

Saturday, 1st March, 1952



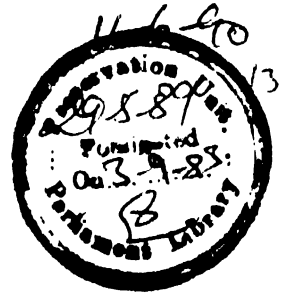
# PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

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VOLUME II, 1952



(1st March, 1952 to 5th March, 1952)

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Fifth Session  
of the  
PARLIAMENT OF INDIA

1952

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**CORRIGENDA**

to

the Parliamentary Debates (Part II—Other than Questions and Answers), Fifth Session, 1952

In Volume II,—

1. No. 1, dated the 1st March, 1952,—
    - (i) Col. 1662 for existing line 40 read "11 A.M."
  2. No. 2, dated the 3rd March, 1952,—
    - (i) Col. 1773, line 23 delete "in the".
    - (ii) Col. 1851, line 17 from bottom for "Rs. 38" read "Rs. 88".
  3. No. 3, dated the 4th March, 1952,—
    - (i) Col. 1890, line 18 from bottom for "where" read "when".
    - (ii) Col. 1907, after line 49 insert "immediately a thing is taken up the".
    - (iii) Col. 1936, delete existing last line.
    - (iv) Col. 1975, between lines 12 and 13 from bottom insert "Rs. 8,85,96,000 be granted to the".
  4. No. 4, dated the 5th March, 1952,—
    - (i) Col. 2002, line 12 delete the words "less than" occurring twice in the line.
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**THE**  
**PARLIAMENTARY DEBATES**  
**(Part II—Proceedings other than Questions and Answers)**  
**OFFICIAL REPORT**

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1635

**PARLIAMENT OF INDIA**

*Saturday, 1st March, 1952*

*The House met at Half Past Nine of  
the Clock.*

[MR. SPEAKER in the Chair]

**QUESTIONS AND ANSWERS**

*(No Questions: Part I not published)*

**DELHI AND AJMER RENT  
CONTROL BILL**

**The Deputy Minister of Works,  
Production and Supply (Shri Bura-  
gohain):** I beg to move:

"That the Bill to provide for the control of rents and evictions, and for the lease of vacant premises to Government, in certain areas in the States of Delhi and Ajmer, as reported by the Select Committee, be taken into consideration."

Sir, as it is some considerable time since this Bill came up before the House I shall briefly recapitulate the background to this measure. It will be remembered that when the Delhi and Ajmer Rent Control (Amendment) Act came before the House last year—and that merely sought to extend the life of the existing measure by two years—opinion was expressed in this House and a complaint was made by several Members of a bald enactment of that kind. It was then suggested that instead of an enactment of that kind merely extending the life of the existing Act the new Act should have provided for certain changes which experience had proved to be desirable. At that time an assurance was given on behalf of Government that a consolidated measure would be brought before the termination of the session and that the same would be referred to a Select Committee. That was accordingly done. The Bill that was

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introduced in the House was drafted as a result of certain consultations that were held with the various interests concerned, including the tenants' representatives and the landlords' representatives, the Chief Commissioner of Delhi and the Chairmen of the Delhi Municipal Committee and the New Delhi Municipal Committee. That Bill after it was referred to the Select Committee was subjected to the most careful scrutiny by that Committee and I am happy to tell the House that it made great improvements upon the original draft. I am grateful for the work done by the Select Committee.

The report of the Select Committee, which is already in the hands of hon. Members, sufficiently indicates the changes that have been made by that body. Some of the important ones may perhaps be referred to and they relate to the encouragement of new constructions. Clause 5, sub-clause (2) of the Bill, as introduced, prohibited receipt of advances in the shape of rent. There is a provision in the Bombay Act authorising landlords to receive an advance rent towards construction of a new building, provided there was an agreement between the landlord and the tenant that the building when constructed or a part thereof would be let out to the tenant. This provision was considered by the Select Committee to be a healthy provision and the Committee introduced that provision into the Bill, but limited the acceptance of rent by the landlord to an amount equivalent to five years' agreed rent.

Another provision meant to encourage new construction incorporated in the present Bill as it has emerged from the Select Committee provides for statutory exemptions of new constructions. Clause 38 of the original Bill provided for exemption of new constructions by a notification in the official Gazette. The Select Committee thought that a mere notification would not perhaps secure the desired

[Shri Buragohain]

object and the present Bill provides for statutory exemptions. It was also suggested that a limit should be put to a period of exemption of new constructions and that limit is now fixed at seven years from the date of the commencement of the present Act.

Another important change which the Select Committee made in this Bill is regarding the procedure to be followed by the courts in deciding cases under the Act. In the original Bill eviction proceedings, except of a certain simple nature, were not to be enquired into summarily. Since delays in eviction proceedings were not desirable an amendment is now made in the Bill to the effect that even cases of eviction under clause 13 of the Bill could be tried summarily except when a question of title is involved, in which case the regular procedure will be followed.

These are some of the important changes that the Select Committee made. There are others to which I need not refer, as they have been sufficiently given in the report of the Select Committee.

I shall now turn to the notes of dissent appended by my hon. friend, Pandit Thakur Das Bhargava and Shri Gokulbhai Bhatt.

The first point suggested by Pandit Thakur Das Bhargava is that the life of the Act should be limited to three years only. In this matter it is not right for us to shut our eyes to reality. As far as we are able to judge at the present moment this control will be required for many years to come. In the Bill we have provided that the application of the Act can be withdrawn from any area at any time if the circumstances justify such a step. In view of that there is no harm in leaving the provision as it is.

The next point suggested by him is in regard to the first letting out value and the date with respect to which it should be determined. He suggested that the first letting value where the premises were first let out after the 2nd June, 1944 should be treated as the standard rent, although that rent is unreasonable from any standard. He seems to think that it will not be right for us to disturb any decision that has been taken by the courts on the basis of the existing provision in the present Act. But I might tell him that it will not be right for the Government perhaps to encourage profiteering as it has been made possible by the existing provision in the present Act. This is a

lacuna in the Act and it has got to be removed, and that is why this has been done in the present Bill.

The next point suggested by him is that the gross return of seven and a half per cent. that is provided in the Bill is too low and he seeks to raise it to at least nine per cent. As far as my information goes, the Bombay Government allows a net return of five and a half per cent. on the capital cost on buildings and four and a half per cent. on the capital cost on lands, making an average return of about five per cent. on a total outlay on land and buildings to the landlords in the shape of rent. The present Bill allows a maximum gross return of seven and a half per cent. in the shape of rent and this works out to a little over five per cent. nett. So this compares favourably with that allowed in Bombay.

The fourth point suggested by Pandit Thakur Das Bhargava is with regard to new constructions. He suggests that new constructions should be exempted for all time from the operation of the Act. In this connection I might draw his attention to the various provisions that have been incorporated in the present Bill mainly for the benefit of the landlords. It is just possible that landlords themselves will like to take advantage of those provisions that we have provided for in the present Bill. So there is no point in exempting new constructions for all time from the provisions of this Bill. An exemption for a period of seven years, as has been provided in the Bill, should perhaps be a sufficient incentive for landlords to construct new houses and that should achieve the object that we have in view. In this connection I might tell the House that Mr. Gokulbhai Daulatram Bhatt has on the other hand suggested that a period of seven years from the commencement of this Act is too long a period and he has suggested that it should be brought down to five years.

The fifth point made by Pandit Thakur Das Bhargava is that cinema houses and other premises of public entertainment should be exempted from the operation of the Act. It is true the original provisions of the Bill contained a clause of this kind. But the Select Committee which went into this question thought that there should be no valid reason for making a distinction of these houses from the other business premises which come under the provisions of this Bill.

I will next come to the points raised in a note of dissent by Mr. Gokulbhai Daulatram Bhatt. His first suggestion is that the limit of five years in respect of advance which a landlord can receive from a tenant for construction of a new house on condition that it would be let to him, should not be limited in any way. With regard to this my own feeling is that the larger the amount that can be permitted to be realised by a landlord the greater is the danger of misuse of this provision. Therefore the provision that has been made in the Bill seems to be a good one and should be allowed to remain as it is.

One of his suggestions is that the exemption of new constructions from the operation of this Bill for seven years is too long—to which I have already referred in connection with the amendment proposed by Pandit Thakur Das Bhargava—and he has suggested that it should be reduced to five years. In this connection I might tell him that Government have already declared their policy with regard to new houses and they have already said that they are not going to requisition any new houses in Delhi up to 1960. I therefore feel that exempting new constructions from rent control for only five years as suggested by him may not be a sufficient encouragement for owners to build.

I have dealt with some of the important points with regard to this Bill and without taking any more time of the House I commend this Bill now for the acceptance of the House.

**Mr. Speaker:** Motion moved:

“That the Bill to provide for the control of rents and evictions, and for the lease of vacant premises to Government, in certain areas in the States of Delhi and Ajmer, as reported by the Select Committee, be taken into consideration.”

**Pandit Thakur Das Bhargava (Punjab):** Now that the Part C States have been formed or are in course of being formed I thought in the first instance that it would be desirable if the laws relating to Ajmer and to Delhi were passed by their own Legislatures. Now that in March or probably in April these Legislatures will have been formed, and as they have been specifically formed for the purpose of giving local control to these Legislatures, there is no reason why we should proceed with a measure of this kind—this was my impression to start with. But  
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when I heard the hon. Minister I came to the conclusion that he wanted that we should pass this Bill because in his view there are certain matters in New Delhi which certainly require that this House should consider them. Anyhow my own reaction is that it would have been much better if he had left the matters relating to Ajmer and Delhi to the respective Legislatures as the Members of these Legislatures would be better informed about the conditions obtaining in these two places. But as the Select Committee has gone through this matter and brought out a report it is idle for me now to contend that we can adopt this course at present. Anyhow, we were expecting very big changes in this Bill. The House fully remembers that in 1947 we limited the age of this Bill and at that time it was said that the Government will see that in future such Acts are not enacted. That was the reason why we limited the life of this Bill, but ultimately the Bill was extended for another period and then also we were given to understand that the new structures will not be brought within the purview of this Bill. At one time, the hon. Minister made a statement in this House that for future constructions the provisions of such a Bill will not be required, but after a lapse of a few months, or perhaps a few days, he turned round and said that he wanted to have a Bill in which this concession was to be given only for a certain period. He has been true to his word and has now brought in this Bill in which he wants that the concession should be given for seven years only to new structures which are put up during the coming three years. This is the provision in this Bill. Moreover, it is, in his view, not necessary to limit the age of this Bill. In regard to that, my submission is that it is entirely wrong to suggest that this Bill should not be limited to some period. We passed the Requisitioning and Acquisition of Immovable Property Bill only two or three days ago and in that Bill also we limited its life to six years, because it was felt that psychologically speaking Government do not care to bring about the conditions necessary for the discontinuance of the law unless the age is fixed. After all, these control laws are of an abnormal nature. It is true that it is necessary to enact this Bill owing to shortage of accommodation. But at the same time we do aspire and we do contemplate that a state of things would be brought about in which these restrictions and controls will be taken away. If you enact a Bill and think that it is for all time and that these restrictions are permanent, then in my humble opinion

[Pandit Thakur Das Bhargava]

neither the public nor the Government will care to see that new houses are constructed and these conditions are not allowed to persist. Therefore, it would be wise for this House to put an age-limit to this Bill.

Let us see what has happened in other States in India. In Bombay, the time-limit is up to 31st March, 1953. In West Bengal, the limit is up to 31st March, 1953. In Madras, it is up to 30th September, 1953 and in U.P. it is up to 30th September, 1952. In view of all this, it will not be right for us to give no time-limit to this Bill. We must give some age to it. I have suggested three years in my note of dissent, but in the amendments I have proposed I have raised it to five years. Due to a misprint it is given as four years, but as a matter of fact I gave the figure as five years. We should put this time-limit of five years, so that within five years the Government and the people may make every possible effort to see that the shortage of accommodation, so far as Delhi and Ajmer are concerned, is removed.

It is not the experience of some States only. It is human nature that if you suggest a period after which a certain thing will not be allowed to continue, then all efforts are made to see that normality is reached. Otherwise, no efforts will be made to reach a normal state of affairs. Every person who lives in a house thinks it is right for him to continue as a tenant, and the landlords think that they have no right in the property and are mere rent-collectors. According to psychological consideration, there are certain characteristics. Philosophers call it inhabitiveness. It is not developed by tenants who live in rented houses. Everybody feels an affection for his own house and when from our childhood we live in a certain house, we develop affection for it. Some little happenings take place in our family which are associated with particular parts of that house. It is essential that the quality of inhabitiveness is developed in every person. I would like every Indian to have a house of his own, every family to have a house of its own, and it is good that people should live in their own houses. It is difficult for persons to live in their own houses in Delhi, because many of them come from outside and there is a necessity to provide houses for them. But the difficulty here is that the Government also do not possess their own houses and they requisition houses for their own use.

Government were pleased to appoint a Committee called the Birla Committee. That Committee produced an interim report and subsequently another report in which they considered the entire question from the point of view of Delhi. They were of opinion that unless and until Government spend something like Rs. 85 crores, the shortage of accommodation in Delhi will not be fully relieved. I do not see how it is possible for Government to spend so much. Private enterprise must be asked to come to the aid of Government and if private enterprise is not allowed to have full play my fear is that Government will not be able to tackle the problem. In view of all this, that Committee recommended unanimously that this rent control should be taken away, so far as new houses are concerned. They further suggested that requisitioning in regard to new houses should be taken away. I would only read a few extracts from their report in order to show how they felt about this question and how they thought it could be solved. They said in para. 4, on page 21:

"In other words, a population of 14.6 lakhs is at present packed in accommodation designed for 8 lakhs only. The result is serious overcrowding and the whole city of old Delhi threatens to become one vast slum. The evils of overcrowding require no detailed exposition. Housing congestion is the most important causative factor in the spread of tuberculosis and other communicable diseases; it breeds juvenile delinquency; it accentuates the bitterness of class antagonism; it fosters social discontent. Where honest toil can produce nothing but squalor, there need be no wonder that unsocial tempers rise. It is therefore imperative that the largest number of houses are built in the shortest possible time by all methods for the largest number of people."

Again, while they were considering where the remedy lies, they said:

"It is accepted on all hands that private investment in housing in Delhi has been progressively decreasing. This has been due to many causes with which we shall deal comprehensively in our final report, but one of the most serious of them is the operation of the Delhi Premises (Requisition and Eviction) Act, 1947. Our investigation has revealed that though the actual number of premises

requisitioned may have been small, yet a large number of notices had been issued and nearly every person who builds a new house is threatened with requisitioning with the result that the prospective builder is scared away. In Bombay the requisitioning of new houses has been stopped altogether since 1948 and the builders are permitted to choose their tenants and notify their names to the Government. This has greatly stimulated building activity there. We are firmly of the opinion that Government should put up their own buildings for their offices and officers and not encroach on private properties for the purpose; and we recommend that it may be forthwith announced by the Government that they shall not requisition any residential premises built hereafter."

I shall have occasion to say that the amount of seven and a half per cent. is not a sufficient incentive. But I shall merely read a few sentences from the report on this point also. The report says:

"In Delhi it is understood that the Rent Controller has been allowing an all inclusive rate of 7½ per cent. for fixing the rent. This is not considered sufficiently tempting as it does not cover the probable depreciation on the present inflated building costs. We are of the opinion that if building activity is to be encouraged, the return of investment in housing must be made sufficiently attractive. In the first place, the money market is tight and the rate of interest is very high. Secondly, although the builder procures a portion of the building material at controlled rates, there is other material which is not controlled and which he has to procure at very high rates. Thirdly, the wages of labour are very high. Fourthly it may also be remembered that the coverable area allowed in New Delhi is less than what it is in Bombay and Calcutta and on account of the climatic conditions of Delhi the builder in Delhi cannot go more than two storeys with the consequence that the return of a landlord in Delhi is limited by the extent of construction that he is permitted to put up."

10 A.M.

After considering all these reasons, they came to the following conclusion:

"We would, however, like to make it clear that should the Gov-

ernment accept our recommendation and exempt the new buildings from the operation of the Rent Control Act, the people should be assured that the Government will not allow itself to be stampeded into reimposing the Rent Control Act after a brief interval."

This is exactly my submission. If you want to say that you want to give the concession in respect of buildings which are to be erected within the coming three years, then you must declare that no rent control shall apply to them. Not only that you should not exempt only for three years, but you should exempt them for all time. If the necessity arises, there is no reason why the legislature will not intervene again. What is the use of declaring it from the very start when a man starts the building? You take away the incentive. He is bound to think he cannot recoup the cost involved in the construction and that he shall be controlled again by this law. So far as legislatures are concerned, there is no compelling necessity that they will not be able to meet a particular situation in a particular way. But at the same time to start with this presumption that only for seven years the exemption should be granted, is not right and this will not give sufficient incentive to the people to have recourse to house building activities. From all these stand-points, I am inclined to think that we will be wise in limiting the age of this Bill as well as enacting that so far as the new buildings are concerned, no rent control will apply to such buildings. It may be said that so far as the new buildings are concerned, they are now enacting in section 39 or 40 that for seven years the rent control will not apply. In my opinion, this is not sufficient and in regard to other legislations in other States also, such a condition does not exist. Reference has been made to the circumstances in Bombay and the rates which are allowed in Bombay. There is a great difference between Bombay and Delhi. The people of Bombay are, I should say in this matter more forward and the result of the relaxation of these restrictions there has been that there has been a very great activity so far as house building is concerned. There is no corresponding activity in Delhi, because not only the people of Delhi are poorer than the people of Bombay but at the same time the concessions allowed in the Delhi State are not so attractive as in Bombay.

Anyhow, with your permission I will just examine the position whether seven and a half per cent. is a



[Pandit Thakur Das Bhargava]

sufficient attraction for the house builders. I would like to submit at this stage that let it not be understood by the House that I hold a brief for the landlords of Delhi. I do not desire that they should benefit at the cost of poor tenants but at the same time, I cannot shut my eyes to the fact that if you do not make it worthwhile for the landlords to have such activities, the result will be that the tenants will suffer more than the landlords. I understood in the Select Committee and in other places also that the Government agreed to allow a six per cent. return to the person who wanted to build a house, but I for one would not insist upon this. In my opinion six per cent. return is a very good return and I would be content with even five per cent. My hon. friend was pleased to say that five and a half per cent. is the return which is received by the house builders in Bombay. Be it so. It may not be so, but I will be content with even five per cent.

**Shri Buragohain:** I said five per cent.

**Pandit Thakur Das Bhargava:** I am certainly content with five per cent. I do not want to demand more. I am agreed so far as the return is concerned that five per cent. also is a good return, but at the same time I want to insist that you must assure with regard to this five per cent. that you will not play in the matter of calculation. If the Government thinks that five per cent. is good, let it be regarded as quite good. Even if the Government go further and want to reduce it, I would not mind it. I would make it even four and a half per cent., but at the same time I am anxious that when you say four and a half per cent. or five per cent. you must see that the house builder gets it. As a matter of fact in calculations, mistakes are made. Government has been pleased to say that seven and a half per cent. is the proper gross return in Delhi and this would, as a matter of fact assure six per cent. or five and a half per cent. to the house builder. Let me very humbly submit again to the Government, how it is possible. In Delhi the sites are being sold and the usual average price is about Rs. 100 per sq. yard. It is more and it is less in some places. Let it be that Rs. 100 is the price per sq. yard and then so far as the cost of the building is concerned, I should think it is Rs. ten per sq. foot for the lowermost storey because we require a very strong structure there and then Rs.

eight and Rs. six for the second and third storeys. We have not got any houses which have more than three storeys. Even taking that into account and taking Rs. ten per square foot and Rs. eight and six, which I have inquired are the proper rates, then it comes to this: That on a piece of land measuring 1,000 sq. yards we require in this way Rs. 3,16,000 for having a three storeyed building. This means that a house covering 1,000 sq. yards will require Rs. 3,16,000 for the cost of construction including the price of land. If you kindly see what the landlord has to pay, then you will be able to find that as a matter of fact on this basis, he does not get more than two and a half or three per cent. as a nett return. In the first place two and a half per cent. is charged as ground rent on the premium paid on the land; this will come to Rs. 2,500. Then again ten per cent. is charged by way of house tax. Then again there are the repairs. In regard to new houses, I can understand the repairs will not be much, but in regard to old houses in Old Delhi, the amount of repairs today is only known to the person whom it pinches. I also happen to possess an old house at Hissar and I know the entire rent which I collect is spent up on the repairs alone. Nothing is saved but so far as the question of repairs is concerned, the Income-tax people only allow 16 per cent. In a new house this is rather excessive but in an old house even 16 per cent. is not enough for good repairs. Taking 16 per cent. as the average this means that you can consume something like Rs. 3,400 by way of repairs. So far as the question of insurance is concerned for a big house the one which I have taken as an example of Rs. 3,16,000 worth, insurance will be something like Rs. 500. As for the collection charges they will amount to another Rs. 1500. Then in Old Delhi there is the *Chhajja* and the colonnade tax but these things are not there in New Delhi. The annual depreciation goes to depress the return still more. Taking note of all these things, it would appear that even if you allow six per cent. on the value of the land and the cost of construction then it means that he will not even save two and a half per cent. or three per cent. This is not an imaginary picture. Many of those persons who sent representations to the Select Committee, submitted that if you allow them six per cent. nett they will be more than happy. They wanted 12 per cent. or even 15 per cent. gross. Some of them even wanted 18 per cent. I would submit that this is not a matter

in which you can go by percentages. I would like that no rent should be regarded as unreasonable in which the return is five or six per cent., but if the return is not so much the result is that there will be no activity at all; there will be no incentive to build new houses, if you do not allow a return of this kind. My hon. friend Mr. Shiva Rao has given notice of an amendment in which he wants to reduce it to six per cent. I may tell him that if he succeeds, then the return will not be two and a half per cent.; it will only be one per cent. or no return at all. I quite agree in principle that the return should not be more than five per cent. or four and a half per cent. It is only a matter of calculation...

**Shri Shiva Rao (Madras):** That is what you will get if it is six per cent.

**Pandit Thakur Das Bhargava:** If it is six per cent., it is impossible to get four and a half per cent. We are all agreed on principle. If you will tell me by calculation how you can get four and a half per cent. if the gross percentage is six, I will be quite content:

**Shri J. R. Kapoor (Uttar Pradesh):** It is a question of calculation.....

**Mr. Speaker:** Order, order. Let the hon. Member proceed.

**Pandit Thakur Das Bhargava:** It is a matter of mere calculation. I am happy we are all agreed with the percentage which may be regarded as a good return. I must submit for your consideration that I have not included many things. A person has to bring cases in a court. Of course, he gets costs; but what is the amount that he gets? There are arrears of rent. Persons run away with rent; they do not pay. All these must be taken into consideration. The landlord has to pay Income-tax on the rent realised. One month's rent is taken away as property tax. Taking all these things together, you will come to the conclusion that it does not provide sufficient incentive for any person to build houses in Delhi. I am not favourably inclined to the landlords; nor do I want them to profiteer. I am against profiteering. But, we should be reasonable even to landlords. Everybody likes to become a landlord. Everybody runs after property. But, when it comes to the question of enjoying the fruits of property, I do not know why people decry it. If you do not run after property, I can understand that. If you have a house and it is requisitioned without payment of compensation, where is the incentive

to have property? You pass a law that no person shall have a right to have more than one house except for his living in it. I can understand that. As long as you allow private property, as long as you say that the landlord is entitled to exist, you must see that conditions are created in which he can honourably exist and exist like a human being. Do not put obstacles in his way. Therefore I would submit that we should allow him a good return and not a return in name; which does not turn out after calculation to be a good return.

A further point which I want to make is this. This is a matter of very great moment and I would ask the House to consider it dispassionately. When we enacted the Act of 1947, so far as houses which were constructed before 2nd June, 1944 were concerned, certain principles were enunciated in the Schedule of the Act with reference to which standard rents were to be fixed. In regard to houses for which no rent was fixed, we enacted that between 2nd June, 1944 and 24th March, 1947 the standard rent was to be the rent on which the house was first let. This is the principle accepted by this legislature in 1947. This is the principle accepted not only by this legislature, but in many States similar Acts were passed and in many States this is the present law that the first letting value is the standard rent. This was good so far as it went, because we allowed on old houses increases up to the extent of 12½ per cent. and 25 per cent. etc., but in regard to these Houses, no increase was allowed. We enacted that in regard to such houses the standard rent will be the first letting rent. But, now, after this Act has been in force for five years, we want to change this principle. Why? I very humbly submit it is entirely wrong to change this principle. Very many cases have gone to the courts and to the High Court and they have decided these cases on the basis of the law which was enacted in 1947. Similarly, people have adjusted their relations on the basis of this law. Values of property have been regulated according to the principles enunciated in the Act. Many people have purchased property on the basis of this provision thinking that the value of the property is so much as would give that return. After all, the value of a property is determined in a measure by the rents also and not only by the other circumstances. After having allowed the law to operate for five years, under which all the old relations between tenants and landlords have been adjusted, it is not right now to disturb all that and make

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a new provision. What will be the result of this new provision? At least 25,000 cases will crop up today in Delhi. Every person in Delhi will come to think that his rent is unreasonable and if in a case a tenant succeeds in getting the rent reduced, thousands of cases will crop up. All those honest landlords who had not disturbed their tenants, who were quite satisfied, will be put to trouble. All those tenants who have been paying rents for the last five years without demur and who are fully reconciled to the payment of this rent will again be disturbed and there will be nothing but uncertainty. It is wrong in principle also. This legislature having been a party to the principle that the first letting value will be the standard rent, it does not lie in the mouth of this legislature after five years to turn round and say we may make a change. There is no basis for the law of limitation; there is no basis for the principle of estoppel if you do not accept the principle of continuity and certainty. When we have enacted a law, we should not disturb that equanimity and adjustment of relations and we should not introduce uncertainty into the relationship of landlord and tenants. I feel very strongly on this point and I would therefore beg of this House to consider that much of the law that we are passing in this House is based on the principle that the old relations should be allowed to continue unless there is reason to disturb that. What is the basis of the principle of *stare decisis*? What is the basis of the principle of *factum valet*? When a view is taken for a long period, it should not be changed lightly. We should not allow clause 8 (b) to be passed. It says, if in the opinion of the court, the rent is unreasonable, the court shall again, after the laps of five years or perhaps after the laps of seven or eight years, again disturb and fix the rent afresh. If this House realises that the records of the municipal committee for these years have been burnt and it will be very difficult for any court of law to determine when the house was constructed whether in 1940 or in 1944, or later or previous to that, that difficulty will be greatly enhanced and I submit in the interests of peaceful relationship of landlords and tenants, the basis should not be disturbed. I can understand a very few cases in which perhaps the hon. Minister or anybody else knows that an unreasonable rent is being charged. My reply is, it is the largest good of the largest number that the legislature has got to keep in view. A few hard cases do

not justify a change of this nature in the relationship of the landlord and tenants. I submit that we would be well advised in scrapping off this provision for changing this date from 2nd June, 1944 to 24th March, 1947. We shall require a similar change in the Schedule. I would beg of the House to consider it in the manner I have suggested.

It is a good thing that we have enacted a provision in this Bill which the force of decrees, orders etc., which were made nugatory by a ruling of our own High Court, has been restored. I want the same thing to be done in regard to clause 8 (b). The Select Committee have accepted the principle that all decrees and orders of the High Court which are passed on the basis of a certain existing law should be allowed to have their course. That is exactly the principle which I want this House to accept, that when we by our own action have enacted certain provisions and judicial judgments have been given on that basis and the people have adjusted their relations on that basis, the people should be allowed to continue in that position. It is on that basis that the Select Committee has accepted the position and I beg of the House to agree to this amendment and we should not change the principle of the law that we enacted in 1947.

And then I have to submit that so far as the necessities of the landlords are concerned, they should be allowed the use of their houses for residential purposes as well as for business purposes. I can understand and appreciate the importance of the principle that with regard to business properties it is not fair to disturb those people who are established in business and have earned goodwill. The goodwill of a firm is as much property as its wares and merchandise. But if once you agree that a person is entitled to have his house for residential purposes because he is the owner of it, it will be unfair to deprive him of his house if he wants it for *bona fide* business purposes. In the other Bill which we discussed a few days back in this House—the Bill to requisition property—we enacted that the residential house of a person will not be requisitioned whatever may happen. In this Bill we have rather liberalised the position which existed in the 1947 Act and made it possible for the owner to have his own house to live in. I submit with all the emphasis at my command that we should extend this provision in the case of business premises

also. Some seven or eight years back a man may be having his sons studying in the colleges or schools and now, after the lapse of seven or eight years his son or sons might like to open a business in their own house. Why should not the house-owner be allowed to start this business in his own house? Why should he be not allowed to do so just because he had given out his house for rent? You have a soft corner for the interest of the tenant and not for the interest of the landlord. It is a question of ownership. What is the use of ownership if you cannot make use of it when you require it? Therefore, I submit that so far as business premises are concerned, they should be placed on the same basis as the residential premises, provided the need of the owner of the house is *bona fide*. There is no reason why a distinction between the business house and a residential house should be made. So far as the goodwill is concerned, you may compensate the owner of the business by paying him adequate compensation. The law in Bombay does not have a provision only for residential houses. The business houses are as much available to the owner as residential houses. My hon. friend was advising us to take the good example of Bombay. May I ask him now to take this good example from Bombay and agree to the proposal that so far as *bona fide* needs of the house owner are concerned they should be met here in Delhi as they are met in Bombay?

Now, in the previous Bill there was a provision—section 38—which read thus:

“The Central Government may, by notification in the Official Gazette, exempt from the operation of all or any of the provisions of this Act for such period as may be specified in the notification—

(a) all the premises the construction of which has not been completed before the commencement of this Act or any class of them; or

(b) all the premises which have been, or are, let for use as a cinema house or a place for dramatic or other forms of public entertainment or any class of them.”

In the Bill now brought before the House certain buildings are given exemption for a period of seven years; but the previous Bill envisaged a position in which cinema houses and other places of public entertainment were exempted. I do not know what happened during the last few months

and why there is now no provision in the present Bill like the one which was suggested previously. In my opinion, there is no reason why we should not exempt cinema houses and other places from the operation of this Bill. Representation was made to the Select Committee by a house-owner in which he said that while the cinema house got Rs. 20,000 per month the rent paid to him was only Rs. 2,000 per month. This Government has recently sold some pieces of land in Karolbagh and other places where the ground rent was more than Rs. 67,000 for a piece of 1,200 yards, and then after fifteen years the ground rent has to be raised again.

Government have been pleased to sell some plots in Ajmeri Gate. But their prices were nothing like what you get for a cinema house. The clash is between the cinema (house) owner and the house owner. I can understand your anxiety not to increase the rent in the case of a tenant. After all the tenant is a poor man and it is also not right to raise the cost of living. But in regard to the owner of a cinema house, when he gets about Rs. 20,000 per month there is no reason why the owner of the house should be deprived of a fair share of the return from his property. And if the owner himself wants to run a cinema house in that house, he should be allowed to do so. He should be allowed to take full advantage of his own house. The previous provision was certainly a better one than the provision you have in the present Bill. I submit we should make exceptions only where exceptions are justifiable. Otherwise you will be playing with the rights on property and with property itself. Property may or may not be sacrosanct. I would not mind if you want to change the very conception of property. But as long as we keep the present conception we should see that the principle enshrined in our Constitution is maintained. If you say that no house owner should have more than one house, I am one with you; but as long as the present conception lasts, we should treat all people fairly.

The other provisions I do not want to expatiate on now. I have already taken up a lot of the time of the House. I have given notice of amendments with regard to certain of the provisions and I shall speak on them on the proper occasion. But so far as the general principle is concerned, I submit that whereas I want every tenant to be made secure so far as the security of tenure is concerned and that every tenant may not have to pay

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more than what is fair by way of rent, I do think that the landlord also should be secure in certain rights. By the passing of the Eviction Act of Delhi the Government have secured themselves against one thing. They can turn out any person they like. They can recover their arrears and they can have recourse to recovery in a peculiar manner. So far as the landlord is concerned the tenant may put in another tenant and he can go on merrily for a year or two. I know that the Minister has said that they are going to introduce a summary procedure. I want that so far as requisitioned houses are concerned the tenant who does not pay regularly his rent ought not to be favoured. Those who pay their rents regularly ought to be favoured. If a tenant does not pay his rent and falls in arrears for eight or ten months and ultimately pays it in a court of law and then lives there for a year and once again the landlord has to go to court to get the rent, such a tenant should not be favoured. It is not fair in the case of requisitioned houses. If decrees have been obtained twice or thrice against a tenant and every time one has to go to a court of law for recovery of rent, such a tenant should not be allowed to continue to live in the house. I have known cases in which the landlords themselves have paid *pugree* to the tenant to get possession of their houses back; otherwise the tenants will not give them possession. A decree is there and the tenant does not live in the house yet they have to go to a court of law and still they do not get possession of the house.

I would like that fair relations should continue between the tenant and the landlord but as soon as there is a case for eviction, the eviction should be certain and immediate. Otherwise, I am afraid we will be allowing the tenants and the landlords to continue in a mess in which both do not realise their own responsibilities.

I am glad that we have made some improvements in this Bill. So far as the interest of the tenant is concerned we have seen to it that the landlord is not able to harass him. We have also seen to it that the houses are kept in a tenable condition. At the same time we have agreed that with the permission of the court a tenant may be able to spend two years rent on repairs, etc., though I am doubtful as to how it will work. However, we are quite agreeable that every person should have a good house and the landlord should not be able to harass

him in any manner. At the same time we should also see that the landlord also gets a fair deal.

**Mr. Speaker:** Before we proceed further with this Bill, I might say that, I have been considering about the possibility of putting through what the Government desire as urgent legislation before the House adjourns on the 5th. We have only got today and thereafter all the three days next week are practically allotted to financial business. Therefore, the House may have to leave some of the business unfinished or rather take up such of the business as can be finished now and leave the controversial Bills to a later stage. Looking at the priority which the Government has sought for this Bill, I was under the impression that the Bill having been considered duly for a long time in the Select Committee was more or less an agreed measure. But I am rather disillusioned to the contrary, which, however, is not my concern. Obviously, I see that I cannot apply the principle of hush-hush, when there are so many view-points which have to be brought before the House. I think every scope has to be given to this Bill to bring out all aspects of it. Of course, hon. Members will not repeat their arguments and they will also bear in mind that the time at our disposal is limited. All that is true; but still full opportunity has to be given for the expression of view-points of hon. Members. Therefore, I was thinking whether it would not be possible for us to finish the consideration stage,—I do not want to hurry. They make their own time—and then we will put off the clause by clause reading, which also incidentally will give the Government and the Members concerned opportunity for informal consultations and coming to agreed solutions over amendments. Meantime, I might take up the other Bills, which I presume from appearance (I do not know what the hon. Minister thinks about them) look to be practically non-controversial, and put them through in a very short time. If this idea is acceptable to the House, then we will proceed with the consideration stage and finish it. Or if it is thought that more time would be necessary for the consideration stage, we might consider whether we could postpone it now and meanwhile take up other business and put it through. After that, we can go on to the consideration and clause by clause stage. I would not like to put off a Bill in the middle. But it seems, looking to the exigencies of the

situation some such course has to be adopted. I should like to know the desire of the House.

**Dr. Pattabhi (Madras):** One facility which exists is that this Bill will be in force till the 31st March, 1953. That is the first fact which we may well recognise. It is not as if this Act is going to end within a month. Its tenure will expire next year on the 31st March and therefore nothing will be disturbed and nothing will be jeopardised by holding it over to the new Parliament. The second point is.....

**Mr. Speaker:** That obviously is in favour of the suggestion that I have made.

**Dr. Pattabhi:** Secondly, you want to take non-controversial points and come to the controversial points over again, if I heard you correctly.....

**Mr. Speaker:** No, no. We wanted to put through non-controversial Bills at present, as this Bill appears to be a controversial one. So let us put it off till the other non-controversial measures are put through.

**Dr. Pattabhi:** I have no objection.

**Mr. Speaker:** I find on the agenda, the Indian Standards Institution Bill, then the Territorial Army Bill and then the Cinematograph Bill. If these three Bills are put through, we would have completed the entire agenda without any rush. As far as this Bill is concerned, if it is finished by the 5th it would be better. The House may sit longer if it likes on the last day. The only point is whether we should take recourse to this at this stage or after the consideration of the present Bill is over.

**Dr. Pattabhi:** At this stage.

**Khwaja Inait Ullah (Bihar):** Sir, this Bill is a very important Bill and all Members wish to take part in the discussion. If anyone of us is going to plead for the landlords and take all the time.....

**Mr. Speaker:** Order, order. The hon. Member's insinuation is not proper. Nobody is pleading here for anybody. We are not thinking of society in terms of compartments, as though landlords and tenants were in opposite camps. We are trying to legislate for all classes of people. If a concession to landlords is necessary in the interest of tenants having a larger number of houses, I do not think that we should insinuate that somebody is pleading on behalf of the landlord.

So if the view of the House is to postpone this Bill, I think we will put

it off at this stage and I find that there is no serious objection to the procedure.

**Shri Buragohain:** Is it your suggestion, Sir, that after two or three other items are put through we will come back to this one?

**Mr. Speaker:** Yes, we will now take up first the Territorial Army Bill.

#### TERRITORIAL ARMY (AMENDMENT) BILL

**The Minister of Defence (Sardar Baldev Singh):** I beg to move:

"That the Bill further to amend the Territorial Army Act, 1948, be taken into consideration."

Sir, this is a small Bill and I do not want to take the time of the House in explaining the amendment that I have proposed to the original Act in this Bill.

As the House knows the Indian Territorial Army Bill was passed in 1948 and at that time we also realised some of the difficulties that we may experience. But I did not want to make those changes then. I wanted to get some experience of the working of the Bill so as to be able to see the difficulties that will come in the way. This Bill has been in operation for over three years now and during the recent emergency we came across certain difficulties. Some of those who had joined the Territorial Army were called upon to serve the country and after they had served in the Territorial Army, their employers in some cases were not prepared to take them back in their original jobs.

There are some other points also. (1) that the wages of the employees who joined the Territorial Army should not be reduced during the period they were under training;

(2) That when the civil pay of the employees exceeds the military pay and allowances, the employer should make good any difference between the two when the men were being called up in aid of the Civil Power; and

(3) That all who wish to join the Territorial Army should be given an assurance that they would continue to have a lien on their jobs when they were called up or embodied for any length of time, and would be taken back when they were disembodied from the Territorial Army without suffering in any way financially by their service with the Territorial Army.

[Sardar Baldev Singh]

These suggestions were put to the Chambers of Commerce and they consulted their constituents. I am glad to inform the House that most of the employers co-operated with us and they agreed to our suggestions. But in the recent emergency when some of the members of the Territorial Army who were employed by some industrial concerns were called up, some of the employers did not, I believe, keep their lien. Therefore, it has now become necessary for us to amend the Act so that those people who serve the country in an emergency are given back their jobs when the emergency does not exist.

Some objection may be raised as to why this kind of compulsion may be imposed. I may point out that this is no compulsion at all. What we are ensuring is that they should get back their jobs when they go back when the emergency is no longer there. Therefore by this Amending Bill I simply want to make it possible that when the emergency does not exist the employees should be given back their jobs. This is the simple object of this Bill. I do not want to take more time of the House in explaining this simple measure.

**Mr. Speaker:** Motion moved:

"That the Bill further to amend the Territorial Army Act, 1948, be taken into consideration."

**Shri Venkataraman (Madras):** I rise to welcome this measure because it has come to our knowledge that certain workers who were employed in industrial establishments, after they had served in the Territorial Army, when they sought to get back their jobs were not given those jobs which they had held before they took the service. It was pleaded by the managements that during the course of the years when these persons were in the service of the Territorial Army they had lost the skill which they had when they were originally in their employment. In some cases they pleaded that they had filled those jobs with other men and that therefore it was not fair to the others to reinstate these persons in employment. It was represented to us, Sir, people working in the trade union movement, that if the employers had known that they were under an obligation to take back these workers after they had completed their service then they would have made adequate provision by way of temporary appointments and so forth and they would have been in a position to find jobs after they returned

from the service. It is therefore a very welcome amendment to make it known to the employers that when persons are called up for service under the Territorial Army the employers have got to keep a lien for these workers in their respective jobs and that after the service they are bound to provide them with employment.

[**MR. DEPUTY-SPEAKER** in the Chair]

But then, Sir, our difficulty is that the provision contained in this Bill is not likely to carry out the very object which this amendment seeks to bring about. The provision in sub-section (2) says that if an employer fails to obey the order of the court there will be a fine of Rs. 1,000, or that the court may decide that the employee will be paid only six months' wages as compensation. This I consider is not sufficient to protect the interest of the employees concerned. An order for reinstatement in the particular service is absolutely necessary and it should be competent for the court to direct that the person who returns from service in the Territorial Army should be reinstated in the service which he was holding before he was called up for service. Without that provision any clause which says that an employer will be fined or made to pay a compensation of six months' wages is not likely to bring about the desired result. Very often the employers may find it far easier to pay six months' wages—which in many cases would be at the rate of Rs. 30 or 40 per month and would amount to only Rs. 300 or 400—than take back these persons in service. I am very anxious that the working classes should volunteer themselves in greater and greater numbers for service in the Territorial Army but they would be very much prevented from doing so if they are in fear of losing their jobs after they return from service. Therefore, this Bill ought to have provided for reinstatement rather than mere compensation. I had thought in the order of things this Bill may not come up so soon and so the amendment I had drafted had not been sent in. I would very much like the hon. Minister in charge of this Bill to consider this aspect and to protect the interest of those employees who offer themselves for service in the Territorial Army. I would request him to see that provision is made for reinstatement and not merely compensation for such a small period as six months.

Sir, this is all I have got to say. The Bill comes at a very timely moment because a number of representations have been received by us in the trade

union movement with regard to the difficulties of finding re-employment after service in the Territorial Army. I would urge upon the hon. Minister to either frame an amendment himself or allow me to give an amendment now so that an order for reinstatement of those employees may be possible under this section.

**Pandit Thakur Das Bhargava (Punjab):** Sir, this is a new Bill and therefore it has got some defects because there is no experience to go by. We do not know how it will work in the interest of the employee or against the interest of the employer, but all the same we can visualise certain things. So far as principle of the Bill is concerned, it is unexceptionable. When this Territorial Army Act was passed in this House encomiums were paid to the Government and we all wanted that an opportunity should be given to the nationals of this country to perform such service as they are capable of towards the country. Having passed that measure it is the duty of this House to see that those persons who go to the Territorial Army are not in any shape or form prejudiced by their joining the Territorial Army. Therefore, so far as the principle is concerned, there could be no two opinions. So far as the point made by Mr. Venkataraman is concerned, there is absolutely no reason why he should think that the point he is making will be taken exception to by any person. In my opinion, that man must be reinstated. Not only that, to whatever gratuity, or provident fund or other amenities to which he was entitled should be paid to him for the period he served with the Territorial Army. I am at one with him on the principle, but I do not share his feeling that this Bill does not authorise the court to give the man re-employment. Clause (b) says:

"The court shall pass an order requiring him to re-employ such persons on such terms as he thinks suitable..."

So the provision is already there. There is the provision that the court can order that man to be reinstated. I do not see why my hon. friend thinks that the court will only grant some sort of compensation to him. I should think that clause (b) requires that he must be reinstated. As a matter of fact, three things are possible. In certain cases, when the employer is not at fault, he may be exempted from the provisions of this Act, but where anything can be done at the will of the employer, so far as the employee in that case is concerned, he should be reinstated and in case reinstatement

is not possible, only in that case does the question of six months' compensation arise. Therefore, there is no need for any amendment, unless my hon. friend wants that we should provide against the court not looking at the priority of the order in which (a), (b) and (c) appear. He is afraid that the court may think that it is the choice of the employer to accept (b) or (c). That is not so. According to me, it is the court's duty to see that that man is reinstated and he is not brought to any harm in any manner by virtue of his having joined the Territorial Army. I can understand circumstances in which it is not possible to reinstate the man. In that case, he is entitled to six months' compensation. In such a case, even recourse to (c) will not be justifiable. I want the employer not to be put in a better position than the man who joined the Territorial Army. No person who has joined should be in a worse position only for the reason that he did a patriotic duty. Therefore, I have given notice of two amendments today. I do not know what is the reaction of the Defence Minister, but the principle that I have gone upon is this. In no case, will the employer be exempted from the operation of this Act as long as it lies within his power to reemploy that man. I want that in clause 2(c) the following words should appear:

"unless failure or inability to re-employ is not due to any justifiable or unavoidable cause beyond the control of an employer."

Similarly, I want that in clause 2(b), the following may be inserted:

"on the same terms on which he was employed before he was required to perform military service and if for reasons beyond the control of the employer this is not possible, on terms approximating the terms on which he was employed before he was required to perform military service which are not less favourable to him than the previous terms."

Supposing there is an agreement between the employer and the employee and the employment is only for a certain period, as soon as the period is over in the Territorial Army there is no necessity that the man should be reinstated, because by virtue of that agreement he has served part of the term as an employee and part of the term in the Territorial Army. In that case, he should not be reinstated but should be given only such compensation as is due to him or is possible to



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be given to him under the Act and if no compensation is due, then he is entitled to nothing. Secondly, it may happen that in seasonal factories, the season is over and you cannot bring back the season and therefore you cannot also reinstate the man. Similarly, if there is a physical disability of the employee, then also it is impossible to reinstate him. After all, in respect of matters which are beyond the control of the employer or the employee, we should make provision that neither the employee nor the employer may be prejudiced in respect of a matter over which he has no control.

I very much welcome this Bill and support this Bill and wish that the House passes it as soon as possible.

**Shri J. R. Kapoor** (Uttar Pradesh): While I support and welcome this Bill, I must express my view that it appears to me to be a very mild, gentle and lenient measure. I never thought that a Bill emanating from the Ministry of Defence dealing with the military, though it may be only the Territorial Army, would be so gently and mildly framed. It is exceedingly disappointing to find that in this country there are employers who would not give their employees their due even when they find that those employees are so patriotic as to join the Territorial Army. On this occasion, we must express our strong disapproval of the unpatriotic conduct of such employers and I would very much wish that their names are publicly exhibited either in the Gazette or through a Press Communiqué. I am rather very strong on this point and am making this suggestion with all earnestness, so that the country at large may know that these are the unpatriotic employers.

As I have already said, the terms of this Bill are very mild and gentle. Even at this late stage, we should make it stiffer if possible. Anyway, I do suggest that the amendments tabled by me may be carefully looked into and accepted. I have not been able to agree with the view of my hon. friend Pandit Thakur Das Bhargava that the provisions of this Bill are sufficient to meet the needs of the situation. He went to the length of saying that my hon. friend Mr. Venkataraman's suggestion was not necessary. After all, what do we find? We find that the employee shall not necessarily be reinstated. The prescribed authority has been given very wide discretionary powers and it may even exempt the employers from the provisions of this section. I do not know whether it is necessary to give

the prescribed authority such a wide discretion. I would suggest that sub-clause (a) be omitted altogether, because we are giving the prescribed authority wide discretion under sub-clause (b) to lay down such terms as it may consider suitable to be imposed on the employer and the employee when the question of reinstatement is being considered. My hon. friend Pandit Thakur Das Bhargava has raised an apprehension to the effect that the prescribed authority may even compel the employer to re-employ the man even when the man is in a physically disabled position. I do not think that such a contingency will ever arise. Is it not fair that if a person who has joined the Territorial Army and is disabled should, when he comes back, be given at least six months' pay by his employer? Is it too much to expect from the employer that he should pay six months' pay to the patriotic employee who has disabled himself for his life? Rather than making this provision more lenient and gentle, I would suggest that we should amend it so as to make it obligatory on the employer firstly to reinstate the employee, and if for any reason this is not possible, to pay him at least six months' pay. In no case, should it be open to the employer to escape the liability absolutely. It should not also be open to the prescribed authority under any conditions to exempt any employer from the provisions of this Act.

this Act.

I have one more point to make and it is this that sub-clause (2) may be so suitably amended as to make it obligatory for the court to order that six months' pay must necessarily be given to the employee. According to the present wording of sub-clause (2) in the event of an employer disobeying the order of the prescribed authority, he will be fined a sum of Rs. 1,000. But then no part of that fine—if I understand this sub-clause correctly—is going to be paid to the employee and it is left to the discretion of the court either to order or not to order that six months' salary be given to the employee. I suggest, Sir, that for the word "may" we may substitute the word "shall", leaving it not open to the court only to impose a fine and make no order for the payment of the six months' salary to the employee.

**Dr. Pattabhi:** (Madras) 'May' means 'must'.

**Shri J. R. Kapoor:** May does not mean 'must' particularly in this place because in another place in the Bill

we have used the word "shall". If in one enactment we use one word in one place and another word in another, it is likely to lead to different interpretations.

Again, I would submit that we must definitely provide that when a person is reinstated he shall have all the benefits of the provident fund not only for the period he has been in the army but also during the period that may intervene between his leaving the army and reinstatement. This lacuna also should be put aright. This is all I have to submit in connection with this Bill and I would earnestly once more repeat my request that the names of such persons must be published so that the country at large may know who are the defaulters in this respect and it may have a very good effect on other employers also.

**Sardar Baldev Singh:** Sir, two or three points have been made by hon. Members during the course of this debate. I will first take the point mentioned by my hon. friend here. As I explained in my opening remarks we do not want to bring any provision in this Bill which will compel an employer. We want them to realise their duty. It is only during the last three or four months that we realised this defect and we have tried to remedy it as best as we possibly can. The fear that has been expressed by my hon. friend is there. But I may tell him that in the recent emergency that we had the number of defaulters was very, very small. Industrialists on the whole cooperated and there was no difficulty in the majority of cases. There were only—if I remember correctly—one or two cases and it is to remedy that defect that we have brought forward this amendment. I feel confident that the industrialists will realise their duty and a fine of Rs. 1,000 would be enough for the present.

It is not our intention to force them. I may, however, make one point absolutely clear: that Government will not allow such workers to be thrown out of employment who come forward to serve the country in a time of emergency. If we find that even this amendment is not enough, we will not hesitate to bring forward such amendment as will ensure the continued employment of such a worker.

The other point is the one mentioned by Pandit Thakur Das Bhargava. I am afraid this will work more in favour of employers. As an employer myself, I can say definitely that if his suggestion is accepted that will make the position of the workers who joined

the Territorial Army in time of emergency more insecure.

**Pandit Thakur Das Bhargava:** How is that? I do not want to make their position insecure.

**Sardar Baldev Singh:** That is what our experience is and I would not like to have that amendment at this stage.

My hon. friend Mr. Kapoor wanted the names of industrialists to be published who have not co-operated, or who have refused to take back their employees who have joined the Territorial Army. Personally I have no objection to it. But I do hope that the number of those industrialists who do not fall in line with the object of this Bill will be negligible and the occasion to publish the names of such industrialists will not arise in future. Mr. Kapoor wants to move one or two amendments. I propose to accept his first amendment; I shall deal with it, when it is moved.

**Shri Venkataraman:** I would like to ask the hon. Minister whether he would give executive instructions to the prescribed authority to see that in almost all the cases he would see that they are reinstated and are not merely paid the compensation.

**Sardar Baldev Singh:** I made it quite clear. It is not our desire at all that the workers should be paid compensation. Our intention is that they should be reinstated in the job in which they were working when they joined the Territorial Army.

**Mr. Deputy-Speaker:** The question is:

"That the Bill further to amend the Territorial Army Act, 1948, be taken into consideration."

The motion was adopted.

**Clause 2.—(Insertion of new sections)**

**Shri J. R. Kapoor:** I beg to move:

In page 1, line 26, after "failure" insert "or inability".

**Sardar Baldev Singh:** I accept the amendment.

**Mr. Deputy-Speaker:** The question is:

In page 1, line 26, after "failure" insert "or inability".

The motion was adopted.

**Pandit Thakur Das Bhargava:** I beg to move:

In page I, lines 23 and 24, for "on such terms as he thinks suitable, or" substitute:

"on the same terms on which he was employed before he was required to perform military service and if for reasons beyond the control of the employer, this is not possible on terms approximating the terms on which he was employed before he was required to perform military service which are not less favourable to him than the previous terms, or".

**Mr. Deputy-Speaker:** The hon. Member knows that we have been following it as a practice that in the case of amendments which are handed over only in the morning unless the hon. Minister is prepared to accept it notice is not waived. What is the reaction of the hon. Minister?

**Sardar Baldev Singh:** I am afraid I cannot accept it.

**Mr. Deputy-Speaker:** I am sorry notice cannot be waived.

**Pandit Thakur Das Bhargava:** I do not press it.

**Mr. Deputy-Speaker:** Does Mr. Kapoor want to move his amendment?

**Shri J. R. Kapoor:** Yes, Sir. I beg to move:

In page 1, line 32, for "may" substitute "shall".

Sir, I hope it is going to be accepted.

**Sardar Baldev Singh:** I am sorry this cannot be accepted according to the advice given to me.

**Mr. Deputy-Speaker:** Amendment moved:

In page 1, line 32, for "may" substitute "shall".

**Shri J. R. Kapoor:** May I submit, Sir, why it is necessary? If the word "may" remains, it leaves it open to the court only to impose a fine up to the extent of Rs. 1,000 which will not in the slightest measure benefit the employee, because no part of that fine is going to be paid to the employee, so that the State may get the fine all right and the employer may be penalised but so far as the employee is concerned he gets absolutely nothing and practically the whole purpose of the Bill will be frustrated. What will happen is this. The prescribed authority might order an employer to re-instate the employee. Suppose the

employer refuses to do so. What will happen? A case will be launched against him and all that he will suffer will be a fine to the extent of Rs. 1,000. Suppose the man's salary is Rs. 200 or Rs. 300. Then rather than reinstating the employee and paying him regularly monthly salary the employer will have only to suffer a fine to the extent of Rs. 1,000. So an employer who disobeys the order of the authority, rather than suffering anything further, gets off easily with only a fine of Rs. 1,000. And then the employee in whose interest the legislation is being enacted virtually gets nothing. It may be said that the court will not be so unreasonable as that. True. But while enacting a legislation we have to be very definite about these things. We must tell the court that under such circumstances it is obligatory on the court to give to the employee at least six months' salary. So far as the fine is concerned, it may be left to the discretion of the court either to impose a fine or not. But there you say that the fine must necessarily be imposed. You say that "If any employer fails to obey the order of any such authority as is referred to in the proviso to subsection (1), he shall be punishable with fine...etc." The word here is "shall". Fine must necessarily be imposed. But so far as the benefit going to the employee is concerned you do not want to lay it down in any definite term that something must necessarily be paid to the employee. I do earnestly submit to the hon. the Defence Minister to seriously consider this thing, because this sub-clause virtually goes against the whole idea, principle and purpose of this Bill. It is no use laying down these various other provisions without making this provision absolutely definite. You are virtually taking away from the Bill what you seek to give with the aid of the other provisions of the Bill.

**Shri Venkataraman:** Sir, I very strongly support...

**Mr. Deputy-Speaker:** Let us hear the hon. Minister first.

**Shri Venkataraman:** He first said he is not accepting it and then only you threw it open for discussion.

**Mr. Deputy-Speaker:** All right.

**Shri Venkataraman:** I very strongly support my hon. friend Mr. Jaspal Roy Kapoor. There are two penalties which the court can impose. The first is a fine and the second is the compensation payable to the person who has not been reinstated. So far as the fine is concerned it may be left

to the discretion of the court whether they would impose Rs. 100 or Rs. 50 or Rs. 500 or Rs. 1,000. But so far as the compensation is concerned it ought to be made perfectly clear that the person who has not been reinstated should get at least six months' wages by way of compensation.

There is one other reason why it should be so. If you will kindly refer to sub-clause (c) it is open to the prescribed authority to say that a compensation of six months' salary may be paid to a person who has not been re-employed. Suppose the prescribed authority makes an order that the person who has not been reinstated should be paid six months' compensation and the employer refuses to carry out that order. Then the matter will have to go to court, and in the court the court may fine the employer Rs. 5 or Rs. 500. But the court should necessarily give the employee the compensation of six months. Otherwise what the prescribed authority gives as an alternative to the employer will be practically taken away by the court. An offending employer should not have more rights before a court than he has before the prescribed authority. If the prescribed authority says that six months' compensation should be given, it should not be open to the court to say that four months' compensation should be given. After all, this measure is intended for the protection of the employee. Any amount of fine imposed on the employer will not go to his benefit; only the compensation will go to his benefit. Therefore I feel that in line 32 so far as the amount of compensation is concerned, the word "shall" is absolutely necessary and it is appropriate, and the court whenever it finds that an employer does not re-employ the worker shall direct such employer to pay that six months' compensation. It is already provided in sub-clause (c) of (1), and if you whittle it down in (2) then what we have given by the right hand would be taken away by the left. I think the House ought to accept this amendment and I do hope the Law Ministry will look into this matter more carefully (*An Hon. Member*: The Defence Ministry) and see that the benefit is not denied to the employee.

**Pandit Thakur Das Bhargava:** May I submit a word, Sir? In regard to this provision there are two authorities mentioned. One is the prescribed authority, the other is the court. The prescribed authority can make one of three orders. In the first place it can exempt the employer. In that case we

need not have recourse to sub-section (2). Secondly, under (1) (b) it may order that that man shall be reinstated. If that man is not reinstated what happens? The court fines the employer Rs. 1,000. But that is no consolation to the employee at all. If the court orders a fine of Rs. 1,000 to be paid it comes to the coffers of the Government, it does not give a single pie to that man, the employee. Therefore in that contingency there is not the least compensation paid and nothing is done so far as the employee is concerned. Thirdly, the prescribed authority may order that as a matter of fact that man may be given six months' remuneration by way of compensation. Suppose the employer does not pay. What happens? There is no other authority which can enforce it.

**Shri J. E. Kapoor:** There are the words "and any amount so required to be paid either by the said authority or by the court shall be recoverable as if it were a fine imposed by such court". It will be realized as fine.

**Mr. Deputy-Speaker:** What he says is it is only optional.

**Pandit Thakur Das Bhargava:** This is given in (c). But how will that order be executed? Who will pay that money to the employee? This is given only in sub-section (2) so that if the order is not obeyed the fine of Rs. 1,000 plus that compensation shall have to be recovered from him. If you do not make it obligatory the very object would go away. There is no sense in passing this legislation unless you make it obligatory on the court to recover the amount of compensation and pay it to the man in case the prescribed authority awards it. If the prescribed authority does not award it and if its order is only confined to 1 (a) nothing happens. If it is under (b) then it can be enforced only to the extent of seeing that the fine of Rs. 1,000 is paid by him. But that is no solution. In regard to (c) it cannot be enforced unless you make it incumbent on the court to realize the amount of compensation and pay it to the man. Therefore the amendment is quite correct.

In regard to my amendment I did not press it. It is unfortunate that I could not table it earlier. But I do maintain and claim as a matter of fact that it envisages positions which have not been considered by the hon. the Defence Minister. It may happen for instance that it is just impossible to reinstate the man because the season is over (in regard to seasonal factories)

[Pandit Thakur Das Bhargava]

or because the man who is sought to be re-employed is in such a physical condition that he cannot be reinstated. In cases like these where there are things beyond the control of the employer, it is not fair to pass an order which he cannot obey. It is to cover such cases that I sent in my amendment.

**Shri J. R. Kapoor:** Sub-clause (a) is there : the employer can be exempted from the provisions of this section.

**Pandit Thakur Das Bhargava:** This exemption can be given in any circumstances. But when the court comes to the conclusion that it is perfectly justifiable for the employer not to employ the man, that it is impossible for him to do so when conditions have changed and when it is beyond the control of the employer, it is unjust to have a provision which will be nugatory in effect and which no court or prescribed authority will order. The hon. the Defence Minister has been pleased to say that he does not accept that amendment and I have therefore no remedy left. I will, however, ask him to consider it because this is a new Bill. He has not been able to visualize to himself the circumstances under which this Bill will become unworkable. After all, when we pass a legislation we ought to see that the measure is just to all and not unjust to any one.

**Shri Venkataraman:** With your permission, Sir, I wish to move an amendment which will carry out the object. The hon. Minister is accepting it. The substitution of the word "shall" will not carry out the object and I have discussed this with the Law Ministry. Even if you introduce the word "shall", it will come to this: "the Court shall order him to pay to the person whom he has failed to re-employ a sum not exceeding an amount equal to six months' remuneration", in which case also the court may say that though it shall order compensation, it may order one month's compensation or two months' compensation. Therefore, the amendment which I propose to move is to delete the words "not exceeding an amount". If this is accepted, the clause will read like this, "to pay to the person whom he has failed to re-employ a sum equal to six months' remuneration".

**Mr. Deputy-Speaker:** I thought he did not mean a double penalty. We will assume only three months' salary is awarded by way of compensation for not paying the compensation and you are imposing a fine of Rs. 1,000

in addition. Do you want to increase the compensation from three to six months? We can say easily the sum that has been provided by way of compensation under (c) is Rs. 1,000 and such and such a sum has been estimated to be paid under (c). That will be better.

**Shri Venkataraman:** There will be difficulty in so far as enforcing (c) is concerned.

**Mr. Deputy-Speaker:** Therefore, the prescribed authority must say that if for any reason re-employment does not take place, he must pay such and such an amount.

**Shri J. R. Kapoor:** That is obvious. With due respect I may point out that the words in the brackets are these: "if he has not already been so required by the said authority." If any order for payment of compensation has been already made by the prescribed authority under (c) then no fresh order for compensation will be made. In that event only that compensation will be realized by the court as fine and obviously, of course, paid to the employee. So the fine will be imposed and in addition to fine an order to the effect that six months' salary shall be paid will be made by the court only if any previous order for compensation being payable to the employee has not been passed by the prescribed authority under sub-clause (c). If that order has been already passed, then no fresh compensatory order will be passed. It is clear enough as seen from the words within the brackets.

**Mr. Deputy-Speaker:** If the original order refers to (c) the compensation may not be of six months' salary. It may be less than six months. It will be obligatory under sub-clause (2) if the words "not exceeding an amount" are omitted, to pay compensation of six months' salary whereas the authority prescribes only compensation by way of three months' salary.

**Shri J. R. Kapoor:** In that event no additional order will be passed by the court. If once the prescribed authority has passed an order to the effect that three months' salary shall be payable under (c), the court will not be competent to enter into that question at all because of the words within the brackets. This main sub-clause (2) would come into operation only in respect of (b) when a person is not re-instated and the employer disobeys the order of reinstatement. If the six months' remuneration or any remuneration for shorter period is not paid by the employer, then only this fine will be imposed and no further

compensation will be awarded by the court. We are not authorizing the court in that contingency to make a fresh order for an additional compensation being paid. To be clear on this point, if an order has been passed by the authority against the employer, the effect that three months' compensation shall be paid and if that order is disobeyed and the case is launched against the employer, all that we are authorising the court to do is that a fine up to the tune of Rs. 1,000 shall be imposed and original compensation realised as fine. Nothing further.

**Shri Venkataraman:** I beg to move:

In page 1, lines 34 and 35, omit "not exceeding an amount".

My object is that in every case the employee should get this six months' compensation, if the employer failed to comply with the order.

**Mr. Deputy-Speaker:** The original order is to re-employ him. It is obligatory upon the court to impose a compensation of full six months in addition to whatever amount of fine he may impose not exceeding a sum of Rs. 1,000. I will put the question to the House.

**Pandit Thakur Das Bhargava:** The words "if he has not already been so required by the said authority" should go away so far as the court is concerned. If the authority has made that order, then these words will have the meaning that the court shall not be able to impose this extra compensation. It will not be ordered by the court if the prescribed authority has already given that order and if the words remain as they are. Either the words "not exceeding an amount" shall remain or these words may be scored out, if you want to give effect to the intention of my hon. friend, Mr. Venkataraman.

**Mr. Deputy-Speaker:** I thought so originally but on second thought I think what they have said is correct, because sub-clause (2) has made provision for both the contingencies, not only the one that arises under (b) but (c) also. "If he has not already been required by the said authority" applies only to (b), where the order is that he should be re-employed and no alternative is provided. Then the court under this amendment will be obliged to impose a compensation of six months' remuneration if it has not already been so ordered. I am now putting the two amendments to the House.

The question is:

In page 1, line 32, for "may" substitute "shall".

The motion was adopted.

**Mr. Deputy-Speaker:** The question is:

In page 1, lines 34 and 35, omit "not exceeding an amount".

The motion was adopted.

**Shri J. R. Kapoor:** I beg to move:

In page 2, line 19, after "service" insert "and if he is reinstated, until such reinstatement".

This appears to be a lacuna. While we are providing that the Provident Fund benefits shall continue to accrue to the employee during the period he is in military service, we do not say anything with regard to the period that may intervene between the time that he leaves the military service and is reinstated; if the employer is not quite patriotic enough to re-employ the person immediately on coming back from military service, probably a month or sometimes, four or five months may intervene. What is going to happen in respect of provident fund during this period?

**Sardar Baldev Singh:** I am accepting the amendment.

**Mr. Deputy-Speaker:** The question is:

In page 2, line 19, after "service" insert "and if he is reinstated, until such reinstatement".

The motion was adopted.

**Mr. Deputy-Speaker:** The question is:

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clause 3 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Enacting Formula were added to the Bill.

**Sardar Baldev Singh:** I beg to move:

"That the Bill, as amended, be passed."

**Mr. Deputy-Speaker:** The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

**INDIAN STANDARDS INSTITUTION  
(CERTIFICATION MARKS) BILL**

**The Deputy Minister of Commerce and Industry (Shri Karmarkar):** I beg to move:

"That the Bill to provide for the standardisation and marking of goods, as reported by the Select Committee, be taken into consideration."

In making this motion, I should like to refer to only one important change made by the Select Committee in the original Bill and that refers to clauses 3 and 8. Originally, as contemplated by the original Bill as it was placed before the House for its consideration, we had thought of vesting the Institution with powers of search and seizure in fulfilling the duties that were entrusted to the Institution. The Select Committee, after considering that point carefully, came to the conclusion that it might be much wiser not to entrust these powers to the Institution. There is also an amendment on that point. I would just like to say that while the Government considered it desirable to vest the Institution with such powers, in view of the report of the Select Committee, Government feel that for the time being the Institution might not have such powers. We leave the point entirely to the discretion of the House. I should not like to take the time of the House more on the other points because the principle underlying the Bill has been accepted and apart from a few minor changes, there have not been any substantial changes. There are two minutes of dissent to this report. One is by our esteemed friend Mr. Lakshmanan regarding these powers. He has a feeling that the Institution should have these powers for the adequate fulfilment of these duties. The other minute of dissent is by our hon. friend Mr. Guha. I will speak on that when we come to the relevant amendment which he has tabled.

**Mr. Deputy-Speaker:** Motion moved:

"That the Bill to provide for the standardisation and marking of goods, as reported by the Select Committee, be taken into consideration."

**Shri Lakshmanan (Travancore-Cochin):** Sir, I was a member of the Select Committee to which this Bill had been referred. But, I hold an opinion different from that of my colleagues and therefore I have appended a minute of dissent with regard to a vital point. The very purpose of the Bill is to secure standardisation of commodities with a view to infuse con-

fidence in the buyer that the articles are of a certain standard and that they may purchase these goods with a certain amount of assurance regarding quality. It has a direct bearing on and it will give an impetus to our trade both foreign and domestic. But, it carries with it a certain amount of responsibility. The Indian Standards Institution has to see that no spurious articles get into the market bearing Indian Standards Certification Marks. This is a very grave responsibility and it can be discharged only if the Institution is vested with powers of search and seizure so that no spurious articles could get into the market bearing its Certification Marks. The gravity and importance of this aspect cannot be under-rated because we see that the Indian Standards Institution has at present standardised several hundreds of commodities which now form very valuable items of export. It is quite unlike the infringement of a trade mark. Because, if it is only an infringement of a trade mark, the article that is brought into disrepute is one particular article and the sufferer is only one person or a firm which manufactures this article. But, if the Certification Mark is infringed, it is the Institution that is brought into discredit and the whole range of articles that have been standardised will be affected as a result of the infringement. Therefore, in considering whether the ordinary machinery or the ordinary procedure is sufficient for safeguarding the articles from the infringement of the Certification Mark, the standard to be applied is the 'quantum of mischief that would be brought as a result of the infringement. When I say that the ordinary procedure and the ordinary machinery is not sufficient for meeting this situation, the reason is that the Indian Standards Institution has, at present, standardised several articles which form the subject matter of export. The gravity of the situation can very well be realised. We are now trying to clothe the Indian Standards Institution with the authority to give the stamp of some quality to certain articles. If that guarantee is to be really a guarantee, there must be a capacity and an earnestness to secure efficiency in the matter of enforcing the standards. If the Institution has not got that authority, this Bill will serve no useful purpose. Therefore, my submission is that the provisions in the Bill as it originally stood, investing the Institution with powers of search and seizure, should not be taken away. It is a matter of common knowledge that when a particular commodity becomes popular in the market, there is an attempt to

counterfeit that article by certain anti-social elements in our country and they do it very surreptitiously. There must be a machinery which has got the power to search and seize those articles from the counterfeiting agencies. Therefore, my submission is that the Indian Standards Institution should be vested with powers of search in view of the extraordinary circumstances that are involved in these cases. My plea is that the House may agree to the amendment which I have tabled and restore the provision that was contemplated by the Government when the original Bill was brought before the House.

**Shri Karmarkar:** Sir, I have nothing more to add. We are contented for the time being to go along with the recommendations of the Select Committee. Under the ordinary law of the land, remissness or offences would normally be tried by the courts and the police would have sufficient powers for dealing with such matters. So I think for the time being we had better do without these powers.

**Mr. Deputy-Speaker:** The question is:

"That the Bill to provide for the standardisation and marking of goods, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Clauses 2 to 9 were added to the Bill.

Clause 10.—(Power to authorise the competent authority)

**Shri A. C. Guha (West Bengal):** I beg to move:

In page 3, line 51, omit "of any industry".

Sir, I have in my minute of dissent, given my reasons for this amendment. This amendment would not limit the scope of choice for the Government but would rather expand the scope. The idea of the Select Committee was rather to give such powers to scientific bodies and scientific institutions or some such bodies than merely to the industry itself. My point is that the impression should not be created that this power will be given only to organisations connected with the industry. I hope there will be no difficulty for the hon. Minister's accepting this amendment.

**Shri Karmarkar:** This amendment is just an enabling amendment and if they do not think it proper to exercise certain powers, Government can desist from exercising them. So I have no objection to accepting the amendment.

**Mr. Deputy-Speaker:** The question is:

In page 3, line 51, omit "of any industry".

The motion was adopted.

**Mr. Deputy-Speaker:** The question is:

"That clause 10, as amended, stand part of the Bill."

The motion was adopted.

Clause 10, as amended, was added to the Bill.

Clauses 11 to 21 were added to the Bill.

Clause 1 was added to the Bill

The Title and the Enacting Formula were added to the Bill.

**Shri Karmarkar:** I beg to move:

"That the Bill, as amended, be passed."

**Shri A. C. Guha:** Sir, I wholeheartedly support this Bill and I hope it will give some impetus to our export trade. There have been many reports from foreign countries about the quality of the articles exported from India, and I hope that with the introduction of the standard markings on our articles, the number of such complaints will come down. There is also a tendency even among us Indians when buying any article of Indian manufacture, to do so with some suspicion as regards its quality. But when there are these standard marks on these articles, I feel that the Indian consumers will prefer to use Indian articles to foreign articles as they will be sure of quality.

The Select Committee made certain improvements in the Bill and one of them which however, was not mentioned by the hon. Minister, was that the inclusion of agricultural goods and drugs among articles to be given standard marks. In the original Bill these were exempted from the operation of the Bill because there are already two Acts in existence for them. But these two Acts appear to be quite ineffective. In them there is no provision to give a definite standard as regards the quality of the agricultural article or the drugs. We know that particularly in the case of drugs the quality is not always up to the mark. And therefore the Select Committee has provided that even in these two matters also the Standards Institution should give their marks to signify their approval as to their quality. This is indeed an important improvement on the original Bill.



[Shri A. C. Guha]

With these words, I commend this Bill for the acceptance of the House.

**Shri Karmarkar:** I am grateful to the House for dealing with this Bill so soon and I hope the industries will take full advantage of its provisions. As the House is aware, the Indian Standards Institution has done a good job of it ever since it started working up to now and when this Bill is passed into law, the Institution will be enabled to go ahead further with its useful work. Government hope that the parties concerned will take full advantage of it because in the standardisation of our goods lies the road to our prosperity in the long run. We know that in the past certain influential sections of industry have rather shied at accepting standardisation as a principle. We hope that in view of this piece of legislation all parties concerned will take the fullest advantage of it in the interest of the country as a whole.

**Mr. Deputy-Speaker:** The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

#### CINEMATOGRAPH BILL

**The Minister of State for Information and Broadcasting (Shri Diwakar):** I beg to move:

"That the Bill to make provision for the certification of cinematograph films for exhibition and for regulating exhibitions by means of cinematographs, be taken into consideration."

Sir, while moving this Bill I would like to bring to the notice of the House that the Bill that I am bringing forward for consideration is due to certain difficulties that have arisen in the matter of administering the Act as at present constituted. It so happened that when the last Bill was passed, the new Constitution of India had not yet come into operation and therefore that Bill contained provisions which were mixed up from the point of view of the legislative authority of the Union and of the States. So when the actual administration of the Act began, we found that there was some amount of confusion and points began to be referred to the Central Government as to which of the parts were applicable by the Central Government and which by the State Governments. So I thought that that confusion should be cleared. That could be done by separating the provisions according to the lists that the Constitution provides as

the Union List and the State List. In the 1935 Act it happened that the certifying of films was in the concurrent list. Therefore the last Act did not separate these powers. But now under the present Constitution certification of films for exhibition is entirely a Union subject, whereas licensing cinemas for the exhibition of certified films is entirely in the State list. Unless these two subjects are separated, it creates confusion at the time of administration. I would have as well called this Bill an amending Bill and tried to separate those provisions according to the lists in the Constitution but that may have created certain difficulties so far as drafting and other matters are concerned. Therefore I thought that it would be proper to separate these provisions into those which have to be operated by the Central Government and those which have to be operated by the State Governments. Therefore I have divided this Bill into Parts I, II, III and IV (last is a repealing part) and thus separated those provisions, so that no confusion might arise while putting them into force.

The subject of cinematograph and cinemas is really something which concerns practically the whole population. Recently it has happened that the International Film Festival has made us more cinema-minded and thus I think the Bill opens up a subject on which many of my hon. friends would like to speak. But it is necessary for me to explain that this Bill is not a substantial Bill nor does it make any changes in the present Act as it stands; but merely for administrative convenience and so that there might not be any delay in the administration on account of correspondence, references, and so on, this Bill has been placed before the House in the present form.

Looking into the history of the cinematograph industry, I think in this very House we have passed two amending Bills. One was as regards A and U. certificates—certificates which allow exhibition of films to the public in general which are called U. Certificates and certificates for exhibition of certain films only to the adults, which are called A. certificates. Later on there was another piece of amending legislation as regards the centralisation of censorship. Under that legislation, censorship which was a provincial subject and administered by provincial Governments, has now been centralised and thus the great inconveniences experienced previously by producers and exhibitors have now been laid at rest, so that once a certi-

ificate is granted by the Central Board of Censors it is valid throughout the whole of India.

There is another circumstance about which I would like to inform the House and that is the appointment of the Film Enquiry Committee. That Committee went into the matter of the whole industry and has now submitted a report which has been laid on the Table of the House. The recommendations of that Committee are under the consideration of the Government. It was the intention of the Government to see that some of those recommendations which could be accepted should come before the House in the form of a Bill, where legislation was necessary in order to put those recommendations into force. But that matter has been delayed, because we had to consult all the State Governments about the report and I am glad to say that many of the State Governments have taken keen interest and sent us their reports which we are at present studying. It may require some time before the relevant Ministries in the Centre also studied the report of this Film Enquiry Committee. Only then we can formulate legislation after fully considering all the reactions both of the State Governments and the Ministries concerned here.)

This Committee has made three very important recommendations. One is about a Production Code. I need not go into details but I may just inform the House about the important recommendations made by the Committee and why some more time would be required to bring a substantial Bill before the House as regards the whole industry.

Another recommendation of the Committee is as regards a Film Council and the third important recommendation is about a Film Finance Corporation. These important recommendations are before the Government and it would certainly require some time before any legislation on those points is brought before the House.

I am mentioning these matters, because I had said on the last occasion that there will have to be a substantial Bill incorporating some of the recommendations of the Film Enquiry Committee. I could have as well waited till such time that that Bill was brought before the House, when these provisions could have been separated as they are being separated now and thus no occasion would have arisen for confusion. But I expect that that Bill with those provisions on the basis of the recommendations of the Film Enquiry Committee may require some

more time to be framed and it is only in the new Parliament that Government may have occasion to move that Bill. In the meantime, these difficulties and some confusion in administration have arisen and therefore I could not wait.

I have already explained the reason for bringing this Bill in its present form and not in the form of an amendment and I hope that this Bill will be passed without raising a debate on the many different aspects of the cinema industry, its censorship and other matters. Therefore, I request the House that this Bill may be taken into consideration in this spirit and in the light of the fact that another important Bill will have to come before us when the new House meets, the House can well reserve for that occasion its criticism or comments and a full discussion. Meanwhile, we shall be facilitating administration of the present Act by passing this Bill which is now before the House.

**Mr. Deputy-Speaker:** Motion moved:

"That the Bill to make provision for the certification of cinematograph films for exhibition and for regulating exhibitions by means of cinematographs, be taken into consideration."

12 Noon

**Shri B. K. Chaudhuri (Assam):** Cinemas have become a very important item in anybody's life today, and whether you are a father of several children, whether you are married or unmarried, there is a great demand on your purse so far as seeing cinemas is concerned. I know of instances where young boys have had to resort to undesirable means in order to be able to attend the cinema every night, and the cost of cinema-seeing has become so prohibitive in certain cases that children of poor parents have got to devise various kinds of methods in order to be able to see a picture. However, I should like to know in this connection how the separation of films into two classes, 'U' and 'A', has really affected cinema-seeing and in maintaining the morals of our young boys and girls. I have not heard that any real advantage has accrued out of this artificial separation because it is very difficult and neither is it natural for a cinema proprietor to use discrimination seriously and admit to the cinema house only those persons who have really completed 18 years of age. How is a cinema manager to distinguish between a girl of 14 or 15 and another of 18 years? Medical science, as my hon. friend Dr. Pattabhi Sitarayya would admit, clearly lays

[Shri R. K. Chaudhuri]

down that it is very difficult to distinguish between persons, at least girls, of the age of 14 or 15, and up to 17 years no real distinction can be made unless the test of ossification is applied. I do not also understand how you can prohibit a girl of 17 years who may be a mother of one or two children already, from attending a cinema with her husband. How can you prohibit her from seeing a picture restricted only to adults, along with her husband? It is inconceivable that a husband who has been married for a couple of years will ask his wife of 17 years to be at home and himself go to the picture.

**Prof. S. L. Saksena** (Uttar Pradesh): Is it not all irrelevant to this Bill?

**Shri Naziruddin Ahmad** (West Bengal): It is highly relevant.

**Shri R. K. Chaudhuri**: This artificial distinction was introduced by the hon. Minister about two years ago and that is why I said at the beginning that one should feel curious to know how this distinction is working, whether it has achieved any measure of success.

**Shri Diwakar**: We have called for reports as to how it is working in all the States. You will have to wait.

**Shri R. K. Chaudhuri**: At the same time, a curious and amusing picture comes to my mind. A father of a child aged three can carry the child to the cinema but he cannot take along with him the mother of the child who may be 17 years! I do not understand why the three years' limit has been fixed. Does the hon. Minister mean to say that a child of four years of age is able to understand or appreciate a picture which is restricted only to adults and therefore he should not be allowed but the child of three years may be allowed?

**Shri Diwakar**: Usually the mother is in charge of the child, not the father.

**Shri R. K. Chaudhuri**: I am referring to the provision which the hon. Minister has made in the Act—a child of three years could be taken to witness a picture which is only meant for adults.

**Shri Naziruddin Ahmad**: The child is a part of the mother.

**Shri Diwakar**: Till that age.

**Shri R. K. Chaudhuri**: Part of the mother as well as the father.

**Shri Diwakar**: If his other burdens are not enough the father can take the child also.

**Shri R. K. Chaudhuri**: Cannot a father take his three years old child to a restricted picture under the present Act because he cannot leave the child behind?

**Shri J. R. Kapoor** (Uttar Pradesh): He can.

**Shri R. K. Chaudhuri**: He can. I am not imagining a case where a child of three years would go alone to see a picture—he would accompany somebody, either his mother or father or somebody else. What I say is that this distinction is absolutely futile and it only encourages people to tell lies without any corresponding advantage.

The real thing which the authorities ought to do is to see that the cinemas are ~~cheaper~~ so that there may not be a drain on the resources of the family. And the cinema houses should be kept neat and clean. I could, for instance, draw the attention of the hon. Minister to the Race Course Cinema here in New Delhi. It is absolutely neat and clean; the chairs and seats are very nice, at the same time the maximum rate is only Rs. 1/8/-. On the other hand, if you go to the City you will find that the rates are much higher, the place is absolutely dirty, one cannot peep into the lavatory at all without losing a sense of decency. I should like the hon. Minister to take this point into careful consideration. The cinemas are going to stay in this country; however stern a moralist you may be you cannot check the growth of the cinema nor can you check cinema-seeing.

**Shri Diwakar**: I would submit, Sir, that this is entirely a State subject. Licensing of cinemas is entirely under the State.

**Shri R. K. Chaudhuri**: Let me make my point clear. Since cinemas are going to stay I should like the hon. Minister to devote his attention to having picture houses which will be kept neat and clean and in a sanitary condition, where the lavatories would not be a source of nuisance not only to the cinema-goers but also to the neighbourhood, and where the rates would not be unduly prohibitive as they are now. After all, in fixing the rates of cinemas you must take into consideration the economic condition of the people who are going to benefit by them. After all, it is the poorer classes who have not got the advantage of other kinds of respite or entertainment. It is for them that these cinemas should cater.

I hope I have been able to make my point clear. I want first of all that this camouflage about two classes of

pictures, one an Adult Class and another a Universal Class, should go. I do not believe in this distinction at all. It is not working. It cannot work. It is against human nature. Secondly, I want the cinema houses to be kept in a very good and healthy and sanitary condition. The rates should not also be prohibitive. They should be within the reach of the people for whose needs the cinemas cater.

I also submit that Government should encourage authors to write out useful books. They must not have the theme of morality, because as soon as you make a parade about morality, the book becomes unpopular. A book can be of a high moral standard without unnecessarily making a parade about morality. During the regime of the present Minister, things have progressed very much on western lines. Three years ago, you could not see a single Indian picture in which a man kisses a woman. There is plenty of that stuff in American and English pictures, but in the past, at any rate, you could not see it in Indian pictures. But now, I have seen Indian pictures—at least one or two I can prove—in which there has been actual kissing of woman by man. I am sure the hon. Minister knows about those Indian pictures.

**Shri Diwakar:** I do not see as many films as my hon. friend.

**Shri R. K. Chaudhuri:** I should like to ask the House to consider whether you should check this tendency or you should encourage it to the full length to which it is done in America. That is a moot point. As soon as you put it down with a firm hand, this kind of adult and non-adult restriction which you are placing will automatically disappear, or it will not be necessary to maintain that distinction.

Finally, I welcome the provision in clause 5. It allows an appeal to the Central Government on the question of certificate under U or A category. But who will hear this appeal? Will it be heard by the hon. Minister himself, or does he intend to delegate his power to any other officer? I would prefer that the hon. Minister himself hears those appeals. The hon. Minister can direct that those pictures should be exhibited before him. He can then see it for himself and decide how it is. In that case, I hope he will remember his friends also, at least some Members of this House.

**Shri Diwakar:** I shall invite people who are interested.

**Shri R. K. Chaudhuri:** Yes, those who are interested may go and see

and also advise the hon. Minister. Otherwise, if you make it an official thing, there is the risk of corruption coming in. The hon. Minister should know that the cinema has become a very lucrative business and the proprietors are prepared to spend a good sum of money to get a certificate of a particular kind. They will pay anything to get an unrestricted exhibition right. Therefore, in selecting the appellate authority the hon. Minister should see that if any officer is delegated the powers, that officer is a highly placed officer and is conversant with Indian pictures.

**Shri Kamath (Madhya Pradesh):** Is there no Assamese on the Board of Film Censors?

**Shri R. K. Chaudhuri:** Assamese are nowhere.

**Shri Kamath:** Very sad.

**Shri Naziruddin Ahmad:** Indeed a pity.

**Shri R. K. Chaudhuri:** You will only pity me, but this pity is not the next degree of love.

**Shri Kamath:** It springs from love.

**Shri R. K. Chaudhuri:** No. It is mere pity. In my five years' experience in this House, I have found that at first there was indifference so far as Assam was concerned. Then, pity has come; perhaps, next will be the empty expression of sympathy.

**Shri Kamath:** No. No. Never empty. We have an Assamese Deputy Minister here.

**Shri R. K. Chaudhuri:** A Deputy Minister? Why not make him something more? (*Shri Kamath:* He will be promoted.) Let him be promoted and then I shall tell you.

So, coming to the Bill, the power to modify the certificate which is given in clause 6 should also in my opinion be exercised by the hon. Minister himself, or by a responsible officer.

**Shri Diwakar:** May I point out that licensing under the present Act as well as under the Constitution is a matter entirely for the State Governments?

**Shri R. K. Chaudhuri:** I want to know clearly who will dispose of such appeals? Will the hon. Minister himself do it, or will he delegate his power to somebody else?

**Shri Diwakar:** I shall explain, if necessary, the present structure when I speak.

**Shri R. K. Chaudhuri:** I do not find any provision here for delegation of powers. I shall stand corrected if there is.

**An Hon. Member:** There is none.

**Shri R. K. Chaudhuri:** I am asking a direct question from the hon. Minister: Is he going to dispose of these appeals himself, or is he going to make provision in the rules authorising some other person to exercise that right? I should like that the hon. Minister himself hears them. Apart from convenience, by which I mean that some of us will get an invitation from him to see some pictures, there is the other advantage, because he has got to defend his action in this House. Therefore, in regard to clause 6 also, where there is a provision that the Central Government may direct the picture producer to make an exhibition of the picture in question, I submit that the power under this clause, which is as important if not more important than the one in clause 6, should be exercised by the hon. Minister himself. Under clause 6, you are going to modify a licence or certificate which has already been granted and has been in operation for some time. Therefore, when the Government desires to modify an existing certificate, it should take greater care and should have the means of being convinced of the necessity of a modification. Therefore, seeing the picture before modifying the certificate is very essential; in fact, more essential than in the case of disposal of an appeal against the grant or non-grant of a certificate.

With these comments, I support the Bill.

**Shri B. K. Das (West Bengal):** The hon. Minister has indicated the scope of the Bill. He has mentioned that this is in the nature of an amending Bill and its scope is limited to the provisions that were already there in the two previous Bills passed by the House. He has no intention to go into the merits of those provisions and desires to bring a comprehensive Bill before the new Parliament, on the lines on which the Film Enquiry Committee has made its recommendations. Films have a great educational and cultural effect on the people and I think that by the time the next Parliament meets the hon. Minister will bring forward a comprehensive Bill on this important industry.

The next point that I would like to mention is that under the provisions

of the present Bill it is not possible to go into the standard and quality of the films that are being produced. I would request the hon. Minister to see that the standard and quality of our films are maintained and the great influence that films have got today on the life of our population, especially the young people, is utilised to the full advantage.

**श्रीमती उमा नेहरू :** मैं सब से पहले अपने मिनिस्टर साहब को मुबारकबाद देती हूँ कि जिन के जमाने में जब से यह पोर्ट-फोलियो (portfolio) उन के चार्ज में आया है इस क्रम में तरक्की इस में हुई है, और शायद अगर वह इस महकमे के इन-चार्ज न होते तो जितनी तरक्की हुई है उस से कम होती। लेकिन मुझे दो एक बातें अपने मिनिस्टर साहब से कहनी हैं और वह यह है कि दिल्ली में जो उन्होंने अभी पिछले दिनों हाल ही में हम लोगों को इस क्रम में खूबसूरत फ़िल्मी मेला और जलसा दिखाया था और इस सिलसिले में सारे सिनेमा स्टार्स यहां पर आये जिन को हम देखने को बहुत उत्सुक थे और खास तौर से हमारी जवान लड़कियां और लड़के जो रात दिन सिनेमा देखते थे उन के तो उत्साह का कोई ठिकाना नहीं था। हम चाहे कितना ही अपने कमरे बन्द कर लेते थे, मगर हमारे कानों में नगिस, नसीम और मोतीलाल की आवाजें आती थीं और उस समय में भी सोवती थी कि मुझे कैसे मौका मिले जो मैं इन सिनेमा स्टार्स के दर्शन करूं। हमारे राष्ट्रपति भवन में जब दावत हुई तब हम सब लोग भी गवर्नमेंट हाउस गये और वहां मुझे उन सिनेमा स्टार्स के दर्शन करने का मौका मिला। और मैं आप से बतलाऊं कि इस के पहले जब मैं उनको फ़िल्मों में देखती थी तो समझती थी कि न मालूम उन में क्या कोई अजीब चीज़ और खासियत होगी, लेकिन उन को देख कर मुझे जरूर कुछ निराशा हुई और मेरे दिल पर वह असर नहीं हुआ जो मैं

समझती थी। लेकिन मैं फिर भी समझती हूँ कि इन सब चीजों के बावजूद भी आज के युग में सिनेमा एक बहुत जरूरी चीज है और इस कने बच्चा, जवान और बूढ़ा सब देखते हैं। अभी कल ही रात को यहां एक जापानी फ़िल्म को जो सिनेमा में दिखाई जा रही है देखने के लिये मेरे बहुत से साथी मेम्बर्स गये, लेकिन मैं बदकिस्मती से काम की बजह से उस को देखने नहीं जा सकी और रात को ग्यारह बजे जब मेरे साथी सिनेमा देख कर लौटे तो मेरा चेहरा देख कर मुझ से पूछने लगे कि क्या खाना है, खैर खाना नहीं सही, सिनेमा तो उन्होंने ग्यारह बजे तक देख ही लिया, खाना उन का शायब था। मैं ने उन को कह दिया कि होटल में रह कर इस वक़्त खाना नहीं मिल सकता।

देहली में जो पेजेण्ट शो (pageant show) आरगनाइज (organise) किया गया, उस को भी मैं देखने पहुंची और वहां पर जो सिनेमा स्टार्स जमा हुए थे, उन को मैं ने बहुत गौर से देखा, लेकिन मुझ तक न तो उन के गाने की आवाज ही आयी और न उन का म्यूजिक मैं समझ सकी। और न मैं उन को ठीक तरह देख सकी। उस गड़बड़ी में हमारी खुद की आवाजें ज्यादा सुनाई दीं और उस गड़बड़ी में मैं ने चार, पांच जीपें जरूर देखीं जो सजी हुई थीं, लेकिन उन पर सवार स्टार्स को मैं नहीं देख पायी। अगर दूरबीन होती तो मैं इन की शकलें ठीक तरह से देख सकती थी और मैं ने जो पेजेण्ट का ख्याल किया था, वह पेजेण्ट मैं ने नहीं देखा। मैं जो सिनेमा स्टार्स जो उन की खास खास पोशाकों में सज कर पब्लिक के सामने निकलते देखना चाहती थी, वह मैं नहीं देख पायी। कुछ थोड़ा सा वह निकले भी थे, लेकिन गड़बड़ी इतनी ज्यादा थी कि उस में कुछ देखा और सुना नहीं जा सकता था मेरी समझ में नहीं आया कि आखिर

यह कैसा पेजेण्ट शो आरगनाइज किया गया था।

**Shri Diwakar:** I would like to point out that that pageant was arranged entirely by the citizens of New Delhi and the Government or the Ministry had nothing to do with it.

**श्रीमती उमा नेहरू :** खैर, जैसा आपने फ़रमाया कि उस का गवर्नमेंट से कोई वास्ता नहीं था, लेकिन मेरे नजदीक तो गवर्नमेंट को सिटीजन्स (citizens) से वास्ता है और सिटीजन्स को गवर्नमेंट से वास्ता है। और मैं तो समझती हूँ कि जब वहां पर पुलिस का इन्तज़ाम था पुलिस मार रही थी और अपने बटन (baton) चला रही थी तो गवर्नमेंट का उस शो से वास्ता दिखलाई दे रहा था, मुझे नहीं मालूम कि उस पेजेण्ट शो के लिये किस ने इनवीटेशन (invitation) ईस्यू (issue) किये थे, गवर्नमेंट ने किये थे या सिटीजन्स ने किये थे। लेकिन पेजेण्ट के बारे में मुझे यही कहना है कि उसे किसी ने आरगनाइज किया हो वह बिल्कुल फ़ेल्योर (failure) था क्योंकि उस के अन्दर बिल्कुल कुछ समझ में नहीं आया कि क्या हो रहा था और इसी कारण बहुत सारे लोग तो उलझ कर बाहर भी चले गये कि हमारी समझ में कुछ नहीं आता है। पेजेण्ट के जरिये बहुत आमदनी हुई, यह मुझे नहीं मालूम है कि उस की आमदनी गवर्नमेंट को मिली या सिटीजन्स को।

मुझे इतना ही कहना है कि सिनेमा एक बहुत उम्दा चीज भी होती है और बुरी चीज भी होती है। सिनेमा की ऐज्युकेटिव वैल्यू (educative value) बहुत है। आप ने जो अठारह वर्ष की पाबन्दी रखी है वह ठीक है, मैं चाहती हूँ कि जो बच्चे सिनेमा देखें उन को ऐज्युकेटिव फ़िल्म्स दिखानी चाहियें जिन से वह कुछ सीख

[श्रीमती उमा नेहरू]

सकें। बच्चों को अगर ऐज्यूकेटिव फ़िल्म्स नहीं दिखायी जायेंगी और वह इमोशनल फ़िल्मस् (emotional films) देखते हैं तो उस का नतीजा जैसा हम आज देख रहे हैं यह होगा, वह ऐसे इमोशनल फ़िल्म देख कर खुद ऐक्ट करते हैं और घर में आ कर शीशे के सामने नाचने और ऐक्टिंग (acting) करते हैं और मैंने बहुत से नौजवान लड़कों को देखा जिन्होंने सिनेमा स्टारों की जैसी मूछें अपनी बनाई हुई हैं। ऐसा असर उन लड़कों पर पड़ना स्वाभाविक है। इस लिये हमारा सब का और सरकार का फ़र्ज है कि हम अपने बच्चों को ऐज्यूकेटिव फ़िल्में दिखायें और इमोशनल फ़िल्में भी उन को दिखाई जा सकती हैं बशर्तकि वह इमोशन हमें नीचे गिराने वाला न हो। अगर वह इमोशन हमें नीचे गिराता है तो वह हमारे देश के लिये बेकार चीज है, लेकिन अगर कोई इमोशन हमें ऊंचा ले जाता है तो वह इमोशन ऊंची चीज होती है और ऐसी इमोशनल फ़िल्में हम अपने बच्चों को अवश्य दिखायें।

अभी जैसा हमारे भाई रोहिणी कुमार चौधरी ने इमोशनल फ़िल्म्स के बारे में कहा मैं उस से सहमत नहीं हूँ। मैं समझती हूँ कि अगर अंगरेजी फ़िल्मों में हम ऐसे इमोशनस देखते हैं और बकौल भाई रोहिणी कुमार जी के किसिंग (kissing) वगैरह के सीन (sceno) देखते हैं तो मैं कोई वजह नहीं देखती कि इंडियन फ़िल्मों में यह देखकर क्यों घबरा जायें।

मैं आपको बता दूँ कि दो तरह की चीजें नहीं हो सकती हैं, हमारे लड़के इंग्लिश फ़िल्म देखने जायेंगे, वहाँ वह एक तरह की चीजें देखेंगे, उस के बाद जब वह इंडियन फ़िल्म देखेंगे तो इन चीजों से घबरा जायेंगे, ऐसा नहीं हो सकता। दुनिया में दो तरह की

बातें नहीं हो सकती हैं, और मैं तो इस को फ़ाल्स माडेस्टी (false modesty) कहती हूँ। इसलिये असलियत हमारे सामने है, या तो आप बनें साधू, फ़कीर, सन्यासी कबीर की तरह से आपकी जिन्दगी हो, वह तो मैं समझ सकती हूँ। लेकिन ऊपर से यह कहना कि यह गलत है और यह सही है, और खुद अपनी जिन्दगी में वह बात न करना गलती होती है। इसलिये मैं चाहती हूँ, हमारी सरकार भी चाहती है, कि ऐसे फ़िल्म लाये जायें जिस से कि हमारी ऐज्यूकेटिव वल्यू बढ़े। बच्चों के वास्ते बड़े अच्छे अच्छे फ़िल्म्स हैं, मैं खुद स्टडी करती हूँ विलायत की किताबें जो फ़िल्म्स के ऊपर लिखी गई हैं, उन के अन्दर उन्नें बच्चों की लिखी है कि यह फ़लां उम्र के बच्चों के लिये हैं, यह फ़िल्में फ़लां उम्र के बच्चों के वास्ते हैं। ऐसी फ़िल्में हमारे यहां आयें तो हमारे बच्चों को एजुकेशन भी मिलेगी। पांच बरस, छः बरस और आठ बरस तक के बच्चों के लिये बड़ी सुन्दर फ़िल्में हैं, जैसा अभी मैंने कहा कि अंग्रेजी फ़िल्में होती हैं, इस के अलावा और जो फ़िल्में हैं जिन के अन्दर बारह, तेरह, चौदह बरस की उम्र तक के बच्चों के लिये बातें होती हैं। जापानी फ़िल्म में ने नहीं देखी, लेकिन जिस से मैं सुनती हूँ उस के बारे में उस से पहली चीज यह पूछती हूँ कि उस के अन्दर क्या है? हर एक ने मुझे बतलाया कि इसके अन्दर चाइल्ड साइकालजी (child psychology) दिखलाई गई है। तो इसीलिये मैं कहती हूँ कि ऐसे पिक्चर होने चाहियें जो ऐज्यूकेटिव हों। मैंने तो कोई इन्डीसेन्ट पिक्चर (indecent picture) देखी नहीं लेकिन फिर भी मैं चाहती हूँ कि इन्डीसेन्ट फ़िल्में न हों। जैसा मैंने पहले कहा कि मारैलिटी (morality) एक चीज होती है लेकिन मारैलिटी ऐसी होनी चाहिये

जो सोसायटी और समाज को बेहतर करे। इस में इमोशन्स होने जरूरी है, इन्सान इस से अलग नहीं रह सकता, इमोशन्स हों लेकिन ऐसे न हों जिन्हें इममराल इमो-शन्स (immoral emotions) कहते हैं। इमोशन्स ऐसे हों जो लोगों की जिन्दगी को बना सकें।

अखिर में ज्यादा न कह कर मुबारक-बाद देती हूँ मिनिस्टर साहब को इस उन्नति पर। मैं फ़िल्म लिटरेचर बराबर देखती हूँ और अकसर फ़िल्म्स भी देखती हूँ। मैं समझती हूँ कि इसी तरह से आप हमारे बच्चों के वास्ते ऐज्युकेटिव फ़िल्में बनवायेंगे जिस से हमारा समाज व देश आगे बढ़ेगा और अविचमी देशों की तरह से तरक्की करेगा।

(English translation of the above speech)

**Shrimati Uma Nehru** (Uttar Pradesh): Sir, at the very outset I congratulate the hon. Minister under whose able guidance the department has made this remarkable progress and I feel much of the improvement which we find today might not have been there if he were not in charge of this portfolio. But I want to say something to the hon. Minister in this connection. A very interesting Film Festival was organised here in Delhi just a few days back and in that connection many film stars, whom we were so eager to see, visited this place, and particularly our young boys and girls, who are very fond of cinema, were all full of joy and enthusiasm. Howsoever we tried to keep ourselves away from this activity we failed and all round we could hear people talking about Nargis, Naseem and Moti Lal and this naturally aroused a desire in me to have a look at these cinema stars somehow. Soon I had an opportunity to see them all at a party held at the Rashtrapati Bhawan. I may tell you Sir, that I had some different ideas about these actors and actresses when I saw them in the films and I wondered what special charm could be there about these fellows that made people so enthusiastic to see them, but I was rather disappointed and not much impressed as I was expecting to be. In spite of all this, I realise that cinema has become a very important and necessary thing in the present times and everyone, young

and old, sees and takes interest in it. The other day, a Japanese film was shown and many of my hon. friends went to see it but unfortunately I could not go there as I was busy with some work. When they came back at about eleven in the night, they saw me and asked if they could have their meals. I told them they could not get any meals in a hotel at that late hour. Anyway, they seemed to have enjoyed the picture very well and perhaps they did not mind going to bed without meals.

I also went to see the pageant organised here in Delhi and I tried to have a good view of the cinema stars gathered there but I could neither see them properly nor could I hear any songs and music. We could hear only our own noise in that confusion. Of course, I saw a few decorated jeeps but I was not able to see the stars on those vehicles. Perhaps binoculars might have helped me in seeing their faces clearly. Anyway the pageant which I had in my view and which I had expected there, was not to be seen. Nor could I see the film stars parading round that arena in their peculiar costumes and whatever little was there could not be seen or heard on account of the confusion and disturbance prevailing there. I could not understand the whole show and was rather surprised as to what sort of pageant it was.

**Shri Diwakar:** I would like to point out that that pageant was arranged entirely by the citizens of New Delhi and the Government or the Ministry had nothing to do with it.

**Shrimati Uma Nehru:** Well, you say it had nothing to do with the Government but in my view the Government have much to do with the people and the people with the Government, and as a matter of fact, when the police was there and was charging the people with batons, it seemed the Government were fairly connected with that show. I do not know whether the Government or the citizens issued the invitations for the pageant; I have only to say that whosoever might have organised it, it was a complete failure because it was all confusion and disorder and nothing could be seen or heard. Many people became so disgusted that they even left the place without waiting for the show to start. I also do not know whether it was the Government or the citizens who got the huge collections made at the pageant.

The cinema has qualities which make it both a very useful as well as a very harmful thing. The educational



[Shrimati Uma Nehru]

value of films is immense. The eighteen years' restriction is quite proper and I want that only educative films should be shown to children so that they may learn something from them. If they are shown emotional pictures instead, the result will be that our young boys and girls will, as they are already doing, dance and act before the mirror all day long in their houses. I have seen many of our young men having trimmed their moustaches after the style of cinema actors, and as a matter of fact this effect on the people is quite natural. Therefore it ought to be our duty and also of the Government to see that only educative films are shown to the children. Emotional pictures may also be shown to them provided that they do not depict indecent emotions which are likely to demoralise them. Such pictures will be very harmful for the growth of our nation but films carrying nobler ideas and emotions must be shown to our children.

Then, I do not agree with what my hon. friend Shri Rohini Kumar Chaudhuri has said about emotional films. I, for one, feel that if we can see emotional scenes in English films where, as Shri Rohini Kumar said, a man or a woman is shown kissing the other, why should we get embarrassed to see similar scenes in Indian films. We cannot have it both ways. The young men and women of our country go to English pictures and there they see life being depicted in one particular fashion and if the same kind of stuff is shown in Indian pictures why should they feel abashed. I would call it a false sense of modesty. We should face realities. I can understand if a *sadhu* or a saint like Kabir acts in this manner; but preaching what you do not profess and then trying to point out good and bad is something wrong. It is, therefore, I want and the Government want that films having an educative value should be produced in a larger number. There are very good films for the children and I have read many foreign books on films wherein different films have been recommended for exhibition to children belonging to different age-groups. Films of this type can prove very useful in educating our children. There are good films in English for boys and girls of five to eight years of age. Then there is another type of useful films which children of twelve to fourteen years of age can enjoy to their advantage. A Japanese film that was shown here is said to be a very nice one and although I have not seen it I am told that child psychology has been very nicely depicted in it. That

is why I say that pictures should be educative. I have not seen any indecent films but even then I would like to submit that indecent films should not be produced. As I said earlier, morality should not be lost sight of and it should be such as may prove useful for the betterment of our society. Emotions cannot be done away with and we cannot separate emotions from the human being but they should not be immoral emotions. Emotions should be such as may make our lives more sublime.

In the end, I congratulate the hon. Minister for the vast improvement carried out in the field of films. I read film literature regularly and also see pictures and thus keep myself well informed about these activities. I hope that the Government would see that educative pictures are produced for our children so that our society and country may make as much progress as the western countries have made.

**श्रीमती रीझित :** उपाध्यक्ष महोदय, मैं माननीय मन्त्री जी को धन्यवाद देती हूँ कि उन्होंने ने हमारे सिनेमा जगत में जो फिल्में बनाई हैं, उन में बहुत उन्नति की है। हम यदि अन्तर्राष्ट्रीय फिल्मों को देखें और वहां अपनी स्थिति को देखें तो हमें खुशी है कि इस इन्डस्ट्री (Industry) में भी हम ने काफी उन्नति की है। परन्तु इस के साथ ही साथ हमें यह भी देखना होगा कि जो उन्नति हम करते हैं, जितना आगे हम बढ़ते हैं, उस में हम अपने देश को और अपनी स्वभावों को न छोड़ जायें। अभी जैसा हमारी बहिन ने कहा था कि हमारी फिल्मों में मारैलिटी (morality) तो होनी ही चाहिये लेकिन साथ ही अस्वाभाविकता भी न होनी चाहिये। स्वाभाविकता बहुत जरूरी चीज है, यदि सिनेमा में, अस्वाभाविक चीज दिखाई जाती है तो आदमियों के दिलों पर उस का असर नहीं होता है। कल जब मैं ने जापानी फिल्म देखी तो उस में जो उन्होंने ने बच्चों के चित्र दिखलाये थे मेरे ऊपर उन का बहुत अच्छा असर पड़ा !

और यदि ऐसे चित्र हमारे देश में बनें तो उन से बच्चों की माताओं को भी अच्छी शिक्षा मिल सकती है। फिल्मों पर जो रिस्ट्रिक्शन्स (Restrictions) लगाये जाते हैं उन से आप ने कहा कि स्टेट्स का सम्बन्ध है और स्टेट ही उन पर रिस्ट्रिक्शन्स लगा सकती है। लेकिन मैं कहना चाहती हूँ कि उन के साथ ही साथ सेन्टर (Centre) को भी देखना होगा कि क्या रिस्ट्रिक्शन्स लगाये जाने चाहियें। अब तो मुझे नहीं मालूम लेकिन पहले यह होता था कि अगर एक फिल्म एक स्टेट में रिस्ट्रिक्ट कर दी गई तो दूसरी स्टेट में दिखाई जा सकती थी। ऐसा नहीं होना चाहिये। जिस चीज को बुरा समझा जाता है वह हमेशा और हर जगह बुरी होती है। सिनेमा के सम्बन्ध में यह कह सकती हूँ कि वह एक कला है। कला का सम्बन्ध जीवन से होता है, वह जीवन को आगे बढ़ने के लिये प्रेरणा देती है, कला प्रेरणा देती है आगे ज्यादा उन्नति करने के लिये और कुछ सीखने के लिये। यदि हम फिल्मों से आदमियों को शिक्षित करना चाहते हैं, क्योंकि यह बहुत बड़ा जरिया है, जो कि हमारे अशिक्षित देश को फायदा पहुंचा सकता है, और बिना अधिक कठिनाई के उन को शिक्षित भी बना सकता है, तो फिल्मों के द्वारा ही हम अपने साथियों को, अपनी जनता को अच्छी से अच्छी शिक्षा दे सकते हैं, अच्छी से अच्छी बात सिखा सकते हैं। इस से सारी बातें पढ़ने के बनिस्बत ज्यादा असानी से दिमाग में बात उतर आती है। इसी प्रकार से जहां फिल्मों के द्वारा शिक्षा दी जा सकती है, वहीं इस से हम प्रचार भी बहुत कर सकते हैं और जनता को लाभ पहुंचा सकते हैं। इस के साथ ही साथ हमें ऐसी चीजों को

भी देखना पड़ेगा जो इस में हैं और हानिकारक हैं। बहुत सी चीजें ऐसी होती हैं जो कि बच्चों के लिये या दूसरों के लिये ठीक नहीं उतरतीं। मैं तो सिनेमा के सम्बन्ध में बहुत जानती नहीं हूँ लेकिन मेरे कुछ साथी हैं जिन्होंने मेरा ध्यान ऐसी बातों की तरफ खींचा है जो कि मैं आप को बताती हूँ।

देविका रानी से जब पूछा गया कि भारत में कारीगरी की दृष्टि से क्या स्थिति है तो उन्होंने ने बताया कि भारतीय फिल्मों में उन्नति तो अवश्य हुई है। उन से पूछा गया कि इस के विषय में आप का क्या ख्याल है तो उन्होंने ने कहा कि उन्हें ऐसी फिल्में देख कर खुशी होगी जो आदमी को ऊंचा उठाने वाली हैं। जैसे भारत के महापुरुषों पर बनाई गई फिल्में तथा ऐसी फिल्में जो देश हित की प्रेरणा देती हैं। हमारा पुराना इतिहास जो हम बच्चों के सामने रखना चाहते हैं, उन के दिमागों में भरना चाहते हैं, वह इस के द्वारा बहुत अच्छी तरह से भरा जा सकता है। उन्होंने ने एक बात और कही और वह बहुत अच्छी थी और मैं उस का स्वागत करती हूँ। वह यह थी कि उन्होंने ने यह बतलाया कि भारतीय सिनेमा जगत में बच्चों के लिये ज्यादा चीजें ऐसी नहीं हैं जिस से उन को शिक्षित किया जा सके, उन को प्रेरणा दी जा सके, और अब यदि वह सिनेमा जगत में आयेंगी तो बच्चों के लिये ही कोई चीज ले कर आयेंगी और बच्चों की भूमिका में बच्चे ही काम करेंगे। एक चीज और उन्होंने ने कही जो बच्चों के लिये लाभदायक है। उन्होंने ने कहा कि हम जिस वर्ग तथा उम्र के बच्चों को शिक्षा देना चाहते हैं, फिल्मों के अन्दर हमें उसी वर्ग तथा अवस्था

[श्रीमती दीक्षित]

के बच्चों को ऐक्ट करने के लिये लाना चाहिये। क्योंकि इस से बच्चों के दिलों पर बहुत अच्छा असर होता है, और चीज को समझने में सहायता भी मिलती है। इसी तरह से उन्होंने ने बहुत सी बातें और बताईं जो अनुकरणीय हैं। क्योंकि वह सिनेमा जगत में काम भी कर चुकी हैं और वह हर चीज को हम से अधिक समझ सकती हैं। इस विषय में मैं उन के विचारों से बहुत कुछ सहमत हूँ, जो हमारे बिल (Bill) में क्लॉज १५ (clause 15) है उस में जहाँ आप ने यह बढ़ाया है कि : "प्रोवाइडिंग फार दि रेगुलेशन आफ सिनेमेटोग्राफ एग्जिबिशनस फार सिक्योरिंग दि पब्लिक सेफ्टी" ("providing for the regulation of cinematograph exhibitions for securing the public safety") वहाँ पब्लिक सेफ्टी (Public safety) के पहले डीसेन्सी (Decency) शब्द और बढ़ा दिया जाये यह मैं माननीय मन्त्री जी से अनुरोध करूंगी: क्योंकि इस से फिल्मों की सुन्दरता भी बढ़ती है और स्वाभाविकता भी। जब हम फिल्म बनाते हैं तो हमें अपने देश को भूल नहीं जाना चाहिये। अन्तर्राष्ट्रीय जगत में भी जब हम बढ़ते हैं तो उस में भी हमारे देश की विशेषता होनी आवश्यक है, और उस विशेषता और डीसेन्सी को हम फिल्मों के द्वारा ही दिखा सकते हैं।

अन्त में मैं अपने माननीय मन्त्री :महोदय का ध्यान इस ओर अवश्य दिलाऊंगी कि भविष्य में आप जो फिल्में बनायें उन में बच्चों के लिये अच्छी शिक्षा का प्रबन्ध हो सके इस का ध्यान आप अवश्य रखें

(English translation of the above speech)

**Shrimati Dixit** (Madhya Pradesh): Sir, I take this opportunity of congratulating the hon. Minister for the progressive trend seen in Indian films. Comparing the Indian film industry with that in other countries of the world one is content to find that India has achieved remarkable success in this field. All the same, we have got to see that in our anxiety to make further progress the country's past traditions and its natural instincts are not ignored. As was just pointed out by my hon. sister, we should have morality in our films; but while we have morality we should shun artificiality. Naturalness in films matters much. Artificial things do not appeal to the audience. Yesterday, I happened to see a Japanese film and I was highly impressed to see certain scenes with regard to children's life. Such films, if made in this country, would certainly go a long way to react very favourably on children as also their mothers. As regards putting restrictions on certain films the hon. Minister told the House that it was a state subject. It may be a state subject but let the Centre also see to it as to whether or not any particular restriction is advisable. Formerly, it so happened that a film restricted in one state could be screened in another State. I do not know whether such things are happening even now. Anyway, such a thing should not happen. A bad thing is bad everywhere. It is not that a thing which is regarded bad at one place may be considered good at another place. Film-making is an art. Art inspires one to educate oneself and thus learn more and more. Films can do much to educate the masses. The illiterate population of our country can derive much benefit by seeing films. We can use films as a very useful medium for imparting education to the people and making them understand many good aspects of life. Through films people are likely to learn with comparatively more ease. While on the one hand films have educative value, on the other they can be used for giving wide publicity to many things beneficial to people. There is no denying that certain films are harmful to some extent inasmuch as they contain certain things that react adversely on children and others. Therefore, we should see that such defects are not allowed to continue. I personally do not know much about films; I am merely drawing your attention to certain points indicated to me by a few friends of mine.

Asked about the progress made by the Indian film industry from the point of view of technique, Devika Rani replied that there had been progress, no doubt, but she would like to see such Indian films as would enable the people to hold their heads in pride. For example, she said, such films should be made as might depict the lives of the great men of this country and inspire feelings of patriotism in the people. Devika Rani felt that through films they could acquaint children with the country's past history. She made one more observation which appealed to me very much. In fact I cordially welcome such a suggestion. Indian films, she said, were devoid of anything that might be of some educational value to our younger generation. She added that in case she returned to the Indian screen it would be her endeavour to give something that might give inspiration to little children. Children's roles in that case would be played by children alone. She suggested that the roles in a film should be given to children belonging to the same class of society and same age for which the particular film was meant. She said that that created a better psychological effect on them and also helped them understand various aspects of life. Similarly she dealt with various other useful things. Having been in contact with the film industry for such a long period she is supposed to know more than we in regard to these things. So far as these things go I agree with her to a great extent.

Clause 15 of this Bill provides that the Central Government may make rules "providing for the regulation of cinematograph exhibitions for securing the public safety." I suggest the word "decency" be also inserted before the words "the public safety". It would lead to decent and finer films being made. While making films we should not forget the special conditions obtaining in our country. Even in the international field our country should have some distinctive features and decency. These distinctive features and decency can best reveal themselves through films.

In the end, I would like to request the hon. Minister kindly to see that the films to be made in future are of true educational value to all in general and children in particular.

**Shri A. C. Guha (West Bengal):** Sir, I like to take this opportunity.....

**Shri R. K. Chaudhuri:** Is he giving the bachelor's point of view?

**Shri A. C. Guha:** I am giving the common man's point of view.....

**Shri Naziruddin Ahmad:** He is a 'bachelor' of arts.

**Shri A. C. Guha:** And only bachelors have commonsense!

I like to take this opportunity of giving expression to some of my ideas regarding the cinematograph as it has developed in our country. Cinema is a piece of art and I do not consider that any topic is indecent or obscene to a piece of art and so no topic or no piece of story can be considered obscene or indecent also in a film. In this case, I would like to cite one example. There is a famous story of Gorky called "the Birth of Man" and if you look to the story portion of that piece of literature, it will simply appear to you as to everybody that it is indecent and obscene; but the way in which Gorky has presented it has been made into a sublime piece of art and it will simply appeal to the finer sentiments of humanity and not to the grosser side. My grouse is not so much about the story portion but about how they are presented. I admit, Sir, that I am not a frequent visitor to the films. Perhaps once or twice in a year. I might go to see a film, but even then I have some idea about the films that are shown in India. Most of the films are presented in a manner which may appeal to the grosser passions of man and not to the finer sentiments of man and I hope the Film Censor Board will look to this side. It is not so much the story but it is the way in which the story is presented to the audience that matters and I think most sober men will admit that the presentation here is not such as it should be. It is not artistic but rather such as to arouse the grosser passion and not the finer sentiments of man.

Then another point I would like to mention here is about the foreign film. It is admitted that we have got a different standard of morality, of family and of human relations; and it is not expected that we can change those things overnight. Nor, I think, it is desirable that we should change our own notions and ideas. But certain foreign films are presented here which can appeal only to the amorous and erotic instincts of man. A row of girls just in skin coloured thin costumes with all the contours of the body visible are shown to the audience. This is not the right thing to do. I had an occasion to be present in a show like this because a friend took me. I did not know what was the picture to be shown. Simply I had to accompany a friend to a picture. I saw about a dozen girls in skin coloured costumes with all the contours of the body visible.....

**Shri Diwakar:** Half of it was black.

**Shri A. C. Guha:** Portions of it were black but that was only in two or three scenes; and that made the thing all the worse and I think that our Censor Board should take a stricter view about such foreign films.

There is another point also which I would like to bring to the notice of the hon. Minister and through him the Censor Board. Some sort of fraud is practised on the audience through the captions or through some means of advertisement about the film. You cannot simply close your eyes to those advertisements if you roam over any city either in a public vehicle or as a pedestrian or even in your own private vehicle. In Calcutta there was a film and the advertisement was that it was an adaptation from the story of Tara Shankar. Tara Shankar is perhaps the foremost Bengalee story writer of today and I and another friend went to see that picture. We were awfully disgusted and were cursing Tara Shankar as to how he could allow such a story to come out of his pen or allow such a story to be produced on the film. After a few days, I met Tara Shankar and asked him: "How is it that you allowed such a story to be filmed in your name?" He replied: "No, it is not my story." Then? "There is another spurious Tara Shankar and the story is from him." I learnt that somebody in the Film Board there had some track with that Tara Shankar and so came the advertisement giving the impression that the story was from the real Tara Shankar. It is a fraud; and the Censor Board and the producers ought to have been penalised for this. A few months ago, I saw another advertisement. Fortunately I did not go to see the picture. It was the caption of a famous story of Tagore. There was no mention as to whose story this picture was going to show. It simply bore a caption from the famous story of Tagore, but it was not the story of Tagore; but somebody else's story; he simply plagiarized the name from Tagore's works and that is also a fraud practised on the public. I think such frauds should not be allowed and I bring these two cases to the notice of the hon. Minister and I trust he will take to task the producers as well as the Board of Censors, who allowed such frauds, to be perpetuated on the public.

As regards the present Bill, I think most of the points have been made by previous speakers. I do not like to take much of the time of the House. I have some amendments on some of the clauses of the Bill and when those

clauses come before the House, I may move my amendments if any one of these is acceptable to the hon. Minister.

**Mr. Deputy-Speaker:** The hon. Member can speak on the amendments. Shall I put them to the House?

خواجہ عابدت اُلہہ : جناب ڈپٹی اسپیکر صاحب - اس بل پر کافی بحث ہو چکی ہے - میں سمجھتا ہوں کہ درخت اپنے پھل سے پہچانا جاتا ہے - ہندوستان میں فلمی دنیا میں جس قدر ترقی ہوئی ہے وہ قابل تعریف ہے - فلموں کے نمبر کے لحاظ سے - ایکٹروں کی بہتایات کے لحاظ سے - روپیہ کی آمدن کے لحاظ سے اور شہروں میں جگہ بجگہ سلیما گھر کھانے کے لحاظ سے - اگر یہ سب چیزیں قابل تعریف ہیں - تو میں موجودہ حکومت کو اور موجودہ منسٹر صاحب کو ضرور مبارکباد دیتا - مگر میں دیکھتا ہوں کہ ہندوستان کی فلمیں — — میں جلد فلموں کو چھوڑ سکتا ہوں — — اتلی گری ہوئی ہیں - ان کی اکثریت اتلی گری ہوئی ہے - کہ مہرا دعویٰ ہے کہ انہوں نے ہندوستان کی جنت کو بہت حد تک اوپر لے جانے کے بجائے نیچے گرا دیا ہے - لوگ شاید یہ کہیں کہ بہت سی جگہوں میں ان فلموں نے فائدہ بھی پہنچایا ہے - میں جانتا ہوں کہ شہری حلقہ میں تعلیم یافتہ طبقے نے اور نوجوانوں نے ان فلموں سے بہت کچھ سیکھا ہے - اور وہ کہہ سیکھا ہے - وہ شاید زیادہ تو لوگ جانتے ہیں - انہوں نے اپنے

کلچر (culture) کو برباد کرنا اور دوسروں کے کلچر کی نقل کرنا سیکھا ہے۔ اور اے کو یہ سب سکھانے میں ہماری فلمیں بہت حد تک کامیاب ہوئی ہیں۔ لوگ انگریزی فلموں کی بہت تعریف کرتے ہیں۔ میں نے انگریزی فلمیں بہت دیکھی ہیں۔ مگر کوئی انگریزی فلم ایسی نہیں دیکھی جس میں انگریزی ملک کے اپنے کلچر۔ اپنے طریقہ رہائش۔ اپنی بول چال یا اپنے طرز زندگی کے علاوہ کسی دوسرے ملک کی نقل کی گئی ہو۔ مگر ہندوستانی فلموں کو اگر آپ دیکھیں گے۔ - ماٹھلاچی کل (my-thological) فلموں کو چھوڑ کر۔ تو ان کی اکثریت میں آپ دیکھیں گے کہ پیکچر تو ہندوستانی ہے۔ ابھی ہندوستانی ہیں۔ دیکھ بھی رہی ہے ہندوستان کی پبلک۔ مگر اسکا کلچر اسکے ڈرائیڈ روم۔ اس کی کورسہاں۔ تھیلہاں۔ ڈانس ڈھال۔ اس کا ناچ کود۔ لڑکیوں کا اس طرح سے مردوں سے شیکہ ہینڈ (shake hand) کرنا۔ یا لڑکوں کا لڑکیوں سے لو میڈنگ (love making) کرنا۔ یہ سب ہندوستان کی چیزیں نہیں ہیں۔

डा० पट्टाभिः सुब्रह्मन्तारो मं अब  
यह तरक्की हुई है।

خواجہ عذایت اللہ : خرد مختاری سے اگر یہی چیزیں لانا مقصود ہے تو میں سمجھتا ہوں کہ جس خود

مختاری کو مہاتما گاندھی لانا چاہتے تھے اس کا یہ اصول نہیں تھا۔

تو میرے کہنے کا مطلب یہ تھا کہ جب ہندوستان کا کلچر انہما قابل تعریف ہے کہ لوگ آج ہندوستانی کلچر کی تعریف کرتے ہیں اور ہندوستانی کلچر کو اپنانے کی کوشش کرتے ہیں۔ یہاں تک کہ میں دیکھتا ہوں کہ یورپیوں لہڈیاں اب ساریاں پہننے لگی ہیں۔ اور امریکہ والے بھی شلوار اور پائجامہ پہننے لگے ہیں۔ تو ہندوستان کی فلمیں ہندوستان کے بچوں اور بچہوں کو گاؤں پہلنا اور سوک پہلنا سکھا رہی ہیں۔ تو اس لئے میں چاہتا تھا کہ آئندہ ہمارے آنریبل منسٹر اس بات کی طرف خاص توجہ دیں کہ ہم ان معاملات کو کہوں نہیں اگے بڑھا سکتے اور کہوں نہیں ایسی کوشش کر سکتے کہ ہندوستانی فلم اپنے ہندوستانی کلچر۔ ہندوستانی تہذیب۔ ہندوستانی طور طریقے میں ترقی کریں بجائے اس کے کہ وہ نقال بدلیں اور دوسروں کی نقل کرنے کی کوشش کریں۔ شاید ان فلموں کا شہر کے لڑکوں اور شہر کی بچہوں پر اتنا برا اثر نہ پوتا ہو۔ لیکن میں آنریبل منسٹر سے اور آنریبل ممبران سے درخواست کرونگا کہ چوتھے شہروں میں اور دیہاتوں میں قریب اور دیہاتی بچوں پر بہت برا اثر پوتا ہے۔ وہ کچھ دیر کے لئے لہٹ دوسرے ہی ماحول میں پہنچ

[ خواجه علیایت اللہ ] .

جاتے ہیں - اپنے گھروں میں وہ بیلوں کو دیکھتے ہیں - اپنے گھر میں ہلوں کو دیکھتے ہیں - اپنے ماں-باپ - بھائی - بہن - چچا اور سارے خاندان کو اور ہی طرز زندگی بسر کرتے دیکھتے ہیں - اور فلمی دنیا میں وہ چلنے پھرتوں کے لئے دوسری ہی دنیا میں پہنچ جاتے ہیں - میں نہیں سمجھتا کہ ان بچوں کے لئے ایسی فلمیں کسی صورت میں تعلیمی فائدہ دے سکتی ہیں -

اور ایک بات ہے - اور بہت ضروری بات ہے - جس کی طرف میں دھیان دلانا چاہتا ہوں - ہندوستان کی ۹۵ فی صدی فلموں میں ایک ہی طرح کی کہانی ہوتی ہے - اگر آپ ایک کمیٹی کے حوالے ساری فلموں کی کہانیاں کر دیں اور ان سے کہا جائے کہ وہ بتلائیں کہ کس کس طرح کی کہانیاں ہوں - تو اس کمیٹی کے ممبر یہی لکھیں گے کہ ساری فلموں میں ایک ہی کہانی ہے - یعنی یہ کہ کہیں کسی ایک لڑکے سے ایک لڑکی کو مصیبت ہوتی ہے - کچھ مصیبت پڑتی - ماں باپ ناراض ہوئے - اور اس کے بعد ماں گئے اور ان دنوں کی شادی ہو گئی - میں نے کچھ انگریزی فلمیں بھی دیکھی ہیں - مگر کہیں بھی ایک کی کہانی دوسری میں ملتی نظر نہیں آتی - مگر یہاں جب بھی

دیکھ کر دیکھتے جاتے ہیں تو پہلے سے تصور کر لیتے ہیں کہ یہی کام ہوگا کہ ایک کو عشق ہوا - کچھ مصیبت پڑی - اور بعد میں شادی ہو گئی - کچھ فلموں کو چھوڑ کر ساری فلموں میں یہی ہوتا ہے - میں نے ایسی بھی فلمیں دیکھی ہیں جن کی میں قدر کرتا ہوں - اور میں خواہش کرتا ہوں کہ اس طرح کی اور فلمیں بنیں - مگر ایسی بہت کم فلمیں بنتی ہیں - زیادہ تر یہی ہوتا ہے کہ کہیں عشق ہوتا ہے - اور وہی داستان مصیبت ہوتی ہے اور اس کے بعد پھر شادی ہو جاتی ہے -

**Mr. Deputy-Speaker:** The hon. Member was referring to all cinemas ultimately ending in marriage. Does he want divorce in place of marriage?

**Shri Kamath:** Divorce follows marriage.

**Khwaja Inait Ullah:** I was saying that all the stories of our cinemas are of the same type.

**Shri R. K. Chaudhuri:** Ending in marriage.

**Shri Diwakar:** They should not?

خواجه علیایت اللہ : تو میرا مطالب یہ نہیں ہے کہ ویسی استوریز (stories) بالکل نہ ہوں لیکن اگر اور کسی طرح کی فلمیں نہیں ہونگی تو صرف ایک ہی سبق ہمیشہ حاصل ہوگا - اس لئے جو آپ نے دفعہ ۳ کے ماتحت سینسر بورڈ (Censor Board) بنانا طے کیا ہے - میں چاہتا ہوں کہ اس میں جہاں موثر فنیشن اور

ویسٹرن کلچر (Western culture) کو پسند کرنے والے لوگ ہوں وہاں کچھ ایسے لوگ بھی رکھے جائیں جو ہندوستانی کلچر کو سمجھتے ہوں۔ اور جن کو یہ احساس ہو کہ ہندوستان کے بچوں کو کیا سیکرنا چاہئے۔ اور ہندوستان کے لڑکے لڑکیاں کس طرح سے ٹھیک رہ سکتے ہیں اور ان کو کس طرح کی تعلیم ملنی چاہیے نہ یہ کہ صرف ڈانس اور دوسری چیزوں پر۔ جن کا میں ذکر نہیں کرتا، چاہتا۔ ہماری فلموں کا درومدار ہونا چاہیے۔ اور ایک چیز عرض کرنا چاہتا ہوں۔ ایسی فلم فیسٹول (Film Festival) کو دیکھکر میں نے یہ نتیجہ نکالا ہے کہ جن جن فلموں کو ہم باہر بھیجتے ہیں گو ان کی استوری ہماری زبان میں ہو۔ مگر ان کا نام انگریزی میں ہونا چاہیے۔ مدعی اس بات کی خوشی ہے کہ جو جنو فامیں ہم نے ابھی تک باہر بھیجی ہیں ان کی باہر والوں نے تعریف ہی کی ہے۔ مگر وہ جن کو بھیجی گئی نہیں۔ تو میں یہی کہنا چاہتا ہوں کہ ہمارے فلم بنانے والے جو فامیں باہر بھیجنے کے لئے بناویں۔ تو ہماری پکچر تو ہماری ہندوستانی زبان میں یا بلکلہ زبان میں پنجابی زبان میں ہو۔ کیونکہ الگ الگ جگہوں میں اب فامیں بننے لگی ہیں۔ مگر ان کے ہیڈنگ (Headings) ایسے ہونے چاہئیں کہ جن کو دوسرے ملکوں والے سمجھ سکیں۔ اس لئے

ایسے فلم بنانے والوں کو اس بات کا خیال رکھنا چاہئے کہ ان کا ہیڈنگ انگریزی میں ہو۔ اچھا تو یہ ہو کہ جس ملک میں فلم بھیجی جائے اس کی زبان میں ہیڈنگ ہو۔ جیسے کہ فلم مصر میں بھیجی جائے تو اسی زبان میں ہیڈنگ ہو۔ اگر افغانستان میں بھیجی جائے تو فارسی زبان میں ہیڈنگ ہو۔ لیکن ہماری فلمیں تو سارے ملکوں میں بھیجی جائیں گی۔ اس لئے میں سمجھتا ہوں کہ ہماری پکچر ہماری زبان میں ہو۔ مگر اس کا ہیڈنگ انگریزی میں لکھا جائے۔ ان چند الفاظ کے ساتھ میں انریبل منسٹر صاحب سے ایک بار پھر درخواست کروں گا کہ وہ اس فام ہورڈ کو جہاں تک ممکن ہو ایسی فلمیں اور کہانیاں بنانے کی تاکید کریں کہ جس سے ہمارے تمدن۔ ہماری تہذیب اور ہمارا کلچر بگڑے نہیں بلکہ اُٹھے۔

(English translation of the above speech)

**Khawaja Inait Ullah (Bihar):** Sir, though enough discussion has taken place on this Bill, I would like to make a few points. A tree is known by the quality of its fruit. If the number of films produced, the number of actors, the income of the film industry and the opening of new cinema houses in cities is an index of progress of the industry, our film industry has certainly made progress. If all these things deserve praise, I would congratulate the Government and the Minister-in-Charge, for this. But the majority of the films, barring a few, are of such a low standard that they have brought the morals of the people down instead of raising them. It may be argued by some that in many places films have benefited the people. I know that in urban areas the educated class—especially the



[Khwaja Inait Ullah]

young men have learnt a lot from these films. What they have learnt is known to the majority of people. Our young men have learnt from the films to ignore our culture and ape the culture of others. Our films have been successful to a great extent in making them do this. English films are praised much. I have not seen many English films, but none of those I saw aped the culture of any other country. Everything depicted in these—way of life, language, and other things—was typically English. On the other hand, if we see an Indian picture, except the mythological films, we will find that the picture is Indian, the actors are Indian, the audience is also Indian, but the culture, the drawing rooms, furniture, dance halls, love-making and hand-shaking between boys and girls, all these are not Indian.

**Dr. Pattabhi (Madras):** Self-rule has gone a step further.

**Khwaja Inait Ullah:** If all these things are an outcome of self-rule, it is not the type of self-rule Mahatma Gandhi wanted.

India has a great culture. People of other countries praise it and they too follow it, so much so that even European ladies have started wearing saris and in America one finds that *Shalwar* and *Pyjamas* are in vogue. And our films are teaching our children to wear suits and gowns. I want to request the hon. Minister to adopt his utmost attention to the matter and see to it that the Indian films instead of aping others should depict Indian culture and civilization. This type of Indian films may not be having such an adverse effect on city-bred boys and girls, as on those living in small towns and villages. These pictures take them to a new atmosphere, so different from the one in which they live. They live in their homes with ploughs and oxen. They see their parents, brothers, sisters, uncles and other relatives living a life entirely different from that depicted in the films. The Indian film takes them to a new world for a couple of hours. I do not think that such films can have any educational value for these children.

I would like to point out another important fact. Ninety-five per cent. of Indian films have a similar theme, a similar story. If a Committee is appointed to report on stories contained in Indian films, they would be constrained to say that all have only one story, which is this: a boy and girl meet and start loving each other,

there is some hitch, the parents get angry but in the end they agree to the match and the couple is married. I have seen some English films also, but I have never found a similar story in any two of them. But when we go to see an Indian picture we know beforehand as to how it would end, that is love, a little hitch and ultimately, marriage. All films, with a few exceptions, have this story. I have seen some films which I appreciated and I wish we had more of them. But such films are rare; most of the Indian films have the same love story, interspersed with tears and ending in marriage.

**Mr. Deputy-Speaker:** The hon. Member was referring to all cinemas ultimately ending in marriage. Does he want divorce in place of marriage?

**Shri Kamath:** Divorce follows marriage.

**Khwaja Inait Ullah:** I was saying that all the stories of our cinemas are of the same type.

**Shri R. K. Chaudhuri:** Ending in marriage.

**Shri Diwakar:** They should not?

**Khwaja Inait Ullah:** I do not mean that there should be no stories of that type. But if the films are all of that theme, they would stress only that point. I want that the Censor Board, appointment of which is provided for in clause 3, should include, besides those who are fond of modern fashion and western culture, those who understand Indian culture, know what Indian children should learn, and how they can properly develop. Our films should not depend on dances and other things I do not want to mention here.

One thing more. After seeing the Film Festival I have felt that the films we send abroad should be in our language, but their names should be in English. I am glad that the Indian films sent abroad have been liked and praised by the foreigners: I want to point out that the films produced for foreign countries should be in one of our own languages, Hindustani, Bengali or Punjabi—they are produced at many places—but the headings should be such as may be understandable in other lands. Producers of films for foreign countries should bear this in mind that the headings should be in English. It would be better if they are in the language of the country to which they are sent, e.g., if a film is to be sent to Egypt the heading should be in Arabic, for Afghanistan it should be in Persian. But as our films are to be sent to all countries, the headings should be in English.

With these words, Sir, I would again request the hon. Minister that he should ask the Film Board to produce, as far as possible, such films as may promote our culture and civilization.

1 P.M.

**Shri Satyanarayana (Madras) rose—**

**Mr. Deputy-Speaker:** Will the hon. Member speak on the clauses?

**An. Hon. Member:** It is already one o'clock, Sir.

**Mr. Deputy-Speaker:** He can say, "Sir", and begin now. He can finish the speech in the afternoon.

**Several Hon. Members:** Sir, we can have it in the afternoon.

**Mr. Deputy-Speaker:** Very well. The House stands adjourned to 2-30 P.M. today instead of to 3 P.M.

**Several Hon. Members:** Why 2-30 P.M. Sir?

**Mr. Deputy-Speaker:** Because there are other Bills also to be dealt with in addition to this present Bill, and on the 3rd, 4th and 5th there will be only the Finance Bill to be considered.

**Shri A. C. Guha:** There is only one Bill to be dealt with today, Sir.

**Mr. Deputy-Speaker:** Why, there is this Bill and also the Rent Control Bill. And even to this Bill there are a number of amendments.

**Babu Ramnarayan Singh (Bihar):** Why so many changes from day to day? There should be some fixity somewhere, Sir.

**Mr. Deputy-Speaker:** As we approach the end, we may have to sit a little longer, say for another half an hour.

**Shri Kamath:** Then let us start at 3 P.M. and go on till 5-30 in the evening.

**Mr. Deputy-Speaker:** No, I understand there is a meeting of the Rules Committee at 5-30 P.M. And so we meet again at 2-30 P.M. today.

*The House then adjourned for Lunch till Half Past Two of the Clock.*

*The House re-assembled after Lunch at Half Past Two of the Clock.*

[MR. DEPUTY-SPEAKER in the Chair]

**Shri M. Satyanarayana:** Sir, I rise to welcome the Bill and to support it. It is a very small measure as the hon. Minister said with a very limited scope connected only with the administrative side of it. The film today has become one of the most powerful instrument for audio-visual education. It is attended by 16 lakhs of people every day in 3,200 theatres and every year

India is producing more than 350 pictures. Ours is the second largest industry in the world. We should have taken up such a powerful and most potential instrument like the film and used it with better results.

I find listening to the debate today that there has been a great deal of complaint against the production of the present day films. That is because society would like to have a certain standard but the producers of the films are keeping different standards, for their own reasons. The main reason being that whatever film is produced it must pay its way. And today the production of a film has become prohibitively costly and one will be simply surprised to hear that until and unless a good film fetches an income of Rs. 25 lakhs it is not self-supporting and is considered to yield no good profit. That is what they say. Is it not possible to produce cheaper films but that is a matter into which we should look into and the Government must help the producers to produce cheaper films.

There are only two aspects as far as this Bill is concerned, namely  censorship and licensing. Much of the criticism would have been avoided if the censorship had been stricter and the censorship authorities had used their discretion in conformity with the public taste and decency and also the standards which people expect. But unfortunately I must say that censorship has failed to censor such of those pictures which do not come up to the standards which generally the intelligentsia and cultured people expect them to be. That is why there is so much criticism.

I happened to have some association with censorship for sometime in Madras and I might narrate my experience. When we entered into the censorship council there was absolutely no guidance as to how to censor a film. A few people were appointed as censors and they were expected to maintain the standards which the Government and the public wanted them to keep. Ultimately what happened was that whenever three people were appointed to see a film and censor it, there were two or three standards and there was some kind of a feeling that these people were not up to the mark and therefore their standard cannot be taken to be final and ideal. That is why it has not taken a position of credit or reputation. When the censors censor a picture, the producer makes an appeal to the full Board of Censors and when the Censor Board cuts certain portions of the film an appeal is made to the Government and finally

[Shri Satyanarayana]

the producers triumph and get the pictures passed in the way in which they want to exhibit them finally. This shows that even the Government were not able to control the members of the Board in a stricter fashion so that the decency, taste and standards of the people may be maintained.

I want to draw the attention of the Government to this fact, namely that censorship just now is centralised under the guidance of the Central Government and they must exercise a stricter control over the censorship of films, so that this kind of criticism in Parliament and outside may not recur again and again and the censorship found fault with.

There are some other things, one or two of which I would like to mention. Once a picture is censored and certain portions of it are removed, then the picture is certified as fit for exhibition. But the producers are so clever that after having got the certificate they insert those cut out portions and get them exhibited. There is no agency anywhere for the Government to find out whether a particular portion which had been censored and cut out from the original picture is being shown in the theatres or not. As a result the censorship became absolutely useless in many ways. I do not say that it has happened in every case but in many cases. Therefore this has to be taken note of and it should be seen that not only strict censorship is enforced but that it is also followed up to ensure that the censorship is properly working.

Now although the films are censored, the advertisements are not censored. Many a phrase which had been barred in the films is used as material for advertisement in order to attract a larger number of people. This should be brought under the purview of the censorship, in which case the complaint made by my hon. friend Mr. Guha will be removed.

Another aspect of this Bill is that all those rules which are in different enactments have been brought into this Bill. One Act which we had passed recently was the classification of films into A and U. Experience shows that although it is there on the Statute Book, I do not know how far this classification has been enforced. From my experience I can say that it is not being enforced at all. On the other hand, the certification is being misused in many places. I saw an advertisement the other day in Calcutta an announcement in big letters that the film was certified as A and you could come and see. That became an invitation to come and see

something which is more interesting than a U film. An A film is generally understood to be a thing which gives more excitement and this aspect of it is being misused by producers for the purpose of attracting a larger number of people who would like to have a little more excitement which they do not generally get from a U film. So this has to be strictly enforced. There are several aspects to the question such as age, quality, etc., which aspect of it is going to be enforced and how they should be correlated and all this is a matter for the censors and they should see that A and U films are properly exhibited and the rules enforced properly.

There are other anomalies as far as enforcement is concerned. One provision introduced in the Bill is that if a U film is exhibited as an A film it is made punishable. This punishment is to be given only to the man who exhibits it, namely the theatre-owner. He is expected to be very vigilant. I do not know how far it is possible for him to see whether he will come under the purview of this penal clause, because he has to check up the age of every person entering the hall, whether he or she is an adult or not in order that he or she may see that film. It will be a very difficult job unless and until specific rules are made and it should be seen that theatre-owners are not put to unnecessary harassment or punishment.

As far as licensing is concerned, the whole power has been given to the District Magistrate—it has been more or less delegated—and it is quite good as far as it goes, but no conditions have been envisaged here in the Bill. I join hands with those who complained that although provisions are there regarding sanitary conditions, about number and about so many other factors, they are not being strictly enforced and certain instructions have to be sent from the Centre to ensure that all those conditions which are envisaged here may be enforced.

There is one more point which I would like to mention, namely that in view of the complaints that people have got and the criticisms that they make definite instructions should be given to the film censors so that they may also have a standard in view so that these criticisms may not arise again.

The Film Enquiry Committee which was appointed by the Government of India submitted its report last February. As the hon. Minister has stated, they made very useful recommendations—very useful in the sense that they have, for instance, suggested that

the film industry having such a great influence on the minds of the people irrespective of class, age, etc. it should be so organised that the film producers themselves may feel that they have got a responsibility towards the people. The Committee have also suggested a Film Council and the centralisation of film censorship as also the creation of a Film Finance Corporation. I had expected Government to expedite the implementation of some of these recommendations so that this kind of criticism about the unhealthy film production in this country may be removed early, but it has not been done so far. I believe that this promise that has been now made by the hon. Minister will be fulfilled very soon so that we may have better films and this criticism may be removed in the near future.

With these few words, I welcome the Bill and support the provisions contained in it.

**Shri Diwakar:** I am very glad that some of the hon. Members here have offered certain suggestions as regards the licensing authority, theatres and so many other things. As I have pointed out already the scope of this Bill is restricted in the sense that this is a rearrangement of the provisions which had got mixed up, and therefore I think I need not go into the merits of the suggestions just at present. Therefore, while thanking my hon. friends for making the suggestions which will be duly taken into consideration at the time of drafting a more substantive Bill which will incorporate some of the important recommendations made by the Film Enquiry Committee, I shall be satisfied just now with making a few remarks about certain general aspects.

As my hon. friend, Mr. Satyanarayana pointed out, this Bill has mainly two things within its scope: one is the censoring of films, the second is the exhibition of films through cinemas. As regards licensing of the cinema houses for exhibition of films, I have already said that the jurisdiction now rests with the State Governments. As regards censoring of films, I may state here that film censorship has been centralised and a Central Board of Film Censors has been constituted and has been working for the last year and a half or a little more. The Film Censor Board has now drawn up a code for the guidance of the three regional Boards that have been constituted under it, one in Bombay, another in Calcutta and the third in Madras. I may read out the general principles which are guiding this Censor Board, so that some of the criticism that has been levelled against standards and other matters may be reviewed in the

light of these general principles which have been now laid down:

✓ (1) No picture shall be certified for public exhibition which will lower the moral standards of those who see it. Hence the sympathy of the audience shall not be thrown on the side of crime and wrong doing, evil or sin.

(2) Correct standards of life subject only to the requirements of drama and entertainment shall be presented.

(3) Law, natural or human, shall not be ridiculed, nor shall sympathy be created for its violation."

**The Minister of State for Finance (Shri Tyagi):** Very good.

**Shri Diwakar:** These are the general principles which the Censor Board has now laid down for itself and certain details have also been laid down. I do not think that it is necessary at this stage to lay before the House those details. However, since the film censor code has been drawn up, I shall be glad to place a copy of it on the Table of the House so that all hon. Members may be able to scrutinise the provisions in the code.

As regards licensing, as I have just pointed out it is entirely within the jurisdiction of the State Governments, as also sanitary and other conditions of the theatres referred to by my friends. I do not thereby say that today the conditions are such as are not capable of being improved. On the other hand, I say that conditions in many places are very bad and no vigilance is sufficient enough for seeing that all these conditions improve, because the general public go there to witness the cinemas day in and day out and it is absolutely necessary not only from the point of view of cinema-goers but also from the public point of view that these places of entertainment are clean hygienically and sanitarily. Therefore, I shall bear in mind all those suggestions which have been made in this connection and shall see what the Central Government can do in this matter. Some hon. friends suggested that the Central Government may frame certain rules for guidance and so on, but I cannot straightaway say anything in the matter. I can only say that I shall consider the matter at the time a substantive Bill will be framed to bring into effect the recommendations of the Film Enquiry Committee.

[Shri Diwakar]

I do not think I should go into any further details about the suggestions made. No doubt certain remarks were made about 'A' and 'U' certificates, but there too it is not possible for me to decide this matter until I get all the detailed reports from the Censor Boards that are working at the three different centres. When those reports come to my hands I shall see how this system is operating or how it is failing in its operation, as some of the hon. Members allege. But I am certain about it that there have not been any prosecutions so far but this classification had a restraining influence on the younger people seeing films with 'A' certificate. It may be that a few more adults have been attracted by 'A' certificate films, but the object of this classification was to put a restraint on the younger people and this seems to have been achieved. It is from this point of view that we have to review this classification and as I said just now, we are awaiting reports about it from different centres in India.

3 P.M.

**Mr. Deputy-Speaker:** What is the good of getting reports after the Bill is passed? This provision was objected to even in the original Bill. Of course, the hon. Minister is merely taking away that provision and is introducing it here in a separate Bill. But hon. Members are naturally anxious to know how this classification has worked. It is not as if the hon. Minister is suggesting an adjournment of this Bill. The Bill has to be passed and a lot of criticism has been levelled against this distinction. Hon. Members have said that there is no good in continuing this distinction. If at this stage the hon. Minister has not got sufficient data, what is the use of placing this Bill before the House? Every Minister must give sufficient material regarding the working of any particular measure which he wants to continue or wants to give up. It is only the next Parliament that can review this. I am not able to follow the logic.

**Shri Diwakar:** I am sorry I am misunderstood. What I said is that this is not a new Bill and no new provisions have been brought in here. It is only a recasting and re-arrangement of the provisions passed last time by this very House and now the whole Bill which will be a comprehensive Bill as regards all these matters will have to be awaited, because, as I said, the report of the Film Enquiry Committee and its recommendations are under review. That being the case, I only pointed out that while A and U certificates stand there as they are now,

things have to be reviewed in the context of the whole Act being remodelled, based on the recommendations that have been made.

**Mr. Deputy-Speaker:** Was this also one of the terms of the reference of the Committee?

**Shri Diwakar:** Yes. The terms of the reference are wholly comprehensive and cover every point.

**Mr. Deputy-Speaker:** Was there any specific reference as to whether there ought to be a difference between A and U certificates? Does the Committee recommend anything here?

**Shri Diwakar:** Yes. They have made recommendations as regards all these matters.

**Shri J. R. Kapoor:** May we know how long this review will last?

**Shri Diwakar:** I pointed out that a reference has to be made to all State Governments, and references have been made. Reports have been received. In the Central Government itself, we have to consult the Ministry of Education, the Ministry of Finance etc. because the new Bill that is coming will have to make provision for a Film Finance Corporation, a Film Academy etc.

**Shri J. R. Kapoor:** May we know when we can expect the new Bill?

**Shri Diwakar:** In the next Parliament. What more can I say?

**Shri J. R. Kapoor:** The next Parliament will last for five years.

**Shri Diwakar:** I cannot give the date. I can only say it will be introduced in the next Parliament.

**Shri Tyagi:** Perhaps, who knows that my hon. friend may not take over charge?

**Shri Diwakar:** I can only say that Government will not waste any time over this matter, and they are as anxious as hon. Members to see that this great industry is put on the right lines. Beyond that, I cannot say anything. Therefore, I do not think I need go into any details at this stage.

I have tabled a few amendments myself which are of an administrative nature and I shall move them when considering the Bill clause by clause.

**Mr. Deputy-Speaker:** The question is:

"That the Bill to make provision for the certification of cinematograph films for exhibition and for

regulating exhibitions' by means of cinematographs, be taken into consideration."

The motion was adopted.

**Clause 2.—(Definitions)**

**Shri J. R. Kapoor:** I beg to move:

In page 1, omit lines 18 and 19.

Since we already have in clause 1(2) a provision to the effect that this Bill shall not extend to the State of Jammu and Kashmir, I submit that there is an end of the matter. Since the Act in its entirety will not apply to the State of Jammu and Kashmir, no section of this Act will be applicable to that State. It is therefore absolutely unnecessary to define India in this manner. There is no constitutional point involved in it, and this restricted definition of India excluding Jammu and Kashmir unnecessarily jars on our ears. It may be said that in some previous Bills we have defined India like that. I do not know, but I was just told by a friend of mine that we have committed this mistake in some of the previous Bills. But if we have committed a mistake in previous Bills, there is no reason why we should perpetuate the mistake. I hope and trust that the Government and the draftsmen will see that this unnecessarily jarring provision is not made. It should be incorporated only where it is absolutely necessary.

**Shri Diwakar:** This was introduced simply because in line 37 on page 1, there is an expression "and any such certificate shall, save as hereinafter provided, be valid throughout India". It was only to safeguard against any confusion that "throughout India" may not mean the inclusion of Jammu and Kashmir that this definition was included. But since in clause 1(2) the wording is already there and the State of Jammu and Kashmir is excepted, I am inclined to accept the amendment.

**Mr. Deputy-Speaker:** The question is:

In page 1, omit lines 18 and 19.

The motion was adopted.

**Mr. Deputy-Speaker:** The question is:

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

**Clause 3.—(Board of Film Censors)**

**श्री मनुमनवाला :** उपवाचस्पति जी, हमारे मिनिस्टर साहब जिस सिद्धान्त को लेकर बोर्ड आफ फिल्म सेंसरस (Board of Film Censors) कायम करेंगे वह सिद्धान्त देखने में बहुत ही सुन्दर मालूम होता है, और बहुत ही अच्छा है, लेकिन जिस प्रकार के फिल्म आज कल चल रहे हैं और जिस प्रकार का काम इस बोर्ड ने किया है उस से तो यही पता चलता है कि यह जो सिद्धान्त बनाये गये हैं वह सुनने में सुन्दर लगे इसी के लिये हैं, काम में लाये जायेंगे या नहीं, इस का कुछ पता नहीं। हो सकता है कि हम लोग जो यहां दिल्ली में हैं, उन को जापानी फिल्म, व अन्य फिल्में दिखाई जाती हों, और कहा जाता है कि इस से हमारे देश में शिक्षा का प्रचार होगा। लोगों की मनोवृत्ति अच्छी होगी और इस से देश का लाभ होगा। हम लोग इस को देख कर इस में बड़ी दिलचस्पी लेने लगते हैं कि यह देश में शिक्षा का प्रचार करने के लिये एक बहुत ही अच्छा जरिया है। मेरी बहिन श्रीमती उमा नेहरू जी ने और श्रीमती दीक्षित जी ने इस के सम्बन्ध में कहा है। श्रीमती उमा नेहरू जी ने कहा कि फिल्में होनी जरूरी हैं, यह न होना चाहिये कि सब कोई साधू सन्यासी हो जायें और यह चीजें न देखें। मारेलिटी (Morality) केवल बात करने के लिये नहीं है, परन्तु काम में लाने के लिये है। उन्होंने बहुत सुन्दर बात कही। मैं भी यह चाहता हूं कि संसार में मनुष्य हों तो केवल इस के लिये न हों कि साधू सन्यासी बनें। परन्तु इस के साथ ही साथ यह भी न होना चाहिये कि जितनी हमारी फिल्में हों वह ऐसी हों कि उन को दिखा कर के हमारे लोअर पैशन्स

[श्री झुनझुनवाला]

(lower passions) जगाये जायें। हो सकता है, जैसा कि मैं ने शुरू में ही कहा, कि दिल्ली में हम लोगों को अच्छी अच्छी फिल्म देखने का मौका मिलता हो, और उन्हीं फिल्मों को देख कर हम लोग यह समझें कि फिल्म बोर्ड जो है वह बहुत ही अच्छा काम कर रहा है। आप गांवों में जाइये, यह जो सिनेमा हैं वह प्रत्येक गांव में प्रचलित हो गये हैं। मैं इस बोर्ड से कहूंगा कि वह केवल दिल्ली में ही बैठ कर फिल्मों को सेन्सर (Censor) न करे, इस दिल्ली शहर के ही पीछे वह लोग न पड़ें बल्कि गांवों में जायें, लोगों में घूमें, हमारे नवयुवकों में जायें, और देखें कि जो फिल्में वहां पर दिखलाई जाती हैं उन का असर हमारे नवयुवकों पर क्या पड़ता है। नवयुवकों पर ही क्यों? मुझे तो सुन कर हंसी आई कि हमारे भाई रोहिणो कुमार चौधरी ने कहा कि आज कल जो पश्चिमी सभ्यता के अनुसार फिल्में दिखलाई जाती हैं और पश्चिमी संस्कृति यहां पर बताई जाती है, उन को इस पश्चिमी संस्कृति में क्या देखने को मिला, मुझ को तो कहने में शर्म आती है, उन्होंने ने कहा कि पुरुष स्त्री का चुम्मा लेता है और स्त्री पुरुष का चुम्मा लेती है, और उन को देख कर आज हमारी मनोवृत्ति इस प्रकार की हो गई है . . . .

Shri Tyagi: Is it a parliamentary word?

श्री झुनझुनवाला : मैं यह कहना चाहता हूँ कि इस समय हम लोग महीन बातों में न जायें। फिल्मों को देखते ही जो उस का प्रभाव हमारे युवकों पर, गांव वालों पर पड़ता है उस के ऊपर जरा सा विचार करें और इस विचार को दृष्टि में रखते हुए, इस सेन्सर बोर्ड (Censor Board) से हम लोग यह कहें कि आप देश में किसी भी फिल्म के लिये

लाइसेंस देने के लिये रिक्मेन्ड (Recommend) करें तो जिन को लाइसेंस दिया गया है और जो फिल्म अब जारी हैं, गांवों में जारी हैं, नगरों में जारी हैं, उन का क्या प्रभाव पड़ता है उस को जरा कृपा कर के वह लोग अच्छी तरह से विचार करें और उस विचार को दृष्टि गोचर करते हुए फिल्मों को सेन्सर करें और लाइसेंस देने वाले इस को ध्यान में रख कर लाइसेंस दें ताकि हमारे देश में इस आर्ट (Art) और एजुकेशन (Education) के प्रचार के नाम से वह इममारेलिटी (immorality) न बढ़ा दें।

(English translation of the above speech)

Shri Jhunjunwala (Bihar): Sir, the principle which the hon. Minister proposes to follow in constituting the Board of Film Censors is commendable indeed. Looking, however, at the type of pictures being screened now-a-days and the nature of work done by the Board in the past, one is apt to entertain some misgivings whether these principles, outwardly so commendable, will be put into actual effect. Maybe that the Japanese or other foreign films are being displayed before the Delhi public and maybe that they prove instructive, bring about a change of mentality in our people and that the country as a whole stands to gain therefrom. We in this country begin evincing a keen interest in such films under the impression that they can prove an excellent means towards propagating education in the country. My hon. sisters Shrimati Uma Nehru and Shrimati Dixit have spoken on this Bill. Shrimati Uma Nehru has justified the existence of films and has deprecated the idea that all persons should adopt the attitude of saints and sanyasins and shun all pictures. Morality is not merely to be professed: it is rather a thing to act upon. She has indeed voiced a very commendable sentiment. I also do not like that all persons in the world should turn sanyasins and saints. Nevertheless I dislike the practice that films should be produced merely to stir our lower passions. It is possible, as I stated in the beginning, that here in Delhi we get an opportunity to see good films which

may lead us to think that the Film Board is really putting in very good work. But let them just go to the villages where also the films have found their way. Now the cinema houses are running practically in the villages also. I plead that the Film Board should not be contented with censoring the films while sitting in Delhi alone and that they should not concentrate their attention too much on Delhi alone. They should visit the countryside, move amongst the people and study the effects of these pictures being displayed there on our youths. But why on our youths in particular? It amused me to hear from Shri Rohini Kumar Chaudhuri that films present to us western civilisation in its various phases and help us to understand the western culture. What is it, however, that he has been able to appreciate in the western civilisation? I felt a sense of shame to hear him describe how a man kisses a woman and how a female reacts to a male kissing her. These scenes have nourished in us a tendency.....

**Shri Tyagi:** Is it a parliamentary word?

**Shri Jhunjhunwala:** I want to say that people should not venture to enter into minute details at the moment. We should just pause to reflect on the effects which the screening of such films creates on our youth and on our country folk and keeping these effects in view we should approach the Censor Board to visualize the effects of these films on the rural population. They should be asked to give a good deal of thought to this aspect of the issue and only then issue licences for the exhibition of films so that the growth of immorality in the name of art and education may be checked in this country.

**Mr. Deputy-Speaker:** The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4 was added to the Bill.

**Clause 5.—(Appeals)**

**Shri Diwakar:** I beg to move:

In page 2, after line 17, insert:

"(4) Nothing in this section shall prevent the Central Government from calling at any time for the record of any proceeding of the Board relating to the refusal to grant, or the grant of, any certificate and in which no appeal has

been preferred and to make such order in the case as to the Central Government may seem fit."

This is provided for on account of certain administrative difficulties in the matter of taking up an appeal preferred by somebody else than the producer. It often happens, especially with regard to foreign films, that when they are censored, the matter is sometimes taken up at the diplomatic level and the Government has to consider such matters. Unless this provision is there the Central Government cannot take into consideration any such appeal.

**Shri J. R. Kapoor:** May I ask the hon. Minister whether this provision will not be more appropriate in clause 6—Power of Central Government to modify orders under section 4 or section 5?

**Shri Diwakar:** This is for taking into consideration an appeal. This is not merely for modifying. The power for modification is there.

**Mr. Deputy-Speaker:** The question is:

In page 2, after line 17, insert:

"(4) Nothing in this section shall prevent the Central Government from calling at any time for the record of any proceeding of the Board relating to the refusal to grant, or the grant of, any certificate and in which no appeal has been preferred and to make such order in the case as to the Central Government may seem fit."

The motion was adopted.

**Mr. Deputy-Speaker:** The question is:

"That clause 5, as amended, stand part of the Bill."

The motion was adopted.

Clause 5, as amended, was added to the Bill.

**Clause 6.—(Power of Central Government to modify orders etc.)**

**Shri J. R. Kapoor:** I beg to move:

In page 2, after line 25 add:

"Provided that before notification of such direction the person to whom the certificate was issued shall be given a fortnight's notice to show cause as to why such a direction be not notified."

The object of incorporation of this proviso is obvious. Under clause 6 it is provided that the Central Government may on its own initiative cancel



[Shri J. R. Kapoor]

any previous certificate granted or modify any 'U' certificate granted and convert it into a 'A' certificate. That is all right so far as it goes. But then it does appear to me to be fair to the person who had applied for the certificate that before the previous licence is cancelled or a licence is modified in such a major manner he should be given an opportunity by the Central Government to have his say in the matter. Lakhs of rupees would have been spent on the film which would have also been considered to be a proper film by the Board of Censors. If it is to be by one stroke of the pen declared by the Central Government as an undesirable film, the person who had applied for the certificate should be given an opportunity to show as to why it should be continued to be exhibited and to have his say in the matter.

**Shri Diwakar:** This can be provided in the rules rather than making it a part of the Act itself.

**Mr. Deputy-Speaker:** What is the harm in making it a part of the Act that no order shall be passed to the prejudice of such a person without hearing him?

**Shri Diwakar:** This can be provided under the rules, and there are rules.

**Shri J. R. Kapoor:** Can be, but must it not be under the Act itself?

**Shri Diwakar:** The rules are made under the Act itself.

**Shri J. R. Kapoor:** Rules to this effect may or may not be made. Where is the obligation on the part of the Government that such a rule must necessarily be made? This is one of the fundamental principles that no individual's rights and privileges are affected unless he is given an opportunity to have his say.

**Mr. Deputy-Speaker:** I find that so far as clause 8 (which relates to the power to make rules) is concerned, it does not contemplate any rules being made regarding this, namely that such an opportunity should be given. There is no such thing here.

**Shri Diwakar:** The wording is "may...make rules for the purpose of carrying into effect the provisions of this Part".

**Mr. Deputy-Speaker:** What is the harm? A film is produced at enormous cost and it is certified that it can be put on board, and then it is cancelled or restricted without even hearing the person. What is the harm in keeping

the provision here? I think the hon. Minister accepts it.

**Shri Diwakar:** I was only saying that it is not necessary.

**Pandit Thakur Das Bhargava (Punjab):** "Carrying into effect the provisions" does not mean that an opportunity will be given to the person. It is necessary that the provision should be made in the Act. How can it go to the rules?

**Shri Satyanarayana:** Is it not obligatory on the part of the Censors to communicate to the producer who submits for the certification as to why and for what reasons it has been withheld or banned or not allowed to be exhibited? So it is open to the producer to remove the objectionable portions from the film and resubmit it for certification.

**Mr. Deputy-Speaker:** That is a different thing. We are on clause 6. Under clauses 4 and 5 the Central Government has not got powers to modify *suo motu*, on its own motion. Under these circumstances is it not necessary to give an opportunity to the producer or the person concerned to show cause why it should not be cancelled or modified? The principle is accepted by the hon. Minister but he thinks that it can be provided for under the rules. Does it make a special provision for the procedure to be adopted in regard to proceedings under clause 6? If so, that may be added after (e) in clause 8—that is, after the words "the manner in which an appeal under this Part may be preferred" the words "or orders may be modified under section 6" can be added.

**Pandit Thakur Das Bhargava:** Instead of making a provision there and having a circumlocution in that manner it is best to add it here.

**Shri Tyaqi:** It may give rise to unnecessary litigation.

**Shri Diwakar:** I did not think it necessary. That was my plea. But if the House thinks that it is necessary I can accept it.

**Mr. Deputy-Speaker:** This is quite reasonable.

**Shri Shiv Charan Lal (Uttar Pradesh):** Sir, it is a matter of procedure and it has got to be laid down how it is to be done—by registered post, before so many days etc. It is all a matter of procedure which will come in the rules. It is an ordinary rule that if something against is to be done by the Board of Censors or the Government the notice will be sent. But these things are not to be put in the Act.

**Shri J. R. Kapoor:** So long as the Minister in charge is Mr. Diwakar or if my friend Mr. Shiv Charan Lal goes over to the Treasury Bench.....

**Mr. Deputy-Speaker:** This is not an administrative matter. This is a matter where large sums are involved. The hon. Minister has no objection. I will put the amendment to the House.

The question is:

In page 2, after line 25 add:

"Provided that before notification of such direction the person to whom the certificate was issued shall be given a fortnight's notice to show cause as to why such a direction be not notified."

The motion was adopted.

**Mr. Deputy-Speaker:** The question is:

"That clause 6, as amended, stand part of the Bill."

The motion was adopted.

Clause 6, as amended, was added to the Bill.

**Clause 7.—(Penalties for contraventions)**

**Shri J. R. Kapoor:** To this clause I have two amendments standing in my name. I would like to move both of them and with your permission I would like to make a slight change while moving my first amendment.

I beg to move:

(i) In page 2, after line 34 insert:

"(c) any film between 10 o'clock in the night and 6 o'clock in the morning to any person who is not an adult".

(ii) In page 2, omit lines 41 to 43.

The object of my first amendment is that persons below the age of eighteen should not be permitted to visit cinema houses late in the night. The principle has been accepted that there should be different kinds of films for adults and for persons below the age of eighteen. It is virtually in accordance with that principle that young persons reading in schools and colleges should not be permitted to be out of their homes till late in the night and that they should go and see films only before 10 o'clock in the night and after 6 o'clock in the morning. I need not dilate on this point.

**Shri Tyagi:** What is the actual wording of the amendment?

**Shri J. R. Kapoor:** The amendment to be properly understood will have to be read along with the whole of this clause. If my hon. friend has the Bill before him he may refer to it and add the following words:

"any film between 10 o'clock in the night and 6 o'clock in the morning to any person who is not an adult".

It would read like this then: "If any person exhibits, or permits to be exhibited in any place.....

(c) any film between 10 o'clock in the night and 6 o'clock in the morning to any person who is not an adult, he shall be punishable with fine etc." By accepting my amendment, you will be prohibiting the exhibition of a film to a person below the age of 18 years after 10 o'clock. The young boys must go and sleep in their homes or study after 10 in the night and not be loitering about here and there. They go out under the pretext of seeing a cinema and go astray. I am sure my hon. friend, Mr. Tyagi knows this all very well.

**Shri Diwakar:** I cannot accept this amendment.

**Shri J. R. Kapoor:** May I incidentally say something on my second amendment also?

**Shri B. K. Das:** I have an amendment which relates to the same subject.

**Shri J. R. Kapoor:** My second amendment is as follows:

In page 2, omit lines 41 to 43.

I am suggesting the omission of the following:

"The exhibition of a film, in respect of which an "A" certificate has been granted, to children below the age of three years shall not be deemed to be an offence within the meaning of this section." No film which has been granted an 'A' certificate should be shown to children below the age of three years. I do not know if it is seriously contended by my hon. friend, the Minister in charge of this Bill that children below the age of three do not carry with them impressions of what they see. As a matter of fact, we know that small children of two or three, whatever they see, they do themselves. They carry impressions more effectively than persons above the age of three or above the age of 12 or 15. I am reminded of what I heard from a learned *Sanyasi* who gave an address the other day in the Constitution Club. He said that the education of a child begins not from the day that he is

[Shri J. R. Kapoor]

born but even from the time of conception. The impression that the mother carries, that are created in the mind of the mother, have an effect on the child itself. I would very much wish, if it were possible that a pregnant mother shall not go and see any film. Of course it is impossible to lay down any such rule. It is certainly in the interest of the child, the mother and the other visitors to the cinema that the children below the age of three should not be there. It is in the interest of the other visitors because the children create nuisance there; some cry and weep and the other visitors are disturbed. It is in the interest of the mother that with the child in arms she should remain at home. I am making the suggestion in the interest of the children themselves that children below the age of three should not be permitted to see the films and particularly those in respect of which an "A" certificate has been granted.

**Dr. Pattabhi:** How is it proposed to implement the first amendment? Is it possible that the proprietor of the film or the cinema should sit in judgment over the age of the person that comes for purchasing a ticket?

**Shri J. R. Kapoor:** He has to do it in case of all 'A' films. Otherwise, the whole purpose of this Act is frustrated.

**Dr. Pattabhi:** He should maintain a number of doctors about him in order to verify the age and when they differ he must seek the aid of a third doctor. It is an impracticable proposal, however, salutary it may be.

**Shri B. K. Das** rose—

**Mr. Deputy-Speaker:** If the principle is accepted, he can move the amendment.

**Shri Diwakar:** He has an amendment on the same clause.

**Mr. Deputy-Speaker:** Is the hon. Minister accepting it?

**Shri Diwakar:** No. In another form, I am accepting it.

**Shri B. K. Das:** I beg to move:

In page 2, for lines 41 to 43, substitute:

"(3) The exhibition of a film in respect of which an "A" certificate has been granted to an audience in which children below the age of three years may have accompanied their adult guardians shall not be deemed to be an offence within the meaning of this section."

[PANDIT THAKUR DAS BHARGAVA in the Chair]

The substance of my amendment is clear. By reading sub-clause (3) it would appear that an exclusive exhibition may be given for children of three years and it is only to remove that meaning, I have proposed this amendment.

**Mr. Chairman:** It appears there are two sets of amendments, those of Mr. Kapoor and those of Mr. B. K. Das. I find they are opposed to each other. I would request the hon. Minister to kindly read his own draft, so that the House may know what the reactions of the Ministry are.

**Shri Diwakar:** As regards the first amendment moved by Mr. Kapoor (he latterly modified it), I regret I cannot accept it either in the original form or in the modified form, because this is the same provision which, for instance comes in the conditions on which a licence can be granted and that is entirely a State subject to-day and that being the case, this power rests with the State Governments and I think so far as this particular condition or any other condition is concerned, it is for the State Governments to consider these matters and then include them. They have the power to do it. It would not be proper for us to take up one condition here, one condition there and insert it here, especially after the Constitution has come into force and after this particular subject is entirely a State subject under the list.

**Shri J. R. Kapoor:** Should it not be an all India policy?

**Shri Diwakar:** But we cannot legislate as regards that. That is my point. We can legislate only as regards the certification of films, not as regards their exhibitions and conditions of exhibition.

**Shri J. R. Kapoor:** May I bring to the notice of the hon. Minister that part (d) of sub-clause (2) of clause 8 provides a specific condition to the effect that the Central Government can lay down a condition as to what shall be the length of the film. If we can make it a condition with regard to the length of the film, we could similarly make a condition with regard to the length of time.

**Shri Diwakar:** I think it is quite a different matter. The film is offered for being censored to the Central Government and that power entirely rests with the Central Government whereas under which conditions any film should be exhibited is included in the State list. It would not be proper now to go into all these diffe-

rent details and pick up conditions here and there and consider them on their merits just at this stage.

As regards the second amendment of Mr. Kapoor as the Chairman has justly remarked this amendment and that of Mr. B. K. Das are contradictory to each other. I am accepting the amendment of Mr. Das in a modified form, and I hope it will meet his point. I suggest that the words "accompanying their parents or guardians" may be inserted after the words "three years". This is in connection with sub-clause (3) of clause 7 which reads: "The exhibition of a film, in respect of which an 'A' certificate has been granted, to children below the age of three years shall not be deemed to be an offence within the meaning of this section"; and I am inserting the words "accompanying their parents or guardians" after "three years".

**Pandit Kunzru** (Uttar Pradesh): Why not children of any age accompanied by their parents be allowed to see these films? This is the practice in England and I do not see why it should be different here.

**Shri Diwakar**: We have considered all these matters when we were considering the Bill and therefore we need not go into the merits of the Bill again. This is only for separating some of the provisions from each other.

**Mr. Chairman**: Am I to understand that the hon. Minister wants to substitute five years for three years or retain three in the sub-clause?

**Shri Diwakar**: Three years. It is already there.

**Shri B. K. Das**: I have moved my amendment also as three years.

**Mr. Chairman**: The original sub-clause mentioned three years. The amendment of Mr. B. K. Das says five years.

**Shri B. K. Das**: While moving the amendment, I took your permission to make it three.

**Shri Diwakar**: I beg to move:

In page 2, line 42, after "three years" insert "accompanying their parents or guardians".

**Shri Sivan Pillay** (Travancore-Cochin): I rise to oppose these amendments. It seems as if we are sitting here as moralists and not as practical legislators. These are all small matters which will have to be left to the people at large to be decided for themselves. If such laws are passed and if they are not implemented, I do not

know what useful purpose is served. In Madras nobody can smoke in a theatre. But, if you go to a theatre, you see people are smoking. There is none to check that. Just like moralists we are passing laws after laws which cannot be implemented at all. These are really matters which have to be left to the society for adjustment by itself. I oppose these amendments.

**Shri Diwakar**: I wish again to point out that in opposing this particular provision the hon. Member is missing the point. This is not something new that is being introduced. It has already been passed when this Bill came in the form in which it exists today. It is only repeated here. This point has been discussed from every point of view at that time, that is, only a year and a half before. I do not think any new point has been brought out or any new provision has been made. The amendment has provided for the children being always accompanied by their guardians or parents. I have therefore accepted the amendment.

**Shri Sivan Pillay**: Is that the same with Mr. Kapoor's amendment?

**Shri Diwakar**: No.

**Shri J. R. Kapoor**: Does the age remain three?

**Shri Diwakar**: Yes.

**Mr. Chairman**: May I enquire from Mr. Kapoor if he wishes me to put his second amendment to the House?

**Shri J. R. Kapoor**: I would like to be sure about the hon. Minister's intention in his amendment. Does he mean to suggest only that though they may be accompanied by their parents, the age remains three?

**Shri Diwakar**: Yes.

**Shri J. R. Kapoor**: I do not wish to press my second amendment.

**Mr. Chairman**: As regards his other amendment from ten to six o'clock?

**Shri J. R. Kapoor**: I was very much interested. But, since the hon. Minister says it is a State subject, I do not press it and when we come to the State part, I will move it in another form.

**Mr. Chairman**: The only other amendment is the hon. Minister's amendment.

The question is:

In page 2, line 42 after "three years" insert "accompanying their parents or guardians".

The motion was adopted.

**Mr. Chairman:** The question is:

"That clause 7, as amended, stand part of the Bill."

The motion was adopted.

Clause 7, as amended, was added to the Bill.

Clauses 8 to 10 were added to the Bill.

#### New Clause 10A

**Shri J. R. Kapoor:** I am amending a bit, with your leave. I beg to move:

In page 3, after line 24 insert:

"10A. *Restriction on time of exhibition.*—No person shall between 10 o'clock in the night and 6 o'clock in the morning give an exhibition by means of a cinematograph of any film to any person who is not an adult."

In moving this amendment, I am encouraged by what has just been stated by the hon. Minister in charge of the Bill to the effect that these conditions are within the jurisdiction of the States. Since we are making Part III for the purpose of enacting the necessary law on the subject with regard to Part C States which are under his jurisdiction directly, I suppose here at least he will have no difficulty in accepting this amendment. So far as the principle of my amendment is concerned, he has no objection. That being so, I hope it will be readily accepted.

**Shri Diwakar:** I have not accepted the principle.

**Mr. Chairman:** Amendment moved:

In page 3, after line 24 insert:

"10A. *Restriction on time of exhibition.*—No person shall between 10 o'clock in the night and 6 o'clock in the morning give an exhibition by means of a cinematograph of any film to any person who is not an adult."

**Shri Diwakar:** I am not accepting the amendment. I only pointed out that since the licensing authority can go into the matter and prescribe any conditions under which these licences can be given, I do not think it would be proper for us to go into the matter. As we are only just now re-arranging the provisions that are already there, this would be opening up a new line of amendments, and therefore it would be very controversial. I do not think

that at this stage I can accept this amendment. What I plead is that the licensing authority whoever it is, whether in Part C States or Part B States, it is for them to decide all these matters after careful thinking. It is not therefore possible for me at this stage to accept this amendment.

**Mr. Chairman:** Does the hon. Member wish me to put this amendment to the House?

**Shri J. R. Kapoor:** No, Sir. I beg to withdraw my amendment.

The amendment was, by leave, withdrawn.

#### Clause 11.—(Licensing authority)

**Shri Diwakar:** I have a small verbal amendment.

I beg to move:

In page 3, line 28, for "Central Government" substitute "State Government".

There, the power is given to the State Government and not to the Central Government.

**Mr. Chairman:** The question is:

In page 3, line 28, for "Central Government" substitute "State Government".

The motion was adopted.

**Mr. Chairman:** The question is:

"That clause 11, as amended, stand part of the Bill."

The motion was adopted.

Clause 11, as amended, was added to the Bill.

#### Clause 12.—(Restrictions on powers of licensing authority)

**Shri Diwakar:** I beg to move.

In page 3, after line 42 insert:

"(2A) Any person aggrieved by the decision of a licensing authority refusing to grant a licence under this Part may, within such time as may be prescribed, appeal to the State Government or to such officer as the State Government may specify in this behalf and the State Government or the officer, as the case may be, may make such order in the case as it or he thinks fit."

This amendment is necessary because there was no provision for an appeal against a licensing or non-licensing of a film. Therefore this power is necessary so that any person

aggrieved by any decision may be able to take recourse to this provision and if there is any injustice it may be removed.

**Shri Radhelal Vyas:** (Madhya Bharat): I would like to suggest one small change in the amendment that the hon. Minister has just now moved. I suggest that the words—"refusing to grant a licence" may be deleted. My reason is this. Even when granting the licence certain terms and conditions may be prescribed by the licensing authority and the party might like to prefer an appeal against those terms and conditions. In such a case it should be possible for the party to prefer the appeal against those conditions and terms. As it is, it may be said that the party can appeal only against the licence not being granted, or rather, against the refusal of the licence. Therefore I suggest the deletion of the words that I have referred to and if permitted I may move an amendment to this amendment. I do not know what the reactions of the hon. Minister are.

**Shri Diwakar:** This is a provision relating to grievances as regards the granting of licence. How can we make it a broad clause where anything may be taken up and any grievance may be complained against?

**Mr. Chairman:** The question is:

In page 3, after line 42, insert:

"(2A) Any person aggrieved by the decision of a licensing authority refusing to grant a licence under this Part may, within such time as may be prescribed, appeal to the State Government or to such officer as the State Government may specify in this behalf and the State Government or the officer, as the case may be, may make such order in the case as it or he thinks fit."

The motion was adopted.

**Mr. Chairman:** The question is:

"That clause 12, as amended, stand part of the Bill."

The motion was adopted.

Clause 12, as amended, was added to the Bill.

**Clause 13.—** (Power of Central Government etc. to suspend exhibition etc.)

**Shri Diwakar:** I have a small amendment to this clause.

I beg to move:

In page 4, line 2, for "Chief Commissioner" substitute "Lieutenant-

Governor or as the case may be, the Chief Commissioner".

Since the Lieutenant-Governor is supposed to be the Head of the State, an alternative has been introduced.

**Mr. Chairman:** The question is:

In page 4, line 2, for "Chief Commissioner" substitute "Lieutenant-Governor or as the case may be, the Chief Commissioner".

The motion was adopted.

**Mr. Chairman:** The question is:

"That clause 13, as amended, stand part of the Bill."

The motion was adopted.

Clause 13, as amended, was added to the Bill.

**Clause 14.—** (Penalties for contravention)

**Shri Diwakar:** I beg to move:

In page 4, lines 26 and 27, omit "and his licence, if any, shall be liable to be revoked by the licensing authority". I propose to omit these words from this clause because I have a new clause to be moved which contains the provision. It would be more appropriate to have this power in the next clause.

**Mr. Chairman:** The question is:

In page 4, lines 26 and 27, omit "and his licence, if any, shall be liable to be revoked by the licensing authority".

The motion was adopted.

**Mr. Chairman:** The question is:

"That clause 14, as amended, stand part of the Bill."

The motion was adopted.

Clause 14, as amended, was added to the Bill.

**New Clause 14A**

**Shri Diwakar:** I beg to move:

In page 4, after line 27, insert:

"14A. Power to revoke licence.— Where the holder of a licence has been convicted of an offence under section 7 or section 14, the licence may be revoked by the licensing authority."

Sir, as I pointed out just now, these are the words removed from the previous clause and they are now being transferred to this new clause.

**Mr. Chairman:** The question is:  
In page 4, after line 27, insert:

"14A. Power to revoke licence.—Where the holder of a licence has been convicted of an offence under section 7 or section 14, the licence may be revoked by the licensing authority."

The motion was adopted.

**Mr. Chairman:** The question is:

"That new clause 14A stand part of the Bill."

The motion was adopted.

New clause 14A was added to the Bill.

**Clause 15.—(Power to make rules)**

**Shri Diwakar:** I beg to move:

In page 4, after line 33, insert:

"(c) prescribing the time within which and the conditions subject to which an appeal under sub-section (2A) of section 12 may be preferred."

**Mr. Chairman:** The question is:

In page 4, after line 33, insert:

"(c) prescribing the time within which and the conditions subject to which an appeal under sub-section (2A) of section 12 may be preferred."

The motion was adopted.

**Shri S. C. Samanta (West Bengal):** Here, all the power is being given to the Central Government. They have all the power to prescribe the terms and conditions and the restrictions, if any, subject to which the licences may be granted. Then may I know from the hon. Minister what control will the State Government have to deal with the cinematograph operations in the State?

**Shri Diwakar:** This provision is applicable only to the areas under the Central Government. There will have to be similar legislation in the different States. I mean legislation along these lines, because licensing is essentially a State subject.

**Shri S. C. Samanta:** Then this refers only to Part C States?

**Shri Diwakar:** Yes.

**Mr. Chairman:** The question is:

"That clause 15, as amended, stand part of the Bill."

The motion was adopted.

Clause 15, as amended, was added to the Bill.

Clauses 16 and 17 were added to the Bill.

**Clause 1.—(Short title etc.)**

**Amendment made:**

In page 1, line 5, for "1951" substitute "1952".

—[*Shri Diwakar*]

**Mr. Chairman:** The question is:

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

The Title and the Enacting Formula were added to the Bill.

4 P.M.

**Shri Diwakar:** I beg to move:

"That the Bill, as amended, be passed."

**Shri S. C. Samanta:** Sir, we are glad to learn from the hon. Minister that an exhaustive Bill will be brought in the next Parliament and the recommendations of the Film Enquiry Committee will be then taken into consideration. As regards this restricted Bill the Minister said that the Films Enquiry Committee had dealt with it seriously. We would like that parents, both father and mother, with their children may go to cinema halls and see films together. Such should be the films in our country. So far as I remember in 1949 the classification of films into A and U classes and their certification were brought into an Act. I would request the Minister to see, while considering the recommendations of the Films Enquiry Committee that there is no restriction necessary on the films. Film is for the education of the people at large. While we are in need of adult education, the sort of films which will educate our masses within a short time should be encouraged as much as possible and I hope that the Government will spare no time to bring forth legislation as soon as the new Parliament meets.

**Mr. Chairman:** The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

DELHI AND AJMER RENT CONTROL  
BILL—contd.

**The Deputy Minister of Works, Production and Supply (Shri Buragohain):** Sir, may I make a submission? In view of the shortness of time I want to indicate with regard to one of the important points you had made while making your submissions on this Bill, namely that the standard rent in cases where it has been fixed by the court should not be disturbed, I want to submit with regard to this point that I am prepared to accept an amendment in suitable terms excluding the jurisdiction of the court to go into such cases where the standard rent has already been decided by the courts.

**Mr. Chairman:** It will be proper for the Minister to draft the amendment and move it at the appropriate time when the relevant clause comes up for discussion. I expect the amendment from the Minister at that time.

**Dr. Patabhi (Madras):** Sir, my interest in this Bill is not because I hold a brief for either a landlord or a tenant. I myself wish to build a house in Delhi and want to fare well without being harassed by Acts relating to rentals.

This Bill relates to a situation which was the product of the war and it was necessary when the war broke out, to determine the relations between the landlord and the tenant, between the citizen and the State. Its genesis is traceable to an Ordinance dated the 1st November, 1939, and it was renewed in an amplified form on the 6th June, 1944. The rent that was prevailing in 1939 was taken as the basic rent and an addition of 12½ to 25 per cent, produced the standard rent, the percentage varying with different cases.

In 1944 the war was at its height and an Ordinance was necessary. The war concluded on the 15th August, 1945 and thereafter there was a piece of legislation introduced into the old Legislative Assembly in March, 1947. By that time it was considered that the situation had somewhat eased and therefore it was laid down that all new buildings would be free from the harassment of the rental Act.

But this did not last long, for in August, 1947 there was the vivisection of the country followed by pogroms and massacres and exodus of about 50 lakhs of people from the other side of the border to India. This again introduced congestion and necessity to control rentals and buildings. Therefore, there was an Ordinance towards

the end of 1947, about October, and that was followed by an Act of 1947, which was again renewed in the early part of 1948. The Act of 1948 had a tenure of three years and in 1951 this was renewed for another two years, so that the present Act, which is sought to be amended by this Bill has its tenure till the 31st March, 1953.

There was no reason why this Bill should have been brought up at all and the argument is reinforced by the fact that during this time the political set-up of the country and of the areas affected by this Bill have been changed. Delhi has become a self-governing State, though it belongs to Part C States. And so has become Ajmer. This control is not a Central subject but a State subject, although certain factors have been omitted from the jurisdiction of the Delhi State, for instance, "lands and buildings vested in or in the possession of the Union, which are situated in Delhi, including all rights over such lands and buildings, the collection of rents therefrom and the transfer of alienation thereof". I should have thought that any Bill regulating this question of rentals in the city of Delhi should have been left to the new Government which is being formed and which has been half formed now and will come into being perhaps a fortnight hence. At the time when composite legislation was promised, this time last year, there was no such idea as Delhi forming a separate State with autonomous powers. It was in June that the agitation grew in volume and intensity and about September or October the Part C States Bill was passed. Naturally therefore whatever undertaking might have been given in March last year would not hold after the Part C States Act was passed. And as ill-luck would have it, the only representative of Delhi city in this House, Mr. Deshbandhu Gupta, met with an accident and is no more with us. So Delhi city is not represented in this House and every argument points to the justifiability of postponing this legislation.

But there is a snag in my argument, of which I am not unaware and that is that New Delhi in any case crops up as a factor to be taken into consideration as also the exception that I have just now read, namely, the lands and buildings vested in or in the possession of the Union. Even these can wait till March next, but now that the legislation has been introduced we must go into the merits of the legislation if the hon. Minister is not inclined to hold it over for a later date either for the Central Parliament or for the State Legislatures to deal with, or both, according to the jurisdiction.



[Dr. Pattabhi]

Two main factors present themselves for consideration in regard to this Bill. One is the principle of first letting out and the other is the percentage of interest that may be allowed to the landlords. These two are the most important factors. The first letting out idea took origin in 1939 and later, on 6th June, 1944. Many cases have been settled either by courts or otherwise, and now it is sought to rake up the whole thing. We are beholden to the hon. Deputy Minister for the small concession that he has made in regard to the verdict of courts, namely that where a standard rental has been fixed by the verdict of the courts it will not be disturbed. But it is a bad policy in legislation to upset things which have been settled, and been settled for eight years. There is a Chinese proverb that you should not throw a stone in a dirty pond: you will liberate all the bad smell and stench by doing so; otherwise the dirt sinks to the bottom and the limpid waters rise to the surface, sometimes even fit as potable water, that is water fit for drinking. Things have been settled for eight years, courts have given decrees, tenants and landlords have adjusted their mutual relations and everything has been settled. Now you say—of course, accepting the courts' verdicts—that all these are liable to be reopened and shall be reopened on the basis of seven and a half per cent. gross interest. This is an unnecessary thing which has been brought in, I do not know with what intention. Nowhere do we see the justification for raking up this old point; it is a sore point which is likely to give rise to enormous difficulties, upset decrees and judgments of courts and unsettle conditions which have been settled for the last eight years.

Again, Sir, there is the question of the date of completion of the building. That is a material factor to be considered in regard to the assessment of tax. When was the building completed? Now after eight years it is impossible to say when the building was completed. The municipal records in this behalf have been destroyed by the great fire of 1946 in the pogroms that prevailed at that time. So the municipality will not come to our assistance, and in view of the settled fact that all disputes have been in one way or the other settled, people are not likely to preserve their documents. So there is no possible evidence that can be produced by the landlords in order to combat any new assessment that may be made on this basis.

Then I shall come to the second point, namely the question of investment. Everybody agrees, and the Statement of Objects and Reasons declares that the object of this Bill is to bring more buildings into existence. Do the contents of the Bill justify that declaration? What inducement do you offer to a person who has some little money and whose money is sought to be brought into use for the service of the people? After all, we must recognise the fact that we are acting under a policy of mixed economy: we have not dispensed with the capitalists or the moneyed men, we have not discarded their percentage of interest, we have promised a certain percentage of interest, we have allowed a certain percentage of interest to be made by the mill-owners and the capitalists, and the landlord who is harassed by a number of factors should not be particularly disabled by his getting a low percentage of interest. The Bombay Government allow five and a half per cent. nett upon the buildings—the Bombay courts have allowed five and a half per cent. nett interest on buildings and four and a half per cent. on lands. In U.P. it is eight per cent., in Bengal it is nine per cent. and Government themselves have adopted nine per cent. gross in the Bill that is now under consideration. They have not enabled us to understand by any explanation in the Select Committee report as to why they reduced nine per cent. to seven and a half per cent. I looked in vain to the report for light upon the subject; but my objection is not to the figure so much as to the fact that you are taking into consideration the gross interest. Gross interest is absolutely useless because conditions vary with each property. In Old Delhi you have *chhajjas* and colonnades which have been taxed and the tax on which must be taken into consideration in counting up the gross interest. Seven and a half per cent. upon a building in Old Delhi might mean something and quite a different thing in New Delhi. Under the circumstances if you want to maintain some uniformity you must have the nett interest taken into consideration. The Birla Committee which was appointed in this connection recommended twelve per cent. gross interest. The Government themselves have suggested nine per cent. and now it is worked down to seven and a half per cent. This Bill was introduced in March, 1951, and on the assurance—it is not an assurance directly given by the Government to the landlords or the intending builders but it was a kind of an assurance given when a certain

clause was adopted—that nine per cent. gross would be there, people built houses, and now to say, “No, I go back upon my assurance, I allow you only seven and a half per cent.”, that is not quite fair. At least, whatever be the question of fairness, it is not calculated to inspire confidence in those whom you wish to draw into your net for the purpose of a building programme. The necessity for buildings is very great. The other day in the Estimates Committee we elicited in evidence that 16,000 applications are pending from Government officers and clerks and others and only 4,000 applications could be granted. Between eleven and twelve thousand applications are yet to be disposed of and to that extent buildings have become necessary. Under the circumstances it is our duty to offer every kind of encouragement, without allowing undue interest to the moneyed man, and induce him to build. Well, supposing he does not build houses? You have seen the harassment in regard to the house-tax, in regard to accidents, in regard to earthquakes, in regard to fire, in regard to fire insurance; all these are troubles against which there may be adequate protection except the natural phenomena and cataclysms; again there are other methods of investment, for instance, Government Savings Certificates.

[MR. DEPUTY-SPEAKER in the Chair]

The Savings Certificate allows four and one-fourth per cent. interest without any trouble whatever to you. Why should a man not put his money in Government Savings Certificate which has behind it the guarantee of a big Government than go in for building a house, in respect of which at every step he meets with difficulty for building the building and after building at every step he meets with difficulty from one officer or another?

I heard the Deputy Minister say that seven and a half per cent. would work out to five per cent. nett. I submit it is not so. In this behalf Pandit Thakur Das Bhargava gave some figures, but I have got a few data here which are categorical and I shall present them to the Deputy Minister and ask him to subject them to the scrutiny of his advisers and see whether it is possible to gain five per cent. No, I contend that it will be much smaller. I take a building. The cost of land is Rs. 30,000 and the cost of the structure is Rs. 70,000. In all, it makes a lakh of rupees and seven and a half per cent. gross will mean an interest of Rs. 7,500 thereon. Well, the ten per cent. house tax comes to Rs. 750, and one month's rent for repairs comes to

Rs. 625, and this is allowed by the municipality for repairs. In fact, two months are allowed by the Income-Tax Department, but I am taking only one month's rent. Then a depreciation of one per cent. per annum, thinking that the life of the building is 100 years. It is an extravagant thing. In company law, when audits are made, they allow a building only longevity of fifty years and therefore make a deduction of two per cent. in order to arrive at nett profits. They make a deduction of four to five per cent. on machinery whose longevity they assess at forty years. (An Hon. Member: Now twenty years). Yes, about twenty or twenty-five years. That being a well-established fact, we may take it. But I am giving 100 years to this building and with 100 years one per cent. is to be put down to the credit of depreciation. That comes to Rs. 750. Ground rent at one time five per cent. is now two and a half per cent. That comes to Rs. 750 again, and collection charges at one anna in the rupee or six and one-fourth per cent. comes to Rs. 468. When there is property there is litigation. As between the landlord and the tenant, there is always a *kashmakash*. The tenant is apt to sublet at a *pugree* and the landlord must be vigilant. All these things have to be fought out in the courts, and the court expenses—some of them public and other private—will come to ten per cent. or Rs. 750. I think this will not be extravagant or it may be a little bit extravagant. I do not know. Then you have insurance charges, which are six annas per Rs. 100 for six months and twelve annas per Rs. 100 per annum. That comes to Rs. 750 again. Finally, there is income-tax which must be levied on a slab varying from Rs. 3,500 to Rs. 5,000 at two annas and three pies in the rupee. Pandit Bhargava made light of this point in his speech, because he said that income-tax may be assessed on other investments also. No. If there is agricultural land, which is the commonest investment in this country, there is no income-tax except in one or two States. In the rest of the country, there is no such income-tax. That comes to Rs. 600 and the total is Rs. 4,993. If you take away this from Rs. 7,500, you have a balance of nearly Rs. 2,300, that is to say, on a lakh of rupees you get a nett profit of Rs. 2,300 on the basis that everything goes well and according to calculations. And this works out to 2.3 per cent. By no stretch of imagination can you take it beyond 2.5 per cent. and to say that it is five per cent. is rather, I should think, unlikely and Government themselves have raked their interest from three to three and a half per cent. on G. P. notes, and

[Dr. Pattabhi]

the land mortgage banks having the whole credit of a State and the guarantees of State Governments behind them, are giving three and one-fourth to three and a half per cent. While such are the investments, why should you ask a man to build a house and let it out to you on a much smaller rate of return?

Finally, I wish to say a word regarding the date from which this seven and a half per cent. must operate. In the original Bill the date was from 6th June 1951. Now it is suggested that it must be from the date of enactment. There is a long period that has intervened. Buildings have been constructed in between. I think the Deputy Minister will give his best attention to this point, because our legislation should not be, what in a loose sense may amount to a breach of, not faith but assurance.

As for the tenure of this Bill, I should like to state that any day controls are an unnatural aspect of life. The longer you have the controls, the longer will the disease continue. We must assure people that innovations which have come into social life in the wake of the war must be put an end to and normal conditions must be restored whether it is control of grains or control of houses or control of cloth. The longer you keep up, the longer will the malady last and therefore we must make haste in returning to normal conditions. Or, if you want a controlled economy, and a planned system, you must have the grit and the capacity and the outlook to control every need of life. You cannot control grain and not control bus service; you cannot control cloth and not control school fee; you cannot control house rent and not control some other amenity in life. Therefore, the sooner these controls are done away with, the better. A bill of health must be declared, but with regard to the other controls, unfortunately the staff that is concerned with it is like the Plague staff or the Cholera staff of a municipality which never gives a declaration of a bill of health and we must now combat that aspect of the matter. I know that in regard to grains the Controls Department are loath towards an abolition of the system, but here the Government must set an example and show that we are anxious to return to normal conditions as early as possible. If all these conditions are adjusted as between the two parties that are involved in any transaction, namely, the buyer and the seller, the landlord and the tenant, the citizen and the Government, then there is no need for this law.

**Shri J. R. Kapoor (Uttar Pradesh):** How about the life of this Bill?

**Dr. Pattabhi:** I should limit it to only three years.

**Mr. Deputy-Speaker:** There are many amendments to this and the 3rd and 4th have been reserved for the Finance Bill. Parliament is scheduled to adjourn on the 5th and we have got barely half an hour more. I leave it entirely to the Members of Parliament whether the general discussion should go on; if it does, we will not be able to finish it at all.

**Dr. Pattabhi:** I wish to know whether the Deputy Minister is willing to accept any of my suggestions; if so, an amendment may be tabled with his consent.

**Shri Venkataraman (Madras):** May I submit that there have been only two speeches here and both of them have made a very powerful plea on behalf of the owners of the property. I happen to be connected with the Tenants Association in Madras and I would be failing in my duty if I allow these statements to go unchallenged and if the House passes the Bill without hearing the other side of the question.

**Shri Kamath (Madhya Pradesh):** It is hardly fair to curtail the discussion on the plea of no time.

**श्री शिव चरण लाल :** उपाध्यक्ष जी, मैं इस बिल का स्वागत इसलिये नहीं करता कि मैं इस बिल के खिलाफ हूँ, बल्कि इसलिये कि यह बिल जो हमारी एक बहुत बड़ी बीमारी है उस के लिये पानी की एक बूंद के समान है। हमारे देश में बहुत बड़ी यह बीमारी है। लोग किराये के मकान में रहते हैं, उन की जो सुसुबतें हैं उन की तरफ भी ज़रा ध्यान दीजिये। हमारे भाई पंडित ठाकुर दास भार्गव ने लैंडलार्ड्स (Landlords) का बहुत अच्छा पक्ष लिया और लैंडलार्ड्स को उन से अच्छा ऐडवोकेट अपने पक्ष में बोलने के लिये नहीं मिल सकता था। भार्गव जी ने उन का पक्ष लेते हुए कहा कि साढ़े सात

पर सेंट उन को मुनाफ़ा, ढाई पर सेंट टैक्स का, साढ़े पांच पर सेंट डेफ़ी शि येन्सी (deficiency) का, दस पर सेंट कुछ और का और दो पर सेंट का इरेक्शन चार्जिज (erection charges) का, इस तरह करीब करीब पचास पर सेंट उन को मुनाफ़ा मिलना चाहिये।

इससे अच्छा ऐडवोकेट लैंडलार्ड्स को नहीं मिल सकता है, या मकान मालिकों को कहिये। मैं आप के सामने यह निवेदन करूँ कि ज़रा उन लोगों की हालत भी तो देखिये जो बहुत बड़ी तादाद में, हजारों लाखों की संख्या में शहरों में हैं जिन के पास घर के मकान नहीं हैं। उन टेनन्ट्स (tenants) को बड़ी दिक्कतें हैं, ज़रा सी मरम्मत करा दीजिये, ज़रा सा इधर उधर से ठीक करवा दीजिये, और किराया बढ़ा लीजिये। उन को एक एक बात के लिये किस तरह से मकान मालिकों का मुंह ताकना पड़ता है, उन को रहने की सहूलियत नहीं मिलती है। एक तरफ़ तो आप देखिये कि एक आदमी के पास फ़ालतू रुपया है, अपना रुपया लगा कर के मांगता है चालीस और पचास पर सेंट मुनाफ़ा, और दूसरी तरफ़ एक शख्स है जिस के पास रहने के लिये मकान नहीं, छप्पर तक नहीं है कि जिस में वह जाड़े से और बरसात से अपने को बचा सके और थोड़ी सी जगह रहने के लिये पा सके। मैं पूछता हूँ कि क्या आप को पहले इस ओर ध्यान नहीं देना चाहिये? क्या उन बीमारों की तरफ़ ध्यान नहीं देना चाहिये जो बहुत बड़ी तादाद में शहरों में पड़े हुए हैं और जिन की कोई पूछताछ नहीं है। मैं इसलिये कहता हूँ कि आज आप की वही हालत है जैसे कि एक बहुत बड़ा बीमार हो, और हमारे मंत्री जी इलाज करें। क्या करें कि अगर उस को बुखार आया हो तो ठंडा पानी पिला दें, और बदन ठंडा हो रहा हो तो थोड़ी सी संखिया खिला दें जिस में गरम

हो जाये, खांसी उठ रही है तो थोड़ा सा कफ़ मिक्सचर पिला दें। आप यह देखिये कि इस की बीमारी बहुत बड़ी है, जब तक आप जड़ से इलाज नहीं करेंगे तब तक फ़ायदा नहीं होगा। मैं जड़ से इलाज बतलाता हूँ जो कि आप करें। बहुत हो चुका है, आप ने इन लैंडलार्ड्स का बहुत दिनों तक मुंह तकवाया है, बहुत हो चुका, अब इस से काम नहीं चलेगा। आप को अब अपनी पालिसी बदलनी होगी। अब आप को यह करना पड़ेगा कि मकान उस का जो उस में रहता हो। दूसरे किसी का नहीं। या तो सरकार का या जो उस में रहता हो उस का। अगर मेरे पास मकान है और मैं उस में रहता हूँ, तो बहुत ठीक है। मुझे उस को रखने का अधिकार है और अगर मैं उस में नहीं रहता हूँ, मैंने दूसरा किराया-दार बसा रखा है तो मुझे कोई अधिकार नहीं है . . . . .

**Pandit Thakur Das Bhargava:** May I, with your permission, say a word? We have accepted the principle of the Bill, and have referred it to the Select Committee. Is it right now on the part of the hon. Member to speak against the basic principles of the Bill?

**Mr. Deputy-Speaker:** He says that the Bill itself is obnoxious.

**श्री शिव चरण लाल :** इसलिये मैं सरकार से नम्र निवेदन करना चाहता हूँ कि अब इस ठंडी पालिसी, इस दोरुखी पालिसी, अब इस कैपिटलिस्ट पालिसी को छोड़िये। अब भी आप ने सबक नहीं सीखा, अब भी आप के मद्रास और दक्षिण भारत के एलेक्शन के बाद भी आप को यह बुद्धि न आई कि आप अपना रास्ता बदलिये।

**बाबू रामनारायण सिंह :** न आयेगी।  
**श्री शिव चरण लाल :** अगर न आई तो मैं तो यह अफ़सोस करता हूँ और समझता हूँ साफ़ तौर से कि कोई हम को बुद्धि सिखायेगा। इसलिये मैं आप से निवेदन करता हूँ कि अब

[ श्री शिव चरण लाल ]

आप इस रास्ते को छोड़िये। सीधे साधे नियम बनाइये कि जो जिस मकान में रहता है, यदि वह रह सकता है तो रहे और अगर नहीं रह सकता है तो मकान सरकार का। मैं नहीं कहता कि आप उस को मुआवजा न दें। दो, डेढ़ पर सेंट जो कि वाजिब इन्टरेस्ट (interest) उस का हो सकता है फ़िक्स्ड डिपॉजिट्स (Fixed deposits) का वह इन्टरेस्ट आप मालिक मकान को दें। आप कम्पनी बनाइये, गवर्नमेंट के हाथ में प्रबन्ध रखिये लेकिन गवर्नमेंट देखे कि जो मकान में रहने वाले हैं उन को पूरी तरह सुख मिलता है। मकान मालिक रहने वालों के सुख के लिये काम नहीं करता है, उस के आराम के लिये वह मकान नहीं बनाता है। मालिक मकान बनाता है तो इसलिये कि उस का ज्यादा से ज्यादा पैसा किरायेदारों से कमाया जाय। लेकिन अब हमारी गवर्नमेंट जनता की गवर्नमेंट है, अब हमारी गवर्नमेंट वह गवर्नमेंट नहीं है जो अंग्रेजों की थी। अब अगर गवर्नमेंट जनता की है, डिमोक्रेसी (democracy) है, तो आप को एक एक आदमी के सुख का ध्यान रखना पड़ेगा। उस को ध्यान में रखते हुए आप सारे प्रबन्ध को अपने हाथ में लीजिये और ऐक्ट बनाइये कि जितने भी मकान होंगे अगर उन के मालिक उन में रहते हैं तो रहें, जो नहीं रहते हैं उन के मकान गवर्नमेंट अपने कब्जे में ले लेगी और उस की कीमत जो ठीक हो उस को ऐसेस (assess) कर के मकान मालिक को थोड़ा सा दिया जायगा डेढ़ या दो पर सेंट बाकी सब इन्तजाम गवर्नमेंट करेगी। अब तो इसी तरह से काम चल सकेगा वरना आप रोज बिल बनाते जाइये और रोज दिक्कत बढ़ती जायगी। आप देखिये कि उत्तर प्रदेश का बिल मौजूद है, और बहुत

कोशिशें वहां की गवर्नमेंट करती है कि इस ऐक्ट के द्वारा वहां के मकानों में रहने वालों को सुख मिले, लेकिन वह सुख नहीं दे सकी। बीस तरकीबें हैं, पचास तरकीबें हैं, पैसा मकान मालिकों के पास है, ज़े सप्लाई डिपार्टमेंट है जिस को मकान आदि देने का अधिकार है वह करीब करीब उन के हाथ में है। जो बेचारे गरीब आदमी हैं और मकान तलाश करते हैं, महीनों दर्दवास्त लगाते हैं, लेकिन उन को मकान नहीं मिलता है। मकान उसे मिलता है जिस के लिये मकान मालिक ने दर्दवास्त दिला दी। उस को इतनी आसानी है कि पांच बरस का या और कई बरसों का किराया पेशगी लेकर के मकान उस को उठा दे, और उस से रुपया ले ले। आप ने यह नहीं देखा कि वह कितना किराया लेगा, आप ने यह ध्यान नहीं दिया कि वह कितना किराया बढ़ा लेगा। इसलिये मैं आप से कहता हूँ कि अब भी सबक ले लीजिये। आप के पास में ही उत्तर प्रदेश है वहां जा कर देखिये कि रेंट कंट्रोल ऐक्ट (Rent Control Act) कितने बरसों से और कितने ज़ोरों से चल रहा है हालांकि मकान में रहने वालों को थोड़ी सी सहूलियत जरूर दी गई है, यानी जिस को सन्निपात है, उस को गरम पानी मिलेगा, या बुखार ज्यादा उत्तर गया तो संखिया मिलेगी या कोई और चीज़ मिलेगी, लेकिन उस की दिक्कत दूर नहीं हो सकी, इस में कोई शक नहीं है। इसलिये मैं कहना चाहता हूँ कि इस से सबक ले कर इस तरह के इलाजों को छोड़िये और अच्छे इलाज पर आइये जिस से देग का नज़ा हो।

(English translation of the above speech)

Shri Shiv Charan Lal (Uttar Pradesh): Sir, I do not welcome this Bill not because I am opposed to it, but because I consider it to be utterly inadequate to root out the social evil which has assumed such big proportions. This evil pervading our

country is of colossal magnitude. You should also think of the hardships which the tenants in our country are undergoing. My hon. friend Pandit Thakur Das Bhargava has very admirably advocated the cause of landlords, who could not have a better advocate than himself. Pleading for the landlords, Pandit Bhargava asked for a profit of  $7\frac{1}{2}$  per cent. as relief in the charges of  $2\frac{1}{2}$  per cent. by way of tax,  $5\frac{1}{2}$  per cent. in the shape of depreciation, 2 per cent. on account of erection charges and ten per cent. on some other account. In this way he has asked for a benefit of 50 per cent. approximately. The landlords can really congratulate themselves in having an advocate like him. I wish you just to think of the conditions of those people who live in the cities in very large numbers but who possess no houses of their own. The tenants have to face many hardships. Small repairs here and there result in an increase of rent for them. For many things they have to depend on the landlords. Facilities of life are seldom available to them. On one hand there is a section of our people who wants 40 to 50 per cent. profit on their investments of surplus money while on the other hand there are persons who have no living space, not even an ordinary shelter, where to protect themselves against the shivering cold or rains. They can get no residential accommodation. In all seriousness, I ask you whether the problem is not one as to require your attention at the earliest? Should you not, first of all, think of the numerous patients who are suffering in the cities with none to look after them? For that reason, I think the hon. Minister is faced with a task similar to the one a doctor is faced with in curing a patient in a very serious condition. Ordinary treatment will not do. You have to bear in mind the very serious nature of the sickness. Unless you use very effective medicines, the patient is not likely to recover. I can suggest one such cure. You have already gone too far to placate the landlords. You have even flattered them. But such things will not work any more. You will have to re-orientate your policy and declare the houses to be the property of those who actually live in them and of none else. They should belong either to the Government or to the occupants. It is alright if I live in a house of my own. So long I live in it, I have every right to its ownership. But in case I have let it to some tenant, I should claim no such rights.....

**Pandit Thakur Das Bhargava** (Punjab): May I, with your permission,

say a word? We have accepted the principle of the Bill, and have referred it to the Select Committee. Is it right now on the part of the hon. Member to speak against the basic principles of the Bill?

**Mr. Deputy-Speaker:** He says that the Bill itself is obnoxious.

**Shri Shiv Charan Lal:** I, therefore, call upon the Government to discard this half-hearted policy which is capitalistic in nature. It surprises me to note that you have not learnt the lesson even at this late stage and the wisdom to depart from the old path and even the recent election reverses in Madras and South India have not dawned wisdom upon you.

**Babu Ramnarayan Singh** (Bihar): It never shall!

**Shri Shiv Charan Lal:** Should it so happen, I shall have nothing but regrets. In that case someone will have to bring that wisdom home to us. I, therefore, request you to revise your policy. You should have simple laws and declare the houses to be the property of the occupants so long they are able to occupy them. On his or her leaving the house, the ownership should vest in the Government. Thereby I do not mean that you should not compensate him. I am rather in favour of paying the landlords 2 or  $1\frac{1}{2}$  per cent. interest which is generally allowed on all fixed deposits. You should float companies and entrust the Government with their management. The Government on their part should take definite steps to provide all facilities to the tenants. A landlord does not build a house for the convenience of the tenant nor is it his aim to give him facilities. His sole aim is to have a maximum return on his investment. The present Government, that is running the administration of the country today, however, belongs to the people and it is no more like the British Government. Democracy being the order of the day, you shall have to keep in view the convenience of all sections of our people. This consideration should be the guiding principle in all our management. We should enact a legislation which, while permitting the owners personal use of their houses, should vest their possession in the Government in the event of their failure. Provisions should be made to allow them  $1\frac{1}{2}$  to 2 per cent. on the prices of their houses after a careful assessment of the value. That is the only basis on which things can work at present. Otherwise a necessity to frame fresh

[Shri Shiv Charan Lal]

legislation every now and then will remain while the difficulty shall still increase. You can just see the results which the law operating in Uttar Pradesh has been able to achieve. The State Government have tried hard to provide all facilities to the occupants of houses but with little success. The landlords are moneyed persons and are in a position to use scores of devices to defeat all governmental plans. The Supply Department, which allots all houses, is practically dominated by them. Poor persons, who are really in need of houses, continue to apply for months together and seldom get them. Only a person recommended by the landlord can succeed in getting a house. The landlords there can get 5 to 10 years' rent in advance for the mere asking and can let out a house to whomsoever they may wish. You have hardly taken into consideration the exorbitant rent a landlord will be able to charge and the subsequent increase he will always be able to effect. I, therefore, want to tell you that even now it is not too late to learn a lesson. You should study the working of the Rent Control Act in the neighbouring State of Uttar Pradesh, where this Act has been in force for the last many years and every attempt is made to enforce it rigorously. It is true that some relief—though quite insignificant—has been given to the tenants, but the real difficulty remains unsolved as ever before. I, therefore, want you to discard the ordinary treatment of the malady and take to some radical treatment.

**Mr. Deputy-Speaker:** May I remind hon. Members that this is not the original motion for consideration. The principle of the Bill has been accepted; it has been reported on by the Select Committee. The House can now consider only the report of the Select Committee.

**Shri Kamath:** Is it not open to a Member to move for the rejection of the Bill?

**Mr. Deputy-Speaker:** Not at this stage. The motion for consideration has been carried.

**Shri Venkataraman:** Sir, the debate so far has centred on three or four aspects: one relating to the period during which this Act should be in operation, the second dealing with the return that should come on investment in a house and the third dealing with exemptions from the operation of this Act. All these three sections, except the last one,

were in the original Bill and if certain changes are sought to be made to change the tenor of this Bill, I think, Sir, it may be still within the scope of the debate if I answer some of the points raised by my hon. friends in this House.

I agree with Pandit Thakur Das Bhargava that the age of the Bill should be confined to three years, for a very different reason from what he advanced. In Madras we have a similar Act and the age of that Act was originally fixed at two years. At the end of two years we gained a lot of experience with the result that the provisions of the Act were liberalised in favour of the tenant when the Bill came up for re-consideration. If you limit the age of the Act, certain experiences which one gains may be used for the purpose of framing suitable amendments and suitable modifications to the existing provisions. It was found that the original Act in Madras had certain defects and so at the time when the new Act had to be passed, representations were received both from the tenants' associations as well as from the landlords and a Bill was framed so as to accommodate both the points of view. I am therefore of opinion that if the life of this Bill also is limited to three years, the experience that we would gain will be useful in making suitable modifications to this Bill at the end of the period. It may be answered by the hon. Minister that amendments could always be made. But we all know that in this democratic procedure an amendment of a law which I want to make as a private Member of this House will have to wait till eternity probably. It has first to get a chance in the ballot and then a chance in the House. But if the Government is compelled to bring forward another measure at a stated period then we would have ample opportunity of putting forward the respective points of view and make it possible for suitable amendments to the existing provisions. Therefore I would very warmly welcome that a limitation should be imposed on the duration or the currency of this Act, and a three year period is sufficient for the purpose of gaining experience as to the working of this Act.

Then, Sir, our revered leader Dr. Pattabhai almost exaggerated his case when he gave details of the expenditure which would be incurred by a landlord and proved at the end of all that mathematical gymnastics that the builder of the house would be worse off than if he had not built

it at all. Well, I want to say that it has been nowhere possible to deduct income-tax on incomes from houses, to deduct what is called insurance on houses, deduct every possible imaginable expenditure on the house and yet say it must yield a six per cent. or four per cent. return. The comparison between the national savings certificates and a house lacks this common ground or a consensus *ad idem*. There is a limit up to which only anybody can invest on national savings certificates. A man cannot invest more than Rs. 25,000 in national savings certificates. And it is intended to benefit the person who has small incomes and who will be helped to draw a larger return on that small income. National savings certificates are not at all intended for the investments to be made by rich capitalists. While inaugurating the campaign of national savings certificates which originally started as a small savings scheme they said a higher percentage of interest should be provided for the poor people so that they may get some adequate return and may also be induced to save and that is why they gave this 4 1/6 per cent. and the ceiling has also been fixed that no man can invest more than Rs. 25,000 in national savings certificates.

**Dr. Pattabhi:** And his wife?

**Shri Venkataraman:** Another Rs. 25,000. Dr. Pattabhi has taken the instance of a man investing Rs. one lakh on the house and has said that he cannot hope to earn the same return as the man who has invested that sum in national savings certificates. I ask Dr. Pattabhi what a man would get if he invested it on agricultural land. He knows very well the conditions of agriculture in this country and it is a well known fact that the return that a person gets on agricultural land, cultivating foodgrains has been nothing more than two to two and a half per cent.....

**Dr. Pattabhi:** Six per cent. at the present rate, Sir.

**Shri Venkataraman:** Not unless he sells in the black market.

**Pandit Thakur Das Bhargava:** Government have also agreed that five per cent. should be realized by the landlord.

**Shri Venkataraman:** It would not be. When the price of foodgrains is controlled and when the price of other articles is not controlled—that is, the price of bulls, fodder and all

the other agricultural implements, when the price of everyone of these things is not controlled—the man who cultivates the land does not get anything more than two and a half per cent. unless he sells in the black market. Therefore it is odious to suggest that a person investing lakhs and lakhs of rupees in building houses should get more by way of return than what he would get if he put it in a bank or invested it in, say, fixed deposits where he would get nothing more than three per cent. And why should this man get more? Allowing a two per cent. for depreciation (which means he would get back the capital of the house after fifty years), allowing for the taxes (corporation and municipal taxes) and the annual repairs—which are the only three items which should be deducted in the case of income from the house—the man according to my calculation would get Rs. 4,250, which is really 4.25 per cent. on his investment.

Therefore I very warmly support the suggestion made by Mr. Shiva Rao—I do not know if he is going to move his amendment—that the return that should be fixed on new constructions should be only six per cent. gross and not seven and a half per cent. as has been made in this Bill.

**Dr. Pattabhi:** You will not have a new construction at all.

**Shri Venkataraman:** It does not matter. Let them not construct. Let them keep their moneys in the banks, and I assure the House that Government is competent enough to build houses. We do not want people to prey on the poor innocent tenants of this country, to take undue and unfair advantage of the shortage of accommodation just because they happen to control some moneys which have descended on their heads from their fathers and forefathers. If they do not invest it in houses they must necessarily find investment in some form or another. They will necessarily have to put it in banks, say, in fixed deposits. It will be possible for the Government to draw on those resources, and the Government will certainly build and let houses at a cheaper rate. (*Interruption*). I am not yielding. I never yield to capitalists in any place, and not certainly in this House. We do not want to pamper capitalists any further in this country. We do not want landlords to take unfair advantage of the shortage of accommodation prevailing in the country.



**Shri J. R. Kapoor:** Cut your own nose to spite others.

**Shri Venkataraman:** We do not want that certain people should get all the benefits from the Government by way of controlled commodities—steel allotment, cement allotment and so on—and yet go about charging the highest rates of rent possible. This acute shortage of accommodation has arisen as a result of the war conditions. We know what the rents were in Madras before 1939 and how it has shot up after 1939. If everybody wants to take advantage and exploit the conditions brought about by circumstances and wants to charge the highest rent possible, then I do not see why society should have any regard for that sort of people. Therefore I would strongly urge that this seven and a half per cent. should be replaced by six per cent. gross which is very fair and equitable.

Then, with regard to exemption of new buildings for seven years, I am surprised at this provision in this Bill. In the Madras Act the first letting alone is exempted. Thereafter every subsequent letting must be through the Accommodation Controller and he has the right to fix the amount of rent, and a fair rent can always be fixed by the Accommodation Controller or the House Rent Controller after the first letting. Why should this exemption be given for seven years? Have we not pampered these people enough? Why should we still continue to give them the right to let out on rent for a period of seven years? Sir, on the plea of trying to build more houses and encourage more construction, we are giving away too much to the builders in Delhi with the result they have become a pampered class and like all others, they are asking for more. I very strongly urge that this House should firstly limit the age of this Bill for three years; secondly fix the gross return only at six per cent. and then see that the exemption clause with regard to seven years is deleted.

**Shri Buragohain:** The last two speeches of my hon. friends and the speeches that preceded them amply prove that the Select Committee tried to hold the balance even as between the landlords and the tenants. Some of the important points that have been made by the various hon. Members, I will try to deal with them as briefly as I can.

On the first point that the Bill should be limited to a number of

years, I might inform the House that in several Provincial Acts no limits have been fixed, for instance, in the Punjab, there is no limit to this rent control law. Similarly in the Provincial Act of Central Provinces and Berar, there is also no limit but there in the Central Provinces and Berar Act a clause exists which is very much similar to the clause that we have, that is, clause 1 of our present Bill. That clause reads like this in the Central Provinces and Berar Act:

"It shall cease to operate on such dates as the Provincial Government may by a notification appoint on this behalf."

So we have got also a similar provision in the present Bill whereby the Central Government is empowered to declare by notification that the provisions of this Act will cease to have effect on any particular area covered by that notification. Then it is common experience that although the Provincial Acts have been passed for a specified number of years, they invariably have been extended from time to time. In this case also it is impossible to think that Delhi could go without a law of this kind for the next ten or twelve years. After all if there is no need for such a law, then we can always repeal it and also powers are there with the Central Government to withdraw its provisions. In view of this position, it is not necessary to limit the Act to a specified number of years.

With regard to the other point which was made regarding the return that a landlord should get by letting out his house we have taken more or less the principle adopted by the Bombay Government in this matter and here according to information that I have in my possession a gross return of seven and a half per cent. will work out to a nett return of 5.1 per cent. The figure for house tax is .6 per cent.; maintenance charges 6 per cent. of the capital cost; depreciation .7 per cent. of the capital cost; ground rent .5 per cent. of the capital cost, which totals 2.4 per cent. and which should be deducted from 7.5 per cent and that will leave a nett return of 5.1 per cent. which compares favourably with that allowed in Bombay, which roughly works out at five per cent. Here it is 5.1 per cent.

Then my hon. friend, Dr. Pattabhi and also Pandit Thakur Das Bhargava mentioned about other charges, such as insurance charges, cost of special repairs, collection charges and

such other things. But these charges are certainly not charges which could be realized from the tenants. Of course, normal repairs to keep the premises tenable is the liability of the landlord, for which he gets the rent. Then if he makes any special repairs, then he can ask for increase of rent. We have provided for that in this Bill. In view of this, it seems unnecessary to increase the percentage that we have fixed in this Bill. I find my hon. friend, Mr. Venkataraman suggests that it should be reduced to six per cent. which of course, represents perhaps the other extreme. In that case if we are to accept the proposal which he has made, it will only leave the landlord with a little over 3.6 per cent. gross return. (An Hon. Member: More than sufficient). With regard to the third point that was raised regarding the lacuna to which I referred and which existed in the existing Act, I have already stated that I am prepared to accept a suitable amendment which can take out from the purview of the courts the cases where standard rent has already been decided by the courts. With regard to the others, this lacuna should not be allowed to remain in the present Act. I think it is an exaggeration to say that by enacting this provision it will open the possibility for a crop of litigation. According to the information that I have with me, it seems that it will affect only a very small number of houses. It is not a question of many thousands, because it is common knowledge that there was no building activity during the war years. It was only after the war years that some building activity was carried out in Delhi. So in fact, it will not affect a very large number of cases as was sought to be made out by some of my hon. friends.

Without going further into the other matters, I would appeal to the House in view of the shortness of time that we have at our disposal, to accept the Bill. The Government and also some of the Members who took part in this measure have spent

a very long time over its consideration at various stages. With regard to the people of Delhi also, I might inform the House that various interests were consulted. Even at the Select Committee stage, the Select Committee received evidence from the various interests in Delhi. The Chief Commissioner was consulted and also the Chairman of the N.D.M.C. and the Delhi Municipality. Therefore, no harm will be done by passing this measure by this House as the various interests have already been consulted. With these few words, Sir, I hope the House will accept the motion.

5 P.M.

**Dr. Pattabhi:** May I respectfully draw the attention of the hon. Minister to my suggestion about clause 39?

**Shri Buragohain:** Is it with regard to exemption?

**Dr. Pattabhi:** Yes; the date from which it should count.

**Shri Buragohain:** I am prepared to accept the suggestion made by my hon. friend. He wants that it should be applied from the date of introduction of the Bill.

**Dr. Pattabhi:** Yes.

**Shri Buragohain:** I accept that.

**Mr. Deputy-Speaker:** The question is:

"That the Bill to provide for the control of rents and evictions, and for the lease of vacant premises to Government, in certain areas in the States of Delhi and Ajmer, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

**Mr. Deputy-Speaker:** The House stands adjourned to 9-30 on Monday.

The House then adjourned till Half Past Nine of the Clock on Monday, the 3rd March, 1952.