

Friday
8th April, 1949

THE CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND
ANSWERS)

Official Report

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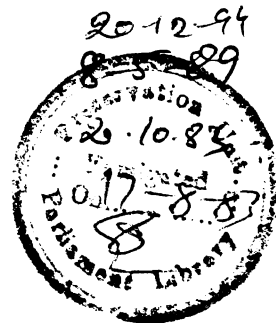
(6th April, 1949 to 9th April, 1949)

Fourth Session

OF THE

CONSTITUENT ASSEMBLY OF INDIA
(LEGISLATIVE)

1949



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CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)
DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Friday, 8th April, 1949.

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

QUESTIONS AND ANSWERS

No Questions: Part I not published.

ELECTION TO STANDING COMMITTEE FOR MINISTRY OF LABOUR

The Honourable Shri Satyanarayan Sinha (Minister of State): Sir, I move:

"That this Assembly do proceed to elect, in such manner as the honourable the Speaker may direct, one member to serve on the Standing Committee on subjects with which the Ministry of Labour is concerned, until the end of the current financial year *vice* Shri Homi Mody resigned."

Mr. Speaker: The question is.

"That this Assembly do proceed to elect, in such manner as the honourable the Speaker may direct, one member to serve on the Standing Committee on subjects with which the Ministry of Labour is concerned, until the end of the current financial year *vice* Shri Homi Mody resigned."

The motion was adopted.

**ELECTION TO STANDING COMMITTEE FOR MINISTRY OF
INDUSTRY AND SUPPLY**

The Honourable Shri Satyanarayan Sinha (Minister of State): Sir, I move:

"That this Assembly do proceed to elect, in such manner as the honourable the Speaker may direct, one member to serve on the Standing Committee on subjects with which the Ministry of Industry and Supply is concerned, until the end of the current financial year *vice* Shri Homi Mody resigned."

Mr. Speaker: The question is:

"That this Assembly do proceed to elect, in such manner as the honourable the Speaker may direct, one member to serve on the Standing Committee on subjects with which the Ministry of Industry and Supply is concerned, until the end of the current financial year *vice* Shri Homi Mody resigned."

The motion was adopted.

Mr. Speaker: I have to inform honourable Members that the following dates have been fixed for receiving nominations and holding elections, if necessary, in connection with the following Committees, *namely*:

	Date for nomination	Date for Election
1. Standing Committee for the Ministry of Industry and Supply.	8-4-1949	9-4-1949.
2. Standing Committee for the Ministry of Labour.		

[Mr. Speaker]

The nominations for these Committees will be received in the Notice Office upto 3 P.M. on the date mentioned for the purpose. The elections, which will be conducted by means of the single transferable vote, will be held in the Assistant Secretary's room (No. 21) in the Council House between the hours 10-30 A.M. and 1 P.M. tomorrow.

INDUSTRIES (DEVELOPMENT AND CONTROL) BILL

APPOINTMENT OF A MEMBER TO SELECT COMMITTEE

The Honourable Shri Satyanarayan Sinha (Minister of State): Sir, I move.

"That Babu Ramnarayan Singh be appointed to the Select Committee on the Bill to provide for the development, regulation and control of certain industries, *vice* Shri Homi Mody, resigned."

Mr. Speaker: The question is:

"That Babu Ramnarayan Singh be appointed to the Select Committee on the Bill to provide for the development, regulation and control of certain industries, *vice* Shri Homi Mody, resigned."

The motion was adopted.

MOTIONS FOR ADJOURNMENT

PROCEDURE *re* MOTIONS WHICH ARE OBVIOUSLY INADMISSIBLE AND ON WHICH NO QUESTION OF CONSENT OF THE SPEAKER CAN ARISE—MOTIONS NOT TO BE MENTIONED IN THE HOUSE.

Mr. Speaker: The House will now proceed with Legislative Business.

Maulana Hasrat Mohani (U.P.: Muslim): Sir, what about the adjournment motion of which I gave notice?

Mr. Speaker: I am thankful to the honourable Member for giving me this opportunity of expressing my views on this subject. The adjournment motion tabled by him and another honourable Member is of such a nature, and couched in such language, and groups together so many subjects, that it contravenes all possible rules. Henceforth, I must make it a point that all such motions which are against the rules should not be amended by me and should not even be mentioned in the House. In an obviously inadmissible motion of that type, no question of consent of the Speaker can arise and I am not going to mention the motion here. In similar motions which are submitted to me hereafter, I propose to follow the same procedure. Up to now the procedure in this House has been to mention every adjournment motion, before the House and then say whether the Speaker consents or not. But in motions of this kind I do not think I should take the time of the House and give undue publicity to notices of this type.

DELHI HOTELS (CONTROL OF ACCOMMODATION) BILL

Mr. Speaker: The House will now proceed to consider the Bill to provide for the control of accommodation in certain hotels in the province of Delhi.

Shri E. K. Sidhva (C.P. and Berar: General): Sir, this is a harmless Bill and I welcome it. But there are certain points which I should like the honourable Minister to clear up. The Bill relates to the accommodation of visitors to Delhi, and the Statement of Objects and Reasons refers to the gentleman's agreement between the Estate Officer and the management of the more important hotels in Delhi and New Delhi. This is the second gentleman's agreement; the first was with regard to cloth control and the industrialists broke it; in this case the agreement does not provide the

Estate Officer with adequate powers and the hotel-owners have flouted him. When Government leave it to the good sense of these people it is found that they are out to grab more and more money and then they break the agreement that has been arrived at.

Then apart from accommodation there is the question of charges. The Bill is silent about that. I understand there is some Ordinance or rules about it. I do not mind the charges that they make but it has its reaction on the other smaller hotels. The Taj Mahal Hotel in Bombay which is really a first-class hotel charges only Rs. 35 a day whereas the Imperial Hotel which is only a second-class hotel compared to it charges Rs. 50 a day. And this reacts on the smaller hotels. You cannot get accommodation anywhere these days for less than Rs. 10 a day. And what is the food they give? Under rules framed by Government they give only three courses,—soup, one side dish and dessert or ice cream. And still they make these high charges. I hope the honourable Minister will consider all these points and make the Bill a perfect one.

Mr. Naziruddin Ahmad (West Bengal: Muslim): Sir, I am afraid I am not able to whole-heartedly support this Bill. There are certain aspects of it which deserve careful consideration, and I hope the honourable Minister will look into them and do the needful.

The centre of gravity of this Bill is the Estate Officer, a very big officer already armed with tremendous powers, powers which even Hitler did not possess. By this Bill it is proposed to further augment his super-abundant powers. There is no doubt dearth of accommodation in Delhi and the Government wants more accommodation for its guests and for its officers. There is no doubt dearth of accommodation. But I submit this is due to the somewhat slow, halting and hesitating building programme on the part of the Government. Much was expected in the way of building houses in Delhi after the attainment of Independence, but practically nothing has been done. In fact if the Government allowed private parties to build their own houses by allotting to them lands, we would have seen an end of the housing shortage to a large extent. Many of the Embassies find it difficult to accommodate themselves. They asked the Government to allot spaces to them, but in this respect the Government is proceeding in the old, dilatory British fashion. I submit the Government should take in hand urgently and energetically the programme for building houses. That way alone the shortage will cease. The present is just a kind of discrimination between different kinds of occupiers of space. If Government requisitions 25 per cent of the seats in hotels, it encroaches, to that extent, upon the convenience of the public. It is thus favouring certain Government guests and Government officials at the cost of the public at large. To that extent I think there is net loss, no net gain in the available living space, but considerable inconvenience will result to those who come to Delhi and find themselves absolutely stranded.

With regard to the various characters of the menu and the costs mentioned by my honourable friend Mr. Sidhva, I submit with respect that these are not quite relevant to the consideration of the present Bill. If their menus are not good the Government may interfere; if the charges are high there is a case for controlling the rates.

Pandit Lakshmi Kanta Maitra (West Bengal: General): If the cooking is bad?

Mr. Naziruddin Ahmad: If the cooking is bad, as Pandit Lakshmi Kanta Maitra asks, then of course the honourable Minister should try to improve the cooking. But bad cooking, bad menu and high charges should be no ground whatsoever for encroaching upon the available space in the hotels. These only-obscure the simple issues under the Bill. This argument. I submit, is not quite relevant.

[Mr. Naziruddin Ahmad]

With regard to the various houses set apart for Members and Government officers, these houses—especially M.L.A. quarters—are occupied by many unauthorised persons—persons other than Members. Questions have been asked as to why they are allowed to go on occupying these quarters. Government do not however reply to the fullest extent to questions and supplementary questions are not answered whole-heartedly and somehow or other, a veil is drawn over the scene. In fact in this matter, some M.L.As. also are partially responsible along with the Government. I submit therefore that with regard to these houses a very strong and bold policy should be followed and the unauthorised persons should be removed. In that way alone we can make available a large amount of space for guests and officers of the Government. There is a class of guests of His Majesty for whom sufficient care is taken in the jails. But so far as other guests are concerned they could be accommodated in houses which could be vacated by the unauthorised persons. I think this halting building policy and this halting policy of refusing or neglecting to clear the Government quarters of unauthorised persons have created this situation.

With regard to the other activities of the Department the less said the better. Recently the floor of the Western Court was dug out and renovated at a large cost. I submit this was not very urgent and the money and energy could have been spared for other things. We have been given new furniture in place of the old and it was supposed that they were superior to the old. But the entire body of lodgers feel that the old furniture were better; the substitutes are definitely worse.

We are going to get rid of landlordism in India. "Landlords must go", is the slogan not only of the Government but of the public at large. In the Provinces landlords have been given notices to quit. That is our national principle. But so far as the Estate Office is concerned it is a big and powerful landlord's office. So the Government wants to remove landlordism from the country only to accumulate all the vices, all the powers, all the other accompaniments of absolute power in the hands of the powerful Estate Officer. I submit that the inconvenience to the people is not in the least removed. Only some discriminatory arrangement is made for certain classes of people whom the Government wishes to favour. Of course the Bill would be passed, but the best way to remove the shortage would be to build more houses and the quicker we take up the programme the better. The honourable Minister who, I submit most respectfully, is one of the most hard-worked, most sincere and the most deserving of all Ministers, has a warm heart but he has not readily accessible ears and eyes. I submit that he should look into these matters a little more personally, and if he looks into them personally. I am sure much of the grievances will be revealed and removed. I hear that some of the officers of our Legislative Department even have no houses to live in and have to move about here and there. I think that has also got to be looked into—not the cases of the big officials alone who can somehow or other shift for themselves.

With these few words I offer a qualified support to the Bill.

Srijut Rohini Kumar Chaudhuri (Assam: General): Sir, I wish to say a few conciliatory words to my honourable friend Mr. Sidhva. He was complaining of the high rates and also of the bad food. But does he remember that about two years ago such a hotel as is mentioned in the Schedule to this Bill was mainly reserved for Europeans, Princes and Nawabs and that men like me would have had no right to go there with sandals, dhoti and all this kind of thing? So the authorities are seeing that as a result of independence if we have achieved nothing else we have achieved this, that we have now

a free entry to this kind of hotels. Now, if men like me are going to swell in numbers in this kind of hotels something ought to be done, and the only thing which is possible to be done is to increase the rate of charges and at the same time worsen the quality of food. They do not fear that they will suffer for want of custom. So long as they are having a bar in their hotels there is no fear of losing the custom at all, and therefore they can safely raise the rates and at the same time worsen the quality of the food. But if my honourable friend would be more devoted to his fish and rice I suppose he will get much better value for the price elsewhere.

I also, like my honourable friend Mr Naziruddin Ahmad, give only a qualified support to this Bill. I can quite understand that in an emergency a provision of this kind is necessary, but in normal times we should not encourage the Government in taking such measures. I have seen in my own Province that a circuit house which was meant for *bona fide* travellers was occupied by a Judge of the High Court for one year and Government would not build a quarter for him. Another Judge in Assam has been living like that for the last five months and Government has not built any quarter for him. All the dak bungalows which are intended for travellers are now full of Sub-Deputy Collectors, D.A.Cs. and you can see their children roaming about in the compounds of the dak bungalows. Government will not do anything to build houses but at the same time they are trying to take away the shelter which is now available. That is a sort of a thing which should not be encouraged. Now, in this City of Delhi there is, as far as I understand, no rest house; *bona fide* travellers do not find a place to live in. You are reserving certain seats only for Government servants or for other persons connected with Government; the ordinary travelling public will suffer. So, I say that instead of depending on such measures and taking away the private hotels and things of that kind, Government should, as soon as possible, try to arrange more accommodation.

Shri Deshbandhu Gupta (Delhi): Sir, I rise to support the motion for consideration, but I am afraid I cannot wholeheartedly support it. It is stated, and rightly stated, that an emergency ceases to be an emergency if it becomes permanent. Although my friend the honourable Mr. Gadgil has been taking personal interest in finding accommodation for Government servants and for the guests of the Government and also for other public purposes, I am sorry I cannot congratulate him on the progress made so far as the building of houses is concerned. As a matter of fact, the building of houses has been retarded during the last two years. When my friend first came before the House with a proposal to give him powers to requisition private houses for governmental purposes, the House was reluctant to do so. I had at that time pointed out that if wide powers are given to the local authorities for requisitioning houses the one result and the only one result of that would be that the building of houses will stop. I can assure him today, quoting example after example, that during the last one year the provisions of the Rent Control Act under which the local authorities have been requisitioning private houses have practically put a stop to all private building operations.

If you go into the history of that, you know that first of all we had made provision simply for the convenience of the Ambassadors. That was the thin end of the wedge. Then we were prepared to leave the requisitioning, so far as the Government of India was concerned, in the hands of the honourable Minister. It had to be extended to the local authorities and ever since that has been done I can tell him that today it is next to impossible for any private owner to put up new houses. If he were to go into the figures of the houses that have been requisitioned or on which orders of requisitioning have been

[Shri Deshbandhu Gupta]

served, he will be stunned. I can tell him from my own experience. I receive every day complaints from so many people. If a house is required for a Government servant drawing Rs. 300 a month, order is served indiscriminately on six or ten houses which may be of the rental of Rs. 300 a month. When these orders are indiscriminately served, those people approach the authorities—the underlings, of course—and then manage with them, so that out of the ten houses notice on which was served, nine are released, one or two are kept and then the process goes on, appeals go on, and all that, ultimately the authorities do not succeed in getting many houses, but the harassment to the landlord is out of all proportion. The rentals are also fixed arbitrarily with the result that the housing programme of people who were building houses inspite of the difficulties, who were getting building material at a much higher cost possibly in the blackmarket, their housing programme is stopped. The Government has not made it easier for the house-builders to get building material at controlled prices. The Improvement Trust has been demanding building material for the people who have brought a large number of plots from the Improvement Trust at fancy prices. The municipal programme is held up because they do not get their requirements in time and they cannot even put up the sweepers' houses. This, in short, is the present position so far as building operations are concerned. I am sorry to say that unless the Government takes a serious view of this aspect of the question and makes it possible for people to build more houses, the problem will not be solved. I had occasion to quote here examples from London where subsidies were given by Government for each house built. Here not only are subsidies not given, even building material is not available at controlled price. What is worse, to-day we do not give them building material and if one tries to build inspite of the difficulties, he has now to offer so many explanations even to the Income-Tax Department, although I hold no brief for those who have been building or spending out of blackmarket money. The fact is that the limited purpose of this Bill is to control accommodation. I would say that this is not the remedy. The remedy lies in providing more accommodation, building more accommodation.

The people of Delhi have been the worst sufferers after the partition, as our Deputy Prime Minister admitted the other day in the House. Today, I wonder if my honourable friend is aware of the fact that there are several thousand plots of land, occupied unauthorised, sold by the Improvement Trust to the people of Delhi. The Improvement Trust has been realising big rentals from these people for the last two or three years. There is one condition under the lease that they cannot build any temporary structures on those plots of land. All these unauthorised structures have been put on those plots of land. Those who have occupied those plots forcibly are carrying on their trade there or even living there, but the owners cannot build temporary structures and they are made to pay big rentals every month to the Improvement Trust. The remedy that I would suggest is that the Government should make it possible for those people who own some land to put at least temporary structures on them. The condition of the leases on which these plots have been given to these people should be relaxed and it should be made possible for the owners to put up temporary structures. We have the experience of similar temporary structures. When all the plots in Connaught Place were built up during the war, I understand that orders were issued by the Government that their life should in no case be more than five years. We find today those houses after nearly ten years—our Constitution House and the Constitution Club are examples of the same. So, if temporary structures are allowed to be put on these plots of land, additional accommodation can be made available.

I am at one with Mr. Sridhva, although I have not heard his speech, so far as the general complaint against the hotels in Delhi is concerned. I can say there is much substance in that, but I am sorry to say that the Bill does not provide any relief in respect of those complaints. The standard of the hotels has gone down, the standard of the food and other conveniences has very much deteriorated, and I would have welcomed any provision in the Bill which would have helped to regulate or improve the standard. Of course that is not the object of the Bill and I can see that would not come in this Bill. But, Sir, the difficulty that I have pointed out is a real one. My honourable friend has extended the Rent Control Act by another notification for another two years and I am sure at this rate he will have to extend it further or come before the legislature again with another Bill of a similar nature. I would urge him and appeal to him that he should direct his energy towards the constructive side, make it possible for people to build more houses, rather than come with such legislations.

I find that this Bill is confined to the Notified Area Committee and New Delhi. There may be one or two big Hotels in Old Delhi also. Although I realize that accommodation for Governmental purposes is generally required in bigger hotels like the one mentioned in the Schedule, still Government may have power to extend it to Old Delhi also if it becomes necessary, so that for this purpose they may not have to come with an amendment of the Bill later on. There are one or two big Hotels in Old Delhi too and if necessary an additional clause might be added, so that that accommodation may also be used.

But I would urge upon the Government that we must place a limitation on the period. We should not give it for more than one year, so that Government may know that they cannot go on playing with the accommodation which is really reserved for outside people and their liability to provide accommodation for government servants should not work to the detriment of the general public. I would very much like that the operation of this Bill should be limited for one year.

With these words, I support the motion.

The Honourable Shri N. V. Gadgil (Minister of Works, Mines and Power): Sir, I am grateful to the honourable Members of this House who have offered criticism on this Bill. There are two points made out. One is that there is no provision in this Bill about the control of rent, and the other is that although this Bill is necessary, yet it is not the best remedy to meet the evil which it is proposed to meet under this Bill.

As regards the first point, I want to inform the honourable Members that Part IV of the Bombay Hotel Rent and Lodging Houses Rent Control Act, 1944, has been made applicable to the Municipalities of New Delhi and Delhi and to the Notified Area and the Delhi Civil Station. It is still in force. Section 30 of that Act empowers the Controller, who is the Deputy Commissioner in this instance to fix the fair rate to be charged for boarding, lodging and any other service provided in a hotel or lodging house. This power is adequate and hence no provision has been made in this Bill. Apart from this, I have already asked the Controller concerned to review the whole position, because I have received innumerable complaints and to give only one instance, I have been told that for 12 sandwiches Rs. 31 were charged in one of the hotels. So I have already decided to take up that point. I have also decided to see that the menu is properly revised and a fair return is given for the money paid.

[Shri N. V. Gadgil]

As regards the provisions of this Bill, the general question is really this: What shall Government do when there is short supply of any particular commodity or service? One is to increase it. That is evident. The other is to make the most rational use of whatever is available. This Bill simply attempts to make a rational use of the accommodation available, and honourable Members will see that provision has been made that not a single room lies vacant and if the Government does not require it, immediately the management of the particular Hotel will be given the authority to use it for the purpose of temporarily accommodating others.

My honourable friend Mr. Nazruddin Ahmad raised the question of building programme and he was not very much inclined to congratulate my Ministry. I only want to give him the facts. In the course of this year, the demand for accommodation for government servants has increased so much that it was impossible to build houses or flats in order to meet the requirements of every officer concerned. There are still 13,000 officers of all classes who require accommodation. In the course of the last twelve months, at least serious attempts have been made and some members of the honourable House have already seen the construction that is going on all over New Delhi and Delhi. By the end of September, about 200 flats for the officers, 2000 units for clerks and about 1200 units for Class IV officers will be available for accommodation. With the limiting factors that one has to meet in these days, I do not think that this is entirely a discreditable performance.

My honourable friend Mr. Deshbandhu Gupta has always utilised every opportunity in this House to speak something against the Rent Control Act.

Babu Ramnarayan Singh (Bihar: General): Hear, hear.

The Honourable Shri N. V. Gadgil: I have no objection, but when he makes a point that this particular Act had discouraged building, I only want to state that there has been shift in the agency or ownership of the building, but the total construction has increased. Probably, the House is aware that in the course of the last six months, about 2800 units have been put into use on behalf of the Relief and Rehabilitation Ministry in Delhi. Now, the House knows that the building material is limited and we have got to make the best use of it. Apart from the constructional activities of the Government, including the constructional activities of the Relief and Rehabilitation Ministry, there have been certain houses built in Delhi and near Delhi. The grievance of my honourable friend seems to be that there should be perfect freedom for any private individual to build in any way and anywhere he likes. Things are moving definitely to a situation in which today or tomorrow Government will have to undertake the obligation of accommodating not only its employees but members of the public as well. Now, if that is so, to what extent shall private enterprise be encouraged? As regards construction of hotels in New Delhi or Delhi, the Ministry made several attempts and we really wanted a first-class hotel to be built. We invited those who were in the line and offered every facility, but the condition they wanted was that Government should give them an assurance that the policy of prohibition would not be applied in the case of these hotels. That was rather too much for this Government and hence nothing tangible was done. However, the attempt has not been given up and we hope that very soon some enterprising, patriotic and prohibition-minded contractor will come and take up the job and provide hotel accommodation over and above the persons for whom this Bill has been mainly introduced.

I have nothing more to say. I have noted some of the comments made by honourable Members and the useful suggestions that they have made. All I can say is that although they are not so much relevant to the consideration of this Bill, yet they will be given due consideration at the hands of the Ministry. Sir, I move.

Shri R. K. Sidhva: About rates?

Mr. Speaker: He has already said; the honourable Member perhaps was not attentive.

The question is:

"That the Bill to provide for the control of accommodation in certain hotels in the Province of Delhi, be taken into consideration."

The motion was adopted.

Mr. Speaker: We shall now take up the Bill clause by clause.

श्री लक्ष्मी नारायण साहू : वाचस्पति जी, काम, खान और शर्दित (वर्क्स, माइन्स और पावर) के मन्त्री जी ने हम लोगों के सामने जो बिल रखा है उस का मैंने बहुत अच्छी तरह से अध्ययन किया है। लेकिन इस में कुछ संशोधन देता हूँ। पहिला संशोधन यह है :

"That in part (f) of clause 2 of the Bill, for the word 'seven days', the words 'a month' be substituted."

यह परिवर्तन देने का मतलब यह है कि (f) में लिखा है कि—

"'temporary resident' means a person other than a Government allottee who is taken as a resident in a hotel for a period not exceeding seven days."

इस में कम से कम जो एक महीना रखा गया है उस का असर यह होगा कि...

Mr. Speaker: I find that similar amendments are tabled to clauses 4 and 8. I believe that there would be no further argument again when those clauses are moved. The principle is common to all.

श्री लक्ष्मी नारायण साहू : क्लॉज ४ में परिवर्तन करने का संशोधन इस तरह से आता है :

"That in sub-clause (1) of clause 4 of the Bill, for the words 'seven days', occurring in line three, the words 'one month' be substituted."

यह सब संशोधन का मतलब यह है कि जो आदमी बाहर से आता है वह कुछ दिन जरूर होटल में ठहरेगा तो उसको ज्यादा से ज्यादा दिन ठहरने के लिये सुविधा देनी चाहिये। सात दिन रह कर अगर उस आदमी को बाहर निकाल देंगे तो वह कहां जायेगा, इस के लिये भी हम को सोचना चाहिये।

इस बिल के जरिये स्टेट आफिसर को बहुत ज्यादा पावर दे दी गई है। इसलिये मेरा दूसरा संशोधन यह है कि इतनी पावर स्टेट आफिसर को नहीं देनी चाहिये। जैसा कि क्लॉज ४ के सब क्लॉज ३, ४ और ५ में, जो मेरे संशोधन आते हैं, उन से यह सब चीज हटा देनी चाहिये। यह जो प्रस्तुत विधि (बिल) है उस विधि (बिल) का लक्ष्य यह है कि:

"the object of the present Bill is to provide him with such powers under such conditions as will ensure that while Government exercise adequate control over available accommodation in private hotels, the legitimate interests of the management do not suffer."

इस बात को देखने के लिये क्या प्रबन्ध है कि मैनेजमेंट किसी प्रकार से सफर (Suffer) नहीं करेगा। इस बात के लिये मैंने एक संशोधन रखा है जिस से मैनेजमेंट सफर (Suffer) न कर सकें और उन की रक्षा हो सके। इस संशोधन में कहा गया है कि ३ मेम्बरों की एक कमेटी हो, जिस में एक मेम्बर तो स्टेट असाफ़ि की तरफ

Pandit Lakshmi Kanta Maitra (West Bengal: General): If the cooking is

[श्री लक्ष्मी नारायण साहू]

से हो, दूसरा होटल वालों की तरफ से हो और तीसरा होटल में रहने वाले आदमियों की तरफ से हो। यह कमेटी खाने पीने का प्रबन्ध और कमरों को बांटने का भी प्रबन्ध अच्छी तरह से कर सकती है। इस तरह से तीनों के प्रतिनिधि इस कमेटी में रहेंगे तो काम अच्छी तरह से हो सकेगा और खाने पीने का भी प्रबन्ध अच्छी तरह से हो सकेगा।

मेरे और भी संशोधन हैं।

Mr. Speaker: The honourable Member seems to have misunderstood my suggestion. I did not want him to move all his amendments. This amendment says that so far as clause 2 is concerned, for the words "seven days", the words "a month" be substituted. There are identical amendment in respect of the further clauses, clauses 4 and 8. All that I wanted to say was that the argument in respect of this aspect of the Bill will be common to all these amendments. The other amendments which he proposes to move in respect of clauses 4 and 8 may be moved when we come to those clauses, not at this stage.

श्री लक्ष्मी नारायण साहू : समय कम है, इसलिये मैं चाहता हूँ कि मेरे जितने संशोधन हैं, मैं उन के बारे में कह दूँ।

Mr. Speaker: That will not be regular. He cannot speak in respect of clauses 4 and 8 when clause 2 is under consideration. He should restrict his remarks to clause 2 only.

श्री लक्ष्मी नारायण साहू : तो इस के बारे में मैं ज्यादा नहीं कहना चाहता हूँ। मैं इतना कह कर यह संशोधन खत्म करता हूँ।

(English translation of the above)

Shri Lakshminarayan Sahu (Orissa: General): Mr. Speaker, I have fully studied the Bill which the honourable Minister for Works, Mines and Power has placed before us. I would, however, propose some amendments to the same. I move the first amendment which is as follows:

"That in part (f) of clause 2 of the Bill, for the words 'seven days', the words 'a month' be substituted."

This change is proposed because part (f) contains the following:

"'temporary resident' means a person other than a Government allottee who is taken as a resident in a hotel for a period not exceeding seven days."

The effect of fixing the minimum period herein as one month would be that.....

Mr. Speaker: I find that similar amendments are tabled to clauses 4 and 8. I believe that there would be no further argument again when these clauses are moved. The principle is common to all.

Shri Lakshminarayan Sahu: The amendment seeking to modify clause 4 reads thus:

"That in sub-clause (1) of clause 4 of the Bill, for the words 'seven days' occurring in line three, the words 'one month' be substituted."

The idea behind all these amendments, is that a man who comes from outside is sure to stay at the hotel for some days. He must therefore be granted facilities for staying for the maximum possible number of days. Where will the man go if he is turned out after a stay of 7 days? We must consider that point.

Very great power has been vested in the Estate Officer under this Bill. Therefore my second amendment is that the Estate Officer should not be

invested with so much power. According to my amendments to sub-clauses 3, 4, and 5 of clause 4, all these provisions should be deleted. The aim of the present Bill is thus stated:

"The object of the present bill is to provide him with such powers under such conditions as well ensure that while Government exercise adequate control over available accommodation in private hotels, the legitimate interests of the management do not suffer."

What provision is there to ensure that the management would not suffer in any way? I have moved an amendment so that the management should not suffer and could be afforded protection. Under this amendment it has been proposed that there should be a committee consisting of three members, one representing the Estate Office, another representing the hotel owners and a third representing the hotel residents. This committee can very well attend to the messing arrangements as also the allotment of rooms. In this way, if the representatives of all the three interests are there in this committee work would proceed smoothly and it would also be possible to make satisfactory arrangements about the mess.

I have also other amendments to move.

Mr. Speaker: The honourable Member seems to have misunderstood my suggestion. I did not want him to move all his amendments. This amendment says that so far as clause 2 is concerned, for the words 'seven days' the words 'a month' be substituted. There are identical amendments in respect of the further clauses, clauses 4 and 8. All that I wanted to say was that the argument in respect of this aspect of the Bill will be common to all these clauses. The other amendments which he proposes to move in respect of clauses 4 and 8 he may move when we come to those clauses, not at this stage.

Shri Lakshminarayan Sahu: The time is short; therefore I want to say now what I have to say about all my amendments.

Mr. Speaker: That will not be regular. He cannot speak in respect of clauses 4 and 8 when clause 2 is for consideration. He should restrict his remarks to clause 2 only.

Shri Lakshminarayan Sanu: Then I do not want to say anything more about it and would close with this.

Mr. Speaker. Amendment moved:

"That in part (f) of clause 2 of the Bill, for the words 'seven days', the words 'a month' be substituted."

The Honourable Shri N. V. Gadgil: Sir, I cannot accept this amendment. The honourable Member has not understood clause 4 of this Bill. What is stated here is that up to twentyfive per cent. of the accommodation will be taken over and will be called controlled accommodation. If that controlled accommodation is not required immediately for government purposes, the Estate Officer will permit the management to give it to a temporary resident for a period not exceeding seven days. If the Estate Officer finds that he can release the accommodation for any further period, he will continually go on releasing it. The whole position is that the Government should see that accommodation is available when they expect a lot of people for whom they are under an obligation to provide accommodation. Seventyfive per cent. of the accommodation is always available for the management to accommodate temporary residents. The period may extend even to a year. The Bill has nothing to do with that. The Bill is confined only to twentyfive per cent of the accommodation which will be controlled under the provisions of this Bill.

Mr. Speaker: The question is:

"That in part (f) of clause 2 of the Bill, for the words 'seven days', the words 'a month' be substituted."

The motion was negatived.

Mr. Speaker: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Mr. Speaker: Shri Lakshminarayan Sahu, may move his amendments Nos. 5, 6 and 7. Amendments Nos. 3 and 4 are covered by the decision of the House just taken. He may, if he likes move them together for the deletion of sub-clauses (3), (4) and (5).

श्री लक्ष्मी नारायण साहू : क्लॉज ३ में मेरा संशोधन यह है कि :

"That in sub-clause (1) of clause 3 of the Bill, for the word 'twenty-five' the word 'twenty' be substituted."

इसमें ज्यादा दहस करने की बात नहीं है। २५ रखने से बहुत ज्यादा हो जायेगा और यह मैनेजमेंट करने वाले के लिये भी ज्यादा हो जायेगा और सुविधा होगी। इस लिये मैंने इसको २० रखा है और यह मैनेजमेंट के लिये भी अच्छा होगा।

(English translation of the above)

Shri Lakshminarayan Sahu: Sir, I move my amendment to Clause 3:

"That in sub-clause (1) of clause 3 of the Bill, for the word 'twenty-five' the word 'twenty' be substituted."

It is not necessary to have lengthy discussion on this point. By having 25 it will be too much. It will be too much for the managers also and so much inconvenience will be caused. Therefore I have placed it as 20 and this will suit the management also.

Mr. Speaker: Amendment moved:

"That in sub-clause (1) of clause 3 of the Bill, for the word 'twenty-five' the word 'twenty' be substituted."

आनरेबिल श्री एन० वी० गैडगिल : मैं इस संशोधन को भी मंजूर नहीं करता।

The Honourable Shri N. V. Gadgil: I do not accept this amendment also.

Shri Lakshminarayan Sahu: Sir, I beg leave of the House to withdraw my amendment.

Mr. Speaker: Has the honourable Member leave of the House to withdraw his amendment?

The amendment was, by leave of the Assembly, withdrawn.

Mr. Speaker: The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Mr. Speaker: The honourable Member may move his amendments now, as I said. The substance of these amendments having been decided upon and rejected by the House, I do not think he can move amendments 3 and 4 for substitution of the words 'one month' in place of the words 'seven days'. He can move the other three amendments. He may move a consolidated amendment for deleting sub-clauses (3), (4) and (5).

श्री लक्ष्मी नारायण साहू : Sir, I beg to move:

"That sub-clauses (3), (4) and (5) of clause 4 of the Bill be omitted."

यह जो सब क्लॉज (३) है इस को हटा देना चाहिये। इस में स्टेट आफिसर को बहुत ताकत दी गई है। मेरी समझ में इतनी ताकत स्टेट आफिसर को देने से होटल के मैनेजर को बहुत दिक्कत में पड़ना पड़ेगा। इसलिये यह 10 पावर सब क्लॉज (३), (४) और (५) में दी गई है उस को हटा देना चाहिए। इस को हटा देने से जो होटल चलाते हैं उन के लिये बहुत सुविधा हो जायेगी। नहीं तो हर बात में स्टेट आफिसर आ कर उन के हर एक काम में अपना पंजा रखेगा, जिस से होटल चलाने वाले को बहुत मुश्किल का सामना करना पड़ेगा। इसलिये मैं चाहता हूँ कि यह चीज हटा देनी चाहिये। मैं इस में इतना ही कहना चाहता हूँ।

(English translation of the above)

Shri Lakshminarayan Sahu: Sir, I beg to move:

"That sub-clauses (3), (4) and (5) of clause 4 of the Bill be omitted."

In this clause too much power has been vested in the Estate Officer. By vesting so much power in the Estate Officer I think the hotel managers will have to face great difficulties. Therefore the power that has been vested according to sub-clauses (3), (4) and (5) should be done away. By doing so the managers of the hotels will get much relief. Otherwise the Estate Officer will poke his nose into each and every matter with the result that the managers of the hotels will have to face a lot of difficulties. Therefore, I wish that this should be deleted. I wish to submit only so much.

Mr. Speaker: Amendment moved:

"That sub-clauses (3), (4) and (5) of clause 4 of the Bill be omitted."

The Honourable Shri N. V. Gadgil: Sir, I cannot accept deletion of sub-clause (3). This sub-clause enables the management to ask for a further extension and the only consideration that will weigh with the Estate Officer is the requirements of accommodation for Government officers or other persons for whom he is required to find accommodation and if he thinks he can, he will certainly extend the time. Therefore, I cannot accept this.

As regards the omission of sub-clause (5), I think the position will be worse if this clause is omitted. In that case the temporary resident will have to be thrown out immediately. In sub-clause (5) power is given that even after the service of notice, the temporary resident can stay for three days more. If this is deleted, the position becomes worse. In order to see that some equitable relief is given, this sub-clause has been framed and in the interest of the temporary residents, it ought to be there.

Mr. Speaker: The question is:

"That sub-clauses (3), (4) and (5) of clause 4 of the Bill be omitted."

The motion was negatived.

Mr. Speaker: The question is:

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Mr. Speaker: We can now take up clauses 5 to 8 of the Bill. As regards clause 8, I find Mr. Lakshminarayan Sahu has got an identical amendment.

Shri Lakshminarayan Sahu: I do not want to move that amendment.

Mr. Nazruddin Ahmad: Sir, I wish to speak on clauses 7 and 8.

With regard to sub-clauses (a) and (b) of clause 7, they are very drastic and dangerous in its nature. Sub-clause (a) empowers the Estate Officer to enter any hotel between sunrise and sun-set or authorise any officer subordinate to him to enter and inspect any hotel. Hotel includes also all rooms, including I believe bath-rooms. (An honourable Member: 'Hotel is a public place.') Sir, it puts no restriction upon the exercise of that authority. I submit, Sir, that the exercise of this power may lead to serious inconvenience to the residents and also trouble.

With regard to clause 8, a nominal right of appeal is given to the Manager or Proprietor of the Hotel. The proviso to sub-clause (1), however, seriously restricts the utility of this right of appeal altogether. It is said that no such appeal shall lie except on the ground that the provisions of this Act have not been complied with. All that is necessary to make it legal and absolutely final is only to formally comply with the provisions of the Act. Never mind whether it is *bona fide*, whether it is arbitrary, whether it is convenient or inconvenient. As soon as the Estate Officer thinks that he requires a room, he can at once give notice and take possession of it and there would be no appeal against his decision. The Bill gives him most arbitrary powers which he might utilise them in a most tyrannical manner without any real right of appeal. In fact if the proviso is deleted, there will be some discretion in the appellate authority to give real relief in appropriate cases. It may be that the Estate Officer may on mistaken or meagre or incorrect information, pass orders, which may be highly inconvenient and unjust on the merits. To keep the proviso would seriously affect the hotel-keepers and it will also cause serious inconvenience to residents and visitors. These are the few things, which I wish to make.

Then coming to clause 9...

Mr. Speaker: I have not put in clause 9 yet.

Mr. Nazruddin Ahmad: Sir, I do not wish to argue the matter. I simply wish to point out the drastic nature of the penalty provided in clause 9. It makes the arbitrary power absolute.

The Honourable Shri N. V. Gadgil: The short reply to this is that if the provisions of this Bill are to be carried out thoroughly and efficiently, the power to enter and inspect must be there, because it is just there that abuses creep in. Whereas in the books, it will be shown that the room is kept by one person, as a matter of fact, more than two will be found there. That is the reason why this power is taken.

As regards the proviso in clause 8, my submission to this House is that this is a matter in which the Government of the day has to make up its mind. Take for example, Sir, the Government of the day has decided that a Conference on Indonesia should be called. Then it is the obligation of the Government to make provision for that. If the Court of Appeal is allowed to go into the merits, gates will be opened wider and the Court will decide whether it was in the interests of the country or not and whether the Conference should have been called or not. I think such a situation is bound to arise, if you go into the merits. Therefore provision is made that the grounds of appeal should only be restricted to the point whether the provisions of this Bill have been complied with or not, and I think that if this provision is deleted, the object of this Bill will be frustrated and the function which has to be discharged by the Executive will have to be given over to the judiciary of the land and this is not a desirable state of affairs.

Mr. Speaker: The question is:

"That clauses 5, 6, 7 and 8 stand part of the Bill".

The motion was adopted.

Clauses 5, 6, 7 and 8 were added to the Bill.

श्री लक्ष्मी नारायण साहू : मैं एक नया क्लॉज ८ ए देना चाहता

हूँ । Sir, I beg to move:

"That after clause 8 of the Bill, the following new clause be inserted :

'8A. There shall be an Advisory Committee of three people representing the hotels, the Estate Office and the permanent boarders respectively, to assist the Chief Commissioner, Delhi."

इस संशोधन के देने का मेरा मतलब यह है कि होटल का जो बन्दोबस्त है यह सब अच्छी तरह से चले और किसी को कोई आपत्ति (i) नहीं रहे । इसीलिये जो होटल में रहते हैं उनका प्रतिनिधि, एस्टेट आफिस का एक प्रतिनिधि और जो होटल चलाते हैं उनका एक प्रतिनिधि यह तीनों प्रतिनिधि चोफ कमिश्नर की मदद करेंगे तो किसी को कुछ आपत्ति नहीं रहेगी ।

(English translation of the above)

Shri Lakshminarayan Sahu; I wish to add a new clause 8A. Sir, I beg to move:

"That after clause 8 of the Bill, the following new clause be inserted :

'8A. There shall be an Advisory Committee of three people representing the hotels, the Estate Office and the permanent boarders respectively, to assist the Chief Commissioner, Delhi.' "

By this amendment I mean only this that the management of the hotels may be run properly and nobody may have any complaints. Therefore, if one representative each of the permanent boarders, the Estate Office and the managements of the hotels assist the Chief Commissioner then nobody will have any complaints.

Mr. Speaker: Amendment moved:

"That after clause 8 of the Bill, the following new clause be inserted :

'8A. There shall be an Advisory Committee of three people representing the hotels, the Estate Office and the permanent boarders respectively, to assist the Chief Commissioner, Delhi.' "

The Honourable Shri N. V. Gadgil: I do not accept the amendment.

Mr. Speaker: The question is:

"That after clause 8 of the Bill, the following new clause be inserted :

'8A. There shall be an Advisory Committee of three people representing the hotels, the Estate Office and the permanent boarders respectively, to assist the Chief Commissioner, Delhi.' "

The motion was negatived.

Mr. Speaker: The question is:

"That clause 9, 10, 11 and 12 stand part of the Bill."

The motion was adopted.

Clauses 9, 10, 11, and 12 were added to the Bill.

The Schedule was added to the Bill.

Shri Deshbandhu Gupta: Sir, I have made a suggestion to the honourable Minister that there should be time limit placed so far as the operation of this

[Shri Deshbandhu Gupta]

Bill is concerned. I could not move a regular amendment. But I would request him that the operation of the Bill should not in any case be more than two years. If he can accept one year that would be better. We have accepted that principle in the case of the Rent Control Act. I do not see any reason why the honourable Minister should not accept this suggestion by way of an amendment of which I have given notice. He may be pleased to accept it. The Act may be in force for two years. Let it not be for an indefinite period.

The Honourable Shri N. V. Gadgil: During War an Ordinance was promulgated to enable Government to take over accommodations. It was allowed to lapse. But situation became serious and hence this Bill. I can promise the honourable Member that if we find that this Act has become useless within six months Government will not make any use of it. But if we find it necessary to keep it in even for five years, we will have it for that period.

Mr. Speaker: The question is:

“That clause 1 stand part of the Bill.”

The motion was adopted.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Shri N. V. Gadgil: I move:

“That the Bill be passed.”

Mr. Speaker: Motion moved:

“That the Bill be passed.”

Dr. P. S. Deshmukh (C. P. and Berar: General): Sir, we have very expeditiously agreed to giving extensive powers to the Estate Officer and I am sure the honourable Minister has reason to feel satisfied, if not thankful to the House.

Before the Bill is passed into law, however, I would like to make a few observations with regard to the Estate office and its management and affairs. I am sorry to say that more than one Member of this House has got very very severe complaints to make so far as the Estate office administration is concerned in spite of the increasing willingness, good wishes and energy, etc and promises on the part of the honourable Minister to help members to get what they want. In spite of all these, we find that even honourable Members have been put to a good deal of harassment. Honourable Members of this House may not probably be distinguished from ordinary citizens, but the point is that if the honourable Members of the House can be insulted with impunity and can be harassed without any redress for months and months, what must be the difficulties of an average citizen or refugee? This is the question I would like to ask the honourable Minister. Sir, while we agree that the Estate Officer should have wide powers I would impress upon the honourable Minister that there is necessity for stricter supervision. I do not find fault with any individual officer or with the honourable Minister. But something is extremely wrong so far as the Estate office is concerned. There are innumerable complaints which are well-founded and which are justified and which have not been rectified for months and months. So far as my own personal experience is concerned, I would not like to refer to it as it is an individual case. That would not be fair. But I would like to say to the honourable Minister that if this is the way in which honourable Members of

the House are going to be treated, I think nobody can have any respect either for his Department or for the Ministry or for himself. (*Interruption*) If my honourable friend and other members of the House would like to know the details I would give them. There are more than three members who have been victimized to my knowledge.

Mr. Speaker: The honourable Member could not go into those details.

Dr. P. S. Deshmukh: I was myself trying to avoid it, Sir. The grievance is certainly of a very grave nature. Not only I myself but many others have been left completely at the mercy of the Estate Office.....

Mr. Speaker: The honourable Member need not go into that.

Dr. P. S. Deshmukh: I will very briefly refer.....

Mr. Speaker: Not to that particular instance.

Dr. P. S. Deshmukh: I will only state the result. It was due entirely to the inefficiency of the Estate Office that I had to leave the bungalow allotted to me. I am also supposed to be continuing to pay rent, even when I am not occupying the House. What I object to most is that we have no remedy to stop even the calumny and the defamation which are going on of the honourable Members of this House by those people who have taken advantage of the Estate Office and their officers. This calumny arose out of the fact that our names have been stated in answer to a question and published in journals as people who have rented their houses to somebody and as if we had taken some *pugri*.

Mr. Speaker: The honourable Member is again going into something which is not allowed.

Dr. P. S. Deshmukh: These things cannot be set right without personal attention and, I am afraid that attention is not being paid. The case of Mr. Poonacha is worse. He has been most shabbily treated. No words can be sufficient to condemn the way in which he was harassed.

So, Sir, I have no objection to giving the authorities these powers. I only say that they must be well used. I am told the situation described by me arose owing to certain humanitarian circulars having been issued by high placed persons. This is another side of the whole question concerning the Estate Officers. But whatever that be, it must be seen that justice is done to everybody and there is no harassment. It is said that there are certain circulars which prohibit the Estate Office.....

Mr. Speaker: The honourable Member is again going into details at this third reading. His point is that the Estate Officer has been armed with very wide powers and that the Honourable Minister should be careful to see that those powers are not exercised arbitrarily or in a manner harassing others.

Dr. P. S. Deshmukh: But he would not be convinced of the necessity for close supervision unless he knows all the facts.

Mr. Speaker: He may be informed of these at a convenient place, not in the House, otherwise it will be discussion of an individual case where the other side has no opportunity of replying to the honourable Member.

Dr. P. S. Deshmukh: If that is the support which you are also inclined to give I do not wish to take any more time of the House. I hope the honourable Minister will kindly look into it personally and recognising that honourable Members who come here do so, not to fight out their cases in courts of law or to go to the District Superintendents of Police for protection, but for the country's cause, see that they are provided with proper accommodation and not harassment.

Babu Ramnarayan Singh: Sir, I will take only a few minutes and no more. We are passing legislation after legislation giving the Government unlimited powers in all spheres of life. If my honourable friend Mr. Gadgil is to personally make use of those powers, I would not be reluctant to give him such powers. Who does not know that these powers are going to be exercised by others and exercised not in the manner in which they ought to be used.

Sir, in the name of providing accommodation much mischief is being done here in Delhi. Lots of lands have been taken from the peasants some 13 or 14 years ago and no accommodation has been built thereon. The land is lying fallow and in some cases the tenants have been paid the price thrice. So in the name of providing accommodation a lot of mischief has been done in this very town of Delhi. Yet the Government are asking for more powers in this respect. Large powers have been given to the Estate Officer. There was a time when every week an officer used to come and make enquiries about our conveniences. For the past two years no officer has seen us on this mission.

Mr. Speaker: This is not an occasion for ventilating personal grievances against the Estate Officer. The relevancy consists only in the fact whether the Estate Officer is capable of exercising his powers in a proper manner without harassing other people and whether he should be trusted with the powers that are being given under this Bill in connection with hotels. That is how the relevancy of the management by the Estate Officer comes in. However, this is not the occasion for airing all sorts of grievances against management by the Estate Officer.

Babu Ramnarayan Singh: I am not talking in a detailed manner. I was only referring to matters as far as the exercise of the powers is concerned. The powers are now given for the convenience of the people concerned and here we say that the powers are to give occasion for mischief to the people and not any advantage to the people. I was only referring to that. This was also referred to by another honourable Member. Even we the Members of the Assembly are not properly dealt with. For the past two years no officer came to us to enquire about our conveniences and whenever we wrote anything to the enquiry office I do not think it is properly looked into. However I must say that recently I made a lot of complaint and this has been attended to I can say that this is after two years.

There are some hotels under the direct management of the Government. I hear a lot of complaints from those hotels, though I am not personally concerned with them. Food is not properly catered nor properly served. Not only that, though Government gives people accommodation there is a contractor in every hotel to manage it.

Mr. Speaker: I think the honourable Member is going beyond the scope of the Bill.

Babu Ramnarayan Singh: Only one sentence, Sir. The boarders are forced to take meals given in the hotels.

Mr. Speaker: Order, order. The honourable Member is going beyond the scope of the Bill. He will close his speech.

The Honourable Shri N. V. Gadgil: Sir, on the assumption that all that has been said is strictly relevant to the consideration of this Bill I propose to reply very shortly. As has been well said by my honourable friend Dr. Deshmukh that we have been always kind in helping honourable Members, I might say that I have always interpreted the rules liberally in favour of Members and wherever I could not help the only justification was that certain legal consequences that would follow were so terrible, that it was absolutely necessary on my part to interpret the rules strictly.

The difficulty about certain Members being charged rent although they were not or are not in occupation is this. Their kindness in sharing their accommodation with the refugees has been abused by the latter. In fact if I took eviction proceedings straightaway and throw them on the streets I would be perfectly justified. But there is such a thing as a human approach to a problem. (*Interruption.*) I am doing my best to see that no Member is made to pay illegally. Not only this I give an assurance that in regard to those who have been made to pay for a period during which they did not occupy the quarters I shall take steps to recover the corresponding amounts from those who were in actual occupation. If I succeed the money will be repaid. If we do not succeed, the House will I am sure take a liberal view of the position.

Dr. P. S. Deshmukh: No, Sir. What is this liberal view?

Mr. Speaker: The honourable Minister may proceed.

The Honourable Shri N. V. Gadgil: As regards the complaint about Government hostels raised by Babu Rāmnarayan Singh the position is that a contractor can only be expected to take a big contract on the understanding that those who live there will board there. That is the position. But even there wherever I found hard cases I have made exceptions. It is not in every case that I go strictly by the rule and wherever I am convinced that there is a justification for departure from the rules I have done so and shall continue to do so.

Mr. Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

WEST GODAVARI DISTRICT (ASSIMILATION OF LAWS ON FEDERAL SUBJECTS) BILL

The Honourable Shri N. V. Gadgil (Minister of Works, Mines and Power): Sir, I move:

"That the Bill to assimilate certain laws in force in different parts of the West Godavari District of the Province of Madras, be taken into consideration."

This is a very small Bill. In June 1948 the Governor General passed an order called the Madras Partially Excluded Area (Cesser) Order, by which 37 villages which previously formed part of a partially excluded area in the West Godavari District of the Province of Madras were transferred to the ordinary administration of that Province with effect from 1st July, 1948. This transfer, however, did not mean that the laws which are available for the rest of the area of Madras were immediately available for this area also. In order to achieve this result something by way of legislation here in the Centre as well as in the provinces is necessary. This Bill is confined to Federal Subjects; as far as items in the provincial and concurrent lists are concerned a similar legislation will be soon introduced in the province of Madras. That is the only object of this Bill. It is a non-controversial measure. Sir, I move.

Mr. Speaker: The question is:

"That the Bill to assimilate certain laws in force in different parts of the West Godavari District of the Province of Madras, be taken into consideration."

The motion was adopted.

Mr. Speaker: The question is:

"That Clauses 1 to 4 stand part of the Bill."

The motion was adopted.

Clauses 1 to 4 were added to the Bill.

The Schedule was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Shri N. V. Gadgil: Sir, I move:

"That the Bill be passed."

Mr. Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

DISPLACED PERSONS (LEGAL PROCEEDINGS) BILL

The Honourable Shri Mohan Lal Saksena (Minister of State for Relief and Rehabilitation): Sir, I move:

"That the Bill to make special provision for the relief of displaced persons in respect of certain legal proceedings, be taken into consideration."

Due to the unavoidable absence of Dr. Ambedkar, I am making this motion. As stated in the Statement of Objects and Reasons, in addition to certain reliefs which have already been given to the displaced persons by an earlier Act by this House, this Bill provides for certain other reliefs. Firstly, it is in regard to the restoration of *ex-parte* orders passed dismissing a suit or the restoration of certain applications dismissed for default. Provision is made in this Bill for giving relief to the judgment debtors in regard to payment. As honourable Members must be aware there is a large number of displaced persons who have either taken loans from the Government or from other parties and they have set up certain businesses, and if a decree is executed on whatever assets they have been able to accumulate or attach, they will be again thrown out altogether. Therefore, it is proposed that discretion should be given to courts to exempt the judgment debtors or to fix up instalments in case of execution of these decrees. There is a provision to postpone insolvency proceedings against displaced persons where necessary and execute decrees passed before the 15th August 1947 by courts now situated in Pakistan in favour of persons now residing in India. As honourable Members must be aware Pakistan is foreign territory and as such a decree passed in a foreign territory cannot be executed in India. But by this Bill it is provided that where a judgment debtor and decree holder, both happen to be displaced persons and residing in India, such a decree may be executed irrespective of the fact that Pakistan is foreign territory. This Bill was placed before the Standing Committee for the Law Ministry and it has been approved and I hope the House will accord its approval to this Bill.

Mr. Speaker: The question is:

"That the Bill to make special provision for the relief of displaced persons in respect of certain legal proceedings, be taken into consideration."

The motion was adopted.

Mr. Speaker: The question is:

"That Clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Pandit Thakur Das Bhargava (East Punjab: General): I have given notice of certain amendments that the proviso be deleted, but instead of deleting the proviso, with your permission I beg to move the following amendment:

"That in the Proviso to clause 3 of the Bill, for the words 'could not return to India in time for making the application' the words has subsequently returned to India' be substituted."

I hope the honourable Minister will kindly accept this amendment because by accepting this amendment he gives a right to certain persons mentioned in the proviso and those persons will be able to take advantage of his amendment in an efficient manner. Now in the proviso as it stands, I feel that the person whom the law wants to favour will apply and go to the court, but the court will not be able to give relief as the words "could not return to India in time for making the application" will be construed strictly. The law at present stands like this: that in any application for setting aside an *ex-parte* decree, a person has a right to apply within 30 days of the decree or within such time as the Courts thinks he has sufficient cause for not applying. If the law is taken as it stands at present, then this applicant whom the law wants to favour will be in such a position that he shall have to explain for every day after his return to India after August 1947. Now it is one year and eight months ago, and for him to explain every day's delay will be difficult. So if the law wants to give him a concession, these words will certainly entitle him to get the concession and the object of the law will be fulfilled.

Therefore, in moving this Amendment, I request the honourable Minister kindly to accept it.

Mr. Speaker: Amendment moved:

"That in the Proviso to clause 3 of the Bill, for the words 'could not return to India in time for making the application' the words has subsequently returned to India' be substituted."

I understand that he is not going to move the first part of the amendment with reference to the main paragraph.

Pandit Thakur Das Bhargava: No, Sir.

The Honourable Shri Mohan Lal Saksena: I accept the amendment.

Mr. Speaker: The question is:

"That in the Proviso to clause 3 of the Bill, for the words 'could not return to India in time for making the application' the words has subsequently returned to India' be substituted."

The motion was adopted.

Mr. Speaker: The question is:

"That Clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Mr. Speaker: Is the honourable Member going to move his amendments?

Pandit Thakur Das Bhargava: I do not propose to move any of these amendments.

Mr. Speaker: The question is:

"That Clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Clauses 5, 6, 7 and 8 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Shri Mohan Lal Saksena: Sir, I move:

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

Mr. Speaker: The question is:

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

The motion was adopted.

INDIAN TEA CONTROL (AMENDMENT) BILL

The Honourable Shri K. O. Neogy (Minister of Commerce): Sir, I move:

"That the Bill further to amend the Indian Tea Control Act, 1938, be taken into consideration."

I venture to think that this Bill does not raise any question of principle. It is concerned with three separate points which are of a technical character. The law itself which is sought to be amended by this Bill is likely to expire a year hence. Therefore I hope that no questions of principle would be raised in the discussion on this particular measure. The notes on clauses explain the objects with which this Bill has been promoted. The first point which is dealt with in clause 2 relates to the definition of the "owner of a tea estate". The owner of the land is not necessarily the owner of the tea estate. We wanted to make it quite clear that the reference to the owner of a tea estate will mean the owner of the garden and not of the land of the garden which may be leased out.

Clause 3 relates to certain permissions for expansion in tea cultivation which were granted but not utilised in respect of a particular period. These permissions have lapsed and the intention is to revalidate these licenses.

The other point is with reference to the process of classification of tea gardens. In a particular case in Assam a tea garden instead of being acquired by Government under the Land Acquisition Act was purchased by way of private treaty. The question arose whether the privilege of replacement would be granted to the owner of this garden, unless a specific provision of this kind were made, namely that acquisition under private treaty would qualify for purposes of privilege of replacement and that clause under the Land Acquisition Act is not essentially for this particular purpose.

These are the three principal points. Sir, I move.

Mr. Speaker: Motion moved:

"That the Bill further to amend the Indian Tea Control Act, 1938, be taken into consideration."

Srijut Kuladhar Ohalha (Assam: General): Sir, I find some difficulty with regard to the definition of the owner in the clause, where it says:

"with reference to a tea estate or garden, or a sub-division thereof, the possession of which has been transferred by lease, mortgage or otherwise, means the transferee so long as his right to possession subsists."

My difficulty arises not as regards lease or mortgage but by the use of the words "or otherwise". Sometimes we find that owners had exchanged preliminary letters in order to facilitate business. They even inform the Tea Licensing Committee before actual transaction of business or receiving any advance of money or execution of formal documents. Sometimes it happens that over-intelligent people in Calcutta and other interests and agencies involve people in long-drawn out cases. I myself was involved in such a case for five or six years and I had to engage the best of lawyers, like Sir S. M. Bose, Mr. S. R. Das, Mr. G. C. Das and Mr. A. K. Sarkar, all of whom have become judges. After six years I got out of it through the intervention of Sir Roopen Mitter who advised the other party to compromise the suits. The word 'otherwise' is very dangerous in its implication. The preliminary letters which are sent to the Licensing Committee in order to have the negotiation formally confirmed afterwards should not be acted upon at once. The Licensing Committee should have confirmation letters by reference to the owner. I was myself involved in a very difficult case like this, simply because I sent a letter in anticipation that the other transactions would be fulfilled duly which the agents never did and kept me hanging in the air for seven years in the Calcutta High Court. The word "otherwise" gives a very big loophole. I would submit to the honourable Minister that we should not be outwitted by very clever lawyers and Box and Cox Companies. A reference should be made to the owner of the tea estate or of the owner of the land whether the letters which they have made over to the agents are going to be carried out and whether they should act upon the letters. If a confirmation is received subsequently, say after 15 days, there and then only the Licensing Committee should record the fact only. Small owners have been tricked out of existence in many cases by utilising the export quotas and getting all advantages by keeping up false correspondence and thereby huge profits have been made by dishonest companies. My suggestion is that it should be made clear to the Licensing Committee that when letters are forwarded by the agents or banks a reference shall be made to the owners of the tea estates before it is acted upon. If this is done the owners will be safeguarded and will not fall into the hands of smart lawyers and solicitors. In order to protect the small owners I trust the Licensing Committee should be directed to act very cautiously and in every case it should be referred to the proprietors.

As regards the term "worn out" it has become classical. The tea bushes after 60 years or so begin to die and become worn out. The omission of the word is one to bring it in consonance with the international agreement, but it does not improve our position. The meaning of the word "worn out" as the Industry understands it should still exist, even though the word is dropped to bring the Bill in line with the Agreement. Special direction should be given to the Licensing Committee that it is understood in exactly the same meaning as it has been understood all the time by the tea owners. Therefore in case of replacement there should not be any handicap.

If any tea land is acquired by the Government by private treaty, they should allow the company or estate to plant an equal quantity of land in another area. This is a welcome provision but I should like to utter a caution. We poor estate owners are who come from villages are outwitted by clever lawyers and firms and agencies in Calcutta and even in this House we are outwitted very often. Therefore I hope the Minister will see that the simple estate owners in Assam are protected properly and I look to him for such protection.

I am not moving my amendments. I have already withdrawn them. I sent an intimation only.

The Honourable Shri K. C. Neogy: Sir, I have no difficulty in giving specific assurances on both the points which have been raised by my honourable friend Mr. Chaliha. In the first instance, with regard to the definition of owner, we

[Shri K. C. Neogy]

do propose to send down instructions to the licensing officer more or less on the lines that have been suggested by my honourable friend. But if still there be any ground for further intervention on the part of the Central Government we should always be prepared to receive suggestions from my honourable friend and others who may be interested in the tea industry.

As regards the other point the question of the omission of the words "worn out" my honourable friend has correctly stated the position, that this amendment has been necessitated by the fact that the expression does not occur in the International Agreement, to which this control Act merely gives a legal cover. It does not mean that in future there will be any departure from the practice that has been followed so far in this behalf.

As regards my honourable friend's apprehensions about the legal difficulties that may arise hereafter in the interpretation of the law relating to the Tea Control generally, I can again assure him that if any aspect of the matter which requires intervention on the part of the Central Government by virtue of the authority that it derives from the existing law is brought to my notice it will surely receive the best attention. And if the necessity is proved of even amending the law I should always be prepared to consider such a necessity.

Sir, that is all that I have to say.

Mr. Speaker: The question is:

"That the Bill further to amend the Indian Tea Control Act, 1938, be taken into consideration."

The motion was adopted.

Mr. Speaker: We shall now take the Bill clause by clause. Is the honourable Member Mr. Krishnamoorthy Rao moving his amendment?

Shri S. V. Krishnamoorthy Rao (Mysore State): No, Sir. I have discussed the matter with the honourable Minister.

Mr. Speaker: The question is:

"That clauses 1 to 4 stand part of the Bill."

The motion was adopted.

Clauses 1 to 4 were added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Shri K. C. Neogy: Sir, I move:

"That the Bill be passed."

Mr. Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

INDIAN WIRELESS TELEGRAPHY (AMENDMENT) BILL

Shri Khurshed Lal (Deputy Minister of Communications): Sir, I beg to move:

"That the Bill further to amend the Indian Wireless Telegraphy Act, 1933, be taken into consideration."

This is a very simple measure. It seeks to achieve two objects. The first is to extend the Indian Wireless Telegraphy Act to the whole of India, that is to the acceding States also. It does not extend to the States today and we

are now seeking to extend it to the Acceding States. The other object which it seeks to achieve is to enhance the penalty for the possession of unlicensed transmitters. The position today is that whether you have a receiving set or a transmitter for which you have not got a licence the penalty is a fine of Rs. 100 for the first offence and Rs. 250 for a subsequent offence.

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Mr. Deputy-Speaker (Shri M. Ananthasayanam Ayyangar).]

This penalty obviously is very inadequate for the possession of unlicensed transmitters. It appears that a number of people after the termination of the war have acquired wireless transmitters from various Army authorities—and foreigners particularly—which are now being used for the purpose of speculation. This is also dangerous from a security point of view. Therefore, while the penalty for the possession of an unlicensed receiving set may continue to be what it is, the penalty for the possession of an unlicensed transmitter should be enhanced and it may be imprisonment up to three years and a fine of Rs. 1,000.

Then the procedure for search as at present contained in the present law is very defective. A search can take place only during the hours of sunrise and sunset and that too after a warrant from the Magistrate. That actually hampers the discovery of illegal transmitters and it is therefore proposed that power should be given to officers who may be specially authorised by the Central Government in this behalf. Sir, I move.

Mr. Deputy-Speaker: The question is:

"That the Bill further to amend the Indian Wireless Telegraphy Act, 1933, be taken into consideration."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clauses 2 to 6 stand part of the Bill."

The motion was adopted.

Clauses 2 to 6 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Shri Khurshed Lal: Sir, I move:

"That the Bill be passed."

Mr. Deputy-Speaker: Motion moved:

"That the Bill be passed."

Prof. N. G. Ranga (Madras: General): I am glad this Bill has been introduced and it is being passed so quickly. I wish to warn the Ministry concerned about the wrongful use that many subversive political parties are making of many of these transmitters. Therefore they should try to search and wherever there are these unlicensed transmitters have them ferreted out. If they concentrate only on the so-called speculators who use it for passage of information from one to the other and leave out the political parties which are utilising these transmitters they will be neglecting their duty. I therefore sincerely hope that the Ministry will pay special attention to this aspect of the problem and try to make use of this Bill when it is passed into an Act in order to safeguard the security of the state.

Mr. Deputy-Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

BOMBAY PORT TRUST (AMENDMENT) BILL.

The Honourable Shri K. Santhanam (Minister of State for Railways and Transport): Sir, I beg to move:

"That the Bill further to amend the Bombay Port Trust Act, 1879, be taken into consideration."

Sir, this is a very simple Bill. Under the existing law there is no power to the Bombay Port Trust to auction goods which are lying in its custody without being removed by the owners. There has been recently great congestion in the port of Bombay due to various causes. Owing to the loss of Karachi a lot of traffic had to be diverted to the Bombay port. In many cases the merchants have used the space in the port as private godowns. They have been trying to sell their goods outside, and till they manage to sell them they do not clear them from the port, so much so that the port has become very congested and as a result the American Conference Lines have put up the freight rates by 25 per cent and the whole country has to pay the penalty. This is a purely permissive Bill. It does not make anything obligatory. It gives the Bombay Port Trust the power to sell goods under certain contingencies. Under the Proviso to section 64A anyone who pays all the rates and charges payable shall be entitled to keep the goods for two months. Till two months are over the Port Trust will have no power to do anything. After that they will have to give notice, and after due notice if nothing happens they will be empowered to sell it by auction. If no charges are paid at all that means the consignee has not cared to claim his goods and the Port Trust authorities are empowered to give notice after one month.

In order to avoid hard cases part (3) has been put in. "The Central Government may, by notification in the official Gazette, exempt any goods or class of goods from the operation of this section".

My honourable friend Mr. Sidhva has given notice of an amendment to the effect that if goods cannot be removed owing to the difficulties of wagons not being available or other hardships they should not come under the mischief of this Bill. I fully appreciate the point and that is why this sub-clause (3) has been put in. But the amendment as framed by him will defeat the object of the Bill altogether. So I regret I cannot accept the amendment. But I am prepared to give this clear assurance that we shall issue instructions to the Bombay Port Trust to see that this power of auction is used only where the person concerned has refused to remove it through negligence or mere intransigence. If he is not able to remove it owing to reasonable causes, then we shall ask the Bombay Port Trust to be indulgent to him and see that he does not suffer. I hope, after this assurance, there will be no difficulty in passing this Bill.

Pandit Thakur Das Bhargava (East Punjab: General): And if he does not remove the goods because wagons are not available?

The Honourable Shri K. Santhanam: Clause 3 is intended to cover that, and we will issue clear instructions for cases where the wagons are not available. This is conditional, because a Bombay merchant who is bound to keep the goods in his own godown cannot simply say that because he is thinking of sending them to Cape Comorin and wagons are not available, he is entitled to keep the goods there. Suppose it is an upcountry merchant, then it is a real case of hardship and we shall see that all such cases are duly covered by our instructions.

Mr. Deputy-Speaker: Motion moved:

"That the Bill further to amend the Bombay Port Trust Act, 1879, be taken into consideration."

Shri B. K. Sidhva (C. P. and Berar: General): While moving the Bill for consideration, the honourable Minister has given reasons why he has been compelled to bring forward this measure. I entirely agree with what he has stated, that the merchants in Bombay generally want to take undue advantage of allowing the goods to remain in the Port Trust because there is a scarcity of private godowns in Bombay and that that has caused congestion in the docks. To that extent I am prepared to accept his viewpoint. But this has been the practice for a number of years, it is not a new thing, because in Bombay all along for want of space no new godowns have been constructed. At the same time the fact that due to loss of Karachi most of the cargo is going to Bombay is also correct.

But on the other side it cannot be forgotten why these *bona fide* companies are compelled to keep their goods there which they could remove if transport was available. That is the point I am stressing. The other day, I made a grievance during question time—I cannot make any grievance, I can only seek information during question time—and stated that the Bombay Port Trust had failed in reconstructing godowns which had been gutted in the explosion in 1944. No steps were taken to rebuild them and the floor area to that extent has been lost. They were simply waiting for a better time to have the prices of steel come down. That is the foresight with which the Bombay Port Trustees are working. My complaint is that our Government took no steps in directing the Bombay Port Trust to see that cost or no cost new accommodation should be provided. After all the Bombay Port Trust gets plenty of money and they should have constructed these godowns. If they had done it earlier they would have had no trouble today. There were one-storey godowns and *kutcha* construction has been put up with one-fourth of the floor area of the original.

As far as availability of wagons is concerned, I can tell the honourable Minister that a large number of consignees have been obliged to pay demurrage. It is no pleasure to them to pay money from their pockets to the Port Trust when they were prepared to remove these goods from the Port Trust area as quickly as possible. In 1946 the demurrage amount which the Port Trust got was Rs. 4½ lakhs. In the previous year it was Rs. 1.17 crores. May I ask whether it is a pleasure for them to pay that much money? Complaint after complaint has been made by the merchants saying that these demurrages had been taken from them without any transport facility being provided. The result has been that the prices have been put up and ultimately the consumer has to pay; the merchant is not going to bear this 1.17 crores. Due to the fault of the Government, for many reasons, particularly the shortage of wagon supply, this demurrage went to the Port Trust coffers with the result that the Port Trust Budget which would have been otherwise deficit was surplus this time. It is this fleeced money which has brought a surplus to the Port Trust.

Coming to the supply of wagons, let me say this. I myself visited the place on the 30th January before coming here to attend this session. I went to the Chairman of the Bombay Port Trust who sent the Harbour Master along with me; we went to the docks and what I say now is the version of the Harbour Master. I saw the position with my own eyes and I want to bring it to the notice of the honourable Minister as far as the wagon position is concerned. On the 30th January, there were salt bags for 1,000 wagons; one thousand wagon-loads of salt was lying there for three months. 400 wagon-loads of bobbins meant for textile machinery lying there for two months for want of wagons. 400 wagon-loads of dates coming from Basrah—formerly they used to go to Karachi—and lying there for 2½ months for want of wagons. Apart from these, there were 600 wagon-loads of general cargo. This is the information which I was given, and I saw the thing with my own eyes. Sir, salt is

[Shri R. K. Sidhva]

scarce in the country today. In the summer season salt will melt if it is not removed. A whole godown was full of salt and there was no wagon available to remove it. Then, dates are a good substitute for use by workers; they have been coming in loads and loads to Karachi and diverted to Bombay; they were lying in piles and no efforts were made to remove them. This is the condition regarding wagon supply and yesterday I was told by the honourable Minister that the wagon position is very satisfactory! Sir, I don't know what is the position today in the Bombay Port but as far as it was these two months ago, I can vouchsafe for this statement which I have made. The honourable Minister may refer to the Harbour Master who was with me; I went with him in the car and we had a survey of all these things.

May I ask, when the wagons are not available, do you want to compel these merchants to pay the demurrage? For your fault, is it fair, is it just, is it right? Therefore, I had sent in an amendment that if wagons are not available the goods should not be auctioned. The clause which says that the goods will be auctioned is a severe clause. By all means auction in the case of people who utilise the Port Trust godowns for their private purpose. I have no sympathy with them. But when it is a case of want of wagons, why should they be penalised for no fault of theirs? They pay all charges and yet their goods will be auctioned! That is why I sent in an amendment. The honourable Minister finds a little difficulty in accepting my amendment and therefore he stated that he will issue instructions or orders. That is something for me. If really, from the constitutional point of view, he does not find his way, which he ought to if he really wants to, and he is bent upon saying that he cannot accept my amendment, the justification for which I hope he realises, and if he merely says that he will issue orders to the Port Trust authorities regarding goods for which *bona fide* payment has been made and the consignees were ready to take delivery but could not do so for want of wagons, then I shall have to be satisfied with the lesser of the two evils. This is a lesser evil which I am prepared to accept. I am not pleased with it but I cannot help it. The honourable Minister says he cannot help it. But I hope he will bear in mind the figures I have given. The commodities which I have mentioned are articles of food—salt, dates, etc. Only by the way I quoted hobbins because that was part of the machinery for our cloth. These essential articles are lying there. It is no pleasure for anybody to keep them there. The country clamours for more salt. The price of salt in certain places is eight annas a seer. Is it a pleasure? Has the Minister given any attention to this matter? I have accepted his statement, similarly he must also accept my *bona fides* in this matter and come to the rescue of *bona fide* merchants and thus prove that Government is reasonable and just and will not allow the Port Trust to fleece these merchants. When the Bill is passed, I hope he will immediately issue instructions, so that no undue advantage will be taken of the provisions we have passed, by the Port Trust authorities. When these goods are ready to be taken delivery, yet for want of wagons, if they were not taken delivery of, these people cannot be penalised for no fault of their own. It may be that an excuse may be put forward, "Who is going to prove that the wagons were not supplied?" Yes, this matter is contentious and the Railway or Port Trust Authorities may ask the merchants to prove in writing that wagons were not supplied although they were available. It is really a difficult point, but after all, if Government's intention is honest, of which I have no doubt, then a *via media* can be found, some agency can be devised whereby it could be proved that wagons were supplied and delivery was not taken or that wagons were not supplied at all and delivery could not be taken. As I have already proved by facts and figures, 1½ crores of rupees

were forcibly realised from the merchants for no fault of their own. I hope therefore that the honourable Minister will very sympathetically consider this matter and issue very strong instructions to the Port Trust in this matter.

The Honourable Shri K. Santhanam: Sir, there is no question at all of doubting the *bona fides* of my honourable friend. Nor am I in the least inclined to question his facts. In fact, his own facts are the justification for this Bill. If there was not so much congestion, there would have been no need at all for this Bill. His arguments show that it is much more profitable for the Bombay Port Trust to keep these goods and claim demurrage rather than put them to auction. So when they can earn a lot of money, they are not likely to put them to auction at all, and it is only to deal with those merchants who deliberately and to some extent maliciously use the Bombay Port simply as a private convenience that we want this Bill. They go about trading in the whole country; they do not even care to reveal themselves to the Port Trust and let their goods lie without letting the Port Trust know what to do with them and periodically they also pay the charges so that the ordinary law may not come into operation. It is only to deal with such cases that this has to be brought into force.

There is also one other point about wagons. It is true that there has been difficulty about wagons. The honourable Member knows why. We did not create all the conditions, and nobody can create wagons out of nothing. Even if we had the wagons, the Port Trust Railway is designed to carry only a certain load. We cannot load more than a given load in the Port Trust Railway and there may be circumstances in which we may ask the merchants to take the goods and load them at some other station, say Karnak Bunder. Now, the merchants say "Either give us wagons at Bombay Port Trust or we won't load it anywhere else." They are entitled to say that normally—I do not deny—but under the existing difficulties, we want co-operation in all possible ways and that co-operation can only be had from the private vested interests when we have the power conferred by this Bill. That is why we want this Bill. I again repeat my assurance that we will give very clear and categorical instructions that no honest businessman should be penalised on account of this Bill. I hope the House will approve of the Bill.

Mr. Deputy-Speaker: The question is:

"That the Bill further to amend the Bombay Port Trust Act, 1879, be taken into consideration."

The motion was adopted.

Mr. Deputy-Speaker: We shall now take the Bill clause by clause.

The question is:

"That clauses 2 and 3 stand part of the Bill."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Shri K. Santhanam: Sir, I move:

"That the Bill be passed."

Mr. Deputy-Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

INDIAN RAILWAYS (AMENDMENT) BILL

The Honourable Shri K. Santhanam (Minister of State for Railways and Transport): Sir, I move:

"That the Bill further to amend the Indian Railways Act, 1890, be referred to a Select Committee consisting of Shri Gokulbhai Daulatram Bhatt, Pandit Thakur Das Bhargava, Dr. Bakshi Tek Chand, Shri Satis Chandra Samanta, Srijit Rohini Kumar Chaudhuri, Shri Sita Ram S. Jajoo, Shri M. Ananthasayanam Ayyangar, Shri R. K. Sidhva, Shri Khandubhai K. Desai, Mr. Naziruddin Ahmad, Shri Krishna Chandra Sharma, and the Mover, with instructions to report on or before the last working day of the first week of the next session and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir, I do not know if the House would like me to take much time over this Bill. In the Statement of Objects and Reasons, a clear and comprehensive analysis of the provisions has been given. In fact, there are only two major points to be considered with reference to this Bill. One is procedural. Many articles are now sent by owner's risk and the consignor has to execute a separate big document full of all kinds of particulars. The law at present provides two risks, owner's risk and railway risk. Now more than 90 per cent. of the goods which may be sent under both risks are sent by owner's risk and the present Bill provides that it is only when he sends them by railway risk he will have to execute the form; otherwise, he would ordinarily be presumed to have sent by owner's risk. That is one thing.

The second point is about the Claims. Commissioners to deal with compensation claims promptly when an accident occurs. In fact, this part of the Bill was part of the Bill creating the Railway Rates Tribunal, but the Select Committee considered that certain points concerning that Bill required fuller consideration and suggested that it may be taken up. This consideration has been given, and those provisions have been incorporated. As a result of these provisions, we expect that within a few weeks of an accident, if people unfortunately have lost their lives, at least their sons and wives will have compensation; in the case of those who have sustained injuries or lost their limbs, they will receive compensation. As I am moving for reference to a Select Committee consisting of able lawyers, I am sure that every clause will be subjected to careful scrutiny and I think the fuller discussion may be taken up after the Bill emerges from the Select Committee. Sir, I move.

Mr. Deputy-Speaker: The question is:

"That the Bill further to amend the Indian Railways Act, 1890, be referred to a Select Committee consisting of Shri Gokulbhai Daulatram Bhatt, Pandit Thakur Das Bhargava, Dr. Bakshi Tek Chand, Shri Satis Chandra Samanta, Srijit Rohini Kumar Chaudhuri, Shri Sita Ram S. Jajoo, Shri M. Ananthasayanam Ayyangar, Shri R. K. Sidhva, Shri Khandubhai K. Desai, Mr. Naziruddin Ahmad, Shri Krishna Chandra Sharma, and the Mover, with instructions to report on or before the last working day of the first week of the next session and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

Shri T. T. Krishnamachari (Madras: General): Since no Ministers are here, I suggest that the House may now be adjourned.

The Honourable Shri Satyanarayan Sinha (Minister of State): We may adjourn now till 2-30.

Mr. Deputy-Speaker: The House stands adjourned till 2-30 in the afternoon.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

COAL MINES LABOUR WELFARE FUND (AMENDMENT) BILL.

The Honourable Shri Jagjivan Ram (Minister of Labour): Sir, I beg to move:

"That the Bill to amend the Coal Mines Labour Welfare Fund Act, 1947, be taken into consideration."

I have nothing to add, Sir, to what has been said in the Statement of Objects and Reasons of this amending Bill. It is a very simple measure, and I hope the House will unanimously accept it.

Mr. Speaker: Motion moved:

"That the Bill to amend the Coal Mines Labour Welfare Fund Act, 1947, be taken into consideration."

Shri Harihar Nath Shastri (U. P.: General): Sir, in according my formal support to this formal motion that has just been made by the honourable Minister, I take this opportunity of offering my congratulations to him for the successful working of the Coal Mines Labour Welfare Fund Act since it has been in operation. There is no doubt that labour in the Coal Mining Industry has been greatly benefited by amenities provided under this Act.

Coming to the question of the provision of housing amenities to labour in the Coal Mining Industry, this question has been on the forefront for several years, particularly after the commencement of the War, and the Trade Unionists in this country have been urging on the Government to give priority to this important matter. To the extent that this question has been tackled in the mining area, the honourable Minister deserves congratulations, but I should like to observe, Sir, that the progress that the Act in regard to the provision of housing amenities has made, is rather slow. It was some three or four years back when there was an ordinance under which this Welfare Fund was being operated in the mining area, when the Government of India decided that two townships of 5,000 each in Bihar and one township of 5,000 in Bengal would be constructed for labour in the mining area and although four years have since then elapsed, the idea has not yet materialised. I am glad to note that recently the Ministry of Labour has set a target of constructing 50,000 houses in the coal mining areas within the next five years, and I do hope that the idea will materialise and that steps will be taken to expedite it, so that the target that has been set by the Ministry may bear fruit and materialise. In this very connection I take this opportunity to once again draw the attention of the honourable Minister to the general question of industrial housing in this country. Without taking any more time of the House, I would appeal to him to pay his most earnest consideration to this question about which there have been repeated commitments by the Government of India and by his Ministry in particular.

The Honourable Shri Jagjivan Ram: I may assure the House Sir, that my Ministry is equally anxious to expedite the housing scheme not only for the workers in the coal fields but for other Industrial labour as well. As the House is aware, only a few days ago, in reply to an interpellation, I informed that we have practically finalised a scheme for general industrial housing and it will be announced in a few days. As far as building material is available, the Government will make available the necessary funds to the provincial Governments and approved employers for the construction of houses for industrial workers. I can assure the House once more that the Government are anxious to do this, because they are convinced that if we have to increase production we have to see to the housing accommodation of the industrial workers as well. So in the interests of increased production, we are going to expedite the question of housing industrial workers. I hope the House will accept my assurance.

Mr. Speaker: The question is:

"That the Bill to amend the Coal Mines Labour Welfare Fund Act, 1947, be taken into consideration."

The motion was adopted.

Mr. Speaker: The question is:

"That clauses 1 and 2 stand part of the Bill."

The motion was adopted.

Clauses 1 and 2 were added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Shri Jagjivan Ram: Sir, I move:

"That the Bill be passed."

Mr. Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

DOCK WORKERS (REGULATION OF EMPLOYMENT) AMENDMENT BILL

The Honourable Shri Jagjivan Ram (Minister of Labour): I move:

"That the Bill to amend the Dock Workers (Regulation of Employment) Act, 1948, be taken into consideration."

This Bill is also a very simple measure and the intention of the Bill has been made clear in the Statement of Objects and Reasons. After the passing of this Act we appointed a committee to go into the question of decasualisation of the workers in Bombay Docks. It was a tripartite committee consisting of representatives of the employers and dock-labourers and our Chief Labour Commissioner was the Chairman of it. A scheme was formulated by that committee. It was examined by the Government and approved. The difficulty arose when we found that a statutory body to give effect to or implement that scheme could not be constituted under the Act as it stands at present. So this small amendment became necessary in order to constitute a corporation or statutory body to implement the scheme. Hence this amendment.

Mr. Speaker: The question is:

"That the Bill to amend the Dock Workers (Regulation of Employment) Act, 1948, be taken into consideration."

The motion was adopted.

Mr. Speaker: The question is:

"That clauses 1 and 2 stand part of the Bill."

The motion was adopted.

Clauses 1 and 2 were added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Shri Jagjivan Ram: Sir, I move:

"That the Bill be passed."

Mr. Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

CINEMATOGRAPH (AMENDMENT) BILL.

The Honourable Shri R. R. Diwakar (Minister of State for Information and Broadcasting): Sir, I move:

"That the Bill further to amend the Cinematograph Act, 1918, be taken into consideration."

This is a very small amendment of the Cinematograph Act of 1918, as amended in 1934. The reason for this amendment is that today film censorship, which is provincial permits the passing or restricting or banning films without taking into consideration whether a particular film is good enough for universal exhibition or fit only for adults or fit for children only. No such discrimination can be made by the film censors today. Therefore it was found necessary that in order to discriminate between films which may be suitable for adults but may not be suitable for children or adolescents, some legislation of this kind should be passed. This matter was then examined and provincial Governments were consulted. The provincial Governments thought that this provision was necessary but that if they were to pass this kind of legislation there would be different provisions in different provinces and certain anomalies would arise. Honourable Members know that film censorship though provincial today is sought to be made a central function and at the last meeting of the Constituent Assembly an amendment was moved to the Government of India Act by which this Parliament is now authorised to pass legislation of this kind. But that may come later. Even before that, as it is, in order that some discrimination may be made between films which are suitable for adults and not suitable for children and adolescents, this amendment is considered necessary and, in order that it may be uniform in all the Provinces, this Bill has been moved in this Parliament. It is needless for me to emphasise the necessity for such a Bill. What now happens is that when a film comes before a film censor, if there are even very small portions which are not very suitable for being seen by children and adolescents, then the whole film is banned. Thus an otherwise artistic and good film has to go by the board; there is no discrimination which can be exercised today under the present law. That is the main reason why this amendment is being moved here—empowering the provincial Censors and Censor Boards to go into the matter and see if a particular film is suitable for the whole population or only for adults. That power is sought to be given by this amendment. I may here explain also that this whole film industry is growing in importance and there are a number of different aspects to this industry. But the scope of this particular Bill is very restricted and there is no intention of expanding that scope so far as this amendment is concerned. But since the whole film industry is an important one and as I see from the number of amendments tabled that honourable Members are also taking a keen interest in the matter,

[Shri R. R. Diwakar.]

I am alive to the situation and a thorough inquiry is going to be made into the film industry from all points of view. It is then that this House may go into the different aspects of the question, as regards the length of time that a film should be shown, the length of the film and a number of other considerations which may come in. As I glance at the amendments tabled here, I see that a number of amendments are of that nature. It is natural that these amendments are placed before the House; but I beg to submit that since the object of this particular amendment is very restricted and one-pointed, it is better that we concentrate upon this one single aspect, postponing the consideration of other aspects to the occasion when a more comprehensive Bill is to be introduced in this House. We shall have ample opportunity at that time to go into the whole matter when the inquiry committee makes its own recommendations on different aspects and a suitable Bill is framed in terms of those recommendations. Therefore I should like to request honourable Members to see that we restrict ourselves to consider this one single important aspect and leave the matter there.

Now the main considerations which weigh with us at the time we see a film are these. Some people would say that if it is a bad and unsuitable film we should completely ban it; why make a discrimination between a film which is suitable for adults only and not suitable for children and adolescents? But as we look at the films that are coming up and also as we look at the law that exists in some of the foreign countries we see that a discrimination is made. In fact in a number of other things also we make this discrimination between children and adolescents on the one side and adults on the other. In clubs or in dance halls or some such other places membership is restricted only to adults. So, it is on the same principle but for a greater number of considerations that this amendment has been introduced here. For instance, among films there are what are called horrific films where bloody scenes of murder or sudden catastrophes such as fire or thunder occur. Now adults can very easily stand these, and possibly sometimes in the course of a story all these have to be shown. But if such films are shown to children and adolescents. They may act on the tender nervous system and emotional structure of younger people and therefore they may be said to be unsuitable for children and adolescents. Then there might be crime films which glorify crime and make a robber or somebody a hero for the time being; possibly at the end he is punished and real retribution follows the crime that he has committed. It might happen that in the course of showing a film, children and adolescents might be impressed only by the glorification part of it but might not catch the latter part, i.e., the retribution part of it. Thus it might be said that such a film may be suitable for adults but it is certainly not suitable for children and adolescents. That is another illustration.

Then there is another type where not only crimes but details of crimes are shown. We have experience that many a time children pick up these details and try to imitate them, whereas it might be that for adults who have grown and who are not amenable to take impressions so easily or whose fibre may be a little tougher this may not be unsuitable. Not that I advocate these films being shown to adults. If they are not good for adults or grown-up men they should of course be banned; there is provision under the film censorship powers to ban them. But I am making a distinction where certain things might be suitable or might be not very harmful to adults but which would be positively harmful to children and adolescents.

Then the same may be said of what are called sexy or sex films where passionate love-making is shown on the screen. In this matter also it depends upon the taste and upon the customs and manners of certain countries as to which of such films should be shown, how far people should go and should not go. All these are matters which are dictated by what may be called social

customs and social privileges and social opinions of the particular times and of the particular countries. But I wanted to make a distinction between certain matters which may be shown to adults and which adults may stand but which children and adolescents positively cannot stand. In the same way there might be certain problems which might be beyond the comprehension of children and adolescents. It is no use showing these films to them and trying to exercise their minds beyond the state of comprehension which they have reached. I may cite here certain geological films, for instance, of what might be called palaeobotany of which a research station was recently opened by the Prime Minister. Some such subjects might be beyond the comprehension of children and it is no use showing these to them. I may also cite films of astronomical mathematics or such other films. Then there might also be certain parts in films, where respect for general morality or good conduct or sense of justice is likely to be undermined. In the case of adults whose opinions are to a certain extent formed and who are not likely to misunderstand, to them these films might be shown. But where respect for morality and justice are likely to be undermined even partially on the screen, they should be completely banned so far as children and adolescents are concerned.

These are the real reasons why we should not show certain films to children. But unless we empower the censors to ban them they cannot do it today under the law as it stands. Therefore when the industry as well as the provincial Governments were consulted in this matter, the different film associations in different parts of India were practically unanimous in saying that such a provision is necessary, and the provincial Governments too agreed to such a provision. That is why this thing has been taken up and this amendment has been moved in this House.

Now I may also say a few words about the types of amendments that have been proposed, so that honourable Members may have occasion to see that it may not be very relevant or useful here to discuss those amendments
 3 P.M. and that they might well be postponed to a day when a more comprehensive Bill is bound to come before this House after due enquiry has been made into that industry. There is the question for instance of the hours when films ought to be shown. There is an amendment which says that any film or cinema show should not run for more than 2 hours. There is also another amendment which says that films should be shown to children and adolescents only during the day and not at night after nine o'clock. Some such amendments are there. My plea is that all these amendments are good in themselves. They ought to be considered but then they do not fall into line with the particular amendment of the Act that has been moved now and the purpose of which is a restricted one.

Then there is the question of age. In this Bill I have put 18 years as the age, including children and adolescents. In certain other countries, like Denmark, Australia and England especially from where we could get details about such provisions, the age has been put down as 16. There are a number of amendments saying that the age should be raised to 21. Some of them of course say that the age should be brought down to 16. There were some honourable Members who said that the age should be 25. But taking into consideration all these different suggestions, I think that so far as our country is concerned—the type of education and the type of understanding that our children have—18 is a very reasonable age. It is also said to be the age of discretion. It has nothing to do with the age of 21 for instance, which is the age for franchise. In our Constitution an adult is described or defined as one who has attained the age of 21. We have nothing to do with the exercise of votes or the understanding which may be necessary for voting purposes. Here we are more concerned with what is called the power of understanding or the power of discretion. So 18 may be said to be the age of discretion, and therefore I would request honourable Members to think

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about this provision and not to press the amendments as regards changing the age.

Then there is the question of the responsibility of showing any restricted film to children of the age of 18 or below. In all cases where such provisions exist, so far as we have studied those provisions, the responsibility is on the exhibitors. Of course, certain rules might be framed and certain precautions may be taken by the exhibitors whereby they may be able to prove their *bona fides*, but ultimately the responsibility does lie on the exhibitors and on nobody else. To put the responsibility on anybody else would be going against the very principle on which the Cinematograph Act has been framed. It will be going out of the way and out of the line, and therefore whatever provision we make we have to make it in accordance with the original Cinematograph Act as it stands, and therefore that is also an important consideration.

These are a few of the considerations which I place before the House in moving for the consideration of this Bill. Sir, I move.

Mr. Speaker: Motion moved:

"That the Bill further to amend the Cinematograph Act, 1918, be taken into consideration."

Shrimati G. Durgabai (Madras: General): I have great pleasure in supporting the Bill which has just been moved by the honourable Minister, which seeks to restrict the exhibition of films which are considered to be not suitable for children and adolescents. Sir, under the law as it exists today, there is no discrimination of any kind made between one film and the other. All sorts of films are shown to all alike. There are certain films shown today which are very harmful. The honourable Minister has described some of the bad features of the films that are shown today. Films of horror, films of crime and also films with a sex appeal are being shown and no doubt they produce very harmful effects on the children, especially on the impressionable age of these children. So there is a great need to restrict the exhibition of these films to a certain class.

I have already stated that according to the law as it exists today, the authorities who are in charge of certifying the films are not empowered to restrict the exhibition of these films to one particular class only. This Bill if passed would enable them to restrict the films to one particular class by introducing a system of two certificates: that is Certificate "A" and Certificate "U." Certificate "A" restricts the films only to persons above 18 and Certificate "U" gives a license for unrestricted use of these films.

No doubt, Sir, today we are banning some kinds of very harmful films for children and adolescents. Of course we approve of this, but our responsibility does not end there. We have got to give very good substitutes in the place of these films. We must take note of this. We are taking away certain films from the purview of the children. But we have to educate the children also through films. Therefore, we have to realize that we have a great responsibility to give very good films—good from the point of view of all-round development of these children. To-day the radio and the film are the two very powerful factors which can shape the future of the coming generations of our country. Therefore these two—that is the radio and the film—have got to play a great part, and the honourable Minister who is presiding over this Department has got to take every care to see that good films are supplied to these children. We have the Films Division working under his able leadership and this Division working under his Ministry has very good equipment and the honourable Minister also has promised that he will give nearly 50 to 60 good films by next year. I am afraid that the private

people who have taken to produce these films may not care to produce these films with educational and cultural value because they say that they have no market for these films and they cannot make any profit because films of an educational and cultural nature do not attract many. Therefore they cannot market them properly. It is therefore the Government's duty to come to the rescue and see that in the Films division good films are produced from the educational point of view. I ask the honourable Minister to see that the Films Division works very actively and the authorities who are in charge of running it will take every care to see that the films are supplied to every theatre, so that they are shown all over India.

I would also urge upon the honourable Minister that this Films Division of his Ministry should be advised and guided by a body of experts with regard to the particular subjects on which films should be taken. This Films Division should have the guidance of that committee of experts who have made a special study of the subjects. For instance children are educated in several methods. The Montessori system has done some good research work and they know how to develop the child's brain and psychology. Therefore with a body of experts who have made a special study the Films Division would do well and these films will be very good substitutes for those children from whose purview we are taking away a very great number of other films. Not only by banning but by giving substitutes I think this Bill could aim at very good results and achievements.

Shri Mahavir Tyagi (U. P. General): Sir, after the promises given by the honourable Minister there remains little to be said. He has himself practically apologised before the House by saying that the Bill was only a simple amendment just to pave the way for the main Bill which will be coming. I am glad the honourable Minister is conscious of the great position which cinematograph occupies in society today. He will soon bring a full-fledged measure to put it right. I feel heartened about it.

This is an occasion when I cannot help expressing myself. I feel that the greatest injury is being done today to the nation by cinematograph and therefore I cannot let this occasion pass without bringing on the record of this House my feelings about it.

There are two types of psychology today prevailing in the country. There is a section of people who feel that all foreign ideas are progressive and should be adopted by us. They are enamoured of them. There are others who feel that we must stick to our old civilisation, culture and moral values. Between these two sections our Government could not make up their mind as to what we have to give through these organs of propaganda. I have also been to cinema houses a few years ago, not now. I do not know if they have made any progress now. I see every evening quite a good part of the nation stands in a queue before cinema houses in every city. They stand for hours in queue and tickets are not easily available. And when they come out I see urchins, small boys and girls come out with some cinema songs ringing in their ears and dancing on their lips. I know of my childhood when I heard the first song sung in the village Sangit Party. I was a villager and when I heard it I jumped about and sang it. Songs first heard always ring in the ears and it is therefore that our first education came to us in songs and we attribute a lot of good to music, song and poetry. When I see these youngsters coming out of cinemas and singing songs I find the songs are not only vulgar but also have a demoralising effect on the children. If Government were to look into the sort of songs propagated through the cinemas then alone they would know the danger or poison which they are spreading throughout the country. In fact up till now only one thing has been done and I do not know on what grounds. I saw the old Cinematograph Act and I find that there was an arrangement of

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censoring films under that Act, so that the healthy and better ones would be allowed to be exhibited and the rest are not to be given any licence. I do not know how far this will be of any benefit to the people. What is sought to be done is that in place of the words "suitable for public exhibition" the words "suitable for unrestricted public exhibition or for public exhibition restricted to adults" shall be substituted. It all depends upon the machinery which is set up for circulating the films. It also depends upon the basis of the instructions issued. I would for my part prefer that this work should be given to the Education Ministry, because the cinemas are more a part of education than recreation from my point of view and it is through recreation also that education is imparted. It should have been better if some educational authority were put in charge of censoring films, for it is on the Ministry of Education that the duty of seeing that our culture, civilisation and progress are maintained devolves. In the old days servicemen used to censor films in their own way. However the films which are exhibited today are a sad commentary upon the machinery which is censoring them. The present type of censor films are foisting new values, new fashions and new morals on our people. We are having a bad substitute for our old mode of life. If that is the criterion or standard that the Government applies, then I am afraid this Bill will be of little avail. Up till now I do not know how many films were rejected on the ground that they were not proper to be exhibited to ladies, or small youngsters, because in India for a long time past moral grounds had nothing to do with the stopping of films. If those were the grounds then demoralising films would not be exhibited as they are done today. There must be some other consideration. I do not know what is the percentage of films rejected and I am very doubtful if films are rejected in good numbers. By changing the words "suitable for public exhibition" to "suitable for unrestricted public exhibition or for public exhibition restricted to adults" we are now relaxing the rule. We say that those films which are suitable for unrestricted public exhibition will be permitted which means that all which had been permitted till now shall remain on the list approved as "unrestricted" and those which had been rejected may find place in the list of "restricted" ones. Now somehow or other people have taken it that adults have a sort of freedom to go anywhere and do anything they choose, as if adults are not impressionable. I am sure that the number of films and the standard of films which are permitted today after censoring, have been permitted as innocent because children also could go and see them. If you are going to have films particularly for adults my fear is that even worse films will be permitted under the heading 'U' because they will be shown to adults only—and adults are considered to be above the line of any demoralising effect. Therefore the provisions of this Bill I am afraid may be misused to allow still worse films to creep into the cinema houses and have a worse effect. Because you are now separating children from adults and giving the latter "healthy education"; Through films, the adults would be left free to see whatever they like to and a boy of 18 or my daughter of 18 will also be free to go to these more filthy films which will now be allowed—because there will be no danger of children getting impressed! So I am doubtful—and I am very strong in my conviction—that this Bill will not give you any advantage from that point of view, and I would request the honourable Minister not to insist on this. What does it matter after all if they go on without this measure for a few months more? But don't allow more dirty ones to come in. If parents want licence to see such films which are to be kept away from children and want them to be shown to them exclusively, you can deny them the licence altogether rather than bring this Bill. I am sure this Bill does not do much good.

It is said that children get easily impressed and, as I said, the belief is that adults do not get impressed. My feeling is that impression is always the same—whether it is auditory or visual and it impresses both children and adults equally.

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Mr. Deputy-Speaker (Shri M. Ananthasayanam Ayyangar)].

The only difference is that while children always acknowledge that they have received an impression, good or bad, from outside, adults in their arrogance, though they get impressed in the same manner from outside, pretend that they owned the impression and pose as if it was their own internal film and refuse to acknowledge the outside impression which they really receive. Otherwise the impression is always the same. For everyone, whether boy, parent or child, from the time the baby is born up till he is old, the impressions go on affecting and man is nothing without affections. Man is but his impression which he has gathered all through his life—a bundle of impressions and ideas. So it is the very reality of man so to say or the very content of man that is influenced by cinemas and radios. I submit that we have done enough harm by allowing so much of freedom to bad films to go into the cinema houses and impress themselves on society.

In fact cinemas up till now are running from the motive of profit-making. It is profit-making everywhere and even in the cinema field films are allowed to be exhibited because some people have invested money—and it is an industry which is productive or whatever it is called, it must return profits to the investors. Every industry must thrive and the cinema industry must also therefore thrive, therefore cinema films must be encouraged! Irrespective of the fact whether they are good or bad. If I had my way I would not allow this industry to go into the hands of any private individual. I would not allow people to make money at the cost of our morals—by making or unmaking them—because the cinema is nothing if it does not make or unmake our morals. No recreation remains as it is: every recreation goes directly into one's brain. It is the cinema which creates an atmosphere which changes our civilisation.

Everyday I hear very big people in India saying that the world is shrinking, closing down, and distances are being reduced. I quite understand and I see that through the radio and quick means of communication the world, as it is said, is shrinking and I admit that physical space is being fast annihilated and perhaps the world may shrink and shrink and become either a zero or a point. But one thing remains, so long as the world exists—geographically it may shrink and become one integrated unit, but psychologically, or say, historically there must be distinction between men and men and between people and people. Every set of people live in their own civilisation and culture. So long therefore as we do not agree to allow our culture to become hybrid, so long as we do not agree to give away or forget our historical past, the world will exist compartmentally amongst people holding strongly to their own respective cultures and civilisations. After Swaraj, I submit, now was the time that we did something to strengthen our own culture and make it grow and encourage the old values which we have so long cherished; now was the time that we had made some progress in the line of our culture, language and our civilisation. Now, Sir, what is the cinema doing?

Culture originates from songs.—the songs which our Sages sang. Our music is now being spoiled by cinema films. If I had my way I would declare it as illegal that *Bhairav* should be sung wrongly. If you like your music to remain, you have to protect it and it is time that we protected it because it is the most precious music and the best of the world. If I had my way, if I had a Swaraj of my liking, I would have enacted that a man who sings *Bhairav*

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wrongly shall be prosecuted and penalised. Nobody has a right to spoil our music. It is pure art and if we begin to spoil our music like that we lose our art. We are protecting monuments—stone monuments. The honourable Maulana Abul Kalam Azad and his Department will come in the way if I were to break an idol or a monument of the old days. But you don't protect this greatest monument, music. The cinemas are spoiling our music. I submit our music is losing both its tune and tone, it is becoming prosaic. Poetry is becoming prose. You just see the songs sung in the cinema.

Mr. Deputy-Speaker: Does the honourable Member say that the difference in music produces a change in morality?

Shri Mahavir Tyagi: Yes, Sir, because it is the songs which give us the *darshan* of God. You cannot reach God by using material means; song is the only means in your possession to reach God because song is art, song is the language of the soul and you express your devotion through songs. Music was therefore valued in our civilisation and the *Vedas* were nothing if they were not music.

I submit that these cinemas are doing a great injury to our old treasure of music, poetry and art.

Now, take the drama. Our nation was the first pioneer in drama. We had the first drama played, and other nations copied drama from us—we gave the idea of drama to the world. We were the first to write one.

Mr. Deputy-Speaker: I am afraid the Bill is confined to the differential treatment between adult films and non-adult films.

Shri Mahavir Tyagi: The Government policy with regard to the exhibition of cinema films is under consideration and I submit, Sir, that it is doing a severe injury to our most precious art and literature which we treasured and therefore I hope I am not irrelevant. Drama is our oldest art. The first dramas in the world were written in India. But the standard of drama is also getting spoiled by these cinemas. Need we only see that the cinema pictures should be such that they don't physically affect our nerves, our auditory nerves or our visual nerves or other nerves? Is that all we have to see? No. We have to see whether the cinema is contributing to progress in our art, music and morals or whether it is spoiling them. But this is a consideration which is not taken into account. So, I say no question of children and adults arises here. No distinction need be made in the pictures. I will have one cinema for everybody. Why do these adults want a cinema house separate for themselves? When the mother and father want to go to a place alone leaving their children behind, be sure, Sir, there is something wrong there. It is always in the society of children that they are better. Why do you leave your children behind? Because you want to do something which you do not like your children to see and don't want your children to know that. I would therefore oppose the idea of mother and father going astray. If the parents were to go alone to a picture, where will they leave their children? I tell you, under the scheme of separate cinemas for adults, very few will go to a cinema because even today it is the children that carry their parents to cinemas. So only the children's cinemas will be seen and the ambition of the Ministry will fail because the cinemas for adults will remain empty because the children will not go there as no children will be permitted, and a father would not like to go to a cinema without his children. So the other films will not run. From that point of view, I am sure this is bound to fail. Sir, adults and children cannot be separated in India. Families go together. So, why not have a healthy cinema which the whole family will enjoy and appreciate and which the parents may make

their children appreciate? I remember when I saw a *sangeet* party for the first time. They arranged a sort of a drama, *Harischandra*. I am proud of those impressions which I have of that village life. My parents and all of us were there. We were looking at ideal relations between wife and husband and mother and daughter. Then we see the *Ramayana*. We always see the *Ramlila*. There we do not feel tired; it gives us all the pleasure of an ideal life of family. When Lakshman was hit by the arrow, we see how the brother wails for him and we see how Sita loves her husband. It is those old stories which have given us life. How do wife and husband love each other. It is not because of the oaths and pledges which we have taken on the altar, but because we inherit and cherish a conception of this relationship—a conception which we have taken from the behaviour of our forefathers. It is only because of man's habit to emulate. Through emulation we live. The ancient epics still exist with us. Therefore, when we see good theatres or cinemas containing good stories we emulate them, we copy them and that is how we develop our character. Everybody recognises his wife as Rama recognised Sita. That is the position, that is the ideal conception of relationship which has been given to us by our forefathers. Man proceeds on analogies. From the beginning till he dies, it is analogies that guide him.

Sir, it is the mode of life and not the form in which a nation lives. That mode is affected by these cinema films. Up till now the affect of films was only visual but now it is auditory also. Man, as far as his impression goes, is either primarily visual or auditory. Some children are auditorily better impressed and therefore they can remember songs better. There are other types of children who cannot remember things because auditorily they are not so receptive as visually, so they remember the pictures more. And this cinema today is both visual and auditory. Therefore, I submit it is doubly impressive and it requires double care to see that it does not inject any poisonous and demoralising influence among the people. Queues of people are found standing every evening before the cinema houses just to drown themselves in the dirty pool of demoralization and degradation. That is the position which we are facing today. It is a great problem. I would therefore submit that it should not be so lightly treated. I am waiting for that Bill which my honourable friend has just promised. I have great hope in him; amongst us all, I must submit, he is a greater moralist—I am only a talker, but he is in practice a moralist. I have fullest confidence that he will bring forward a measure which will really be effective.

An Honourable Member: Now, something about the Bill!

Mr. Deputy-Speaker: He has said enough.

Shri Mahavir Tyagi: I thought it was a general discussion about the Bill.

Mr. Deputy-Speaker: Of course, but that does not mean it should be out of the scope of the Bill.

Shri Mahavir Tyagi: Sir, all that arises out of the Bill.

Then, in this Bill it is mentioned that "adults" for the purpose of this Bill will be above 18 years of age. Between 18 and 19 there is not much of a difference. As I was telling you, I can permit you to show even vulgar films to small children because they cannot appreciate the vulgarity of it, but to a boy or girl of 18 or 19 it is dangerous to show such films. I say the age of 5, 6, 10 or 12 is impressionable all right, but the age of 19 is not only impressionable, it is excitable, it is provokable and I tell you it is inflammable. That age is more dangerous for such vulgar films, so it will not do to have that age limit.

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Do you mean to say that all those boys and girls who are above 18, are above doubt for immunity? It is they who are liable to commit the biggest sins. I submit that it is always men above 18 who commit the most heinous types of sins. So, I would say, 'Physician, heal thyself'. It is the adults themselves who really need more restrictions on their recreation than the younger ones.

So, about this age also I have a serious objection. Even if it be a decision of the Party or of the House, I shall raise my voice against it so that after its failure, when you come with your second measure, I might say that I did not agree with the measure and the means sought to achieve the landable objective. I want a complete enactment just to control this industry with a view to make it a means to emphasise moral values.

With these words, I beg to oppose this Bill because it is half-hearted and does not take us into progress at all. I request the honourable Minister to go the whole way in the matter and not stay by these small efforts. My request to him is that either he may withdraw it or it may be sent to a Select Committee or the question may be considered in the next session when he brings forward a bigger enactment. With these words, I oppose the motion.

Shri Moturi Satyanarayana (Madras: General): I am not a habitual film-goer. Till about three years ago, I would have seen hardly four or five films, but during the last three or four years I had some experience of censoring films, and from what I have been able to see during this period, I get confirmed in the belief that this measure which is before us will not at all give any kind of satisfaction in meeting the situation. The basis for bringing this measure seems to be that in foreign countries there are two sets of films, one intended for children and one intended for adults. Some people seem to have advised that the same division should be adopted in our country also. The situation in foreign countries is quite different and they are able to make a division between children, adolescents and adults. We need not go into the merit of that question. But as it is, if this Bill is passed and two certificates are given, one "A" and another "U", what will happen is that in the theatres two types of films will be shown, one meant for children and one meant for adults. In this connection, there are two or three things which I would like to place for your consideration.

It is said here that adult means a person of 18 years and above. What will happen in the case of a wife who is fifteen years old and a husband who is twenty or twenty-one years old? If they both want to go to a film, what will be the position of the people in charge of the theatre? Will they drive away the wife saying "No, you are not an adult," and will the husband have to send her back home and see the film alone? If a film is at all harmful, it is harmful to a person who is seventeen years, be it a woman or a man. Therefore, it is very difficult for the authorities to make any distinction whether a particular film is harmful to a person who is below 18 years or above 18 years.

As has been mentioned in the very wise speech made by my honourable friend, Shri Mahavir Tyagi, the basis of the whole Bill in making this differentiation is to take away from the scope of children a film which is likely to influence them wrongly. This means that adults are not likely to be influenced by such vulgar films. Now, the difficulty today is that there are a large number of films, the general effect of which either on adults or adolescents is not at all good. What is required is therefore a complete change, a complete improvement in a constructive manner of the whole film production. It may be asked, "Who is to do it?" What control have Government got? If Government want to control, they must take the whole film production under their

control and give constructive guidance to the film producers and make them realize that these raw films that are being produced and the theatres that are showing these films are having a very great effect on the morals and education of the people and therefore, with the help of constructive suggestion and guidance, better films should be produced for the well being of these people. Instead of doing that, if Government bring forward a half-hearted measure like the present one, probably it will not help much; on the other hand, this division into adults and children may make the position worse. Many a time have I seen that when we point out to these film producers that a particular close-up or a particular scene is likely to demoralize people, they argue, "Oh, it won't harm children, it won't harm women, it won't harm adults." That is how they argue. So instead of giving two kinds of licences, which may probably be utilised for producing films which will be more vulgar than what they are today, we must tackle the problem in a different way. I had a personal talk with the Minister in charge and I told him, "Let this wait till you are going to bring a fuller measure in order to control and give guidance to the film producers." This would alone ensure that better films are produced.

Another fact which I want to bring to his notice is this. Is it possible to control people who are below 18 years of age from seeing these films when they are exhibited in the public theatres? Just imagine what an amount of police force would be required for the purpose of preventing them from going to these films. If you take the statistics, you will find that most of the people who go to films are between the ages of 14 and 18. In my own opinion, their number would not be less than 40 per cent. Now, these 40 per cent. of the people are mostly of the school-going—not even school-going, but college-going—type. You know the trouble that is created generally by boys between the ages of 14 and 18 in colleges. All those people, when they are told that a particular film is not to be seen by them, they will start a new *satyagraha* and probably a huge police will have to be posted at the theatres in order to suppress this *satyagraha*. I therefore, ask why this measure should be undertaken. What exactly is the way in which we can use these films for better purposes? I have not seen any purpose stated in the Bill. Instead of adopting this division, if you give help to producers to bring out better films which will be uniformly good, either for children or for adults, irrespective of age, standard, education or culture or sex, that would be much better. Therefore, I submit that it is better that this Bill is withdrawn or referred to a Select Committee with a view to making it a fuller measure, so that we may have a kind of film Censor Board or a Bill which will be useful uniformly to all people. In foreign countries I understand there is no censorship. Censorship is voluntarily imposed on themselves by the producers. There is a general Producers' Code in which what is harmful and what is not harmful is all described in detail and which producers are supposed to observe. Each producer has to observe what is contained in that Code and produce films which will be useful and highly educational. They observe it and censorship is removed. In our country also, we must see that our film producers do it. If they do not do it, we must take the whole film production into the hands of the Government itself. That is what I would very much like and that would be to our ultimate good.

Another thing that I would like to place before you for consideration is that the films such as are produced today not only contain vulgar matter—What we may call sex matters—but other things also which are very harmful to children, *viz.*, crime, violence, theft and several other crimes. All these things are likely to produce such a great impression on our children that probably they would get shocked. If that is accepted, is it not equally harmful to

[Shri Moturi Satyanarayana]

women? The minds of the women are as sensitive as the minds of the children. Therefore, why should a distinction be made between children and women? Therefore no distinction at all should be made. If you want, you can make a distinction between the classes of people that go to a particular cinema. If you want to encourage valour and heroism in the minds of the military people, let separate films be produced and shown to the military people. If you want to encourage a particular type of education, let separate films be produced and shown to that particular class of people. As it is, today instructional films are produced and shown; information films are produced and shown. These films may be specially shown to school-going children. But the films that are produced for public exhibition should be such that they should be capable of producing uniform effect on everybody, that they will go a long way in rebuilding our nation and make a large contribution to our moral emancipation.

With these words, Sir, I request that this Bill may not be insisted on to be passed by this House and that it may either be postponed or referred to a Select Committee so that we may have a fuller measure and a more useful Act.

Prof. N. G. Ranga (Madras: General): I am sure the House is grateful to my two honourable friends Mr. Tyagi and Mr. Satyanarayana for having made it recognise the importance of the Bill that is before us for discussion and also the very great influence indeed that cinema has come to have upon our social life and upon educational system.

Sir, there is very great force in what Mr. Tyagi said when he maintained that we should not make this artificial distinction and which is very difficult indeed to be enforced. Mr. Satyanarayana is certainly right when he says that you will be obliged to maintain a large army of policemen at cinema houses in order to prevent those who are below 18 years of age from going in. Indeed, it would only prove another source of income to our policemen and another source of harassment not only to the cinema goers but also to the cinema proprietors and various other people connected with this industry. Therefore I do deplore that this mischance should have come to my honourable friend Mr. Diwakar, that he should have had to come to this House for the first time with a Bill of this kind, a Bill which really does not rise to the status of a Bill at all. Sir, my honourable friend has said that he is extremely anxious to get this thing passed so that within the next five or six months our children may be prevented from getting demoralised. If our children had not been completely demoralised till now, they can certainly be expected to be looked after by their parents during the next six months and there is no reason why this House should be hustled into passing this Bill in this very short time. Secondly, Sir, as everybody has come to recognise in this House as well as in the country, cinema has become one of the most important educational agencies of this age. Therefore it is the special responsibility of the State to see that through cinema such type of education is imparted to our people as will prove to be a progressive force as also raise the spiritual, social, cultural and moral standards of our people. My honourable friend, Mr. Tyagi, has done right in drawing our attention to the great influence that *Ram Lila* and various other performances have come to have upon the impressionable minds of our people, children, adolescents and adults, through the ages. It is therefore our duty to see that this industry is controlled, regulated and developed under the special direction and care of the Government. I am sorry to find, Sir, that more than a year and six months ago the idea was mooted that there should be a Central Censorship Board. A year ago there was a Bill brought forward before this House when an assurance was given by the Government that such a Board would come to

be established. The Standing Advisory Committee of this House for this Department had definitely made the recommendation that such a Board should be established. Till now, no action has been taken. Indeed, I am told on very good authority that very little action has been taken in pursuance of this Act which was passed by this House a year ago. Sir, it is true that there are a number of Provincial Censorship Boards. But there should be a Central Censorship Board. It is the duty of that Board first of all to satisfy itself that any film that is sought to be produced and exhibited does not do violence to our general conception of morals and other standards of life in this country, secondly that it contributes to the educational as well as the moral progress of our people and thirdly that it will increase not only the quantity but also the quality of the education that is being made available to our people. From these three points of view, the Central Censorship Board should examine every film and then only pass it. After having done that, it would be the duty of the Provincial Censorship Board to further scrutinise it. You may be wondering why there should be any Provincial Boards at all. As everyone knows, our social life and ideas differ from province to province. Because of this, the Provincial Censorship Board concerned should be given a certain amount of latitude in order to scrutinise these films and satisfy itself that the films that are sought to be exhibited in any particular province are suited to the people of that particular province. Having said this, I would like my honourable friend, Mr. Diwakar, to remember that there is much truth in what my honourable friends have already said. How can you expect a boy or girl between 14 and 18 years of age to be influenced by these films in a different way from those who are above 18 years of age? In other countries, once there is a thing like this, one can easily expect the parents not to indulge in their children going in for films which are meant only for adults. But the parents there have much less control over their children than parents have over their children in this country. Therefore this distinction is absolutely useless even in those countries and it would be much more so in this country.

Thirdly, it is true that there can be two sets of films, one to cater to a certain class of people in order to prepare them for certain avocations. These are educational films and also scientific films. The other is for entertainment—song hits and stories—and general education. You can make a distinction between these two. You can produce films such as are suited to children below 18 years of age and specially exhibit them in schools and colleges and make their exhibition even free as our earlier dramas and theatres were free in our own villages. Now as for the general films you could leave them as at present to private industry; there is not much harm, but then you will have to take care, Sir, to see that there is not much profiteering.

4 P. M. I do not wish to go into the subject now, because on another occasion when my honourable friend will try to introduce a general Bill, a bigger and more satisfactory Bill to tackle the problems of this great industry, that would be the occasion both for this House as well as for individual members to discuss it at greater length. One thing must be realized, Sir, that this Bill at present is not ended. This does not go anywhere at all to meet the situation and it may only create more mischief and not produce any benefit and I strongly suggest to my honourable friend not to stand on any *Izzat* but to make a handsome gesture and withdraw this Bill, and in that way avoid worsening the situation, which is really every day going very bad.

Dr. P. S. Deshmukh (C.P. and Berar: General): Sir, this is undoubtedly a very entertaining subject and my honourable friend, Mr. Tyagi had certainly added very much to the entertainment. Sir, I have the misfortune once again to take a somewhat different view from what some members seem to hold. I however agree that the Bill should be withdrawn. I would also request the honourable Minister to withdraw the Bill, but for somewhat different reasons. For some of the reasons, of course, I agree with my honourable

[Dr. P. S. Deshmukh]

friend, Prof. Ranga and others, but I look at it from the point of view of the cinema industry. I hope honourable members do not misunderstand me and think that I am an industrialist and therefore, that I am holding a sort of a brief on their behalf. I think, Sir, it is probably the experience of many people, looking at the lucrative nature of this profession of cinema going and other things that it may be possible for some of us to at least get high profits and high salaries which is possible for the cinema actors today. That is not, however, the way in which I look at it; I look at it from the point of view of the cinema industry and while considering the Bill from that point of view, I do not agree that the time has come when Government should take the whole industry under its care as has been suggested. I fully agree that it is time and it is in fact a little late that the Government have not taken up the work of producing educational films because visual instruction can be far more effective than any other kind of education and if the Government had really tackled this problem seriously, it should have been possible to achieve greater results. I also agree with Prof. Ranga that the Central Censorship Board ought to have been brought into being by now, so that the very necessity of this Bill would have been probably diminished. After all, Sir, I have a high regard for the technical skill as well as for the way in which the films are produced in our country. It may be that there are films now and again which depict some features which are not very healthy for the adults in this country, and for those children who are below the age of 14, but on the whole, Sir, I think our cinema producers have produced successfully good films which have contributed a great deal to the advancement of the art of singing as well as photography and other ancillary arts. For instance, whereas in the American and British films there is hardly a single film in which the heroine and the hero do not kiss each other at least half a dozen times, but so far as the Indian films are concerned, such things are absolutely absent. There is no member of this House who can appreciate the scenes of the heroes and heroines coming together so close.

Then, Sir, amongst the bad effects of even Government controlling the whole industry or taking it over as I thought my honourable friend Mr. Tyagi would have foreseen it, his love heroine Sita and his love hero Harish Chandra would probably very rarely find a place, if the industry is taken over by Government. It is more possible that the present manufacturers will like and depict the life of Buddha and I do not know if my honourable friend has seen the *Ram Rajya*—I am sure he has seen that cinema—and then he would like to produce more films of *Ram Rajya* itself because of better music and probably lesser noise in that film (*Shri Mahavir Tyagi*: "That is one film that I like also".) There is a film, "The Tukka Ram" which I am sure my honourable friend will like and there are good many films which are really a very high credit to our industry and I do not think it would be correct to hamper their work, because legislation like this, is likely to do considerable harm both to the industry as well as dislocate the law and order as has been suggested by some honourable friends.

Then I would suggest the constitution of a good censorship Board, not with a large number of people, because I am afraid in one of the Boards there are about 12 members and each vies with another in cutting the length of the film. If one cuts four feet, the others say they will cut 10 feet and so the whole film is mutilated. I do not want to take a one-sided view of the whole affairs and we must look at the matter in its totality and then alone can remove the portions which are likely to do definite harm. So from this point of view, Sir, I think neither the Government control of this industry is desirable nor would this Bill worded as it is be practicable. There would be many difficulties and many bad results are likely to flow from it. I would not be surprised if the enrolment in the high schools and colleges falls as a result

of this legislation, because what is the fun in going to school or to a college, if you cannot go to a cinema? It would not be worth while going to the colleges at all because films are one of the principal attractions of a young man going to the college.

Then, Sir, about the excitable nature or the excitement that it creates. My honourable friend said that some of the films are very excitable, but I think this objection is not valid against many of our own films and I do not know whether my honourable friend chose exactly those films which happened to be more exciting than others.

Then, Sir, from the point of view of the industry, the Act will be unworkable; there would be a lot of frivolous prosecutions both of the boys as well as of the cinema-owners and proprietors and this enmity would not be at all in consonance with the public peace and tranquility. The honourable Prime Minister, Sir, we know, does not like the cinemas very much. In fact, he declared that he will see that not a single cinema house is erected. Fortunately Sir, people do not seem to take him so seriously and it is most gratifying to see that there are good many cinema houses still existing in the country. I do not take the view that the cinema should be condemned. I think the remedy lies somewhere in a happy compromise between the two. It is far better to produce special films for children going to schools and leave the responsibility on the guardians to see that they do not attend bad films. After all what are the guardians and parents there for, if they do not know what is good for their children and what is not. As my friend Mr. K. M. Munshi said the other day, we are flooding the country with legislation, I fear that criticism is apt in this case. Although I do not agree with him in his general observation, I certainly think that this Bill is of that nature which seeks to create offences which it will be very difficult for us to administer and will therefore result in evil consequences.

An Honourable Member The question be now put.

Mr. Deputy-Speaker: The question is:

‘That the question be now put.’

The motion was adopted.

The Honourable Shri R. R. Diwakar: I am very glad that some of my friends here have contributed to the debate on this important subject. But at the same time I must point out that some of the speeches made, at least parts of them, were not made with the realisation that the point at issue is a very small one. Of course it might be that I have come before the House with a very small point, but then there is a history about it. This Bill was ripe for introduction as long ago as the 31st August of last year. Since then it has been there and I am now responsible for introducing it.

Shri Mahavir Tyagi: You are holding another man's baby?

The Honourable Shri R. R. Diwakar: I have made it clear that before this amendment was introduced, all the provincial Governments were consulted and the industry itself was consulted. After all this history it is that this Bill has come before the House. Therefore I pleaded from the very beginning that we should restrict our consideration and discussion to this one point, postponing all other considerations to a later date when, after a full enquiry of this industry we shall have recommendations before us and then in terms of those recommendations a more comprehensive Bill would be brought in.

One point that was raised related to central censorship. I submit that no Act has been passed here as regards central censorship as such. What has been passed is an amendment of the Government of India Act and that too was by the Constituent Assembly in its last session. Not more than four or

[Shri R. R. Diwakar]

five months have elapsed since then. That amendment authorised this Parliament to legislate regarding central censorship and therefore suitable legislation would be framed and brought before this House to bring central censorship into operation. This is the exact position. There is no meaning in saying that Central Censorship law was passed.

Prof. N. G. Ranga: Is it not a fact that the Standing Committee has stated that it should be constituted?

The Honourable Shri R. R. Diwakar: It can be constituted only by law and power to make that law was obtained only three or four months ago. After that power was taken, suitable legislation has to be framed and it has to come before the House. That is the whole position. Therefore, rather than looking at it from this perspective, it is no use looking at it as something which is overdue. In one sense it may be overdue, but so far as the procedure is concerned, it is there and it has to be followed. We cannot but submit to the procedure that has been laid down.

Now, I may classify the objections raised and the arguments advanced under three types: One is total rejection of a Bill of this kind altogether.

Prof. N. G. Ranga: Withdrawal is the best.

The Honourable Shri R. R. Diwakar: Mr. Tyagi stands for the total rejection of the Bill altogether. I have not much to say about it, because that is a matter for the House to decide.

As regards the argument that he advanced I do not think I yield to any one regarding the value of our culture and so on. At the same time I could not shut my eyes to the remark that what is called modern civilization, and modern methods of spreading ideas are inherently opposed to our ancient culture and high and noble ideas. On the other hand, I would plead with every one who stands for Indian culture to see that every modern method and *media* is utilised properly for the spreading of those ideas and culture and also establishing the greatness of Indian culture. We can neither run away from broadcasting stations nor can we run away from newspapers, authors and printing presses today. If there are some bad films, well I can say there are bad books and bad newspapers as well. That being so, since we are not condemning journalism wholesale or authorship wholesale or printing presses wholesale, there is no meaning in picking and choosing a particular industry like the film industry and saying that whatever is produced by the industry is rotten and is demoralising. If this is demoralising us, I do not see why we should not condemn all literature as demoralising and lots of things written by the journalists. So I think there is no meaning in singling out this industry for condemnation. We are all here for bettering the conditions. Those conditions can be bettered in two ways, one in a negative way, another in a positive way. The Bill before us is of the former type. It is a negative way. Censorship is only of a negative type. All censorship for the matter of that is negative. However, highly placed the censors may be, however intelligent the censors may be, and whatever high standards the censors may set before themselves, still censorship after all is an act of negation, saying 'Don't do this.' But there is a positive way and that positive way can be taken up only when there is a full enquiry into the whole subject. For this we have to wait a little. That is the situation so far as the positive way is concerned. Now, when we are on the negative way, namely censorship, when there have been demands from provincial Governments as well as from the industry and other people, naturally we should try to see in what way we

can improve the negative manner in which we are going about in this matter. So far as the positive way is concerned I am at one with everyone in the House in saying that a very high type of films should be produced and if necessary the Government also should come into the field and try to see that the best possible educative films are produced. I am very thankful to some of my friends who said that this line should be taken up. Even our Films Division could do it. No doubt at present there are limitations of personnel, etc. and also limitations on the purpose for which documentary film section exists. We are not trying to produce only educational films, but that does not mean that something should not be done in that line. I am one with those honourable members who want to take up that line and see that not only the film industry but all *media* of knowledge, information and entertainment are improved to the best possible extent so as to make them a source of strength to the nation. But that does not mean that we should meanwhile sit with folded hands. We shall have to do something and that something is along a certain line that has been followed in this matter and we are at a particular stage of that development. Therefore it is that I have brought this Bill and I think it should not only be considered but also passed so that it might be a step in the right direction. If this is a step in the right direction—which is the main question—a delay of three or four months would not matter as regards other steps to be taken.

Now as regards the difficulties it has been said that so many policemen will be required and so on. I do not think that that is a valid objection. In fact no policemen will be required at all; it is not a cognisable offence. It is only when a complaint is made and brought to the notice of the court that the wheels of law will move. So, to say that it will give the police a source of income is to scandalise the police, which is not a good thing to do.

Shri M. Tirumala Rao (Madras: General): The point is that it will be a temptation put before the police.

The Honourable Shri R. R. Diwakar: It might be very delicate language but the meaning is quite plain, and I would not be prepared to accept any such remarks. So I think that that fear is baseless. In view of these facts I would request that this Bill—small as it is—should not be postponed but should be passed as one step in the right direction.

There was one very important consideration, namely, that if a particular film is bad for adults it is bad for all. I think abstractly speaking these matters can be argued at any length but what does commonsense say? In ordinary life when we allow certain things to adults we do not allow the same things to younger people and children and adolescents. It is from that point of view that we have to look at these things. Then about age, what may be good for a man of 19 may not be good for a man of 18. These arguments lead us to what is called *anabastha prasanga* i.e., confusions, anarchy. Somewhere we have to lay down rules and say that a man of 21 is good enough to give a vote at an election. Why not 21½ or 20? But some such line has to be drawn and it is to be drawn either from the point of view of past traditions, or from the point of view of psychological tests or from the point of view of impressionability. In modern days, psychology has advanced so far that apart from what is called the physical age each man has what is called a psychological age. If we take these things into consideration, I do not think it would be easy for us even to take one step in any direction. Therefore in a rough and ready manner and according to old traditions we have taken 18 years as the age of discretion and that age of discretion is the line which should divide an adult from a child or an adolescent. That is how this particular line has been drawn and if a line is to be drawn I think it should be drawn in this manner.

Shri Mahavir Tyagi: Why not make a distinction between married and unmarried?

The Honourable Shri R. R. Diwakar: There will be greater difficulty about bachelors! Some of my friends argue that something which is shut off from children is really something which might be very bad. Still I think every man and woman and every adult does shut out certain things from children! So I do not think there is any sense of sin in the parents when they shut out children from certain activities of theirs or certain parts of the house and so on at certain times of the day! These things are there and so we have to take a commonsense view. But what I want to impress on the House is that a full and complete inquiry is in the offing, and when that comes all the different aspects of the question like age, the time and length of the film, the length of the trailer, types of films, etc., will be before the House. Therefore, I commend this motion to the House as a step in the right direction.

Shri H. V. Kamath (C.P. and Berar: General): Sir, on a point of clarification, in the event of a film being shown to unauthorised audiences among whom are children and adolescents, if a complaint is made will doctors be dragged in to certify the age of the children or adolescents.

Pandit Thakur Das Bhargava: The question of age is common to many civil and criminal matters. The age of majority, the age of marriage, abductions, kidnapping, succession and guardianship has to be determined and when cases come to court the doctors certify the age.

Mr. Deputy-Speaker: In railway trains children below three are not charged, and they do not bring in doctors every time.

Shri H. V. Kamath: That is why I asked that question. What does the Minister say?

Mr. Deputy-Speaker: It is common knowledge and need not be answered.

Shri H. V. Kamath: Not so common, Sir.

Mr. Deputy-Speaker: The question is:

"That the Bill further to amend the Cinematograph Act, 1918, be taken into consideration."

The motion was adopted.

श्री लक्ष्मी नारायण साहू: माननीय उप वाचस्पति जी, आज यह जो बिल हमारे सामने आया है, उस के क्लॉज दो में में एक ऐसा संशोधन करना चाहता हूँ:—

"That in clause 2 of the Bill, in the proposed amendment to section 2 of the Cinematograph Act, 1918, for the word 'eighteenth' the word 'twenty-first' be substituted."

उप वाचस्पति जी, मेरे पास उम्र बढ़ाने के लिये जो कारण है वह मैं संक्षेप में यहां देता हूँ। पहिले तो यह जो बिल आया है, उस का जो लक्ष्य है और जो कारण दिये गये हैं उस में यह बतलाया गया है कि:

In order to prohibit and restrict the exhibition of unsuitable films to young persons of impressionable age and to ensure maximum circulation of any films, it is necessary to distinguish between adult audiences on the one hand and children and adolescents on the other."

यह लक्ष्य जो है उस का जो मतलब है उस से भी मैं सहमत नहीं हूँ। यह ठीक है कि:

"In order to prohibit and restrict the exhibition of unsuitable films to young persons of impressionable age....."

यह तो ठीक है लेकिन फिर यह बतलाया गया है कि "टु एन्शोर मैक्सिमम सर्कुलेशन आफ आल फ़िल्म्स" इसे बढ़ाने के लिये इतनी कोशिश करेंगे। मैं तो इसके खिलाफ़ हूँ क्योंकि इस देश में अभी भी बहुत आदमी हैं जो कहते हैं कि जो सिनेमा है या चित्रपट है जिसमें हम देखते हैं वह देखना हराम है। चित्रपट नहीं देखना चाहिये एक ऐसा मत है और दूसरा मत यह कहता है कि जो चित्रपट हम देखेंगे तो सब देखेंगे, पूरा देखेंगे, जिसे जन समाज में सब आदमी पसन्द कर सकते हैं, टुकड़े कर के किसी को नहीं देखेंगे। मेरे मित्र सत्य नारायण जी ने कहा है कि जो स्पेशल फ़िल्म हैं, उस के लिये कुछ करना चाहिये। कोई वैज्ञानिक फ़िल्म है, कोई कल्चरल फ़िल्म है, जो बड़े बड़े आदमी समझ सकेंगे, उन के लिये यह जो स्पेशल फ़िल्म्स होती हैं, उन के लिये कोई बात नहीं है। लेकिन और जो फ़िल्म होंगी वह सब समाज के लिये होनी चाहिये क्योंकि बाल बच्चे सब साथ में, पिता माता के साथ में, जायेंगे। अगर बाल बच्चों को अकेले छोड़ कर माता पिता दूसरी जगह जायेंगे तो यह ठीक नहीं है। इसलिये मैं कहता हूँ कि जब १८ वर्ष से २१ वर्ष तक की उम्र ज्यादा कर दी जायेगी तब वहाँ कुछ सिनेमाग्रह होंगे जिस में वह सिनेमा देख सकते हैं। अब यदि दूसरे आदमियों के लिये सब सिनेमा होंगे तो इस के बारे में मैं इतना ही कहना चाहता हूँ कि उन लोगों के लिये जो उम्र ब्रह्मचर्य के लिये होती थी वह पचीस बरस तक थी और पचीस बरस के बाद हम लोग शादी इत्यादि किया करते थे। अब भी मैं कहता हूँ कि वह सब ठीक है। लेकिन अब जो नया तरीका आ गया है, इस समय जो हम लोगों की सिविल लाईजेशन है उस में हम ऐसा नहीं मानते।

फिर मंत्री जी ने कहा कि आदमियों की साइकैलोजिकल एज एक है और क्रियालोजिकल और होती है। इस के लिये हमें क्या करना है यह ज़रा मुश्किल है। मैंने देखा है आदिवासियों में सब नग्न रहते हैं, बहुत युवती लोग हैं वह भी नग्न रहती हैं। यदि यहाँ कोई नग्न औरत हम देखें तो मन में पाप उठता है, लेकिन वहाँ की जो आबोहवा है, उन पहाड़ों में सभी लोग ऐसे रहते हैं कि उन के बीच में कोई नग्न औरत आ जाय तो उन के मन में खराब भाव नहीं पैदा होता। मैं ने उन लोगों में काम किया है, इसलिये देखा है। बड़ी शंका पैदा होती है कि शायद हम लोग खराब हो जायेंगे। उन लोगों को सहायता पहुंचाने के लिये हम जाते हैं इस लिये हम कपड़ा देते हैं। ओढ़ने के लिये कपड़ा देते हैं। लेकिन मैं कहता हूँ कि यह साइकैलोजिकल चीज़ है। इस को खयाल में रखना चाहिये। १८ वर्ष से २१ वर्ष जब हम करेंगे तो हम लोग सावधान ज्यादा हो जायेंगे और फिर लड़के की लिखने पढ़ने की उम्र ज्यादा हो जायेगी। तब क्या छोटे छोटे बाल बच्चों की शादी हो जायेगी। अब

[श्री लक्ष्मी नारायण साहू]

बाल बच्चों की शादी भी ठाकुरदास जी ने बन्द कर दी । हम चाहते हैं कि बाल बच्चे एम० ए० तक पढ़ें और जब एम० ए० तक पढ़ेंगे तो उन की उम्र कितनी ज्यादा हो जायेगी । १६ वर्ष में मैट्रिक पास कर सकते हैं, उस के बाद ४ वर्ष में बी० ए०, बीस वर्ष हो गए, और दो वर्ष में एम० ए० । इस तरह से २२ वर्ष हो गये । तो जो ब्रह्मचारी नहीं बनेगा उस का लिखना पढ़ना ठीक से नहीं होगा । इसलिये उन्हें २१ वर्ष तक तो ब्रह्मचारी होना ही चाहिये । जब तक यह नहीं होगा तब तक हमारा देश ठीक नहीं होगा । हमारा देश तो डरपोक हो गया है और उस की ताकत भी कम हो गई है । इसलिये हम ऐसा प्रबन्ध करेंगे कि जिस से हम में ताकत होगी । हम डरपोक नहीं रहेंगे । मैं इसलिये चाहता हूँ कि जब हम फ़िल्म बनायेंगे तो सब के लिये एक तरह की फ़िल्म बनायेंगे और दूसरे आदमियों के लिये, ऐडल्ट्स के लिये, विशेष आदमी के लिये विशेष प्रकार की । लेकिन जब १८ से २१ वर्ष करेंगे तो जो सैक्सुअल साइन्स है उस को भी दिखा सकते हैं, और जो सैक्स के बारे में इतनी अड़चन आती है उन को भी दिखा सकते हैं । तो जो चीज़ हम छिपाना चाहते हैं वह २१ वर्ष के बाद दिखाना चाहिये । लेकिन १८ वर्ष में क्या होता है, १८ वर्ष में लड़का लड़का ही है । १८ वर्ष से ज्यादा जब तक नहीं होगा तब तक यह ठीक नहीं है । इसीलिये मैं कहना चाहता हूँ कि कम से कम १८ वर्ष से २१ वर्ष कर देना चाहिये ।

(English translation of the above speech)

Shri Lakshminarayan Sahu (Orissa: General): I wish to move an amendment to clause 2 of the Bill that is before us. Sir, I move:

"That in clause 2 of the Bill, in the proposed amendment to section 2 of the Cinematograph Act, 1918, for the word 'eighteenth' the word 'twenty-first' be substituted."

Sir, I here give in brief the reasons that I have for the increase of the age-limit. In the first instance in the aims and objects of the Bill before us it has been mentioned that:

"In order to prohibit and restrict the exhibition of unsuitable films to young persons of impressionable age and to ensure maximum circulation of any films, it is necessary to distinguish between adult audiences on the one hand and children and adolescents on the other."

I do not agree also with the idea behind this aim. It is true that:

"In order to prohibit and restrict the exhibition of unsuitable films to young persons of impressionable age....."

This is quite correct but after this it is laid down, "to ensure maximum circulation of all films", i.e., we will make full efforts to develop it. I am opposed to this because even today there are many people in this country who say that it is forbidden for them to see the cinema or whatever is shown on the screen. Some hold the opinion that cinemas should not be seen, while some say that whatever pictures we would see, we will see them complete in all respects and not mutilated ones. My honourable friend Shri Satyanarayan has said that we should do something for special kinds of films. Some films are of scientific nature and some are cultural. I do not want to say anything about the special films that are meant for the cultured audiences.

but the other films should be for the whole of the society because children also will go to see them along with their parents. It would not be proper if the parents would go to other places leaving the children alone. For this reason I submit that if the age would be raised from 18 to 21 then there would be some cinema houses where they would be able to see pictures. But if all the cinemas will be for all the people then in this connection I wish to submit only so much that for children the period for *brahmcharya* used to be up to 25 years of age and we used to perform marriages, etc., after this 25 years of age. I say that for the present time also this is true. But in this new age, in the present civilization we do not think so.

Then the honourable the Minister has said that in the human beings the psychological and physiological ages differ from one another. It is difficult for us to decide what we have to do in this respect. I have seen that among the *adibasis* all the people remain naked, many grown up women also remain naked. If we see any naked women here our thoughts become sinful. But therein the climatic conditions that are found in the fastness of those mountains nearly everybody lives in such a manner that if some naked women happen to come before them no sinful thoughts arise. I have worked among those people and I have seen all this. We entertain grave doubts that perhaps we also will become corrupted. We go to render help to them and we give them clothes for covering their bodies. But this is a psychological problem and we should keep this fact in mind. If we would raise the age limit from 18 to 21 the children would become more sensible and the children's years of study will also increase. Then will the children of tender age be married. Pandit Thakur Das Bhargava has now stopped child marriages also. I wish that the children should read upto M.A. standard and what their age would be when they would read upto M.A.? They can pass Matric at the age of 16, then after four years B.A. that is at the age of 20, and then after 2 years M.A. In this way their age would be 22 years. So anyone who would not remain *brahmcharya* would not be able to get proper education. Therefore they must remain *brahmcharies* upto 21 years of age. So long this is not done the condition of our country will not become better. Our country has become cowardly and her power has also decreased. Therefore we would make such efforts whereby we would become powerful. We will not remain cowards. Therefore I wish that when we will produce films we will make similar films for all, and for others, for adults and for special persons we will produce special films. But if we would raise the age limit from 18 to 21 we can show them sex films too and can also show them the intricacies of the sexual side of life. Then the things which we want to conceal should be shown after the age of 21. But what happens during these 18 years? Up to the age of 18 a child remains a child. It is not proper to show him these things till he is not above 18 years of age. Therefore I wish to submit that the age limit should at least be raised from 18 to 21 years.

Mr. Deputy-Speaker: Amendment moved:

"That in clause 2 of the Bill, in the proposed amendment to section 2 of the Cinematograph Act, 1918, for the word 'eighteenth' the word 'twenty-first' be substituted."

The Honourable Shri R. R. Diwakar: I am sorry I cannot accept it.

Mr. Deputy-Speaker: The question is:

"That in clause 2 of the Bill, in the proposed amendment to section 2 of the Cinematograph Act, 1918, for the word 'eighteenth' the word 'twenty-first' be substituted."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That Clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Shri Prabhu Dayal Himatsingka (West Bengal: General): Sir, I move:

"That in clause 3 of the Bill, in the proposed sub-section (2A) of section 5 of the Cinematograph Act, 1918, between the words 'not' and 'exhibit', the word 'knowingly' be inserted.

You will find from this clause that the condition is sought to be inserted in every license that certain films are not to be shown to persons of a certain age. The question is, if the owner of the house has done everything that is possible for him, and by putting in advertisements, that people of a particular age are not to be admitted, and he has done everything else that may be needed of him, would you still throw the burden on him if somebody below the prescribed age enters the house against his wishes, or rather without his knowledge?

Mr. Deputy-Speaker: Then there is no *mens rea*. He is not responsible.

Shri Prabhu Dayal Himatsingka: That is what my amendment seeks to suggest if you will say, "will not knowingly exhibit..." If that is agreed to, it will be all right.

The Honourable Shri R. R. Diwakar: I am not prepared to accept it, Sir.

Mr. Deputy-Speaker: There are a number of amendments. I do not know how many are likely to be accepted by the honourable Minister. For the convenience of the House it would be better if the honourable Minister would indicate what amendments are likely to be accepted by him.

The Honourable Shri R. R. Diwakar: I am accepting only one amendment which is a technical one and that is to clause 1, *viz.*, that in sub-clause (1) of clause 1 of the Bill, for the figures '1948', the figures '1949' be substituted.

Shri Prabhu Dayal Himatsingka: I do not want my amendment to be put to the House.

श्री लक्ष्मी नारायण साहू : उप वाचस्पति जी, जो मेरा संशोधन है, वह इस प्रकार है :

"That in clause 3 of the Bill, after the proposed sub-section (2A) of section 5 of the Cinematograph Act, 1918, the following new sub-section be inserted :

"(2B) There shall be separate cinema houses for children and adolescents and the cinema shows shall be shown in the day time."

अब हम लोग देख सकते हैं कि हमारे लिये सिनेमा से बुरे-भाव को हटाना बहुत मुश्किल होगा। इसलिये मैं चाहता हूँ कि इस भय से छुट्टी पाने के लिये हम लोग अलग अलग सिनेमा बना दें। कुछ सब आद्रमियों के लिये, कुछ adolescents और चाइल्ड के लिये। अलग अलग करने से पुलिस प्रबन्ध से छुटकारा मिलेगा। और इसीलिये मैं चाहता हूँ कि इस संशोधन को ग्रहण कर लेना चाहिये।

दूसरी जो चीज मैं ने दी है जिस में मैं कहता हूँ कि "सिनेमा शो शैली की शोन इन डे टाइम" वह इसलिये कि जो बच्चे ज्यादातर स्कूल में पढ़ते

हैं उन को रात को सिनेमा में नहीं जाना चाहिये। ऐसा मालूम होता है कि दिन में जो चीज लोलुप नहीं मालूम होती वह रात में मालूम होती है। रात में लोलुपता अधिक होती है, इसलिये वह रात में जायेंगे वहां चित्रपट मंचंद्रालोक विदित सब देखेंगे और रात में ज्यादा देर करके घर लौटेंगे। और दारू भी पी कर आयेंगे, क्योंकि गवर्नमेन्ट ने सब जगह पूरा प्रबन्ध कर दिया है इस का। ऐसा मैं न देखा है, इसलिये मैं चाहता हूँ कि जो लड़के छोटी उम्र के हैं उन्हें रात में सिनेमाग्रह नहीं जाना चाहिये। कम से कम यह तो होता ही है कि वह सिनेमा जाने के लिये पैसा माँ-बाप से लेते हैं, बदमाशी के लिये भी लेंगे, दारू पीने के लिये, तम्बाकू खाने के लिये, पान खाने के लिये या और चीज खाने के लिये। इस से भी पैसा खर्चाद होता है और उन में भी खराबी पैदा होती है। इसलिये मैं चाहता हूँ कि हमें कम से कम इतना तो करना ही चाहिये।

(English translation of the above speech)

Shri Lakshminarayan Sahu: Sir, I move:

"That in clause 3 of the Bill, after the proposed sub-section (2A) of section 5 of the Cinematograph Act, 1918, the following new sub-section be inserted, namely:

'(2B) There shall be separate cinema houses for children and adolescents and the cinema shows shall be in the day time.'"

Now we can see that it would be difficult for us to remove the bad effects from the cinemas. Therefore I wish that in order to dispel this fear we may have separate cinemas. Some cinemas should be for all, some for adolescents and some for children. By having separate cinema houses we will also be free from police control, and for this reason I wish that the amendment may be accepted.

The second point mentioned by me wherein I have laid down that "the cinema shall be shown in day time" has been given for this reason that the children who mostly read in schools must not go to cinemas in night shows. It seems that the things which do not appear cupidious in the day time become cupidious in the night time. Cupidity is always more in the night, so they would go to the night shows, would see everything on the screen and will come back to their houses quite late. They will also come back drunk because everywhere the Government have made full arrangements for it. I have seen this thing, therefore I wish that the children of tender ages should not go to see cinema in the night shows. At least it happens so that they extort money from their parents for going to cinemas, and so they will ask money for dissoluteness, and similarly they will extort money for drinking wine, for smoking, for chewing betels and for other eatables also. In this way not only the money is wasted but the children also acquire bad habits. Therefore I wish that so much at least should be done.

Mr. Deputy-Speaker: I am not sure if the amendment is not out of order. The whole Act is not being amended but only certain sections are taken in a particular manner and amendments are sought to be made. So amend-

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ments can only be tabled to amend the amendments proposed. However, I will put it to the House.

The question is:

"That in clause 3 of the Bill, after the proposed sub-section (2A) of section 5 of the Cinematograph Act, 1918, the following new sub-section be inserted:

'(2B) There shall be separate cinema houses for children and adolescents and the cinema shows shall be in the day time.'

The motion was negatived.

Shri Jaspat Roy Kapoor rose—

Mr. Deputy-Speaker: The honourable Minister has said that he is not prepared to accept any amendments.

Shri Jaspat Roy Kapoor (U. P.: General): I will make one attempt to persuade the honourable Minister of State to accept my amendment. I would like to move only the alternative amendment of mine. I move:

"That in clause 3 of the Bill, after the proposed sub-section (2A) of section 5, of the Cinematograph Act, 1918, the following new-sub-section (2B) be inserted:

'(2B) The following conditions shall also be inserted in every licence:

That the licensee shall not exhibit, or permit to be exhibited, any film in such place between the hours of 9 P.M. and 6 A.M. to any person who is not an adult'."

I am not moving my other amendments because the honourable Minister has said that the scope of this Bill is a restricted one and that the object is only to cover one aspect, which is the protection of the interests of children, and young boys and girls. But even this aspect is not fully covered and no adequate protection will be given to children and young boys and girls unless this amendment of mine is also accepted. In this Bill it is said that there shall be two kinds of films A and U—A for adults and U for all. That is all right so far as it goes but I think from the point of view of the health and morals of the children and boys and girls it is very necessary that the time of the exhibition of 'U' films should also be restricted. It would be readily admitted by everybody that it is against the interests of the health of the young boys and girls if they are allowed to keep awake till midnight or 1 A.M. or 2 A.M. in the morning. This is a necessary amendment and this restriction must be imposed on the licensees. From the point of view of morality also, as has been pointed out by my honourable friend Mr. Sahu, it is necessary that children and young boys and girls should not be permitted to stay out of their homes till late hours in the night. They would generally go alone though they can also go in their parents' company, but as things are they would not generally go with their parents. If they are allowed to go to late shows they are likely to go astray. For these reasons I would submit that this amendment should be accepted and I would earnestly appeal to the honourable Minister to kindly accept it. Already he has heard a lot of criticism against the Bill. If he accepts at least this amendment many of the Members who have severely criticised the Bill would feel obliged to him and after the Bill is passed they would not be sorry as they would be if the Bill is passed without amendment being accepted by him. I would request the honourable Minister to kindly accept this amendment at least.

The Honourable Shri R. R. Diwakar: Sir, I have very patiently heard the speech in favour of the amendment but I have again to submit that this will introduce a number of complications which are not really visualised by the amendment before the House. Therefore, it is with great regret that I have to say that I cannot accept the amendment.

As regards the criticism against the Bill I have heard that also very patiently but all the criticism was not against this particular Bill or its provisions but against a number of other things which are not really before the House.

Mr. Deputy-Speaker: Does the honourable Member press his amendment?

Shri Jaspal Roy Kapoor: No, Sir, I am not pressing it.

Mr. Deputy-Speaker: The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Shri B. N. Munavalli (Bombay States): Sir, I beg to move:

(i) "That in part (i) of clause 4 of the Bill, in the proposed amendment to sub-section (1) of section 7 of the Cinematograph Act, 1918, after the word 'adults', the words 'and children in arms, below the age of five', be inserted."

(ii) "That in part (ii) of clause 4 of the Bill, in the proposed amendment to sub-section (2) of section 7 of the Cinematograph Act, 1918, after the word 'adults', the words 'and children in arms, below the age of three', be inserted."

Sir, in this Bill children and adolescents are restricted from seeing certain films but it is not described children and adolescents of what age. Certain films are restricted to adults. If this amendment is not accepted many mothers with children of the age of five or below are also likely to be debarred because the small children are always with the mothers and we see that the mothers always go with the small children in their arms. If they are not allowed to take their children it will not be possible for them also to see these films. So I was prompted to move this amendment and I hope that the honourable Minister will accept it.

The Honourable Shri Satyanarayan Sinha (Minister of State): I suggest that the honourable Minister should be requested to accept the amendment with a slight modification namely "three years" instead of "five years."

The Honourable Shri R. R. Diwakar: If it is three years I can accept it.

Mr. Deputy-Speaker: Amendments moved:

(i) "That in part (i) of clause 4 of the Bill, in the proposed amendment to sub-section (1) of section 7 of the Cinematograph Act, 1918, after the word 'adults', the words 'and children in arms, below the age of three', be inserted."

(ii) "That in part (ii) of clause 4 of the Bill, in the proposed amendment to sub-section (2) of section 7 of the Cinematograph Act, 1918, after the word 'adults', the words 'and children in arms, below the age of three', be inserted."

Shri Jaspal Roy Kapoor: Sir, I want to oppose this amendment. I would earnestly request the honourable Minister to consider first of all whether he should really accept this amendment, because I think it will be very much against the interests of the children. Small children of the age of one, two and three should not be taken to the cinema house which will spoil their eyesight at such early age. And then there will be confusion in the cinema itself when they begin to cry. That is also one aspect of the question. Mothers who have children of the age of one, two or three years should not be anxious to go to cinemas but should rather devote all their time to the proper bringing up of those children. It will be positively injurious to the health of the children if we accept this amendment. I therefore urge on the honourable Minister to consider this aspect of the question a little more seriously. As he has said that he is thinking of bringing in a comprehensive Bill in about six months' time it might be time enough then to consider all these questions seriously. Just on the spur of the moment to say 'yes' or 'no' to an important amendment which is fraught with such serious consequences is not desirable. I have nothing more to say on this.

Shri H. V. Kamath (C. P. and Berar: General): There is one other point. If the mother of the child which is under three happens to be under eighteen and the child refuses to go without the mother, what will happen?

Shri Mahavir Tyagi: I have to point out one thing. In case children below three are permitted the result would be that parents would go with their small children below three—it may be the third child, but the first two children will be left behind and there will be a queue of such children crying hoarse "mother has gone in".

Mr. Deputy-Speaker: The question is:

"That in part (i) of clause 4 of the Bill, in the proposed amendment to sub-section (1) of section 7 of the Cinematograph Act, 1918, after the word 'adults', the words 'and children in arms, below the age of three' be inserted."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That in part (ii) of clause 4 of the Bill, in the proposed amendment to sub-section (2) of section 7 of the Cinematograph Act, 1918, after the word 'adults', the words 'and children in arms, below the age of three' be inserted."

The motion was adopted.

Pandit Thakur Das Bhargava (East Punjab: General): Sir, I beg to move:

"That in part (iii) of clause 4 of the Bill, in the proposed sub-section (2A) of section 7 of the Cinematograph Act, 1918, for the words 'to grant', occurring in line 2, the word 'granting' be substituted."

I have not much to say about it. I leave it to the honourable Minister to accept or reject it.

The Honourable Shri R. E. Diwakar: I have consulted lawyers about this particular thing. "Granting" is not suitable here in this particular context. "Authority to grant" is one thing and "authority granting" may mean something else. It may mean "after granting"—that will be the implication of using the word "granting". Therefore I think the wording should stand as it is.

Pandit Thakur Das Bhargava: The appeal will only lie after a certificate has been granted...

Mr. Deputy-Speaker: It is an appeal against refusal to grant. Evidently "to grant" is qualifying the word "authority" and not the action of the authority in granting or refusing.

Pandit Thakur Das Bhargava: "To grant" is wrong.

Mr. Deputy-Speaker: It is an authority who is appointed to grant or refuse the certificate. It is better to leave it as it is. Is the honourable Member pressing the amendment?

Pandit Thakur Das Bhargava: No, Sir.

Mr. Deputy-Speaker: The question is:

"That clause 4, as amended, stand part of the Bill."

The motion was adopted.

Clause 4, as amended, was added to the Bill.

Pandit Thakur Das Bhargava: Sir, I move:

"That after clause 4 of the Bill, the following new clause be added:

'5. Amendment of section 8, Act II of 1918.—In clause (b) of sub-section (2) of section 8 of the said Act, for the words "suitable for public exhibition", the words "suitable for unrestricted public exhibition or for public exhibition restricted to adults" shall be substituted.'

This is a consequential amendment. It is not an amendment by itself. Since the object of the Bill is to differentiate between two classes of films it is necessary that we should make section 8 quite explicit. It is with that view that I have moved this amendment

The Honourable Shri R. R. Diwakar: I am not accepting it. There is no necessity of adding this as it is quite clear.

Pandit Thakur Das Bhargava: Then I am not pressing it.

The Honourable Shri R. R. Diwakar: Sir, I move:

"That in sub-clause (1) of clause 1 of the Bill, for the figures '1948', the figures '1949' be substituted."

Mr. Deputy-Speaker: The question is:

"That in sub-clause (1) of clause 1 of the Bill, for the figures '1948', the figures '1949' be substituted."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

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

The motion was adopted.

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

The Title and the Preamble were added to the Bill.

The Honourable Shri R. R. Diwakar: Sir, I move:

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

Mr. Deputy-Speaker: Motion moved:

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

Shri Mahavir Tyagi: Sir, I want to say a few words.

Shri R. K. Sidhva (C. P. and Berar: General): Sir, it is 5 o'clock now. The office has sent us an invitation of importance for 5-80. We might take up the Bill tomorrow.

Mr. Deputy-Speaker: The House is concerned primarily with its business. The honourable Member, Mr. Tyagi may go on.

Shri Mahavir Tyagi: The Bill which we have considered just now and which the honourable Minister has asked us to pass finally, will be a bad piece of law, when these clauses as considered are put into action. In the first place it will have a bad economic effect on the film industry. Up till now every film used to attract a certain proportion of population as visitors. In every audience, I take it that at least half are below the age of 18 and half over 18 at present. That is my estimate. Now, after passing this measure every film will have at least half of its audience eliminated. (An honourable Member: "No, no.") You may say, "No, no", but you can't say no to mathematics. So, half the audience will not visit these pictures. The income of the cinema houses will be halved immediately. In the case of films for children, adults would mostly not go to them because they would have no interest. If they go it would be only for fun's sake. But then those films will not be of the present standard of their liking and they will be tasteless

[Shri Mahavir Tyagi]

for them and will not be attracting adult people very much. So, economically, every film produced will not get its proper return, and your industry is bound to fail.

Mr. Deputy-Speaker: The producers will take care of themselves.

Shri Mahavir Tyagi: Yes, Sir, but I as a legislator and as a Member of Parliament have to see that the industry does not die out. I am the guardian of the industry too. While I am a guardian of children, I am a guardian of the interests of those industrialists also. So, I say in their interest that this is a wrong measure. It will do a great harm to them. Their income will at once be halved.

The next point is that there will be disturbances and riots before every cinema house. You have asked the owner of the cinema to restrict the show to people above 18, and he will object to minor students being allowed. There are, say, 100 students coming who are either matriculates or in high schools. They will say they are 19 or 20 and the owner will say, "No, no, I can't allow you". They will say *inquilab zindabad* and break the glasses and doors. So there will be a problem. Even now, when tickets are sold out and there is no accommodation, the gates are sometimes broken open. In the films meant for adults, the children will have legitimate inquisitiveness and they will say there is something special in it so they must see it. That is human nature. They will be very anxious to go in and look or peep into that cinema house. The natural tendency will be to smuggle in. The result will be there will be disturbances and you will have to give them over to the police. There will be always a danger of the house being set on fire or raided. I tell you this will be the result and this is my prophesy. The police will have to be posted everywhere for safety measures.

Shri B. K. Sindhva: How long are we sitting?

Shri Mahavir Tyagi: Sir, I am in your hands.

Mr. Deputy-Speaker: After all much has been said on this Bill. We took a number of hours over it. If any substantive amendment has been made it is better to refer to it. No doubt it is up to the honourable Member to persuade the House to throw out the Bill. Under these circumstances, the honourable Member will kindly restrict his remarks to one or two sentences and then we can proceed.

Shri Mahavir Tyagi: I will respect your wishes, Sir, but I assure you I was not at all light in my criticism, I was very serious.

Mr. Deputy-Speaker: I have never said so, I always take the honourable Member at his words.

Shri Mahavir Tyagi: I only wanted to bring it on record that I for one am of the opinion that this measure is very ridiculous. It will create difficulties both economic and administrative, economic to the industry and administrative to the police and others.

From the family point of view, it will be very impractical if only children of three are allowed with the parents. If there are three children to each couple of parents and two are left behind there would be crowds of small boys and girl's round about the cinema house who will cry out their hearts and say "Where have you gone mummy? Why have you left me out? How long will you make me wait?" So, I tell you it will not be a popular measure. It will invoke no enthusiasm in the country and there will be no popular response to

it. It will be of no use except that it will be bringing a lot of criticism against the Parliament if we pass it. I would therefore still insist and recommend that it may be kept in abeyance or be withdrawn or postponed till the final measure comes up.

Shri H. V. Kamath rose—

Mr. Deputy-Speaker: There has been enough discussion.

Shri H. V. Kamath: I don't think so, Sir.

Mr. Deputy-Speaker: All right, Mr. Kamath.

An Honourable Member: We can sit tomorrow, if necessary tomorrow night.

Mr. Deputy-Speaker: There are three or four Bills for tomorrow. If honourable Members are prepared to sit tomorrow night what prevents us sitting today?

Prof. N. G. Ranga: There is an important engagement in another place where most of us have to be.

Mr. Deputy-Speaker: Mr. Kamath wants to speak for a long time?

Shri H. V. Kamath: I think I will take 15 minutes.

Mr. Deputy-Speaker: Then the House will stand adjourned.

The Assembly then adjourned till a Quarter to Eleven of the Clock on Saturday, the 9th April, 1949.