



PARLIAMENTARY DEBATES

(Part I—Questions and Answers)

OFFICIAL REPORT

VOLUME IX, 1951

(7th August to 21st September, 1951)

Fourth Session

of the

PARLIAMENT OF INDIA

1951

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CORRIGENDA

In the Parliamentary Debates (Part 1—Questions and Answers) Fourth Session of Parliament,—1951,

In Volume IX,—

1. No. 7, dated the 16th August, 1951,—

कालम ३३०, पंक्ति १०, “क्या माननीय कृपा” के स्थान पर “क्या माननीय मंत्री जी कृपा” पढ़ें ।

2. No. 8, dated the 17th August, 1951,—

(i) Col. 376, line 14 from bottom for “and” read “any”.

(ii) Col. 380, delete the existing line 13 and between lines 15 and 16 insert new line “subject. The Central Tractor Organisation”.

(iii) Col. 381, for the existing line 18 from bottom substitute the new line “तुम्हें (Shri K. M. Munshi): (a) It is”.

3. No. 12, dated the 22nd August, 1951,—

کالم ۵۳۰، آخر سے سطر ۱۲،، آخر،، کی بجائے،، افر،، پڑھیں۔

4. No. 13, dated the 23rd August, 1951,—

(i) कालम ६०२, पंक्ति १८ “निर्यात” के स्थान पर “निर्यात” पढ़ें ।

(ii) Col. 612 for the existing line 4 from bottom read “July-December, 1951—January-June”.

5. No. 16, dated the 28th August, 1951,—

(i) Col. 723, line 12 for the figures “-14,86” read “14,86”.

(ii) Col. 727, line 8 for the figures “88,87” read “88,872”.

6. No. 19, dated the 31st August, 1951,—

कालम ८५०, पंक्ति ४ “मंगी” के स्थान पर “मन्त्री” और नीचे से पंक्ति १७ “घोर के खिलाफ” के स्थान पर “और उस के खिलाफ” पढ़ें ।

7. No. 20, dated the 3rd September, 1951,—

कालम ८९१ नीचे से पंक्ति ४, “उपया” के स्थान पर “रुपया” पढ़ें.

8. No. 22, dated the 5th September, 1951,—

Col. 1014, line 15 for the figures “36,00,000” read “35,00,000”.

9. No. 24, dated the 7th September, 1951,—

(i) Col. 1115, line 8 for the words “Laid on the Table” read “House”.

(ii) Col. 1116, line 25 from bottom for “word” read “work”.

(iii) Col. 1119, transpose the existing lines 7 and 15.

10. No. 29, dated the 15th September, 1951,—

(i) Col. 1327 from bottom line 6 for “Teteorotogical” read “Meteorological”, and line 7 for “in 3 : 2” read “is 3-03”.

(ii) Col. 1336, line 2 from bottom for “convering” read “covering”.

(iii) Col. 1343, line 7 from bottom for “by” read “to”.

(v)

11. No. 30, dated the 17th September, 1951,—

Col. 1400, line 11 from bottom *for* "RECON-" *read* "Re. CON-".

12. No. 31, dated the 18th September, 1951,—

Col. 1434, line 15 *for* "miles" *read* "mills".

13. No. 32, dated the 19th September, 1951,—

(i) Col. 1505, between existing lines 23 and 24 from bottom *insert* new line "being found with money is not".

(ii) Col. 1510, line 13 from bottom *for* "July, 1951" *read* "1st July, 1951".

PARLIAMENT OF INDIA

The Speaker

The Honourable Shri G. V. Mavalankar.

The Deputy-Speaker

Shri M. Ananthasayanam Ayyangar.

Panel of Chairmen

Pandit Thakur Das Bhargava.

Shrimati G. Durgabai.

Shri Prabhu Dayal Himatsingka.

Sardar Hukam Singh.

Shri Manilal Chaturbhai Shah.

Secretary

Shri M. N. Kaul, Barrister-at-Law.

Assistants of the Secretary

Shri A. J. M. Atkinson.

Shri N. C. Nandi.

Shri D. N. Majumdar.

Shri C. V. Narayana Rao.

GOVERNMENT OF INDIA

Members of the Cabinet

- Prime Minister and Minister of External Affairs—The Honourable Shri Jawaharlal Nehru.
Minister of Education—The Honourable Maulana Abul Kalam Azad.
Minister of Home Affairs—The Honourable Shri C. Rajagopalachari.
Minister of Defence—The Honourable Sardar Baldev Singh.
Minister of Labour—The Honourable Shri Jaggivan Ram.
Minister of Health—The Honourable Rajkumari Amrit Kaur.
Minister of Law—The Honourable Dr. B. R. Ambedkar.
Minister of Works, Production and Supply—The Honourable Shri N. V. Gadgil.
Minister of States, Transport and Railways—The Honourable Shri N. Gopalaswami Ayyangar.
Minister of Commerce and Industry —The Honourable Shri Hare Krushna Mahtab.
Minister of Food and Agriculture—The Honourable Shri K. M. Munshi.
Minister of Natural Resources and Scientific Research—The Honourable Shri Sri Prakasa.
Minister of Finance—The Honourable Shri Chintaman Dwarkanath Deshmukh.

Ministers not in the Cabinet

- Minister for the purposes of agreement between the Prime Ministers of India and Pakistan of the 8th April, 1950—The Honourable Shri C. C. Biswas.
Minister of State for Transport and Railways —The Honourable Shri K. Santhanam.
Minister of State for Information and Broadcasting—The Honourable Shri R. R. Diwakar
Minister of State for Parliamentary Affairs—The Honourable Shri Satyanarayan Sinha.
Minister of State for Rehabilitation—The Honourable Shri Ajit Prasad Jain.
Minister of State for Finance—The Honourable Shri Mahabir Tyagi.
Deputy Minister of External Affairs—Dr. B. V. Keekar.
Deputy Minister of Commerce and Industry—Shri Dattatraya Parashuram Karmarkar
Deputy Minister of Defence—Major General Himatsinhji.
Deputy Minister of Works, Production and Supply—Shri S. N. Buragohain.
Deputy Minister of Food and Agriculture—Shri M. Thirumala Rao.
Deputy Minister of Communications—Shri Raj Bahadur.

THE
PARLIAMENTARY DEBATES
(Part I—Questions and Answers)
OFFICIAL REPORT

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PARLIAMENT OF INDIA

Friday, 14th September, 1951

The House met at Half Past Eight of the Clock

[MR. DEPUTY-SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

IMPORT AND EXPORT OFFICES

*1005. **Shri Sidhva:** Will the Minister of Commerce and Industry be pleased to state:

(a) the exact economy effected after the amalgamation of the Offices of the Chief Controller of Exports and Imports from the 1st March 1951; and

(b) whether the proposal for transferring the licensing departments to Port offices has materialised; if so, whether any additional staff has been employed and what is the effect of this additional cost as compared to the retrenchment due to the amalgamation of Import and Export offices?

The Minister of Commerce and Industry (Shri Mahtab): (a) Rs. 29,400.

(b) Yes. No additional staff has been employed in the Port offices.

Shri Sidhva: With reference to the answer to part (b) of the question, which is in the affirmative, may I know whether the delay in the issue of licences, which used to be the case in the past, has been minimised and if so, what is the minimum delay that takes place at present in the disposal of applications for licences?

Shri Mahtab: It has been considerably minimised and today I may say that in a few cases practically there is no delay at all. Applications are readily disposed of.

Shri Sidhva: May I know whether the advisory committees which the hon. Minister proposed to appoint in port areas have been appointed? If

not, what are the reasons for the delay?

Shri Mahtab: They have not been appointed yet.

Shri Sidhva: Are they likely to be appointed? He made a promise about them.

Shri Mahtab: The whole matter is under examination. There is Mehta Committee report. Whatever recommendations are made by one committee are first to be implemented and then the appointment of other committees would be thought of. In this particular case, although at one time it was thought that Port Advisory Committees should be formed, the matter is still under examination and nothing has been decided yet.

Sardar Hukam Singh: May I know whether the professional mediaries that used to hover around the office have now been eliminated?

Shri Mahtab: My impression is that that has been eliminated. If there is still something left, I would very much like to be enlightened on that, so that I may inquire into it.

Shri A. C. Guha: Is the amount given as saving in reply to part (a) monthly or annual?

Shri Mahtab: It is annual and relates to the pay of the Chief Controller of Exports.

Shri Krishnanand Rai: Has there been any retrenchment of any high grade officer as a result of the amalgamation of the two offices?

Shri Mahtab: The retrenchment is of the highest office, that of the Chief Controller of Exports. Both the posts have now been combined.

REHABILITATION IN ANDAMANS

*1006. **Shri Sidhva:** Will the Minister of Rehabilitation be pleased to state whether the 285 families of displaced agriculturists from East Pakistan who have been resettled in And-

man and Nicobar Islands have been now satisfactorily and permanently settled in the Islands?

The Minister of State for Rehabilitation (Shri A. P. Jain): In all 304 displaced agriculturist families have been settled in the Andamans. All these families are reported to have settled down satisfactorily.

Shri Sidhva: Some of the families previously settled there in the same manner had come back to India. Is there any possibility of a similar contingency arising in these cases also? Does the Minister feel that they are now permanently settled from the economic point of view? My question related to permanent settlement and not only to satisfactory settlement as given by the Minister.

Shri A. P. Jain: Apparently satisfactorily settled means permanently settled.

Shri Dwivedi: Do Government propose to open up a works training centre in the Andamans?

Shri A. P. Jain: There is no such scheme yet.

Shri A. C. Guha: How were they settled—as agriculturists, artisans or as businessmen also?

Shri A. P. Jain: The question relates only to agricultural families.

Shri A. C. Guha: What was the acreage given to them? Were any loans also given to them?

Shri A. P. Jain: 1,509 acres of cultivable land and 677 acres for horticultural and housing purposes. Also loans were given at various times on different scales.

Shri A. C. Guha: Is there any proposal to send some more agricultural families there?

Shri A. P. Jain: Yes.

Shri A. C. Guha: When?

Shri A. P. Jain: As soon as possible.

Shri B. K. Das: Are there sufficient arrangements for primary schools in those areas where the refugees have been settled?

Shri A. P. Jain: The Andamans have got a social life of their own. I do not think it will be possible for me to set up a social life out of all proportion to the social life there. So far as I know the children of these families are taking advantage of the schools available there.

DISPLACED UNATTACHED PERSONS

*1007. **Shri S. C. Samanta:** Will the Minister of Rehabilitation be pleased to state:

(a) whether it is a fact that in addition to the six thousand unattached women, children and aged and infirm persons (including dependents) from East Pakistan living in Homes, there are thirty-six thousand displaced unattached persons and others living outside Homes and receiving gratuitous relief from Government; and

(b) if so, what are the reasons why they are not brought to camps and Homes?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) Yes, except that the number of such unattached women and children etc. has gone down from 36,000 in March to 34,042 in August, 1951.

(b) All such unattached women and children etc. living either in Homes or camps with the exception of 778 persons in Tripura who, for lack of accommodation, could not be admitted either in Homes or camps.

Shri S. C. Samanta: May I know whether the children of unattached women who have been given free occupation are allowed to remain in the homes?

Shri A. P. Jain: Up to a certain age.

Shri S. C. Samanta: What arrangements have been made for the marriage of the girls of displaced persons?

Shri A. P. Jain: Grown up girls are generally given in marriage with the consent of their mothers. We give a small dowry too.

Shri S. C. Samanta: What is the difference in the arrangements made as between the West and East Pakistan displaced persons?

Shri A. P. Jain: I do not know of any special difference.

Shri Amolakh Chand: Is it a fact that Rs. 200 per grown up girl is given as dowry in the case of displaced persons who migrated from West Pakistan and may I know if the same amount is given for displaced persons from East Pakistan also?

Shri A. P. Jain: The amount is according to the circumstances of each case.

Shri Barman: Who gives the girl in marriage when there is no natural guardian?

Shri A. P. Jain: When there is no natural guardian the State gives them.

Shri S. C. Samanta: What is the number of unattached women who have been given free occupation up to this time?

Shri A. P. Jain: I do not exactly understand what the hon. Member means by free occupation.

Shri S. C. Samanta: Those who are self-supporting financially or provided with employment.

Shri A. P. Jain: We have not got separate figures for that. We know that about 9,000 persons have left the camp and got settled in one way or another. Some of them have discovered their relatives where they have gone and settled and others have been settled in occupations.

GOVERNMENT STATIONERY DEPARTMENT, CALCUTTA

*1008. **Shri Sidhva:** Will the Minister of Works, Production and Supply be pleased to state:

(a) whether Government have considered the Report received from the Experts for reorganisation of the Stationery Department of the Government of India in Calcutta;

(b) what are the suggestions made in the Report;

(c) what are the difficulties in implementing the recommendations; and

(d) what was the result of the enquiry into the failure of certain officials to clear stationery from Calcutta Harbour in time?

The Deputy Minister of Works, Production and Supply (Shri Buragohain):
(a) Yes, the report of the Eastern Bedaux Company who were appointed to examine the working of the Government of India Stationery Office, Calcutta has been received by Government.

(b) The attention of the hon. Member is invited to the summary of the Bedaux Report which was circulated to hon. Members on 3rd September 1951 as promised in the reply to one of the supplementary questions on the hon. Member's starred question No. 2872 on 8th April 1951.

(c) One of the major recommendations, resulting in an annual saving of Rs. 1,15,000 has since been implemented. The other recommendations are still under examination. Some of the difficulties in regard to their acceptance are explained in the summary referred to in the answer to part (b) of the question.

(d) The report of investigation of the Comptroller and Auditor General of India has been received and a senior officer has been appointed to hold

Departmental proceedings against the Government servants alleged to be responsible for the payment of heavy demurrage charges.

Shri Sidhva: One of the recommendations was that there should be reduction in the amount of stores with the object of reducing accounting and purchase of stores. May I know whether that has been complied with or not?

Shri Buragohain: Yes, one of the recommendations was standardisation of a number of stationery items so as to reduce the number of stock items from 2,600 to 1,000.

Shri Sidhva: May I know whether they have been complied with and, if not, why not?

Shri Buragohain: With regard to one major recommendation, I have already stated in reply to part (c) of the question that it was accepted by the Government immediately. It related to release of stores resulting in an annual saving of Rs. 1,15,000. With regard to the rest of the recommendations and other matters related to the reorganisation of the whole Stationery Office, a departmental committee has recently been set up to go into the whole question; the Committee will go to the spot and examine the matter in order to expedite a decision.

Shri Sidhva: Is it not a fact that the report recommends retrenchment in staff to the extent of Rs. 6.42 lakhs? The hon. Minister stated that immediately they have put into operation one recommendation resulting in a saving of Rs. 1,15,000. May I know what becomes of the remaining amount?

The Minister of Works, Production and Supply (Shri Gadgil): That is not so. The recommendation of the Committee regarding staff will result in a saving of Rs. 4.08 lakhs. The report has proceeded on the assumption that the entire work is more or less mechanical. As a matter of fact, there is much work which can be called of a mental type and the standards that are applied to the work done by mechanical means is not the standard that is applicable here. Therefore, the matter is being considered and a decision as to to what extent the recommendation can be implemented will be laid before the House soon.

Shri Sidhva: The hon. Minister stated that the report does not recommend a saving of Rs. 6.42 lakhs. Am I correct in understanding that?

Shri Buragohain: It does recommend a total potential saving of

Rs. 6.42 lakhs which includes Rs. 4.08 lakhs to be covered by economies to be secured by retrenchment in staff which is a very difficult matter involving roughly 300 members of the staff.

Shri Sidhva: In answer to part (d) the hon. Minister stated that a special officer has been appointed to enquire into this matter to find out who was responsible for this heavy demurrage. When was he appointed? The hon. Minister, in reply to the discussion on this subject on 8th May, wrote to me that investigation had been ordered immediately, that departmental enquiries had already been completed, and that a final decision will be taken in the matter as soon as the result of an independent enquiry on the audit side was received from the Comptroller. But just now he stated that another enquiry committee is being appointed. Which of the two statements is correct?

Shri Buragohain: If I may explain the position, as far back as 1949 a senior official was appointed to undertake an official enquiry. It was a departmental enquiry. After receipt of the report of that enquiry, it was a thought that an independent enquiry on the audit side should also be held; the report from the Auditor-General has recently been received on this enquiry. Now the five officers who were connected with this matter have since been charge-sheeted and a senior official has been appointed to hold departmental proceedings under the Government Servants Conduct Rules and other rules.

Shri Sidhva: Are those five officers still in service or they have been suspended?

Shri Buragohain: So far they are not suspended.

Shri A. C. Guha: May I know if the Government has taken any action on the recommendation regarding the standardisation of stationery items and of packings?

Shri Buragohain: I have already stated that a departmental committee has been appointed to go into this and other questions arising out of the recommendations of the Bedaux Committee report.

Shri Amolakh Chand: May I know the time expected to be taken in the departmental enquiry and for submitting the case finally to the court?

Shri Buragohain: If the hon. Member refers to that demurrage case he will find that the intention of the Government is only to have departmental pro-

ceedings and not to send it to a court as the materials for that purpose are not considered sufficient.

Shri Sidhva: We want to know the result. This demurrage has caused nearly Rs. 6 lakhs to the Government. May I know when it is going to be finally decided? Already a year has been taken.

Shri Buragohain: The figure that has been given by the hon. Member is not correct. An amount of Rs. 11 lakhs and odd was to have been realised from the Port Commissioners' Office.

Shri Sidhva: That was a refund.

Shri Buragohain: It was a refund....

Shri Sidhva: But they were responsible for that amount. On the other hand if the Port Trust had not come to the rescue we would have lost it.

Mr. Deputy-Speaker: This is all argumentative. Next question.

TOOLS AND COMPONENTS IN DISPOSALS

*1009. **Shri Jnani Ram:** Will the Minister of Works, Production and Supply be pleased to state:

(a) the quantity of tools and components purchased from disposals for the different River Projects; and

(b) the tools and components still remaining for disposal?

The Minister of Works, Production and Supply (Shri Gadgil): (a) and (b). Two statements showing the information in respect of surpluses (American as well as Non-American stores) issued to River Valley Projects during the period 16th August 1947 to 31st July, 1951; as also two more statements showing the machine tools awaiting disposal on 1st August 1951 are placed on the Table of the House. [See Appendix VI, annexure No. 30.]

Shri Jnani Ram: In the statements two prices are given: book value and sale value. May I know if the articles have been supplied to the river projects at book value or sale value?

Shri Gadgil: The articles have been valued in the book as shown by "book value", but the actual amount that has been debited is the value that is considered as realised value.

Shri Jnani Ram: May I know the agency which fixes the sale value?

Shri Gadgil: They were sold directly to the department concerned.

Shri Jnani Ram: Whenever any stores are sold is any enquiry made as to the requirements of the river projects?

Shri Gadgil: I have already explained the procedure so often but I will explain it once more. As soon as we receive 'surplus information' from the Defence Ministry and other Ministries, the prior indentors, namely the departments of the Central Government as well as the departments of the State Governments are informed of what we have. Their orders are received and whatever they choose out of whatever is available is delivered to them; whether their requirements are correct or are adequate is not for this Ministry to consider. They specify their demands and to the extent of availability they are satisfied.

Shri Jnani Ram: May I know if any demand has been refused?

Shri Gadgil: How can we refuse? If the material is available they take it.

Shri A. Joseph: The hon. Minister stated that according to their indents the Ministry was supplying tools and other things to river projects. After such supply is the Stores Department maintaining any examination or supervision on the stores so supplied to these river projects, or are the river projects themselves maintaining any register for the purpose?

Mr. Deputy-Speaker: Disposals are interested in selling. Does a merchant keep an account as to how the purchaser disposes of the goods?

Shri A. Joseph: The stores departments of these projects wanted tools worth about one crore which was supplied to them by the Ministry. I want to know whether after supplying these tools the Ministry maintain any check on the stores or whether it is done under the auspices of the concerned stores department.

Shri Gadgil: That is the business of that particular Department whose responsibility it is to carry out that project—the responsibility of the shop-keeper is only to sell.

LABOURERS DISCHARGED FROM PIPRADIH COLLIERIES

*1010. **Shri Jnani Ram:** Will the Minister of Labour be pleased to state:

(a) the number of labourers who were discharged from Pipradih Colliery during this year; and

(b) the number out of those discharged who were re-employed elsewhere?

The Minister of Labour (Shri Jagjivan Ram): (a) No one was discharged this year. In October 1950, however 462 workers were discharged due to closure of the Colliery.

(b) 236 persons were re-employed in the Colliery in June 1951. The Government has no information as to the number of persons employed elsewhere.

Shri Jnani Ram: Has the colliery started work?

Shri Jagjivan Ram: Yes, it has.

SALT EXPERIMENTAL FARMS

*1011. **Dr. Ram Subhag Singh:** Will the Minister of Works, Production and Supply be pleased to state:

(a) the number of salt experimental farms in the country which are run under the auspices of the Council of Scientific and Industrial Research;

(b) since how long these farms have been operating; and

(c) how much salt (in tons) has so far been manufactured?

The Minister of Works, Production and Supply (Shri Gadgil): (a) There is only one salt experimental farm at Wadala (Bombay) which is run by the Salt Organisation. This farm is not under the Council of Scientific and Industrial Research, but avails itself of the technical advice of that body.

(b) Since October, 1949.

(c) 2,608 tons.

Dr. Ram Subhag Singh: Is the salt produced at the Wadala Salt Experimental Research Station in any way better than that which is generally available in the market?

Shri Gadgil: It is decidedly better. Not only that, but private manufacturers have also been requesting the organisation to make its advice available to them, and that is freely done.

Dr. Ram Subhag Singh: How does the price of this salt compare with the price of indigenous salt?

Shri Gadgil: Production is not on such a high scale as to make any difference in the price.

Shri Krishnanand Rai: May I know whether this is a manufacturing concern or an experimental concern? May I know also whether it is running on a self-sufficient basis or whether some help is given to it by Government?

Shri Gadgil: It is a model factory for the guidance of private manufacturers. Of course, if there is any production—as is bound to be the case—that is sold.

Shri Sivan Pillay: Is any experiment being conducted at this Farm regarding the possibility of manufacturing magnesium sulphate or other salts also on a commercial scale in the existing salt factories?

Shri Gadgil: I want notice for that

सेठ गोविन्द दास : इस फार्म में जो तजर्बा हो रहा है क्या उस से उन दूसरी योजनाओं को जो कि नमक पैदा करने के लिये हैं कोई लाभ हो रहा है और क्या जो नमक यहां पर बनाया जा रहा है वह बढ़ने वाला है ?

[Seth Govind Das: May I know whether the experiment being conducted at this farm is helping other plans that have been drawn up in connection with the production of salt and whether the quantity of salt being manufactured on that farm is likely to increase?]

श्री गाडगिल : फायदा हो रहा है और होगा और नमक की क्वालिटी में भी सुधार होगा ।

[Shri Gadgil: It is and it will be helpful and the quality of salt would also improve.]

Shri Amolakh Chand: May I know the amount paid annually to this Farm as subsidy?

Shri Gadgil: I require notice for that.

श्री भट्ट : क्या ऐसे प्रयोग हिन्दुस्तान के किसी दूसरे हिस्से में करने की भी सरकार ने सोची है ?

[Shri Bhatt: Do the Government propose to undertake experiments of this kind in some other part of India as well?]

श्री गाडगिल : विचार तो है लेकिन पैसे की कमी की वजह से फौरन नहीं हो सकता है ।

[Shri Gadgil: There is a proposal but the experiment cannot be immediately undertaken due to paucity of funds.]

ALUMINIUM

1012. Dr. Ram Subhag Singh: Will the Minister of Commerce and Industry be pleased to state:

(a) the total quantity of aluminium produced in the country in the years 1949-50, and 1950-51; and

(b) whether Government propose to expand the existing units of the aluminium industry?

The Minister of Commerce and Industry (Shri Mahtab): (a)

| 1949-50 (in tons) | 1950-51 (in tons) |
|----------------------|----------------------|
| 3,580 | 3,678 |

(b) No.

Dr. Ram Subhag Singh: May I know whether the productive capacity of our aluminium factories is enough to meet domestic demands and if it is not, do Government propose to establish some new factories?

Shri Mahtab: It is not enough, but there are two firms which are now producing aluminium and it is for them to expand their capacity and extend their activities. One of the firms has applied to the Industrial Finance Corporation for a loan to expand its capacity. The other firm is now making a survey for starting another factory in some other place. Government have nothing to do with this.

सेठ गोविन्द दास : क्या माननीय मंत्री

जी को यह मालूम है कि जिस बाक्ससाइट से ऐल्यूमिनियम बनता है वह बाक्ससाइट बहुत बड़ी तादाद में और अच्छे प्रकार का मध्य प्रदेश में मिल रहा है और वह बाहर जा रहा है। मध्य प्रदेश की सरकार ने इस प्रकार की ऐल्यूमिनियम बनाने की कोई योजना भी बनाई थी लेकिन रुपया न होने से वह सफल न हो सकी। क्या मध्य प्रदेश में इस सम्बन्ध में कुछ करने का गवर्नमेंट विचार कर रही है।

[Seth Govind Das: May I know whether the hon. Minister knows that a very good quality of bauxite from which aluminium is produced, is available in Madhya Pradesh in large quantities and that it is being exported? The Government of Madhya Pradesh had also formulated a scheme to manufacture aluminium but it could not be successful due to lack of funds. Has the Government any intention to do something in this behalf in Madhya Pradesh?]

श्री महताब : नहीं गवर्नमेंट की यह स्कीम नहीं है। ऐल्यूमिनियम फैक्टरी सेंट-अप करने की स्कीम गवर्नमेंट के पास नहीं है ।

[**Shri Mahtab:** No, the Government has no scheme to set up an aluminium factory.]

सेठ गोविन्द दास : मैं यह जानना चाहता था कि जब वहाँ इतनी बड़ी तादाद में बाक्साइट मिल रहा है और एक प्रदेश की गवर्नमेंट ने इस सम्बन्ध में कुछ किया था तो क्या गवर्नमेंट के प्लानिंग में इस सम्बन्ध में ऐसी कोई योजना है कि जो इस काम को हाथ में लिया जा सके।

[**Seth Govind Das:** I wanted to know that when bauxite is available there in such a large quantity and a State Government had tried to do something in this connection, have the Government any plan whereby this work might be undertaken?]

श्री महाताब : नहीं, प्लानिंग में नहीं है।

[**Shri Mahtab:** No, this is not included in our planning.]

Shri B. K. Das: May I know whether these factories have not been able to work up to their installed capacity for want of adequate supply of power?

Shri Mahtab: To some extent, that is correct. It is for that reason that one of the firms has got its factories in three places, Ranchi, Calcutta and Alwaye.

Shri B. K. Das: Are Government taking any steps in the direction of making cheap power available?

Shri Mahtab: The steps that are being taken are these multi-purpose river valley projects. When they will be completed, they will supply cheap power for all these factories.

Shri Himatsingka: How does the Indian manufacture compare with foreign products?

Shri Mahtab: At present it compares very favourably and the hon. Member must have known that the Tariff Board has reported that no subsidy is required for this industry because the fair price here compares favourably with the fair price of imported aluminium.

Shri M. Nalk: Am I to understand that raw materials available in the country are not sufficient to manufacture aluminium up to the quantity required to satisfy our requirements?

Shri Mahtab: There is plenty of raw material—enough and to spare. The question is how to use the raw material for the purpose of production.

Shri Krishnanand Rai: May I know the amount of aluminium imported every year?

Shri Mahtab: The total requirement is estimated at 15,100 tons. Out of this, the production is about 3,500 tons. The rest is imported.

Shri Jnani Ram: What is the percentage of aluminium products such as wires that are required for Government use?

Shri Mahtab: Cannot say off-hand.

REHABILITATION LOANS TO STATES

*1013. **Dr. Ram Subhag Singh:** Will the Minister of Rehabilitation be pleased to state:

(a) the names of States to which relief and rehabilitation loans have been given; and

(b) the total amount of money given to them as loans?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) and (b). A statement showing the required information is placed on the Table of the House. [See Appendix VI, annexure No. 31.]

Dr. Ram Subhag Singh: Is it a fact that some State Governments have approached the Government of India for giving them additional loans to meet the emergency expenditure caused by the recent influx of refugees from Pakistan?

Shri A. P. Jain: Yes, that is so.

Dr. Ram Subhag Singh: How much money have they demanded?

Shri A. P. Jain: I believe Rs. 1½ crores.

Dr. Ram Subhag Singh: May I know whether the amount will be sanctioned by Government?

Shri A. P. Jain: Well, some adjustment will have to be made. Perhaps we may be able to get some money from the Finance Ministry.

CLOTH FOR BIHAR

*1014. **Shri S. N. Das:** Will the Minister of Commerce and Industry be pleased to state:

(a) the monthly allotment of cloth to the State of Bihar for the months of January to July, 1951;

(b) the total quantities that were supplied in these months; and

(c) the proportion of *dhoties* and *sarees* to the total quantities of cloth supplied?

The Minister of Commerce and Industry (Shri Mahtab): (a) to (c). A statement is laid on the Table of the House.

STATEMENT

The monthly allotment of cloth to Bihar for the months of January to July, 1951

(Figures in Bales)

| Period | Allotments | Releases | Quantity of dhoties released | Quantity of Saris released |
|---------------|------------|----------|------------------------------|----------------------------|
| January 1951 | 13,909 | 11,272 | .. | .. |
| February 1951 | 9,373 | 7,894½ | .. | .. |
| March 1951 | 13,487 | 13,175½ | 651 | 1,056½ |
| April 1951 | 15,060 | 14,215½ | 1,389½ | 1,011½ |
| May 1951 | 16,417 | 18,183 | 2,631 | 1,330½ |
| June 1951 | 16,459 | 17,774½ | 3,272½ | 1,900½ |
| July 1951 | 19,966 | 21,682 | 4,003 | 1,822 |

Shri S. N. Das: From the statement it appears that less than one-fifth of the total releases so far consists of dhoties and saris. May I know what are the demands made by the State Governments in respect of dhoties and saris?

Shri Mahtab: I cannot exactly say what is the demand of the State Government, here in Bihar. According to the present rules, the State Government representative discusses the demand with the Textile Commissioner, and the latter takes into consideration the total production and accordingly distribution is made. The hon. Member must have read in the newspapers that the Bihar Government have appointed a Liaison Officer to stay in Bombay and arrange the supply of their requirements.

Shri S. N. Das: May I know to what extent the releases of dhoties and saris made so far have satisfied the demands of the State of Bihar?

Shri Mahtab: I cannot say what is the exact demand of the Bihar State, but the hon. Member must have noticed from the statement that the supply of dhoties and saris is steadily increasing from month to month.

Shri S. N. Das: Are Government aware of the normal requirements of the State of Bihar in respect of dhoties and saris?

Mr. Deputy-Speaker: He has said that he has not got the figures.

Shri Krishnanand Rai: Are Government aware that dhoties of 36" width have been released for the home market, which the public is not buying and so there is a glut in the market?

Shri Mahtab: We cannot generalise these matters. That might have been the case in one place, but in other places no such complaint has been received. For instance, in the case of West Bengal the complaint is that they are getting more dhoties than saris and

they want more saris. Thus, you cannot generalise these things. It is a question of demand and supply.

Shri Krishnanand Rai: My question is about something else. I want to know whether it is a fact that dhoties of 36" width have been released for the home market, which nobody is buying.

Shri Mahtab: I do not know. Even supposing that were so, they could not have been released unless the State nominees had lifted their quota. As to how they lifted the quota which was not marketable, I shall make enquiry. But that is not a general complaint.

Mr. Deputy-Speaker: All gentlemen are interested in dhoties I am aware.

Dr. Ram Subhag Singh: May I know, Sir, whether any improvement has been effected in the cloth position in Bihar to what it was in May when the hon. Minister disclosed in this House that the situation would improve by the end of July.

Shri Mahtab: The hon. Member will see from the statement that while supply in January was 10,000 bales in July the quantity supplied was 19,966 bales.

Mr. Deputy-Speaker: Complaints were received some time back that copies of statements in reply to questions were not available in the Notice Office. I, therefore, instructed the Notice Office to note down the names of hon. Members who go and look into these statements. Barring those hon. Members who have tabled questions, I find that no other hon. Members have gone through these statements. To ask for details given in the statement itself without going through them seems to be not desirable.

Shri Ghule: Are Government aware that some mills prepared dhoties of one

yard width under the plea of supplying them to Bihar where people are so poor that they cannot purchase *dhoties* of greater width?

Shri Mahtab: That cannot be a fact because they cannot supply straightway to Bihar, unless allotment is made from those mills. First of all the Textile Commissioner will make allotment; then the State nominee must agree to it. Unless these two conditions are fulfilled no mill can supply any of their produce to any State.

Shri Sondhi: Is it not a fact that *dhoties* of 36" width are being produced in our mills?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): That is shirting; not *dhoties*.

Shri Mahtab: May I bring one fact to hon. Members' notice. They will bear in mind that the supply of the products will depend on the consent of the State nominees. Unless the State nominees agree to lift these quotas.....

Shri Sondhi: I want to know whether they are being produced or not, and if they are produced for what type of people are they produced?

Shri Mahtab: It is produced because there is demand from the State Governments.

Shri Sondhi: From which State?

Shri Mahtab: I want notice for that.

Mr. Deputy-Speaker: There certainly seems to be a general complaint that *dhoties* of the type required by each area are not supplied to it. Madras which usually wants *dhoties* of 4 yards length are supplied with 8 or nine yards while Bengal which usually wants 10 yards are supplied with four yards. I find that a number of hon. Members are interested in this matter. They would therefore send whatever complaint has come to their notice to the hon. Minister.

Shri Mahtab: May I submit that it is for the State Governments to lodge that type of complaint. Are we to go by the requirements of the State Governments or are we to go by the opinions expressed here in the House—that is the problem for us to solve. I have placed before the House the requirements made by the State Governments.

Mr. Deputy-Speaker: We cannot, in the nature of things, go into every

detail here—the hon. Minister cannot be expected to know whether 36" *dhoties* were produced and how much of it. I would therefore request hon. Members, who are interested in the subject to send their questions privately to the hon. Minister and he will answer them after making enquiries.

Shri Goenka: May I know whether the mills manufacture the quality of cloth according to the order of the State Governments or the State nominees, or do they manufacture cloth at their sweet will and ask the State nominees to take them.

Shri Mahtab: That is a very pertinent question. As I have already said from July onwards the State Governments are required to intimate one month ahead their requirements to the Textile Commissioner. On receipt of their requirements the Textile Commissioner controls production accordingly. Therefore, there is no question of their producing something which is not wanted by the State Governments.

Shri Sondhi: That was not the practice before and the mills which produced cloth they liked in April and May have sent their cloth to the market.

Shri Sarangdhar Das: May I know whether it is a fact that retailers while supplying cloth to purchasers compel them to take a certain quantity of cloth which they do not require—for instance, while supplying a *dhoti* a purchaser is compelled to buy some quantity of schintz or mull or voil?

Shri Mahtab: The hon. Member is referring to circumstances which were prevailing about six months back. From July onwards supply is made according to the requirements of the State Governments who give previous notice of their requirements at least one month ahead.

Mr. Deputy-Speaker: Though this is a matter for the State Governments, hon. Members who have received complaints may pass them on to the hon. Minister. If they are not attended to, or if he is indifferent, then the matter may be raised here. These individual complaints cannot be disposed of on the floor of the House. Then there is the half-an-hour discussion also and if hon. Members are dissatisfied with the reply, they can raise it.

MOTOR VEHICLES (EXPORT)

*1015. **Shri S. C. Samanta:** Will the Minister of Commerce and Industry be pleased to state:

(a) how many motor vehicles and how much of motor vehicle spare parts

were exported from India since January, 1950:

(b) what are the restrictions on the export of the above-mentioned articles;

(c) what are the places to which the articles were exported; and

(d) the value of the vehicles and spare parts in comparison with the imported ones?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) 529 motor vehicles valued at Rs. 42,45,388 and motor vehicle spare parts valued at Rs. 4,53,115 were exported from India from January 1950 to the 31st July 1951.

(b) Motor vehicles of Disposals origin are not allowed for export. Export of those assembled in India is considered on merits. On a very limited scale, exports are also allowed of cars which have been in the possession of passengers going abroad. Motor vehicle spare parts of Indian manufacture are allowed to be exported freely, but export of imported vehicle spare parts is considered on merits.

(c) Motor vehicles and motor vehicle spare parts referred to in part (a) of the question were exported to China, Hongkong, Strait Settlements, Australia, Hongkong, Strait Settlements, Australia, Burma, Ceylon, United Kingdom, Singapore, Kuwait, French Indo-China, Thailand, U.S.A., Pakistan, Kenya Colony, Karikal and Pondicherry.

(d) A statement showing comparison of motor vehicles and spare parts exported from India from January 1950 to the 31st July 1951 with those of the imported ones is placed on the Table of the House.

STATEMENT

Comparison of the value of motor vehicles and motor vehicle spare parts exported from India in the period January 1950 to 31st July 1951 with the value of the imported ones in the same period.

| | Value of exported motor vehicles and spare parts in rupees. | Value of imported vehicles and spare parts |
|-----------------------------|---|--|
| Motor vehicles | 42,45,388 | 8,69,15,000 |
| Motor vehicles spare parts. | 4,53,115 | 13,65,61,000 |

सेठ गोंविन्द दास : क्या जिस प्रकार की चीजों को हम बाहर भेजते हैं उसी प्रकार की चीजें हम बाहर से मंगाते हैं। जिस प्रकार की चीजें हम बाहर भेजते हैं उनकी क्या कीमत मिलती है और जिनको बाहर से मंगाते हैं उनकी क्या कीमत देनी पड़ती है ?

[Seth Govind Das: Do we import the same kinds of articles that we export? What are the prices that we receive and pay for those articles which we export and import respectively?]

श्री करमारकर : कीमत के बारे में तो नोटिस चाहिये। जो चीजें हम बाहर से मंगाते हैं उस में से थोड़ी जहां बाहर जरूरत होती है तो हम भेज देते हैं।

[Shri Karmarkar: About prices, I would require notice, Out of those articles which we import, some are re-exported to places where they are in demand.]

Shri S. C. Samanta: With reference to part (c) of the question the hon. Minister stated that motor vehicles and spare parts are exported to U.K. also. May I know, Sir, what special qualities of vehicles are exported to U.K.?

Shri Karmarkar: I would like to have notice of that question.

Shri S. C. Samanta: The hon. Minister stated that 529 vehicles have been exported since January last. May I know the break up of the figure according to Indian made, assembled ones and old ones.

Shri Karmarkar: I should like to have notice of that question.

Shri S. C. Samanta: May I know, why the spare parts that are manufactured here are sent abroad and not used in our country?

Shri Karmarkar: Where they are surplus to our requirements and where we find export profitable to us, we export them.

Shri Amolakh Chand: May I know the countries to which motor vehicles have been exported from India?

Mr. Deputy-Speaker: That is given in reply to part (c) of the question.

Shri Amolakh Chand: I am sorry it related only to export of spare parts.

Shri Krishnanand Rai: May I know whether parts of motor vehicles are exported to China at present?

Mr. Deputy-Speaker: Yes, he has answered it already.

Shri Karmarkar: The answer to the question whether they were exported to China is yes. But I shall find out whether they are being exported at present.

Shri Sondhi: Is it possible for Government to give us some indication as to what types of motor vehicles are exported, because the country needs the vehicles?

Shri Karmarkar: I shall certainly find that out.

Shri Jnani Ram: May I know the value of the spare parts exported last year and this year?

The Minister of Commerce and Industry (Shri Mahtab): Sir, may I say a word in this connection in order to satisfy the curiosity of hon. Members? I am speaking off-hand. The exported vehicles were from the Disposals. The Disposals had a large stock of motor vehicles of special types. When the Disposals stocks were auctioned many firms purchased them and they exported these things. The exports relate to that stock and not to the manufactures.

Shri Sondhi: Some of the imported ones were exported—that is what the Deputy Minister stated.

Shri Karmarkar: What I was referring to was motor vehicles spare parts as the answer itself will make clear. We are importer of motor vehicles and not exporter.

Shri Sondhi: May I take it then that we are not exporting any motor vehicles?

Shri Karmarkar: Subject to correction, no.

Shri S. C. Samanta: May I know whether any other factory except the Hindustan Motors is manufacturing motor vehicles?

Mr. Deputy-Speaker: How does it arise?

Shri Karmarkar: It does not arise, but there are in all three other factories.

WATTLE BARK

*1017. **Shri S. N. Das:** (a) Will the Minister of Commerce and Industry be pleased to state what is the total requirement of wattle bark for the Indian Tanning Industry?

(b) What part of the total requirement is met by imports?

(c) Is there any scheme under operation to make India self-sufficient in this respect?

(d) If so, how long will it take to make India self-sufficient in this respect?

The Minister of Commerce and Industry (Shri Mahtab): (a) About 30,000 tons per annum.

(b) During 1950, about 60 per cent. of our requirements were met by imports of wattle bark and its substitutes.

(c) Yes. The States of Madras, Bombay, West Bengal, Uttar Pradesh, Orissa and Assam are experimenting upon wattle cultivation.

(d) It is not possible to state at this stage when India will become self-sufficient in this respect.

Shri S. N. Das: May I know whether the Central Government gives any financial aid to these States for the manufacture or for the experiments in connection with the manufacture of wattle bark?

Shri Mahtab: I do not think any substantial financial aid is given but technical help is given. As I said, three or four States have already started on a large scale wattle cultivation.

Shri S. N. Das: May I know after what period these States will be able to produce wattle bark from the plantations made?

Shri Mahtab: That I cannot exactly say, that is at what stage we shall become self-sufficient, but I can give some figures. In Madras it seems in three or four years the wattle cultivation has gone up from 412 acres to 1,043 acres. As a result of this increase in cultivation how much is being produced and how far they are meeting the requirements of the industry I cannot say.

Shri S. N. Das: May I know whether any efforts have been made to find out substitutes for wattle bark?

Shri Mahtab: An attempt is being made in the laboratories here to find out a substitute for wattle bark. That is a fact.

Shri Goenka: May I know whether wattle growing is done by the State itself or by private parties in Madras?

Shri Mahtab: By private parties at the instance of the State Government. The State Governments are said to be giving encouragement to wattle cultivation.

COTTON (IMPORT)

*1018. **Shri Kishorimohan Tripathi:** (a) Will the Minister of Commerce and Industry be pleased to state the quantity of cotton imported from America, Egypt and Pakistan during the year 1951 up to date?

(b) How did the prices of imported cotton compare with those prevailing in India?

The Minister of Commerce and Industry (Shri Mahtab): (a) The following quantities of cotton were imported during the period January to July 1951 from:

America—2,56,008 bales of 400 lbs.

Egypt—2,01,586 bales of 400 lbs.

Pakistan—2,021 bales of 400 lbs.

(b) The maximum prices of different varieties of Indian cotton under control during 1950-51 varied from Rs. 675 to Rs. 1,095 per candy, as against an average price of Rs. 2,049 for American, Rs. 3,297 for Egyptian and Rs. 2,880 for Pakistan cotton respectively, for the first seven months of 1951. In view, however, of the differences in the staple lengths spinning quality, etc., a straight comparison between the prices of imported cotton and Indian cotton does not give a correct picture.

Shri Kishorimohan Tripathi: May I know what are the varieties of cotton textiles manufactured in India for which we import this foreign cotton?

Shri Mahtab: Generally speaking, fine and superfine varieties are made out of the imported cotton.

Shri Kishorimohan Tripathi: To what extent does the price of the imported cotton raise the price of the textiles manufactured from that cotton?

Shri Mahtab: I have given the average prices of the imported cotton.

Mr. Deputy-Speaker: How far does the price of the imported cotton influence the prices of textiles manufactured out of it? That is his question.

Shri Mahtab: According to the Tariff Board formula the price of cotton has to be taken into account—whatever the present price, that is calculated—and the prices of cloth are fixed accordingly.

Shri Kishorimohan Tripathi: Are different varieties of yarn mixed together in order to control the prices?

Mr. Deputy-Speaker: He wants to know whether different counts of yarn are mixed together so as to bring down the prices.

Shri Mahtab: Of course that is possible. Some mixture is allowed. In order to have more yarn or more cloth it sometimes so happens that cotton of finer variety from which higher counts can be manufactured is allowed to be mixed with that from which lower counts are manufactured in order to give more production of yarn, and some allowance is given to the mills in order to do that.

Shri Sidhva: May I know whether the identical quality of *deshi* cotton which is used for manufacturing medium type of cloth is being imported from any of these countries for meeting our requirements for the production of medium type of cloth?

Shri Mahtab: That is our difficulty. If Pakistan cotton is available in large quantities the production of medium and coarse cloth would not have been so difficult. But the fact is we do not have it. And the foreign cotton imported from America and Japan does not give medium and coarse cloth.

Shri B. K. Das: May I know whether the quantity of cotton imported from Pakistan is according to the value in our Trade Agreement with Pakistan?

Shri Mahtab: In regard to cotton there was no agreement. It was simply stipulated that the trade will be free. But the traders did not bring in that cotton because of its price. The price of Pakistan cotton is about Rs. 2,800, as I have said against our control price here of Rs. 850. Therefore the cloth manufactured out of that will not be sold and will not find a market here.

Shri B. K. Das: Has the position changed in any way since?

Shri Mahtab: We are watching the situation. The Pakistan Government have recently reduced their export duty. I do not know actually how the position will stand as a result thereof, but we are carefully watching the situation.

Shri Sidhva: Under the Agreement was it not stipulated that they should supply this cotton to India?

Shri Mahtab: There was no question of agreement. The trade was made

free. Therefore there was no stipulation that they would supply so much or we would import so much—as in the case of jute. There was a stipulation only with regard to jute and food-grains and certain other commodities—not with regard to cotton.

Shri S. N. Das: Since the Pakistan Government has removed the excise (export) duty on cotton may I know whether there is going to be any difference or change in the cotton import policy of the Government of India?

Mr. Deputy-Speaker: He has stated that he is watching the situation. Next question.

SODA ASH AND COARSE YARN

*1019. **Shri Kishorimohan Tripathi:** (a) Will the Minister of Commerce and Industry be pleased to state the increase or decrease in production during the year 1951 up-to-date as against the year 1950 in respect of each of the following commodities;

(i) Soda Ash; and

(ii) Coarse yarn?

(b) What were the prices of these commodities in India during each of the said two years?

The Minister of Commerce and Industry (Shri Mahtab): (a) and (b). A statement is laid on the Table of the House. [See Appendix VI, annexure No. 32.]

Shri Kishorimohan Tripathi: The statement shows that the production of coarse yarn has gone down during the period January-June 1951. May I know the reasons for the same?

Shri Mahtab: Short supply of cotton—because on many occasions I have said that the production of coarse and medium yarn especially is going down.

Shri Kishorimohan Tripathi: The statement also shows that the prices of coarse yarn, particularly 16 counts varieties, single, have risen during the period January to April 1951. What are the reasons?

Shri Mahtab: The hon. Member must have known that the price of cotton was allowed to be increased towards the end of 1950 and therefore the necessary increment was allowed in the case of yarn.

Kaka Bhagwant Roy: The hon. Minister stated that the fall in production is due to the short supply of *deshi* cotton. May I know how much cotton we are exporting every year?

Mr. Deputy-Speaker: Has any cotton been exported?

Shri Mahtab: That is known as Bengal *deshi* cotton, and about 2 lakhs of bales were allowed to be exported. Out of this, because of the price factor, about 20,000 bales were not taken by the U.S.A. and we are trying to use that here. Only that type of cotton which cannot be used here is allowed to be exported.

Kaka Bhagwant Roy: What type of cotton is used in this coarse yarn?

Shri Mahtab: I cannot name the variety of cotton but the hon. Member knows that the total production of Bengal *Desi* cotton is taken into account. The quantity which can be used in the mills is also taken into account and the remainder is allowed to be exported. Today the position is that on account of the price factor that cotton also is not being exported. Even the licenses which were issued for export have been remaining pending. Nobody is taking out these licenses.

Mr. Deputy-Speaker: Next question.

PIG IRON

*1020. **Shri Alexander:** (a) Will the Minister of Commerce and Industry be pleased to state how much iron ore was exported in the year 1950 and to what countries?

(b) Is it a fact that some process has been discovered recently by scientists for the conversion of low grade iron ore into high grade and thus facilitate its extraction?

The Minister of Commerce and Industry (Shri Mahtab): (a) 55,322 tons—Czechoslovakia, Japan, Netherlands, Rumania, Germany.

(b) Yes.

Shri Alexander: May I know whether the Government have any scheme for establishing a fresh blast furnace?

Shri Mahtab: The original scheme was to set up two steel plants. Now the scheme is to set up some blast furnaces to produce the pig iron. We are following that scheme and we have approached several private firms to produce schemes for producing pig iron.

Shri Sondhi: Indian firms?

Shri Mahtab: Yes, Indian firms.

Shri Alexander: When is that scheme likely to come into operation?

Shri Mahtab: That scheme of producing pig iron depends on the private firms. First of all they have to prepare

the schemes and submit it to Government for examination and so far as Government are concerned, they are very anxious to see that the production of pig iron is increased, because it is apprehended that by 1954 many foundries will close down for want of pig iron. Therefore from now on, an attempt is being made but nobody knows whether that attempt will be successful.

Shri Alexander: With reference to answer to part (b), regarding scientific knowledge for converting this low grade ore to high grade ore, may I know whether any attempt is made in India to utilize our low grade ore?

Shri Mahtab: It is not necessary to make that experiment on a large scale here because high grade ore is sufficiently available here in India. I may say for the information of the hon. Member that the National Metallurgical Laboratory have installed a pilot plant to make the experiment of this scientific research.

STATUTORY AND NON-STATUTORY BODIES

*1921. **Shri S. N. Das:** Will the Prime Minister be pleased to state:

(a) the number and names of statutory and non-statutory bodies of permanent nature functioning under the direct administrative control of the External Affairs Ministry giving the following information in each case.

- (i) the year of their constitution;
- (ii) the recurring annual expenditure;
- (iii) the provision for the audit of their accounts; and
- (iv) the method of submission of the report of their activities;

(b) the number and names of such ad-hoc committees as were appointed by the Ministry since the 15th August, 1947 and which have finished their work; and

(c) the number and names of ad-hoc Committees which are still functioning, giving the date of their appointment and the time by which they are expected to finish their work?

The Deputy Minister of External Affairs (Dr. Keskar): (a) A statement containing the requisite information is laid on the Table of the House. [See Appendix VI, annexure No. 33.]

(b) None.

(c) A statement containing the requisite information is laid on the Table of the House. [See Appendix VI, annexure No. 34.]

LISTS OF IMPORT LICENCES

*1024. **Shri S. C. Samanta:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether weekly lists of import licences are issued by C.C.I., D.C.C.I., and I.T.C.;

(b) if so, the main objects of issuing those lists;

(c) whether there are any delays in issuing and publishing those lists;

(d) the dates on which those weekly lists were issued and published in the year 1951;

(e) whether those lists are kept ready for sale to the public; and

(f) whether exact details of licences are published in the lists?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) Yes.

(b) The main object of issuing the lists is to enable trade and industry to know the names of parties who have been granted import licences and thereby give an opportunity to them to bring to the notice of Government any criticism that they may like to make. Further, these lists provide useful statistical data.

(c) Yes.

(d) A statement is placed on the Table of the House. [See Appendix VI, annexure No. 35.]

(e) The supply of the lists is at present restricted to the Chambers of Commerce and Trade Associations recognised by the Ministry of Commerce and Industry.

(f) Yes. Specimen copies of these statements are available in the Library of the House.

Shri S. C. Samanta: In reply to part (b) the hon. Minister has stated that that main object of issuing the lists is to enable trade and industry to know the names of parties who have been or are to be granted import licences etc. and in part (e) of his reply, he has stated that the supply of the lists is at present restricted to the Chambers of Commerce and Trade Associations. May I know why the trade interests who take to export and import are not allowed to buy these things by arrangement? What arrangements have been made for this purpose?

Shri Karmarkar: I thought that trade and industry were given access to the Chambers of Commerce and Trade Associations. My hon. friend will

appreciate that any trader or any industrialist who wants to have a look at these lists can do so. These lists are distributed to all parts of India and they are available to them.

Shri S. C. Samanta: Except in our offices, may I know in which public places are these lists put up?

Shri Karmarkar: I am afraid the hon. Member is under a misapprehension. It is not only in our offices that these lists are available. These are available in the Chambers of Commerce and Trade Associations which are public bodies and today any member of the public has access. It is there that we send them. Of course, our offices also receive these lists, but that is another matter.

Shri S. C. Samanta: May I know why there are delays in the despatch and receipt of these lists at different places?

Shri Karmarkar: The hon. Member will see that at headquarters the distance of time is about 2 months and at the Port Offices 3 or 4 months' time. We are trying to minimize the delay but till now the delay has been there.

Mr. Deputy Speaker: The hon. Member wants to know why there is such a difference in time between the despatch of the lists from the headquarters and at the Port Offices.

Shri Karmarkar: After the licenses are granted they are collated. It is fairly a heavy list and we do not issue them in driblets. The whole thing has to be compiled and done in a systematic way, so that no errors creep in and hence so much time is there.

Mr. Deputy-Speaker: In the statement it is seen that the weekly list was despatched on 9th March 1951 and the date of receipt is 17th May 1951. How can that be?

Shri Karmarkar: I am sorry, that is not the correct reading of it. The week ended on 6th January 1951 and the date of despatch of that list from headquarters is 9th March 1951 and over the same week the date of receipt of the list from Bombay by us is 17th May 1951. So the time taken by us is 2 months and the time taken by Bombay and other ports is a little more. We are trying to minimize that. The list gives the date on which they were issued and the date on which they were received from the port offices, to show what time is taken. We have told them not to take so much time.

Shri Goenka: Am I to understand from the hon. Minister that the Chambers of Commerce and other Trade

Associations to whom these lists are sent are public bodies where the public can have access? Is it that anyone of the public can go to any of the Chambers of Commerce or any of the commercial bodies and have the information they like?

Shri Karmarkar: I thought that my hon. friend well understood the answer when I said that the public has access. What I meant was the public, i.e., those who are members of the respective organizations have access. As my hon. friend also knows various Chambers of Commerce and other trade organizations are spread all over the country and they are accessible to the traders and industrialists in the respective areas.

Shri S. C. Samanta: Government have sanctioned the entry of newcomers and other private enterprises also. May I know what arrangements have been made for them to receive the lists in time except from those Chambers of Commerce and Trade Associations?

Mr. Deputy-Speaker: They are available at the Port Offices. Each of our offices have also got these lists.

Shri Karmarkar: We have till now not received a single complaint regarding these lists.

Short Notice Question and Answer

FAST FOR FORMATION OF A SEPARATE ANDHRA STATE

Prof. Ranga: Will the Prime Minister be pleased to state:

(a) whether Government propose to make a statement regarding the Andhras who are fasting since the 15th August 1951, for the formation of a separate Andhra State (i) about their health and loss of weight; and (ii) their demands;

(b) whether Government have received any communication from the All-Party Convention held under the Presidentship of Barrister Lakshminarayana at Guntur on the 30th August 1951;

(c) whether Government have taken note of a representation sent by Swami Sitaram to the President of the Union of India at his Hyderabad Camp;

(d) whether the Prime Minister has sent any communication to Swami Sitaram either directly or through the Chief Minister of Madras;

(e) whether Government have received any communication from the Madras Chief Minister and if so, what is the gist of his representation;

(f) whether Government are aware that more and more Andhras are join-

ing Swami Sitaram in his fast and that batches of volunteers from different parts of Andhra are marching to Guntur where Swamiji and his party are fasting and are themselves going to fast; and

(g) what Government propose to do in order to relieve the anxiety of the Andhras about the lives of the prominent men of Andhra and their long-standing demand for Andhra State?

The Prime Minister (Shri Jawaharlal Nehru): (a) Some information has already appeared in the Press and some correspondence has been released; beyond this Government have no information to give in respect of this part of the question.

(b) Yes.

(c) Yes.

(d) Yes.

(e) Correspondence between State Governments and this Government is generally not published and will serve no useful purpose in the present case, if published.

(f) Government have no information, but are of the opinion that undertaking fasts on such issues is not proper or democratic.

(g) Government have done all that they can do now. A communication sent to the Chief Minister of Madras, which he was requested to forward to Swami Sitaram, is laid on the Table of the House. This will indicate what Government have done. [See Appendix VI, annexure No. 36.]

Prof. Ranga: Is it not a fact that the Three-Man Committee of which my hon. friend the Prime Minister was a Member had suggested to the Andhras that they should be willing to give up their claims over the city of Madras to form a part of the Andhra province, and the Congress Working Committee had accepted it and the Andhra Provincial Congress Working Committee at its meeting held on 11th November 1949 had accepted that condition, and therefore the only important condition prescribed by the Three-Man Committee and accepted also by the Government was satisfied by the Andhras and there is no more point to be satisfied today?

Shri Jawaharlal Nehru: It is fact, as stated by the hon. Member, that the Three-Man Committee specially referred to the question of the city of Madras as one important element in this, and I believe it is also a fact that the Andhra Provincial Congress Committee passed some Resolution. But, the hon. Member knows very well that ever since then a good deal of doubt

has been cast upon this and what Government have been suggesting is that all these doubts should be removed by the parties. It is easy enough. If the hon. Member thinks that expedition is required, the organisations concerned can also function urgently and not wait for something to happen, and remind us of something that happened two years ago.

Prof. Ranga: Is it not a fact that the President of the Karnataka Provincial Congress Committee, Tamil Nad Congress Committee and the Andhra Provincial Congress Committee had met the hon. Prime Minister and assured him that they are not aware of any more new doubts cast in regard to this and even said that they are quite willing to accept the present jurisdiction of the Andhra Provincial Congress Committee minus the Madras City and therefore the Andhra State can be formed?

Shri Jawaharlal Nehru: That is not completely a fact though it is largely true. People have spoken to me vaguely and sometimes orally. As a Government we cannot proceed on vague statements made without precision, which, as a matter of fact, have been challenged by some other people even now. The position, as far as I can see, is quite simple and easy to deal with, provided the suggestions made by the Government are accepted and the important organisations concerned and the Government of Madras can express their agreement to certain general formulae which could be acted upon later.

Prof. Ranga: The Prime Minister himself has said now that these organisations should not go on leisurely, but that they should take expeditious action. Even this is likely to take some time. In view of the fact that today is the 28th or 29th day of the fast of Swami Sitaram and his colleagues, including a well known Andhra woman leader, Shrimati Durga Amma, is it not possible for the Prime Minister himself to be satisfied with the statements made to him personally by the three Presidents and the concerned Provincial Congress Committees and himself take some expeditious action? How do the Government justify their own leisurely way of moving in this matter?

Shri Jawaharlal Nehru: I do not understand the hon. Member's suggestion that Government have taken it in a leisurely way. Government have indicated precisely, definitely and most expeditiously the steps to be taken, not today but nearly 10 or 12 days ago or two weeks ago. Everything could have

been done in 48 hours. I understand they are proceeding about the business and they are also meeting in a day or two. But, I must confess that this proposition that because respectable people fast, the whole administrative procedure of Government should be upset is a proposition which I cannot accept. May I point out to the House that in fact I have been told by some people who do not like this that they will go on fast against this business? We cannot allow people to fast against each other.....

Prof. Ranga: It is no good trying to take shelter under that statement.

Shri Jawaharlal Nehru: I am not trying to take shelter; but I do wish to say precisely and definitely that Government will not submit to fasts; they will submit to facts and not fasts.

Shri Kala Venkatarao: May I know whether the Prime Minister is aware that Swami Sitaram has stated that unless the question of the city of Madras is left to arbitration, he is not going to stop his fast?

Shri Jawaharlal Nehru: There it is; the hon. Member will observe the difficulties.

Shri Kala Venkatarao: May I know, irrespective of the fast of Swami Sitaram, if the Provincial Congress Committees of Tamil Nad, Andhra and Karnataka as well as the Government of Madras are prepared to give it in writing that they will support in general the report of the Madras Partition Committee of 1950, the Government of India will be prepared to act quickly and see that the Andhra Province is formed at an early date, if not before the General Elections?

Shri Jawaharlal Nehru: If the various bodies concerned in this matter express their general agreement over the various issues, Government is certainly prepared to proceed irrespective of Swami Sitaram's fast.

Shri Sivan Pillay: May I know whether any organisation in the Rayalaseema has opposed this province?

Shri Jawaharlal Nehru: I have received a communication from them to this effect.

Shri Kala Venkatarao: May I know from the Prime Minister whether that particular organisation referred to by my hon. friend who comes from Kerala is a thing which belongs to three talukas in Andhra desa?

Shri Jawaharlal Nehru: I do not know the exact extent of its jurisdiction.

Prof. Ranga: Is it not a fact that the President of that organisation, the Rayalaseema Sabha today happens to be the President of the Provincial Congress Committee also and the Provincial Congress Committee is confidently expecting to pass a resolution which my hon. friend the Prime Minister just now mentioned?

Mr. Deputy-Speaker: The Prime Minister need not answer that.

Shri Kamath: Am I to understand that the Prime Minister will stand by the assurances given in the old report popularly known as the J.V.P. report as regards this matter?

Shri Jawaharlal Nehru: Generally speaking, yes; it is rather a vague and general question.

Prof. Ranga: Is not the hon. Prime Minister aware of the fact that Governments in the past, e.g., the predecessor Government, had had to take notice of fasts undertaken by satyagrahis of the same party, who happened to be their masters also? Similarly, this Government also will not be doing anything wrong in taking notice of this and trying to do justice to the people.

Shri Sondhi: We have taken notice.

Prof. Ranga: No; he says it is wrong.

Shri Jawaharlal Nehru: I do not suppose it will serve any useful purpose to discuss the desirability of fasts being undertaken for any particular purpose. I am not prepared to say that nobody should ever fast for any purpose. Certainly if he feels strongly about a matter of conscience, he might do it. But surely such a fast normally speaking, should not be undertaken first of all where there are other ways open. Secondly it should not be taken over what might be called administrative matters. They affect many parties concerned. A fast compelling the Government perhaps one can understand; but here it means compelling others concerned who do not agree with that view. So this creates great difficulties.

Shri Kala Venkatarao: In view of the fact that Satyagraha is a moral affair, is it not immoral on the part of those who fast to force the Andhra Committee to go back on its decision to which Prof. Ranga was a party to leave out the city of Madras?

Mr. Deputy-Speaker: There are two more Short Notice Questions and they stand in the name of Shri Sondhi. They concern the hon. Minister of Food and Agriculture and he has intimated to me that he is not well and therefore, this question may be taken up on

Monday. What is the reaction of the hon. Member to this suggestion?

Shri Sondhi: I agree, Sir.

Mr. Deputy-Speaker: Then these will stand over for Monday.

WRITTEN ANSWERS TO QUESTIONS

YARN QUOTAS

***1016. Pandit Munishwar Datt Upadhyay:** (a) Will the Minister of Commerce and Industry be pleased to state what are the quotas of yarn allotted to different States?

(b) Has the recent change in the textile policy of Government affected the yarn and cotton supply position to the States?

(c) What is the proportion of allotment of yarn to the mills, powerlooms and handlooms?

The Minister of Commerce and Industry (Shri Mahtab): (a) A statement is laid on the Table of the House. [See Appendix VI, annexure No. 37.]

(b) There has been an increase in the production of yarn by mills and combined with the restrictions on the export of yarn, supplies for internal consumption have improved during recent months. There has however been no change in the cotton supply position.

(c) The States distribute the quotas of yarn allotted to them among the various consumers of yarn in the States according to the local conditions.

ADJUDICATION OF BANK DISPUTES

***1022. Pandit Munishwar Datt Upadhyay:** (a) Will the Minister of Labour be pleased to state what are the points of reference to the new Tribunal appointed for the adjudication of the disputes between the Banking Companies and their employees under the chairmanship of Shri H. V. Divatia?

(b) What was the attitude adopted by the Board of Conciliation appointed by the Government for the settlement of these disputes?

(c) Why is the question of the dismissal of 150 employees of the Punjab National Bank being dealt with separately?

(d) Who is to decide the cases of these 150 dismissed employees of the Punjab National Bank?

The Minister of Labour (Shri Jagjivan Ram): (a) Thirty-six issues relating to the terms and conditions of

service of employees have been referred to the *ad hoc* Industrial Tribunal constituted by Government for the adjudication of disputes in banking companies. They are listed in Schedule II of Government's Notification S.R.O. 1079, dated the 17th July, a copy of which is placed on the Table of the House. [See Appendix VI, annexure No. 38.]

(b) The Board of Conciliation (Bank Disputes) could not function owing to certain differences between the employers and employees and, therefore, had to be wound up.

(c) and (d). As the 150 dismissed employees do not receive any wages or subsistence allowance, speedy adjudication of their case is very essential. The main adjudication which involves a large number of important issues may take several months. It was felt that the case of the dismissed employees should not be delayed because of the other issues pending before the main tribunal. Hence a separate tribunal presided over by a retired High Court Judge was set up for that purpose.

YEAST

***1023. Shri V. K. Reddy:** (a) Will the Minister of Commerce and Industry be pleased to state what is the total quantity of yeast annually produced in the country?

(b) What is the quantity of yeast annually required in the country?

(c) What are the countries exporting yeast to India?

(d) What is the protection given to this industry by Government?

The Minister of Commerce and Industry (Shri Mahtab): (a) The production of yeast started in India in April, 1950, and the following quantities have been produced since then:

April to December, 1950—60,237 lbs.

January to June, 1951—28,440 lbs.

(b) The present requirements are very small but they may go up to 3,000 tons per annum if the use of Food Yeast is popularised in the country.

(c) Mainly the United Kingdom and Australia.

(d) The production of food yeast in India being very small, the question of Tariff protection does not arise at this stage.

EXPORT DUTY ON RAW WOOL

*1025. **Pandit M. B. Bhargava:** (a) Will the Minister of Commerce and Industry be pleased to state for what purpose the export duty of 30 per cent. was imposed on raw wool?

(b) Was the interest of the producers of wool taken into consideration before imposing this export duty of 30 per cent. and if so, in what way?

(c) Were the trade and the allied interests taken into consideration before imposing this duty and if not, why not?

The Minister of Commerce and Industry (Shri Mahtab): (a) The export duty on raw wool was imposed with a view to appropriate a portion of the advantage of high world price of wool to the public Exchequer and also to prevent inflation of prices of raw wool in India.

(b) As stated in reply to part (a) of the question the high world prices of wool were already benefiting the producers to a great extent.

(c) Yes. All interests were taken into consideration before fixing the duty.

SURPLUS STOCKS OF WOOL

*1026. **Pandit M. B. Bhargava:** (a) Will the Minister of Commerce and Industry be pleased to state whether Government are aware that huge stocks of wool are lying surplus to the extent of about 10 million lbs. at the ports, in *mundies* and in villages?

(b) Are Government also aware that supplies from new shearings amounting to a surplus of 25 million lbs. have just started coming in, which will add further to the stock position and create financial distress?

(c) Are Government aware that wool cannot be held in stock for a considerable time without deterioration in the quality and the price being affected?

(d) If so, what steps do Government propose to take to relieve the distressed conditions prevailing among the producers and traders?

The Minister of Commerce and Industry (Shri Mahtab): (a) Representations have been received about the accumulation of stocks of raw wool in the country but the actual quantity of surplus stock, if any, is difficult to ascertain.

(b) The question is receiving close attention and Government will soon announce its export policy for raw wool for the year commencing 1st October 1951. It is not anticipated that there will be any financial distress.

(c) Deterioration of wool depends on method of storage. With proper storage it can be kept for a long period without appreciable deterioration.

(d) Fresh quota for export of raw wool will be announced shortly. During the wool year October 1950 to September 1951, surplus wool available has been allowed to be exported.

WOOL EXPORT POLICY

*1027. **Pandit M. B. Bhargava:** (a) Will the Minister of Commerce and Industry be pleased to state whether the attention of Government has been drawn to the All India Radio announcement on the morning of the 16th July, 1951 on the basis of figures collected by the Ministry of Food and Agriculture that the sheep population of India is 35 million heads producing 77 million lbs. of indigenous raw wool?

(b) If so, are these figures correct?

(c) Is the wool export policy of Government based accordingly?

(d) Is it a fact that the export duty was imposed on *ad valorem* basis?

(e) How do Government propose collecting duty on consignment basis?

(f) Are Government aware that the Customs authorities at Bombay and Bedi Bunder procure from the traders bonds setting out two different methods of collecting duty and if so, what is the reason for this?

The Minister of Commerce and Industry (Shri Mahtab): (a) to (c). The Government are aware of the announcement. The figures of sheep population and annual production of raw wool so announced are however incorrect as they were based on an erroneous compilation of statistics. The correct figures are 38 million head of sheep and 55 million lbs. of raw wool and the export policy of the Government is based on these figures.

(d) Yes.

(e) A provisional assessment of export duty is made at the time of export on the value shown in the *pro forma* invoice increased by 25 per cent., and the assessment is finalised later on, on the basis of the net sale proceeds of the goods.

(f) The hon. Member is probably referring to two different principles governing the finalisation of the export duty, i.e., (1) collection of extra duty where the net sale proceeds are higher than the value in the *pro forma* invoice, and (2) confirmation of the provisional duty as final in cases where the net sale proceeds are lower than the value in the *pro forma* invoice. It has now been decided that under (2) also the duty will be finally assessed on the basis of the net sale proceeds.

TRAINING NEPAL POLICE OFFICERS

*1028. **Shri Rathnaswamy:** Will the Prime Minister be pleased to state:

(a) whether it is a fact that India has agreed to help Nepal in respect of training Nepal police officers;

(b) whether this training includes other ranks also;

(c) whether this training is spread over a number of years;

(d) whether the Nepal Government has agreed to meet the cost of training; and

(e) what is the type of training proposed to be given?

The Deputy Minister of External Affairs (Dr. Keskar): (a) to (e). The Nepal Government enquired some time ago whether arrangements for training could be made and the Government of India have expressed their willingness to help them. The details are being worked out.

FOOD FOUNDATION DELEGATION

*1029. **Shri Rathnaswamy:** (a) Will the Prime Minister be pleased to state whether it is a fact that Mr. Paul Hoffman, Leader of the Food Foundation Delegation has visited India in connection with the financing of Indian projects?

(b) Who are the members that constituted this delegation?

(c) What is the extent and shape of help and assistance promised by this Foundation?

(d) Did this delegation have a talk with the Planning Commission and if so, with what result?

The Prime Minister (Shri Jawaharlal Nehru): (a) Yes.

(b) The Delegation from the Ford Foundation consisted of—

Mr. Paul G. Hoffman,

Mr. Chestor C. Davis,

Mr. John B. Cowles,

Mr. John B. Howard, and

Mr. Paul H. Helms.

(c) It is understood that the trustees of the Ford Foundation have earmarked about one-third of the funds at their disposal amounting to 25 million dollars a year for work overseas. The precise amount of assistance which the Foundation could give to projects in India has still to be determined, as the projects to be selected are under examination; and

(d) The members of the Delegation discussed with the Planning Commis-

sion a number of projects which could be assisted by the Ford Foundation.

RAW JUTE (PRICES)

*1030. **Shri Barman:** (a) Will the Minister of Commerce and Industry be pleased to state the condition of jute market at Calcutta and the fall in prices of raw jute in rural areas?

(b) If there is a slump, what are the reasons therefor?

(c) What is the cost price of raw jute in the current year of production and what is the price at which raw jute is selling?

The Minister of Commerce and Industry (Shri Mahtab): (a) and (b). Soon after decontrol of prices on 10th March, 1951, raw jute prices shot up both in the Calcutta and the *mofussil* markets. In early June the prices at Calcutta rose to the highest level. The rise in prices was due to the highest level. The rise in prices was due to the demand being far in excess of the availability and also partly to speculative activities. Since the middle of June the Calcutta market has become easy and the prices have been falling. In *mofussil* markets also the prices have fallen. No one expected that prices could possibly remain at the very high level to which they had risen after decontrol. Generally speaking, the causes for fall in prices are:

(i) Lack of mills' buying interest at high prices,

(ii) Reports of a very favourable crop both in India and Pakistan,

(iii) Fall in the prices of jute manufactures,

(iv) Increasing arrivals of raw jute in *mofussil* markets.

(c) The cost of production per maund in the current year may be roughly put at about Rs. 32. Selling prices vary at different centres. The price at Belakoba in West Bengal was about Rs. 50 per maund about the middle of August 1951 when the Calcutta price was Rs. 57. The prices for Jat Middles and Jat bottoms on 10th September 1951 at Calcutta were quoted at Rs. 58 and Rs. 53 per maund respectively.

NON-MUSLIMS IN PAKISTAN-HELD PART OF KASHMIR

*1031. **Shri Raj Kanwar:** (a) Will the Prime Minister be pleased to state what is the approximate number of Hindus and Sikhs believed to be still

left in that part of the Jammu and Kashmir State held by Pakistan?

(b) What is the agency, governmental or private, which looks after their interests?

The Prime Minister (Shri Jawaharlal Nehru): (a) As stated in answer to Question No. 695 on the 8th March 1950, a considerable number of non-Muslim subjects of the Jammu and Kashmir State are still on the other side of the cease-fire line, but the Government of India have no means of ascertaining exact or even approximate figures.

(b) It is not possible for the Government of India to have any agency, governmental or private, to look after the interests of these people, as the areas concerned are occupied by Pakistan. It is only in regard to the recovery of abducted women that we have received some co-operation from the Government of Pakistan.

CLOTH AND YARN FOR ORISSA

*1032. **Shri M. Nalk:** (a) Will the Minister of Commerce and Industry be pleased to state the normal quarterly requirements of cloth and yarn for the State of Orissa?

(b) What have been the allotments of cloth and yarn made up-to-date for the State as a whole since the beginning of the year and what is the total off-take by the State as against the total allotments?

(c) Is it a fact that quotas allotted to the State contain large proportions of goods not usually saleable locally?

The Minister of Commerce and Industry (Shri Mahtab): (a) The quarterly quota of cloth and yarn of the Orissa State based on monthly allocations come to 22,410 bales of 1,500 yards each of cloth and 7,569 bales of 400 lbs. each of yarn.

(b) A statement is laid on the Table of the House.

(c) No.

STATEMENT

Quantities of cloth and yarn made available to Orissa in each month

from January to July 1951 and quantities received by the State.

CLOTH

| Months | Quantities released (bales) | Quantities exported (bales) |
|--------------|-----------------------------|-----------------------------|
| January 1951 | 3615½ | 3353½ |
| February " | 1651 | 1998½ |
| March " | 3792½ | 2401½ |
| April " | 5194½ | 2410½ |
| May " | 5916 | 3513½ |
| June " | 5911½ | 5944 |
| July " | 8419½ | 5313 |

YARN

| Month | Quantities made available (bales) | Quantities actually received (bales) |
|--------------|-----------------------------------|--------------------------------------|
| January 1951 | 2716 | 1426 |
| February " | 2116 | 1852 |
| March " | 1836 | 1858 |
| April " | 2461 | 1971 |
| May " | 2581 | 2424 |
| June " | 2489 | 1584 |
| July " | 2357 | 2409 |

SUSPENSION OF OFFICERS

*1033. **Shri V. K. Reddy:** (a) Will the Minister of Commerce and Industry be pleased to state whether it is a fact that a number of officers of the Export and Import Departments have been suspended for alleged cases of bribery and corruption?

(b) If the answer to part (a) above be in the affirmative, what is the number of such officers suspended?

The Minister of Commerce and Industry (Shri Mahtab): (a) and (b). 18 officers of the Import Control Organisation—6 gazetted and 12 non-gazetted—are under suspension pending departmental enquiries, police investigations and proceedings before courts. Of these, only 3 relate to allegations of corruption; the others relate to allegations of various irregularities. In all cases except one, which is pending appeal in a court of law, the proceedings are still in the enquiry stage. I would remind hon. Members that the object of suspension is to facilitate enquiry and it would be incorrect to draw any inference regarding the guilt or responsibility of the person concerned from the mere fact of suspension.

OIL REFINERIES

***1034. Shri Kamath:** Will the Minister of Works, Production and Supply be pleased to state:

(a) whether it is proposed to set up oil refineries in India;

(b) if so, whether the details about their management, capital and operation have been worked out; and

(c) whether Government will make as complete a statement as possible on the subject?

The Minister of Works, Production and Supply (Shri Gadgil): (a) There is no proposal to set up oil refineries in India but the Government of India desire that one or two large refineries should be erected for the purpose of refining imported crude oil.

(b) Government invited proposals from the three major Oil Companies operating in India in 1949 but they have not put forward any concrete scheme so far. Information has also been given to other Companies interested in the Project.

(c) The question is premature at this stage.

WELFARE FUND COMMITTEES

***1036. Shri A. Joseph:** Will the Minister of Labour be pleased to state:

(a) the number of Welfare Fund Committees having a district collector as its Chairman in mines areas;

(b) the number of Chairmen of these Committees belonging to the Government of India services; and

(c) the steps Government propose to take on the memorandum which was submitted by the labourers at Gudur on the 22nd July, 1951?

The Minister of Labour (Shri Jagjivan Ram): (a) One, namely the Mica Mines Labour Welfare Advisory Committee for Madras.

(b) The other Welfare Fund Committees in the mining areas are the Mica Mines Labour Welfare Fund Advisory Committee for Bihar and the Coal Mines Labour Welfare Fund Advisory Committee. An officer of the Bihar Government is the Chairman of the former, and Secretary to the Government of India in the Ministry of Labour, is the Chairman of the latter.

(c) Most of the points mentioned in the memorandum, namely, wages, leave, bonus, housing, medical facilities, drinking water, rations, increase in cess, etc. have been referred to the Industrial Tribunal at Dhanbad for adjudication. The award of this Tribunal is still awaited. The Mica Mines

Labour Welfare Fund has also undertaken in the mining areas in Madras Welfare measures relating to medical, educational and recreational facilities, establishment of a provision, store, etc.

LICENCES FOR SALE OF CLOTH

***1037. Shri A. Joseph:** Will the Minister of Commerce and Industry be pleased to state:

(a) the number of applications received from Harijans for wholesale and retail licences for cloth in Part C States;

(b) the number of licences granted to Harijans in those States; and

(c) whether there are applications from Harijans outstanding in the Centrally Administered Areas?

The Minister of Commerce and Industry (Shri Mahtab): (a) to (c). The information is being collected.

INDIANS IN SOUTHERN IRAN OIL FIELDS

***1038. Shri Kamath:** Will the Prime Minister be pleased to state:

(a) whether it is a fact that the Anglo-Iranian Oil Company has ordered all Indian staff to evacuate Southern Iran oil fields;

(b) the reasons why such action has been taken;

(c) the number of Indians affected by the order;

(d) what arrangements have been made for their evacuation, and by whom; and

(e) whether they are being repatriated?

The Prime Minister (Shri Jawaharlal Nehru): (a) and (b). The Oil Refinery at Abadan was finally closed down on the 31st July 1951. The oil fields have also stopped production. The A.I.O. Company therefore decided to send away as many of the foreign employees as possible on special leave.

(c) In July last, the number of Indian employees of the Company was 600. This came down to 530 by the end of last month. It is understood that about 150 Indian employees will be retained to maintain essential services.

(d) and (e). The evacuation of the Indian employees of the A.I.O. Company will be both by ship and by plane under the Company's arrangements.

ARREST OF AN ASSISTANT CONTROLLER
OF EXPORTS

232. **Shri Kamath:** Will the Minister of Commerce and Industry be pleased to refer to the answer given to my unstarred question No. 93 asked on the 23rd August, 1951 regarding arrest of an Assistant Controller of Exports and state:

(a) whether prosecution has been ordered; and

(b) if not, at what stage the matter rests?

The Minister of Commerce and Industry (Shri Mahtab): (a) No.

(b) The case is now in the hands of the Chief Police Prosecutor, Bombay, who is completing all preliminaries necessary for the prosecution.

TRADE UNIONS

233. **Shri A. C. Guha:** Will the Minister of Labour be pleased to state:

(a) the income of the Trade Unions in India during the years 1947-48, 1948-49, and 1949-50;

(b) the expenditure during those three years; and

(c) the number of Trade Unions that have submitted their accounts during those three years?

The Minister of Labour (Shri Jagjivan Ram): (a) to (c). A statement giving the required information in so far as registered trade unions are concerned is laid on the Table of the House.

STATEMENT

Income and Expenditure of Registered
Trade Unions in India

| | 1947-48 | 1948-49 |
|--|-----------|-----------|
| | Rs. | Rs. |
| (a) Income of trade unions | 56,28,323 | 58,83,062 |
| (b) Expenditure of trade unions | 44,49,414 | 55,14,672 |
| (c) Number of trade unions submitting accounts | 1,657 | 1,848 |
| (d) Total number of registered trade unions | 2,766 | 3,150 |

*1949-50
Rs.

| | |
|--|-----------|
| (a) Income of trade unions | 69,59,500 |
| (b) Expenditure of trade unions | 58,16,522 |
| (c) Number of trade unions submitting accounts | 1,924 |
| (d) Total number of registered trade unions | 3,465 |

* Figures for 1949-50 are provisional.

N.B.—Registered trade unions include employers' organisations also registered under the Indian Trade Union Act. The figures given above include employers' organisations.

MINISTRY OF WORKS, PRODUCTION
AND SUPPLY (STAFF)

234. **Prof. K. T. Shah:** Will the Minister of Works, Production and Supply be pleased to State:

(a) the number of (i) Gazetted, and (ii) non-Gazetted officers, clerks and class IV servants in his Ministry and its attached and subordinate offices on (i) 15th August, 1947; (ii) 31st March, 1948; (iii) 31st March, 1949; (iv) 31st March, 1950; and (v) 31st March, 1951; and

(b) the number of officers, clerks and class IV servants appointed temporarily in the first instance and subsequently (i) made permanent, (ii) retired or (iii) retrenched, during each of the years 1947-48 (post-partition), 1948-49, 1949-50 and 1950-51?

The Minister of Works, Production and Supply (Shri Gadgil): (a) and (b). The required information is being collected and will be laid on the Table of the House later.

PRODUCTION COST OF *Dhotis* AND *Saris*

235. **Shri Kshudiram Mahata:** Will the Minister of Commerce and Industry be pleased to state:

(a) the prices per pound of Indian and foreign cotton separately in the years 1943, 1944, 1946, 1948 and 1951;

(b) the approximate cotton content of one pair of mill-made *Dhoti* and *Sari* of coarse, medium, fine and super-fine varieties;

(c) the manufacturing cost excluding the cost of cotton for one pair of mill-made *Dhoti* and *Sari*; and

(d) the increase or decrease in labour cost in the years 1945, 1948, and 1951 over that of 1944 in textile mills?

The Minister of Commerce and Industry (Shri Mahtab): (a) to (d). A Statement is laid on the Table of the House. [See Appendix VI, annexure No. 39.]

DYED, PRINTED AND BLEACHED CLOTH

236. **Shri Kshudiram Mahata:** Will the Minister of Commerce and Industry be pleased to state:

(a) the percentage of dyed, printed and bleached cloth (separately) produced between 1st January, 1951 and 31st August, 1951 out of the total cloth produced during that period;

(b) the comparative rates of dyeing, printing and bleaching in 1944, 1946, 1948 and 1951; and

(c) the costs per yard of cloth for dyeing, printing and bleaching in 1944, 1946, 1948 and 1951?

The Minister of Commerce and Industry (Shri Mahtab): (a) to (c). A Statement is laid on the Table of the House [See Appendix VI, annexure No. 40.]

STATUTORY AND NON-STATUTORY BODIES

237. **Shri S. N. Das:** Will the Minister of Works, Production and Supply be pleased to state:

(a) the number and names of statutory and non-statutory bodies of permanent nature functioning under the administrative control of his Ministry giving the following information in each case:

(i) the year of their constitution;

(ii) the recurring annual expenditure incurred by them;

(iii) the provision for the audit of their accounts; and

(iv) the method of submission of the report of their activities;

(b) the number and names of such *ad hoc* committees as were appointed by the Ministry since the 15th August, 1947 and which have finished their work; and

(c) the number and names of *ad hoc* committees still functioning, giving the dates of their appointment and the time by which they are expected to finish their work?

The Minister of Works, Production and Supply (Shri Gadgil): (a) A statement showing the required particulars is laid on the Table of the House. [See Appendix VI, annexure No. 41.]

(b) A statement showing the names of the ten *ad hoc* Committees is laid on the Table of the House. [See Appendix VI, annexure No. 42.]

(c) Four *ad hoc* Committees are still functioning. A statement showing the required particulars is laid on the Table of the House. [See Appendix VI, annexure No. 43.]

STATUTORY AND NON-STATUTORY BODIES

238. **Shri S. N. Das:** Will the Minister of Commerce and Industry be pleased to state:

(a) the number and names of statutory and non-statutory bodies of permanent nature functioning under the direct administrative control of his Ministry giving the following information in each case:

(i) the year of their constitution;

(ii) the recurring annual expenditure incurred by them;

(iii) the provision for the audit of their accounts; and

(iv) the method of submission of the report of their activities;

(b) the number and names of such *ad hoc* committees as were appointed since the 15th August, 1947 and which have finished their work; and

(c) the number and names of *ad hoc* committees appointed by the Ministry still functioning, giving their nature of work, the date of their appointment and the time by which they are expected to finish their work?

The Minister of Commerce and Industry (Shri Mahtab): (a) to (c). Three statements are laid on the Table of the House. [See Appendix VI, annexure No. 44.]

BHOLAGANJ POST OFFICE

239. **Dr. Ram Subhag Singh:** (a) Will the Prime Minister be pleased to state whether it is a fact that the Bholaganj Post Office in the Khashi Hills, Assam, though within the Indian territory, is being managed now by the Government of Pakistan?

(b) If so, what are the reasons therefor?

The Deputy Minister of External Affairs (Dr. Keskar): (a) Yes.

(b) Mauza Dighalia, in which Bholaganj Bazar and the Post Office in question are situated, originally formed part of the district of Sylhet but was formally transferred to the Khasi and Jaintia Hills in 1886. This transfer was unfortunately lost sight of during preparation of certain topographical maps by the Survey of India. Due to this error the Bholaganj Post Office was wrongly shown in the Posts and Telegraph Guide as situated in Sylhet district, and consequently it was handed over to Pakistan on the 15th August 1947. The error was discovered in February, 1948, and the matter was taken up with the Government of Pakistan. That Government have questioned the validity of the notifica-

tion of 1886 under which the area was transferred from Sylhet district to Khasi and Jaintia Hills district, and the matter is under correspondence between the Governments of India and Pakistan. Meanwhile, for the convenience of public, the Indian Postal Authorities have opened another Post Office in Bholaganj Bazar.

**COMPLAINTS AGAINST IMPORT
LICENCE HOLDERS**

240. Shri S. C. Samanta: (a) Will the Minister of Commerce and Industry be pleased to state how many complaints have been received by the Ministry against import licence holders for misuse of licences granted to them?

(b) Have all those cases been examined and in how many cases have the licence holders been found to be at fault?

The Deputy Minister of Commerce, and Industry (Shri Karmarkar): (a) and (b). The information is being collected and will be placed on the Table of the House in due course.

MICA EXPORTS

241. Shri Rathnaswamy: Will the Minister of Commerce and Industry be pleased to state:

(a) the countries to which mica was exported in the last two years;

(b) what are the dollar earnings on account of such exports in these two years; and

(c) whether the exports to Dollar areas are likely to increase in the ensuing year?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) Mica was exported in the last two years to Australia, Aden, Austria, Belgium, Canada, Czechoslovakia, Egypt, France, Germany, Hongkong, Italy, Japan, Netherlands, New Zealand, Norway, Switzerland, Sweden, United Kingdom, U.S.A. Portugal and Poland.

(b) Dollar earnings from the export of mica in the last two financial years 1949-50 and 1950-51 amounted to Rs. 5.08 crores and Rs. 6.98 crores, respectively.

(c) Yes.

Friday, 12th September, 1951



PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

VOLUME XV, 1951

(30th August, 1951 to 22nd September, 1951)

Fourth Session
of the

PARLIAMENT OF INDIA

1951



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PARLIAMENT OF INDIA

Friday, 14th September, 1951.

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

[MR. DEPUTY-SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

9-42 A.M.

**PART C STATES (MISCELLANEOUS
LAWS) REPEALING BILL**

The Minister of States, Transport and Railways (Shri Gopalaswami): I beg to move for leave to introduce a Bill to repeal certain laws in force in certain Part C States.

Mr. Deputy-Speaker: The question is:

“That leave be granted to introduce a Bill to repeal certain laws in force in certain Part C States.”

The motion was adopted.

Shri Gopalaswami: I introduce the Bill.

**PRESS (INCITEMENT TO CRIME)
BILL.—contd.**

Mr. Deputy-Speaker: I would request hon. Members to be as brief as possible in their speeches and to avoid all repetitions. We have spent a number of hours over this debate and I propose to call upon the hon. Minister at 12 o'clock to reply to the debate.

Shri Kamath (Madhya Pradesh): I thought the idea was that the reply should be given tomorrow.

Mr. Deputy-Speaker: No, we have spent a number of hours over this Bill and I shall call the hon. Minister at 12 o'clock today to give his reply.

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पंडित ठाकुर दास भार्गव : परसों मैंने जिज्ञासा किया था कि किसी बिल की तुलना करने के वास्ते यह जरूरी है कि हम यह देखें कि किन हालात में यह बिल हमारे सामने आया है।

[**Pandit Thakur Das Bhargava (Punjab):** Sir, day before yesterday I said that in order to evaluate a Bill properly we must, in the first instance, look to the circumstances in which it was brought forward.]

Shri Sondhi (Punjab): अंग्रेजी में बोलिये, ताकि सब लोग समझ सकें।

Speak in English so that all may follow you. The hon. Minister probably does not follow.

Mr. Deputy-Speaker: If it is high-flown Urdu he may not. Of course, the hon. Minister has not made any such complaint and it is not for me to say whether he follows the speech or not.

The Minister of Home Affairs (Shri Rajagopalachari): I have no such complaint; after all it is the State language.

Mr. Deputy-Speaker: The hon. Member may speak in English; of course, I leave it to his choice.

Shri Rajagopalachari: Let him continue. I want to learn that language also.

Shri Sondhi: Not now, please. at some other time.

Shri Rajagopalachari: Most of the points are repeated and so I get the translation and thus come to learn the language.

Pandit Thakur Das Bhargava: Sir, you have been good enough to leave it to me to choose in which language to

[Pandit Thakur Das Bhargava]

speak. I take the hint and propose to speak in English, though I feel I will not be able to speak so effectively as I would have done in my own language. Yet I want to express my views for the benefit of the House and not for myself and so I will speak in English.

I was submitting that to evaluate properly the merits of a Bill, it is necessary to consider the circumstances in which it is brought before the House and also the background of the Bill. In this connection, I would submit that two or three considerations are very germane. In the first place, when the old Bills were brought in this House, discussed and passed, one in 1910 and the other in 1931, the circumstances obtaining then were quite different. In the year 1910, we all know the terrorist movement was at its height. There was the rift in the Congress in 1907 and in Bengal and other parts of the land there were political murders. The circumstances then were such that the Government of the day felt compelled to enact that measure. The then Member of Government who introduced the Bill said the following words in the Statement of Objects and Reasons attached to the Bill:

"Continued recurrence of murders and outrages had shown that the measures which have hitherto been taken to deal with anarchy and sedition require strengthening. The real source of the evil has not yet been touched. Prosecutions have invariably proved successful, but we find no permanent improvement in the tone of the Press."

At that time the British Government was out to destroy the national movement in the country and so they were forced to take this action. We all remember what happened in 1907 and we also remember what happened in 1908. The agitation led by Lala Lajapat Rai and Shri Bal Gangadhar Tilak of revered memory are fresh in our minds still. Then, there was the period between 1910 and 1921 when the Act of 1910 was in force. Then the Reforms, the Montague-Chelmsford Reforms came, and the country was divided into two camps. There were the liberals and there were the congressmen. At that time this Bill of 1910 was debated and ultimately the Government of the day appointed a committee to go into this question. In 1922 the Repealing Act was passed which practically repealed Act I of 1910. From 1910 to 1931 again the country was suffering with strife, agitation and all that. In 1930 the Special Press Bill was passed—or rather the Ordinance; and there was the *Satya-*

graha movement. In 1929 The Congress adopted the creed of Independence. In 1931 the Congress did not enter this House, nor did many of the members of the Nationalist Party. And so in the House the national element was not represented and it was a very meek House and Government succeeded in passing its measure in 1931. The reasons given even then were that in the country the atmosphere was such that the Press could not be controlled and there was no escape from the provisions of Act of 1910 which were subsequently repealed in the Press Emergency Powers Act of 1931. But it must be remembered that the Bill was enacted for only one year and power was taken to continue it for another year if considered necessary. It was an emergency measure but all the same it was only a temporary measure. Afterwards sub-clause (3) of clause 1 was repealed and it became a permanent measure.

In 1932 fresh non-co-operation movement was started and the country was again seething with strife and agitation. Later during the war years the Defence of India Rules were promulgated which were more drastic than even the provisions of the Act of 1931. Then in 1946 when the National Government came into power the Defence of India Act was discontinued. In 1946-47 the situation was still very serious. The Government had to meet grave anxieties during the transition period and in those days the State Governments passed many Acts and even the Centre passed an Act called the Special Press Powers Act. When Dr. Mookerjee was speaking I reminded him that in 1947 we passed very bad measures and I remember a measure passed in this House which evoked very strong protest from Mr. Santhanam, who said that that was a black Bill.

Shri Deshbandhu Gupta (Delhi): Mr. Santhanam is not attentive.

Pandit Thakur Das Bhargava: In 1947 we passed the Special Press Act which was perhaps more drastic than, the present Bill. In 1947 special powers were taken by the Government to curb the Press and we were all parties to the passing of those Acts, including Dr. Mookerjee who has now assumed the role of injured innocence and said that the present Bill is perhaps the worst that he has ever seen. That is not right. All the same I would take this occasion to reply to my friend prof. Ranga who had a dig at us, the members of the Congress party.

Only a few months ago Prof. Ranga was also a member of the party and at that time it never suited him nor

occurred to him that the members of the party even then used to criticise this Government. I should rather take pride that so far as this party is concerned it is not so strict with its members. There is no opposition in the House worth the name. There was none at any rate a few months ago. Therefore, this party allowed its members to make speeches as if they were opposition members and we have been enjoying this liberty. Is it to the credit or discredit of the party that sometimes its members criticise the Government in as good a manner as even members of the opposition may not. I quite see that in a well organised party such a conduct may not be excusable. But situated as we are in our party, we have been behaving in this manner for the last four years and our party gives the fullest liberty of speech which a member can enjoy in any party. This is to our credit. Let not Prof. Ranga fly away with the idea that the party has become worse as soon as he left it. That is only a side remark in reply to Prof. Ranga.

I have stated that to evaluate properly the merits of the Bill it is necessary to consider the background. In 1947 our Government appointed a Press Laws Enquiry Committee. When Independence came the whole country was on the tiptoe of expectations. The country thought that with the advent of *Swaraj Ramraj* will come and there would be no kind of obstacles in the way of progress, nor any restrictions placed on people's rights as existed in former times. As a matter of fact all these restrictions on the Press did not exist for a long time in this country previous to 1910 and they came into existence as a result of the agitation of the Congress. Congress is directly responsible for the Acts of 1910 and 1931. It is because of the activities of Congress that the then Government had to enact them. It is true that these measures could not stop agitation or the national movement. All the same it must be said that Congress was directly responsible for all these measures, as the Government of the day wanted to curb Congress.

In 1947 the whole country expected that these obnoxious measures would be removed and the country relieved of them. Therefore, in response to the desire of the people, the Government, to improve and overhaul the control system of the Press prevailing in the country and with a view to find out the proper restrictions, if any, which should be imposed upon the Press, appointed a committee on the 15th

March 1947 with certain terms of reference, to which another term was added on the 4th October 1947. The original terms were: to examine and report to the Government all laws regulating the Press in the free countries of the world and the other term was to review the Press laws of India with a view to examine if they are in accord with the Fundamental Rights formulated by the Constituent Assembly of India. On the 4th October 1947 the Fundamental Rights were not adopted by the Constituent Assembly but were only in an embryonic stage and existed in the draft form.

This committee after examining many witnesses and going through the entire Press laws of the country as also of the world made its recommendations which are contained in Chapter V of the Press Laws Enquiry Committee Report. I do not want to go into detail with regard to those recommendations but at the same time it is quite clear that that committee recommended that the Press law of 1931 should be repealed. They further stated that so far as other free countries were concerned the system of demanding securities as exercised by the Act of 1931 was an anachronism and Government should not countenance it. I do not want to go further into details but all the same I submit that when the Committee made its report we were expecting that Government would repeal the measure and would not resort to a system which is not found in any other part of the world.

10 A.M.

Then again, when the first amending Bill to the Constitution was brought in this House, undertakings were given, promises were made, and I remember our Prime Minister getting up again and again and saying to the Press that so far as the Press was concerned he was not going to have new fetters. He also told the Press that so far as the Press was concerned it was not in his mind to suppress it or repress it by virtue of that amendment.

These are not the only two matters which we must consider; there is a third, a very important matter which we must consider. We have passed the Fundamental Rights, and in article 19(2) we had enacted that only such acts would come within the purview as would undermine the security of the State or tend to overthrow the State. These words were subsequently interpreted and reviewed by the Supreme Court and the Supreme Court came to the conclusion that

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these words defined the limits within which any law could be made, with the result that the High Court in the Punjab, and other High Courts, and the Supreme Court held that sections 124A and 153A, the Punjab Safety Act and other measures were *ultra vires* of the Constitution. In such a state of things it was quite apparent that the Government of the day was helpless and could not even control incitements to murder. That was the main argument put forward when the Constitution (First Amendment) Bill was before the House. I also supported this aspect of the case and I still consider that if the Constitution (First Amendment) Bill was not passed Government would have been helpless in controlling the situation. It was quite necessary to pass that amendment; though I do not agree, and I never agreed, to the wide terms in which power was taken, all the same it was absolutely necessary that power should have been given to Government to control the public and the Press in so far as a vacuum was created by the rulings of the Supreme Court and the High Courts.

After that we expected that the Government would adapt these provisions of sections 124A and 153A and other obnoxious laws in conformity with the amendment of the Constitution. We requested the Government to adapt these provisions and to amend sections 124A and 153A and other similar sections. Unfortunately, our request fell on deaf ears; Government did not take courage and come to the House with those amendments. I think it is the duty of every Government to make definite laws, to make laws which people can understand, in simple language and with clear meaning. But I do not see why Government is not adapting those sections according to the Constitution. It is a difficult task, I quite realise, but at the same time it must be done. I am glad the hon. Home Minister was kind enough to tell us that the amendment of section 124A is coming. I do not know what the amendment is, but still the country will heave a sigh of relief by knowing that Government mean business by enacting laws which people can understand. Unless those laws are enacted we do not know where we stand, we do not know how the Supreme Court will reinterpret our sections 124A and 153A. The old interpretations given by the Supreme Court have become infructuous owing to sub-clause (2) of section 3 of the Constitution (First Amendment) Act, 1951. Therefore, we do not know; the whole thing is in the melting pot. We do not know where the provisions of

sections 124A and 153A, which were interpreted by the Supreme Court, stand, what they indicate, and what act is criminal and what is not criminal. In this state of things it is very difficult for us now to criticise this Bill. As a matter of fact, I should have expected that that amendment of sections 124A and 153A would have come earlier in point of time so that we would have been able to understand the full significance of this Bill. This Bill, as a matter of fact, is so wide and so sweeping and so all-enveloping, that I do not understand how any person can feel that he is safe from the clutches of this Bill.

In these circumstances and with this background this Bill has been introduced. Now we have to consider the following matters: is this Bill necessary? Is it justified? Is it proper? Is it in keeping with the promise which Government gave? Is it in keeping with the report of the Press Laws Enquiry Committee? Or, has it only been forged for us by our venerable Home Minister in his anxiety to tell the newspapers that they should go so far and no further? When I remember that our Home Minister told us that this Bill is to remain a dead letter, I simply become breathless at this effort of his. It means that this law is not necessary. If it is to become a dead letter, may I humbly ask, why enact it? If the circumstances of the country are such that this thing is not required, then why unnecessarily create this sort of agitation, this sort of bitterness in the country? According to our Home Minister this will remain a dead letter for all time: then, what is the use of putting life in a dead corpse which is not going to be used at any time? We all expected that with the advent of independence, with the Press Laws Enquiry Committee's report in our hands, with the assurances given by the Prime Minister and the Home Minister, we shall find a Bill in which all the obnoxious provisions will be found repealed and if necessary some other provisions, wholesome provisions, which will give life to the Press of this country, which will give confidence to the Press of this country, which will resuscitate the Press system of this country, will be introduced in this House. On the contrary, against our expectations, we find something different—as if it were a bolt from the blue. We expected rain, life-giving rain, and we got hailstorm—we got stones instead. I am submitting all this not by way of metaphor but because I feel that this Bill, if enacted into law, is capable of destroying the very foundations of the liberty of the Press. I am submitting all this

with the full consciousness that what I am saying is not likely to be brought about. We enacted very bad laws, worse laws, in 1947. What has been the result? In four years the Press has not been dealt with severely. I know Sardar Patel was responsible for that Bill, but did he use the powers? And I know that as long as Pandit Nehru and Rajaji are in power, as long as the Congress Government is in power, it is not going to use this weapon against the Press. This is our experience, but all the same, even with this consciousness, I take the liberty of saying that we are doing a very wrong thing in enacting a law of this nature. I know it will never be used, but what is the use of forging a weapon which, according to the statement of the Home Minister, is not likely to be used, which according to our belief also is not likely to be used? Pandit Nehru and Rajaji are not made of the stuff which believes in repression. They may be all right; but who knows who will succeed them? We are making the laws of this country; these laws will be inherited by succeeding generations. When the Englishmen enacted their laws in 1931 did they ever imagine that after they had gone away those Bills will persist as bad heirlooms? We however, hoped to get rid of them. Therefore, so far as our expectations are concerned, so far as the expectations of the country are concerned, they have been blasted by this damping Bill.

I humbly ask: Is there any country in the world which has a system like this? I can understand this Bill being resorted to in an emergency. If there was an emergency, we can have even worse measures. We are our own masters now and if an emergency arises, it is up to us to rise to the occasion and enact laws to ensure the country's security. All the same, I fail to see what the emergency is at present. Even according to the hypothesis of the hon. Minister, and more so according to admitted facts, there is absolutely no emergency. There is nothing that threatens the security of the country or the public order. That being so, I fail to see why these weapons are being forged to curb the Press. These measures go to the very root of the liberties of the people. When we enacted article 19 of the Constitution, the first thing, the most important thing, the very life of the Constitution, was incorporated in the words: "All citizens shall have the right to freedom of speech and expression". In this Bill we are not concerned with the freedom of speech; we are concerned only with the freedom of expression. There are many freedoms which were not mentioned in

article 19, but this freedom of expression was put in because according to me all the States exist for this freedom. If the freedom of expression were taken away, humanity will be taken away from the brute man and man will be nothing then. It is most essential if democracy is to flourish that there should be the utmost freedom of expression. Democracy can only flourish through a free Press. It is equally true that there will be no democracy and no freedom of expression if there is no security of the State and no public order. We have to strike a balance between the two. We have to see that the security of the State is not imperilled by freedom of expression. At the same time, we have to see that the bogey of security of the State does not interfere with the conferring of as great an amount of liberty of expression as possible on the Press.

What happens in other countries of the world—in America, in Great Britain—countries from whom we have borrowed a great part of our Constitution? There is no such system there nor was there any before, except perhaps at one time when such a system existed in Austria before 1908. Perhaps, a similar but weaker system existed in Egypt. But in no other part of the world does such a Press system as is envisaged here in this Bill exist at present anywhere in the world. What is the liberty of the Press? As you are very well aware, it is not recognised by law as such; because it is only an extension of the liberty of the individual as enjoyed in a State. Therefore, if our system is based on that principle, then the shackles also should not be more than those that are put on the individual. This is the premise on which I base my arguments. I do not say that the State is not justified in forging new shackles when a new situation arises. I do not say either that the State has no right of preventive action. I maintain that if conditions are such that we must control the Press, curb the Press, take away the liberty of the Press, we should be able to do so when that is required for securing public order and maintaining the security of the State. I will even go further and say that I will not be influenced by what happens in Great Britain or America or any other part of the world, but I will only look at the situation in my country and if that situation requires that the Press should be controlled, I will certainly agree to any Press being controlled. But is that the basis on which the hon. the Home Minister has proceeded? No. He has not proceeded on that basis. He has said that it would be a dead letter. He has said

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that the conditions in the country are not such as require a curbing of this sort. From that hypothesis, I am submitting that this Bill is absolutely unnecessary; uncalled for; it is an insult; it is a disgrace to the liberties in India—because we cannot, we will not be able to, say to any person in the world that the liberties in India are as great as they are in other parts of the world. If I am told that the Press here is very bad; if I am told that the Press cannot be curbed in any other way; then let them come forward before this House with that premise and we shall consider in what way we should behave and how we should proceed. Unless that is said, I am very sorry to say that with the premises which we have been given we can only come to the conclusion that as a matter of fact the Press in this country is as good or as bad as the Press in any other country of the world and there is no reason why we should have a system which even the Englishmen and the foreigners did not want to foist on this country except for temporary periods. The real bulwark of peace and good order is the public opinion and the state of feelings among the people and I am very sorry to state that in my bumble opinion our leaders and Ministers perhaps do not fully realize that the country is with them but the country does not want these laws, because when anything is said in *Bütz* and other papers, they do not know how the people react to it. Whatever is written in these papers is treated with contempt. The average man in the street does not like them, he does not want them; and he condemns them. Even those who do not belong to the Congress—at least I know of many persons in this House who are not members of the Congress party—are still anxious to see that the Congress party remains in power. Therefore, so far as the country is concerned, there is nothing to worry about. So far as the gutter Press is concerned, we do not want it to prosper. All the same, I must say that we should not get panicky and forge weapons for the Press as a whole. It is quite true that when we read such nonsense we also feel irritation and desire that this Press should not behave in this way. Yet, let us remember that we are making one law for the whole Press—for the good Press as well as for the bad Press. This law will govern everybody. My own fear is that the good Press also will suffer. It will not be able to carry on its work fearlessly. The first thing that the liberty of the Press gives to a person is independence, confidence and fearlessness. Prof. Ranga was eloquent

when he spoke about what a journalist should be in India. I know of some persons who behaved like this during the British regime. They behaved splendidly. Their presses were forfeited. They were sentenced to imprisonment and went to jail and suffered all kinds of privations. All the same, they stuck to their independence and behaved in a most patriotic and remarkable way. I see Shri Deshbandhu Gupta is sitting in his place in the House. He and Shri Goenka are said to be capitalists now, controlling very big Presses. I do not know how far that is correct.

Shri Deshbandhu Gupta: I am a capitalist without capital.

Pandit Thakur Das Bhargava: I know how Shri Deshbandhu Gupta started his life as a journalist. I think that if this Press law is there, there will no longer be any persons like Shri Deshbandhu.

Shri Kamath: Then let Shri Goenka take over.

Pandit Thakur Das Bhargava: I do not know much about Shri Goenka.

Shri Deshbandhu was prosecuted under sections 124A and 153A and I had the honour of defending him. He was not only prosecuted, but in some cases he was punished also. There was a charge against him in respect of seduction of the Army also. I do not know of any repressive section under which he was not prosecuted. He is not a capitalist. I do not know what his financial means are today, but I know that he started just as the man of Prof. Ranga's description as possessing the fire and the guts to rise and help his countrymen. Shri Deshbandhu rose from the ranks and fought his way up. I am only giving an example. I am only saying that it will be impossible to find another Deshbandhu if this Press law is passed, because the atmosphere will become so choking. The Press can only survive if the sword of Damocles does not hang over it. Rajaji thinks that he can find a panacea for all the ills through this Bill. Even with the help of this dead serpent he thinks that all those maladies which India is suffering from will disappear. I have full faith in him; I have full confidence in him, as many Members of this House have. My hon. friends Mr. Naidu and Prof. Ranga were eloquent in their praise of Rajaji. We all respect our venerable Rajaji who has been a beacon of light to this country. But I do not agree with his policy in so far as he wants that India may not suffer from any disease and mistake. I want that India may suffer

and may be cured. I want India to commit mistakes and yet get into its own. But Rajaji wants that the mistakes may be prevented by the panacea of the 'rod' as Sardar Man put it in his inimitable way. But he forgets the fact that the presence of the rod has a deadening effect on the pupil. If, however, you want to keep alive the spirit and the enthusiasm of the people and teach them to rebel against tyranny that cannot be done by a Damocles' sword hanging over their head. For all these reasons it is a mistake to put in a measure like this on the statute book. In the first place it is not required; in the second place it is not justifiable; in the third place, according to our expectations, in free India we want a free Press.

Apart from all these things, if my hon. friend the Home Minister wanted that the Act of 1931 should continue and the time was not ripe for effecting any change then he should have said that he does not stand by the report of the Press Laws Enquiry Committee. Government should not have held out promises to Pressmen at the time of the Constitution (First Amendment) Bill. At that time when lavish promises were being made I was feeling sore. One promise was that you would get a jury system; another promise was that all these obnoxious measures would be repealed.

Now, let us see whether this Bill will stand the scrutiny of the constitutional provisions. My humble submission is that this Bill offends three articles of the Constitution. The first article is 20(2) which runs:

"No person shall be prosecuted and punished for the same offence more than once."

This Bill offends against this provision in the Constitution and I shall have something more to say about it presently.

Then it offends against articles 19(1) (f) and (g)—the right "to acquire, hold and dispose of property;" and "to practise any profession, or to carry on any occupation, trade or business."

Lastly, it is not in consonance with the Fundamental Rights which have been guaranteed by the Constitution under article 19(2), as amended by the last Act.

In regard to the first point the wording of article 20(2) is "No person shall be prosecuted and punished for the same offence more than once". It may be contended that when security is demanded from a person there is

no question of punishment, though the question of prosecution is there. I do not agree. I do not know of any more drastic punishment than the forfeiture of a press. I do not know of any greater punishment to a Pressman or the keeper of a press than the forfeiture of his very means of livelihood.

Mr. Deputy-Speaker: That question will arise only when the man is punished. It is open to them to take action under this measure or under the general law.

Pandit Thakur Das Bhargava: I am thankful to you, Sir, for suggesting that. Forfeiture is part of punishment. Can it be said that it is not punishment? It then means that for the same offence a person will be punished twice. Clause 32 runs:

"Nothing herein contained shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence under this Act."

So that under this clause double punishment is possible. This is a fundamental violation of the provisions of article 20. I submit that forfeiture is the greatest kind of punishment to which a Pressman is put to, because it takes away his means of livelihood.

Let us now see how the provisions of article 19(1) (f) and (g) "right to acquire hold and dispose of property; and to practise any profession, or to carry on any occupation, trade and business" fare under this Bill. This Bill does not confine itself to editors and printers of newspapers. The definition of "book" is so wide that every person in this world who has got a literary taste, who can write a book, will be affected by this Bill. The scope of this Bill is extremely wide. "Book" is defined in clause 2 as:

"including every volume, part or division of a volume, pamphlet and leaflet, in any language, and every sheet of music, map, chart or plan separately printed or lithographed."

"document" includes also any printing, drawing or photograph or other visible representation."

I do not know of anything written on any subject in this world which does not come under the provisions of this clause. Supposing a person buys books for rupees one lakh without knowing what the contents are? Under clause 10—

"The State Government may, on the certificate of the Advocate-General or other law officer of

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the State or of the Attorney-General of India that any issue of a newspaper or news-sheet or any book or other document, wherever made, contains any objectionable matter, by notification in the Official Gazette, stating the grounds for the order, declare that every copy of such issue of the newspaper or news-sheet or of such book or document shall be forfeited to Government."

An Hon. Member: Just as stolen property is forfeited.

Pandit Thakur Das Bhargava: My friend speaks of it as stolen property. I shall answer him presently.

Who is the keeper of the printing press? Is he an Aristotle, or Socrates? Is he a lawyer? Is he a man who knows everything that is contained in a book or pamphlet? Is he a man who can possibly know what is the meaning of the word "tend" or "trend". So far as the implications of clause 3 are concerned, he will be an ambitious man who says that he fully understands them. Clause 3 is so wide that we do not know what it means and what it contains. I will come to it later on. The keeper of the press—a person who has taken lease of a press and is running it as a business—he is being penalised. Now, what is the remedy for him? When he goes to the High Court what is he told? He is told that it contains objectionable matter and "we are not going to hear any other thing, that your rights of property are involved etc." Even if 99 per cent. of the material in a very good book is nice and health-giving and peaceful and artistic, yet if there is one per cent. in that book which is regarded as "objectionable", then the whole book, whatever the price of the book, will be forfeited, and the person will not be allowed to say "I did not know that it contained objectionable matter". So that, so far as rights of property are concerned they have been given the go-by.

It so happens that there is an inkling into this matter when we consider clause 22. The words are "Any person who has been ordered to deposit security under section 4, section 5, section 7 or section 8 or who has an interest in any property in respect of which an order of forfeiture has been made....". A press worth rupees ten lakhs may belong to a company, to a partnership, to any persons. But that press will be forfeited without going into the question as to who is the proprietor, who is the owner, what rights are there in that property and

whether he is innocent or guilty. Therefore, my humble submission is that so far as the interests of the parties and the rights of properties are concerned, they are contravened by this Bill.

So far as the question of provision to carry on occupation is concerned, I would refer you to the opinion which we received this morning from the Secretary-General of the Federation of Press Workers or Journalists, Mr. Chaturvedi. This is perhaps a Federation. I find that it is a note from the Working Committee of the Indian Federation of Working Journalists to the Select Committee of Parliament. It is not a case of the big people. I have no sympathy with the big capitalists so far as the Press is concerned and I am at one with the others in their criticism of the present system of owning the presses. I want that the Press in this country may be democratized. But this is not the Bill in which we can consider that. The Prime Minister was pleased to say that Government would appoint a Press Commission and I hope they will do so as Rajaji was telling us. Let them decide the equities and all will be thoroughly satisfied after the report of the Commission has come and it has been accepted by Government. But that is not the point at issue. The point at issue is what the liberty of expression in this country is. I am not concerned with newspapers. I have no concern with newspapers fortunately or unfortunately, except being a director of a very respectable and patriotic paper called the *Tej*. I do not make any financial gain from that paper. Mr. Sidhva is looking at me askance.

Shri Sidhva (Madhya Pradesh): I said it is Mr. Deshbandhu Gupta's paper.

Shri Kamath: Are you the legal adviser to it?

Pandit Thakur Das Bhargava: I am not concerned with its financial side. It is a paper which has stood by the Government and the Congress. And I am a director of that fine paper. I am only mentioning this small detail lest some of my friends might say that I am making a mis-statement. I have no other connections. If the Press is tyrannical or bad I have the same feelings towards it as my hon. friend Mr. Inait Ullah and I would condemn it in the same terms as he wants to condemn it. But we are concerned in this Bill with the liberty of expression as envisaged under article 19(1) and (2). I am only concerned with that. It is complained that this Bill will curtail and curb that liberty. I do feel in

the circumstances detailed forth that it is clear that no journalist, no Pressman can feel safe as long as this Bill is there. Not that this Bill will be worked in that manner. I have no apprehension in that matter, as I have submitted. But the very provision is such a bad thing that no independent or fearless person will come to the profession. He will not be able to function fearlessly.

Now, with your permission, I come to the third part of my submission, that is, that this Bill also offends against article 19(2) as amended. Article 19(2) contained a very simple proposition which we passed so far as liberty of expression is concerned. With your permission I will read the same. It says:

"Nothing in sub-clause (a) of clause (1) shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub-clause in the interests of the security of the State."—I will leave out "friendly relations with foreign States" as this is not mentioned here—"public order, decency or morality." We have to consider whether this Bill imposes reasonable restrictions in the interest of the security of the State, public order, decency and morality, and further if this Bill imposes reasonable restrictions in relation to defamation or incitement to an offence.

Shri Kamath: It is for the Supreme Court to decide.

Pandit Thakur Das Bhargava: It is for us to see when we are enacting this law whether it imposes reasonable restrictions or does more than that. As I submitted at the time when we originally enacted article 19 when there was a great dispute, if the hon. Members remember, on the question of the "due process" clause, I will repeat how I felt about that matter. Dr. Pattabhi will remember what happened on that day when in the Congress party we were discussing this. I approached him and wanted permission to resign from the Constituent Assembly as a result of what happened at the party meeting. I need not go further into this matter. But I will certainly submit that I wanted that the Legislature must be the first bulwark of liberty which will ordinarily be loath to passing any law which is opposed to the liberty and freedom of expression of the people. The second thing is that even if out of panic, misapprehension or wrong approach or

misguidance we even pass such a Bill, then the persons sitting in the Supreme Court will be a second bulwark so far as the liberties of the people are concerned. Therefore, this Fundamental Right constitutes the very foundation of the liberties of India.

Shri R. K. Chaudhuri (Assam): The Supreme Court is still there.

Pandit Thakur Das Bhargava: It is still there to interpret the law. But we ought to consider the question of reasonableness. The words I submitted were "reasonable restrictions" in relation to incitement to an offence. There are two matters—offences and incitement to offences. So far as offences are concerned they are given in the Indian Penal Code and other relevant laws. So far as incitement is concerned there are certain sections in the Indian Penal Code which deal with incitement, but there are not many sections there. At the instance of the hon. the Home Minister we have used very wide words in the amending Bill. I objected to those words then. But as far as the words are here I cannot but accept them now. The words are "incitement to an offence"—any offence in this world. But what is the offence, after all?

Shri Deshbandhu Gupta: The blowing of horn near Parliament Chambers,

Pandit Thakur Das Bhargava: Excuse me. My friend says that there are such offences as the blowing of horns etc. They are offences known to the motor laws of this country. What is the real definition of "offence"? I will read out. Section 40 of the Indian Penal Code says: "Except in the chapters and sections mentioned in clauses 2 and 3 of this section"—there are other sections mentioned, but the general definition is—"the word 'offence' denotes a thing made punishable by this Code". The other laws are also given in clauses 2 and 3 but I do not want to read them out as there is no time. The general definition is that it denotes a thing made punishable by the laws—in regard to social and local law if it is punishable with six months or so; otherwise, generally speaking, it is an offence if it is punishable under the Indian Penal Code—which means that reasonable restrictions can only be imposed so far as incitements are concerned when it is an incitement to an offence. If it is incitement to do any other thing, it is no incitement at all. If it is an incitement to do a thing which is not made punishable by this Code, my submission is that it would not come within the mischief or scope of article 19(2) as amended recently. To find

[Pandit Thakur Das Bhargava] out whether it is incitement, we must know what incitement is. (*Interruption*) I do not want to take up the time of the House, but my hon. friend obliges me to read the whole definition of it. Section 40 runs as follows:...

Shri Rajagopalachari: I have not asked for it.

Shri Himatsingka (West Bengal): Other hon. Members have asked for it.

An Hon. Member: There are less intelligent Members.

Shri Rajagopalachari: I am not raising any point. What I suggest is that the hon. Member is going to be in the Select Committee and there many changes can be introduced. I do not say that the Members who would be on the Select Committee should not have the opportunity to speak but it should be exercised reasonably and not on matters like this. For instance, in the Select Committee if my hon. friend proposes that we may substitute "incitement to the commission of any offence" instead of all these things, I would agree at once.

Pandit Thakur Das Bhargava: I am really sorry I have not caught the real point of objection of the hon. Home Minister, whom I respect so much.

The Minister of State for Information and Broadcasting (Shri Diwakar): If we can only from the point of view of time.....

Pandit Thakur Das Bhargava: You will please allow us to speak even if we are members of the Select Committee and then the point that I wish to make is not a question of the Select Committee. I am submitting that it is not a reasonable restriction and even if it is a reasonable restriction it is not countenanced by article 19(2). I am raising a point of fundamental objection.

Mr. Deputy-Speaker: He does not want it to go to the Select Committee. He is opposed to the principle itself.

Pandit Thakur Das Bhargava: Even though I am coming in the Select Committee, I raise an objection to the very foundations of this Bill, because I maintain that under article 19(2) this is *ultra vires* of us to enact a law of this nature because the point is that, after all, this law allows us to make laws in respect of incitement of offences, not to make laws which are not incitement of offences.

Mr. Deputy-Speaker: Therefore, it does not prevent offence being created...

Pandit Thakur Das Bhargava: Where is the offence created? Let the House create an offence. In clause 3 these words are there with regard to the definition of offence. These are not offences under the present law. Has an offence been created?

Mr. Deputy-Speaker: Or, new offence be added.

Pandit Thakur Das Bhargava: They have not been added. Clause 3 does not define or relate only to the offences. There will be an enquiry into those allegations. What is the complaint?

Shri Kamath: I only submit that as Pandit Thakur Das Bhargava is in the Select Committee, he would spare some reasonable time for the non-members of the Select Committee.

Pandit Thakur Das Bhargava: I am not taking the time of any hon. Member here. I would respectfully submit that in view of the importance of this Bill even if seven days were given to discuss this Bill, it would not be enough. My hon. friend can examine if my speech is irrelevant and if he finds that I am repeating my arguments, then I will not say a word further. I do not know why my hon. friend is so impatient...

Shri Goenka (Madras): He wants to speak, nothing else.

Pandit Thakur Das Bhargava: If my hon. friend has any objection, I will certainly sit down and if you do not allow me...

Mr. Deputy-Speaker: The hon. Member may go on. It can be made for purposes of clarification. So, if the principle is accepted that certain changes may be effected so as to bring it in line with the existing law, it will go beyond the scope of the Constitution. Another thing is that the hon. Member is opposed to the principle itself. Though he happens to be in the Select Committee, it is open for him to speak. It is easy for him to say, "I am not going to be in the Select Committee" and therefore, I am not going to ask him not to speak on this matter. Merely his name has been put down in the Select Committee. If he is opposed to the fundamentals of this Bill and does not want to go in the Select Committee to take a chance to rectify it there, it cannot be helped. The hon. Member has got the right to decide whether this is a matter in which he can interfere and correct in the Select Committee or whether it is so bad that it ought not to go to the

Select Committee and should be thrown out here. After all, the hon. Member has seen a number of Select Committees and he is not enamoured of any Select Committee.

Pandit Thakur Das Bhargava: When I go in the Select Committee, I will do my very best to see that all the features of this Bill are corrected but I regret to say that the Bill is opposed to the very fundamental principle contained in the Constitution. Now the rules have been relaxed to the extent that members of the Select Committee may give points even now to the Select Committee. If so, where is the point in relaxing the rules? I think my hon. friend is not right when he interrupts me.

What I was submitting was that in this Bill we have used the language and the words which cannot properly be used in a Bill of this kind. For instance, we use the word 'complaint'. Clause 5 reads: "Whenever upon complaint made to it in writing by the competent authority and inquiry made in the manner hereinafter provided the sessions judge is satisfied...." What is the complaint? According to section 4(h) of the Criminal Procedure Code "complaint" means an allegation made orally or in writing to a magistrate with a view to his taking action under the Code that some person whether known or unknown has committed an offence, but it does not include the report of the Police Officer". It is necessary that an offence should be committed before a trial can begin, before it can be called a complaint. There is much ambiguity so far as this Bill is concerned. There is only an inquiry to be held by the sessions judge. No offence is committed and no trial is going to be had, but only an inquiry and the word 'inquiry' is so clothed that some Pressmen think that they have a golden cage instead of an iron cage, an inquiry which is unheard of and here a jury is called into existence. I could understand if there was a trial. It is only an inquiry. I shall have occasion to speak of the inquiry mentioned in the Bill subsequently but my hon. friend has succeeded in diverting my attention from the real point which I was making. I was submitting that this clause 3 was opposed to the fundamental...

Mr. Deputy-Speaker: It is in the nature of a summary inquiry.

Pandit Thakur Das Bhargava: And therefore, it is not a trial and there is no occasion for having a jury.

Mr. Deputy-Speaker: It can be summary and there is no harm in chang-

ing and, after all, it is Parliament that is changing.

Pandit Thakur Das Bhargava: I do not submit that Parliament has no right to do so if the Bill is acceptable to the Press. I am very much opposed to a jury. It places them in a special position. I claim the Pressmen to be my countrymen and if I do not have a jury, there is no reason why they should have a jury and so far as this Bill is concerned, we are assuming that the matters referred to in clause 3 are offences and hence "incitement to an offence" is included within the purview of article 19(2). I maintain that the matters referred to in clause 3 do not constitute in every case an offence. There are matters which are not offences and therefore incitement to them cannot come within the purview of article 19(2) and yet we are assuming that these are offences. Secondly, I would beg of the House kindly to examine if the words "incitement to an offence" connote something different from what is mentioned in this Bill. Obviously, encouragement and incitement are two different things.

Mr. Deputy-Speaker: If it is considered an offence, it is not an offence under the Press (Emergency Powers) Act, 1931.

Pandit Thakur Das Bhargava: An 'offence' is defined in the Penal Code and I had occasion to show that these are not offences under the Penal Code. Under the Constitution, we cannot make a law for incitement and put reasonable restrictions upon incitement unless incitement is related to an offence. Moreover, there is some difference between incitement and encouragement. Otherwise, these two words would not have been used. These two words have been used here with a specific meaning. I have consulted the dictionary and with your permission, Sir, I will read out what 'encouragement' means and what 'incitement' means. There is a world of difference between the two. The Bill itself says that. I submit 'encouragement' does not constitute an offence under the Penal Code. There is no other law in which encouragement or tending to encourage is an offence. I can well understand if 'incitement' alone is put in the Bill and I would readily agree to imposing restrictions. But, here it is a matter which tends to encourage people, not only encourages, but also tends to encourage, not to commit a crime, or violence, but resort to violence; what is this?

Mr. Deputy-Speaker: If the hon. Member has no objection to the earlier portion, the latter portion can be modified in the Select Committee.

Shri Rajagopalachari: Is it possible to decide the matter now by discussion? I would like to hear him.

Shri R. K. Chaudhuri: Will the hon. Member excuse me if I interrupted him? I wanted to say this in order to better understand the whole situation. I would submit that we are not concerned in this Bill with the technical definition of 'offence'; we are concerned here with crime as it is understood by ordinary people. We must stop that crime. It may not be a technical offence under the Indian Penal Code. We want to stop crime as it is understood by the people. I can give illustrations when I speak.

Pandit Thakur Das Bhargava: I could have understood if this objection came from a non-lawyer friend; I would have rather welcomed it. Coming as it does from a lawyer friend, I am unable to understand. I would only submit for his consideration that the words in the Constitution are 'incitement to an offence', not to crime though he wants to make a distinction between a crime and an offence.

Shri R. K. Chaudhuri: Crime as understood in the ordinary sense.

Pandit Thakur Das Bhargava: There is no ordinary sense; an offence is defined in the Penal Code.

Shri Kamath: At this stage, all these legal arguments are not quite in place.

Pandit Thakur Das Bhargava: After all, they are relevant. It depends upon the measure of intelligence which a person brings to bear to understand an argument to be able to say whether it is remotely relevant or directly relevant.

I was submitting, in all these things which are included in 'objectionable matter' in clause 3, there is no question of intention, there is no question of knowledge, there is no question of desire and there is no question of any expectation. The words are, if these things are calculated to induce fear, sabotage, etc. Under the Penal Code, if a person does anything which in the mind of the court, in the cultured mind of Mr. Kamath, is calculated to bring about a certain result, that cannot be an offence. You will kindly consider, Sir, in three places the words are: "calculated to", "tend to". My submission is that that cannot come under the term "incitement". If they cannot come under "incitement", I am afraid, we cannot make any law so far as this constitutional amendment is concerned. For, then, only in regard to two matters can restrictions be im-

posed—that is in regard to public order and in regard to the security of the State.

I would beg of you kindly to consider the words "resort to violence or sabotage". Sabotage is not a word known to the legal language. Sabot is a kind of wooden shoe which the Frenchmen used to put in the machine with a view to obstruct. From that the word sabotage is taken. It may mean obstruction; it may mean destruction; it may mean anything. What is sabotage? We do not know in which sense it is used here. As a matter of fact, these words in clause 3 do not constitute any offence; they go much wider. The question of policy is whether we ought to enact a law in which certain things are offences for the general public and the right and liberty of speech—and others which are offences for Pressmen and the right of expression in papers and books. This is discrimination pure and simple. This State cannot enact laws which are discriminatory in nature. So far as the penal laws are concerned, every person is entitled to equal protection under law under article 14. Therefore, so far as article 19(2) is concerned, there is a very limited power which this House has got to make laws so far as restrictions on freedom of expression are concerned.

I do not want to take much of the time of the House. I had something to say in respect of all these parts of clause 3. I am sorry that my friends got impatient.

Shri Kamath: No, no.

Pandit Thakur Das Bhargava: I do not want to go into them and I will leave them there so far as the meaning of these words is concerned.

Mr. Deputy-Speaker: Is not the capacity of the newspapers to reach a larger number of people there, and therefore, is not there any difference between an individual and a newspaper inciting an offence?

Shri Goenka: The difference is, when one speaks to thousands of people, it is no offence; when published, it becomes an offence.

Shri Rajagopalachari: I appeal to you, Sir, it is not possible to convince one another in the course of a debate. That is why there is the arrangement by which all Members express their views, then I reply and then we sit down to vote. We may not expect to convince one another in the course of a debate.

Pandit Thakur Das Bhargava: You have hit at the right point. I was submitting that the matter should be looked at from the standpoint from which you are looking at it. It is quite true that when a thing appears in the Press, it spreads out and many people read it. Even if a person makes a speech to a lakh of people, when the thing appears in the Press, several lakhs read it. Thus the Press has got more potentiality to create mischief and to affect the people adversely. I agree with that and we may be able to have preventive legislation so far as the Press is concerned. As I have submitted already, I am not enamoured about it and even if there is no such law in other countries, if the circumstances of my country require it, then, it is my duty to see that a preventive law is passed. But, my submission is, you can make a preventive law only with regard to the security of the State, and with regard to public order, and nothing else. In clause 3 here, you have got many more things which will affect even the private life of an individual. They are not matters affecting the security of the State or public order. How can you make a law imposing restrictions in such matters?

At the same time, Sir, your observation leads me to the other point. If it is true that the Press has got more potentiality for making mischief, it has got much more potentiality for doing good to the country. If you create obstructions in the way of the Press, then, that potentiality for doing good is also affected to a great extent. It is through the Press alone that we could educate our masses and put life into them. You must strike a balance and see that only such laws are passed as are justified by the circumstances. If the circumstances requiring the enactment of such a law were placed before the House, we should agree to it. But, our Rajaji has said that it is a dead weapon that he is forging. He does not say that the circumstances are such that require our enacting a Bill of this nature. Therefore, I submit that we are not justified in having this Bill.

Leaving clause 3, I will go to the other provisions. The last line of the Statement of Objects and Reasons says: "A right of appeal is provided to the High Court on all points involved in every case." The unfortunate part of this is that the High Court's powers are limited to a very great extent. The High Court has no power to forfeit a less amount than the security demanded. The High Court cannot amend....

Shri Rajagopalachari: It is not correct, on a question of fact. If I am wrong, you can correct it in the Select Committee.

Pandit Thakur Das Bhargava: Both the things are not possible. If I am wrong, I will own it.

Shri Rajagopalachari: I make it quite clear. My object is, in all these matters, there should be the right of appeal. Can I do anything more?

Shri Naziruddin Ahmad (West Bengal): Probably both are wrong.

Pandit Thakur Das Bhargava: When a thing comes from Rajaji, I take it that I am wrong.

Shri Rajagopalachari: I may be wrong; you may have it corrected in the Select Committee.

Mr. Deputy-Speaker: What the hon. Minister says is that he intends to provide for appeals in all such cases. That is his intention. What he says further is that it is not necessary to labour this point. If there is any difference in regard to any matter for which relief ought to be granted, according to the hon. Member, the Select Committee can correct it. It is clear. There is no difference in substance.

11 A.M.

Pandit Thakur Das Bhargava: All right. Whatever Rajaji says I will accept, because as I have submitted, I have almost a blind faith in what he says. I may be wrong in my interpretation. And also I accept his assurance that if any correction is necessary it will be carried out.

As a matter of fact, this Bill is, according to my humble conception, worse than the Act of 1931. It may give some sort of a glamour to Pressmen in that they will have juries and session judges for the trial. But really speaking, from the point of view of the country and even from the point of view of the Pressmen themselves, this Bill is not an improvement upon the old Bill, and I say that after full consideration and quite consciously. It is true that pre-censorship has been removed. But that has gone not as a result of the Bill but because the Supreme Court has held that that is wrong. So far as the country is concerned, I congratulate Shri Deshbandhu Gupta for his declaration that the interests of the country are paramount and all other interests are to be subordinate thereto. I want hon. Members to look at the matter from this point of view. If a thing is printed and put into our hands, then it is a question of interpretation. It does not

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require any oral evidence. The question of proof, so far as such inquiry is concerned, is not very great. What will the sessions judge do? He will interpret the document and say if it comes within the description of "objectionable matter". So far as the High Court is concerned, it cannot go into the question whether according to the Fundamental Rights such restrictions are reasonable in regard to the matter published. Under the Bill, it can only say if it is objectionable matter, under clause 3. It cannot go into any other question. It cannot go into the rights of property. It cannot go into the question whether the man had sufficient cause or not, whether according to his knowledge he was justified in printing what he actually printed. All the explanations in sections 124A, 153A and 505 of the Indian Penal Code have been taken away bodily from clause 3. All the safeguards of innocence provided in the Act of 1931 have been studiously excluded. The only point to be decided now is whether the matter is one which comes under the class of objectionable matter under clause 3. Our own Government now copies everything from those old and accused Acts of 1910 and 1931 which wrought so much havoc in our country, omitting not even a comma.

Shri Deshbandhu Gupta: Only the explanations have been given up.

Pandit Thakur Das Bhargava: I have already said that.

In the previous Act the amounts were specified as Rs. 1,000 to Rs. 3,000, Rs. 3,000 to Rs. 5,000 and then to Rs. 10,000. But now the sessions judge is at liberty to demand any amount. Why should we give such arbitrary power into the hands of any one? He may be anybody in the world, but I am not willing to give such wide powers to him. Under section 108 of the Criminal Procedure Code there are wide powers with the courts to deal with persons behaving improperly in regard to seditious matter, and matters creating hatred between classes and other matters. Even there a person can be asked to give security, but for a specified period. But in this Bill even that limit of period has been taken away. Under section 118 security of excessive amount cannot be demanded. It must be suited to the circumstances of the case. In the Criminal Procedure Code, under section 125 court even possesses the power to cancel the bond in proper circumstances. Here no such provision is made. The security and forfeiture clauses were introduced by the previous Government to kill the

national movement and this provision is being repeated by the present Government.

It is said that we have been given trial by jury. In the first place, I submit, whatever the Pressmen may say on this point, I am opposed to this proposal to treat them as being heaven-born or something different from the rest of the public. According to the accepted principles of law, they have only such rights and privileges as we have. And what are the juries to do and how are they to be chosen? Is it easy to get five journalists from within a district? And what will they decide? Under the Bill the enquiry is to be made in a perfunctory manner. For all practical purposes the enquiry will be conducted as in the case of a summons case. It will not even be a warrant case, not to speak of a sessions case. There are other anomalies too. In clause 18(2) it is stated:

"Any inquiry under this Act shall be made as nearly as may be practicable in the manner prescribed for conducting trials and recording evidence in summons cases by magistrates under the Code."

And what will the jury do? It is under clause 19(5):

"The provisions of Chapter XXIII of the Code shall, so far as they can be made applicable consistently with the provisions of this Act, apply to the preparation and revision of lists of jurors and the choosing of jurors under this section and to inquiries before any sessions judge under this Act as they apply in relation to courts of sessions."

That means that the whole of Chapter XXIII is to be altered in view of the commandment in clause 18(2), that is to say, the "inquiry under this Act shall be made as nearly as may be practicable in the manner prescribed for conducting trials and recording evidence in summons cases by magistrates". I tried to look into this chapter, Chapter XXIII, as well as the procedure for summons cases and I could not see how that procedure could be assimilated to these session court cases. What happens in summons cases? I do not know if many hon. Members are acquainted with this procedure. The judge makes a memorandum. Under the Code he is only asked to prepare such a memorandum. And even if the case goes to the High Court, the entire evidence is not there. The statements made by the witnesses are not there. Even ordi-

nary cases involving sentences of six months or more are tried as warrant cases. There is a charge and a plea of defence. Full evidence is taken. Defence witnesses are called. But if you compare the procedures in summons cases and warrant cases and sessions cases, you will know that the procedure prescribed for summons cases is too perfunctory. A prominent Judge of India—Shri Seshadri Ayyangar said of the 1910 Act that it was an Act in which the burden of proving innocence was put on the accused. That was the criticism of the Act of 1910, which is substantially similar to the present Bill. And as regards reasonable restrictions, you may remember that Sir James Crerar said in this House in connection with the previous Bill of 1931 that clause 4 of that measure, which conforms to clause 3 of the present Bill, was of primary importance. And the objectionable matter is so widely defined that you do not allow any liberty to the judge to decide really one for which a man should suffer any penalty. Do not be misled by the glamour of the provision of jury:

“All that glitters is not gold,
And gilded tombs do worms unfold”.

And what is the type of persons who will be there as jurors?

Shri R. K. Chaudhuri: The taking up of a jury is not compulsory.

Pandit Thakur Das Bhargava: My iron friend does not want a jury when he is assigned as an accused. And what happens to a man when he comes to the court for the first time? In criminal cases the salutary rule is that no evidence can be taken in the absence of the accused in ordinary cases. If he is absent then the law takes care to see that in his absence evidence is collected, under section 512 Criminal Procedure Code and when he appears it is put before him. This is the general law. But clause 17 of the Bill states:

“If upon the day appointed for the appearance of the respondent or any day subsequent thereto to which the inquiry may be adjourned, the respondent does not appear, the sessions judge shall proceed to hear the complaint and take all such evidence, if any, as may be produced in support of the complaint and pass such orders under this Act as he may think fit.”

That is *ex parte* procedure. The order will be one of forfeiture or demand of further security. There is no provision that this order can be reviewed. Why? Because in the Acts of 1910 and 1931 there is no such pro-

vision. There is no provision under which a person can come forward and ask for a review of his case. From whatever standpoint you might consider this Bill it is not an improvement and it is not good from the country's standpoint. Suppose there is objectionable matter or seditious matter or a virulent attack upon any person. The case has to go through the lengthy process of a jury for months together and meantime all publicity is given and the real thing is lost. Previously the power which the provincial Government had to pass an executive order in such cases was much more effective than the trial by jury which is now conceded. The provincial Government was to take action directly and the matter was to go before a special bench of the High Court consisting of three Judges. There was no question of taking evidence. In the book or newspaper or document there is recorded evidence and they have only to interpret the document. What is the benefit to the accused given by a provision like that of the jury, where three Judges of the High Court will go into the case? In a matter like this immediate action is the very essence of the action. If you cannot take immediate action the whole effect will be gone. To provide for such a contingency the Bill has provided clause 10. But where, then, is the need for this inquiry? The inquiry will be better conducted in the High Court. There is a change in procedure only but so far as fundamentals are concerned there is no change. Clauses 3 and 4 are the same. At the same time so far as the mere matter of procedure is concerned you give a sessions judge with a glamour of a jury. You have to make a choice between this and the provincial Government's orders with a special bench of the High Court.

It is said that this Bill is being brought in by virtue of an undertaking given, so that Press law may be brought into line with the Fundamental Rights provided in the Constitution. If you want to do that, kindly change clause 3 altogether. Make it applicable to all offences, and even to incitement. Do you think that the situation in the country is such as to warrant it? The situation is not so bad as that and, therefore, you are not justified in bringing this Bill forward. Even the present laws of the country are more than ample to attain the objects which the Bill has in view. Section 108 of the Criminal Procedure Code is there. Sections 99A to 99F are there. They give ample powers like the ones sought to be taken now under the Bill. They form the perma-

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 ment law of the land. Section 99A
 says:

"Where—

(a) any newspaper, or book as defined in the Press and Registration of Books Act, 1867, or

(b) any document, wherever printed, appears to the Provincial Government to contain any seditious matter (or any matter which promotes or is intended to promote feelings of enmity or hatred between different classes....."

Then the Provincial Government may pass an order and subsequently the matter goes to a special bench of the High Court. I have already referred to section 108. I am not convinced that the present law of the country is insufficient to cope with the situation as it exists.

I respect the feelings of the Members of the House who have spoken in support of the Bill. I too support the Bill to the extent that I do not want that any preventive action, whenever emergent situation demands, may not be taken. I agree that there are certain characteristics peculiar to our society which call for a different treatment from that obtaining in other countries. Our country does not know those restraints nor do we possess those traditions. Ours is an illiterate country. So, sections 99A and 108 may be kept for sometime.

There is the report of the Press Laws Enquiry Committee. The Government themselves appointed a committee consisting of many members. Mr. Mohanlal Saksena was one of them. They produced a report and it is given the go-by. It is not even looked at and no consideration is paid to it. That was set up for the explicit purpose of bringing the present laws of the land into line with the Fundamental Rights. Every word of the report is worth its weight in gold though some of the unwarrantedly wide conclusions are unjustified. It has taken stock of the present situation and has brought to bear an independent and dispassionate outlook on the points at issue. It is a very weighty report. It has considered what is happening in other parts of the world as also the circumstances of this country. They have also suggested certain things as may be incorporated in the law of the land which are of too sweeping a nature. As a matter of fact no evidence has been produced before us nor any statement made to show that the present law of the land is not sufficient to cope with the evils that are there. The only thing we are told is that only a weapon is asked to be forged which will never be used.

Clause 31 of the Bill involves a principle. It says:

"Every declaration of forfeiture purporting to be made under this Act shall, as against all persons, be conclusive evidence that the forfeiture therein referred to has taken place, and no proceeding purporting to be taken under this Act shall be called in question by any court except the High Court on application under section 22..."

Such an order even in respect of properties will be conclusive against persons who were never made parties to the inquiry. They were never sent for. The High Court will not consider any question except the one relating to the use of the press or whether the contents of the matter were objectionable. I shall now read another three lines of the same clause:

"...no civil or criminal proceeding except as provided by this Act shall be instituted against any person for anything which is in good faith done or intended to be done under this Act."

When a public servant, an officer, does a thing he has got ordinary safeguards in the Indian Penal Code, in the general exceptions and in other places. But what is the use of giving such large powers to individuals with which they can ruin other men? They can pass any orders and they would be fully safeguarded in their action. I am very much opposed to any safeguards being given in a Bill of this nature. If it were a temporary Bill necessitated by a sudden emergency, I can understand; but this is going to become a permanent law of the land—I do not want that such a Bill should disfigure the statutes of my country. If anything is necessary, put it in the ordinary law of the land; insert the provisions in the criminal Procedure Code or the Indian Penal Code and let them become part of the ordinary law of the land for every person. If you want to proceed against a person you will have the necessary power; even the preventive sections are there. Speaking falsehood is a great moral offence, abusing others is a very great moral offence.

Shri Kamath: Speaking falsehood is no offence excepting in a court of law, on oath.

Pandit Thakur Das Bhargava: It is an offence, though my friend is of the view that it is an offence only when oath is given. But suppose we make a law that if any person speaks falsely or abuses another he shall be hauled up before a session judge and a jury

and then security may be demanded. Will this be a fair law to make? Life will become too much regimented.

Shri E. K. Chaudhuri: This crime will become an offence after this law is passed.

Pandit Thakur Das Bhargava: No, absolutely wrong. In the Bill they are not offences but these are only allegations into which inquiries are made. If they are offences then may I humbly enquire if my friend can quote any section of the Indian Penal Code or any other law in support of what he says? May I further ask, will he like to be governed by offences of this kind? Will he agree that his conduct may be judged by these things? My friend has spoken, our hon. Minister has spoken, Shri Deshbandhu has spoken. They have made very good, unexceptional, speeches. But can my hon. friend find definitely the tendencies in their speeches: it may not be a direct tendency, it may be an indirect tendency. Supposing a person writes that one ought to behave bravely when he is being tyrannised and that he ought to kill a man when he is faced with mortal danger, so far as the law is concerned he can be hauled up under this Bill. The question of supply and distribution of food and the question of services are also covered. Do we want that we should submit to all these things? What is the meaning of "interference"? We do not know. These are vague expressions, so meaningless; unless they are defined by the court as offences, I do not know where we stand. I was surprised at the statement of my hon. friend, Mr. Chaudhuri when he said that these tendencies will be rendered into offences. I only say, let them be attempted to be enshrined in the Criminal Procedure Code, and in the ordinary law of the land. But I am absolutely sure that 99 per cent. of the Members of the House will not accept these tendencies as offences because they are too wide, too vague. Moreover the Bill introduces the element of discrimination between one person and another ordinary individual and the Pressman and between the right of speech and the right of expression and this Bill is very objectionable on that score too.

I have taken much time of the House. I am very much indebted to you, Sir, you have been pleased to allow me to have my say. I thank the House for they have listened to me very carefully.

Shri Kamath: Before we proceed further, Sir, may I say, as Pandit Bhargava has suggested, that the

House would be happy if this discussion is carried on for another seven days? Either that may be accepted or if there is a limit fixed for the total length of the debate then some *via media* may be found for the time-limit of speeches.

Mr. Deputy-Speaker: I suggested that even at the outset; therefore, I can once again suggest it at this stage. I thought that I might request the hon. Minister to reply at 12 o'clock, but as it is I have got a list and some hon. Members evidently want to speak. It has already taken four days.

Shri Rajagopalachari: And some of the hon. members have been speaking for an hour and a quarter each.

Mr. Deputy-Speaker: Therefore, I would only request hon. Members to speak for fifteen or twenty minutes. I leave it to the House. I am not putting any time-limit. I am only suggesting to Members; in view of the fact that a number of other Members are anxious to speak, and the fact that we have spent so much time, I am only appealing to them to be brief in their remarks or, at any rate, as far as possible, to avoid taking more than fifteen or twenty minutes.

Shri Kamath: Is it not possible to debate for another one week?

Shri D. D. Pant (Uttar Pradesh): If you have already drawn up the list I would request you to include my name also.

Mr. Deputy-Speaker: Oh, yes, I have got the names of all hon. Members.

Pandit Kunzru (Uttar Pradesh): Sir, I greatly appreciate the appeal that you have made.....

Mr. Deputy-Speaker: It is not intended for the hon. Member in particular.

Pandit Kunzru: No, Sir. I have taken that appeal in the proper spirit and I want to assure the Chair that it will be my endeavour to take as little time as possible in order to place my point of view before the House. Some repetition is unavoidable in a debate of this kind but I promise that there will be no unnecessary reference to any question discussed earlier by any speaker. But I doubt whether the debate can be finished today. I think Government had better make up their mind to give one more day for the discussion of the Bill.

Shri Kamath: Two more days. Till Monday.

Pandit Kunzru: Whether the extra day is given tomorrow or on Monday is a matter of no importance, but I think that one more day will certainly have to be given for the discussion.

Shri Naziruddin Ahmad: Two.

Shri Kamath: Two more days.

Some Hon. Members: Four.

Pandit Kunzru: When my hon. friend, the Home Minister explained the provisions of the Bill to us, he asked us to consider it on its merits, but he will pardon us if while considering the Bill we bring to mind the character of the amendment made to article 19 of the Constitution.

Mr. Deputy-Speaker: Regarding the time, I do not think we can finish this today. It will not be right that I should call upon the hon. Minister to start speaking at 12 o'clock. Naturally it will go on till tomorrow. But it is only to give an opportunity to a number of other Members also to speak.

Pandit Kunzru: I was saying that I hoped that the hon. Home Minister will forgive us if in spite of his appeal we think of the wide amendment of article 19 of the Constitution made in June last. It is that amendment that has made it possible for the hon. Home Minister to bring forward this Bill. The powers that the amendment of the Constitution had invested him with were not possessed by him before, and when therefore he claims that the present Bill is in many respects an improvement on the existing law, we think of the power possessed by Government to widen the scope of this law subsequently. I understand the Home Minister's position to be that though Government possessed the strength of a giant they have not used it like a giant.

Before we consider the actual provisions of the Bill, we should consider the question whether it is necessary to have a special Press law. As the Press Laws Enquiry Committee says, there is no such law in the more progressive countries. There are laws dealing with individuals, but hardly any laws dealing with newspapers and printing presses as such. What my hon. friend the Home Minister desires is that Government should have in addition to the power of punishing erring individuals also newspapers and presses that commit certain offences. The burden of proof is therefore on him.

He has to tell us what are those special circumstances that place this country in a different position from the more progressive countries and require the enactment of a law dealing specially with printing presses and newspapers.

[**SHRI HIMATSINGKA** in the Chair]

There is another fact that has to be considered in this connection. Whatever the state of things may have been previously, this country is a free country. The situation that compelled a foreign Government to arm itself with special powers to curb the Press should not be needed now when we have a Government of our own which is democratic in character.

My hon. friend the Home Minister did not refer to either of these facts in his speech and dealt only with the provisions. There is one more important fact that I should like to invite the attention of the House and the Home Minister too. A special Press law was passed in 1931. It was amended in 1932 and made permanent in 1935. On each of those occasions the Government of the day, which was a foreign Government, took pains to acquaint the House with the manner in which the Press was conducting itself and the reasons for asking the Assembly to pass a special law affecting the Press. The Home Members concerned dwelt at great length on this subject, but the hon. the Home Minister has been absolutely silent on this topic. He has taken it for granted that such a law is needed. He assumes that if individuals are to be punished for the commission of offences, newspapers and presses also must be punished if the newspapers or any other books or documents published in the presses contain any matter that is regarded as objectionable. The two questions stand on a different footing as the example of the progressive countries shows. It cannot be assumed that our penal law should contain provisions for dealing in a special manner with newspapers and printing presses. Perhaps in the Select Committee my hon. friend will give instances to show that such a law is needed. Perhaps he will supply the lacuna in his earlier speech when he winds up the debate, but I submit that it was a serious omission in his first speech that he did not try to justify the demand for permanently retaining a special Press law on the statute book.

Now, I come to the point of view from which the hon. the Home Minister looked at the Bill. Even if he succeeds in convincing the House that a Bill of this kind is necessary, it has still to be shown that all the provisions

contained in clause 3 of the Bill must be accepted by the House. A special situation may exist and yet it may be found that the measure brought forward by Government goes beyond the necessities of the case. Let us examine the Bill from this point of view. We are all acquainted with the circumstances in which the Press (Emergency Powers) Act was passed. It was mainly because of the civil disobedience movement that provisions corresponding to parts (iii), (iv), (v) and (vii) of clause 3 of the Bill were inserted in section 4 of the Press (Emergency Powers) Act. The civil disobedience movement, I know, was not the only reason given by the Government of India for passing this measure and for retaining it permanently on the statute book. It was pointed out that terrorism, communism and communalism were also giving cause for serious anxiety and that taken along with civil disobedience, which was strong in 1931 and 1932 but had come to an end by 1935, it was necessary that Government should possess special powers to curb the activities of the Press. The situation at the present time is very different from what it was then. Whatever the position with regard to communism and communalism: may be now, I venture to think that at least with regard to communalism, the situation has undergone tremendous improvement. Anyone comparing 1951 with 1935 can congratulate the country on the great difference, on the improvement that has taken place in the interval.

Again, the provisions that I have referred to, which relate to seducing an officer belonging to the defence forces or the police from the allegiance or duty or bringing pressure to bear on the servant of any local authority to act otherwise than in accordance with the law and so on, may have been necessary in 1931 and 1932, and even in 1935. But are they necessary now when the party that was, in the opinion of Government primarily responsible for the enactment of such a law, is itself in power? In no country is the position ever completely normal. Take the countries of Western Europe, England, Belgium, France, Italy and so on. Is the position in any of these countries normal? Is it not worse than what it was in 1939, that is, before the war broke out? But has any of these countries so comprehensive a law affecting the Press as the one that my hon. friend the Home Minister wants us to enact? The test, therefore, that we have to apply is not whether the situation in this country is absolutely normal, for that test cannot

be applied to any country, but whether it is such as to require the retention of the Press (Emergency Powers) Act, even in a slightly improved form.

I have already illustrated my point of view by referring to certain provisions of clause 3, but there are two other items that I must refer to in order to emphasise my meaning. Those provisions are contained in parts (vi) and (viii). Now, part (vi) which relates to the "creation of feelings of enmity or hatred between different classes of persons in India" has been discussed by several speakers. My hon. friend, Dr. Syama Prasad Mookerjee, pointed out the other day how this provision has been widened. But I should like to draw attention to another aspect of this clause. The promotion of feelings of enmity or hatred between different classes seems at first view to be very different from seditious activities. But as a matter of fact both in England and in America the creation of enmity or hatred between different classes is regarded as a seditious activity, because it tends to disturb the tranquillity of the State. In India too, when the Bill containing the provisions now embodied in section 153A of the Penal Code was introduced in the Imperial Legislative Council, the new provision was made part of section 124A. The Select Committee separated it from section 124A and consequently it seems as if there was no connection between section 153A and section 124A. But the law as it prevails both in England and America shows that there is a close connection between these two activities. The State is vitally affected by it. The provisions of section 153A should, therefore, be regarded as part of the law dealing with sedition. Now in part (i) of clause 3 the hon. the Home Minister has treated seditious activities of a particular kind as objectionable only when there is incitement to resort to violence or sabotage. Is it not necessary that the operation of part (vi) should be similarly limited? If you are going to have such a provision, is it not necessary to make it narrower than it is to introduce limitations that have been already provided in part (i) with regard to seditious activities tending to overthrow or undermine the Government or its authority? I shall refer to section 505 of the Indian Penal Code. The language in the Bill has been borrowed from section 153A of the Code. But I venture to think that it would have been better for Government to model part (vi) on section 505 than on section 153A of the Penal Code. Section 505 says:

"Whoever makes, publishes or circulates any statement, rumour

[Pandit Kunzru]

or report"—I shall leave out the first two clauses and read out only clause (c)—"with intent to incite, or which is likely to incite, any class or community of persons to commit any offence against any other class or community, shall be punished with imprisonment which may extend to two years, or with fine, or with both".

Pandit Thakur Das Bhargava: Kindly read the exception also.

Pandit Kunzru: I will read it. You will thus see that section 505 of the Penal Code makes the promotion of enmity and hatred between classes and communities as punishable only when there is incitement to any person to commit an offence. In other words it seems to me that the intention of the framers of the law was that unless such an appeal was likely to induce any violent activity, it should not be taken notice of. And I think that this was a very sound principle. It is necessary not merely in the interests of the State but in the interests of the class or community that we want to protect that we should not take action in such a way as to make it even more odious in the eyes of the public than it was before. It is necessary in the permanent interests of the minority itself that action should be taken only in special cases lest the public should turn permanently against it.

I have referred so far only to clause (c) but I shall now read out the exception which forms an important part of section 505. The exception says:

"It does not amount to an offence, within the meaning of this section, when the person making, publishing or circulating any such statement, rumour or report, has reasonable grounds for believing that such statement, rumour or report is true and makes, publishes or circulates it without any such intent as aforesaid."

Here the most important ingredient is the intention. There are these two safeguards provided in this section. One is incitement to a person to commit an offence, and the other is the intention of the writer or the newspaper in which any matter offending against this section appears. None of these safeguards finds a place in part (vi). I know that a great deal of stress is laid by the Government and by the Prime Minister on the secular character of our State. I heartily agree with this point of view. But does this justify a provision without any of the safeguards to which I have drawn attention? Minorities in England and

America, for instance the Jews and the Negroes, are not free from all dangers. Periodically attempts are made to inflame public opinion against these communities. But action is taken there only when there is clear evidence of a danger to the public tranquility, of violence being resorted to. The position in India is certainly far better. The position of the minorities in India is certainly far better than that of the Negroes in America in this respect. Why then should the Government of India go beyond the law in force in America in respect of offences connected with the promotion of feelings of enmity or hatred between different classes of persons? Surely this is a matter with regard to which full information should be supplied to us by Government. But has a little of information been supplied justifying the provisions of clause 3? I cannot imagine how the Home Minister could consistently with his responsibility ask the House to pass this Bill without placing before it any evidence as to its necessity. He assumed that the conditions are as they were before, that the establishment of freedom in India made no difference whatsoever, and that an indigenous, democratic Government required all those safeguards as a foreign bureaucratic Government did.

12 Noon.

Now, I shall refer to part (viii) of clause 3 which deals with matter that is grossly indecent or scurrilous or obscene. I have hardly any doubt in my mind that we owe this provision to the Prime Minister. During the discussions on the Constitution (First Amendment) Bill he expressed a strong opinion with regard to the vulgarity of the matter that appeared in certain newspapers. Speaking on the 16th May, he said:

"I have frequently given expression to my appreciation of the way responsible journals in this country are conducted. I should like to say so again, but I have also drawn attention to the way the less responsible news-sheets are conducted and it has become a matter of the deepest distress to me to see from day to day some of these news-sheets which are full of vulgarity and indecency and falsehood day after day, not injuring me or the House much but poisoning the mind of the younger generation, degrading their mental integrity and their moral standards. It is not for me a political problem but a moral problem."

If the Prime Minister and the Home Minister feel so strongly on this subject, why should they not provide us with the extracts from the news-sheets

referred to by the Prime Minister so that we may judge their character for ourselves and also see whether the kind of action suggested against them would be of any use? If there is any serious evil which must be dealt with immediately, surely we ought to be convinced of its existence and the necessity of dealing with it by being supplied with examples of writings to which the Prime Minister took objection, but has anything of this kind been done? The House knows that it is no wiser on the subject than it was in May last when the Prime Minister spoke. I object very strongly to a procedure of this kind. The Government may have a large majority behind them and their party may be willing in the last resort to accept whatever they say, but is it right for them to be demoralized by the size of their majority? Is it not necessary for them to take the ordinary precautions to provide the ordinary proofs of what a bureaucratic Government did to justify resort to special measures?

My hon. friend, the Home Minister said in his opening speech that he doubted whether it would be possible to make any use of this provision. We know that so far as the provisions relating to 'obscenity' are concerned, they are hardly ever put into force and one should have thought, therefore, that the provisions in the Bill would be found to be no more workable in practice than the provisions relating to 'obscenity'. But I confess I have a fear owing to the strong attitude taken by the Prime Minister on the subject that action might be taken under part (viii) which would make the situation worse than it is now. It will not be easy for Government to take action under it, since the word "scurrilous" has not been defined anywhere and probably cannot be defined by anybody but it is quite possible that the sessions judge accepting their point of view may allow action to be taken as desired by Government. I venture to think that a procedure of this kind is not desirable. I do not know if there is any law of this kind either in America or in any of the Western European countries.

An Hon. Member: Under the I.P.C. it is an offence.

Pandit Kunzru: The Indian Penal Code enables Government to deal with obscene matters but I do not know really how they will define a matter which is grossly indecent and a matter which is 'scurrilous'.

There is only one more point to which I want to draw the attention of the House and that is a comparatively

small point but as it concerns the rights of those who may be aggrieved by any action that may be taken by Government under this law, I think it is necessary I should make some reference to it and that is the difference between the existing Act and the proposed law in regard to the applications to High Courts in respect of orders relating to deposit or security or forfeiture. Formerly, an application made to a High Court was considered by a special bench of three Judges. The procedure now, however, is allowed to be determined by the High Courts themselves, that is, the High Court will regulate the procedure in respect of applications made to it under clause 22. We do not know what those regulations will be but we know that great pressure is being put on the High Courts by the State Governments to have as many cases decided by single Judges as possible, so that the arrears might be disposed of expeditiously. It is quite possible that appeals under the Bill, under regulations made by the High Court, might be allowed to be dealt with by a single Judge. I think this is very undesirable. We should see that when the appeals are considered, the accused or respondent, if I may say so, is not, broadly speaking, in a less favourable position than he is at the present time. It may be said that as, in respect of the deposit of the security, the question will be considered by a jury, the old safeguards are, in a measure, not necessary. I venture to differ entirely from that point of view. We know that the verdict of the jury will not be binding on the sessions judge. Where there is a difference of opinion between the sessions judge and the jury, the matter will be referred to a High Court Judge. Consequently, the participation of a jury in an inquiry provides no real safeguard. Government evidently thinks that since the executive Government cannot demand security itself, but must justify its demand in a court of law, it does not matter what the provision of the Bill are. They may be wide or they may be narrow; it is not necessary to scrutinise them because a judicial procedure is going to be followed in future in place of the executive procedure that is followed now. A similar argument was used when article 19 of the Constitution was amended. The House will remember that reasonable restrictions of a certain kind were validated and it was said that the word 'reasonable' would enable the aggrieved party to seek redress in a court of law, and there was no reason why any of the amendments should be closely examined. The Government, following the same argument in this case, expect us not to

[Pandit Kunzru].

scrutinise the provisions of clause 3 or other clauses of the Bill, simply because every demand for the deposit of security will have to be justified in the court of a sessions judge. But, there are other cases in which the intervention of the sessions Judge will not be necessary under the Bill. On the Government's own showing, therefore, it is necessary to examine carefully the provisions that I have mentioned.

Now, I shall say a word about the amendment that has been moved asking for circulation of the Bill for eliciting public opinion. My hon. friend the Home Minister has, I am sure, brought forward this Bill only because he believes it to be in the interests of the Press. He claims that it is an improvement on the existing law and I freely confess that in some respects it is, particularly in respect of the demand for the deposit of security. But, if the Press itself is prepared to remain under the present law for some time more, why should the Government refuse this demand? If the Press is so blind as not to see the advantages of the present Bill, and to ask for delay in its passage, Government, while they may deplore the stupidity of the Press, have no reason to decline to accede to this request. I think that nothing will be lost if the consideration of this measure is postponed for some time more. Government themselves do not seem to have adequate information on the subject. I infer this from their failure to place before the House any matter that would convince us of the necessity of the provisions of clause 3. It is, therefore, doubly necessary that the demand for circulation of the Bill should be agreed to to a reasonable extent. I do not see how Government can justify their refusal to accept the amendment in some form or other.

I wonder whether what I have said is in consonance with the position of a member of the Select Committee. I should therefore like to seek your guidance on the subject. If my remarks are such as, in your opinion, to preclude my being a member of the Select Committee, I shall immediately withdraw from it.

Shri Kamath: Withdraw from the Select Committee or withdraw the remarks?

Pandit Kunzru: I do not withdraw the remarks; I withdraw from the Select Committee. I think that no case has been made out in favour of this Bill. At any rate, no case has been made out for all the provisions contained in clause 3. Government may

be able to justify their action in the Select Committee. But, so far, they have placed no evidence before us in support of this measure. I ask you now to state whether, consistently with my comments, I should be a member of the Select Committee and I assure you that I shall faithfully abide by it.

Mr. Chairman: It is for the hon. Member to decide whether he should be there or not.

Pandit Kunzru: The point is this. If I am member of the Select Committee.....

Pandit Maitra (West Bengal): It is quite possible that the hon. Member sitting as a member of the Select Committee will be able to convince his colleagues of the futility of passing this measure and demonstrate to them the vicious character of it. He will be doing real service if he joined instead of withdrawing from the Select Committee.

Pandit Kunzru: On the other hand, Government may fail to convince some of us at least of the need for this Bill and yet insist that it is necessary. What will be the position of the dissenters in that case? Will they be able to submit a minute of dissent saying that in their opinion, the Bill is unnecessary? Or, will they, because of their membership of the Select Committee, be deemed to have accepted the principle underlying the Bill and therefore debarred from expressing this?

Mr. Chairman: If the House sends the Bill to the Select Committee, the House decides that there must be a Press law. What the contents of that Press law will be, it would be for the Select Committee to decide. I think that would be the position.

Pandit Maitra: This question is really a very important one; it is almost an omnibus question. A Bill has got so many clauses. By reference to the Select Committee, is it understood in this House that all the important principles and things involved in them, which in our opinion are very noxious and not necessary, and even detrimental to the best interests of the people and of the Government, are agreed to? I do not think that that means that the House commits itself to all the things that are involved.

Hon. Members: No, no.

Mr. Chairman: I never said that.

Pandit Maitra: All that can be said is that the House agrees to some form

of regulation of the Press. Beyond that, I do not think there is anything further involved.

An Hon. Member: And that is what the Chairman has ruled.

✓ **Shri Rajagopalachari:** This is no new problem. Hon. Members here, especially senior Members of long standing and experience know very well about the duties of a Select Committee; and these privileges will be extended to the utmost limit. But it is for each hon. Member to decide whether in his own conscience he really accepts the general principles and goes into the Select Committee to look into the details, or whether he should simply go there and sit and sign only a minute of dissent against the whole Bill. We need not discuss it. Hon. Members can decide it themselves. Nobody can put any restrictions on them.

Shri Kamath: Pandit Kunzru is a wise elder of the House.

Shri Ghule (Madhya Bharat): This Bill is being discussed for the last four days. The speakers can be divided into three categories. Some speakers have urged that the Bill should be totally withdrawn. Others have said that the provisions of the Bill should be modified and clause 3 of it should be amended. And there are still others who have said that the Bill should be supported *in toto*. I should like to adopt to middle course. I cannot agree with the people who say that the Bill should be withdrawn and that it should not go to the Select Committee. I think even those who have said that the Bill should be withdrawn have supported the view that the preaching of violence in this country, those who preach violence with a view to change the Government, that the change should be effected by violent methods, should be prevented, that such papers or news-sheets that preach such violent methods should not be given a free hand. The question is whether there is any necessity in the present conditions for getting this Bill passed. The answer to this question will depend upon whether there are such newspapers in the country which advocate the change of Government by violent methods. I think, so far as I know about the conditions in my own State, there are such newspapers. And as the previous speaker pointed out, if only the hon. Home Minister while speaking on his motion to refer the Bill to a Select Committee, had read out some extracts from such newspapers and given proof of their existence, it would have been easy for the House to be convinced about the necessity for such a measure as this.

There can be no two opinions in the country that such papers as preach violent methods to change the Government should be curbed down and if instead of one punishment, even four punishments are prescribed against them, I would not object. We must agree that we cannot tolerate violent methods.

However, there are some provisions in clause 3 which are very vague and raise doubts in the minds of men, whether the passing of such a provision will not place such power in the hands of Government as would enable it to hinder free expression of thought. Therefore, I would like the Government to modify this provision in such a way as to make it acceptable to all and to remove all doubts. In my opinion only such offences should be brought within the purview of clause 3 as are acceptable to all, and about which there could be no two opinions in the House. And so far as the using of violent methods is concerned, part (i), that is, "incite or encourage or tend to incite or encourage, any person to resort to violence or sabotage for the purpose of overthrowing or undermining the Government", there can be no two opinions, that that is necessary. But there can be two opinions so far as tending to incite or encourage any person etc. is concerned. I think, this "tending" should be omitted. It should be limited to a direct offence. If we have the words "incite or encourage any person to resort to violence etc." that will be enough.

The second point on which there will be no difference of opinion is in clause 3(ii)—"incite or encourage, or tend to incite or encourage, any person to commit murder etc." But here too I would like the words "tend to incite or encourage" to be omitted.

Thirdly about part (iv) dealing with seducing people from their allegiance when they are in the armed forces, I am sure there will be no two opinions. Such a provision is very necessary. So also the other parts (v), (vi), (vii) and (viii) are such that there will be difference of opinion about the desirability of having them. And they have been expressed here by many Members. These provisions are rather vague. In part (iv) it is stated:

"tend to seduce any member of the police forces from his allegiance or his duty."

About the members of the armed forces, we have nothing to say. But as regards those in the police, we all know that in this country there is wide corruption among the police

[Shri Ghule]

forces, in the provinces and at the Centre. Even senior police officers admit that and even when a man is honest before joining the police, after two or three years of life in the police he gets into dishonest practices. This is the opinion held by many senior police officers, and it is the opinion or experience of many people in the country also. That being so, if a newspaper publishes that view this fact may be construed as tending to interfere with the recruiting of men to the police forces and this may prejudice the common man from joining the police force. That is one example to show how it would rather hinder honest criticism or statement of facts.

In the same way many instances can be cited with respect to other provisions of the Bill. Part (iii) says:

"incite or encourage any person to interfere with the administration of the law or with the maintenance of law and order or with the administration of laws regulating the supply and distribution of food..."

There are many difficulties which people who supply foodgrains to the Government have to undergo even now. I would like to bring an example before you. There is monopoly procurement all over as also in my own province. In one part of my province the agriculturists who sell wheat to the Government authorities do not get the price of their wheat for many days. Whenever they complained the Government authorities used to say that they had not got enough money to pay them. So the farmers who sell their wheat to the Government have to wait for so many days to get the price of their produce. They have to go to so many authorities. You can well imagine how they will have to pay a rupee here or a rupee there and ultimately to the cashier or the treasurer. Only then they get their money. Suppose some paper wants to criticise that and in so doing the writer goes to the extent of asking the agriculturists not to supply wheat to the Government unless the price is paid beforehand or immediately after the sale of the wheat that might be construed as interference with the supply and distribution of food. (An Hon. Member: How?) It depends upon the interpretation which the sessions judge puts.

I will quote another example. The other day Dr. Mookerjee said—I do not agree with his views—that if Government is not willing to withdraw this Bill, the Press has got its own

way. It should not give publicity to the speeches of the Ministers. It should non-co-operate with Government. In my view it was quite an innocent statement and there was nothing objectionable in it. He did not preach any violation of law. But it was considered by such responsible persons as the Home Minister and our Prime Minister too as inciting the Press to break the law. I could not understand how it would amount to breaking the law—not to print the speeches of Ministers. It is not a law that every speech of the Minister should be printed and published.

Shri Rajagopalachari: I invited that act on his part. (Interruption). Nobody said that not printing of our speeches was an offence...

Shri Kamath: He welcomed it so far as he was concerned.

Shri Ghule: It was a general question. Objection was raised not by the Home Minister but.....

Shri Rajagopalachari: The hon. Member has repeated it twice. That was not the objection. It is likely to go into the proceedings and it is not right to let it go into the proceedings. That was not the point, to which my hon. friend referred, as the one to which objection was taken. The point was another statement wherein Dr. Mookerjee said he would appeal to the Press not to cringe, not to submit to it but make it impossible. It did not relate to the non-publication of speeches.

Shri Ghule: How can it be made impossible? He said the way to make it impossible is not to give publicity to the speeches of Ministers and that I feel did not amount to any violation of any law. That at any rate is my view and I do not want to insist upon that. An hon. Member who interrupted asked how it could be interpreted in that way and I wanted to show how even just now certain things can be interpreted in both ways. Even after hearing the hon. Minister's explanation I am not convinced that what Dr. Mookerjee said in any way amounted to inciting the Press to violate any law. That is my view. But such views are taken and ordinary things are interpreted in both ways. The difficulty is that when we people go on the treasury benches we see the same thing in a different way than we see it from the opposite side, but when we are in the non-official position we see it in a different way. Suppose Deshbandhuji becomes a Minister tomorrow, I think he would not oppose it so vehemently as he does today.

Shri Kamath: What about you?

Shri Ghule: I am not an exception. I also belong to the same category which you belong to. It is human nature. Because, the non-official Members cannot realise the difficulties which the Ministers have to face in conducting the Government; so, the Members, when they become Ministers, forget their former position and they really cannot imagine what the public thinks about the measures which they bring forward.

I was saying that the crux of the problem is clause 3 upon which depends whether the Bill should be accepted or rejected. In my view conditions in the country are such that the Bill should go to the Select Committee. There are some papers which are really obscene which should be stopped and severely dealt with. In my State there is a paper named *Hajamat*. You cannot imagine a paper named *Hajamat!*—*hajamat* means shaving or a shave. You can very well imagine.....

Pandit Krishna Chandra Sharma (Uttar Pradesh): Can you not depend upon the interpretation by the sessions judge?

Mr. Chairman: Let him go on.

Shri Ghule: Such obscene, scurrilous and indecent matters should be put an end to—there cannot be two opinions about it. So far as advocacy of violent methods are concerned, for undermining the security of the State, inciting to murder, sabotage etc., or for seducing members of our armed forces. I think even there there cannot be two opinions. So, if these things alone are retained in the Bill and others are dropped from the purview of clause 3, I think there would be unanimity of opinion on this Bill and the Bill would get through the Select Committee smoothly.

Shri Kamath: I think that the formidable union of a pandit and an acharya, of the Prime Minister and the Home Minister, has resulted in the birth of this Press Bill. The views and the general summing up of this debate so far has oscillated between the assurance given by the Home Minister that this Bill, when passed, will be practically a dead letter—this is what he said on the 7th. "I know that when this Bill is passed it will be practically a dead letter. I do not make a promise of that kind...but it would be a good thing if the Press Law could be allowed to be a dead letter"—between that and the assurance or the promise given by my hon. friend, Mr. Deshbandhu Gupta.

May I, Sir, by your leave suggest that after the able advocacy of the rights and liberties of the Press which he had made in this House for three long hours Shri Deshbandhu Gupta in my humble judgment is entitled to be called—by us at least—Shri Pressbandhu Gupta? I am given to understand on reliable authority that he donned his present name during the freedom movement and as the freedom movement has come to a close his name could appropriately be changed to Shri Pressbandhu Gupta. I do not mean any reflection, but I think he himself will appreciate this little change in his name. Anyway, it has been amply proved that he is a friend of the Press, a very eminent friend of the Press, and fittingly deserves a title of that kind. He said:

I want to point out to Dr. Mookerjee that the Press of India has always put the interests of the country first and would continue to do so in any situation in spite of what Government does against the Press. If the interests of the country demand that we should adopt a certain course of conduct the Press of India will certainly do that, while we will fight for our rights and the freedom of the Press."

The Home Minister will certainly bear in mind this warning and counsel given by the President of the All India Newspaper Editors' Conference before he proceeds to implement or bring back after Select Committee proceedings the Bill that is before us. I think it will induce—not induce in the sense of 'incite' but induce—the hon. Home Minister or persuade him to change his mind with regard to certain provisions of the Bill and he will see his way to amending certain clauses of the Bill in the Select Committee. Personally, I think the Home Minister is in the position of the man of whom it was said by a poet in Sanskrit:

*Sada vakrah sada rushtah sada
poojamapekshate*

That was said by a poet about the position of a man with regard to his son-in-law but the Home Minister might think that the Press is always dissatisfied. Though he has withdrawn so many restrictions like pre-censorship, security deposit etc., he might think that even then the Press is not satisfied. Why? I wonder if he is in that position about feeling that the Press is always—

*Sada vakrah sada rushtah sada
poojamapekshate*

But I think that the Press is not in the position envisaged in that couplet

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by the poet. The Press has got certain legitimate grievances on this score and may I briefly proceed to point out to the Home Minister that the Press is not complaining without any cause or any grounds, but it has got some grounds on which to lodge its complaints against the Government.

The House will remember that when it considered the Constitution (First Amendment) Bill, certain statements—I would not say assurances, because that word is very glibly used nowadays and too many assurances and promises have been made which have not been quite implemented or honoured later on—certain statements were made on the floor of the House that that Bill was merely an enabling measure, and the Prime Minister went so far as to say that this Parliament may not avail itself of the enabling powers sought to be conferred by that Bill. And waxing eloquent, and a little exuberant also, the Prime Minister roundly condemned generally all the newspaper cartels and journalists in this country and promised to investigate the conditions of the newspaper men, or the working journalists, so that it might give the House an insight into the actual working of the Press. He announced that a Press Commission would be set up very shortly to investigate the conditions in this regard. The Prime Minister held a Press Conference on the 28th of August. In the course of which several matters under the sun were discussed and several questions were put to the Prime Minister by the newspaper men present at the Conference. One of the questions pertained to the appointment of a Press Commission. "The appointment of a Press Commission is not being considered at present". Mr. Nehru told the Conference. After having told this House last session that the appointment of a Press Commission would be shortly announced, at the Press Conference on the 28th of August he said: "the appointment of a Press Commission is not being considered at present". Then he went on to say: "I gave up thinking of the Press Commission when I got the impression that the Press were not all keen about it".

Shri Goenka: That is not a correct statement.

Shri Kamath: I am reading from the P.T.I. report. If the P.T.I. has misreported. . .

Shri Goenka: I am referring to the statement, not the P.T.I.'s report. .

Shri Kamath: A question was put at the Conference: "Who gave you the impression?", to which Mr. Nehru replied: "If I may say so, your 'bosses'". Replying to further questions Mr. Nehru said: "If a Press Commission were appointed, it would take six months or more to report. But Government thought that without waiting for its appointment or report they should"—mark the words—"introduce the Press Laws Bill and repeal certain out-of-date laws".

So far as I am aware, the Home Minister or the Prime Minister, or both, in the last session of Parliament said very much the same thing when article 19(2) was being debated. Both of them or either of them said that what was contemplated in the near future was the repeal of certain laws so as to bring this Press law into line with the new Constitution. That is what is stated in the Statement of Objects and Reasons also. But the interesting part of the matter is that though the appointment of a Press Commission was definitely envisaged by the Prime Minister two months ago, it was dropped—according to the P.T.I. report of Mr. Nehru's statement—because the Press bosses were opposed to the appointment of a Press Commission which would have investigated the conditions of the working journalists. My hon. friend Mr. Goenka says it is not a correct report—I do not know whether he means the P.T.I.'s version or. . .

Shri Goenka: As I said, I do not refer to the P.T.I. version. Information at my disposal shows that none of the 'bosses' of the Press has suggested that such a Commission should not be appointed. In fact some of them have pointed out that a Commission like that should be appointed.

Mr. Chairman: Anyway that is not the matter under consideration now.

Shri Kamath: That means that the Prime Minister has tried to mislead the Pressmen at the Conference by saying that the Press Commission was not appointed because the 'bosses' were opposed to it. (*Interruption*). If Mr. Goenka's statement is correct, the Prime Minister's statement is not correct.

Khwaja Inait Ullah (Bihar): Is it right for the hon. Member to contradict the Prime Minister's statement in his absence?

Some Hon. Members: Why not?

Shri Kamath: Now, the particular point at issue is this. Assuming that the present Bill, the Press (Incitement

to Crime) Bill—in passing I may say that the title perhaps is not very kappy, the Press (Incitement to Crime) Bill, as if the Press is habituated to incite to crime, a sort of reflection being cast upon the Press as if it was always in the habit of inciting to crime. Perhaps if it had been altered to the Press (Objectionable Matter) Bill, something like that, it may have been more appropriate. Otherwise, it is rather indirectly a reflection on the Press. And if it is changed to Press (Objectionable Matter) Bill, it might perhaps commend itself to some Pressmen at least, if not all; it may become less objectionable.

Before I pass on to the main point I agree with my friend Pandit Thakur Das Bhargava that to penalise any act which tends to the commission of any crime or any offence is not good law, because it is difficult to say what tends and what does not tend. I find that though the title refers to incitement, in clause 3 the word "tend" appears again and again wherever the word "incite" is there: for instance, "incite or encourage or tend" in (i), "incite or encourage, or tend" in (ii), and then "tend to reduce", "tend to promote"; and then it comes to "calculated to induce", etc. I am not a lawyer, but I feel a provision of this kind is bad English and worse law. As far as I am aware the only offence or the only crime the attempt to do which is punishable under the Indian Penal Code is suicide. The attempt to commit suicide is a penal offence.

Pandit Thakur Das Bhargava: There is section 511 of the I.P.C.

Shri Diwakar: If he commits suicide then there is no punishment!

Shri Kamath: The attempt to commit suicide is punishable. So far as clause 3 is concerned I therefore submit that it would be better if it is recast in a form such as this. . .

Mr. Chairman: The hon. Minister has already said that this could be considered in the Select Committee.

Shri Kamath: I am not in the Select Committee. So I would suggest here that it may perhaps be recast like this: "In this Act, the expression 'objectionable matter' means any words, signs or visible representations which are calculated to" etc. That is, you may add the words "are calculated to" after the word "which" and then omit "incite or encourage or tend to" etc. In the first sentence itself these words "are calculated to" may be added after the word "which". . .

Pandit Thakur Das Bhargava: So that no intention, knowledge and mensrea are entirely eliminated.

Shri Kamath: I was referring to the issue of the Press Commission which was raised by the Prime Minister, or the answer to which was elicited from the Prime Minister, at the Press Conference held in August last. The point of that is this. Assuming that the present Bill is intended for improving the tone and the functioning and working of the Press in India, which all will agree here does compare favourably with the Press elsewhere in the world, assuming this, the Bill will not achieve all that it wants to. Because unless those who work from day to day in the Press and from hour to hour, who are popularly known as the working journalists, are placed in better conditions than they are at present and so long as they have no security of tenure, so long as they are not well paid and decently paid, one cannot expect that the best talent will come to man this profession, because it is no longer a mission but it is just a means of livelihood just as any other means of livelihood; nor can we expect the people who are already there, who are not free from want or from fear of insecurity, to put their heart and their best into the work which they are called upon to do. If the Press deserves better treatment, it certainly deserves it from a free Government of our Republic. The first claimants to the generosity of the Government or the sympathy of the Government are to my mind the men who have manned the Press through difficult times and even in the dark days of our national struggle. I do not mean to say that the newspaper proprietors have not suffered and they have not sacrificed but it will be idle to ignore the sufferings and the constant fear under which the ordinary working journalists have laboured through long years of our freedom struggle and after this advent of freedom, the Press deserves a better deal at the hands of Government. It is the working journalists who form the backbone of the Press, who form practically the life and soil of the Press, without whom the Press lords and the Press barons will be practically reduced—I will not say to "unemployment"—but to futility. But it is these elements, this vital section of the Press who are entitled to a very fair deal at the hands of our Minister and it is in that context that the Press Commission assumes importance. I will go so far as to say that in bringing forward this Bill before the House, the hon. Home Minister has put the cart before the horse. What should have been done was that the Press

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Commission should have been appointed, a complete picture obtained of the working of the Press in India, under what conditions it functions, whether there are Press cartels, whether there are monopolies, whether there are big chains of newspapers and how these chains affect the working of the Press; all these circumstances ought to have been investigated, a comprehensive report prepared, a complete picture obtained and on the basis of that a Bill should have been drafted and presented in the House. That would have enabled this House to debate this measure, which is a repressive law and which does not obtain in most countries of the world. In other countries the ordinary law applies to newspapers also. That would have enabled them to see how far and to what extent this Bill was necessary. I agree with Dr. Mookerjee when he said that absolute liberty is inconceivable even in a free and democratic State. But, the point here is to what extent any special law is necessary for the purpose. So far as I can see, this Bill, a good bit of it is unnecessary and a little bit of it is undesirable. I can put it that way. Some of the provisions may be necessary; a good bit is unnecessary and a little bit is undesirable.

Shri Deshbandhu Gupta: The sum total is that it should be dropped.

Shri Kamath: I will come to that; whether the Bill should be dropped or not. That is, Pressbandhu Gupta has come back; I was missing him.

An Hon. Member: Pressbandhu?

Shri Kamath: Yes, Pressbandhu Gupta.

Shri Deshbandhu Gupta: Thank you.

Shri R. K. Chaudhuri: On a point of order. Sir. No Member has a right to call another Member by a different name than what appears in the official papers unless that Member accepts that. The House would very much like to know whether he accepts this name.

Shri Kamath: He has thanked me for this.

Shri Deshbandhu Gupta: It is a matter of honour to be a friend of the Press; so I do not mind.

Pandit Thakur Das Bhargava: Even in substitution to being a friend of the country?

Shri Kamath: I feel gratified that he has accepted this honour conferred upon him; I am deeply gratified.

My hon. friend Mr. Gupta asked me whether it was my view that the Bill should be dropped. I could tell him very frankly what I felt if he had also been very frank with us. It is proverbial that public memory is rather short. Soon after the First Amendment of the Constitution was adopted by the House, the Press was righteously indignant, I should say rightly indignant, and they even decided that suitable measures should be devised to bring home to the Government the feeling of the Press in the country. So far as I can remember, a resolution was adopted by the A.I.N.E.C. to the effect that an all-India *hartal* should be observed to impress upon the Government the undesirability and obnoxious nature of the restrictions that had been imposed by the amendment of the Constitution. I felt that it was a very brave, bold move on the part of the Press and I almost wrote to Mr. Gupta congratulating him on the stand. But, within a few days, to my consternation, a statement was issued by Mr. Gupta completely abandoing the idea.

Pandit Thakur Das Bhargava: Therefore, he is Deshbandhu and not Pressbandhu.

Shri Deshbandhu Gupta: It is only a question of postponing on account of Kashmir.

Shri Kamath: I hope the postponement will not be too long.

Shri Deshbandhu Gupta: Might come now.

Shri Kamath: Very good; that is a good assurance which will be welcomed.

I am reminded of the Prime Minister's advice given years ago, when he was fighting for freedom, that success comes to those who dare and act and it seldom goes to the timid. Even today many photographs of his are published with these lines below.

Shri R. K. Chaudhuri: And everything is fair.

Shri Kamath: I am glad that Mr. Deshbandhu Gupta has now stated definitely that the postponement will not be too long and that the measure which he had forged some months ago will soon be put into action.

Shri Goenka: There is nothing definite in the world.

Shri Kamath: I know that there is nothing definite; nothing permanent.

But as far as assurances go, I have full confidence in my hon. friend Pressbandhu.

Shri Deshbandhu Gupta: I have not yet lost hope in Parliament and the Government for throwing out this Bill.

Shri Kamath: This Bill, being more or less a sequel to the other one—the Constitution (First Amendment) Bill, I hope what was postponed then will be implemented now and.....

Mr. Chairman: The hon. Member need not incite the Press.

Shri Kamath: I am not inciting the Press. I am only getting an assurance from Shri Deshbandhu Gupta and nothing more.

Portions of this Bill seem to be unnecessary, because I find that so far as many of our newspapers are concerned—except the gutter press which we shall keep out of our minds for the moment—they are—I will not say they are regimented—such as impose a great restraint upon themselves where the matter is one of inciting the people against the Government. I will take just one example. I will not refer to many and tire the House. Take a paper of which the proprietor or the managing editor is the hon. Member Shri Deshbandhu Gupta himself, a newspaper of Delhi. And take a very recent instance. A few days ago—may be last week—the ex-Home Minister of Madhya Pradesh made a very violent speech in Delhi, a virulent attack upon the Prime Minister's policy, his domestic and foreign policies, and the PTI carried a fairly long report of it. But the paper of which the President of the A.I.N.E.C. is the managing editor played it down—I do not say that he should have played it up. But *The Statesman*, *The Times of India* and even *The Hindustan Times*—reported it fairly well; the last named paper published the whole of the P.T.I. version.

An Hon. Member: Why "even" the *Hindustan Times*?

Shri Kamath: I am sorry. I withdraw that word "even". But the *Indian News Chronicle* published in a corner of the back page about a dozen lines, I will not say a misleading, but not a quite correct or very clear account of the speech given by the ex-Home Minister of Madhya Pradesh. So when the President of the A.I.N.E.C. who is the managing editor of the paper exercises such restraint upon himself when publishing anti-Government matter, I think it can be taken by the hon. Minister as a sort of guarantee that all the papers of the land will follow his noble example and in future.....

Shri Rajagopalachari: It is all very interesting, but I do not think it is quite relevant. Apart from that, how does the hon. Member say that the object of cutting it down was this and not the other? He might have played down the offence committed by the ex-Home Minister of Madhya Pradesh. If it was an anti-Government affair, it might be the other way about. It may be doing a favour to the speaker whose speech he cut down. That is what I mean.

Shri Kamath: I am rather amazed at this view.....

Shri Rajagopalachari: I want the hon. Member to consider the possibility of the motive of the paper being this one and not the other. So we cannot attribute the motive which the hon. Member is attributing to Shri Deshbandhu Gupta.

Shri Kamath: I am glad. But I am surprised, and I do not comprehend the proposition of the Home Minister when he speaks of "the offence committed by the ex-Home Minister".

Shri Rajagopalachari: I may explain it very briefly. If Shri Kamath makes a very bad speech against a very good man, I would be doing a service to Shri Kamath by not publishing it.

Shri Kamath: The Home Minister thinks that I can make a bad speech against a good man, but I hope if I do it, my speech will not be against a good man like the hon. Home Minister.

The point I was referring to was this. Inadvertently the Home Minister spoke of the offence committed by the ex-Home Minister of Madhya Pradesh. This I could not understand how he understood it as an offence. If freedom of speech to criticise Government policy is an offence—it is not an offence even in this Bill.....

Shri Rajagopalachari: It is not an offence in that way. It is not spelt with a 'c' but with an 's'.

Shri Kamath: In connection with that speech I might say, that I was present at the meeting myself and happened to meet one of the newspaper correspondents. He was a correspondent of a newspaper outside Delhi. He expressed to me his amazement that a meeting like that could be so well packed and people would sit there so long and right in the heart of Delhi. When I asked him if he would send a factual account of the meeting to his paper, which was published outside Delhi, what he told me was rather revealing. He said: "If

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I send a factual or true account of the meeting, I will be sacked". The word used by him was "sacked". "Is that as bad as that?", I asked. His reply was, "You do not know the conditions how the Press works". Whether that was an exaggeration or not, the word used was "sacked". Therefore, in that context again the appointment of the Press Commission to investigate the actual conditions obtaining in the Press, how the Press lords, the Press proprietors, the managing editors and Press barons conduct the Press in India, should have been put first. But the hon. Minister has put the cart before the horse.

Therefore, I would request the Select Committee to invite not merely the AINEC representatives to their deliberations but also the representatives of the Federation of Working Journalists. I do not want to pit Chalapathi Rao against Deshbandhu but if the All India Newspaper Editors' representatives have a right to be present at the committee the Federation of the Working Journalists must be called upon to send a representative to the Select Committee to assist or help them in their deliberations.

Shri Deshbandhu Gupta: I can assure the hon. Member that if there is going to be a protest it will be a joint protest on behalf of the AINEC and the Federation.

Shri Kamath: I have only two more minutes left to me. Almost in no other country—neither in U.S.A., U.K. nor in France—is there any special Press law: not even in the U.S.S.R., I am told. I do not know how far that is reliable but according to the note I have got here the citizens are guaranteed by law freedom of speech and freedom of the Press under the decree of December, 1921. The permission of the authorities or the local committee of Political Education is necessary for the establishment of private printing offices and delivery of copies of publications free of charge is also provided. All private publishing offices have to be registered. It is however a very bald statement and I cannot rely upon it. However, in U.K., U.S.A., France and Sweden—some restrictions have been imposed in Egypt—most other democratic countries from whose Constitutions we have borrowed so much do not have any special Press law. I would, therefore, in the end, suggest that while it may not be politic for the Press to non-co-operate with the Government as suggested by Dr. Mookerjee, to non-co-operate with their speeches as suggested by the Home Minister may be possible. Also

for the Home Minister it seems palatable and he welcomes it. In some respects perhaps it is an advice well meant, because we find sometimes whatever a Minister says, whether it is sense or otherwise, is published.

The other day the Prime Minister in the course of his speech at the AICC made certain remarks which were not very wise—I would not say they were ill-considered, I would not say they were even stupid, but they were certainly not wise—about, for instance, the science of astrology, but the Press carried a verbatim report of what he said on the subject. While the Prime Minister was speaking on astrology, the Home Minister was busy reading the palm of Mr. Tandon. The Prime Minister has the habit of dabbling in almost everything under the sun. He thinks he is competent to speak on everything, while a really wise man will be humble enough not to speak on things which he does not know—there are more things in heaven and earth than are dreamt of in his own domain or his own conceit. But I think the Press also, when it reports the speech of a Minister, should find out how much of it really is sense, how much of it is wise, how much of it is good for the public, and how much bad. Otherwise, if the Press is in the habit of reporting whatever the Minister says, then the counsel of Dr. Syama Prasad Mookerjee should come into operation and some speeches should be blacked out which are not quite relevant or are pointless.

I was referring to how these Press monopolies function. (*Interruption*). If that is not necessary I will not dwell upon it very much. But they are practically controlling not merely the All-India Newspaper Editors' Conference but they are also bosses of the PTI and of the Eastern Newspaper Society and many others. Therefore, a Press Commission is very necessary.

In the law as it at present exists, I am given to understand that there is a limit to the security that may be demanded. I am not quite sure on this point, but that was my impression. I have not looked up the law on the subject recently, but my impression is that there is a limit to the security demanded from the editors or publishers of newspapers. But under this law I find that no limit is being sought to be imposed with regard to the security. That point must be certainly examined by the Select Committee.

I would only, in the end, say that while the Home Minister and also the Prime Minister may be sure that in their hands this Bill will not tend, I

would use the same word, will not tend to curb the liberty of the Press, we cannot be too sure that in the hands of the successors, whoever they may be.....

Shri J. R. Kapoor: Say, Mr. Kamath.

Shri Kamath: Or Mr. Kapoor. Mr. Kapoor is more probable than myself.

We cannot be too sure that in the hands of the successors this may not turn out to be an engine of oppression against the Press, against the liberties of the Press. I am sure the House will not desire that this Bill, though it

may prove innocuous just now, should in future prove to be an engine of oppression. I, therefore, while not very happy about the introduction of this measure in this House, particularly because the Press Commission has not been appointed, would still hope that the Select Committee will examine the Bill and later it in a measure which will change it beyond recognition when the time comes for it to come before the House.

The House then adjourned till Half Past Eight of the Clock on Saturday, the 15th September, 1951.
