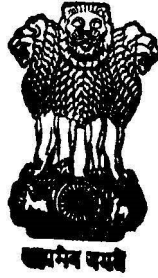


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PARLIAMENTARY DEBATES

PARLIAMENT OF INDIA

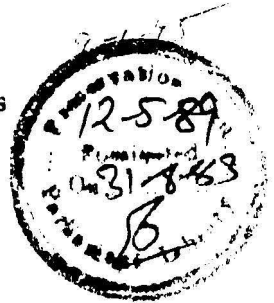
OFFICIAL REPORT

Part I—Questions and Answers

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

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PARLIAMENT OF INDIA

Wednesday, 3rd October, 1951

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

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

ORAL ANSWERS TO QUESTIONS

INTEGRATION OF SERVICES IN PART B STATES

***1462. Shri Sivan Pillay:** Will the Minister of States be pleased to state:

(a) whether the machinery referred to in the Press Note of the Government of India dated the 21st March, 1950 for carrying out the integration of Services as between the Part B States and the Centre in respect of Departments coming under the jurisdiction of the Government of India, has been set up; and

(b) whether such integration of Services has been completed in respect of the various Departments?

The Minister of States, Transport and Railways (Shri Gopalaswami): (a) Yes.

(b) The work is in progress and is expected to be completed shortly.

Shri Sivan Pillay: May I know the reasons which have contributed to the non-fulfilment of the hope expressed that the integration of services will not take more than one year?

Shri Gopalaswami: The actual integration process raised a number of difficulties and certain representations were made on behalf of the personnel which had to be integrated. Government reviewed the whole position and issued final orders on this subject only in July last.

Shri Sivan Pillay: May I know the grounds on which the Central Government has decided to adopt the Central scales of pay for the integrated staff

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from 1st April 1951 whereas the date of financial integration happens to be 1st April 1950?

Shri Gopalaswami: I should like to have notice of the question. I have not got the information here.

Shri M. V. Rama Rao: May I know whether it is a fact that the employees of the States who have been taken over by the Centre are still being treated as temporary servants?

Shri Gopalaswami: Those of them who were permanent and whose posts have been equated with similar posts in the Central cadres have been permanently fitted in or will be fitted in when the integration is completed.

Shri M. V. Rama Rao: What is the policy of Government in regard to those servants for whom suitable grades do not exist? Are Government prepared to let them go back to the States from which they were taken?

Shri Gopalaswami: If there is any request on their part to go back to the States Services, and the State is willing to take them, Government will not stand in the way.

Shri Sivan Pillay: May I know whether it is a fact that even though the integrated staff of the former Indian States are entitled to get Central scales of pay from 1st April 1951, they continue to receive the former scales of pay for the last six months.

Shri Gopalaswami: That perhaps may be due to certain delay in the equation of posts. When the equation is completed, they would get the pay of the posts to which their previous posts have been equated.

Shri Sivan Pillay: From 1st April 1951?

Shri Gopalaswami: I have not got the date here. I am not in a position to give an accurate answer.

Shri Alexander: In reply to a question in the last session the hon. Minister said that integration was in progress. May I know what progress has been made since that answer?

Shri Gopalaswami: Considerable progress has been made. I have got here the state at which the integration stands in respect of all the Part B States. Perhaps it would take the time of the House unnecessarily if I gave the information in respect of each Department. I am quite willing to let the hon. Member have this information.

Shri Alexander: May I know the date by which Government expect to complete the integration?

Shri Gopalaswami: All I can say is that we will do it as soon as possible.

Shri Dwivedi: May I know if the pensions, gratuities, compensations or any other claims of personnel who have been retrenched as a result of the integration have been paid? If not, what is the cause of the delay?

Shri Gopalaswami: I am sure that where pensions, gratuities and similar payments are due, they will be paid as quickly as possible, but I am not in a position to say how many have been retrenched and for how many have all these payments been made.

Shri Iyyunni: May I know whether at the time of the integration an assurance was not given that the position of the persons integrated will not be less disadvantageous than the one they were having before the integration?

Shri Gopalaswami: Certainly—so far as emoluments go.

Shri Iyyunni: May I know whether there are not cases in the Income-Tax Department where the pay, scale of pay and the rank have been reduced?

Shri Gopalaswami: I am not in a position to answer that question, because I have not got the details of what has been done in the Income-Tax Department.

Shri Rudrappa: In the process of integration, is there a wholesale transfer of officials from the State Service to the Central Service, or is some selection made?

Shri Gopalaswami: The persons who were previously employed in the corresponding Department under the State are absorbed to the extent that posts are available. If there are any posts which are in excess of the needs of the present situation under the Centre's administration of those

Departments, then arrangements are made if possible with the State Governments to take them in their own Service.

Shri R. Velayudhan: May I know whether the States Ministry has arrived at any decision regarding the dispute between the States of Travancore and Cochin in regard to the integration of services? This matter had been referred to the States Ministry for decision.

Shri Gopalaswami: I think that that matter is still under examination.

Shri Shankaralya: May I know whether the terms of the agreement will be fully implemented, and whether the Commission that has been appointed has sent in any recommendations contrary to any of the terms of the agreement and whether in those cases the State Governments will be consulted before passing final orders?

Shri Gopalaswami: All commitments made will be respected and carried out and I think even on the Commissions or Committees that have been set up the State Government is allowed to send a representative to function as an observer.

Mr. Deputy-Speaker: Question No. 1463—Sivan Pillay.

Shri Lakshmanan: You may cause 1466 also to be answered with this. They deal with the same matter.

DEVELOPMENT OF CATTLE

*1463. **Shri Sivan Pillay:** Will the Minister of Food and Agriculture be pleased to state:

(a) how far the Key Village Scheme for the development of cattle has progressed and with what success in the States where the same has been introduced; and

(b) the number of cases in which artificial insemination was tried under the Scheme and found successful?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) The attention of the hon. Member is invited to replies given to Starred Questions Nos. 2948 and 3587 on the 9th and 27th April, 1951, respectively. The Schemes were started only very recently and it is premature to assess the results achieved.

(b) 1. *Travancore Cochin:* Scheme started recently.

2. *Uttar Pradesh:* Figures will be available when the annual report is received.

3. *Delhi*: The number of animals inseminated during the period from January 1951 to the 15th August, 1951 is 60. The result will be known when the animals calve.

DEVELOPMENT OF CATTLE

*1466. **Shri Lakshmanan**: Will the Minister of Food and Agriculture be pleased to state the expenditure so far incurred on the Key Village Scheme for the development of cattle?

The Minister of Food and Agriculture (Shri K. M. Munshi): Expenditure so far incurred on the Scheme is as follows:

- (i) Uttar Pradesh Key Village Scheme: Rs. 16,608.
- (ii) Delhi Key Village Scheme: Rs. 12,550.

Shri Sivan Pillay: Are Government aware that there is a great dearth of grazing facilities in wet paddy cultivation areas and may I know whether the key village scheme includes a plan for providing grazing facilities in these areas?

Shri K. M. Munshi: Yes, Government are fully aware that there is scarcity of grazing areas in many parts of the country. Where the key village is established, care will be taken to see that pasture land is available.

Shri Sivan Pillay: May I know which are the varieties of Bulls which are found to be well suited for successful artificial insemination?

Shri K. M. Munshi: It all depends upon the locality; but I have not got the information at present.

Shri Lakshmanan: May I know, whether apart from providing pedigree bulls to these centres, any other help, either financial or technical, is given to them?

Shri K. M. Munshi: As a matter of fact the State and the Centre go share to share with regard to the expenses.

Shri Amolakh Chand: May I know the number of cattle so far produced in Centrally Administered areas by artificial insemination?

Shri K. M. Munshi: I have given the figures for Delhi. The figures of the other centres are not available at the moment. I have already mentioned that Uttar Pradesh figures will be available when the annual report is received. Travancore-Cochin have started only recently.

Shri Amolakh Chand: May I know the amount so far spent on these institutions up till now.

Shri K. M. Munshi: I have already given it.

Shri Lakshmanan: What is the proportion in which the expense is shared by the Central Government and the State Governments?

Shri K. M. Munshi: Fifty: fifty: that is the normal practice. But exceptions are made in special cases.

Shri Juani Ram: May I know whether any centre has been started in Bihar?

Shri K. M. Munshi: The Government of Bihar have been asked to submit a scheme. I am not sure whether they have submitted it or not.

Shri Shiv Charan Lal: Is it a fact that by artificial insemination the standard of the breed deteriorates?

Shri K. M. Munshi: It does not in the least—I have got expert opinion from foreign countries.

Shri S. C. Samanta: May I know, the area and the number of cattle that is required for running this scheme?

Shri K. M. Munshi: For the key village scheme you require considerable area of land, because the diseased and the weak cattle have to be segregated. Therefore it is a more expensive scheme. The key farm scheme is a much easier scheme to adopt and cheaper.

Shri M. Naik: May I know, whether the scheme of developing cattle is confined to key villages, or whether it will be extended beyond it.

Shri K. M. Munshi: The key village scheme envisages a key village in which there is a centre for artificial insemination. There is a bull bearing farm attached to it; a *Gosadan* for the purpose of segregating useless cattle which are becoming a menace to this country. That is the key village scheme—a fairly costly one.

The key farm is not so costly.

Shri M. Naik: My question was whether besides the key village there are other schemes which are extended to areas beyond these villages.

Shri K. M. Munshi: There are only two schemes for the moment which I have mentioned. There is no third scheme to my knowledge.

Pandit Thakur Das Bhargava: May I know how many *Gosadans* have been opened so far and do Government propose to give any help to private persons who open such *Sadans*?

Shri K. M. Munshi: So far there are only *Gosadans* in Madhya Pradesh started by Government. These are attached to the schemes which I have mentioned. Beyond that there have been no *Gosadans* established so far.

Pandit Thakur Das Bhargava: What help do Government propose to give to help private persons to start *Gosadans*?

Shri K. M. Munshi: There is a scheme under consideration according to which private *Gosadans* if they are willing to come in would be made into a key farm centre.

Shri Kshudiram Mahata: May I know the number of key villages required for the whole of India and the date when that target will be reached?

Shri K. M. Munshi: The total scheme involves a net-work of about 600 key villages, 150 artificial insemination centres and 560 bull rearing farms. That would cost in five years about Rs. 680 lakhs. This would mean production of 60,000 stud bulls a year. But that is a very ambitious scheme. It all depends on money.

Shri Kshudiram Mahata: When will this target be reached?

Shri K. M. Munshi: As I said, it all depends on money available.

Shri S. C. Samanta: My question has not been answered. I would like to know the number of cattle that would be required for running this scheme.

Shri K. M. Munshi: The position is this. So far as the key farm scheme, on which we are now concentrating, is concerned, we have sanctioned about 35 centres. Schemes are awaited from other States. That will involve covering of about 1,75,000 cows or buffaloes. That will yield about 12 to 17 thousand good stud bulls.

VISIT OF MR. O. B. LEAN

*1464. **Dr. Ram Subhag Singh:** (a) Will the Minister of Food and Agriculture be pleased to state whether it is a fact that Mr. O. B. Lean, a British Entomologist and Plant Protection Expert, has been invited to India to advise the Government on locust control?

(b) If so, how long will he stay here?

(c) How many locust-infested areas he has so far inspected?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) No.

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

Dr. Ram Subhag Singh: May I know whether Mr. Lean was recently here in this country?

Shri K. M. Munshi: Mr. Lean is an employee of the Imperial Chemical Industries. He visited India in order to encourage the use of I.C.I. products against pests and diseases, including locusts. He came here, as I replied in answer to another question in the House, met me and other officers of my Ministry. He also visited the locust infested areas of Jaisalmer in Rajasthan.

Dr. Ram Subhag Singh: May I know whether the Government of India consulted Mr. Lean with regard to fighting the locust menace in this country.

Shri K. M. Munshi: There is no question of consulting him. He was a representative of the I.C.I., but as he had experience of the conditions prevailing in other locust infested areas, he came over and discussed with me and other officers as to what he thought of our scheme.

THIRD PARTY INSURANCE OF VEHICLES IN TRAVANCORE-COCHIN

*1465. **Shri Alexander:** (a) Will the Minister of Transport be pleased to state whether it is a fact that the third party insurance of vehicles in Travancore-Cochin is now undertaken by State Insurance Department there?

(b) Are the Government of India now insisting the State Government to transfer these Third Party Insurances to an outside firm and, if so, what are the reasons for the same?

(c) What is the reply received from the State Government?

The Minister of State for Transport and Railways (Shri Santhanam): (a) Yes.

(b) No. The Government of India have under consideration a proposal to extend to Part 'B' States Chapter VIII of the Motor Vehicles Act, 1939, and the rules framed thereunder relating to compulsory insurance of motor vehicles against third party risks and the views of the State Governments concerned have been invited.

(c) The purport of the reply received from the Government of Travancore-Cochin is that the application of Chapter VIII should not be extended to that State and that if extended, it should be so modified as to enable the State Insurance Department to carry on the business on a monopoly basis as at present.

Shri R. Velayudhan: May I know whether Government have come to any decision on this matter.

Shri Santhanam: As I said the matter is under consideration.

Shri Alexander: May I know whether Government is inclined to accept the Travancore-Cochin Scheme?

Shri Santhanam: We are considering it carefully because it involves others. It means that Travancore-Cochin vehicles which go into other States will not be insured in accordance with the law. Hitherto we have given some sort of exemption by arrangement. Whether we could continue it, in fairness to the other States, is the matter we are considering.

Shri Amolakh Chand: May I know whether the State vehicles in all the States are not insured at all under any rule?

Shri Santhanam: If there is a State Transport Corporation, it will have to be insured under the provisions of the Corporation Act. If it is a purely State transport service the State may carry on its own insurance.

Shri Alexander: May I know whether the capital invested in the Travancore-Cochin State insurance is now utilised. Is it not a hardship if they are asked to insure with outside firms?

Shri Santhanam: I have no idea as to what is being done with that amount. In any case my hon. friend is complaining before his Government is hurt. We have not taken any decision.

CONTACTS OF PAKISTAN WITH TRIBES OF TRIPURA

*1467. **Shri Rathnaswamy:** Will the Minister of States be pleased to state:

(a) whether it is a fact that Pakistan is trying to establish contacts with hill tribes and anti-social elements in Tripura;

(b) whether it is a fact that some leaflets and literature were distributed in Tripura inciting the people with Anti-Bengali Slogans and also to demand for self-government; and

(c) what steps Government have taken in the matter?

The Minister of States, Transport and Railways (Shri Gopalaswami): (a) From the reports received it would appear that certain Pakistan elements are trying to establish contacts with the Hill tribes in Tripura.

(b) No such leaflet or literature has come to the notice of Government.

(c) The administration is on the alert for anti-social and subversive elements.

Shri Rathnaswamy: What are the various ways by which the Government of Pakistan are trying to establish contact with these people?

Shri Gopalaswami: I do not think I said that the Government of Pakistan were doing it.

Shri Rathnaswamy: May I know the various ways by which contacts are being sought among the hill tribes in Tripura?

Shri Gopalaswami: The only kind of contact is that mischievous Pakistani elements profess a considerable amount of sympathy for these hill people and tribes and try to enlist their support.

Shri Rathnaswamy: Is it a fact that recently a ring of spies employed by the Pakistan Government was detected in Tripura and the suburban areas?

Shri Gopalaswami: Not "a ring of spies". I am not quite sure whether any of them were really rounded up, but the local police have orders to look out for them.

Pandit Thakur Das Bhargava: May I know what concrete steps the Government of India has taken to undo this mischief?

Shri Gopalaswami: The concrete steps are that our intelligence staff in Tripura have been ordered to maintain a very strict look-out for these Pakistani elements. Orders have been issued to the local police to place under arrest Pakistanis of this description as are found in Tripura at any time.

Dr. Ram Subhag Singh: May I know whether any of these mischief mongers have been arrested in Tripura?

Shri Gopalaswami: I cannot say whether any have been actually arrested. I have no figures at present.

Shri Amolakh Chand: May I know if any complaint has been lodged by the Government of India with the Pakistan Government in respect of such activities in Tripura?

Shri Gopalaswami: These are very stray incidents which have come to the notice of our Government and we are in a position to deal with these things ourselves. I do not think it is yet necessary for us to invoke the assistance of the Pakistan Government to put this kind of thing down

NATIONALISATION OF ROAD TRANSPORT

***1468. Sardar Hukam Singh:** Will the Minister of Transport be pleased to state:

(a) whether a Non-Official Resolution was unanimously adopted in the Punjab State Assembly postponing the general nationalisation of road transport for three years, but taking over a few routes in consultation with the representatives of the operators for experimental purposes;

(b) whether any agreement was reached between the State Government and the operators as to the routes to be taken over for nationalisation and if so, what were these routes; and

(c) whether, according to the agreement, permits were issued to the operators on all other routes?

The Minister of State for Transport and Railways (Shri Santhanam): (a) The following is the text of the Resolution adopted by the Punjab Legislative Assembly on the 9th March, 1950:

"This Assembly recommends to the Government to postpone its scheme for the Nationalisation of Motor Transport in the State for three years subject to the condition that the Government may take up such routes as it deems essential as an experimental measure."

(b) Yes, the routes taken over are as under:

- (1) Amritsar-Jullundur.
- (2) Ambala-Shahbad-Karnal.
- (3) Ambala-Jagadhri-Saharanpur.
- (4) Ambala-Pehowa.
- (5) Ambala-Patiala.
- (6) Ambala-Simla.
- (7) Local routes of Ambala.
- (8) Extension of Amritsar-Naushera Panuan to Chols Sahib.
- (9) Extension of Jullundur-Kang Sabu to Nakodar.

(c) Yes.

Sardar Hukam Singh: Have any other routes been taken beyond this agreement, that is, which were not covered by this agreement?

Shri Santhanam: No.

Sardar Hukam Singh: May I know whether the Government sticks to the promise made on the 25th November, 1950 that it will bring in legislation in Parliament to adopt a uniform method of compensating those operators who were displaced by the State

Governments taking over certain routes?

Shri Santhanam: What we stated was that we shall draft model rules and circulate them among the States. These model rules were drafted and circulated, and they are under consideration.

Sardar Hukam Singh: If any legislation is passed, may I know whether the Government is prepared to consider the laying down of some uniform policy which may be adopted by all the States in case operators are displaced and their buses not taken?

Shri Santhanam: Yes, that will be taken into consideration.

REIMBURSEMENT OF LEGAL EXPENSES

***1469. Sardar Hukam Singh:** (a) Will the Minister of Railways be pleased to state whether it is a fact that the reimbursement of legal expenses has not been made to any employee of the E. P. Railway since the Partition of the country?

(b) If so, are there any special reasons for this delay?

(c) Which is the authority that is competent to sanction reimbursement of legal expenses to employees?

(d) What is the number of cases pending in the Headquarters for disposal?

The Minister of State for Transport and Railways (Shri Santhanam): (a) No, this is not a fact.

(b) Does not arise in view of the answer to part (a) above.

(c) The President on the advice of the Union Public Service Commission.

(d) Nine.

'GROW MORE FOOD' CAMPAIGN

***1471. Shri A. Joseph:** Will the Minister of Food and Agriculture be pleased to state:

(a) the names of the States which are asking for grants under 'Grow More Food' Campaign and raise the height of sluice gates of anicuts; and

(b) whether any proposals are pending with Government of India or State Governments for loans and grants to increase the height of sluice gates of anicuts?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) and (b). The information is being collected and will be placed on the Table of the House when received.

Shri A. Joseph: May I know whether any proposal or any request has been made by the Madras Government asking for the grant to raise the height of the Kistna river anicut at Vijayawada?

Shri K. M. Munshi: The major States in which irrigation of this system prevails are Madras, Mysore, Hyderabad, West Bengal, Bihar, U.P. and East Punjab. All the States except Madras and Bihar have replied to our question, saying that they do not have any such schemes. Only Madras and Bihar have replied that the necessary information is being collected by their Irrigation Departments and will be supplied shortly.

Shri A. Joseph: When is the information likely to be laid on the Table of the House?

Shri K. M. Munshi: Well, as soon as I get the information.

Shri Shiv Charan Lal: Have Government read the Five Year scheme of Uttar Pradesh and, if so, does that scheme conform to the Grow More Food scheme of the Central Government?

Shri K. M. Munshi: So far as this particular point referred to in the question is concerned, U.P. has stated that it has no scheme involving the raising of the height of sluice gates.

LAND UNDER CHILLI CULTIVATION

*1473. **Shri P. Kodanda Ramiah:** (a) Will the Minister of Food and Agriculture be pleased to state what is the extent of land that has been under chilli cultivation in India?

(b) Has the chilli cultivation been on the increase or decrease?

(c) Is the land under chilli cultivation fit for food crops also?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) Reported to be about 12.76 lakh acres during 1950-51.

(b) Appears to be more or less steady.

(c) Yes.

Shri P. Kodanda Ramiah: May I know the State which tops the list with regard to the area of land under chilli cultivation?

Shri K. M. Munshi: I am afraid I have not got the State-wise figures of chilli cultivation, but I think it must be more in the South.

Shri P. Kodanda Ramiah: May I know if the Government have taken any special efforts so far with regard to chilli crop cultivation in this country?

Shri K. M. Munshi: No special efforts have been made. What chillies we grow are just enough for internal consumption and for a little more export that we do.

Shri R. Velayudhan: Are we not importing certain types of chillies in India?

Shri K. M. Munshi: I do not think so. On the contrary we are exporting about 10,000 tons of chillies to other countries. It may be for special tests we might be exporting, but I do not know.

रांची-तमाड़ सड़क

*१४७४ श्री ओराण : (क) यातायात मंत्री यह बतलाने की कृपा करेंगे कि क्या बिहार में रांची से तमाड़ और टाटानगर होते हुए सिधभूम जिले में स्थित वहरागूड़ा नामक स्थान तक जाने वाली प्रस्तावित सड़क के लिये भूमापन सम्बन्धी समस्त कार्य पूरे हो चुके हैं ?

(ख) क्या सरकार के पास इस नई सड़क को बनाने के लिये कोई योजना है अथवा इसे बनाने का विचार छोड़ दिया गया है ?

(ग) यदि छोड़ दिया गया है, तो उस के क्या कारण हैं ?

RANCHI-TAMAD ROAD

[*1474. **Shri Oraon:** (a) Will the Minister of Transport be pleased to state whether survey and measurements have been made for the construction of a road from Ranchi-Tamar (Tamad)—Tatanagar to Baharagora in Singhbhum district in Bihar?

(b) Have Government got any plan for the construction of this new road or has the idea been dropped?

(c) If it has been dropped, what are the reasons therefor?]

The Minister of State for Transport and Railways (Shri Santhanam): (a) Yes, to some extent.

(b) and (c). This road connection will form part of National Highway No. 33. Its exact alignment has not yet been decided pending investigation of an alternative alignment for part of the connection. Construction work will be commenced when funds become available.

श्री ओराब : मैं आप की भाषा नहीं समझता, कृपया अपने उत्तर को हिन्दी में पढ़ दीजिये ।

[**Shri Oraon:** I could not understand your language. Will you kindly read your answer in Hindi?]

श्री संचानम : (ए) हां कुछ हद तक ।

(बी) एण्ड (सी), यह रोड कनेक्शन नेशनल हाईवे नम्बर ३३ का पार्ट होगा । यह पूरी तरह तय नहीं हो पाया है, जब पैसा मिलेगा, तब होगा ।

[**Shri Santhanam:** (a) Yes, to some extent.

(b) and (c.) This road connection will form part of National Highway No. 33. No final decision has yet been taken. The work would start as soon as funds are available.]

श्री ओराब : पैसा सेण्ट्रल गवर्नमेंट से दिया जायगा या स्टेट गवर्नमेंट की तरफ से ?

[**Shri Oraon:** Will the funds be provided by the Central Government or by the State Government?]

श्री संचानम : सेण्ट्रल गवर्नमेंट से दिया जायगा ।

[**Shri Santhanam:** By the Central Government.]

VIJAYAWADA RAILWAY STATION

*1475. **Shri A. Joseph:** (a) Will the Minister of Railways be pleased to state whether it is a fact that a deputation has seen the Manager, South Indian Railway at Madras regarding Vijayawada Railway station on the 5th September, 1951?

(b) What are their demands regarding Vijayawada Railway station?

(c) Is there a proposal to construct a pathway bridge on the Railway near the Telegraph Office at Vijayawada?

(d) Have any estimates been made by the Railways to construct a sub-Railway station at Vijayawada?

The Minister of State for Transport and Railways (Shri Santhanam):

(a) No deputation met the General Manager at Madras on 5th September 1951, but a deputation met him at Bezwada Camp on 30th August 1951 and presented a memorandum.

(b) The following demands were made in the memorandum regarding Vijayawada Railway station:

Covering of platforms; provision of ladies and inter-class waiting rooms; outwards parcels office; provision of booking offices on the east and west of the railway station; a separate booking office at Besant Road and Ellore Road junction and extension of the Indian Refreshment Room; and Construction of a foot overbridge between Prakasam statue and Pandit Jawaharlal Nehru Road.

(c) and (d). The reply is in the negative.

Shri A. Joseph: Previously in my Budget speech, I had asked the hon. Minister regarding the second class waiting rooms at Satyanarayanpuram. What has happened to that waiting room at that station near Vijayawada?

Shri Santhanam: Some of the items asked for are already under construction and other items are planned for next year, because it requires a lot of money and we are going to improve the station in 2 or 3 years' time.

Shri A. Joseph: May I know whether Government have received a representation from the people there asking Government to provide inter-class waiting rooms for the ladies at Vijayawada Railway Booking Station and also a waiting room for the first and second class passengers at Satyanarayanpuram and whether these matters are under consideration?

Mr. Deputy-Speaker: Are we arguing this matter...

Shri A. Joseph: I am asking the hon. Minister whether these schemes of constructing waiting rooms will come under this year or next year.

Mr. Deputy-Speaker: Either this year or next year and not beyond the next year.

Shri Santhanam: We have already taken steps for the construction of a booking office and waiting hall on the east and west sides of the station. Presumably that will be for the third class passengers and when once the third class passengers are satisfied, the turn for the first and second class passengers will come.

RAILWAY LINE (GUARANTEE OF MINIMUM RETURN OF EARNINGS)

*1476. **Shri D. S. Seth:** Will the Minister of Railways be pleased to state:

(a) whether the Government of India have decided not to accept or press for any guarantee of minimum return of earnings in case of any of the Railway lines under construction or proposed to be constructed in any of the States; and

(b) if so, what are (i) the names of the Railway lines concerned and (ii) the reasons which led the Government to come to such a decision?

The Minister of State for Transport and Railways (Shri Santhanam): (a) The reply is in the affirmative.

(b) (i) (1) Arantangi-Karaikudi.

(2) Shoranur-Nilambur Restoration.

(3) Madura-Theni-Bodinayakanur Restoration.

(4) Nagrota-Jogindernagar Restoration.

(5) Bobbili-Selur Restoration.

(ii) The question of construction of unremunerative Railway lines was considered by the Railway Convention Committee set up by the Constituent Assembly of India (Legislative) in April, 1949. The Committee were of the opinion that the policy of asking for a guarantee of minimum return for such projects from the sponsoring authorities was an impediment to the expansion of rail transport and they recommended that, if the Railways were to fulfil a complementary role in the economic development of the country, a Development Fund should be created for meeting the cost of unremunerative but necessary projects. This recommendation was accepted by the Constituent Assembly of India (Legislative) vide Resolution adopted by the House on 21st December, 1949, and this has resulted in a re-orientation of the policy in regard to obtaining a guarantee for minimum return of earnings from the sponsoring authority.

ANCHAL AND TELEPHONE DEPARTMENTS OF TRAVANCORE-COCHIN

*1478. **Shri Lakshmanan:** Will the Minister of Communications be pleased to state:

(a) whether the integration of the Anchal and Telephone departments of the Travancore-Cochin State with the Indian Post and Telegraph Department is complete;

(b) whether the categorisation of the staff is over;

(c) whether any special machinery has been employed in the categorisation work; and

(d) if so, what is the composition of this machinery?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Yes.

(b) Yes.

(c) Yes.

(d) An ad hoc Committee consisting of the following officers was constituted:

(1) Deputy Director-General, Staff and Establishment, in the P. and T. Directorate—Chairman.

(2) Deputy Secretary, Ministry of Finance (Communications)—Member.

(3) Officer on Special Duty (States), in the P. and T. Directorate—Member and Secretary.

The Chief Secretaries of Governments in Part B States were to be associated with the Committee as "observers".

The Committee submitted its recommendations after consulting the State Governments concerned. The views expressed by the Unions of the ex-State employees were also given due consideration.

Shri Lakshmanan: May I know whether in the matter of equating the grades of these employees any definite rule is observed and if so, whether the qualification of these employees academic or otherwise and also the character and the responsibility of the office they were holding previously in the State Government are taken into consideration?

Shri Raj Bahadur: I may invite the hon. Member's attention to the recommendations of the Indian States Finance Inquiry Committee on the subject. Such of the staff as were employed in Departments pertaining to federal subjects in the States are to be equated or integrated into the Central Services and provided with proper grades and upon terms not less advantageous than those enjoyed by them previously. This is the first principle. Another principle which was decided by the Cabinet was that this equation or integration or this categorization shall be made on the basis of the responsibilities involved and automatic absorption of a permanent incumbent to the posts.

Shri Lakshmanan: May I know what is the qualification prescribed in the P. and T. Department for Assistant Telephone Engineers?

Shri Raj Bahadur: I would like to have notice for that.

Shri Lakshmanan: May I know whether Executive Engineers of the Travancore Telephone Department possessing very high foreign qualifications have been demoted to Assistant Engineer's rank.

Shri Raj Bahadur: I am afraid, I won't be able to throw much light upon individual cases without proper notice.

Shri Lakshmanan: May I know whether there is any procedure for appealing against the decisions of this Committee?

Shri Raj Bahadur: The desire is under implementation. This order had just been passed and the Government is waiting to see the reactions.

Shri R. Velayudhan: May I know whether the pay drawn by non-Anchal Masters after integration with the Postal system is less than what they enjoyed before?

Shri Raj Bahadur: They have been given the option either to choose the scales which they used to get under the State system or the new pay. Whether it is more or less, I will require notice to find out.

Shri Ghule: May I know whether the fixation and equation of salary of the staff in the other Part B States, which have already merged with the Central system, have taken place?

Mr. Deputy-Speaker: It does not arise out of this question.

Shri Raj Bahadur: That has been answered.

Shri Ghule: With regard to other Part B States?

Mr. Deputy-Speaker: This question relates only to Travancore-Cochin.

ANDAMAN FORESTS

*1479. **Shri Lakshmanan:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether any contract for exploitation of the Andaman Forests has been given to any party;

(b) if so, for what period the contract is given;

(c) what its main terms are; and

(d) whether any tender had been invited?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) Yes

(b) and (c). Attention of the hon. Member is invited for the reply given

to part (b) of Unstarred Question No. 283 by Shri Sidhva, replied to on 19th September 1951.

(d) Yes.

Mr. Deputy-Speaker: Is it a very long answer?

Shri K. M. Munshi: Yes, Sir; if you like, I will read it. May I read?

Mr. Deputy-Speaker: If the hon. Member wants, it may be read.

Shri Lakshmanan: Part (d) has not yet been answered.

Shri K. M. Munshi: (d) Yes.

Shri Lakshmanan: What is the annual rate of the contract?

Shri K. M. Munshi: There is a percentage of royalty on different kinds of wood extracted from the Andamans forests. So far as this particular tenderer is concerned, the percentage of royalty quoted by him and now accepted by the Government is 41 on match wood, 45 on ply-wood 50 on hard wood and 50 on ornamentals.

Shri Lakshmanan: May I know whether there is any provision in the contract for a periodical revision of the amount payable every year according to the then prevailing market rates for timber?

Shri K. M. Munshi: The provision in the contract is this: that the licensee will extract annually about 75,000 tons of ply-wood, match wood and ornamental hard wood from areas marked out by the Forest Department. This timber will be disposed of by auction under Government supervision or at rates determined by the Government. The royalty to be paid by the company will be calculated on a proportionate basis on the current market prices. This is a provision which protects the interests of both the Government and the contractor against market fluctuations. So far as the Government is concerned, it is fully protected.

Shri Lakshmanan: May I know whether any earnest money is taken from the contractor?

Shri K. M. Munshi: I think there is earnest money. There is a considerable amount; a few lakhs. It is a longish agreement.

Mr. Deputy-Speaker: In the future, whenever reference is made to an Unstarred Question and answer to an unstarred question, I would like them also to be placed in the Notice Office so that the Members who have tabled such questions may come prepared with supplementary questions.

Shri K. M. Munshi: As you please, Sir.

Mr. Deputy-Speaker: The hon. Minister is not able to lay his hands on the figure of earnest money. He would like to have notice.

Shri K. M. Munshi: It is a long agreement; I think it will take five minutes to find it out. It is in the neighbourhood of some lakhs.

Shri Sidhva: May I know what is the name of the party who got this tender and what is the rate of royalty to be paid by him?

Shri K. M. Munshi: The name is Messrs. P. C. Ray & Co. India, Ltd., Calcutta.

Shri Sidhva: What is the rate of royalty?

Shri K. M. Munshi: I just read out. On an estimated annual yield of 75,000 tons, it comes to about 50.1 lakhs.

Shri Jaipal Singh: Is it a fact that the original terms were subsequently altered to suit the party?

Shri K. M. Munshi: The terms were later on made more stringent.

Shri Sidhva: How many tenderers had tendered for this contract?

Shri K. M. Munshi: Nine parties tendered.

Shri Sidhva: What is the highest amount, and the lowest amount?

Shri K. M. Munshi: The highest was by P. C. Ray & Co., 50 lakhs. The next was 30 lakhs; and the lowest was 14 lakhs.

Shri Sivan Pillay: Does exploitation of the Andaman Forests mean deforestation of the forests?

Shri K. M. Munshi: No. The scheme is that any quantity of wood removed is going to be replaced by fresh plantations.

Dr. M. M. Das: What was the arrangement that existed before the Government entered into this contract with this party? What are the factors that induced the Government to give up the old arrangement?

Shri K. M. Munshi: There was no old arrangement; there was no exploitation at all. This matter was hanging fire between one department and another and the Cabinet and the Ministry for five or six years. Ultimately it was precipitated and this decision was taken last year.

GRANTS TO MYSORE GOVERNMENT FOR FOOD PRODUCTION

*1480. **Shri Thimmappa Gowda:** Will the Minister of Food and Agriculture be pleased to state:

(a) the amount of grants or loans asked for by the Mysore Government for increasing its food production; and

(b) if so, the amount of grants or loans that has been promised or sanctioned; and

(c) the amount that has already been paid to the Mysore Government for increasing its food production?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) and (b). A statement giving the details is placed on the Table of the House. [See Appendix IX, annexure No. 19.]

(c) The G.M.F. grants sanctioned for Mysore during 1951-52 are to be drawn by the State Government quarterly on the basis of actual expenditure incurred. The necessary adjustments are still going on between the Accounts Officers concerned.

As regards G.M.F. loans for 1951-52, none of these have so far been drawn by the State Government.

Shri Thimmappa Gowda: What is the amount of subsidy that has been given to the State Government and may I know whether that amount has been included in this loan?

Shri K. M. Munshi: The amount sanctioned for Mysore so far has been Rs. 40,11,000. The loan is Rs. 35,50,000.

JANATA EXPRESS TRAINS

*1481. **Shri Sidhva:** (a) Will the Minister of Railways be pleased to state whether the weekly Bombay-Delhi Janata Express has been withdrawn?

(b) Is it a fact that people from South India have been demanding a Janata Express between Delhi and Madras?

(c) If so, do Government propose to run such a train on the Delhi-Madras line?

(d) How many Janata expresses run on various lines?

(e) Is it a fact that a representation has been made to the Railway Board to run a Janata Express between Bombay and Calcutta via Allahabad?

The Minister of State for Transport and Railways (Shri Santhanam): (a) Yes.

(b) Yes.

(c) The matter is under consideration.

(d) Twenty Janata Express trains each way.

(e) Yes.

Shri Sidhva: May I know when they intend to introduce this train? The hon. Minister has replied part (b) of the question in the affirmative. Then, as regards part (e) of the question, what are their plans?

Shri Santhanam: I have already said that the matter is under consideration. Until the details are settled and we find the rakes and other equipment, I cannot say when the decision will be taken.

Shri Sidhva: Since how long has this matter been pending? What are the difficulties that the hon. Minister feels in implementing this? Already, there was a train running between Delhi and Bombay. That would be available to be run between Delhi and Madras. I want to know why that could not be done without any difficulty and delay.

Shri Santhanam: The distance between Delhi and Madras is nearly 50 per cent. more than the distance between Delhi and Bombay. This would require the co-ordination of three administrations instead of two. Therefore, we want more rakes, more locomotives and three administrations are involved. All this requires time and consideration.

Shri Sidhva: May I know how long Government will take to run this Janata Express between Delhi and Madras and between Bombay and Calcutta?

Shri Santhanam: I cannot give any definite date.

श्री भट्ट : क्या माननीय मंत्री जी बतलायेंगे कि बड़ी लाइनों में ही जनता एक्सप्रेस चलाने का उन का विचार है या छोटी लाइनों में भी जनता एक्सप्रेस चलेगी ?

[**Shri Bhatt:** Will the hon. Minister please state whether it is proposed to run Janata Express trains on broad gauge lines only or on metre gauge as well?]

श्री संथानम : मेन लाइनों में चलेगी ।

[**Shri Santhanam:** They would run on main lines.]

Shri R. Velayudhan: The hon. Minister now stated that because of difficulties in getting these three administrations come together, there is delay in introducing the Janata

Express between Madras and Delhi. When the Grand Trunk Express is run in the same manner, what is the special difficulty in running the Janata Express between Delhi and Madras? The hon. Minister has been saying this since last October.

Shri Santhanam: The Grand Trunk Express is crowded in certain sections and is running light in certain other sections. Therefore, whether there is any need for a special weekly Janata Express between Madras and Delhi, that itself is a matter which has to be considered carefully so that we may not waste anything.

Shri Sidhva: How long will you take to ascertain that?

Shri Santhanam: My hon. friend seems to think that everything could be done at the spur of the moment.

Mr. Deputy-Speaker: The hon. Minister himself comes from Madras; he will be interested himself.

Shri R. Velayudhan: We are equally interested.

Shri Santhanam: I may also explain that the weekly Expresses are not quite so popular as the Daily Janata Expresses, because it is very difficult for the people to so plan their journey as to coincide with the weekly trains. That is why the G.I.P. Delhi-Bombay Express was a failure. We had to drop it and introduce a Daily Janata Express on the B.B. and C.I. between Delhi and Bombay. Therefore, we do not know whether a weekly express to Madras will be popular and will be necessary. We do not want to waste our resources. It is better to consider first rather than to stop afterwards.

Shri Kesava Rao: May I know whether any of these three railway administrations has not agreed to the running of a Janata Express between Delhi and Madras?

Shri Santhanam: I never said that they have not agreed. It is a matter where we have to consider whether it is at all necessary, whether it will be useful and whether all the necessary equipments are available.

Shri Sarwate: May I know when the Janata Express between Delhi and Indore promised during the Budget discussion of last year will start running?

Shri Santhanam: I cannot say off-hand, I must enquire.

Shri Munavalli: May I know whether the Janata Express running between Poona and Belgaum will be extended to Hubli?

Shri Santhanam: Though we want to extend this Express up to Hubli we do not have the necessary coaches, and so we are trying to scrape together the coaches that we require for this purpose.

Shri Sonavane: Have Government any intention of considering the proposal to name the Madras-Delhi Janata Express as "Sidhva Janata Express"?

श्री जांगड़े: क्या माननीय मंत्री महोदय बतलायेंगे कि बंगाल नागपुर लाइन पर भी कोई जनता एक्सप्रेस चलाने का विचार है ?

[**Shri Jangde:** Will the hon. Minister please state whether there is any proposal to start a Janata Express train on the Bengal Nagpur Railway as well?]

Shri Santhanam: As I have already stated, we are contemplating the running of a Janata express between Madras and Calcutta, and that will cover the line referred to by the hon. Member.

Shri R. Velayudhan: Can the hon. Minister give us an idea of the time within which this Janata Express will start running between Delhi and Madras? Will that be within the next one year or six months?

Shri Santhanam: As soon as it is found necessary and practicable.

Thakur Krishna Singh: So as to prevent over-crowding in these Janata trains, will the authorities consider the issuing of advance tickets according to the seating capacities in the trains?

Shri Santhanam: Long-distance passengers are issued tickets in advance and seats are reserved. But we cannot avoid over-crowding completely in any one train lest it should concentrate in the other trains. All trains will have to take their share of it.

BOMBAY-CALCUTTA NIGHT SERVICE

*1482. **Shri Sidhva:** (a) Will the Minister of Communications be pleased to refer to the reply given to my unstarred question No. 165 on the 3rd September, 1951 and state whether the Chairman, Air India Limited in the annual meeting said that Government refused to use Skymaster aircraft for the Bombay-Calcutta night service?

(b) What is the number of passengers carried by night service to Calcutta from Bombay?

(c) In how many cases was accommodation refused to passengers during the last six months on the above route?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) No. He did not say so.

(b) During the period January to August 1951, 3,135 passengers were carried from Bombay to Nagpur and 3,155 from Nagpur to Calcutta on the Bombay-Calcutta night service.

(c) Information is not available.

Shri Sidhva: In reply to my question as to whether the Chairman, Air India Limited in the annual meeting said that Government refused to use skymaster aircrafts for the Bombay-Calcutta night service, the hon. Deputy-Minister has answered that in the negative. Did he not make any reference to this matter at that meeting?

Shri Raj Bahadur: My information is that the so-called proposal consisted of letting out the aircraft for hire to a party in the U.S.A. and for obvious national reasons we did not want to leave the aircraft in hands over which we have no control.

Shri Sidhva: Is it a fact that the Chairman remarked that though the Air India wanted to run this service, no encouragement was forthcoming from the Government? Is that statement of his true?

Shri Raj Bahadur: The only proposal that I am aware of is the one I have just now mentioned in my reply.

GHOST RATION CARDS

*1483. **Shri Sidhva:** (a) Will the Minister of Food and Agriculture be pleased to refer to the answer given to my unstarred question No. 160 on the 3rd September, 1951 and state whether supplies of foodgrains were made to all the 4,49,000 ghost ration card holders, during the period?

(b) What quantity of foodgrains was supplied during this period to these ghost ration card holders?

(c) Has the proportion of supply of foodgrains been reduced to the stock holders who supply foodgrains to bogus card holders?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) to (c). The checking of ration cards is a continuous process. Ghost cards are cancelled as soon as they are detected. Because of the constant check, these cards cannot be current for any long periods. This being so, supplies drawn against such cards could not but be

small. It is, however, not possible to indicate the exact quantity. Issues from Government godowns to ration shops are made only against the total number of valid cards.

Shri Sidhva: My question was whether against the 4,49,000 ghost ration cards what quantity of food-grains was distributed and whether any action or steps have been taken to avoid such unnecessary distribution of foodgrains to these ghost-card holders at least in future?

Shri K. M. Munshi: And my answer to that was that it is not possible to ascertain the exact quantity of food-grains supplied against these ghost-cards because these cards are of two kinds—one may be due to fraud and the other due to inadvertence, that is to say, somebody without depositing the card had gone out of station. So it is impossible to ascertain the exact quantity of foodgrains issued.

Shri Sidhva: Is there no system of checks introduced either by the Central Government or the State Governments, over these ghost ration cards, so that people may not draw ration to which they are not entitled?

Shri K. M. Munshi: The staff must be sufficient and very efficient in order to find out all the ghost-cards and prevent the mischief. But with the limited staff at present available we are doing our best in this direction.

Shri Sidhva: What is the difficulty in the way of employing larger staff for this purpose and checking the issue of unnecessary foodgrains, especially at the present moment when there is food scarcity?

Shri K. M. Munshi: Lack of money.

श्री जांगड़े : क्या बोगस राशन कार्ड होल्डर्स में से किसी को दण्ड दिया गया है ?

[**Shri Jangde:** Has any of the bogus ration-card holders been punished?]

Shri K. M. Munshi: I am sure they must have been prosecuted and some action taken.

Thakur Krishna Singh: Does the hon. Minister know the number of ghosts that have been so far caught?

Mr. Deputy-Speaker: The hon. Minister may very well reply that he wants the help of the hon. Member to catch the ghosts.

रेल्वे प्लेटफार्मों पर शाकाहारी और सामिष भोज वस्तुओं को बेचने के लिये लाइसेंस

*१४८६. श्री जांगड़े : (क) रेल मंत्री यह बतलाने की कृपा करेंगे कि क्या यह

सत्य है कि जी० आई० पी० तथा ई० आई० रेलवे में प्लेटफार्मों पर शाकाहारी तथा सामिष भोज वस्तुएं बेचने के लिये क्रमशः अलग अलग ठेकेदारों को ठेके या अनुज्ञप्ति (लाइसेंस) दी जाती है ?

(ख) क्या यह सत्य है कि बी० एन० रेलवे के प्लेटफार्मों पर शाकाहारी तथा सामिष भोज वस्तुओं को बेचने के लिये केवल एक ही व्यक्ति को ठेका अथवा अनुज्ञप्ति दी जाती है ?

(ग) यदि यह सत्य है, तो क्या कारण है कि विभिन्न रेलों पर विभिन्न नीति अपनायी जाती है ?

(घ) क्या बी० एन० रेलवे के ठेकेदारों तथा यात्रियों ने सरकार से इस नीति के विरुद्ध शिकायत की है, यदि की है, तो उस पर क्या कार्यवाही की गई है ?

LICENCE FOR VEGETARIAN AND NON-VEGETARIAN FOOD ON RAILWAY PLATFORMS

[*1486. **Shri Jangde:** (a) Will the Minister of Railways be pleased to state whether it is a fact that different contractors are given contract or licence to sell vegetarian and non-vegetarian food respectively on the platforms, of the G.I.P. and the E.I. Railways?

(b) Is it a fact that the contract or licence for selling the vegetarian and non-vegetarian food on the platforms of the B.N. Railway is given to one and the same person?

(c) If so, why different policies are adopted in the case of different Railways?

(d) Have the contractors and passengers of the B.N. Railway lodged any complaint with Government against this policy and if so, what action has been taken thereon?]

The Minister of State for Transport and Railways (Shri Santhanam): (a) and (b). Presumably the hon. Member is referring to vegetarian and non-vegetarian refreshment rooms, as there is no separate classification of 'vegetarian' and 'non-vegetarian' in regard to food-vending on platforms. There is no ban to the contracts for both the vegetarian and non-vegetarian Refreshment rooms being held by the same

party, but utensils and service in vegetarian refreshment rooms must be kept entirely separate from those of non-vegetarian refreshment rooms. At certain stations on the G.I.P., E.I. and B.N. Railways the contracts for vegetarian and non-vegetarian refreshment rooms are held by the same licensee while at others by separate licensees.

(c) The same policy is adopted on all Railways in the matter as indicated in replies to (a) and (b).

(d) There have been a few complaints from the contractors vending vegetarian foodstuffs against the sale of certain items, such as sweets by the non-vegetarian contractors, but these have no relevance to the policy referred to by the hon. Member.

श्री झांगड़े : क्या माननीय मंत्री महोदय बतलायेंगे कि क्या गवर्नमेंट के पास ऐसी शिकायतें आई हैं जिन में यह कहा गया है कि जो नानवेजिटेरियन भोज्य पदार्थ बेचने वाले होते हैं उन के पास कोई बिल्ला नहीं होता इस लिये वेजिटेरियन पैसेन्जरों को धोखा होता है ?

[Shri Jangde: Will the hon. Minister please state whether any complaints have been received by the Government that the non-vegetarian food vendors do not have any badges on them with the result that vegetarian passengers are deceived?]

Mr. Deputy-Speaker: It is a matter of opinion, I suppose.

Shri Santhanam: We have not got many complaints of that type.

रायपुर से धमतरी को सकरी (नैरोगेज) लाइन

*१४८७. श्री झांगड़े : (क) रेल मंत्री बतलाने की कृपा करेंगे कि बी० ऐन० रेलवे पर रायपुर से धमतरी तक जाने वाली सकरी लाइन वर्ष १९४० से १९५० तक किस के द्वारा चलायी जाती थी और अब किस के द्वारा चलायी जाती है ?

(ख) उक्त लाइन पर यात्रियों को क्या क्या सुविधायें, जैसे, पीने का पानी, यात्री विश्रामगृह, भोजनालय, टिकटघर, तीसरी श्रेणी के डिब्बों में पंखे आदि, दी गयी हैं अथवा दी जाने वाली हैं ?

(ग) राजीम मेले के अवसर पर सरकार यात्रियों को क्या सुविधायें देती है अथवा देने वाली है ?

(घ) क्या यह सत्य है कि मेले के समय, इस रेलवे लाइन पर यात्रियों को माल गाड़ी और पारसल रेलों पर ले जाया जाता है ?

RAIPUR-DHAMTARI NARROW GAUGE LINE

[*1487. Shri Jangde: (a) Will the Minister of Railways be pleased to state who managed the narrow gauge line between Raipur and Dhamtari on the B. N. Railway from 1940 to 1950 and who manages it now?

(b) What amenities e.g., drinking water, passengers' waiting-rooms, restaurants, booking offices, fans in the third class compartments etc., have been provided or are going to be provided to the passengers on the above line?

(c) What facilities do Government provide or are going to provide to the passengers on the occasion of the Rajim fair?

(d) Is it a fact that at the time of the fair, passengers are carried over this railway line in goods and parcel trains?]

The Minister of State for Transport and Railways (Shri Santhanam): (a) The Bengal Nagpur Railway Co. Ltd., upto 30th September, 1944 and the present Bengal Nagpur Railway administration from 1st October, 1944.

(b) Rail level platforms, drinking water facilities, booking offices and waiting accommodation are provided at all stations on this line. At Raipur restaurants, vegetarian and non-vegetarian refreshment rooms and tea and coffee stalls and at Abhanpur tea, coffee and light refreshment stalls are provided. These facilities will continue to be provided. There are no fans at present in Third Class compartments.

(c) Additional drinking water and temporary latrine facilities are provided on the occasion of Rajim fair. Special trains are also run between Raipur and Rajim and loads of ordinary services augmented, wherever possible, to meet the Mela rush. These facilities will continue to be provided as required.

(d) No.

श्री झांगड़े : क्या माननीय मंत्री महोदय बतलायेंगे कि क्या सरकार को ज्ञात है कि

रायपुर से घमतरी तक जो केवल ४८ मील की दूरी पर है, पैसेन्जर गाड़ी के जाने में ६ टे से अधिक लगते हैं ?

[**Shri Jangde:** Will the hon. Minister please state whether the Government are aware that it takes more than six hours for a passenger train to reach Dhamtari from Raipur, a distance of only 48 miles?]

Shri Santhanam: I shall enquire.

FRUIT PRODUCTS AND PRESERVED FRUITS

*1488. **Shri A. C. Guha:** Will the Minister of Food and Agriculture be pleased to state:

(a) the quantity of fruit products and preserved fruits consumed in India;

(b) whether any quantity of the same is exported and also imported; and

(c) whether there is any scheme to expand the production and to improve the quality of these products?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) Precise estimates are not available but on the basis of data available regarding production in the controlled factories and of imports, between 8,000 and 7,000 tons of fruit products and preserved fruits appear to be consumed in India per annum.

(b) A statement showing the quantity and value of fruit and vegetable products imported into and exported from India during the last five years is placed on the Table of the House. [See Appendix IX, annexure No. 20.]

(c) Expansion of production is limited by the shortage of essential raw materials such as sugar and tins. Quality of the products is, however, being constantly improved under the Fruit Products Control Order.

Shri A. C. Guha: From the statement I find that in recent years the imports have been increasing and also the exports have been increasing. May I know what is the reason for this?

Mr. Deputy-Speaker: The question hour is over and it is for the hon. Minister to reply or not.

Shri K. M. Munshi: The exports have increased naturally because more factories have come into existence. As regards imports they have increased in 1950-51 as compared with 1948-49 and 1949-50 and it is difficult to say what the reason is, unless people's tastes have undergone a change or they prefer to have fresh fruits.

Mr. Deputy-Speaker: I find both the Members absent in whose names there are Short Notice Questions for today. I am afraid I ought not to allow Short Notice Questions at all in future.

Shri Sidhva: Why, Sir, you reprimand them.

The Minister of Labour (Shri Jagjivan Ram): I have taken so much trouble to prepare the answers.

Mr. Deputy-Speaker: Hon. Members do not seem to understand the amount of trouble and labour that the office and the Ministries are put to by giving Short Notice Questions and it is unfortunate that neither the one nor the other Member is present.

Shri Sidhva: You penalise the Members concerned and not all Members.

Mr. Deputy-Speaker: It is very wrong. The Minister has accepted the Short Notice Questions and if he had not been in his seat hon. Members would have got up and complained. There ought not to be two different rules.

Shri Jagjivan Ram: On occasions let us also be absent when Short Notice Questions come up.

Prof. Ranga: No, no.

WRITTEN ANSWERS TO QUESTIONS SHIPPING COMPANIES

*1470. **Dr. Deshmukh:** (a) Will the Minister of Transport be pleased to lay on the Table a statement showing the years in which the existing Indian Shipping Companies were first started and which of them are earning profits?

(b) Do Government give any preference or support to those whose work is satisfactory and efficient or are all the companies treated alike?

The Minister of State for Transport and Railways (Shri Santhanam): (a) A statement giving the details asked for by the hon. Member is laid on the Table of the House. [See Appendix IX, annexure No. 21.]

(b) Basically, the policy of the Government is not to discriminate between one company and another. The benefits of most of the measures adopted by Government for the promotion of Indian Shipping are available for all Indian Shipping Companies to share alike. But Government are always prepared to consider requests from Indian Shipping Companies for special assistance on their merits, particularly if such special assistance is in the best interests of the development and expansion of Indian shipping.

RAILWAY DISPUTES

*1472. **Shri S. N. Das:** (a) Will the Minister of Railways be pleased to state whether it is a fact that Government have agreed to set up a permanent machinery to settle disputes between Railway employees and the Administration?

(b) If so, what will be the nature and functions of that machinery?

(c) Have the details been settled?

(d) What will be the constitution of that machinery?

(e) What is the date from which it will begin to function?

The Minister of State for Transport and Railways (Shri Santhanam): (a) This has been agreed to in principle but no decision has yet been reached on the procedure or machinery of such settlement.

(b) to (e). Do not arise.

SALE OF PONTOONS

*1477. **Shri Kamath:** Will the Minister of Railways be pleased to state:

(a) whether it is a fact that the General Manager, B. N. Railway called for tenders for the sale of some pontoons;

(b) whether a tender for Rs. 12 lakhs was received;

(c) whether it was rejected and the goods sold for Rs. 7 lakhs to some other contractor;

(d) the reasons for such an irregular decision; and

(e) whether any action has been taken against the General Manager for causing a loss of Rs. 5 lakhs to Government?

The Minister of State for Transport and Railways (Shri Santhanam): (a) Yes.

(b) No.

(c) All the tenders received were rejected by the Tender Committee consisting of Controller of Stores, the Financial Adviser and Chief Accounts Officer and the Deputy General Manager (Works) of B.N. Railway as the prices offered were considered not satisfactory. Some of the goods, to the value of Rs. 1,41,000, were retained and the remainder sold for Rs. 5,70,000.

(d) There was no irregularity about the action taken and the allegation is entirely baseless.

(e) Does not arise in view of replies to parts (c) and (d).

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TAIYO FISHING COMPANY OF JAPAN

*1484. **Dr. Ram Subhag Singh:** Will the Minister of Food and Agriculture be pleased to state whether the entire catch of fish by the Taiyo Fishing Company, Ltd., will go to the Indian market or not?

The Minister of Food and Agriculture (Shri K. M. Munshi): Yes, the entire catch of fish by the Taiyo Fishing Company, Ltd., will be sold in Indian markets.

AVIATION OIL

*1485. **Dr. Ram Subhag Singh:** Will the Minister of Communications be pleased to state:

(a) whether any quota of Aviation Spirit has been fixed for the International Airlines operating from and across India; and

(b) if so, what is the monthly quota?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) and (b). The International Airlines have agreed to reduce their consumption of petrol by 33½ per cent. of their uplift during June 1951. Under this arrangement the fuel allotted for them is 4,28,082 gallons per month.

UNDER-GROUND TRUNK CABLE BETWEEN CALCUTTA AND ASANSOL.

*1489. **Shri A. C. Guha:** Will the Minister of Communications be pleased to state:

(a) whether Government are proposing to lay under-ground cables for the existing above the ground telegraph and telephone wires between Calcutta and Asansol;

(b) if so, the cost thereof and when the scheme will be completed;

(c) whether there would be any saving in the recurring expenses for maintaining these lines; and

(d) with what stations and regions communications are routed via this Calcutta-Asansol line?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Yes.

(b) The estimated cost is about Rs. 71,74,000. The work is likely to be completed in 1953-54.

(c) Yes, Rs. 1,95,200.

(d) All the trunk and telegraph circuits connecting Calcutta with Assam, Bihar, U.P., Delhi, Punjab and most of the stations in Bengal like Asansol, Siliguri, Darjeeling, Jalpaiguri etc., are routed via the Calcutta-Asansol line.

FREIGHT PAID FOR IMPORTED FOODGRAINS

*1490. **Dr. Deshmukh:** (a) Will the Minister of Food and Agriculture be pleased to state the actual freight paid per ton of foodgrains imported from various countries including America and Australia?

(b) If the rates have varied, what are the variations?

(c) Is it a fact that the freight paid is excessive?

(d) Has the Ministry of Food and Agriculture drawn the attention of the Ministry of Commerce and Industry to these facts and if so, when, and with what result?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) and (b). A statement is placed on the Table of the House. [See Appendix IX, annexure No. 22.]

(c) and (d). The freights are high. The question of increasing Indian Shipping is under the consideration of the Ministry of Transport.

TELEPHONE EXCHANGE AT SAMASTIPUR

*1491. **Shri S. N. Das:** (a) Will the Minister of Communications be pleased to state whether the proposal to instal a Telephone Exchange at Samastipur in the State of Bihar has been considered and sanctioned?

(b) What is the estimated expenditure, recurring and non-recurring?

(c) What is the estimated annual revenue?

(d) Has the work been started?

(e) If not, when is it going to be started?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Yes.

(b) Non-recurring: Rs. 81,015. Recurring Rs. 21,157 per annum.

(c) Rs. 23,319.

(d) No.

(e) The work has been delayed for want of a suitable building. One such building has now been found and negotiations for renting it are in progress. As soon as it has been rented, the installation of the Telephone Exchange will be undertaken.

TELEPHONE EXCHANGE AT PATNA

*1492. **Shri S. N. Das:** Will the Minister of Communications be pleased to state:

(a) whether the Telephone Exchange at Patna has been rehabilitated;

(b) what was the original capacity and what is the capacity now;

(c) whether the automatism scheme for the Patna Exchange has been considered; and

(d) if not, whether there is any proposal in this regard?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Yes.

(b) 600 and 900 respectively.

(c) and (d). It is proposed to instal a 2,000 line automatic exchange in 1954-55.

FINANCIAL INTEGRATION OF TRAVANCORE-COCHIN

*1493. **Shri Alexander:** Will the Minister of States be pleased to refer to the answer given to my starred question No. 720 asked on the 3rd September, 1951 and state whether it is a fact that there is a dispute in the interpretation of the Krishnamachari Report between the Government of India and the Government of the State of Travancore-Cochin?

The Minister of States, Transport and Railways (Shri Gopalaswami): No.

PATHARKANDI-DHARMANAGAR RAILWAY LINE

*1494. **Shri G. S. Guha:** (a) Will the Minister of Railways be pleased to refer to the reply given to my starred question No. 4769 asked on the 1st June, 1951 and state whether the examination of the reports of the surveys for the extension of the railway line from Patharkandi in Assam to Dharmanagar in Tripura State have now been completed?

(b) If so, has the project been considered by the Central Board of Transport?

(c) In case this has been done, is there any likelihood of the project being taken up in the near future?

The Minister of State for Transport and Railways (Shri Santhanam): (a) The reports have been examined and the Assam Railway has been asked to revise the traffic estimates, taking into consideration some additional factors.

(b) Not yet. It will be referred to the Central Board of Transport after the revised estimate is received.

(c) Does not arise.

TEZPUR-BALIPARA RAILWAY

*1495. **Shri G. S. Guha:** (a) Will the Minister of Railways be pleased to state whether notice has been given by Government to the Tezpur-Balipara Railway for the termination

of the agreement and intimating Government's intention to take over the Railway and if so, when?

(b) On which date do Government propose to take over the Railway in question?

(c) Would the line when taken over be placed under the management of the Assam Railway authorities?

(d) Is it contemplated that the line would be converted from narrow to metre gauge?

(e) Will the present staff of the Tezpur-Balipara Railway be absorbed in the new system?

The Minister of State for Transport and Railways (Shri Santhanam): (a) Yes, on the 23rd August, 1951.

(b) On 1st September 1952.

(c) Yes.

(d) Not at present.

(e) This question will be considered in due course taking into account *inter alia* the suitability of the persons concerned for service under Government.

CHURABARI-AGARTALA ROAD

***1496. Shri G. S. Guha:** (a) Will the Minister of Transport be pleased to refer to the reply given to my starred question No. 4665 for the 29th May, 1951 but answered on the 8th June, 1951 and state what further progress has been made in the construction of the projected Churaibari-Agartala road?

(b) What are the main causes of the delay in the completion of the road?

(c) What is the total estimated cost?

The Minister of State for Transport and Railways (Shri Santhanam): (a) and (b). The formation of the road is nearing completion and construction of semi-permanent bridges and armco culverts is in progress. The progress is not, however, quite up to the mark owing to the following main difficulties:

(i) Disturbed conditions and insecurity created by undesirable elements in the vicinity of the road.

(ii) Shortage of labour.

(iii) Materials required not being readily available and difficulties in transporting them.

(iv) Difficulties in supply of rice rations to labour.

(c) About Rs. 3 crores for the first stage of the work.

MARINE ENGINEERING COLLEGE

***1497. Dr. M. M. Das:** Will the Minister of Transport be pleased to state:

(a) whether it is a fact that a scheme for establishment of a Marine Engineering College has been finalised;

(b) if so, the site chosen for the college; and

(c) the estimated cost of (i) site; (ii) construction of buildings; and (iii) equipments?

The Minister of State for Transport and Railways (Shri Santhanam): (a) Yes.

(b) The College will be located at Calcutta in the New Mint Colony Area.

(c) The site has been given free of cost by the Government of West Bengal. The revised estimates of cost of construction and equipment are:

Construction Rs. 33.7 lakhs.

Equipment Rs. 10.2 lakhs.

ALL-STEEL RAILWAY COACHES

***1498. Dr. M. M. Das:** Will the Minister of Railways be pleased to state:

(a) how the price of an all-steel Railway coach manufactured in India compares with that of an imported one;

(b) the respective number of all-steel coaches imported into India during the years 1950-51 and 1951-52 to date and the numbers of those built in this country during each of those two years;

(c) the annual capacity of building such coaches at the Government factories in India;

(d) whether Government prefer the all-steel coaches to ordinary coaches; and

(e) if so, the reasons for this preference?

The Minister of State for Transport and Railways (Shri Santhanam): (a) Steel coaches of similar design to those manufactured in India have not been ordered abroad.

(b) Orders have been placed abroad for 102 Broad Gauge and 250 Metre Gauge All Steel coaches, of which none have yet been received. The numbers of all steel coaches built in India by Messrs. Hindustan Aircraft Limited up to 31st March 1951 were 133. During the year 1951-52, 43 coaches have been delivered so far.

(c) Present annual capacity of Hindustan Aircraft Limited is 96 coaches.

(d) Yes.

(e) Mainly on account of their anti-telescopic feature in the event of an accident.

FOOD IMPORT POLICY

*1499. **Shri M. Naik:** (a) Will the Minister of Food and Agriculture be pleased to state whether Government have formulated any food import policy for the year 1952?

(b) Is it a fact that negotiations are proceeding for a wheat deal for 1952 with Australia and U.S.A. and if so, at what stage are such negotiations?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) The same policy of import as prevails now will continue for 1952 also. The policy will be to import as much as is required by the country.

(b) No.

DEVELOPMENT OF INLAND FISHERIES

*1500. **Shri M. Naik:** (a) Will the Minister of Food and Agriculture be pleased to state what steps if any, have been taken by the Government of India to develop Inland Fisheries in India?

(b) What are the annual requirements of fish for human consumption and for other purposes met from the indigenous source and how much is imported from outside?

(c) Is any quantity of fish exported from India, either raw or as manure?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) (1) Financial aid has been given, under the G.M.F. Campaign, for approved schemes of Inland Fisheries Development.

(2) Technical advice is given for drawing up suitable schemes of Inland Fisheries Development and for their implementation.

(3) A Training Centre has been set up for training technical personnel for management and development of Inland Fisheries.

(4) Arrangements are made for providing fish seed to deficit States.

(5) Facilities are arranged for rapid transport of fish seed at concessional rates.

(6) Loans and subsidies are provided for sale of salt, yarn and other fishery requisites at concessional rates.

(7) Facilities are arranged for quick transport of fish catches to markets.

(b) The total annual production of fish is estimated at 5½ lakh tons. Of this, about 43 per cent. is consumed as fresh fish, 50 per cent. is cured for human consumption and about 7 per cent. is converted into fish manure. 1½ million pounds of shark liver oil is also produced.

2,145 tons of preserved and canned fish is imported. Complete figures for import of fresh fish from Pakistan are not available, but it appears that 5,781 tons were imported from East Bengal to Calcutta in 1950. Imports from this source have progressively declined since partition.

(c) Only cured fish is exported from India. The average annual exports are 28,350 tons of cured fish and 3,150 tons of fish manure.

CHLOROPHYLL

*1501. **Shri Barman:** Will the Minister of Food and Agriculture be pleased to state:

(a) Whether Messrs. Puntambekar and Rao of Chemistry Section of FRI (Dehra Dun) have prepared a chemical called "Chlorophyll" which will be useful in preventing adulteration of Ghee;

(b) what are the qualities of this chemical substance and its special suitabilities for prevention of adulteration; and

(c) whether Government propose to encourage its use on a mass scale?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) Yes, please.

(b) Experiments carried out at the Forest Research Institute, indicate that chlorophyll can be successfully used for the colouring of Hydrogenated fats. It is edible and is not reported to have harmful cumulative effects on human system.

(c) The question regarding the use of chlorophyll as a colouring medium for *vanaspati* is being considered by Ghee Adulteration Committee which has been appointed to suggest ways and means to check adulteration. The Government will take a decision in the matter on receipt of the recommendation of the Committee.

अन्तर्राष्ट्रीय बैंक से उधार

*१५०२. श्री लापर्ड : (क) साह्य तथा कृषि मन्त्री यह बतलान की कृपा करेंगे कि वर्ष १९५०-५१ में भारत ने अन्तर्राष्ट्रीय

बैंक से कितन लाख डालर उधार लिये तथा इन डालरों से कृषि के काम में आने वाली कौन कौन सी वस्तुएं अमरीका से खरीदी गई ?

(ख) उनमें से कितने ट्रैक्टर खरीदे गये तथा वर्ष १९५१ के अन्त तक इन ट्रैक्टरों द्वारा कितने एकड़ भूमि कृषि योग्य बनाई जा सकेगी ?

(ग) इस भूमि पर जो इस समय इन ट्रैक्टरों द्वारा साफ़ की जा रही है, वर्ष १९५१ के अन्त तक कितने टन अनाज और अधिक उत्पादित किये जाने की सम्भावना है ?

LOAN FROM INTERNATIONAL BANK

[*1502. **Shri Khaparde:** (a) Will the Minister of Food and Agriculture be pleased to state how many lacs of dollars were taken by India as loan from the International Bank during the year 1950-51 and what articles of agricultural use were purchased from America with the help of those dollars?

(b) How many tractors were purchased and how much land is likely to be reclaimed with the help of those tractors by the end of 1951?

(c) How many additional tons of foodgrains are likely to be produced from the land now being cleared by these tractors by the end of 1951?]

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) \$1,162,163 were drawn by India from the loan obtained from the International Bank for land reclamation, during the year 1950-51. The articles purchased from America with the help of these dollars comprise tractors and their spare parts, tractor attachments, certain special agricultural implements and transport vehicles.

(b) The number of tractors purchased during the year 1950-51 is 60. During the preceding year 180 tractors were purchased, making a total of 240 tractors. The area likely to be reclaimed with the help of these 240 tractors by the end of 1951 is 2,97,486 acres.

(c) The estimate of the additional yield from this area during the next Rabi harvest is 83,045 tons of foodgrains.

Mela TRAINS

*1503. **Shri D. S. Seth:** (a) Will the Minister of Railways be pleased to

state whether it is a fact that on the 14th September last on the Aligarh-Bareilly train leaving Aligarh at 14.8 P.M. a large number of persons without tickets and third class passengers were packed on the roof of the train and in the upper class bogies and many persons also travelled on the foot-board of the train?

(b) What were the reasons for not running *Mela Rakes* on this occasion?

(c) What steps do Government propose to take to prevent such sort of unauthorised travelling and to prevent loss of lives on *Mela* occasions by allowing passengers to travel as referred to in part (a) above?

(d) What arrangements, if any, are made on such occasions for checking tickets of the passengers?

The Minister of State for Transport and Railways (Shri Santhanam): (a) Government have no information to this effect.

(b) The correct position, on the contrary, is that *Mela* specials with *Mela* rakes were run on this occasion.

(c) Does not arise in view of answer to (a).

(d) Railway Magistrates and Special Travelling Ticket Examiners are deputed to check tickets and also to prevent ticketless travel on such occasions.

DEATH OF A POSTMAN

*1504. **Shri Sonavane:** (a) Will the Minister of Communications be pleased to refer to the report in the "Indian News Chronicle" dated the 23rd August, 1951, appearing on page 3 about the death of a postman and state whether the report is correct and if so, what are the details of the incident?

(b) What was the age of the deceased postman and whether he had applied for leave?

(c) What are the reasons for four deaths of postmen in the same building in question?

(d) What steps have Government taken to safeguard the lives of the postmen who are on field duty?

(e) Are any additional facilities given to the postmen who are on the field work?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) The report is partially correct. A copy of the Press communique issued by Government on the subject is laid on the Table of the House. [See Appendix IX, annexure No. 23.]

(b) 41 years; No.

(c) The question does not arise as this has been the first case of its kind in New Delhi.

(d) and (e). Orders already exist to provide porters to assist postmen in carrying loads in excess of 20 lbs. One van is also used for transporting heavy parcels to the Connaught Place area.

NUTRITION SECTION

*1505. **Master Nand Lal:** Will the Minister of Food and Agriculture be pleased to state the measures adopted by the Nutrition Section of the Ministry during the year 1951 for detecting malnutrition among the masses due to food shortage and improper diet?

The Minister of Food and Agriculture (Shri K. M. Munshi): The adoption of measures required for improving the level of nutrition in different areas is the function of State Governments and the Indian Council Section of this Ministry gives such advice to State Governments in regard to utilisation of subsidiary foods for improving the nutritional level as may be required by State Governments from time to time. Diet surveys have been periodically carried out by the State Governments and the Indian Council of Medical Research have drawn out Nutrition Assessment Schedules in order to help the Administrations concerned to detect malnutrition in the areas as expeditiously as possible.

FOOD EXECUTIVE OFFICERS

*1506. **Master Nand Lal:** Will the Minister of Food and Agriculture be pleased to state:

(a) what is the number of Food Executive Officers in his Ministry; and

(b) what are the duties of these officers and what qualifications they are required to possess?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) Three.

(b) The main duty of these officers is to assist State Governments in executive problems arising in regard to rationing and distribution of foodgrains in different States. Before they can undertake these duties they are given adequate training in the appropriate branches of the department.

CENTRAL PAY COMMISSION'S SCALES IN RAILWAY SCHOOLS

*1507. **Pandit M. B. Bhargava:** Will the Minister of Railways be pleased to state whether it is a fact that the Central Pay Commission's scales of pay and grade have been brought into force from the 1st January, 1947 in

the schools under the Centrally Administered Areas and from the 24th April, 1950 in the Railway schools under the Centre and if so, why there is this discrimination?

The Minister of State for Transport and Railways (Shri Santhanam): The reply to the first part of the question is in the affirmative and to the second part, in the negative. The position is that the Central Pay Commission's scales for teachers in the Centrally Administered Areas were given effect to in the case of teachers in the Indian Schools on Railways from 1st January 1947 or 16th August 1947 in the same way as in the case of the teachers in the schools under the centrally administered areas. Subsequently, when the scales of teachers in the centrally administered areas were revised by the Central Government in January 1950, the Railway Board decided to extend these scales to the Railway Schools also but where the Central Pay Commission's scales had already been applied, the revision was given effect to only from 24th April 1950, when the scales were communicated to the Railways. In cases where the Central Pay Commission's scales had not been adopted, the revised scales were applied with effect from 1st January 1947 or 16th August 1947, the same as in the centrally administered areas.

बद्रीनाथ तक टेलीफोन लाइन (लगाया जाना)

*१५०८. श्री बी० ऐस० आर्य : संवरण

मन्त्री यह बतलाने की कृपा करेंगे कि :

(क) क्या यह सत्य है कि बद्रीनाथ तक जो टेलीफोन लाइन लगाई जाने वाली थी, उस का काम बन्द कर दिया गया है, यदि ऐसा है तो इस के क्या कारण हैं; तथा

(ख) प्रस्तावित टेलीफोन लाइन कब तक बन कर तैयार हो सकेगी ?

TELEPHONE LINE UP TO BADRINATH (INSTALLATION)

[*1508. **Shri B. S. Arya:** Will the Minister of Communications be pleased to state:

(a) whether it is a fact that the work of installation of a telephonic connection up to Badrinath has been stopped and if so, what are the reasons therefor; and

(b) when is the proposed telephone line expected to be completed?]

The Deputy Minister of Communications (Shri Raj Bahadur): (a) The work of construction of the telephone line up to Badrinath was taken up at the beginning of the year. Line up to Peepalkoti, which is 38 miles from Badrinath, has so far been completed. The work was stopped recently owing to the monsoon and occurrence of several landslides, including the disaster at Satpuli, where the bridge was washed away and several lives were lost. It is now very difficult to transport stores without incurring very heavy expenditure and hence the work has been suspended for the present. Efforts will, however, be made to reach Joshimath before winter sets in.

(b) The telephone line is expected to be completed by April, 1952, and will be ready for use during May when the next pilgrimage season starts.

SHORTAGE OF FOODGRAINS IN BASIRHAT SUB-DIVISION, WEST BENGAL

***1509. Shri S. C. Samanta:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is a fact that in the Basirhat Sub-division of 24-Parganas District in West Bengal, a four year old daughter of Shri Upen Malo of Katipara and a five year old son of Shri Puntiram Bairagi of Boalia died recently of starvation or of a disease caused by starvation and whether one Kedar Sircar was forced to hand over or sell his one year old daughter to somebody;

(b) whether some of the members of the Jalpaiguri Food War Council have resorted to fasting with the demand that the weekly ration per adult should be raised to two seers including one and a half seer of rice;

(c) whether rice is being sold per maund at:

(i) Jalpaiguri varying from Rs. 60 to Rs. 90;

(ii) 24-Parganas varying from Rs. 45 to Rs. 55;

(iii) Basirhat varying from Rs. 60 to Rs. 80; and

(iv) some parts of surplus district of Midnapur at Rs. 40;

(d) whether the deficit of food grains caused by the diversion of paddy lands for jute growing has been met by the Government of India with rice; and

(e) whether it is a fact that the State of West Bengal is a purely rice consuming State and that *bajra* and milo supplied in rationed areas are not consumed?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) Deaths were due to causes other than starvation. The report regarding the handing over or sale of the baby does not appear to be correct.

(b) Yes. The fast has since been broken.

(c) No, the latest market prices are:
Jalpaiguri Rs. 50 to Rs. 57 per md.
24-Parganas Rs. 38 to Rs. 45 per maund.

Basirhat Rs. 55 and

Midnapur Rs. 15 to Rs. 20 per md.

(d) The ceiling quota of 5 lakh tons of foodgrains for West Bengal for 1951 has been fixed after taking into account the loss to production of rice due to diversion of paddy land to jute cultivation.

(e) The staple food is rice. No *bajra* has been supplied to West Bengal. A small quantity of milo appears to have been put on the rations in two of the districts. The report is that it has not been popular.

HIGH PRICES OF RICE IN JALPAIGURI

***1510. Shri Barman:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether the price of rice in Jalpaiguri (West Bengal) has gone up to Rs. 70 to Rs. 85 per maund, and rice is scarce in the market;

(b) whether it is a fact that in spite of the assurance given by the Honourable Minister at Calcutta that the cut in rations will be restored in West Bengal from the 10th September, 1951, it has not been done, at least in the Jalpaiguri district;

(c) whether it is a fact that Jalpaiguri people have demanded increase in ration in view of the acute food position and have informed the Deputy Commissioner that unless steps are taken to that end, hunger strike will be launched in the Court compound from the 14th September, 1951;

(d) whether the Honourable Minister will verify his statement he was pleased to make on 11th September, 1951, to a supplementary question to Shri A. C. Guha's Short Notice question in the course of which he stated that 'It is not correct to say that there is no wheat nor milo' in view of the fact that no other cereal except paddy is grown in those parts of the country; and

(e) what steps Government propose to take to improve the situation?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) There is scarcity of rice. The latest market price varies from Rs. 50 to Rs. 57 per maund.

(b) and (c). The cut in the ration has been restored with effect from 10th September 1951. The cut did not, however, apply to Jalpaiguri where only modified rationing is in force. There was a demand for raising the ration in this area. This demand has been met by increasing the weekly ration from 1½ seers to 2 seers in the rural areas and 2½ seers in the urban areas.

(d) What I meant was "supplies of wheat and milo are available from Government shops".

(e) West Bengal's quota for the year has been increased from 4 lakh to 5 lakh tons and they have been promised an additional 75,000 tons of wheat, if required. Supplies during the 1st 22 days of September amounted to 65,000 tons. During the rest of the month they will be receiving a further 21,000 tons.

THEFT OF TELEPHONE AND TELEGRAPH WIRES

345. Shri A. C. Guha: Will the Minister of Communications be pleased to state:

(a) whether there have been thefts of telephone and telegraph wires in the Eastern States of India;

(b) if so, (i) the number of such thefts; (ii) the price of the wires stolen; and (iii) the loss of revenue due to temporary suspension of service;

(c) whether any steps have so far been taken to detect the thieves; and

(d) whether any person or gang has so far been caught or arrested on the spot?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Yes. There have been serious thefts of copper wire in Assam, Bengal, Bihar and Orissa.

(b)

Year	(i) No. of thefts	(ii) Value
1950-51	1,799	3,73,724
1-4 51 to		
31-8-51	665	89,823

The market value would be more than double these amounts.

(iii) The loss of revenue during 1950-51 amounted to over Rs. 10 lakhs.

(c) Yes. The steps taken include the employment of special police force for intensified patrol of affected section,

special testing methods for quick location of wire thefts.

(d) Yes, about 50 persons have so far been caught on the spot.

INDIAN TELEPHONE INDUSTRIES LTD. (SHARES)

346. Shri A. C. Guha: Will the Minister of Communications be pleased to state:

(a) whether Government have purchased or intend to purchase any shares of the Indian Telephone Industries, Ltd.;

(b) if so, the number of shares and the face value and the price given for each;

(c) the percentage of those shares to the total number of shares;

(d) the share of Government in the control of the Company;

(e) whether any other amount has been or is proposed to be given to the Company and the accounts on which further money will be given;

(f) when the production is expected to begin; and

(g) the estimated annual out-turn (in price) and the estimated profit or loss during the next three years?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) and (b). The Government of India have already taken shares of the face value of Rs. 120 lakhs approximately (including shares worth Rs. 60 lakhs to be allotted in consideration of the properties transferred to the Indian Telephone Industries Limited) and intend to take further shares of the face value of Rs. 65 lakhs during the current financial year. The shares were purchased at their face value, namely Rs. 100 each.

(c) 74 per cent. of the total authorised share capital.

(d) At present 79 per cent. of the share capital is under the control of Central Government and 10 per cent. under that of the Mysore Government.

(e) No.

(f) It has already begun.

(g)

Year	Sale of Manufactured as well as imported equipment	Profit
	Rs.	Rs.
1951-52	100 lakhs	50,000
1952-53	125 lakhs	75,000
1953-54	140 lakhs	00,000

Goshalas

347. Shri S. C. Samanta: Will the Minister of Food and Agriculture be pleased to state:

(a) how many *Goshalas* there are in India;

(b) how many State *Goshala* Federations have been formed and in which States, and

(c) what steps Government have taken to co-ordinate these State *Goshala* Federations?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) It is estimated that there are about 3,000 *Gaushalas* in India.

(b) According to the latest information available, fifteen State Federations of *Gaushalas* have been formed in (1) Ajmer, (2) Assam, (3) Bihar, (4) Bombay, (5) Madhya Pradesh, (6) Kutch, (7) Punjab, (8) Orissa, (9) Uttar Pradesh, (10) West Bengal, (11) Madras, (12) P.E.P.S.U., (13) Madhya Bharat, (14) Hyderabad and (15) Rajasthan.

(c) A Central *Gaushala* Development Board has been formed to co-ordinate the working of the State *Gaushala* Federations.

TELEPHONE EXCHANGES

348. Shri S. N. Das: Will the Minister of Communications be pleased to state:

(a) the total number of new telephone exchanges sanctioned during the current year giving the names of places for which they have been sanctioned;

(b) the number and names of places where telephone exchanges are under construction; and

(c) the number and names of such of them where exchanges have been already installed?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) The total number of new telephone exchanges sanctioned during this year is 67. A list containing the names of the places is placed on the Table of the House. [See Appendix IX, annexure No. 24.]

(b) Construction work is under progress at 13 of these places, namely:

- (1) Azamgarh
- (2) Ballia
- (3) Birpara
- (4) Chingleput
- (5) Erode

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(6) Karur

(7) Kaithal

(8) Maler Kotla

(9) Ratangarh

(10) Rupar

(11) Samastipur

(12) Sundergarh

(13) Tezpur.

(c) Exchanges have already been installed at the following 15 stations.

(1) Chbehrata

(2) Dhubri

(3) Gangtok

(4) Gulaothi

(5) Haldwani

(6) Kharagpur

(7) Khanna

(8) Kapadwanj

(9) Landsdowne

(10) Malegaon

(11) Najibabad

(12) Nawadip

(13) Panipat

(14) Rudauli

(15) Srikakulam.

HOUSE-RENT ALLOWANCES TO RAILWAY EMPLOYEES

349. Shri E. Subramanian: (a) Will the Minister of Railways be pleased to state what are the principles governing the grant of house-rent allowances to Railway employees residing in Municipal towns and cities?

(b) In how many such towns and cities Railway employees have been excluded from the grant of house-rent allowances on the Southern Railway?

(c) What are those towns and cities?

(d) When are they likely to be given the above-said allowances?

The Minister of State for Transport and Railways (Shri Santhanam): (a) A house-rent allowance is granted in all cities with a population of over one lakh.

(b) No such towns which had over a lakh by the 1941 census have been excluded from the grant of house-rent allowance on the Southern Railway. The revision of this list on the basis of the latest census is under consideration.

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

MEETING OF THE CENTRAL BOARD OF FORESTRY

350. Shri Lakshmanan: Will the Minister of Food and Agriculture be pleased to state:

(a) whether the Central Board of Forestry had met in Dehra Dun in the month of May, 1951;

(b) if so, what were the subjects that were discussed in the Board's meeting;

(c) whether any decision has been taken at the meeting regarding the co-ordination of the Forest policies of the various States; and

(d) if so, whether any special machinery has been devised to bring about the co-ordination?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) Yes.

(b) The following subjects were discussed:

- (1) The National Forest Policy of India.
- (2) *Van Mahotsava* and *Van Premi Sangh*.
- (3) Forest Education.
- (4) Soil Conservation Legislation
- (5) Match Industry.
- (6) Imposition of Cess on timber and forest products for financing research.
- (7) Constitution of an All India Forest Service.
- (8) Board of Forestry as a wing of the Indian Council of Agricultural Research.

(c) and (d). The future Forest Policy was discussed at the meeting. It was recommended that a Drafting Committee be formed to scrutinise the present Forest Policy and to prepare a draft of the future Forest Policy. The Committee is scheduled to meet at New Delhi on the 1st and 2nd November, 1951.

TEMPORARY ENGINEERS

351. Shri Sidhva: Will the Minister of Railways be pleased to state:

(a) the number of temporary engineers in the "pool";

(b) whether they are likely to be confirmed and if so, when;

(c) whether the Hon. Minister had stated in Parliament in February, 1951, that he had issued orders to confirm all the staff recruited before 1945; and

(d) if so, what is the position today and whether these orders have been carried out?

The Minister of State for Transport and Railways (Shri Santhanam): (a) and (b). The attention of the hon. Member is invited to the reply given to parts (b) and (c) of the hon. Dr. Subramaniam's Starred Question No. 1240 on the 24th September, 1951.

(c) Yes, in respect of the non-gazetted cadre.

(d) The orders are being implemented.

EX-PRINCELY STATES HOUSES IN DELHI AND BOMBAY

352. Shri Sidhva: (a) Will the Minister of States be pleased to state whether any decision has been reached regarding the unsettled houses of some of the ex-princely States in Delhi and Bombay?

(b) How many of those houses have now been taken over by the Government and the settlement of how many and which States houses is still under consideration?

(c) what are the main claims of those States whose houses have not yet been acquired by Government?

The Minister of States, Transport and Railways (Shri Gopaldaswami): (a) to (c). Government do not consider it proper that details of property recognised as private property of Rulers should be a matter for public disclosure.

CO-OPERATIVE BANKS AND SOCIETIES

353. Shri Sidhva: (a) Will the Minister of Railways be pleased to state what was the amount standing at the credit of the Railway employees in Pakistan in the co-operative Banks and Societies at the time of Partition?

(b) How much of this amount has been paid to the displaced depositors who are now in India after Partition?

(c) How much amount stands today in these accounts in Pakistan in the name of displaced depositors?

(d) what are the reasons for holding up disposal of applications for withdrawals of these amounts of depositors who are now in India?

The Minister of State for Transport and Railways (Shri Santhanam): (a) and (c). Not available. The Societies are functioning in Pakistan and no information has been supplied by them so far.

(b) Nil.

(d) No agreement has yet been reached with the Pakistan Government in this connection. The matter is still under consideration of that Govern-

ment, who are being regularly reminded.

PLANE ACCIDENT NEAR PATHANKOT

354. Shri Sidhva: Will the Minister of Communications be pleased to refer to the answer given to my unstarred question No. 222 on the 11th September, 1951 regarding a Plane accident near Pathankot and state whether the recommendations of the Court of Enquiry will be laid on the Table of the House; and if not, why not?

The Deputy Minister of Communications (Shri Raj Bahadur): A copy of the Report which contains the recommendations of the Court was laid on the Table by the hon. Minister for Communications on the 19th May 1951.

DELHI TRANSPORT SERVICE

355. Shri Sidhva: (a) Will the Minister of Transport be pleased to state the minimum interval after which State buses ply on any one route in Delhi?

(b) Is there any route where five minutes service exists during peak hours?

(c) What is the minimum interval service on any route during peak hours?

The Minister of State for Transport and Railways (Shri Santhanam): (a) and (c). Ten minutes.

(b) In certain sections served by more than one route the minimum interval is five minutes, e.g. the section Central Secretariat—Kashmere Gate.

INSURED ARTICLES

356. Dr. Ram Subhag Singh: Will the Minister of Communications be pleased to state:

(a) whether insured articles are carried by Internal Air Services; and

(b) if so, whether any additional insurance fee is charged on such articles?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Yes, with effect from the 1st September, 1951.

(b) No.

IMPORTED SUGAR

357. Shri Sidhva: (a) Will the Minister of Food and Agriculture be pleased to state the total amount paid for the purchase of 80,000 tons of sugar imported from foreign countries?

(b) How much of this has been debited to States and how much amount has so far been realised from the

States to whom sugar was allotted for sale?

(c) How much still remains to be recovered?

(d) Is there any loss in this transaction and, if so, how much and what are the reasons?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) Rs. 6.15 crores.

(b) Debits for the full amounts of Rs. 6.15 crores have already been raised against State Governments out of which a sum of Rs. 6.02 crores has so far been realised.

(c) Rs. 13 lacs.

(d) No.

INDUSTRIAL TRIBUNAL FOR BANK DISPUTES

Shri S. N. Das: Will the Minister of Labour be pleased to state:

(a) whether it is a fact that the Chairman and members of the Industrial Tribunal constituted to adjudicate the dispute between banks and their employees have resigned;

(b) if so, what the reasons are in each case;

(c) whether the reasons given for their resignation are personal or they are of some technical nature;

(d) whether it is a fact that the competence of some of its members to constitute the Tribunal has been challenged in the Bombay High Court;

(e) if so, the important grounds of the petition submitted;

(f) whether Government have considered the question of reconstituting the Tribunal; and

(g) if so, whether a fresh Tribunal has been appointed?

The Minister of Labour (Shri Jagjivan Ram): (a) Yes.

(b) and (c). The Chairman and one member (Mr. M. G. Mehri) have not assigned any reasons for their resignations. The reason given by the other member (Dr. B. N. Ganguli) is that his appointment has been challenged in the Bombay High Court on the ground that Government have not prescribed the qualifications of members of tribunals under sub-section (4) of Section 7 of the Industrial Disputes Act.

(d) and (e). It is understood that an application has been filed in the Bombay High Court challenging the

validity of the appointment of Messrs. Divatia and Mehkri and of Dr. Ganguli on the Tribunal, but as no notice has been served on Government, the precise grounds mentioned in the application are not known. Some of the employees' unions had previously enquired—

- (1) whether any qualifications had been prescribed for members of tribunals other than chairmen; and
- (2) whether the chairman or any of the members of the Banks

Tribunal held any shares in any of the banks or was, in any way, connected with any of them.

It is possible that these are the grounds on which their competence as chairman and members of the tribunal has been challenged in the High Court.

(f) Yes.

(g) Not yet; the question of reconstituting the tribunal is under consideration.

Wednesday, 3rd October, 1951



सत्यमेव जयते

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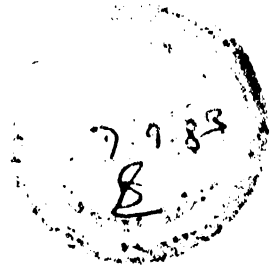
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CORRIGENDA

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 "دے مونا آزاد" کی جگہ "دے مولانا آزاد" پڑھیں**

(ii) **भाग ३४१६, पंक्ति १३ में "सायलें" 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".

THE
PARLIAMENTARY DEBATES
(Part II—Proceedings other than Questions and Answers)
OFFICIAL REPORT

4039

4040

PARLIAMENT OF INDIA

Wednesday, 3rd 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.

PAPER LAID ON THE TABLE

SUPPLEMENTARY STATEMENT SHOWING ACTION TAKEN BY GOVERNMENT ON ASSURANCES ETC. GIVEN DURING THIRD SESSION (SECOND PART), 1951.

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 Third Session (Second Part) of Parliament, 1951. [See Appendix XI, annexure No. 2.]

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

Shri Goenka (Madras): Sir, day before yesterday I was comparing the provisions of the present Bill with those of the 1931 Act in regard to securities. I thought I proved conclusively to the satisfaction of the House that the present provisions were well nigh absurd. The agitation all along has been that the security provisions should not remain on the Statute Book. The Press Laws Enquiry Committee, which was specially appointed for the purpose of going into the press laws, unanimously came to the conclusion that in view of the fact that such preventive measures do not exist in any of the democratic countries of the

world, they should not remain on our Statute Book. Instead of removing them they are being hardened in the present Bill.

Some members of the Select Committee have raised many constitutional points in connection with the forfeiture of the press. I will not go into that aspect of the question: I will leave it to the constitutional *pundits*. To me it appears that the provision relating to forfeiture is wrong in principle.

As regards pre-censorship I have gone through the Bill and when I come to clauses of the Bill I will be able to establish that the Bill as it has now emerged from the Select Committee is worse than the 1931 Act, though it appears that the provision relating ship has been removed.

At the time the Constitution (Amendment) Bill was passed the Supreme Court of the land had ruled that pre-censorship was invalid. But my friend the Home Minister has introduced a peculiar type of pre-censorship. The pre-censorship of the past was for a temporary period imposed by a Government which was supposed to be responsible and answerable but now the pre-censorship has been virtually transferred to the keeper, printer, publisher and the proprietor of the press, who is responsible to nobody.

I went into certain aspects of the question the other day. Let me say that devastating as the provisions are with regard to forfeiture, demand of security, etc. pre-censorship as now provided has been transferred for a proprietor, instead of keeping it in the hands of the Government, which was supposed to be responsible, at least supposed to be responsible, at least sometimes.

Permit me to refer to the portion of the speech of the Home Minister which he delivered at the time of the Constitution (Amendment) Bill. He said:

"I understand their difficulty. Their case is entirely different. It

[Shri Goenka]

is not as if our law is so bad and therefore the press has got disturbed. It is because the press has now become a costly investment. In the old days, a paper which had a circulation of 5,000 today has a circulation of 100,000. They have to have a rotary, and lakhs of rupees are invested. This accumulation of capital is no doubt looked upon with grave apprehension. That is the real reason. The obligations that have arisen in recent times with reference to the investment necessary to run a newspaper have increased their fears."

What has the Home Minister to say to that?

"I assure them on behalf of the Government that this measure will not touch but will improve the position of the press."

I ask him in all seriousness whether this measure, under which you can confiscate the whole of the press, you can demand any security you like and make the press non-existent, does improve the position of the press? The real clue to the attitude of the Home Minister is that he wants to muzzle the press and keep it under the thumb of the Government by playing upon the property fear of the owners of the newspapers. The total effect of the demand for security is to intimidate the press, to keep it in perpetual fear of financial ruin and loss of equipment, and thus emasculate the press. Hon. Members will know that the doctrine that the freedom of the press consists in laying no previous restraints on publication is only an 18th century view of the freedom of the press.

Later developments have established the important principle that penalty for criticism after publication is as bad as its censorship and suppression. In a famous case, *Cowan vs. Fair Brothers*, it was decided in the broadest sense that freedom of the press includes not only exemption from censorship but security against restrictive laws by the legislative department of the Government, or measures resorted to by other branches, for the purpose of stifling just criticism or muzzling public opinion.

As you know and as the House is aware in the United States when an advertisement tax was levied it was declared invalid by the Supreme Court on the ground that that tax will be used by the Government as a source of controlling the press in the ultimate analysis. Apart from all this, I would again ask the hon. Home Minister to

appreciate as to what will happen to a buyer of a press: when he purchases a press he will have to go into the history of the press to see whether any objectionable matter was published in that press and whether that press is under any orders of the Government to pay security. This would be a very peculiar thing and I really feel that Government ought to drop this provision as early as possible.

I come to clause 9. It provides that if a publisher has ever been penalised for any objectionable matter prescribed in clause 3, he shall not publish that newspaper or a similar newspaper until he pays the security. Is the Government going to advertise all those publishers as criminals so that every press in India would be careful to see that anything given by those publishers is not published in their press? Supposing a man has been prosecuted and found guilty in Madras; he comes to Delhi and asks a press to publish a pamphlet or a newspaper. The press in Delhi is certainly ignorant of that person. Will a new criminal tribe be created and names advertised all over the country saying that such-and-such an editor of a paper has once been prosecuted and found guilty and therefore he is prevented from publishing any newspaper anywhere in India? And if such people who are penalised ask some ignorant press to publish their paper etc., is that press to be forfeited just because it published something given by somebody about whom it knew nothing? That would mean that hereafter if anybody approaches a press for some publication the press will have to go into the history of that person to see whether any such restriction has been imposed upon him by any competent court.

Now I come to clause 10. This clause, in effect, almost amounts to pre-censorship. Under the 1931 Act the power of stopping any matter by the sea customs authorities was vested with the Presidency Magistrates, District Magistrates or Sub-Divisional Magistrates. Only when they applied to one of these Magistrates and got his order could they stop any publication from being circulated or from being conveyed by post or any other method. Here that power has been taken away from the Magistrates: the judiciary has been eliminated and executive fiat has come in its place. What does the clause say? It says: that the State Government after consulting the Principal Law Officer of the State will exercise this power. I want to know whether the Principal Law Officer of a State is the same thing as a Magistrate.

as a judicial authority. My hon. friend said, "I will repeal this Act of 1931 and I will bring in some other Act which will be much better" and all that. And here is clause 10 of this Bill where the power which vested in the judiciary hitherto has been given to the executive which will use it. That is the position of clause 10.

Now I come to clause 11 which deals with, "*Power to detain packages containing certain publications when imported.*" This is similar to section 20 of the 1931 Act. Again the powers of the judiciary are being removed and given to the customs officer. These people can forfeit packages containing publications without having to go before a Magistrate and making out a case. The forfeiting shall be automatic; and the things will be disposed of "in such manner as the State Government may direct".

Here is a publication which may or may not contain objectionable matter; no judiciary has so far decided that there is objectionable matter in that publication. But if the Government want they can, after consulting their Law Officer, stop it. Is it not pre-censorship, or even worse than pre-censorship? Does it not mean that executive fiat takes the place of the judiciary? This is the effect of clauses 10 and 11.

Clause 12 refers to "*Prohibition of transmission by post of certain documents.*" Here again, if a Postal Officer to whom an article is delivered under this clause is satisfied that the article contains any such document as is mentioned in sub-clause (1) of this clause, the clause says "he may pass such orders as to the disposal of the article and its contents". What will happen? Any person may be authorised by Government in this behalf and if in his opinion—not in the opinion of the judiciary—any publication is considered to be objectionable he can stop it. Is it the judiciary which will decide the fate of the publication or the executive? And will it not amount to worse than pre-censorship? The earlier clause lays down that it is enough if the Law Officer says that it is objectionable matter—here it is enough if the Postal Officer is satisfied: they will then take the publication and forfeit it and dispose it in the manner they like.

The Minister of Home Affairs (Shri Rajagopalachari): Is he to find out whether it is objectionable matter? It is a matter which has already been declared to be forfeited that is covered in this clause.

Shri Goenka: If you read clauses 10, 11 and 12 together you will have to

come to the inevitable conclusion that it is not the judiciary or the magistracy that is empowered in this behalf, as in the 1931 Act, but that it will be done on an order of the Sub-Inspector of Police who may be authorised, and if in his discretion it is objectionable he can forfeit it. I will read the clause:

"**PROHIBITION OF TRANSMISSION BY POST OF CERTAIN DOCUMENTS.**—(1) No newspaper, news-sheet, book or other document which has been declared to be forfeited under any of the provisions of this Act, and no unauthorised newspaper or unauthorised news-sheet, shall be transmitted by post.

(2) Any officer incharge of a post office or authorised in this behalf by the Postmaster-General may detain in course of transmission by post any article, other than a letter, which he suspects to contain any such document as is mentioned in sub-section (1), and shall deliver all such articles to such officer as the State Government may appoint in his behalf.

* * * *

(3) If the officer to whom any article is delivered under sub-section (2) is satisfied that the article contains any such document as is mentioned in sub-section (1), he may pass such orders as to the disposal of the article and its contents as he deems proper, and if he is not so satisfied, he shall return the article to the post office for transmission to the addressee." What is this? This is a continuation of clauses 10 and 11.

Clause 10 says:

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

Here is forfeiture by the executive, but let me refer you to Section 17 of the 1931 Act. It will clinch the issue. That Section says:

"Where a Presidency Magistrate, District Magistrate or Sub-Divisional Magistrate has reason to believe that an unauthorised news-sheet or unauthorised newspaper is

[Shri Goenka]

being produced from an undeclared press within the limits of his jurisdiction, he may by warrant authorise any police-officer not below the rank of Sub-Inspector to enter upon and search any place wherein such undeclared press may be or may be reasonably suspected to be, and if, in the opinion of such police-officer, any press found in such place is an undeclared press and is used to produce an unauthorised news-sheet or unauthorised newspaper, he may seize such press and any documents found in the place which in his opinion are unauthorised news-sheets or unauthorised newspapers."

That is the position as it is now and as it was before.

I now come to clause 13. Under this clause, any police officer can go and search any place he likes. What does he do? He removes any document which in his opinion is an unauthorised newspaper or news-sheet. I can understand a newspaper, but why bring in the news-sheet? In a newspaper office many documents come in as material. By this clause, the secrecy of the newspaper is completely abolished. Any man may go through these documents and take them away. The word 'any document' is dangerous. This is based on Sections 19, 20, 21 and 22 of the 1931 Act. All these documents will be disposed of in the manner provided in Sections 523, 524 and 525 of the Indian Penal Code.

Now, I come to clause 14, which says:

".....he may seize such press and any documents found in the place which in his opinion are unauthorised newspapers or news-sheets."

He can seize whatever is, in his opinion, objectionable. Is there any discrimination? No. Is there any penalty for frivolous complaints or frivolous searches? No. Anybody can do anything he likes with impunity. If anything wrong is done, which is unjustifiable or vexatious, there should be penalty for the officer. But there is nothing of the sort here.

Now, take clause 17. While under the old Act it was not a summons case, and they used to take notice only of a cognizable offence, here it is a perfunctory enquiry, but I am grateful for the small mercy that evidence will be recorded.

Then take clause 21 relating to admissibility of previous and subsequent

"In any inquiry before a sessions judge with reference to any newspaper or news-sheet, any previous or subsequent issue of such newspaper or news-sheet may be given in evidence in aid of the proof of the nature or tendency of the words, signs or visible representations in respect of which the complaint is made."

This is based on Section 26 of the 1931 Act. There, it is said they can bring in any matter after the date of passing of the Act. Here, I cannot produce any of my writings in defence or support of my case. It can be produced only in aid of the prosecution. The prosecution can go back a hundred years and quote previous issues, but I cannot. 'Previous' has not been defined either. Does it mean hundred years ago, seventy-five years ago or fifty years ago?

Mr. Deputy-Speaker: And subsequent issues also.

Shri Goenka: Subsequent issues also, but even in regard to previous issues, there is no limitation here. In the 1931 Act, previous issue was limited from the date of passing of the Act, but here it is unlimited and both the previous and subsequent issues are supposed to aid only the prosecution. If I had written fifty articles which were absolutely unobjectionable, I cannot produce them in my defence or to show my innocence.

Shri Rajagopalachari: If we were on the clauses, I would have explained it straightaway. Even now, he need not worry himself about it. If he will read the clause, he will find that it can be produced on both sides. Not only the prosecution but the defence can also go back hundred years if they like.

Mr. Deputy-Speaker: I am allowing discussion on the clauses now so that the individual discussion on clauses may be stopped.

Pandit Thakur Das Bhargava (Punjab): If my hon. friend takes more time, does that mean that others will not be allowed an opportunity to discuss the clauses? Why should others' right be curtailed?

Mr. Deputy-Speaker: My remarks refer only to the hon. Member who is on his legs.

Shri Rajagopalachari: Since we do not agree to a time-limit, we must agree to a closure. After all, it is collective responsibility.

Shri Goenka: Now I come to clauses

Mr. Deputy-Speaker: He gave an assurance that he will take only half an hour more.

Shri Goenka: Am I to understand that we are muzzled here also?

Mr. Deputy-Speaker: There is no question of muzzling. On the motion for reference to Select Committee, he took one hour and fifty-five minutes. The other day during this debate he took one hour and twenty-five minutes and when I put him the question he assured me that he will only take half an hour more. I am only reminding him of the assurance because he has been referring to assurances.

Shri Goenka: This House is conspicuous by not carrying out assurances.

Mr. Deputy-Speaker: I hope he will conclude speedily.

Shri Goenka: I shall not trouble the House for a long time more. I shall take up clause 3 which is the most contentious clause in this Bill. In this connection, let me read from the speech of the Home Minister during the Constitution (Amendment) Bill. Mr. Deshbandhu Gupta asked him "When he is thinking of the law, may I know whether it is Government's intention not to revive section 4 of the Indian Press (Emergency Powers) Act?" What was the Home Minister's reply. Let us see it:

"It would have been more gracious for me to say without being asked but the hon. Member has taken that grace out of it from me. I was going to the next sentence when I was going to say something more which the hon. Member has not in his mind and which will certainly be welcomed by him. We are not only going to bring a comprehensive measure, dealing justly and properly with all those questions which arise in that connection and in consonance with the spirit of the Constitution and not only the letter but also the removal of all things that have been felt to be bad. Certainly pre-censorship is bad and it is open for the House at that time when that law is introduced, if Government still persists in bringing such a measure to oppose it. It is not the intention of the Government to bring such a proposal at all. Such things as are considered by the press to be wrong would not be there. I may as well assure the Members who speak on behalf of the press that the time will come when that law is taken up and we shall justify the statements that we made at that time."

Now this is the statement which has been made, that section 4 of the 1931 Act will be removed. And it was said that Mr. Gupta had taken away the grace of it by putting a question. Now all the various sub-sections of section 4 are incorporated in clause 3 of this Bill; not only that, thought is also controlled here; and even intention is provided for by adding the word "tend" or "calculated to". I will go one by one into all these clauses.

Shri Deshbandhu Gupta (Delhi): Public memory is short.

Shri Goenka: Public memory will not be short. I will not go into all the undertakings and promises which were given by the hon. the Prime Minister. Enough for me to place before this House the various statements made by the hon. the Home Minister. Here is the statement of the Home Minister and I am prepared to prove to the satisfaction of this House or before any impartial tribunal that clause 3 of this Bill is not only a complete reproduction of section 4 of the Indian Press (Emergency Powers) Act, but about hundred per cent. more rigorous.

Whereas the Indian Press (Emergency Powers) Act says "to promote feelings of enmity or hatred between classes of persons of India" this Bill says "tend to promote". In the old measure it is a definite act, namely if you promote enmity or hatred between different classes of persons in India you will be guilty. This Bill says if you "tend" to promote that, you will be guilty. The 1931 Act says "put in fear any person, etc." The language used here is "calculated to put any person in fear, etc." There it is something definite. Here if it is calculated to put any person in fear it is objectionable. In regard to sub-clause (v), the language used in the old Act is "to induce a public servant or servant of a local authority, etc." Here the word "calculated" is again added.

In sub-clause (2) you find the addition of a word "sabotage". What is the meaning of the word "sabotage"? It extends from obstruction to destruction. What is the court going to interpret? After all we have got to be precise in regard to the law which we lay down here. The courts are there to interpret the letter of the law; they are not to interpret the mind of the hon. the Home Minister or your mind or my mind. So, instead of carrying out the undertaking giving on the floor of this House that section 4 of the Indian Press (Emergency Powers) Act will be removed from the Statute Book, this clause 3 has been

[Shri Goenka]

introduced which leaves it to the courts to understand the inner corruption of the intention of the person and not a particular act. This is the fate of the promises given by the hon. the Home Minister on the floor of the House. It is of course open to him to say that for the purpose of getting the Constitution (Amendment) Bill through, certain promises were made and they were never intended to be carried out. If that is so this House has been badly treated by the Treasury Benches. Is it not open for me to say that? What was the purpose of making those promises. The purpose was to get the Constitution (Amendment) Bill through.

Mr. Deputy-Speaker: Is it necessary to go into the purpose, instead of confining to the Bill before us?

Shri Goenka: I was confining myself to the provisions of the Bill. Since you rang the bell, and since the time was up, I thought of alluding to these promises. Otherwise, I would have gone into each one of the clauses and proved the absurdity of each of them to the entire satisfaction of any open-minded person either in this House or outside. But the unfortunate part of it is that my time is short.

I say, Sir, that the Constitution (Amendment) Bill was got through the House under false pretences and these promises are not being carried out. In fact they are now translated in clause 3 which is a hundred times worse than the provision before.

Now, Sir, if I am allowed to go on.....

Mr. Deputy-Speaker: I thought the hon. Member was concluding.

Shri Goenka: I have not said all that I wanted to. When the clauses are taken into consideration, I hope we will be given an opportunity to speak on the amendments and convert the majority to the minority point of view. If we will be allowed full opportunity then, I shall conclude in a short while. If that is not so, then I would like to say something more in regard to the various aspects of the report of the Select Committee.

Mr. Deputy-Speaker: When the House takes up the amendments, each hon. Member will take his chance.

Shri Goenka: I do feel, Sir, that in a Bill of this nature where you are trying to take away the liberty of a person, enough opportunity should be given to hon. Members to express their views frankly. Another assurance of the hon. the Home Minister was that

anything which was considered to be wrong by the press will not be allowed to be there.

Shri Rajagopalachari: The hon. Member may repeat it a hundred times. I am not going to interrupt him. His construction is wrong. I want to wait till my time comes.

Shri Goenka: I am glad that Rajaji has given me an opportunity. I would like to know what he meant to convey by the statement that such things as are considered by the press to be wrong will not be there.

Shri Naziruddin Ahmad (West Bengal): It means nothing.

Shri Rajagopalachari: It means that your tenses are wrong and you do not read what you rely upon.

Mr. Deputy-Speaker: Does it mean ignoring this House and yielding to two or three pressmen? We are on the Bill. What is the good of reading the assurances? The language is there in the context. The House knows it. He need not go on repeating it.

Shri Goenka: I am repeating it only for this reason that had the Constitution (Amendment) Bill not been passed by this House this Bill would not have seen the light of day.

Mr. Deputy-Speaker: That has also been said twice or thrice by the hon. Member. What is the good of saying it over and over again? And he has used harsh words also. (Interruption).

Shri Goenka: Mr. Bharati can keep his breath in suspense for the time being. He will have enough opportunity to speak outside. He laughs: best who laughs last.

Mr. Deputy-Speaker: Let us have no recriminations. What I say is it is not right to go on repeating statements which have already been made. I am not able to see yet any new point that has been made which has not already been urged. The hon. Member might conclude his speech. I have given him more time than what he himself wanted.

Shri Goenka: All I can say in conclusion is that this Bill should not have seen the light of day and that Shri Rajaji's statement made the other day on the floor of this House that this Bill is nothing less and nothing more than what has been adopted by the thirteen countries of Europe is not correct. I tell him on behalf of the press.....

Mr. Deputy-Speaker: That has already been explained.

Shri Goenka: No, Sir. Shri Rajaji questioned it.

Mr. Deputy-Speaker: It was referred to by another hon. Member and it was explained by Shri Rajaji.

Shri Goenka: Shri Rajaji's explanation was not acceptable.....

Mr. Deputy-Speaker: It may or may not be acceptable to the House. I am still unable to understand as to how an hon. Member can go on extracting every promise and find out from every hon. Member "Yes, we are satisfied, we will vote for you". It cannot be allowed.

Shri Goenka: Sir, this is not the attitude.....

Mr. Deputy-Speaker: That is the attitude.

Shri Goenka: May I respectfully submit that there are certain statements...

Mr. Deputy-Speaker: All those statements have been referred to. It is open to the Chair and the House even in the midst of the speech of an hon. Member to adopt closure. I do not want to take that extreme step. I have been liberal. The hon. Member has taken two hours now and also two hours before and he is repeating many of the statements that he made earlier. Therefore I hope the hon. Member will not put me to the necessity of stopping him during the course of his speech.

Shri Goenka: If that is your attitude, Sir, I sit down but I do protest.

Dr. S. P. Mookerjee (West Bengal): Sir, I have gone through the report of the Select Committee and the changes which have been made by it with considerable care. There is no doubt that certain changes have been made which on the face of it indicate some improvement on the provisions which were originally incorporated in the Bill. At the same time I would beg of the House and specially the Government and the Home Minister to appreciate the exact reason why there is so much opposition to the Bill.

No one has claimed that in this country there will be no law regulating the conduct of the press. Our Constitution provides no special laws for the liberty of the press. That is a special feature of our Constitution. Liberty of the press is nothing more or nothing less than the liberty of an ordinary individual. That has been the deliberate decision incorporated in our Constitution.

We are very often carried away by the policy which was in vogue in this

country prior to independence. From time to time restrictions were imposed on the liberty of the press for political reasons, reasons which were of special importance to foreign rulers who were in charge of the Government of this country. In fact, Sir, it is rather an irony of fate that we are being asked to incorporate some of the important provisions of the Press Act of 1931 today by the same ruling party to suppress whom in 1931 this Press Act was put on the Statute Book by an alien Government.

We have to consider dispassionately what are the restrictions that are to be imposed in the interests of the general public. That I believe is the prime consideration. Now, if it is considered that the existing list of offences is inadequate, that violations are taking place which cannot be covered under the existing law of the land, by all means let the existing laws be modified. Let Government come forward with specific proposals for such amendments and justify them before the House and the country. But the principal objection to this Bill which, I submit, has not been taken away by the slight modifications which have been made by the Select Committee is the obnoxious nature of the structure which is being sought to be imposed for the control of the press in India. That is the principal objection. You are creating a structure which is archaic, which is obnoxious and which has been found unacceptable by any civilized Government in any part of the world during normal times. I am even prepared to concede that during periods of emergency special provisions may be necessary.

Shri B. K. P. Sinha (Bihar): What about France and Sweden?

Dr. S. P. Mookerjee: So far as France and Sweden are concerned I refer the hon. interrupter to the latest laws of those lands which are far different from what the hon. interrupter wants us to accept. In fact the hon. interrupter on the last occasion spoke a lot from Dicey. I have also been re-reading Dicey for the last two or three days. I do not wish to take much time of the House, but you can discover from this great book many passages which will be entirely against the fundamental provisions of the Bill now under discussion in this House. Take for instance the provision for forfeiture which has been provided for in this Bill under clause 10. In one sentence Dicey sums up the situation, which should be acceptable to any civilized country.

Babu Ramnarayan Singh (Bihar): Civilized, you remember!

Dr. S. P. Mookerjee: That is why I said deliberately, civilized. It is for the Home Minister and the Prime Minister to decide whether it is applicable to India or not. These are the words:

"Neither the Government nor any other authority has the right to seize or destroy the stock of a publisher because it consists of books, pamphlets or papers which in the opinion of the Government contain seditious or libellous matter".

If Dicey is the Bible of the Government today I make a present of this proposition which is not qualified to any extent whatsoever and which goes directly against the provision of clause 10 of the Bill now under discussion.

Sir, what is the nature of the laws in different civilized countries with regard to these matters? If an offence is committed the offender is punishable under the law. No one has asked for licence for unrestricted liberty, either of views or of expression. That is common ground. If you desire to punish anybody you must punish him in accordance with the provisions of the law, for a specific violation of the law. What is the structure that you are presenting before the country? You are creating a fear complex; you are creating a psychology of fear so that the owners of the press or those who want to write, or publish books or newspaper proprietors or managers will have to think twice before they proceed on their lawful business. That is the obnoxious feature of the Bill. You are creating unnecessarily a fear psychology in the minds of the people in a free country and how is it going to help you? The Home Minister said repeatedly that he wanted to have specific provisions for dealing with what he describes as scurrilous newspapers or news-sheets that put out venomous outbursts of a libellous character and he wants to suppress them; he wants to get at them. Now I say to him in all seriousness that the law that he proposes will not help him to do what he intends to do. Here the only clause under which he proposes to act is the provision regarding grossly indecent or scurrilous literature or obscene literature. That will have to be proved before a Court of Law. How is it possible for the Government to get at news-sheets or newspapers of the type that he has under contemplation? In fact the Home Minister himself pleaded his helplessness in one stage of the proceedings when the discussion was going on last time and he

said that it looks as if these provisions will not help him, in suppressing such news-sheets or newspapers. Then why are you passing this law? There is another aspect of the matter, Sir, which we cannot afford to ignore. Why is it that the entire press in India is against this Bill? I would very earnestly ask the Government to consider this aspect of the matter. Have they all run amuck? Are they all irresponsible men or are they all guided by an unnecessary fear complex? Why should not Government try to read into the minds of the critics of this Bill, especially even those sections of the newspapers in India which normally support the Government? I have not found a single newspaper with any reputation or of any importance in any part of India who supports the fundamental provisions of this Bill. Is there any explanation coming forward from the Home Minister? He says that he wants a scare-crow to be put up before the country. There are many scare-crows put up by the previous Governments which have all been thrown into the limbo of oblivion. Why in a free country, when you are acting on a clean slate, acting with great idealism, why are you trying to put up scare-crows unnecessarily before the country? If you feel that there are specific matters in respect of which the existing law is inadequate, indicate what are those matters where you want to make changes. If I am to make a constructive suggestion, I would ask the Home Minister, if necessary, to amend the law of libel in this country to make some drastic provision, so that scurrilous abuses of a personal nature, without any foundation whatsoever may be promptly dealt with. Even the provisions of this Bill will not help the Government in getting a quick solution and a quick decision. The same delays of law will come and the same process will have to be passed through. If the Government had come forward with such specific proposals for meeting specific cases, I am sure, support would have come from many quarters but taking shelter under the plea that there is no occasion for a wide application of the provisions of the Bill, but only with a view to arm the Government with powers to deal with certain exigencies of a limited character, confined only to certain small parts of the country and then to come forward with such a drastic Bill is not statesmanship, is not commonsense. You are unnecessarily creating troubles for yourself and for those who would wish well of this country.

Sir, I was going through the provisions in clause 3. Look at the nature of the offences which have been described. They are of an extremely

broad character and anything can be brought within their purview. True, Government will not act through the executive fiat. That is a change the value of which I am prepared to admit; the provisions of the law will not be set on foot at the whims or dictates of individual officers; you will have to go to a Court of Law, but what can a Court of Law do? The Court of Law will be bound by the provisions which you are incorporating in the Bill. The Court will have to see whether the acts complained of come within the purview of clause 3 or not and if you have made the provisions of clause 3 deliberately wide in character then mere reference to the Court will be of no avail whatsoever.

Sir, the question arises as to the possibility of abuse of the provisions of this Bill. If you go and forfeit certain papers, confiscate anything which a particular Government may consider to be objectionable, then the mischief is done. No doubt the person who suffers may go to a Court of Law. He may go to a High Court; he may get even a decree in his favour and get a reversal of the order passed by the State Government, but meanwhile the mischief is done. If it is the intention of anybody deliberately to suppress the circulation of certain matters which may be found inconvenient to Government or to persons connected with the Government, you are clothing them with ample powers to proceed according to the provisions of the Bill. This is no improvement, on the present reactionary and repressive nature of the press laws. Reference is made to Dicey very often. Now Dicey at one stage has referred to the reason why Government in various countries feel impelled to introduce laws restricting freedom of discussion in different parts of the world and there is one sentence of a prophetic nature where he summarizes his own view-point. This is what he says:

"The attempts when persons in power wish to check the excesses of public writers are attempts at which a large body of opinion or sentiment is hostile to the executive."

These are not my words; these are words of wisdom uttered by an impartial constitutional writer after examining the rigorous way in which in different countries Governments intoxicated with power proceed to check freedom of discussion. May I ask in all seriousness, is that the motive which impels the Government of the day to bring forward this measure? Do they feel that public opinion is hostile to them and therefore they have got to forge

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drastic measures, for the purpose of checking free expression of opinion? If that is so, that will be in the nature of a first-class calamity. Discontent will not be checked but will go underground. Now, what is it that you have done? The structure of the Bill indicates that you do not put a stop to speeches. You can make any speeches you like, but so far as publications are concerned, you want to stop them. You want to stop the circulation of writings which you consider to be objectionable. I can understand your amending the law and getting hold of the person who delivers speeches against the provisions of a particular law. Then you go to the root of it. You proceed against those who go and publish any article or write in books. You get hold of the people who are controlling the press. What sort of atmosphere will you be creating thereby? The natural effect will be that any proprietor of a press or any existing or prospective newspaper man will think twice before he proceeds to express a point of view which he would otherwise have considered to be the right and correct point of view. You are destroying the possibility of free public opinion expressing itself in a natural way in this country. That is the great disservice that you are doing by putting forward these provisions of this Bill. I have not been able to understand the hurry in rushing through this Bill. The hon. the Home Minister in his closing speech on the motion for consideration of the Bill made a great oration. It was a great performance. It was like writing a new philosophy; the way in which he went on discussing from an abstract and theoretical point of view as to how public opinion should be regulated in this country. I was re-reading that masterpiece, if I may say so. But, unfortunately, I could not get any light therefrom with regard to the principal subject matter under discussion. Even assuming that whatever he has said with regard to the philosophical interpretation of the principles on which public opinion should be regulated is correct, there is no justification for the drastic nature of the Bill which he has proposed. One might agree with his speech and yet one may completely differ with the Bill which he has put forward. It is said that the Home Minister is personally bent upon seeing this measure through. In fact, he has not concealed his view-point that he would like to treat this as his last gift to the nation. We do not know whether he is going away. If it is a choice between two alternatives, namely, Rajaji staying and the Bill not coming, on the one hand, and Rajaji going

[Dr. S. P. Mookerjee]

away and the Bill coming, on the other, we are prepared to accept the first alternative. Let him continue in office as Home Minister and not push this Bill through just at this moment. We are prepared to make this suggestion from this House.

Speaking on the provisions of this Bill, I would, even at this late stage, suggest to the Home Minister that he should be satisfied only with a repealing measure. Nothing else is needed. The arms of the law are wide enough to deal with any situation which may develop in this country. But, for him to rush through a measure of this description which has been opposed by every section of enlightened opinion in this country.....

Shri Rajagopalachari: Every paper.

Dr. S. P. Mookerjee: That of course naturally indicates the respect he has for newspapers. At one time, I suppose he had something to do with newspapers; he can speak with authority where enlightenment lies. In any case, when a measure of this description which the Home Minister claims is intended for the good of the people is being opposed by many representatives of the people and by newspaper men, by writers and by publishers, by journalists big and small, rich and poor, when such an united opposition is made, it is only meet and proper that Government should yield to that opposition. There will be no harm in Government not proceeding with this measure, even at this late hour and being satisfied only with a repealing Bill.

The Minister of State for Information and Broadcasting (Shri Diwakar): think, Sir, my intervention at this stage of the debate would not be justified if I did not take a little time as possible and try to point out that the press itself, if not now, but earlier, in calmer moments, has not spoken against such provisions, but has recommended that such provisions may be on the Statute Book.

Sir, I have very attentively listened to the speeches made by the opposition on this subject, and.....

Shri R. Velayudhan (Travancore-Cochin): Not by the opposition, but by Congress Members with the exception of Dr. Mookerjee.

Shri Diwakar:I am really convinced that whatever has been spoken is quite right and quite convincing so far as the general freedom of the press is concerned. But, I do not think that

so far as this Bill is concerned, that point was ever in question. I think that the debate or the emphasis on that point has been carried over from the debate that took place in this House in the last session on the Constitution (Amendment) Bill. Possibly, the debate on this Bill would have been restricted to provisions of this Bill only if there was no hang-over from the debate on the Constitution (Amendment) Bill. Here, Sir, a certain stage has arrived, so far as this Bill is concerned. The principle has been agreed upon. This is the consideration stage. We are about to consider this Bill clause by clause. Therefore, at this stage I think the general principles of the freedom of the press need not be emphasised to the extent that they have been.

As regards the provisions and the history of this particular Bill, I do not think that anybody has controverted the necessity of control on the abuse of the freedom of the press. I think it is agreed that there is enough abuse of the freedom of the press by certain people. If there is abuse of the freedom of the press, it can be controlled only by either the profession itself, or by the community at large or by the Government or by all these three together. If that is so, leaving the profession to control it and also expressing hopes that the community would control such abuse of freedom to the extent that it is possible for the community to do so, will it be wrong for the Government to do its own duty under the circumstances? That, I think, is the real issue. If we concede that there is an abuse of the freedom of the press in certain sections, I do not see why the whole press need fear anything from the provisions of the Bill as it is. Of course, I know that opinion may be divided as regards certain provisions, and as regards the severity of certain penalties. I can understand that. But, to say that there should be no such law at all, and that too in the name of the freedom of the press, I think, it is too much for me to concede.

Shri Naziruddin Ahmad: That is not our case at all.

Shri Diwakar: Now, Sir, it is often-times urged that the ordinary law of the land is sufficient for this purpose. But, I do not think that anybody has pointed out that the provisions which are laid down here in clause 3 are covered by any section in the Penal Code or Criminal Procedure Code.

Shri Naziruddin Ahmad: Everyone of these sub-clauses is covered by the Penal Code.

Shri Deshbandhu Gupta: May I invite the hon. Minister's attention to

the able note of dissent recorded by my hon. friend Pandit Thakur Das Bhargava?

Shri R. K. Chaudhuri (Assam): May I request the hon. Minister to answer the points raised by my hon. friend Pandit Thakur Das Bhargava?

Shri Deshbandhu Gupta: He has pointed out that there is parallel provision in the ordinary law for everything contained here.

Shri Diwakar: Pandit Thakur Das Bhargava's opinion is there; it will be considered.....

Shri Goenka: Answer them first.

Mr. Deputy-Speaker: Hon. Members may know that the hon. Minister was a Member of the Select Committee when all these points were urged. He takes a different view.

Shri Diwakar: Therefore, what I think is that the necessity for these provisions is there, but it is subject to two things, in my opinion. Those two things are, according to the Constitution (Amendment) Act, the restrictions, if there are any, should be reasonable restrictions, and if the House agrees to some of the restrictions, which are laid down in these provisions, I think so far as the House is concerned, they will be reasonable restrictions; but it is open for the Courts outside to examine them, because they are justiciable. The courts can see whether certain provisions are reasonable or not. The other thing which should be guarded against is the abuse of authority by the executive. I think.....

Pandit Thakur Das Bhargava: Then do I understand the hon. Minister to say that this House has no right to consider whether the restrictions are reasonable or not?

Shri Diwakar: I say, when they are agreed to, so far as the House is concerned, they will be reasonable. That is what I said. And they would be justiciable in the Courts. So there is what may be called a double control on this question of reasonableness of restrictions.

Then, as regards the abuse of authority under this law, by the executive, I would like to point out that even the severest critics of these provisions have agreed that authority has been practically taken out of the hands of the executive and placed entirely in the hands of the judiciary.

Therefore, with regard to both these things, namely, the reasonableness of the restrictions and the taking away of

authority from the hands of the executive and placing it in the hands of the judiciary, I think the provisions of this Bill have advanced very much and this fact has been appreciated as well, by the press itself in a large measure.

Shri Goenka: What about clause 10 of the Bill? Where is the authority taken away?

Shri Diwakar: Well, that will be discussed when we come to that clause.

Sir, I may point out that the Press Laws Enquiry Committee had gone into this matter in some detail and therefore it would be very illuminating for us to see the points that have been made by that Committee. That Committee, as the House will remember, was specially appointed to enquire into the matter of reviewing the press laws in India with a view to examine if they are in accord with the Fundamental Rights formulated by the Constituent Assembly of India and to recommend to Government any measures of reform. I would like to point out only four things in the recommendations of this Committee.

We all say that the American law so far as the freedom of the press is concerned, is the farthest limit. Well, I may, with your permission, Sir, read out a few sentences from para. 35 of the report. There in America, they say:

"Use of the mails may be denied not only to a particular issue but also to future editions or issues of a publication."

Pandit Kunzru (Uttar Pradesh): May I know from what the hon. Minister is reading?

Shri Diwakar: I am reading a few sentences from para. 35, page 16 of the Report of the Press Laws Enquiry Committee. I did give the reference before I started reading. I will read it out again:

"Use of the mails may be denied not only to particular issues but also to future editions or issues of a publication. The definition of obscenity under the Federal Law has been extended by an amendment to include matter of a character tending to incite arson, murder, or assassination."

And we may remember that this word "tending" has been the subject matter of the severest form of criticism and comments in this House. But there it is in the American law:

"tending to incite arson, murder or assassination."

Pandit Thakur Das Bhargava: Sir, may I enquire from the hon. Minister whether the provisions of the Constitution relating to the Fundamental Rights were passed before or after this Committee had reported? The provisions relating to Fundamental Rights in the Constitution were not passed by the Constituent Assembly at the time the Report of the Press Laws Enquiry Committee was produced. The draft of the Constitution was subsequently amended and the word "sedition" was taken away from there. The provisions of this Bill are contrary to the provisions of the Constitution with regard to the Fundamental Rights. The report of the Press Laws Enquiry Committee is out of date and its recommendations in regard to incorporating certain provisions of the Act of 1931 in the law of the land are useless and absurd.

Shri Diwakar: Apart from that small point, I am only pointing out what the Press Laws Enquiry Committee has said and whatever value you want to attach to it, you may attach.

"There are, in U.S.A., regulations in force against publications which incite to a forcible change of the constitution or to an overthrow of the social order. Not only the author but also the distributor of such publications is held responsible."

Another thing I want to point out in this Report is this. In para. 44 you find a reference to section 4(1) of the Press Emergency Act, because they were asked to enquire into the laws of other lands to find out the position. They say:

"The offences defined in sub-section (1) of section (4) of this Act and the provisions of section 20 to 22 of the Act do however correspond with the laws of foreign countries."

So, it is not as if provisions of section 4(1) of the Press Emergency Act were not to be found in the laws of any other land. Here you have the statement of this Committee, that they do have such laws in other countries, a statement made after careful enquiry.

And then as regards recommendations about future legislation, here is a significant paragraph, paragraph 59:

"Press laws cannot be fully understood unless one knows the evils against which they are directed. New legal remedies and preventions are not to be excluded as aids to checking the more patent abuses of the Press. Such legal

measures are not in their nature subtractions from freedom but, like laws which help to clear the highways of drunken drivers....."

I do not agree with that expression there—

".....are means of increasing freedom through removing impediments to the practice and repute of the honest Press."

Probably this expression is rather too strong. I think a softer word should have been used.

Then as regards the recommendation in connection with section 4(1) of the Press Emergency Act, the report says:

"We, however, are of the view that certain provisions of this Act, which do not find a place in the ordinary law of the country, should be incorporated in that law in suitable places. The following are the provisions which we recommend for such incorporation:

(i) The offences defined in clauses (a) to (i) of sub-section (1) of section (4) may be incorporated in appropriate places in the Indian Penal Code, or other law."

It is true that they said that there need not be a separate law. But I do not see what difference it makes from the view point of the effect of the law, if it is a separate law or one incorporated into some other law. It may be that there is consolation that it forms part of another law. Beyond that, so far as the restrictions etc., are concerned, on the abuse of the freedom of the press, there is no difference.

Therefore, I think that the provisions of this Bill are not something which are absolutely foreign to this particular subject-matter. And since action here is restricted only to the abuse of the freedom of the press, I do not think that criticism about the general freedom of the press and restrictions on it applies to this particular Bill.

Mr. Deputy-Speaker: Pandit Kunzru.

Shri R. K. Chaudhuri: Sir, I may mention that I could not get an opportunity to speak even when the Bill was being referred to the Select Committee.

Dr. S. P. Mookerjee: And no one from Assam has spoken either.

Mr. Deputy-Speaker: I have called the name of Pandit Kunzru.

Shri Rajagopalachari: I shall see all that Mr. Rohini Kumar Chaudhuri wants me to see.

Pandit Kunzru: Sir, before I proceed to deal with the report of the Select Committee, I should like to join the previous speakers in deploring the failure of the Government to place before us adequate material showing in what respects the press had been delinquent in order to enable us to judge the character of the remedy and the extent of the safeguards that should be provided. I asked for such information in the House and I asked for it again in the Select Committee. When I asked for it on the second occasion the Home Minister's face wore an expression of good-humoured surprise. He smiled benignly at the irrelevance of my question and at my complete want of contact with the realities of the situation. And there the matter ended.

While my hon. friend the Home Minister did not directly place before us any evidence of the transgressions of the law or of the rules of propriety by the press, he made a statement when winding up the earlier debate to explain his point of view and as the observations he made on that occasion from the basis for the provisions of clause 3 of the Bill, I think it is not merely relevant but necessary to refer to them.

Failing to give any concrete illustrations of the press to discharge its responsibilities he tried to defend his position by saying:

"Even if the majority of the people are firm in their thought and conduct, and unshakable by suggestion and incitement, there are, in a population of 400 millions who form this Republic which has, let us remember, discarded traditional respect for ruling dynasties or of ruling classes, and now depends on the commonsense of its people in general for order and good Government, there are in this vast multitude, quite enough numbers of men and women in every area who can, if misled, make wasteful disturbance, discord and violent trouble, which can hold up all cooperative peaceful effort to make constructive progress."

Further on he added:

"I have no other object but to preserve the necessary condition for peaceful progress in desiring to leave a law behind me that should comprise the essential 'Don'ts' for printed stuff."

What do these words mean? Are we to approach the whole question of freedom from the point of view outlined

or from a larger standpoint? If what my hon. friend the Home Minister said is true then whenever abuses occur freedom must take the second place. Indeed since in a large population abuses must occur in some area or other from time to time, laws like the Press Bill before us must be permanently on the Statute Book. On this reasoning any law at any time can be justified. It is not necessary to prove its necessity. All that the Minister in charge of the measure has to say is that there will always be some men who will not act according to the highest standards that society ought to adopt and that would be a sufficient justification for placing restrictions on human freedom.

I entirely discard this point of view. I do not deny the possibility of abuse. I am not concerned to see that liberty is always made the best use of by every one. What is necessary for us to consider is whether society has any interest in freedom. Is the maintenance of law and order or the protection of the thoughts and morals of young people the only concern of society or have we a social concern in human freedom too? I submit that freedom is as important a social interest as the maintenance of law and order or the preservation of conditions in a community that would tend to the healthy upbringing of the children and the young people of the community.

In these circumstances, we have to balance these two considerations. It is not easy to strike a balance between two such considerations, but liberty should not be allowed to go to the wall simply because abuses are occurring. The existence of abuse is no justification for repressive measures. We must take into account the necessity for freedom, too, and must try to adopt measures that would take a comprehensive view of the social interest of society as a whole. The second consideration that I should like Government and the House to bear in mind in this connection is this: what should be the extent of restrictions? Should they be the maximum that may be required in any circumstances, or only the minimum required to deal with the existing situation? My hon. friend, the Home Minister seems to have taken the view that Government should take power now to impose the maximum restrictions—it may or may not make use of all the provisions, but it should have the necessary power. Here again, I join issue with him. I think that if freedom is a matter of social interest, then the restrictions that are sought to be imposed must be no more than the circumstances of the case call for.

[Pandit Kunzru]

point of view I find it exceedingly unsatisfactory.

I shall deal with the specific provisions of the Bill later but I should like to preface my remarks with pointing out the fact that Government is making use of a law that was thrown out by the Indian Legislative Assembly in 1935 and was enacted only by the certification power of the Governor-General. Had the Press (Emergency Powers) Act not been placed permanently on the Statute Book in 1935, I wonder whether Government would have dared to bring such a law forward. And even if they had been able to prove that the situation was of an extraordinary character, I doubt greatly whether the provisions would have been as extensive as they are now.

Now I shall deal with some of the provisions of clause 3. I pointed out on an earlier occasion, and I should like to point out again, that some improvements have been made in the Select Committee. I cannot enumerate all the changes made in the Select Committee but every one has read the report of the Committee, I presume, and everyone is familiar with the substitution of judicial power for executive power in the Bill. But there are certain respects in which the Bill is retrograde, in which it has gone back on the Press (Emergency Powers) Act, 1931. I shall refer here to sub-clauses (i) and (vi) of clause 3 which make tendency an offence. A great deal has been said which makes the tendency of a writing the ground for justifying the demand for a security. If tendency with propriety can be made an offence, I should think that it would be in time of war. I was therefore curious to find out whether during World War I action could have been taken against a publication on the ground of its tendency, and I found the following provisions with regard to this matter in the Defence of India Rules, 1915. Rule 2 says:

"Whoever, by words either spoken or written, or by signs or by visible representation or otherwise, publishes or circulates or attempts to publish or circulate any statement, rumour or report which is false and which he has no reasonable ground to believe to be true—

(a) with intent to cause, or which is likely to cause, fear or alarm to the public or to any section of the public, or

(b) with intent to prejudice, or which is likely to prejudice, the success of His Majesty's Forces by land or sea..... or

(c) with intent to prejudice, or which is likely to prejudice His Majesty's relations with foreign forces, or

(d) with intent to promote, or which is likely to promote, feelings of enmity and hatred between different classes of His Majesty's subjects....."

Even in time of war, we see that when extraordinary action could have been taken Government refrained from taking action on the tendency of any statement or report. It wanted to proceed on much firmer and reasonable grounds in order to carry the public with it. But my hon. friend, the Home Minister asks us to believe that the times in which we are living are more dangerous than when we were passing through a great war. My hon. friend, Shri Diwakar has tried to justify this provision by reference to the laws of the United States. I know what the Press Laws Enquiry Committee has said on this point, but if I were in his place I should try to go to more reliable sources in order to find out the state of the law in the United States. Since the first amendment was passed in 1791, the courts have refused to take tendency into consideration. They have taken action when there was incitement or encouragement to violence or when there was intention to promote a crime or when a writing was likely to lead to the commission of a crime. But they have refrained from taking into account anything else. The decisions of the courts have proceeded on this basis. It is not right therefore to say that the Bill that we are now discussing is no more stringent than the law in the United States of America.

My hon. friend the Home Minister said when the Bill was under consideration a few days ago that my hon. friend Shri Braja Kishore Prasad had succeeded in showing that the provisions of the Bill are virtually reproductions from the English laws. Now I should like both to ask him and Shri Braja Kishore Prasad whether there is any special law in England or the United States of America. If there is none, what is the good merely of referring to the provisions of the laws? We are not saying that the press should have freedom to incite people to criminal acts or to subvert the State or undermine the foundations of society. All that we are asking for is that the procedure adopted for dealing with such offences should be similar to that

adopted in the advanced western countries. However, as my hon. friend the Home Minister thought that what Dicey had said was in favour of his view, I should like to quote a few words from this author's "Law of the Constitution":

"Look at the matter which way you will," he said, "the main feature of liberty of the Press as understood in England is that the Press, which of course means the writers in it, is subject only to the ordinary law of the land. Secondly, Press offences, in so far as the term can be used with reference to English law are tried and punished only by the ordinary courts of the country, i.e. by a judge and jury. There are no special laws for dealing with them."

Then he went on to say that the judgment of the jury would depend not on the view taken by the Crown or the judge but the opinion of twelve members of the public whether in the circumstances the criticism of which the executive complained was justifiable or not.

It will thus be seen that the English law and the conditions under which what may be called Press offences are dealt with there are very different from those prevailing in India.

Now, we are told that a great improvement has been made in clause 3 by adding an explanation at the end. This explanation is a combination of the explanations contained in sections 124A and 153A of the Indian Penal Code. Having pointed out that in one respect sub-clause (i) of clause 3 is more conservative than the corresponding provision in the Press (Emergency Powers) Act of 1951, I should like to point out in what respect it is better. While the former provision dealt with disaffection and bringing Government into discontent, sub-clause (i) now deals only with incitement or encouragement or a tendency to incite or encourage any person to resort to violence or sabotage for the purpose of overthrowing or undermining the Government etc. The explanation was useful because the scope of section 124A was very wide, but the scope having been contracted now and only incitement to violence or a tendency to incite to violence is taken account of, the explanation becomes somewhat meaningless and I suppose it is for this reason that my hon. friend the Home Minister pointed out in the earlier debate that it was not needed.

Now, I come to sub-clause (vi) of clause 3 which runs as follows:

"tend to promote feelings of enmity or hatred between different communities or persons in India".

Will the explanation be of much use in this connection? The Indian Penal Code dealt with the promotion of such feelings and the attempt to promote such feelings and consequently the explanation was material. It may be of some use here too, but in view of the change in the words and the use of the word 'tend' the situation is greatly altered. I wonder whether the added, in view of this language will be the second part of the explanation very helpful to him.

Sir, the change made in sub-clause (vi) is a matter of vital importance. We are all deeply interested in communal harmony. We fully believe—at any rate I fully believe—in the doctrine of a secular State. I want that the affairs of our State should be so conducted that men of all religions, races and communities may feel that their civil rights are secure. I want that we should place in the forefront of the principles that we should observe, the desirability of giving freedom in matters of religion and culture to all communities. But is it necessary to safeguard these desirable things, that the language should be so dangerously wide. The Penal Code deals only, as I have said, with the promotion of feelings of enmity and hatred between different communities and the attempt to promote such feelings. Apart from this, Sir, courts in interpreting this clause have held that intention is a necessary ingredient of the offence. I understand that with the exception of the Allahabad High Court, all the superior courts that have considered this matter have been of the view that the purpose of the writer must be taken into account in arriving at a correct view of the matter complained of. Now my hon. friend has not only gone beyond the Press (Emergency Powers) Act, he has not only gone beyond the letter of section 153A of the Indian Penal Code, but has also tried to set at naught the decisions of the High Courts which safeguarded the liberty of individuals and the liberty of the press, Sir, is in the last resort no more than the liberty of freedom of speech. The principles governing the liberty of speech and expression must always be the same. It would be seen, therefore, Sir, that notwithstanding the improvements that have been made in the Bill in some respects its language is dangerous and it is more reactionary than the Press (Emergency Powers) Act of 1951.

[Pandit Kunzru]

will be wearisome both to me and to the House if I were to proceed to deal with every sub-clause of clause 3, but I hope you will permit me to deal with one more sub-clause, sub-clause (iii) which runs as follows:

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

This is an omnibus clause. It finds, I admit, a place in the Press (Emergency Powers) Act of 1931. But is that any justification for the retention of this provision now? It is no use saying that the executive will no longer be able to demand security from a printing press or a newspaper and it is only a sessions judge aided by a jury, whose decisions will, however, not be binding who will decide whether a security should be demanded or not. Suppose the language of the law is so extensive, that people could be punished for stealing more than a hundred rupees. Could it be urged in justification of such a monstrous law that after all the matter will be decided in a court of law and that the judge would be aided by a jury. No sane person, Sir, would ever put forward such an argument. I submit, therefore that whatever the restrictions that this Bill would place on the power of the executive, it is necessary for us to scrutinise the language of clause (iii). Looking at the clause from this point of view, I feel that some of its provisions ought not to be placed on the Statute Book.

When the Constitution (Amendment) Bill was under discussion we were assured that Government would make use of the powers that Parliament might grant to them in the amendment with great caution. We were told that Government were very reluctant to use their special powers. If Government really meant what they said and I have no doubt that considering the emotional stress under which they were speaking they were perfectly sincere, they should not have brought such a measure forward. They could, in view of the complaints made by them regarding the decisions of the High Court and the Supreme Court have contended themselves with dealing with incitement to violence, attempts to undermine the security of the State and so on. ~~But is it a fair use of that power~~

clause as wide as it is. Sir, I cannot reconcile myself to the language of sub-clause (iii) and I cannot see, notwithstanding the insistence of my hon. friend the Home Minister that there is the slightest need for such a provision.

I shall deal with the other sub-clauses of clause 3 at a later stage. But I should like to refer to one more point before I sit down.

12 Noon

Under the Press (Emergency Powers) Act an appeal against the order of the Government was to be considered by three Judges of a High Court. Now that the provision for a preliminary reference to a Sessions Judge in connection with the demand for a security has been introduced, it has been laid down that all appeals and applications under clauses 22 and 23 of the Bill will be dealt with in accordance with the rules of procedure laid down by the High Court concerned. I pointed out on an earlier occasion that owing to the large arrears in every High Court, even important cases might be dealt with by single Judges. The Allahabad High Court, I think, is largely dealing today with criminal cases and I understand that single Judges are considering them. Will it be surprising in these circumstances if an application or an appeal under clauses 22 and 23 of the Bill were also heard by a single Judge? I think that the question of freedom is of such a fundamental importance that whatever the arrears of cases in the High Courts may be, we should not allow such a procedure to be followed. We should lay it down clearly that the appeals and applications referred to by me should be considered by a Bench of not less than two Judges.

There are some other clauses of the Bill which also cannot be approved of by us. One or two of them were referred to by my hon. friend Mr. Goenka. Though I do not entirely agree with him in the language that he used in respect of them, I may say that the clause dealing with the reference to previous issues of a newspaper in dealing with a complaint made by Government goes a little too far. I think I have given notice of an amendment on this question. But I should like to point out at this stage that I agree with the view that this provision should either be omitted or at least that its scope should be materially restricted. For the reasons that I have given I find myself unable to support the report of the Select Committee. Indeed, if the Bill is to be retained in its present form, we may not be able

respects it is some improvement on the Press (Emergency Powers) Act. But otherwise there is nothing in it that we can conscientiously support.

I wish, Sir, that public opinion in the villages were as keenly concerned with this Bill as it was with the Hindu Code Bill. Then I am sure that my hon. friend the Home Minister would have been more ready to listen to us and either to repeal the Press (Emergency Powers) Act, 1931 or to modify drastically the provisions of the Bill before us. But it must be admitted that this Bill interests at present mostly the intelligentsia, that is the people in the urban areas, and the Government therefore feel that their position is secure. But I do not think that public opinion will take long to develop on so important a subject. It is time therefore that the Government changed their views fundamentally on the question of the freedom of the individual and the press and brought them into accord with modern sentiment and the practice of other advanced societies.

The Minister of State for Parliamentary Affairs (Shri Satya Narayan Sinha): I beg to move:

"That the question be now put."

Mr. Deputy-Speaker: I will now put the question.

Babu Ramnarayan Singh: Sir, so many people are anxious to speak. Only ten Members have spoken.

Pandit Kunzru: May I point out one fact that might be worthy of your consideration? When the Press Bill was considered in 1931.....

Mr. Deputy-Speaker: Does he want to continue his speech? I am sorry. The hon. Member will have another opportunity.

Pandit Kunzru: I just wanted to say this that, apart from its specific provisions, the discussion on the Select Committee report lasted for as much as nineteen days in 1931. Would you not give the House even two days to discuss the report of the Select Committee now? I think it will be a serious curtailment of the rights of the House to consider so important a measure with a closure motion like this.

Mr. Deputy-Speaker: I will take the opinion of the House.

Babu Ramnarayan Singh: It is a most tyrannical way of doing things.

Shri R. K. Chaudhuri: I got up several times but I have not been allowed to speak. This is nothing else than a sort of tyranny. If we do not get an opportunity of saying what we like to say, we will be compelled to vote against it.

Mr. Deputy-Speaker: The question is:

"That the question be now put."

The House divided: Ayes, 95; Noes, 31.

Division No. 5

AYES

12-18 Noon.

Abdus Sattar, Shri
Ahammedunni, Shri
Ali, Shri A. H. S.
Amolakh Chand, Shri
Ansari, Shri
Arya, Shri B. S.
Azad, Maulana
Baldev Singh, Sardar
Barman, Shri
Bharati, Shri
Borooh, Shri
Brajeshwar Prasad, Shri
Buragohain, Shri
Chandrika Ram, Shri

Channiah, Shri
Chettiar, Shri Rama-
lingam
Das, Dr. M. M.
Das, Shri B.
Das, Shri B. K.
Das, Shri Jagannath
Das, Shri Nandkishore
Diwakar, Shri
D'Souza, Rev.
Durgabai, Shrimati
Faiznur Ali, Maulvi
Gadgil, Shri
Galib, Shri

Ghose, Shri S. M.
Gopalaswami, Shri
Guha, Shri G. S.
Hasan, Shri M. A.
Hazarika, Shri J. N.
Hazarika, Shri M.
Himatsingka, Shri
Himatsinhji, Major-
General.
Hyder Husein, Shri
Inait Ullah, Khwaja
Iyyunni, Shri
Jagjivan Ram, Shri
Jain, Shri N. S.

AYES—contd.

Jajoo, Shri	Pant, Shri D. D.	Sen, Shri P. G.
Jayashri, Shrimati	Pillay, Shri Sivan	Shah, Shri M. C.
Jnani Ram, Shri	Raj Bahadur, Shri	Shankaraiya, Shri
Joseph, Shri A.	Rajagopalachari, Shri	Shiv Charan Lal, Shri
Kanaka Sābal, Shri	Ramaswamy, Shri Pulli	Sidhva, Shri
Karmarkar, Shri	Ramiah, Shri P. Kodanda	Singh, Shri B. P.
Khāparde, Shri	Rao, Shri J. K.	Sinha, Shri A. P.
Kunhiraman, Shri	Rao, Shri Kesava	Sinha, Shri Satya Narayan
Lakshmanan, Shri	Rao, Shri M. V. Rama	Siva, Dr. M. V. Ganga- dharā.
Meeran, Shri	Rathnaswamy, Shri	Sivaprakasam, Shri
Menon, Shri Karunakara	Raut, Shri	Snatak, Shri N.
Mirza, Shri	Ray, Shrimati Renuka	Sohan Lal, Shri
Mohiuddin, Saikh	Rudrappa, Shri	Swaminadhan, Shrimati Ammu.
Moidu, Moulavi	Samanta, Shri S. C.	Thakkar, Dr. K. V.
Munavalli, Shri	Sanjivayya, Shri	Thimmappa Gowda, Shri
Munshi, Shri K. M.	Santhanam, Shri	Tripathi, Shri Kishori- mohan.
Nehru, Shri Jawaharlal	Saprawnga, Shri	Varma, Shri B. B.
Obaldullah, Shri	Satyanarayana, Shri	Vyas, Shri Radhelal
	Satish Chandra, Shri	

NOES

Alexander, Shri	Ismail Khan, Shri	Pani, Shri B. K.
Bhargava, Pandit Thakur Das	Kamath, Shri	Parmar, Dr.
Birua, Shri	Kripalani, Shrimati Sucheta	Ramnarayan Singh, Babu
Chattopadhyay, Shri	Krishna Singh, Thakur	Ranga, Prof.
Chaudhuri, Shri R. K.	Kunzru, Pandit	Rao, Shri Shiva
Deshpande, Shri P. Y.	Massey, Shri	Seth, Shri D. S.
Goenka, Shri	Menon, Shri Damodara	Sharma, Pandit Balkrishna
Guha, Shri A. C.	Mishra, Shri M. P.	Singh, Capt. A. P.
Gupta, Shri Deshbandhu	Mookerjee, Dr. S. P.	Velayudhan, Shri R.
Hukam Singh, Sardar	Naik, Shri M.	Zaidi, Col. B. H.
	Naziruddin Ahmad, Shri	

The motion was adopted.

Shri Rajagopalachari: Sir, I had at first thought that I would make only a five minute speech in reply and content myself thereafter with dealing with the clauses as the amendments were made, but as the debate proceeded in spite of your best efforts, it became again, Sir, a general

debate, a Second Reading debate and many long and important speeches have been made. If I simply proceeded according to my original plan, it would have looked artificial as if I simply wanted things to get on in an organized manner and without dealing with the arguments put forward.

I am therefore compelled, Sir, to commit the sin, which I thought other hon. Members were committing in re-duplicating the procedure of the House unnecessarily. We have had such long speeches delivered by important Members who were entitled to spend the time, but many other hon. Members felt that they had been deprived of their legitimate share in the debate and I must only explain my own feelings to hon. Members at this stage, if permitted, that the fault of this closure is not the fault of any inclination on my part or on the part of you, Sir, to reduce the debate, but it was a failure and a lapse on the part of the Members, who had the floor of the House in possession and who took so much time. . .

Shri R. K. Chaudhuri: In that case the Government should not have voted for the closure.

Shri Rajagopalachari: True; if we had been at the beginning of the session and had the time before us, I am sure, Government would have obliged the hon. Member from Assam; but, unfortunately, there are other considerations also to be taken into account. But, I shall not spend more time on this point. I was only apologising for the time I am intending to take now because I have to reply to what has been said.

Much was said on the basis of an allegation that there was no evidence placed before the House of the state of things that required the passing of a law of this kind and that no evidence was placed before the Select Committee, and that, it was not desirable that the Bill should be accepted by the House without that proper basis. The hon. Member Pandi Kunzru laid great stress on this on an earlier occasion and even now, again, I would like to mention to him for his attention that I read at the Select Committee meeting what I shall read again now before this House. The Standing Committee of the All-India Newspaper Editors' Conference which met in Delhi on March 13th and 14th of this year passed a resolution which speaks for itself:

"The Standing Committee, without in any way seeking to qualify the freedom the Press rightly claims for publication of news and comments of public interest, regret and condemn the degrading tendency in a small section of the Press to persist in deliberately publishing matter which is false, malicious and indecent and which contravenes accepted standards of presentation of news and comments."

The language is that of the A.I.N.E.C. of which there are stalwart representatives in the House:

"The Standing Committee, on a reference being made to it by the Bombay provincial Branch of the A.I.N.E.C., has considered the articles appearing in (a certain newspaper) of November 1st and 22nd 1950 bearing respectively the titles (something or other). Both these articles contain material which is not related to any issue of public interest and the headlines quoted above have quite obviously been deliberately framed so as to associate in the eyes of readers. . . . etc."

I need not repeat all the names here. Then, it goes on to say:

"There is no connection whatever. . . . etc. To make matters worse, posters bearing the same headlines were displayed in several prominent places in Bombay where the particular issue was on sale. In the opinion of the Standing Committee, these two articles and the method of their display violate all accepted canons of journalistic decency and propriety and are typical of the low types of journalism against which the A.I.N.E.C. has been carrying on a consistent campaign. The Standing Committee endorses the resolution of the condemnation of these articles taken by the Bombay Branch of the A.I.N.E.C. at its meeting held on such and such a date."

Shri Deshbandhu Gupta: Is this Bill the reward for this denunciation by the Standing Committee?

Shri Rajagopalachari: I shall be able to carry on the argument without assistance from the President of the A.I.N.E.C.

While thanking, all the same, for all the help rendered by the A.I.N.E.C., my complaint is that these are only pious resolutions. They have no authority; they have no capacity to control the low class of people that they have referred to in this resolution. Here, I may, at once, without spending much time, say what the justification for this Bill is based on. I am not using my own language; I think I am quoting from either Laski or a great Chief Justice of the U.S. Mr. Wendell Holmes, because it is a book by Laski on Wendell Holmes. I shall come to that presently.

[Shri Rajagopalachari]

Without any sanction or authority, the Newspaper Editors' Conference cannot control, and that is the reason why we want to give them some power which they may wield if they wished to wield. Instead of a united front being presented now, against the Bill, based on a fundamental principle, if only they say, "Yes, this Bill is not intended against us; it is not intended against the Press as a whole, but it is intended against a certain class of people who would use the printing press for criminal purposes; and therefore we shall co-operate with the Government and instead of putting the man in a court, we shall exercise our moral power over them, because we can say to them that if they did not listen to us, there is the ordinary procedure of the law which will be taken up against them."? Then, the All-India Newspapers Editors' Conference could have followed up resolutions like this with something which could produce results.

One member of the Select Committee—I am referring to the first question of evidence—threw at us a number of documents which he had in his pocket, booklets which contained what I might briefly say, most indecent and infamous pictures. I gave them to Pandit Kunzru who was at that time in the Committee meeting. Then, there were other things also, my hon. friend Deshbandhu Gupta. . . .

Shri Deshbandhu Gupta: If I may be allowed to interrupt the hon. Home Minister, may I ask him whether it is not a fact that when the A.I.N.E.C. Standing Committee passed this resolution the Government had far greater powers to deal with the Papers, namely, they had even the power of pre-censorship. They also published this resolution. . . .

Shri Rajagopalachari: I understand the point; the hon. Member need not make a speech. As I have said, he helps me; but it will take a long time if I go on receiving help from him. At the time this was passed in March this year, no doubt, the old law was there. But, we had passed a new constitution and the law had been put into a chaotic condition in the interval. That is what I want to replace by a new measure. In 1951, the Act of 1931 was still legally in force. But, that does not help either the Government or the A.I.N.E.C. The A.I.N.E.C. would be told by those gentlemen to whom they would have addressed any such advice, "My dear friends, look after your own affairs; we shall go to the Supreme Court and

we shall see what we can do; you need not advise us".

On the point of sanction, I say the old weapon of 1931 had been put in the *Aswatha* tree and it had not been taken down. The Constitution has put it up like the weapon of the *Pandavas* and we could not use it now. That is why we are having this Bill now.

My hon. friend and colleague of the Information Ministry has placed in my hands material which if I could read before the House, the House should be very much interested just as interested as the ordinary readers were when they read these journals from which these extracts are taken. It would be a wrong use of the time at my disposal if I read those extracts.

Shri R. Velayudhan: Read; let us hear.

Shri Rajagopalachari: But, for the sake of telling what it is like I am not reading all, I have to read one or two typical things. This is an extract from some paper about Sardar Patel. Pandit Nehru and so on. It says:

"They also brought the United States Ambassador to their help, and Loy Henderson expressed the opinion that Mr. Munshi alone was the rightful successor of Sardar Patel and if Munshi were given the place we (that is Americans) will place confidence in the Indian Government."

Not that it has any relevance to my clause; but I want to point out to what length papers can go, and what type of mind had been put into action when writing these things in these papers. And Pandit Kunzru wants to have evidence of the deterioration of the standard of the press. Is it possible for any one to imagine that such things should be allowed to be said? (*Interruptions*). Is it possible? Should people say that Loy Henderson got Mr. Munshi appointed or this man got another appointed and so on? And mind you, I am not reading from an obscure paper; it is a paper which is much read. I do not say that it is a good paper, but it is a paper which is much read. Now, I have done with that type. I will read from another type of papers in the press.

Shri Kamath (Madhya Pradesh): Which provision of the Bill deals with such a matter?

Shri Rajagopalachari: I have already said that no provision deals with such matters, but we are concerned with not that type of matter but the type

of mind. The editor does not take these things out from separate pigeon-holes, but he gets it from the same pigeon-hole at the top of his head. That is what produces this kind of matter.

Mr. Deputy-Speaker: Is it not covered by the Constitution (Amendment) Act? Will it not come under disturbance to friendly relations with a foreign State?

Shri Rajagopalachari: I have not used that in the Bill.

And then you may read many other such things in these papers. I will not read out all that I have here, it is so bad that it is wrong even to read it out. But there is this portion dealing with personal attacks about which people have asked me, "Why not omit the word 'grossly' and say there is no need for such provisions, that can all be dealt with by the ordinary law and so on." Well, here is an appeal to certain teachers of a particular community:

"Do not neglect your communal spirit while you teach the lessons. Propagate the communal spirit either openly or indirectly as it suits the occasion, just as some other teachers do. Teach your students to despise idol worship" etc. etc. And then another: "This fellow. . ."

An Hon. Member: How do you feel with such matters under this Bill?

Shri Rajagopalachari: I will come to that. Let me first give Pandit Kunzru and Mr. Goenka evidence of what we have to deal with, and then I will say how I deal with it. Let me (*Interruptions*). I am game for any number of interruptions, but the House may not like to wait so long.

"This fellow"—and the name is given—"has fallen into the trap of the libidinous woman—name given—and is romancing with her". And so and so "is also romancing with him." Another person name mentioned who, it is said, has film producers to sleep with her. "When you have talents as a dancer why do you practise as a prostitute?"

These things are printed and distributed in the pages of newspapers and journals, not talked of in verandahs. There are many more, but I do not want to read them. They are meant for blackmailing the persons, not for preserving or improving the morals of people. That is why I have this provision against such attempts at blackmailing. But the proposal is

being criticised. If I give a definition of murder, even then people would criticise it, saying that every one is not a murderer. Are there so many murders? Why this section? That is not an argument that should prevail when making laws. The law is made for dealing with certain classes of people, and we have to deal with them by definition. Definition is intended to satisfy the jurists and the punishment is intended to deter the offenders.

This much for evidence. I only wanted to give the briefest summary of information based on such evidence as has reached me.

It should not be imagined that the Select Committee is a commission of enquiry, to receive evidence of abuses. That is a distinction which must be remembered. It is not a commission of enquiry, but only a Select Committee on the Bill. That explains why I did not place all this material before the Committee.

My hon. friend Pandit Kunzru—I hope he will not take offence—has in his mind the old order of things. It is not necessary now. The British Government had to explain why particular things were wanted, it is not necessary in the present state of affairs, for hon. Members to be educated about these matters. They know as much about these things as I or anybody in the Government does and it is not necessary for Government to produce evidence. I could have read many more passages out of the materials I have here, but what I have read out will suffice for the present.

Next there is the Communist literature of which hon. Members are aware. There is then the communal literature of which also hon. Members are aware, if they read many languages. And there is the under ground matter of which hon. Members may or may not be aware. I may say that if we have no new law but a simple one repealing the Act of 1931, and satisfy our constitutional conscience, all this matter will be openly duplicated and disseminated as soon as it is known that there is no law against that. It is one thing to proceed against criminals and it is another thing to prevent modern printing machines creating a mentality for such crimes. That has to be guarded against.

Hon. Members have drawn my attention and asked me why I have not proceeded against such things, as cinemas which produce crimes. That is a different matter. When we produce scenes or visible representation

[Shri Rajagopalachari]

in attractive manner, day after day and throw it out in the country it is not enough to deal with the individual offenders. Such matter is produced, so to say, in the mass and we should prevent it. That is the justification for bringing the new law into the Statute Book.

Now, it has been pointed out that executive wrath—Mr. Shiva Rao pointed it out—would be enough. "Why do you want a law like this?"—he asked. It was also urged, and urged rightly, that reform cannot be brought about by passing laws. And this law he told us—I hope he will not mind my saying it—will not be effective, not strong enough for the abuses. And so why depend on the law? He is right in his doubts. But then there is this difference now. In old days and he is quite familiar with those days and the operation of the laws during those days, he was a great journalist even then and he was on the Advisory Committees and the like and in close contact with the operations of the law at that time. Mere executive wrath or some sign of executive wrath was enough in those days to produce good conduct. But to-day the position is entirely different. The executive is incapable of wrath, and even if they showed any wrath, nobody would be affected by it. The situation is quite different now. Everybody, Tom, Dick or Harry, goes to the Supreme Court to question every law. Till recently even the subordinate courts were entitled to say this law is *ultra-vires* and that law is *ultra-vires* and so on. There is no fear now in the minds of people. And that is but right. I do not like fear. I do not want them to have fear. We have a written Constitution, and so mere executive talking it off or executive wrath will not have any effect now. Even the Sardar, my predecessor was unable to deal with things because the law did not assist him. He was anxious and he wanted that so and so—a bad character, should be booked. But he was not able to do it. So without laws we can do nothing now.

Hon. Members are aware that the Committee appointed by Sardar Patel on the 15th March, 1947 was asked to review all the twelve and odd laws which had a bearing on the subject. I would draw attention to pages 32, 33 and 34 of the Press Laws Enquiry Committee report, which deserve study with care and attention and I summarise the effect of what they have said in my own words.

They did not want these laws to go out of the Statute Book. Only they wanted the structure of the laws to be different. They wanted these provisions of section 4-A (corresponding to clause 3 of the present Bill). They wanted the objectionable matter defined in the Act of 1931 to go as offences and defined as offences into the general Penal Code and they wanted the laws to be operated that way.

Then they considered the question whether the security provisions would be good or bad. They examined the question of individual responsibility and came to the definite conclusion that the ordinary legal procedure was of no use. Still they did not like security and therefore they suggested "Transfer these just as they are into the Penal Code and impose heavy fines and deal with it in that manner."

For more than one reason it is necessary for me to refer to the particular and definite findings that they have arrived at on some of the issues. They say:

"We, however, are of the view that certain provisions of this Act, which do not find a place in the ordinary law of the country, should be incorporated in that law in suitable places. The following are the provisions which we recommend for such incorporation:

(i) The offences defined in clauses (a) to (i) of Section 4 may be incorporated in appropriate places in the Indian Penal Code or other law.

(ii) The provisions of sections 15 to 18 relating to unauthorised news sheets may be incorporated in Part IV of the Press and Registration of Books Act, 1867.

(iii) The provisions of section 19 respecting forfeiture may be incorporated in section 99A of the Criminal Procedure Code."

Then they mention the Sea Customs Act and the Post Offices Act.

Now this is the important point which I want hon. Members to digest with respect to the substance of this law:

"Except in the few cases, where the writer of an article is known, it is difficult to fix the identity of the individual or individuals responsible for a breach of the law involved in the publication of an article in a newspaper. The legal responsibility of the printer, publisher and editor is well understood, but punishment is likely to

be vicarious and this consideration raises doubts regarding the propriety of the imposition of a sentence of imprisonment in most cases. The effect of pernicious propaganda carried on by newspapers day in and day out is likely to be more far-reaching than that produced by speeches. (That is for Mr. Goenka). In the case of an individual culprit, the object of imposition of sentences is punitive, preventive or curative. The case of a newspaper guilty of an offence is generally dealt with by the imposition of a fine, and, unless the fine is heavy, it is not likely to have any preventive or curative effect. The maximum amount of fine may not prove adequate in all cases, and, in these circumstances, we consider that the punitive remedies available for dealing with recalcitrant presses should be strengthened, and accordingly recommend that necessary provisions should be made in the law to empower courts to order the closing down of a press for a specified period in case of repeated violation of the law by the Press."

I have no doubt that my friend Mr. Gupta is feeling an inclination to get up and interrupt me. I wish to tell him that it is not a correct argument to ask "Why have you not adopted all this?" The answer is that the substance of my feeling, which is the justification for this law is also shared by members of the Press Laws Enquiry Committee. But the remedies which they have suggested are impracticable and do not appeal to me. The remedy is different from the diagnosis or the disease. My friend smiles (a smile which my friend Prof. Ranga imputed to me). My hon. friend benevolently smiles. It is a document in which not only ordinary politicians and statesmen but Mr. Brelvi and Mr. K. Srinivasan have put their signatures in the general report, apart from the minute of dissent of Mr. Tushar Kanti Ghose, which does not cover this point.

Shri Goenka: We all agree to it un-animously; but the Government will not agree.

Shri Rajagopalachari: The remedy is not what I want you to agree to. I want you to agree about the disease and the diagnosis and then let us deal with the remedy.

Shri Goenka: They are stated there.

Shri Rajagopalachari: I cannot take a doctor as well as his compounder into my employment.

The case of individual offenders and that of printers and publishers are absolutely different and separate treatment is unavoidable as admitted by them. I have dealt with this first, because that is what the daily array of editorials come back to over and over again and what all the arguments in the House come back to over and over again.

Mr. Shiva Rao has pointed out very rightly in a beautiful speech (I am sorry I had to interrupt it at one point and I apologise to him for the interruption). "Has not the press served the nation well? Why then do you penalise the press?" It is a proper question, if I were guilty of that intention. The Bill, I submit, is not intended against the press. I say this for the fifth or sixth time, if necessary. The Bill is only intended against the abuse of the printing machine and of the constitutional right of freedom of speech by some bad people in furtherance of their criminal purposes. Please keep the words I have just used in mind and then read the provisions of the Bill to see whether I am talking through my hat or talking relevantly. The Bill is intended, I say, against the misuse of the printing machine and the right of freedom of speech by bad people for the furtherance of their criminal purposes. The entire agitation is based on this wrong assumption that the Bill is aimed at the press. It is not for checking excess of criticism, as Pandit Kunzru described, that this Bill is intended. He read from an old classic book. There are many such which we can quote from. There are many kinds of statements dealing with different objects. There is a whole library of good thoughts. It is not to check any excess of language or criticism. Keep the words I have uttered in mind and then read the provisions. Am I laying down any dangerous doctrine that excess of language would be punished? No, certainly not. I am only laying down certain specific cases of incitement to criminal activities of a particular kind. There are many other kinds as well but I have put in only those of a particular kind and I say that when any press or newspaper is used for incitement to that kind of criminal activity and obscenity I want the Government and the law to be brought into operation against such a paper or publication. But the entire agitation in the press however is on the basis that it is a law against the press.

It must be remembered that there is not only the Act of 1931 but there are press laws in the provinces which

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regulate the press in terms passed by the various legislatures in all the States of India. According to the arguments advanced at the time of the Constitution (Amendment) Bill by Mr. Deshbandhu Gupta, he thought that at these State laws would have fresh life. That was the objection he raised at the time, that all these various State laws would come to life again under the powers which have been given in the Constitution (Amendment) Act. Then again he said that the provisions of the Act of 1931 would also obtain fresh legal life by reason of the Constitution (Amendment). That was the complaint and the argument made by Mr. Deshbandhu Gupta at that time. Legally it was a right argument. Therefore I immediately said that we shall repeal all those laws and I promised to bring a Bill to repeal them and replace them by a law in accordance with liberal principles.

Here I come to the great argument that I am a breaker of promises and assurances. With great respect I must say that the whole argument is based on imagination, if not worse. I gave no such assurance as has been made the basis of the argument to prove that I have broken the assurance. I never said that I would hand over the entire responsibility of Parliament—even if I had the power to do it—to the A.I.N.E.C. That was the argument advanced. Did I say that unless a Bill is approved by the A.I.N.E.C., I will not introduce it? But that was the argument advanced...

Shri Goenka: I did not.

Shri Rajagopalachari: You did. I am sorry, you did. You can twist the language now if I allow you to make another speech—I have no doubt. That was the argument. Otherwise there has been no offence made out. Did I say that no Bill would be brought into this House unless it had the approval of the press? And what is the approval of the press? The approval of the press is the approval of the A.I.N.E.C. and it means I cannot bring a Bill without their approval. Was that my assurance? It would have been a strange thing if I had given any such assurance to the House; and not only that I would repeal the old press laws of the States as also of the Centre but I would bring in a Bill which must have the previous consent of the press and the A.I.N.E.C. I never gave such an assurance, and I never could have given such an assurance. If that was not so, what did I say? Did I not

say that I would give judicial trial for the inquiries that were put down under the law? Not only that; did I also not say that a jury would be given? What was the judicial trial and the jury for if I said that I was not going to introduce some measure of this kind without the approval of the press? For what purpose was the judicial trial promised by me, for what purpose was the jury promised by me if I were not to mention and define "objectionable matter" and ask for an inquiry in regard to that objectionable matter?

Shri Goenka: May I beg the hon. Minister to read his assurance so that the House may be satisfied for itself?

Shri Rajagopalachari: No, Sir. I can only say that the charges made against me are wrong. I have not parliamentary language to describe, it more accurately. A charge of immorality or breach of integrity on my part does excite me to anger. I am sorry I allowed myself to go so far. But I say it in common language: I did not give any assurance of the kind that has been interpreted to have been given by me and I am not guilty of any such breach. On the contrary, I am only fulfilling a duty, a promise which I had made in bringing this Bill. And if you do not like the Bill, by all means change it; if you want terms to be altered, by all means let us have them altered. But to say that I brought this Bill without the previous consent of the press or the A.I.N.E.C. or its important members sitting in Parliament and therefore that I broke the promise is wrong. I could not have given such an assurance.

I considered that judicial trial as a condition precedent for passing any order against a press or publisher and doing away with the power of the executive was the most important change required. It is possible to belittle it because I have already given it, but if you have any sense of proportion, I say, the press should feel that this is a great and important change and a fundamental change. This great and fundamental change of the whole aspect of the press law, if I may say so, has been deliberately and unfortunately underrated in the present agitation. Much as I like some of the newspapers, much as I like some of the editors of these newspapers, I have a grievance in this matter. Let us by all means fight, but let us fight fair. Have you not underrated this great change that I have introduced? Am I not entitled

to a word of recognition on that account? Even if I am not entitled, is not the clause entitled to a word of recognition on the part of the press? I quote from one of the earlier editorials. This is from a paper which is behind none else now in attacking this Bill and calling me a dictator—re-echoing of this morning Mr. Goenka's words. In one of its earlier editorials—when it had not got into the steam-roller tactics, it said: "it should not be denied",—mark the language of the newspaper editor—can he not say positively, "It should be recognised"?

"It should not be denied that the Bill has, relatively speaking good points."

Shri Goenka: That is factual representation.

Shri Rajagopalachari: No, Sir. It is not; it is the bias of the editor of the press and the member of the A.I.N.E.C. Then it continues:

"It repeals a group of restrictive measures, Central, Provincial and State, either altogether or so far as they affect the press. It repeals precensorship, it makes the deposit of security conditional on committing an offence, no longer on merely showing the sinful desire to bring out a new publication, and where an offence is alleged to have been committed judicial inquiry would be necessary. Punishment would not as at present, be a matter for executive direction. These may be called important concessions."

These are not, but these may be called important concessions. Then :

"Moreover, the punitive provisions are, it may be claimed, such as are unlikely to affect any properly conducted newspaper."

What I have said is that it is intended against criminals—it is not intended against gentlemen, or against the organisation, or the whole press. And that is how it is paraphrased here:

"It may be claimed that these provisions are unlikely to affect any properly conducted newspaper. The Home Minister thinks that the Bill will rarely be put into operation."

This was one of the earlier writings, but that is not the language of the present day editorials—now it is something different.

It is a trick of journalistic technique to treat what is got as of no consequence and exaggerate the residuary points. I gave assurances. Whatever these assurances were, I say I have fulfilled them. If the press lords claim that Government or I gave the assurance that no law would be brought into being against the press—that was as someone said yesterday; I think Mr. Goenka himself said it yesterday in different words but later on he qualified it and said no law which has not been previously approved by newspapers.....

Shri Goenka: What you said was whatever was considered wrong.....

Shri Rajagopalachari: By whom?

Shri Goenka: By the press.

Shri Rajagopalachari: I did not say whatever was considered wrong by the press, that is to say by newspaper gentlemen, would not be introduced in Parliament. I did not say it. Read my language again. I could not have said it unless I was a fool, and if I said it it must be expunged. I said I will not bring in anything which had been previously represented by the press as oppressive. I say so again. What has been previously represented by the press as oppressive, in my opinion, was about two important things: executive action without judicial trial, and precensorship. I have not introduced it and I am not going to introduce it even by way of amendment.

Mr. Goenka threw himself into a fit of moral indignation on this imagined breach on my part. I have no consciousness now nor at any time of my life of having broken an assurance. If Mr. Goenka repeats the charge that he has made here and in his newspapers, I can only plead, as I said before, want of proper parliamentary language in not giving a suitable answer. Not only did we say we were going to introduce a Press Bill, but I said definitely we would give a judicial trial and in that connection a jury of professional men; and it was referred to both by me and by the Prime Minister. Is it not obvious that I gave no assurance that no law would be brought forward? If the complaint is that this is not the kind of law they hoped for, that is an argument on the merits and not a case of breach of assurance.

Mr. Shiva Rao frankly said this law will not be effective, and Government should have executive power to meet any situation.....

Shri Shiva Rao: Dangerous situation.

Shri Rajagopalachari: Dangerous situation. Is the House willing to give such powers? If the dangerous situation arises, it will, but we cannot ask for the powers now, and I also doubt if Mr. Shiva Rao's reasonableness will be shared by the House to give such powers to the executive. They want proper definition and judicial trial and that is what I am attempting to do. Mr. Shiva Rao also made an appeal to me.

Mr. Deputy-Speaker. How long will the hon. Minister take to conclude?

Shri Rajagopalachari: Half an hour—probably I may take less.

Mr. Deputy-Speaker: Then he may continue after lunch.

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

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

[MR. DEPUTY-SPEAKER in the Chair]

Shri Rajagopalachari: Sir, Pandit Kunzru wound up his speech this morning pointing out that abuses such as may exist do not justify the measure being placed on the Statute Book. Abuses do not justify a general sweep or a general law which affects all people, good and bad, innocent and not innocent. I quite agree. But is this measure conceived or in any manner designed to affect people who do not abuse—that is the question. If, as in the old Act, I proposed, 'Because there are such and such abuses, therefore I ask for security from anyone who starts a newspaper'—if I do that, it would be wrong. It would be a good argument to say that abuses do not justify a measure against the press as a whole. If I said, 'You must submit to the orders of the executive' I can understand the argument that abuses by some people do not justify a general law of this kind. The whole of this measure has been carefully designed and conceived so as to avoid this error. It is not, I repeat, designed against the press or against those who do not commit an abuse. It is only when an abuse has been committed and Government think not only that an abuse has been committed but it is such a one as demands steps to be taken, it is only then that power is given to them, which can hardly be called power, to go to a court and make a complaint which the meanest of the citizens in India has a right to do. The Government

goes with a complaint to whom?—to one who is used to try and who is given the authority and the power to try—murderers, robbers, dacoits and the like of the highest variety of criminality, I mean a Sessions Judge who is authorised to impose any punishment and try the gravest of offences. It is before him that the Government can go with a complaint saying that 'an abuse has been actually committed and these are the passages, these are the things of which we complain' and Government have to prove it and the full jurisdiction is given to the Judge to decide it. The Government get no authority under this Bill against the press or against those who have not been proved to have committed abuses, and proved to the satisfaction of a court, of a good, judicial, well established authority, with whose work the whole country has been satisfied. They are not special magistrates. They are not magistrates who can be directed or instructed by the Government. They are Judges who have been accepted by the country as a whole as good Judges. The argument that abuses do not justify the measure to be placed on the Statute Book cannot therefore be an argument that can be advanced. There is a confusion in that argument. Abuses do not justify general action against all people, but a measure is not an action in itself. A measure which is strictly confined to limiting itself against those who have been proved to have committed an abuse of the freedom of the press is what we are enacting. Therefore, that argument is entirely unsound, although if put in general terms in a speech it looks quite sound.

Then Shri Shiva Rao asked me—I left my morning speech at that point—he asked me 'Why you cannot be friends with the press?' I ask him, 'How am I to be friends with the press? How is the Government to become friends with the press?' By repeal of the old laws, the press is not satisfied. By having a law which is restricted in the manner that I have sought, the press is not satisfied. They reduce every advantage and every rule that has been laid down to restrict the authority of the executive in importance and under-approve the value of those things. And they fall back upon one slogan 'No separate law for the press as distinguished from individual offenders'. Hon. Members may turn over all the editorials of all the newspapers which have dealt with this subject; they may turn to all the speeches which have been made or are going

to be made during the third reading. They will find only one slogan: 'Why should there be a separate law against members of the press while you have a law to "deal with individuals?" I have tried to deal with that very question. Here is the Press Laws Enquiry Committee which included hon. and experienced members of the profession of newspapers, of journalists and owners of presses and newspapers, very important and responsible men. You cannot get more reliable authority than Mr. Brelvi, Mr. K. Srinivasan, of the *Hindu* and such other people, not to speak of the others. I read a passage from their report and I shall read only one more sentence. Among other things, they refer to this question: 'Shall we apply the security provisions of the Criminal Procedure Code against the printers and newspapers?' They have argued the whole case and found it impossible and they give the reason in these words:

"All these provisions of law depend for their operation on the fixing of the identity of the individual concerned. In the case however of a newspaper which is the composite product of the joint efforts of several persons, personal responsibility can hardly be defined or fixed."

That is the difficulty in accepting this slogan 'Do not have a separate law against the press when you have laws against individual criminals in the Indian Penal Code.' Everyone of the offences that I have put down in clause 3 are offences which, if done by individuals, would find a proper place in the Indian Penal Code and they are there already. I have not invented any new offences, as the old British people used to do. Those are all offences for which, if an individual committed them, he would be convicted under the Indian Penal Code, that hundred year old law which we all know, but when a press commits it and no individual responsibility can be fixed, then this law will come into operation. More than what the Press Laws Enquiry Committee has put down, there is, if I may say so, the defensive weapon of anonymity which the press wields. You can write a leading article. It may be written only by an ordinary young gentleman who has been recruited from the bar, but it is a leading article of the *Hindu* or of the *Indian News Chronicle*. That gentleman does not sign his name. If Shri Deshbandhu Gupta wrote a leading article in his paper and down below his article he signed 'Deshbandhu Gupta', the value would be quite different from the leading

article such as it appears in the newspaper without the signature below it. Therefore, the great weapon which the press have in support of their propaganda or whatever they write is the weapon of anonymity and the defensive weapon of an impossibility to find out personal intention and the individual's own mind in the matter. Therefore it is that it is not easy to deal with all people who misuse their position alike. That is why even in the jurisprudence of America which is based on a written constitution, after long trial and experiment and after the judicial authorities had had a go at it for many years, they finally settled down on the justifiability of 'classification for the purpose of executing the intention of the constitution. Therefore, to say merely 'No separate law for the press' is not a right argument, and that is the only thing to which all the people come back. Yet they give their opinion, 'That is true; this is true, but it is nothing. You should have no separate law for the press'. That is their case, and they condemn me and this Bill. It is easy for them to condemn because they are both the prosecutor and the judge as well as the witness. The newspapers are the witnesses for public opinion. The newspapers are the persons who are interested in it, in prosecuting so to say the Government of an intention and then they give their judgment and we read all that in the columns of the newspapers. I am not at all frightened by the mass of opinion that has been expressed, because I know at bottom how it works, how it has been brought about and how it is mechanised so to say in the form of daily leading articles in the newspapers. True it is sufficient to frighten people just before an election; it is quite sufficient. I know that some people have been frightened by it already. The newspapers will not give us room for electioneering. Whether it is imagination of their own mind, or whether anybody else has so told them, I wish to assure hon. Members that on adult suffrage if we are honest, if we are straightforward and if we are public spirited, we need not depend upon anybody else's support. But if support comes it is a mutual affair. If newspapers live on right and honest public opinion, they live on us as much as we live on them to the extent that we get mutual help. But there could be no intimidation on that ground. There is no doubt that serried ranks of the press are pouring their vials of wrath on me. I may in this connection quote words from a well known book recording the life and activities of the late President

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Roosevelt during the war written by his son, a most vivid and fine book—“At that time the press was heroically contending for the absolute freedom of irresponsibility.” That was the language which Roosevelt’s son used about what they did with his father. I think what is being asked for now is not very different from it. Is it freedom of the press that is in danger?—not a bit under this law. It is the freedom of irresponsibility that is sought to be checked here. Mr. Goenka would go one step further and say: “I want freedom of the machinery, of the printing press, not only freedom of the press, but freedom of the machinery also, plant and machinery.” Nothing should be touched whatever the offence may be. Am I asking for anything, unless the guilt has been proved? No. Am I asking for anything unless a Judge has accepted the evidence? Am I asking for anything unless the fellow compeers of that profession have sat and openly advised the Judge about what the verdict should be? No better safeguard could be provided. If the British Government had been brought to accept this position when they were in power here and when Mr. Shiva Rao and others were asking for various things from them, if they had secured a measure like this, I say he would have walked to the ends of the world to sing songs of praise of the British Government. But now it is nothing at all worth mentioning. Drop the Bill because forsooth individuals and newspapers are the same. I hope I will not be guilty of unnecessary rhetoric if I say that they are practised hands in producing forceful ratiocination and skillful presentation of the case for freedom shutting their eyes wholly to the abuse of to the need for controlling abuse.

I submit that we cannot be thrown on the Penal Code for dealing with offences of this kind. Government cannot prove cases against newspapers as they could prove cases against individual offenders. Whether it be intimidation, whether it be indecency or whether it be instigation to criminal activities, it is not possible to prove it against any particular person in a huge organisation which is concerned with the production of a newspaper. It is not possible to prove it and the press will not assist us in giving evidence as to who wrote it and who gave it. It is not possible to apply the same law and the huge mechanical organisation of multiplication and speed and anonymity made available to the press should be separately dealt

with. It is impracticable to follow the same line of action with the press as with individuals.

I quite agree with Mr. Shiva Rao—I have said it often before he said it—that reform must, of course come from within. Now I wish to point out to him in all humility and with great respect that the system which I have tried to put down here, namely the jury trial is the result of my wish to introduce this reform from within. It will give some sanction to the better class of writers and newspapers. At once it will be a sanction in their hands when they sit there with authority and I am sure whatever else may or may not be achieved, indecency and scurrility—a sample of which I read this morning, I have many more which are worse—will end, if only the press will give brave members, and they sit with the Judge and a case of this kind is brought before them and they give their verdict without fear or favour, it will be seen that after that nobody will dare to write such stuff. Having got a punishment from their own brethren, indecency and scurrility will surely end.

As for the other things, what is it that I have asked to be protected against? Murder, crimes of violence intimidation for blackmail. You can alter the phraseology. I do want two or three things—let me make it clear. I do not want murder, I do not want sabotage. Some hon. Members referred to the fact that in the old Act certain things were not there. Sabotage has been introduced, it was said. Let hon. Members remember that in 1931 the opposition was a patriotic opposition to a foreign Government and there was murder by use of bombs and pistols and the like. But there were not the things that we now have to face, for instance the tactics employed by the Communist party and by others. The easy technique of sabotage of means of communications, removing of rails in the railway line and things like that which have become common things and inherently so easy especially on account of the civilisation that we have developed in our country were not so widely prevalent then. It is easy to interfere with the Railway lines if only one or two people make up their mind. Sabotage now has become far more important than murder in the old days. More men can be killed by a simple removal of a rail than by any number of bombs or pistols used prior to 1931. Therefore it is necessary to deal with these

things. I do not want anything more than to deal with murders, crimes of violence and sabotage and interference in distribution of articles of essential importance to the community. It is very necessary. Controls may be good, controls may be bad. But it should be realised that whole masses of people depend on the working of Government with reference to procurement and distribution. We should not confuse one thing with another. It is not criticism that I do not like. I only do not want interference in the working of that system. I do not want a spanner to be thrown into the machine. The machinery may be criticised you may even change it but do not put a spanner into the machine. These are the things which I want the House to protect against.

The Minister of Education (Maulana Azad): And seduction of the army and police.

Shri Rajagopalachari: Of course the House will have to protect Government against seducing members of the police and military. It is not individual cases of seduction that I am afraid of. If the writings in the press including the language papers were to bring about a statement of mind which leads to seducing members of the armed forces, it is a dangerous thing. We do not want such things.

As I have already said, I am prepared to go through the clauses with hon. Members and am prepared to accept any change that will appeal to reasonable minds in the House. I want, if at all, to err on the safe side. As hon. Members who worked with me either in this Committee or in other Committees might have noticed, I do not mind taking some risks. I do not mind going two feet if the other side will come one foot forward. I will approach every kind of suggestion in that spirit. No decent paper need be afraid that it will be prosecuted under this law, and I may say that if only Mr. Shiva Rao will persuade his brother journalists to work wholeheartedly in cooperation with this scheme in the Bill, if the obsession is removed from their mind they will find it is intended against criminals. If only the responsible section of the Press will work it they will find reform coming from within. They will find the A.I.N.E.C. will gain importance. You will find your resolutions will have matter in it and not mere gas. Then you will be able to exercise moral influence which you are not able to exercise now.

The most vital part of this Bill is trial by jury. I go further. At some future time I know the organised press will frame its own code of professional ethics and discipline and appoint its own council of discipline and ask Government for statutory powers to execute its decisions regarding breaches of discipline by anybody, irrespective of whether one is a member of the organisation or keeps out of it, as in the case of the Bar Council or the Medical Council. There a council of the professional people is given full authority to dismiss people, even though they may not be members, but belong to the profession. The Bar Council can debar a lawyer. The Medical Council can debar a doctor if he misbehaves. They have got the power, and they act with boldness. They have therefore got power in reality. I think the time will come when the press organisation will form its council of discipline and ask for powers from the Legislature, and the Government will certainly be able to give those powers, and then this Bill may be torn and thrown into the waste paper basket. If the press organisation offers thus to protect the interests of society as a whole and does not content itself with passing pious and ineffective resolutions, I say that the Government will be prepared to ask Parliament, whatever Government may then be in power, to pass a law conferring on them these powers and responsibilities, just as they have invested the Bar Council and the Medical Council with such powers, and this law can then be repealed.

Let me again tell my A.I.N.E.C. friends that it is not merely protecting the trade and professional interests of those engaged in producing newspapers that is the be all and end all of a press organisation. They must protect the standards and they must get the necessary powers for protecting those standards of conduct. What is the law for? If abuses are there I am asked how are you going to deal with them by this law? I admitted, even before being asked, that it could be used only when I can prove an incitement in the words—an incitement expressed directly in so many words to do sabotage or amounting to criminal intimidation. No writer will write like that. I am not referring to the skilled writers from whom I quoted this morning a passage. I am referring even to ordinary writers in language newspapers. They will not write open incitement or encouragement or even what may obviously tend to crime. They will not do that. They will write things in such a way that I cannot

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catch them at all—when I say "I" I mean the officers of the law. They will write in such a way that nobody can catch them. I know that. Then what is the justification for the statute? This morning I looked for the passage. Here it is:

"The justification of a statute consists in some help which the law brings towards reaching a social end which the governing power of the community has made up its mind that it wants."

If we do not want these abuses to be indulged the social end which the community wishes to reach is assisted to a certain extent by the statute, because it will be helpful as a sanction to those who wish to execute it by moral influence or otherwise. That is the justification and I think this Bill is intended for that purpose and will serve that purpose if it is accepted.

The comparison which Mr. Shiva Rao made between the 1931 Act and the present measure led him to say that some new things have been added. As I have already said, certain things about sabotage and other things have been added. We live in reality and not merely in copying an old statute. Although there is much to be learnt from the draftsmanship of the older laws and many phrases may repeat themselves, still in substance hon. Members will find that we are dealing with what is necessary now and if there is anything there which is not necessary now we may drop those things. All over the world the natural end of modern civilization is such that the essential services labour rules the land. Let me tell hon. Members it is not votes that rule, though it may look like that in the Constitution. It is labour in the essential services that rules the country. We have reached that stage of civilization when we depend so much on the services that it is that alone that rules. Should we not see that their minds are not poisoned? Should we not see that nothing is done to prevent the essential services from going out of order? That is why I have in this Bill introduced reference to the essential services and to essential commodities which did not find a place in 1931, for they did not find a place in the scheme of Government of those days. They had nothing to do with these things. The Government dealt with administration and the rest the people were looking after. We have reached a stage when we cannot deal with Government only

in that way. We have to deal with essential services, and we have to introduce that clause.

Now I come to Prof. Ranga who spoke very strongly about it. I may go very far with him in his dislike of controls. It is not a question of my liking or disliking it, but it is a question of whether it is necessary and whether we can get along without it. On that question he may not differ if he took the responsibility. Just now it is easy for him to say that the agriculturists do not get their proper prices. Even there I can go far with him and I may say that sometimes to sit upon a price in an obstinate, stubborn and unsympathetic manner may be wrong and it may be necessary sometimes to allow inflation to find its natural outlets. I may go with him up to that point. When he says it should be removed from the crime list and anybody may be allowed to do anything with control he is wrong. He has misunderstood the position in regard to that point in this Bill. He generally does not mix up arguments, but I think he lost his logic to some extent when he addressed the House on this subject. He was talking as if we were dealing with controls. We are not dealing with controls. I have put in an explanation which definitely says you may criticize, comment or do anything you please with the laws or the measures or the administration or the policy, but do not interfere with the working of the services or the distribution of commodities. The whole fear of executive order without judicial control is still obsessing the minds of people. The present judicial system that is introduced in the Bill is wholly ignored and the old obsession seems still to sway people's minds.

I now come to Mr. Goenka's very great argument about the document that I read on the previous occasion from the Convention of the Council of Europe. I have a shrewd feeling that that document has convinced people that their arguments are wrong. That is why they are getting angry and are keen about saying something in regard to it. The great big argument was that throughout the civilized world these restrictions are not referred to or recognized in the least and therefore they say "you are introducing a strange law and doing something which is not right". That was their conviction from the knowledge that they had and the information that they possessed, and they pressed forward the argument. But

when I was able to show them that thirteen Governments of Europe, including very advanced Governments like Great Britain, France and others—they were not unofficial or social bodies but Government representatives—met and agreed to a general convention on the lines that I read, which included not only an enunciation of the right of freedom of expression but also a clear enunciation of the various heads under which restrictions should be accepted, and when they found that almost word for word the clauses of section 3 are covered by the clauses in that convention, they felt "Well, we must answer and deal with this". And how do they answer it? They say "This has not been ratified by the Governments yet; therefore the Home Minister was wrong in referring to this as any great point". Did I quote it as I would do before the Supreme Court—that a certain precedent had been laid down and it was binding on the court? I said that to put restrictions on the press is not a strange idea that civilized Governments had sat together and considered that it was necessary to put such restrictions and they had submitted that convention, which had been adopted and signed by the representatives of thirteen Governments, to their respective Governments for ratification. I did not burke the fact that there was no federated Government of Europe. They were separate Governments; they met together in a convention for a particular purpose. They may hereafter become a federation, but now they are not a federation. They have accepted a common rule about the freedom of the press and they have, each one, submitted it to their Governments. And the United Kingdom Foreign Secretary has presented it to his Parliament for ratification. I said it in so many words and Mr. Goenka might see it.

There was no case of my misleading the House into thinking that it was ratified already. Mr. Shiva Rao has now stated that the British Government have ratified it as a matter of fact. I take it to be so because he knows about these things more than I do and whether it was ratified or not; the point in my speech was that it was authority to meet the argument that we cannot have such laws in civilized society. It is not as if that convention bound us. We may either have it or not at all. It proved that it would not be wrong to have such restrictions in civilized society; not only would it not be, but it is necessary as has been found by other Governments.

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Shri Goenka: We shall be most grateful if the hon. Home Minister will indicate any country in the world where there is a separate law for the press in the terms in which this Bill has been introduced?

Shri Rajagopalachari: The hon. Member is again under that obsession, of a separate law for individuals and a separate law for the press. A separate law for the press and a separate law for individuals are necessary for the reasons I have already stated. If I went and practised in the courts of Europe or in England or anywhere else, I would be able to answer him. That law is very elusive. You may imagine that you know all the laws of England but you do not know it unless you go there and see how it is operating. You do not know the laws of America. I read this morning Mr. Truman is finding it necessary to put down something like censorship on newspapers in America and they are protesting. We do not know the laws of other countries but we know our own laws very well and I know how difficult it will be for this Government even under this law to restrain people like Mr. Goenka and others, if they wish to do anything wrong. Law is one thing and its application is quite a different thing. The unwritten law of England is far more effective in bringing the press under discipline than all our written laws. It depends upon how the laws are working and the conditions and circumstances. As far as I am concerned, I know my own country and this is my only justification. I know that at present in our country there are certain abuses and I know that it is necessary. I feel that it is necessary to restrict certain units in the press in regard to such matters and that cannot be done by leaving things to the sweet resolutions of your A.I.N.E.C. You do want the assistance of law which must be given to you. We must give this assistance to the better class in the press.

Shri Goenka: May I ask one thing?

Mr. Deputy-Speaker: The hon. Minister does not give way.

Shri Goenka: He has given way.

Shri Rajagopalachari: If you advice Sir, that I should not allow such a thing, I shall not allow the hon. Member to interrupt. But I do not think that there will be anything new; the thing has been discussed threadbare. That is only a trick of the law courts to say

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something which may remain in the minds of the jury at the last moment.

Shri Goenka: That is a trick which the Home Minister knows...

Shri Rajagopalachari: Recently my young friends have learnt it also.

Mr. Goenka alluded to an abstract and big disquisition of a Deputy to the French Assembly and he has read it to the House and he gave the date. I need not repeat the date. It is certainly very old and may be classic but it is an abstract disquisition of a Deputy in the Parliament there and a very pale reflection of Rousseau and Voltaire. Is that any guide in the affairs of our country here? And that was a speech made when some security law there was to be repealed. What was that security law? God alone knows and if it had been here probably it would have been repealed twenty years ago. When that law was repealed in France, a certain Deputy made a speech. It is exactly as if Mr. Goenka's speech in this Assembly with reference to the repeal of the Act of 1931 is to be read by somebody afterwards as laying down the philosophy of law and statesmanship..... It is absurd to quote a thing like that.

Shri Goenka: May I know if any security measures exist in any part of the world?

Shri Rajagopalachari: I say that in those places the organization of the press is sufficiently strong to maintain the standard. Here it has been proved and may I say, it has been confessed by the members of the A.I.N.E.C. that they have not been able to do it and the position here is different. I was surprised when my hon. friend read from Dicey and showed to the House that there were so many laws in England strictly governing the activities of the press. I admit I did not know it.

Shri Goenka: You can quote the other way round.

Shri Rajagopalachari: There are many pages in Dicey but those pages that refer to actual statutes are positive and binding. It does not matter what views he may express in other papers.

Shri Deshbandhu Gupta: May I interrupt the hon. Minister?

Shri Rajagopalachari: No, Sir. Then we come to the definition of the word 'tend'. Much has been said about the word 'tend'. I like English words and I like the history of English words

but I do not think that all hon. Members will share my taste in that matter. What is the root of 'intend' and what is the root of the word 'tend'? They are both the same words. What is the difference? You could ask me and I will tell you immediately. What are we dealing with in this Bill? Are we dealing with Mr. Goenka or a prosecution against him? No. Are we dealing with Mr. Deshbandhu Gupta and charging him with an offence? No. We are dealing with the words. What the law provides for is the character of the words that would come under the law. Words do not intend anything. Words do something else. The quality and the meaning of the words must be taken into account. The meaning of the word and the manner in which it is expressed can be all examined when we are dealing with an enquiry under this law. These are the things that must be explained and understood. We can say the word 'tend' to produce such and such a result. Can we say the word 'intend' something? Therefore, I have used the word 'tend' here. I am not an obstructionist. If hon. Members have a better word to describe the idea, the connotation or the meanings of the words, I am prepared to accept it. I thought the word 'tend' was a simple word which could meet the situation. My hon. friend, Mr. Kamath by a wave of his brain suggested that we may put down "calculated to". Mr. Deputy-Speaker, if you will kindly permit me to say I shall say what happened in the Select Committee. I accepted the words "are calculated to" and I thought it was all right. Then I thought over it when I went home. I frankly discussed the matter with the Members of the Select Committee the next day. I said I had consulted the Dictionary and the words "are calculated to" have two different meanings in the English language. One involved deliberate intention and the other was aptness and suitability to produce an effect. That is an ambiguity that cannot be allowed in the law and as we were not dealing with men and their intentions but only dealing with words, I said I must make the matter clear. I said that I had no objection to alter the words and say "are calculated to". I must make it clear by an explanation that when we make a law to inquire into the subject matter of an objectionable matter, we should judge it by the effect of the words and not go into the intention of the writer, but that was not accepted. Hon. Members belonging to the profession of the press who sat in the Select Committee were all consulted on that explanation. They

all preferred the older phrase to the new version and I said: "All right; have it." But that is not the last word on the subject. If we can find any other phrase, let us have it. I myself may be able to suggest a change of words in that matter. Hon. Members also would be free to suggest. All that I want, I have made clear. I want that the words should not convey any incitement to these crimes. If words are to be judged, we must only judge from the meaning of the words. Find any suitable phrase. I have no objection to take it. I will make it quite clear in the explanation that it is not the intention of the man concerned or the writer that has to be taken into account, but the meaning and effect of the words. I ask hon. Members to consider this. Suppose we make a law that poison should not be sold. Do we go into the intention of the man that bottles the poison? Is the poison dangerous or not? We have to enquire into that. We do not enquire into the intention of the man whether he really wanted to cure the people, when he bottled the poison. There is no question of intention involved. Dissemination of poison should be controlled, whatever the intention of the man who bottled it was. Doctors and newspapers bottle poison, I say, sometimes. It is that poison that matters and not the intention of the man.

Then, Mr. Goenka said that if this Bill becomes law, it will terrify the people and that it will create fear. And, instead of quoting from the *Gita*, he was quoting from some other text saying that it will finally lead to hatred and this and that. True. I want to ask the hon. Members who belong to the profession of the press one question. This Act of 1931 has been in operation from 1931 till today. During the last four years, as I described, it has been put up the tree like the weapons of the *Pandavas*. Before that, it was in operation. During these 20 years from 1931 up till recently, history does not show to my mind that there was terror or deterioration in the press. The press has not been servile. During the last four years also, which is relevant, before the Constitution Amendment came and discussion started, did that create terror and hatred and was not the press able to act properly in spite of that law? That is an imaginary argument. I do not think placing this Bill on the Statute Book will create any terror in the minds of anybody. On the contrary, it may create a lot of skilfully written articles, satire, ridicule and all that put together against me. It will not create any terror; nothing of the kind. The press will go on merrily.

Another question has been asked. Why has not obscenity or scurrility, if it is true, been proceeded against? Mr. Goenka argued that political favouritism will play its part if this obscenity law is introduced. I say no, definitely. Would Parliament tolerate political favouritism in prosecution for obscenity? Would any Member of Parliament keep quiet and not put down not two or three but twenty questions if any such thing happened? Is it possible under the present system of Government for political favouritism to play any part? This is an obsession.

Shri Goenka: Is there not already a law for obscenity? How many prosecutions have been made?

Shri Rajagopalachari: I have dealt with it and I will deal with it again. No gentleman or lady against whom the things that I read were written would care to go to a court and put herself in the box and say, I did not sleep with such and such a man. She would rather pay what this fellow wanted and get rid of the trouble. I want to prosecute that man not the lady. I feel—if there is obscenity, he must be prosecuted. I say that it is not possible. It is not worth while for a man to prosecute a particular case. Nobody bothers about it. I want to tell the editor that he cannot go on with his paper if he writes like this. It is not for that one case; I will watch ten cases. If I see him systematically going on like this, then I prosecute him. I am not satisfied with three charges for a joint trial in a single case. I am going to tell him that he must close down his press if he goes on. That is the force that I wish to employ on the papers. Difficulties in individual prosecutions are obvious to any one. No individual wishes to take up the unpleasant task and put himself at the mercy of the courts, and these slanderers themselves, who will report the proceedings of the court over and over again in their papers. I do not want to place these unfortunate people who are victimised in that position.

Mr. Goenka asked finally in his speech the other day, "Do you think the Press has gone mad? Why are they all against you? Why are they doing this?" That was a question which he was entitled to put. I must confess that it worried me a great deal. Why are they doing this? Is it worth while for me to carry on like this? I analysed the position as far as I could do. I could see that it was an obsession that was working in their minds. I could see that it was a frustration of their

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hopes. They had hoped that everything would be repealed and everything would be all right. That could have been done if only a few of these good papers were the only papers in the land. And I would have been content, like the American law or the British law, with things as they stood. But, that is not the case with our land. We have got the communal question; we have got the Communists and other troubles; we have to deal with matters of all kinds. These gentlemen have an obsession that the old executive Government is still there, that any law is a dangerous thing and therefore you must resist it. Somebody told them the slogan—I am sorry to use that language; I speak only the common language; I do not wish to waste the time of the House by searching for the proper words—somebody has told them that there should be no distinction between the laws for an individual and the laws for the press and that the law must be the same. That has been made into a slogan and into a psychological complex. They had hoped for something; they have not got it. They are combined; there is the organisation. An attempt was slightly made in that organisation to express some difference of opinion. Immediately it resulted in the thrashing of the moderate Members by the extreme Members. Then, they all combined together and the same story is repeated over and over again. I can understand it. But, yet, I asked myself the question. As a personal matter, I hope the House will forgive me if I indulge in a little loud thinking. I asked myself this: why should I bring up this law; why should I not let the law remain as it is: why not the next Parliament deal with it? There is nothing lost. I can go away with popularity in my pocket. Why should I do this now? Now would this have been right? I made a promise to the House that I would bring a Bill dealing with this subject. I could not go away without bringing this Bill. I have to fulfil that promise and I do my duty as I perceive it. If I had not introduced this Bill, I could have been rightly charged with a breach of promise by Mr. Goenka and Mr. Deshbandhu Gupta, because I said in so many words that I would bring in a law. Of course, it was open to me to simply repeal the old laws and leave everything in chaos and go. Why not I do that? I could not have satisfied my own conscience if I did that for the sake of going away in peace and with popularity.

I was prepared and I may say now to hon. Members that I am even now

prepared to make any reasonable changes. Yet, I know, I am sorry to have to say that, I know that whatever changes I make here with the consent of the House, all of them agreeing, even then, the press will with one voice say, this is no good; we must have no separate laws; there should be no difference in the laws for us and the laws for individuals. Having taken this up as a slogan, they will not change. They will ridicule every amendment and go back to that old slogan, "Leave the press to the Indian Penal Code", which is not possible.

There are two courses open to Parliament now: one is to drop the Bill if they so like. I have done my duty. You may drop the Bill and leave the law in the chaotic condition in which it remains. That is not my advice, I would not advise Parliament to drop the Bill. I would ask the Parliament to pass it and wait for some time to see if the press will set up its own council to prevent and punish abuse and ask for statutory authority to that end. As soon as they ask for it, I would, wherever I may be, advise the Government to accept it and to give that statutory authority to that council and drop the Bill: not till then.

Mr. Goenka thought it fit to pay some compliment to me of a personal character. It is very good of him to recognise and testify to my rectitude. I think, Sir, it is easy enough for a man to be honest. It is not anything of which one need be very proud; nor need one be flattered much if someone testifies that you have not told lies. That is all that was in his compliment. But, he made that a background for making a charge against me: in order to make out that I did not believe in democracy and that I believed in dictatorship. That is his parting gift to me when I leave this House. He says that I believe in dictatorship. I shall explain that to my own satisfaction and for the satisfaction of the House. Mr. Goenka probably does not realise my point. In my view democracy will fail unless it is based on leadership, and restraint and non-violence. And that is what this Bill wants. It does not want anything else. I may tell Mr. Goenka that democracy does not mean the constant hunger for popularity or the constant fear on the part of Parliament

Members or Ministers of unpopularity. Democracy should not be equated with the craze for popularity. We should have leaders who lead, and not leaders who look for popularity. I have often insisted on this in private as well as in public. I have often insisted on the need for moral leadership. It is this which might have misled some people like Mr. Goenka to think that I am a believer in dictatorship. Moral leadership is essential for democracy. Moral leadership as distinguished from playing to the gallery is not dictatorship, but the true and stable foundation of democracy.

I wish Members of Parliament once elected looked only to what was right as against what was wrong, to what was good for the country as against what was not good for the country and not to what was popular or not popular. To confirm a just man in his actions, he does not require the good opinion of other men. One must arrive at his decisions as though they were not subject to the comment of other men, as though no one were watching. *As though*. Let this qualification be remembered. Yet politicians in democracy must play extreme deference to others and to the intelligentsia around them. It is necessary for the technique of democracy. A man cannot successfully do this unless he is free of that hunger for esteem which he must claim he is subject to. This is the basic hypocrisy of politics, so wrote an eminent writer. I cannot compose words like this. To conform to this moral basis we must act on the voice of our conscience, and get esteem and approbation if they come, not do things to gain that approbation. The triumph of the leader of democracy comes just when the people suspect that their leader is indifferent to their approval. Has not our Prime Minister spoken on communal matters, on social reforms and on so many other things of the greatest importance, on this firm moral basis, discarding what others may do and say in the opposite and easy direction? Let no one mistake the battle between right and wrong which must be fought in one's own breast as a battle for dictatorship.

Mr. Deputy-Speaker: The question is:

"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 motion was adopted

Clause 2.—(Definitions)

Mr. Deputy-Speaker: Now, with reference to clause 2 of the Bill, I find there are some amendments standing in the name of Shri Naziruddin Ahmad.

Shri Naziruddin Ahmad: Sir, some of them are formal ones.

Mr. Deputy-Speaker: Those can then be left to the draftsmen for being looked into and necessary verbal changes in the clauses effected.

Shri Naziruddin Ahmad: It is no use leaving it to the draftsmen in that way, unless there is some direction given to them from the House.

Mr. Deputy-Speaker: The draftsmen are not copyists. They may differ from some suggestions. But they will look into them and do what is necessary.

Shri Naziruddin Ahmad: I press amendment No. 23 where I have suggested "competent authority" to be substituted by the words "authorised officer".

Shri Rajagopalachari: I am afraid I cannot accept the suggestion, Sir. It is not as if any officer will be authorised to file this complaint. The intention of the Government is that the Act should be worked in a particular way and Government must fix the persons who can file complaints. Anybody and everybody cannot be authorised to do that. It must be the competent authority that must do it. An officer does not file the complaint because he is that officer, but he must be authorised for this purpose. He should be authorised by Government to do this. The policy of the Government must be decided with regard to this matter and then a certain authority should be established for filing the complaints. And so this change would not be right.

Shri R. K. Chaudhuri: Or we may have words to the effect that an officer not below the rank of Secretary to Government or some such words.

Shri Rajagopalachari: That I can understand, but he has no discretion. He is only doing this on behalf of the Government. Therefore, I think the wording may be left as it is.

Shri Naziruddin Ahmad: As with regard to many other words they should be started with capital letters.

Shri Rajagopalachari: Sir, I may say here that I agree once and for all that wherever necessary I agree to the capital letters being used. I also

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agree to using the same word at all places, that is to say, where we have the word 'court' at one place and then the word 'judge' and so on, referring to the same thing, there should be only one and the same word. We shall have the words "session judge" at all the places. To this also I agree once and for all.

Mr. Deputy-Speaker: And so the hon. Member Shri Naziruddin Ahmad does not press any of his amendments. Any other amendments by any other hon. Member?

Pandit Thakur Das Bhargava: Sir, I press my amendments Nos. 112 and 113.

Shri Rajagopalachari: Amendment No. 113 wants the addition of the words "or a part of it" after the words "a printing press". We have provided for this in the body of the Bill and I wonder if it is necessary to put it in the definition.

Pandit Thakur Das Bhargava: Sir, it is necessary.

Shri Sonavane (Bombay): Sir, the clause has not been placed before the House.

Mr. Deputy-Speaker: I have called it out. Probably the hon. Member was not present in the House, then.

Pandit Thakur Das Bhargava: Of course in the body of the Bill the words "part of it" are used. The forfeiting authority may forfeit the whole press or part of it. Suppose it is a big press printing matter in several languages, for instance that it has a Urdu section, an English section, a Hindi one and so on. There the objectionable matter may be published from one part of the press and that part may be proceeded against or forfeited. But suppose.....

Shri Rajagopalachari: It is a small matter and we can settle it by a little discussion. Now in (g) we have stated that "press means a printing press, and includes all plant, machinery etc." It really makes no change if we add the words "or a part of it". Actually it may either be confusing or ambiguous. I do not think there is any need for the change suggested.

Mr. Deputy-Speaker: And will it not actually lead to complication if we add the words? You say press means the press and also part of a press.

Pandit Thakur Das Bhargava: I will give an example. In a big press they publish matter in different languages, in Urdu, English, Hindi and so on. If only one part of the press which has published objectionable matter in a particular language.....

Shri Rajagopalachari: To avoid further time being taken up, I may say that I am not able to accept this amendment. We may decide it now and devote time to more important matters.

Pandit Thakur Das Bhargava: Am I allowed to move my amendment?

Mr. Deputy-Speaker: Certainly. These are only preliminary remarks to ascertain if the amendment is acceptable or not. If the hon. Member wants to press his amendment, he is entitled to move it.

Pandit Thakur Das Bhargava: I would like to move amendments Nos. 112 and 113.

Shri Goenka: I would like to move Nos. 190, 191, 193 and 194.

Shri A. C. Guha: I want to move No. 192.

Mr. Deputy-Speaker: Does the hon. Minister proposed to accept any of them?

Shri Rajagopalachari: I accept none.

Mr. Deputy-Speaker: I have arranged the amendments in their proper sequence and they are placed before the House for discussion. The amendments are: 112, 190, 191, 192, 113, 193, and 194. This will be the order in which they will be taken up and put to the vote of the House.

Pandit Thakur Das Bhargava: I beg to move:

In part (a) for "every" substitute "a".

The meaning is not affected by the change and at the same time it is in keeping with the real purpose of this definition. I do not know the real significance of the word "every" when the word "a" would do.

Sir, I also beg to move:

In part (g) after "a printing press" insert "or a part of it".

Sir, I can think of a press which is separable from its parts. It may be publishing in English, Urdu, Hindi or other languages. Supposing some objectionable matter is printed in a pamphlet in a particular language, only

that part of the press, which is separable, should be proceeded against normally. A press may consist of hundreds of machines and I can understand that only that part which offends may be forfeited. That may be enough to meet the ends of justice. Supposing the entire press is forfeited and a part of it is allowed to be released, that would not meet the ends of justice. If the words "or a part of it" are put in here we will be doing justice and the Judge could see that in fit cases a part of such part of the press as is not used for the production of objectionable matter is not forfeited. That part of the press only will be the then one in respect of which the notice is issued and only a part of that part may be forfeited.

Shri Naziruddin Ahmad: Sir, amendment No. 113 gives the discretion to the sessions judge to take action against a part of the press and the reason is that the whole of a printing press may not be forfeited but it would compel the judge not to forfeit the whole press, when only a part of it will be quite enough. The amendment should be accepted. It should leave the discretion in a competent officer and it would never be misused and cases of hardship may be prevented.

Shri Rajagopalachari: In places in the Bill where press forfeiture action is referred to we have by substantial amendment put in "part of a press" throughout, so that the discretion is provided for in the substantive clauses throughout by agreement in the Select Committee. To introduce again the words "part of a press" in a definition would create more difficulty and confusion than clarification.

Pandit Thakur Das Bhargava: It would have been more kind of him to have answered my humble argument. He has started with the assumption that he had used the words 'part of a press' in other sections. Take the case of a composite press which publishes, in English, Urdu, Hindi, etc. Out of that big press only a part of it is one for which notice is issued and only a part of that press may be forfeited.

Shri Rajagopalachari: It is an admitted fact that discretion is given to the judge. There is no dispute about it. The question whether the purpose mentioned by the Member would be served by putting in a definition "a part of the press" or by giving discretion to the judge in the substantive clause. The latter has been done.

press. The amendment will not serve the purpose. The substantive clause is the important thing.

Mr. Deputy-Speaker: The question is:

In part (a) for 'every' substitute 'a'.
The motion was negated.

Mr. Deputy Speaker: The question is:

In part (g), after "a printing press" insert "or a part of it".

The motion was negated.

Shri A. C. Guha: I beg to move:

In part (e), for "or" substitute "and".

There are monthly and other periodicals which do not contain news but may contain comments in a general way on the news. They should not come under the purview of the definition of newspapers. A newspaper must contain news and comments, if necessary. Most of the monthly periodicals do not publish news but contain comments on news. They should not come under the definition of newspapers but may come under the definition of documents or books. I hope that the hon. Minister will see that monthly magazines do not come within the purview of the definition of newspapers.

Mr. Deputy-Speaker: But I suppose it is intended to bring magazines also under the purview of the Act.

Shri A. C. Guha: They will come under the definition of books and also documents will cover monthly magazines. They are not newspapers.

Shri Naziruddin Ahmad: This point is covered by previous precedent. The Government draft is correct. This Bill is cognate to the Press Registration Act and in section I of that Act a newspaper is defined as follows:

"Newspaper" means any printed periodical work containing public news or comments on public news."

This is the accepted definition.

Shri A. C. Guha: That I know but that definition is only for the purpose of registration. The definition given here is for the purpose of this Act.

Shri Rajagopalachari: I think the position will not be improved by putting in "and". As a matter of fact, most newspapers, we know, contain public news as well as comments, but it is not a necessary rule that newspapers should deal both with

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papers in England, for instance, which carry only news, and there are many papers which contain only comments. For instances an ordinary periodical which daily gives comments on public news which are very important, and no news at all, would be a journal and not a newspaper. And even if you put in the word "and", every court would consider the word as distributive in this case. There is no use putting in that word here.

Shri A. C. Guha: I would ask for leave to withdraw my amendment, Sir.

Mr. Deputy-Speaker: Has the hon. Member leave of the House to withdraw his amendment?

The amendment was, by leave, withdrawn.

Shri Goenka: I beg to move:

In part (a),

(i) omit "pamphlet and leaflet"; and

(ii) omit "and every sheet of music, map, chart or plan separately printed, lithographed or otherwise mechanically produced".

The result of this amendment would be that "book" will carry its natural meaning, namely every volume, part or division of a volume, pamphlet and leaflet in any language. The word should carry its natural meaning and not some meaning which is given in this sub-clause. According to the present definition, "book" also means—

"every sheet of music, map, chart or plan separately printed, lithographed or otherwise mechanically produced".

This is not the natural meaning of the word "book", and in fact, from what the hon. Minister has said, I do not think "every sheet of music, map, chart or plan" is the subject-matter over which we are going to legislate. Therefore, I would suggest that these words be omitted and "book" allowed to carry its natural meaning.

Shri Rajagopalachari: The reason for this is that the Bill takes into account all words—we have to deal with written signs, visible representations, etc. But when we deal with the concrete substances we divide the whole thing into books, newspapers and news-sheets. There is no separate class for leaflets or pamphlets, there is no separate definition for it either. Books certainly include

pamphlets and leaflets. Therefore, so far as the first part of his amendment goes, I submit it is obvious that pamphlets and leaflets cannot be omitted. Pamphlets and leaflets very often contain more mischief than big books.

With regard to "music, map, chart or plan" etc., this is a copy of the old Act and I did not think it worthwhile to change any word. The purpose is that songs and things like that should also be included because they are much more efficacious; song goes by word of mouth and once it is sung the rhythm of it carries the mischief along with it. Since every word or visible representation has to be covered and we have to describe the kind of things that are contained in them, that has been put in. I have no objection to remove any useless word—for instance, one might omit the word "chart" or the word "plan", but that makes no difference. If there is some advantage in retaining the old phraseology let us do so.

Shri Goenka: All that I wanted to say was that the 1931 Act should not be our Bible. Let us think for ourselves and not follow it.

Shri Rajagopalachari: A map can be a very dangerous document, not for the purpose we have in mind but for certain other purposes which I need not describe. Similarly, a chart may be very important. Music would include songs and the words in them may be very important; they may say, "This is not a newspaper, this is not a news-sheet, this is not a book", and the argument would be finished.

Shri Goenka: A separate sub-clause should have been provided for things which were not "books". The meaning of the word "book" is really vitiated by the introduction of these things in the same sub-clause.

Shri Rajagopalachari: Otherwise we would have to say everywhere, "books and maps and charts".

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

Shri Goenka: I do not press that amendment but I will move another.

I beg to move:

Omit part (d).

The word "document" occurs in clause 13(2) where it says *inter alia*—

"and such police officer may seize any documents found in such place which in his opinion are unauthorised newspapers or

Are they going to seize unauthorised newspapers or news-sheets or any document? And what is a document? In part (d) it is described as—

“document” includes also any painting, drawing or photograph or other visible representation’.

Shri Rajagopalachari: May I ask the hon. Member to consider whether unauthorised things should include cartoons and things like that?

Shri Goenka: When you described “document” here as—

“includes also any painting, drawing or photograph or other visible representation”.....

Shri Rajagopalachari: *Includes.*

Shri Goenka: The objection taken is to a newspaper or a news-sheet which is unauthorised. By the omission of this word what I want to prevent is the seizure by the police of anything from the newspaper which he finds and which he says is objectionable. There must be some limit to seizure in a newspaper office. Therefore, if we drop part (d) and define the word “document” as covering newspapers, news-sheets or books, and if they are unauthorised then certainly they can be taken away by the police officer. But, for the police officer to go at random and seize any paper is not correct.

Maulana Azad: Not anything, but cartoons, pictures, etc.

Shri Goenka: The words here are ‘anything which in his opinion is unauthorised’.

Shri Rajagopalachari: That is true, but there are two aspects here. If the objection is to the power being given to the police officer under clause 13, we shall look into that when we come to that clause. But if the objection is to the definition, then I may explain that if we have to seize papers and if we authorise anybody to seize unauthorised documents in connection with various matters, we cannot exclude cartoons and pictures associated with them, if they are there. The definition cannot exclude them. For instance, in every newspaper there is a certain amount of pictures and photographs that is included.

Shri Shiva Rao (Madras): The word ‘document’ does not stand by itself in clause 13. The seizure of any document is conditioned by something else, i.e. documents which ‘in his opinion are unauthorised newspapers or news-sheets’ and if you look

at the definition of ‘unauthorised newspaper’ you will find that it must be one in respect of which security has been demanded and has not been furnished. Therefore, I think it is sufficiently guarded. I think we need not raise any objection.

Shri Goenka: I beg to withdraw this amendment.

The amendment was, by leave, withdrawn.

Shri Goenka: I beg to move:

Omit part (j) (i).

Since I am generally objecting to the demand of security, I want this to be omitted. If this is dropped, the question of security would not arise.

Shri Rajagopalachari: It is an expression of the general objection in particular.

Mr. Deputy-Speaker: The question is:

Omit part (j) (i).

The motion was negatived.

Shri Goenka: I beg to move:

Omit part (k).

For the same reason as in respect of my previous amendment I move this.

Mr. Deputy-Speaker: The question is:

Omit part (k).

The motion was negatived.

Mr. Deputy-Speaker: The question is:

“That clause 2 stand part of the Bill.”

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3.—(Objectionable matter defined).

Shri Rajagopalachari: May I suggest for your consideration that it would be easier for hon. Members if you take the parts one by one. The first three lines which will apply to all the parts may be taken up last.

Mr. Deputy-Speaker: Very well. I shall take the parts first and the amendments thereon, and at the end, come to the preamble. We shall take up part (i) first. I think in view of the present arrangement amendment No. 195 will stand over till the end, because the preamble will be taken up only later.

Shri Shiva Rao: I beg to move:

In part (i), omit 'or tend to incite or encourage'.

Shri Goenka: Then I should like to move No. 198.

Mr. Deputy-Speaker: What about amendment No. 6 by Shri Shiva Rao?

Shri Shiva Rao: I thought the Home Minister suggested that you will take the preamble after the parts have been disposed of.

Mr. Deputy-Speaker: But does it relate to the preamble?

Shri Rajagopalachari: I think, Sir, that we must consider the procedure a little but more carefully. Perhaps, if we take parts (i), (ii) and (iii), then it would be all right, but amendments with reference to words like 'tend' or omission of such words are in a very connected with the preamble. Perhaps, it would be good if I first explained what I would like to do myself in view of the various comments made, and if this is disposed of first it will make it easier afterwards to deal with the amendments. Personally, as I explained now as well as before the Select Committee, if it is made clear through an explanation that in judging whether a particular matter is objectionable under this Act the likely effect of the words, signs and visible representations and not the intention of the writer shall be taken into consideration, then I do not mind removing all these words 'tend' etc. I think we may merely substitute 'are likely to' for the present words and that will cover all the parts. If I am able to get the support of the House and all those who have moved amendments to this explanation being added, then matters would be easy. I have got the amendment here in proper form and I think I have given notice of it also, May I read it? It reads thus:

"In judging whether any matter is objectionable matter under this Act, the likely effect of words, signs and visible representations and not the intention of the writer shall be taken into account."

Shri Naziruddin Ahmad: It makes no real change.

Shri Rajagopalachari: May be so. If this is accepted, then it will be easier to deal with the rest of the clause. If the explanation is either accepted or rejected, then either it would be necessary to have or not to have so many other words that are

there at present. I myself move that this explanation be added as my amendment. This explanation has to be added as an additional explanation, and in fact I would like it to be numbered as Explanation No. 1, and put above the other explanation.

Mr. Deputy-Speaker: If this is accepted, what would be the effect? Would not something have to be omitted?

Shri Rajagopalachari: If this is accepted, then it will become unnecessary to move for the exclusion or inclusion of the other words 'tend to' etc., because I will substitute for the present preamble something like the following: '...words, signs, or visible representations which are likely to' and then the colon will come. All the other words 'tend to or encourage' etc. would be omitted. For instance, by applying my amendment, part (i) will read like this:

"In this Act, the expression 'objectionable matter' means;

(i) any words, signs or visible representations which are likely to incite or encourage any person to resort to violence or sabotage....."

and the words 'incite or tend to incite' will be omitted.

Pandit Kunzru: May we have a copy of the amendment?

Pandit Thakur Das Bhargava: We are not following the proceedings. What is the Home Minister's suggestion?

5 P.M.

Mr. Deputy-Speaker: The hon. Minister wants an explanation to be added at the end, and the words 'tend to' etc. to be omitted in the preamble, that is to say, in the preamble after the words 'visible representations which' he wishes to insert the words 'are likely to'. The words "incite or encourage" will be there; the words "tend to incite or encourage" will be dropped. At the end the following explanation will be added as explanation 1 or 2:

"In judging whether any matter is objectionable matter under this Act, the effect of words, signs and visible representations and not the intention of the writer shall be taken into account."

I shall take the following amendments as having been moved by the hon. the Home Minister:

(i) In the preamble to clause 3, after "visible representations which" add "are likely to".

(ii) Add the following as explanation No. 2 and number the existing explanation as explanation No. 1:

"Explanation 2.—In judging whether any matter is objectionable matter under this Act, the effect of words, signs and visible representations and not the intention of the writer shall be taken into account."

(iii) Omit "or tend to incite or encourage" in parts (i) and (ii).

Of course any consequential changes that might be found necessary in the other parts will be made.

Hon. members will now consider which amendments of which they have given notice may be pressed.

Pandit Kunzru: May I suggest, Sir, that this particular amendment may be taken up tomorrow.

Shri Deshbandhu Gupta: I take it that the omission of the words "or tend to incite or encourage" applies only to parts (i) and (ii) and we are free to make our suggestions when the other parts come up.

Shri Rajagopalachari: There need be no commitment either on my part or on the part of hon. Members with regard to other parts.

Shri R. K. Chaudhuri: In list No. 6, I have certain amendments to this clause. Will you allow me to move them?

Pandit Kunzru: May I again suggest that the amendment just now suggested by the hon. the Home Minister may be taken up tomorrow? We should be given some time to think over the amendment proposed by him.

Shri Rajagopalachari: May I appeal to Pandit Kunzru not to press for this, because this is a very essential first step to dispose of so many minor amendments here. If we postpone its consideration now what are we to do with the rest of them? This is a very simple amendment. In fact, I mentioned it in the Select Committee.

Pandit Thakur Das Bhargava: Sir, I suggest that all the amendments of which notice has been given may be allowed to be moved now. While making our speeches we will keep in mind Rajaji's amendment. Ultimately if Rajaji's amendment is carried, our amendments will be modified or withdrawn accordingly.

Shri Rajagopalachari: If we concentrate on my amendment and dispose of it, it will be a good preliminary step. Hon. Members and I will be able to say whether any particular amendment is good, bad or indifferent. If this is disposed of it will dispose of the other amendments. Otherwise, supposing some amendment is unnecessarily rejected, or unnecessarily accepted. It will create confusion.

Mr. Deputy-Speaker: It is now 5-10. We are going to sit till 6-30. If hon. Members cannot make up their mind with regard to this amendment, why can we not go to clause 4, and keep this clause in abeyance.

Shri Rajagopalachari: I have already got four sheets of these amendments. It will only go on increasing. With great respect I wish to present this for your consideration. The whole of the Bill, so far as the other clauses go, is one of execution and procedure. The substance of the Bill is in clause 3 and all our attention should be concentrated on this before we proceed further. Then hon. Members will know what the Bill is and what the procedure is for. I have read out what I would like to agree to after considering all the various speeches and amendments proposed so far. If you have before you these various amendments to clause 3 proposed by hon. Members as well as the last amendment which I have proposed, it is for you to consider the order, namely the disposal of which amendment will lead to the best disposal of the rest of the amendments. In my humble opinion this explanation is the key to the situation, and if it is either accepted or not accepted then the verbal changes may follow. If we deal first with the verbal changes proposed by Mr. Naziruddin Ahmad, Mr. Shiva Rao and so on, they are all matters which may become unnecessary if the 'explanation' is accepted.

Shri Goenka: May I submit that this is the most controversial clause in the whole Bill? I think if it is put off till tomorrow it would be better for this reason. As far as this clause 3 is concerned, what do we find? The question there is whether the writer's intention should be taken into account or should not be taken into account. That is the main question, whether you put the words "tend to" or "calculated to". All this has been brought in for the purpose of not penalising the intention of the person but what I call the inner corruption of the intention of a person.

Shri Rajagopalachari: It is simple. The question is whether we consider as matter for enquiry the intention or the words. That is all. Not "inner corruption", thought-reading and all that.

Shri Goenka: Unless the intention is proved, is there a criminal action. In criminal action the intention is the real crux of the matter.

Shri Rajagopalachari: It is only another *avatar* of the same idea that the normal law against individuals should prevail.

Pandit Kunzru: May I suggest, Sir, that the decision that you have already announced should be adhered to?

Mr. Deputy-Speaker: I have merely given a suggestion to the hon. Minister to consider.

Pandit Kunzru: I think that is a sound suggestion.

Mr. Deputy-Speaker: The main point is that "tend to" is replaced in various places by an 'explanation'. The contention seems to be on the one side that the language used, irrespective of what the intention is—whether it carries out a particular intention or not—if it is objectionable, that alone is enough. The other side namely the amendments, want to go further and dive into the intention and say that unless the intention is there, whatever the words may be, if the intention is otherwise the person ought not to be prosecuted. This is a matter of substance. Instead of "tend to" in various clauses the hon. Minister has bracketed the whole thing as an 'explanation'. It is for the House to consider the matter in view of this difference. I do not know whether it is useful to allow the matter to stand over.

Shri Rajagopalachari: There is no advantage in allowing it to stand over. As you have very correctly said, this is the issue to be decided by the House. There is no new matter coming up. All the general discussion has been concentrated on that. Let it be decided. Then I will be able to withdraw not only those words but I can clarify clause 3 and reduce it to the minimum. The whole attitude with regard to the various other clauses depends upon clause 3. If hon. Members will decide this question of intention or words, then everything will be simple. There is no new matter coming in in respect of that issue. We have discussed it thoroughly.

Pandit Thakur Das Bhargava: The discussion will be further facilitated if Rajaji is pleased to announce to the House what further things he proposes to do—if he wants to take away some of these parts, (v), (vi) or (viii) etc. That will be much better. Then we will know the position.

Prof. Ranga (Madras): Quite right.

Shri Rajagopalachari: If the suggestion had come from any Member of the press I would have called it a bargain. I cannot say so with respect to the hon. Member. The 'explanation' is the main issue. Let it be voted upon. The question of what further things are proposed to be dropped from the other clauses is a matter of bargain if it is brought in now. If we proceeded and went on I am going to remove large parts of (iii), the whole of (v) and so on. But I cannot say, in order to get a vote for the 'explanation', that I am removing some other thing. It is not nice.

Mr. Deputy-Speaker: I understand. It is not as if there is any question of bargaining. As I understand, the question is in view of the 'explanation' how far that covers only parts (i) and (ii) or how far the 'explanation' will affect the other parts also, so that if there is a general kind of give and take on this matter, possibly the hon. Members may come to a conclusion.

Pandit Thakur Das Bhargava: There is another point of fundamental importance which has not been considered by Rajaji. With your permission I want to say something about it. As a matter of fact Rajaji has been pleased to say.....

Shri Rajagopalachari: I hope you will forgive me; I used the word 'bargaining'.....

Several Hon. Members: There is no misunderstanding.

Shri Rajagopalachari: The point is it is not, as you put it, that the 'explanation' has any bearing on it. If that were so I would have readily accepted the position. It has a bearing on (i) and (ii), obviously, and as you said, some other words will have to be consequentially changed. That is so far as the bearing goes. What I had in mind was, that if we proceed with clause 3, hon. Members will know what other proposals I make with respect to clause 3. But it has no connection with the 'explanation'.

Mr. Deputy-Speaker: This is clear, that if we accept the 'explanation' it will immediately and obviously apply to (i) and (ii) because the very words are used, and consequential changes in view of the 'explanation' will be made in the other clauses. As to what is to be retained and what is not to be retained will only be clear as we proceed with the discussion. Therefore the discussion will now proceed on this 'explanation'.

Shri Deshbandhu Gupta: May I submit, Sir, that unless the House has a complete picture before it as to what the intention of the Government is with regard to the rest of the parts, it will not be competent to discuss by itself parts (i) and (ii) with the 'explanation'. Therefore I suggest that whatever decision the hon. the Home Minister has taken with regard to parts (iii), (iv), (v) and (vi) etc. let him not proceed on the presumption that this 'explanation' is accepted by the House or not. The effort should be to persuade the House to accept what he has to say with regard to the other parts in the light of the 'explanation'. Therefore let all the amendments with regard to the different parts be proposed if Government has any more amendments to propose, so that the House will know the position. Then there will be a real discussion and we will be able to amend it further tomorrow because it is the main clause.

Shri Goenka: May I submit for your consideration that this 'explanation' applies to the whole of 'objectionable matter' and not only to parts (i) and (ii)? Therefore we would like to know what happens to (iii), (iv), (v), (vi), (vii) and (viii), because if this 'explanation' is accepted by the House it will apply to the whole of 'objectionable matter' namely (i) to (viii) and not only to (i) and (ii).

Mr. Deputy-Speaker: So far as the 'explanation' is concerned, on account of its general terms it applies to every part of clause 3. Directly and immediately we can eschew those words in (i) and (ii). Regarding the other parts it is equally in the interest of the Minister to see that the language is correspondingly adjusted in view of the 'explanation'. To that extent he is prepared to go, as I understand. But one sub-clause stands independently of another sub-clause. There is not that inter-relation or connection between them, except that all of them have been treated as 'objectionable matter'. Therefore in considering whether this 'explanation' ought to

supersede the words 'tend to' or not, the other parts need not stand in the way. They will be proceeded on their own merits. We shall proceed on that footing.

Pandit Thakur Das Bhargava: The rules require that all the amendments, whoever the Member seeking to amend may be, must be in the hands of hon. Members one or two days before the discussion. I cannot understand why piece-meal amendments are to be taken up. We must have the whole picture of what 'are likely or to calculate'. That is a very fundamental objection. My whole approach to this question is entirely different from that of other hon. Members. I want that only those offences which could be committed in respect of the right of liberty of speech can only be committed in respect of the right of expression. The majority of the offences are defined in the Indian Penal Code. When the likelihood of the effect produced constitute the offence the words which are likely may be accepted. Therefore, it would be absolutely necessary to see what is in the mind of the hon. Minister. I am not claiming this as a matter of concession. Every Member should have an idea of what the amendments are likely to be two or three days before. At this hour, you were pleased to waive the rules of procedure and I am quite content, because the hon. Member has given a very good amendment. Let us see what the reactions are. At the same time, I do not want to see the amendments piece-meal as I cannot possibly understand their effect with respect to the rest of the clauses.

Shri Rajagopalachari: Am I not receiving up to this minute amendments? Am I ignoring them? Now hon. Members cannot have less rights than other hon. Members. If every hon. Member can give an amendment up to now, I can also give an amendment and I have given today. Let me finish...

Pandit Thakur Das Bhargava: Amendments of hon. Members given on the same day are never accepted by the Chair unless the Home Minister agrees to them. That is the general rule.

Shri Rajagopalachari: It does not depend on the Home Minister. However, I am not standing in the way of amendments coming. I want to repeat a matter of substance. Government has to consider the amendments and to examine the position as to what results from these amendments, and if necessary, it has been the custom

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'from time immemorial, if I may say so, for Government to give an amendment which will remove difficulties. In that way I have presented this explanation. It is one solid thing for consideration. If the explanation is considered and accepted or rejected, I will be able at once to change all the phraseology and give the necessary effect. I can give it even in advance and the phraseology that will consequentially follow by adopting it, if the 'explanation' is accepted. As regards the substantial question if I change clause A, B, C or D, that has nothing to do with this 'explanation'. That is a matter of substance. If this 'explanation' is voted upon—it is a definite dispute as Mr. Goenka put it as to whether it should be an individual prosecution against a criminal person or it should have reference to the words. It has again taken us to the vicarious basis of this Act—and if that is decided, that would be the end of the position so far as that is concerned. Then I will omit the words 'tend to incite or encourage' in parts (i) and (ii); there is nothing to omit in (iii) and in part (iv) I will omit 'tend to' and in part (v) I will omit the words 'calculated to' and I will introduce a simple verb to join part (viii) to the rest. That is all that is to be done. The question is not of language but of substance, that the intention, as I claim it, should be ruled out here and only the meaning of the words should be taken into account.

Shri Naziruddin Ahmad: Very many changes remain to be effected. These amendments ignore certain other fundamental amendments, namely the deletion of the parts. Let them be disposed of now. They will be amended no doubt but let us take it up first—I mean the deletion of parts.

Shri Rajagopalachari: These parts may be deleted at any time.

Shri Naziruddin Ahmad: If the 'explanation' is accepted, the question of deletion would be...

Mr. Deputy-Speaker: If there is a single part which has the words 'tend to', this 'explanation' will apply. If the parts are omitted, the 'explanation' will also consequentially go. This is one of substance. There has been a long discussion from the outset and before reference to the Select Committee. The point is the mere intention of the person who writes; he may write one thing and

the words must speak for themselves. That is the intention of the framers of the Bill. The other contention is that you must further dive deep and see what the definition is irrespective of the language, that is used. That is the fundamental difference between one and the other view point. The 'explanation' that has been given only clarifies that instead of having the words 'tend to' occurring in various parts, an explanation is given. This will dispose of a number of amendments to various clauses. The intention of the rule is still there. Therefore, I will allow discussion on this matter. Let it go on. So far as the other motion to various clauses is concerned, some people may be under the impression that the communal matter must be omitted because there is a provision there. That is a different matter. That clause may stand or may not stand. The fate of all these amendments has been decided by the hon. Home Minister and the relevant discussion may go on.

Pandit Kunzru: Little time is needed in order to consider what is the law relating to the freedom of speech. Unless we know that, how are we to decide whether the suggestion made by the hon. Home Minister is enough. We should like to make a comparison between the provisions relating to the freedom of speech and the provisions relating to the freedom of expression. And then the question before us will be whether we should allow freedom of expression to be governed by more stringent rules than freedom of speech. Unless, therefore, we have more time, we cannot make up our minds with regard to this important matter.

Mr. Deputy-Speaker: The only point is that hon. Members may see these amendments and they want time to consider them. Except this, I see that there is no other point urged. The hon. Member says that some more time is necessary. This is the very matter which has been discussed from the very beginning when it was referred to the Select Committee. The hon. Member's view is that there ought to be no difference made between freedom of speech and freedom of expression, while others contend that there must be a difference made because if a person writes something it reaches millions of people at the same time. That is a fundamental difference. Let the House decide this matter one way or the other. Hon. Members can take part in the discussion. I have already

waived the rules in respect of notice in presenting these amendments. The explanation has been made clear. The debate can now proceed. As for the other amendments to the parts, I will consider if they are in order later.

Shri R. K. Chaudhuri: I have been trying to draw your attention to the fact that I have a specific amendment for the removal...

Mr. Deputy-Speaker: With regard to that, that is an independent clause. This one applies to all the cases.

Pandit Thakur Das Bhargava: With your permission I would like to illustrate my point...

Pandit Kunzru: Am I to take it that all the amendments relating to clause 3 are before the House or only the amendment of the hon. Home Minister?

Mr. Deputy-Speaker: Only this amendment.

Pandit Thakur Das Bhargava: In order to illustrate my point as to how I understand your ruling, I will just with your permission read my amendment No. 114. It says: "That in part (i) of clause 3, the words 'or encourage or tend to incite or encourage' be omitted." Now I understand that the words 'tend to incite and encourage' are sought to be omitted by the amendment of the hon. Home Minister. My words are different and therefore, I want your ruling.

Shri Rajagopalachari: What is the amendment referred to by the hon. Member? There is another part of it. It wants to suggest a change of the word 'sabotage'. In amendment No. 114, he has suggested the substitution of the words "to resort to" by the words "to commit any act of".

Mr. Deputy-Speaker: Why not the hon. Minister go to the first amendment? He says that in part (i) of clause 3, the words "or encourage or tend to incite or encourage" be omitted. He wants to know whether this is the intention of the amendment of the hon. Minister.

Shri Rajagopalachari: Yes.

Mr. Deputy-Speaker: If the 'explanation' is accepted, these words go.

Pandit Thakur Das Bhargava: That is exactly my point. The words "or

tend to incite or encourage" will be removed. I want also to remove the words "or encourage". I was just submitting that the difficulty will be this in considering this amendment alone.

Mr. Deputy-Speaker: I shall keep that separately. At present let us confine ourselves to this amendment by the hon. Minister that the words "or tend to incite or encourage" be omitted. The omitting of the words "or encourage" also will stand on an independent footing. I will come to that later. Let the hon. Member confine himself to the omission of the words "or tend to incite or encourage", and the 'explanation'. I will put his amendment regarding "or encourage" separately and I will give him an opportunity to say how even the words "or encourage" ought to go in the first instance.

Shri Shiva Rao: Mr. Deputy-Speaker, on a point of procedure, may I suggest that it would be more satisfactory if the House were to proceed on this basis: that at present what is under discussion are the two amendments proposed by the hon. Home Minister and no other part of clause 3. Let us get rid of this basic principle implicit in his amendment: the question of intention. Having got rid of it, then we can proceed part by part. Otherwise, we shall constantly wander over the same point from one part to another.

Mr. Deputy-Speaker: The hon. Member wanted to know what the effect of the 'explanation' is on the parts.

Shri Rajagopalachari: I agree with Mr. Shiva Rao, we may concentrate on these amendments.

Mr. Deputy-Speaker: We shall confine ourselves to these amendments. In so far as they do not cover the amendment for the omission of the words "or encourage", I shall come to that later.

Pandit Thakur Das Bhargava: I shall confine myself only to the amendments of the hon. Home Minister...

Mr. Deputy-Speaker: And the consequential amendments also.

Pandit Thakur Das Bhargava: First of all, what I wish to repeat before the House is this: It is quite right, as Rajaji has pointed out, that when they want to proceed against the keeper of the press, they cannot take his intention into account. That is

[Pandit Thakur Das Bhargava]

the reasoning of Rajaji that since they want to proceed against the person who is running the press, who is not the original writer and therefore the intention of that person is not relevant in a prosecution for objectionable matter. Secondly, Sir, Rajaji has been pleased to say that since the identity of the person is difficult to trace, therefore, in a law of this nature, we cannot have the same law for everybody or for the individual and for the press. And thirdly, as you have been pleased to point out, since the press is more potent than an individual for good as well as for bad things, they want to have recourse to this kind of legislation.

I perfectly agree with the hon. Home Minister that it is idle to contend that the press is not more potent than the individual and that in a press, it is most difficult to find out the identity. What I am suggesting is this. So far as I am concerned, I am not looking at this Bill from the point of view of a newspaper man or from the point of view of a person who is interested in running a press. I am looking at this legislation from the point of view of an individual and from the point of view of a citizen. Therefore, so far as these arguments go that identity is difficult, and that the press has got greater potency for good and evil, I agree and I have no objection on that score. My submission is that I am not satisfied with the argument that Rajaji has advanced today. I really felt very sore when Rajaji just endorsed one of the recommendations of the Press Laws Enquiry Committee. I think that that is a revolutionary point in the whole Bill. I would beg of you to consider the question rather dispassionately because this is one of the most important points which I am urging before the House. When the freedom of speech and freedom of expression were associated together as fundamental rights, the content and scope of both was considered to be the same. It is considered to be the same all the world over. I do not mind if, according to your definition of an offence in the Indian Penal Code, something is an offence, Government has the right to see that the commission of that offence is prevented. But, what is really dangerous is, a matter of fact, what took away my breath is, where you want to forge more offences by virtue of this Bill.

Shri Bharati (Madras): What about the explanation? Let us hear the hon. Member on that.

Pandit Thakur Das Bhargava: Let the hon. Member hold his soul in patience for a while. He need not think that I will be taken away from my track by these interruptions.

Shri Bharati: I want to hear the hon. Member.

Pandit Thakur Das Bhargava: I know the whole game. You will excuse me, Sir.

I was submitting that before today I did not understand Rajaji taking up this position. If this position is not adhered to and if Rajaji assures me that by virtue of this Act, new offences are not going to be forged, I will be very much contented and I will not say much, which I have got to say. As I submitted, if a person who makes a speech is guilty, if that speech is reported, the reporter is also certainly guilty. But, if a person is innocent so far as the law concerned, if he cannot be prosecuted against and convicted in a court of law for making any particular speech, my submission is that you are extending the law and playing with the law of this land if you make the reporting of that speech criminal. As I have pointed out in my note of dissent, the freedom of speech and freedom of expression are co-extensive and therefore anything which discriminates between them and seeks to extend and widen one part will ultimately recoil on us and one day it may be argued that in the matter of right of expression your rights are abridged and you can not enjoy this right to the extent to which you can enjoy the freedom of speech. Some day, some other Minister may pounce upon us and say, since you agreed to abridgement of the right of expression, you have no right of speech. This, I submit is a fundamental question and must be looked at as such. I say in all humility and with due respect to Rajaji that this question has to be considered again, because it is a fundamental basis of the Constitution. If the right of speech is to be curtailed to this extent to which we are curtailing the right of expression, I wonder if in the Constitution Article 19 (1) will have that sanctity for the citizens of India as it possesses today, Sir, when you go into the question rather deeply and find out the definition of an offence as given in the Penal Code and compare the language of this legislation with these offences,

you will realise the importance of the point that I am submitting. You will realise, as a matter of fact that this new legislation enlarges in a dangerous form the scope of this offence. I am one of those who believe that so far as the press is concerned, it is not as sacrosanct as the security of the State or maintenance of public order. I have indicated in my minute of dissent that if the interests of the country require that the press should to a certain extent be controlled, I will certainly vote that the press be controlled. The press and other things can only exist and freedom is only possible when the State is secure. My submission therefore is.....

Mr. Deputy-Speaker: Is all that necessary? The hon. Member is apprehensive that what is made applicable to the press may in turn be applied to freedom of speech itself. It is a long way off. The hon. Minister has no such intention now. It is not likely to arise. Are we to argue on that footing?

Pandit Thakur Das Bhargava: To start with, we never knew that liberty of expression is less in scope than liberty of speech. This is the thin and of the wedge. I have always understood that the right of speech and the right of expression are co-extensive. There is no difference. Since you are demarcating like this, I have come to believe, and as a matter of fact, I believe that there is a certain opinion which regards that there is difference between the right of speech and right of expression.

Mr. Deputy-Speaker: This is what, I think, has been all along argued that a difference ought to be made between the right of expression and the right of speech. The hon. Minister has been arguing all along, the whole day and yesterday that the newspaper reaches a larger number of persons where an individual can reach only a few people.

Pandit Thakur Das Bhargava: I admit that; for that there is no exception.

Mr. Deputy-Speaker: And therefore, a difference ought to be made.

Pandit Thakur Das Bhargava: So far as the question of entire control is concerned, so far as the question of strictness of the control is concerned, I am at one with the hon. Minister. I want that since the press is more potent to do bad things, the press must be controlled more than the individual. And so, there is no difference

of opinion. But so far as the guilt is concerned, if the person making the speech is not guilty, I cannot understand how you can say that the press that published his words can be deemed to be guilty. So I say, so far as the scope is concerned...

Mr. Deputy-Speaker: But cannot preventive measures be taken against the individual also with respect to these matters under the Penal Code?

Pandit Thakur Das Bhargava: Yes, sections 107, 108 and 110 are there and so far as offences are concerned, they are sought to be prevented. And in any case Government can take action in any exigency. But what I say is, though the Criminal Procedure Code has been existing so long, only such offences have been sought to be prevented as come within the definition of the law.

Now, I understood Rajaji to say that the complaint could be made by the Government. When I spoke last, I submitted what the definition of the word "complaint", as given in the Criminal Procedure Code, was and said that complaint with regard to offences was not the complaint as used in connection with objectionable matters. With regard to objectionable matter, if anything is made an offence, I doubt very much if that will be the proper subject of legislation so far as expression is concerned. Now, on this point I would like to examine the provisions of the relevant laws with regard to the proposed legislation. Take first of all part (vi), though my argument applies to all the whole clause. Take this part as it is, or with the addition of the words "or are likely" even then it would not be justifiable according to the principles which I have submitted for the consideration of the House.

Mr. Deputy-Speaker: Could we not have this point considered when we come to the particular part?

Pandit Thakur Das Bhargava: So far as the offence is concerned, I do not say that it is in any way modified. But the legal question is whether the giving publicity to it should be prevented or not. I want to submit that so far as the Penal Code is concerned, there is no offence.

Mr. Deputy-Speaker: I am only trying to limit the scope of this debate to this clause. First of all whether "encourage" ought to be there or not is a separate independent matter. Secondly if the "explanation" applies to murder, incitement, overthrowing of Government by violence it should not apply to the others, and the other parts may be omitted. Now, I suggest, let

[Mr. Deputy-Speaker]

us dispose of the "explanation" first and when we come to the other parts one after another, then we may consider whether this one should be excluded or included in the list.

Shri Rajagopalachari: I cannot claim that I have understood the hon. Member. But the idea seems to be that he does not like the "explanation".

Pandit Thakur Das Bhargava: No, no. What I want to.....

Mr. Deputy-Speaker: No, what he wants is that there should not be another offence created regarding the press. With respect to the press and the individual there can be a difference in the method of restraint, but no new offence can be committed by the press. May I inform the hon. Member that the "explanation" does not come in the way of his suggesting modifications to particular parts when we come to deal with them?

Pandit Thakur Das Bhargava: With your permission, Sir, I will examine only parts (i) and (ii). I have not yet touched the question of "encourage". That of course, is a separate issue.

I am sorry I have not been able to make myself fully clear to Rajaji.

Shri Bharati: The "explanation" is before the House. Does the hon. Member want it or not?

Shri Rajagopalachari: He is opposing the clause and not the explanation, that is how I have understood him.

Pandit Thakur Das Bhargava: I am sorry, Sir, that I have not been able to.....

Mr. Deputy-Speaker: The point is a simple one. He does not want to create a difference so far as the substantive offence is concerned between the individual and the press.

Shri Rajagopalachari: Or he is asking that it is necessary to prove the offence and so the explanation is not good.

Mr. Deputy-Speaker: No, the hon. Minister thinks that the hon. Member has come to the end of his speech. The word "encourage" is left, to be dealt with later. He takes the explanation as applicable to parts (i) and (ii), leaving the other parts to be discussed later. So the issue is very narrow.

Pandit Thakur Das Bhargava: It is very narrow, but my difficulty is,

I have not been able to make myself clear to Rajaji.

Mr. Deputy-Speaker: It is not necessary.

Pandit Thakur Das Bhargava: But I will try to clear the points. The words that Rajaji wants to introduce here are "which are likely to". If the result is one which is, I should say, punishable then there is no question of intention, no question of knowledge or no question of desire of the man. That is one aspect of the question. If the words are such without proof of intention no offence is proved, but the words 'are likely to excite', do not constitute an offence under the law. Abetment is an offence. Attempt is an offence. If that is the case, then I am sorry that it would not come within the definition. My submission is, according to certain sections, even if a person intends to do a thing, the effect of which will be punishable, then likelihood may constitute an offence. There are sections in the Panel Code according to which the likely effect of an act is part of the offence. So the words "which are likely to" may come under that. The whole thing has to be viewed from that point of view. Take part (ii) "incite or encourage, or tend to incite or encourage, any person to commit murder, sabotage or any offence involving violence".

Mr. Deputy-Speaker: We are not concerned so much with the offence. If an individual incites somebody to commit murder cannot it be prevented, apart from punishment? Is there no provision by which he can be prevented from doing it?

Pandit Thakur Das Bhargava: If there is no provision it is not an offence. Then a new offence should not be foisted on the people.

There is also another aspect. If you allow the words "which are likely to" it means that we are widening the scope of the offences. If incitement is an offence by itself by the words "which are likely to" you are widening the scope of the offence, as we find it in the I.P.C. The words "which are likely to" will enmesh persons who cannot come within the purview of the offences. This is the principle that I ask you to consider. If what I have said is right then the question will arise in respect to other clauses and other sections and we shall have to see whether likelihood would constitute offences or not.

Now I come to sabotage. If a person makes a speech but does not incite

a person to commit sabotage but the likely effect of which is that sabotage is committed, then the man who makes the speech will not be liable but the expression which he used will become punishable. Every clause has to be looked at from that standpoint. I cannot lay too much emphasis on that fact. I once read that a person who opens a school closes a jail but if a person creates new offences he opens new jails. So far as the law of prevention is concerned it is not concerned with the ordinary affairs of life. Lying is bad but would any person think of preventing it by taking security. It is the right principle that only in certain kinds of offences you should have recourse to preventive measures. Therefore the question will arise whether it is legal.....

Shri Rajagopalachari : Are we not going into a general debate? Is it on the 'explanation' that we should speak or are we going back to the general debate as to whether the Bill is necessary or not? I would test it this way. Apart from the reasons which we shall hear, does the hon. Member want the 'explanation' or not? In one sentence he can give the answer.

Mr. Deputy-Speaker : You cannot press upon an hon. Member to say what he wants.....

Shri Rajagopalachari : I was speaking as to what is relevant. We are discussing the 'explanation'.

Mr. Deputy-Speaker : He does not want the 'explanation'. He does not want the words "tend", "encourage", etc. The hon. Member drew pointed attention to Article 19 of the Constitution also. In another form he is saying the same thing. Incitement is there. Without referring to the Article of the Constitution he is referring to the same thing again.

Pandit Thakur Das Bhargava : Since you were pleased to direct me to limit my remarks to the amendment I did not touch upon it. With your permission I will touch upon that also.

Mr. Deputy-Speaker : All that has been said a number of times and need not be referred to. The hon. Member says that incitement to offence may be provided for but otherwise "likely to incite" ought not to be there. Therefore the 'explanation' is not to be accepted.

Pandit Thakur Das Bhargava : Even abatement of offences is made punishable. But if there is abatement of incitement it does not come under the law. So far as attempt to incite is 362PSD.

concerned there are certain sections of the I.P.C. in which they are specifically provided. I do not want to contend that in regard to those also prevention is not legal. I reserve my right to speak on Article 19. The only point I urge so far as offences are concerned is that these offences must be confined to the definition. If they come within the purview of the definition of offence under section 40 and other definitions of the offences they can be provided against. Otherwise they should not be provided against.

Mr. Deputy-Speaker : The 'explanation' can be accepted and when we go to the parts we shall see whether they ought to stand or not.

Pandit Thakur Das Bhargava : These two parts are for discussion. I therefore wanted to apply this principle to these parts.

Mr. Deputy-Speaker : As a matter of fact all the parts are under discussion in so far as the 'explanation' is concerned. When we take part after part we shall find out whether each of them ought to be retained or deleted.

Pandit Thakur Das Bhargava : So parts (i) and (ii) are not under discussion but only the 'explanation'. The only question is whether the intention of the writer is to be proved or not. If that is so so far as the scheme of the Bill is concerned it is idle to contend that a person's intention can be proved unless we know the person or his antecedents and writings. If that person is to be punished the intention is material.

Mr. Deputy-Speaker : The hon. Member evidently agrees with the Home Minister.

Pandit Thakur Das Bhargava : But my point does remain. The likely effect of certain offences may itself be an offence. It cannot be allowed to go beyond the province of the offences defined.

Mr. Deputy-Speaker : In spite of accepting the explanation, all the parts may be deleted. The simple point is whether there is any method of ascertaining the intention except through the spoken language. The words are the subject matter of the offence, not the man's intention.

Shri Rajagopalachari : On this he agrees, though he may not on other points.

Shri Shiva Rao : There is only one simple clear-cut issue before the

[Shri Shiva Rao]

House in each of the two amendments the Home Minister has suggested that he would like to add in the third line, if I understood him aright, the words are "which are likely to". Then he would add another 'explanation' at the end to make it quite clear that the courts should be precluded from entering into the intention of the writer or publisher. As you know, Sir, at one stage we very nearly came to an agreement on the addition of the words "are calculated to" but that arrangement broke down when the Minister wanted to add an 'explanation' in terms very similar to this amendment which you have dictated to us now.

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The Home Minister is very precise in his use of the language and he saw that the phrase "are calculated to" is capable of more than one meaning. He has therefore avoided it and suggested the other phrase, "are likely to"; and being an extremely cautious man he wants to add an 'explanation' so that there may be no mistake as to the implication of that phrase. He wants to keep out altogether the element of intention. I would like to point out to the House the difficulties with which those who are connected with the journalistic profession are faced every day. Take the position of an editor of a paper which runs through several editions in the night and has also a morning edition. He looks through the proofs, through the editorial matter and goes home at night. There is a night staff on duty and all through the night reports come in and the night sub-editor has to make up his mind in a hurry. It may be the report of a speech of an important politician; he may not approve of the sentiments contained in that speech. It may come to him in the early hours of the morning. He has to decide in a hurry whether he should put that report in or cut out certain passages which may be objectionable; and working at great pressure it is very difficult for the staff to decide in a hurry which matter is objectionable and which is not. This is the daily and nightly experience of the editor of every newspaper. I will give the House a concrete example which I gave to the Home Minister and which occurred within my own experience as a member of the Central Press Advisory Committee during the war. The editor of a newspaper in Delhi, who incidentally was a colleague of ours on the Central Press Advisory Committee, was called upon by the Deputy Commissioner of Delhi at that

time to explain how it was that his newspaper had featured on the front page the report of damage being done to a British warship. A few days later the same paper published with a single column headline on the back page the report of the sinking of a Japanese warship. It was, from the point of view of the Deputy Commissioner, a cast-iron case of bias in favour of the enemy and it was creating alarm and defeatism in this country. But it did not dawn on the Deputy Commissioner that there might be a very valid and satisfactory explanation, and the explanation was this. The report of the damage done to the British warship came early in the evening when there was ample time for the sub-editor to make up his front page and that being the most important news of the day, very naturally he put it on the front page. On the other hand, the report of the sinking of the Japanese war ship reached him at 4 o'clock in the morning and he pushed it in in whatever space was available at that time just before the paper went to press. These are natural explanations which those of us engaged in the journalistic profession can understand but it is not an explanation which would naturally strike either the executive or the judiciary. Therefore, I would beg the Home Minister to consider whether it would be fair to exclude altogether, as he proposes to do, the element of intention. The phrase, "are calculated to" is certainly open to more than one meaning...

Mr. Deputy-Speaker: Would action be taken from a single, stray incident of that kind? And will action be taken without any explanation?

Shri Shiva Rao: Well, Sir, there are judges and judges; and just as the Home Minister pointed out in his speech today that the law has to provide for the worst of all possible cases, and therefore it may look much more formidable than it is, on the other hand I would plead with him that in taking precautions he has also to provide for the worst of all possible judges. Therefore, Sir, I think it would be unfair to exclude altogether, as he proposes to do, the element of intention.

Shri Rajagopalachari: I quite appreciate the argument which Mr. Shiva Rao has put forward, but there is an answer to it. This 'explanation' that I have given is only with respect to the objectionable character of the matter, but there is a safety clause in section 4 where any action is taken the judge

is not only to decide as to objectionable matter but also to see whether there are sufficient grounds for taking action. This is not there in the old clause—I have introduced it here. This provides for all the explanations that could be given in respect of such matters. Otherwise you would not be able to define it at all.

Shri Naziruddin Ahmad: Sir, I must admit that the 'explanation' that is proposed is a kind of improvement, but the question is whether in trying to improve matters more difficulties are created than solved. The explanation says that we have to look to the effect of the words, signs and visible representations and not the intention. The words, "not the intention" makes it more rigorous. We are now confined only to look to the effect of the words; that is, if any evil effect follows from a writing although the writer or the editor or the most conscientious man who revised the writing may not have the least idea of the effect, may not be morally responsible, may be absolutely innocent, even then the press and the newspaper would be responsible provided that the particular effect followed from the writing. It may be that a writing may be taken in various ways by various people; although it may be far from the intention of the writer, it may react on various people in various manners. A man may be a drunkard, a bad character, a malicious man, or a good man, and different effects will be produced on these men. So, if we have the effect alone to be considered, it will depend upon the reader and not upon the writer. I think we are leading ourselves to all these labyrinths only because we are departing from the classical lines and definitions of the Indian Penal Code. In the Indian Penal Code all the offences have been defined and in every case the question of intention or knowledge, or in other words the question of *men rea*, is essential. If we leave the matter to be judged by the effect rather than by the intention, the consequence would be that this would be making another serious departure from the classical lines of the Penal Code. We not only create duplications in the law but depart fundamentally from the fundamental approach of the Penal Code. So, I think instead of "effect" we should read "intention". An intention is always, in a matter like this, a matter of inference from facts. In the Penal Code, criminality is never left to be decided by the result but rather by intention and knowledge and it is always a matter of construction. There is no danger in introducing the words 'intention' and 'knowledge' rather than effect. In

that case there will be no injustice because intention will be judged from the writing and surrounding circumstances. I have already sent notice of an amendment which I want to move. It is as follows—I should prefer the following explanation:

"In judging whether any matter is objectionable matter under this Act, the intention of the writer as expressed in the words, signs and visible representations shall be taken into account".

This is all I say. The question of intention is judged only by this means. You may say, "presumed intention". After all intention is a mental act and it is said that even the devil does not know what is in the mind of man. We have to judge reasonably from the case, from the words and the tendency of the article in the newspaper concerned. From this consideration, "presumed intention", or "intention as may be reasonably presumed from the circumstances" would be the key explanation rather than the "effect" of the writing. If we say 'not the intention', then we are left with the 'effect' alone, to the exclusion of intention. In that case, honest journalists and even astute journalists would be beset with pitfalls and dangers. In trying to improve matters, probably we are going from bad to worse.

Shri Shiv Charan Lal (Uttar Pradesh): By inserting the words 'are likely to', the position has, in my opinion, much improved. It is not as bad now as it was formerly, with the words "tend to incite or encourage". These words were such that you could include any words, signs or representations, whether the circumstances warranted their inclusion or not as an offence. When you say 'are likely to', it means that the circumstances must be such that the words are likely to encourage or incite. It is not necessary that they should have a tendency to encourage. If you had those words, then even a tendency to encourage or incite would have been an offence. Now, you are giving the clause a much more restricted meaning by using 'are likely to'. Only if the people who have heard those words or read those books are likely to be incited or encouraged, it is only then that the matter will come under this definition; otherwise not. Therefore, we should accept the Home Minister's amendment.

I think the 'explanation' he has proposed is also very correct. It is not every offence that requires an intention. You may say a thing without having the intention to incite or en-

[Shri Shiv Charan Lal]

ourage; at the same time, those
Fords might incite or encourage and
therefore you may be considered guilty.
It is not necessary to prove intention
now, because if you use 'intention'
then it will be very difficult to
prove 'intention'.

In the case of murder intention is
not necessary, but if the knowledge
that the weapon used is such that it
is likely to cause death is present in
the murderer, then he may be
guilty of murder. In the most heinous
offences even, intention is not necessary.
By adding the proposed 'explanation'
the position is made very clear
that intention is not necessary to
commit an offence. It is rightly put.

By these two amendments, this clause
made more mild and I support the
amendments.

Pandit Kunzru: My hon. friend the
Home Minister when replying to the
objections raised to the provisions of
clause 3 made several remarks that
I noted down. He said in the first
place that a newspaper was a joint
product of the efforts of a number of
persons and that it was therefore not
an easy matter to fix the responsibility
for what appeared in a newspaper
on any particular person. That
in his opinion, clearly distinguished a
newspaper from an individual. The
second argument given by him was
that as the names of the writers are
not published, particularly the writers
of editorial columns, anonymity pre-
vented another difficulty. Anonymity
prevented the authorities from prosecu-
ting the real offender. That again
is a matter which in his opinion
could be taken into consideration in
deciding what action should be taken
to prevent objectionable matter from
appearing in newspapers. Lastly he
said that the proof of intention was
most impossible. Sir, notwithstanding
all these difficulties prosecutions
in seditious cases have been successful.
That is why cases where newspapers
are prosecuted for writing seditious
articles or containing seditious matter
have been followed by punishments. It
is therefore, clear that the difficul-
ties on which the Home Minister laid
much stress are not insuperable.

Sir, I shall now refer to the Press
(Emergency Powers) Act of 1931, to
section 4 of which, clause 3 of this Bill
has considerable similarity. Now
the explanations provided at the end
of section 4, which deal with objection-
able matter, do not rule out consi-
deration of intention by the courts.

In one particular case in explanation
4 intention has been expressly refer-
red to.

This explanation runs as follows:

"Words pointing out without
malicious intention and with an
honest view to their removal,
matters which are producing or
have a tendency to produce feel-
ings of enmity or hatred between
different classes of his Majesty's
subjects shall not be deemed to be
words of the nature described in
clause (h) of the sub-section 2".

Now, Sir, I am not here arguing
theoretically. The Press (Emergency
Powers) Act of 1931 was brought for-
ward by a Government which was
well acquainted with the practical
difficulties of the situation, which was
even more anxious than our Home
Minister to have adequate powers to
deal with newspapers that offended
against section 4 of that Act. Yet that
Government which was faced with a
difficult situation and which consisted
of very practical men, did not hesitate
to add at the end of the section an
explanation which refers specifically
to intention. Why should my hon.
friend the Home Minister prevent the
courts from considering the question
of intention in connection with clause 3
at all? He contends that the Bill that
he has placed before us is a great
improvement on the existing Act. In
some respects undoubtedly it is. But is
there any reason why in any respect
it should be more retrograde than the
Act of 1931? If that Act allowed inten-
tion to be considered, if that Act did
not rule out the consideration of inten-
tion completely, why should the Home
Minister now ask us to accept an ex-
planation which goes back on the
existing situation? My hon. friend the
Home Minister has primarily dealt
with parts (i) and (ii) of clause 3, but
his 'explanation' will apply to the
entire clause. I had pointed out that
in dealing with the matter falling
under section 153A the courts take
intention into consideration. If the
law were to stand as at present, then
under the Press (Emergency Powers)
Act, 1931, whenever a press was pro-
ceeded against for publishing matter
promoting enmity or hatred between
different communities, the culprit
could bring forward evidence to show
that it was not his intention, that it
was not any part of his purpose to
bring about a serious estrangement or
any estrangement at all between any
communities. And it is quite possible
that the court, taking this in con-
sideration, may feel that the evidence

that had been brought forward outweighed the effect produced by the words as they were. Intention, therefore, it is clear, is a very important part of the existing Press Act. There is no reason why the future law should be made more stringent in this respect than the present law is.

Just one word more about the question of intention. The Home Minister said in the course of his remarks earlier: when what appeared in a newspaper or in a book printed in a certain press produced a certain effect, why should intention be taken into consideration; should not only the harmful effect of the writing be taken into consideration? Sir, there can be no more serious offence than that of killing a man, and yet circumstances make all the difference between murder and culpable homicide not amounting to murder. A man may fire a gun, or a rifle may go off accidentally because the man who is handling it is not aware that it is loaded, and somebody may lose his life in consequence of it. But if a rifle was not fired intentionally, it is obvious that the offence will fall in a different category to that in which it would fall if it were intentional. In so serious a matter intention should be taken into account. Why should it not be taken into account with other things? I think, therefore, Sir, that the 'explanation' suggested by the Home Minister makes the situation worse than it is and should not be accepted by the House. He has come forward with the changes proposed by him, namely, the addition of the words in the Preamble "are likely to", with this 'explanation' as a concession. I deny, Sir, that this is any concession at all. If he does not use the words "are likely to" without having this explanation, he is at liberty to withdraw those words. I do not want this 'explanation', and I am not prepared to have even the words 'are likely to' with this 'explanation'.

Shri Goenka: I am glad, Sir, that the hon. Home Minister has introduced this 'explanation'. This sets all the differences at rest and we know

exactly what the intention of the Government is in regard to this matter. The words introduced, namely 'tend to, encourage, incite' and all that show only one intention of the Government, and that is that the intention of the writer should not be taken into account. Now, Sir, knowing the difficulty of a newspaper office, knowing the circumstances under which a newspaper office works—I am not here to take the time of the House and multiply a lot of examples and instances—certain things go into a paper, whereas there is absolutely no intention of the editor or the sub-editor to publish that thing into the paper. Here is a case where it is the intention of the Government to differentiate between expression and speech and I am glad that we have come to brass tacks and this is really the crux of the whole Bill; let us appreciate that aspect of the question and let us decide whether this is a thing which is acceptable to some of us or whether it is not acceptable to some of us. This is the most important matter so far as this Bill goes.

Let me say this. So far as the newspaper is concerned, the hon. Home Minister pointed that it is not possible to find out the culprit in a newspaper office because it is all done by so many links which go to make the paper. If I may respectfully submit to the hon. Home Minister, the Press and Registration of Books Act actually lays down the responsibility of the individuals who are actually in charge of the press and who are responsible for the press. For instance, a keeper of the press has got to give a declaration that he is the keeper of the press. A publisher has to give a declaration. A printer has to give a declaration...

Mr. Deputy-Speaker: Is the hon. Member likely to take more time?

Shri Goenka: Yes, Sir.

Mr. Deputy-Speaker: The House will now stand adjourned to Nine o'clock tomorrow.

The House then adjourned till Nine of the Clock on Thursday, the 4th October, 1951.