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# PARLIAMENTARY DEBATES

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PARLIAMENT OF INDIA

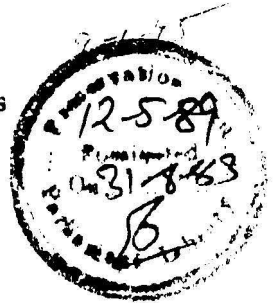
OFFICIAL REPORT

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Part I—Questions and Answers

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

1823

1824

**PARLIAMENT OF INDIA**

*Monday, 1st October, 1951*

The House met at Nine of the Clock.

[MR. DEPUTY-SPEAKER in the Chair]

**ORAL ANSWERS TO QUESTIONS**

**SURCHARGE ON COAL EXPORTS TO  
CEYLON**

\*1421. **Dr. Ram Subhag Singh:** (a) Will the Minister of Works, Production and Supply be pleased to state whether it is a fact that the Government of India have decided not to levy any surcharge on coal exports to Ceylon?

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

**The Minister of Works, Production and Supply (Shri Gadgil):** (a) and (b). It has been decided to fix the basic F.O.B. price of coal exported to Ceylon at the same level as that for coal supplied for domestic consumption by the rail-cum-sea route, as it has been found on examination that to charge anything higher at the moment would not permit Indian coal to compete with any success in the Ceylon market with coal from any other source.

**Dr. Ram Subhag Singh:** May I know, Sir, when this decision will come into force?

**Shri Gadgil:** Sir, the House is aware that there was an agreement with Pakistan under which we were to supply 600,000 tons of coal and during the period of that contract we were not to give any favourable treatment to any other country in the matter of export of coal. That contract having been fulfilled we are now free to negotiate any differential price, so to say, with other countries and the decision has been taken after the completion of the contract referred to by me.

**Shri Jnani Ram:** May I know if any surcharge is charged for export of coal to any other country?

**Shri Gadgil:** There is no fixed surcharge as such. As I have stated, the position is that the quantum of surcharge to different destinations will be varied according to what each destination can bear, keeping in view the competition from other countries in those markets. It may be one with respect to Australia, another with respect to Ceylon and a third with respect to Singapore and so on.

**Shri M. Nalk:** May I know, Sir when the levy of surcharge came into force?

**Shri Gadgil:** The export surcharge of Rs. 11 per ton came into force on all coal supplied to Pakistan after 26th February 1951. That was the date on which this surcharge was levied.

**Shri Amolakh Chand:** May I know whether after exporting coal to the various countries enough will be left for local consumption?

**Shri Gadgil:** I can assure him that there is more than enough.

**TRADE AGREEMENT WITH SCANDINAVIAN  
COUNTRIES**

\*1422. **Shri Jnani Ram:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether there is a good prospect of a Trade Agreement with Scandinavian countries; and

(b) if so, whether any attempt has been made for the same?

**The Deputy Minister of Commerce and Industry (Shri Karmarkar):** (a) and (b). India has entered into trade arrangements with Norway and Sweden.

**Dr. Ram Subhag Singh:** May I know, Sir, the terms of the agreement entered into with Sweden.

**Shri Karmarkar:** The terms of the agreement could be gathered from the extract from the letter of the Swedish Representative which I propose reading:

"I refer to our recent discussion regarding trade between India and Sweden for the year 1951 and note that Sweden being treated as a soft currency country, licences for imports into

India of any particular goods or commodity from Sweden would at any time during the aforesaid period be granted on the same basis as licences for imports from any other country within the soft currency group. This implies that there will be no discrimination against Sweden regarding the import of any particular commodity from countries in this currency group. It further implies that if India enters into any trade agreements with any members of this currency group, Sweden will enjoy the same favours and privileges as those which may be given to the countries with which India may enter into such agreements."

That is the general type of agreement which we have entered into. There is a schedule attached to the agreement which enumerates the products which will be available for export from the countries. It is not as if certain quantities of goods are to be exported or imported; but the agreement only gives the names of commodities available for export or import.

**Shri Inani Ram:** May I know the commodities which are exported to these countries?

**Shri Karmarkar:** It is a long list; I shall be very happy to place it on the Table of the House.

**Shri M. Naik:** May I know whether we have our trade representatives in the Scandinavian countries, or the representatives in some other neighbouring country are attached to those countries?

**Shri Karmarkar:** I know there is a diplomatic mission in Norway, but whether there is a Trade Commissioner in that particular country, I cannot say off-hand. As the hon. Member knows, we have recently cut down the number of our trade representatives abroad.

**Shri Barman:** May I know from the hon. Minister whether the agreement provides for import of plywood from Scandinavia for the manufacture of tea-chests?

**Shri Karmarkar:** I am sure that that is one of the items which are intended to be imported.

**Shri Barman:** Till now the import of tea-chests is a monopoly in the hands of a few British agency firms. May I know whether this system will be continued, or the agreement provides for direct import?

**Shri Karmarkar:** As I said in answer to a question last session that was a system prevailing till last year. From this year onwards we have provided for direct imports without routing them through U.K.

## TEXTILE WORKING PARTY

\*1424. **Shri M. Naik:** (a) Will the Minister of Commerce and Industry be pleased to state what are the functions of the Textile Working Party as appointed by the Government of India under the Chairmanship of Mr. A. Ramaswamy Mudaliar?

(b) When was it appointed and what is the personnel of this Committee?

(c) By what time is the Committee expected to complete the enquiry?

**The Deputy Minister of Commerce and Industry (Shri Karmarkar):** (a) and (b). A statement giving the required information is placed on the Table of the House. [See Appendix IX, annexure No. 14.]

(c) December 1951.

For the further information of other hon. Members I may say that the functions of the party are to examine and make recommendations on:

(i) measures necessary to achieve increasing production;

(ii) measures for reducing cost of production;

(iii) measures for improving the quality of production;

(iv) measures to improve efficiency of labour management and organisation of industry;

(v) measures to achieve rationalisation of the industry; and

(vi) measures for better marketing of the products of industry at home and abroad.

**Shri M. Naik:** May I know whether this party is an ad hoc body or a permanent one?

**Shri Karmarkar:** It is a party nominated by us up till a particular period?

**Shri M. Naik:** Up to what period?

**Shri Karmarkar:** December 1951.

**Shri M. Naik:** May I know, Sir, in what sectors of the textile industry the objects enumerated in the statement have so far been achieved?

**Shri Karmarkar:** The Party is to finish its labours by December 1951 when we will be in a position to know that.

**Shri M. Naik:** The Party was appointed in March 1950. May I know, whether in pursuance of the Committee's labours there has been any increase in production and reduction in cost of production etc.?

**Shri Karmarkar:** As I said the working party has visited various important centres of textile industry. It had had the benefit of coming into contact with important industrialists. They are expected to submit their report by December 1951 when we will be in a position to act on their recommendations.

**Shri Jnani Ram:** May I know whether they are expected to submit any report and if so have they submitted any report on their working?

**Shri Karmarkar:** They are expected to submit a report and it will be submitted by December 1951.

#### TRAINING OF DISPLACED GIRLS IN NURSING

\*1427. **Shri S. C. Samanta:** Will the Minister of Rehabilitation be pleased to state:

(a) the number of displaced girls that have so far been trained in nursing in hospitals;

(b) how much stipend and allowance are paid to each of these girls under training; and

(c) how many of the successful trainees have been employed in gainful occupations?

**The Minister of State for Rehabilitation (Shri A. P. Jain):** (a) to (c). Information is being collected and will be laid on the Table of the House in due course.

**Shri S. C. Samanta:** May I know whether the unsuccessful girls are given further chances to pursue their training and whether the stipends or allowances are also continued?

**Shri A. P. Jain:** Sir, I shall not only get the information but a full Note for answering the supplementaries.

#### BILL re SWEEPERS IN MUNICIPALITIES

\*1431. **Shri Balmiki:** Will the Minister of Labour be pleased to state:

(a) whether it is a fact that Government are contemplating to bring a Bill regarding terms and conditions of service of sweepers in Municipalities in the country; and

(b) if so, the steps taken by Government in this direction?

**The Minister of Labour (Shri Jagjivan Ram):** (a) and (b). The matter is under examination in consultation with the State Governments.

#### SUBSCRIPTIONS TO U.N.O.

\*1435. **Shri Sidhva:** (a) Will the Prime Minister be pleased to state whether the U.N.O. have asked for an increase in its annual subscriptions from India?

(b) If so, what is the amount demanded?

(c) Have Government agreed to the increase in subscriptions?

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

(b) India's contribution for the year 1952 has been raised from 3.41 per cent. to 3.53 per cent. by the Committee on Contributions.

(c) The matter is under the consideration of the Government of India.

**Shri Sidhva:** May I know the reasons for this increased demand? Is it because any expenditure in their administration has increased, or what is it due to?

**Dr. Keskar:** The contributions are fixed by the Committee for Contributions after taking into consideration the various factors, including population, the budgetary income of the country and other factors. Every year the Committee sits and fixes the contributions from various countries in accordance with these principles. The capacity of the country to pay a certain amount is also taken into consideration. The Committee has increased it taking into consideration all these things.

**Shri Sidhva:** Even if the U.N.O. has got a surplus with them do they ask more from the member countries according to population and other factors?

**Dr. Keskar:** I think the Budgetary Committee of the United Nations take into consideration also the surplus.

**Shri Chattopadhyay:** Is there any Indian representative on the Budgetary Committee?

**Dr. Keskar:** Last year the Chairman was an Indian, His Highness the Jam Saheb of Nawanagar.

**Shri Shiva Rao:** May I know whether the increase in our contribution to the U.N. will result also in an increase in the number of Indians to be employed in the Secretariat of the U.N.?

**Dr. Keskar:** It is a fact that the number of Indians employed in the United Nations Organisation Secretariat has been much less than the contribution



that we have been paying, proportionately. But we have been pressing, and the number of Indians has steadily increased in the Secretariat. I may, however, inform my hon. friend that this increase is a proposed increase by the Committee which we have not yet accepted.

**Shri Sidhva:** May I know whether there is any Indian representative on this Budgetary Committee this year and whether Government intend to take steps to acquaint the Committee as regards our views?

**Dr. Keskar:** I think the budget was fixed up probably sometime back. I do not think it has been done at this time—it has been done two or three months back.

**Shri Sidhva:** My question has not been answered.

**Shri R. Velayudhan:** May I know whether the contribution to the U.N.O. by the member countries is optional or compulsory?

**Dr. Keskar:** It is an adjustment between both parties. Member countries have to pay the contributions asked for by the Committee, but a member country is free to make a representation to the Committee and press that its contribution shall be reduced taking into consideration various factors, and many times the Committee does reduce the contribution asked for.

**Dr. V. Subramaniam:** Does this amount include other amounts like the contributions made to the World Health Organisation, the World Red Cross Society etc.?

**Dr. Keskar:** No, Sir. This is the contribution to the U.N.O. only. The other contributions are separate.

**Shri Sidhva:** My question was whether at the time the Budgetary Committee was considering the question of our contribution our view was before them and whether our representative was there.

**Dr. Keskar:** Yes, Sir.

#### COAL TO CHINA

\*1436. **Shri Sidhva:** (a) Will the Minister of Works, Production and Supply be pleased to state whether a contract for the supply of Indian coal to China has been entered into by Government?

(b) If so, for what quantity, price and period?

(c) Is the contract under a bilateral agreement?

**The Minister of Works, Production and Supply (Shri Gadgil):** (a) No, Sir.

(b) and (c). Do not arise.

**Shri Sidhva:** Did any negotiations take place with the Chinese Government regarding the supply of Indian coal before any actual agreement was arrived at?

**Shri Gadgil:** There was no agreement, no negotiation, nothing of that kind.

**Shri R. Velayudhan:** Does it mean that there is no trade between India and China?

**Mr. Deputy-Speaker:** How does it arise? This is so far as coal is concerned.

**Shri Gadgil:** Not in coal.

**Shri Sidhva:** May I know whether China ever imported coal from India?

**Shri Gadgil:** Yes, that was in the year 1949 under the old regime when a small quantity of 12,313 tons was exported by India to China.

#### CLAIMS TO PROPERTIES LEFT IN PAKISTAN

\*1437. **Shri Sidhva:** (a) Will the Minister of Rehabilitation be pleased to state the total number of claims relating to properties left behind in Pakistan filed by displaced persons?

(b) How many still remain to be verified?

(c) How many officers are employed?

(d) Are more officers likely to be appointed to expedite the work?

(e) When is the whole work likely to be completed?

**The Minister of State for Rehabilitation (Shri A. P. Jain):** (a) 5,08,000.

(b) 3,82,000 on 15th September, 1951.

(c) 219 claims officers were in position on 15th September, 1951.

(d) Yes.

(e) Attention is invited to part (c) of my reply to Unstarred Question No. 334 by Shri Kamath on the 28th May, 1951.

**Shri Sidhva:** May I know how much time is likely to be taken by the officers to complete the verification of the remaining 3,82,000 claims? With regard to part (e) the hon. Minister referred me to the reply given to Mr. Kamath's question. Does it cover this? Will he kindly enlighten me as to what is the period?

**Shri A. P. Jain:** Sir, that question has already been answered and printed. My hon. friend is repeating question (e) over again.

**Shri Sidhva:** I want to know the period when it is going to be completed.

**Shri A. P. Jain:** It is given there. The period also.

**Shri Sidhva:** Can you not give me the information here?

**Mr. Deputy-Speaker:** There cannot be a bargaining so far as answers are concerned.

**Shri Sidhva:** There is no bargaining, Sir.

**Shri A. P. Jain:** He is asking when is the whole work likely to be completed, that is the period. I have answered it for whatever it is worth.

**Mr. Deputy-Speaker:** The hon. Member is not satisfied. That is all the difference.

**Shri Sidhva:** He is referring me to an answer which I am not able to verify. It won't take time for him to answer. But if he is not prepared that is another matter.

**Shri A. P. Jain:** I shall read the answer given to Mr. Kamath's question:

"As has been stated before, efforts are being made to complete the work as early as possible, but no firm date can be fixed for the completion of the work."

**Shri Chattopadhyay:** May I know why the full contingent of Claims Officers have not been appointed so far to cope with the amount of work that has necessarily to be done?

**Shri A. P. Jain:** More than the contemplated contingent of officers have been put on the job.

#### SURVEY OF ISLANDS IN BRAHMAPUTRA

\*1438. **Shri Jnani Ram:** Will the Prime Minister be pleased to state:

(a) whether a survey of the islands of Doikhowachar and Salapara in the Brahmaputra has been completed; and

(b) the result of the survey?

**The Deputy Minister of External Affairs (Dr. Keskar):** (a) The survey of these islands has not yet commenced as theodolite survey is not possible until about the middle of October when the flood water is expected to recede.

(b) Does not arise.

**Shri Jnani Ram:** Has any preliminary arrangement been made for the survey of these Islands?

**Dr. Keskar:** Yes, Sir.

#### ALL-INDIA TRADE CERTIFICATION BOARD

\*1439. **Shri Jnani Ram:** Will the Minister of Labour be pleased to state:

(a) whether the Committee appointed by Government to prepare schemes for establishment of an All India Trade Certification Board has submitted its Report; and

(b) if so, what are its recommendations?

**The Minister of Labour (Shri Jagjivan Ram):** (a) No.

(b) Does not arise.

#### "REHABILITATION REVIEW"

\*1440. **Shri Amolakh Chand:** Will the Minister of Rehabilitation be pleased to state:

(a) the number of copies of the "Monthly Rehabilitation Review" issued by the Ministry each month;

(b) the classes of persons to whom it is issued; and

(c) the approximate cost incurred on every monthly issue?

**The Minister of State for Rehabilitation (Shri A. P. Jain):** (a) 750 copies.

(b) (1) Hon. Members of Parliament and members of various Parliamentary Committees interested in the work of Rehabilitation.

(2) Members of the Rehabilitation Committee of the Cabinet.

(3) Planning Commission, Central Statistical Organization, Parliament Library, and Central Secretariat Library, Press Information Officer.

(4) Officers and Branches of the Ministry of Rehabilitation and its attached and subordinate offices.

(5) State Governments.

(6) Representative Organizations of displaced persons, certain Universities and educational institutions and a few eminent individuals interested in the problem of relief and rehabilitation.

(c) About Rs. 300 per month.

**Shri Amolakh Chand:** May I know if the hon. Minister is aware that the Review is always two months back of the ostensible month published on the Review, and if so, do Government propose to do away with the anomaly as early as possible?

**Shri A. P. Jain:** I think the Review for the Month of August is already in the hand of the hon. Member and surely two months have not expired. Since the end of August, of course the collection of statistical data is behind time; it takes some time. We are making efforts to give the latest statistics. Whether it will be possible to make an improvement or not, I am not sure.

**Shri Amolakh Chand:** May I know if the monthly Review is published in the English language only or may I know if summaries are issued to language papers especially catering for the displaced persons in various States? If not, have Government any proposal to take up the matter early?

**Shri A. P. Jain:** Of course, the Vernacular papers can translate whatever is published in the Reviews and I do not know whether it is necessary to throw a further burden on the finances of the State, by setting up a department for translating what actually is the work of newspapers.

#### DISPLACED PERSONS LIVING ON FOOTPATHS

\*1441. **Shri Amolakh Chand:** Will the Minister of Rehabilitation be pleased to state:

(a) the approximate number of displaced persons occupying footpaths in the city of Delhi for want of residential accommodation on the 15th September, 1951; and

(b) the approximate time when they will be provided with houses?

**The Minister of State for Rehabilitation (Shri A. P. Jain):** (a) Figures are not available. Neither will it be possible to collect any accurate information.

(b) Does not arise.

**Shri Amolakh Chand:** May I know if the Government are aware that more than 20,000 persons are squatting on the foot-paths of Delhi only?

**Shri A. P. Jain:** I won't commit myself to the figure of 20,000 or any other figure but I know that their number is large; it may be in the neighbourhood of 20,000, I do not deny.

#### BLACK PEPPER (EXPORT)

\*1442. **Shri Lakshmanan:** Will the Minister of Commerce and Industry be pleased to state:

(a) the total quantity and worth of black pepper exported during the year ended June, 1951;

(b) the quantity exported to dollar and sterling areas separately; and

(c) what have been the total dollar earnings from pepper during this period?

**The Deputy Minister of Commerce and Industry (Shri Karmarkar):** (a) 3,30,700 Cwts. valued at Rs. 22·94 crores.

(b) 2,42,200 Cwts. to dollar areas, and 41,200 Cwts. to sterling areas.

(c) 35·2 million dollars (equivalent to Rs. 16·78 crores).

**Shri Lakshmanan:** May I know whether there have been any representations from the Travancore-Cochin Government or from any other public body that the imposition of the export duty will prejudicially affect the export trade and as such it should be given up?

**Shri Karmarkar:** Not so far as I am aware, Sir. I shall find out.

**Shri Lakshmanan:** May I know whether Government have any information regarding the news reported in the Press a few days back that the U.S.A. has imposed some restrictions on the import of black pepper, with a view to bringing down its price?

**Shri Karmarkar:** I have not seen that, Sir.

**Shri Sidhva:** After the increase in the export duty, may I know whether there is any decrease in the actual export as compared with the previous year?

**Shri Karmarkar:** No, Sir.

**Shri Alexander:** May I know if the Government is in a position to give separate figures of export from the Cochin Port and from the Port of Bombay?

**Shri Karmarkar:** If a question is tabled, certainly I am bound to give an answer.

**Shri Lakshmanan:** May I know whether it is a fact that the price of black pepper has registered a steep decline recently?

**Shri Karmarkar:** I do not have the price figures with me, but as the hon. Member stated, there has been a downward trend in some world commodities and I shall find out whether pepper is one of them.

**Shri M. V. Rama Rao:** Having regard to the fact that India has almost a world monopoly in pepper, what steps do Government propose to take to make the most out of this position?

**Shri Karmarkar:** What Government propose to make out of the world monopoly is the increasing of the export duty, because we know the exports would not be affected by it. My hon. friend may be aware that we cannot make capital out of this monopoly because in the course of the next two years there is another country that might come up. That may result in limiting the rise of prices with a view to stabilizing the export to the largest possible extent and for a longer period.

**Shri Alexander:** May I know whether Indonesia is a competitor in pepper?

**Shri Karmarkar:** The country that I referred to was Indonesia.

#### ZINC SMELTING INDUSTRY

\*1443. **Shri Lakshmanan:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether Government are taking steps for the establishment of zinc smelting industry in India; and

(b) whether any Committee has been appointed to go into the matter?

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

**Shri Lakshmanan:** May I know how many factories are there in India and in which places they are located?

**Shri Karmarkar:** At present the lead is being refined at the Metal Corporation of India's Spelter at Tundoo, Katrasgarh, Bihar, but there is no spelter for refining zinc and the zinc concentrates are therefore being allowed to be exported on condition that 50 per cent. of the metal content of the concentrates exported is re-imported into India.

I should also inform my hon. friend further that recently a Committee has been constituted by the Ministry of Natural Resources for going into the question of taking the necessary steps for establishing such an industry in the near future.

#### COLOURED GLASSES

\*1444. **Shri Rudrappa:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether coloured glasses used in the Railway signals are manufactured in India;

(b) if not, whether any research is conducted in any of the National Laboratories of India for the manufacture of such coloured glasses; and

(c) if so, with what results? \*

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

(b) and (c). Some research has been conducted by the Central Glass and Ceramic Research Institute, Calcutta, in regard to the composition and standardisation of coloured glasses. Results achieved so far have been found to be interesting and further investigations are in progress.

I would fully add by way of Supplementing the answer that our requirements of coloured glasses are substantial and the quantity produced is not much at present and we have to import a larger part of our requirements.

**Shri Rudrappa:** May I know since what time is the research being conducted?

**Shri Karmarkar:** I have not got the date with me, Sir, from which researches have been conducted, but I imagine they are from very recent times.

**Shri Rudrappa:** What is the money spent on this?

**Shri Karmarkar:** I have not got the figures to show how much has been spent. I shall find out.

**Shri Amolakh Chand:** May I know if glasses for spectacles are also manufactured in India or are they imported?

**Shri Karmarkar:** This question was about coloured glasses for Railways and if the hon. Member puts a question on Sun glasses, I shall certainly find out.

**Shri Sidhva:** May I know whether this publication is mainly meant for the U.K. and European Countries?

**Mr. Deputy-Speaker:** We are on Question No. 1444. We have not come to the publication yet.

**Shri M. Nalk:** May I know whether coloured glasses are still imported?

**Mr. Deputy-Speaker:** The hon. Minister has already stated that the quantity produced is so small that a larger quantity has to be imported from outside.

#### FORTNIGHTLY MAGAZINE PUBLISHED FROM INDIA HOUSE

\*1445. **Dr. Ram Subhag Singh:** Will the Prime Minister be pleased to state:

(a) whether it is a fact that a fortnightly magazine is published from the India House, London;

(b) if so, how many copies of this magazine are published each fortnight; and

(c) on which dates of each month this magazine is published?

**The Deputy Minister of External Affairs (Dr. Keskar):** (a) India House, London, is not publishing any fortnightly magazine. Two weekly magazines, entitled *India News* and *India Record*, are issued. The first, as its name suggests, gives news of topical interest, while the other carries material of a documentary nature for reference and record.

(b) 5,300 copies of *India News* and 1,800 copies of *India Record* are published each week.

(c) *India News* is published on Saturdays and *India Record* on Thursdays.

**Dr. Ram Subhag Singh:** May I know whether the weekly News magazines are available to the reading public on the scheduled dates?

**Dr. Keskar:** I would require notice to find out whether they get it on Saturday or on any other day.

**Shri R. Velayudhan:** May I know whether any subscription fee is levied for these?

**Dr. Keskar:** Yes; 3d. and 6d.

**Shri R. Velayudhan:** What is the total expenditure that the Government have incurred for these in 1951 or 1960?

**Dr. Keskar:** The total cost of production is about Rs. 1,00,800; the total revenue from subscriptions and advertisements is Rs. 68,000.

**Shri R. Velayudhan:** May I know whether it is circulated in India also?

**Dr. Keskar:** No; that is meant for European circulation.

**Mr. Deputy-Speaker:** Next question.

#### RESETTLEMENT IN ASSAM

\*1446. **Dr. Ram Subhag Singh:** Will the Minister of Rehabilitation be pleased to state:

(a) whether it is a fact that a scheme has been prepared by the Government of Assam for the permanent resettlement of displaced persons in that State;

(b) if so, whether that Scheme has been approved by the Government of India; and

(c) if the answer to part (b) above be in the affirmative, how many displaced persons will be resettled in Assam under this Scheme?

**The Minister of State for Rehabilitation (Shri A. P. Jain):** (a) to (c). The information is being collected and will be placed on the Table of the House in due course.

**Shri J. N. Hazarika:** May I know whether the Government are collecting schemes prepared by the Government of Assam alone or schemes which are being prepared by the Central Government itself for the district of Cachar?

**Shri A. P. Jain:** Schemes are being undertaken in Cachar directly under the supervision of the Government of India.

**Shri J. N. Hazarika:** Have all the people there been rehabilitated.

**Shri A. P. Jain:** The latest information is that more than 70 per cent. of the displaced persons have received rehabilitation benefits of one kind or the other.

#### कोनी प्रशिक्षण केन्द्र

\*१४४७. **श्री जांगड़े :** (क) क्या धन मन्त्री यह बतलाने की कृपा करेंगे कि यह सत्य है कि विभिन्न उद्योगों तथा व्यवसायों में काम आने वाले औजार, कच्चा माल तथा अन्य आवश्यक वस्तुएं बिलासपुर के समीपस्थ कोनी प्रशिक्षण केन्द्र में उपलब्ध नहीं हैं तथा उन्हें अन्य स्थानों से कोनी तक पहुंचाने में काफी व्यय होता है ?

(ख) क्या यह सत्य है कि उपर्युक्त प्रशिक्षण केन्द्र के भवन युद्ध काल के बने हुये हैं तथा नवीन भवनों के निर्माण की बड़ी आवश्यकता अनुभव की जा रही है ?

(ग) क्या कोनी प्रशिक्षण केन्द्र में बनी वस्तुओं के विक्रय का कोई प्रबन्ध किया गया है और यदि नहीं तो क्या उनके विक्रयार्थ सरकार का कोई सुविधायें प्रदान करने का विचार है ?

(घ) क्या कोनी प्रशिक्षण केन्द्र को दिल्ली, करनाल अथवा किसी अन्य स्थान पर ले जाने का विचार है ?

#### KONI TRAINING CENTRE

[\*1447. **Shri Jangde:** (a) Will the Minister of Labour be pleased to state whether it is a fact that tools, raw materials and other necessary equipments used in different industries and occupations are not available in the Koni Training Centre near Bilaspur and that considerable expense has to be incurred in their transport from other places to Koni?

(b) Is it a fact that the buildings of the above Training Centre are war-time constructions, and the need for the construction of new buildings is being felt very much?

(c) Are there any arrangements for the sale of the articles which are manufactured in the Koni Training Centre and if not, do Government propose to give any facilities for their sale?

(d) Is it contemplated to transfer the Koni Training Centre to Delhi, Karnal or to some such place?

**The Minister of Labour (Shri Jagjivan Ram):** (a) No. Most of the tools, raw materials and equipment required for training are available in the Training Centre at Koni. Materials which cannot be procured locally have, of course, to be obtained from outside but this is so in the case of other Training Centres located in mofussil towns as well. The expenditure incurred on this account cannot be termed excessive.

(b) The buildings are war-time constructions, but as they are expected to last some years more, the need for new buildings has not been felt yet.

(c) A show-cum-sales room exists at the Centre.

(d) There is no such proposal at present.

**श्री जांगड़े:** क्या माननीय श्रम मन्त्री बतलायेंगे कि क्या यह सच है कि उस प्रशिक्षण केन्द्र के बहुत से ऐसे उद्योग व्यवसाय हैं जिनके लिये कि उम्मीदवार शिक्षण पाने के लिये नहीं जाते हैं ?

**Shri Jangde:** Will the hon. Minister of Labour be pleased to state whether it is a fact that certain arts and crafts in that training centre are such as do not attract any candidate for training?

**श्री जगजीवन राम :** ऐसा तो नहीं मालूम होता है ।

**[Shri Jagjivan Ram:** This does not seem to be a fact.]

**श्री जांगड़े:** क्या माननीय मन्त्री बतलायेंगे कि कोनी प्रशिक्षण केन्द्र का उत्पादन क्या है और निर्माण की हुई वस्तुओं की अब तक कितनी बिक्री हुई है ?

**[Shri Jangde:** Will the hon. Minister please state the total production of

the Koni Training Centre and the sale proceeds of the produced articles upto now?]

**श्री जगजीवन राम :** माल तो तैयार होते ही बिक जाता है । जुलाई सन् १९५१ तक ४७,७१० रुपये की चीजों का उत्पादन हुआ था और उस दिन गोदाम में सिर्फ ४,०२४ रुपये का माल बाक़ी बचा था ।

**[Shri Jagjivan Ram:** The articles are sold as soon as they are manufactured. Goods worth Rs. 47,710 were manufactured upto July 1951, out of which articles worth only 4,024 rupees were lying in the godown on that date for sale.]

**Shri R. Velayudhan:** May I know the type of training that is given in this Centre and how many students are being trained? What is the expenditure incurred for that in 1950?

**Shri Jagjivan Ram:** I will refer my hon. friend to the prospectus of the Institute a copy of which is available in the Library of the House.

#### BUILDINGS IN CALCUTTA AND BOMBAY

\*1448. **Shri A. C. Guha:** Will the Minister of Works, Production and Supply be pleased to state:

(a) whether Government intend to construct any new buildings at Calcutta and Bombay;

(b) if so, what is the estimated cost for each of them;

(c) when the construction work of each of them is to be taken up and expected to be completed;

(d) what would be the accommodation in each of them; and

(e) the purpose of each?

**The Deputy Minister of Works, Production and Supply (Shri Buragohain):**

(a) Yes.

(b) to (e). A statement giving the information is placed on the Table of the House. [See Appendix IX, annexure No. 15.]

**Shri A. C. Guha:** May I know if for any of these buildings, the Central Government has got any land from the provincial Government or the land also has to be acquired.

**Shri Buragohain:** I have not got the information here; presumably they have been acquired.

**Shri A. C. Guha:** Has in no case land been given by the Provincial Government?

**Shri Buragohain:** It is possible that lands have been made available by the State Governments in Bombay and West Bengal. I should like to have notice.

**Shri M. Nalk:** May I know whether any of these buildings are proposed to accommodate some of the new offices which, some time ago, were proposed to be shifted from Delhi?

**Mr. Deputy-Speaker:** The question assumes that some offices will be shifted from Delhi to Calcutta?

**Shri Buragohain:** These have nothing to do with shifting of offices from Delhi. They are independent accommodation for the various development schemes under various Ministries of the Central Government.

#### INDO-AMERICAN ARBITRATION COMMISSION

\*1449. **Shri A. C. Guha:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether there is a proposal for the establishment of an Indo-American Arbitration Commission;

(b) if so, (i) its composition; and

(ii) its functions and purpose;

(c) whether it will be a permanent body or an *ad-hoc* body; and

(d) what are the expenses to be incurred and India's share thereof?

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

(b) to (d). These are matters of details and will receive attention of Government as the proposal is finalised.

**Shri A. C. Guha:** May I know, at least in general, what is the purpose of this Arbitration Board?

**Shri Karmarkar:** The purpose of this Board like all other Arbitration Boards is to settle disputes, in this particular case, arising out of imports from and exports to other countries.

**Shri A. C. Guha:** Will it also deal with complaints that may come as regards the quality of the materials supplied by the either side?

**Shri Karmarkar:** Certainly; it will deal with all the complaints about breaches of any agreement as between a party here and a party there.

#### ASSAM TEA GARDEN LABOUR

\*1454. **Shri M. Nalk:** (a) Will the Minister of Labour be pleased to state what is the number of labourers employed in the tea gardens of Assam?

(b) Is it a fact that a Scheme is under contemplation under which human labour will be substituted by mechanical tea-cropping devices?

(c) If so, by what time is the Scheme going to come into operation?

(d) In what way is the labour thus released going to be profitably utilised?

**The Minister of Labour (Shri Jagjivan Ram):** (a) The latest available information pertains to the year 1948 during which the average daily number of workers in tea gardens of Assam was 4,92,512.

(b) to (d). Government have no such Scheme under contemplation. It is learnt, however, that Planters are carrying out experiments with some mechanical pluckers but there is no knowing when these will be successful and mechanical plucking become a practical proposition.

**Shri Shiva Rao:** May I know whether the hon. Minister has any intention of bringing up before this session of Parliament the Plantation Labour Bill which has been adopted by the Select Committee?

**Shri Jagjivan Ram:** I have every intention to push this Bill through during this session; it all depends on the time available in the House.

**An Hon. Member:** There is plenty of time.

#### TYPE FOUNDRIES

\*1455. **Shri S. C. Samanta:** (a) Will the Minister of Commerce and Industry be pleased to state how many type foundries are there in India and how many of them are at Calcutta?

(b) What are the names of places where printing requisites were consumed before and after the partition of India?

(c) For how long the export of printing types was under O.G.L.?

**The Deputy Minister of Commerce and Industry (Shri Karmarkar):** (a) There is a large number of type foundries scattered all over the country. The number of foundries in Calcutta and their total number is not known.

(b) Printing requisites are consumed in all towns and cities in India where there are printing presses.

(c) From September 1949 till the end of May 1951.

I should like to add further that we have received representations complaining against the ban on exports and that matter is at present under our consideration.

**Shri S. C. Samanta:** May I know whether the industrial concerns are going to close due to the ban which the Government has imposed on the export of printing types etc., to Eastern Pakistan?

**Shri Karmarkar:** Does the hon. Member mean the type foundries?

**Shri S. C. Samanta:** Yes.

**Shri Karmarkar:** We have no information on the point as to how many of them are proposed to be closed down on account of that.

**Shri S. C. Samanta:** May I know whether this item is included in the Indo-Pakistan Trade Agreement of February last?

**Shri Karmarkar:** No, Sir; not so far as I can say off-hand.

**Shri A. C. Guha:** May I know at what stage the representation which the hon. Minister has referred to is? Has any decision been taken on the representation?

**Shri Karmarkar:** I said the matter is under active consideration at the moment and we expect to take a decision quickly.

**Shri Sidhva:** May I know whether the Type Foundries Association of Bombay have made a strong representation that the stoppage of export has caused immense inconvenience to the trade and, if so, may I know whether the Government will take a decision during the course of this month? When will a decision be taken?

**Shri Karmarkar:** I do not remember whether the Bombay Association is one of the associations, but certainly we expect to take the decision much earlier than the end of this month.

**Shri S. C. Samanta:** Is Government aware that there is still no type foundry in Eastern Pakistan and as

there is no restriction on the import of non-ferrous metals, will Government consider the matter favourably?

**Shri Karmarkar:** The difficulty arises from the fact that though there is open general licence for non-ferrous metals, they are not coming in abundant quantities and we have to consider whether, consistently with our obligation to meet our internal requirements, we can modify the present ban on the export of printing types to other countries.

**Mr. Deputy-Speaker:** Questions 1456, 1457, 1458 and 1460 have been transferred to some other dates and some other Ministries.

**An Hon. Member:** To which dates Sir?

**Mr. Deputy-Speaker:** Question 1456 has been transferred to 4th October 1951 and questions 1457, 1458 and 1460 to 6th October 1951.

### हिमालय पर्वतारोहण

\*१४६१. श्री बी० ऐस० आर्यः (क)

क्या प्रधान मंत्री यह बतलाने की कृपा करेंगे कि इस ग्रीष्मकाल में पर्वतारोहियों के कितने दल पर्वतारोहण के लिये हिमालय गये हैं तथा वे दल किन-किन देशों से जाये हैं ?

(ख) क्या भारतीय पर्वतारोहियों का भी कोई दल इस वर्ष पर्वतारोहण के लिये हिमालय गया है ?

(ग) यदि हां, तो भारत सरकार द्वारा उसे क्या प्रोत्साहन दिया गया है ?

(घ) जितने दल इस वर्ष पर्वतारोहण के लिये हिमालय गये थे क्या वे सब के सब सकुशल वापस लौट आये हैं ?

### HIMALAYAN EXPEDITIONS

[\*1461. **Shri B. S. Arya:** (a) Will the Prime Minister be pleased to state how many expeditions have left for climbing the Himalayan peaks this summer and from what countries have these expeditions come?

(b) Has any Indian party of mountaineers also gone to climb the Himalayas this year?

(c) If so, what encouragement has it received from the Government of India?



(d) Have all such parties that went up the Himalayas this year returned safe after their expeditions?]

**The Parliamentary Secretary to the Prime Minister (Shri Satish Chandra):** (a) Three—from (i) U.K., (ii) France and (iii) New Zealand.

(b) No. But one Indian Geologist (Mr. G. N. Dutt) of Geological Survey of India was attached to the British expedition.

(c) Does not arise.

(d) The French party lost their leader and another member; the other members of the party returned safe.

**श्री बी० एस० आर्य :** क्या माननीय पार्लिमेण्टरी सेक्रेटरी यह बतलायेंगे कि जो लोग वहाँ लापता हैं उनकी जांच के लिये सरकार ने कोई प्रयत्न किया है या खोज करवाई है ?

[**Shri B. S. Arya:** Will the Parliamentary Secretary please state whether Government have tried to trace out or made any enquiries about those persons who have not returned from there?]

**श्री सतीश चन्द्र :** जो आदमी नन्दा देवी गये थे उनका पता नहीं लगा कि वह कहाँ गिर गये या क्या हुआ। गढ़वाल से हमारे पास रिपोर्ट्स आई हैं जिनके मुताबिक उन ऊँची जगहों पर किसी अफसर के लिये या साधारण व्यक्ति के लिये पहुँचना मुश्किल है। इसलिये कोई कोशिश वहाँ पहुँचने की नहीं की जा सकी यद्यपि इस बात की स्वा-दिष्ट थी कि ऐसा किया जा सके।

[**Shri Satish Chandra:** It could not be known what fate was suffered by those persons who went to Nanda Devi, whether they fell down or had some other mishap. According to reports reaching us from Garhwal, it was very difficult for an officer or some other person to reach those places. Therefore, no attempt could be made to get to those places, although the Government desired to do so.]

**Shri R. Velayudhan:** May I know whether there is any effort by Indians for.....(Interruption).

**Mr. Deputy-Speaker:** How can the hon. Minister answer a laughter? What is the question?

**Shri R. Velayudhan:** I want to know Sir, whether any efforts have been made by Indians in India for climbing the Himalayas?

**Shri Satish Chandra:** I have already stated that no Indian party of mountaineers went to climb the high peaks of the Himalayas. But sometimes Indian scientists go with foreign expeditions. This year an Indian Geologist was attached to the British expedition.

**Shri Krishnanand Rai:** May I know whether Government is aware that there is a Mountaineering Party in India of which the Prime Minister and the Parliamentary Secretary himself is a member?

**Shri Satish Chandra:** There is no such party; but recently an Indian Mountaineers Club styled as Himalayan Society has been formed; it has not yet made any attempt to climb the higher peaks of the Himalayas.

**Mr. Deputy-Speaker:** Now the questions are over and so I shall come back to questions not so far put. Shri Guha was not in his seat.

#### SMOKELESS OVEN

\*1423. **Shri A. C. Guha:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether the Indian Standards Institution has considered the question of having a smokeless *chula* (oven);

(b) whether the Institution has approved any such *chula* and found it to be satisfactory; and

(c) if so, whether Government have taken any steps to popularise that *chula* in the rural areas?

**The Deputy Minister of Commerce and Industry (Shri Karmarkar):** (a) No.

(b) No.

(c) Does not arise.

And I may add, Sir, that a particular type of *Chula* examined, produced a little more smoke than ordinary *Chulas*.

**Shri A. C. Guha:** Am I to understand that there has been no attempt on these lines?

**Shri Karmarkar:** The *Chula* examined was unpopular in Government Houses where it was used.

## ELECTRICITY GENERATING PLANT

\*1429. **Shri Deshbandhu Gupta:**  
Will the Minister of **Rehabilitation**  
be pleased to state:

(a) whether it is a fact that a German Reparation Plant capable of generating 6,000 K.W. of electricity was offered by the Ministry of Commerce and Industry to the various State Governments and Electricity Authorities including the Delhi Central Electricity Power Authority;

(b) whether it is a fact that none of them was prepared to take it over and what was the reply received from the Delhi Central Electric Power Authority;

(c) whether it is a fact that the Faridabad Development Board was handed over this plant through the intervention of the Prime Minister;

(d) whether the Central Electricity Commission was requested by the Faridabad Development Board to undertake the erection of this plant;

(e) if so, what was the estimate of erection charges given to the Faridabad Board;

(f) how much time was the erection of this plant to take if it were done under the supervision of the Central Electricity Commission;

(g) whether it is a fact that the Board found the estimate too high and undertook the erection of the plant independently and if so, the time taken and cost incurred by the Board on the same;

(h) whether any Bill of charges for preparing the estimate has been sent to the Faridabad Board by Government and if so, the amount of the same;

(i) the unmet demand in respect of Electricity and Electric power in Delhi as on 31st August, 1951; and

(j) what was the demand on 15th August, 1947 and how much out of it has since been met?

**The Minister of State for Rehabilitation (Shri A. P. Jain):** (a) Yes. The offer to the Delhi Central Electricity Power Authority was however made by my Ministry and not the Ministry of Commerce and Industry.

(b) No interest was evinced by any of those to whom the offer was made. The Delhi Central Electric Power Authority replied that as during the two years that would be needed to instal the plant power supply position in Delhi would have improved there was no need to set up the plant at Delhi.

(c) **Yes.**

(d) No; on the contrary the Central Electricity Commission offered to erect the plant for the Board.

(e) Rs. 29.7 lacs.

(f) About 10 to 12 months.

(g) Yes; it took the Board 8 months to erect the first 3,000 K.W. set and the second set is expected to take about 6 months. The cost of erection on completion is expected to be Rs. 13,93,860.

(h) The bill of the Central Electricity Commission for Rs. 5.259 includes other advice given to the Board by the Commission as well as the cost of preparation of the estimate.

(i) Approximately 40,000 K.W.

(j) The demand is not known.

**Shri Deshbandhu Gupta:** May I know whether, in view of the fact that this Board has been able to erect this plant in almost half the time and at one-third of the cost estimated by the Central Electricity Commission, any enquiry has been instituted into this matter by the Government to find out why the Central Electricity Commission gave an estimate three times as costly and taking double the time required by this Board?

**Shri A. P. Jain:** I do not think my hon. friend is factually correct. In any event, as already he has covered in his question almost half the letters in the English alphabet—he has covered from (a) to (j)—I may say that hardly any one of them, except one or two relate to my Ministry. So far as the Central Electricity Commission and other things are concerned, they are the responsibility of other Ministries, and I think my hon. friend may content himself with the written answer that I have given him now, and with regard to any supplementaries, he may either table other questions or wait for another opportunity.

**Shri Deshbandhu Gupta:** Sir, I do not think I addressed the question to the hon. Minister of Rehabilitation. The question was actually addressed, if I remember aright, to the proper Ministry; but since the credit goes to the Rehabilitation Minister for the Faridabad Board, so he has taken it upon himself to give the answer to the question. After all, the Central Electricity Commission is an important all-India body and someone from the Government is on this body and it should be possible for Government, therefore, to say why this Commission estimated for Rs. 30 lakhs and for double the

time that this Board—a small non-official Board—has taken for this job. I want to know whether this question has been looked into by the proper Ministry and if so, with what result?

**Shri A. P. Jain:** I am quite prepared to take the credit which the hon. Member gives me.

**Shri Deshbandhu Gupta:** You have, already.

**Shri A. P. Jain:** Let me assure him that it was not I who got the question transferred, I was the victim, as it were. In any event, my hon. friend, I understand has already taken up this question during the discussion of the Part C States Bill, and I think he should have been content with that. In any case, it is for the hon. Member not to frame composite questions, but questions relating to one Ministry, and I am sorry I am not in a position to give him any answer with regard to why this Central Electricity Commission did one thing and why another body did something else, whether there was any *bona fide* difference of opinion, or whether there was something wrong about it. I think I would advise the hon. Member to address the proper Ministry at the proper time.

**Mr. Deputy-Speaker:** Perhaps the Deputy Minister for Works, Production and Supply may be able to answer the question.

**The Deputy Minister of Works, Production and Supply (Shri Buragohain):** It relates to the Ministry of Natural Resources and Scientific Research.

**Shri Deshbandhu Gupta:** I raised this question in the course of the debate on Part C States Bill when I referred to the electricity arrangements in Delhi. I was expecting some sort of reply from the Government side but no reply came and hence I tabled this question. It is unfair to the House that on an important question like this there is not someone on the Government benches who can satisfy the House as to why the Central Electricity Commission, which is handling very big projects in the country should have given an estimate three times higher. There has been no satisfactory reply forthcoming.

**Mr. Deputy-Speaker:** Is the hon. Member sure that he addressed it to the Minister of Works, Production and Supply?

**Shri Deshbandhu Gupta:** I think I did. I did not in any case address it to the Minister of State for Rehabilitation. I am only concerned that I must have a reply on this question.

**Shri A. P. Jain:** Incidentally I happened to be present at the Faridabad Development Board meeting when this recommendation came up from the Central Electricity Commission. I have no doubt that it was an honest recommendation they made.....

**Shri Deshbandhu Gupta:** I never imputed any dishonesty. It is a question of inefficiency.

**Shri A. P. Jain:** I know of no interruption during the course of a reply to a question. During a debate there might be interruptions, not when a question is being answered.

**Shri Deshbandhu Gupta:** Unfortunately he is defending an indefensible case.

**Mr. Deputy-Speaker:** Are we entering into a discussion on the question of the answer?

**Shri Deshbandhu Gupta:** In case there is no satisfactory reply forthcoming I should like to raise it on the floor of the House.

**Shri A. P. Jain:** Incidentally it so happened that the Faridabad Development Board could secure the services of an engineer who originally set up this plant in Hamburg. (The Minister of Law. Dr. Ambedkar, corrected the pronunciation of the name "Hamburg".) The hon. Minister may commit mistakes in pronouncing Indian names and I commit mistakes in pronouncing foreign names. That is the difference between him and myself.

The economy has been primarily due to the fact that we have been able to secure the services of an engineer who was responsible for the original setting up of the plant.

**Mr. Deputy-Speaker:** Hon. Members are generally at a disadvantage when they do not know whether a particular question relates to one Ministry or another Ministry. In the circumstances the Minister to whom it is addressed should not stand on mere technicalities. If it is possible for any other Minister to answer it let the question be passed on to him. On such questions as are important if it is not possible for the Minister concerned to be present and answer the question, let it be answered through his deputy but let the answer be complete, instead of driving the Members to put further questions on an unknown date, which may or may not occur.

**Shri Shiva Rao:** May I know whether any proposal has been made either to the Faridabad Development Board or to my hon. friend the Rehabilitation Minister for the utilisation of

the unconsumed electricity by villagers round about Faridabad for the erection of a number of tube wells? If so, at what stage is the proposal?

**Shri A. P. Jain:** Yes, we have received such a request and the Development Board has decided to extend the supply of electricity not only to the town of Faridabad but also to the surrounding areas for the use of the villagers.

**Shri Deshbandhu Gupta:** How long was this plant lying unutilised before it was handed over to the Board?

**Shri A. P. Jain:** I think for about a couple of years.

**Shri Deshbandhu Gupta:** Is it a fact that it was lying in the open?

**Shri A. P. Jain:** Not lying with my ministry, at any rate.

**Shrimati Renuka Ray:** When will we get a proper reply to this very important question?

**Shri Naziruddin Ahmad:** After the general elections!

**Mr. Deputy-Speaker:** There is the half an hour debate allowed under the rules to Members and they may take advantage of it.

#### RENT COLLECTOR OF EVACUEE PROPERTIES

\*1430. **Babu Ramnarayan Singh:** Will the Minister of Rehabilitation be pleased to state:

(a) whether it is a fact that one **Raj Bahadur Lakshmi Narain** was appointed on trial basis as Rent Collector of a part of Evacuee Property in Delhi with a total rental demand of nearabout 12 lakhs of rupees a year on 6 per cent. commission, without fixing any terms as to the minimum collection guarantee and without getting any security;

(b) whether it is a fact that at the time of his trial appointment and prior to that also other firms and parties had applied to Government to do the same job on a much less commission percentage and also offered cash and other securities as well as a high minimum guarantee of collection;

(c) whether it is a fact that the applications of others on more favourable terms to the Government were not considered and that they were not invited or contacted in this matter;

(d) whether it is a fact that the same **Raj Bahadur Lakshmi Narain** after the expiry of the experimental

period was given a number of extensions in his contract and was subsequently confirmed to make collections while, for some of the rest of the areas, tenders were invited prescribing terms from which **Lakshmi Narain** is immune;

(e) whether it is a fact that many parties sent telegrams to the Government offering more favourable terms and protesting against this discrimination in favour of one individual; and

(f) whether Government propose to state the reasons for this discrimination?

**The Minister of State for Rehabilitation (Shri A. P. Jain):** (a) Yes. The rent demand amounted to Rs. 10 lakhs a year and not Rs. 12 lakhs. Security of Rs. 10,000 and a personal surety of Rs. 8,000 from a person of known financial standing were taken.

(b) and (c). Applications of other parties were considered but as this scheme was being adopted on an experimental basis, it was considered necessary to appoint the most trustworthy man.

(d) For judging the results of experiment of collecting rent through collection agents, extensions up to the end of April, 1951, were granted to **Shri Lakshmi Narain**. Since the comparison of the results of rent collection through the Custodian's staff and through **Shri Lakshmi Narain** showed that the latter had been more successful, it was decided to extend the period of contract of **Shri Lakshmi Narain** for a further period of one year in respect of four wards and to extend the system of collection through private agencies to other wards. **Shri Lakshmi Narain**, like other agents, will be subject to the minimum guarantee clause.

(e) Yes. Since no other party was found suitable **Shri Lakshmi Narain** was given the contract.

(f) Does not arise.

**बाबू रामनारायण सिंह :** श्री लक्ष्मी नारायण जी कंट्रैक्टर सर्व प्रथम किस तारीख को बहाल हुये थे और उस दिन से अब तक कितना रुपया कमीशन में दिया जा चुका ?

[**Babu Ramnarayan Singh:** May I know the date on which **Shri Lakshmi Narain** was first appointed and what amount has so far been paid to him as commission?]

**श्री ए० पी० जैन :** श्री लक्ष्मी नारायण को १२ जून, १९५० को वह काम सौंपा गया था। मेरे पास इस वक्त आंकड़े नहीं हैं कि उन्होंने कितना रुपया इकट्ठा किया। लेकिन उसका जोड़ मेरे पास इस वक्त नहीं है और जोड़ लगाने में बहुत समय लगेगा। हां, अगस्त, सितम्बर, अक्टूबर, नवम्बर, दिसम्बर और जनवरी में यह दिया है कि पचास से साठ हजार रुपये तक हर महीने में उन्होंने बसूल किया और उसके ऊपर उनको ६ प्रतिशत मिलता रहा। इसका हिसाब फैला लिया जाय।

[**Shri A. P. Jain:** Shri Lakshmi Narain was entrusted with this work on the 12th June, 1950. I can give you the amounts he has so far collected but the total figure is not with me and it would take a long time to add them up. It is on record that he collected fifty thousand to sixty thousand rupees every month in August, September, October, November, December and January and that he has been receiving 6 per cent. commission on that amount. This figure can be further worked out.]

**बाबू रामनारायण सिंह :** जिस दिन वह यहां पर रेंट कलेक्टर अप्वाइंट हुये थे उस दिन उनसे सिक्योरिटी नहीं ली गई थी और गारेण्टी भी नहीं ली गई थी ?

[**Babu Ramnarayan Singh:** Was he not made to furnish security and guarantee on the day he was appointed Rent Controller?]

**श्री ए० पी० जैन :** दस हजार रुपये की सिक्योरिटी जो गवर्नमेण्ट बांड में थी उनसे ली गई थी, और आठ हजार रुपये का एक माकूल आदमी से जमानतनामा भरवाया गया था। हां, उनसे गारेण्टी नहीं ली गई थी। गारेण्टी के प्रश्न पर विचार हुआ था मगर उस वक्त हमने यह तय किया कि अगर हम एक दम बिना उसका तजुर्बा किये हुये गारेण्टी रख देते हैं तो हो सकता है कि उसमें जो किरायेदार वहां बैठे हैं उनसे रुपया बसूल करने में कंट्रेक्टर कुछ

सख्ती करे। जब हमें इसका तजुर्बा हो गया कि हम अच्छी तरह से रुपया बसूल कर सकते हैं तो हमने वकीया जो ठेकेदार थे और नये ठेकेदारों पर भी गारेण्टी लगाई, और उनके ऊपर भी लगाई।

[**Shri A. P. Jain:** A security of ten thousand rupees which was in the form of Government bonds and also a personal surety of Rs 8000 from a person of known financial standing were taken. Of course, no guarantee was taken. The question of guarantee was considered but at that time we thought that if we were to provide for a guarantee without any experience in that behalf it was possible the contractor might resort to harsh methods in collecting rent from the tenants. When we had some experience that we could collect money easily, we enforced the guarantee clause in regard to the rest of the contractors and the new ones along with this gentleman.]

**बाबू रामनारायण सिंह :** जिस समय यह कंट्रेक्ट श्री लक्ष्मी नारायण जी को दिया गया था उस दिन और लोगों से टेण्डर्स इन्व्वाइट हुये थे या नहीं ?

[**Babu Ramnarayan Singh:** May I know whether or not tenders from other persons were invited when this contract was given to Shri Lakshmi Narain?]

**श्री ए० पी० जैन :** और दर्र्वास्तें आई थीं, लेकिन चूंकि यह मामला ऐसा था कि जिसका नये तौर पर तजुर्बा किया जा रहा था इसलिये हम यह चाहते थे कि ऐसा माकूल आदमी लिया जाय जिसकी ईमानदारी और जिसकी भलमन्साहत पर भरोसा हो। हालांकि वह टेण्डरर ऐसे थे जो कम कमीशन मांगने वाले थे, लेकिन उनके पिछले रेकार्ड को ध्यान में रखते हुये इस बात को मुनासिब समझा गया कि इस तजुर्बे को उन्हीं (श्री लक्ष्मीनारायण) के हाथ से कराया जाय और इसमें कामयाबी हासिल हुई।

[**Shri A. P. Jain:** Other applications were received but since this was only an experimental measure we wanted that a suitable person of unimpeachable honesty should be selected for this

work. Although there were tenders offering to charge much less commission, but in view of his previous record it was thought proper to entrust this work to him (Shri Lakshmi Narain). The experiment proved successful.]

**बाबू रामनारायण सिंह :** श्री लक्ष्मी

नारायण जी के तजुबों, उनकी ईमानदारी और उनकी फाइनेन्शियल पोजीशन के बारे में किस तरह से जांच हुई थी ?

[Babu Ramnarayan Singh: May I know how the facts about the experience, honesty and financial position of Shri Lakshmi Narain were verified?]

**श्री ए० पी० जैन :** दस हजार रुपये की नकद जमानत थी, यानी दस हजार की गवर्नमेंट बांड में जमानत थी। मैं समझता हूँ कि किसी भी डिस्प्लेस्ड पर्सन का इतनी बड़ी जमानत दे देना उसकी फाइनेन्शियल पोजीशन की काफी माकूल गारंटी है। आठ हजार रुपये की उन्होंने दूसरी जमानत दी थी। यह वह शर्त है जो एन० डब्ल्यू आर० में कैशियर था और वहाँ बहुत अच्छी तरह से और ईमानदारी से काम किया था। मुझे इसमें कोई शक नहीं कि यह काम मुनासिब आदमी को दिया गया था और उसने बहुत कामयाबी के साथ इसको अंजाम दिया।

[Shri A. P. Jain: There was a cash security of Rs. 10,000 that is, a security of ten thousand rupees in Government bonds. I believe the depositing of such a huge security by any displaced person is a sufficient guarantee of his financial position. He also furnished a surety in the sum of eight thousand rupees. He was a Cashier in the N.W.R. and has a record of efficient and honest work on that post. I have no doubt that the work was entrusted to a suitable person and that he has acquitted himself quite creditably.]

## WRITTEN ANSWERS TO QUESTIONS

### TEXTILES (EXPORT)

\*1425. Shri Rathnaswamy: Will the Minister of Commerce and Industry be pleased to state the extent of dollars earned by the export of Indian textiles to countries of South East Asia in the last two years?

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The Deputy Minister of Commerce and Industry (Shri Karmarkar): The main markets for Indian textiles are Malaya, Burma, Ceylon, Hongkong, Indonesia and Thailand. We do not earn dollars by exporting to these countries.

### TRADE AGREEMENT WITH BURMA

\*1426. Shri Rathnaswamy: Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that negotiations have been going on between India and Burma for a trade agreement to be concluded early;

(b) if so, what are the terms this agreement will cover;

(c) whether Indian gunny bags and Burma rice will be exchanged according to this agreement; and

(d) the duration till which this trade agreement will be operative?

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

(a) Yes, Sir.

(b) The Trade Agreement provides for the exchange of certain essential commodities between the two countries; the two Governments have agreed to issue licences for these commodities up to the limits agreed upon.

(c) Yes.

(d) From the 1st May, 1951 to the 31st December 1955.

### SMOKELESS HEARTHES IN M.P.S' FLATS

\*1428. Shri Kshudiram Mahata: Will the Minister of Works, Production and Supply be pleased to state:

(a) whether smokeless hearths have been provided in the new flats for Members of Parliament;

(b) if so, the cost of each hearth; and

(c) whether Government propose to provide such hearths in Class IV servants' quarters where kitchen and bedroom is a combined one?

The Deputy Minister of Works, Production and Supply (Shri Buragohain): (a) Yes, Sir.

(b) Rs. 150.

(c) The question will be considered if these hearths prove satisfactory and suitable in all respects.

### DISPLACED PERSONS AT VIJAYAWADA

\*1432. Shri A. Joseph: (a) Will the Minister of Rehabilitation be pleased to state the number of displaced persons residing at Vijayawada?

(b) What is the number of licences received by the displaced persons

for cloth and rice ration depots and how many applications are still pending for these licences?

(c) Are Government collecting rent for the stalls which are used by these displaced persons at Vijayawada?

**The Minister of State for Rehabilitation (Shri A. P. Jain):** (a) to (c). The information is being collected and will be laid on the Table of the House in due course.

#### DIPLOMATIC RELATIONS WITH WEST GERMANY

\*1433. **Shri Kamath:** Will the Prime Minister be pleased to state:

(a) whether any decision has been communicated to India by the West German Government about the appointment of a diplomatic representative in India;

(b) the name and Status of the German representative;

(c) when he is expected in New Delhi; and

(d) whether India at present conducts her relations with the West German Government directly or through the occupying Powers?

**The Deputy Minister of External Affairs (Dr. Keskar):** (a) Yes, Sir. The Government of India and the Federal Republic of Germany agreed to exchange diplomatic missions at Legation level on March 7, 1951.

(b) and (c). The German representative, who will be a Minister, has not yet been appointed. It is understood, however, that the appointment will be made in the near future.

(d) Diplomatic relations have been established between India and the Federal Republic of Germany.

#### FOREIGN POSSESSIONS IN INDIA

\*1434. **Shri T. N. Singh:** Will the Prime Minister be pleased to state:

(a) whether negotiations regarding the future position of the French and Portuguese possessions in India are still continuing;

(b) what is the latest position regarding the stand taken by the French and Portuguese Governments on the return of these possessions to India according to the will of the citizens resident in these settlements; and

(c) whether Government propose to state the reasons for the prolongation of the negotiations with France and Portugal separately?

**The Prime Minister (Shri Jawaharlal Nehru):** (a) to (c). The Government of India's position in regard to the foreign

settlements and possessions in India has been clearly stated on many occasions. The continuance of colonial rule in these areas is an anachronism and must lead to continuing friction. Whatever justification such islands of foreign authority had in India in the days when India herself was a subject country, has disappeared with the coming of independence to India. An independent India cannot have these islands and footholds of foreign authority adjoining or surrounded by her own territories. Apart from the necessity of any form of colonialism ceasing to exist in these and like territories, geographical, historical, cultural, political and economic necessity lead to one conclusion, that is that these territories should become parts of the Union of India.

The Government of India, however, have pursued the method of peaceful negotiations and settlement, which remains the guiding principle in the conduct of its foreign relations.

Negotiations for the settlement of the future of the French and Portuguese possessions in India were begun by the Government of India in 1947. It was announced in June, 1948 that a referendum would be held to determine the future of French possessions. In June, 1949 a referendum was held in Chandernagore in which the people voted by an overwhelming majority for merger with India. A *de facto* transfer of power took place in May 1950 and the Treaty for the cession of Chandernagore was signed in February, 1951. This Treaty now awaits ratification by the French Parliament.

No referendum has been held for the remaining French settlements of Pondicherry, Karikal, Mahe and Yanam. Government of India's attitude has been and is that until and unless conditions for a free referendum come into being in these settlements, the Government of India cannot accept the result thereof. Such conditions are unfortunately still remote; in fact the situation seems to have deteriorated as is obvious from the recent elections held in these settlements for the French National Assembly.

The Portuguese Government, when approached by us for negotiations regarding the future of their possessions in India, informed us that since these were an integral part of Portugal, no negotiations regarding their future could be held. We cannot accept this claim. Recent constitutional changes made by the Portuguese Parliament, renaming the colonial areas as overseas provinces, have little meaning; economically, politically and culturally,

the Portuguese possessions in India in fact remain in colonial subjection, and the movement for freedom is suppressed.

The Government of India have the fullest sympathy for the people of these territories, who are essentially Indians, and wholly sympathise with their desire to become citizens of India.

#### LICENCING OF Khaddar DEALERS

\*1450. **Shri S. N. Das:** (a) Will the Minister of Commerce and Industry be pleased to refer to the answer given to my starred question No. 3636 asked on the 30th April, 1951 and state which of the State Governments have so far considered the model Bill which was sent to them by the Government of India and have decided about its introduction for making provision for the licensing of dealers in Khaddar?

(b) Which State Governments have already introduced a Bill to this effect?

(c) Which of the State Governments have expressed their inability to do so?

**The Deputy Minister of Commerce and Industry (Shri Karmarkar):**

(a) The State Governments of Orissa, Patiala and East Punjab States Union, Uttar Pradesh, Coorg and Saurashtra have considered the model Bill and the Governments of Uttar Pradesh, Coorg and Saurashtra have decided to introduce the Bill.

(b) The information is not available.

(c) The Governments of Orissa and the Patiala and East Punjab States Union have stated that they do not consider it necessary to legislate on the lines of the model Bill. These replies are being examined by the Central Government.

#### DEFALCATION IN CENTRAL FORMS STORES, CALCUTTA

\*1451. **Dr. M. M. Das:** Will the Minister of Works, Production and Supply be pleased to state:

(a) whether any disciplinary measures have been taken against the officers responsible directly or indirectly for the defalcation of about Rs. 43,628 in the Central Forms Stores, Calcutta during 1948-49;

(b) if so, what they are; and

(c) whether any portion of the above sum has been recovered or whether there is any chance of its being recovered in future?

**The Deputy Minister of Works, Production and Supply (Shri Buragohain):** (a) and (b). After detailed investigation and taking into consi-

deration the disturbed conditions prevailing at Calcutta when the defalcation occurred, Government have decided to recover in instalments a sum of Rs. 2,048-11-4 from the then Manager of the Forms Store and Rs. 500 from the then Assistant-in-Charge of the departmental grain shop.

(c) In addition to the sum of Rs. 2,548-11-4 to be recovered from the officers of the Forms Store, the Criminal Court in which the complaint was lodged has attached the security deposit of Rs. 1,000 and the insurance policy of the face value of Rs. 1,000 of the absconding Cashier.

#### SUPPLY OF CLOTH TO PAKISTAN

\*1452. **Dr. M. M. Das:** (a) Will the Minister of Commerce and Industry be pleased to give a brief account of the supply of cloth and yarn to Pakistan under the Inter-Dominion Agreement of 1948-49?

(b) Is it a fact that, due to the failure of Pakistan to carry out the contract, a heavy loss has been suffered by the Government of India?

**The Deputy Minister of Commerce and Industry (Shri Karmarkar):**

(a) Under the Inter-Dominion Agreement of 1948-49, export of cotton piece-goods and yarn were made on Government account. The following quantities of cotton piecegoods and yarn were agreed upon and actually exported to Pakistan during the years 1948-49:

	Mill-made cloth			
	Quota fixed June 1948 to June 1949	July 1948 to June 1949	Actual exports April 1948 to March 1949	
Cotton piece-goods.	450 million yds.	142.1 million yds.	154.7 million yds.	
Cotton yarn.	1,00,000 bales.	25,327 bales.	21,743 bales.	

(b) No.

#### MEDIUM AND COARSE CLOTH (PRICES)

\*1453. **Dr. M. M. Das:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether Government have received any representation from the textile industry for increasing the prices of medium and coarse varieties of cloth



on the ground of increased cost of production on account of machinery and wages;

(b) if so, whether any decision has been taken by Government regarding this matter; and

(c) what were the exact grounds advanced by the industry, for this increase in price?

**The Deputy Minister of Commerce and Industry (Shri Karmarkar):**

(a) No such representation has been received.

(b) and (c). Do not arise.

#### RELIEF TO DISPLACED PERSONS

\*1459. **Shri A Joseph:** (a) Will the Minister of Rehabilitation be pleased to state whether any amount has been asked for by the West Bengal Government for giving relief to displaced persons whose houses and tents collapsed in the rains in Calcutta city and if so, how much?

(b) What is the amount sanctioned so far?

**The Minister of State for Rehabilitation (Shri A. P. Jain):** (a) No.

(b) Does not arise.

#### REHABILITATION IN WEST BENGAL

339. **Dr. M. M. Das:** Will the Minister of Rehabilitation be pleased to state:

(a) whether it is a fact that a Scheme for the acquisition of waste lands from private individuals on the payment of a 'selami' for the rehabilitation of displaced persons in West Bengal has been finalised; and

(b) if so, the details of the Scheme, with reference to (i) the estimated expenditure for the Scheme;

(ii) the agency through which the Scheme will be worked out;

(iii) whether the money will be given on loan to individual displaced persons to be realised later or the West Bengal Government will acquire the lands themselves and give them to the displaced persons; and

(iv) whether the transactions will be made directly between the land owner and the displaced person or through the West Bengal Government officials?

**The Minister of State for Rehabilitation (Shri A. P. Jain):** (a) The scheme has been approved by the Standing Committee of Parliament attached to the Ministry of Rehabilitation, but it still requires financial concurrence.

(b) The details of the scheme are given in the Memorandum prepared for the Standing Finance Committee, copy of which is attached. [See Appendix IX, annexure No. 16.]

(i) Rs. 79,75,895.

(ii) The scheme is being implemented through the agency of the West Bengal Government.

(iii) Money is given on loan by the West Bengal Government to individual displaced persons for the acquisition of land from land-owners.

(iv) Transactions are made through the medium of social workers who are being impressed in service for implementing the scheme.

#### COMMITTEES APPOINTED BY GOVERNMENT

340. **Shri Raj Kanwar:** Will the Prime Minister be pleased to state;

(a) the names of various Committees set up by the Government of India during the year 1950-51; and

(b) which of these Committees have not yet submitted their Reports?

**The Parliamentary Secretary to the Prime Minister (Shri Satish Chandra):**

(a) and (b). A statement containing the required information is placed on the Table of the House. [See Appendix IX, annexure No. 17.]

#### TRADE WITH NORWAY

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

(a) the total value of India's imports from Norway in the years 1949-50, and 1950-51; and

(b) the total value of India's exports to Norway during the same periods?

**The Deputy Minister of Commerce and Industry (Shri Karmarkar):**

(a) and (b). A statement giving the required information is placed on the Table of the House.

#### STATEMENT

*The total values of imports from and exports to Norway during the years 1949-50 and 1950-51.*

(Value in '000 Rs.)

Year	Imports	Exports
1949-50 . . . . .	2,43,69	1,05,50
1950-51 . . . . .	2,22,35	1,30,11

*N.B.— Figures are provisional and subject to revision.*

### FORMULATION OF FIVE YEAR PLAN

**342. Shri S. N. Das:** Will the Prime Minister be pleased to lay on the Table of the House a statement showing the total number of individuals (officials and non-officials) and organisations formally invited so far by the Planning Commission for consultation with regard to formulation of the Five Year Plan giving the following figures separately:

- (i) the number of Ministers from different States of the Union;
- (ii) the number of officials from different States;
- (iii) the number of Industrial organisations;
- (iv) the number of Agricultural organisations;
- (v) the number of Commercial organisations;
- (vi) the number of Scientific organisations and Institutes;
- (vii) the number of Educational Institutions;
- (viii) the number of non-official individuals;
- (ix) representatives of political parties;
- (x) representatives of foreign organisations; and
- (xi) foreign experts?

**The Minister of Planning (Shri Nanda):** For the purpose of drawing up the plan for the public sector, the Planning Commission consulted representatives of State Governments and the Central Ministries. In regard to programmes relating to individual industries, the Commission invited several organisations and official and non-official experts for preliminary discussions. A statement showing the number of individuals and organisations consulted by the Planning Commission in connection with the Five Year Plan is placed on the Table of the House.

#### STATEMENT

*The total number of individuals (officials and non-officials) and organisations formally invited for consultation with regard to the formulation of the draft five year plan.*

(1) Number of Ministers from different States of the Union.	34
(2) Number of officials from different States.	134
(3) Number of industrial organisations.	39
(4) Number of agricultural organisations.	1
(5) Number of commercial organisations.	27
(6) Number of scientific organisations and institutes.	8

(7) Number of educational institutions.	Nil.
(8) Number of non-official individuals.	96
(9) Representatives of political parties.	Nil.
(10) Representatives of foreign organisations.	Nil.
(11) Foreign experts	Nil.

#### TRADE AGREEMENT WITH NORWAY

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

- (a) whether it is a fact that a trade agreement has recently been concluded between India and Norway; and
- (b) if so, what are the chief terms of that agreement?

**The Deputy Minister of Commerce and Industry (Shri Karmarkar):** (a) and (b). Trade arrangement with Norway has recently been renewed for the period 1st May to 31st December 1951. Copies of the trade letters exchanged are placed on the Table of the House. [See Appendix IX, annexure No. 18.]

#### NON-MUSLIM STUDENTS FROM PAKISTAN

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

- (a) the number of non-Muslim students from Pakistan, who on account of Partition, became stranded in the middle of their studies abroad;
- (b) how many of them have been given help by the Government of India in the form of scholarships and loans and the amount given;
- (c) how many amongst them have come back to India and how many completed their studies; and
- (d) how many amongst those students who have come back to India have been given employment either in Government service or elsewhere?

**The Minister of State for Rehabilitation (Shri A. P. Jain):** (a) No definite information is available, but 157 applications from such students were received by the Ministry of Rehabilitation.

(b) 99 students have been given loans amounting to a total of Rs. 7.1 lakh. No scholarships have been granted.

(c) 84 are reported to have completed their studies and out of them 57 have reported their arrival in India.

(d) The information so far available shows that 22 have been employed in private service and 3 in Government service.



सत्यमेव जयते

# PARLIAMENTARY DEBATES

Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

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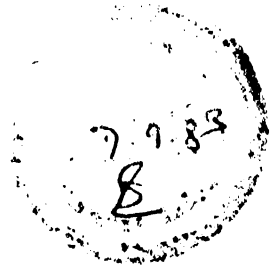
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Fourth Session

of the

PARLIAMENT OF INDIA

1951



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## CORRIGENDA

to

the Parliamentary Debates (Part II—Other than Questions and Answers),  
Fourth Session 1951.

Volume XVI,—

1. No. 1, dated the 24th September, 1951,—

(i) Col. 3193, line 10 for "Act, 1151" read "Act, 1951"

2. No. 2, dated the 25th September, 1951,—

(i) Col. 3260, line 18 for "set" read "sat".

3. No. 3, dated the 26th September, 1951,—

(i) **صندھ ۳۳۱۵ پہلی لائن میں "د مولانا آزاد" کی جگہ "د مولانا آزاد" سے پڑھیں**

(ii) **भाग ३४१६, पंक्ति १३ में "सायल" के स्थान पर "आगत" पढ़ें ।**

4. No. 4, dated the 27th September, 1951,—

(i) Col. 3902, line 19 from bottom for "rent for occupation of houses" read  
SHORT NOTICE QUESTION".

(ii) **भाग ३४९०, पंक्ति १३ में "ट्रस प्रांक्मेटी" के स्थान पर "ग्रान्ट्स कमेटी" पढ़ें**

5. No. 6, dated the 29th September, 1951,—

(i) Col. 3902, line 19 from bottom for "rent for occupation of houses" read  
"damages for the occupation".

No. 7, dated the 1st October, 1951,—

(i) Col. 3952, line 16 omit "a".

7. No. 8, dated the 3rd October, 1951,—

(i) ~~Col. 4134~~ for existing line 19 read "it has been made out that pre-censor-";  
after existing line 40 insert "permanent period to the hands of the"  
and delete line 43.

8. No. 9, dated the 4th October, 1951,—

(i) Col. 4153 last line, for "L.P.C." read "I.P.C."

(ii) Col. 4188, for existing line 18 from bottom read "cular case by that  
experience and I".

9. No. 10, dated the 5th October, 1951,—

(i) **भाग ४२८७, अन्तिम पंक्ति में "बेस्त्रियम" को "बेस्त्रियम" पढ़ें ।**

(ii) Col. 4346, line 4 from bottom after "years" insert "ago".

10. No. 11, dated the 6th October, 1951,—

(i) Col. 4418, line 26 for "stituted" read "substituted".

(ii) Col. 4460 after line 27 insert "ages etc."

(iii) Col. 4523, line 19 from bottom for "Cognizillibity" read "Cognizability"

(iv) Col. 4524, line 11 for "Cognizillibity" read "Cognizability".

No. 12, dated the 11th October, 1951,—

(i) Col. 4694, for existing lines 7-9 read "given to Shri Achru Ram's case...  
**Shri Kamath:** I am sorry it is a very ignorant imputation.....".

(ii) Col. 4721 for existing line 35 read "number of tractors to be produced"

12. No. 13, dated the 12th October, 1951,—

(i) Col. 4743 after line 5 insert "(No Questions—Part I not Published)" as 1 line.

(ii) Col. 4844 in line 32 for "Khwaja Inait Ullah: May I point" read "Shri Jhumjhumwala. I just want".

13. No. 14, dated the 15th October, 1951,—

(i) Col. 4913, line 13 from bottom for "(Sidhva)" read "(Shri Sidhva)".

(ii) भाग ४९५६, पंक्ति १२ में "पीछे" के स्थान पर "पीते" पढ़ें।

(iii) Col. 4984 for existing lines 10 and 11 from bottom read "A person shall be disqualified for being chosen as and for being".

14. No. 15, dated the 16th October, 1951,—

(i) Col. 5093, for existing line 34 read "for the industrial development of our country".

(ii) Col. 5128 in line 5 from bottom after "to" insert "give to".

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## PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers.)

## OFFICIAL REPORT

3911

3912

## PARLIAMENT OF INDIA

Monday, 1st October, 1951

*The House met at Nine of the Clock.*

[MR. DEPUTY-SPEAKER in the Chair]

## QUESTIONS AND ANSWERS

(See Part I)

10 A.M.

## FOOD SCARCITY

The Minister of Food and Agriculture (Shri K. M. Munshi): Several Members have expressed their uneasiness to me at the reports of failure of rain in parts of Bombay, including Gujerat, Saurashtra, Rajasthan, Madhya Bharat and Ajmer. The monsoon had been very erratic in these parts though there is still time for more rains. The situation, no doubt, requires to be very carefully watched. I am in constant touch with the Chief Ministers and Ministers of the States concerned and I may inform the House that the State Governments are very much alive to the need for prompt and adequate action. They are undertaking special surveys and keeping themselves ready for special relief wherever they are necessary.

I have also adopted certain precautionary measures. An additional Secretary has been placed in charge of the problems arising from the scarcity of fodder, and another Central Officer with experience of difficult situations has been directed to visit the States to see that proper measures are taken. My colleague, Mr. Thirumala Rao and myself, as soon as my health slightly improves, also propose to visit the States.

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In the meantime, 10,000 tons of foodgrains have been allotted to Rajasthan for October and further allotments as are necessary will be made in the coming months. Madhya Bharat at present has sufficient stocks to last them for five months. Further allotments would be considered as soon as the necessity arises. Fifty-one thousand tons have already been allotted to Saurashtra upto the end of September. Another 12,000 tons are being allotted for October and further quantities would be allotted to them as and when necessary. Bombay has at present about 1½ lakh tons of foodgrains in stock. If the situation develops, their allotments will also be increased in November and future months. The quantity of foodgrains already purchased and expected to arrive during the next few months are sufficient for the reasonable needs of the country. Therefore, no serious immediate difficulty need be apprehended.

The situation, however, largely depends upon the rains which are expected in the coming fortnight. Some parts of the affected areas, I find, have been already receiving showers during the last three or four days. There is no occasion for panic. In view of past experience, I might be permitted to draw the attention of the House to the fact that a major part of our difficulties during the last year arose from exaggerated statements, reports and demands in the Press. I would therefore request all concerned to exercise great restraint in dealing with the situation in the Press. Over-statements and excitement only aggravate the difficulties which we are out to counter. Whatever the situation, we have to meet it with courage and I can assure you that whatever could possibly be done by Government is being done and will be done.

[Shri K. M. Munshi]

Last year at this time of the year, we were faced with a danger which was worse, particularly in view of the fact that we had no available imports. Due to organisational improvement, Bihar tided over the crisis. The same organisational work is needed now if the situation develops and we will have to do hard work. I assure you, not only on my behalf, but on behalf of the Ministries of the States concerned, that hard work will be done.

**Shri Sonavane (Bombay):** On a point of information.....

**Mr. Deputy-Speaker:** No questions.

**Shri Sonavane:** I am not asking questions—I am asking for information.

**Mr. Deputy-Speaker:** It means asking questions.

#### LEAVE OF ABSENCE FROM THE HOUSE

**Mr. Deputy-Speaker:** Before the House proceeds with any other business, I would like to inform hon. Members that Durbar Gopaldas A. Desai has requested for leave of absence under article 101(4) of the Constitution till the end of the current session as he is unwell.

Is it the pleasure of the House to grant him leave?

Leave was granted.

**Mr. Deputy-Speaker:** Likewise, Shri Nadimuthu Pillai from Tanjore has also applied under the same article for leave of absence till the end of the current session on account of ill-health.

Is it the pleasure of the House to grant him also leave?

Leave was granted.

#### PAPERS LAID ON THE TABLE

##### SUPPLEMENTARY STATEMENTS re. ACTION TAKEN ON PROMISES ETC.

**The Minister of State for Parliamentary Affairs (Shri Satya Narayan Sinha):** I beg to lay on the Table a supplementary statement showing the action taken by the Government on various assurances, promises and undertakings given during the First Session of Parliament, 1950. [See Appendix X, annexure No. 9.]

I also beg to lay on the Table a supplementary statement showing the action taken by the Government on various assurances, promises and undertakings given during the Third Session (First Part) of Parliament, 1950. [See Appendix XI, annexure No. 1.]

#### REPRESENTATION OF THE PEOPLE (SECOND AMENDMENT) BILL

**The Minister of Law (Dr. Ambedkar):** I beg to move for leave to introduce a Bill further to amend the Representation of the People Act, 1950, and the Representation of the People Act, 1951.

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

"That leave be granted to introduce a Bill further to amend the Representation of the People Act, 1950, and the Representation of the People Act, 1951."

The motion was adopted.

**Dr. Ambedkar:** I introduce the Bill.

#### REPEALING AND AMENDING BILL

**The Minister of Law (Dr. Ambedkar):** I beg to move for leave to introduce a Bill to repeal certain enactments and to amend certain other enactments.

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

"That leave be granted to introduce a Bill to repeal certain enactments and to amend certain other enactments."

The motion was adopted.

**Dr. Ambedkar:** I introduce the Bill.

#### NOTARIES BILL

##### EXTENSION OF TIME FOR PRESENTATION OF REPORT OF SELECT COMMITTEE.

**The Minister of Law (Dr. Ambedkar):** I beg to move:

"That the time appointed for the presentation of the Report of the Select Committee on the Bill to regulate the profession of notaries, be further extended upto Saturday, the 6th October, 1951."

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

"That the time appointed for the presentation of the Report of the Select Committee on the Bill to regulate the profession of notaries, be further extended upto Saturday, the 6th October, 1951."

The motion was adopted.

#### INDIAN STANDARDS INSTITUTION (CERTIFICATION-MARKS) BILL

#### EXTENSION OF TIME FOR PRESENTATION OF REPORT OF SELECT COMMITTEE

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

"That the time appointed for the presentation of the Report of the Select Committee on the Bill to provide for the standardisation and marking of goods, be extended upto Saturday, the 6th October, 1951."

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

"That the time appointed for the presentation of the Report of the Select Committee on the Bill to provide for the standardisation and marking of goods, be extended upto Saturday, the 6th October, 1951."

The motion was adopted.

#### PUNJAB APPROPRIATION BILL

**The Minister of Finance (Shri C. D. Deshmukh):** I beg to move:

"That the Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Punjab for the service of the year ending on the 31st day of March, 1952, be taken into consideration."

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

"That the Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Punjab for the service of the year ending on the 31st day of March, 1952, be taken into consideration."

The motion was adopted.

Clauses 1 to 3 and the Schedule were added to the Bill.

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

**Shri C. D. Deshmukh:** I beg to move:

"That the Bill be passed."

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

"That the Bill be passed."

The motion was adopted.

#### APPROPRIATION (NO. 3) BILL

**The Minister of Finance (Shri C. D. Deshmukh):** I beg to move:

"That the Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the year ending on the 31st day of March, 1952, be taken into consideration."

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

"That the Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the year ending on the 31st day of March, 1952, be taken into consideration."

The motion was adopted.

Clauses 1 to 3 were added to the Bill.

The Schedule was added to the Bill.

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

**Shri C. D. Deshmukh:** I beg to move:

"That the Bill be passed."

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

"That the Bill be passed."

The motion was adopted.

#### APPROPRIATION (RAILWAYS) NO. 4 BILL

**The Minister of States, Transport and Railways (Shri Gopalaswami):** I beg to move:

"That the Bill to authorise payment and appropriation of certain

[Shri Gopaldaswami]

further sums from and out of the Consolidated Fund of India for the service of the year ending on the 31st day of March, 1952, for the purposes of railways, be taken into consideration."

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

"That the Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the year ending on the 31st day of March, 1952, for the purposes of railways, be taken into consideration."

The motion was adopted.

Clauses 1 to 3 and the Schedule were added to the Bill.

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

**Shri Gopaldaswami:** I beg to move:

"That the Bill be passed"

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

"That the Bill be passed."

The motion was adopted.

### PRESS (INCITEMENT TO CRIME) BILL

**The Minister of Home Affairs (Shri Rajagopalachari):** I beg to move:

"That the Bill to provide against the printing and publication of incitement to crime and other objectionable matter, as reported by the Select Committee, be taken into consideration."

The Select Committee sat for eight days and considered the Bill at great length and in every detail. The report as well as the minutes of dissent have been placed in the hands of hon. Members. We had a long discussion when the Bill was first taken into consideration and on general issues we had long speeches. I would therefore suggest to the House that we might take up the clause-by-clause consideration.

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

"That the Bill to provide against the printing and publication of incitement to crime and other objectionable matter, as reported by

the Select Committee, be taken into consideration."

**Shri Deshbandhu Gupta (Delhi)**  
rose—

**Mr. Deputy-Speaker:** Hon. Members took a lot of time during the consideration stage before the Bill was referred to the Select Committee. They will see that in the Bill, as it has come from the Select Committee, only some deletions have been made and no additions. I would like to remind the House that we spent five days, that is, the 10th, 11th, 12th, 14th and 15th, and twenty-one hon. Members took part in the debate. The Select Committee sat for seven days and this Select Committee had the largest number, that is, 35.

**An Hon. Member:** It is a very important Bill.

**Mr. Deputy-Speaker:** But important Bills also must be disposed of.

I would invite hon. Members' attention to rule 81:

"The debate on a motion that the Bill as reported by the Select Committee be taken into consideration shall be confined to consideration of the report of the Select Committee and the matters referred to in that report or any alternative suggestions consistent with the principle of the Bill."

This explains the scope of the debate at this stage. I shall call upon hon. Members who did not take part either in the proceedings at the consideration stage or were not members of the Select Committee. I shall give preference to them.

**Shri Naziruddin Ahmad (West Bengal):** I have the first chance then.

**Shri Deshbandhu Gupta:** The hon. Mover has made a request that there need be no general discussion and clause by clause consideration may be taken up. I hope the Chair will not accede to that request.

**Mr. Deputy-Speaker:** The hon. Member is beating the air. The hon. Minister made a suggestion. He referred to the original consideration and also the fact that the Bill was thrashed out in the Select Committee and in the circumstances he suggested that we may proceed with the clauses. He only made an appeal or suggestion. I did not accept it. I am going to call on hon. Members, but this does not mean that every hon. Member can go on for days and days together.

**Shri Nasiruddin Ahmad:** I have some amendments to this motion.

**Shri R. K. Chaudhuri (Assam):** May I make one submission? We saw in the papers that there is an idea not to proceed with the Press Bill. If that is so, let the Government come out with the statement. Let us not waste time.

**Shri Rajagopalachari:** I came to understand that some lobby talk and rumour are being circulated to that effect. I must take the earliest opportunity to say that it is not correct; nor is it fair to circulate such rumours.

**Pandit Kunzru (Uttar Pradesh):** Sir, you drew our attention to the time taken by the House in the consideration of the Bill at an earlier stage and informed us of the size of the Select Committee and the care with which it had tried to revise the Bill. May I point out to you and through you to the House that when a similar Bill or a Bill with a similar purpose was discussed in 1931 and 1932, notwithstanding the fact that the consideration of the Bill took much longer than it has taken now, the discussions in the Select Committee never lasted for less than eight days. I hope that that fact will be borne in mind by the Government, who are anxious that this Bill should be passed as early as possible. If they use their power to force this Bill through the House in the course of a day, their action would be unjustifiable. They cannot gag the House in order to have a Bill of such far-reaching importance passed in a few hours. We cannot consult their convenience in this matter. We have to pay greater regard to the public interest.

**Shri Rajagopalachari:** May I be permitted to say, Sir.....

**Mr. Deputy-Speaker:** Why should there be an answer, so far as this matter is concerned.

Hon. Members are fully aware of our procedure in regard to debate on Bills. I am bound to call upon every hon. Member, until the last hon. Member has spoken. But if at a particular stage the House feels that sufficient discussion has already taken place, any hon. Member can move a motion of closure and I will consider then whether the matter has received sufficient attention of this House and has been fully debated upon and it will be for the House to accept or not to accept the closure, if I put the question to it. If an hon. Minister is anxious that a measure should be put through and if another hon. Member is keen

that it ought not to go through, neither will be allowed to cause prejudice so far as proper debate is concerned. We shall therefore proceed on this basis. No further discussion on this appears to be necessary.

**Shri Goenka (Madras):** I wish to make one submission. I want you to bear in mind one very important aspect in regard to this Bill. That is this Bill would not have seen the light of the day but for the amendment to the Constitution which we carried only about three months back. When the amendments to the Constitution were put through a certain definite, categorical and unambiguous undertaking was given by the Government that no such Bill would see the light of the day in this session or at any time. In defiance of that undertaking which Government gave, they have thought it fit to bring this Bill on the floor of the House. I want you to bear this aspect of the case in mind and give us full opportunity to expose the Government in not keeping their undertaking.

**Mr. Deputy-Speaker:** I understand from the hon. Member's statement now that the speeches that will follow will be more of a dilatory nature. It is one thing to say that the Bill ought not to be brought and another to say that there are objections to various clauses. If the objections to the clauses are legitimate, let them be voted out. Hon. Members are given opportunity to speak so that they may convert the Government to their view of thinking. Under these circumstances, taking a clue from the hon. Member's statement, I need have no hesitation in putting the question straightway to the vote of the House. A general discussion has taken place and I may proceed to clause by clause consideration.

So, if the speeches are going to be of a dilatory nature I am not going to allow them

**Shri Goenka:** I may assure you, Sir, that you can have our undertaking that it is not our intention to waste the time of this House. If that were our intention, we would not have allowed the passage of the three Bills a few minutes back without saying a word.

I would like you, Sir, to accept our assurance that it is not our intention to drag on this debate or to enter into matters which are outside the scope of the Bill. Far is it from our idea. If that were our intention, there are various other methods which could have been adopted and successfully

[Shri Goenka]

adopted to defeat the passage of the Bill.

Our only anxiety is that a fair opportunity should be given to this House to discuss the various aspects of the question and to challenge this Bill in all its bearings. Full discretion should be given to us to express ourselves. That is all our request to you, Sir.

**Mr. Deputy-Speaker:** All reasonable opportunity will be given.

**The Minister of State for Transport and Railways (Shri Santhanam):** May I just draw your attention to the expression used by my hon. friend Pandit Kunzru that the House is sought to be "gagged". I do not think it is in the power of anybody, either the Government or any hon. Members, to gag the House, unless the House itself voluntarily agrees to be gagged.

**Mr. Deputy-Speaker:** The procedure is clear. I shall allow all relevant discussion. But I would ask hon. Members to avoid all repetitions. Within these limits, I shall give preference to those hon. Members who have not taken part in the discussion earlier. If the House is satisfied and I am satisfied that sufficient discussion has taken place, closure will be applied. Otherwise, the debate will go on.

**Pandit Kunzru:** I hope that you will allow at least some of those who took part in the earlier stage to take part in the debate now too.

**Mr. Deputy-Speaker:** I only said I would give preference. I did not say I would disallow any reasonable speech by any hon. Member. Among the amendments received by me are three by Shri Naziruddin Ahmad and one by Shri Deshbandhu Gupta.

Shri Naziruddin Ahmad's amendments are:

(i) "That the debate on the Bill be adjourned till the next session of Parliament."

(ii) "That the Bill be circulated for the purpose of eliciting opinion thereon by the first week of the next session of Parliament."

(iii) "That the Bill be recommended to the same Select Committee with instructions to omit the security and forfeiture clauses and provide for the normal trial of offenders under the Indian

Penal Code and the Code of Criminal Procedure."

I find all these motions are of a dilatory character. Rule 153 of the Rules of Procedure reads:

"If the Speaker is of opinion that a motion for the adjournment of a debate is an abuse of the rules of the House, he may either forthwith put the question thereon from the Chair or decline to propose the question."

I shall now put the question. I do not want any long speech on this.

**Shri Goenka:** Have you come to the conclusion that they are of a dilatory nature?

**Mr. Deputy-Speaker:** I am satisfied that they are of a dilatory nature. The House accepted the principle of the Bill when it sent it to the Select Committee. Postponing this Bill to the next session means putting it off forever and ever.

**Shri Deshbandhu Gupta:** Will you kindly allow some discussion on the point whether this is a dilatory motion or not?

Sir, I would request you and the House to consider this aspect of the question. This Bill has emerged from the Select Committee and there are as many as seven minutes of dissent attached to the Report. If you will kindly look into those minutes, you will find that some of them attack the very principle of the Bill. They have gone to the extent of proposing that portions of this Bill should be dropped. That being so, it shows that although the House referred this Bill to the Select Committee, the House is not happy that a measure of this kind should be proceeded with, particularly in such haste. The amendment which I have given notice of only urges that more time might be taken on a measure of such a controversial and far-reaching nature. I would, therefore, request you not to reject it as a dilatory motion. It is not a dilatory motion at all.

As a matter of fact, as my hon. friend Mr. Goenka had pointed out the fact is that certain promises and assurances were given on the floor of the House. It is never too late to remind the Government of those assurances. The hon. the Prime Minister has not participated in this debate and he was the principal figure in holding out certain assurances both inside and outside the House. Therefore, notice of this amendment has been given by me, by my hon. friend Mr. Naziruddin



Ahmad and certain others in all seriousness. We feel that it would be an injustice to this House and unfair to the country to rush a measure of this nature through the House. And it is not fair to the country to take up a measure like this and rush it through at the fag end of the session. Therefore, I would only urge at this stage that it is not a dilatory motion and when the proper opportunity comes I will move my motion.

**Shri Naziruddin Ahmad** *rose—*

**Shri Rajagopalachari** *rose—*

**Mr. Deputy-Speaker:** Perhaps the hon. Minister will hear Mr. Naziruddin Ahmad also and then speak.

**Shri Rajagopalachari:** I will not rise again on this point. I just wish to bring to the notice of the House and of Mr. Naziruddin Ahmad this point. Mr. Deshbandhu Gupta and Mr. Naziruddin Ahmad have given these motions for adjournment, that is, dilatory motions as I call them in the technical sense. The subject-matter of all these motions was fully put before the House at the last time.....

**Shri Naziruddin Ahmad:** Not at all.

**Shri Rajagopalachari:** ...and discussed for hours together. All these points were put to the House and they were rejected. Had the Select Committee returned this Bill in any form materially different from the original form I would not have objected at all, because it would have been a right claim to make a dilatory motion to a new kind of Bill. But the entire structure is the same. The principles are the same and they have not made any change there. I submit therefore that the same motion being brought up again and the same arguments being put forward again cannot be anything but a dilatory motion, such as is referred to by you, Sir.

Then the point was raised that there are minutes of dissent to the entire principle. Hon. Members will remember and you, Sir, will remember that when I invited even those who differed to join the Select Committee and put their names, Pandit Kunzru rightly pointed out, "Would I be free to put down my minute of dissent too?" and I said, "Of course you will be" and I asked him also to do so. That should not give rise to a feeling that the Bill has been altered or that the same debate should be gone over twice. It is for you to see, Sir, that there is no object to be gained by that. I am willing to co-operate with the House to spend as much time as each clause requires but not to go over the same work done the other day.

I shall not say anything more on this point and Mr. Naziruddin Ahmad might support his plea for referring this matter for public opinion or anything else as he likes. But I have said what I wished to say.

**Mr. Deputy-Speaker:** What are the new points? The point is, before I admit it, I must be satisfied what the need is for an adjournment of this to the next session.

**Shri Naziruddin Ahmad:** For my first amendment?

**Mr. Deputy-Speaker:** All of them, one after the other.

**Shri Naziruddin Ahmad:** The first is to adjourn the debate till the next session of Parliament.

**Mr. Deputy-Speaker:** The other is for eliciting opinion.

**Shri Naziruddin Ahmad:** We have never obtained considered public opinion. It has elicited opinion in this House but not outside.

**Mr. Deputy-Speaker:** What is the need for adjournment till the next session?

**Shri Naziruddin Ahmad:** There are certain misconceptions, certain mistakes and some misrepresentation about the Bill.

I mean these three "mises" are responsible for the situation. There were mistakes in connection with the Bill in the House. I was never allowed to speak at all. I could not catch the eye of the Speaker.

**Mr. Deputy-Speaker:** He will have a turn now.

**Shri Naziruddin Ahmad:** Now this is the opportunity.

**Mr. Deputy-Speaker:** Not on this.

**Shri Naziruddin Ahmad:** You will first of all kindly hear what I have to say.

**Mr. Deputy-Speaker:** I wanted to know what exactly the points are to enable me to consider the question.

**Shri Naziruddin Ahmad:** That is after the motion is moved.

**Mr. Deputy-Speaker:** So far as this matter is concerned I must first of all be satisfied that this is not a dilatory motion.

**Shri Naziruddin Ahmad:** It may not be ruled out merely because it is dilatory.

**Mr. Deputy-Speaker:** Order, order. The Chair is entitled to ascertain certain things from an hon. Member for the purpose of coming to a conclusion whether it is dilatory or not. I only wanted the hon. Member to tell me how it is not dilatory, what are the new points and why it should stand over. No hon. Member need be obsessed for want of time. If it is necessary we will carry on even till the 16th. The debate on this will go on as leisurely as the need of the hour or the case requires. Barring all this, what is the need for asking that this should stand over till the next session? I am not satisfied about it.

**Shri Naziruddin Ahmad:** The whole question is that the principles of the Bill have been misunderstood in the House. It has been misrepresented in the House.

**Mr. Deputy-Speaker:** How?

**Shri Naziruddin Ahmad:** The very conception of the Bill is based upon a mistaken view that our penal laws do not at all cover the offences now to be created.

**Mr. Deputy-Speaker:** That has already been said, that the existing law is sufficient and therefore no preventive measure is necessary.

**Shri Naziruddin Ahmad:** That has only been roundly stated. The sections have never been referred to.

**Mr. Deputy-Speaker:** The hon Member says that he would have argued this case much better than the others would have done.

**Shri Naziruddin Ahmad:** Not better, but much more to the point.

**Mr. Deputy-Speaker:** Next. What is the other point?

**Shri Naziruddin Ahmad:** Of course any motion of this type must *prima facie* always be more or less of a dilatory character, but the question is whether the delay is legitimate or illegitimate, whether it is proper or improper. Any motion of this type will necessarily have the effect of delaying the matter to a certain extent, but the question is whether it is legitimately done or illegitimately done. I think the matter should be approached from this point of view. The hon. the Home Minister stressed the fact that a great authority like Dicey said that the Press is amenable to punishment if they committed wrong. That was on the supposition that but for this Bill.....

**Mr. Deputy-Speaker:** How does its standing over till the next session controvert the opinion of Dicey?

**Shri Naziruddin Ahmad:** The House has been.....

**Mr. Deputy-Speaker:** The hon Member thinks that more time is necessary for going into the constitutional law and other things. I would like to go to the next point.

**Shri Naziruddin Ahmad:** The other point is that we have to represent public opinion, and we do not represent our personal views in this respect. On a matter of this gigantic magnitude where the very freedom of expression is in question we have a duty to ascertain public opinion. That has not been clearly and specifically expressed. It is no good saying that the Press is objecting to the Bill. It is far more satisfactory to send the Bill for public opinion and get the opinion of legal and judicial bodies, of recognized bodies and associations, and consider them properly. The Bill is not urgent. If the Government is in urgency over the matter they can pass an Ordinance. But how could this House be asked to take the responsibility of passing the Bill without adequately considering the same? I think enough consideration should be given to this and we are entitled to have public opinion on the matter not merely the rambling opinion of the passer-by but there are many recognized bodies to whom such Bills were used to be sent. We have not obtained their opinions which may throw much new and useful light on the matter. In these circumstances I think some time should be given to discuss this aspect of the question. The Government can meanwhile prosecute the offenders under the penal law. There is no urgency for this. But if the Government is insistent, they can issue an Ordinance. Why should the Bill be rushed through in the House? Let the Government take the responsibility of passing a Bill of this type through an Ordinance. We are not expected to say ditto to this without considering all conceivable aspects. That is what a large number of Members object to.

**Mr. Deputy-Speaker:** What is the third one? Referring it back to the Select Committee.

**Shri Naziruddin Ahmad:** There are the obnoxious clauses of security and forfeiture which are unknown in ordinary procedure of law. The Penal Code and the Criminal Procedure Code provide for the trial of offences. The fundamental principle relating to the Press is that it shall have only the freedom which the people have. The

freedom of the Press is nothing more than the freedom of the public. The Press has no further right than the right of the public. It has no further liability than the liability of the public. If the ordinary law is sufficient to punish the ordinary guilty individuals under the ordinary law why should there be a separate law for punishing the Press? In England there is no special law for the Press. It is not that we object to all laws. It is not that we want to encourage any crime or incitement to any offence by the Press. It is wrongly assumed that incitement to commit an offence is not an offence under the Penal Code. That is certainly an offence under the Penal Code as I am prepared to show. Incitement to offence is an offence under the Penal Code. Why should not the Penal Code be utilised in this respect? If we ask a Press to give security and for its failure to give the security suppress the Press, it would seriously curtail the liberty of the public. In this respect the public at large are interested. The Press represents not its views only but it represents public opinion. They inform public opinion, they also educate public opinion as they represent public opinion. In these circumstances I submit that enough scope should be given to the public. The security and the forfeiture clauses are particularly obnoxious and the Select Committee should reconsider them.

It is the old British method of suppressing the Press that is being followed. In 1931 there were serious difficulties in the country.....

**Mr. Deputy-Speaker:** All this has been discussed. Now the point is whether it should be recommitted to the Select Committee.

**Shri Naziruddin Ahmad:** Do the members of the Select Committee undertake to obey the principles of the Bill without question?

**Mr. Deputy-Speaker:** The hon. Member too well knows that the Select Committee members are not asked to rise in their seats and tell us what their opinion is—whether they are going to pass or reject the Bill. Immediately the House would say: "You gentlemen get out of the Select Committee." And other people will be appointed. The members of the Select Committee are bound to accept the principle that was accepted by the House. Even the observation here or the recommendation that the Bill should not be proceeded with is not quite in order but anyhow I allowed that recommendation. The House may

consider that later on and may throw it out when I put the motion to the House. I have heard sufficiently.

**Shri Deshbandhu Gupta:** The hon. Home Minister has stated that since the Bill is not altered in any material respect in the Select Committee, there is no reason why it should be published for eliciting public opinion. As a matter of fact, that is the very same argument I want to give in support of my motion. If the Bill had been suitably amended, then the House could have proceeded with the consideration of that Bill, but the Bill has not been suitably amended. When I moved that motion at an earlier stage.....

**Shri Rajagopalachari:** Has the hon. Member the right to misinterpret what I said? What I said was that the structure of the Bill has not been altered to change its character. I maintain that in many ways it has been liberalized and the present argument is with respect to non-liberalization and that is not what I said.

**Mr. Deputy-Speaker:** Let us not go into the details.

**Shri Deshbandhu Gupta:** Whether the Bill has been suitably changed or not, I do not want to raise that point now. The fact remains that the Bill has not undergone any change as would satisfy those who were objecting to that Bill and my argument in favour of my motion is this: that originally when this Bill was brought before this House, no opportunity was given for expression of public opinion. On a measure like that, ordinarily public opinion should have been consulted and the Bill should have been published and three or six months' time should have been given and opinions should have been invited from the High-Court Judges, from publicists, editors and others concerned, but nothing of the sort was done and it was rushed in this House. I moved that motion at that time that it should be circulated for eliciting public opinion in the hope that the Select Committee—although it was hoping against hope—might do something which may make it acceptable to the House and acceptable to those who are vitally concerned in the matter. We said: All right, let it go to the Select Committee, but what we find today on reading through these notes of dissent is that the Bill has not been suitably altered. As a matter of fact, it has not been altered in any material respect which would satisfy those who were objecting to it. Therefore the original necessity

[Shri Deshbandhu Gupta]

and the original requirement of a measure like this, that it should be published for eliciting public opinion remains the same. I say with all the force at my command that the necessity is all the more because the misgivings which we had about this Bill have been strengthened now instead of being removed. We find that the Government want to stick to that and they do not want to have public opinion expressed on this Bill. Therefore, I said that because it was not originally published for eliciting public opinion, the case is very strong and the fact is that as many as eight important Members of this House, who were on the Select Committee, have dissented and dissented in a very large measure on fundamental questions. Therefore, Sir, I would request you not to treat it as a dilatory motion but allow discussion on that.

One point more. If you refer to the note of dissent recorded by my hon. friend, Pandit Thakur Das Bhargava, it says:

"The present Bill discriminates between the freedom of speech and the freedom of expression. It is a curious phenomena that if a person delivers a speech he cannot be prosecuted for the same unless his words can come within the purview of the definition of some offence whereas if the same speech be reported, such report would come within the definition of objectionable matter and the person reporting can be prosecuted and punished. Article 19(1) secures freedom of speech and equally secures freedom of expression. Naturally, therefore, scope and content of both should be the same and the discrimination sought to be brought about by the Bill is totally unjustified and is repugnant to the trumpeted grant of fundamental rights to the individual and the press."

He also says that this Bill, in his opinion, offends against the provisions of Article 19(1) of the Constitution relating to right of freedom of speech and expression. It raises vital questions and on a matter like this, it is only fair to the country and to the people who are concerned that a measure of this kind should be circulated for public opinion. If it was not done at an earlier stage, it is no reason why it should not be done now.

**Mr. Deputy-Speaker:** I do not want to allow further discussion on this particular point. I have heard hon. Members who have tabled amendments to the motion moved by the hon. Home Minister that this Bill, as reported by the Select Committee, be taken into consideration. I will treat all these amendments—those standing in the name of Mr. Naziruddin Ahmad and also the one in the name of Mr. Deshbandhu Gupta—as having been moved in this House. Under Rule-153 it is open to me to say if these are dilatory motions. *Prima facie*, these are dilatory motions, for the reason, that any motion which says that the debate be adjourned till the next session of Parliament is *prima facie* a dilatory motion. But I wanted to satisfy myself if really there is any substance or something to be gained which will certainly enable this House to come to a different conclusion on particular points on which elucidation has not been already made. So far as the motion for eliciting public opinion goes it was made before it was referred to the Select Committee. At that stage it was rejected by this House. If anything happened in the Select Committee which necessitates a vital change in the original Bill, which necessitates circulation to the public for the purpose of focussing attention on those matters which were introduced in the Select Committee, certainly that is a matter for consideration. The Select Committee has definitely said: We think that the Bill has not been so altered as to require circulation under Rule 77(4) of the Rules of Procedure and Conduct of Business. Further, it is also borne out by the statements made by hon. Members who have tabled these amendments that nothing was done in the Select Committee and therefore, if anything was done actively in the Select Committee, or some other clauses have been introduced which were not considered when the original Bill was referred to the Select Committee, there is a need to send it to the public for eliciting public opinion. Therefore, we cannot reopen the very matter which was negated by this House at an earlier stage that the Bill as it stands does not require to go to the public for eliciting opinion. No new matter has been added which changes the original circumstances and which necessitates circulation to the public for eliciting public opinion, after it emerged from the Select Committee. So far as this Bill relates essentially to the Press other hon. Members have been attacking or supporting this. (Interruption). Order, order, there-

must be a stage when the Chair must be allowed to give its ruling. This is a matter which concerns mainly the Press and the public at large. The Press have had ample opportunity. The Press dignitaries are in Parliament. The President of the Newspaper Editors' Conference is also here. He was allowed time more than other hon. Members. He took a lot of time. The Press magnates have also spoken in this matter and outside also there have been references to this. There have been attacks on and support of this Bill. I do not know if there has been a support, and sufficient has been said on the floor of the House so far as this matter is concerned. I do not know who are the other public who are going to give any opinion on this matter. As for the High Court Judges, I do not think that they will give an opinion when they have to decide upon the matter later on. This is essentially a Press Bill.

From the point of view of any advantage to the House by gathering further opinion on what has been placed before the House, it is absolutely unlikely that any new opinion will be available to the House. Therefore, it is essentially a dilatory motion. I will place it before the House immediately. No doubt, I can exercise my discretion in avoiding putting the question to the House. I do not want to take that responsibility. I leave it to the House.

**Shri Naziruddin Ahmad:** In that case, it may not be put, I submit.

**Mr. Deputy-Speaker:** That has to be put. I am not bound to accept what all the hon. Member says. I have heard sufficiently. Anyhow, I will put the motion to the House. Let the House decide the matter; if the hon. Members think that the House is with them, I do not want to stand in their way. I do not want to impose my discretion upon the House.

**Shri R. K. Chaudhuri:** May I mention, Sir...

**Mr. Deputy-Speaker:** Order, order. Will the hon. Member resume his seat? We ought to have....

**Shri R. K. Chaudhuri:** May I say...

**Mr. Deputy-Speaker:** No; I do not want to hear. Under the Rules, either I may put the question or avoid putting the question. I am putting the question straight to the vote of the House. Hon. Members must abide by the Rules. Under Rule 153, if the Chair comes to the conclusion that it is a dilatory motion, he may

either forthwith put the question thereon from the Chair or decline to propose the question. I put the question straightway. And in doing so, I have heard sufficiently from the hon. Members. *Prima facie*, it is a dilatory motion. It was not recommended by the Select Committee. At an earlier stage, this motion was negatived by the House. There is no new matter that has been introduced in the Select Committee. No new arguments have been placed before the House. The Press has been alert and has come forward with all its criticism. Under these circumstances.....

**Shri R. K. Chaudhuri:** One thing, Sir.....

**Mr. Deputy-Speaker:** No, no. Hon. Members must observe some kind of order. I am not going to allow any interruption.

**Shri R. K. Chaudhuri:** Then, it is your responsibility. If you allow the House to reject, then it is our responsibility.

**Mr. Deputy-Speaker:** I shall ascertain the reaction of hon. Members by their vote. It is my responsibility to decide whether it is a dilatory motion or not. I consider that all these motions that have been tabled are dilatory motions. I am giving my reasons. I am not going to allow any hon. Member, however important, to go on speaking in a matter like this.

**Shri R. K. Chaudhuri:** On a point of personal explanation, Sir.....

**Mr. Deputy-Speaker:** Order, order. I will not allow this kind of interruption. Let us go on carefully with respect to this matter. I do not want to take the responsibility myself. I leave it to the House to decide. There are two motions by Mr. Naziruddin Ahmad for postponement and circulation. There is a similar motion standing in the name of Mr. Deshbandhu Gupta that the Bill be circulated for the purpose of eliciting opinion thereon by the 1st January, 1952. This also stands on the same footing. There is another motion standing in the name of Mr. Naziruddin Ahmad that the Bill be recommended to the same Select Committee with instructions to omit the security and forfeiture clauses. The very soul of this Bill is sought to be taken away. This is a preventive measure. If the security clauses have to be taken away, are we.....

**Prof. Ranga (Madras):** You are speaking on the merits. Let the House

[Prof. Ranga]

vote. You are not giving us an opportunity; but you are speaking on the merits.

**Mr. Deputy-Speaker:** I am not going to allow interruptions. In connection with reference back to the Select Committee, I shall refer to a ruling from *Decisions of the Chair* (1941-45) p. 42. I do not think any question of referring back to the Select Committee arises. I am going to put the motions one after another to the House.

**Some Hon. Members:** Put them now.

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

"I do not think he quite appreciates the ruling I laid down a little while ago regarding a motion for recommittal. It is the business of the Chair to protect the House against dilatory motions except where such motions are rendered necessary either by the manner in which a Select Committee have handled the Bill or by unforeseen circumstances arising since the Bill emerged from the Select Committee, and in my opinion neither of these conditions is satisfied."

Neither of these conditions is satisfied so far as this motion for reference back to the Select Committee is concerned. The Select Committee sat with very important hon. Members—many of them attending and taking part in the discussions. There is ab-

solutely nothing said against the manner in which the Select Committee went on with the proceedings. Nor has any new matter arisen. Therefore, I will put these motions to the House.

First the motion of Shri Deshbandhu Gupta.

**Shri Deshbandhu Gupta:** The point at issue is whether it is a dilatory motion or not. I have not been allowed to speak on my motion. I have not been allowed to move my motion. The only point is that you in your opinion have declared the motion to be a dilatory motion and therefore you wanted this to be put to the House.

**Mr. Deputy-Speaker:** That is not it. It is not a question as to whether it is a dilatory motion or not. If I come to the conclusion that this is a dilatory motion, I need not put the motion to the House at all or I may put the motion straightway to the House without any further discussion. Therefore, it is this substantive motion that is before the House.

The question is:

"That the Bill, as reported by the Select Committee, be circulated for the purpose of eliciting opinion thereon by the 1st January, 1952."

The House divided: Ayes, 28; Noes, 110.

[Division No. 4.]

AYES

[11 A.M.]

Birua, Shri	Hukam Singh, Sardar	Oraon, Shri
Chattopadhyay, Shri	Kunzru, Pandit	Pani, Shri B. K.
Chaudhuri, Shri R. K.	Mahtha, Shri S. N.	Ramnarayan Singh, Babu
Deshpande, Shri P. Y.	Man, Sardar B. S.	Ranga, Prof.
Gandhi, Shri Feroz	Mishra, Shri M. P.	Rao, Shri Shiva
Gonka, Shri	Mookerjee, Dr. S. P.	Seth, Shri D. S.
Gopinath Singh, Babu	Munavalli, Shri	Sondhi, Shri
Guha, Shri A. C.	Naik, Shri M.	Tek Chand, Dr.
Gupta, Shri Deshbandhu	Naziruddin Ahmad, Shri	Vaishya, Shri M. B.
		Velayudhan, Shri R.

## NOES

Alexander, Shri	Hazarika, Shri J. N.	Pustake, Shri
Ali, Shri A. H. S.	Hazarika, Shri M.	Rahman, Shri M. H.
Ambedkar, Dr.	Himatsinhji, Major-General.	Rajagopalachari, Shri
Amolakh Chand, Shri	Hyder Husein, Shri	Ramaswamy, Shri Pulli
Ansari, Shri	Inait Ullah, Khwaja	Ramiah, Shri P. Kodanda
Arya, Shri B. S.	Indra Vidyavachaspati, Shri.	Rao, Shri J. K.
Azad, Maulana	Iyyunni, Shri	Rao, Shri Kesava
Baldev Singh, Sardar	Jagjivan Ram, Shri	Rao, Shri M. V. Rama
Balmiki, Shri	Jain, Shri A. P.	Raut, Shri
Barman, Shri	Jajoo, Shri	Ray, Shrimati Renuka
Beni Singh, Shri	Jangde, Shri	Reddi, Shri P. Basu
Bhagwant Roy, Kaka	Jayashri, Shrimati	Rudrappa, Shri
Bharati, Shri	Jnani Ram, Shri	Samanta, Shri S. C.
Brajeshwar Prasad, Shri	Kazmi, Shri	Sanjivayya, Shri
Buragohain, Shri	Keskar, Dr.	Santhanam, Shri
Channiah, Shri	Krishna Singh, Thakur	Saprawnga, Shri
Das, Dr. M. M.	Krishnanand Rai, Shri	Sarwate, Shri
Das, Shri B.	Kunhiraman, Shri	Satish Chandra, Shri
Das, Shri B. K.	Lakshmanan, Shri	Sen, Shri P. G.
Das, Shri Jagannath	Mahata, Shri Kshudiram	Sharma, Pandit Balkrishna
Das, Shri Nandkishore	Malviya, Shri R. L.	Sharma, Pandit Krishna Chandra
Das, Shri Ram Dhani	Massey, Shri	Shiv Charan Lal, Shri
Deshmukh, Shri C. D.	Meeran, Shri	Sidhva, Shri
Dholakia, Shri	Menon, Shri Karunakara	Singh, Shri B. P.
Diwakar, Shri	Mirza, Shri	Sinha, Shri A. P.
D'Souza, Rev.	Mishra, Shri Jagannath	Sinha, Shri B. K. P.
Durgabai, Shrimati	Mohiuddin, Salkh	Sinha, Shri Satya Narayan
Dwivedi, Shri	Mookerjee, Dr. H. C.	Siva, Dr. M. V. Ganga-dhara
Gadgil, Shri	Moidu, Moulvi	Sri Prakasa, Shri
Galib, Shri	Musafir, Giani G. S.	Subramaniam, Dr. V.
Ghose, Shri S. M.	Nausherahi, Syed.	Swaminadhan, Shrimati Ammu
Ghule, Shri	Nehru, Shri Jawaharlal	Thakkar, Dr. K. V.
Gopalaaswami, Shri	Obaidullah, Shri	Tripathi, Shri Kishori-mohan
Guha, Shri G. S.	Pant, Shri D. D.	Varma, Shri B. B.
Gurung, Shri A. B.	Pattabhi, Dr.	Yashwant Rai, Prof.
Haneef, Maulvi	Pillay, Shri Sivan	
Haque, Shri	Poonacha, Shri	
Hasan, Shri M. A.		

*The motion was negatived.*

**Mr. Deputy-Speaker:** Is it necessary to put the other motions to the vote of the House?

**An Hon. Member:** Yes, Sir.

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

"That the debate on the Bill be adjourned till the next session of Parliament."

The motion was negatived.

**Mr. Deputy-Speaker:** Then there is the other amendment of Shri Naziruddin Ahmad for circulating the Bill and getting opinion by the first week of next session of Parliament. The difference between that and the amendment of Shri Deshbandhu Gupta is only one of dates. Anyway, I put it to the vote of the House.

The question is:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the first week of the next session of Parliament."

The motion was negatived.

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

"That the Bill be recommitted to the same Select Committee with instructions to omit the security and forfeiture clauses and provide for the normal trial of offenders under the Indian Penal Code and the Code of Criminal Procedure."

The motion was negatived.

**Shri Deshbandhu Gupta:** Sir, this raises a new point and we would like the votes to be recorded. The question of referring the Bill again to the same Select Committee omitting the security and forfeiture clauses raises a very important point and therefore a division might be called and the votes recorded.

**Mr. Deputy-Speaker:** The strength of opinion is what is necessary, not those who are for or against. We have already had an inkling of the opinion of the House. By a large majority, 28 as against 110, the previous motion has been negatived. Why should we unnecessarily take the time of the House by calling for a division?

**Shri Deshbandhu Gupta:** I would again submit for your consideration that it is an important point, namely that those Members were prepared to go to the extent of recommitting the Bill to the same Select Committee for omitting the security and forfeiture clauses. Therefore, it is within my right to ask for a division being called.

**Shri Sondhi (Punjab):** In view of the coming elections!

**Mr. Deputy-Speaker:** Then I shall have the names recorded. In favour of the amendment are: Shri Naziruddin Ahmad, Shri R. Velayudhan, Dr. S. P. Mookerjee, Shri M. Naik, Babu Ramnarayan Singh, Sardar Hukam Singh, Shri B. K. Pani, Shri A. C. Guha, Pandit Kunzru, Prof. N. G. Ranga, Shri Sondhi, Shri Deshbandhu Gupta, Shri Feroz Gandhi, Shri M. P. Mishra, Shri P. Y. Deshpande, Shri Haque, Babu Gopinath Singh, Shri Chatopadhyay, Shri Birua, Shri Goenka and Shri Shiva Rao.

The number for the motion is 21 and those against are a large majority.

**Shri Sondhi:** The names of the neutrals may also be recorded.

**Mr. Deputy-Speaker:** That is another dilatory motion and is meant to take the time of the House.

Now the Bill, as it has emerged from the Select Committee, is before the House for its consideration. I shall first call those who were not on the Select Committee. Prof. Ranga.

**An Hon. Member:** He has already spoken, Sir.

**Khwaja Inait Ullah (Bihar):** A time-limit may be fixed, Sir.

**Hon. Members:** No, no.

**Mr. Deputy-Speaker:** I would like to take the consent of the House and if the House agrees, I will fix a time-limit.

**Shri Goenka:** Sir, it will be the oppression of the majority over the minority if you take the opinion of the House, seeing the way in which the steam-roller wants to work. We would like you to use your discretion rather than leave it to the House. If you refer the matter to the House the majority will do what the Government wants and the minority will be oppressed and suppressed by it. You are the custodian of our rights and privileges. It is for you to use your discretion. Even the rules provide that you must be satisfied before you accept a closure motion that a proper discussion has taken place in the House and it is only when you are satisfied that you accept a closure motion. To ask the House whether a time-limit should be placed or not will be, I submit with great respect, wrong.

**Mr. Deputy-Speaker:** The hon. Member has misunderstood me. I do not want the opinion of the House at present for fixing any time-limit for the



conclusion of the debate. The conclusion of the debate is always in the hands of the House. Whether on the general consideration motion or on the clauses, if the motion is moved that the question be put and the Chair is satisfied that an adequate discussion has taken place, the Chair would accept it. Now I want to fix a time-limit for individual speakers.

**Shri Goenka:** What I was submitting to you was that by fixing a time-limit for individual speakers the expression of opinion by the Member concerned is prevented in regard to the various provisions of the Bill. I was not submitting anything in respect of a closure motion. I was only giving the illustration of a closure motion. All that I want to submit for your consideration is that by fixing a time-limit for speakers you will be limiting the expression of opinion in this House. This is a very important Bill on which expression of opinion is sought to be gagged by the Government. As you know, there is always a conflict between officials and non-officials in regard to the gagging of public opinion. All over the world you will find that it is the officials who want gagging of the people and it is the non-officials who resist it. (*Several Hon. Members:* No, no). The Home Minister the other day.....

**Mr. Deputy-Speaker:** Let us not have a discussion on gagging and non-gagging. However long a Member may want to speak he will not take more than half an hour. I am only throwing out a suggestion to hon. Members.

**Shri Deshbandhu Gupta:** Nineteen days were taken by the former Assembly on a measure like this in 1932 and this measure is much worse than that. Therefore, if we have to do justice to this measure, without adopting any dilatory tactics, we must take several days before the Bill is passed.

**Khwaja Inait Ullah:** There may be a time-limit.

**Several Hon. Members:** No, no.

**Shri Naziruddin Ahmad:** Sir, at the very outset I am handicapped by the expression of your opinion that each Member must limit his speech to half an hour. I know it is not a ruling, but an invitation from the king amounts to a command, and that is why it weighs very heavily on our hearts. However, we shall try to do our best.

This Bill is of an unprecedented nature. The British Government undertook such a measure in a grave emergency in 1931-32. There were serious troubles at that time. There was the civil disobedience movement, the terrorist movement and other such movements. They were dangerous times, because the Government was an alien one and some sort of check was deemed necessary and the necessity for the measure was judged by an alien Government. They had a right to exist and they could not govern without the aid of the rod, and they used the rod. Then shortly after the war came with all its attendant troubles and a lot of open and underground movements, and it was under these circumstances that these laws were enforced in the various Provinces. Now the question is whether we shall perpetuate those badges of slavery or we shall be free once again.

At the outset, I should submit that so far as the Press is concerned, there should be no illusion that any Member who opposes this Bill has any idea of saving the Press from punishment where punishment is justly due. The Penal Code was drafted in 1839—112 years ago—and it was passed in the year 1860—21 years after it was drafted. This lapse of twenty-one years gave it a diction and an everlasting beauty which is a model legislation for all the world to follow. So far as this Bill is concerned, this has been drafted in a hurry, it was considered by the Select Committee under a great hurry without the aid of any expert opinion or of the opinion of judicial bodies. Without any such aid they had to depend upon their instincts, and the instincts in many cases are not enough guide in technical matters.

So far as the Home Minister is concerned, he is the astutest lawyer and the astutest politician in the House. The issues arising out of this Bill, to my mind, were very simple but they were made complicated by the learned debate in the House and the introduction, the quite unnecessary introduction, of the celebrated name of Mr. Dicey to support a false proposition. No one said that the Press, if it committed an offence, should go scot-free. That is not our case. Our case is: why should there be a distinction in dealing with offenders, on the one hand when the offender happens to be the Press, on the other when he belongs to the outside public? There was a judgment of the Privy Council delivered by Lord Shaw, who dealt with this matter in very clear language, namely that there is nothing like the liberty of the Press as such,

[Shri Naziruddin Ahmad]

that the liberty of the Press is equivalent to the liberty of the individual, that there is no liability on the part of the Press for which the ordinary people are not liable. The Press and the members of the public in matters of rights of expression of opinion, in matters of crime and procedure and trial, relating to the same, stand on the same footing. It was said by Lord Shaw that the rights and liabilities of the Press are nothing short of the rights and liabilities of the public—nothing more nothing less. In these circumstances, the first objection which I suggest against this Bill is that it makes a discrimination between offenders on the ground that the offenders belong to the Press as distinct from offenders belonging to the ordinary public. There is the Penal Code—it has dealt with all offences which are attempted to be covered by the present Bill. The Bill is not a mere duplication; it is much more. It is a dangerous departure from the classical definitions of offences set up by the Penal Code. Under the Penal Code there are definitions of offences which are repeated in the Bill only in much more dangerously elastic language. I submit the words, "likely to have..." and so forth are extremely dangerous and too wide. It is not the fault of the Bill that it only duplicates the offences under the Penal Code—it also creates absolutely new and dangerous offences. I have no interest in any Press whatsoever and I speak from long experience of criminal trials that these words will be utilised to punish many innocent people. Supposing a newspaper publishes an article saying that all bad characters should be killed—it is a perfectly meaningless statement—and supposing somebody having read it kills a bad character, it may be said that it was "likely" to make him do so. The words "tend to"—freely used in the Bill—are extremely dangerous; I speak with great respect and I defy any one who is not a lawyer to prove that this word will be utilised properly. And therefore I submit that it would be possible to argue that a particular crime was the result of a "tendency" in the article.

Much has been said about trial by the district judge with the aid of a jury. There are two loopholes in this provision. So far as the judge is concerned, one Member said that we should put our trust in the judge. As if the opposers of the Bill disclosed any tendency to distrust the ability as well as the integrity of the judge! After all, in this country we have ample faith in the judges and they have

more than amply justified our trust. It is not from want of respect or want of trust in the judge that we object to the Bill. The more honest and the more astute the judge is, the easier will it be for him to see that a particular act was the result of a "tendency" on the part of a newspaper article. There will be a jury who will be men of commonsense but there is the danger in the jury system of trial in connection with this question. So far as the juries in this respect are concerned they will be selected from among newspaper men and men having experience in similar lines. But the newspaper men have their cliques and their quarrels and I am afraid that these quarrels will enter into the jury room also and might seriously affect the integrity of that body. The security attempted to be ensured by providing trial by jury would in many cases, I fear be illusory. Therefore, I submit that trial by an ordinary jury would have been far better than trial by a jury consisting of the brother members of the Press who might be actuated by a sense of competition, by private malice and private quarrel. I simply suggest this possibility as it has been suggested in some responsible quarters.

Then take the position of the judge. There are these loose and absolutely elastic words. The more acute and subtle the mind of the judge, the more easy would it be for him to see that the words which are written by the editor or a correspondent have a "tendency" to incite crimes and if criminal acts follow from those tendencies the result would be that the judge will be in a mood to disagree with the verdict of the jury in case the jury finds the man not guilty. The danger lies not in any partiality of the judge or his want of integrity, but rather in the elastic nature of the offences.

The definition of 'objectionable matter' is the most crucial thing in this Bill. It is also the most dangerous and a poisonous thing in the Bill. Take sub-clause (i) of clause 3:

"Incite or encourage or tend to incite or encourage, any person to resort to violence or sabotage for the purpose of overthrowing or undermining the Government established by law in India or in any State thereof or its authority in any area".

The sting of the sub-clause lies not in its tail but in the head. "Overthrowing and undermining the authority of the Government"—this is a very good expression.

**Mr. Deputy-Speaker:** May I remind him that he is delivering his speech after the report of the Select Committee. This detailed reference may have been all right at the time of the Select Committee motion, but at present he can only address himself to the changes—those that were expected and those not expected—and point out how they are not in consonance with the expectations.

**Shri Naziruddin Ahmad:** There was a general understanding that the Select Committee would go through the entire volume of opinion and then soften and modify the Bill. I am simply showing the dangerous character of the provision. I do not like anybody to undermine the authority of Government, but the objection lies in the words 'incite or encourage or tend to incite or encourage'. One celebrated politician in India—I do not want to name him—once said that all black-marketeers should be hanged. It can be said that this statement has a tendency to incite murders and crimes of violence. Let us consider the dangerous possibility that lurks behind the words 'tend to incite'. The most innocent and humorous expressions, even expressions that we use in the House may be brought under this Bill if Members were subject to the Bill. We say, 'Hang the black-marketeer; hang all persons who are against the Government'. We say this in railway trains, over a cup of tea and in the lobbies where we talk all such things.

**Dr. S. P. Mookerjee (West Bengal):** Is taking pictures included?

**Shri Naziruddin Ahmad:** Yes, an awkward picture might have a tendency to encourage crime. I do not know whether it is included. The hon. the Home Minister, the astute lawyer and politician that he is, may perhaps throw light.....

**Shri Rajagopalachari:** I expect this full discussion when the clauses are taken up. But is it necessary to go through the whole Bill once on general principles, again on general principles now, and again on the clauses? There must be some order.

**Shri Naziruddin Ahmad:** The dangerous character of these words was never adverted to and never explained by the hon. the Home Minister. In replying, he only said that a gentleman had quoted Dicey to show that members of the Press in England are not free from punishment if they commit an offence. The hon. the Home Minister being an astute lawyer should not have lionised the Member for quoting Dicey, for we do not deny

this. He also quoted another Member who said that we should have trust in the judges. He said: "If you do not trust the judges, whom will you trust?" That was the argument, but I say that this is no argument at all. If a judge interprets these words, he will be forced to punish many people whom otherwise he would be inclined to acquit. Supposing the hon. the Home Minister himself is a judge. How can you prevent his astute mind from interpreting these words in the only possible way? The acuter, the juster the mind of the judge, the more prone would he be to give full effect to these words and disagree with the verdict of the jury and refer the matter to the High Court. The judges of the High Court would also say; "These are the words. This act comes within the mischief of this provision. We have nothing to do beyond interpreting the law. We are not legislators who make the law. We simply interpret the law and the article comes within the mischief of the law". I believe this sub-clause is copied from section 124A of the Penal Code. There was a promise that section 124A would be amended or at least adapted and a Bill would be brought forward. But the Bill is not yet in sight and I do not think we are destined to see it during our life in this Parliament.

Coming to sub-clause (ii), it says:

"Incite or encourage, or tend to incite or encourage, any person to commit murder etc., etc."

Where are we being led to? This is not the manner of the Penal Code. Why should you go beyond the classical diction of that Code where intention and motive are most important? Any unintended tendency, any unconscious tendency will be punishable under this Bill. That is not the approach of the Penal Code. This Bill penalises persons for giving expression to an honest opinion. For a turn of the language, action will be taken against honest journalism.

Then take sub-clause (ii):

"Incite or encourage any person to interfere with the administration of law....."

With great respect, I must say that with long acquaintance with the penal laws of India, I am unable to see what is it that will be excluded from the operation of this provision. This word 'interfere' goes too far. The hon. the Home Minister gave a subtle explanation for it, but I ask: what is interference with the administration.

[Shri Naziruddin Ahmed]

of law? If it means comment, if it means a statement that 'a law is bad and it should not be obeyed', then interference means that everything—**from absolutely nothing to almost everything.** During our struggle for independence, we asked people to disobey laws but no such rigour was attached at that time. I submit the wording in sub-clause (iii) is extremely wide.

Then I come to sub-clause (iv). I think I shall deal with it in detail during the clause by clause consideration.

Take sub-clause (v). Sub-clause (v) reads: "are *calculated* to induce a public servant or servant of a local authority to do any act, etc." Supposing, there is a newspaper article that a particular act is obnoxious, or a particular attitude of Government is obnoxious. Reading that, a conscientious Government servant or servant of a local authority thinks that he should not take any action. Any publication of this character would make the paper liable to punishment. Sub-clause (v) will, therefore, interfere with the expression of honest opinion by the honest journalist.

Then I come to sub-clause (vi) which reads: "*tend* to promote feelings of enmity or hatred between different classes of persons in India." This word "*tend*" appears to be the life and soul of this whole Bill.

Sub-clause (viii) reads: "are grossly *indecent*, or are *scurrilous* or *obscene*". *Obscene* has been defined.....

**Mr. Deputy-Speaker:** If all the sub-clauses were to be omitted, what will be left in the clause? The hon. Member will appreciate that the principle of the Bill has been accepted on an earlier occasion.

**Shri Naziruddin Ahmad:** At any rate, I have not accepted it. The majority may have: but I have not.

**Mr. Deputy-Speaker:** If so, then how can the hon. Member now go against the verdict of the majority.

The hon. Member is well aware of the procedure in regard to this matter. When the Bill is referred to the Select Committee all the principles of the Bill are thrashed out. That ought to have been the occasion when all these arguments should have been addressed. After the emergence of the

measure from the Select Committee, the House should confine itself to the Report of the Committee—what are the changes or modifications made by it, or what changes the Select Committee should have made.

**Shri Goenka:** On a point of information, and guidance, can we not even now ask the House to reject the Bill, by showing the absurdity of the Bill. So far as the Report of the Select Committee is concerned, can we not prove to the House that its report is absurd and that the House would be well advised in rejecting it. If I remember aright, even at the third reading stage of the Bill, we can ask the House to reject the Bill outright, because it violates certain principles.

**Mr. Deputy-Speaker:** I do not want to curtail discussion. But I can be guided only by the rules. The relevant rules in this connection are Rules 81 and 95. Rule 81 relates to the scope of debate on Report of Select Committee and reads:

"The debate on a motion that the Bill as reported by the Select Committee be taken into consideration shall be confined to consideration of the report of the Select Committee and the matters referred to in that report or any alternative suggestions consistent with the principle of the Bill."

Rule 95 relates to scope of debate at the third reading and reads:

"The discussion on a motion that the Bill be passed shall be confined to the submission of arguments either in support of the Bill or for the rejection of the Bill. In making his speech a member shall not refer to the details of the Bill further than is necessary for the purpose of his arguments which shall be of a general character."

At the third reading stage hon. Members can say concisely, why even at that late stage, the House should reject the Bill, notwithstanding the fact that the House might have accepted the principle of it at an earlier stage. To say on a Report of the Select Committee discussion that the Bill should be rejected is not permissible under the Rules.

**Shri Goenka:** May I submit for your consideration that the Statement of Objects and Reasons attached to the Bill gives us the principle of the Bill, what the object of the Bill is

and the reasons for Government introducing it. We are entitled to examine whether the Bill as it has emerged from the Select Committee fulfils the objects and reasons with which the Bill was introduced. According to your own ruling, we can give alternative suggestions as to what should be done at this stage.

**Shri Rajagopalachari:** The objects and reasons are the basis on which Government approach the House. It cannot be taken to be a yardstick to measure a Bill. When the Bill was debated on for reference to the Select Committee the general principles of it were discussed by the House. I do not at all desire that the Bill should be passed in haste: all that I want is that the time of the House should not be wasted. My hon. friend Mr. Naziruddin Ahmad is only repeating what others said and what he ought to have said when motion for referring the Bill to the Select Committee was debated. As you have rightly pointed out, Sir, discussion at this stage should be confined to the Report of the Select Committee. Hon. Members should use their time for a detailed consideration of the clauses and if they are not satisfied with the clauses as finally passed by the House, it is open to them to reject the whole Bill at the third reading stage.

**Shri Goenka:** It is a new innovation of the hon. the Home Minister.

We are accustomed to debates on Select Committee Reports.

**Mr. Deputy-Speaker:** All that I am saying is that discussion should be consistent with the Rules. The principle of the Bill has been accepted by the House when it referred it to a Select Committee and anything which goes against the principles of the Bill is not relevant. There is a third stage when the Bill as a whole may be rejected.

**Prof. Ranga:** Sir, the Chair puts us in very great difficulty in this way. The hon. Mr. Naziruddin Ahmad was taking each sub-clause by itself and was expressing his objections to it. Then the Chair began to draw its own conclusion that the totality of the effect of it would be rejecting the whole Bill. It would not be fair to us if the Chair begins to draw its own conclusion in regard to the trend of the discussion.

**Mr. Deputy-Speaker:** I am here to regulate the debate. It is not for the hon. Member to caste aspersions on the

Chair. It is for the Chair to regulate the debate, watch whether an argument has been put forward at an earlier stage and consider whether it is appropriate at the stage of the discussion. Otherwise, I will have to vacate the Chair and get out. It is for me to decide whether a particular matter arises in the first reading or in later readings. The hon. Member ought not to say that it is unfair on the part of the Chair. He must withdraw those words.

**Prof. Ranga:** I do not mean any aspersion, Sir.

**Mr. Deputy-Speaker:** It is not a question of meaning any aspersion: his words imply that.

**Prof. Ranga:** If you will kindly give your attention to what I have said, you will notice that what I said was that it would put us in a difficulty if the Chair were to try to draw a conclusion. . .

**Mr. Deputy-Speaker:** What else am I to do by sitting here? I am to find out whether a thing is repeated; whether a thing arises at a particular stage. . .

**Prof. Ranga:** I am not questioning any of these things. My point is only this. If the Chair begins to come to the conclusion long before we conclude, it would be a very great difficulty for us. We are not in a position to contend with the Chair—we cannot do it.

**Mr. Deputy-Speaker:** When an hon. Member is speaking, shall I wait till another hon. Member gets up and says it is irrelevant?

**Prof. Ranga:** I said that I did not intend to cast any aspersion on the Chair. My only point is that when the Chair says that we are going against the principle of the Bill while we say that we are not doing it, it puts us in difficulty. Therefore, I plead with the Chair that we should be given latitude.

**Mr. Deputy-Speaker:** I do not want by any means to arrogate to myself or to the Chair powers which I do not have. But I feel honestly that if I do not exercise those powers sitting here and trying to regulate the debate I will be failing in the discharge of my duty.

Under Rule 161 of the Rules of Procedure "the Speaker, after having called the attention of the House to the conduct of a member who persists in irrelevance or in tedious repetition

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either of his own arguments or of the arguments used by other members in debate, may (even) direct him to discontinue his speech". I am not going so far. I have also referred to Rules 81 and 95. I think I have clarified the position put to me by Mr. Goenka. Certainly you can throw out the whole Bill, but at the last stage, that is in the third reading. But at this stage you can only make some general observations as to how the Select Committee did or did not do a particular thing, consistent with the principle of the Bill. That is all that I am suggesting.

**Shri Naziruddin Ahmad:** Two points have been raised in objection to my demand. One is that we are confined to the Report of the Select Committee. The other is that we are not permitted to go very far unless we have alternative suggestions. I am prepared to meet both these objections. The first is that we must confine ourselves to the Report of the Select Committee. The Report of the Select Committee consists of two parts, one the revised Bill and the other, a very voluminous, weighty document consisting of the majority minute and the dissenting minutes.

**Mr. Deputy-Speaker:** If in the dissenting minutes they say that this Bill is useless, they must get out of it. It is not part of the dissenting minute.

**Shri Naziruddin Ahmad:** Anyhow, if we are permitted to refer or be relevant to the Report of the Select Committee, I think the real Report is the minute of the majority as well as the minutes of dissent. The Report consists of the Report with the Bill annexed. It makes a distinction between the Report and the Bill.

**Mr. Deputy-Speaker:** Whatever the hon. Member may say so far as the dissenting minutes are concerned the Committee as a whole has no right to go and scan the dissenting minutes. Each hon. Member who dissents appends a minute of dissent. He may say something which is opposed to the principle of the Bill which has already been accepted by the House. That ought not to be an argument for drawing upon that and saying now that the Report of the Select Committee says that the Bill must be rejected and saying at this stage that the Bill must be rejected. Of course it may be referred to at the third reading stage if you want to reject the Bill *in toto*. when we are dealing with the clauses and the amendments it cannot be done.

**Shri Naziruddin Ahmad:** At the time of the third reading it will be too late.

**Shri Goenka:** So far as the principle of the Bill is concerned, the principle only means that there should be a separate law for the Press. What that law should be would be decided by the Select Committee and this House. If we say by "principle of the Bill" that even the security clause or the forfeiture clause or clause 3 of the Bill is sacrosanct, then there is no more discussion about it. Then the whole discussion is over and the Bill can be taken as passed. The principle that we have agreed to is the principle, namely, that there should be a separate law for the Press. What that law should be, it is this House and this House alone which is competent to decide. It is for us now to discuss it threadbare, what ought to be there in the Bill and what ought not to be there. For instance it is open to the House to remove the security clause from the Bill altogether. By that it does not mean that we go against the principle of the Bill. Suppose we change the security clause or clause 3 which is the soul of this Bill and on which the whole Bill rests. Let us assume we change it. Does that mean that we are going against the decision we have taken? I respectfully submit that this is certainly not the case. After all, it is only the House that passes the whole Bill, every clause of it, every word of it and it does not become law till then. The House has accepted nothing except the principle that there shall be a separate Bill regarding the Press, and that Bill will be whatever the House decides. That is how I understand. I beg to submit.

**Pandit Thakur Das Bhargava (Punjab):** I do not know whether all these things can be debated here. Whatever you have stated according to the Rules, we should adhere to it. The Rules provide that this discussion is confined to certain matters. Let us confine ourselves to them. Why should we debate all these things? The Rules are there and we should abide by the Rules.

**Shri Rajagopalachari:** May I have your permission to say that the Chair will certainly try to guide the debate, but if the procedure in guiding it is itself to be discussed and every Member is to discuss it we do not gain any object whatever the rights and wrongs may be.

**Shri Naziruddin Ahmad:** To resume my point, Sir, I submit that the opposition has a right to criticize the Bill although the majority have decided in

the Select Committee that the Bill is a very good one, an unexceptionable and a beautiful one. I submit that it is the right of the Opposition. We should certainly follow your ruling as well as the Rules.

I was going to submit an alternative suggestion as the Rule specifically provides. The alternative remedy is the Penal Code. The point is, as I shall show at the appropriate time—and I do not wish to waste the time of the House at this stage—that each clause has a corresponding section in the Indian Penal Code.

**Mr. Deputy-Speaker:** I am entitled to say what the exact principle of the Bill is. This was argued at the earlier stage. Otherwise, the Bill would not have been sent to Select Committee. The main principle of the Bill, as I understand, is this: This is a kind of security measure. Hon. Members who are lawyers, even others also, are well aware that there are preventive sections as well as punitive sections. The Penal Code deals with offences after their having been committed. The other sections—security sections—of the Criminal Procedure Code like sections 144, 107, 109 etc. want to prevent and impose an obligation on that man who, unless he is so prevented, is likely to endanger public peace, tranquillity etc. The two sections are absolutely different. So far as the Press is concerned this Bill is intended to prevent certain things from happening. There is the Penal Code also which will apply to them. Of course there cannot be two punishments. The main principle of the Bill is whether preventive measures ought to be adopted or not so far as the Press and the obligations of the Press are concerned. That is the main object of the Bill. It is open to hon. Members to say that this ought not to be 'objectionable matter', that 'objectionable matter' may be something different and so on. That is a different thing. It is open to them to say that security ought not to be there, that there is too much of security, that it should be modified, that instead of security something else may be there, a warning, this, that and the other. It is open to them to say, for instance, that so far as forfeiture is concerned it is not a proper remedy. And when we come to the last stage, that is the third reading stage, it is open to them to say that it is absolutely unnecessary to have any preventive measure and that punitive measures alone are enough. But at this stage I submit for the consideration of the House that we have accepted the principle that preventive action should be provided. What the nature of it

should be, how it can be modified, hon. Members can certainly go into these questions. But they cannot say, "No preventive action is necessary at all, go to the Penal Code"—I mean at this stage. I am not saying that at no stage you can say so. You can say so in the third reading stage, but not at this stage when the Bill has emerged from the Select Committee.

**Shri Deshbandhu Gupta:** May I humbly point out that there is also provision for preventive action under section 108 of the Criminal Procedure Code and that it is nothing new?

**Mr. Deputy-Speaker:** It is a not in the Penal Code.

**Shri Deshbandhu Gupta:** The principle of the Bill is nothing new. The only question was whether there should be separate legislation for the Press or not. As a matter of fact there is in existence provision both for preventive and punitive action.

**Shri Rajagopalachari:** The principle of the Bill is quite different from the principle of the Opposition. I beg again to submit, Sir, what is the good of discussing the procedure? Either you must give a ruling or allow them to do so as they like.

**Mr. Deputy-Speaker:** This question that there are other preventive sections already in the law and that this Bill is superfluous does not arise. It already arose before reference of the Bill to Select Committee. If any hon. Member wants he can refer to it, not in great detail, at the time of the third reading. At this stage how the provisions have to be modified, that alone arises. They ought not to say that in view of the existing law this Bill ought not to be pursued any longer. It will not be open to any Member to say that at this stage.

**Shri Goenka:** Just a clarification, Sir.

**Mr. Deputy-Speaker:** I have said sufficiently.

**Shri Goenka:** I have given an amendment to omit clauses 5, 6, 7 and 8.

**Mr. Deputy-Speaker:** According to the Rules he need not give an amendment to omit particular clauses, unless he wants to omit a sub-clause or a part of a clause. In that case he may give an amendment. When I put the clauses one by one it is open to him to argue against it and have it rejected.

12 Noon

**Babu Ramnarayan Singh (Bihar):** Is not a Member entitled to oppose the whole Bill at this stage?

**Mr. Deputy-Speaker:** No.

**Babu Ramnarayan Singh:** Why not?

**Mr. Deputy-Speaker:** It is so under the Rules.

**Shri R. K. Chaudhuri:** Certainly we get curtailed in our rights.

We say that such preventive measures should be deleted from this Bill.

**Mr. Deputy-Speaker:** That is my ruling. I have found that the same argument was adduced in this House. If it is a punitive action, there is the Penal Code and if it is a preventive measure, there is the Criminal Procedure Code. Therefore, notwithstanding the existence of the ordinary law already on the statute book this House accepted the principle that a special piece of legislation introducing all this is necessary and sent it to the Select Committee. The Select Committee had made certain changes now. At the third reading stage you may reject but at this stage you can only consider the amendments and that is the scope of the present Bill and discussion at this stage. (*Interruption*). Order, order. I cannot go on arguing hypothetically. I have given my ruling so far as what Mr. Naziruddin Ahmad has referred to. (*Interruption*) I am prepared to say this that when an hon. Member speaks, I would call him to order, if I do not agree with him. Hypothetically, I am not going to allow any questions to be put to me hereafter on this matter. As each hon. Member rises and speaks, I shall tell him if he has exceeded what I have said already and if there is any difference, then I shall pull him up.

**Pandit Kunzru:** I want to refer to what the hon. Home Minister said with regard to the undertaking he gave, that a Member of the Select Committee would not be prevented from opposing the Bill. Is the position to be confined only to the third reading of the Bill or can we express our opposition at this stage too? After the undertaking given by the Home Minister, it seems to me that we shall be within our rights in expressing our dissent from the Bill as a whole at any stage.

**Mr. Deputy-Speaker:** I do not know if any hon. Member can draw upon any assurances given by the hon. Home Minister. Are we not regulated by the Rules and regulations of this House? If the hon. Member wants to bring the sponsor of the Bill to any

particular assurance, it is open to him to refer to a particular stage. This is not the stage. I can only say this that the hon. Home Minister cannot grant any hon. Member the right to say many things here which are not relevant ...

**Shri Rajagopalachari:** Let it not be understood that I gave any assurance as to the Rules of debate or as to rules of procedure. What I said was that in the Select Committee he could put a minute of dissent, which he has done. You have now ruled that he is at liberty to oppose the whole Bill at the third reading stage, which he can do. On what should be done or not done at this stage, I say I could not and did not give any assurance.

**Mr. Deputy-Speaker:** Whatever it may be, the Rules do not permit any such reference at this stage.

**Shri Naziruddin Ahmad:** May I submit that if it is open to move for the rejection of the whole Bill, cannot we have the right to move for the rejection or alteration of parts of the Bill? Why should we wait to do so at the third reading?

**Mr. Deputy-Speaker:** The hon. Member is again arguing. The hon. Member will proceed and if he exceeds any particular law, I will draw his attention. If the hon. Member goes beyond the scope, I will pull him up.

**Shri Naziruddin Ahmad:** I want to clarify my position.

**Mr. Deputy-Speaker:** When the clauses are considered, objections in particular can be raised to the clauses of the Bill. Now general discussion on the Report of the Select Committee will go on.

**Shri Naziruddin Ahmad:** That will satisfy the purpose I have in view. I have objections to certain clauses and certain sub-clauses which I want to delete and in the alternative I wish to improve them from my point of view. Then, I shall speak first by way of introduction to what would follow in the clause by clause discussion. I do not wish to go into details in view of your ruling, but shall broadly submit by way of introduction to what I am going to say later on at the proper stage that these are covered by the Penal Code, that these sub-clauses needlessly go and encroach upon honest journalism and it will put a check on honest journalism.

**Shri T. Husain (Bihar):** Not on honest but only on dishonest ones.



**Shri Naziruddin Ahmad:** There are I know in the world supporters of all kinds of monstrous propositions that are put forward. My hon. friend suddenly appears in the House and is supporting a monstrous proposition without hearing...

**Shri T. Husain:** My hon. friend does not know anything.

**Shri Naziruddin Ahmad:** That is the defect of persons trying to know too much.

Coming to clause 4, speaking generally and not in detail, this security business is again another source of trouble. This security measure is hardly consistent with modern legislation and similar other legislation. Mr. T. Husain was a distinguished member of the Select Committee and I do not expect this from a distinguished barrister-at-law who has been trained for the English Bar.

[SHRIMATI DURGABAI in the Chair]

This security measure is more consistent with the attitude of an alien Government and not the attitude of a Government which is popular and which depends upon popular support. I, therefore, submit that these clauses go far beyond the purpose of the Bill. I submit that these are particularly repressive in their nature; they would suppress honest expression of opinion. It does not mean that they would always be right. In a democratic society there are always at least two views. It may be that I may not agree with any expression of opinion, but that does not show that the other opinion is not honest. The question is that we should not be jealous of an expression of opinion and try to suppress it by security clauses, by suppression and the like.

Then, though the matter has been attempted to be placed before the district judge and the jury, still the wide language of the proposed sections would rather prevent proper justice being done and it would affect expression of public opinion. At this critical stage of our country when we have attained independence, we should by all means encourage free expression of opinion. It may be that in some cases these opinions will sometimes go a bit too far, but the advantage of allowing honest expression of opinion is very great. If we do not know the expressions of opinion of various types through newspapers we should be depriving ourselves of a source of knowledge. If they go beyond the pale of the law, of course, they could be made amenable to the penal provisions

and I think that would be quite enough. In England as in other free countries, there is no law like this. There were laws like this during the war when abnormal conditions prevailed, but at this stage when the abnormal conditions have gone and when we have a particularly useful Act, namely, the Preventive Detention Act, we have ample means to put behind bars many undesirable persons. I think that would satisfy the requirements of reasonable administration and, therefore, we should not support a Bill of this nature with gigantic possibilities for doing mischief.

Coming to clause 14 there is the seizure and forfeiture. In the Criminal Procedure Code, I shall refer it at the appropriate stage, there are provisions for seizure and forfeiture. Forfeiture follows when a particular act is a crime and when the crime is tried and when the accused is convicted; it is at this stage the question of forfeiture of articles or substances which have been the subject matter of a crime comes. But here, forfeiture is given without any trial, without knowing judicially what has happened. I think this provision is also drastic. In a popular Government these powers are not necessary. We should not try to rule the country by the rod like the school-master, but with toleration rather with love like the grand-father. There should be some amount of tolerance. If people go into excesses, if they do not go too much, they should be ignored and excused. If a man, big or small, transgresses the provisions of the law, there is ample provision in the Penal Code. The proposed law is contrary to what exists in civilised countries. We do not know what is happening behind the Iron Curtain; but it seems to me that it suggests laws of that kind. If we take powers to interfere with the liberties of the people and suppress freedom of expression, I think we are reaching a state when we should be an autocratic power and not a democratic power. I think we are coming to a regime of dictatorship where everything is ruled by the rod, without, I believe, the efficiency of a dictator. We know of great dictators, who were very efficient and who were highly competent. They needed these powers. I submit that the dictator's rod is not the suitable remedy for a democratic Government like this. I submit that when our revered Home Minister has expressed a desire to leave us very soon, he should not give this to the nation as a parting gift. I submit the nation should expect something which is liberal although there is a risk of this liberalism being misplaced. The

[Shri Naziruddin Ahmad]

Penal Code should be sufficient and the Government should be satisfied with that. There are the Preventive Detention Act and other things where, in suitable cases, Government can interfere and put a stop to undesirable activities of the people. I therefore submit that the Bill is mis-placed, mis-conceived and is mis-understood in the country. These three "mis-es" are to be avoided in this Bill.

The Bill should not be rushed through in the House. One thing is absolutely clear that there is an attempt to curtail the debate. On a matter of supreme importance like this, there should be, I submit, absolute freedom of debate. I do not suggest that it is done consciously or intentionally. But, this is the effect of threatening us unconsciously to throttle reasonable debate on a Bill like this. I think the short time at our disposal is not enough to cope with this Bill and to give that detailed consideration which this Bill and the clauses of the Bill deserve.

**Shri T. Husain:** Therefore, pass it without discussion. Why waste the time of the House? (*Interruption*).

**Shri Naziruddin Ahmad:** This is the spirit of the Government. If my hon. friend in any way represents the Government, this reflects the attitude of the Government.

**An Hon. Member:** Not of the Government.

**Shri Naziruddin Ahmad:** He seems to say: "We think this Bill should be passed; why are you talking; you go on; we must pass this Bill." My hon. friend there, with his pure white skin shows a mailed fist behind. I submit this should not be proper attitude.

**Shri Rajagopalachari:** May I remind the hon. Member that he is speaking on a motion which has already been divided upon and lost.

**Shri Naziruddin Ahmad:** That is the thing. If the hon. Minister thinks that he could agree with Mr. Tajamul Husain that as the majority is on his side...

**Shri Rajagopalachari:** No, Sir.

**Shri Naziruddin Ahmad:** ..... no debate is necessary. I think—if that is so—let us be clearly told; we will simply walk into the lobby; and let the Government pass the Bill without debate.

**Shri Rajagopalachari:** May I again bring it to the hon. Member's attention that he is only speaking on the question of adjourning the Bill which had already been put to the House?

**Shri Naziruddin Ahmad:** It has been put to the House without an argument. The only argument was a criticism of the motion and not anything said in favour of it. The less we refer to it the better.

**Mr. Chairman:** That was the decision of the House. Therefore, the hon. Member is expected to respect that.

**Shri Naziruddin Ahmad:** I respect it; but I must say, with great respect, that I do not agree. I submit therefore that the Bill is mis-conceived. At present this Bill is not necessary. We are going to face the elections. Is it necessary that before the elections, the authorities should be armed with a Bill like this? Should honest expression of opinion during the elections be stopped?

**Shri T. Husain:** On a point of information, I want to know and I challenge my hon. friend to show under which clause honest expression of opinion is made liable to punishment.

**Some Hon. Members:** Have you read the Bill?

**Mr. Chairman:** I would like to discourage interruptions because the greater the number of interruptions, the longer is the time taken by the hon. Member. Therefore, I would like the hon. Member not to digress on points which are not quite relevant, but to deal with the general position of the Bill.

**Shri R. K. Chaudhuri:** He should not give way.

**Mr. Chairman:** And any arguments with regard to the elections and the expediency of these things are not relevant to this Bill.

**Shri Naziruddin Ahmad:** With all respect I think that freedom of expression during the elections is very important. During the elections, hot speeches will be made and hot articles will be written. They may go to excesses. In elections this should be allowed. This Bill will have a tendency to stop electioneering speeches. There may be excesses. Where the limits of criminal law are exceeded, by all means, prosecute them. But, during the elections this law may be put to a good use by the authorities. I do not say that that is the intention; it has been clearly disclaimed by the hon. Home Minister. But, this Bill will be utilised by a lot of people in the States and underlings may make a bad use

of it. So I say that the Bill should be softened. It should be made parallel to the Penal Code and the Criminal Procedure Code. I submit there is ample power there to curb undesirable and unnecessary activities. In these circumstances, I submit that the Bill...

**Shri T. Husain:** Bull or Bill?

**Shri Naziruddin Ahmad:** Bull from the point of view of Mr. Tajanul Husain and a Bill from our point of view. I think it will charge honest people like a Bull.

Therefore, I submit that the Bill goes far beyond the necessities of the case and this is not the proper time to pass it, I submit that the matter pertaining to particular clauses and sub-clauses should be examined. For the time being, I express my dissent to this motion being passed at this stage.

**Prof. Ranga:** I dare say you remember how I tried my best to be as co-operative as possible on the earlier occasion and how even when some of my colleagues in the House were encouraging me to speak at greater length, I tried to conclude my speech as early as possible so that the time of the House could be economised. I did so in the hope that the Select Committee might give its wisest and most careful consideration to this Bill and try to meet as many of our objections as possible and improve the Bill so much that it may be possible for us to agree to its passage later on. But, to my great disappointment, I find that the Select Committee has not only disappointed me, and disappointed a large number of Members in this House, but has done a great disservice to its own reputation and to the future progress of Press in our country.

I dare say the House will remember that I was not unwilling to accept the principle of the Bill, that there should be some preventive law to prevent mischief, and I did draw attention to some of the sub-clauses of clause 3 which I was prepared to accept, for instance sub-clause (i), portions of sub-clause (ii), portions of sub-clause (iii) and sub-clause (iv) and so on. But I took very objection to the word 'sabotage' and I wanted the possible interpretation to be carefully guarded against, the probable misuse of this interpretation to be carefully guarded against. But nothing has been done in that direction. We do not know exactly what the Government would like the public to think about the definition of this word "sabotage". And then I took very strong objection to certain portions of sub-clause (iii) regarding the

laws regulating the supply and distribution of food or other essential commodities or services, and the administration of those laws. I took also very strong objection to sub-clause (vi) regarding the tendency to promote feelings of enmity or hatred between different classes of persons in India. Now, what has this Select Committee done in regard to these points? Nothing at all. Hon. Members had raised several other objections also, not only with regard to this clause and portions of it, but also with regard to various other clauses in the Bill. But I find that very little attention has been paid to these objections, or to the suggestions that we have made. And the Select Committee, instead of discharging its duty as we had hoped for, had only rubber-stamped it, except for those few items where the hon. Home Minister seems to have agreed to make certain concessions or in regard to those items which in the opinion of the Select Committee were not very essential and therefore they could press the hon. Home Minister to accept or accede. This is one of the very few occasions where an important Bill like this has been committed to a Select Committee and where the Select Committee had disappointed us so very greatly. I was not on the Select Committee, but there were many hon. Members—about thirty of them. And so many more were invited by the hon. Home Minister to attend its sittings, and all these people were supposed to have given their best possible attention to the ...

**Shri Goenka:** How many were present?

**Prof. Ranga:** I do not know. But the Committee seems to have done nothing and I find myself in this very unhappy position of having to oppose this Bill even at this stage because it is very disappointing. I do not, however, propose to take up the question of opposition at this stage; but I propose to take up these things one after another and then draw the attention of hon. Members to the fact that this Bill with these objectionable clauses included in it, is likely to do any amount of harm if passed into law, harm to the country, to the Press, to the newspapers and to the printing presses and to the freedom of opinion, the freedom of expression, the freedom of meetings and freedom in every essential thing that we should all treasure and try to promote in this country.

So much has been said about this word "tend". This word is a very dangerous word; and volumes have been written by various British authorities and American authorities on this word "tendency" how it is...

[Prof. Ranga]

likely to be misused by administrative officers, how its interpretation is likely to do harm in very many cases, even interpretations by High Court Judges and so on. And at the same time the executive all over the world have been fond of this word "tendency" because that gives them the greatest possible latitude to catch hold of anyone on whom they wish to frown upon, and they can get away also scot-free in any court of law, and before any High Court Judge or any body because these judicial authorities cannot easily find fault with the executive because of the use of the word "tendency". It will be possible for the executive to say, "Sorry, we have taken another view of this word "tendency" and you are taking this view. Therefore, there is no *mala fide* intention". Therefore, the House has to be extremely careful in regard to this word "tend". I was hoping that as so many hon. Members had taken objection to this word, the hon. Home Minister and the Select Committee would try to drop this word and all permutations and combinations of this word "tendency". But in spite of that, they have kept it on. That only means that the Select Committee wants us to give this tremendous latitude, this limitless latitude to the executive, not only today but for the future also, to do any mischief, if they so wish, against anyone and whomever they may be up against and do it with impunity and thus thwart the freedom of opinion, freedom of expression and the freedom of Press. I sincerely hope that at this stage, or at any stage, this House would rise to the occasion and try to force this Government to drop it of their own accord, and if they do not do it, try to defeat the Government and eliminate this word "tendency" or any permutation or combination of it, from this Bill. If it does not, then I can only repeat what I said earlier, that it would indeed be immoral for this House to accept this Bill with the word "tendency" and the whole of the general conception that goes with this word "tendency". I said, that if this Bill were to...

Mr. Chairman: I do not wish to interrupt the hon. Member, but I would like to say that it is not correct to say that the Select Committee did not pay any attention to this word "tend". Perhaps the Select Committee paid the best of its time for the consideration of this word and several substitutes were also considered. I do not wish to say what all happened in the Select Committee, but much time was devoted for the consideration of this word and also possible substitutes like "calculated to" and so on, and ultimately the

Select Committee decided on having the word "tend" because comparatively it was less harmful than the other words suggested as substitutes.

Prof. Ranga: I am thankful for this elucidation given to me. But that is all the more reason why I feel afraid of the tendency there is on the part of the Select Committee and certainly on the part of the hon. Home Minister; and if the House comes to agree with him, I would have to include also the House, but I do hope that the House will not agree with him. This tendency on the part of these gentlemen shows that they are so fond of this conception of "tendency" that they tried to pass it somehow or other, by getting some alternative or substitute word. And when they found that they could not find any other alternative word, they came back to the word "tend". They are extremely anxious for themselves and for their Government that this Bill should be passed, because of this tendency. Now, what is meant by "tendency"? I dare say later on my hon. friend the Home Minister will dilate on this word and give us the conception of the word "tendency", how the judges are expected to interpret it and so on. So far as one can see, apart from any interpretation that any judge may give, any police officer or district officer is likely to place upon it his own interpretation for his own benefit when he decides whether he should take any complaint to a court of law or not. If he thinks that such and such a thing has a tendency he straightway frames a charge or complaint and takes it up to his superior officers. Each one of them will have his own conception of the thing. As we know each one of these administrative officers, police officers and district collectors, is generally keen on giving as generous an interpretation of the word "tendency" as possible and after that the matter is taken to the courts. A hundred cases may be taken to the court and only one may be sustained in the court but think of the annoyance caused to the Press, papers, journalists involved and the general public who are interested. That is why I say that this word should have been dropped. Why could not the Select Committee drop it? Because they wanted to see that not only offences are punished but also possible offences are prevented. The tendency of the possibility of these offences also should be prevented. The tendency of the possibility of an offence is indeed a queer thing. The Home Minister thinks that it is a far-fetched interpretation...

Shri Rajagopalachari: How did you guess that?

**Prof. Ranga:** Because of your gesture.

**Shri Rajagopalachari:** Because you yourself feel it perhaps.

**Prof. Ranga:** I would like the Home Minister himself to get into the shoes of an administrative officer and then he would know that it will be. He was himself dealt with very badly. Anyhow, I was dealt with badly by administrative officers. I do not know if he was a detenu. I was one and some of us were detenus for several years and we knew how much we had to pay merely because of the interpretation put on the word tendency by some administrative officer. So they can create all this mischief and once they create the mischief we have to go round and see the administrative officers, the moment we scent that they are out for mischief. We plead with them, argue with them and try to prevent them from going to the court with a case. On top of all this, think of the nervous strain on the parties involved. They will be writing, printing and publishing day after day and they have to think of their fate with regard not only to what they write or publish today but also what they have written and published in the past, or are likely to publish in the future. You have clause 21 regarding the admissibility of previous and subsequent issues and in the light of that no one is safe. I know that if I am likely to be held responsible for what I write today, then I am in a safer position but when I do not know what is likely to come down upon me in regard to what I had written day before yesterday or for months past and what I am writing or am likely to be judged in the light of what I had written in the past, you can imagine the nervous strain on me. I should at least have the freedom to think that I am rid of the bother of what I had written in the past and nobody has made any complaint against me for what I had done previously. Then I can write for tomorrow with peace of mind. But this clause gives me no peace of mind at all. I have written so much in the past and I may be hauled up for what I am writing today in the light of my past writings. I go on writing day after day and I do not know where there will be a cry of halt. You will say: "Look here, you have written for six days before and I hold you responsible for what you write on the seventh day in the light of what you have written in the past. All this is objectionable or becomes objectionable because of what you have written for the past six days. I am clear about the tendency of the writing, because previously you have written such and such." I do not

know where I will be if I were a writer, and I happen to be one. I do not know where I will be if I were a printer and I was one. I do not know where I will be if I were a publisher and I happen to be one. If you take a thing which is already before you and ask the judge to give an opinion it would be something but you do not give that certainty. Clause 21 was supposed to help the people who will be hauled up before the courts. According to me these people who will be hauled up before the courts are likely to be at a much greater disadvantage because of clause 21. It fortifies and strengthens the administration and also fortifies the judge but weakens hopelessly the man put before the judge. In the light of clause 21 the word tendency becomes extremely dangerous.

The Select Committee has accepted it. All credit to the Committee for having had the qualms of examining it and therefore it took so much time and gave so much consideration in order to get over this. But why did they not make up their mind to give up this conception of "tendency" and the words "calculated to", etc. and concentrate upon those things which can be more easily accepted by the House, the country, the Press and all reasonable men in the country. That is why I am obliged to protest vehemently against the inclusion of the conception of the word "tendency".

In the light of these remarks I would like the House to give their consideration to what I wish to say about sub-clause (iii) of clause 3:

"incite or encourage any person to interfere with the administration of law or with the maintenance of public order or with the administration of laws regulating the supply and distribution of food or other essential commodities or services."

**Mr. Chairman:** May I draw the attention of the hon. Member to what is contained in clause 3 itself and see how "objectionable matter" is defined. That governs all the sub-clauses and while dealing with the sub-clauses he might carefully see the content of clause 3.

**Prof. Ranga:** There is an explanation there and it is supposed to minimise the rigours of the sub-clauses.

**Mr. Chairman:** He is free to make his comments. I only wanted him to bear that in mind while making his comments.

**Prof. Ranga:** Last time when I was speaking I had the impression that

[Prof. Ranga]

my hon. friend the Home Minister was impressed with my arguments and I hoped against hope that he would try to meet me substantially, more than half way, by dropping this particular portion of the sub-clause. Several other hon. Members had also spoken against this particular portion, namely "incite or encourage any person to interfere with the administration of laws regulating the supply and distribution of food or other essential commodities or services." The procurement of controlled commodities, especially food and cloth, has come in for a lot of criticism in the country. It has been most unpopular and on many occasions these officers had behaved arbitrarily and conducted themselves on occasions—I say it advisedly—even in a corrupt manner. These activities of the administration had to be frowned upon, had to be criticised, had to be condemned—condemned in the Press, condemned on the platform. If they were condemned in the Press, the Press comes in for this trouble; if they are condemned on the platform and those speeches are reported in the papers, again the Press will come in for trouble. Therefore, it will come to this that all these bad activities of the administration cannot be reported in the papers, that the Press cannot publish our criticism of those activities, our reports about their behaviour and whatever resolutions we may pass from time to time in order to draw the attention of the Government to their behaviour. Is it the intention of the Government to prevent such criticism? If it is not, then why keep this thing here? If, on the other hand, they do not need any criticism at all, do they mean to say their administrative officers are so honest, so capable, so considerate and so wise also in their administrative activities that there need be no criticism of their activities? They cannot maintain that.

**Mr. Chairman:** Criticism of the administration with a view to obtain redress, the Bill says, "shall not be deemed to be objectionable matter". The hon. Member may read that explanation to clause 3 carefully.

**Prof. Ranga:** With a view to change the attitude of the Government if we say anything in regard to the behaviour of these people and it is published, it may not be objectionable in the light of this explanation. But if we do not care to say, "I am saying all these things in order to bring them to the notice of the Food Minister or Home Minister or some other Minister", if we do not take care to say that, if

we only narrate the complaints that we have to make in regard to the administration of these controls, for instance, then immediately we come within the mischief of this law. At every stage the writer, the reporter and the newspaper have got to be going on repeating this *Mantram*: "with a view to draw the attention of the Civil Supplies Minister we are saying this thing", or Ranga has said this thing, or Mr. Goenka has said something else. What is the meaning of that? It is not that way that public administration has to be carried on—you begin by gagging the Press. I want to have the freedom to go about saying whenever I find it necessary, whenever I find it wise and also right to do so, that such-and-such administrative officers have misbehaved; not only that—that such-and-such Departments have misbehaved in such-and-such a manner, therefore this procurement must be stopped; this procurement procedure is wrong, it is an unholy thing, it must be abolished. But under this Bill immediately I would get into trouble, everyone would get into trouble once we come under this clause.

**Mr. Chairman:** Does it not come under policy?

**Prof. Ranga:** It comes under the policy and the policy has got to be criticised and the activities of these administrative officers have got to be criticised. An officer goes to a house; the householder is not there in the house, the wife is there. The officer demands the grain. The wife says, "You please wait until my husband comes", he says, "Nothing doing—I am not going to wait". Then he proceeds to break open the locks and the doors and takes charge of the grain, weighs it, packs it in the sacks and takes charge of the carts and bullocks of the peasant himself, carts the whole stuff to the factory, hands it over to any factory he likes and then afterwards sends a chit to the husband, or the householder, saying, "Since the grain has not been handed over to me in time when we asked you we are going to pay not the controlled price but something less than that because you have got to pay the penalty". Under such circumstances this peasant turns round and says, "Down with this administration". Supposing a newspaper man publishes that expression, he comes under the scope of this Bill. Supposing the wife turns round to that officer and says, "You cannot get into this building unless it be over my prostrate body, because my husband is not here; my home is a sanctuary and you cannot desecrate it". If what she says is reported in the

papers, immediately those papers are likely to be brought under the mischief of this Bill. Your laws concerning the controlled commodities affect the day-to-day activities of hundreds of millions in this country, but all that happens on that wide front, that far-flung front, cannot come to be reported in the papers because of this Bill, because your papers are terribly afraid of this Bill. They would not do it because you have strengthened the administration with this word "tendency" also. A woman has done this, a man has said this, and therefore it is reported; such a report may not be a bad thing but it is likely to "tend"—it is calculated to result in the encouragement of various other people also—to obstruct this administration of controlled commodities. This is an extraordinary proposition—how it has been brought into this thing. I do not know. I thought the hon. Home Minister was keen in preventing the spread of the cult of violence. I do not think that this Government is so very.....

**Shri Rajagopalachari :** I do not wish to interrupt the flow of rhetoric, but the word "tend" is not in that sub-clause. He might just as well read the sub-clause and look for "tend"—but that does not matter for rhetoric.

**Prof. Ranga :** I am not bothered with rhetoric.

**Shri Rajagopalachari :** See if the word "tend" is there.

**Prof. Ranga :** As my hon. friend is aware, even if I attempt at rhetoric I will not have it—I have lost my voice in the villages.

**Shri Rajagopalachari :** But the system of controls throws my hon. friend into such a fit of anger that rhetoric comes automatically. But the word "tend" is not there.

**Prof. Ranga :** "Tend" may not be there—there it may be "incite or encourage" What is meant by "encourage" ? I ran the gauntlet several times with the control authorities in several villages. There were the peasants....

**Shri Rajagopalachari :** This is not a motion to maintain controls.

**Prof. Ranga :** So many experiences I can place before this House, but I do not wish to do so. But my hon. friend should have patience with others especially when he was himself not prepared to place before the Select Committee the evidence that he has got on the basis of which he has come forward in this House with this Bill. How has the Press acted ? What are the specific instances and in what

manner has the Press misbehaved by which he is entitled to come before this House and later on before the Select Committee ? Now that I am on that subject, I wish to draw the attention of the House to some of the observations made by no less personages than two of our colleagues—Mr. Shiva Rao who cannot be accused at all of rhetoric or of enmity towards this Government, or of extremism or leftism, or even the observations of Pandit Kunzru. These two friends of ours themselves stated that they hoped for information to be placed before this House but it was not placed. It is usual in any responsible legislature for any Minister who has real respect for the Opposition to bring forward and place before the House all the documents and evidence he has got in support of the various clauses that he has placed before the House. But here he has not done it. I do not find fault with him on that ground because there were these three or four sub-clauses which I was prepared to accept, that is, those regarding incitement to murder, violence and so on. Even to the Select Committee the hon. the Home Minister was not prepared to supply the materials. He was not prepared to supply them because he did not have them, or his Ministry thought that there was no longer any need for them to justify anything at all, that Parliament was in their hands and all that they had to do was to simply place a thing and ask it to pass it and it passed it. While the other Ministers do not smile to other Members in a charming manner as my hon. friend the Home Minister knows to do, my hon. friend knows how to win the hearts of not only the Members of the Select Committee but also the Members of this House and I may tell you that I am not beyond his influence that way. In spite of it, I find it necessary to record my vehement protest against the way in which the Select Committee has disappointed us.

**Shri Rajagopalachari :** I shall learn to frown.

**Prof. Ranga :** As I have said, on several occasions I was approached while I was in the villages and was told that these procurement officers were doing such and such things. I had to criticise those officers and protest against their behaviour. Even on a railway platform while the train was waiting there women were being harassed as they were carrying only small loads of rice. I had to say certain things and on some occasions I had the opportunity of meeting these journalists also in the same areas. I requested them to report what I said.

[Prof. Ranga]

what had transpired between officers and myself and what had happened in the end. On some occasions, they were good enough to report at length, and that is the experience of almost every public worker. If hereafter the papers were to give publicity to what we say and what the officers say in return to us in the shape of threats and the rest of it, and in reply to those threats we say certain things, and these things come to be reported in the papers, can my hon. friend the hon. the Home Minister assure us that those papers are likely to be free from the mischief of this Bill?

**Shri Goenka:** What is the value of that assurance even if the assurance is given?

**Prof. Ranga:** Can he do it? He cannot. And as my hon. friend has said just now, I need not say anything about assurances. He gave one assurance earlier on some other occasion and said that it is not relevant on this occasion and therefore that assurance does not hold good. Thus, the stage has long passed when we can depend upon assurances.

**Shri Sondhi:** Official or non-official?

**Prof. Ranga:** When this Bill was being committed to the Select Committee, his assurance would have given us some strength, but now we need not wait for the assurances.

Millions and millions of people are today being brought within the claws of your administration. If these controls had been there before we attained freedom and if their administration had been half as bad as it is today, if in those days so many merchants, thousands and lakhs of them, had come under the heel of these controls, can anybody feel sure that we could have had all those *hartals* that we used to have, and all the response that we used to get from them? Could we have had all that freedom that we did enjoy in order to carry on our agitation against that Government? We could not have had it. What would be the position tomorrow and the day after and what is the position today? More and more of us have come under the vicious claws of your administration.

**Shri Goenka:** It is a different Government now.

**Prof. Ranga:** We have come under your claws and you want to regulate our day to day life in regard to food, clothing, sugar and sometime ago

kerosene, not to mention various building materials if we want to build a house. You have got us under your claws and you want the Press to be prevented from saying anything in our defence. Having silenced it, having threatened it with punitive measures, you want to catch hold of us like rats in a closed room and finish us. That seems to be the general trend or tendency or mentality of the administration. I have no objection if this administration were to have that tendency or mentality, because I have got to deal with the administration. If I can, I would dismiss it and replace it by myself and my hon. friends, and if I cannot I will go on battering against its doors. But what I now complain against is this, that you should come forward and ask us to accept this Bill with all this power given to you to shut out the columns of the Press in this country and deprive us of the only champion that we can possibly appeal to for some help, some assistance or some voice. Therefore, I take the strongest objection to this.

Then there is this sub-clause (vi). I do not know why my hon. friend the hon. the Home Minister wanted to have it. I thought that he was going to drop it. Is he now enacting against Socialist, against Communists, against *kisans*, against workers? It is not his intention, I dare say. If it is his intention, then I join issue with him. If it is not his intention, then why does he bring it in here? There is hatred between one class of people and another class of people. It is bound to be there. Between cats and mice there is always hatred. They must fight and they do fight. If they did not fight, mice have no tenure of life at all. Similarly, the tenants have got to organise and rise against their zamindars and big landlords; the industrial workers have got to organise themselves and go on strike whenever it is absolutely necessary as against their industrial employers. I gave one instance last time and pointed out that there is a tendency for conflict between a merchant and an ordinary peasant. In all these stages of conflict in our social life, if at any time any of the public workers were to give expression not only to general sentiments but also certain particular sentiments in regard to questions of oppression on the part of these various 'haves' or vested interests and a report of it appeared in the papers, the papers can be gagged, and because the papers are gagged our voice cannot reach beyond those hundred or thousand people. The rest of the country will be kept blind.



and ignorant about it and it would not be possible for us to carry on our public work at all.

**Shri Goenka:** That is the purpose of the Bill.

**Prof. Ranga:** It was because of the glorious services that the Press rendered that the voice of those of us who initiated the anti-zamindari movement in the far off south in 1926-30 could be heard in northern India, and in northern India also similar movements took shape and it became an all-India movement. In the beginning the Congress was not very happy about it but the Congress Ministries were quite glad to take advantage of it afterwards and they passed these laws. Only the other day this House gave its imprimatur to all these laws and incorporated them as part of our Constitution and kept them beyond the purview of the Supreme Court. Could all this have happened if it had not been for the support, the enthusiastic support, of the Press? How would it be possible for us hereafter to right the wrongs of the 'have-nots' in this country? Yes, you may say that they can carry on their agitation or campaign with sufficient restraint. It may be possible for us sedate people, for wise people, for experienced people, for highly educated people of the towns, to keep a cool head under this *punka*. Would it be possible for the ordinary folk in the countryside who are victims of this oppression? They give expression to strong sentiments and strong ideas also and they are published in the raw in some of the papers. If that happens, you will at once catch hold of the papers and silence these people. Therefore, you destroy the very momentum of social reform, of social reconstruction, that the Press should stand for today.

I am one of those who do not believe that class conflict is a bad thing. My hon. friend the hon. the Home Minister used to be one of those who used to condemn us because of this faith of ours. I do not mean to say that I believe in the eternal necessity for this class conflict, but it has got to be eliminated. If it is to be eliminated, then the weaker class has got to strengthen itself. It has got to be organised. It has got to be provided with the necessary Press, with some Press at least. Today it has no Press.

1 P.M.

Three days ago we had a huge gathering of more than ten thousand people in a place called Sonapat in East Punjab. It was a conference of the

*kisans*? Has anything appeared in yesterday's papers? Has anything appeared in this morning's papers? But one great man went to Punjab yesterday morning, and yesterday afternoon the whole of the Press was full of his speeches. This morning's papers carry columns after columns of his speech.

*The House then adjourned till Half Past Three of the Clock.*

*The House re-assembled at Half Past Three of the Clock.*

[MR. DEPUTY-SPEAKER in the Chair]

### DISPLACED PERSONS (DEBTS ADJUSTMENT) BILL

#### PRESENTATION OF REPORT OF SELECT COMMITTEE

**Dr. Tek Chand (Punjab):** I beg to present the Report of the Select Committee on the Bill to make certain provisions for the adjustment and settlement of debts due by displaced persons, for the recovery of certain debts due to them and for matters connected therewith or incidental thereto.

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

**Prof. Ranga:** Before we rose for lunch I was saying that the 'have-nots' are obliged to develop their own Press and they have none of their own at present worth the name or in sufficient strength, and in illustration of it I said we had a big conference of ten thousand *kisans* coming from different parts of the whole of Punjab and P.E.P.S.U. only three days ago, on last Saturday, at Sonapat. Yesterday one of our leaders went over to another place in Punjab and made a speech. He made his speech in the morning and the afternoon papers were full of his speech. But neither yesterday's papers nor this morning's papers have carried even a line about the proceedings of Saturday's meeting of the *kisans*. Now, that shows clearly how these 'haves' have come to monopolize the Press and how the 'have-nots' have not been able to develop any strength at all in this realm of Press. They are now slowly beginning to develop their weekly Press. I do not know how long it will take for them to have a daily paper at all. And it is this Press which is likely to come to be muzzled under this

[Prof. Ranga]

Press law. It is not these big Press lords who will be so much harassed as the editors and owners and managers of these weekly papers which alone can be started and run by poor people in this country. As I told you on the previous occasion, it is necessary that we should safeguard the interests of these 'have-nots'. And how can we do it in the face of this sub-clause here which reads in this way that 'objectionable matter' means any words, signs or visible representations which "tend to promote feelings of enmity or hatred between different classes of persons in India". In order to right the wrongs of the 'have-nots' agitation has to be carried on. This agitation can be carried on best through the Press and the platform. The agitation on the platform will not become effective if it cannot be imported into the Press and conveyed through it to larger numbers of people than can be present on any one occasion at any one platform. If we begin to do it then we come within the mischief of this. Surely it cannot be contended by this Government that the 'have-nots' should not try to organize themselves and raise their own status. I take it that the Indian National Congress has been standing, for the last ten years at least, for what is known as a "juster social order", to replace the present unjust social order. This was a phrase or an ideal which was incorporated in a resolution passed at the Ramgarh Congress over which my hon. friend Maulana Saheb, now the Education Minister, had presided. If the present Congress Ministry wishes to remain loyal to that ideal, accepted by the whole of the Congress eleven years ago at Ramgarh, then surely it must see wisdom indeed in withdrawing or deleting the whole of this sub-clause instead of keeping it here. I was hoping that the hon. the Home Minister himself would take the initiative and move that it should be deleted at the stage of the Select Committee. But most unfortunately neither he nor any one else seems to have given the lead to the Select Committee with the result that this thing has come back here again in this Bill.

It is easy for any one to say that there should not be any class conflict. When does the class conflict come in? Does it come in when the helpless worker begins to organize himself or is it incidental in this present capitalistic state of society, in the kind of mixed economy that our own Government wants to maintain for some time longer? It is incidental to it, it is instinct in it. Therefore, these people have got to organize themselves. The

moment the 'have-nots' begin to organize themselves the 'haves' see red in it and they begin to say: "There is a conflict, here are people who are agitating and who are creating trouble where there was no trouble at all". In this way it would be possible for them and their champions in the administration to see red in every process of agitation that these people carry on in this country, in every effort that they make to organize themselves and raise their own bargaining power *vis-a-vis* their employers whether in agriculture or in industry or in commerce, and it would be possible for them to stifle the progress of the effort with the help of this particular sub-clause.

Who are the people who have got to agitate in this manner? It is not necessarily the poorest people in the country. Even the bank employees had had to go on a strike, they had to organize themselves. Even the non-gazetted officers in Madras Presidency and some other Provinces had had to organize themselves and go on strike in order to improve their own conditions. Therefore, it is not only the completely down and out who have got to organize themselves and agitate on the platform and in the Press but also others who are a little better off and who at the same time *vis-a-vis* their employers are in the same strategically weak condition. Therefore, it affects not only the ordinary day-to-day working classes but also the middle classes. A clause that affects the middle classes, the peasant classes as a whole and the working classes cannot be accepted by this House. I happen to be the President of the Rural People's Federation. There is great conflict between rural people's interests and those of the urban classes. It should be open to the rural people and their champions to inveigh against the injustices that are being perpetrated against them by the urban classes. It would be possible, however, for my hon. friend the Home Minister and his countless millions in the administration from this end right up to the Provinces to bring our efforts within the mischief of this sub-clause. That is why I say the tentacles of this sub-clause are likely to be so long, so vicious, so tight and so venomous that this Bill if it were to be passed with this clause in it, is likely to poison not only our economic life but also our social life. That is why I hold it as an enormity so far as civil liberties are concerned and it ought not to have found a place at all in the original Bill. At least it could have been eliminated in the Select Committee stage. I hope the House would try to drop it from the Bill.

Then, I take up the question of security and I am told by a reliable authority as well as these minutes of dissent that there used to be a maximum limit at one time but today there is no maximum limit at all. I know for a fact that once when we were at war with the British, a well-known paper in Bombay was asked to deposit a security of Rs. 20,000 and it was not given much time and yet there were patriotic people in this country to help it to deposit that security and we scandalised the Government for the amount that was demanded. It was an enormous amount and any ordinary paper would have gone under. If I remember correctly, I think the first security was forfeited and a second time the editor was asked to offer another security. Are we to understand that in future also a similar procedure is likely to be pursued? How would it be possible for any daily paper however rich it might be to go on placing at the disposal of the Government whatever sum they choose to demand from it as security? Now they have said it is for the judge to decide. All right, but who takes the initiative? They have themselves stated that it is the executive which has got to state in the application that it makes, the amount of money that it wants to be deposited as security. It is on the basis of that demand made by the executive that the judge has got to make up his mind. It is quite possible especially in the case of weekly papers and papers started by poor people that the whole of their press may be worth only Rs. 20,000 but the security demanded may be even Rs. 10,000. It would be a crushing burden on these people. Would it be possible for them to raise this sum at all? It is quite possible also if the State Government were so minded and therefore if it were prejudiced against a particular paper, even if it were to be a daily paper, they might demand an enormous sum of Rs. 50,000. Where is the guarantee that such a sum would not be demanded at all? If that Rs. 50,000 security were demanded and this man is not in a position to pay it in due time—21 days or whatever period it may be—then he would go to the wall. If on the other hand, he deposits it and he continues to carry on his work and the executive is so minded to go back again with another application, that this security should be confiscated, what would be the fate of the paper? Will not the editors and the whole of the staff be on tenter-hooks? Will they not be all nervous? Will they have peace of mind at all? Will the owner of the press or the owner of the paper have any peace of mind or any of the other people even if they

happen to be here in Delhi or even in Parliament like my hon. friend, Mr. Goenka? Will he be able to discharge his functions in Parliament without that peace of mind and run the six or seven papers that he has got? Will they be able to go on writing their own editorials and publishing all kinds of reports and speeches for consumption all over India and in their own States? It comes to this. It is generally the so-called editor and this is only a managing director and he has to learn all the languages in which his paper is published. It is impossible. He should be in a position to see everything here. You have got to provide a television apparatus for him so that the whole thing can be seen by him. Then he could go on correcting, and then there is the teleprinter. It makes the whole position so very ridiculous and impossible.

Therefore, I say it is not right that you should leave so much discretion to the executive Government of the country. I have already stated rather in detail the last time how before an executive Government makes its decision to take any particular matter to the judge and make an application, so much of procedure has to be gone through and in all that procedure it would be possible for them to harass these poor editors, the managing directors and their staff and every time the editors will be tied to the apron-strings of the local satraps. There may be any number of them from the district magistrate right up to the Minister. There may be any number of them in between and to each one of these people these editors will go on salaaming every day, morning and evening in order to be in their good books; otherwise these people would go on threatening; they would say: "I am going to frame charges against you." It is not necessary that the charges should be framed. It is not even necessary that the charges should be accepted by the judge and sustained before a judge. It is enough that this threat should be held out, a threat to the Press people and you will sabotage the whole of the Press; you will make them servile instruments before executive authority.

But what sort of executive authority are you really to have? Are you sure that you will have a Congress Government in the States and at the Centre? Is it not quite possible that the Governments may be there which would not even pay lip-service, as the present Government does to canons of democracy? Is it impossible for anyone to

[Prof. Ranga]

conceive of the possibility of a totalitarian Ministry coming anywhere in one of your States and do you mean to say that you are going to empower them with all the clauses of this Bill? These Press people would be at their mercy. That is exactly what it comes to. It may be so according to the hon. Home Minister's conscience. He certainly is a democrat and therefore he is not doing anything against democracy but he is placing this power in the hands of people about whose political persuasion, he cannot take a forecast. It is impossible, because it is in the lap of Gods. Who knows, what kind of a Ministry there will be in one of these States? It happened in China and it is likely to happen in this country. It comes stage by stage and State by State and when these Governments come there you place this Bill before these totalitarian Governments or other Governments which pay lip sympathy to democracy and at the same time desecrate the very idea of democracy but still claim to be democrats, and remain to administer this thing. What has happened in other countries? There are conventions and laws which both pull together and they make such a big edifice of protection to the ordinary man in the street. Here in this country, most unfortunately for us, we do not have any conventions worth the name first of all. Secondly, we do not even have Governments and their leaders who show respect for the assurances they themselves give. We used to condemn the British Government in those days because they used to break their pledged words. We used to say that it was the British Government which was notorious for breaking its own pledges. And yet here are my hon. friends telling us again and again and repeatedly reminding us of the assurances that were given by the hon. Prime Minister at the time when the Constitution (First Amendment) Bill was before this House. We were told then in all sincerity that during the life of this Parliament anyhow opportunity was not going to be taken to bring a Bill like this and if it came, to incorporate any such clauses. And yet they have brought it forward. I was yet prepared to give my conditional support to this Government in view of their efforts to prevent any efforts at incitement to violence etc., knowing as I do what has happened in certain States, what is happening even today in those States and other States and what has really come to pass within two or three years in the various States. I certainly thought it my duty, although I do not belong to this party, to lend my support, conditional support to this Bill only to that extent, to pre-

vent this incitement to violence and so on and I thought that in all conscience my hon. friend, the Home Minister would have been content with that and would have dropped the other portions and all these clauses, and come here with an amended, modified and indeed a subdued Bill. Instead of that, he seems to be unrepentant. He has got his idea; he wants his pound of flesh. I wish to make a personal appeal to him. He is not enamoured of this power. He is not so very keen on sticking on here. He is himself going home. He is one of our elder statesmen. Why should he be so very keen on imposing these shackles upon us, which we consider to be intolerable shackles. I cannot understand. I wish to make this appeal to him to rise to the occasion and agree with us in dropping so many of these obnoxious clauses and make the Bill as soft, as tolerable as possible so that even if we were to have this Bill in our statute book, it may be possible for us and for the people who come hereafter also not to be unhappy about his last tenure of office, but on the other hand, be tolerant about it and continue to cherish the feelings of affection that we have always had for him as a man and as also one of our national leaders

**Shri R. K. Chaudhuri:** Do not let this Bill be associated with him. Let this Bill come; but let him not be associated with it.

**Prof. Ranga:** That is exactly what I say. I cannot say how much I wish that he had resigned two months ago before this Bill had had to be piloted by him, especially with these clauses.

[SHRI HIMATSIKKA in the Chair]

No maximum limit is fixed to the amount of security that could be demanded; no maximum limit is fixed for such further security that could be demanded. It goes on *ad nauseam*. Why should that be so? I want them to drop these things.

My hon. friend Pandit Thakur Das Bhargava, more than whom we cannot find another as persuasive, as reasonable.....

**Shri R. Velayudhan** (Travancore-Cochin): Moderate.

**Prof. Ranga:** ...and as humane, even he was dissatisfied with this Bill. He puts it in such a plaintive manner here. He has said:

"A provision for putting a ceiling on the amount of security demanded was also suggested, but unfortunately it did not find favour with the Select Committee."

When my hon. friend Pandit Thakur Das Bhargava is obliged to say this—and he is the Secretary of the Congress Party—I begin to wonder whom the Select Committee wanted to serve by behaving in such an unreasonable fashion.

Then, we were told some time ago that the Press law that was passed by the British was first of all brought before this House as a special piece of legislation for an emergency period, and that afterwards it was made permanent and therefore the whole country revolted against it. Now, we are told that there is an emergency and that this is an emergency legislation. If it is an emergency legislation, as has been the case with the legislation that was passed in regard to controls, should there not be any time limit for its life? So many of our friends had pleaded in the Select Committee, I am told, for restricting the life of this Bill. They have said, in the first instance, have some time limit; then you can see how it works and thereafter it may be possible for you, if necessary to come to Parliament and ask for an extension and it may be possible for future Parliament also to take advantage of that occasion and make further changes in this Act so that it may become less intolerable or more tolerable than it could possibly be made today by this Parliament. But, unfortunately, the Select Committee, did not accept that suggestion. So many things are said by my hon. friends who were themselves members of the Select Committee. We need not bother about all that; we know the deliberations of the Select Committee. They did not agree to put a ceiling on the period for which this Bill has to work as an Act once it is enacted by this House. I would like once again to appeal to my hon. friend the Home Minister to take time by the forelock, take the initiative himself and fix a time limit: let it be two years or three years. Even supposing he is prepared to agree to some of my suggestions regarding the sub-clauses to clause 3, it becomes necessary to fix a time limit. Even if he thinks there is any crisis—I do not think there is any crisis—even if he were so minded to think like that, let him say that. That would give some satisfaction to some sections of this House even though he could not give satisfaction to the whole House.

I made a suggestion last time and I wish to refer to it again now. I suggested that, as had been done in the past, he should incorporate such a provision in this Bill at the

Select Committee stage as would permit a combined committee of the working journalists on the one side and the All-India Editors' Association on the other to look into any complaint that the Administration might like to make against any paper and try to bring their own moral pressure upon the editors and managers of such of the papers as are considered to be doing the wrong thing; and only in those rare cases where the combined organisation, or the leaders of the working journalists as well as the owners and editors fail to bring about the necessary corrective, should there be any need at all for this Bill to come into operation so far as the courts and administrations are concerned. But, I find no mention at all made of this either in the report of the Select Committee or in the Bill that has come from the Select Committee. I do not know whether that question was considered at all. As my friends are telling me, even the so-called pre-censorship was a little more tolerable than this, and even that has gone now today with the result that the position of the Press would be much worse in the future than what it was even when the British were here. When the British were here, certainly there was an emergency because we were at war with that Government, and they had some excuse, looking at it from their own view-point. What emergency is there today? True, so many of us are opposed to this Government. But, do we want to replace this Government, displace this Government or destroy this Government by violent means? No, Sir. Only by non-violent means, in a parliamentary manner, in a democratic fashion. Do they mean to say that any electioneering campaign that may have to be carried on in the next three or four months is going to be an emergency to justify these sub-clauses in clause 3? Do they mean to say that here and there the few efforts that the communists are making have created such an emergency and so, all the sub-clauses of clause 3 are necessary? What is the emergency, I want to know? If there is no emergency today, why then should he be so very keen on denying the Press the opportunity to correct itself? I remember—I had referred to it also last time—the Prime Minister was mooting it in the other place that some of the papers were thoroughly intolerable. It is impossible for us to read any page without getting awfully upset, not because they abuse us personally, but because they contain so much of untruth and abuse which is wild. All right; how is one to control them? He said that the Newspaper Editors' Association was approached.

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but they exclaimed their inability to control them. If that is so, why not pursue the same procedure in future and added to that, invoke the help of working journalists. Once you reach these people and make an appeal to them, let them find that your appeal is quite reasonable and such and such journalists or papers have really gone bad and beyond the limits of decency and toleration. Even then, if they were to fail to control their own conferees, it would be open to my hon. friend the Home Minister here and the Home Ministers of the States to bring this Bill into action. Without taking any of these precautionary measures, if my hon. friend the Home Minister and his Government and their loyal supporters in this House were to insist that this Bill should be passed into law, and say that they are going to face the people and get their verdict, and so on, I can only tell them that they would be doing a great and serious injury to our conception of democracy and their own practice of democracy and would only be perverting democracy and democratic principles.

4 P.M.

Lastly, I come to the point which I wanted to deal with last time, but unfortunately could not, and that is about these Press services, for instance the U.P.I., the P.T.I., the Globe and various other external news services and others that we have operating in this country. These Press services, to the extent that they operate in this country should be brought under the control of the nation and they should be socialised. Today they are almost in the hands of a few Press lords and they are not able to exercise any freedom as they should.

**Shri R. Velayudhan:** Government also controls them.

**Prof. Ranga:** I am extremely anxious that when I say they should be socialised, it should not be understood that I want them to be brought under the control of this Government or any Government. But they should be brought under the control of an authority which would be thoroughly above governmental control, which would be thoroughly above any party control and which would be responsible and would have such a higher sense of responsibility to the country that it would be completely non-partisan and non-factionous. Until and unless we develop such Press services in the country it would not be possible for our daily papers and our weekly papers and the general public to assure themselves of an impartial Press, of impartial news, news which would cater not only to one political

party, but also to all political parties, and which would discharge their function in a truly democratic manner, I mean the function of educating the voter. The voter cannot be educated by a servile Press. That is my charge against so many of the clauses of this Bill. They seek to convert our Press into a servile Press and secondly the Bill seeks to make the Press, shall I say, a slave or the handmaid of the one-party Government. Do we want one-party Government? I know my hon. friend does not want it. He wants the rule of democracy. He wants the party system here in this country. If he wants that, he must give freedom to the Press, and indeed, he should go out of his way to encourage the Press to criticise more easily and more freely and yet more responsibly, his own Government and the activities of his own administration so that it would be possible for him to know things which he may not know so well, directly from his subordinates. He can know from the Press the mistakes which his own administrative officers—lakhs and lakhs of them all over India—are committing every day, the delays that are being caused in the construction and development of the working of our nationalised industries in the country and so on. It would be possible for the Press to un-earth so many scandals. Even in Russia where there is a totalitarian system of government they encourage their Press to this extent so as to bring to the fore the misdeeds of many of their own officers in different parts of the country, and in that way inform themselves of what is going on and where and to what extent and in what part of the country, and who are the officers who are responsible, or groups of them or gangs of them. And in a country like ours where we have a secular State and where we are out for working the democratic system of government, are we going to have so many of these wonderful jewels and shackles? They are but iron jewels, bronze jewels, jewels which will rust the body politic here in this country. Are these jewels with which we are going to adorn Mother India?

Therefore, in conclusion, I shall once again repeat my appeal to the hon. Minister Shri Rajagopalachari who is going to lay down his office here shortly and is going back to Madras for rest and there give us the benefit of his wisdom as he did on the previous occasion when he wrote such good books of wisdom during his retirement. Let him practise a little of that wisdom here before he gives us those axioms and precepts of wisdom.

**Shri Shiva Rao (Madras):** I did not speak on the Bill which was introduced in the last session to amend the Constitution, or during the discussion that took place in the earlier stages of the debate on the Bill now before the House. I speak on this Bill not as a Press magnate, because that epithet would not apply to me, but I speak as a mere working journalist—a working journalist of, may I say, longer and more active association with the profession than almost anybody else in this House. I joined the profession in 1917 and I have had no proprietary interest in any newspaper. Therefore, I think I represent the point of view of the working journalists in regard to this Bill.

The Home Minister said to me more than once in the course of the last few days that if I had been on the Treasury Bench, my attitude in the Select Committee might have been different. I want to assure him that even without being on the Treasury Bench I have tried honestly and sincerely to visualise to myself the burdens and the responsibilities of a Home Minister. In placing the motion before the House this morning, he said that the Bill as it has emerged from the Select Committee has been liberalised in certain respects. In the minute of dissent which the hon. Member Pandit Kunzru and I have appended to the Report of the Select Committee, we have recognised that some improvements have been made in some of the clauses of the Bill. But those improvements are mostly with regard to the procedure to be adopted and do not touch, except very slightly, the fundamental principle underlying the Bill. I am free to confess that the explanation which has been added to clause 3 which defines objectionable matter, does provide some little protection against vexatious or arbitrary prosecution. But it would have been a distinct gain if the Select Committee had accepted the suggestion that the proof of intention should have been a condition precedent for conviction or even for prosecution. Unfortunately those of us who attempted to amend clause 3 in that direction, were defeated.

The question arises what should be the attitude of the House towards the motion placed before us by the Home Minister. Have there been sufficiently important changes made for this House to modify the attitude which some of us took up before the Bill was referred to the Select Committee? The broad question is whether as between the executive and the Press, there should be this attitude of mutual suspicion or should we seek, particularly at the

present juncture, mutual co-operation and goodwill? In our joint minute of dissent, Pandit Kunzru and I have pointed out that some of the clauses which have found a place in this Bill are textually or in substance taken from the Press (Emergency Powers) Act of 1931. Speaking for myself the mere fact that those provisions have been borrowed almost wholesale from an Act which was framed and placed on the statute book by the British 20 years ago would not by itself be a ground for criticism. I think that we have a good deal to learn in the matter of draftsmanship from the British Government. But I would like to point out that there is a great deal of difference in the manner in which that measure was placed on the statute book 20 years ago and the manner in which the Home Minister is attempting to place this Bill on the statute book.

As the last speaker pointed out, if there had been a real emergency at the present moment, in which the co-operation of all sections of the House was required by the Government, particularly in regard to incitement to violence or murder, then I think there would have been no opposition from any quarter to a measure of this kind. But I ask, is the situation today of such a character that the Home Minister should rush a Bill of such far-reaching consequences as this through a tired and over-worked House? I would like to remind hon. Members that there are many other measures of real urgency which may be crowded out because of the introduction of this Bill at this stage.

On Saturday it was my privilege to present the Report of the Select Committee on the Plantation Labour Bill. The passage of that measure, which was adopted unanimously by the Select Committee, would confer great and lasting benefits on a million workers throughout the country. There are other measures of social reform which this House should pass, if it has the time. Therefore, I ask the Home Minister, is there any real emergency at the present moment and has the Press in any way created such an emergency or contributed towards it?

Pandit Kunzru, when he spoke on this Bill on the last occasion, asked for concrete proofs in justification of this measure. He repeated that demand in the Select Committee. But neither on the floor of the House nor in the Select Committee did the Home Minister come forward with any evidence in support of this measure.

I would like to recall very briefly the circumstances in which 20 years ago, the then Home Member, perhaps

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it was Sir James Crerar or Sir Harry Haig—anyway he was a senior British official—brought forward the Press (Emergency Powers) Bill of 1931. At every step he justified, by a mass of irrefutable evidence, the provisions he was incorporating in that Bill. We have no such evidence placed before us. I think it was the *Statesman* which said the other day that the manner in which the Press was being treated at the present moment seemed as though journalists were being regarded as some sort of a criminal tribe.

The *Statesman* publishes every morning under the caption "The *Statesman* 75 years ago" extracts from the paper of 75 years ago and I seldom miss reading those extracts, because they recall vividly the conditions of a world which no longer exists. One day I read that wheat was selling in Raipur at 59 seers a rupee. I do not suppose that we shall ever see that happen again. And on another occasion I read a report from Jodhpur. The Maharaja of Jodhpur, according to that report, asked his police officials to round up all newspaper correspondents in the State and other bad characters.....

**The Minister of Works, Production and Supply (Shri Gadgil):** They were bracketed together!

**Shri Shiva Rao:** I must not disclose the proceedings of the Select Committee, but I am not surprised at my hon. friend Mr. Gadgil's intervention and the remark he just made, judging from his performance inside the Select Committee.

As I was pointing out the Home Member in 1931, when he brought forward the Press (Emergency Powers) Bill of 1931, did not put in the Bill in its original form all the clauses which we see now in that Act. Let me recall the fact that this Bill was brought forward, because there was, from the standpoint of the British Government of that time, every justification. There was the Bhagat Singh episode, there was talk of political murder and a section of our Press had expressed appreciation of the patriotic motive underlying political murders. Some papers even went further and glorified political murders, and therefore from the standpoint of the Home Member of that time there was ample justification for coming forward to penalise incitement to violence and murders. But my point is that in that first Bill he did not go further and it was only after the breakdown of political negotiations between Gandhiji and the British Government at the Round Table Conference and after Pandit Jawaharlal Nehru had started the No-

rent Campaign in the U.P. and the civil disobedience movement was being conceived step by step, that the Home Member came forward again in the Legislature for amplifying the original Act of 1931. I mention this fact in order to remind the House that at every stage, at every step, the then Home Member proceeded with caution and correctness, if I may say so; and he did not seek powers from the Legislature, irresponsible as was the executive, until there was definite and concrete evidence to justify that further demand on the Legislature. At that time, the Press, at any rate a large section of the Press, was behind the civil disobedience movement. At that time the Press was called the watchdog of national liberty. The entire Press was behind the national movement, and therefore from the point of view of the executive there was ample justification for seeking powers to curtail the liberties of the Press. Is that the position at the present moment? When Mr. Deshbandhu Gupta spoke in this House and gave an elaborate analysis of this Bill on the last occasion, he reminded us that last year when there was the Nehru-Liaquat Pact, the Press in this country came forward on its own initiative and played a great part in creating a favourable atmosphere for that Pact. In fact, the Prime Minister paid a tribute to the constructive role of the Indian Press on that occasion, and my hon. friend, Mr. Gopalaswami Ayyangar, in whose house leading members of the Indian Press met day after day to evolve a formula in order to see that the Press not only in this country but in Pakistan observed restraint, is also in a position to bear witness to this fact. I mention it for the reason that at the present moment, bearing in mind the part that the Press has played since the achievement of independence, we do not deserve a measure of this kind.

Since the Report of the Select Committee was published a few days ago. I have been watching Press reactions and so far, I must confess, I have not come across a single newspaper which has supported the Report of the Select Committee and the Bill even in its improved form. I will not weary the House with extracts from the editorial comments of different papers; it will suffice for my purpose to take only two leading newspapers in this country. I will not quote either from the newspaper of which Mr. Deshbandhu Gupta is the editor or the one of which Mr. Goenka is the editor—I will take other papers. I will take the *Hindustan Times* which up to a certain stage was extremely mild in its



criticism of even the most objectionable features of this Bill. The *Hindustan Times* in its editorial on the Report of the Select Committee said:

"The important thing is whether it is possible for the Government, when the great experiment in democracy of elections based on adult suffrage is about to take place, to eliminate a source of friction between themselves and the Press. In educating the electorate on the issues involved in the elections the Press has an important function to fulfil. To enable it to discharge this function without harbouring a sense of grievance will be no small gain".

And it went on to suggest that at least the life of this Bill might be limited so as to take a good deal of the sting out of that measure.

And I will quote the first and the last sentences from the editorial of the *Hindu*:

"The widespread and vigorous opposition to the Press Bill can hardly be expected to be less as a result of the changes made by the Select Committee; these changes make no difference in regard to the fundamental character of the Bill".

After analysing the various clauses which it has criticised, the editorial ended in these words:

"We would strongly urge upon the Prime Minister that he should leave it to the new electorate and the Parliament it summons to decide whether there should be a Press law and, if there should be, what it should be like."

Those are the editorial comments of two newspapers which no one would describe as irresponsible. I therefore revert to the point with which I began, and which alone can justify the introduction of a measure of this kind at the present juncture. We are entitled to ask in this House: Is there a situation in the country even remotely approaching the one that had developed in 1931, 1932 and 1933 when there was a powerful civil disobedience movement supported by a large section of the Press? On the other hand, as I have just pointed out many newspapers have been solidly behind the Government on critical occasions. Many papers are no doubt critical of certain aspects of Government's policy and of Government's activities; but there is no campaign in favour of violence at the present moment, at any rate none which finds any support from any section of the Press.

I referred earlier to the fact that some of the clauses in this Bill have been borrowed almost wholesale from the Press (Emergency Powers) Act, 1931. I have sometimes wondered to myself whether if this Act had not been on the statute book from 1931, and if the Home Minister had been faced with a situation like the present one, what he would have done, what clauses he would have incorporated in a Bill which he would bring before the House. Would he or his various advisers who have helped him in drafting this Bill have thought for instance, of sub-clause (iii) of clause 3 which defines objectionable matters, sub-clause (iv) which deals with the seduction of members of the armed forces or the police forces, or of sub-clause (v) which deals with persuading public servants or servants of local bodies to do any act or to forbear or delay to do any act, connected with the exercise of his public functions otherwise than according to law, or sub-clause (vii) which would put any person in fear and thereby to induce him to deliver to any person any property or valuable security or to do any act which he is not legally bound to do or to omit to do any act which he is legally entitled to do? The mechanical borrowing of clauses from an Act twenty years old, framed under very different circumstances, is not showing much imagination or statesmanship.

I remember, after the August, 1942 movement the Home Department of the Government of India of that time brought out a good deal of literature to prove that Congress men were either committing or contemplating sabotage in various forms; and I particularly remember one pamphlet which gave details of the various acts Congressmen who were underground at that time were contemplating. As a rule Government publications are not good sellers; but in this particular instance this pamphlet sold as fast as it came out of the Government Press. The Home Department was very pleased that it should have at last produced a popular pamphlet, until Provincial Governments implored the Central Government to stop publication of this pamphlet and to withhold copies from further sale, because it was discovered that agents of the underground movement of that time were buying up these copies and distributing them amongst the members of the underground movement, and that pamphlet provided them with very useful ideas of how to do sabotage. And I ask the Home Minister: If there is no real justification for putting in these various sub-clauses in clause 3, why present ideas to those who may

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be inclined to do mischief which they may not at the present moment entertain.

A few minutes ago I assumed for the purpose of one argument that the Press (Emergency Powers) Act of 1931 was never on the statute book. I would make another assumption for the purpose of another argument. Let me assume that this Bill, which we are discussing at the moment, is on the statute book notwithstanding the opposition to it. In fact, let me assume that this Bill has been on the statute book for some years, that it was on the statute book when we witnessed a great tragedy at the end of January in 1948. I have asked myself what would have happened if this Bill had been on the statute book at that time. There is no doubt that at that time a section of the Press in Delhi was indulging in a dangerous kind of writing. There were papers in Delhi which seemed to believe, judging from their writings, that open incitement to murder and violence could be done with impunity. If this Bill had been on the statute book at that time, I have asked myself whether the executive in Delhi would have been in a position to take prompt and vigorous and determined action which alone could have brought that situation under control. As I said earlier, the Home Minister more than once appealed to me in the Select Committee that I should try to imagine what are the problems of those who occupy the Treasury Benches. I have been through that exercise in 1948. Some of us went to the Prime Minister and the Home Minister Sardar Patel, and we said quite frankly that preaching of murder and violence was not liberty of the Press, and that if firm action was taken against newspapers which were indulging in writings of that kind Government would have the full support of responsible sections of the Press. I think we can claim some credit for having encouraged the Government to take firm measures on that occasion. If this Bill were on the statute book, the procedure adopted would have been for the competent authority—I presume the Deputy Commissioner of Delhi—to make a complaint to the sessions judge; for that sessions judge to hold an enquiry, and this would have gone on perhaps for some weeks. I take the view and I do not mind expressing it, that unfortunately situations arise, there are times, there are occasions, when the executive must act swiftly, without waiting for the verdicts of judges and juries. But this Bill will not enable the executive to act with that swiftness and vigour which is necessary in

a dangerous situation. Therefore, I maintain that this Bill is completely useless in a really dangerous situation. I do not deny that at the present moment there are danger spots in some parts of the country. Prof. Ranga referred to some of them in his speech. There have been acts of sabotage in various parts of the country. There have been murders. There have been daring bank robberies in Bombay, Calcutta and Delhi. But no one would suggest that it is the Press which incited these people to commit violence, murder and bank robberies. I wish that the Minister of Information and Broadcasting—if he will not mind my saying so—instead of being meek and subservient as he has been to the Home Minister in these days would attempt with a little vigour. (Interruption).

**Shri Rajagopalachari:** I protest against this. This is not the way to deal with the debate. At any rate, he should not make a sudden fall from his own level.

**Shri Shiva Rao:** With all respect to the Home Minister, I see nothing wrong and improper in it.

**Shri Rajagopalachari:** It is very offensive to me. I must say, that anybody should be styled as meek and subservient to me. It is not unparliamentary, but I am appealing to him not to come down to that level. There are many things which can be framed in a perfectly parliamentary language but which are more offensive than even unparliamentary language. Would I say that of Mr. Shiva Rao's colleagues that they are meek and subservient to him? I would not. There is no question of subservience here.

**Shri Gadgil:** It is collective responsibility. The Government acts as one.

**Shri Rajagopalachari:** As man to man also, there needs to be respect.

**Shri Shiva Rao:** I want to assure the Home Minister once again and the Minister of Information and Broadcasting that I did not mean to be offensive; and if offence is taken, I withdraw those remarks.

**Shri Rajagopalachari:** I am grateful, Sir.

**Shri Shiva Rao:** But I was dealing with this point...

**Shri Rajagopalachari:** I would not have interfered if the general level was bad. I felt it was wrong to himself that Mr. Shiva Rao should say this.

**Shri Shiva Rao:** Sir, I withdraw those words. But I will say this.

**Shri R. Velayudhan:** They can be expunged.

**Shri Shiva Rao:** But I will say this, that the Minister of Information and Broadcasting would do well to cast his eyes in directions other than the Press to look for incitement to violence and murder. I have in mind particularly films, gangster films, which are exhibited in this country apparently without much discrimination. They, I maintain, are far more responsible for inciting to violence and murder than any newspaper writing.

**Shri Rajagopalachari:** I quite agree. I hope people will support the measure when I bring one for films. I hope they will not combine just as you have done over this.

**Shri Gadgil:** They will have developed fear for this Bill by then.

**The Minister of State for Information and Broadcasting (Shri Diwakar):** The Censor Board is there.

**Shri Rajagopalachari:** Still we might try.

**Shri Shiva Rao:** I do not know what the Censor Board is doing at the moment. (*Shri Diwakar:* It is doing its job). The Home Minister described this Bill when he moved the motion for referring it to the Select Committee as a kind of scarecrow, and he will probably maintain now that after the alterations that have been made in the Select Committee some of the frightening features of that scarecrow have been taken away.

**Shri Gadgil:** Nothing is left there.

**Shri Shiva Rao:** My hon. friend says nothing is left there. Then why worry the House when so much of important legislation is being crowded out with a perfectly useless Bill of this kind?

**Pandit Thakur Das Bhargava:** The scare has gone; the crow remains.

**Shri Shiva Rao:** If it is a scarecrow. I would ask the Home Minister what precisely is the function of a scarecrow. It can fight squirrels and innocent birds, but it is not going to deal with wild animals. A very different kind of weapon is necessary to deal with wild animals. I say this, because though the Home Minister has not been as frank with the House as he might have been, we have had during question time glimpses into the kind of situation which has developed in certain parts of the country. I have

no doubt in my mind that there are anti-social forces consolidating their position and waiting for a proper time before they come out into the open; and my criticism of this Bill is that in the first place it is impotent to deal with a really dangerous situation. All it can do is to serve as a useless scarecrow, as my hon. friend Mr. Gadgil has just now described it. Since independence we have new dangers facing the country. So long as the British were in control, India was behind a kind of *purdah*; that *purdah* has been torn by independence, and especially since the end of the second World War we have been attracting a great deal of attention from outside, from foreign powers, and I am not certain that some of them are not interested in some of the subversive forces that are arising in this country. I think the Home Minister would have done a distinct service to us by directing our attention in those channels rather than penalising the Press for the great service that it has rendered at all times even after independence. I say this with no sense of false modesty. I have been for thirty-four years connected with the profession of journalism. I read a number of papers and I write for a good many papers both in this country and abroad; and I say that the standards of journalism which are displayed by the responsible section of the Press are such that we can be proud of our newspapers. Undoubtedly there is another section which indulges in writings which may be properly described by the last sub-clause of clause 3. But you are not going to put them down by repressive legislation of this kind.

The Home Minister, not now, but when he justified the amendment of the Constitution, asked for the purpose of one of his arguments: supposing a newspaper incites people to do black-marketing. No newspaper would be so foolish as to incite anyone to do black-marketing; and the way to put down black-marketing is not to penalise the Press, but for the executive to act firmly against those who indulge in black-marketing. I say it because many of the objectionable writings in one section of the Press would die down, would be impotent, would cease to have any interest for their readers, if only the executive would act firmly, whenever firm action is called for. Therefore, to trace all these troubles to newspapers alone and to imagine that the situation can be brought under control—what the situation is we do not know—by merely threatening penalties against the Press is to mislead public opinion. Even at this late stage, if it is possible for the Home

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Minister. I would appeal to him in all earnestness to withdraw this Bill and wait for a better and more normal time and see how the Press reacts to this gesture.

There is one last word I would like to say before I sit down. When the Home Minister spoke on the last occasion, he referred to a resolution of the Council of Europe. Possibly, unconsciously, he gave the impression that that resolution which dealt with various restrictions on the Press had been adopted by several European countries.

**Shri Rajagopalachari:** I did not say it had been adopted by those countries.

**Shri Shiva Rao:** I am glad to have that correction from the hon. the Home Minister. But I would like to inform the House that I have made enquiries in regard to this resolution passed by the Council of Europe. It is true that Britain has ratified that resolution; but Britain alone has ratified it; the other countries have not, and until they do so, this resolution will not come into force. But that is not a major point. I take the view that it matters very little to us what other countries do in order to face a situation which to them may be real or dangerous, but which has no relevance here. I claim I am a realist and I would like to deal with a situation as it arises, or is likely to arise here and I say once again that so far as the Press is concerned, it does not deserve the restrictions which are sought to be put on it by this Bill. Therefore, I would repeat my plea to the Home Minister to withdraw this Bill and earn the goodwill and the friendship of the newspapers.

**श्री भट्ट :** हमारे गृह मंत्री जी बड़े ठंडे दिमाग से अपने दिमाग के सब दरवाजे और खिड़कियां खोल कर बैठे हैं और वह गरम और ठंडी हवा ले रहे हैं। स्थितप्रज्ञ की तरह उन के दिमाग पर कोई असर होता मुझे नहीं दिखता है।

**भ्रम मंत्री (श्री जगजीवन राम) :** होना भी नहीं चाहिये।

**श्री भट्ट :** चाहे भाई शिवा राव जी कहें या बम गोला फेंकने वाले देशबन्धु जी आबें या कोई दूसरा मित्र बहुत जोर से चिल्लाये तो भी इस बिल को हमारे गृह मंत्री जी कभी

वापस नहीं लेंगे। क्योंकि उन्होंने सारे हिन्दुस्तान की नब्ब को पहचान कर इस बिल को हमारे सामने रखा है और जब तक उन के दिल में यह नहीं जचता है कि मैं कोई बुरा काम कर रहा हूँ तब तक वह किसी तरह से मानने वाले नहीं हैं। अखबारों की कतारों में जो नरम से नरम लिखने वाले हैं वह भी बहुत जोर से लिखें, सख्त लिखें, कड़ा लिखें तो भी यह हमारे स्थितप्रज्ञ गृह मंत्री जी एक के दो नहीं होंगे। अखबारों में लिखने वाले कई तरह के हैं। यह सिलेक्ट कमेटी की रिपोर्ट के बाद भाई शिवा राव जी ने एक दो अखबार के उद्धरण दिये हैं। मैं उन का ध्यान एक दूसरे अखबार की तरफ भी दिलाना चाहता हूँ और वह है बम्बई का भारत। मैं सब अखबार नहीं देख पाया हूँ कि किस अखबार में क्या क्या लिखा जाता है। वह तो उन लोगों का काम है। वह देखते रहते होंगे और आल इंडिया न्यूजपेपर एडिटर कानफेंस वालों के अहलकार भी देखते होंगे, वह एक तरफ से एक प्रस्ताव करते हैं। दूसरी तरफ से जो उन के सदस्यगण हैं वह अपने अपने पत्रों में दूसरे ढंग से लिखते रहते हैं। यह भी एक तरीका है। स्वराज्य है, स्वतंत्रता है, और प्रस्ताव को कार्यान्वित करने की बात दूर रही, लेकिन जो अपने दिमाग में हो उस के माफिक लिखें। यह स्वराज्य का जमाना है और ऐसा ही होना चाहिये, क्योंकि कलम पर प्रतिबन्ध नहीं लगाया गया है। एडिटर जो होते हैं वह अपने दिमाग से और खुशी के मुआफिक और हवा को देख कर जैसा चाहते हैं लिखते हैं। इस भारत में जो लिखा है वह मैं सुनाना चाहता हूँ। २९ तारीख का यह अंक है बम्बई के भारत का। उस में लिखा है :

"The Press Bill has emerged from the Select Committee in a somewhat liberalised and improved

form. To those who have been questioning the very need of the Bill in terms of abstract concepts of freedom, or on the analogy of conditions in the advanced and maturer democracies of the West, the Select Committee's modifications may seem nothing. But those others, who though no less zealous than they of Press freedom, are nevertheless painfully conscious of its misuse in certain quarters, cannot but be happy over the proposed alterations."

वगैरह वगैरह इस में लिखा गया है।

और आगे लिखा है :

"As the Bill is meant to be deterrent rather than actually punitive, Government would do well to accept these modifications of the Select Committee."

में इन अखबारों की राय और उन के लिखने पर नहीं जा रहा हूँ। हमारे गृह मंत्री जी के प्रति बड़ा आदर होते हुए भी अभी तक मैं यह नहीं समझ पाया हूँ कि इस बिल की निहायत जरूरत थी या नहीं। कहा जाता है कि अलग अलग राज्यों में अलग अलग तरह के बिल हैं जो वर्तमान पत्रों पर अमुक प्रकार के प्रतिबन्ध लगाते हैं, किसी में प्रिसेंसरशिप (pre-censorship) है किसी में कुछ है किसी में कुछ है।

इस तरह हिन्दुस्तान के हिस्से हिस्से में अलग अलग तरह के प्रतिबन्ध रखे गये हैं। उन सब को अगर हटाना है और अगर हमारे भारत के जो कानून हैं, जैसे कि फ़ारैन रिलेशन्स (Foreign Relations) वाला कानून है, और दूसरे कानून हैं, और दूसरे पुराने बने हुए इमरजेंसी ऐक्ट (Emergency Act) और प्रेस ऐक्ट (Press Act) जैसे कानून हैं उन सब को अगर हटाना है, तो उन को हटाने के बाद जगह खाली नहीं रहनी चाहिये। यह उन की एक बड़ी दलील है और यह दलील विचारणीय है। यह नहीं कि हम स्वातन्त्र्य चाहते हैं तो सब तरह से मुक्त हो जायें और रवीन्द्र नाथ टैगोर की मुक्त धारा की तरह

प्रवाह मुक्त ही बहते रहें, कोई किनारा ही न रहे। धारा को कुछ न कुछ किनारा तो चाहिये और सारी दुनिया में जहां वाक्स्वातंत्र्य है, फ्री एक्सप्रेशन (free expression) है, वहां हम देखते हैं कि कुछ न कुछ प्रतिबन्ध लगाये हुए हैं और वह प्रतिबन्ध ढीले हैं, कड़े हैं, कठोर हैं, कैसे हैं, उन की आलोचना में नहीं करना चाहता हूँ। हमारी प्रेस लाज एनक्वायरी कमेटी (Press Laws Enquiry Committee) ने भी यह नहीं कहा कि कतई सारे कानून निकाल देना चाहिये। उन्होंने यह सुझाया कि जो आज सन् १९३१ का कानून है उस में से जो हिस्से रखने लायक हैं उन सब को या तो इंडियन पीनल कोड (Indian Penal Code) में शामिल कर दिया जाये या क्रिमिनल प्रोसीज्योर कोड (Criminal Procedure Code) में शामिल कर दिया जाय। उन्होंने यह कहीं भी नहीं कहा कि इस को कतई जरूरत नहीं है। यह एक खास बात देखने की है उन्होंने यह कभी नहीं कहा। उस में जो श्रीयुत ब्रैलवी थे और श्रीयुत श्रीनिवासन ये, मैं मानता हूँ कि उन्होंने इस से सहमत प्रकट नहीं की है। लेकिन दूसरे साहब, हमारे मोहनलाल जी सक्सेना, वगैरह ने एक राय से यह बात बताई है कि इन चीजों की जरूरत है, लेकिन एक अलग कानून बनाने की जरूरत नहीं है, बात इतनी ही है।

अब हमारे गृह मंत्री जी कहते हैं कि भाई एक सन्दूक अलग रखो और उस सन्दूक में जो औजार जिस गाड़ी के काम के हैं वह अलग रखो, जिस से मालूम हो जाय कि कौन सी गाड़ी के लिये कौन से औजार किस पेटी में पड़े हुए हैं। हमारे दूसरे दोस्त यह कहते हैं कि बर्कशाप में सब औजार पड़े हैं जैसे जैसे चाहियें वैसे ले लेंगे। लेकिन कई दफ़ा ऐसा होता है कि दवाखाने में जाते हैं तब एक तरफ़ मामूली दवाइयाँ पड़ी होती

[ श्री भट्ट ]

हैं लेकिन खास दवाइयां, जहर वगैरह, अलग रखे जाते हैं और वह ताले कुंजी में रखे जाते हैं। तो मालूम ऐसा होता है कि हमारे गृह मंत्री जी यह चाहते हैं कि यह खतरे का एक कानून है और उस के लिये एक खास पेटी बनायी जाये तो उस में कोई हर्ज नहीं है। हमारे दूसरे मित्रों की यह राय है कि एक बड़ा दरवाजा खोल दिया है तो उस में से सब कोई आ सकेंगे और प्रैस के लिये कोई खास दरवाजा होने का ज़रूरत नहीं है, खास कानून की ज़रूरत नहीं है, आम कानून से काम चल सकता है।

ملستر آف ایجوکیشن (مولانا آزاد) :

سہاں بھئے کوتوال اب تو کالہ ۷ -

श्री भट्ट : तो कई सर्वेपदा हस्तपदे निमग्ना और कुछ चाहते हैं कि सब के पैर अलग अलग हों यह ठीक है। लेकिन मैं इस में नहीं जाऊंगा, इस के लिये यह मौका नहीं है, क्योंकि प्रैस बिल की ज़रूरत है या नहीं, और आज ज़रूरत है या नहीं और अगर ज़रूरत है तो कितनी ज़रूरत है या नहीं, इस में अगर मैं जाऊंगा तो सभापति जी कहेंगे कि यह विषयान्तर हो रहा है और मैं ज्यादा समय भी नहीं लेना चाहता हूँ, क्योंकि दूसरे मित्र भी बोलेंगे। इसलिये मैं इस विषय को छोड़ देता हूँ।

मैं यह कहता हूँ कि कुछ भी हो, चाहे वह स्केयर क्रो (scare crow) हो, चाहे वह सरकस का शेर हो, चाहे वह क्लालीन का शेर हो, लेकिन है सही। एक शस्त्रागार का शस्त्र है, वह शस्त्र चाहे प्यूनीटिव (punitive) हो, या डेटेरेंट (deterrent) हो, वह तो ख़तरा ही बर निकम्मा हो, लेकिन वह शस्त्र रखा गया है ख़रूर। वह बिस्कुल निकम्मा है या सचमुच में लोह निकालेगा, यह देखने

की बात है। अब राजा जी जैसे गृह मंत्री कोई निकम्मी जैसी चीज़ अपनी आलमारी में अपने शस्त्रागार में, रखेंगे कि जिस से कुछ काम नहीं बने यह मानने में नहीं आता। वह तो ख़रूर ऐसा शस्त्र रखेंगे, चाहे वह छोटा सा चाकू ही हो, कि जिस से काम बने। वह कोई ऐसा मोंथरा चाकू नहीं रखेंगे कि जिस से नाक भी नहीं कट सके या कुछ भी नहीं कट सके।

पंडित ठाकुर दास भार्गव : नकटे की नाक भी नहीं कट सके।

श्री भट्ट : जी हां, नकटे की नाक भी नहीं कट सके। मैं तो पूरा मुहावरा नहीं कहता हूँ। इसलिये मैं इस बिल को एक अलग दूसरी निगाह से देख रहा हूँ और मैं यह कहना चाहता हूँ कि आप ने सिलेक्ट कमेटी में कुछ संशोधन किये हैं और मामूली से संशोधन किये हैं। लेकिन जो खास बात है, जो आपत्तिजनक चीज़ धारा तीन वाली है, उस में जैसा चाहिये वैसा सुधार नहीं हुआ है। अगर उस में वह संशोधन बहुत अच्छी तरह से कर लेते तो मैं मानता हूँ कि मेरे दोस्तों के मन में संतोष होता। लेकिन राजाजी मुंडी हिलाते हैं कि होने लायक नहीं है। क्या करें ? वह करने के लिये तैयार हैं, दिल तो उन का है। वह कोई बुड्ढे हो गये इसलिये कंज़रवेटिव (conservative) नहीं हो गये, यह तो वह मानते हैं और हम भी मानते हैं। वह कंज़रवेटिव नहीं हैं, बह दिल खुला रख कर बैठे हैं। लेकिन उन का दिल खुला होने से क्या जब हमारी बात उन के दिल को और दिमाग को नहीं ख़चती। इस दुनिया में कोई आदमी नहीं जो यह कहे कि राजाजी ने जो किया है उस को बदलवा सके। इस लिये मैं यह गृह मंत्री जी से प्रार्थना करूंगा

कि आपने सन् १९३१ का जो कानून है और आज का जो कानून है, उस समय की जो हालत थी और आज की जो हालत है, उस में कोई फ़र्क़ देखा या नहीं। आप अगर यह कहते हो कि आज इस की खास ज़रूरत नहीं है, इमरजेन्सी नहीं है, लेकिन हमारे पास यह चीज़ चाहिये, हमारे पास शस्त्र चाहिये जिस को हम रखें रहें। लेकिन कैसे रखें, कहां रखें और किस रीति से रखें, इतनी ही बात अगर आप सोच लेंगे तो मैं मानता हूँ कि आप हम को सन्तोष दे सकेंगे। मैं अभी युनाइटेड नेशन्स (United Nations) की किताब देख रहा था कि अलग अलग देशों में क्या कानून है। मैं उन को पढ़कर नहीं सुनाना चाहता हूँ कि वहां कौन सी चीज़ आपत्तिजनक मानी जाती है और प्रतिबन्ध कहां लगाये जाते हैं। मगर आप को एक ही मिसाल मैं पढ़कर सुनाऊंगा तो शायद आप यह समझेंगे कि हमारे कानून में भी अगर हम कोई ऐसा बदल करें तो इन मित्रों को जो आज रोष कर रहे हैं उनको सन्तोष दे सकेंगे। मालूम नहीं कि वह यह करेंगे या नहीं। लेकिन युनाइटेड स्टेट्स में प्रोटेक्शन आफ़ इंडिविज्युअल्स अगेन्स्ट लाइबेल एंड स्लैंडर (Protection of individuals against libel and slander), दूसरा डिस्सेमिनेशन आफ़ आबसीनिटी (Dissemination of obscenity), तीसरा प्रोटेक्शन आफ़ दी स्टेट अगेन्स्ट इंटरनल डिस्ऑर्डर (Protection of the State against internal disorder) और चौथा प्रोटेक्शन आफ़ दी स्टेट अगेन्स्ट एक्सटर्नल एग्ग्रेसन (Protection of the State against external aggression) यही कानून हैं।

5 P. M.

यह चार प्रतिबंध लगाये हुए हैं और उन चार प्रतिबंधों में क्या क्या और चीज़ आ

सकती है। तो राजाजी जैसे बुद्धिमान आदमी इन चार में चार हजार चीज़ों का समावेश कर सकते हैं। वह अभी राज्य कर रहे हैं और इस में मुझे कोई सन्देह नहीं है कि आदमी अपनी बुद्धि चातुर्य से कोई भी चीज़ कर सकता है। लेकिन मैं कहना चाहता हूँ कि देश में वह हालत है क्या आज जैसी हालत सन् १९११, २१ और १९३१ में थी जब यहां अंग्रेज़ सरकार राज्य कर रही थी और क्या आप भी वही चीज़ मानते हो जो वह विदेशी अंग्रेज़ सरकार मानती थी? मैं तो ऐसा नहीं मानता हूँ और वह खुद ऐसा नहीं मानते होंगे। इसलिये मैं तो उन से कहता हूँ कि अगर यह कानून अलग से वह बनाना चाहते हैं, तो बना लें, लेकिन इस का ध्यान रखें कि कानून जो वह बनायें वह अच्छा हो, सुहावना हो और उसको एक काम की चीज़ बनायें ताकि जब उसकी ज़रूरत हो, तो उसका उपयोग किया जाये। ऐसा कानून वह बनायें, लेकिन ज़्यादा तेज न बनायें, आपने जो शस्त्र बनाया है, बड़ा नोकदार बनाया है और ज़रा सा भी अगर हम उसको छुएं, तो उससे कट जाने का डर है, इसके सम्बन्ध में मेरी उनसे प्रार्थना है कि वह इसपर फिर से विचार करें और इसको इतना तेज़ और नोकदार न रखें।

मैं अब इस बिल के विषय में जो सिलेक्ट कमेटी में से होकर आया है, उसके विषय में कुछ कहूंगा। ज़्यादा लम्बी बात मैं नहीं करना चाहता, क्योंकि जनरल बात करने वाले मेरे दूसरे मित्र हैं जो वह अच्छी रीति से इस विषय में कर सकेंगे। यह बात आ रही है कि आपत्तिजनक चीज़ क्या है और क्या होनी चाहिये। उसमें एक बकील जो एक पुराने ढर्रे का चला आता है, वह उस

[ श्री भट्ट ]

पुराने एक्सप्रेशन (expression) को नहीं छोड़ेगा। अगर सौ साल पहले आप ने टेन्ड (tend) शब्द लिखा होगा, तो वह टेन्ड शब्द लिखने की तरफ जायगा। अगर 'कैलकुलेटेड' (calculated) शब्द लिखा हुआ होगा, तो कैलकुलेटेड की तरफ वह जायगा। उन का एक सिलसिला बन गया है, परिपाटी बन गई है जिसे वह छोड़ने को तैयार नहीं हैं। यह मैं मान सकता हूँ कि अगर वह कोई दूसरा शब्द इस्तेमाल करें तो शायद उन को यह डर होता है कि इस का अर्थ न्यायाधीश क्या लगायेगा। मैं यह कहना चाहता हूँ कि आप जो यह हुकूमत चलाते हो, तो सिर्फ़ क़ानून से ही यह हुकूमत चलाना है या एक नैतिक वातावरण को हमें साथ साथ उस के पैदा करना है? क्या हम सिर्फ़ इस प्रकार के क़ानूनों के जाल में लोगों को फांस कर दबाना चाहते हैं?

**बाबू रामनारायण सिंह :** यही बात है।

**श्री भट्ट :** यही बात अगर अभाग्यवश हो तो अगर वातावरण बिगड़ गया तो आप का कोई क़ानून ज़मने वाला नहीं है। चाहे प्रेस ला हो, चाहे कोई दूसरा सिन्डिकेट क़ानून हो, कोई क़ानून नहीं रह सकेगा। और मुझे डर है कि अगर वह सूखी घास के मानिन्द हुआ तो एक चिंगारी मात्र से सारे वातावरण में वह आग फैला देगी। आप इस क़ानून से क्या करने जा रहे हैं, आप अखबारों पर नियंत्रण रखना चाहते हैं, कौन से अखबारों पर और कौन से वाक्य पर? आप प्रतिबंध लगाने जा रहे हैं ऐसे वाक्य पर जो भड़काने वाला हो, और लोगों को उकसाने वाला ही और परिवर्तन लाने के हेतु हिंसा का साधन प्रयोग करने की तरफ़ उकसाने वाला हो। तो हम यह सब मानते हैं कि हिंसा के ज़रिये अगर लोगों को कोई उकसाये और राज्य में परिवर्तन लाना चाहे, तब आप

उन को दबाने की अवश्य कोशिश करें, लेकिन हमारी यह कोशिश भी कहां तक सफल होगी, अगर हमारी नींव और बुनियाद कमजोर हुई तो हम अपने को नहीं सम्हाल सकेंगे। इसलिये यह बहुत आवश्यक हो जाता है कि हमारी नींव काफ़ी पक्की होनी चाहिये और हमारी नींव गांधी जी की वह अहिंसा है, गांधी जी की वह सच्चाई है, उन का वह समाजीकरण और अर्थीकरण है और अगर हम इन पर आधारित रहें और अपनी नींव को मज़बूत बनाये रखें तो फिर हमारे राज्य को कोई धोखा नहीं है और न होने वाला है। हम देख रहे हैं कि इधर पिछले चार साल से कई लोग भड़काने वाले निकले हैं, कई प्रकार से भड़काने वाले निकले हैं, गालियां देते हैं, सरकार को गालियां देते हैं, कांग्रेस को गालियां देते हैं और जो हुकूमत ले कर बैठे हैं, उन को गालियां देते हैं, परन्तु उन के दिल में भी यह बात है कि आज की सरकार को चलाने वाले लोग ऐसे नहीं हैं जो हम को दबायेंगे, ऐसा उन का विश्वास है और यह सर्वथा उचित है कि ऐसा विश्वास उन का हम बनाये रखें, उस को भिटने न दें और उस के लिये सिर्फ़ क़ानून ही पर्याप्त नहीं है। और हमारे राजाजी तो शान्ति पर्व के अभ्यासी हैं और मुझे पूर्ण आशा और विश्वास है कि वह उस की तरफ़ सदैव ध्यान रखेंगे।

**He will keep the Rod lifted.**

वह अपने डंडे को ऊंचा रखेंगे और चाबुक हाथ में तैयार रखेंगे ताकि ज़रूरत पढ़ने पर उस का वह उपयोग कर सकें। वह कहां चाबुक लगयेंगे, यह नहीं जतायेंगे लेकिन उन के हाथ में एक चाबुक है, चक्र है, गदा है उस को हाथ में ले कर बैठे हैं और गृह मंत्री का हमेशा यह काम रहता ही है और उन को सज़ा देने का ही अधिकार है और सज़ा देने के लिये उन के पास कोई चीज़ तो रहनी ही चाहिये। वह दंड धारक हैं, लेकिन मैं



गृह मंत्री जी को, सभापति जी, आप के जरिये से बताना चाहता हूँ कि- जो कानून आप बनाने जा रहे हैं, उसे आप बना लें। ऐसे कामों के लिये आप ने धारा तीन में विभाग आठ में जो बताया है, उस में से आप कम कर सकते हैं और हम सब मानते हैं कि हिंसा की तरफ उकसाने वाले व्यक्ति को आप रोकें और उस को दंडित करें।

दूसरी बात में आप को यह कहना चाहता हूँ कि उस में सैबोटेज (sabotage) शब्द जो है, उस को आप को निकाल देना चाहिये। यह सैबोटेज का शब्द बहुत भद्दा है, उस के कोई खास मानी नहीं हैं। कोई भी जो आप के काम में ज़रा भी रूकावट डालेगा तो आप कहेंगे कि यह सैबोटेज है। सैबोटेज की परिभाषा जब तक नहीं बनती तब तक यह कहना कि क्या सैबोटेज है और क्या नहीं है, मुश्किल है। लेकिन यह सब ज़रूर मानते हैं कि उस में हिंसा का तत्व भरा हुआ है। लेकिन मैं पूछता हूँ कि अगर एक गाड़ी शॉटिंग कर के दूसरी जगह चली जाती है, तो क्या वह भी कोई सैबोटेज हो जाता है, तो क्या आप का यह ख्याल है?

**श्री सिधबा :** गाड़ी उलट जाय तब सैबोटेज होता है।

**श्री भट्ट :** तो वह तो अलग अलग अर्थ लगाये जा सकते हैं, नया शब्द है, कोई कुछ अर्थ लगाता है और दूसरा कोई दूसरा अर्थ लगाता है। मैं तो यह मामूली तौर से दूसरा अर्थ कहता हूँ कि उन का काम सैबोटेज कर दिया, उस के मानी यह हुए कि उस के काम को हम ने चौपट कर दिया, दूसरे तरीके से उलट दिया और उस उलटने में सिर्फ हिंसा ही आती है और हिंसा के सिवा कोई दूसरी चीज़ नहीं आती है, यह मैं मानने के लिये तैयार नहीं हूँ। दोनों चीज़ें उस में आ सकती

हैं, हिंसा अगर आ सकती है, तो अहिंसा भी आ सकती है। और मेरी तो प्रार्थना है कि यह सैबोटेज शब्द उस में से हटा दिया जाय तो उस में कोई अड़चन नहीं है। तीसरी बात जो इस में है कि 'incite or encourage any person to interfere with the administration of the law or with the maintenance of public order or not' यह इंटरफियरेंस (interference) किस का करेगा। गांधी जी के जमाने में क्या हमारे सब नेता इस की नहीं कर रहे थे। Were they interfering with the administration or not?

**श्री सोधी :** गांधी जी चले गये।

**श्री भट्ट :** उन के चेले तो सब बैठे हुए हैं।

مولانا آزاد : اس وقت تو انڈرفرنس  
ہم واقعی کرنا چاہتے تھے۔

**श्री भट्ट :** यह इंटरफियरेंस का शब्द उतना ही पेचीदा है, और उतना ही गैर रास्त ले जाने वाली चीज़ है, गोल मोल करने वाली चीज़ है और इस को भी आप हटा दे सकते हैं।

चौथी बात "टेन्ड टु सेड्यूस एनी मेम्बर आफ दी आर्मी" (tend to seduce any member of the Army) फ़ौज में या पुलिस में कोई दस्तन्दाजी न करे इस को तो सब मानेंगे।

पांचवां है, "आर कैलकुलेटेड टु इन्ड्यूस ए पब्लिक सर्वेन्ट आर सर्वेन्ट आफ ए लोकल अथारिटी" (or calculated to induce a public servant or servant of a local authority)

[श्री भट्ट]

द्वीप द्वीप । मुझे बताइये कि अगर हम मानते हैं कि इस सरकार का साथ न देना चाहिये, अगर सच्चे दिल से वह मानते हैं तो वह यह कहेंगे कि आप असहयोग कीजिये। आपने सरकार का बाईकाट करवाया, अदालतों का बाईकाट आप ने करवाया, कपड़े का बाईकाट करवाया, होलियां जली, यह सब शान्तिमय तरीके से किया । अगर हम यह मानते हैं कि सरकार की अकल किसी रीति से ठिकाने नहीं आ रही है तो, माफ़ कीजिये, मैं किसी हुकूमत के खिलाफ़ नहीं बोल रहा हूँ, लेकिन मैं यह ऐबस्ट्रेक्ट में कहना चाहता हूँ कि क्या यह अधिकार जनता को नहीं है, जनता के अगुआओं को, जनता के पत्रों को, आदमी जनता की रहबरी कर सकते हैं उन लोगों को, कि यह कहें कि अच्छा भाई, हम लोग उन की कोई मदद न करें । तो आप कहियेगा कि “दिस इज़ इन्ड्यूसिंग दि पब्लिक सर्वेन्ट्स” आप उन को कानूनी चंगुल में लाना चाहेंगे । तो यह बहस की बात नहीं है, दूसरे कानून की बात है जिस में आप ले सकते हैं, अगर आप यह जानते हैं कि यह सब हमारा ढाँचा उलटने को कर रहे हैं । जो कर रहे हैं वह सज़ा भुगतेंगे, लेकिन आप बेचारे प्रेस वाले को क्यों सता रहे हैं । जो सारे सत्याग्रही हैं, जो ऐसा करने वाले होंगे उन को पकड़िये । उन के लिये बहस की क्या ज़रूरत है ?

फिर मैं माननीय मंत्री जी से यह प्रार्थना करना चाहता हूँ कि वह “टेन्ड” (tend) शब्द जहाँ जहाँ रखा गया है “टेन्ड टू इन्साइट एंड एनकरेज” यह “टेन्ड” क्या चीज़ है । मंहरबानी कर के इस “टेन्ड” को आप कोई दूसरा रूप दे दीजिये । वह इतना क्यों घबराते हैं, जैसे पहले बूटिया वाले घबराते रहते थे कि वहाँ से गंध आ रही है, वहाँ से

गंध आ रही है । आप तो खुल्लम खुल्ला बैठे हैं, जनता की सेवा करने के लिये बैठे हैं तो इस में आप को इतना डरने की क्या ज़रूरत है । आप यह खुल कर कहें कि जो खुल्लम खुल्ला हम से बग़ावत करेंगे उन को हम कुचलना चाहते हैं, रिप्रेस (repress) करना चाहते हैं, सप्रेस (supress) करना चाहते हैं । वह लोग भी हिम्मत से कहेंगे कि तुम जनता पर बल प्रयोग करते हो ! आप एक तरफ़ से कानून बनाना चाहेंगे वह दूसरी तरफ़ से आप को फांसना चाहेंगे । आप कहेंगे कि हम प्रेस ज़ब्त करेंगे । तो वह रास्ते पर भी पत्रिका लिखेंगे, वह दीवारों पर कोयले से लिखेंगे, वह हस्त पत्र लिखेंगे और इस रीति से अगर कोई गंदी चीज़ आप के खिलाफ़ उन को चलाना है तो वह चला सकते हैं । इसलिये मैं यह कहना चाहता हूँ कि हम कानून बनायें तो ऐसे बनायें जो हम को सफलता देने वाली चीज़ हो । हमारे मित्र भी यह कहें कि अच्छा भाई हमारे गृह मंत्री को यह जंचा और उन्होंने यह दंड बनवा दिया है । उन को अच्छा वातावरण बनाना चाहिये । ऐसा वातावरण नहीं बनाना चाहिये कि आज जितने मित्र बैठे हैं, पच्चीस हों, तीस हों, चालीस हों, उन के दिल में तकलीफ़ पहुँच रही है, और वह ऐसे आदमी नहीं हैं कि हमारी बग़ावत करने वाले हों, शोर मचाने वाले आदमी नहीं हैं, उन के दिल में अपने देश की इज़्जत है । जो अखबार वाले हैं उन के दिल में भी है । आप उन के सुधार के लिये, उन के नियंत्रण के लिये, नियंत्रण कुछ न कुछ अंशों में चाहिये यह सब मानते हैं, तो आप उन के लिये जो चीज़ बनाने जा रहें हैं वह आप ऐसी बनाइये जो सब को सन्तोष दे सके ।

इन चीज़ों के बाद मैं सिर्फ़ एक बात और कह दूँ और फिर बैठ जाऊंगा । मैं वह चीज़ यह कहना चाहता हूँ कि वह अखबार में लिखत

वाले बड़े विद्वान तो अलग रहे, वह अखबार चलाने वाले भी अलग रहे, मैं बड़े अखबार की नहीं कह रहा हूँ, एक छोटा सा अखबार समझ लीजिये। क्योंकि आप ने तो न्यूज शीट (news sheet) भी इस में जोड़ दिया है, मेकैनिकली प्रोड्यूस्ड हो (mechanically produced) भी ले आये हैं, तो उस में तो साइक्लोस्टाइल (cyclostyl-ed) और रोनियो (roneo) भी आ जाते हैं आप किन किन को पकड़ना चाहेंगे और कहां कहां पकड़ने जायेंगे। जितना जितना आप नीचे जायेंगे उतना उतना ऐसा काम करने वाले भूगर्भ में ज्यादा जायेंगे। ज्यादा अंडरग्राउंड (underground) जायेंगे। यह मैं आप से कहना चाहता हूँ। इससे बुनियाद ऊपर ही रखिये। हमारा कानून ऊपर ही रखिये, उस को नीचे न जाने दीजिये नहीं तो छापने वाले आदमी कितनी तरह से छाप सकते हैं। आप आज छिपाने वाले आदमियों को पकड़ नहीं सकते हैं, हमारे रंगा साहब चले गये, लाखों मन अनाज अब भी भरा पड़ा है लेकिन उन को कोई पकड़ नहीं सकता है। तो मैं चाहता हूँ कि आप अपने कानून ऐसे न बनायें जिस में आशंका ही आती रहे। जिस में किसी प्रकार की आशंका की बात आती हो, जनता में अविश्वास की बात आती हो, ऐसे कानून न बनायें।

मैं अर्ज कर रहा था कि वह बेचारा एक छोटा सा प्रेसवाला आदमी जो है वह यहां मांगा जाता है। उन बड़ों बड़ों की लड़ाई में बेचारे झाड़ झंखाड़ कुचले जाते हैं। उस के ऊपर आप ने पाबन्दी रखी है, और जो यह प्रेस ऐंड रजिस्ट्रेशन आफ बुक्स ऐक्ट (Press and Registration of Books Act) है उस के मातहत उस को नियम बरीरह का पालन करना पड़ता है। अगर वह

नियम का पालन नहीं करता है तो दो हजार तक का जुरमाना हो सकता है। लेकिन एक मेरे ही ऐसा कोई आदमी किसी प्रेस में चला गया और बड़ी सफाई से कोई चीज लिखी जिस से कि वह चंगुल में न आये। उस प्रेस ने वह चीज लेकर छाप दी। उस प्रेस का जो कम्पोजीटर है, जो प्रेसमैन है वह उस को क्या समझेगा। उस ने तो कम्पोज कर के रख दिया। उसी वक्त पुलिस वाला या कोई कम्पीटेन्ट अथारिटी (competent authority) चला गया कि चलो भाई दो हजार रुपये की जमानत के लिये आप को ले जा रहा हूँ। सेशन जज के पास ले जा रहा है आप ने ठीक किया कि सेशन जज के पास ले जाया जायगा, यह ठीक है या नहीं यह बाद में बताऊंगा, पहले जो था वह ठीक था या अब जो हो रहा है वह ठीक है, यह तो वकील लोग समझें। इस में मैं नहीं जाना चाहता हूँ। आप कहेंगे कि ऐसे आदमी की बात क्यों सोचते हो, मैं यह सुझाना चाहता हूँ कि इस में से कुछ रास्ता निकालिये आप प्रेसवाले को वार्निंग (warning) दे दीजिये, कि तुम आइन्दा ऐसा काम न करना, एक दफा, दो दफा, तीन दफा वार्निंग दे दीजिये और उस के बाद भी अगर वह आदमी इस तरह का आपत्तिजनक छापे तब उस को आप सेशन जज के पास ले जाइये और सेशन जज जितनी चाहे उस से जमानत ले। वह तो जरूर सोच समझ कर जमानत लेंगे, ऐसा नहीं है कि एक छोटे प्रेसवाले से पचास हजार रुपयों की जमानत मांग ले। बड़े से बड़े प्रेस हैं, छोटे भी हैं, उस की कोई हद रखिए कि दस हजार से ज्यादा नहीं, पांच हजार से ज्यादा नहीं, कोई न कोई मियाद रखिये जिस से सेशन जज को बहुत उलझन में न पड़ना पड़े कि कितना लेना है कितना नहीं। मैं यह बताना चाहता हूँ।

[श्री भट्ट]

दूसरी बात में यह कहना चाहता हूँ कि आप इस वक्त प्रेस को इस में से बिल्कुल निकाल दीजिये। शायद बेलजियम में और बेनमार्क में दो एक जगह तो मैं ने ऐसा देखा है कि वहाँ पर प्रेस के ऊपर कोई जिम्मेवारी नहीं है। जो लिखने वाला है, छपवाने वाला है अगर उस का नाम वहाँ मौजूद है तो वह आदमी पहचाना जा सकता है। "इफ़ दि आथर इज़ नोन आर नोएबल आर ट्रेसेबल" (if the author is known or knowable or traceable) तो प्रेस की जिम्मेवारी किसी तरह से नहीं होती है। आप को चाहिये कि इसी तरह से इस में भी कोई चीज़ लिखें जिस से वह प्रेस वाले बच जायें। अगर वह प्रेस वाला चेतावनी देने के बाद भी किसी का नाम न बतावे, लिखने वाले को बताना चाहिये, लेकिन अगर वह न बताये तो जरूर वह प्रेस वाला कुसूरदार हो सकता है। इस तरह से आप इन चीज़ों को दुरुस्त कर देंगे तो यह अच्छा क़ानून हम बना सकेंगे।

तीसरी और आखिरी बात में यह कहना चाहता हूँ कि अगर गृह मंत्री जी यह मानते हैं कि आज का वायुमंडल ऐसा है कि हमें यह स्केयर क्रो रखना है, कोई डराने वाली चीज़ रखनी है, यह लाल झंडो रखनी है, तो वह उस को रखें कि इस से लोग रुक जाय। वह इस नियंत्रण को रखें। लेकिन कितने साल के लिये यह आप ने इस पें कोई मर्यादा नहीं रखी है। न मालूम आप कितने साल के लिये रखना चाहते हैं। लेकिन मैं यह कहना चाहता हूँ कि लोगों की आशंका दूर करने के लिये आप इस की दो साल की मियाद ठहराइये।

श्री सौंधी : छः महीने।

श्री भट्ट : मुझे यह आशा तो नहीं है कि हमारे गृह मंत्री जी ६ महीने मान लेंगे। उन को ऐसी मियाद सुझायी जाये जैसी कि पंजाब ऐक्ट (Punjab Act) में बताई है। यदि वह दो साल मान जायें तो उन का भी काम हो जायगा और हमारे दिलों को भी संतोष हो जायगा। यह कहते हुए मैं क्यादा लम्बी बहस नहीं करना चाहता। मैं यह मानता हूँ कि हमारे गृह मंत्री जी इस पर अपने दिल को टटोलेंगे और अगर वह हमारा संशोधन न मानें तो भी वह अपना सुझाव पेश करेंगे। पंजाब सिक्यूरिटी ऐक्ट (Punjab Security Act) में हमारे पंडित ठाकुर दास जी वगैरह को बहुत ऐकॉमोडेट (accommodate) किया था। तो मैं यह मानता हूँ कि आज भी वह पंडित ठाकुर दास जी, कृंजरू साहब को और शिवा राव जी को और देश बन्धु जी और गायनका जी को और सब को ऐकॉमोडेट करने की कोशिश करेंगे, और इस बिल को जितना सहल हो सके उतना सहल और संतोषप्रद बतायेंगे।

(English translation of the above speech)

Shri Bhatt (Bombay): With the receptive inlets of his mind open, our hon. Minister of Home Affairs seems to be receiving the hot and the cold breezes from the House unaffected. They seem to convey no purport to his mind.

The Minister of Labour (Shri Jagjivan Ram): Nor they should.

Shri Bhatt: Howsoever Shri Shiva Raoji may plead or the fiery Shri Deshbandhu may exhort or some other friend may rend the air, our Home Minister would not withdraw this Bill. He has brought it after feeling the pulse of the country and he is not going to submit until it is struck into his mind that he is doing something very wrong. He is not going to bridge an inch in spite of the provocative writings of even the most liberal papers. Papers write in varying tones. Shri Shiva Raoji quoted from one or

two newspapers. But I would also draw his attention to another newspaper, the *Bharat* of Bombay. I have not been able to see all the newspapers. That is in fact their work and they as well as the workers of the All India Newspapers' Editors Conference must be looking into them. On the one hand they pass a certain resolution and on the other the members of the Conference write in a different tone. That is also a way. It is *Swarajya* after all, and instead of implementing the resolution, they give free vent to their feelings. It is probably right in the time of *Swarajya* for no check has been imposed on the pen. The editors write what they wish and think under the prevailing circumstances. So I wanted to submit as to what *Bharat* wrote in its issue of the 29th. It says:

"The Press Bill has emerged from the Select Committee in a somewhat liberalised and improved form. To those who have been questioning the very need of the Bill in terms of abstract concepts of freedom, or on the analogy of conditions in the advanced and maturer democracies of the West, the Select Committee's modifications may seem nothing. But those others, who though no less zealous than they of Press freedom, are nevertheless painfully conscious of its misuse in certain quarters, cannot but be happy over the proposed alterations."

A little further on it says:

"As the Bill is meant to be deterrent rather than actually punitive, Government would do well to accept these modifications of the Select Committee."

I would not simply go by the opinion that these newspapers express. But, with all the respect I have for the hon. Home Minister, I must say I have not been convinced that this Bill was really necessary. It is said there are various laws in different states that put particular restrictions on the newspapers such as pre-censorship and other restrictions. Thus different types of restrictions have been imposed in various parts of the country. If all these are to be removed and if such laws, as those relating to foreign relations and those like the Emergency Act, the Press Act etc. have to be done away with the vacuum created by them should not be left unfilled—this is a big plea they put forward and it deserves consideration. Our desire for freedom should not be unfettered like the free verse of Shri Rabindra Nath Tagore. Such a

flow must have bounds. We find all over the world, wherever there is freedom of expression, some sort of restrictions imposed. I do not want to go into the question whether they are loose or hard or stringent. Our Press Laws Enquiry Committee also did not recommend the scrapping of all the laws. They have suggested that these parts of the 1931 Act which need be retained should either be added to the Indian Penal Code or to the Criminal Procedure Code. They did not say that they were not needed at all, which is an important thing to note. I admit that Shri Brelvi and Shri Srinivasan who were members of the Committee did not express their agreement with this; but Shri Mohan Lal Saxena and others were of the opinion that these things were certainly required although a separate law was not needed. That is the only thing.

Now, our hon. Home Minister says that we must have different boxes for different tools and instruments so that we might be sure as to which box contains the appropriate instrument when we may need it for that particular vehicle. But another friend contends that a workshop has all kinds of instruments from where we may pick up the one we need. However, in a dispensary we find that while no special arrangement is made regarding the common medicines, some particular medicines like poisons etc. are kept apart under lock and key. So it seems that hon. Home Minister wants that since this is an emergency measure, it should be kept apart in a special box although some other friends believe that no new measure need be adopted for the Press and that it can be accommodated in the existing comprehensive body of laws.

**The Minister of Education (Maulana Azad):** Where is the apprehension when your own men are at the helm of affairs?

**Shri Bhatt:** Thus some people believe in the maxim: *Sarvapada hastipade nimagna* (all feet are contained in the elephant's foot) while others think that all the feet should be separate. However, I shall not go into that for this is not the occasion to do so. If I were to discuss whether the Press Bill is needed today or not and if it is needed, then how much of it and so on, the Chair would be led to remark that I was going beside the subject. Moreover, I do not want to take much time, for others have also to speak. So I leave it there.

My point is that whatever it may be described to be—whether a scarecrow or a circus lion or a toy lion.—

[Shri Bhatt]

but it is there all the same. That is one of the weapons of the armoury. That might be punitive or deterrent, sharp or blunt, but the fact remains that it has been included. Whether it is worthless or it will cut is to be seen. Now, it is not understandable that our hon. Home Minister like Rajaji would keep in his armoury any weapon which is of no use. He would always have some serviceable weapon, however small that may be. He would not keep any blunt, ineffective knife.

**Pandit Thakur Das Bhargava:** Which may not cut even a wax nose.

**Shri Bhatt:** Yes. So I view this Bill from a different angle of vision. Some ordinary amendments have been made in it in the Select Committee. But the main thing, the objectionable matter contained in clause 3, has not been suitably amended. If proper amendments were made in that clause, I am sure my friends would have been satisfied. But Rajaji nods his head in disapproval. He is unable to do so although he seems to be desirous and ready to do so. He believes that age has not made him conservative and we accept he is not conservative but has a very open heart. But what can such an open heart mean to us when our suggestions do not find favour with him? None in this world can claim to change Rajaji's mind. Therefore I shall request the hon. Home Minister to find out if he sees a difference between the Act of 1931 and the present one and between the conditions obtaining then and now. If it is contended that this measure is being added to serve as a weapon in time of emergency although there is no special need of it—no emergency—at present, I would only request them to consider how and where they will use this weapon and in what manner, for the hon. Minister would then be able to satisfy us. I was just going through a book published by the United Nations to find out what laws exist in this connection in various countries. I do not want to read them out here and say what things are held objectionable and what restrictions are applied. I shall read out to you only one example which might perhaps lead them to understand that if some change in consonance with that is made in our law, they could satisfy our angry friends. I am not sure whether the hon. Minister will do that or not. But I would draw his attention towards the laws existing in the United States concerning protection of individuals against libel and slander, protection of the community against dissemination of obscenity, protection of the State against

internal disorder and protection of the State against external disorder. These are the four restrictions there and they can cover many more things. A man of the calibre of Rajaji can incorporate four thousand things in these four. He is now in the ruling rank and I have little doubt that a man can do anything by application of his wisdom and ability. But I want to submit that the conditions prevailing in the country today are the same as prevailed in the years 1911, 1921 and 1931 when the British ruled over our country and do our present Government also want to walk in the foot-steps of the foreign British Government? I do not subscribe to that view and I hope he himself would not. Therefore I submit that if he must have a separate legislation in this respect, he could have that but care must be taken that the law which he proposes to pass must be good and useful so that it might be properly utilized when the need arises. But it should not be a sharp weapon. The weapon he has made is sharp-edged and if we touch it a little, it is feared that it may cut. My request with regard to this is that he should think it over again and should not make it so sharp and pointed.

I would now say something about this Bill as it has emerged from the Select Committee. I do not propose to indulge in a long talk for other friends in the House would very well be able to speak about it in a general way. I was dealing with what is objectionable in the Bill and what kind of provision should have been there instead. The thing is that an old-fashioned lawyer would not give up his old pet expression. If the word 'tend' would have been used a hundred years ago, he will also be inclined to use the same word. If there is the word 'calculated' he would be tempted towards this word also. There is a chain of words and traditions which he is not ready to give up. I admit that he is afraid to use another word under an apprehension lest it may not have the desired interpretation. What I want to impress upon him is that administration should not be run by the force of laws but we must create a moral atmosphere also together with law. Do we intend to suppress the people by entangling them in the meshes of law?

**Babu Ramnarayan Singh:** That is really the thing.

**Shri Bhatt:** If, unfortunately, that is the thing and the atmosphere is vitiated, then no law is going to be effective, whether it be Press Law or any other Security law. And in case it is like hay, I fear a spark would be

enough to inflame the whole atmosphere. What use is he going to make of this law? He wants to put restrictions upon the newspapers. But on what newspapers and upon what types of expressions? He is going to impose restrictions on such phraseology that is inciting—that might incite the people to resort to violent means for bringing about a change. We agree that if somebody incites the people and wants to bring about a change by means of violence, he must be dealt with suitably. But our efforts in this direction would be futile if our foundation is weak and we, in that case, will not be able to hold ourselves. Therefore it becomes necessary to have a strong foundation. If our foundation is based upon Gandhiji's *Ahimsa* and Truth and upon his vision of social and economic order, and if we were to stand upon these and keep our foundation strong, nothing wrong is going to happen to our State. We see that there have emerged during the last four years many persons who indulge in inciting the people in various ways and who abuse the Government and the Congress. But in the heart of their hearts they also think that those running the present Government are not of such a type as would suppress them. That is their belief, and that is quite a reasonable belief, and it is necessary that it should not be allowed to wither away. And for that purpose law alone would not do the job. Moreover, our Rajaji is accustomed to peaceful ways and would always keep that in mind. He will keep the rod lifted and will be ready with the whip so that he may use it when the necessity arises. He would not tell us now as to the places where he would apply that whip but he wants to have it and he would be ready with it. And indeed, the Home Minister has ever to perform this duty; he has a right to punish and he must have something with which to punish. He bears the rod; but I wish to tell the hon. Home Minister through you, Sir, that while he can have the law he wants to enact now, he must effect a cut in the number of things he has elaborated in the eight parts of clause 3. All the more we agree that he must have means to check a person inciting others to violence and punish him.

My second point is that the word 'sabotage' should be removed. It is a bad word and it has no specific connotation. Even the slightest interference would be considered as sabotage. Unless there is a definition of the word 'sabotage', it is difficult to say what is sabotage and what is not sabotage. However, everybody agrees that it smacks of violence. But I ask

if a train moves to another place while shunting, would it be called a sabotage? Is that your idea of the word?

**Shri Sidhva** (Madhya Pradesh): If the train derails, then it is sabotage.

**Shri Bhatt:** The thing is that different meanings can be attached to it. It is a new word and is variously interpreted. I am inclined to put a general meaning on the word—that if we say such and such work has been sabotaged it means that it has been set at naught. I am not prepared to concede that it necessarily involves violence. It may or may not involve violence. It is therefore my request that the word sabotage should be removed from the Bill. It would do no harm.

Thirdly, it says: 'incite or encourage any person to interfere with the administration of the law or with the maintenance of public order.' With what will it cause interference? Were our leaders not doing that in the time of Gandhiji? Were they interfering with the administration or not?

**Shri Sondhi:** Gandhiji is now no more.

**Shri Bhatt:** But his disciples are all here.

**Maulana Azad:** We certainly wanted to interfere at that time.

**Shri Bhatt:** The word 'interference' is very puzzling and is likely to lead us astray. It is harmful and can well be removed.

So far as the words "tend to seduce any member of the army" are concerned, all will agree that there should be no interference in matters relating to army or police.

Then there is: "are calculated to induce a public servant or servant of a local authority" etc. Here I want to say that if there are some people who believe that they should not co-operate with the Government, and if they believe it with a sincere heart, they would ask people to non-co-operate. Those who are in the Government also once asked the people to boycott courts and boycott foreign cloth and there were bonfires of foreign cloth. So I ask if we find that the Government is not working in a proper manner—I do not mean to criticise any Government, I am just speaking in abstract—have not their leaders and the Press, who have the people's good at heart, a right to ask the people not to co-operate with that Government? But if they do

[Shri Bhatt]

so, you will try to entangle them in the grip of law by declaring that amounts to inciting a public servant. But hardly any discussion is required about that point for there are other laws under which you can penalize them if you think they are trying to overthrow the Government. Naturally, those who indulge in such activities should be punished, but why are you harassing the poor press people who are all *satyagrahis*? Those who indulge in violence, let them be punished. Where is the need of discussion about this point?

Then, I should like to ask the hon. Minister what is meant by the word "tend" as it occurs in "tend to incite or encourage". I would request him to give another shape to this word. Why should they, after all, be apprehensive like the former British rulers that they are scenting something from every direction? They are here with all their cards on the Table and out to serve the people. Where is then the cause for fear and suspicion? The Government must declare in open terms that those who rebel against them would be put down and suppressed with a heavy hand. Then they will also be able to state clearly where the Government were using undue force against the public. But if the Government would do things by making laws, they would also then resort to other methods. You may confiscate a press. But the press people can have resort to various other means. They will write on the streets, they will write on the walls with charcoal, they will circulate hand-written papers. Thus they can continue their opposition to the Government. This is why I submit that the laws we may frame should be such as may be successfully enforced and all may be satisfied. It is very necessary to create a good atmosphere. After all, all those twenty-five or thirty friends here whom this measure has given pain are not such type of persons who would raise a hue and cry for nothing. They have great regard for their country. So also have the newspaper men. All agree on the point that some kind of control is essential. You should therefore frame such a law for their control as may satisfy all.

I should like to point out one thing more and then I would take my seat. Big newspapers aside, small newspapers and even news-sheets have been included in the definition which has been unnecessarily extended. The term 'mechanically produced' includes cyclo-style and roneo. After all, how much and at what places would you go about to catch hold of the people? The lower

you would go to pursue them, the larger would be the number of workers who will go underground. Let us therefore confine to the upper levels and let not the law go down to apply to all sorts of persons, for those who want to publish a matter have a hundred ways to do so. You cannot even catch hold of the food hoarders. Our friend Prof. Ranga is not here, lakhs of maunds of foodgrains are still lying in the hidden stocks but cannot be checked up. I want that no such law should be made that gives rise to suspicion or creates a lack of confidence in the people.

I was saying that the small press men come into the grip of law in the battle between the bigger ones. A restriction has been put upon him and he has to observe rules under the Press and Registration of Books Act. If there is a breach of rules, a fine upto Rs. 2,000 can be imposed and further penalty may also be given. Suppose a person like me goes to the press with a cleverly written article so as not to be caught under the law and the press publishes that article. Now, how can the compositor of the press and the pressman, understand the implications of that article? He composes the matter. A police man or some competent authority turns up and puts the compositor under arrest saying that he is taking him to the Sessions Judge for getting him to furnish a security of Rs. 2,000. I should not like to go into the question whether it is right to take him to the Sessions Judge and whether the law prevailing in this connection formerly was right or the present law is right, for that is a question for lawyers to give opinion on. I do not wish to go into that. I may be asked as to why I should think of such a man. But then I would ask to find some way out. The pressman concerned may be warned once, twice or thrice and even then if he persists in printing objectionable matter, he may be sent to the Sessions Judge who may ask for as much security as he deems necessary. He would order the deposit of security after careful consideration of all facts and would not ask for a fifty thousand security from a petty pressman. There are both big and small presses and a maximum of ten thousand or five thousand may be fixed so that the Sessions Judge may not be under any difficulty as to the amount he should demand as security.

Secondly, I would say that at present the press should altogether be excluded from it. So far as I remember, there is no responsibility upon the Press in Belgium and Denmark. If the author is known, or knowable or traceable,



the press does not come into the picture. Therefore a provision should be included in the Bill so that the press people are saved. If the press does not disclose the author's name even after warning, then there certainly lies the guilt. You would thus be able to cure these ills and frame a better law.

Thirdly and lastly I would like to point out that if the hon. Home Minister considers it very necessary in the present circumstances to have a sort of scarecrow, something to serve as a check, a red flag to stop the people from doing these things, he may have that. He may have such a measure to exercise a control. But then he must categorically say for how much time he wants to have that measure. I suggest that a period of two years may be fixed to remove people's doubts.

**Shri Sondhi:** Six months.

**Shri Bhatt:** I do not think the hon. Minister would agree to six months. He may be suggested such a period as has been given in the Punjab Act. If he agrees to two years his purpose would be served and we shall also be satisfied. Without going into any further detail, I would ask the hon. Minister to do a bit of heart-searching and then if he does not find himself inclined to this period, he may suggest his own. He had largely accommodated Pandit Thakur Das Bhargava and others in the case of the Punjab Security Act. I therefore hope that he would endeavour here also to accommodate Pandit Thakur Das Bhargava, Shri Kunzru, Shri Shiva Rao, Shri Deshbandhu Gupta, Shri Goenka and others and make the Bill as simple and satisfactory as possible.

**Shri Goenka:** I am sorry that the Report of the Select Committee is most disappointing. I was expecting and hoping almost against hope, that...

**An Hon. Member:** Not audible please.

**Shri Goenka:** I will be very audible, in due course.

**Shri Sondhi:** Yes, when you warm up.

**Shri Goenka:** Unfortunately the Select Committee's Report has been very unsatisfactory. Rajaji, in this particular case, has adopted a peculiar method—the method of using offensive and the best form of defence. He called the Press a steam-roller. Now when he acts as a steam-roller with a majority behind him, he calls the aggrieved party the steam-roller. I would like to ask him in all seriousness as to what grounds he has to call the Press the steam-roller. And I shall

prove satisfactorily or try to prove conclusively to the satisfaction of the House that Government is behaving in a manner which can be aptly called a steam-roller. This steam-roller has rolled on and is rolling on irrespective of the consequences.

I shall here refer to one or two personal observations which Rajaji was good enough to make the other day. He made certain personal references to me. I may say that so far as Rajaji is concerned, and so far as his person is concerned, I always have had the greatest respect for him and the greatest regard for him. So far as his personal character is concerned, it has been exemplary. Where we have unfortunately differed is on the political plane. On the political plane, Rajaji honestly believes not in democracy. That is my honest faith and that faith has been confirmed by my experience of him for the last fifteen years, ever since he became the Chief Minister of the State of Madras. He honestly believes either in autocratic rule or dictatorship, and that dictatorship, of course, is benevolent dictatorship. And if any proof was necessary, I need refer to nothing else but to this very Bill before us. That is conclusive proof of his political attitude in matters of this kind.

**Shri Bhatt:** It is an administrative weapon.

**Shri Goenka:** I am coming to that. It has been a wellknown fact, and history proves it beyond all doubt, that the first action which a dictator or an autocrat takes is to muzzle the Press. This is the first action that Rajaji has taken in this country.

**Dr. Ram Subhag Singh (Bihar):** What about the other Ministers?

**Shri Goenka:** I do not know. It is the collective wisdom of the Cabinet. I do not know anything more than that. I believe it is the collective wisdom of the Cabinet.

But the fact is that, after all, Rajaji is our elder statesman. Rajaji has lot of administrative experience behind him. And with his administrative experience, he felt right that such a Bill should be introduced at this juncture. I claim to be a Congressman and I am as jealous of the reputation of this Congress Government as anybody else.

बाबू रामनारायण सिंह : यही तो गलती है ।

[Babu Ramnarayan Singh: That is the mistake.]

**Shri Goenka:** I do not think I am wrong, in spite of what Babu Ramnarayan Singh might say. I feel that I am right. Now what actually happens today? A whispering campaign goes on in the country and in the corridors of this House and certainly amongst the political opponents, that the Nehru Government laid a deep plot for depriving the people of this country of their right to speech and expression. The deeply laid plot was that they introduced an amendment to article 19(2) of the Constitution only a few months ago. At that time, for introducing the amendment it was necessary that they should get two-third majority of the Members of the House, and as no need was at that time pointed out for amending the Constitution, and as no emergency was pointed out then, to cover that emergency, a definite, categorical and unambiguous undertaking was given on the floor of the House that this amendment was only a permissive legislation and it was not the intention of this Government to bring in any Bill which would restrict the freedom of the Press, at least in this session of the House, and that any measure which would be brought in this House would be in accordance with the general laws of the country. I will not weary the House by referring to the various undertakings which were given; but let me say this, that this is the charge that is being made against my Government today, that even before the ink had dried on that amendment of our Constitution, a Bill, which is worse than all the existing laws, has been introduced, and it has not only been introduced, but it runs as a steam-roller, irrespective of the consequences. That is one of the charges made and to that no man can give an answer. I made those charges and even Rajaji in his reply did not answer the points I raised. I definitely quoted various statements made by the hon. Prime Minister and the hon. the Home Minister which were quite unambiguous and I expected that Rajaji would tell us what were the circumstances which led him to bring this Bill in spite of the promises that were made. If that had been done all this thick air would have been removed. People will at least think that there has been some justification, that certain things have happened between the time of the passing of the Constitution (First Amendment) Act and now which justify the Government in bringing forward this measure. Actually we are told in the Statement of Objects and Reasons of this Bill that it is being introduced in pursuance of the undertaking given to the House that all the old Press laws

would be taken away from the statute book. I ask whether that has been done. If that was done, if some reasonable case had been made out, if some emergency had been established, then it would be some consolation to us. It would have been some justification of the promises made and also for bringing this Bill forward. I am not going into the merits of the Bill. But all those promises were completely forgotten by the Select Committee. The Select Committee should have asked for an explanation from the Home Minister and unless they were satisfied they ought not to have produced the Report which they have done. The minutes of dissent of some Members say that repeated demands were made on the Home Minister to show what were the circumstances, what was the justification, what was the emergency or the peculiar circumstances, which made them introduce the Bill and that no explanation was forthcoming. Unless such an explanation is forthcoming I say that it is most unfortunate that a Government based on non-violence and freedom should have paid scant regard for truth and for the undertaking given on the floor of the House.

**Shri Rajagopalachari:** It is completely parliamentary.

**Shri Goenka:** Rajaji confirms what I say and there is nothing to be afraid of.

In the course of his speech he made a brilliant point that on the 4th November, 1950, 13 Governments signed a document which read as follows:

"Every one has the right of freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority. This article shall not prevent States from requiring the licensing of broadcasting, television, or cinema enterprises. The exercise of these freedoms since it carries with it duties and responsibilities may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received

in confidence or for maintaining the authority and impartiality of the judiciary."

I ask him in all seriousness whether he has found out that any one of the nations which are signatories to it has adopted it. Representatives of various Governments have signed the document but none of the Parliaments of those countries has approved it. None of them has introduced any law in regard to that matter. In fact recently in Australia the Government wanted certain laws to be enacted but under their constitution they had to have a referendum before they could abridge the Fundamental Rights. That referendum was taken for the purpose of outlawing the Communist Party in Australia. They felt that Communism was a menace and could not be tolerated but they thought that if they gave the powers to the Government they could not be sure how they would be used. Therefore, the powers were not given. The referendum did not give any powers to the Australian Government. What I want to emphasise is that there was a definite menace in the country, namely the Communist menace. Australia is a member of the British Commonwealth of Nations and what did the people do? They did not clothe the Government with the power to outlaw any political party, because they feared that if such a power were vested in the Government it might misuse it for outlawing another political party.

Rajaji referred to this document subscribed to by 13 nations of the United Nations. I would help him a little more and cite certain resolutions passed by the Social Committee of the Economic and Social Council of the United Nations.

**Pandit Kunzru:** The hon. Member is not audible.

**Shri Goenka:** I will shift to another seat to make myself more audible.

I was saying that the countries which signed that document did not accept it and in certain cases those who wanted to get similar laws on the statute book did not succeed and ultimately they had to drop the proposals.

Even assuming that those proposals were accepted by the Governments, am I to understand from the Home Minister that they are in the form of the Bill now before the House for its consideration? Do the thirteen nations say that a person will be penalised through thought-reading? If you read clause 3 you would have to come to the inevitable conclusion that an editor,

printer or publisher is being penalised under the clauses not for any crime under the Indian Penal Code which has been the law of the country for a century, but for something which they carry in their minds. I am not using the words "tending", "encouraging" or "interfering". All these words have absolutely no meaning in the Indian Penal Code. These words constitute an offence of a class by itself. Certainly penalise a person under the ordinary law. That is what you said you would do; why have a special law and penalise somebody for a thing which you think is a crime and which is no crime at all? Why should a man be penalised for vicarious responsibility? Is crime understood by anybody versed in jurisprudence as a crime for vicarious responsibility? Is there a vicarious responsibility in criminal law? I will dilate on that matter a little later, but let me say this, that Rajaji, by simply quoting certain international documents without showing that any country has adopted them—in fact, all that has been put in the waste paper basket—has tried to mislead this House into understanding that these restrictions are common to all countries, restrictions such as those introduced in this Bill. I challenge him to produce the law of any democratic country to show that such a law exists in any part of the world.

[MR. DEPUTY-SPEAKER in the Chair]

Let us see the facts of the case and let us compare ourselves with the other democracies of the world. For him to give these abstract quotations and to say that this is what exists in other parts of the world and therefore there is nothing uncommon in this, is to mislead.....

**Shri Rajagopalachari:** Sir, this point is being pressed again and again by Mr. Goenka, that is why I rise. He seems to suggest that I misled the House when I quoted from the Council of Europe document. At the time I explicitly explained the circumstances under which the document came into existence. I said it was signed by the representatives of the various Governments and they were to be ratified and that the Foreign Secretary in Britain had presented it to Parliament for ratification. If the intention is to make the House believe that I misled it as regards the circumstances or the facts of that document, it is entirely wrong. I made it quite clear, exactly as he now says, that it is a document agreed to by representatives which had to be ratified by the Governments of those nations, and that it was presented to the British Parliament for ratification when I spoke. Mr. Shri-

[Shri Rajagopalachari]

Rao said Britain has ratified it. I never said that other countries made laws to that effect. The point was not to say that other countries had passed laws, therefore we should pass those laws, but that this idea is not new and that those countries' representatives who had met considered such steps necessary. What I have said now is not an argument in answer—I do not want him to make it appear as if I misled the House.

**Shri Goenka:** With very great respect, may I submit that quoting that in the context of this Bill could mean only one thing—that what we are doing is nothing new, nothing novel and it is something which is common in very many democratic countries of the world? That was the point I was trying to make.

**Mr. Deputy-Speaker:** The principle was accepted in the other democracies.

**Shri Goenka:** All right, Sir. There is no good going on with this question.

**Shri Rajagopalachari:** With one sentence I would be content—if he had read it. Let me say that at the time I read the document I said, “and the British Foreign Secretary has presented it to Parliament for ratification”. I said that.

**Shri Goenka:** I cannot see it here. I will read it:

“All these restrictions and conditions which I have read from this Convention adopted by the Council of Europe.....”

It was not adopted by the Council of Europe.....

**Mr. Deputy-Speaker:** Order, order. Did the hon. Minister make a statement now?

**Shri Rajagopalachari:** No, no—it was on the last occasion.

**Mr. Deputy-Speaker:** Are we answering all those points at this stage? There is an opportunity for hon. Members to speak and then the hon. Minister replies. We cannot now take those points disposed of then and refer to them at this stage. Hon. Members know the rules. I would request the hon. Member to proceed on those points which were considered by the Select Committee or which in his opinion ought to have been considered by the Committee. The other points need not be touched at this stage.

**Shri Goenka:** I was only trying to make the point that Rajaji's speech

was the last one and also that all the speeches made on the occasion were supposed to be for the benefit of the Select Committee. I am trying to say that the Select Committee could not apply its mind properly because the facts before the Select Committee were wrongly presented.

**Mr. Deputy-Speaker:** I am sure the hon. Member has got many other important points.

**Shri Goenka:** What I was saying was that all the speeches that were delivered at the time of reference of the Bill to Select Committee were for the benefit of the members of the Select Committee and that those members did not and could not apply their mind properly because certain facts were not properly represented. That is my point.

**The Parliamentary Secretary to the Prime Minister (Shri Satish Chandra):** Mr. Goenka was not a member of the Select Committee. Let him not interpret the minds of the members of the Select Committee.

**Shri Goenka:** I can read the minutes of dissent and the Report of the Select Committee, and from that I come to the inevitable conclusion that I have mentioned. But if my friend takes objection and says that I should not say that the Select Committee did not take this into consideration or that they came to a wrong judgment and that is out of order, then I am sorry.

Let me say this. There has always been a conflict between the administration and the people. The Government always wanted power, always insisted on power as large and even larger than what Rajaji wants now, and it is the people who are resisting giving those powers to the Government. I just mentioned the case of Australia. This conflict is a conflict which is eternal. The fact that some Governments wanted certain restrictions to be placed and that the people would not acquiesce in the Government having those powers is the point which I had tried to make. My point is that there is no Government in any democratic country where the Press laws are anything approaching the restrictions which are being placed today in this country by this Bill.

On the Bill the Home Minister made a significant remark: “We cannot let people's minds be poisoned”. This is a point which the hon. Minister made twice or thrice. Does he want thought control? What is it that he wants?

**Mr. Deputy-Speaker:** Perhaps I have not been understood. Whatever happened or did not happen before the Select Committee is out of the scope. If the hon. Member wanted to correct any mistake, the opportunity was open to him, for I have ruled and the Speaker also has ruled that in the Select Committee, Members other than Select Committee members might also go and sit and help the Committee. The only point is that they cannot vote with respect to any particular matter. So, the hon. Member could have gone to the Select Committee and given it guidance. That stage is over. At this stage, the only thing that can be discussed is what the Select Committee has done or not done.

**Shri Goenka:** It means that I must say that the Select Committee failed to take into consideration Rajaji's speech and this portion of my speech. If you like, I will add that type of proviso.

**Mr. Deputy-Speaker:** The Select Committee is supposed to have looked into everything including the speeches referred to.

**Shri Goenka:** Is it not open to me to say that the Select Committee did not take into consideration this particular aspect of the question? After all, I am here to criticise the Report of the Select Committee. Its Report is not a document worth considering.

**Mr. Deputy-Speaker:** Let me point out to him that this House accepted the statement of the Home Minister as against the statement of the hon. Member, that is to say, it accepted the principle of the Bill and referred it to the Select Committee. There the matter is over. Subsequently, after accepting the principle, what the Select Committee has done, that is, modifying the Bill in some particular way, and an hon. Member suggested an upper ceiling being placed on security etc.—all these are matters on which difference of opinion can exist, consistent with the acceptance of the principle. You cannot go back on the principle once it has been accepted by the House.

**Shri Goenka:** I will come to that immediately, but let me say that the speech of the Home Minister was an *ex parte* speech; there was no reply to it.

**Mr. Deputy-Speaker:** The rules do not provide another opportunity for the hon. Member to reply.

**Shri Goenka:** Anyway, I shall come to the point. The first question is about security. In 1947 the Congress Government appointed the Press Laws

Enquiry Committee and one of its terms of reference was: What should be the position of the laws in regard to the Press of this country? The Committee took evidence and was composed of eminent people.

This is what the Committee had to say about security:

"A suggestion has been made to the Committee that the provision of demanding security from the printer, or publisher of a newspaper should be incorporated in the ordinary law as a preventive measure, in case of conviction for a second or subsequent breach of the law by the newspaper. In this connection, it may be mentioned that, under the Press Law of Italy, persons, who have been condemned twice for offences committed by means of the Press, are not allowed to assume the position of "Manager" of a newspaper. The representatives of Provincial Governments have laid stress on the fact that prosecution generally involves delay and undesirable publicity which often nullify the effect of the sentence which may be imposed."

Finally, they came to the conclusion:

"Since, however, provision for the demand of security does not exist in the laws of progressive countries, we are reluctant to recommend any such provision, and hope that the Press will realise its rights and responsibilities and that the effective organisation of journalists on professional lines and the evolution of a code of conduct will produce the desired results."

Here is a document produced by an impartial authority appointed by this Government. As I said before, in 1921 the then Government under the Montagu-Chelmsford scheme appointed a Committee and that Committee recommended that the laws passed in 1910 restricting the freedom of the Press should be removed from the statute book and this was done in 1921. In this independent India, the question became really thorny and Government did not want to take any decision *suo motu*. They wanted to consult public opinion and make enquiries, so they appointed this Committee. This Committee finally came to the conclusion that the demand of security does not obtain in any progressive country and security should not be demanded in this country. As against that conclusion contained in an authoritative

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report, we have this Bill where not only security but unlimited security is demanded. Security is a form of punishment. I think this will be readily admitted. We objected to precensorship and we objected to forfeiture of the Press. The Home Minister made much of the removal of precensorship. I am not going into the question whether precensorship exists under the constitution or does not exist, but the fact is that he made much of the removal of precensorship. If a security of two lakhs were demanded from a Press, and it had no money, what would be the result? Will it not be worse than precensorship? Whereas we were promised that all the obnoxious Press laws will be removed from the statute book, we are instead getting this Bill which imposes not only a severe penalty but a penalty which will make the Press non-existent. Is there any limit to the security to be demanded? He said it will be for the judiciary. He repeated again and again, *ad nauseam* I may say, that the matter will go to the judiciary. Absolutely true. But what is the judiciary and the jury to do? The jury will have to administer the law as it exists today. The judge will take the law as it exists. The law according to the Home Minister is a sort of thought control and for that thought control a penalty which is so high as to be impossible for the Press to pay is imposed. What will be the result?

**Mr. Deputy-Speaker:** Were not all these arguments pressed before the House during the consideration stage?

**Shri Goenka:** I am saying that the Select Committee ought to have removed this penalty, or else they should have limited it to the very minimum. Is it not my duty to say that the Select Committee has not applied its mind to the elementary principles of the Bill?

**Mr. Deputy-Speaker:** I agree he is entitled to say that the Select Committee ought to have done this, or that it has not done this or has overlooked this. But the arguments in support of that contention ought to be fresh and other than those that were urged at an earlier stage before the Select Committee reference. The natural inference is that the Select Committee addressed itself to all the arguments urged in the earlier debate, but it did not agree with those arguments and came to an independent conclusion.

• P.M.

**Shri Goenka:** Therefore, I am condemning the Select Committee's Report—that is what I am doing, nothing more.

**Mr. Deputy-Speaker:** But he is repeating the same arguments.

**Shri Goenka:** After all it must be appreciated that here we are considering the Report of the Select Committee. The Select Committee have in their collective wisdom come to the conclusion that the sky should be the limit for demanding the amount of security from the Press. Am I not right in saying that it is unreasonable—atrocious—for any Government, for any person, to demand a security which the Press may or may not be able to pay and thus see the non-existence of the Press? I do not know whether I adduced this argument at the time when the Bill was referred to Select Committee. But I do feel that I have a right to convert the majority to the minority point of view and tell them what an atrocious provision this is. In fact it is worse than precensorship. After all in precensorship what happens is that certain items of news are withheld from the public, for which the Government take full responsibility. But they do not close down a Press. The Press goes on: the paper goes on.

Now, according to this provision who is paying the security? It is not the offender.

**Shri Amolakh Chand (Uttar Pradesh):** On a point of information, Sir. It is now past six o'clock. When will the half-an-hour discussion be taken up?

**Mr. Deputy-Speaker:** The discussion will not take place today. The hon. Member who gave notice of that and the hon. Minister have agreed that it may be taken up on the sixth.

**Shri R. K. Chaudhuri:** Those who had no opportunity at all to speak on this Bill even in the earlier stage should be given a chance to speak now.

**Shri Goenka:** I was saying that this is a vicarious responsibility which is being placed upon the Press. In this connection I may draw the attention of the House to section 1 of the Press and Registration of Books Act of 1867 where the word "editor" is defined. "Editor" means a person who controls the selection of the matter that is published in a newspaper. Now, according to your own Act it is the editor's responsibility as to what matter should go in a newspaper. He is the man who is legally held to be responsible for any matter which goes into the paper. It is his responsibility to select the news. Surely it is not the Home Minister's contention that anybody can be held responsible for what goes into a paper.

It is necessarily the editor and that is what the law provides. According to the law it is the editor who is responsible for the publication of any news or items, whether they are objectionable or non-objectionable, good, bad or indifferent. It is his responsibility, even according to the Act. Now, here is a case where the editor in his wisdom, in his discretion, publishes a particular item of news in a particular newspaper. That is held to be objectionable. Of course, I am not discussing what is objectionable and what is not objectionable. I will come to that a little later. What I am saying is that here is a man who is responsible even according to the law of the land for publishing a particular item of news. He and somebody else, namely the proprietor of the Press have to share the penalty for it. What is that penalty? That penalty is practically the forfeiture of the Press. May I ask in all seriousness, of the members of the Select Committee: Did they think it to be reasonable, did they think it was right under any jurisprudence, by any yardstick which they may have used in this respect that somebody should pay the penalty for somebody else's offence? I say this is a Bill which is the blackest Bill I have ever known, because for somebody's action somebody else pays. Somebody is defined in your own law but somebody else will be responsible. Here is a case in which your own law says that it is the full responsibility of the editor to select whatever news or views he wants to put in his paper. According to your own law it is he who selects the news. When that news is considered objectionable, somebody else pays the penalty. And what is that penalty? That penalty is the forfeiture of a Press under certain circumstances. I say that in this country, as in any other country, the editor has claimed, and claimed rightly that he should be independent. I have known Members of the Treasury Bench off and on making the remark that "these bosses control the editors, they do not give freedom to the editors". After all, editors must be left free to do whatever they like. So far as I am concerned during my experience I have never interfered with my editors. But now, if I am to pay the penalty for the act of somebody else, do you think that it is fair or proper for me to leave the responsibility in his hands? And if I do not leave the responsibility in his hands, what do I do? I make your own law a dead-letter, which you force me to make. Here is your law. Have you amended this law? Have you tried to say that hereafter the editor will not be responsible for the news which he selects and puts in the

newspaper? No. Your law says that it is he who will be responsible for doing a particular act and then your law says that for that act somebody else will pay the penalty. I think it is a most wonderful interpretation.

Further on what happens? After the security is demanded, even if that Press is sold, even if it does not publish a paper, still the security is borne on the head of the machine. Wherever the machine travels the responsibility travels on the head of the machine, as if the machine is capable of committing any offence! After all it is human beings who can commit an offence, not the machine.

It leads to one great trouble. There are newspapers. They are not all rich. They do not all have the finances they require. They go on borrowed capital. Can they hereafter borrow any capital? Will anybody lend them any capital? Because, their capital is absolutely unsafe. No man in his senses will hereafter lend a single farthing to a newspaper, because that Press can any day be forfeited, or such security may be demanded from the Press which it could never pay, and therefore the money advanced by the creditor will become dead capital. Even if it does not become dead capital, the fact is that they advance money on the business of a concern. Hereafter you cannot buy a machine under the instalment system. It is one of the commonest practices in this printing trade that machines are bought on an instalment basis. Hereafter you cannot get it on instalment basis because the man who gives you the machine on instalment basis does not know whether this machine will be your property or will not be your property, and not because of the action of the person to whom he sells the machine, but because of the action of somebody whom he employs.

The Select Committee has again amended the Bill in such a way that one can purge himself of this offence, in one case in the course of two years and in another case in three years. In six months a man can purge himself of the contempt of court, but here this purging will take two years and in the meantime he must behave like a good boy.

In regard to security, let me say what is the present provision. The present provision is that immediately a security is demanded, a man has got the right to appeal to the Full Bench of the High Court. It is not even a cognizable offence. It is an inquiry. It is not a case which will be there before

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the judge. Of course the Select Committee has said that evidence will be recorded. Thanks for small mercies. Here is a case where there is only an inquiry by a magistrate or a sessions judge. Security, as I have described, can be demanded for a particular Press. What was the old law? The old law was that the highest security of Rs. 1,000 could be demanded from the Press before it came into existence. If he wanted to appeal against that order he could go to the Full Bench of the High Court and if he did not do so within three months, he could not get back his security. Then the highest amount which could at any time be demanded after his first, second, fourth, fifth and ninth offence was Rs. 10,000. In these circumstances the responsibility of the Press or the proprietor was limited: The limit was known. He knew what was the responsibility he was taking when he was entrusting a particular person for editing a particular newspaper. Now that is completely ignored. I would like to ask from the hon. Home Minister what justification he has for levying a penalty for the offence—which is an offence under a system of thought-control—and a penalty as heavy as any known to exist previously. I say that this provision will make an editor and proprietor live in fear all the time and, Sir, pardon me if I quote from a judgment of the Supreme Court of U.S.A. in this connection. It is a judgment by Justice Brandes in the case of *Whitney Versus California*:

"Those who won our independence believed that the final end of the State was to make men free to develop their faculties and that in its government the deliberative forces should prevail over the arbitrary..."

**Shri R. K. Chaudhuri:** Give us the facts. Please do not merely read from the headlines. The hon. Member ought to give us the facts of the case he is quoting.

**Shri Goenka:** I will give you the facts of the case very soon. The facts of the case are: What is necessary for the proper working of the democracy is freedom of expression. What is that freedom of expression? The answer is given here by Justice Brandes: He says:

"...in its government the deliberative forces should prevail over the arbitrary. They valued liberty both as an end and as a means. They believed liberty to be the

secret of happiness and courage to be the secret of liberty."

Where is the courage here?

"They believed that freedom to think as you will and to speak as you think are means indispensable to the discovery and spread of political truth; that without free speech and assembly discussion would be futile; that with them, discussion affords ordinarily adequate protection against the dissemination of noxious doctrine; that the greatest menace to freedom is an inert people; that public discussion is a political duty; and that this should be a fundamental principle of any Government. They recognised the risks to which all human institutions are subject. But they knew that order cannot be secured merely through fear of punishment."

Here I want to draw the attention of the hon. Home Minister: Can you secure anything in this country by fear?

"But they knew that order cannot be secured merely through fear of punishment for its infraction; that it is hazardous to discourage thought, hope and imagination; that fear breeds repression; that repression breeds hate; that hate menaces stable Government; that the path of safety lies in the opportunity to discuss freely supposed grievances and proposed remedies; that the fitting remedy for evil counsels is good ones."

**Mr. Deputy-Speaker:** Extracts must be short and brief. Whole books cannot be read.

**Babu Ramnarayan Singh:** Why so?

**Shri Goenka:** I was only trying to quote an authority for what I have to say, because probably my words may not carry that much of weight with such a legal genius as our hon. Home Minister is. Probably, he would like certain authorities for what I have to say. Therefore, I am referring to no less a person that a Judge of the Supreme Court of the United States.

What I was trying to point out was this. The Press will have to work under fear all the time. Every editor will have to work under fear all the time. He will not know what will constitute an offence because offence is not known to this Act. It is objectionable matter: not an offence or crime. You have got to impute what is called *mens rea* under the ordinary law. Unless you prove intention or *mens rea*,



I am not guilty. But, here you read my mind, and on reading my mind, you put the highest penalty: not on me, but on some body else who is not responsible for that. Here is vicarious responsibility. Here is responsibility fixed on a person who is not responsible for the consequences. Therefore, I was submitting, that the editor would have to work under fear all the time. What will be the result of fear? The result of fear will be, in the words of the Judge.

"Fear breeds repression; that repression breeds hate; that hate menaces stable Government;"

I want the hon. Home Minister to take a lesson from the judgment of the Supreme Court of the United States. What I say is, in the final analysis, what will be the result of all these repressive laws? You cannot bring about order, you cannot bring about good Government, you cannot check people's morals simply by inflicting punishment or by fear of police punishment. After all, you have got to mend them; you have got to talk to them; you have got to see that they come on the right path. If it is fear in the final analysis, fear will end in the destruction of a Government. That is where I say, do not create a situation from which you may not be able to extricate yourself. Here is a matter which you are bringing before this House and which you would like to be passed. I say, here is a matter which you should not get passed because the people concerned are opposed to it. It is your promise that nothing will be brought before this House unless it is considered to be right by the people concerned with it, namely the Press. I will ask my hon. friend the Home Minister: Has the Press gone mad one fine morning? Have they become perverse one fine morning? What has happened to them that they should object to the provisions of this Bill? Is it any personal advantage to them? Excuse me, Sir, for repeating an argument. After all, what is the advantage from a narrow personal point of view, from the narrow selfish point of view? What does it matter whether a particular news is published in a newspaper or not as long as a competitor cannot publish the same news? What does it matter? It matters nothing. From the narrow, personal, individual and selfish point of view, it is immaterial to me what news I publish in my paper if what I cannot publish is not published by my competitor. How am I a loser? I am not. It is immaterial to me. But there is a wrong impression in the House that the Pressmen are fighting for their rights. That is not correct, we are here for fighting for the rights of

the people, to give them factually truthful information and to give them proper news and views. And that is why we fight for the rights of the people. We are not fighting for our personal rights, because our personal rights are nothing at all in this matter. Viewing it from the narrow, personal point of view, what is my advantage? My advantage is nil. But I have a duty to perform to my people, to my readers, and it is in the performance of that duty that I say that you should not put so much restraint upon the powers of the Press, restraints which would defeat your own purpose.

Then again, this security clause, compared with the provisions in the previous Acts, compared from any point of view, is peculiar. View it from the standpoint of the jurisprudence under which you function and you cannot justify this atrocious legislation. I will just deal with the security clause and then come to the part dealing with objectionable matter. And in this particular connection I would like to say one or two words, with your kind permission, Sir. As early as 1881, in the course of the great reform of the Press Laws in France, this provision for security was abolished. The deputy who proposed this abolition stated:

"In a country of universal suffering, the security was nonsense. He who has the right to vote should have also the liberty to write and speak his mind."

This is what was said as early as 1881. Now it is but proper that I should ask the question: What has happened to my Government? Why are they going back some seventy five or hundred years now, in the backward direction? Is there any country in the world which has such a law? As early as 1881, this law was abolished in France as it was felt that he who has the right to vote should have also the liberty to write and speak his mind.

**Shri Sidhva:** When was that? In 1881?

**Shri Goenka:** Yes, in 1881, even before Mr. Sidhva was born. Even then this provision for security demand was abolished. And we know that there is no such provision in England. About 150 years or so ago there was the Stamp Act there and that was abolished long long ago. No such restrictions exist anywhere in the civilised world today where you can demand security and the limit of the security is as high as the sky. And what is worse, that security may be demanded from an innocent person, even according to

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your own law. That is one of the points which I wanted to make.

I would like to refer here to the good chat that the Home Minister gave Mr. Inait Ullah, who spoke in favour of the Bill. Do you know what Mr. Inait Ullah said in the course of his speech? He criticised that publicity was given to Mr. D. P. Mishra's statement and therefore we must have the law. That is exactly what I am afraid of, that this law will be used for suppressing anything distasteful to them or anything that does not suit their political objectives. Should not the Press express the various points of view? Mr. Inait Ullah let the cat out of the bag when he referred to the publication of Mr. Mishra's statement in the Press. That shows the nature of their mentality. He was praised as having made a wonderful speech and that it offered the sheet-anchor for the arguments of the hon. Minister while he replied to the debate.

There is an impression in the House that the Press wants licence: it does not want any restraint, that it should be free to publish what it likes. Such a state of affairs does not exist in any part of the world. It would be ridiculous for the Press in India to suggest it and the Press here has never suggested it.

So much is made of obscenity. There are so many obscene publications going on and in the Press Advisory Committees we had asked Government to prosecute the people concerned but they did not prosecute them for political reasons. Here is a case where

it is left to Government to discriminate between one person and the other. My friend Mr. Vyas made mention of it. He said that one newspaper may be proceeded against and another not. If this power is in the hands of the Government there may be discrimination, because it is not a power in the hands of the judiciary. Only such cases will go before a judicial tribunal which the Government in their discretion choose to place before it, because those who support the Government will go scot-free and those who do not will be put before the tribunal. That is the danger. How many cases for obscenity have been tried throughout India? They have not given the figures. In various parts of the country and particularly in my part I know of several publications which indulge in obscenity. But I would like to know why the present provisions of the Indian Penal Code have not been made use of. Is it not for political reasons? If I may be permitted to say so in various cases no action is being taken because the authority in power is afraid, because the persons concerned belong to the political party in power. And if it is not affiliated with the political party it is indirectly connected with the political party in power. That is the reason why no action is being taken.

**Mr. Deputy-Speaker:** Is the hon. Member likely to take long?

**Shri Goenka:** I would require at least half an hour more.

**Mr. Deputy-Speaker:** Then he may continue on the next day.

*The House then adjourned till Nine of the Clock on Wednesday, the 3rd October, 1951.*