Ollia, Secretary, Film Federation of India, Bombay, and Shrimati U. Lakshmikanthama, a short story-writer and critic in Telugu, Bapatla, Guntur (Andhra Pradesh).

The Chairman also mentioned to the Committee that the following persons had expressed their inability to appear before the Committee in view of the fact that they would not be paid any T.A./D.A.:—

- (1) Dr. V. Raghavan, Professor of Sanskrit, University of Madras.
- (2) Shri Govind Malhi, a short-story writer and Journalist in Sindhi, Bombay.
- (3) Shri A. R. Deshpande, an eminent poet and critic of Marathi, Nagpur.

The Chairman further informed the Committee that no reply had been received from Acharya Vinoba Bhave and Shri Jayaprakash

Narayan, Shri Mulk Raj Anand, Chairman, Lalit Kala Akademi, New Delhi had expressed his inability to appear before the Select Committee in view of his preoccupation for the next few months. The Sahitya Akademi, New Delhi and Sangeet Natak Akademy, New Delhi had also expressed their regrets for their inability to appear before the Committee.

5. As regards the payment of T.A./D.A. as urged by some persons, the Committee decided that they should in the first instance be asked to submit a memorandum to the Committee and after its perusal if the Chairman felt that there was some scope for seeking clarification|elucidation of the points made out in such memorandum, he might send for the person concerned, who should be paid T.A./D.A. according to the Rules laid down in this behalf.

6. The Committee then discussed the question whether a fresh Press Communique should be issued in the context of the information given to them by the Chairman. After some discussion, the Committee decided to extend the time for the receipt of memoranda on the provisions of the Bill from the Public upto the 30th June, 1968 and approved the Press Communique as given in the Annexure.

7. In view of the importance and far-reaching implications of the provisions of the Bill, the Committee felt that a thorough study of the subject matter be made by the Committee before submitting their Report on the Bill to the House. Accordingly, the Committee decided to ask for an extension of the time for presentation of their Report to the House and authorised the Chairman to move necessary motion in the House.

8. The Committee then heard the evidence given by the witnesses mentioned above.

9. A verbatim record of the evidence given by the witnesses was kept.

10. The Committee then adjourned to meet again at 11.00 hours on Friday, the 7th June, 1968.

### III

#### Third Sitting

The Committee sat on Friday, the 7th June, 1968 from 11.00 to 12.00 hours.

#### PRESENT

Shri Tenneti Viswanatham—*Chairman*.

#### MEMBERS

2. Shri Vidya Dhar Bajpai
3. Shri R. D. Bhandare
4. Shri Chandrika Prasad
5. Shri Tulsiram Dashrath Kamble
6. Dr. Mahadeva Parsad

7. Shri Bakar Ali Mirza
8. Shri Piloo Mody
9. Shri Amrit Nahata
10. Shri K. S. Ramaswamy
11. Shri V. Sambasivam
12. Shri Dwaipayan Sen
13. Shri Shashi Bhushan
14. Shri Sheo Narain
15. Shri R. K. Sinha
16. Shri Atal Bihari Vajpayee
17. Shri Diwan Chand Sharma

#### LEGISLATIVE COUNSEL

Shri S. K. Maitra—*Joint Secretary and Legislative Counsel,  
Ministry of Law.*

#### REPRESENTATIVES OF THE MINISTRY OF HOME AFFAIRS

Shri G. S. Kapoor—*Under Secretary.*

#### SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

Shri Mohammad Yunus Saleem, Deputy Minister of Law was also present at the sitting with the permission of the Chairman under Rule 299 of the Rules of Procedures and Conduct of Business in Lok Sabha.

2. In view of the earlier decision of the Committee for extension of time for the receipt of memoranda on the Bill, from the public, the Chairman invited suggestions from the Members as to the individuals/associations whom they might like to be addressed for sending a memo on the Bill and also for giving oral evidence before the Committee. The Members suggested the names of some eminent writers, film producers and exhibitors, advertisers, scholars etc. who should be addressed in this behalf (Annexure?). It was also decided to address a communication to the Professors in English literature and Sanskrit in some of the important Universities throughout the country for inviting their comments on the provisions of the Bill.

3. The Chairman then explained that the Bill under consideration of the Committee had three purposes in view viz., to define the meaning of the word 'obscene', to enhance the punishment for offences under Section 292 and to enlarge the scope of exceptions to exempt from the operation of the law, in the interest of science, literature and art etc., any material which might otherwise attract the penal provisions of the principal Act. He cautioned the Members about the far-reaching consequences of the provisions of the Bill in affecting public morality and, therefore, desired that the matter must be thoroughly examined and deliberated upon before the Committee could finalise their views on the Bill.

4. The Members then referred to the poor response from the public to the Press Communique which had been issued by the Committee on the 8th May, 1968 inviting individuals|associations who might be interested in any form of art, science, literature, education, painting, sculpture, dancing, advertising, film production and exhibition to send memoranda for the consideration of the Committee and come forward, if they so desired, to give oral evidence before the Committee. Shri Piloo Mody expressed the view that the painters, educationists, dancers of repute, advertisers and those who were associated with film production and exhibition could not be expected to come over to Delhi, for giving oral evidence leaving behind their business|engagements in hand because of the nature of thier jobs. Their 'business' was distinguishable from other businesses because it was essentially of personal nature. If a film actor|actress, for instance, left his|her job even for a day or two, here would be a great dislocation in the work of his|her film production thereby making hundreds of persons idle and involving heavy financial losses. Shri Amrit Nahata and others agreed with this view. Shri D. C. Sharma, Member Incharge of the Bill, also expressed the same view. He observed that the Committee must examine all the pros and cons of the matter thoroughly before they finalised their opinion on the provisions of the Bill. In his view, it would facilitate the task of the Committee if they visited important places like Bombay where the eminent artists, painters, dancers, producers and exhibitors of films, literatures and the institutions of repute interested in art, literature etc. were concentrated and ascertained their viewpoint on the provisions of the Bill. The Members also referred to the fact that the Rajya Sabha Committee on the Bill had earlier visited Bombay and examined only a few individuals there.

5. After some discussion the Committee decided to hold their next sittings from the 15th July to 17th July, 1968 in Bombay to hear oral evidence of individuals|associations interested in the Bill. The Committee authorised the Chairman to seek necessary permission of the Speaker in this behalf.

6. The Committee also approved the suggestion of Shri Amrit Nahata, a member of the Committee to invite the following film producers|writers to give evidence before the Committee on the Bill:

- (i) Shri Balraj Sahni, Theosophical colony, Juhu, Shanta Cruz, Bombay—54.
- (ii) Shri V. Shantaram, Raj Kamal Kala Mandir, Govt. Gate Road, Parel, Bombay—12 D.D.
- (iii) Smt. Nargis Dutt, 58 Pali Hill Bandra, Bombay—50.
- (iv) Miss Waheeda Rehman, 1, 'Poonam' Napean Sea Road, Bombay—6.
- (v) Shri K. A. Abbas, Philomena, Juhu Road Juhu, Bombay—54.

7. The Committee then adjourned to meet on Monday, the 15th July, 1968 (A.N) in Bombay subject to the approval of the Speaker, otherwise, in Parliament House, New Delhi.

## ANNEXURE

*List of individuals|associations|advertisers suggested by the Members for oral evidence on the provisions of the Indian Penal Code (Amendment) Bill, 1967.*

1. Controller of Films Division, Government of India, Bombay.
2. Chairman and Members, Council Board of Films Censors, Bombay.
3. Dr. Yusuf Husain, Simla.
- 4 Shri Subodh Mukerjee, Film Producer, 13th Khar Road, Bombay.
5. Shrimati Sophia Wadia, Editor, Aryan Path, Malabar Hills, Bombay.
6. Shri Brindavan Lal Verma, Jhansi.
7. Shri Sumitra Nandan Pant, C/o "Sarswati", Allahabad.
8. Shri R. K. Karanjia, Editor, Blitz, Bombay.
9. Shri Mahajani, Editor "Lok Satta", Bombay.
10. Shri Udai Shanker, Dancer, Bombay.
11. Shri Krishan Chander, C/o Sagar Nizami, A.I.R., New Delhi.
12. Shri Ismat Choghoi, C/o Sagar Nizami, A.I.R., New Delhi.
13. Shri Bal Mukand of 'ULKA', Bombay.
14. Shri Jarson Da Cunha of 'Lintas', Bombay.
15. Shri Kersi Katrak of 'M. C. M.', Bombay.
16. Shri Peerbhoy of Marketing & Advertising, Bombay.
17. Shrimati Tara Sinha of 'Clarion', Bombay.
18. Shri Biki Oberoi of Oberoi Hotels, New Delhi.
19. M/s. J. Walter Thompson Co. (Pvt.) Ltd., Bombay.
20. Everest (Advertisers).
21. Shri B. N. Goswamy, Head of Fine Arts Department, Punjab University, Chandigarh.

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 IV

## Fourth sitting

The Committee sat on Monday, the 15th July, 1968 from 15.00 to 16.30 hours.

## PRESENT

Shri Bakar Ali Mirza—*In the Chair.*

## MEMBERS

2. Shri Vidya Dhar Bajpai
3. Shri S. M. Banerjee
4. Shri R. D. Bhandare

5. Shri Tulsiram Dashrath Kamble
6. Shri S. M. Krishna
7. Shrimati Sangam Laxmi Bai
8. Dr. Mahadeva Parsad
9. Shri Piloo Mody
10. Shri Amrit Nahata
11. Shri K. S. Ramaswamy
12. Shri Shashi Bhushan
13. Shri Sheo Narain
14. Shri Vidya Charan Shukla
15. Shri R. K. Sinha
16. Shri Atal Bihari Vajpayee
17. Shri Diwan Chand Sharma

#### LEGISLATIVE COUNSEL

Shri R. V. S. Peri-Sastri, *Addl. Legislative Counsel, Ministry of Law.*

#### REPRESENTATIVE OF THE MINISTRY OF HOME AFFAIRS

Shri G. S. Kapoor—*Under Secretary.*

#### SECRETARIAT

Shri K. S. Bhalla—*Senior Parliamentary Interpreter.*

2. In the absence of Shri Tenneti Viswanatham, Chairman of the Committee, Shri Bakar Ali Mirza was elected to act as Chairman for the sitting under Rule 258(3).

3. The Chairman permitted the Law Minister, Shri P. Govinda Menon, who was not a member of the Select Committee, to attend the meeting in pursuance of Rule 299 of the Rules of Procedure and Conduct of Business in Lok Sabha.

4. The Chairman read out a note from Shri Tenneti Viswanatham regretting his inability to be present at the sitting owing to his pre-occupation with the sitting of the Joint Committee on the Constitution (Amendment) Bill, 1967 by Shri Nath Pai, M. P. at Bangalore.

5. The Committee discussed various points arising out of the Memoranda on the Bill already received and circulated to the Members.

6. In view of the inability of the witnesses fixed for the 16th July, 1968 to appear before the Committee on that date, the Committee decided to cancel their sitting scheduled for that day.

7. The Committee then adjourned to meet again on Wednesday, the 17th July, 1968 at 15.00 hours to hear evidence.

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**Fifth sitting**

The Committee sat on Wednesday, the 17th July, 1968 from 15.00 to 18.00 hours.

**PRESENT**

Shri Tenneti Viswanatham—*Chairman.*

**MEMBERS**

2. Shri Vidya Dhar Bajpai
3. Shri S. M. Banerjee
4. Shri R. D. Bhandare
5. Shri Tulsiram Dashrath Kamble
6. Shri S. M. Krishna
7. Shrimati Sangam Laxmi Bai
8. Dr. Mahadeva Parsad
9. Shri Bakar Ali Mirza
10. Shri Piloo Mody
11. Shri Amrit Nahata
12. Shri K. S. Ramaswamy
13. Shri Dwaipayan Sen
14. Shri Shashi Bhushan
15. Shri Sheo Narain
16. Shri Vidya Charan Shukla
17. Shri R. K. Sinha
18. Shri Atal Bihari Vajpayee

**LEGISLATIVE COUNSEL.**

Shri R. V. S. Peri-Sastri, *Addl. Legislative Counsel, Ministry of Law.*

**REPRESENTATIVE OF THE MINISTRY OF HOME AFFAIRS**

Shri G. S. Kapoor, *Under Secretary.*

**SECRETARIAT**

Shri M. C. Chawla—*Deputy Secretary.*

**WITNESSES**

1. Shri Arun Prakash Awasthi, Secretary, "Jyotsna", 52, Strand Road, CALCUTTA—7.



## II. Advertising Agencies Association of India, BOMBAY.

### *Spokesmen:—*

- (1) Shri V. S. Joshi
- (2) Shri D. P. Prinja

2. Chairman informed the Committee that in pursuance of the decisions taken by the Select Committee at their last session held in June, 1968, a Press Communique was issued extending the time for submission of memoranda on the Bill upto the 30th June, 1968, and individual letters were addressed to 26 Associations|Advertisors|Film producers|writers etc. inviting their views on the Bill and also asking them if they would like to give evidence before the Committee. It was made clear to them that the Committee would be meeting at Bombay to hear their evidence. Letters were also addressed to Heads of Departments of English and Sanskrit of 32 major Universities in the Country inviting their comments on the provisions of the Bill.

As desired by the Committee the Speaker was approached for permission to hold the next Session of the Committee at Bombay and he was pleased to accord permission. But as the Bombay Legislature Secretariat expressed their inability to arrange for adequate accommodation for members in view of their own House being in Session on the relevant dates, the proposed sittings of the Committee at Bombay had to be cancelled.

Of the 26th individuals/associations connected with the Film world etc. to whom letter were addressed, only four had sent replies so far. Three (including the Films Division of the Ministry of Information and Broadcasting) had expressed their inability to give evidence before the Committee and the fourth (Mrs. Nargis Sunil Dutt) had stated that she would not be at Bombay from 15th to 17th July—the dates on which the Committee were scheduled to meet there.

Out of the 32 Universities addressed in this regard, five had regretted their inability to offer any comment on the Bill. The Nagpur University, the Aligarh University and Rajasthan University had submitted memoranda on the Bill which had been circulated. The Heads of English and Sanskrit Departments of the Nagpur University had also expressed their desire to appear before the Committee. They were invited to appear before the Committee on the 16th July, 1968. But on the 12th July, 1968 they had informed the Secretariat that they could appear before the Committee on the 16th July only if air passage was paid to them to and fro; otherwise they had requested to be given some later date for appearing before the Committee. They had been informed that their request would be placed before the Committee.

After the issue of second press communique, memoranda from nine other individuals|bodies were received and all of them had been circulated. Three of them also had desired to give oral evidence before the Committee. Of them, two namely, Shri Arun Prakash Awasthi, Secretary "Jyotsna" of Calcutta and Shri V. S. Joshi, Secretary, Advertising Agencies Association of India, Bombay, had been asked to appear before the Committee on the 17th July, 1968. The third, Dr. V. Raghavan of Madras whose request was also considered by the Committee earlier

had desired to be paid air passage to and fro for coming to Delhi. He had not been called.

3. The Committee decided to hold sittings at Bombay from 16th to 18th September, 1968 (to be extended by one day, if found necessary) to hear evidence of prominent film actors, actresses, directors, producers, Art Critics, film journals, women magazines, social workers, women's organisations and others interested in giving evidence on the Bill. They decided to hold two sessions daily from 10.00 to 13.00 hours and 15.30 to 17.30 hours at the Council Hall at Bombay for the purpose.

4. The Committee also decided that letters be addressed afresh to all the aforesaid prominent persons connected with films in various capacities art, film and women's magazines, women's organisations, social organisations in Bombay (in consultation with Shri Piloo Mody, Shri Amrit Nahata and Shrimati Sangam Laxmi Bai) inviting them to appear before the Committee at their session in Bombay. The Committee further, decided to invite Shri A. B. Shah, Editor of "The Roots of Obscenity" published by the Lalvani Publishing House and reviewed in the November issue of the magazine "Quest" and to request him to send two copies of the book for the perusal of the Committee which might be forwarded to the Parliament Library after they had finished with them.

5. The Committee desired that the following persons also be requested to give evidence on the Bill at Bombay:—

(1) Shri C. P. K. Tharagan, Professor-in-charge, University Institute of English, University of Kerala.

(2) Miss Durga Bhagwat, Bombay.

The Committee also desired to invite Dr. Raghvan of Madras and Shrimati Lakshmi Kantamma—famous Writer of Andhra Pradesh to appear before the Committee to give evidence at Delhi on 3rd August, 1968 and decided to give them air fare to and fro for coming to Delhi for the purpose.

6. The Committee decided that T.A./D.A. should be paid to all those witnesses who came hereafter from outstation to give evidence in response to their invitations and requests.

7. The Committee decided that Heads of English and Sanskrit Departments of Nagpur University who could not come to Delhi to give evidence on 16th July, 1968 need not be asked to appear before the Committee on another date.

8. The Committee further decided to ask for an extension of time for the presentation of their Report to the House by the last day of the Winter Session of Lok Sabha and authorised the Chairman or, in his absence, Shri Bakar Ali Mirza to move the necessary motion in the House.

9. The following witnesses then gave evidence before the Committee. Before they gave evidence the Chairman drew their attention to Direction No. 58 of the Directions by the Speaker:—

(1) Shri Arun Prakash Awasthi, Secretary, 'Jyotsna', Calcutta.  
(15.00 to 16.30 hours).

(2) Shri V. S. Joshi } Advertising Agencies Association of  
(3) Shri D. P. Prinja } India, Bombay.

(16.30 to 18.00 hrs.)

10. A verbatim record of evidence was kept.

11. The Committee then adjourned to meet again on the 3rd August, 1968 to hear evidence.

## VI

### Sixth Sitting

The Committee sat on Saturday, the 3rd August, 1968 from 10.30 to 13.30 hours.

#### PRESENT

Shri Tenneti Viswanatham—*Chairman.*

#### MEMBERS

2. Shri Vidya Dhar Bajpai
3. Shri R. D. Bhandare
4. Shri Tulsiram Dashrath Kamble
5. Shrimati Sangam Laxmi Bai
6. Shri Bakar Ali Mirza
7. Shri K. S. Ramaswamy
8. Shri R. K. Sinha
9. Shri Diwan Chand Sharma

#### LEGISLATIVE COUNSEL

Shri S. K. Maitra, *Jt. Secy. & Leg. Counsel, Miny. of Law.*

Shri R. V. S. Peri-Sastri, *Addl. Legislative Counsel, Ministry of Law.*

#### REPRESENTATIVE OF THE MINISTRY OF HOME AFFAIRS

Shri S. S. Verma, *Deputy Secretary.*

#### SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

#### WITNESSES

- I. Dr. V. Raghavan, Professor of Sanskrit, University of Madras.
- II. Smt. U. Lakshmikanthamma, Bapatla, District Guntur (A.P.)
- III. Shri Seshadhar Bajpai, 128 C/B, Kidwai Nagar, Kanpur.

2. Before the following witnesses proceeded to give evidence, the Chairman drew their attention to the provisions of Dir. 58 of the Directions by the Speaker:

I. Dr. V. Raghavan, Professor of Sanskrit, University of Madras—10.30 to 11.45 hrs.

II. Smt. U. Lakshmikanthamma, (Telugu writer) Bapatla (Distt. Guntur), A.P.—11.47 to 12.30 hrs.

III. Shri Sashidhar Bajpai, (Representing Manav Sewa Sangh), 128 C/8, Kidwai Nagar, Kanpur.—12.32 to 13.30 hrs.

3. A verbatim record of evidence was kept.

4. The Chairman drew the attention of the Committee to an article captioned "Widening Cracks in the Moral Structure" by Shri Jai Prakash Gupta, Listener Research Officer, All India Radio, Jaipur appearing in the August, 1968 issue of the journal "Social Welfare" published by the Central Social Welfare Board, New Delhi from which he read out some passages about the latest thinking on matters relating to "obscenity" in some of the progressive countries like U.K., Denmark, Sweden and other European countries.

The Committee then decided to send for this writer for evidence on one of the days during the current session of Lok Sabha.

The Committee then adjourned.

## VII

### Seventh Sitting

The Committee sat on Thursday, the 29th August, 1968 from 16.00 to 17.00 hours.

### PRESENT

Shri Tenneti Viswanatham—*Chairman*.

### MEMBERS

2. Shri Vidya Dhar Bajpai
3. Shri S. M. Banerjee
4. Shri R. D. Bhandare
5. Shri Z. M. Kahandole
6. Shri Tulsiram Dashrath Kamble
7. Shrimati Sangam Laxmi Bai
8. Dr. Mahadeva Parsad
9. Shri Bakar Ali Mirza
10. Shri Anarit Nahata
11. Shri K. S. Ramaswamy
12. Shri Dwaipayan Sen
13. Shri Shashi Bhushan

## LEGISLATIVE COUNSEL

Shri S. K. Maitra, *Joint Secretary and Legislative Counsel,  
Ministry of Law.*

## REPRESENTATIVES OF THE MINISTRY OF HOME AFFAIRS

1. Shri S. S. Verma, *Deputy Secretary.*
2. Shri G. S. Kapoor, *Under Secretary.*

## SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

## WITNESS

Shri Jai Prakash Gupta, *Listener Research Officer, A.I.R.,  
Jaipur.*

2. At the outset, the Chairman drew the attention of the following witness to Direction 58:—

Shri Jai Prakash Gupta, *Listener Research Officer, A.I.R., Jaipur.*

3. During the course of evidence, Shri Gupta produced two Press Clippings from 2 Jaipur Hindi Dailies named "Rajdoot" and "Rajasthan Patrika" portraying some scenes from the films "Gauri" and "Gypsy" which he considered as "obscene".

4. A verbatim record of evidence was kept.

5. The Committee then adjourned to meet at Bombay from the 16th September, 1968 onwards to hear further evidence.

## VIII

## Eighth Sitting

The Committee sat on Monday, the 16th September, 1968 from 10.00 to 13.00 hours and again from 15.30 to 16.50 hours in the Council Hall, Bombay.

## PRESENT

Shri Tanneti Viswanatham—*Chairman.*

## MEMBERS

2. Shri Vidya Dhar Bajpai
3. Shri R. D. Bhandare
4. Shri Chandrika Prasad
5. Shri Y. B. Chavan
6. Shri Z. M. Kahandole
7. Shri Tulsiaram Dashrath Kamble
8. Shri S. M. Krishna
9. Shrimati Sangam Laxmi Bai

10. Dr. Mahadeva Prasad
11. Shri Bakar Ali Mirza
12. Shri Piloo Mody
13. Shri Amrit Nahata
14. Shri K. S. Ramaswamy
15. Shri Shashi Bhushan
16. Shri Sheo Narain
17. Shri Vidya Charan Shukla
18. Shri R. K. Sinha
19. Shri Atal Bihari Vajpayee

**REPRESENTATIVE OF THE MINISTRY OF HOME AFFAIRS**

**Shri S. S. Verma—Deputy Secretary**

**SECRETARIAT**

**Shri M. C. Chawla—Deputy Secretary**

At the outset, the Chairman expressed his concern over the inconvenience caused to some of the members on account of the non-availability of the accommodation in the M.L.A.'s Hostel on their arrival at Bombay despite the fact that it had been reserved much in advance and had been confirmed by the Maharashtra Government. The Chairman felt that in future Parliamentary Committees especially the Joint Committee/Select Committees might perhaps do well to sit at New Delhi itself instead of at the State capitals, where the members had to face many difficulties during their short stay.

2. The attention of the following witnesses was drawn to Direction No. 58 issued by the Speaker before they proceeded to give their evidence:

**I. Western India Film Producers Association, Bombay**

- |                        |                       |
|------------------------|-----------------------|
| 1. Shri J. P. Tiwari   | } 10.00 to 11.10 hrs. |
| 2. Shri J. N. Dhar     |                       |
| 3. Shri B. N. Kulkarni |                       |

- |  |                       |
|--|-----------------------|
| II. Prof. A. B. Shah, Director of<br>Programme, India, International<br>Association for Cultural Free-<br>dom, Bombay—1. | } 11.30 to 13.00 hrs. |
|  |                       |

The Committee approved the revised list of the witnesses to be heard by them on the 17th and 18th September, 1968.

The Committee then adjourned till 15.30 hours.

3. The Committee re-assembled after Lunch and heard the evidence of the following witness from 15.30 to 16.50 hours:

**Shri Jag Mohan,**  
Writer, Art Critic and Filmologist and  
former Member, Advisory Panel of the Central Board of Film  
Censor, Bombay.

The Committee then adjourned to meet again at 10.00 hours on 17th September, 1968 in the Council Hall, Bombay.

**IX****Ninth Sitting**

The Committee sat on Tuesday, the 17th September, 1968 from 10.00 to 13.15 hours and again from 15.20 to 17.20 hours in the Council Hall, Bombay.

**PRESENT**

Shri Tenneti Viswanatham—*Chairman*.

**MEMBERS**

2. Shri Vidya Dhar Bajpai
3. Shri R. D. Bhandare
4. Shri Chandrika Prasad
5. Shri Y. B. Chavan
6. Shri Z. M. Kahandole
7. Shri Tulsiram Dashrath Kamble
8. Shri S. M. Krishna
9. Shrimati Sangam Laxmi Bai
10. Dr. Mahadeva Parsad
11. Shri Bakar Ali Mirza
12. Shri Piloo Mody
13. Shri Amrit Nahata
14. Shri K. S. Ramaswamy
15. Shri Shashi Bhushan
16. Shri Sheo Narain
17. Shri Vidya Charan Shukla
18. Shri R. K. Sinha
19. Shri Atal Bihari Vajpayee

**REPRESENTATIVE OF THE MINISTRY OF HOME AFFAIRS**

Shri S. S. Verma—*Deputy Secretary*.

**SECRETARIAT**

Shri M. C. Chawla—*Deputy Secretary*.

The Committee heard the evidence of the following witnesses (before they were allowed to proceed with their evidence, their attention was drawn by the Chairman to Direction 58 of the Directions by the Speaker):

- |   |   |                       |
|---|---|-----------------------|
| I. Shri T. M. Ramachandran, Editor<br>and Publisher, Film World,<br>BOMBAY. | } | 10.00 to 11.05 hours. |
| II. Smt. Malini Bisen, Journalist,<br>BOMBAY.                               | } | 11.05 to 11.55 hours. |

- III. Shri I. S. Johar, Chairman, Indian Motion Picture Producers' Association, BOMBAY. } 12.00 to 13.15 hours.

The Committee also agreed to hear the oral evidence of (i) the representatives of the Federation of Publishers and Book-sellers' Association in India, Bombay at 5.00 P.M. that very day and (ii) Shri Alyque Padamsee, Vice-President, Theatre Group, Bombay at 9.30 A.M. on the 18th September, 1968.

The Committee then adjourned for lunch at 13.02 hours.

The Committee re-assembled after Lunch at 15.20 hours and heard the evidence of the following:

- IV. Smt. Jaishree Rajji, BOMBAY. ] 15.20 to 15.50 hours.
- V. Smt. Vimlabai Deshmukh, M.P. and Smt. Tara Sapre, M.P. } 15.51 to 16.09 hours.
- VI. Smt. Chandrakala A. Hate, BOMBAY. } 16.10 to 16.45 hours.
- VII. The Federation of Publishers and Book Sellers' Associations in India, BOMBAY. } 16.52 to 17.20 hours.
- (1) Shri Jaman H. Shah
- (2) Shri G. L. Mirchandani

The Committee then adjourned to meet at 9.30 hours on the 18th September, 1968.

## X

### Tenth Sitting

The Committee sat on Wednesday, the 18th September, 1968 from 9.30 to 13.00 hours and again from 15.00 to 17.30 hours in the Council Hall, Bombay.

### PRESENT

Shri Tenneti Viswanatham—*Chairman*.

### MEMBERS

2. Shri Vidya Dhar Bajpai
3. Shri R. D. Bhandare
4. Shri Chandrika Prasad
5. Shri Z. M. Kahandole
6. Shri Tulsiram Dashrath Kamble
7. Shri S. M. Krishna
8. Shrimati Sangam Laxmi Bai
9. Dr. Mahadeva Parsad
10. Shri Bakar Ali Mirza
11. Shri Filoo Mody



12. Shri Amrit Nahata
13. Shri K. S. Ramaswamy
14. Shri Shashi Bhushan
15. Shri Sheo Narain
16. Shri Vidya Charan Shukla
17. Shri R. K. Sinha
18. Shri Atal Bihari Vajpayee

**REPRESENTATIVES OF THE MINISTRY OF HOME AFFAIRS**

Shri S. S. Verma—*Deputy Secretary.*

**SECRETARIAT**

Shri M. C. Chawla—*Deputy Secretary.*

[There was no quorum till 9.45 hours when the proceedings commenced].

The Committee heard the evidence of the following witnesses. Before they were allowed to proceed with the evidence, their attention was drawn by the Chairman to Direction 58 of the Directions by the Speaker:

- I. Shri Alyque Padamsee, Vice-President, Theatre Group & Chief of Films, Radio and Creative Writing, Lintas Ltd., BOMBAY.—9.45 to 10.45 hours.
  - II. Prof. C. P. K. Tharagan, Professor-in-charge, University Institute of English, TRIVANDRUM.—10.45 to 11.30 hours.
  - III. Smt. Indumati G. Tongaonkar and Smt. Indumati Phadke (Social Workers) BOMBAY.—11.30 to 12.05 hours.
- (During the evidence given by these ladies, Smt. Tara Sapre, M.P. was present by permission of the Chair).
- IV. Shri R. V. Ranganath, Public Relations Officer, Indian Oil Corporation, BOMBAY.—12.06 to 13.00 hours.

The Committee adjourned for Lunch at 13.00 hours.

The Committee reassembled at 15.00 hrs. after lunch and heard evidence of the following, after their attention was drawn to Direction 58:—

**V. All India Womens' Conference**

Smt. Mithan J. Lam, Barrister-at-Law, Formerly President of All India Womens' Conference; President Indian Federation of Women Lawyers; formerly President of Maharashtra State Womens' Council.—15.00 to 16.30 hours.

**VI. Indian Federation of Women Lawyers & Maharashtra State Womens' Council**

Smt. Sujata Manohar, Barrister-at-Law

**VII. Shri J. S. Casshyap, Writer, Producer, Artiste, BOMBAY.—16.30 to 16.45 hours.**

The Committee desired that the Ministry of Law should be asked to compile a note setting forth the implications of the term "obscenity"—its concept etc. as spelt out by the Courts in U.S.A., Commonwealth Countries and as provided in the Penal Laws in these countries as also as obtaining in the various socialist countries like U.S.S.R., East European countries etc.

The Committee further desired that the Ministry of Law might also be asked to collect gists of court judgments explaining the connotations of the words "lascivious", "prurient interests", "deprave and corrupt persons etc." and such other words and expressions occurring in Clause 2 of the Bill.

The Chairman thanked the Secretary and other Officers and the staff of the Maharashtra Legislature for affording all the facilities to the Committee for holding their present session at Bombay.

The Committee adjourned at 17.30 hours to meet again in the last week of October, 1968 in Delhi to hear the views of President and Secretary of the Delhi University Students' Union and the President of the Students' Union of one of the premier Women's Colleges in Delhi who should be invited for the purpose.

## XI

### Eleventh Sitting

The Committee sat on Saturday, the 16th November, 1968 from 11.00 to 13.10 hours.

#### PRESENT

Shri Tenneti Viswanatham—*Chairman.*

#### MEMBERS

2. Shri Tulsiram Dashrath Kamble
3. Shrimati Sangam Laxmi Bai
4. Shri Bakar Ali Mirza
5. Shri Piloo Mody
6. Shri V. Sambasivam
7. Shri Dwaipayan Sen
8. Shri R. K. Sinha.

#### REPRESENTATIVES OF THE MINISTRIES

1. Shri S. K. Maitra, *Joint Secretary, and Legislative Counsel, Ministry of Law.*
2. Shri S. S. Verma, *Deputy Secretary, Ministry of Home Affairs.*

#### SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

#### WITNESSES

- (1) Shri Ajit Singh Chaddha, *President, Delhi University Students' Union, Delhi.*

(2) Shri Dinesh Kumar, *Cultural Organiser, Delhi University Students' Union, Delhi.*

2. The Committee, after some discussion, decided that Members might give notice of their amendments, if any, by the 2nd December, 1968 at the latest. Thereafter, the Committee would sit on Wednesday, the 11th December, 1968 to take up clause-by-clause consideration of the Bill.

3. The Committee waited for about 50 minutes for the following representatives of the Delhi University Students' Union to arrive:—

1. Shri Ajit Singh Chaddha, *President, Delhi University Students' Union, Delhi.*

2. Shri Dinesh Kumar, M.A. (Final) Kirori Mal College, *Cultural Organiser, Delhi University Students' Union, Delhi.*

Before these witnesses proceeded to give evidence, their attention was drawn by the Chairman to Direction 58 of the Directions by the Speaker. (The representatives of Students' of Womens' College Union did not, however, come.).

4. A verbatim record of the evidence was kept.

5. The Committee also desired that two or three representatives of the Unions of the Womens' Colleges in the Capital might be heard about their views on the scope of "obscenity" in the context of the proposed legislation.

6. The Committee then adjourned.

## XII

### Twelfth Sitting

The Committee sat on Thursday, the 5th December, 1968 from 15.30 to 16.40 hours.

### PRESENT

Shri Tenneti Viswanatham—*Chairman.*

### MEMBERS

2. Shri S. M. Banerjee
3. Shri R. D. Bhandare
4. Shri Tulsiram Dashrath Kamble
5. Shrimati Sangam Laxmi Bai
6. Shri Madhu Limaye
7. Shri Bakar Ali Mirza
8. Shri Piloo Mody
9. Shri Dwaipayan Sen

### REPRESENTATIVES OF THE MINISTRY

1. Shri T. C. A. Srinivasavardan, *Joint Secretary, Ministry of Home Affairs.*
2. Shri S. S. Verma, *Deputy Secretary, Ministry of Home Affairs.*

### LEGISLATIVE COUNSEL

Shri S. K. Maitra, *Joint Secretary and Legislative Counsel, Ministry of Law.*

### SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

2. At the outset, the Chairman drew the attention of the following witnesses, who were students of the Delhi University to Direction 58 of the Directions by the Speaker:

- |  |   |                                      |
|--|---|--------------------------------------|
| (1) Miss Neelam Dhamija  | { | M.A. (Prev.) History, Miranda House, |
| (2) Miss Radha Ram   |   | Delhi University.                    |
| (3) Miss Kokila Zutshi—M.A. (Final), Indraprastha College, Delhi University. |   |                                      |

The evidence lasted till 16.35 hours.

3. A verbatim record of the proceedings was kept.

4. Referring to the earlier decision of the Committee to sit from the 11th December, 1968 to take up clause-by-clause consideration of the Bill, the Committee decided to defer this in view of the serious illness of the Member-in-Charge of the Bill, Shri D. C. Sharma. The Committee expressed their concern over his illness and wished him early recovery. The Committee decided that as the Bill required considerable further thought in the context of the views expressed before them by a cross-section of the witnesses who appeared before them, they might ask for another extension of time till the last day of the next Budget Session for the presentation of their Report.

5. The Committee authorised the Chairman and, in his absence, Shri R. D. Bhandare to move the necessary motion in the House for seeking extension of time for presentation of their Report.

The Committee then adjourned.

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## XIII

### Thirteenth Sitting

The Committee sat on Tuesday, the 21st January, 1969 from 14.00 to 16.30 hrs.

### PRESENT

Shri Tenneti Viswanatham—*Chairman*

### MEMBERS

2. Shri Vidya Dhar Bajpai
3. Shri R. D. Bhandare

4. Shri Z. M. Kahandole
5. Shri Tulsiram Dashrath Kamble
6. Shri S. M. Krishna
7. Dr. Mahadeva Parsad
8. Shri Bakar Ali Mirza
9. Shri Piloo Mody
10. Shri Amrit Nahata
11. Shri K. S. Ramaswamy
12. Shri Shashi Bhushan
13. Shri Sheo Narain
14. Shri Vidya Charan Shukla
15. Shri R. K. Sinha.

**REPRESENTATIVES OF THE MINISTRY OF HOME AFFAIRS**

1. Shri S. S. Verma, *Deputy Secretary*.
2. Shri G. S. Kapoor, *Under Secretary*.

**LEGISLATIVE COUNSEL**

Shri S. K. Maitra, *Joint Secretary and Legislative Counsel*.

**SECRETARIAT**

Shri M. C. Chawla—*Deputy Secretary*.

2. The Committee held a general discussion as to the desirability of making a provision requiring the trial judge to come to a decision after considering the report of an advisory committee constituted by Government for the purpose of determining whether a particular book, pamphlet, paper, writing, drawing, printing etc. is in the interest of science, literature, art, learning etc.

3. After some discussion, it was decided that a member, who desires to make a provision in the Bill for the appointment of an advisory body might give notices of their respective amendments, which would be considered by the Committee at their next sitting to be held on the 22nd January, 1969

4. The Committee then adjourned till 14.30 hours on the 22nd January, 1969.

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**XIV**

**Fourteenth Sitting**

The Committee sat on Wednesday, the 22nd January, 1969 from 14.30 hours to 16.30 hours.

**PRESENT**

Shri Tenneti Viswanatham—*Chairman*

**MEMBERS**

2. Shri Vidya Dhar Bajpai
3. Shri R. D. Bhandare

4. Shri Z. M. Kahandole
5. Shri Tulsiram Dashrath Kamble
6. Shri S. M. Krishna
7. Shrimati Sangam Laxmi Bai
8. Dr. Mahadeva Prasad
9. Shri Bakar Ali Mirza
10. Shri Piloo Mody
11. Shri K. S. Ramaswamy
12. Shri V. Sambasivam
13. Shri Shashi Bhushan
14. Shri Sheo Narain
15. Shri Vidya Charan Shukla
16. Shri Diwan Chand Sharma.

#### REPRESENTATIVES OF THE MINISTRY OF HOME AFFAIRS

1. Shri S. S. Verma, *Deputy Secretary*.
2. Shri G. S. Kapoor, *Under Secretary*.

#### LEGISLATIVE COUNSEL

Shri S. K. Maitra, *Joint Secretary and Legislative Counsel*.

#### SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary*.

2. The Committee took up clause-by-clause consideration of the Bill.

3. At the outset, the Committee discussed at some length the question whether Amendment No. 6 by Shri V. C. Shukla fell within the scope of the amending Bill. After some discussion the Committee felt that a new clause to the effect that habitual publishers of obscene matters should be required to execute a bond for good behaviour should be inserted in the Bill. The Legislative Counsel was asked to prepare the draft amendment. The Committee then deferred further consideration of this amendment to the next meeting when they wanted to hear the Law Minister also on this issue.

4. The Committee then took up Amendment Nos. 1 & 2 by Shri Piloo Mody. After some discussions, the Committee decided to appoint the following sub-Committee to consider the draft of the definition of "obscenity" as incorporated in sub-clause (a) of clause 2 of the Bill:

- |  |           |
|--|-----------|
| 1. Shri Tenneti Viswanatham— <i>Chairman</i> |           |
| 2. Shri R. D. Bhandare                       | } Members |
| 3. Shrimati Sangam Laxmi Bai                 |           |
| 4. Shri Piloo Mody                           |           |
| 5. Shri K. S. Ramaswamy                      |           |
| 6. Shri Vidya Charan Shukla                  |           |
| 7. Shri Bakar Ali Mirza                      |           |

5. The sub-Committee was also authorised to consider all the amendments.

It was decided that the sub-Committee should meet on some day to be fixed by the Chairman during the next Budget Session.

The Committee then adjourned.

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## XV

### Fifteenth Sitting

The Committee sat on Wednesday, the 23rd April, 1969 from 15.00 hours to 15.45 hours.

#### PRESENT

Shri Tenneti Viswanatham—*Chairman*

#### MEMBERS

2. Shri Vidya Dhar Bajpai
3. Shri S. M. Banerjee
4. Shri R. D. Bhandare
5. Shri Bakar Ali Mirza
6. Shri K. S. Ramaswamy
7. Shri Dwaipayan Sen
8. Shri R. K. Sinha
9. Shri Vidya Charan Shukla

#### REPRESENTATIVES OF THE MINISTRY OF HOME AFFAIRS

2. Shri G. S. Kapoor, *Under Secretary*.

#### LEGISLATIVE COUNSEL

Shri S. K. Maitra, *Joint Secretary and Legislative Counsel*.

#### SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary*.

2. The Report of the Sub-Committee on the Indian Penal Code (Amendment) Bill, 1967, as passed by Rajya Sabha, was presented to the Select Committee.

3. The Committee took up clause-by-clause consideration of the Bill in the light of amendments suggested by the Sub-Committee.

4. *Clause 2.*—The clause was adopted without amendment.

5. *Clause 3.*—The following amendment was accepted:—

Page 3, after line 21 insert—

“(aa) in section 108—

(1) after ‘who within or without such limits’, insert ‘(i)’;

(2) after clause (c), insert—

‘(ii) makes, produces, publishes or keeps for sale, imports, exports, conveys, sells, lets to hire, distributes, publicly exhibits or in any other manner puts into circulation any obscene matter such as is referred to in section 292 of the Indian Penal Code.’”

The clause, as amended, was adopted.

6. *Clause 1.*—The following amendment was accepted:—

Page 1, line 4,—

for “1967” substitute “1969”

The clause, as amended, was adopted.

7. *Enacting Formula.*—The following amendment was accepted:—

Page 1, line 1,—

for “Eighteenth” substitute “Twentieth”.

The Enacting Formula, as amended, was adopted.

8. *Long Title.*—The Long Title was adopted without amendment.

9. The Committee then considered the Bill as amended and adopted the same.

10. The Committee then considered the Draft Report and adopted the same.

11. The Chairman then drew the attention of the members of the Committee to the provisions of Direction 87 of the Directions by the Speaker regarding Minutes of Dissent.

12. The Legislative Counsel was authorised to correct patent errors and to carry out amendments of a consequential nature in the Bill.

13. The Chairman announced that the Minutes of Dissent, if any, might be sent to the Lok Sabha Secretariat so as to reach them by 17.00 hours on Monday, the 28th April, 1969.

14. The Committee also decided that the evidence given before them should be printed and laid on the Table of the House.

15. The Committee further decided that memoranda/representations received by the Committee be laid on the Table of the House and also a set thereof be placed in the Parliament Library for reference.

16. The Committee authorised the Chairman and, in his absence, Shri R. D. Bhandare to present the Report and to lay the Evidence and memoranda/representations received by the Committee on the Table of the House on the 1st May, 1969.



17. The Committee placed on record their sense of appreciation of the able and congenial manner in which the Chairman conducted the proceedings of the Committee. The Committee also placed on record their appreciation of the cooperation extended by the Minister of Home Affairs Minister of State in the Ministry of Home Affairs and the Deputy Minister of Home Affairs at the various stages of consideration of the Bill.

18. The Committee also placed on record their appreciation of the assistance rendered by the Legislative Counsel.

19. The Committee then adjourned.

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